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Friday,
27th April, 1956

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

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NEW DELHI

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LOK SABHA

Friday, 27th April, 1956

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

SLEEPING ACCOMMODATION IN THIRD CLASS COACHES

*1773. **Shri Dabhi:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 196 on 25th November, 1955 and state:

(a) whether the examination of the re-spacing of the middle and upper tiers of the Third Class sleeping berths has been completed; and

(b) if so, the result thereof?

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

(b) The spacing is being re-arranged to make the arrangement of berths more comfortable.

Shri Dabhi: In view of the fact that much inconvenience is caused to passengers by the three-tier berths in the sleeper coaches, is it a fact that Government has now decided to remove the intermediate berths?

Shri Alagesan: What we have done now is to retain the three tiers but arrange the spacing in such a way that passengers will feel more comfortable to occupy them. The other question of doing away with one tier and retaining only two tiers is also engaging our attention. But then the corresponding obligation also would

be there, namely, that the passengers may have to pay a little more for sleeping accommodation than what they do now.

Shri Dabhi: May I know when the final decision is likely to be taken regarding the removal of the middle berth?

Shri Alagesan: The hon. Member is in a way associated with this. He has been good enough to accompany us to see the mock-carriage. I hope we may be in a position to come to a decision shortly.

Shri B. K. Das: Just now the hon. Minister said that there is a chance of the charge being increased. But, in view of the fact that the Estimates Committee have recommended a lower charge, have Government considered that matter?

Shri Alagesan: Perhaps the hon. Member did not quite follow me. The suggested reduction of the charges relates to the *status quo*, namely that the three tiers will be kept, and then the charges should be reduced—that is what I understand the Estimates Committee's recommendation to be. But here when we do away with the third tier and have only two, then naturally the cost of travel will increase.

Shri Sarangadhar Das: May I know if the Minister is aware that some years ago second class compartments were designed to have three tiers, sleepers, one above the other, and they were found to be absolutely uncomfortable for the upper berth passengers to go in and get in there because of the roof being just above the berth, and that was given up? Is the arrangement now any different from that which had been adopted in the second class?

Shri Alagesan: The hon. Member is speaking of second class, and I do not remember that second class had three tiers at any time...(*Shri Saran-gadhar Das: There was.*)—I speak subject to correction—but this is with reference to third class sleeper accommodation.

फसलों का संरक्षण

*१७७४. श्री विभूति मिश्र : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिसम्बर, १९५५ में आस्ट्रेलिया के एक प्रसिद्ध कीटाणुविशेषज्ञ ने भारत का दौरा किया था ;

(ख) यदि हां, तो क्या उन्होंने फसलों को विभिन्न कीटों और कृमियों से बचाने के लिये भारतीय कृषि गवेषणा विभाग को कोई सलाह दी थी ; और

(ग) यदि हां, तो वह सलाह क्या थी ?

कृषि मंत्री (डा० पी० एस० बेशमुख) : (क) से (ग). सभा की टेबल पर एक विवरण रख दिया गया है [रेसिये परिशिष्ट १०, अनुबन्ध सं० ३].

श्री विभूति मिश्र : इस विवरण को देखने से पता चलता है कि डा० मैफारलेन बर्नेट ने कीड़ों को कसे हटाया जाये इसके सम्बन्ध में कोई सलाह नहीं दी, लेकिन इसमें लिखा है कि फसलों को पैदा करने और चरागाहों को सुधारने के बारे में उन्होंने बताया कि तांबे और कोबाल्ट के लाभदायक घसर से इस दिशा में आस्ट्रेलिया में कुछ प्रगति हुई है। मैं जानना चाहता हूँ कि उन्होंने खासकर कौनसी बातें बतलायीं ?

डा० पी० एस० बेशमुख : सच बात तो यह है कि वह दूसरे ही काम के लिये आये थे और चलते चलते उन्होंने कुछ कहा। उन्होंने हमारी कोई स्कीम नहीं देखी थी। जो कुछ उन्होंने कहा उसके बारे में हमारे पास कोई खास इनफार्मेशन नहीं है।

श्री विभूति मिश्र : इस स्टेटमेंट में लिखा है कि इसके सम्बन्ध में उन्होंने कुछ कहा। मैं जानना चाहता हूँ कि उन्होंने क्या कहा। आखिर उन्होंने फसलों और चरागाहों के सम्बन्ध में क्या बतलाया था ?

डा० पी० एस० बेशमुख : वह खेती के बारे में यहाँ नहीं आये थे। वह तो मैडिकल कान-फरेंस के सिलसिले में आये थे। उनका ताल्लुक मनुष्य शरीर से था। उन्होंने फसलों और चरागाहों के बारे में क्या कहा इसकी ठीक जानकारी हमारे पास नहीं है, लेकिन हम जानते हैं कि जो खास बात उन्होंने कही उससे फायदा हो सकता है और उसके बारे में कुछ जानकारी हमारे पास भी है।

Shri N. M. Lingam: Large orange planations in the Wynad area and Madhya Pradesh have been destroyed by die-back and stem borer diseases and the I.C.A.R. has not been able to do anything to stop this destruction of crops. May I know if this specialist has tendered any advice to Government with regard to the stemming of this disease and, if so, what was the advice tendered and are Government going to implement the same?

Dr. P. S. Deshmukh: As I said in my reply, essentially this is a medical man and he merely mentioned that in Australia certain experiments were made for raising of crops and for improving of pastures. He never contacted us, we had no opportunity of contacting him. So, apart from this little statement, we have no further information about this.

UNICEF

*1776. **Shri Sivamurthi Swami :** Will the Minister of Food and Agriculture be pleased to state:

(a) the scope of assistance available from UNICEF and other specialised agencies of the United Nations for the schemes of dairy development for providing increased supply of milk for the benefit of mothers and children in India;

(b) whether a meeting was held recently between the concerned authorities; and

(c) if so, the decisions taken at the meeting?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Assistance is available in the form of services of technical experts and plant and

machinery for the handling and distribution of whole milk and tinned milk in cities and conversion of surplus milk into milk products.

(b) Yes.

(c) No specific decisions were taken but it was generally agreed that the Schemes undertaken by the UNICEF for supply of milk to vulnerable groups like mothers and children should be linked with the milk projects of the Government of India under the Second Five-Year Plan, thereby rendering these projects eligible for financial assistance from the UNICEF.

Shri Sivamurthi Swami: May I know whether for the development of the dairy scheme any specific assistance has been already received by this Institute?

Dr. P. S. Deshmukh: There is some assistance which we have received from time to time under various different schemes. It would be difficult for me to point out exactly if for this particular thing it has been received.

Shri Sivamurthi Swami: It is said that the per cattle yield is very short in our country. May I know whether any action has been taken by Government to increase the yield of milk in our country as in other nations?

Dr. P. S. Deshmukh: Yes, Sir, there are various schemes for this purpose, and we are receiving considerable foreign help also in this respect.

Shri D. C. Sharma: May I know what efforts the Government of India is making to bring the benefits of these dairy schemes to the knowledge of the farmers in the villages of India?

Dr. P. S. Deshmukh: We have certain publications, and we try to bring these to their knowledge; we hold cattle exhibitions and cattle shows where various things for keeping and breeding cattle are shown. Apart from that, I am prepared to admit that there is not a very concerted effort in this direction.

Shri Sivamurthi Swamy: May I know whether, to increase the supply of milk in the country, all the *goshalas* that are now running in the country have been given any grant or aid?

Dr. P. S. Deshmukh: Yes, Sir, we have got a large programme of assisting *goshalas* in the country.

Shri Sivamurthi Swami: What is the amount that has been given, may I know?

Dr. P. S. Deshmukh: I could not give the details here, but it is substantial and fairly generous.

Shri B. K. Das: May I know whether, with a view to implement the schemes of the UNICEF the Government of India have got to make any contribution?

Dr. P. S. Deshmukh: Generally not, excepting incidental charges of distribution and transport.

INDIAN CENTRAL OILSEEDS COMMITTEE

***1779. Th. Lakshman Singh Charak:** Will the Minister of Food and Agriculture be pleased to state:

(a) the new schemes sanctioned by the Indian Central Oilseeds Committee in their eighth Annual General Meeting; and

(b) whether the scheme for research on oilseeds in West Bengal which was commenced on the 1st November, 1950 has been completed?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A list of the new schemes is placed on the Table of the Lok Sabha. [See Appendix X, annexure No. 39].

(b) No. The Scheme is due to terminate on the 31st October, 1958.

Th. Lakshman Singh Charak: May I know why the State of Jammu and Kashmir was not included in these schemes?

Dr. P. S. Deshmukh: We do not approve on a State-wise basis. We scrutinise the necessity of particular schemes, and I can assure my hon. friend that if a scheme is worth while undertaking, the Council is very anxious to start and assist it.

Shri S. C. Samanta: In answer to part (b) of the question, the hon. Minister stated "No." May I know why it has not been completed so long?

Dr. P. S. Deshmukh: The scheme was sanctioned for a certain period and it is to expire on the 31st October, 1958. The continuance must be due to the fact that the purpose has not been fulfilled.

Th. Lakshman Singh Charak: May I know how far the other schemes have progressed and when they will be completed?

Dr. P. S. Deshmukh: Every scheme has a definite time-limit, and if it is found that the period has to be extended, then the Council sanctions further extension and further grants. It is difficult for me to tell my hon. friend how many have terminated, but there are specific dates.

INDIAN AIRLINES CORPORATION

***1781. Shri Gidwani:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that Government have decided that the higher appointments of the Indian Airlines Corporation will be made with the approval of Government; and

(b) if so, the reasons for such a decision?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes, Sir. Appointments carrying a minimum salary of Rs. 1,000 p.m. and above are to be made by the Corporation with the prior approval of Government.

(b) Under Section 44(2)(a) of the Air Corporations Act, 1953, Government may make rules which may provide the terms and conditions of service of officers, as may be specified under Section 8(1) of that Act.

Pending the framing of Rules under Section 44 (2)(a) the Corporations have been directed to obtain the approval of the Central Government before appointments to posts carrying a minimum salary of Rs. 1,000 p.m. and above are made.

Shri Gidwani: Is it not a fact that recently some new appointments have been made in the higher grades without even advertising the posts, and if so, the reason therefor?

Shri Abid Ali: If the hon. Member gives particulars of the post, I may be able to obtain the information.

Shri G. S. Singh: May I know whether it is a fact that the air crew employed by the Indian Airlines Corporation are employed on a contract basis liable to termination at one month's notice, and if so, whether this has led to the deterioration of the morale of the air crew?

Shri Abid Ali: That is quite a separate question.

Shri Gidwani: May I know whether Government would consider the proposal to appoint a committee or board to review all the fresh appointments made after nationalisation of the air services?

Shri Abid Ali: There is no proposal at present to that effect.

Shri P. C. Bose: May I know whether this policy of appointing higher grade officers drawing more than Rs. 1,000 with the approval of the Government is also observed in other corporations such as the Damodar Valley and fertiliser corporations?

Shri Abid Ali: Questions concerning Damodar Valley and fertiliser corporation ought to be put to the Production Ministry.

Shri N. M. Lingam: May I know if these posts carrying a salary of more than Rs. 1,000 are also open to persons who are asked to serve on deputation from other Government departments?

Shri Abid Ali: Yes, Sir.

Shri Sarangadhar Das: Am I to understand that although three years have passed since the Air Corporations Act was passed, the rules have not been framed, and if so, what is the reason for the delay?

Shri Abid Ali: I require notice for that.

Sardar Iqbal Singh: May I know whether Government has received a large number of complaints regarding fixation of seniority of the old servants in the Airlines Corporation, and if so, whether Government propose to appoint a committee to review all the cases so that justice may be done to them?

Shri Abid Ali: Some complaints have been received, but these are examined and appropriate decisions taken. There is no case made out for the appointment of a committee in this connection.

Shri Gidwani: Will the Government lay on the Table of the House the rules of procedure adopted for recruitment and appointment of staff in the Airlines Corporation?

Shri Abid Ali: Rules have not yet been framed.

Mr. Speaker: Rules have not yet been framed.

Shri Gidwani: When they are framed.

Mr. Speaker: I do not think the hon. Minister can give any assurance.

ROAD CONSTRUCTION

*1782. **Shri Ram Krishan:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that due to shortage of road rollers and other road construction equipment, the work of road construction has been suffering to a large extent; and

(b) if so, the steps proposed to be taken by Government in the matter?

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

No. In a few States, however, road construction work has been suffering to some extent due to shortage of road rollers or other equipment.

(b) Import of road rollers and other equipment is being allowed to meet the immediate needs and steps are being taken for the manufacture of road rollers and some other items of road making equipment in India.

श्री राम कृष्ण : क्या भारतवर्ष में भी ऐसी कोई फैक्टरी बनाने की तजवीज है, अगर है तो कहाँ है ?

रेलवे तथा परिवहन मंत्री (श्री एस० बी० शास्त्री) : अभी कामर्स एंड इंडस्ट्री मिनिसट्री (वाणिज्य तथा उद्योग मंत्रालय) ने कलकत्ते में एक फैक्ट्री को इसके बनाने के लिए लायसेंस दिया है ।

Shri A. M. Thomas: The answer to part (a) of the question was "No". May I enquire whether Government is aware that due to the shortage of these rollers, works which have been taken up by local bodies like municipalities are unduly held up, and whether Government intends to do anything in this matter?

Shri Alagesan: I do not know to which State he refers. Perhaps he may refer to his own State. I do not have any information regarding that. I have information here regarding certain other States where they have not been able to arrange for supplies, place orders in time and get the supplies in time. All those things are being expedited as far as possible from the Road Wing of this Ministry, but I may inform the hon. Member that this is the direct responsibility of the State Government concerned.

Shri Sarangadhar Das: Some years ago steam road rollers were being manufactured at TELCO works. Then that was changed over to diesel road rollers. I would like to know what happened to the diesel road roller manufacture at the TELCO works.

Shri Alagesan: As the hon. Minister just now answered, the Commerce and industry Ministry which deals with this matter has licensed Messrs. Jessop & Co., in Calcutta to manufacture these diesel road rollers. The first of these road rollers is expected to be out by July this year. They are also considering the licensing of another company for the manufacture of steam road rollers.

Shri Vallatharas: What was the total mileage of roads scheduled to be constructed in 1954-55, how much was executed and how much has fallen short?

Shri Alagesan: This is a little a way from the main question. I should like to have notice.

Shri Kasliwal: May I know whether Government have ever assessed the requirements of the country of road construction equipment, and if so, what is the percentage of this equipment which is available now in the country?

Shri Alagesan: Information was asked for in this connection from the various States, and after taking that information into account, a programme for manufacture and to import for current needs until our own manufacture comes to the full target has been settled. There are also other equipments which we are manufacturing in India, namely bitumen boilers, asphalt mixers, concrete mixers etc. There is also a proposal under consideration for the manufacture of stone crushers. I am not able to say what percentage of this equipment we are able to meet in our country. I think progressively we will be able to meet all these requirements from indigenous sources.

Mr. Speaker: Next question.

Shri Sarangadhar Das: May I ask one question?

Mr. Speaker: I have called another question.

NURSING

***1783. Dr. Satyawadi:** Will the Minister of Health be pleased to state the recommendations made by the Committee appointed to review the conditions of service, emoluments, etc. of the Nursing profession?

The Deputy Minister of Health (Shrimati Chandrasekhar): A summary of the recommendations of the Nursing Committee appointed to review the conditions of service, emoluments, etc. of the Nursing Profession is placed on the Table of the Lok Sabha. [See Appendix X, annexure No. 40.]

Dr. Satyawadi: May I know the reaction of the Government to the recommendations?

Shrimati Chandrasekhar: The Government of India wants to help the nurses to improve their condition and that is why they have recommended to the State Governments to do the needful to the nurses.

Dr. Rama Rao: One of the recommendations of this committee is to enhance the stipend and other allowances during training and the salary and other allowances after training. May I know to what extent the Central Government and the State Governments have accepted this recommendation?

Shrimati Chandrasekhar: As far as the Central Government are concerned, we have written to the Ministries of Labour, Railways and so on, which are employing nurses, to increase the scale of pay. We have also written to the State Governments. Some State Governments have already increased the scale of pay, while some others have expressed their inability to do so owing to financial stringency.

श्रीमती शिवराजवती नेहरू : क्या माननीय मंत्राली जी यह बतलाने की कृपा करेंगी कि नर्सों की कमेटी ने जो यह मांग की थी कि उन को पेंशन चाहिये, प्राविडेंट फंड (भविष्य निधि) नहीं, क्योंकि उस के पाने में उन को दो दो वर्ष लग जाते हैं, साथ ही वह बहुत थोड़ा होता है।

और बुकि उन की तन्हाह बन्द हो जाती है इस लिये उन को बड़ी कठिनाई होती है, उसके बारे में क्या निर्णय हुआ है ?

Mr. Speaker: It is a suggestion for action.

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : मुझे इस का कोई इल्म नहीं है और न मेरे पास ऐसी कोई दस्तावेज ही आई है ।

श्रीमती शिवराजवती नेहरू : उत्तर प्रदेश की जो नर्सिंग कमेटी है उस की यह मांग थी, मगर यह बात सभी जगहों के लिये लागू होती है क्योंकि समस्या सब जगह एक सी है ।

Mr. Speaker: The hon. Member is making a speech and giving some suggestions. The Minister has already replied that no such *darkhwaat* has come so far.

Shri Boovaraghasamy: May I know whether in accordance with the recommendations of the committee, a uniform policy will be adopted in regard to the service conditions and emoluments of nurses throughout the country, or whether there will be disparity from State to State ?

Rajkumari Amrit Kaur: As far as the conditions of service and pay scales of nurses under the Central Government are concerned, they are much higher than what has been recommended by the committee. It is the desire of the Central Government to have a uniform policy, and they are doing their best to persuade all the States to accept everyone of the recommendations of the committee.

Shri V. P. Nayar: May I know whether nurses in Central Government service are getting pay and emoluments equal to those of nursing sisters in the Army?

Rajkumari Amrit Kaur: No. The pay of nurses in civil employ is unfortunately less than that of nurses in the Army.

Shri V. P. Nayar: Why ?

Dr. Rama Rao : One of the recommendations is that married girls should not be admitted for training, and that girls under training should not be allowed to marry. May I know whether it is the view of Government to lay a discount on marriage by preventing these girls from marrying when they get a chance, and thus leading to other complications afterwards?

Rajkumari Amrit Kaur : The recommendation was only to the effect that student nurses should not marry while they are students, because naturally it interferes with their studies. As far as the employment of married nurses is concerned, the matter is receiving consideration. The Central Government, and in fact, I myself, have recommended that where there is a shortage of nurses, married nurses should be employed on a part-time basis.

Shri Veeraswamy: May I know whether the Health Ministry are aware of the fact that nurses refuse to go and serve in the rural areas, on account of the very bad conditions of service and the low pay?

Rajkumari Amrit Kaur : The other day, a complaint did come from the Bombay State to that effect. It is true that the living conditions of nurses in the rural areas are not good enough, and we are recommending to the State Governments to improve them as quickly as possible.

Shri A. M. Thomas: The Minister had stated that there is a shortage in the number of nurses. According to the programme drawn up by the Health Ministry, what will be the total number that will be trained in the Second Five Year Plan? May I also know what the employment potential will be?

Rajkumari Amrit Kaur: There is a shortage of nurses in the country, if we reckon that shortage in the light of the requirement of nurses *per capita* of the population. As far as training is concerned, I cannot give you the exact number of nurses that

will be trained under the Second Five Year Plan, but there will certainly be a fair increase.

As far as training of auxiliary nurses and midwives is concerned, 17 new schools have been started, and 6,000 auxiliary nurses and midwives are proposed to be trained. There are 600 candidates already under training. As far as auxiliary nursing personnel for the welfare extension projects are concerned, there also, there are 100 candidates being trained at the moment, for this year.

PHARMACY COUNCIL OF INDIA

***1784. Shri Radha Raman:** Will the Minister of Health be pleased to state the steps taken by Government so far in regard to the recommendations of the Pharmaceutical Enquiry Commission and the Pharmacy Council of India?

The Deputy Minister of Health (Shrimati Chandrasekhar): A statement showing the recommendations of the Pharmaceutical Enquiry Committee and of the Pharmacy Council of India with regard to the profession of pharmacy and the action taken on them is placed on the Table of the Lok Sabha. [See Appendix X, annexure No. 41.]

Shri Radha Raman: May I know whether these recommendations have been circulated to the various States, and whether any States have taken action in the matter?

Shrimati Chandrasekhar: They have been sent to the States, and the State Governments are taking action wherever possible.

Dr. Rama Rao: One of the recommendations is to increase the pay of pharmacists in State employ. May I know to what extent this has been accepted and is going to be put into effect?

Shrimati Chandrasekhar: The Central Government have strongly commended these recommendations, and the States will take them into consideration.

Mr. Speaker: Next question.

Shri Velayudhan: May I know ..

Mr. Speaker: I am going to the next question. We have done only seven questions for half an hour.

Shri V. P. Nayar: That depends upon the importance of the question.

Mr. Speaker: Hon. Members must distinguish between questions and questions. If a single question is taken up and pursued, then what can I do? Hon. Members must have a look at all the questions, and they should address themselves to some questions which are more important. Otherwise, I have no objection to spend half an hour on nursing only, on pharmaceutical council, another half an hour, and on the nursing council, another half an hour.

Shri Nambiar: Medicine and health are important. So, we should devote more time to them.

HERON AIRCRAFT

***1785. Shri H. G. Vaishnav:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that all the Heron Planes in the service of the Indian Airlines Corporation were grounded on the 1st April, 1956 and the Air Services on their respective routes were suspended;

(b) the nature of technical repairs which were essentially needed for them;

(c) whether these planes would be thoroughly examined by Government through experts other than Heron manufacturers; and

(d) the estimated loss that resulted due to the suspension of the service?

The Deputy Minister of Labour (Shri Abid Ali): (a) The Heron aircraft were grounded only for two days, namely, the 31st March and 1st April 1956. The Heron routes were, however, operated with Dakotas and Vikings.

(b) The technical repair was in the nature of replacement of the rudder tab connecting rod and fork ends.

(c) The Civil Aviation Department officials have carried out thorough investigations of the affected parts.

(d) There was no loss of revenue as no services were suspended.

Shri H. G. Vaishnav: May I know whether the technical defect was detected by our engineers or by the manufacturers themselves?

Shri Abid Ali: By the manufacturers.

Shri H. G. Vaishnav: May I know whether any extra cost was required to be borne by the corporation on account of these repairs?

Shri Abid Ali: No; the manufacturers supplied these parts free of cost.

Shri Bansal: May I know whether as a result of the temporary grounding of these aircraft, the number of passengers travelling by Herons has gone down?

Shri Abid Ali: I do not think so.

Shri Kasliwal: While answering a question on this subject some time back, the Minister of Communications had stated that compensation was going to be claimed from a certain oil company which was responsible for the defect arising in these Heron aircraft. Now, the Deputy Minister of Labour is saying that no loss has been sustained. May I know how far these two answers are correct?

Shri Abid Ali: Both the answers are correct. Today's reply was in regard to the grounding of these aircraft, whereas the claim for compensation because of defective oil supply by the Standard Vacuum Oil Company was with regard to another incident.

Shri G. S. Singh: May I know whether it is a fact that this particular spare part was available in sufficient quantities with Indian Air Force, and had the Indian Airlines Corporation requested the Indian Air Force, this grounding even for two days would not have been necessary.

Shri Abid Ali: What was the first part of the hon. Member's question?

Shri G. S. Singh: May I know whether this particular spare part was available with the I.A.F.?

Shri Abid Ali: We received intimation from the manufacturers, and therefore, the aircraft had to be grounded for examination and replacement of the parts. That had to be done for the sake of safety.

Mr. Speaker: I would suggest for the consideration of the Ministry as a whole for the future, that where there is a Minister and a Deputy Minister, at least one of them must be here. There is no good taxing any other Minister. I know that the answers given by the Deputy Minister of Labour have been very full. All the same, he cannot have the background of all the questions.

Shri Abid Ali: Sometimes, if it becomes very necessary because of inability, this thing has to be done. You have ruled on this question before also, and it has been very earnestly followed. But there are disabilities also which are sometimes to be taken into consideration. I respect your ruling. There cannot be any difference of opinion on that. But at times, this has to be done.

Mr. Speaker: The hon. Minister has misunderstood me. I have very great regard for the hon. Minister. He has answered as if he were the Minister in charge himself, fully. All the same, during the session of Parliament, the hon. Minister in charge will try to see to it that either he is present or his deputy is present. There is no meaning in merely entrusting it to some other Minister, making it appear that the Minister ought not to be

taxed a little too much and questions ought to be cut down. I say this because he must know the back-ground.

The Minister of Labour (Shri Khandubhai Desai): I was here, Sir.

Shri V. P. Nayar: The hon. Minister said that the Heron aircraft were grounded because their radar equipment was found to be defective. Could I know what was the specific nature of the defect found in the rod directing and ranging? Could I also know whether this radar equipment was replaced in whole or only part of it was replaced?

Shri Nambiar : It cannot be known.

Shri Abid Ali: The answer to part (b) of the question explains that.

Shri V. P. Nayar: I wanted to know whether the whole of the radar equipment was changed or only part of it was changed.

Shri Abid Ali: The rudder tab connecting road and fork ends were changed.

ROAD TRANSPORT CORPORATIONS

*1786. **Sardar Iqbal Singh:** Will the Minister of Railways be pleased to state:

(a) the total amount invested by Government in the different Road Transport Corporations as on the 31st March, 1956;

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

(c) the net profits that have accrued to the Central Government on their investments during the year 1955-56?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). A statement is laid on the Table of the Lok Sabha. [See Appendix X, annexure No. 42.]

Sardar Iqbal Singh: Government hold shares in these Corporations according to certain percentages. May

I know whether Government have any representation on the board of directors of these Corporations? Or have Government any other share in the administration of these Corporations?

Shri Alagesan: Government are represented on these Corporations.

Sardar Iqbal Singh: Is it not a fact that not a single Corporation has declared any profit during 1955-56? May I know whether any profit was declared last year?

Shri Alagesan: Regarding the Bombay State Road Corporation wherein we have been participating, and which has been going on for some years, dividends have been declared for the past four or five years, from 1951-52. I have got the figures also with me.

श्री भक्त बर्शन : इस विवरण से ज्ञात होता है कि केवल तीन राज्यों में ही रोड ट्रांसपोर्ट कारपोरेशंस में रेलवे मंत्रालय ने हिस्सा लिया है। मैं जानना चाहता हूँ कि और राज्यों की क्या स्थिति है विशेषकर उत्तर प्रदेश के बारे में क्या कोई वार्ता वहाँ की सरकार से चल रही है कि वहाँ की रोडवेज में भी रेलवे मंत्रालय हिस्सा ले ?

Shri Alagesan : It will be noticed that for Central participation in the running of these transport undertakings, Corporations have to be constituted. Several State Governments prefer to run these undertakings departmentally. They do not want Corporations to run these undertakings. I am afraid the U.P. Government is one of them. Even so, an offer of participation was made. Perhaps they do not want the Centre to participate.

Sardar Iqbal Singh: May I know whether, as recommended by the last Finance Commission, Government have given any direction to the State Governments to the effect that provision for depreciation fund, development fund and other funds should be made before profit is declared? Is this rule universally followed throughout the whole country, and if so, with what results?

Shri Alagesan: I am not able to answer the question specifically. All these things should be looked after by the Corporations themselves. The Corporations are constituted so that Government are not entangled in the day to day administration of these undertakings.

Sardar Iqbal Singh: The last Finance Commission had recommended that the State Transport Corporations should have a universal rule that provision should be made for depreciation fund, development fund and other funds before declaring net profit. Have Government taken any action in connection with this recommendation?

Shri Alagesan: As I said, the Corporations themselves have to look after these things. Whether they are uniformly following this practice or not, I am unable to say.

TOURISM

*1787. **Shri Sanganna:** Will the Minister of Transport be pleased to refer to the reply given to Unstarred Question No. 859 on the 21st December, 1955 and state:

(a) whether the Schemes for development of Tourism in Orissa have been finalised; and

(b) if not, the reasons thereof?

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

(b) Schemes for the development of tourism in Orissa along with those in other States are being considered as part of the Second Five Year Plan for the development of tourism. The details of the Plan have not yet been finalised.

Shri Sanganna: May I know whether the construction of a road from Puri to Konarak and the development of the Chilka lake area will come under the scheme of tourism?

Shri Alagesan: As far as the road leading to Konarak from the place the hon. Member mentioned is concerned, we offered two-thirds aid, if

I remember aright, for the construction of that road, I think, some years back. The progress of the construction has not been as quick as we would like it to be. But I think the work is being carried on. We would like to provide something for the development of the Chilka lake area also.

Shri Sanganna: May I know whether the State Government has been asked to compile a list of tourist centres in Orissa?

Shri Alagesan: Yes, All those things are done. Proposals were received and they are under consideration between the Planning Commission and the Finance Ministry.

Shri Sarangadhar Das: May I know if the tender for the construction of the Puri-Konarak road has been given to any contractor yet? If not, why don't the Government of India take over that work and let the CPWD do it, as the latter are executing many other works in that State?

Shri Alagesan: My information is that it has been handed over to a contractor. The work is now being carried on. The State PWD is the agency through which we carry out work. There is no intention of sending the CPWD there to undertake the work.

RAILWAY POSTERS

*1788. **Shri Madiah Gowda:** Will the Minister of Railways be pleased to state:

(a) the number of different kinds of coloured posters published by the Railways so far?

(b) whether the posters are sent to Tourists offices and such other places for posting besides Railway Stations; and

(c) whether they are sent to the foreign countries to be made use of in their railway stations?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). A statement showing the information so far available is laid on the Table of the House. [See Appendix X, annexure No. 43.]

Shri Madiah Gowda: May I know whether any attempt is made to improve these posters to make them more educative and attractive ?

Shri Alagesan: We would like to welcome any suggestions in this regard from the hon. Member.

Shri Kamath: Are these propaganda posters designed by an artist in the Ministry or somebody outside the Ministry?

Shri Alagesan: These posters are brought out by the Railways. They relate not so much to the subject of tourism as to aspects of social education like cleanliness, keeping railway premises etc. clean, not indulging in ticketless travel etc.

Shri Kamath: Are the posters designed by an artist in the Ministry or by somebody outside the Ministry?

Shri Alagesan: As I said, these posters are brought out by the Railways. I think they should have somebody to design these posters.

Shri Bansal: May I know if the Minister has seen some railway posters where it is written at large 'Visit India'? If so, what purpose do these 'Visit India' posters serve at railway stations in India?

Shri Alagesan: The posters that the hon. Member has in mind are all tourist posters brought out by the Tourist department. This question relates to posters brought out by the Railway Ministry which relate mostly to the things I mentioned.

Shri Bansal: But the Tourist department is also with the Minister of Transport.

Shri Alagesan: That is not denied.

Mr. Speaker: The hon. Member wants to know why in India these 'Visit India' posters are put up.

Shri Alagesan: It is not as if people in one part of India know of every other part. It will be realised that we have to encourage our own people to

tour round the whole country. That is one aspect. The other aspect is that these are intended for foreign visitors also. This is to give them an idea of what all places in India they should visit while in India. They are also sent to foreign countries.

WAGONS OF GYPSUM

***1789. Shri N. B. Chowdhury:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1359 on 11th April, 1956 and state:

(a) the average number of wagons sent daily from Sindri to Rajasthan for Gypsum; and

(b) the average number of such wagons that go back empty from Sindri?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The position is that Gypsum is loaded in Rajasthan in Metre Gauge wagons and transhipped into Broad Gauge wagons at Bhatinda, Delhi, Serai Rohilla and Agra East Bank for onward movement to Sindri.

No wagons are returned as empty from Sindri.

Shri N. B. Chowdhury: May I know whether all the wagons are utilised after unloading at Sindri?

Shri Alagesan: As I said, the broad-gauge wagons carry the gypsum after transhipment at the various stages and they are backloaded with some other stuff, like coal.

Shri N. B. Chowdhury: We know that the major part of the coal that is taken from Bihar near Sindri is not taken to Rajasthan and so, may I know what are the junctions or important stations where these wagons are unloaded in the way?

Shri Alagesan: As I said, gypsum is not loaded in broad-gauge wagons in Rajasthan and directly sent to Sindri. They are initially loaded in metre-gauge wagons and then transhipped at the various stations that

I mentioned and then carried in broad-gauge wagons to Sindri. So, there is no direct movement. The metre-gauge wagons that are unloaded at these places are back-loaded with other materials to Rajasthan.

ANIMAL GYNAECOLOGY

***1791. Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that India participated in an International Training Centre on Animal Gynaecology and Obstetrics held at Stockholm in 1954;

(b) if so, whether any steps in India in the matter have been taken; and

(c) if so, what are they?

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

(c) A co-ordinated Cattle Sterility Scheme has been implemented from August, 1954 as one of the Schemes of the First Five Year Plan, with a view to improve the teaching of Animal Gynaecology and Obstetrics in the Veterinary Colleges and study the problem of cattle infertility for evolving suitable remedial and preventive measures. A co-ordinated and uniform plan of work for research and teaching has also been drawn up and the work is proceeding on this basis.

Shri S. C. Samanta: May I know who participated in this training and how their services have been utilised in India?

Dr. P. S. Deshmukh: There were nine persons belonging to various States like Bombay, Punjab, U.P., Madras, West Bengal, Bihar, Orissa Rajasthan etc. and they are being employed in the work for which they were sent abroad to get special training, namely, the improvement of breeds and control of infertility.

Shri S. C. Samanta: May I know whether any arrangement is being made in India for the training of professors in those subjects?

Dr. P. S. Deshmukh: The subject is taught at the colleges in India but facilities are not available at the higher level at which these people received training abroad. Now, increased use of these persons, who have learnt this subject specially, would be made.

Shri B. S. Murthy: May I know whether in the existing Veterinary Colleges in various States this subject of Animal Gynaecology was not taught previously and, how does this new scheme differ from the old?

Dr. P. S. Deshmukh: The subject is taught in all the Veterinary Colleges but there were some new developments in the matter of control of infertility and Gynaecology. For that purpose, we sent, as a result of the assistance from the F.A.O. and the Swedish Government, nine people to Sweden for study. Now, our knowledge is still more up-to-date and that is the only difference. The subject as such is taught in these colleges.

SUGARCANE

***1792. Shri Bishwa Nath Roy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that even after reduction in price-rate of sugarcane last year in some districts of U.P. the cultivators have to face great difficulties in selling their sugarcane in those districts; and

(b) if so, whether Government have made any arrangement for the sale of their sugarcane in time so that the growers might not be put to any loss?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). A reduction of 0.2-0 per maund was allowed only in the price of cane from the Tarai area of Nainital and Dehra Dun districts due to its poor quality. But this cut will be restored to it and the extent warranted by the average recovery of sugar of the factories concerned.

Due to a bumper crop in the Western U.P., surplus cane is available in all the factory areas and steps are

being taken to ensure that the available cane is crushed before factories close for the season.

Shri Bishwa Nath Roy: May I know whether the Government of Uttar Pradesh had expressed inability to get the whole quantity of sugarcane sold from those areas which have been mentioned just now?

Dr. P. S. Deshmukh: There are certain parts where it is feared that we may not be able to crush all the cane that is produced. But, in all probability, we will succeed in crushing all the cane.

Shri Bishwa Nath Roy: May I know whether it is a fact that some sugar factories have refused to purchase sugarcane from that area where there was a sugar factory some time ago and which has now been shifted?

Dr. P. S. Deshmukh: I have not received any such specific complaint.

Shri Jhunjunwala: What is the quantity of sugarcane that is likely to be left, according to the estimate of the U.P. Government and according to the estimate of the Central Government?

Dr. P. S. Deshmukh: As a result of the efforts we are making, it may, probably, be possible to crush all the cane that is available.

Shri Jhunjunwala: What is the quantity that is likely to be left uncrushed.

Dr. P. S. Deshmukh: There is not likely to be any quantity that will be left uncrushed.

श्री विभक्ति मिश्र : क्या सरकार ऐसा प्रबन्ध करना चाहती है कि अगर मिलें सारा केन कृष (पेरना) न कर सकें तो किसानों को छोटी छोटी मशीनों द्वारा गन्ना पेरने की अनुमति दी जाये ताकि उनका गन्ना बरबाद न हो ?

डा० पी० एस० देशमुख : हमारा जो प्रयत्न हो उससे हम आशा करते हैं कि सारा केन कृष हो जायेगा और कुछ बाकी नहीं रहेगा ।

श्री भक्त बर्षन : अभी माननीय मंत्री जी ने बतलाया कि देहरादून और नैनीताल जिलों के गन्ने की रिकवरी के बारे में किसानों को पूरा मुआवजा दिया जायेगा । मैं जानना चाहता हूं कि इसके बारे में देरी क्यों हो रही है और आखिरी फैसले की कब तक आशा की जा सकती है?

डा० पी० एस० देशमुख : यह जो हमको उस एरिया (क्षेत्र) के केन (गन्ने) पर स्टेट गवर्नमेंट (राज्य सरकार) की सिफारिश पर दो आने कम करने पड़े इसका कारण यह था कि वहां पर जो फैक्टरी थी उसके मालिक उसको चालू नहीं करना चाहते थे क्योंकि उनकी शिकायत यह थी कि गन्ने की रिकवरी इतनी कम होती है कि उसे मुनाफा लायक नहीं कहा जा सकता । इसलिए हमने यह तजवीज की थी, लेकिन जब ६.६ पर सेंट से ज्यादा रिकवरी होगी जो हम चाहते हैं कि उनको दो आना वापस कर दिया जाय ।

SUGAR MILLS IN BIHAR

***1793. Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) when the sugar mills of Bihar, particularly of South Bihar, started crushing sugarcane during 1955-56 season;

(b) whether Government are aware that large quantities of sugarcane are still standing in fields in many parts of that State; and

(c) whether the sugar mills will extend the crushing season and lift all the standing sugarcane?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A statement giving the required information is laid on the Table of the Lok Sabha [See Appendix X, annexure No. 44.]

(b) Only about 12% of total available cane remains to be crushed.

(c) Yes.

Dr. Ram Subhag Singh: Are Government aware that because of inordinate delay by the factory in starting the crushing season, some 50 per cent. of the cane crop in South Shaha-bad, particularly in the Rohtas and

Dehri area is still standing on the field and there is a sort of apprehension in the minds of the growers that it won't be lifted; and, may I know whether the Government contemplate any measure to remove this apprehension and to lift the cane?

Dr. P. S. Deshmukh : According to the information available from the Bihar Government, it is unlikely that any cane will remain uncrushed. With regard to the complaint of my hon. friend that the sugar factory this year started the season late, I may inform him that crushing was started unusually early in 1954-55 and this year, many factories have started even before that date. So, there is no cause for complaint that there was delay.

Dr. Ram Subhag Singh : The hon. Minister stated that the Government of Bihar has furnished information to them. In this statement, it is mentioned that the Bikramganj factory started crushing on the 15th December. I have seen that this factory was removed from there about 3 years ago. May I know whether the information given to the hon. Minister by the Government of Bihar is just like the one about Bikramganj factory or whether it is true?

Dr. P. S. Deshmukh : I do not expect that in every case it would be unreliable.

ALAGESAN COMMITTEE

***1795. Shri Dabhi :** Will the Minister of Railways be pleased to refer to items 3(i) and 3(ii) of statement (ii) of Starred Question No. 757 asked on the 13th December, 1955 and state what steps have Government taken for the reduction of holdings of large catering contractors on the Railways and to rehabilitate the small contractors who are replaced by the introduction of departmental catering?

The Deputy Minister of Railways and Transport (Shri Alagesan) : Instructions have been issued for the termination from 1-4-1956 of the contracts which have to be taken away in

the process of reduction of holdings to prescribed limits and for rehabilitation of the small contractors displaced on account of introduction of departmental catering. These instructions have been implemented in a large measure. In some cases these instructions could not be carried out owing to certain contractors having obtained interim Court injunctions against the Railways restraining them from terminating the contracts.

Shri Dabhi : May I know at which stations on the Western Railway departmental catering is likely to be introduced in the near future?

Shri Alagesan : Already it has been introduced at two stations on the Western Railway—Rutlam and Meh-sana.

Shri Dabhi : May I know at which other stations it is likely to be introduced in the near future?

Shri Alagesan : I am not able to say that, but we have already introduced it at these two stations.

Shri Nambiar : In spite of the report of the Alagesan Committee, the monopolistic contractors like Ballabhadass Eshwardass still continue on the Railways. May I know what action is being taken to do away with them?

Shri Alagesan : I would like the hon. Member to refer to the reply given by me already. I just now said that the contractors went to court and the Railways were restrained from terminating their contracts. Unless the court decides the issue, we may not be able to terminate their contracts. On the Central Railway, as a result of the decision of the Supreme Court, these contractors had vacated their holdings, canteens and dining cars on the Central Railway; those services have been taken over from them.

Shri Joachim Alva : Before Government introduces departmental catering on all the Railways, have Government prepared a definite scheme by which our able and patriotic

young men and women can be trained in the catering department? Or is it a case of jumping from the frying pan into the fire?

Shri Alagesan: I should like only to say that wherever departmental catering has been introduced, the service has been very much appreciated, the prices have gone down and the quality has definitely improved. This is the information which I gathered from some of the Members of this House. That shows that this experiment has proved a success.

HOTEL TRAINING

***1797. Shri Radha Raman:** Will the Minister of Transport be pleased to state:

(a) whether Government propose to send a batch of Indian students abroad for hotel training;

(b) if so, the name of the country where these students will be sent; and

(c) other details of this proposal?

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

(b) Selection of the countries where the Indian students will be sent for hotel training has not yet been made.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix X, annexure 45].

Shri Radha Raman: It is mentioned in the statement that three students will be selected for this purpose. The method of selection is also given in the statement. May I know to which countries these three students will be sent for this training?

Shri Alagesan: I Just now said that we have not yet decided upon the countries to which they will be sent.

Shri Bhagwat Jha Azad: Since Government is going to spend a lot of money over them, may I know whether there will be anything in the contract that after their term of training it will be binding on them to serve the Government?

Shri Alagesan: In this expenditure, there is participation by the Hotel Federation. Government will be incurring 40 per cent of the expenditure on these students and 60 per cent will be incurred by the Hotel Federation and Restaurants Association in India. They are expected to be absorbed by these hots because there are European personnel in the hotels who are to be replaced by Indian personnel. The expenditure that Government will be incurring will not be much. It will come to about Rs. 21,000 for three students for three years.

Shri Shivananjappa: May I know how the services of these students will be utilised after their training?

Mr. Speaker: The hon. Minister just now answered that question.

Shri Velayudhan: May I know whether the people selected will be given training in conducting and running the hotel or in the cooking methods or things like that? We have no idea about the nature of training.

Shri Alagesan: They will serve as receptionists, service managers, etc.

Some hon. Members rose—

Mr. Speaker: All hon. Members seem to be interested in hotel training. But let us hear the answer of the hon. Minister.

Shri Alagesan: I said that they will be employed here as receptionists, service managers, etc.

SPECIAL VARIETY OF RICE

***1798. Shri H. G. Vaishnav:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any special variety of rice seed requiring little irrigation and yielding more produce has been developed in Madhya Pradesh; and

(b) if so, whether this seed will be popularised by Government in other parts of the country?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The information is being collected and will be placed on the Table of the Lok Sabha.

Shri H. G. Vaishnav: May I know whether the quality of the rice will be superior or inferior to the ordinary rice?

Dr. P. S. Deshmukh: We do not know anything about it. We have called for information from the Madhya Pradesh Government.

Shri Telkikar: What would be the average yield per acre?

Dr. P. S. Deshmukh: I have no information. We have called for information from the Madhya Pradesh Government and we have not got it yet. I am, therefore, unable to say anything about the quality or the yield.

दूसरा कृषक फोरम

*१७६६. श्री विभूति मिश्र : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने दूसरे कृषक फोरम के आयोजन के बारे में धन व्यय किया है ; और

(ख) यदि हां, तो कितनी धन राशि व्यय की गई और किन किन मदों पर व्यय की गई ?

कृषि मंत्री (डा० पी० एस० देशमुख) : (क) तथा (ख) . सरकार ने कोई व्यय नहीं किया है । लेकिन १६५५-५६ के लिये आई० सी० ए० ग्रा० द्वारा फार्मर्स फोरम को ५०,००० रुपयों का अनुदान फार्मर्स फोरम के केन्द्रीय आफिस के संगठन तथा केन्द्रीय व प्रादेशिक सेमिनारों और प्रकाशन के लिए दिया गया ।

श्री विभूति मिश्र : जब आई० सी० ए० ग्रा० है ही इस तब फार्मर्स फोरम जैसी संस्था की क्या जरूरत है और क्या इससे काम में इम्प्लीकेशन नहीं होगा ?

डा० पी० एस० देशमुख : आई० सी० ए० ग्रा० के जिम्मे इनफार्मेशन और पब्लिसिटी का काम है और इसके जरिए उन्होंने समझा कि जो कृषि के नवीन प्रयोग हैं उनको ज्यादा

प्रचुरी तरह से समझा जा सकता है और उनका फायदा उठाया जा सकता है और इसके लिए हमारा हाउस की भी मांग है ।

CONSERVATION OF LIVING RESOURCES

*1801. **Sardar Iqbal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any conference on the conservation of living resources of the sea was held in Rome last year;

(b) if so, the main decisions taken at that Conference; and

(c) the steps taken to implement them?

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

(b) and (c). A statement is placed on the Table of the Lok Sabha. [See Appendix X, annexure No. 46.]

Sardar Iqbal Singh: One of the recommendations of this Conference is that conservation regulations should be based on scientific research and investigation. May I know whether any step has been taken in this matter?

Dr. P. S. Deshmukh: I should like to have notice of this question.

Sardar Iqbal Singh : May I know whether any steps have been taken on the recommendations of this Conference?

Dr. P. S. Deshmukh: Yes; the recommendations are mostly under examination. I am sure they are all intended to be implemented so far as it is possible for us to do.

Shri V. P. Nayar: By the acceptance of these recommendations, may I know whether Government have any scheme by which a complete study of zoo plankton and phyto plankton will be made under the auspices of the Government?

Dr. P. S. Deshmukh: I should like to ask for notice as my hon. friend has used some technical terms.

RELIEF MEDICAL CAR

***1802. Shri Gidwani:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Central Railway has put on line a prototype of an accident relief medical car furnished with medical equipment to deal with major surgical cases;

(b) the other facilities provided in the car; and

(c) whether such cars will also be provided on other lines?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The construction of the van has just been completed by the Central Railway, but it has not yet been put on line. This van is equipped for dealing with emergency surgeries of all kinds.

(b) A statement is laid on the Table of the Lok Sabha. [See Appendix X, annexure No. 47.]

(c) Yes.

WRITTEN ANSWERS TO QUESTIONS

NORVEGIAN FISHERIES SCHEME

***1775. Shri Velayudhan:** Will the Minister of Food and Agriculture be pleased to state:

(a) the extent to which the Norwegian Fisheries Scheme in the State is functioning satisfactorily;

(b) the salient features of the scheme and; and

(c) the extent to which the co-operative scheme of distribution of fish catch has succeeded?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Satisfactory progress has been made in the field of health and sanitary conditions of the project area. The work in the Fisheries Section, though slow, is showing encouraging results.

(b) (i) Mechanisation of fishing boats and their distribution to fishermen at subsidised prices;

(ii) Training of fishermen in mechanised fishing;

(iii) Provision of facilities for preservation, storage and marketing of fish;

(iv) Provision of harbour facilities by improving Ashtamudi inlet; and

(v) Improvement of health and sanitary conditions in the area.

(c) Fishing boats were supplied to some fishermen only recently. It is, therefore, too early to assess the results.

INDIAN LABOUR CONFERENCE

***1777. Shri T. B. Vittal Rao:** Will the Minister of Labour be pleased to state the time when the next annual meeting (i.e. 15th Session) of the Indian Labour Conference will be held?

The Minister of Labour (Shri Khandubhai Desai): The date for holding the 15th Session of the Indian Labour Conference has not been fixed so far.

PENICILLIN

***1778. Pandit D. N. Tiwary:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that import of penicillin has not appreciably gone down even after large scale manufacture of penicillin in the country; and

(b) whether it is also a fact that doctors do not prescribe penicillin of Indian make and prefer to prescribe penicillin of foreign make?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes; but it is too early yet to assess the effect of our own production of penicillin in this regard.

(b) Government are not aware that doctors are discriminating against Indian made penicillin.

बिहार की वित्तीय सहायता

*१७८०. श्री श्रीनारायण दास : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) कृषि तथा तत्सम्बन्धी व्यवसायों को वित्तीय सहायता देने के लिये किये गये ग्रामीण ऋण सर्वेक्षण के आधार पर भारत के रिजर्व बैंक की निदेशक समिति द्वारा की गई सिफारिशों के बारे में बिहार सरकार द्वारा जो योजना तैयार की गई थी, उसके अन्तर्गत उसने वर्ष १९५६-५७ के लिये केन्द्रीय सरकार तथा रिजर्व बैंक से किस प्रकार के तथा कितनी राशि के अनुदानों, ऋणों और अग्रिम धन की मांग की है ;

(ख) क्या केन्द्रीय सरकार तथा रिजर्व बैंक ने इस सम्बन्ध में कोई निर्णय किया है ; और

(ग) यदि हां, तो वह निर्णय क्या है ?

कृषि मंत्री (डा० पी० एस० बेशमुख) : (क) बिहार सरकार ने केन्द्रीय सरकार या रिजर्व बैंक आफ इंडिया से अभी तक सन् १९५६-५७ के लिये कोई भी अनुदान, ऋण और अग्रिम धन नहीं मांगा है ।

(ख) तथा (ग) : प्रश्न नहीं होता ।

RETRENCHMENT OF STAFF AT CALCUTTA

*1790. **Shri H. N. Mukerjee** : Will the Minister of Food and Agriculture be pleased to state :

(a) whether large scale retrenchment of staff is contemplated in the Calcutta Offices of the Food and Sugar Divisions under his Ministry; and

(b) whether alternative employment will be provided to those who might be retrenched?

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

(b) Does not arise.

SINGARENI COLLIERIES

*1796. **Shri T. B. Vittal Rao** : Will the Minister of Labour be pleased to refer to reply given to Starred Question No. 1114 on the 21st December, 1955 and state :

(a) whether any amount has now been sanctioned by the Coal Mines Labour Welfare Organisation Fund

to the Singareni Collieries for the construction of a maternity ward;

(b) if so, the amount therefor; and

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

The Minister of Labour (Shri Khandubhai Desai): (a) No.

(b) Does not arise.

(c) The proposal had to be examined in detail in consultation with various Ministries and the Company and revision became necessary. The final proposal is now being placed before the Advisory Committee of the Fund at their next meeting.

SINGARENI COLLIERIES

*1803. **Shri T. B. Vittal Rao** : Will the Minister of Labour be pleased to state :

(a) whether any request has been received from the management of Singareni Collieries for a grant from the Coal Mines Labour Welfare Organisation Fund for the water supply at Kothagudum;

(b) if so, whether any amount has been sanctioned; and

(c) if so, whether it has been paid?

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

(b) Not yet. The matter is under consideration of the State Government with a view to finding out if financial assistance could be made available from the National Water Supply and Sanitation Programme (Rural).

(c) Does not arise.

ATOMIC POWER FOR TRAINS

*1804. { **Shri Gidwani**
Shri Raghunath Singh :

Will the Minister of Railways be pleased to state :

(a) whether the attention of Government has been drawn to a report of the Broadcast talk published in Times of India, Delhi Edition, dated

the 12th April, 1956 by the General Manager of Eastern Railway to the effect that experts are confident that within next four years atomic energy can be used for the purpose of running trains; and

(b) if so, the facts of the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes. But the relevant portion of the report says that experts are confident that within a few years atomic energy can be economically used in generating steam at thermal stations replacing coal but with the present state of development, it is not considered economically possible to run individual steam locomotives with atomic energy.

There is no mention of the period of four years in the report.

AMRITSAR MAIL PASSENGERS

1523. Thakur Jugal Kishore Sinha : Will the Minister of Railways be pleased to lay on the Table of the House:

(a) the census of passengers of Amritsar Mail travelling beyond Gorakhpur for North Bihar and Assam and the passengers booked beyond Gorakhpur and travelling by other trains and Sections of the railways *via* Lucknow;

(b) whether in view of the growing importance of Delhi any corresponding quickest train service from Agra, Kanpur or Lucknow to Delhi trains for the passengers of North Bihar and Assam can be provided; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A census conducted from 25-2-56 to 28-2-56 showed that a daily average of 16 passengers arrived Lucknow from stations beyond Gorakhpur in North Bihar and Assam and entrained 73 Up Howrah-Amritsar Mail and about 22 passengers arrived Lucknow by No. 74 Down Amritsar-Howrah Mail bound for stations beyond

Gorakhpur in North Bihar and Assam. No census was taken of passengers booked beyond Gorakhpur and travelling by other trains and sections of the Railways *via* Lucknow.

(b) and (c). At present, fast train services are available on the metre gauge for the passengers from and to stations on the North Eastern Railway connecting at Agra Fort, Kanpur and Lucknow with broad gauge trains to and from Delhi, *vide* statement attached. [See Appendix X, annexure No. 48.]

Presumably the reference is to the present long waiting involved at Lucknow between the arrival of No. 304Dn (B.G) Lucknow Express from Delhi and the departure of No. 302 Dn Avadh Tirth Mail for Katihar and *vice versa*. It is not feasible at present to reduce the long waiting at Lucknow by adjustment in the timings of Nos. 302 Dn/301Up Mail trains, as it would result in their missing connections at Lucknow with Nos. 73 Up/74Down Howrah-Amritsar Mail trains and would also increase the present interval at Katihar between No. 302Dn and 303Up and 304Dn and 301Up.

AGRO-ECONOMIC RESEARCH CENTRES

1524. Shri Ram Krishan : Will the Minister of Food and Agriculture be pleased to state:

(a) the names of places where the four Agro-Economic Research Centres have been set up;

(b) whether more such centres will be set up during the Second Five Year Plan; and

(c) if so, the details thereof?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The four Agro-Economic Research Centres are located at:

(1) Delhi School of Economics, Delhi University, Delhi;

(2) Visva Bharati University, Santiniketan, West Bengal;

(3) Gokhale Institute of Politics and Economics, Poona; and

(4) Madras University, Madras.

(b) Yes, two new Agro-Economic Research Centres are proposed to be set up in the second year of the Second Five Year Plan.

(c) It has not yet been decided as to where the new Research Centres will be located.

RAILWAY QUARTERS

1525. Chaudhuri Muhammed Shaf-fee: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that no quota for allotment of Railway Quarters has been fixed for Ticket Checking Staff in Railways in India;

(b) if so, the reasons for it; and

(c) the number of the Quarters allotted to the members of Ticket Checking Staff in India, so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Quarters have not been fixed for any category of Railway staff. Applicants have to take their turn, essential staff getting preference over the non-essential staff.

(c) 2162.

IMPORT OF FOODGRAINS

1526. Shrimati Tarkeshwari Sinha: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity and value of foodgrains imported into India during each of the calendar years 1952 to 1955, from different countries;

(b) the quantity of such foodgrains imported by steamers of the Indian flag and by the steamers of the foreign flags, and the amount of freight paid to the steamers of the Indian flag and to the steamers of the foreign flags;

(c) the total number of steamers of the Indian and the foreign flags—giving separate figures—that brought these foodgrains to India;

(d) the quantity of foodgrains that was discharged at the different ports in India; and

(e) the amount of freight paid by the Government of India on the import of these foodgrains in each of the four years in Dollars, Sterling and Rupees?

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

(a)	Year	Quantity (000 tons)	Value (C & F) (Lakhs of Rupees)
	1952	3864	20907
	1953	2003	8595
	1954	830	4853
	1955	700	3311

(b)	Year	Indian Flag Qty. Freight (000 tons) (Lakhs of Rs.)	Foreign Flag Qty. Freight (000 tons) (Lakhs of Rs.)
	1952	328.6	159.0
	1953	127.5	52.0
	1954	329.3	97.3
	1955	202.6	65.8

(c)	Year	Indian Flag No. of Steamers.	Foreign Flag No. of Steamers.	Total No. of Steamers
	1952	58	423	481
	1953	22	217	239
	1954	57	69	126
	1955	31	63	94

(d) As per attached statement [See Appendix X, annexure No. 49.]

(e) As the compilation of this information will involve labour not commensurate with the results expected to be achieved, it is not being collected.

LABOUR APPELLATE TRIBUNALS

1527. Shri Krishnacharya Joshi: Will the Minister of Labour be pleased to state:

(a) the number of appeals and applications disposed of during 1955 by Labour Appellate Tribunals Headquarters at Calcutta and its branches at Lucknow and Bombay; and

(b) the total number of appeals and applications pending before the Tribunals till the end of December, 1955?

The Minister of Labour (Shri Khandubhai Desai): (a) and (b). The attached statement gives the required information [See Appendix X, annexure No. 50]. The head-quarters of the Tribunal are located at Bombay. Benches of the Tribunal are functioning at Madras also.

RAILWAY CLAIMS

1528. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) the number of claims registered during the period from the 1st of April to the end of November, 1955 on the Northern Railway; and

(b) the amount paid within the specified period?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 44,056.

(b) Rs. 24,53,300.

TELEGRAPH OFFICES IN GURDASPUR

1529. Shri D. C. Sharma: Will the Minister of Communications be pleased to state:

(a) the number of new telegraph offices to be opened during 1956 in the District of Gurdaspur and the number of telegraph offices opened during the year 1955-56; and

(b) the names of the places where they are to be opened?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). No telegraph office was opened in Gurdaspur District during 1955-56. There is also no sanctioned proposal for any new office. All sub-divisional and Tehsil stations in that District have already got telegraph facilities. New proposals, if any, will be taken up, if found justified.

MECHADA POSTS AND TELEGRAPHS OFFICE

1530. Shri S. C. Samanta: Will the Minister of Communications be pleased to refer to the reply given to Unstarred Question No. 34 on the 26th of July, 1955 and state:

(a) whether the annual income accruing of the Mechada combined

Posts and Telegraphs Office in West Bengal Circle justifies the construction of departmental buildings both for office and staff;

(b) the staff recently added; and

(c) the income from the said office during 1955-56?

The Deputy Minister of Labour (Shri Abid Ali): (a) The construction of a departmental building for a combined Posts and Telegraphs Office does not necessarily depend on its income but depends on other factors such as shortage of accommodation, dilapidated condition of the existing building, non-availability of suitable rented accommodation, expiry of lease after which the owner of the building is not willing to renew it, etc. Mechada Combined Posts and Telegraphs Office has been shifted to another building having a suitable accommodation for office and sub-Postmaster's quarters with effect from 15-2-56.

(b) Nil.

(c) Rs. 11,459-12-9.

TRAINING OF INDIANS ABROAD

**1531. { Sardar Iqbal Singh:
Sardar Akarpuri:**

Will the Minister of Labour be pleased to state:

(a) the number of persons sent abroad during 1955-56 under the different training schemes;

(b) the names of persons, with their qualifications and the subject of training; and

(c) whether any International Organisation bore some of the expenses incurred on them?

The Minister of Labour (Shri Khandubhai Desai): (a) to (c). A statement containing the required information, in so far as the Ministry of Labour is concerned, is placed on the Table of the Lok Sabha. [See Appendix X, annexure No. 51.]

KHAGARIA-MANSI RAIL LINK

1532. Shri L. N. Mishra : Will the Minister of Railways be pleased to state :

(a) whether there was some proposal to double the track between Khagaria and Mansi, (N.-E. Railway), Bihar; and

(b) if so, the reasons for not implementing the same?

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

(b) The proposal is still under examination. Doubling will only be done if no other means of increasing the line capacity are proved suitable.

KHAGARIA RAILWAY STATION

1533. Shri L. N. Mishra : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that at Khagaria, N.-E. Railway, provision for terminal arrangement is being made;

(b) if so, the main reasons for it;

(c) whether Mansi which is hardly five miles from Khagaria, has all the arrangements for terminal station; and

(d) if so, why Khagaria has been chosen in preference to Mansi?

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

(b) The provision for terminal arrangements at Khagaria has been made in order to cope with the present traffic and the additional traffic anticipated to develop over the Khagaria-Mansi Section in the Second Five Year Plan Period.

(c) Yes, Sir.

(d) At Mansi the existing terminal facilities are sufficient for the branch line services. Owing to the anticipated increase in traffic during the plan period further facilities are required which can be more suitably developed at Khagaria.

RADIO LICENCES

1534. Th. Lakshman Singh Charak : Will the Minister of Communications be pleased to state the number of Radio licences issued during January, 1955 and 1956?

The Deputy Minister of Labour (Shri Abid Ali) : 6,47,836 licences were issued in January 1955.

3,67,720 licences were issued in January, 1956 excluding the figures from Bombay, U.P. and West Bengal Circles which are being collected and will be placed on the Table of the Sabha as soon as received.

This does not represent the total number of licences in force as late renewals are effected in subsequent months.

"GROW MORE FOOD" SCHEMES

1535. Shri Ram Krishan : Will the Minister of Food and Agriculture be pleased to state :

(a) the total amount of money given by way of loans and grants-in-aid or subsidy to the State of PEPSU since its inception to 1956 for "grow more food" schemes including tubewells schemes;

(b) whether the whole amount has been utilised or not; and

(c) the total amount of money to be given in next year for the above-mentioned purposes?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rs. 628.67 lakhs (including Rs. 219.5 lakhs advanced for large scale tubewell programme).

(b) Information available at present is given in the attached statement. [See Appendix X, annexure No. 52.]

(c) The total financial assistance for 1956-57 has not yet been finalised as further particulars in respect of some schemes are awaited from the State Government.

INDIAN AIRLINES CORPORATION

1536. Shri V. P. Nayar : Will the Minister of **Communications** be pleased to state how does the overtime work in 1955 compare with the overtime work of 1954 in the Indian Airlines Corporation?

The Deputy Minister of Labour (Shri Abid Ali) : A sum of Rs. 16,17,066 was paid as overtime allowances in 1955 as against Rs. 10,40,955 paid in 1954.

MINIMUM WAGES ACT

1537. Dr. Satyawadi : Will the Minister of **Labour** be pleased to lay on the Table of the Lok Sabha a statement showing the number of prosecutions launched under the Minimum Wages Act, Employment of Children Act and Payment of Wages Act in different States during 1955-56?

The Minister of Labour (Shri Khandubhai Desai) : A statement giving the available information is attached herewith. [See Appendix X, annexure No. 53.]

MINOR IRRIGATION SCHEMES (MADHYA PRADESH)

1538. Mulla Abdullabhai : Will the Minister of **Food and Agriculture** be pleased to state:

(a) the amount spent by the Madhya Pradesh Government on minor irrigation schemes during the year 1954-55; and

(b) the number of such schemes?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Rs. 147,11 lakh.

(b) Four.

B.C.G. VACCINE

1539. Mulla Abdullabhai : Will the Minister of **Health** be pleased to state the quantity and value of B.C.G. vaccine exported to foreign countries in 1954-55 and 1955-56?

The Deputy Minister of Health (Shrimati Chandrasekhar) : The quantity and value of B. C. G. vaccine exported to foreign countries is as follows:

Quantity In C. Ct.	Value
1954-55. 3,72,435.	Rs. 37,243/8/-.
1955-56. 5,03,845. (up to end of February 1956).	Rs. 50,384/8/-.

RAILWAY SCHOOL

1541. Shri Giridhari Bhoi : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a private Upper Primary School is being run by the Railway employees at Kantabanji (South-Eastern Railway) for the last 11 years;

(b) whether any representation was submitted to Government to take up this School Departmentally; and

(c) if so, whether Government propose to run this School Departmentally?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A privately run Upper Primary School was started in 1946, closed down in 1952, and was reopened in February, 1955.

(b) and (c). A suggestion to this effect was received from a Member of Parliament some months back. The matter is under consideration.

DALMIA DADRI STATION

1542. Shri Ram Krishan : Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal to improve the Railway station at Dalmia Dadri on Rewari-Bhatinda-Fazilka line of metre gauge section of Northern Railway; and

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

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

(b) The following improvements are proposed to be carried out during the Second Five Year Plan period :—

(i) Provision of 400 sq. ft. additional area in the waiting hall.

(ii) Provision of platform shelter, with about 1250 sq. ft. covered area.

DISPLACED T.B. PATIENTS

1543. Dr. Satyawadi : Will the Minister of Health be pleased to state the number of displaced T.B. patients who have been given financial help in 1955-56 after the work has been taken over by her Ministry ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : The required information is being collected and will, when available, be laid on the Table of the Lok Sabha.

AFTER-CARE AND REHABILITATION CENTRES

1544. Dr. Satyawadi : Will the Minister of Health be pleased to state:

(a) the number and places of after-care and Rehabilitation Centres for T.B. patients to be started in 1956-57;

(b) the number of inmates proposed to be taken in these Centres; and

(c) the mode of their selection?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) to (c). Details of this scheme have not yet been finalised.

रेलवे ईंधन समिति

१५४५. श्री के० सी० सोधिया : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) इञ्जनों में प्रयोग किये जाने वाले कोयले के बारे में रेलवे ईंधन समिति ने क्या-क्या मुख्य सिफारिशें की हैं ;

(ख) कौनसी सिफारिशें स्वीकार की गईं और उन में से कौन-कौन सी सिफारिशों को कार्यान्वित किया जा रहा है ;

(ग) क्या इन सिफारिशों के परिणाम-स्वरूप कोयले की खपत में कुछ बचत होने की संभावना है ; और

(घ) यदि हां, तो कितने प्रतिशत ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसान) :
(क) तथा (घ). एक बयान साथ नत्थी है
[बेसिये परिशिष्ट १० अनुबन्ध सं. ५४]

(ख) बयान में दी गयी सभी सिफारिशें मान ली गयी हैं और उन पर अमल किया जा रहा है ।

(ग) जी हां ।

MALARIA CONTROL UNIT

1546. Shri N. B. Chowdhury : Will the Minister of Health be pleased to state:

(a) the number of Malaria Control Units now operating in West Bengal;

(b) the areas where they are working; and

(c) the programme of work for West Bengal during 1956-57?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) 16.

(b) 1. Bankura.

2. Birbhum

3. Burdwan.

4. Cooch-Bihar.

5. Dinajpur West.

6. Hoogly.

7. Howrah.

8. Jalpaiguri.

9. Malda.

10. Midnapur North.

11. Midnapur South.

12. Murshidabad North.

13. Murshidabad South.

14. Nadia.

15. 24-Parganas North.

16. 24-Parganas South.

(c) In addition to the 16 units already operating, 6 more units will start functioning in 1956-57. The following areas will be covered by the 6 additional units:

1. Burdwan West,
2. Tamluk,
3. Jhargram Sub-division in Midnapur District,
4. Barrackpur,
5. Basirhat, and
6. Diamond Harbour Sub-Divisions in 24-Parganas District.

डाक व तार कर्मचारी

१५४७. श्री भक्त दर्शन : क्या संचार मंत्री २२ नवम्बर, १९५५ के अतारांकित प्रश्न संख्या ४१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या उस बुनियादी सिद्धान्त पर जो कि डाक व तार विभाग के ऐसे कर्मचारियों को दोबारा नौकरी देने के बारे में था, जिन्हें राजनीतिक कारणों पर नौकरियों से अलग कर दिया गया था, अब तक कोई निर्णय कर लिया गया है;

(ख) यदि हां, तो क्या उस निर्णय की एक प्रति लोक-सभा के टेबल पर रखी जायेगी ;

(ग) क्या उल्लिखित प्रश्न के भाग (ख) के बारे में जानकारी एकत्रित कर ली गई है ; और

(घ) यदि हां, तो क्या उस जानकारी का सकल-वार विवरण भी सभा के टेबल पर रखा जायेगा ?

अस उपमंत्री (श्री आबिद अली) : (क) तथा (ख). यह विषय अभी विचाराधीन है ।

(ग) जी हां ।

(घ) एक विवरण-पत्र जिसमें मांगी हुई सूचना दी गई है, लोक-सभा के पटल पर रखा जाता है [बैकिये परिशिष्ट १० अनुबन्ध सं० ५५]

THEFTS IN RAILWAY WORKSHOPS

1548. Sardar Iqbal Singh : Will the Minister of Railways be pleased to state :

(a) the value of goods stolen from the Railway Workshops during 1955-56;

(b) the number of persons caught stealing goods from the workshops during the above period;

(c) the number of persons against whom cases are pending in courts ; and

(d) the number of persons convicted?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Rs. 96,919-14-0.

(b) 622.

(c) 98.

(d) 91.

RAILWAY SCHOOLS

1549. { Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of Railways be pleased to state :

(a) whether National as well as regional language are taught in all the Schools under the Railway Administration in the Northern Railway zone; and

(b) if not, the reasons therefor?

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

(b) Does not arise.

EX-MYSORE RAILWAY STAFF

1550. Shri Shivananjappa : Will the Minister of Railways be pleased to state :

(a) whether it is a fact the Southern Railway Employees Union has submitted a memorandum to the Union Government urging to set up a committee to examine and review the implementation of the Central Pay

Commission scales on the *ex-Mysore State Railway* and the retention of the *ex-Mysore Railway Staff* in the *Mysore State Railway area*; and

(b) if so, how far the Union Government have been able to fulfil the demands of the memorandum?

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

(b) Does not arise.

WAGON BUILDING SHOP IN MYSORE

1551. Shri Shivananjappa: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there is a general demand in Mysore State for the establishment of wagon building shop in Mysore South as an adjunct to the existing Central Workshop; and

(b) if so, what steps Government have taken in this matter?

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

(b) Does not arise.

नई रेलवे लाइनों का सर्वेक्षण

१५५२. ठाकुर युगल किशोर सिंह : क्या रेलवे मंत्री ७ अप्रैल, १९५५ के तारांकित प्रश्न संख्या २०६९ और ९ सितम्बर, १९५५ के तारांकित प्रश्न संख्या १६४६ के उत्तरों के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या विन्ध्य प्रदेश में सतना-रीवा गोविन्दगढ़ नई रेलवे लाइनों और पूर्वोत्तर रेलवे पर मुजफ्फरपुर-सीतामढ़ी-सोनबरसा लाइनों के सर्वेक्षण पूरे हो गये हैं ;

(ख) यदि नहीं, तो उनके पूरे होने की संभावना कब तक है ;

(ग) सर्वेक्षण के बाद निर्माण-कार्य आरम्भ किये जाने की संभावना कब तक है ;

(घ) निर्माण-कार्य पर लगभग कितना व्यय होने की संभावना है ;

(ङ) निर्माण-कार्य में लगभग कितना समय लग जायेगा ; और

(च) मुजफ्फरपुर-सीतामढ़ी-सोनबरसा लाइन किन-किन महत्वपूर्ण गांवों में से हो कर गुजरेगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेसन) :

सतना-रीवा-गोविन्दगढ़ मुजफ्फरपुर-सीता-
मढ़ी-सोनबरसा

(क) जी नहीं ।

(क) मुजफ्फरपुर सीतामढ़ी-सोनबरसा के बीच नयी रेलवे लाइन का सर्वे करने का अभी विचार नहीं है ।

(ख) यातायात सर्वे (ख) से (च) जल्द पूरा हो जायेगा । सवाल नहीं उठता । इंजीनियरिंग सर्वे अक्टूबर, १९५६ के आस पास शुरू होगा और अनुमान है कि पांच महीने में पूरा हो जायेगा ।

(ग) इस बारे में अभी कुछ नहीं कहा जा सकता क्योंकि पहले सर्वे की जाँच करनी होगी ।

(घ) इस लाइन के बनाने में पूँजी के मद से लगभग २.६४ करोड़ रुपये लग जायेंगे ।

(ङ) सवाल नहीं उठता ।

(च) सवाल नहीं उठता

ROADS IN AGARTALA

1553. Shri Biren Dutt : Will the Minister of Health be pleased to state :

(a) the number of roads that have been metalled by Agartala Municipality during 1955-56;

(b) the number that remains to be metalled yet; and

(c) when these are expected to be metalled?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) 12 in full and 4 in part.

(b) 10.

(c) Within about 3 years.

DUMPING OF NIGHT-SOIL

1554. Shri Biren Dutt : Will the Minister of Health be pleased to state:

(a) whether it is a fact that the people of Ranjit Nagar Colony of Agartala, Tripura are suffering due to fouling of air by dumping of night-soil there by the Agartala Municipality; and

(b) if so, the steps Government propose to take to protect the health of the colony?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) Enquiries reveal that such is not the case.

(b) Does not arise.

IMPORT OF VEGETABLE SEEDS

1555. Dr. D. Ramachander : Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are allowing the import of Exotic vegetable seeds which was banned before 1953;

(b) whether the seed growing centre in Kashmir which was started during the war years is now functioning; and

(c) whether the Central Vegetable Breeding Station in Kulu Valley has evolved suitable strains to suit the various climatic conditions obtained in India?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes; Cauliflower seeds of Snowball variety are allowed to be imported on 100% General and 100% soft basis. For the other varieties of Vegetable seeds, applications from established importers and users such as nurseries are considered on an *ad hoc* basis.

(b) Yes. The work of producing seeds of selected European-type Vegetables is in progress in Kashmir under a scheme financed by I.C.A.R.

(c) The work done hitherto at the Central Vegetable Breeding Station, Kulu Valley, mainly related to the production of nucleus seeds of some European-type vegetables imported from abroad. Breeding for evolving strains suitable for various climatic conditions has now been taken up by the Station.

SHIFTING OF SUGAR FACTORY

1556. Shrimati Ila Palchoudhury : Will the Minister of Food and Agriculture be pleased to state :

(a) whether it is a fact that the question of giving permission to shift one of the Sugar Factories of the Raza-Buland Group in District Rampur, U.P. to some other place is under the consideration of the Government of India;

(b) if so, the name of the place where it is proposed to shift the factory;

(c) whether Government have received any representation from the Agriculturists Association of Bilaspur, District Rampur, U. P. against the reported move to shift the factory;

(d) if so, whether Government have arrived at any decision; and

(e) if not, when a decision is likely to be taken?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes, of Raza Sugar factory.

(b) Baraut, Distt. Meerut (U.P.).

(c) Yes.

(d) Not yet.

(e) A decision is expected to be taken shortly.

PROCEDURE FOR PROMOTION TO SELECTION AND NON-SELECTION POSTS

1557. Shri Nambiar : Will the Minister of Railways be pleased to state the details of the procedure followed

for promotion to selection and non-selection posts (non-gazetted) on the Indian Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan) : A statement is attached. [See Appendix X, annexure No. 56.]

PASSENGER AMENITIES

1558. Shri H. N. Mukerjee : Will the Minister of Railways be pleased to state :

(a) whether he is aware of the lack of amenities in Dhakuria station (Eastern Railway) in spite of the volume of passenger traffic handled there; and

(b) whether the matter is being looked into?

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

(b) Yes, Sir. Improvements are being planned on a programme basis, which includes provision of covered sheds and latrines on platforms. It is hoped to include these works in the 1957-58 Works Programme, subject to the approval of the Railway Users' Amenities Committee.

PUBLIC TELEPHONE AT NIMTA

1559. Shri H. N. Mukerjee : Will the Minister of Communications be pleased to state :

(a) whether it is a fact that the request of the North Dum Dum Municipal Ratepayers' Association (West Bengal) for a public telephone at Nimta Post Office has been pending for more than two years; and

(b) if so, when a decision is expected to be taken?

The Deputy Minister of Labour (Shri Abid Ali) : (a) A request was received towards the end of the year 1953.

(b) A Public Call Office is likely to be opened by September, 1956.

POSTAL HEADQUARTERS AT UDAIPUR

1560. Shri Balwant Sinha Mehta : Will the Minister of Communications be pleased to state :

(a) whether Government propose to make Udaipur a seat of district postal headquarters in Rajasthan ;

(b) if so, when it is likely to come into being; and

(c) if not, the reasons therefor?

The Deputy Minister of Labour (Shri Abid Ali) : (a) No.

(b) Does not arise.

(c) The proposal is not justified according to the prescribed departmental standards.

"स्वविवेक निधि"

१५६१. श्री भक्त वर्मान : क्या स्वास्थ्य मंत्री वित्तीय वर्ष १९५५-५६ में मंत्रालय की 'स्वविवेक निधि' से दिये गये अनुदानों की राशियां तथा वह मर्दाने जिनके लिये यह अनुदान दिये गये, दिखाने वाला एक विवरण सभा के टेबल पर रखने की कृपा करेंगी ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) : एक विवरण सभा की मेज पर रख दिया गया है । [वित्तीय परिशिष्ट १०, अनुबन्ध सं० ५७]

LADIES COMPARTMENTS

1562. Dr. Ram Subhag Singh : Will the Minister of Railways be pleased to state :

(a) whether the attention of Government has been drawn to a letter published in the Delhi Edition of the *Statesman* of the 14th April, 1956 under the caption "Ladies only"; and

(b) if so, whether Government propose to take any measure to prevent further occurrences of such untoward incidents?

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

(b) The Railway staff have instructions to remove male passengers from Female Compartments and Railways are being asked to see that these instructions are carried out.

[Friday 27th April, 1956]

COLUMNS

COLUMNS

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LOK SABHA

Friday, 27th April, 1956.

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-30 A.M.

PAPERS LAID ON THE TABLE

STATEMENTS CONTAINING REPLIES TO MEMORANDA FROM MEMBERS re : DEMANDS FOR GRANTS (RAILWAYS), 1956-57

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to lay on the Table a copy each of certain statements containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1956-57. [See Appendix X, annexure No. 58]

DETENTION OF A MEMBER

Mr. Speaker: I have to inform the House that I have received the following letter dated the 24th April, 1956 from the Chief Presidency Magistrate, Calcutta :

"I have the honour to state that Shri Tushar Chatterjea, Member, Lok Sabha, was arrested along with others on the 23rd April, 1956 under sections 143/145/186 of the Indian Penal Code/11 West Bengal Security Act for offences of being a member of unlawful assembly and obstructing public servants in discharge of their public duties with the object of violating the orders under section 144 of the Code of Criminal Procedure, 1898 (Act V of 1898) and produced before this Court on 24th April, 1956 for committing the alleged offences as referred to herein. He was granted bail of Rs. 100

1—101 L. S.

but as he was not prepared to execute the bail bond, I have found it my duty, in exercise of power under section 167 read with section 496 of the Code of Criminal Procedure to direct that he be detained in Jail custody till the 5th May, 1956. He has accordingly been taken into custody and detained in Presidency Jail, Alipore, Calcutta."

PETITION RE. HINDU SUCCESSION BILL

Mr. Speaker : Dr. Rama Rao.

Shri Kamath (Hoshangabad): When will the Minister reply to the debate ?

Mr. Speaker : Let not the work be interrupted now.

Dr. Rama Rao (Kakinada) : I beg to present a petition signed by 3127 petitioners relating to the Hindu Succession Bill.

CONSTITUTION (NINTH AMENDMENT) BILL.—Contd.

Mr. Speaker: The House will now resume further consideration of the motion for reference of the Constitution (Ninth Amendment) Bill to a Joint Committee. About 3½ hours have already been taken on the discussion on this motion and 2½ hours now remain. This would mean that the motion will be disposed of at about 2 P.M.

How much time will the hon. Minister take?

The Minister of Home Affairs (Pandit G. B. Pant): I may be called sometime about 1-30 or so.

Mr. Speaker : So, he will take about half an hour. I will call him at about 1-20 so that there may be some time for disposing of the motion.

Shri Tek Chand may now continue his speech.

Shri Tek Chand (Ambala-Simla): When the House rose yesterday, I was counselling the desirability of greater inter-change of Judges of different High Courts. I said at that time that, if we have greater inter-change and there are considerable transfers of Judges, that would be conducive to an independent approach which will be welcomed not only by the members of the Bar but also by the litigant public. The High Courts are institutions whose independence deserves to be zealously guarded. This is possible in several ways and inter-change of Judges is one of them.

In the matter of recruitment, Government does realise that the standards must be very exacting. Independent men of learning and integrity, dispensing even-handed justice without fear or favour, are the greatest bulwark of the rights and liberties of the citizen. Even the remotest whiff of suspicion of partiality, of prejudice, of bias, conscious or otherwise, is apt to disintegrate and strike at the very root of a great institution which is necessary for cohesion and harmony in society. Therefore, it is very necessary that the High Court Judges' conduct should conform to the proverbial standards of Caesar's wife. The question is whether the changes now proposed are going to help or hinder that objective. To the extent to which the Government proposes to encourage transfers, it will advance that cause.

But, there is one suggestion that is incorporated in the Bill, with respect to which one can express certain doubts. You are proposing to permit the retired High Court Judges to have the right to practise in High Courts other than those in which they worked. If I were asked to give my independent opinion, I would hesitate to conform to that principle. I would rather raise the salaries of the Judges so that they may be above need or want, so that they may be in a position to live in comfortable seclusion and comfortable dignity rather than say that after retirement, they should feel the necessity of going and arguing cases on behalf of parties, after they have been dispensers of justice. I will not even mind if, by two years, you raise the retirement age, as you have done in the case of Judges of the Supreme Court. For my part, I do not mind it. But, it does not add to the dignity of a particular Judge and we think it does not add to the dignity of

the institution, when a Judge who adorned the bench of a High Court stands at the bar of another High Court as a counsellor, making his petitions and prayers on behalf of a particular litigant.

However, I do realise that all the High Courts, in the country are confronted with one great difficulty. It seems to be the experience of all High Courts in this country that they have very heavy arrears to cope with. For this difficulty, certain remedies have been suggested. I do say, with all humility but with the utmost emphasis at my command, that the varied suggestions that are made are in the nature of palliatives, not preventives and certainly not cures. When arrears accumulate in any High Court, justice is being delayed. In some cases, delay is tantamount to denial of justice. A case is instituted today and it is expected to be disposed of six years hence. That is not justice. Justice must be equally efficient and expeditious. One of the methods evolved is that there should be temporary additional Judges. The experiment of temporary additional Judges has been tried by different High Courts in the recent past. But on the whole, the opinion is against such a system. Anyway, we are going for temporary additional Judges. The Constitution provides for recruitment or bringing in, on *ad hoc* basis retired Judges. That at least is understandable to my mind, though some do not agree with it. Some believe in fresh blood being brought in rather than bringing back the retired gentlemen. Now, they have thought of another method. Now, who are going to be your temporary Judges? Mostly District Judges. You are not going to recruit as temporary additional Judges persons from the Bar. It is not done and it ought not to be done.

An Hon. Member: There is no bar.

Shri Tek Chand: You allow for that in practice. In democratic countries like Britain members of the Bar are the only people out of whom the Judges of the High Court are chosen. There are distinguished, deserving members of the bar.

So far as the temporary incumbents are concerned, I want them to be banned, but then your choice is left to your District Judges. Experience will tell you, and experience has already indicated, that that will not be a good experiment. A District Judge who is

brought into the High Court temporarily cannot bring to bear that independence, which is the essential attribute of a High Court Judge. Your suggestion is that such temporary additional Judges be brought. I deprecate that proposal.

Then the question essentially will be that you are going to have surplus Judges from the High Courts, whom you can spare. But you are creating one difficulty, one discouragement, because you are omitting clause (2) of article 222 of the Constitution. Clause (2) of article 222 of the Constitution as it stands contemplates the giving of compensatory allowance as may be determined by Parliament by law, or by the President, to Judges who are being transferred from their own High Court to another High Court. This is a small amount. If you withhold this amount, the Judges will be prone to be reluctant to offer their services for other High Courts and I do not think it will be a desirable thing that you should compel a particular Judge of a particular High Court to function in a different High Court, when you are giving him no emoluments and, possibly, he may have the necessity of keeping houses at two places. Therefore, this provision ought not to be omitted.

Regarding transfer of Judges, I find one anomaly that I cannot, for my part, comprehend. In clause 12 of the Bill you are suggesting restriction on practice in the case of permanent Judges of a High Court. I feel, Mr. Speaker, that this restriction should extend not only to the permanent Judges of a High Court, but also to additional temporary Judges of a High Court. The reason is that, when anybody who had presided as a High Court Judge, steps down and starts espousing the cause of the litigants in any High Court, the distinction ought not to be between a permanent High Court Judge and a temporary additional Judge. The result is this. You have raised a lower District Judge as a temporary additional Judge for the maximum period of two years. After being a High Court Judge, may be for six months, for a year and in no case for more than two years, you are permitting him to practise in that very High Court where he has been a High Court Judge though in an additional temporary capacity, for a period of two years. This ban should apply not only to a permanent Judge, but also to any

High Court Judge, temporary or additional, practising in that Court or in any other High Court from which his services might have been transferred.

Another thing is, you are allowing the retention of Judicial Commissioner's courts. On behalf of those whose causes are to be conducted in that court, I lodge a protest. Every litigant in this country having the same type of cause is entitled to receive justice at the hands of a Judge, whose efficiency and knowledge should approximate to the knowledge and efficiency of a High Court Judge. For the sake of example, I wish to give the case of Himachal Pradesh. A small territory, as it is going to be, of 11 lakhs people, will have a Judicial Commissioner, when the services of a High Court are at its door. The result will be this. If across the border a murder is committed, the fate of the accused is going to be determined by a Judicial Commissioner who is of the status of a District Judge, as against two Judges who in all High Courts sit in order to decide whether the accused at the bar deserves to forfeit his life or deserves to retain his life. The Bill provides for the retention of a Judicial Commissioner's Court in Himachal Pradesh. There is no politics about it. There are no parochial considerations, there are no sectarian sentiments that need to be thought of with any sympathy. It is the right of every citizen of Himachal Pradesh, who has got a cause in a superior court, to have his cause adjudicated by a Judge of the highest eminence. Therefore, I counsel with all seriousness that this should be considered. The Judicial Commissioner's Court in Himachal Pradesh does not deserve to be retained on any grounds, neither on a rational basis nor on any other basis and, I have no doubt that considerations of policy, considerations of expediency will not figure when it is a matter of dispensation of justice.

The High Court of Punjab is located in Chandigarh, which is at a distance of only a few miles from the border of Himachal Pradesh. One thing might be said, that the Judicial Commissioner of Himachal Pradesh usually goes on tour to various parts of the territory so that he may be in a position to dispense justice locally. If that is considered as a desirable feature, then that desirable feature can be retained and preserved by sending one Judge of the High Court

[Shri Tek Chand]

on a circuit to the remote parts of Himachal Pradesh, where causes may be collected so that on the spot he may be able to dispense justice. There is no reason for retention of a separate Judicial Commissioner's Court for one territory manned by a single Judge.

Mr. Speaker : The hon. Member should conclude now.

Shri Tek Chand : Sir, I shall be very grateful if you, in your kindness, can give me two or three minutes more and then I shall conclude.

In this connection, I wish to say that, apart from the question of High Courts, there are certain provisions for Punjab and one or two other States with regard to Regional Committees. It will be extremely desirable and in the interests of smooth and efficient working of the Regional Committees, if their powers are circumscribed precisely so that there may be no conflict. Apart from that, I would counsel in all seriousness that no Minister in a State should be a member of the Regional Committee, because then there will be divided loyalty. There will be loyalty to the petty region, a loyalty which he may not be able to retain when he is answerable to the Cabinet collectively. It will undermine the joint responsibility of the Cabinet, if a Minister, in order to please his particular region, counsels one thing and he may not be able to bring independent judgment to bear upon that matter when he is being persuaded or dissuaded by his colleagues in the Cabinet.

There will be divided loyalties which ought to be checked. Therefore, I would submit that in these regional committees Ministers ought not to be there, but provisions may be made for the Members of Parliament representing a particular region to be taken there, so that they may be in a position to offer their advice.

Then there is a provision for a bicameral legislature for certain States. Experience has indicated that bicameral legislatures are unnecessary and sometimes they are apt to promote conflict rather than harmony. In States where there are unicameral legislatures, all the judgement, the wisdom and the experience is available and I have no doubt that their decisions conforming to, or guided by their Cabinets will amply safeguard the correctness of

those decisions. This control or supervision by a second House, sometimes for persons who have lost at the elections and who have to be compensated, by this domination, will not be a very desirable feature. A unicameral legislature is more than enough for the States.

Shri U. M. Trivedi (Chittor) : We have had so many changes in this very sacrosanct Constitution that within a period of another five years we will not know whether this Constitution has gone—a Constitution for the framing of which we took great trouble only ten years back and which we passed only six years back. Look at this ninth amendment to the Constitution. The first thing that strikes one is that the Constitution (Ninth Amendment) Bill is in utter contempt of this House. It is quite true that the Government of the day is conscious of the fact that it has got a very great majority and that it will like to do things as it wants to. But then propriety demands that the Government also should act wisely and fairly. In this amending Bill, the words used in respect of the States Reorganisation Bill are: "The States Reorganisation Act". The Act is not passed. The Act is not there, and yet, the word "Act" has been used in this Bill with reference to the States Reorganisation Bill which is now in the offing. We do not know what shape it will take and what will be the clauses that it will finally contain. Unless and until that Bill has been passed, it would not be proper to allow this expression to be introduced or to allow a reference to that particular Bill as an "Act" in this Bill.

However, taking this Bill as it is, and conscious of the fact that they are going to pass the States Reorganisation Bill—they are sure of it—I should say that they hold this House in contempt. However, it is their choice, but I cannot refrain from saying that this method will not stand good for posterity. It is high time that the Government should open their eyes and be fair and just and act in a manner which will speak of proper constitutionality.

In the States Reorganisation Bill that has been introduced in this House, it has been put down that the High Courts of the States which are going to be defunct, for example, Madhya Bharat, shall stand abolished. The Madhya Bharat High Court shall stand abolished. There is absolutely no provision saying that the judges who had been

functioning there will continue in service. There is no indication as to what will happen to their services. Such an attitude towards the judges of High Courts who have rendered service on oath, of acting fairly and squarely between citizen and citizen of this country and between the citizen and the State, is not proper. It is high time that the Government look into this affair and say in unequivocal language what the desire of the Government is in regard to the future of those members of the Madhya Bharat High Court.

Then, when one comes to the provision contained in article 220, as amended, one feels that there is some justification for doing so. For a long time, many of the judges of the High Courts were clamouring that some such right should be given to them. But is this right being given under the amended article because it is contemplated that the judges of the various High Courts, which will be abolished, will be let loose upon the public? Is this provision being made because those judges will have to be given this right to act and plead in the various High Courts, consequent upon the abolition of those High Courts? In other words, all those gentlemen who will be thrown out of employment after the abolition of those High Courts will be given this further right to go and practice before the very gentlemen with whom they had been working! Is that the desire?

Shri Debeshwar Sarmah (Golaghat-Jorhat) : Is that so?

Shri U. M. Trivedi : What else is it?

The other point is, we are doing away with the distinction between A, B and C States, and we will have only what may be called A States and the Union territories. When we are having only one category of States—A States—I do not understand why in clause 22, this invidious distinction still exists between the High Courts of Kerala, Mysore and Rajasthan on the one side and the rest of the High Courts on the other: Is it because Kerala is a small State or is it because Mysore is a small State or is it because Rajasthan, although a very big State, has got only a small population? The Judges who are appointed to the High Courts are appointed on the same qualifications which are the minimum qualifications laid down in the Constitution. Numerically they may be less, but they still exercise the same

powers which are exercised by the judges of the other High Courts. I see absolutely no reason why this invidious distinction should be made between the judges of the Kerala, Mysore and Rajasthan High Courts and the judges of the other High Courts. I represent Rajasthan. It is a very big State with a much bigger area than many of the States which are now coming into existence. The far-reaching constitutional points that the judges of the Rajasthan High Court had to decide were perhaps not to be decided by the other High Courts. And yet, there is this invidious distinction made. So far as the judges of the Rajasthan High Court are concerned, it strikes me as a very strange thing that this distinction has been made. Sitting here, perhaps the Government have thought fit those who are living in the deserts, living in the hot and dry climate do not deserve any consideration at all by those who are sitting in the air-conditioned rooms. What difference does it make between a judge of the High Court of Rajasthan sitting in Jodhpur or Jaipur and dispensing justice and a judge sitting at the Lucknow or Allahabad High Court and dispensing justice? In what manner do the judges of Madhya Bharat or Rajasthan differ from the judges who exercise their jurisdiction in the various other High Courts? I very humbly suggest that the Government should take stock of this invidious distinction that is being made. It is just like putting a sort of black mark upon the judges who exercise their jurisdiction in these three High Courts of these three States, namely, Kerala Mysore and Rajasthan. This distinction must be immediately done away with. It should not have been put down in this Bill and it should not form part of this Bill when it becomes an Act.

12 NOON.

I find that although we have put down Jammu and Kashmir as State No. 15 in the First Schedule, we still make no provision whatsoever for doing away with the provisions of articles 370 and 238. There is no provision here which says, "Omit article 238" and I do not know how its application will continue after the coming into force of this new Constitution and the S.R.C. Act. Once we have made Jammu and Kashmir a State in the First Schedule, it is desirable that the provision in article 370 should be done away with. If article 238 becomes infructuous and superfluous, then a provision must be

[Shri U. M. Trivedi]

made in direct and unequivocal language that the provisions of article 370 do not apply. We have been saying all along and every Minister from our Prime Minister down has been saying in season and out of season that Kashmir is a part of India, that Kashmir is an inseparable part of India, that Kashmir shall remain a part of India and that Kashmir has decided to become a part of India. If Kashmir has decided to be a part of India, if Kashmir is a part of India, if Jammu and Kashmir have been described, according to our Constitution, as a part of India, it is high time that the provisions of article 370 are done away with when we are amending the Constitution.

I for one do not agree to the division of our country into so many parts. I have just now dealt with the criticism of the Bill, but I stand here to say that I repudiate the very idea of dividing our country into various parts on a linguistic basis. I do not want that the country should be divided into linguistic units. It has brought about ugly things before us and has shown what parochial ties we have built up. In season and out of season several persons sitting on the Treasury Benches have been accusing the Hindu Mahasabha and Jan Sangh and others of communal tendencies. I do not know what is their own idea about communal tendencies; but it is clear as daylight to everybody who can study the situation that the parochial and communal attitude let loose in Bombay will for ever be a blemish on the fair name of the Congress, if at all the Congress claims to have any fair name. It has done more to harm the goodwill between the various citizens of our country, then anything else. It has done great harm in Orissa: it is trying to do very great harm in Bihar and it has no doubt done tremendous harm to the Gujarati community in Bombay. Maharashtrians, no doubt, have got a claim to Bombay. But, Bombay was being administered very well and without any difficulty in the days of the British when it was not only bilingual, trilingual or even quadrilingual, but pentalingual. In those days we had Karnatak, Maharashtrian, Gujarati, Sindhi and Aden and all these five units having different languages and entirely different cultures were yet being administered well by Bombay. Now what has happened? By this parochial attitude, the Gujaratis want to cut the throat of the Maharashtrians and the

Maharashtrians want to cut the throat of the Gujaratis. It has brought about this picture. Where was the necessity of rushing with this S.R.C. Bill today?

I would like to ask why an experiment was not made to have a unitary form of Government as envisaged by our own Constitution? Our Constitution,—as I have said before and I reiterate it here again,—lays the foundation of a different type of Constitution. This type of Constitution is unique in the history of the world because it envisages the setting up of a unitary form of Government with the Centre so strong as to treat the various units in the States as mere local bodies. Such a strong Centre would have been able to achieve unison in the whole country. Instead of achieving that, we have been driven to fissiparous tendencies with the net result that we are held to ridicule all over. Here, only our younger brother till yesterday is having a unitary form of Government for the whole of Pakistan, where people speak different languages not even into each other. Here we are with all the languages akin to each other and we have adopted that Hindi shall become the national language of our country. We have gone one step further and we have said that all languages may be written in Devanagari characters. Having achieved at least this type of unity, it would not have been difficult for us to have a unitary form of Government. We would be then saving the money which we are now wasting; we would have less people fighting for jobs and the number of the Ministers who are now trying to fight for their *roti* and *kapada* would be reduced to that extent. I would say that jobbery is the only reason why some of them have clamoured to have small units. The original proposal was to form Vidarbha State; Maharashtra was to be separate; Telengana was to be separate; Andhra was to be separate. Everybody wants that there must be more and more Ministers and the resolutions that are coming in from Ajmer and Bhopal all indicate that such tendencies still exist.

As I have said before, we have not made out a case for the division of our country. Before we have gone to the country at large, before the new general elections are held, we have decided to divide this country not for the good of the country, but for some reasons which, I think, are ulterior.

Shri C. C. Shah (Gohilwad-Sorath) : Mr. Speaker, I would like to say a few

words on the amendments moved by Mr. Kamath. His amendment No. 3 says :

"That in the fourth part of the motion—omit 'with such variations and modifications as the Speaker may make'."

By his amendments, he wants to reserve the powers to the House instead of giving them to the Speaker. I would like to submit that this is a standard form of motion for reference of a Bill to a Joint Committee, and this standard form has been evolved after considerable experience. Any modification in the rules is rarely made, if at all. May be sometimes the House is not in session and the Joint Committee is working; then it becomes difficult.

Shri Kamath (Hoshangabad) : What would happen now when the House is in session?

Shri C. C. Shah : The point is that this is the standard form of the motion; we cannot go on changing it.

Shri Kamath : My amendment is for this motion only.

Mr. Speaker : The hon. Member will kindly hear; he alone has not got the right to speak.

Shri C. C. Shah : I must also confess I am amazed at these amendments which disclose want of confidence in the Speaker. I hope this House will unanimously disapprove of these amendments.

Some Hon. Members : Hear, hear.

Shri C. C. Shah : It is not a question of any individual here or there; it is a question of building up healthy traditions of this House. And, Mr. Kamath, who has been so anxious about healthy traditions, should be the last person to move an amendment which makes a breach in such healthy traditions.

Shri Kamath : All must co-operate in that.

Shri C. C. Shah : We all will co-operate if you move amendments which meet with the approval of the House. That is all I need say about this amendment.

As regards this Constitution (Ninth Amendment) Bill it contains two kinds of provisions namely those arising out of territorial reorganisation of States and those which have nothing to do

with territorial reorganisation but are independent by themselves, which amendments were, in fact, embodied in the Constitution Sixth Amendment, Bill, which are now embodied here. I shall now confine my observations to the second part of the Bill which is more important and which deserves greater attention of the House.

I shall first deal with clause 12 which lifts partially the ban on retired Judges from practising. Amongst the reasons given for this clause, it is stated thus:

"An important factor affecting the selection of High Court judges from the Bar is the total prohibition contained in article 220 on practice after their retirement from the bench."

I do not know to what extent this factor is responsible for not getting good judges. I wish that we build up the healthy tradition that when a leading member of the Bar is called to take a seat on the bench, he would deem it a great honour to be able to serve the nation in that capacity. Pecuniary considerations should not stand in the way of his accepting a position which must be deemed to be a position of honour. He retires at the age of 60 and gets a fairly good pension. I should think that this ban by itself was not a factor which prevented us from selecting good judges, but rather the absence of this healthy tradition which we have for example, in England where, I have known, the most leading practitioners having a large practice would sacrifice that practice and would not disobey or disregard a command from the Chief Justice of England, for example, to take a seat on the bench. I do not object to this partial removal of this ban. But, in any event I hope that we will be able to have good judges because, measured by any standard, we are paying an adequate salary. I have no doubt about it. My hon. friend Shri Tek Chand says, No. I will say this that no amount of pecuniary compensation can be adequate for a practitioner like Shri Tek Chand, for example.

Shri B. K. Ray : (Cuttack) : I also say so.

Shri C. C. Shah : I am glad you agree. I therefore submit that we should be able to get leading practitioners at the salary which we offer. We cannot go on raising the salary in order to get people to take up positions of service which must be considered honourable.

[Shri C. C. Shah]

Then, I take up clause 13 which relates to the transfer of Judges. I am glad that the proviso is being omitted. That was a sort of an additional burden when a Judge was being transferred from one place to another. In this connection, I shall refer to para. 841 in the report of the S.R.C. which runs thus :

"Guided by the consideration that the principle organs of State should be so constituted as to inspire confidence and to help in arresting parochial trends, we would also recommend that at least one-third of the number of Judges in a High Court should consist of persons who are recruited from outside that State."

I entirely endorse these observations of the States Reorganisation Commission and I hope that the President will exercise his discretion under article 221 and will frequently have transfers of Judges from one State to another to build up the healthy tradition which we want and for those unifying influences which we so much need.

Then, I come to clause 14 which relates to the appointment of additional and acting Judges. One of the reasons given is, where by reason of arrears of work it appears to the President that the number of Judges is inadequate, he may exercise his power. It is a well known fact that arrears of work in the High Courts,—and some of them, the greater High Courts,—is tremendous. It takes a number of years before these cases are disposed of. We have been trying to find ways and means of avoiding delays in the disposal of cases. One of the reasons, apart from any others, is the less number of Judges both in the High Courts and in the subordinate judiciary. I therefore do hope that the Government will see to it that the President will exercise the discretion given to him under article 224 to appoint as many additional or acting Judges as may be necessary in the High Courts in order that the arrears may be speedily disposed of.

Then, I take up clause 15 which relates to the Union territories. In this connection, I wish to draw attention to clause 45 of the States Reorganisation Bill. That clause provides for a common High Court for the States of Gujarat, Maharashtra and the Union territory of Bombay. I was—and I am very happy—over this provision. The High

Court of Bombay is one of the great High Courts in this country. It has traditions of which any High Court or any institution in this country can be proud. High Courts or any other institutions of that character cannot be built up in a day. A strong independent judiciary is the greatest bulwark of the people against executive arbitrariness. I will, in all humility, suggest that it is in the interests of Maharashtra, Gujarat and the Bombay city itself to continue that great institution and I hope that it will not become a victim of linguistic fury. But, unfortunately, even that appears to be so as I find from the debates in the Bombay Legislative Assembly. Our friends from Maharashtra who do not wish to be partners in anything but only neighbours, do not want even a common High Court. Judiciary is above politics; judiciary is above everything that we can think of. We should have welcomed this. Unfortunately, that has not been so. I hope still that it would be possible to continue the provisions in clause 45. I would earnestly appeal to the Joint Committee to keep this provision. Our attitude in Gujarat is this. If our friends from Maharashtra do not want any common High Court, we do not want to force ourselves upon them as we do not want to force ourselves upon them in anything.

Shri B. K. Ray : You and Bombay should continue under one High Court?

Shri C. C. Shah : I am coming to that. In the Bombay Legislative Assembly, an amendment has been moved unanimously that instead of a common High Court for Bombay, Maharashtra and Gujarat, there should be three High Courts for Maharashtra, Bombay and Gujarat. The reason is obvious. Bombay city, though it has been reduced to the status of a Union territory, deserves to be and it ought to have been a State. If it had been a State, it would have a High Court of its own. Even if, because our Maharashtrian friends want it to be a Centrally administered area and do not want it to be a State and to accommodate their feelings and sentiments, we have agreed to it, I do hope that Bombay, which has been deprived of many things, will not be deprived of a High Court. This is the unanimous decision of the Bombay Legislative Assembly and I hope it will be respected by the Joint Committee and there will be three High Courts for the three units namely Maharashtra, the

Union territory of Bombay and Gujarat. For that purpose, a small minor amendment to the Constitution will be necessary namely, in article 214. It says that every State shall have a High Court. To that we will have to add an explanation that for the purpose of this article the Union territory of Bombay shall be deemed to be a State. That is all that I wish to say on clause 15.

Then, I come to clause 16 which provides for the administrative set up of the Union territories. Shrimati Sucheta Kripalani very forcefully drew attention to the difference between the provisions as now embodied in this Bill and the provisions which were embodied in the Bill as originally circulated.

There, Parliament was given the power to provide by law what should be the set-up of a union territory. That power has been taken away and it is now left only to the President to make regulations. I think it is much better that the power is given to Parliament.

Then, I was dealing with clause 21 which relates to regional committees. The idea of regional committees is a very important one, a new idea. Here it has been provided that the President may by order make regulations for the constitution and functions of regional committees. In fact, it would be something of the character of the set-up of small legislatures and committees and so on.

Shri Tek Chand : *Imperium in imperio.*

Shri C. C. Shah : I would wish those powers are reserved to Parliament rather than to the President, because whatever the President does is done by the Government. Instead of Government doing it, it is better that the voice of this House is heard in the regional committees which are framed for these regions or for any other region for that matter of that.

Hon. Members have referred to the judges of those High Courts which will be abolished, for instance, Madhya Bharat and PEPSU. The same is the position with Saurashtra. The hon. Home Minister yesterday gave us an assurance that the Chief Justice of India will take into consideration the services and the merits of those individual judges and will adequately provide for them. I have nothing more to add to that. I do not

wish that automatically the judges of a particular High Court should become the judges of the High Court of a new or re-constituted State. Probably it may not be possible in all cases, but I do hope that those judges will continue to occupy positions of honour with the same emoluments in any event—if not more than what they are getting at present—and that nothing will be done to their disadvantage.

As regards the differentiation which is made between the salary of the Chief Justice and other Puisne Judges of High Courts other than those of Kerala, Mysore and Rajasthan, I must frankly confess I am not happy about this provision. Neither have I been convinced of the reasons which have led to this provision. Well, we had the distinction between A and B States, we are abolishing that distinction. These are B States in a way, but you are now raising them to the level of the A States and giving them full powers. Then, is it necessary that the High Courts of these States should still have an inferior position or that we should dub those judges as inferior to the judges of other High Courts? Their judgments are equally valid. They will be quoted in any other court. Take Mysore for example. The Karnataka area of the present Bombay State is now being joined to Mysore. That area was being administered by the High Court of Bombay. Now, merely because they become the judges of the Mysore High Court, would those judges occupy an inferior position? Take Kerala. The whole of Malabar District will now be annexed to Travancore-Cochin. The district of Malabar was being administered by the High Court of Madras. Now they will be put under the Travancore-Cochin High Court. Are they inferior to the judges of Madras? Even if it means that some of the judges for the present will get a little higher salary than what they are entitled to get, I hope at least for the future we should be able to recruit the best men to these High Courts because if you give an inferior salary for them, you will never be able to get the best men for these High Courts. Suppose we want to transfer judges from one High Court to another. If we want to transfer a judge from Mysore to Andhra or Madras to Mysore, we will not be able to do so. If we accept the principle that all the High Courts are of the same status, it is unbecoming. I submit with respect, to keep this distinction in the salaries of judges.

पंडित ठाकुर दास भार्गव (गुडगांव) :
 जनाब स्पीकर साहब, यह जो कांस्टिट्यूशन एमेंडमेंट बिल इस हाउस के अन्दर पेश है, इसके अन्दर कई एक फीचर्स ऐसे हैं जिन पर कि दूसरे बिल के आ जाने की वजह से इस हाउस में मੈम्बर साहिबान की तरफ से पूरी तबज्जह नहीं दी गई है। मिसाल के तौर पर मैं सबसे पहले आर्टिकल २३६ और २४० को लेता हूँ। मेरी नाकिस राय में इन दो आर्टिकल्स में इस कदर सख्त तबदीली की जा रही है कि अगर हाउस उनके प्रभाव को अच्छी तरह से देखें तो किसी सूरत में भी इनको इस तरह से तबदील करने की इजाजत नहीं देगा। आज तक जितनी भी स्टेट्स हिन्दुस्तान के अन्दर मौजूद थीं उन सबके अन्दर किसी न किसी तरह से, कुछ न कुछ हद तक डेमोक्रेटिक सेट-अप और डेमोक्रेसी मौजूद थी। अब जिस तरह से आप आर्टिकल २३६ को तबदील कर रहे हैं उससे तो मुझे ऐसा लगता है जैसे आप पूर्ण रूप से आटोक्रेसी को वहाँ राज्य कर रहे हैं। अगर आप आर्टिकल २३६ को देखें तो वहाँ पर लिखा हुआ है :

"Every Union territory shall be administered by the President acting, to such extent as he thinks fit, through a Chief Commissioner or other authority to be appointed by him :

Provided that the President may by regulation made under article 240 constitute for any such territory a council of advisers to the Chief Commissioner or other authority with such functions as may be specified in the regulation."

आर्टिकल २४० इसको और भी वाजया कर देता है :—

"The President may make regulations for the peace and good government of any Union territory and any regulation so made may repeal or amend any law made by Parliament or any existing law which is for the time being applicable to any such territory and, when promulgated by the President shall have the same force and effect as an Act of Parliament which applies to such territory."

अब आप मुलाहिजा फरमायें कि जब कांस्टिट्यूशन बना था उस वक्त प्रेसिडेंट साहब को यूनियन की सारी एग्जैक्टिव पावर्स हासिल थीं। इन एग्जैक्टिव पावर्स के अलावा उनको और जो अस्तिथार हासिल थे वे लेजिस्लेशन के थे और वे भी सिर्फ इस हद तक कि वह आर्डिनंस इशू कर सकते थे। आर्डिनंस इशू करने के अलावा

और कोई भी लैजिस्लेटिव पावर्स उनको हासिल नहीं थीं। जब पंजाब के अन्दर यूनियन का राज हुआ, जब पेप्सू में यूनियन का रूल हुआ और जब त्रावणकोर कोचीन में यूनियन का रूल हुआ, उस वक्त भी हम से जब यह कहा गया कि प्रेसिडेंट साहब को वे सारी पावर्स दे दी जायें जो आर्टिकल ३५६ के नीचे यूनियन के तहत आती हैं उस वक्त हमने तकाजा किया था और एक तजवीज पास कराई थी कि जो कानून प्रेसिडेंट साहब पास करेंगे उसको भी इस हाउस की एक कमेटी जिसमें कि उस इलाके के एम० पी० तथा दूसरे लोग होंगे विचार करेगी और उस कानून के अन्दर तरमीम करने का उसको हक होगा। तो जहाँ तक पार्लियामेंट की कानून बनाने की पावर्स का ताल्लुक है, हम नहीं चाहते कि ये पावर्स उससे छीन ली जायें। मैं अर्ज करता हूँ कि हम अपनी लैजिस्लेटिव पावर्स को बरकरार रखने के लिए बेहद जेलस हैं। मैं नहीं चाहता कि हमारी जो पावर्स तमाम हिन्दुस्तान के लिए कानून बनाने की हैं उनको किसी तरह से भी एग्जैक्टिव को दे दिया जाये कि वह उन पावर्स को एक्सरसाइज करे और कानून बनाकर उसे इम्प्लीमेंट करे। जहाँ तक कानून को इम्प्लीमेंट करने का सवाल है ये पावर तो पहले ही से एग्जैक्टिव के पास है और प्रेसिडेंट साहब के पास हैं। मैं चाहता हूँ कि यह उसूल माना जाय कि जहाँ तक मुम्किन हो जितने भी कानून भारत के लिए बनते हैं, उनके बारे में इस बिल में आर्टिकल रखा जाय कि वे तमाम के तमाम पार्लियामेंट पास करेगी और एग्जैक्टिव उसकी जगह नहीं लेगी।

जो भी इलाका आर्टिकल ३५६ के मातहत यूनियन गवर्नमेंट के मातहत आता है उसके लिए हमने पार्लियामेंट को एम्पावर किया हुआ था कि वह उस इलाके के लिए कानून बना सकती है। अब जो पुराना आर्टिकल २४० है वह इस तरह से शुरू होता है :

"Parliament may by law create or continue for any State specified in Part C of the First Schedule...."

इसके ऊपर आर्टिकल के अन्दर यहाँ यह भी दर्ज है कि प्रेसिडेंट साहब अगर कोई कार्रवाई करेंगे तो पार्लियामेंट को एक तरह से दखल हासिल होगा कि वह कानून बनाये और जो कानून पार्लियामेंट बनायेगी उसी के मुताबिक एग्जैक्टिव गवर्नमेंट काम करेगी। अब जो आर्टिकल २३६ और २४० बनाये जा रहे हैं उनसे तो ऐसा मालूम पड़ता है कि यूनियन टेरिटरीज

कुछ ऐसी बन जाती हैं जिनमें प्रेसिडेंट साहब और गवर्नमेंट सब कुछ कर सकते हैं यहां तक कि कानून भी बना सकते हैं। मैं अर्ज करता हूँ कि इसको जरा गौर से देखें और जो प्रीजिडेंट प्रिंसिपल था कि दो किस्म की पावर्स थीं, एक एग्जिक्यूटिव और दूसरी लैजिस्लेटिव जो प्रेसिडेंट व पार्लियामेंट को हासिल हैं उन पर स्टिक किया जाय। एग्जिक्यूटिव पावर्स तो प्रेसिडेंट और गवर्नमेंट को दे दी जायें और जो लैजिस्लेटिव पावर्स हैं वे पार्लियामेंट के पास ही रहने दी जायें। मैं चाहता हूँ कि इस प्रिंसिपल से डिपार्ट न किया जाय। मैं जानता हूँ कि यह कहा जा सकता है कि अगर यह पावर एग्जिक्यूटिव गवर्नमेंट को दे दी जाय तो भी उस इलाके के जो रिप्रिजेंटेटिव हैं वे उस पर नुक्ताचीनी तो कर ही सकेंगे और वहां से कंट्रोल किया जा सकता है। लेकिन मैं अर्ज करता हूँ कि इस में बड़ा फर्क पड़ता है। कानून बनाने का पार्लियामेंट का एक खास फंक्शन है। जब यह इसका एक खास फंक्शन है तो मैं चाहता हूँ कि किसी तरह से भी इसके बारे में कांस्टिट्यूशन में जो कुछ प्रोवईडिड है उसको टेम्पर विद (tamper with) न किया जाए।

इस वास्ते मेरी अदब से गुजारिश है सिलेक्ट कमेटी की खिदमत में कि वह दफा २३६ और २४० को खास तौर से गौर से देखें और ऐसा न हो कि पार्लियामेंट की पावर्स कम हो जायें। अगर ऐसा हुआ तो उसको यहां पास कराना मुश्किल हो जायेगा क्योंकि यह हाउस सावरिन बाडी है और यह अपनी पावर्स कम करना नहीं चाहेगा।

जहां तक ऐसी जगहों का सवाल है, जैसे कि दिल्ली, बम्बई वगैरह, जहां कि लोगों को पहले डिमोक्रेटिक राइट्स रहे हैं, वहां के लिए मैं उम्मीद करता हूँ कि गवर्नमेंट कोई न कोई ऐसी तरकीब निकालेगी कि लोगों को यह महसूस होगा कि वे अपनी हुकूमत में आप हिस्सा ले रहे हैं गो कि उसका नाम स्टेट नहीं होगा। अगर ऐसा न हुआ तो मुझे डर है कि जो हमने सबसे पहला आबजेक्टिव बनाया है यानी :

"We the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic...."

हम उसके खिलाफ जायेंगे और इसके मानी होंगे कि हिन्दुस्तान की टैरीटरी का एक बहुत बड़ा चंक्र डिमोक्रेटिक रिपब्लिक के डेसक्रिप्शन (Description) को एंसर (Answer)

नहीं कर सकेगा। इसलिए मेरी सिलेक्ट कमेटी से निहायत अदब से गुजारिश है कि वह २३६ और २४० की तरफ खास तबज्जह दे।

इसके अलावा मैं दफा ३५० ए० पर आता हूँ जो कि क्लॉज २० में रखी गयी है। इसके अल्फाज इस तरह पर हैं :

"It shall be the endeavour of every State and of every local authority within the State...."

जो डाइरेक्टिव प्रिंसिपल के अल्फाज हैं वही इसमें हमको नजर आ रहे हैं। ये सेफगाई के अल्फाज नहीं हैं। अगर आप लिग्विस्टिक माइनारिटीज को वाकई सेफगाई देना चाहते हैं तो उसके अल्फाज दूसरे होने चाहिए। एस० आर० सी० ने बहुत से सेफगाई अपनी रिपोर्ट में दिये हैं। अगर गवर्नमेंट उनको देना चाहती है तो उनको कानून की शक्ल दी जानी चाहिए और उनको कहीं न कहीं लिखा जाना चाहिए। हमने देखा कि अभी जो बिल हमने सिलेक्ट कमेटी को भेजा है उसमें किसी सेफगाई का जिक्र नहीं है। इसमें भी सिर्फ क्लॉज ३५० में एक सेफगाई का जिक्र है। अब्बल तो मैं गवर्नमेंट से यह कहना चाहता हूँ कि जो सेफगाई दिये जाते हैं उनको किसी कानून में, किसी कायदे में, किसी कम्पेंडियम में या किसी तहरीरी एश्योरेंस में दर्ज किया जाना चाहिये। मैं तो चाहता था कि आप उनको कांस्टिट्यूशन में ही रखें और ऐसा आप बड़ी आसानी से कर सकते हैं। कहीं न कहीं उनको रखा जाना चाहिए। यहां पर जो यह सेफगाई दिया जा रहा है यह तो जाहिरा सेफगाई है। इसके अल्फाज हैं :

"It shall be the endeavour of every State and of every local authority within the State...."

हालांकि जहां कहीं सेफगाई दिया जाता है वहां यह लिखा जाता है :

"It shall be duty of every State...."

जो अल्फाज आपने यहां रखे हैं उनका मतलब तो यह है कि यह एक डाइरेक्टिव प्रिंसिपल है। मैं यह मानने को तैयार हूँ कि आप जो यह सेफगाई दे रहे हैं इसको इम्प्लीमेंट करने में बहुत मुश्किल होगी। हो सकता है कि एक छोटी सी स्टेट में ऐसे लोगों का एक खानदान है जो कि वहां की जमान नहीं जानते। तो उस खानदान के एक या दो लड़कों के लिए अलग इन्तिजाम बहम पहुंचाना मुश्किल हो सकता है। बड़े

[पंडित ठाकुर दास भागवत]

शहरों में जैसे दिल्ली वगैरह हैं, वहां तो यह मुमकिन हो सकता है क्योंकि वहां इस तरह के काफी लडके होंगे। आपने पहले ही इस सेफगाई को काफी फ्लैक्सिबिल रखा है "टू प्रोवाइड एडीक्वेट फैसिलिटीज"। मैं नहीं जानता कि इसका क्या मतलब है। अगर आप इसको डाइरेक्ट प्रिंसिपल रखना चाहते हैं तो साफ कहिये, और अगर आप सचमुच में सेफगाई देना चाहते हैं तो इसे दुस्त कीजिये।

What does it mean if you say 'It shall be the endeavour of every State ? 'Endeavour' would mean that it may not be fulfilled, and it may not be realised.

Pandit K. C. Sharma (Meerut Distt. —South): It should be a directive.

पंडित ठाकुर दास भागवत : Therefore, as my friend says, it should come within the Directive Principles.

तो मैं सिलेक्ट कमेटी की खिदमतमें अदब से अज कहेगा कि इस तरफ खास तबज्जह दे और अगर सेफगाई देना है तो उसको ठीक तरह से रखे।

और साथ ही मैं अज कहेगा कि जो भी सेफगाई आप देते हैं उनके लिए इस बिल में एक प्रावीजन बनाना चाहिए। इसके अन्दर उनको लिखा जाये। आपने डिप्रेस्ड क्लासेज और शिडयूल्ड कास्ट्स को सेफगाई दिये हैं उनको कांस्टिट्यूशन की आर्टिकल १६ में रख दिया है। आपने उनको कहां कहां रिप्रेजेंटेशन दिया है वह कांस्टिट्यूशन में लिख दिया है। अगर आप सच्चे मानों में लिग्विस्टिक माइनारिटीज को सेफगाई देना चाहते हैं तो उनको भी लिख दीजिये ताकि अगर कल को आप उनको पूरा न करें तो वे आपकी खिदमत में हाजिर हो कर कह सकें कि आपने यह वादा किया था अब आप इसे पूरा कीजिये। मैं अदब से अज करना चाहता हूं कि एस० आर० सी० ने लिखा है कि उन्होंने जो सेफगाई लिग्विस्टिक माइनारिटीज के लिए लिखे हैं वे नाकाफी हैं। उन्होंने कहा है कि अगर आप और सेफगाई बना सकें तो बनायें। मैंने परसों एक सेफगाई का जिक्र किया था और उसको मैं आज फिर दुहरा देना चाहता हूं। लिग्विस्टिक माइनारिटीज की शिकायत है। उनके साथ आजतक इंसाफ नहीं हुआ है। आपने दस वर्ष के लिए डिप्रेस्ड क्लासेज को खास रिप्रेजेंटेशन दिया है। मैं चाहता हूं कि इसी तरह से आप लिग्विस्टिक माइनारिटीज के लिए

भी इन्तिजाम कीजिये। जब तक वे दूसरों के बराबर न आ जायें उनके साथ बराबरी का बरताव करना ठीक नहीं होगा। मैं एक पिछड़े इलाके से आता हूं। वहां सालों से न कोई सड़कें बनीं, न रेलें बनीं, न वहां ऐजुकेशन का इन्तिजाम है, न सेनीटेशन का इन्तिजाम है और न वहां पानी का इन्तिजाम है। न वहां वालों को भी नौकरियां मिलती हैं। वहां का कोई आदमी डिप्टी कमिशनर नहीं है, सुपरिंटेंडेंट पुलिस नहीं है, सेक्रेटरी नहीं है। मैं अदब से अज कहेगा कि दस बरस तक उनको स्पेशल रिप्रेजेंटेशन दिया जये और उनके लिए इस कानून में सेफगाई रखें अगर आप बिजनेस मीन करते हैं, और अगर आप सिर्फ लीपा पोती करना चाहते हैं और आपकी कुछ देने की नीयत वहां है तो साफ कह दीजिये।

इसके अलावा मैं क्लाज २१ की तरफ आपकी तबज्जह दिलाना चाहता हूं जिसमें कि तेलंगाना, आंध्र और पंजाब के लिए खास प्रावीजन किया गया है। मेरी अदब से दरखास्त है कि हमारे होम मिनिस्टर साहब हाउस की टेबल पर एक पेपर रखें और हमको बतलायें कि यह रीजनल कमेटीज क्या चीज है। न जाने दूसरे मेम्बर साहिबान ने इनका क्या मतलब समझा है कि वे कहते हैं कि इनको बम्बई और दूसरे इलाकों के लिए भी बनाया जाये। मैं चाहता हूं कि हमको इनके बारे में बतलाया जाये ताकि हम समझ लें कि आप क्या करना चाहते हैं। मेरी नाकिस राय में तो अभी गवर्नमेंट के अपने दिमाग में भी यह बात साफ नहीं है कि रीजनल कमेटीज और जोनल काउंसिल्स के क्या पावर्स होंगे और उनकी क्या आथारिटी होगी। मैं चाहता हूं कि जब हमारे होम मिनिस्टर साहब जवाब दें तो जो कुछ उनकी राय हो वह हमको बतला दें ताकि हमको मालूम हो कि वे क्या चीज बनाना चाहते हैं। कांस्टिट्यूशन की आर्टिकल २६३ में प्रेसीडेंट को अस्तिथार है कि वह स्टेट्स के लिए बार्डर डिस्प्यूट्स और कुछ और चीजों के लिए जोनल काउंसिल जैसी संस्था बना सकते हैं। अब आप जो जोनल काउंसिल बना रहे हैं क्या वह उससे मुस्तलिफ होगी। और अगर वह मुस्तलिफ होगी तो एक ही चीज के लिए दो-दो काउंसिलें हो जायेंगे। मैं समझता हूं कि अगर आप नई जोनल काउंसिल रखना चाहते हैं और आर्टिकल २६३ की काउंसिल नहीं रखना चाहते तो उस आर्टिकल को ही हटा दीजिये, और अगर आप आर्टिकल २६३ को कायम रखना चाहते हैं तो इस जोनल काउंसिल को

हटा दीजिये । जब हमारे नेशनल लीडर्स ने देखा कि एस० आर० सी० रिपोर्ट के बाद में मुल्क में फिरीयरस टेंडेंसीज पदा हो गयीं तो उन के दिमाग जोनल काउन्सिल by way of reaction आयी । लाकिन इनकी क्या पावर्स होंगी यह अभी हमारे सामने ठीक से नहीं आया है । आज स्टेट्स की हालत यह है कि एक तरफ तो हमारा कांस्टिट्यूशन है, इधर वहाँ पर सेंटर का रिप्रेजेंटेटिव गवर्नर बैठा है, इधर लोकल लेजिस्लेचर्स हैं । जब तक आप इन सबकी पावर्स ठीक तरह से डिफाइन् नहीं करेंगे तब तक आपका काम नहीं चल सकेगा । इधर आप ने लिग्विस्टिक माइनारिटीज के लिए रीजनल कमेटीज रखी है । अगर रीजनल कमेटीज में और जोनल काउन्सिल में किसी बात पर झगड़ा होगा तो उसका फैसला कौन करेगा । आपकी जोनल काउन्सिल के ११ मेम्बर होंगे । उत्तरी जोन के लिए १ काउंसिल होगी उसमें तीन मेम्बर काश्मीर से आवेंगे, तीन राजस्थान से आवेंगे और तीन पंजाब के होंगे और दिल्ली का और हिमाचल प्रदेश का एक-एक आदमी होगा । इसके फसले मेजरिटी से होंगे ।

एक हमारे सेंटर के आनरेबल मिनिस्टर हुए और इस तरह वहाँ पर १२ मेम्बर हो गये । अब फर्ज कीजिये कि पंजाब के चीफ मिनिस्टर और उनके साथी वजीरों के दिमाग में एक चीज है और वह मेजरिटी से वहाँ हार जायें तो कैसे वह चीज उनकी एम्पलीमेंट होगी ? लेजिस्लेचर की सपोर्ट उनको हासिल है और चीफ मिनिस्टर के साथ दोनों वजीर उस चीज के लिए सहमत हैं और वह एक चीज करना चाहते हैं जब कि दूसरे ६ आदमी जो और जगहों के वजीर हैं वह उनसे सहमत नहीं होते तो उनका फैसला कैसे भ्रमल में आयेगा ? आप कहते हैं कि वह एडवाइजरी बोर्ड होगा जिसके कि मानी यह हुए कि लेजिस्लेचर के ऊपर, गवर्नर के ऊपर जो बाड़ी होगी वह महज एडवाइजरी होगी, मैं समझता हूँ कि इससे ज्यादा मजाक की बात और किसी कांस्टिट्यूशन में नहीं हो सकती । अगर आप एक इस तरह की बाड़ी बनाते हैं तो जरूरत इस बात की है कि उस बाड़ी को आप ठीक से बनाइये और उनको स्टैच्यूटरी पावर्स दीजिये, उनको पावर्स या तो सेंटर से निकाल कर दीजिये या स्टेट्स से निकाल कर दीजिये और जो कि उस लेजिस्लेचर से कंट्रोल न हो और जब ऐसी चीज आप बनायेंगे तभी वह ठीक से चक कर सकेगी । जोनल कौंसिलों का बनाया जाना मुझे पसन्द है और मैं चाहता हूँ कि ऐसी कोई चीज हो ताकि हर एक प्राविंस की अलाहिया

होने की जो टेंडेंसी है, वह दूर हो सके । मैं इस तरह की कौंसिलों की स्थापना को सही कदम समझता हूँ और इन जोनल कौंसिलों की स्थापना को मैं एपेक्स आफ यूनियटरी गवर्नमेंट समझता हूँ और अगर इनको बनाते वक्त आपके दिमाग में वह नक्शा है तब तो मैं समझता हूँ कि आप ठीक बात कर रहे हैं और यह जोनल कौंसिलें उपयोगी सिद्ध होंगी बरना मुझे नजर आता है कि यह जो आपकी जोनल कौंसिल है यह आहिस्ता आहिस्ता छोटी छोटी प्रिंसिपैल्टीज बन कर, दो, दो और चार, चार प्राविसेज का मजमुआ बन कर इनके अन्दर यह टेंडेंसी आ जायगी कि यह सेंटर से बिल्कुल इंडिपेंडेंट हो जाय और उस हालत में मैं कह नहीं सकता कि हमारे देश की क्या हालत होगी । मैं तो चाहता हूँ कि आप ऐसी जोनल कौंसिलें रखिये जिनका कि सेंटर से गहरा ताल्लुक हो और सेंटर और जोनल कौंसिल के दरमियान वैसा ही सम्बन्ध हो जैसा कि पेट में एक बच्चे का माँ के साथ सम्बन्ध होता है वरना अगर आपकी वह कंटिनुएटी खत्म हो गई तो एक ऐसी हाईब्रिड चीज बन जायगी जिसको कि कंट्रोल करना मुश्किल हो जायगा । इस वास्ते मैं अदब से अर्ज करूंगा कि इस तरह का एक सही नक्शा खींच कर रीजनल कौंसिल बनाई जानी चाहिये । जोनल कौंसिलों का कांस्टिट्यूशन मैं कहीं जिक्र ही नहीं है, इस वास्ते मैं ज्वाइंट सेलेक्ट कमेटी से अपील करूंगा कि वह इस बारे में विशेष ध्यान दे ।

हार्डकोर्ट के बारे में एक चीज जिसके कि ऊपर मेरी दिलचस्पी है और वह यह कि आपको यह तमीज कि कोई जज तो तीन हजार पाये और कोई ढाई हजार पाये, इस भेदभाव को आपको रखा नहीं रखना चाहिये । राजस्थान हार्डकोर्ट की बाबत जहाँ कि मैं पहले प्रिन्टिस भी कर चुका हूँ, यह दावे के साथ कह सकता हूँ कि राजस्थान हार्डकोर्ट के जजेज किसी भी हार्ड कोर्ट के जजेज से कम नहीं हैं । वहाँ की बार के बारे में इसके अन्दर कई जगह पर दर्ज है कि वह एफिशिएन्ट नहीं हैं और वहाँ पर काफी आमदनी भी नहीं होती है, मैं इसको सही नहीं मानता । मुझे केरल और मैसूर का पता नहीं । लेकिन जब कि एक जगह का जज दूसरे हार्ड कोर्ट में तबदील हो कर भेजा जा सकता है तो मैं पूछना चाहता हूँ कि उस हालत में दो हजार पाने वाला और तीन हजार पाने वाला जज कैसे दोनों बराबर बराबर बेटों और मैं तो कहूँगा कि भले ही थोड़ा रुपया ज्यादा खर्च हो जाय लेकिन जजेज को सैलरी के मामले में एक लेबल

[पंडित ठाकुर दास भार्गव]

पर ले आना चाहिये। अगर आपको रुपया बचाना ही है तो मैं कहूंगा कि तीन, चार हजार रुपये की यह जो आप ऊपर की सीलिंग लगाना चाहते हैं, तो सीलिंग से ऊपर वालों की आप तनस्वाहों में थोड़ी कमी कर सकते हैं, हालांकि मैं हाईकोर्ट के जजेज की तनस्वाह कम करने के हक में नहीं हूँ और हाईकोर्ट के जजेज की तनस्वाह कम करना मैं पब्लिक क्लैमिटी से कम नहीं समझता। लेकिन साथ ही मैं यह भी साफ कर दूंगा कि मैं यह नहीं चाहता कि एक ही हाईकोर्ट में जजेज की तनस्वाहों में भेदभाव हो।

Mr. Speaker: Shri S. V. L. Narasimhan.

Shri N. Rachiah (Mysore-Reserved-Sch. Castes) : On a point of order. Yesterday, when the Deputy-Speaker was in the Chair, he sought the permission of the House to fix the time-limit for speeches as ten minutes so that more number of Members, who wished to speak, could give expression to their views on this Bill. But that is not being adhered to.

Mr. Speaker : I will limit it to ten minutes.

Pandit K. C. Sharma : On a point of information. Yesterday one hon. Member from U. P. raised a point of order—it was rather unfortunate—as to whether Members from U.P., who desired to speak, would be given a chance, and you were pleased to say that Pandit G. B. Pant was equal to all the Members and so on. May I know whether that position still stands and we have no chance to speak?

Mr. Speaker : No, no.

Pandit K. C. Sharma : If we have no chance, we would better leave the House. It is no use attending.

Mr. Speaker : That was said with respect to Members from U.P. becoming Members of the Joint Committee. It is open to hon. Members to press upon the Government to include any Members from U. P. in the Committee. I am not concerned with that. I said all that only when one hon. Member raised the point at the last moment.

Pandit K. C. Sharma : So may I take my chance to speak in the House as any other Member?

Mr. Speaker : He has got every chance.

Shri Neswi (Dharwar South) : May I point out that no Member from Bombay—Karnatak has spoken so far on this Bill?

Mr. Speaker : I cannot give a chance to each and every State on every Bill.

Pandit K. C. Sharma : One cannot be discriminated against.

Shri S. V. L. Narasimhan (Guntur) : I thank you for giving me this opportunity to speak. It is a long time since I got an opportunity to speak in this House and I am indeed very unhappy that just at the time I rise all these questions arise. Be that as it may, I will come to the subject on hand.

We have declared our country a sovereign democratic Republic. We have set ourselves the noble task of ensuring social and economic justice and preservation of individual liberty of every kind. We have also decided that we shall achieve all these noble objectives of ours by democratic means. Everyone of us realises that with a view to achieve all these objectives, the preservation and strengthening of unity and integrity of the country are vital. It is in that belief, I hope, that we have abolished the differential classification of our States into 'A', 'B' and 'C' categories. To that extent, the Government has done well. But while seeking to abolish this distinction, what is it that we have done? We have brought into existence what are known as Union Territories. Under what circumstances is it that we have brought into existence, or are seeking to bring into existence, these Union Territories?

You are all well aware that Manipur and Tripura have been agitating for the last so many years for democratic rule, for local Assemblies and Cabinets so that they may rule their own destinies. Today what is happening? We are keeping them as Union Territories. What is the position today of Bombay, Himachal Pradesh and Delhi which have been enjoying democratic institutions and which have been functioning well? They are being deprived of the functions of democratic institutions. They are also being berthed as Union Territories. Added to this, what is the position, as many other colleagues of mine have pointed out, in so far as the administration of these Union Territories is concerned? Parliament has no supervision. The President has been given absolute power to administer these territories.

So I would respectfully submit that in order to see that we stand by our declaration of a democratic Republic, the hon. Home Minister should examine this position from the standpoint of the preservation of democracy and guide the deliberations of the Joint Committee, so that it may be rectified.

Then, if we want to preserve the unity and integrity of the country when we want to reorganise our States, we have to reorganise them in such a fashion as to see that each State will live in relations of amicability with the neighbouring States. I believe you will agree with me that these claims and counter-claims regarding border areas between State and State are a disturbing factor, and they will not conduce to the promotion of amicable relations between contiguous States. So it is necessary for us that once for all we should decide these claims so that there may not be any future agitation. It was for that purpose only, I believe that when the States Reorganisation Bill was originally drafted, a provision was made therein for the appointment of a Boundary Commission. But I do not understand why, when the Central Government felt it necessary to incorporate such a provision in the draft Bill circulated to State legislatures for their opinions after discussion, it has been omitted when it is introduced before this House. This indeed amazes me and passes my comprehension. Therefore, I would appeal to the Home Minister to reconsider this question. I know that he will easily say that where the Central Government is convinced that a border dispute has to be settled, it will appoint a Commission and take steps in future. But I would respectfully submit that this sort of appointment of Commissions by executive fiat will take its own time, and as time goes on, tension naturally will increase and lead to all sorts of ugly scenes and happenings. So it is better for us to decide this question now instead of postponing it. Hence I feel it necessary that we should restore that clause in the States Reorganisation Bill or insert an article in the Constitution to that effect.

Then again, in the course of speeches by some colleagues, I understood their preference for larger States or multilingual States.

It is not as if any of us is opposed to the formation of bigger States or multilingual States. Let me make it clear that everyone is in favour of such

States. But, under what circumstances, is the question. Supposing the people of Bengal and Bihar want to merge and have one administrative set-up and to form one State, everyone must be proud of it. But, if some conditions are demanded such as that if the Chief Minister is from one State for one term then the Chief Minister for the next term must be from the other State, and if they begin to insist that all appointments which arise within a particular region within the composite State shall be filled in by persons who are residents of that particular region only, then can it be said that it is merger? After all, what is the object of this merger? It is the promotion of the sense of oneness in the mind of every citizen of India that he is an India and that he does not owe his affiliations to any particular region within the country. But, if such conditions are insisted upon, is it not a constant reminder to every resident that he belongs to a particular part of the country?

Moreover, supposing such a State is called a United State of Bihar and West Bengal, what is the idea of merger? It is the creation of the feeling of oneness with the other and not that one should be constantly reminded that he is either a Bengali or a Bihari. I would respectfully submit that I am in favour of multilingual State, in favour of bigger States of the Union—I will be proud of it—but not with the insistence of guarantees which, naturally, smacks of suspicion and which goes against mutual trust. I want the union of a voluntary nature without insisting on any of these things, with mutual trust and confidence in one another.

I now come to the provisions relating to the High Courts. I entirely agree with the views expressed by my hon. colleagues Shri Tek Chand and Shri Shah, in this behalf. So far as these High Courts are concerned, we must promote a feeling in the mind of every citizen, that it shall be taken by every member of the Bar that it is a matter of high honour and pride that the President should call upon him to occupy the high post of a Judge of the High Court. So, we should not think in terms of raising the salaries and other things. Whoever refuses, when such a post is offered, should be held to be a traitor to the country. I would, therefore, request the hon. Home Minister to consider this aspect and to see to it that the amendments relating

[Shri S. V. L. Narasimham]

to the High Courts are scrutinised very carefully and are so framed as to promote that sense of patriotism, that sense of honour and that sense of duty in the minds of the members of the Bar, when they are called upon to occupy the high position of a High Court Judge.

The States Reorganisation Bill, as some of my hon. colleagues have already pointed out, abolishes some of the High Courts which are already in existence. No provision has been made about the future of the judges of those courts. I believe that can be done by having an amendment of the States Reorganisation Bill itself, stating that as we are extending the jurisdiction of some of the existing High Courts, the President may be given the power to absorb these judges in some of those High Courts which are to continue. It is a very serious matter which has to be decided now and not to be left to discretion. That provision may be either in the States Reorganisation Bill or in this Constitution (Ninth Amendment) Bill.

I pass on to the question of upper chambers, which are known as Legislative Councils. I am happy, so far as my State of Andhra-Telangana is concerned—I hope and firmly believe that the name will be changed to Andhra Pradesh—there is no provision for a Legislative Council in the Bill before the House. Our experience really convinces us that these Legislative Councils are an unwanted burden on the exchequer of the country. The influence which they exercise on the judgment of the elected Assemblies is negligible, if not nil. On the other hand, they positively contribute to delay in legislation. I would beg to submit that this is the occasion that you will have to dispense with the Legislative Councils. At any rate, I declare my happiness that on our Andhra State at least an upper chamber will not be trust, which shall, otherwise, be a burden on us.

I come to the question of Zonal Councils, though this Bill does not make any reference to them. When I examined the powers, duties and functions of the Zonal Councils, I was really amazed as to why there should be this additional burden on the exchequers of the States and the Centre. After all, let us not forget that it is the President of the Indian Republic that symbolises the unity of the States, the unity among all the people of India. It is quite possible

that issues of common interest between one State and another can easily be settled and settled amicably under the wise guidance of the Centre. I would respectfully submit that the formation of these Zonal Councils is not only an unwanted burden but their usefulness is also very little.

[Mr. DEPUTY-SPEAKER in the Chair]

The next question I would like to refer to is the formation of the Regional Committees. It is a fact that some regions with the respective States want an assurance. But, can we not dispel their doubts and can we not allay their fears and apprehensions that their interests will not be properly looked into by actually coming to an understanding and leaving it to the future Legislatures to inspire confidence in those minorities? If we are going to give it statutory recognition, is it not a permanent confession by us that some sections of the people in a State have no confidence in the other sections? It is not that I am opposed to the formation of Regional Committees. Regional Committees can be constituted by mutual understanding and, at any rate, I think, it need not necessarily be incorporated in the statute.

The Minister of Legal Affairs (Shri Pataskar) : I am a member of the Joint Committee and I shall not say anything about the merits of the several proposals which are contained in the Bill; but, there is one thing on which I thought it my duty to make a few observations.

This motion to refer the Bill to a Joint Committee contains the usual clause that in other respects the Rules of Procedure of this House relating to Parliamentary committees will apply with such modifications and variations as the Speaker may make. This has been the practice and it has been followed usually since long with respect to Bills, whether important or unimportant whatever it may be—which have been referred to Joint Committees. What is the position? We have already got rules which have been framed for the purpose of guiding the proceedings of select committees. But, at times, it becomes necessary in a particular matter, that there should be a change. Therefore, as a precaution, we have always been inserting such a clause, so that any difficulty, which may arise on account of procedure, may be obviated. Naturally, we do not want to leave it to the Chairman of the Committee for

the time being and so we say that "with such variations as the Speaker may make". So, if any variation is needed the Chairman has to bring it to the notice of the Speaker and the Speaker will make the variation.

What is proposed by my hon. friend, Shri Kamath, is something very astounding. I would like, if he were here, to appeal to him and ask him what is really the purport of what he tries to do. He has moved three amendments. First, that the words 'such variations and modifications as the Speaker may make' be omitted. That means, if his amendment is accepted, the Chairman of the committee would be bound only by the rules which have been framed and there shall be no power with any one to make any variation or modification. It may not be necessary always to have a variation or modification, but as he himself admits, it is important and vital, if, for any reason, it becomes necessary. He wants that we should make it hard so that this power may not be available.

His next alternative amendment is that if his first amendment is not accepted, then the Speaker may not have the power but it shall be the House that can modify. That is, if the Chairman of the committee at any time thinks that there should be some variation made in the rules, then, it is not the Speaker who shall make the variation but the whole matter shall be brought before the House. Why? Not for any matter of substance, but for some variation which the Chairman may like to be made, or the Committee desire to make, and which naturally ought to be left to the Speaker.

After all the Speaker is the guardian of the privileges of this House. It is on this basis that the whole work of this Parliament is being carried on and I fail to understand why in such a matter, which is purely a matter of procedure, there should have been such an amount of suspicion that he should go to the length of saying, that in this particular case either due to the importance of the question or for other reasons, it must come before the House. This clearly indicates a lack of proper appreciation of the position and the place which the Speaker occupies in the scheme of things so far as the work of this Parliament is concerned.

2—101 L. S.

1 P.M.

Another difficulty will arise. If such small matters of procedure have to be brought before the House, it might delay things indefinitely for no useful or ostensible reason. If this is not acceptable the hon. Member suggests another alternative amendment in the form of addition of the words "subject to the approval of the House". Supposing the Chairman comes to the conclusion, or the Select Committee wants, that there should be some variation in the procedure; the hon. Member wants to limit or restrict the discretion of the Speaker by suggesting that he shall not agree to it except with the approval of the House. That is what it means; that he shall do it, but he should bring it to the House. It is open to the same objection which I have pointed out with respect to his second amendment.

What is the justification for these amendments. This, as I said, is a procedure which has been observed for the last so many years and no difficulty has been experienced. The reason given is something which I do not think is consistent either with the dignity of the Members of this House or the parliamentary system under which we are working. Mr. Kamath says:

"I have no doubt that my hon. colleagues here will be in agreement with me that the powers which the House possesses at present as regards this very important measure—regulating the business of the Joint Committee—shall not be surrendered to anybody, not even to the Speaker."

Where is the question of surrender? This is a procedure which we have already been following and there has been no difficulty. And there is no question of surrendering any of the powers of the House. The House has always got the powers. The only thing is the Speaker, who is the representative of the privileges, the powers and the dignity of this House is allowed some discretion.

Then he says:

"I would also humbly suggest (of course the word humbly is used)

"that recent trends and developments here have been rather disquieting and disconcerting."

[Shri Pataskar]

I would certainly say that if we want to carry on the work of this Parliament in the spirit in which it has to be carried on, such vague remarks—though they may not be exactly unparliamentary—do not advance the cause of parliamentary democracy in this country. I can quite understand some person having some grievance against the Speaker. But to take advantage of an occasion like this and to make such vague allegations and insinuations that “recent trends and developments have been rather disquieting” is not proper. They may be disquieting to some Members. After all this House consists of five hundred Members. It may be that the decisions of the Speaker on some matter may not be to the liking of some Member. But it has to be recognised that the Speaker has to perform his duty taking into consideration the dignity of the whole House. In that case, how is it proper that because somebody has a grievance, this occasion should be utilised for making insinuations of this nature?

Let us stop doing our things so far as this Parliament is concerned, in this manner. I can quite understand some Members having a grievance. But making such remarks and advancing such arguments I believe is not proper. The intention with which these amendments were moved was not because they have any merit in them, but for a purpose which I believe is not consistent with not only the dignity of the Chair but the dignity and the responsibility of the Members of this House and the spirit in which the work of this House has to be carried on. Well, I myself would say that whether the present Speaker or the past Speaker, whether the present Deputy-Speaker or the past Deputy-Speaker, may or may not have agreed with several things suggested by different Members, so far as the work of this Parliament is concerned, it has always been carried on in the same traditions and in the best manner and in the larger interests of both the country and of the dignity of the House. There may have been occasions in the past when Members might have been displeased with some of the rulings of the Chair. After all a Speaker has to arrange the business of the House and in that process he may have to incur the displeasure of one or two Members. But what he has to look to is not the pleasure or displeasure of some, but what is in the best interest and the

traditions of this House. I have no hesitation in saying that such a remark like this is entirely unjustified and the work of the Chair, whether it is by the Speaker or the Deputy Speaker or somebody else, has been carried on and is being carried on whether recently or before, in the same best traditions of parliamentary democracy as it has been so long.

I would therefore request my hon. friend—I wish he had been here—that he should desist from making such attempts which are neither useful for the cause of democracy nor for the proper conduct of business in this House. This will only lead to misunderstanding, to creating a feeling in the outside world that perhaps things in this House are not as good as they are before. In fact, they are being carried on in the best traditions as they were before. I am sure these amendments will not meet with the approval of anyone in the House except of the hon. Mover. I would even like to appeal to him that he has been in the Constituent Assembly and in the Provisional Parliament and I am sure he is a very earnest and sincere Member of this House. He may have made these remarks in a moment of passion, but whatever it may be, I would appeal to him to withdraw these amendments and not to press them.

श्री टंडन (जिला इलाहाबाद पश्चिम): उपाध्यक्ष महोदय, यह जान कर कि हम लोगों का समय बहुत सीमित है, मैं इस विषयक के सम्बन्ध में तीन राज्यों के संगठन के बारे में ही कुछ निवेदन करूंगा, एक महाराष्ट्र, दूसरा पंजाब और तीसरा उत्तर प्रदेश जिस की चर्चा अभी तक नहीं के बराबर हुई है।

‘महाराष्ट्र के सम्बन्ध’ में मुझे अपने मराठी और गुजराती भाइयों से यह कहना है कि जो दुःख मैंने यहां लोकसभा में उनकी भावनाओं का देखा उससे मुझे पीड़ा हुई। आवश्यकता इस बात की है कि हम देश को दृढ़ता, मेल और सहयोगिता से चलायें। उसको इस तरह चलाने के लिये ऊंची भावनाओं की आवश्यकता है। बम्बई के प्रश्न ने इन दोनों में खटपट पैदा कर दी है। मैंने सुझाव दिया था और उसको मैं फिर दोहराता हूं कि कुछ ऐसा रास्ता निकालना चाहिये कि जिससे जहां तक सम्भव हो ये मिल कर रहें। हमारे मराठी भाषी भाइयों ने एक समय माना भी था कि विदर्भ के मिलाने के बाद इसमें सौराष्ट्र रहे, गुजराती भाई भी रहें और सबका मिल

कर के एक द्विभाषी प्रदेश बने। मेरा सुझाव है कि आज भी यह आवश्यकता है कि हम उस ओर ध्यान दें। मैंने सुना है कि मराठी भाई अभी प्रधान मंत्री जी से मिलने वाले हैं। मेरा तो सुझाव है कि अभी देर नहीं है। फिर हम उस तरह से विचार करें, और जहां तक सम्भव हो हम इस प्रदेश को द्विभाषी या अधिक भाषा भाषी बनाने में न हिचकें। मैं जानता हूँ कि इस पर दो मत हैं। हमारे भाई जो इधर विरोध में बैठते हैं वे एक भाषा राज्य पर बहुत बल देते हैं। कल भी हमारे भाई, श्री साधन गुप्त, ने कहा था कि हमें इसी बात पर अड़े रहना चाहिये कि एक भाषी प्रदेश हों। बिहार और बंगाल के मिलाने का भी उन्होंने विरोध किया। वह भी एक मत है। मैं मानता हूँ कि इसमें कई दृष्टियाँ हैं। पर यह भी तो हमें देखना चाहिये कि और दृष्टिकोण भी हो सकते हैं और सबको एक ही लाठी से हाँकने की आवश्यकता नहीं। सब घान बाईस पसेरी नहीं होते। सब प्रदेशों को एक ही लाठी से नहीं हाँका जा सकता। गुजराती और मराठी भाइयों का इतने समय से मेल चला आता है। यह कोई नया प्रयोग नहीं है। बिहार और बंगाल भी किसी समय एक थे लेकिन इधर बहुत दिनों से नहीं है, इसलिये यह जो बंगाल और बिहार को मिलाने का सुझाव आया है यह एक प्रकार से नया प्रयोग है। मगर गुजराती और मराठी भाइयों के लिये यह कोई नया प्रयोग नहीं है। मेरा तो यही सुझाव है कि वे फिर ये सोचें कि वे मिल कर रह सकते हैं। यह क्यों असम्भव है? हम थोड़ा हिस्सा इन्दौर के पास का इसमें मिला कर इसको एक अधिक बड़ा प्रदेश बना सकते हैं। मैं तो इसके पक्ष में हूँ कि हम इस प्रदेश को कुछ और बड़ा बना दें और इन्दौर के पास का कुछ हिस्सा इसमें मिला दें। फिर इसका नाम चाहे बम्बई रहे या महाराष्ट्र रहे। जिन-जिन प्रदेशों के लोग इसमें आते उन सबको मिल कर काम करने का अवसर मिले। जैसा कि पाटिल भाई ने कहा इस प्रकार संसार के आगे बम्बई एक वृहद राजधानी के रूप में रहे और उसकी स्थिति अधिक ऊँची हो।

दूसरी बात में उत्तर प्रदेश के सम्बन्ध में निवेदन करना चाहता हूँ। पहले जो बहुत बड़ी घबराहट थी कि बड़े बड़े राज्य न रहें वह घबराहट तो अब नहीं रही है। कम से कम केन्द्रीय गवर्नमेंट के मस्तिष्क में अब यह घबराहट नहीं है। अब तो उन्होंने बड़े बड़े जोन बनाने की बात सोची है और हमारे भाई गिरि जी ने भी यहां से एक आवाज उठायी है कि वह तो यह देख कर रहे हैं

कि बड़े-बड़े प्रदेश बनेंगे। जितने प्रदेश एक जोन में रखे गये हैं वे सब एक राज्य बन जायेंगे, इसकी चर्चा उन्होंने यहां की। यह जान पड़ता है कि अब यह घबराहट नहीं है कि कोई प्रदेश बहुत बड़ा न हो जाये। मैं तो बम्बई को और बड़ा बना देना चाहता हूँ। मध्य प्रदेश आज आबादी में नहीं परन्तु अपने ढील ढील में उत्तर प्रदेश से बड़ा है। मैं पूछता हूँ कि आज जो बघेलखंड के लोग या विन्ध्य प्रदेश के लोग हमारे प्रदेश में आना चाहते हैं उनको आप रोकते नहीं हैं? बघेलखंड के लिये यह बात बार बार कही गयी है। एक भाई बघेलखंड के यहां हैं। उन्होंने जोरों के साथ कहा है कि हम उत्तर प्रदेश के साथ जाना चाहते हैं। बघेलखंड की विधान सभा में भी इस पर बहस हुई थी। वहां उस समय २० सदस्य उपस्थित थे। उनमें से अधिकतर ने कहा कि हम उत्तर प्रदेश के साथ जाना चाहते हैं।

केवल दो सदस्य थे जिन्होंने कहा कि हम मध्य प्रदेश के साथ जाना चाहते हैं। इस विषय पर उत्तर प्रदेश की विधान सभा में भी चर्चा हुई और वहां पर लगभग सबने मिल कर कहा कि पूरा विन्ध्य प्रदेश उत्तर प्रदेश के साथ मिलाया जाय, अगर ऐसा करने में कोई कठिनाइयाँ हैं तो कम से कम बघेलखंड को तो अवश्य उत्तर प्रदेश में मिला दिया जाय। वहां के जो मुख्य मंत्री हैं, डा० सम्पूर्णानन्द, उन्होंने भी उस दिन भाषण दिया था। मैं चाहता हूँ कि हमारी गवर्नमेंट और हमारे गृह विभाग के मंत्री जी उधर ध्यान दें। मेरा विश्वास है कि वे प्रवर समिति में रहेंगे। यह सच है कि वे उत्तर प्रदेश के रहनेवाले हैं। लेकिन मैं इसको उत्तर प्रदेश के साथ अन्याय समझता हूँ कि आपने जो सिलेक्ट कमेटी बनायी है उसमें उत्तर प्रदेश का केवल एक मेम्बर इस भवन से रखा। उस मेम्बर ने भी नाराजगी से उसमें काम करने से इन्कार कर दिया क्योंकि आपने इतने बड़े सूबे का केवल एक ही सदस्य रखा। उस मेम्बर की जगह आपने दूसरा मेम्बर रखा है, मैं नहीं जानता कि वह काम करेंगे या नहीं मुझे मालूम है कि उनसे पूछा नहीं गया है। क्या आप दो सदस्य नहीं रख सकते थे, श्री वेंकटेशनारायण तिवारी और श्री अलगू राय शास्त्री? अगर ये दो आदमी बने रहते तो क्या बिगड़ जाता? मुझे तो कोई ऐसा लगा है कि हमारे गृहमंत्री जी और हमारे प्रधान मंत्री-जी उत्तर प्रदेश के हैं इसलिये वे ऐसा करने में संकोच कर रहे हैं। और इस संकोचवश जो अन्याय उत्तर प्रदेश के साथ हो रहा है उसको वे सहन कर रहे हैं। मैं कहना चाहता हूँ कि यह ठीक

[श्री टंडन]

नहीं है। उनको समझना चाहिये कि उत्तर प्रदेश के रहने वाले क्या चाहते हैं। यहाँ बघेलखंड के लोग हैं। अगर आप उनको प्रवर समिति में भ्राने का अवसर देते तो वे अपनी राय आपके सामने रखते। पर आप उनको नहीं रख रहे हैं। न आप बघेलखंड के आदमी रख रहे हैं और न उत्तर प्रदेश को उचित अवसर दे रहे हैं। तो फिर कौन आपसे कहने आयेगा? इसीलिये मैं आज खड़ा हुआ हूँ कि स्पष्ट रूप से कह सकूँ कि इस प्रकार आप विन्ध्य प्रदेश के साथ, बघेलखंड के साथ और उत्तर प्रदेश के साथ अन्याय न होने दे। उत्तर प्रदेश और बघेलखंड का चोली दामन का साथ बहुत पुराना है। हम लोग इस बात को जानते हैं कि वे हमारे कितने समीप हैं। मैं याद दिलाता चाहता हूँ, और मैं समझता हूँ कि जो मंत्रिगण इधर बैठे हैं शायद उनको याद भी होगा क्योंकि वे कांग्रेसी हैं, कि एक समय बघेलखंड की कांग्रेस कमेटी उत्तर प्रदेश की कांग्रेस कमेटी की एक भंग थी। यह कुछ बरस पहले की बात है। किसी काल में वे विन्ध्य प्रदेश के साथ थे लेकिन उनसे वे नाराज होकर उत्तर प्रदेश के साथ आ मिले। हमारी उत्तर प्रदेश कांग्रेस कमेटी का एक जिला था बघेलखंड। मेरा उत्तर प्रदेश की कांग्रेस के संचालन में हाथ था, इसलिये मुझको यह बात याद है। मेरा यह कहना है कि वे हमारे बहुत पास हैं। अगर वे आना नहीं चाहते तो हम कुछ नहीं कहते, लेकिन जब वह आना चाहते हैं और उत्तर प्रदेश वाले उनको लना चाहते हैं तो क्यों रुकावट डाली जाय। अभी हाल में उत्तर प्रदेश के मुख्य मंत्री ने अपनी विधान सभा में कहा है कि उत्तर प्रदेश कृषि में बढ़ा है लेकिन खनिज पदार्थों में छोटा है। उससे पास खनिज पदार्थ नहीं हैं। मध्य प्रदेश के पास खनिज पदार्थ बहुत है ऐसी स्थिति में विन्ध्य प्रदेश का टुकड़ा, जो कि खनिज पदार्थों की दृष्टि से महत्वपूर्ण है, वह उत्तर प्रदेश में मिला दिया जाय तो दोनों का लाभ है। बुंदेलखंड के अधिकतर लोगों की भी यह इच्छा जान पड़ती है कि वह उत्तर प्रदेश में आवे।

श्री रायचंद भाई शाह (छिंदवाड़ा) : यह गलत है।

श्री एम० एल० द्विवेदी (जिला हमीरपुर) : मैं कहता हूँ कि यह सही है।

उपाध्यक्ष महोदय : अभी इसी तक रहने दें। हमने समझ लिया कि कुछ की राय है कि आ जायें और कुछ की राय है कि न आयें। माननीय सदस्य अपनी तकरीर जारी रखें।

श्री टंडन : मैं तो समझता हूँ कि बुंदेलखंड के लोग भी आना चाहते हैं। लेकिन अगर सारा विन्ध्य प्रदेश नहीं आना चाहता तो कम से कम बघेलखंड को तो आने दीजिये। मुझे आशा है कि हमारे मध्यप्रदेश के भाई इसके औचित्य को समझेंगे।

अब मैं थोड़े से मिनटों में पंजाब के बारे में निवेदन करना चाहता हूँ।

उस दिन यहाँ पर सरदार हुक्म सिंह ने जो भाषण किया, उसका मैंने अपने मन में स्वागत किया। उस दिन तो मुझे उस सम्बन्ध में बोलने का अवसर नहीं मिला था, सो आज कुछ निवेदन करना चाहता हूँ। मैंने स्वागत उसका इसलिये किया कि उनके भाषण में और मास्टर तारासिंह के भाषण में भी मुझको एक नया दृष्टिकोण दिखाई दिया अर्थात् यह कि आज जो जालंधर डिवीजन के बिगड़े हुए लोग हैं और जो सहमत नहीं हो रहे हैं, उनके साथ बातचीत करके उनको मिलाने का यत्न किया जाय। सरदार हुक्म सिंह के भाषण में वह बात मुझे विशेष अच्छी लगी जो उन्होंने यह कहा कि हम बैठ कर आपस में समझौता करें। यही बात लाला अर्चित राम ने भी अपने भाषण में कही था। इसमें तो कोई संदेह नहीं और हम सब देख रहे हैं कि यह कहना कि पंजाब में सब लोग संतुष्ट हैं, यह अर्द्ध सत्य है, यह बिल्कुल सच नहीं है और जो प्रबन्ध किया गया है उससे जालंधर के लोग असन्तुष्ट हैं।

सरदार इकबाल सिंह (फाजिल्का सिरसा) : अक्सरियत तो संतुष्ट है।

श्री टंडन : हरियाना के लोग मैं मानता हूँ, संतुष्ट हैं, लेकिन जालंधर डिवीजन के तमाम हिन्दू इस प्रबन्ध के खिलाफ हैं। साथ ही मैं इसको स्वीकार करता हूँ कि आपस में मेल पैदा किया जाय और सरदार हुक्म सिंह का वह सुझाव स्वागत योग्य है जिसमें उन्होंने कहा है कि उनको बैठ करके कोई रास्ता दिखलाने का यत्न करना चाहिये।

यह जो क्षेत्रीय परिषदों की स्थापना करने की बात है, यह एक नया प्रयोग है जो हम करने जा रहे हैं और इसके सम्बन्ध में मैं यही सुझाव दे सकता हूँ कि बहुत समझ बूझ कर हमें इसको चलाना है। एक तरफ रीजनल कमेटी (प्रादेशिक समिति) का सिद्धान्त अर्थात् यह कि जो एक सूबा है उसको बांट दिया जाय, दूसरी तरफ जोनल कौंसिल का सिद्धान्त जो कि उससे भिन्न

है, एक तरफ बढ़ाने की बात और दूसरे में छोटे स्थानों में कमेटी बनाने की बात, देखने में ऐसा लगता है कि उनमें दो अलग अलग सिद्धान्त काम कर रहे हैं और उन दोनों को ही इस संविधान में स्थान दिया गया है। अभी जैसा कि पंडित ठाकुर दास भार्गव कह रहे थे यह स्थिति स्पष्ट नहीं है, मझ को भी यही लगा कि अभी गवर्नमेंट का दिमाग कुछ इसके बारे में स्पष्ट नहीं है और वह कुछ टटोल रही है। मैं इस टटोलने को बुरा नहीं कहता, टटोलना कुछ बुरी बात नहीं है, समझ बूझ कर आगे बढ़ने की बात है। हम रोजनल कमेटी को क्या अधिकार दें, किस तरह से उसको चलायें, इस सम्बन्ध में बहुत समझ बूझ करके और अनुभव करके आगे काम करना है।

Shri Gadilingana Gowd (Kurnool): I rise on a point of order. Yesterday, the hon. Speaker told the House that he would not allow those hon. Members who had already participated in the SRC debate. That rule was not strictly enforced and some of the hon. Members spoke for more than twenty minutes.

Mr. Deputy-Speaker : Order, order. That is not a point of order. I request the hon. Member not to encroach on the discretion of the Speaker or the Chair. He should allow the Chair to have that much discretion. At least in some cases, he may give time.

Shri Gadilingana Gowd: I did not mean any disrespect to the Chair.

Mr. Deputy-Speaker : It is not a point of order.

Shri V. P. Pawar (South Satara): Sir, I am grateful to you for giving me this opportunity to express my views on the Constitution (Ninth Amendment) Bill. I will confine myself to some of the important aspects of the Bill.

Mr. Deputy-Speaker: I have allowed him to speak; it is his maiden speech. He should condense his speech as much as possible.

Shri V. P. Pawar: Sir, Firstly I will refer to clause 2 of the Bill in which certain alterations in the areas and classification of certain States are proposed. Some Union territories are also mentioned. In the First Schedule to clause 1, Bombay is mentioned as a Union territory. I submit that the Bombay City should be deleted from the category of Union territory and it

should be integrated with the neighbouring State of Maharashtra and that a machinery should be found out to safeguard the interests of a section of people in Bombay, who have expressed certain alleged apprehensions and fears.

Secondly, I would refer to clause 7 which seeks to amend article 168 of the Constitution. That article provides for bicameral legislatures in certain States. I would submit that there should be a Legislative council for Maharashtra. It is essential in the new set up of the integration of the Marathi speaking areas of the new State.

Thirdly, I would say something about clause No. 9. The strength of each Assembly and the Council has been given. In the proposed Maharashtra State Assembly, there would be 240 members and so the ratio would be 1 : 6. The Madhya Pradesh Assembly has passed a resolution that the strength of members should be increased from 240 to 320 and the Hyderabad Assembly has also passed unanimously a resolution that the ratio should be 1 : 7. I will prefer this *via media*, because an unwieldy House would not serve the useful purpose and that it be a liability on the State. If there is a bicameral legislature for Maharashtra, I would suggest that the proportion of Parliamentary seats and the Assembly should be 1 : 7. The strength of the Maharashtra Assembly should be of 280 or 270 members.

I would refer to clause No. 15. It proposes a common High Court for two or more States. I know that the Bombay Assembly has passed a resolution that there should be three separate High Courts—one for Gujarat, one for Maharashtra and the third for the Union territory of Bombay. I do not see the wisdom in it. I know and I appreciate the high traditions established and the great prestige and reputation maintained by the Bombay High Court. I also pay my humble tribute to the late Justice Ranade Telanga, Chandarkar, Rajadhyaksha and others and the present sitting Judge, Justice Gajendragadkar. The seat of the High Court should be in Bombay. I would submit that there should be a High Court for Maharashtra and Bombay and a separate High Court for Gujarat. In that respect, I would commend my amendment that the High Court of Bombay shall, as from the appointed day, be deemed to be the High Court for the State of Maharashtra and Greater Bombay.

[Shri V. P. Pawar]

I would now refer to clause 21 which proposes to replace article 371. There is a proposal for the regional committees. There are special reasons in Punjab and Telangana for regional committees. I do not see any propriety for claiming regional committees for Vidarbha or Greater Bombay. There are no special problems as such. It would be a dangerous principle if applied to Vidarbha or Greater Bombay. I submit that this should not be made applicable to these two areas in the larger interest of Maharashtra State. The sixth point relates to the appointment of boundary commissions. There should be some uniform policy to settle the boundary disputes. A village here or a village there does not matter much. But let us apply the same uniform policy and once for all settle all these border disputes, particularly Marathi speaking areas of Belgaum, Nipani and Karwar.

After mentioning all these six important points, I would like to say a few words about the talk of bilingual State. I can understand the Members, who belong to places outside Bombay, saying something about a bilingual composite State of Bombay. In this connection I would like to invite the kind attention of the House to the fact that time and again, in the Bombay Legislative Assembly we have resolved that there should be three separate States of Maharashtra, Karnataka and Gujarat. The resolution moved by me in the Bombay Legislative Assembly proposing that there should be separate States of Karnataka, Gujarat and Maharashtra including Bombay, was unanimously passed. That is the unanimous opinion of Maharashtra. If we do not want to have this bilingual State, why impose this bilingual formula against our wishes. I am very glad to note that our revered Home Minister yesterday in his speech said that this bilingual composite formula for Bombay has been discarded.

Shri D. C. Sharma (Hoshiarpur): No.

Shri V. P. Pawar: He did positively say that it will not be imposed against the unanimous will of the Maharashtrians. We do not want it. We have categorically rejected it. When we say unequivocally that we object to it, do you mean to say that this bilingual affair should be imposed upon us? No. That cannot be tolerated. It would be undemocratic and unjustifiable. Hon. Members have absolutely no experience of

this bilingual State business. Had they that experience they would not have urged upon this bilingual affair to the people of Maharashtra.

We are glad that this bilingual formula for Bombay has gone once for all. I congratulate the Government for discarding this proposal of bilingual composite State of Bombay. I pray to our revered leaders and the House that our demand is just, we want fairplay and justice done to us. God bless Maharashtra State.

Shri D. C. Sharma: What I referred to was about the bilingual formula going on in Punjab.

Pandit G. B. Pant: Mr. Deputy-Speaker, Sir, this discussion on the motion that I made yesterday has followed the lines of the debate on the States Reorganisation Bill. It looks as though hon. Members, who have not had the opportunity of giving expression to their views when the States Reorganisation Bill was under consideration, have availed themselves of this opportunity for impressing the House with their own considered opinions. But it looks as though we are having more or less a continuation of a debate on the States Reorganisation Bill. That indicates the importance of the subject matter of that Bill.

Before proceeding with the views that have been expressed here, I should like to say a word about the amendments proposed by Shri Kamath. I wish he had refrained from doing so. The amendments were altogether unnecessary. They are against the spirit of our Rules and, they are likely to reflect upon the dignity of this House and upon the unanimous desire of this House to maintain high standards and to look to the Speaker, who is the repository of our privileges and rights, for guidance in all cases.

The Rules prescribed for the conduct of business by our House provide that a reference should be made to the Speaker whenever there is any occasion for consulting him with regard to the procedure to be followed in a Select Committee appointed by this House. Rules 109 and 110 are clear on the point. Rule 109 says:

"(1) The Speaker may from time to time issue such directions to the Chairman of the Committee" (that is the Select Committee) "as he may consider necessary for regulating its procedure and the organization of its work."

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final."

Rule 110 reads :

"A Select Committee shall have power to pass resolutions on matters of procedure relating to the Select Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary."

The amendments proposed by Shri Kamath are contrary and antagonistic to the letter and the spirit of these Rules. It is strange, that while with respect to matters pertaining exclusively to this House this House should place implicit confidence in the Speaker and empower him to regulate the procedure of the Select Committee in any way he would deem fit, there should be an objection on the part of any hon. Member of this House with regard to a similar power being vested and given to the Speaker in the matter of the regulation of the procedure of a Joint Committee. I hope Shri Kamath will please make amends by withdrawing his amendments. That is not ordinarily his way, but perhaps he may listen to my advice in this particular case—I do not like to think that he is altogether incorrigible.

With regard to the various points that have been raised, I should like to touch upon only a few of them. Some suggestions have been made about the salaries of the High Court Judges. Well, we on our part, have no desire to make any distinction between the salaries of the Judges of the High Court whether the court be situated in a big State or in a comparatively smaller one, but the salaries are met out of the Consolidated Fund of the States and we cannot altogether impose our will on the States. So, as I suggested yesterday, the best way is to persuade the Members representing the States here to agree to a uniform scale being adopted for all States. Travancore-Cochin, Mysore and Rajasthan were the three States where the salaries differ from the scale that obtains in other States. Rajasthan has since expressed its desire to fall in line with the rest.

The only remaining States are Mysore and Travancore-Cochin. If the Members representing Karnataka and Mysore here wish that the same scales should apply to Mysore, I think there

need be no difficulty. Similarly, if the hon. Members representing Travancore-Cochin express a desire to that effect, that will fully meet the case and then we will have the same scale for all States. I would myself welcome it. So, let them make up their minds and let us know.

Sir, as to the important work that the judges have to do, there can be no two opinions. In fact, they are the guardians of the liberties of the people and also of the Constitution under which we have to function. They are the fountain-heads of justice. We want to do all we can to maintain highest standards in the judicial tribunals, in the High Courts and in the Supreme Court and to co-operate with the people and with the judges in ensuring this objective.

Some objection has been raised, I understand, to the proposal contained in the Bill for enabling the High Court judges, after their retirement, if they so choose, to practise in courts situated outside the jurisdiction of the High Courts in which they have had the opportunity to serve. As hon. Members may be knowing, there is sometimes some difficulty in securing the services of the successful advocates for the High Courts. They feel reluctant in going from the bar to the bench because of the immediate loss that such a promotion would involve. They are also influenced by the consideration that after their retirement they would not be able to resume their practice. Formerly they were allowed to do so but a change was made some years ago. The experience of the last few years has forced us to review that in order to secure the assistance of really competent and foremost advocates, for the dispensation of justice in the High Courts it is desirable to permit them to resume practise after they retire. The pension that they receive is not adequate to enable them to meet all their needs. So, that is the desire of the judges too. We should, I think, accede to and accept what they desire and what we all consider to be right and equitable.

The salaries of the judges are not excessive. They are certainly high as compared with the salary that men in ministerial ranks or in other places get. But it is so all over the world, because, fortunately or unfortunately, the successful advocates make lots of money; they seem to be minting gold. So, when they are asked to accept a place in the High Court they are naturally,—human

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nature being what it is—swayed away by the consideration that the pecuniary loss, in solid gold, would be substantial, and that comes in the way of their joining the High Courts. The public suffer on that account. A few hundreds do not matter much if really justice, pure and noble, is ensured and dispensed by those who preside over the benches in the High Courts. So, let us not grudge the salary that has been provided for the judges in our Constitution.

There seems to be some misunderstanding about a provision in the Constitution about the numbers that are now being provided for the Members of the Lok Sabha. The maximum of 500 Members has been laid down for the States and 20 for the territories. But it does not mean that 520 Members ought to be appointed forthwith. Formerly there was no limit for the representatives that might be returned from or nominated for the territories. This was a lacuna. So we thought that we should fix the maximum of 20 for Union territories. The Government have almost a free hand in this matter. So, in order to limit the discretion and authority of the Government we had put the maximum at 20. But the total number of representatives, as hon. Members might have seen from the schedule attached to the States Reorganisation Bill, in the Lok Sabha, from the States as well as territories, is intended to be only 499 at present. But it can go up to 520—500 from the States and 20 from the territories. But no immediate change is intended beyond what is indicated in the schedule that is attached to the States Reorganisation Bill.

Again, some remarks have been made about the Zonal Councils. The Zonal Councils are not being given any statutory authority and I had given the reasons yesterday. I do not want to repeat what I then said. It was observed that the Zonal Councils and the regional committees do not seem to fit in with each other. I do not see any sort of incompatibility between the two. The Zonal Councils are intended to bring the different States together so that they may exchange views on matters of common interest and reach some sort of agreement if at all possible. So they are of an advisory character, and through the Zonal Councils we expect that some sort of link will be provided for binding the States that are now being separated on the basis of linguism, together. So, that is the objective.

So far as the regional committees are concerned, they are committees of the legislature consisting of the members of the legislature belonging to the respective regions for looking after certain matters which concern the day-to-day life in the States intimately. It is just like we have got our local self-Government bodies. But one might say, "When you have got your local self-Government bodies like Municipal Boards and District Boards, then, having the central Government is something that is not consistent with that". But it becomes all the more necessary to have this—when you have got a bigger body—as an intermediate body. After all, all these arrangements are made not on any theoretical or ideological basis but out of regard for the circumstances in which we have to function and in order to satisfy the aspirations of different sections of the community.

After all, democracy functions to the satisfaction of the people and every step has to be taken which is consistent with the basic fundamentals to give satisfaction to all classes, communities and interests living in this land, so that all might feel the thrill of freedom and join hands in the constructive and co-operative effort which has to be made for the rapid advancement and development of the country. I am sorry that some people in Jullundur Division have not yet fully appreciated the import and implications of the regional scheme. The Government's mind is absolutely clear about the regional scheme as well as about the zonal scheme and there is nothing misty or cloudy about it. The scheme was placed on the Table of the House and hon. Members must have seen it. I am really sorry that some of the citizens of the Jullundur Division have not yet come to fully appreciate the merits of this scheme. My own belief is that if they examine it dispassionately, they will find that there is nothing in it that should cause them any sort of misgiving or apprehension about the future. It is a challenge to all the people living in the two regions to sink their petty differences and prejudices that have grown in the course of the last 10 or 20 years and to realise that the welfare of each and every one of them lies in making a common cause with the other brethren living at least in the particular region to which he himself belongs. We have been hearing of bilingual and unilingual States. But here you see the strange phenomenon of people speaking one language, living in a

region in which only a particular language is spoken, if not quarrelling with each other, feeling suspicious, being jealous and having rivalry and distrust as the main feature of their public and perhaps to some extent private life. This has to give way to something better and nobler. It is necessary in their interests and also in the larger interests of the country and I am not without hope. I am fully confident that the friends who still have any lingering doubts will find, after they have applied their minds dispassionately and sympathetically to this problem and to the solution that we have devised for this purpose, that it is worthy of acceptance. If they fail to do so, they will be failing in discharging their elementary duty towards their State and towards the country.

Something has also been said about bicameral legislatures. Some friends here feel that we should have only one chamber in each State and there should be no Upper House. Well, the States are free to make their choice. The essence of democracy lies in giving the maximum freedom to every section that is consistent with the unity, integrity and progress of the country for its own development and for the satisfaction of all its aspirations and sometimes even its vagaries. So, if some people want to have this second chamber, we do not want to come in their way. As hon. Members are aware, under our Constitution, it is open to the Lok Sabha at any time to propose that the second chamber be abolished. It is also open to the Assembly in the States to suggest the abolition of the second chamber, if it happens to be there, in that particular State. So, even if the Council or the Upper House is established in any State, it is an arrangement which will last only so long as the representatives of the popular House wish to retain it. It is there more or less at their mercy, but on my part, I will say that sometimes the Upper House does serve a useful purpose. When legislation has to be examined, it is often desirable that the Bills framed might be examined not only by the House in which they originate, but also in another chamber. Sometimes when you add up the figures, you go on making the same mistake again and again, though the mistake may be almost a patent one. Sometimes you put down 100 plus 10 as 120; you go on adding and checking again and again but you always obtain the figure 120. But, if another man does it, he immediately spots it out and says, it is not

120 but 110. So, it is sometimes useful too, but all the same, the choice lies with the States concerned.

An Hon. Member: There are 500 people here.

Pandit G. B. Pant : We 500 people form one solid phalanx.

There was also something said about safeguards for linguistic minorities. As hon. Members are aware, there is a provision in the Bill with regard to the safeguards for primary instruction. But, the Commission has suggested a series of safeguards and we have accepted them. Safeguards are needed, so that every citizen may enjoy the full rights in every part of India, regardless of his language, creed, sex or other distinguishing features. Not only there is the matter of language, but there is also another important factor, namely, domicile. Sometimes people are not allowed to serve in the States if they are not permanent residents of those States. Sometimes they are not allowed to own lands or to purchase land in certain States. There are also other conditions. We wish every citizen in every State, subject to such safeguards as may be necessary for that particular area, to enjoy fully the rights and privileges of citizenship in every part of India.

The Bill provides in certain cases that after the reorganisation of States, the Speakers and Deputy-Speakers of the existing Assemblies in the major part of the new States which formed a single unit formerly will continue to occupy those places.

Shri M. S. Gurupadaswamy : It may be left to the new Assemblies.

Pandit G. B. Pant : That was the suggestion and I am referring to that. We have made a provision in the Bill to the effect that the existing Members of all Assemblies will be the Members of the legislatures of the new States. The legislature of Coorg has at present, I think, 25 or 24 Members. It is more than 20 in any case and it has a population of about 2 lakhs. We still wish that there will be no disturbance and all those who have the privilege of representing their constituencies in the existing States may be allowed to do so in the legislatures of the new States.

So, the new legislatures will not be based on the uniform principle of representation. Some of the existing legislatures will be heavily represented while

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others will be inadequately represented. We are doing so so that there may be the least disturbance till the general elections. So, we felt that it would be advisable in the circumstances to allow the Speakers and the Deputy-Speakers also to continue because when the Members do not represent the constituencies on a uniform basis, then it is best to accommodate others as they themselves are being accommodated. But, all the same, the Joint Committee will be free to consider the question.

2 P.M.

I was expected to speak only till two o'clock. I have done so.

Shri Kamath : On a point of clarification, Sir, the hon. Home Minister was good enough to suggest that I should make amends for the amendments I have tabled. Does he not agree, endowed as he is, I believe, with a keen sense of fairness, justice....

Shri Chattopadhyaya (Vijayavada): And wisdom.

Shri Kamath :....that the Speaker has to make amends for the manner in which he treated me yesterday....

Mr. Deputy-Speaker : We are not discussing that controversy.

Shri V. G. Deshpande (Guna): I will ask about one point. The Home Minister now referred to the Speaker and the Deputy-Speaker. May I point out to him that in Madhya Pradesh, the Deputy-Speaker happens to represent a constituency which will go to Maharashtra. It has been provided that he will be the Deputy-Speaker in the new Assembly. Such anomalies are likely to be there if this kind of provision is made in this Bill.

Mr. Deputy-Speaker : It would now be for the Joint Committee. The hon. Home Minister has stated that the Joint Committee would be free to make any changes.

Shri Kamath : What about the point I have raised?

Shri S. S. More (Sholapur): It is not a point.

Shri Kamath : I do not want you to give any ruling. I have put it to the House.

Mr. Deputy-Speaker : There is a motion before the House. There are certain amendments moved by the hon.

Member Shri Kamath. An appeal was made by the Minister of Legal Affairs to Shri Kamath when he was absent...

Shri Kamath : I was present.

Mr. Deputy-Speaker : I am sorry.

Shri Kamath : Minister of Legal Affairs? I was not present.

Mr. Deputy-Speaker :... that he might be well advised to withdraw these amendments. I only want to know the reactions of the hon. Member.

Shri Kamath : I want to know the reaction of the Home Minister to my suggestion.

Mr. Deputy-Speaker : There is nothing to be known. I presume that the hon. Member wants me to put these amendments.

Shri Kamath : Yes.

Pandit G. B. Pant : My reaction is that throughout the Speaker has behaved in a proper manner.

Shri Kamath : I differ most emphatically.

Mr. Deputy-Speaker : The hon. Member will not enter into this controversy. It is not the issue now. The only issue is whether these amendments be accepted. So far as I can make out, they really contravene the rules that we have got already, rules 109, 110, etc. Even then, I am prepared to put them to the House and leave it to the House, whatever the decision might be.

Mr. Deputy-Speaker : The question is :

That in the fourth part of the motion—

omit "with such variations and modifications as the Speaker may make."

The motion was negatived

Mr. Deputy-Speaker : The question is :

That in the fourth part of the motion, for "the Speaker may make" substitute, "the House may make".

The motion was negatived

Mr. Deputy-Speaker: The question is:

That in the fourth part of the motion, after "the Speaker may make" insert "subject to the approval of the House"

The motion was negatived

Mr. Deputy-Speaker: The question is :

"That the Bill further to amend the Constitution of India be referred to a Joint Committee of the Houses consisting of 51 members; 34 from this House, namely, Shri U. Srinivasa Malliah, Shri H. V. Pataskar, Shri A. M. Thomas, Shri R. Venkataraman, Shri S. R. Rane, Shri B. G. Mehta, Shri Basantha Kumar Das, Dr. Ram Subhag Singh, Pandit Algu Rai Shastri, Shri Dev Kanta Barooah, Shri S. Nijalingappa, Shri S. K. Patil, Shri Shriman Narayan, Shri G. S. Altekar, Shri G. B. Khedkar, Shri Rudha Charan Sharma, Shri Gurmukh Singh Musafir, Shri Ram Pratap Garg, Shri Bhawanji A. Khimji, Shri P. Ramaswamy, Shri B. N. Datar, Shri Anandchand, Shri Frank Anthony, Shri P. T. Punnoose, Shri K. K. Basu, Shri J. B. Kripalani, Shri Asoka Mehta, Shri Sarangadhar Das, Shri N. C. Chatterjee, Shri Jaipal Singh, Dr. Lanka Sundaram, Shri Tek Chand, Dr. N. M. Jaisooriya, and Shrimati Tarkeshwari Sinha,

and 17 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 members of the Joint Committee;

that the Committee shall make a report to this House by the 14th May, 1956;

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."

The motion was adopted

HINDU SUCCESSION BILL—contd.

Mr. Deputy-Speaker: We have to take up the next item on the agenda.

The House will now take up further consideration of the motion moved by Shri Pataskar on the 12th December 1955,

"That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

There are 35 hours available for the disposal of this Bill. Shri Pataskar has already finished his speech.

Shri S. S. More: (Sholapur): Has he to say anything by way of refreshing our memory?

Mr. Deputy-Speaker: That would be refreshed when we listen to other Members.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ मध्य) : माननीय उपाध्यक्ष महोदय, प्रस्तावित बिल में.....

Mr. Deputy-Speaker: The hon. Member will excuse me. There are certain amendments also that are to be taken up. Shri V. G. Deshpande.

Shri V. G. Deshpande (Guna): I want to move it.

The Minister of Legal Affairs: (Shri Pataskar): I think under the rules, that amendment cannot be moved.

Mr. Deputy-Speaker: I will come to that. There are other amendments also. Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava (Gurgaon): I have forgotten what the previous amendments were. I have today given notice of some amendments.

Mr. Deputy-Speaker: I am talking of those amendments.

Pandit Thakur Das Bhargava: I propose to move all the amendments, 21, 22 and 23. May I move them?

Mr. Deputy-Speaker: I only wanted to know his intention. Let us hear the hon. Minister. He has objections to their admissibility.

Shri Pataskar: This Bill originated in the Rajya Sabha.

[Shri Pataskar]

It was referred to a Joint Committee. After the Joint Committee submitted its report, that Bill has been passed by the House in which it was originated. The rules that we apply to the motions to be made in a Bill at this stage are those commencing from rule 151 which relate to Bills originating in the Council and transmitted to the House. The first rule is, when a Bill originating in the Council has been passed by the Council and is transmitted to the House, the Bill shall, as soon as may be, laid on the Table. All this must have been gone through. Rule 153 relates to the motion for consideration.

Then, the main rule is 155 which reads:

"Any member may (if the Bill has not already been referred to a Joint Committee of both the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such a motion is carried, the Bill shall be referred to a Select Committee, and the rules regarding Select Committees on Bills originating in the House shall then apply."

In fact, under rules 151 and onwards relating to Bills originating in the Council and transmitted to this House, only certain motions could be moved. One of the rules, rule 155 relating to the appointment of Select Committee specifically states "if the Bill has not already been referred to a Joint Committee of both the Houses, but not otherwise". If the Bill had not been referred to a Joint Committee and passed by that House, there could be a motion that this Bill be referred to a Select Committee. Otherwise, all these motions, which are more or less of a dilatory character, are out of order.

Shri Deshpande's amendment reads :

"That the Bill be referred to the Joint Committee with instructions to omit all references affecting the Mitakshara Joint Family property and to redraft the Bill accordingly."

He wants that the Bill should be referred back to the Joint Committee. There is no provision in the rules with respect to any such motion being made in respect of a Bill which has been passed by the other House and then has come before this House in the form and at the stage in which it has come.

Then, with regard to the amendments of my friend Pandit Thakur Das Bhargava, I think they were received only at 11-35 this morning. So far as I am concerned, they are only dilatory motions, and I would really be reluctant that in this case notice should be waived and they should be allowed to be moved, but that is a technical matter.

There is an amendment of Pandit Thakur Das Bhargava which reads :

"That the Bill be circulated for eliciting opinion thereon."

I do not think any such motion is contemplated by the rules which have been made with respect to such Bills. In fact, so far as this Bill is concerned, it had been originally circulated for public opinion, then it was considered by a Joint Committee of both the Houses, all those stages have been gone through.

Pandit Thakur Das Bhargava: (Gurgaon) : May I know if this Bill was sent to the country for eliciting public opinion? for aught I know this Bill was never sent out.

Shri Pataskar: That is not correct.

Amendment No. 22 of Pandit Thakur Das Bhargava reads :

"That the Bill be recommitted to the Select Committee to reconsider and report upon the original Bill with directions to exclude matters and properties which were expressly excluded by the Bill."

This again is another dilatory motion saying that the Bill be recommitted to the Select Committee. I do not think that is also contemplated and justified by the rules to which I have already referred.

His third amendment reads :

"That the Bill be referred to a Select Committee consisting of (the names of persons to be mentioned at the time of making the motion) with instructions to report upon the original Bill by the end of August, 1956."

I think this is clearly barred even under rule 155 because it could be moved only if the Bill had not been referred to a Joint Committee. Rule 155 is clear enough.

Apart from this, I would like to submit these are all what we may call dilatory motions. In this connection, I

would invite your attention to Rule 323 which reads :

"(2) If the Speaker is of opinion that a motion for re-circulation of a Bill to elicit further opinion thereon is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the original circulation was adequate or comprehensive or that no circumstance has arisen since the previous circulation to warrant the re-circulation of the Bill, he may forthwith put the question thereon from the Chair or decline to propose the question.

"(3) If the Speaker is of opinion that a motion for re-committal of a Bill to a Select Committee of the House or a Joint Committee of the Houses or circulation or re-circulation of the Bill after the Select Committee of the House or the Joint Committee of the Houses has reported thereon, is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the Select Committee of the House or the Joint Committee of the Houses as the case may be has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such committee, he may forthwith put the question thereon from the Chair or decline to propose the question."

I would further submit that looking to the stages through which this Bill has passed all these are dilatory motions which are intended only to prevent the passage of this long-due measure. In any case I am opposed to any such motion being made at this stage.

Shri V. G. Deshpande: May I make a submission?

Pandit Thakur Das Bhargava: May I know the rule that the hon. Minister is quoting?

Shri Pataskar: My primary objection is that there is a special procedure with respect to Bills originating in the other House, and all these motions are out of order.

Pandit Thakur Das Bhargava: I want to know the rule quoted.

Mr. Deputy-Speaker: Rules 155 and 323.

Shri V. G. Deshpande: I want to make only one submission, but in the beginning I want to clear one misunderstanding. We have not moved these motions with a view to delay the passing of this Bill. When the report of the Joint Committee came, the Minister of Legal Affairs himself admitted in the Rajya Sabha that there were many defects in the drafting of the Bill and therefore, at his suggestion, many amendments were made in the Rajya Sabha. We have found that in the Rajya Sabha itself so many inconsistencies came out. I would only quote one instance. That is

Mr. Deputy-Speaker : One thing I should point out to the hon. Member. The question is whether it is admissible at this stage for us to refer it to a Select Committee when already the Rajya Sabha had referred it to a Joint Committee and it has now come to us after having been passed by the Rajya Sabha. The hon. Member might argue on the lines that have been indicated. Under Rule 155 we are not permitted to again refer. . . .

Shri V. G. Deshpande : That also I will cover. I just wanted to make it clear that it is not delaying tactics that we are adopting. I will only point out one instance and then come to the point.

There is a proviso under clause 6 of the Bill, reading :

"Provided that, if the deceased had left him surviving a female relative specified in class I of the Schedule or a male relative specified in that class. . . ."

This was an amendment because originally there was only "female relative". That was amended and we provided for "a male relative specified in that class". But, in the *Explanation* they forgot to make that change, and it reads :

"...and the female relative shall be entitled to have her share in the coparcenary property. . . ."

That means, even after this amendment, a relative who claims inheritance through a female relative is not likely to inherit. Such inconsistencies still remain.

The motive with which I have given the amendment is not to delay this Bill, but I want that a Bill of this nature, even if it departs fundamentally from

[Shri V. G. Deshpande]

the old laws, should be at least specific and precise and not lead to litigation. I think no section of the House would desire that the Bill should be passed whatever may be its defects, whatever litigation it may lead to.

So far as Rule 155 is concerned, I have to make only one submission, and that is that the original Bill which the Rajya Sabha had sent to us is not this Bill, because the original Bill had specifically provided that *Mitakshara* property would be excluded from the purview of this law, but the Select Committee took it upon itself to make laws and regulations which I think has made confusion worse confounded. Therefore, this Bill is fundamentally different from the original Bill, and therefore, all the rules which apply to Bills originating in the other House would not apply here. We are not going to accept a Bill which has been hurriedly drafted, in which provisions have been made and amended and which will have to be amended again. Let the House sit in a committee or let it be referred back to the Joint Committee. Let the drafting be made proper and the wording be precise. In view of this intention and considering the situation that has arisen, I think the Speaker may regard this Bill as an altogether different Bill and give the ruling in my favour.

Mr. Deputy-Speaker : Can the hon. Member help the Chair in showing sympathy to the hon. Member by pointing out some rule which might help.

Shri S. S. More : *rose*—

Mr. Deputy-Speaker : Let us hear Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava : So far as the rules go and so far as the general principle of the concurrence of both the Houses goes, the correct rule seems to me to be that even when the other House has passed a Bill or even deliberated upon it, it is open to this House to see that a Select Committee is appointed again. If the other House has just passed a Bill, that does not take away the power of this House to appoint a Select Committee. I remember that in regard to another Bill which was passed by the Rajya Sabha and transmitted to this House, namely the Railway Stores (Unlawful Possession) Bill, a Select Committee was appointed subsequently of which you were the Chairman.

That Bill was passed by the Rajya Sabha. But we appointed a Select Committee when it came up in this House, and then ultimately we passed that Bill.

My humble submission is that in regard to this Bill, the circumstances are quite special, in so far as clause 5 of the original Bill ran thus :

"Act not to apply to certain properties:—This Act shall not apply to—

(i) any joint family property or any interest therein which devolves by survivorship on the surviving members of a coparcenary in accordance with the law for the time being in force relating to devolution of property by survivorship among Hindus;

(ii) any property succession to which is regulated by the Indian Succession Act, 1925 (XXXIX of 1925) by reason of the provisions contained in section 21 of the Special Marriage Act, 1954 (43 of 1954);

(iii) any property succession to which is regulated by the Madras Marumakkattayam Act, 1932....."

Then, the various Acts are given there.

The clause further went on to say :

"(iv) any estate which descends to a single heir by a customary rule of succession or by the terms of any grant or enactment."

To start with, as the motion for reference of the Bill to the Joint Committee was under discussion here, one of the provisions of the Bill was this clause 5. When the Minister wanted to say something in regard to the original Bill, and changes which he could make in the select committee the Deputy-Speaker then in the Chair said that it was difficult to say whether it would be possible for the Joint Committee to depart from the accepted principles in regard to the proceedings of a Joint Committee. When we sent the Bill to the Joint Committee, it was the original Bill that was placed before this House. And we were given to understand that so far as joint family properties and other properties mentioned in clause 5 were concerned, they would not be touched by this Bill, they would not be considered, and that no matter relating to the properties referred to in clause 5 would be considered by the Joint Committee.

Ultimately, it so happened that the report of the Joint Committee was placed before the other House, and this House was not in a position to take exception to any of the provisions. As a matter of fact, in my opinion, when the Deputy-Speaker indicated this from the Chair, it meant that no property could be included, which came under clause 5 in the Joint Committee. Now what happens in a Joint Committee or a Select Committee? As you are aware, the members of the public have got the right to make representation to the Select Committee.

Mr. Deputy-Speaker : I would request the hon. Member not to deal in detail with what the Joint Committee did or with what principles they had departed from. We have only to overcome the rule that has been pointed out. After the Bill has been passed by the other House and transmitted here, can we refer it again to a Joint Committee or a Select Committee?

Pandit Thakur Das Bhargava : May I know what the number of that rule is? I have not been able to find it out.

Mr. Deputy-Speaker : It is Rule 155.

Pandit Thakur Das Bhargava : Rule 155 reads :

"Any member may (if the Bill has not already been referred to a Joint Committee of both the Houses but not otherwise) move as an amendment that the Bill be referred to a Select Committee...."

This rule applies only to cases, that is, ordinary cases, where a Select Committee or a Joint Committee has not functioned. But I want to know the position and rule which lays down the procedure to be followed in respect of a Bill on which the Joint Committee has reported. This rule only makes an incidental motion. I have yet to find a rule which lays down that procedure. After the Joint Committee has reported, and the other House has taken a decision, what are the rights of this House? They are not the subject-matter of Rule 155. That rule only says by way of generalisation what can be done in respect of Bills which do not come under this definition. It does not speak of Bills which come under this definition. I want to know of a rule which lays down what the rights of this House are after the other House has passed a certain

Bill. Since my hon. friend has not quoted anything to the contrary, I think, the principle that should be adopted is that this House is an independent House. As a matter of fact, we are not bound by anything which the other House does; though we are sister Houses, and we respect their opinions, all the same, this House has got an independent existence, and it has the right to give an independent opinion, and come to any judgment which it chooses to care. In regard to every Bill that comes up here, it comes as if it had been reported by a Select Committee. Otherwise, there is no other difference. To say on this basis that we shall not be allowed to have our own Select Committee or to say that we do not like the Bill because it transgresses the limits of the original Bill, or that we cannot make any motions of this kind, would mean that you are really tampering with the liberties of this House, and with the rights of this House. It is the prerogative of this House to come to an independent judgment in respect of all matters which have been the subject-matter of discussion in the other House, and we can adopt an independent course. Supposing the other House passes a Bill, are we bound to pass it? As a matter of fact, we can reject the Bill and we can adopt any other course open to us? But we are not in that mood now.

My hon. friend has referred to Rule 323. I am very sorry that he should have referred to it, for these motions are far from being any dilatory motions. I am bound by the vote of the House. At the same time, my own feeling is that in this Hindu Succession Bill, you are legislating for the whole of India, and especially, you are departing from the basic principles of the succession law, as we have been understanding it for thousands of years. When you are doing that, it is but natural, I think, that the country should be consulted. So far as the present Bill is concerned, the country has not been consulted at all, on the contrary, the country has been lulled into sleep by the provision in the original Bill to the effect that it will not apply to joint family properties. The country knew that the Bill was to the effect that joint family properties would not be touched. Now, the Minister comes forward here and wants to enact a Bill on which the country has not given its opinion. Therefore, it is absolutely necessary, if we are to stick to our rights that you must show how these motions are barred. The

[Pandit Thakur Das Bhargava]
burden is on you to show that the motion is barred. The burden is not on me to show that I have no right to move these motions.

My humble submission is that the question is one concerning the rights of this House, and I am bound to say that the Chair is bound to look at the question from a standpoint which is different from that adopted by the Minister. Further, it is not only a question of the rights of this House only; it is a question of the rights of the other House also. What is the use of having two Houses, if they cannot exercise all the powers that have devolved on them independently in respect of these Bills?

Even taking into account the fact that the Bill had been referred to a Joint Committee, I would submit that that has not bound any of the Houses to any principle at all. Even supposing that the principle has been accepted, and we are bound by it, what is it to which we are bound? We were bound only to the provisions of the original Bill. As long as that original Bill was there, no Select Committee, and no Joint Committee could alter it in this way, and it was beyond the province of the Joint Committee to have gone beyond what was contained in original clause 5.

Taking all these standpoints into consideration, I would submit that unless and until the Members of this House and the country are allowed to make representations to the House, and they know fully well that the basic principles are being changed, and the exemptions given under clause 5 are not being allowed to stand now, it will not be fair if we are debarred from moving these motions. I would therefore request that you may kindly allow me to move these motions.

Shri S. S. More: At the outset, I must make it specifically clear that I was a Member of the Joint Committee, and I do believe that the Joint Committee, has not transgressed any of the provisions regarding which complaints have been lodged by the two hon. Members.

All the same, I am academically interested in the rights of this House. As far as Rule 155 is concerned, it only lays down whether if a Bill had been referred to a Joint Committee, we could make a motion here referring the Bill to a Select Committee, and that rule debars us from making any such motion.

But my hon. friend Shri V. G. Deshpande has proposed an amendment which says that the Bill be referred to the same Joint Committee.

Pandit Thakur Das Bhargava: I have also done the same thing.

Shri S. S. More: Unfortunately, the hon. Member's amendments have not been circulated.

If the amendment is to the effect that the Bill be referred back to the same Joint Committee, then I would rely on the rule which has been quoted by my hon. friend the Minister of Legal Affairs namely Rule 323 (3) which says:

"If the Speaker is of opinion that a motion for recommitment of a Bill to a Select Committee of the House or a Joint Committee of the Houses or circulation or re-circulation of the Bill after the Select Committee of the House or the Joint Committee of the Houses has reported thereon, is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the Select Committee of the House or the Joint Committee of the Houses as the case may be has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such committee, he may forthwith put the question thereon from the Chair or decline to propose the question."

If we analyse this particular rule, it means that Members are quite competent to move a motion that the Bill be referred back or recommitted to the Joint Committee or the Select Committee which had originally reported. That rule also prescribes certain considerations which the Speaker has to take into account before he either accepts the motion as a valid one, or rejects it as being dilatory. I am arguing on the point that the special procedure laid down in Rule 323, on which the Minister has relied, also controls the special procedure in Rule 155. Therefore, a motion that the Bill be recommitted to the Joint Committee or committed to a Select Committee is not *ipso facto* void. The Speaker may come to the conclusion that it is dilatory that is another matter. He has to apply his mind to that. But the motion *ab initio* is not void.

Shri Sadhan Gupta (Calcutta South-East) : Mr. Deputy-Speaker, Sir, regarding the admissibility of Pandit Thakur Das Bhargava's amendments, I think Rule 155 fairly covers the case. Rule 155 as far as I have been able to understand it, refers to any Bill of any description which has been referred to a Joint Committee and which has been sent from the Rajya Sabha. If that is so, this Bill was referred to a Joint Committee and it has been sent to us by the Rajya Sabha after the Joint Committee has reported and the Rajya Sabha has considered and passed the Bill.

You will remember that this Bill was initiated in the Rajya Sabha. Pandit Thakur Das Bhargava relies on an observation of the Deputy-Speaker. I remember that observation; that was not a ruling. He was expressing a certain view. As far as I remember, there was no point of order or anything of that kind raised. He was just giving expression to a view in the course of certain discussions that the Joint Committee might not be competent to make a change in the provisions relating to exclusion of joint family property. I take it to be only an expression of view and not a ruling by the Deputy-Speaker after consideration of the whole thing. But even if it was a ruling, the point is that the Joint Committee was set up at the initiative of the other House. The Joint Committee, under the rules, was governed by the procedure of the other House and it was the Chairman of the other House who was the competent authority to decide upon the functions of the Joint Committee and the competence of the Joint Committee.

Now, apparently, no objection was raised and the Joint Committee thought itself competent to make this change. When it came back to the Rajya Sabha, no objection was made, and therefore, we might presume that according to everyone concerned in that House, including the Chairman, the Joint Committee was quite competent to do so. They proceeded on the assumption that the Joint Committee was quite competent to include joint family property which devolved by way of survivorship.

Therefore, we in this House cannot discuss the competency of the Joint Committee. Then the question arises—Pandit Thakur Das Bhargava has pertinently raised the point—whether our House will forfeit its privilege of referring the matter to a Select Committee if the Joint Committee, for example,

did something wrong. Must our House be deprived of its privileges? But this question is not relevant at all because we knew that we were joining a Joint Committee where the rules of our House did not apply, where the rules of the other House applied and where the Chairman of the other House was the competent authority to decide. Therefore we were concurring with the motion for joining a Joint Committee with the full knowledge that we would have to abide by whatever that Joint Committee decided regarding procedure. That Committee has reported to the Rajya Sabha and the Rajya Sabha has passed the Bill and sent it to us. If we do not agree with some aspect of the Bill, it is up to us to reject it. I could understand a straightforward opposition, say, at the consideration stage, or, if Pandit Thakur Das Bhargava, does not like the inclusion of joint family property, opposition to the appropriate clause. In that way, our House can assert its rights in the matter of any particular provision. But as regards reference to a Select Committee, that has already been covered by the rule, and as we agreed to join the Joint Committee with the full knowledge of what we were doing, I think that question cannot be re-opened again.

Secondly, I would also urge upon you to treat this motion as dilatory.

Mr. Deputy-Speaker : The hon. Member shall be brief.

Shri Sadhan Gupta : Not that this matter has come up for the first time. There was a very strong argument, I remember, when the motion was discussed for the inclusion of joint family property, and the House was divided on the issue. Therefore, it is not that this has come to us as a surprise. Hence, if that is going to be challenged, it should not be challenged by reference to a Select Committee which will delay matters. After all, it is a Bill which vitally concerns our sisters. So, if it has to be challenged let there be an open frank challenge on the floor of the House. Let it be decided by a vote.

I do not know what the motions tabled by Pandit Thakur Das Bhargava are. If you would kindly tell me what they are—because I have not got notice of them—I would be able to formulate my point of view, because I have under the rules a right to object to an amendment if it has not come within 24 hours notice. It is not merely a question of

[Shri Sadhan Gupta]

the Government waiving notice of amendment; it is a question of every Member waiving notice of amendment.

Mr. Deputy-Speaker: That is the Speaker's right.

Shri Sadhan Gupta: I think the relevant rule is that if any Member objects, the Speaker will not put it. You may kindly check up the rule.

Mr. Deputy-Speaker: Let me know what else the hon. Member has to say.

Shri Sadhan Gupta: I want to know what are the amendments of Pandit Thakur Das Bhargava in order to decide whether to object or not to object.

Mr. Deputy-Speaker: He has already said that—reference to Select Committee and circulation.

Shri Sadhan Gupta: As regards reference to Select Committee and circulation, I would definitely object and would ask you to look into the rules because my impression is that if any hon. Member objects, the Speaker will not put it.

Mr. Deputy-Speaker: Now, we have got these amendments, and, as has been explained by Shri V. G. Deshpande, his objection is that some changes have been made by the Joint Committee and the Bill is not the same as was referred to us in the first instance. I believe this is no cause for again sending it to a Select Committee. The other House has passed the Bill and now it is before us. Shri V. G. Deshpande could not tell me of any rule under which we could appoint another Committee or recommit it to the Joint Committee. I am reinforced in this decision by a previous ruling of the Chair on the 3rd December, 1953. There the Chair observed :

"I have got notice of some amendments. Shri Matthen says that the Bill, as passed by the Council of States, be circulated for the purpose of eliciting public opinion thereon. I do not find any provision in the rules for a Bill as passed by the other House, to be circulated and the only motion that can be moved is for reference to a Select Committee."

"...The provision as to what can be done is contained in Rule 146 (now it is 155). Any member may, if the Bill has not already been referred to a Select Committee

of a Council or a Joint Committee of both Houses, but not otherwise, move as amendment, that the Bill be referred to a select committee, and, if such a motion is carried, the Bill shall be referred to a select committee and the Rules regarding select committees on Bills originating in the House shall then apply."

So, that is very clear.

So far as the observation that there had been some irregularity the other day, that has also been challenged by Shri More who said that there was no irregularity committed.

Then, there are amendments by Pandit Thakur Das Bhargava, he has argued in detail as to whether we, as an independent and sovereign House, cannot take that up even if the other House has considered it. Certainly, we are an independent House and of sovereign authority, but, we have also certain limitations. There is the Constitution, in the first instance. Then, there are other laws we have passed. There are the Rules that we have framed. We can move about freely, but, within those limits. And, when the Rules are clear, when it has already been referred to a Joint/Select Committee and the other House has passed it, we have only to proceed under Rule 155 and not against it.

Shri More has said that we have to see the provisions of Rule 323 (3). I have to see whether the motions now made are in the nature of dilatory motions. If I hold that they are dilatory, then, I must disallow them. But, if I hold they are not of that nature, then there is a case under Rule 323 (3) that such a motion can be allowed.

But, when I look to the whole history of this Bill, how it has been discussed for so long a time, I find that at this late stage, such a motion should be considered as dilatory. Such motions have already been made many a time on this Bill and it is not necessary that we should again accept such a motion.

So far as the question that some observation was made by the Speaker is concerned, I do not think it is relevant here and that should influence us. There is no ruling on that point. Therefore, I hold that so far as Rule 155 is concerned, amendments 23 and 5 are out of order and inadmissible. So far as the other motions are concerned, they are dilatory. Therefore, I disallow them.

Besides this, Pandit Thakur Das Bhargava did not give notice in time also. But, I had no intention of rejecting them on that ground—though Shri Sadhan Gupta has taken objection on that ground,—because, otherwise too, they are not admissible. Therefore, that question need not be discussed here.

I would now call upon the lady Member who began her speech.

Shri Altekar (North Satara): I would like to know how the time is going to be divided for the different stages, the general discussion, clause by clause discussion and the third reading. Thirty-five hours have been allotted.

Mr. Deputy-Speaker: I am in the hands of the House. It can divide the time as it likes. Will 20 hours and 15 hours be acceptable to the House?

Shri S. S. More: This Bill has already been subjected to a sufficiently long discussion and many hon. Members will have to say so many things on the clauses. Therefore, I suggest that a large allotment should be made to the clause by clause consideration rather than on the discussion of the general principles. My suggestion is, 15 hours should be given for general discussion and 20 hours for clause by clause consideration; and, we shall have to make some provision for the third reading.

Mr. Deputy-Speaker: That we will do.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am in entire agreement with the hon. Member opposite. In fact, I would say, a smaller allotment for general discussion would be justified. It is important that the clauses should be discussed as fully as possible instead of a vague general discussion. But, it is entirely within the competence of the House to decide.

Pandit Thakur Das Bhargava: May I suggest that 10 hours be allotted for general discussion and the other 25 hours divided like this, 20 hours for clauses and 5 hours for third reading?

Mr. Deputy-Speaker: Ten, twenty and five; are they acceptable?

Shri Altekar: Instead of 5 hours for the third reading, it may be 2 hours and 13 hours for general discussion.

Mr. Deputy-Speaker: We may not lay down rigid limitations at the present moment. The discussion may proceed and then we may decide; but we should not go beyond 15 hours, so far as the general discussion is concerned. It may be from 10 to 15 hours.

The hon. lady Member may now proceed.

An Hon. Member: Fifteen, fifteen and five.

श्रीमती शिवराजबती नहर : मैं सन्नमती हूँ कि इस हिन्दू उत्तराधिकार विधेयक द्वारा जो कि आज हमारे समक्ष उपस्थित है, हम अपने देश में एक बहुत बड़ा कदम उठाने जा रहे हैं। इसके पहले जब यह बिल इस हाउस में आया था तब माननीय मंत्री ने अपने भाषण में हमको इस बिल की महत्ता से परिचित कराया था और यह बतलाया था कि यह कानून हमारे देश की लगभग ६ करोड़ स्त्रियों की अयोग्यता, अर्थात् डिस्टिबिलिटीज को दूर कर सकेगा और मुझे माननीय मंत्री की इस बात ने उस समय काफी प्रभावित किया था और मेरे विचार से जिस लक्ष्य को लेकर यह बिल इस सदन में लाया जा रहा है वह वास्तव में बड़ा ही महत्वपूर्ण है और प्रशंसनीय है, और वह लक्ष्य है स्त्रियों को अधिक सिक्वोरिटी (सुरक्षा) देना तथा उनके स्टेटस (पद) को ऊँचा करना। इन दोनों बातों से मैं समझती हूँ कि इस सदन के और इस सदन के बाहर के किसी स्त्री अथवा पुरुष को इंकार नहीं होगा, परन्तु मुझे आपत्ति केवल इस बात में है कि इस बिल में जिस हद तक मंत्री महोदय स्त्रियों के लिए अधिकार रख रहे हैं, वह शायद आशा से बहुत ज्यादा है और स्वयं स्त्रियों ने भी कभी इतना अधिकार पाने की मांग नहीं की थी और न इतना पाने की उनको संभावना थी। बहनों ने तो केवल भाइयों से समानता का अधिकार चाहा था, अधिकता का नहीं, परन्तु माननीय मंत्री ने अपनी उदारता से बहनों को भाइयों से भी ऊँचा कर दिया और बढ़ा दिया। अब इस बिल के अनुसार बहनों को तो तीन ओर से सम्पत्ति प्राप्त होगी, माता की, पिता की और पति की परन्तु भाई को केवल एक ओर से ही सम्पत्ति मिलेगी यानी पिता की। कहाँ तो हमारे हिन्दू समाज में अभी तक किसी ओर से स्त्रियों को कोई सम्पत्ति का अधिकार ही न था, परन्तु अब हमारी कांग्रेस सरकार हमारे साथ न्याय करके इतने अधिकार देने जा रही है कि स्वयं बहनें प्रचम्भे में पड़ गयीं, माता पिता, चकित रह गये और भाई चिन्तित हो गये और यह तो

[श्रीमती शिवराजवती नेहरू]

वही मसल हुई कि या तो हंसा मोती चुगे या लंघन कर जाय। इस विधेयक के अनुसार अब एक हिन्दू ज्वाइंट फैमिली (संयुक्त परिवार) की लड़की को शादी के बाद भी अपने माता पिता की सम्पत्ति में उतना ही भाग मिलेगा जितना कि उसके एक अनडिवाइडेड (पूथक) भाई को मिलेगा। मेरे विचार से यह अनुचित होगा। हम कैसे इस बात को भूल सकते हैं कि अब भी हमारे हिन्दू समाज में माता पिता इस बात को अपना परम धार्मिक कर्तव्य समझते हैं कि वे अपनी लड़कियों की शादी करें। और हिन्दू समाज में लड़कियों की शादी पर पहले ही काफी धन व्यय कर दिया जाता है। लेकिन इतना होने के बाद भी लड़कियों को उतना ही धन देना, सम्पत्ति में उतना ही भाग देना, जितना कि एक अनडिवाइडेड भाई को, मेरे नजदीक यह न्याय के विपरीत है। मध्यम श्रेणी की जो फमिलीज (परिवार) हैं उनमें इस प्रकार का अधिकार दे कर विवाहित लड़की को, हम भाइयों को दरिद्र बना देंगे। मेने इस बात की काफी जानकारी हासिल की है और लोगों से छानबीन की है कि हमारा हिन्दू, स्त्री समाज इस विषय में क्या विचार रखता है। मुझे मालूम हुआ है कि हमारे देश में ऐसी स्त्रियों की संख्या बहुत अधिक है जो अपने पिता की सम्पत्ति में उतना अधिकार नहीं चाहती हैं जिससे उनके भाइयों के ऊपर काफी गरीबी या कर्जा आ जाय। हम यह भी देखते हैं कि पिता का जितना भी कर्जा होता है, लेन देन होता है, उसके सम्बन्ध में जो उत्तरदायित्व होता है वह लगभग पूरे का पूरा लड़के के ऊपर ही होता है लड़की पर नहीं, और शादी के बाद तो वह और भी कम हो जाता है। अपने परिवार की कठिनाइयों को दूर करने में न कभी उनका कोई भाग रहा है और न आगे ही होगा। बेशक माता पिता की सम्पत्ति में उनका भाई के साथ समानता का अधिकार हो जायेगा। मेरा यह अभिप्राय कभी भी नहीं है और न ये यह चाहती हूँ कि लड़की को पिता की सम्पत्ति में कोई अधिकार न मिले, या जिस तरह से आज लड़की पिता की सम्पत्ति से वंचित है उसी तरह से भविष्य में भी रहे, परन्तु मैं बराबरी के दावे को पसन्द नहीं करती हूँ। यदि पिता की सम्पत्ति में से भाई का आधा भाग भी लड़की को दे दिया जाय तो उसमें मुझे कोई आपत्ति नहीं होगी। हमारे यहां मुसलमान भाइयों में भी लड़की को भाई की सम्पत्ति का तिहाई भाग दिया जाता है। यदि हमारे मंत्री महोदय ऐसा कर दें तो मैं समझती

हूँ कि इस बिल को युनिवर्सल सपोर्ट (व्यापक सहमति) प्राप्त होगा और हमारा समस्त देश इसे स्वीकार कर लेगा, जैसा कि हमारे माननीय मंत्री जी की इच्छा भी है।

मैं समझती हूँ कि आज हमारे समाज में बड़े बड़े अन्याय हैं और वे अन्याय शरीर के ऊपर फोड़ों के समान हैं, परन्तु मैं यह नहीं समझती कि उन अन्यायों को दूर करने के लिये हम एक दम से नश्टर चला दें, क्योंकि इससे तो कठोरता और जुलूम होने लगेंगे। इसलिये यह ज्यादा अच्छा होगा कि अन्याय को ठीक करने के लिये उतना ही डोज (खुराक) दिया जाय जितना कि समाज हजम कर सके। कानून में हर समय सुधार हो सकते हैं। आज का जो हमारा हिन्दू समाज है वह काफी पिछड़ा हुआ है, अगर आप उसको एक दम से लिपट लगा कर ऊपर उठाना चाहें तो वह चढ़ नहीं सकता। हल्के हल्के समझा कर उसको आप अपने विचारों का बनाइये। अगर आप ऐसा करेंगे तो वह अधिक ठीक होगा। फोड़ों को ठीक करने के लिये हमें सँकने की जरूरत होती है, लेकिन अगर एक दम से सारे शरीर को हम उबलते हुए पानी में डाल दें तो वह उछल कर खड़ा हो जायेगा और कभी भी उधर जाने का नाम नहीं लेगा। अगर आप गुनगुने पानी के टब में शरीर को रखें, फिर उसके बाद उसमें गर्म पानी मिलाते चले जायें तो चाहे पानी में से भाप भी निकलने लगे, शरीर उसको सह लेगा और कभी उसके खिलाफ नहीं जायेगा। इसलिये मैं कहती हूँ कि आप सुधार तो बड़े से बड़े कर सकते हैं पर धीरे धीरे उनमें सफलता प्राप्त की जा सकती है। इस सम्बन्ध में इतना ही सुधार इस वक्त काफी है कि बहन को भाई के भाग का आधा मिले, आगे चल कर बराबर बराबर भाग भी हो सकता है। अगर आप इस तरह से करेंगे तो इसको सारा समाज मंजूर कर लेगा।

माननीय मंत्री महोदय ने अपने भाषण में यह भी कहा था कि इस विधेयक से मिताक्षरा नियम पर चलने वाला हमारा ज्वाइंट फैमिली सिस्टम (संयुक्त परिवार पद्धति) भी बना रहेगा और साथ ही बहनों को भाइयों के बराबर ही अधिकार माता पिता की सम्पत्ति में हो जायेगा। अब, इन कानूनी मड़कों व हथकंडों को तो मैं समझती नहीं हूँ और न ही उन पर विश्वास करती हूँ। मैं यह नहीं जानती हूँ कि बहनों को बराबर का अधिकार प्राप्त हो जायगा या नहीं, परन्तु वकीलों की जरूर इससे बन

Bills and Resolutions

आयेगी और उनको लाभ होगा। हमारे माननीय मंत्री जी जो अधिकार लड़कियों को दे रहे हैं, उस का पूरा पूरा असर और जो उसका नुकसान होगा वह अनडिवाइडेड सन्स (अविभाजित बेटों) पर पड़ेगा क्योंकि उसने लड़कों को अपने पिता की सम्पत्ति का बटवारा कर लेने का पूरा पूरा प्रोत्साहन मिलता है। ऐसी सूरत में ज्वायंट फैमिली का बहुत दिनों तक कायम रह पाना मुझे असम्भव सा दिखाई देता है।

मैं माननीय मंत्री जी की इस बात से भी सहमत नहीं हूँ कि अब हिन्दू समाज में फैमिली समाज की इकाई नहीं रह गई है। अभी भी अधिकांश देशों में एक व्यक्ति समाज की इकाई या (unit) नहीं समझा जाता। आप संविधान में कुछ भी लिख दें परन्तु इस देश में आज भी ज्वायंट फैमिली के प्रति अधिक श्रद्धा और आकर्षण है आज उसी के पक्ष में जनता का सेंटिमेंट और फीलिंग है। यह नहीं है कि आज कोई यह समझता ही नहीं कि समाज के अन्दर फैमिली भी कोई चीज है।

इसके बाद एक और चीज है जिसके ऊपर मैं आपका ध्यान दिलाना चाहती हूँ और वह यह है कि यह कानून देहातों के खेतों पर और अन्य लैंड होल्डिंग्स (जोतों) पर लागू नहीं होगा।

उपाध्यक्ष महोदय : क्या माननीय सदस्या दो मिनट में खत्म कर सकेंगी ?

श्रीमती शिवराजवती नेहरू : जी हाँ, मैं खत्म कर दूंगी। मैं अपनी बात आज ही कह लेना चाहती हूँ क्योंकि मैं आज लखनऊ जा रही हूँ।

उपाध्यक्ष महोदय : अच्छा, आप दो मिनट में खत्म कर लीजिये।

श्रीमती शिवराजवती नेहरू : यह कानून देहातों के खेतों और लैंड होल्डिंग्स पर लागू नहीं होगा, परन्तु यह सभी जानते हैं कि हमारा देश एक कृषि प्रधान देश है, उसकी अधिकतर जनता और जो परिवार हैं, वह खेतिहर हैं। मैं यह नहीं कहती कि उन पर यह लागू किया जाय, और न यह मेरा विचार ही है, परन्तु मेरा प्रश्न यह है कि जब हम देहात के खेतों पर और लैंड होल्डिंग्स पर इस कानून को लागू नहीं करना चाहते तो इस विधेयक से हम अपना कौन सा बड़ा लक्ष्य पूरा करने की इच्छा रखते हैं ? देश के जिन प्रान्तों में दायभाग

चलता है, वहाँ पर इस कानून की आवश्यकता नहीं है। जो मुसलमान हैं, जो ईसाई हैं, जो पारसी हैं, उनको इस कानून की आवश्यकता नहीं है। मुसलमानों में तो पहले से ही लड़की को जायदाद में हिस्सा दिया जाता है। देहातों में खेतों पर आप इस कानून को लागू नहीं करना चाहते। तो मैं पूछती हूँ कि खाली उत्तर भारत के शहरों की कुछ मुट्ठी भर फैमिलीज के ऊपर यह कानून क्यों लागू किया जा रहा है। उपाध्यक्ष महोदय, यह कानून जो उत्तर भारत और मध्य भारत की जो फैमिलीज हैं उन्हीं के ऊपर ज्यादातर आघात करेगा और यह भाई बहन में बजाय प्रेम भाव पैदा करने के उनके अन्दर एक कानूनी रिश्ता कायम करेगा। इस वास्ते मैं माननीय मंत्री जी से प्रार्थना करती हूँ कि यह विधेयक कोई अन्तिम वाक्य नहीं है। कानून में किसी समय भी फेरबदल किया जा सकता है। यदि वह इसमें इतना सुधार कर दें कि बराबरी के दावे को हटाकर बहन का भाग भाई के भाग का आधा कर दें तो यह विधेयक बिना किसी विरोध या आपत्ति के समस्त देश को सहर्ष स्वीकार हो जायगा। इससे न परिवार छिन्न भिन्न होंगे, न बहन भाई के प्रेम भाव का नाता टूटेगा तथा वह लक्ष्य कि स्त्रियों को अधिक सिक्योरिटी और स्टेट्स मिले, वह भी इससे प्राप्त हो जायगा।

3 P.M.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTION

FIFTY-FIRST REPORT

Shri Altekar (North Satara): I beg to move :

"That this House agrees with the Fifty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1956."

You have already said, Sir, that 2 hours and 29 minutes remain for Shri Gurupadaswamy's Resolution. Then comes the Resolution of Shri Bibhuti Mishra regarding ceiling on incomes of individuals. Four hours have been allotted for that. Only one minute will remain today and he will be on his legs. The other Resolution on the development of industries stands in the name of Shrimati Renu Chakravartty and two hours have been allotted for that. The next Resolution of Shri Keshavaiahengar for holding a session of Lok Sabha at Bangalore every year has been allotted two hours.

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Fifty-first Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1956."

The motion was adopted.

RESOLUTION RE. NATIONALISATION OF BANKS

Mr. Deputy-Speaker: The House will now resume discussion on the Resolution moved by Shri Gurupadaswamy on 14-4-56 regarding the nationalisation of banks. Out of 2½ hours allotted for the discussion of the Resolution, 2 hours and 29 minutes are left for discussion today.

Shri M. S. Gurupadaswamy (Mysore): India is considered to be an undeveloped country in the comity of nations. Many well-advanced countries of the west have entered into an amusing and interesting competition to assist us in our economic development. This is neither strange nor unnatural in the present context of the world where external assistance has become a potent weapon of enlightened, national self-interest. Assistance always carries with it alien ideas and ideologies or at least motives of powers which export such assistance. If an under-developed country is not strong or well-guarded, or if its own social and economic philosophy is not so rich, fruitful and adequate as to combat dangerous exotic influences, then, that society would be needlessly exposed to spasmodic changes and erratic developments.

An economy which is undeveloped and which lacks coherent social philosophy is not only exposed to subversion from outside but also to internal stresses and strains contradictory trends in the economy would produce an atmosphere of social suffocation. Such contradictions which produce friction and tension in society cannot be resolved by pursuit of what is called pragmatism. Pragmatism is no ideology; it is no philosophy and an economic policy merely based on infructuous expediency or *ad hoc* approach would produce social hybridism in the country.

My party is happy that since sometime past there has been a salutary change in the outlook of the hon. Finance Minister. He no longer talks of mixed economy. He no longer refers to pragmatism. The other day, while

speaking on the Insurance Corporation Bill, he made bold to say that "nationalisation was justified on grounds of ideology, philosophy and on the objectives of a welfare State." But what a long time he took to say this! At last he has realised that ideology matters much in the pursuit of economic policy.

At the present moment in our country's history socialistic thought must play a more positive role in shaping the pattern of our society. This does not mean that the whole network of production, distribution and exchange should be socially owned and controlled. This is neither possible nor desirable in our country. If we try to do that, we may achieve socialism in full, but we will be annihilating democracy in part. So, to achieve socialist objective, it would be enough to control the peaks or the commanding heights of our economic pyramid. The middle and the bottom layers of our economy could be well and easily adjusted and rationalised if the economic summit is placed under vigorous national control.

It is in this context that I wish to discuss the problem of nationalisation of banks in the country. Banking system by the nature of its operation occupies a strategic place in the industrial and financial life of our nation. They control the strings and channels of credit in the country. None denies that instruments of credit are a great power in society. May I, in this connection, remind the House of a stanza in *Panchatantra*? It runs as follows:

"The wealthy men are men of force;

And they are scholars all, of course,
It goes on—

"Men who have no cash,

Owing names but lacking substance,
are accounted trash.

Beggars have, no doubt, their virtues,—

Yet they do not flash:

As the world has need of sunlight,

Virtues ask for cash."

The creation and distribution of credit is clearly a public service, rather than an enterprise for private profit. The banks which deal with such a vital function should not be entrusted to the control of profit-ridden private enterprise. A proper and fair distribution of credit among people is difficult to attain if banking operations are subject to private direction and control. Public ownership

of banks is the only way to achieve soundness and rationality in the national economy. An under-developed country is in need of this more than the advanced countries of the world, because accelerated economic development depends upon the availability and proper distribution of money and credit.

In this context, I have to say that the establishment of the Reserve Bank of India under the direct authority of the Government of India is a landmark in the history of our country. The nationalisation of the Imperial Bank recently was also a step in the right direction. But, unfortunately, it was not accompanied or followed by the nationalisation of State-associated banks and other joint stock banks.

The history of private banking in India is a history of disappointment. It is a history of mismanagement, mis-handling, misfeasance and mispursuit.

So we find great many banking failures in the past. According to the report of the Banks Liquidation Proceedings Committee, the number of banks which suspended payment during the years 1926 to 1952 is 351. The failures which are most significant from the point of view of derangement of economic life, particularly of middle class depositors, have occurred in Calcutta, Madras and Punjab. According to the report, 91 banks failed with total liabilities of about Rs. 25.57 crores. The total number of failures in Madras is 83 with outside liabilities of about Rs. 1.53 crores. In Punjab the failure of 24 banks involved outside liabilities of Rs. 61.82 crores.

Some may say that the failures occurred only after the war. This is not true. More failures might have occurred after the war. Between 1947 and 1951 there was certainly a steady procession of bank failures which totalled about 180 banks, but it must be noted that even in the period between 1926 and 1937 the banks had suspended payments. In the years 1938 and 1939 there was a failure of 46 banks. Even prior to 1926 there had been failures in the working of commercial banks, but owing to the paucity of statistics the exact figures cannot be given now. However, according to my calculations the banks have been failing at the average rate of 42 per year for the last seven years. Between the years 1939 and 1947, they were failing at the average rate of 61 a year.

As a result of such failures, the depositors had to suffer a heavy loss. A rough estimate of this loss would be about Rs. 200 crores.

Even at present many banks are either running at a loss or are not in a position to declare any dividend to the share-holders. According to the statistical tables relating to banks in India for the year 1954, published by the Reserve Bank of India—these are the latest statistics available—out of 72 scheduled banks, 14 are running at a loss and 12 others have not declared any dividend. Out of the 17 foreign banks the Indian business of ten is running at a loss. Out of 65 non-scheduled joint stock banks with capital and reserves of Rs. 5 lakhs or over, 23 banks are running at a loss and eight others have not declared any dividend. Out of 191 joint stock banks with capital and reserves between Rs. 1 to 5 lakhs, 36 banks are running at a loss and 40 others have declared no dividend. Out of 116 joint stock banks with capital and reserves up to one lakh, 33 are running at a loss and 18 others have declared no dividend. To sum up, out of 461 joint stock banks of all descriptions, 116 have been running at a loss and 68 others have declared no dividend.

These failures which are unprecedented in the history of any part of the world are brought about by various causes. The Reserve Bank in its report of 'Banking Trends' for the year 1954 has dealt with the nature of the defects disclosed on inspection of joint stock banks. According to this report 188 banks are not maintaining adequate reserves, 16 banks are not maintaining sufficient reserves against bad and doubtful debts. In 240 banks there was over-extension of advances. In 183 banks the proportion of unsecured advances to the total advances is disproportionately high. In 202 banks there are a large number of irregular and dormant advances, including advances having undesirable features. In 108 banks large advances are made against immoveable properties. In 93 banks there is concentration of advances in the hands of a few borrowers. In 70 banks large advances have been made to directors, their relatives and associates and concerns in which any of them is interested. In 160 banks there is a large proportion of decrees and doubtful debts. In 49 banks there is paucity of liquid assets. In 75 banks investment in Government securities is inadequate.

[Shri M. S. Gurupadaswamy]

Prior to 1949, inspection of banks by the Reserve Bank was limited to determining their eligibility for inclusion or retention in the second schedule to the Reserve Bank of India Act and to safeguarding the interests of the depositors. With the enactment of the Banking Companies Act and the amendment of section 42, sub-section 6 of the Reserve Bank of India Act in 1949, the powers of the Reserve Bank relating to the inspection of both the scheduled and the non-scheduled banks were considerably enlarged; the bank was thereafter empowered to conduct inspections for a variety of purposes and on its own initiative. Further, the Banking Companies Act made it necessary for banks to obtain a licence from the Reserve Bank to commence or carry on banking business and to open new branches in the country. The Act also required schemes of arrangement and amalgamation to be examined and sanctioned by the Reserve Bank.

In spite of these powers given to the Reserve Bank, the affairs of the commercial banks have not been very satisfactory. If the present experience is any guide, mere clothing the Reserve Bank with more powers will not cure some of the grave defects of the private banks as they are too deep-rooted and inherent in the system.

Besides, there is another angle from which we have to look at the problem of nationalisation of banking in India. Unlike in other joint stock companies, the major part of the funds of the commercial banks, by the employment of which profits are made, belongs to the depositors and not to the share-holders. According to the statistical tables of 1954 of the Reserve Bank of India (Pages 8 and 9), the total paid-up capital of Indian joint stock banks is Rs. 40.58 crores and reserves Rs. 30.53 crores. As against this, the total deposits of all joint stock banks amount to Rs. 1066.35 crores, which is several times more than the paid-up capital and reserves. But, in spite of this, these banks are managed for the benefit of share-holders and specially to the advantage of a few families who hold the controlling interest. So nationalisation of commercial banks would in effect mean the utilisation of the savings of the community not for the private profit of a few, but for the social benefit of the whole country. People's money would be used for people's benefit.

There is one more important point which we should consider in this context. The private control of banking in India as elsewhere is in conflict with the public policy. The banking habit in the country is at a very low ebb. The joint stock banks have failed to provide credit facilities to undeveloped areas. In consequence banks are heavily concentrated in a few towns and in a few States. For instance, there are only six banks in Andhra as against 45 in Bombay, 140 in Madras and 142 in Travancore-Cochin. In Orissa and Assam there are only two and five banks respectively. At three places having a population of 10 lakhs and over, there are 438 offices of banks whereas for 349 places with a population between 5,000 and 10,000 there are only 479 offices of banks which is a little more than one office per place. Therefore, with a view to develop underdeveloped areas and backward sectors of our economy, public control and ownership of banking is very necessary.

Some doubtful Cassandras may say that if the whole of banking is brought under social control and ownership, the depositors would lose confidence in the nationalised set-up and business would fall. For such critics I have only to say that the credit of the banks itself depends mainly upon national credit which in turn depends upon the Government and its policy. As a matter of fact, the joint stock banks with a view to inspire confidence of the public in them, often take pains to publicise the fact that most of the depositors' money is safely invested in Government securities.

Mr. Deputy-Speaker: The hon. Member has been consulting his notes too often.

Shri M. S. Gurupadaswamy: Because of the statistics, Sir, I have to refer *in extenso*.

Mr. Deputy-Speaker: I did not interfere then.

Shri A. M. Thomas (Ernakulam): It is rather unusual with him.

Shri M. S. Gurupadaswamy: Apart from this, where the Government itself is doing business in post office savings banks, its performance has yielded better results than the joint stock banks. For instance, between 31st March, 1948 and 31st March, 1954, deposits of the post office savings banks rose by Rs. 103.84 crores, i.e., from Rs. 128.11 crores it rose to Rs. 231.95 crores. The number of depositors rose from 31.53

lakhs to 50·70 lakhs. As against this, the deposits of all the joint stock banks in the country fell from Rs. 1118·23 crores on 31st December, 1948 to Rs. 1062·53 crores on 31st December, 1954 which means a decline of Rs. 55·70 crores.

The hon. Finance Minister, while speaking on the question of nationalisation of life insurance on the 29th February, 1956, said :

"The industry was not playing the role expected of insurance in modern States and efforts at improving the standards by further legislation, we felt, were unlikely to be any more successful than in the past. The concept of trusteeship which should be the corner-stone of life insurance seemed entirely lacking."

I would just ask the Finance Minister whether the same thing could not also be said about the private commercial banks.

In the course of the speech the Finance Minister also said :

"All control or regulation is negative in character. It can prevent what is demonstrably bad, but it cannot raise standards."

So, may I also ask the Finance Minister whether his words will not apply with equal force to the case of banks?

Before I close, I want to mention one thing and it is this. The Second Five Year Plan and the subsequent five year plans require enormous liquid resources for fulfilment. Further, the accelerated economic development would depend upon the availability and rational distribution of credit. These objectives can however be realised to the optimum point only when the whole of banking is transferred from private to public sector. And let not fears daunt the Finance Minister while taking such a decision. By such an act he might be displeasing his present company of a few financial oligarchs but he would be thereby regaining the love of millions of people in the country.

With these words, I commend my resolution to the acceptance of the House.

Mr. Deputy-Speaker : Resolution moved :

"This House is of opinion that Government should take steps to nationalise the banks in the country."

There are one or two amendments. I will have to enquire from those hon. Members whether they intend to move them.

Shri D. C. Sharma (Hoshiarpur) : I beg to move :

That for the original Resolution, the following be substituted :

"This House is of opinion that a Committee consisting of five persons be appointed by Government to devise the best way of nationalising the banks in the country with instructions to report by the end of August, 1956."

Mr. Deputy-Speaker : Amendment moved :

That for the original Resolution, the following be substituted :

"This House is of opinion that a Committee consisting of five persons be appointed by Government to devise the best way of nationalising the banks in the country with instructions to report by the end of August, 1956."

I hope hon. Members are aware that there is a limitation of time—15 minutes for each Member. That will be strictly observed. Shri Kottukappally may speak now.

Shri Kottukappally (Meenachil) : Mr. Deputy-Speaker, I rise to oppose the resolution moved by my friend Shri M. S. Gurupadaswamy. I was listening very carefully to all the arguments that he advanced for the nationalisation of banks in India, when I listened to him, I thought I was reading some text-book in the silences of a library. I did not find him quoting any country or quoting the instance of any one nation which has nationalised its banks. He said that for the development of an undeveloped country the first thing to be done is the nationalisation of the private joint stock banks. I wish to ask him in all seriousness and in all sincerity whether the development of Great Britain, whether the industrial growth of Great Britain, whether the agricultural prosperity of Great Britain were based on a previous nationalisation of the joint stock banks. It is, I think, about 125 years since joint stock banks, to begin with were started as small banks there. First there were banks in country centre and then there came into being a number of banks in District centres. Large numbers of them were distributed in all parts of Great Britain when they started functioning. If you follow closely the economic history of Great Britain and

[Shri Kottukappally]

the way in which Great Britain founded one of the greatest financial empires in the world, you will understand that the growth, the prosperity and the development of Great Britain were all co-eval with the development of joint stock banks in England.

Then, look at the United States from the time of the colonisation of the United States by the peoples from Europe. Was the development of the United States due to any previous or on account of any nationalisation of joint stock banks? No, Sir. If the truth were to be told, if you analyse the facts of economic history you will find that it was the other way round.

Shri M. S. Gurupadaswamy mentioned bank failures in India. Really I was wonder-struck at it. I am a man who lives like him in this land, who reads the daily newspapers, in this land. In all these years has there been any major bank failure in India? Our Finance Minister, Shri C. D. Deshmukh, has often been telling this House, time and again, that of all the banking industries in the world the banking industry in India is the most perfectly controlled. If he takes up the arguments of bank failures, let me take the case of other industries or businesses. Take the shipping industry. You can say that during the last 100 years so many ships have sunk in the Pacific Ocean, in the Indian Ocean and in the Atlantic Ocean, and so shipping is no means of right transport. I can cull out instances of hundreds of thousands of train disasters in India and elsewhere and tell the hon. Member that no more railways should be utilised as a means of transport, because it is not safe! In the same way, I can quote hundreds of air-crashes and say that on account of these air-crashes aeroplanes should be damned and condemned as a means of safe, secure and comfortable means of transport for the people. His quoting of the figures in regard to bank failures reminded me of that rotten book which we read years back, written by Miss Mayo, about India. Go to any Government department; go to any mercantile firm in any country. You can, of course, see instances after instances where they have failed, this institution has failed or that department has failed. But that does not take away the usefulness, the good, the contribution that these people, these institutions and all these departments have made, as a whole, to the development of the country at large.

What is the ratio of the assets and liabilities of the banks which have failed during the last 15 years, compared to the total consolidated assets and liabilities of the joint stock banks? That is a question I have to ask.

Let me compare the figures from other countries with regard to the development of joint stock banking in India. I have some figures with me here. What is the number of banking offices per million of population in the United Kingdom? It is 229. In the United States it is 129. In Canada it is 256. In Australia it is 450. In Shri Gurupadaswamy's India—he must realise, before condemning all these institutions—

Shri Feroze Gandhi (Pratapgarh Distt. West cum Rae Bareilly Distt.—East): Is the country his?

Shri Kottukappally: Of course, it is my country, and it is yours also.

Shri Nambiar (Mayuram): You must not condemn; you must embrace and take it.

Shri Kottukappally: It is just the other extreme.

Mr. Deputy-Speaker: Let not India be divided between yourselves; we are also here.

Shri Kottukappally: Mr. Gurupadaswamy has seen a part of India which I have not seen.

Shri V. P. Nayar (Chirayinkil): I will show you.

Shri Kottukappally: Perhaps into the forests.

In India, for every one million people, the number of banking offices is only 16 against 450 in Australia where the population is only just as much as that of my small State, Travancore-Cochin, i.e., about a crore. If in Canada there are 256 banking offices for a population of one million, that has not been brought about by the Government of Canada. If the number of banking offices in the U.K. is 229 for a population of one million that development has been brought about not by the nationalisation of banks by the Government. It has been done by private interests.

In a way, the principal banking institution in India, the Imperial Bank of India, was from the very beginning a semi-nationalised institution. Now it is completely nationalised and it has become the State Bank of India. If you look into the history of the Imperial Bank, you will find that it came out of

the amalgamation of the three banks—the Bank of Bengal, the Bank of Madras and the Bank of Bombay. What is the help that this Imperial Bank has given to the people of India? I am speaking with some intimate knowledge of the conditions in my State.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

There are just one or two branches of this bank in my State and they have been serving the foreigners. If they lent money, if they discounted bills, they discounted the bills not of Indians, not of the people of Travancore-Cochin, but of European companies like Volkart Brothers, the Peirce, Leslie and Company and made those people richer and richer. Some 30 or 40 years back, the people of my State had to depend entirely on indigenous money-lenders, but the rate of interest that they were charging was 12 to 24 per cent. Under those conditions, a large number of joint-stock banks were formed in my State. If you look at the history of the economic development of my State, whether it be in the matter of expansion of plantations like rubber, tea, cardamom, lemon grass or cashew or whether it be in the expansion of industries like, coir, oil and others or whether it be in the expansion of transport, you will find that all this economic prosperity of Travancore-Cochin is due to the large number of small joint-stock banks in the State. We have earned much dollar exchange for the country. All this economic prosperity of Travancore-Cochin is due to the joint-stock banks founded by the Travancore-Cochin people, run for the benefit of the Travancore-Cochin people by the Travancore-Cochin people. I do not know what would have happened to that congested poverty-stricken State if these joint-stock banks were not there. It is well-known that my State is a shallow water-logged land, a land of backwaters. Nowhere else in the world, except perhaps in Holland, has reclamation of backwaters into smiling *punja* paddy fields been achieved, as has been done in Travancore-Cochin. I would just request my hon. friend to go and enquire as to who helped in the reclamation of the water-logged land. It was not the Imperial Bank. But for our joint-stock banks and the help they gave the cultivators, the people of Travancore-Cochin, deficit as the State is even now in paddy would have starved during

the ration period. It was the banks that were established by our own people in our own territory that helped us.

I am now looking at a map given in the statistical tables relating to banks in India and showing the distribution of the branches of the State Bank of India in India. What do we find here? The branches are huddled together in a certain part of the country. A large part of Central India is left out; Orissa is left out; Travancore-Cochin is left out. I will challenge anybody to examine what the Imperial Bank has done to the people of India during the 70 years of its existence. Who developed the textile industry in India? Who developed the cement industry in India? Who developed the sugar industry in India? Who financed these industries? The Imperial Bank was financing European companies.

We have already nationalised the Reserve Bank; we have already nationalised the Imperial Bank and we have recently nationalised the insurance companies. In a leading article in the *Hindustan Times*, commenting on the speech of Dr. John Matthai on the working of the State Bank of India during the last year, it has been said that the deposits of the State Bank of India have gone down since its nationalisation while the total deposits of all the joint-stock banks in India have considerably gone up. Of course, it may be said that it is a temporary feature; that the State Bank of India will be run in the safest and in the most beneficial way, have no doubt thanks to Dr. John Matthai being at its head!

Mr. Chairman: The hon. Member's time is up.

Shri Kottukappally: With our short and limited experience, we will have to be very careful. We should be cautious and we should go slowly. We have always to be circumspect.

Shri Matthen (Thiruvallah): Mr. Chairman,....

Shri Nambiar: (Mayuram): An ex-banker.

Shri Matthen: Yes; an ex-banker. I have nothing to do with banking today. I am as poor as Shri Nambiar over there. No capitalist; nothing of the sort.

An Hon. Member: Free of all encumbrances.

Shri Matthen: I speak with some background in banking. I have been following Shri M. S. Gurupadaswamy's advocacy of nationalisation. But, I am sorry to say that I cannot support him wholeheartedly.

It is true that I have been the first Member of Parliament here who has been advocating nationalisation of insurance companies. In a way, I am for nationalisation of banks. But the difference in my advocacy for nationalisation and the advocacy of my hon. friend Shri M. S. Gurupadaswamy or anybody is this. I want to retain the private sector. I want to retain an element of competition in business. Without an element of competition, no industry will grow properly. As I said on a former occasion, monopoly corrupts, whether the monopoly is handled by the Government or by the private sector. We have already done the nationalisation of the Imperial Bank, that is 50 per cent. of banking with prospect of controlling mofussil banking. It is not urban banking only. That is the great policy laid down in the nationalisation of the imperial Bank. It will in due course spread into the rural areas. If you obliterate the private sector, I am sorry to say, it is something which everybody will regret. The economy of India will regret. Today, if you go into the country—I know my State and I have gone to several States recently—one fear which the people share,—even those who had been advocating nationalisation of insurance—is the fear whether the standard of service will go down, when a man dies, whether his widow who needs the funds, will get them in time without the redtapism of government organisations. That is why, even though I have been advocating nationalisation, I rather insist upon retaining a small efficient private sector with sufficient control.

I am with Shri M. S. Gurupadaswamy and I believe that this is one department of industry where the public has the right to demand nationalisation. Just like the insurance premium that is collected, the deposits that are collected here from a public trust. It is not like investment in a steel factory or a textile factory where all the investment is made by the manager and proprietor and he gets the profit or suffers the loss. Here, it is a matter of credit. I agree. But, it is very equally important for the economy of India that the private sector should be maintained and efficient competition should be maintained.

ed. I invite the attention of my hon friend Shri M. S. Gurupadaswamy to the great industrial development of Germany under Kaiser William. At that time the world industry was controlled by the U.K.

Shri V. P. Nayar: (Chirayinkil): You want India to be made Kaiser's Germany?

Shri Matthen: Have some patience.

The industry and trade of the world was in the hands of the U.K. at that time. When the Kaiser realised the potentiality of foreign trade, what did he do? He did not insist on the old banking principles of the British to be copied in Germany, but he gave a free hand: not much of control. Because if the orthodox banking principles of the old British banks are copied in India or were copied in Germany, very few people could take advantage of the credit offered. I can give an example. I think Shri Kottukappally referred to the development of the plantation industry in Travancore-Cochin or the cashew industry. When I was a banker, I take credit to have taken banking to the middle classes and the lower middle classes, to have democratised banking. At that time, cashew was practically not a commodity which fetched any price. I am talking of the early twenties. I came across an American representative of the General Food Co. He said that the market in America for the cashew was very great. He saw the nuts available in Quilon and said these are the biggest and best that I have seen, will you help me? I went to the big merchants of the place and asked them to start a cashew industry: shelling and packing business. I knew the margin of profit was 400 per cent. They all refused. Then, I had to go in for the people who had no asset of their own. I gave them money for buying nuts, for buying cycles, for thatching their houses and persuaded them to do this cashew business. Today, that is the biggest industry in Travancore-Cochin. One person to whom nobody would have advanced Rs. 100 then, is today one of the richest men in Travancore-Cochin. If anybody had followed a conservative policy, even if the Government were in the field, Government would not have looked at these people for advancing moneys. I knew the margin of profit. I knew the letter of credit was with me. The only thing I had to make sure was that the nuts purchased are broken and packed. I knew that these common people are more honest than the rich people.

Some Hon. Members: Oh yes.

Shri Matthen : They maintain a higher standard of morality than the so-called big capitalists.

My main point is this. If a conservative policy had been followed, even if the Government were in the field of banking, Government would not have looked at these people. As I said, several of those people are rich today, because of the liberal policy pursued by the private sector. I had freedom to do that. When I was convinced I made the advance. My point is, in every industry, especially in banking and even in insurance, though it is too late today to speak about it—I think there should be independent corporations so that there may be competition—this spirit of competition is essential for development. As I said, the development of German industries was due to the banking policy of Germany.

Shri M. S. Gurupadaswamy was placing too much stress on bank failures. I think my hon. friend Shri Kottukapally has replied to it. After the Banking Companies Act, after the Reserve Bank has started pursuing a policy of control over private banking, the story is different. Hardly any bank has failed. I am sure bank failures will be fewer and far between, and will be nil, if the present policy adopted by the Reserve Bank is continued.

Shri Feroze Gandhi : Was not there the Reserve Bank when the Calcutta Banks failed?

Shri Matthen : The Reserve Bank was there. That was exactly the mistake. Our Finance Department was there. But, the Finance Ministry did not exercise the control which it should have exercised on companies. If it had been done, the corruption, etc., that my hon. friend was referring to in Dalmias, would not have taken place. They never exercised the rights that they had. There were scheduled banks and other banks. They never cared for the small banks. Even on scheduled banks the control was limited. Today, it is different. On scheduled banks, non-scheduled banks and small banks, the Reserve Bank is exercising control. I am for control. I am not at all against control. I am against laissez faire capitalism. My only difference is this. As far as banking is concerned, we have done nationalisation. If we do more, it will be something which

we will not be able to swallow, we have not got the personnel, we have not got the machinery. This is not the time for India to go into lines like this, when we can devote our attention and energy and finance for developing basic industries. Therefore, in the present context of our industries, especially the development of small industries, it is only the small banker or the private banker who will take the risk and go to their help. I think it will be absolutely unwise to resort to nationalisation of banks as we have done in the case of insurance.

Shri V. P. Nayar : I wholeheartedly support the resolution of Shri Gurupadaswamy. I would have very much wished....

Shri Feroze Gandhi : Wholeheartedly or headedly?

Shri Nambiar : Here is an alternative.

Shri Chattopadhyaya (Vijayavada) : Full-throatedly.

Shri V. P. Nayar : If after the words "should take steps" in his resolution, he had added "immediately" I would have welcomed it all the more.

The two bankers who spoke after him, a banker and an ex-banker, banked too much upon their banking experience to argue their case, in vain.

Shri Chattopadhyaya : Alas !

Dr. Lanka Sundaram (Visakhapatnam) : There is provision for overdraft!

Shri Chattopadhyaya : They might catch it.

Shri V. P. Nayar : I was very much interested to hear the present banker or the current banker, Shri Kottukapally. He certainly has some experience and his bank has done some good work in Travancore-Cochin at least. He says that the banks have been functioning very efficiently, that in Travancore-Cochin the banking facilities are very much more. Why is it I ask him then that, if the banks are functioning very much better in Travancore-Cochin than in other parts of India, his bank and the other banks in Travancore-Cochin do not so far pay the rate as suggested by the award?

There alone the banks do not function.

Shri Kottukappally: The bank with which I am connected is paying the rate according to the award, it was paying it even before the award.

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas) : One swallow does not make a summer.

Dr. Lanka Sundaram: The swallow will swallow.

Shri V. P. Nayar: We are here considering whether in the present context the banks have to be nationalised or not. I am not going into the details of the history of banking. We all know how the banking industry in this country has developed. Even as late as 1925 I find there were only 28 banks while today we have very many more, over 400 or so. That is not the point. But the banking industry has today developed in such a way that it has become an apparatus of exploitation in the hands of a few people, who suck the life-blood of the people in various ways. There is no denying that.

If you go through the analysis of the banking industry, you will find that it has done very little in the matter of developing India's agriculture. To some it may be an arguable question whether it is part of banking or not, but for us it is not an arguable proposition at all. From the data collected by the Reserve Bank we find that out of Rs. 557 crores that the banks have advanced, Rs. 120 crores or about 34.3 per cent. has gone for industry. For commerce they have advanced Rs. 278 crores, or about 50 per cent. And for agriculture it is Rs. 5 crores. Here my friend was saying: "We have given money to cashew, ginger, pepper, lemongrass oil etc." All that in Travancore-Cochin plus what you have given for agriculture and agricultural commodities in the entire country comes to only Rs. 5 crores, which is less than one per cent. of the total investments of the Banks. Is it fair that in a country where more than 80 per cent. of the population is depending upon agriculture, the banking industry develops to a great extent but gives less than one per cent. to agriculture?

Shri Matthew: May I interrupt and say one word?

The policy of the Reserve Bank was against agricultural finance, it was only for commercial banking. You cannot blame the banks for it.

Shri V. P. Nayar: I am coming to that. Indian banks have advanced Rs. 47 crores by way of personal loans on personal security, which comes to about nine per cent.

Shri Kottukappally: At least 45 per cent. of the entire private banks' deposits in India are invested in Government securities, including those of the banks in Travancore-Cochin State.

Shri V. P. Nayar: Whether you have invested 45 per cent. or 50 per cent. in Government securities is not the proposition before us. What I say is that the money which the banks have in India today is utilised to the extent of 34.3 per cent. for industries and 50 per cent. for commerce. What is commerce? We know that these various banks are not controlled by hon. friend like Shri Kottukappally. The banks are in the hands of tycoons and monopolists in industry. Which big industrial house in India is not connected directly with a bank? I say the houses of Tatas, Birlas, Dalmias, Jaipurias, Kanorias, Singhanias and Bangurs have all their banks. Every big industrial house has its own banking enterprise.

Shri Feroze Gandhi: Except the House of the People?

Shri V. P. Nayar: Except the House of the People, everybody has a bank says Mr. Gandhi.

Shri Nambiar: We should also have a bank.

Shri V. P. Nayar: This is the position that we have.

My friend was asking a question: would Shri Gurupadaswamy point out any instance of either the United Kingdom or the United States of America having nationalised the banks. But can my friend Shri Kottukappally say whether either the United States of America or the United Kingdom have declared for themselves the goal of a socialist pattern of society as we have done for this country?

Shri Bhagwat Jha Azad: Clause 4 of the Bank of England Act gives power to control the banks.

Shri V. P. Nayar: Please allow me to proceed.

Nationalisation of banks, as far as I can see, especially in the context of the Second Plan frame which is before

me, is an imperative necessity as Government tells us that this Plan will take us to the fringes of a socialist pattern of society. What is a bank for? A bank is not for Shri Kottukappally to be a managing director or for me to be its manager; or for a monopolist to be financed. It has to cater to the financial needs of the people. I was surprised to find that even as late as in the wake of the Second Five Year Plan, Government do not commit themselves to a declaration of policy that here and now the major banks will be nationalised. I was going through the Second Five Year Plan report. I read every line of it. The importance of finding more finance has been stressed over and over again. The fact that the Imperial Bank has been nationalised has been mentioned as a credit in the First Five Year Plan. The fact also that the insurance companies are being nationalised is mentioned. But I do not find a word about nationalisation of banks which we have necessarily to have.

If you will permit me, Sir, I will read one or two sentences only to show how much important it will be for the Second Five Year Plan. I am reading from page 17 of the draft Second Five Year Plan.

"The recent decision to nationalise life insurance has added another potent instrument to the repertory of the public sector for raising savings and for regulating and directing the flow of funds in accordance with the requirements of the plan."

I ask this simple question of the hon. Minister of Revenue and Defence Expenditure who is here; if nationalisation of insurance can be considered to be a useful repertory, can we not consider nationalisation of banks, as a repertory with a greater potentiality for the financing of the Second Five Year Plan? The banks between them have assets of about Rs. 1200 crores. No joke. Can we not, by exercising greater control through nationalisation and by bringing the banks into the public sector, prevent at least the tax evasion which is so rampant today? The Government of India does not have powers to ask the banks to disclose the accounts of private gentlemen. I do not think even the Reserve Bank has that power. The Reserve Bank does not have powers, for example, as those of even the Control Commissioner of France. When we ask questions, they say it is not in the

public interest to disclose certain figures relating to safe deposit vaults. I ask the Minister whether it will not be conducive to prevent tax evasion if the banks are nationalised because most of these professional tax-evaders have their accounts in banks under so many names and banks, if they were under Government management, could certainly find out. I do not want to argue on that point at any greater length.

Shri M. S. Gurupadaswamy : Safe vaults.

Shri V. P. Nayar : It is a question which has been asked several times and oftentimes the reply has come that it is not in the public interest to disclose. All this can be prevented if we nationalise the banks. There is no question about it. Thirty crores of rupees is estimated to be the annual loss on account of tax evasion in this country. I think it should be very much more, but even if we take that estimate, a very large percentage of that can be found out and money realised if only Government had greater control over the banks.

My friend was asking whether in the United Kingdom it has been nationalised. Why do we copy other things from the United Kingdom? For his information I can tell him that in Australia when the Labour Government was in power, banks were nationalised. All the banks were nationalised, but unfortunately after that there was an order from the competent court declaring that particular Act to be *ultra vires*.

But then the Labour Government fell. The Liberal Government which followed passed another Bill withdrawing the previous Act, and thus got Shri Kottukappally's friends in Australia another lease of life. That was what happened.

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Shri Kottukappally: But we can follow more ancient countries.

Shri V. P. Nayar: I am coming to ancient India also, and not even ancient countries. My hon. friend was saying that no other country has done it. I would commend to my hon. friend this report on banking, which I have in my hand namely the *Overseas Economic Surveys* of UK which gives an account of the banking industry in France. If my hon. friend will go through it, he will find that France has now nationalised five banks which are called Deposit Banks, and which between them,

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have 60 per cent. of the banking industry of France. I do not say that every bank here should be nationalised tomorrow. That may not be possible. But certainly, all the scheduled banks, all the exchange banks, and all the first-grade banks, can be nationalised within a very short period. Even then, Shri Kottukappally's bank will not be left out, because his is a big bank too. That, however, is a different matter. I would ask my hon. friend whether in other countries—I do not say anything about the socialist countries—the banks have been nationalised, as for instance, in Czechoslovakia or in any other country. But my hon. friend does not know anything about that, because he only asks, 'Have we got an instance of the banks having been nationalised in the United Kingdom? Certainly not.'

Shri Kottukappally: In UK, they have nationalised the Bank of England.

Shri Bhagwat Jha Azad: They have wide powers to control the other banks.

Shri V. P. Nayar: But that is a Central Bank. Most of the capitalist countries have also nationalised the Central Banks. Even the capitalistic countries have had to nationalise their central banks. But in Australia, as I said earlier, all banks were being nationalised; in France also, some other banks besides Central Banks were being nationalised. That is the point which I want my hon. friend Shri Kottukappally to bear in mind before he comes forward to make a sweeping charge. Let my hon. friend come out with any other example.

Now, Sir, I would like to say something about the present plight of the banking industry. We know that banking is as old in India as the Vedas. There are references to loans in the Vedas. And as a student of Sanskrit, you know that Kautilya's *Artha Shastra* prescribes a limit for the interest which can be claimed on loans and on securities. What is the position of banks today? Apart from the banks which are either scheduled or non-scheduled, there is another apparatus spreading its vicious tentacles all over the country, namely the private moneylender's banks. What is its role? He also claims that he has given finance for the agriculturist, and that he has given finance for the artisans and the small men. But what is the interest that he charges? Here, Kautilya's *Artha Shastra* is torn to pieces. He charges one hundred per cent.

Shri Chattopadhyaya: So is the man who borrows.

Shri V. P. Nayar: What is the trick that these money-lenders play? You can have any number of loans from these usurious money-lenders, but if you take a loan of Rs. 100 from them, they will take a receipt from you for Rs. 500, and when you pay, you have to pay the interest on Rs. 500 at 9 or 12 per cent. and pay the principal at Rs. 500. Is this not being done by the private bankers? This is done even by the bigger banks privately. Whatever laws may be in force which may prevent usurious practices. We find that in this country, because there is no State-owned banking industry, and because there is some difficulty in finding adequate finance, a set of nefarious operators prowl for prey in this private banking line, and they are allowed to continue to do so. If we were to make it possible for the people to think that a State Bank will cater to the needs, I submit that that aspect also will be to the advantage of the people.

I want to draw the attention of the Minister to certain other aspects. I want to pose certain questions before him, which if he answers, I shall be very happy. Is it not a fact that the policy of the banks as we find today runs counter to the national needs? Is it not a fact that when there is a favourable price situation, the banks are very liberal, and when there is an unfavourable price situation, the banks tighten up, and control the advances more? I would also like to ask him whether, in India today, with what my hon. friend Shri Kottukappally calls a "well-developed banking industry", it is not a fact that the banking industry is controlled by a few people who have monopolistic control over other spheres of activity in the industrial and commercial sector. Is it not a fact that some of our biggest bankers happen to be owners of the biggest industries in India and the biggest business houses? I do not want to waste the time of the House, but the examples which I gave before will indicate the real position.

Shri Matthen: Control the bank.

Shri V. P. Nayar: They do. I do not want to name anybody, but even some of the biggest industrialists having their own banks see that their ventures get more money at the right time while the others do not get it. So many reports

on the banking industry have brought out these matters. I do not propose to argue those points now.

My regret is that when we say that we are marching forward, and that from here all roads lead to a socialist pattern not even the socialistic pattern and when we say that Government must find out all possible resources from the country, this vitally important source of getting adequate finance, namely banking, should have been left to the private sector. And I feel that Government not committing themselves to a statement of policy that at least the Scheduled Exchange Banks will be forthwith nationalised, should make the Minister blush with shame.

In conclusion, and after omitting most of the points which I wanted to put forward.....

Shri A. M. Thomas (Ernakulam): My hon. friend ought not to have faced Shri Kottukappally.

Shri V. P. Nayar: ... I would say that in order to save the people from the predatory money-lenders, in order to save our country from the economic mal-adjustments which are deliberately created by banking institutions today, and in order to facilitate the Plan being worked out to a success, all the banks should be nationalised, the bigger ones being taken up in hand immediately for nationalisation. I hope Government will have no hesitation in doing so, if as they proclaim from the house-tops their objective is to usher in an egalitarian society.

Shri Bhagwat Jha Azad: Though the institution of banking has progressed very much since the first bank was established in the world, yet in India, the first bank that was established, namely the Commercial Bank of Oudh, was established in 1881, and after that, during the period that has intervened up till now, the progress of banking in India is very dimly disappointing. If we go through a close review of the banking industry in India, we find that the very objective for which we have had this institution has not been fulfilled or realised in our country.

According to the great authority on banking, Mr. Sayes, the main issues that arise in the case of the banking industry are the efficiency issue, the integration issue, the monetary issue, and the general and transitional issues. I need

not go into the details of all these theoretical propositions. But I shall straightway go on to deal with the first issue, namely the efficiency of the banking institution in India. The certificate of efficiency is very well reflected in the number of bank depositors in India, which is only 36 lakhs, that is one per cent. of the entire population, and almost half of those who are insured. It is very well reflected also in the offices which were only 4819 in 1947, but have since come down to only 4014 in 1954. The number of depositors and the number of offices reflect very well the certificate given by the people of this country to the banking institution and the bankers.

These 4014 offices are situated only in a thousand places. My hon. friend Shri Kottukappally had referred to the Imperial Bank's offices and stated that they have entered into unhealthy competition. But what about other banks? They have opened their branches, however, only in a very few places, mostly in big towns, and they have never reached the villages or the small towns. So, we find that 40 per cent. of their offices are concentrated in 64 places in this vast country. So, they have failed to reach, and tap the resources of, the people of this country, which they have got to, if only we want to implement our Second Five Year Plan successfully by reaching the common man in the villages and small towns.

As a result of the prosperity in the agricultural sector and as a result of the impact of the Second World War, we now find that money is flowing from the big towns to the villages, from the zamindars to the labourers. Therefore, it is high time that the banking institutions gave us a correct picture of how they would tap the money flowing from the big towns to the villages. But nothing like that has been given to us. No efforts have been made to understand and realise this vast change that is going on in the country, the vast change that is effected by hydro-electric schemes whereby vast tracts of land will be irrigated. How will they tap the resulting money that will come in the hands of the farmers of this country with the small number of 4000 banking offices in 60 places? These banking institutions cannot take credit for helping the economic prosperity, commerce, trade and industry of the country, as is the case in foreign countries. But what is their policy?

[Shri Bhagwat Jha Azad]

Under a planned economy, we have got our Five Year Plans. We have to realise more and more money. We have to attract small depositors and small borrowers. We have to fill up the gap by attracting the small savings and other savings of the people. These banking institutions adopt a highly discriminatory policy with regard to giving loans. When they give loans to the common man, the ordinary borrower, they discriminate by charging him a high rate of interest. But between the directors, they mutually exchange loans. The Reserve Bank of India Act provides that the director of a bank cannot take a loan from the same bank. Therefore, these directors mutually exchange loans at a very low rate of interest. I will give you a concrete case without naming the individual. A big Kanpur industrialist took a loan of Rs. 50 lakhs from a bank, the head office of which is in Delhi. Then the man in Delhi, in return, got a loan of Rs. 50 lakhs from him. And what is the rate of interest charged? It is 4 per cent. or 4½ per cent. But if a small borrower or a small depositor wants a loan, he cannot get it at such a rate of interest.

What is the use to which these big sums of money are put by these people? Through brokers and *benamidars* they speculate, they invest in shares of companies which themselves crash at any time. This practice brings not prosperity to the country but just result in a crack in the economic structure of the country.

I will give you another example of how they operate. From a Calcutta branch of a scheduled bank, a sum of Rs. 2,43,00,000 was 'clean lifted'—that means, by giving a personal security—by a certain industrialist for the purpose of speculation in jute. The Reserve Bank of India came to know of this. It immediately demanded that the money be returned with all grace. Humiliating himself, the fellow had to return the money. This is how they operate. Recently, ten months ago, the same bank advanced a loan of Rs. 43 lakhs to a prominent industrialist. For what purpose? For speculation. Again the Reserve Bank came to know of it and has asked for the refund of the money. I do not know whether he has given it back.

Therefore, my point is that these banks discriminate in giving loans to small borrowers and small depositors,

but they themselves mutually exchange big loans at a nominal rate of interest. They go in for shares, they go in for speculation and thereby bring ruin on the economy of the country. Shri Kottukappally may deny this. But this is a fact. Therefore, it is high time that we hurried up with legislation for nationalising the banks.

I will bring before you a very interesting device of how these friends try to deprive the poor depositors of their money and dividend. You know that these very industrialists, who control the banks, are responsible for creating scarcity in the country. Advances and loans made under the cash and credit system are being misused for cornering commodities. They deposit a sum of Rs. 2 lakhs and take Rs. 10 lakhs with which they speculate. Therefore, this cash and credit system is being misused for cornering commodities, thereby creating scarcity in the country, which is an artificial scarcity. Thereby they deprive the consumers of the natural benefits of prosperity in the country. No use is made for productive purposes.

After the last war, Japan faced the same situation. How did Japan tackle it? There also the industrialists made use of the cash and credit system to corner commodities and thereby create artificial scarcities in commodities. Japan had to create a central authority to check advances and loans under the cash and credit system. Before any loan is given, the authority must satisfy itself that it is going to be used for productive purposes. But in this country, there is no such restriction operative. They can deposit Rs. 2 lakhs and take Rs. 10 lakhs and speculate or do what they like with that money. I feel it is high time that we should not allow these gentlemen to play ducks and drakes with the money of the public. Their inefficiency and their personal motive of profit have shaken the faith of the depositors in this country.

Now I will give some statistics about the notes in circulation, deposit liabilities and the percentages. In India, the notes in circulation in December 1955 were to the extent of Rs. 1374 crores, the deposit liabilities were to the extent of Rs. 1052 crores. That represents a percentage of 75. In Canada, in the same period, notes in circulation were to the extent of £ 1739 million (sterling), deposit liabilities £ 1194 million (sterling) and the percentage 684.

Similarly, in South Africa, the corresponding figures are £ 111 million (sterling), £ 465 million (sterling) and 418.99 per cent. In the USA, the respective figures are \$ 26,921 million, \$ 10,117 million and 390.47 per cent. Compared to India which has got only 75 per cent. in deposit, Canada has got 684 per cent. South Africa has got 418 per cent. and the United States has got 390 per cent. This shows how the country's faith in banking institutions has been shaken by the inefficiency and personal profit motive of these bankers. Therefore, it is high time that we nationalise these banking institutions so that all the surplus money available with the public is saved for the implementation of the Second Five Year Plan, and not for the personal profit motive of these bankers and industrialists in the country.

Shri Kottukappally quoted the case of a bank which is already doing good work. Very good. We compliment him on that, although I do not know how far it is true; but I take it as true, coming as it does from my hon. friend. But one swallow does not make a summer, and this does not wipe off the actions of other bankers who are behaving mysteriously in this country.

Referring to Shri M. S. Gurupadaswamy's speech, in connection with failures of banks, he asked: are there not failure of aeroplanes, trains and ships? I would respectfully ask him: are these failures the same thing as the bank failures? This is a fallacy and a bad argument. Is there any personal motive in these failures?

The pilot does his work in all honesty and sincerity. Yet, unfortunately, he fails. But is the failure due to the dishonesty of the pilot? On the other hand the bank failures are due to unhealthy competition in small towns and the personal profit motive of the bankers and their speculative activities in the share market and misuse of the cash and credit system. Therefore, all I can say is that this argument of Shri Kottukappally's looks very nice. It is wrong to use this analogy and fallacious argument.

We find that from 1948 to 1954, there have been as many 294 bank failures. This is the number regarding Calcutta alone. The amount involved is Rs. 30 crores. The poor depositors were robbed to the extent of Rs. 30 crores....

An Hon. Member: Looted.

Shri Chagayst Jua Azad: Therefore, this wonderful certificate of the relationship between the notes in circulation and deposit liabilities shows how badly, how shabbily, how poorly they have treated the people of this country whose faith in these banking institutions has been shaken.

Then, I come to the other common corrupt practice of taking a small percentage from the loans that they give on behalf of the bank to the loanee. They charge a small percentage on the loan which they give to the loanee. Therefore, it is essential that for integration and monetization in this country we should have control over the commercial banks also because, like the Reserve Bank they also create facility for money.

In England, the Bank of England Act gives wide powers. The Bank of England has been invested with wide powers under clause (4) of the Bank of England Act, to request information from and make recommendations to bankers as well as issue directions, if authorised by the Government, provided that no such request or recommendation shall be made with respect to the affairs of any customer. Thus, it is expected that the Treasury, the Central Bank and the clearing banks would have to pull well together. The Bank of England Act serves as a safeguard.

As Shri V. P. Nayar said, in France they have nationalised banks. They have four deposit banks.

In Australia, in 1947, they introduced a Bill for nationalisation. See what they have done for protecting poor depositors like ourselves. I am quoting from what Mr. Chieffy, the Prime Minister of that country at that time, said about the nationalisation of banks. He gave the reasons for the nationalisation.

"(1) Policies of private banks' have run counter to national needs. The purpose of nationalisation is to take away powers from the hands of a few directors and to devote banking to the national service.

(2) Private banks increased their lending in good times and contract it in bad times, and lend always where the profits seemed largest and most assured. Private banks fed booms.

(3) Through the process of amalgamation, power of private banking has become concentrated in the hands of

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Boards of Directors comprising a relatively few men."

This is what the Prime Minister of Australia, Mr. Chieffy said in moving the Bill in the Federal House of Representatives of Australia.

The same circumstances also exist in this country and it is high time that we go through this nationalisation of banks so that we can tap all the available resources of money that goes from the big towns to villages and be able to bridge the gap in finance which we have got for financing the Plan, so that we can make people more interested in spending large sums of money as is being done in the U.S.A. Unless the banks are nationalised there is no hope for getting the resources of these poor men. By that alone, we can go to the schools, we can go to the colleges, we can go to the temple, we can go to the mosque, we can go to the church and we can go to the field and ask from the people a good amount of money. In this way Government will guarantee the poor man against failure of the bank. In U.S.A. the Government guarantee against failure of banks. Therefore, I do hope that Government will take action soon.

Shri Gurupadaswamy has quoted the Finance Minister as to what he said about how these banks behave and all that. Therefore, with all the emphasis at my command, I support the resolution moved by Shri Gurupadaswamy and I am glad that at least once in his life he has given me an opportunity of supporting him.

Dr. Lanka Sundaram: It may be a harbinger of others.

Shri A. M. Thomas: Mr. Chairman, Sir, it has so happened that on this resolution on the nationalisation of banks, I am the fourth Member to speak from Travancore-Cochin. I think it is not strange that many Members from that State have thought it fit to participate in the discussion on this resolution. If you go through the statistics concerned, you will be able to find that it is, perhaps, Travancore-Cochin that has got the largest number of banks as compared with other States.

Two of the speakers from Travancore-Cochin have emphasised the great service that has been done by the joint stock banks of Travancore-Cochin. Had it not been for the great number of banks in that State it would not have been

possible to finance the small agriculturists, the small industrialists and the petty traders and the persons who are trading in commodities like pepper, lemon grass oil, ginger and so many others. I do not want to enter into a discussion on the services that have been rendered by the joint stock banks in this country.

Shri Gurupadaswamy, by his resolution, wants this House to commit itself to the nationalisation of the entire banking business of this country. Shri V. P. Nayar my friend from Travancore-Cochin, who is now sailing with the communist party, is not....

Shri V. P. Nayar: Why?

Shri A. M. Thomas: Even now you are only a fellow traveller and not a full-fledged communist.

Shri V. P. Nayar: You are mistaken.

Shri A. M. Thomas: Shri Nayar has not chosen to go as far as Shri Gurupadaswamy has gone. Shri Nayar has stated that he does not want the entire banking structure to be nationalised. He does not want to see the small joint stock banks....

Shri V. P. Nayar: If the hon. Member were to yield....

Shri A. M. Thomas: I do not want to yield.

Shri V. P. Nayar: You are misinterpreting what I said. I certainly said that you should nationalise all the banks, tomorrow or the day after.

Shri A. M. Thomas: Shri Nayar wanted to nationalise the big joint stock banks, the foreign exchange banks and big banks only. I do not think there is any necessity for this House to pass this resolution. The Government itself is committed to the spirit of the resolution. We passed the State Bank of India Act and, under section 35 of that Act, you will find that the State Bank, may with the sanction of the Central Government and shall if so directed by the Central Government in consultation with the Reserve Bank, enter into negotiations for acquiring the business, including the assets and liabilities of any banking institution. (Interruption.)

So, that is the provision of the Act that we have passed and it is open to the State Bank of India to take the banking business of any institution in this country by negotiations.

You will also find that the Committee of Direction, appointed by the Reserve Bank of India, has gone into this question of the credit structure of the country especially in relation to rural credit. It recommended for the nationalisation of the Imperial Bank. It has further recommended that the major State-associated banks like the State Bank of Saurashtra, the Bank of Patiala, the Bank of Bikaner, the Bank of Jaipur, the Bank of Rajasthan, the Bank of Indore, the Bank of Baroda, the Bank of Mysore and the Hyderabad State Bank and the Travancore Bank, should also come within the ambit of the State Bank.

The Committee has also said that the Reserve Bank and the Government of India should examine, in this context, the suitability of also amalgamating certain small State-associated banks. For future application, as and when necessary and appropriate, and subject to notification by Government, the same statute should contain provision for similar compulsory amalgamation with the State Bank of India of suitable, relatively small commercial banks whose branches are so situated as to be complementary in point of area of operation to that of the State Bank.

I think this recommendation of the Committee of Direction has been accepted by the Government.

Shri Gurupadaswamy cautioned that, as is usual, the Finance Minister should not follow a pragmatic approach in this matter. But I would say it is a pragmatic approach that is necessary. What is the object we have in view? It is the expansion of credit facilities. How best it can be served, is the matter which we have to determine. Having adopted the socialist pattern of society, we are committed to avoid concentration of economic power. For that purpose, we have taken up the nationalisation of insurance. As time passes, we may, perhaps, nationalise banking also. But, all of a sudden it is inadvisable to nationalise the entire banking structure of this country. The Government might, from its experience of the nationalisation of the Imperial Bank, proceed cautiously in nationalising other banks. Since the State has entered the field, it can open banks anywhere in the country and in any number.

Shri George Thomas has quoted certain figures to show the inadequacy of banking facilities in this country.

He has quoted that for one million of people, we have got only 16 banking offices. When I studied Economics in my B.A. class, I remember that the whole of India had not even the number of banks that the city of Paris had at that time. It shows how inadequate banking facilities in this country are.

So, I think, this is a field in which there is scope both for the private sector as well as the public sector. We have nationalised the State Bank of India. The State has stepped into this field, and whenever possible, for expansion of trade facilities, we can take up this business to any extent.

There is another factor that we have to bear in mind in this connection. Even now we leave a sector of our industry and commerce to the private sector. The complaint is raised from the private sector that now that the State has come in and has launched enormous development plans, it is impossible for the private sector to get the necessary finance for its own purposes, that is, for the development of those industries and for the development of commerce which has been left to the private sector. I think it is not possible to nationalise the entire banking structure now. I should think that the State Bank may first of all take over the business of the State Bank in the other States and even nationalise some other big banks. But to nationalise the entire banking structure...

Shri V. P. Nayar: What do you think of the exchange banks?

Shri A. M. Thomas: Shri Gurupadaswamy referred to the failure of so many banks. These failures have occurred; and they have only involved a small capital, as pointed out by Shri George Thomas. Failures had happened before the necessary amendments of the Reserve Bank of India Act, the Banking Companies Act were carried out and before the Reserve Bank started to exercise the control that it is exercising now. Under the powers of control and supervision that the Reserve Bank has got, bank failures would be few and far between; and we may take that fact also into consideration.

I may also say that there is another danger if we now all of a sudden nationalise the entire banking structure. It is to eliminate the usurious money-lender, the village *sowkar*, that we have urged the necessity of nationalising the

[Shri A. M. Thomas]

State Bank and starting as many branches as possible in the villages so that the rural folk may be benefited. The main object, as I said, was to eliminate the village *sowkar*. If you now resort to nationalise the entire banking structure, then there is this danger, that is, the old village *sowkar* will again raise his head. That is what will happen. So, we have to be very careful before we take any step in this direction.

Shri V. P. Nayer: I think he has studied only economics and not logic.

Shri A. M. Thomas: I may submit that before we nationalise the entire banking structure, we must find the necessary personnel for the purpose. There is a recommendation of the Rural Banking Enquiry Committee—and also of the Central Banking Enquiry Committee which enquired into the matter in 1931, and again of the Committee of Direction—to the effect that we must have the necessary personnel who are trained in this business of banking, so that the banking institutions in this country may be properly staffed. I do not think that the Government has even now started any banking institution which will give the necessary personnel for manning the institutions if we nationalise them. As a first step, I would suggest that we must give the necessary training to the present staff working in the various institutions, and as a pre-requisite to employment in banks, we may also open the necessary institutions for imparting special education for that purpose. In the absence of proper facilities in India, most of the top managers have gone to countries like the U.K. and got their training in institutions like the London Chamber of Commerce, the Institute of Secretaries, and the Bankers' Institute, London.

Therefore, before launching on the wholesale nationalisation of the entire banking structure, we must find the necessary personnel for the purpose. I think there is no necessity to pass this resolution. The House is committed to the principle of the resolution; in fact, the Government itself is committed to it and it has taken one step. Even under the present statute, it can take further steps and so, I think, there is no necessity to pass this resolution. I hope Shri Gurupadaswamy will find his way not to press his resolution at this juncture.

Shri D. C. Sharma (Hoshiarpur): Mr. Chairman, I think the approach to this problem determines our conclusion. Do we look upon banks as social institutions, or do we look upon them really as institutions for commercial transactions? Gone is the day when banks were thought to be a kind of money-lending institution. Now the social objectives of the country and of the nation are superior to other considerations and, therefore, I think that the nationalisation of banks is a very important issue.

What are our social objectives now? Firstly, we are embarking on economic planning; secondly, we are thinking of full employment; and thirdly, we want the resources of our country to be augmented and to be in the nation's hand. I do not think of the nation *versus* the Government or the Government *versus* the nation. I think the nation and the Government are one. Therefore, these social objectives are our primary consideration.

If you look at the history of other countries, you will find that those persons who have placed the interests of the nation above every other interest have gone in for nationalisation. When a progressive government or a government whose policy was re-orientated towards the welfare State was in England, it wanted to nationalise not only the Central Bank but also all the commercial banks. But when another type of leaders came into power, of course, they put this aside.

Take the case of Australia. When the Labour Government came into power there, it thought of nationalising the entire banking structure of the country. But when it went out of power, some other persons stepped in and they tried to do away with it. Let me tell you something about France, which is a home of democracy. In France, the Government has nationalised banks and has said that the shareholders will not be paid all at once but over a period of 50 years.

Shri Feroze Gandhi: Like the zamindari.

Shri D. C. Sharma: It said that the shareholders would no longer have a say in the management of the banks, which will henceforth be managed by a board of directors to be nominated by the Government. This is what has been done in France, and I think the banks in France have not been the worse for that. About

55 per cent. of the deposits are in the hands of these banks and they have been nationalised. And other banks are following in their footsteps. In Czechoslovakia, the same thing has happened. I am saying all this in order to show that the U.K. and the U.S.A. are not the only two countries whose model we have to follow; there are other democracies also in the world which have embarked upon this kind of experiment.

As I have said, we should look upon these banks primarily as social institutions which are meant to serve a welfare State. If we did that, then there would be no controversy about the nationalisation of banks.

What account have these banks given of themselves during the last so many years. My friend, Shri Feroze Gandhi, is not here. He was good enough to tell me that the first bank in India was started in 1885. I know there was a time when the banks were mostly in the hands of foreign persons. A swadeshi movement was started so far as banks were concerned. All through these years, banks have not been able to give a very good account of themselves.

[MR. DEPUTY-SPEAKER *in the Chair*]

Look at the number of depositors. Look at the transactions. The banks in this country have not even touched the fringe of our population. At the most they have touched only one per cent. of our population. And that one per cent. comes from big towns. So far as our rural population is concerned, it is still far away. We want the banking habit to spread to all levels of our population. It should spread into a wider field. Now, it is some sort of an urban monopoly. It is restricted to the upper levels of income. We have not been able to go down to the other people. We have opened savings banks and all that. Even then, they have not been able to do much. If we want a welfare State, banking should be a part of our rural life, part of the life of every citizen of India and so, it has got to be nationalised. Otherwise, the motive will be profit motive and not service to the people. I do not want to point to the malpractices that they have been guilty of during these years. That kind of an argument is not very helpful. My friend said that the banks failed at a time when there was no good banking legislation. I concede that point. Rs. 30 crores, belonging to the depositors, have gone with the wind when the banks

failed in Bengal. Assam is a very small State—in size alone not in any other sense. I do not think that Assam is a very prosperous and wealthy State. In Assam also, some banks failed and Rs. 10 crores of the poor depositors were lost. Can our country afford to lose Rs. 30 crores here and Rs. 10 crores there? It is because these banks have not been run efficiently. They become more or less a family affair. They are not responsive to the needs and wishes and aspirations of the shareholders. I think there is good reason to nationalise them.

After all the banks are there to finance production—productive enterprises. Here, a bank will start an industrial company and then that industrial company will start a bank. It is a kind of a circle which goes on. A person may go to a bank with a very good proposition which would be of some help to the nation. But he will not get any money. He knows that. So, the small-scale industrialists and traders cannot have any access to these banks. As an economist has said, they follow in these matters a policy called: "Touch-me-not policy." How are we going to prosper if the small traders in our country do not have a fair deal at the hands of these banks?

The number of depositors is low because the facilities are not attractive. You should comply with a series of formalities if you want to deposit some money. They are such that a vast majority of our population cannot comply with. There has also been unhealthy competition between one bank and another. So far as the acquisition of deposits is concerned, I need not elaborate that point because any gentleman who has some money to deposit will know. One banker will come and say that he will give so much interest and then the other will come and say that he will give so much interest. Such unhealthy practices have crept into these banks.

We have nationalised life insurance. If we are to embark upon the experiment of nationalisation, we cannot stop at a half-way house. Nationalisation of life insurance is a half-way house and the goal is the nationalisation of banks. We nationalised life insurance because we thought that the funds of persons who insured with these insurers were not safe in the hands of private insurers. We did that when we knew that fifty per cent. of their money was invested in Government securities. Even

[Shri D. C. Sharma]

then, we did not think that they were safe in the hands of private insurers. I am now coming to these banks. Under the law, they are required to keep two per cent. of time and five per cent. of demand liabilities with the Reserve Bank. The Reserve Bank is in a position to exercise some control over them. But, as I said that control is not so strict as it should be. Deposits are a kind of safe custody. From the history of banking in India, we have come to a feeling that this policy of safe custody does not work. It is because the directors do not have the right kind of social consciousness. I do not say that all are like that. What do they do? I know that the Reserve Bank has said that no director will be allowed to borrow money from his bank. There is some direction to that effect. So, the director of X bank will go to Y bank and borrow money from Y bank. The director of Y bank will come to X bank and borrow money. It is a kind of one hand watching the other. While this goes on, the poor depositors, fate hangs in the balance and the shareholders have an uneasy time. This system is working to a very dangerous extent. Therefore, I think it is necessary that we should think of nationalisation.

Again, take the credit creation facilities of these banks. Of course, banks have those facilities. Most of this credit creating facility is used for cornering commodities.

They will be used for having unproductive enterprises and for doing things which, I would say, are not in the interests of the nation. I do not call them 'unsocial', that would be a dangerous word.

An Hon. Member: It is not dangerous.

Shri D. C. Sharma: I agree with you, but I want to deal with the thing as softly as possible.

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri D. C. Sharma: What I wanted to say was, with deficit financing, a lot of money will flow in this country. Of course, the banks will also have a lot of it. What the banks will do is this. They will create more facilities for credit and their credit will go into speculation and other things with the result that the poor tax-payer, the poor consumer and the man in the street will suffer. Therefore, what I say is, in the interests of the Second Five Year Plan, where we

need all the resources of the country, where we need all the deposits from our nation and where we want to promote small deposits, the only course open to us is to nationalise these banks, because that will pave the way for the success of the Five Year Plan. If that is not done, I think the dream of a welfare State will not be ripe. Of course it will be ripe—as soon as it happens; otherwise it would not be.

Shri Nambiar: Here after it is "Socialist State".

Mr. Deputy-Speaker: Now the hon. Minister.

Shri Feroze Gandhi (Pratapgarh Dist.—West cum Rae Bareilly Dist.—East) : Sir, may I ask the hon. Minister a question before he starts his speech? I would like to know if the Reserve Bank of India has conducted any enquiry into the statement which Shri D. C. Sharma just now made that the directors of different banks, although they are prevented, on account of the law prevailing, from taking loans themselves as long as they are directors, are taking loans from each other? I want to know whether any such enquiry has been conducted to find out how they arrange to take loans from each other and, if so, what conclusions the Reserve Bank of India has come to?

श्री विभूति मिश्र (सारन व चम्पारन) : नामी ग्रीर बेनामी ।

Shri Feroze Gandhi: Both.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Sir, I think I should first reply to Shri Feroze Gandhi because he has simply put a question.

Mr. Deputy-Speaker: The hon. Minister is to reply to the whole debate and this may also be considered as part of a point raised by an hon. Member.

Shri A. C. Guha : Mr. Deputy-Speaker, Sir, I should say that I am rather disappointed at the speech of the Mover of the Resolution. I expected a much more vigorous and enthusiastic speech from the Mover.

Shri M. S. Gurupadaswamy: I did not like it.

Shri A. C. Guha: And I think he could not muster much argument in favour of his own resolution. He took shelter under some facts and figures; of course facts which may appear to him as facts, and some figures most of which are not

quite relevant for the purpose of his resolution.

He started with a general thesis against pragmatism. He has rightly taken it for granted that the Government generally proceed on a pragmatic basis; and he has said that pragmatism is no ideology, it is no philosophy. I recollect, in my student days more than four decades ago—I was a student of philosophy also—to have read pragmatism as a school of philosophy. I think it may be defined 'a doctrine or a philosophy which evaluates a theory solely by its practical bearing upon human interests'.

Sir, a government can proceed only on the pragmatic sanction before it can take a new step. The only sanction for a government would be to judge whether the next step will conduce to the welfare of the people whose interests have been put in the hands of that Government. I make no apology, therefore, when I defend the Government policy mainly on pragmatic grounds. Even though we may proceed on pragmatic grounds we must have some philosophy and ideology also, which Shri Gurupadaswamy denies for pragmatism.

It has been admitted, and it has been the accepted policy of this House and of the Government, that a socialistic pattern of society is to be established. But it has also been the accepted policy of this Government that it proceeds on the basis of mixed economy. The Government or this House has not yet decided to wipe out the private sector. I think my friend Shri Matthen, who himself was a banker and had some bitter experience in his life as a banker.....

Shri V. P. Nayar: Very bitter too.

Shri A. C. Guha: He has also recorded it in a book. He has said that it would be a regrettable thing if this Government decides to obliterate the private sector altogether. So, when we proceed on any social or economic idea, we must also keep in view that there is a private sector working in the country and that is on the accepted policy of the Government and of this House.

Sir, 90 per cent or more of the production of our national wealth even now comes from the private sector. We cannot just for some ideological grounds take up the policy of nationalising banks. It must be done only on the basis or on the standard of how far it

would, conduce to the good of the people.

A number of Members have referred to the previous bank failures. They have also referred to the report of the Bank Liquidation Proceedings Committee. Sir, you may recollect that in the Constituent Assembly and in the Provisional Parliament, as a private Member, and also in the first year on this Parliament, I had something to do with the setting up of this Committee and I think, in helping this Committee to come to its decision and make its recommendations. I know the enormity of the problem no less than any other hon. Members who have referred to this. But at the same time, I would ask them to take a realistic view of things. Shri M. S. Gurupadaswamy has said that it is not only the post-war unsettled economic conditions that have led to the failure of so many banks, but that even before the war there were bank failures. Surely, there were bank failures before the war, but compared to the bank failures during the war and the post-war years, the bank failures in the pre-war period would appear to be negligible. The total amount involved, i.e., the outside liabilities of the banks, that failed from 1926 or even earlier, up to 1939 would be only a little over Rs. 3 crores. This problem assumed alarming size and proportion only after the war and it was my province which was worst affected.

5 P.M.

Shri V. P. Nayar: The first.

Shri A. C. Guha: Yes. It was worst affected by the bank failures. I think Shri D. C. Sharma has referred to the amount involved. He said it was about Rs. 30 crores in one place and Rs. 10 crores in Assam or something like that. The total amount involved is about Rs. 30 crores, including Assam and every other place, from the very beginning, that is, from 1926. Out of this amount, West Bengal would account for Rs. 20 crores.

I would not plead about the efficiency or good behaviour of the managers and managing directors of those banks. Rather, I have my own ideas about those men and I do not think it would be proper for me, as a Minister, to express them on the floor of this House. But still, we should also consider some other factors which led to the failures of those banks in Bengal. We should not ignore what the partition of Bengal meant for those banks. Most of those

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banks had their origin in East Bengal and most of them started with very small capital—Rs. 2,000, Rs. 3,000 or Rs. 5,000—and they grew up into somewhat respectable banks, particularly due to the conditions prevailing during the war.

Shri V. P. Nayyar: Thanks to black-market.

Shri A. C. Guha: Suddenly, with the partition of Bengal, these banks found most of their fixed assets in East Bengal on which they could not get any credit or any liquid cash. Apart from the dishonesty and business inefficiency of the managers or the managing directors, I think the partition of Bengal was mostly responsible for the failures of those banks. But for partition, I expect at least some of the banks would have survived.

I should like the hon. Members also to recollect that now, one of the biggest banks in India is the United Bank of India which is a combine of four small banks, and except one, all of them had their origin in East Bengal and all started with very small capital.

Shri Feroze Gandhi: Are the dishonest directors and managers still there?

Shri A. C. Guha: I cannot say anything like that. I do not think so. I expect there are no dishonest directors and managers there, because the Reserve Bank is now having strict control and supervision. They have put, I think one adviser also there and the Chairman of the Board is also there with the sanction and approval of the Central Government. I think the hon. Members of the House may recollect that Shri K. C. Neogy was the first Chairman of the Board and he was appointed with the approval of the Central Government. The next man also has been there with the approval of the Central Government.

I think except Shri D. C. Sharma and Shri Bhagwat Jha Azad, all the Members who participated in the debate on this resolution are from Travancore-Cochin. Some of them have advocated nationalisation.

Shri V. P. Nayyar: If you come from a State where there has been the maximum number of bank failures, we are from the State with the maximum number of banks. That is the difference.

Shri A. C. Guha: I would tell you what nationalisation would mean for your banks.

Shri V. P. Nayyar: I do not support it.

Shri A. C. Guha: So, when we come to the pragmatic aspect, my hon. friend recedes and says that he does not press that idea. If these small banks in Travancore-Cochin numbering about 160 were not allowed to function, I think the whole economy of Travancore-Cochin would be dislocated considerably. We have been hearing examples, cited from the United Kingdom, United States, Australia, Canada and so many other countries. I do not like to take the standard of those countries. But even if we take the standard of our country, these 160 banks would evaporate almost in a month. The Reserve Bank and the Central Government have to make special accommodation for them so that these banks may function. The Reserve Bank has inspected them and it is the considered opinion of the Government and of the Reserve Bank that these banks have been doing useful work and that they should be given special provisions and accommodation to function in Travancore-Cochin. I think the hon. Members would recollect that the last Bank Award Tribunal suggested a special enquiry about the Travancore-Cochin banks and the Central Government has set up a commission to enquire into the working conditions of the Travancore-Cochin banks and to see what particular arrangements are to be made for those banks. I think the nationalisation of banks should be the last thing for Travancore-Cochin more than for any other place, it would be harmful for Travancore-Cochin.

Some Members have mentioned about the amounts in deposit and the number of banking offices, etc. There also they have made some comparison with the western countries, with Australia and Canada. When we make any comparison with Canada or Australia, we should also bear in mind the *per capita* income in India and in those countries as well. Only then we can make a correct estimate of the position. It is no use comparing certain things in India with certain things in Canada and Australia, ignoring the difference between the *per capita* income prevailing in India and in those countries.

I think the mover of the resolution or somebody else has mentioned that only in 60 places we have got banking offices and their branches. I do not know wherefrom he has got those figures. I can give the figures from the statistical table relating to the banks in India.

There are 1,613 places where we have got branches of the banks and the total number of offices doing banking business in India is 4,938.

Shri Feroze Gandhi : To which year do those figures relate?

Shri A. C. Guha : 1954.

Shri V. P. Nayar : Out of that number, only 150 banks are in places with less than 5,000 people. That was what they pointed out.

Shri A. C. Guha : It was one of the things advocated by this House that banks should be started in semi-urban and rural areas. I do not claim that banking in India has developed as it should have. Ours is admittedly an under-developed or even undeveloped economy and banking also is underdeveloped or yet undeveloped.

It has been argued that the Indian banks have not been working efficiently and that for efficient working we should nationalise the banks. Without nationalisation also, efficiency may be effected. I am not one of those who claim that the private sector is by itself a paragon of efficiency or that the public sector is to be automatically accepted as an example of efficiency. There may be efficiency in both the sectors; otherwise, the Government would not have allowed both the sectors to continue in the country. We think that the private sector also can work as efficiently as the public sector. In the public sector also, there may be examples of inefficiency. As hon. Members will recollect, the housing factory of the Government cannot be claimed to have been efficiently run.

Under the Banking Companies Act, the Reserve Bank has been given some authority to ensure the efficient and good management of these banks. I can say that since May, 1951, there has not been any failure of a scheduled bank. When Shri Matthen was speaking, Shri Feroze Gandhi intervened to ask if the Reserve Bank was not in existence then. The Reserve Bank was there; but, the Reserve Bank was not given the necessary authority, for ensuring efficient control on the banking operations.

Shri N. B. Chowdhury (Ghatal) : Regarding the public sector, the hon. Finance Minister said the opposite thing the other day.

Shri A. C. Guha : The Banking Companies Act was amended in 1950 and 1953 and the Reserve Bank was given certain powers to ensure that the banks are run properly and honestly. There are many sections in the Banking Companies Act—sections 35, 21, 20 and so on—which give sufficient authority to the Reserve Bank to exercise control and supervision over all the banks. I do not like to read out a long list, but I can say that since this power has been given to the Reserve Bank, the Reserve Bank has been able to have effective control over the working of the banks and since then conditions in most of these banks have considerably improved.

Shri V. P. Nayar : Does the Reserve Bank have power to call for a detailed statement of accounts in respect of a particular gentleman from a particular bank?

Shri Feroze Gandhi : No.

Mr. Deputy-Speaker : The hon. Minister has to conclude by 5-20. In the beginning, the hon. Minister wanted 40 minutes; then he reduced it to 30 minutes. He started at 4-50.

Shri A. C. Guha : Then, I should come to the main point. It has been said that for the second Five Year Plan, we should nationalise the banks and utilise the funds available in the banks. The example of the nationalisation of the insurance companies has been cited. There is a wide difference in this respect between insurance companies and banks. The funds of the insurance companies are all long-term investments and in recent times, there have been several cases where the funds have not been properly utilised. But, the funds available with the banking companies are all short-term investments which are not available for long-term investment and for the development works of the Government. Then there is the question of profit. The total amount distributed as dividends by all the banking companies in 1954 is only about Rs. 2,82,00,000, out of which the then Imperial Bank of India distributed about Rs. 1 crore. So, only about Rs. 1,82,00,000 would remain for the shareholders of all the banks. I do not think that it is a very big amount. Moreover, I think it is not quite proper or decent to do certain things simply because the Government will get a lump sum of money by just taking them over. That will not be to the credit or the good reputation of

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any Government. So, the contention that by nationalising banking companies we can get big amounts for financing the second Five Year Plan has no logical foundation.

Shri V. P. Nayar: We want only regulation.

Shri A. C. Guha: We have already got that, but it is not nationalisation. We should also remember that about 41 per cent of the deposits of the banks are invested in Government securities. Moreover, all these banks have to invest certain amounts with the Reserve Bank. I think about Rs. 53 crores or Rs. 55 crores have been invested with the Reserve Bank.

Shri D. C. Sharma: What about insurance companies?

Mr. Deputy-Speaker: Our friends want regulation; that regulation should also be there in respect of the discussions in the House.

Shri A. C. Guha: Another point is about the creation, control and distribution of credit. For the creation and control of credit, I think the Reserve Bank has got enough power under the open market operations and advances to scheduled banks against Government securities as well as against trade and commercial bills under the Bill Market Scheme. Thus the Reserve Bank has enough control for the creation of credit. Regarding distribution of credit, by nationalising the Imperial Bank with the extension of branches of the State Bank and also by the proposed expansion of the co-operative organisations we are setting up a machinery which would be able to distribute credit to a considerable amount. Moreover, the Government has nationalised the Reserve Bank some years back; last year, the Government has nationalised the Imperial Bank. By simply nationalising the Imperial Bank, the Government has taken over 22 or 23 per cent of the total banking operations of all the commercial banks.

We have taken certain steps and under the present circumstances, there is hardly any justification for proceeding any further. Some Members have referred to the recommendations of the committee set up by Reserve Bank for conducting a rural credit survey. The Government have accepted the recommendations in principle. As regards the taking over of the States associated banks recommended by that committee,

the matter is under consideration and the Government may soon come before this House for getting the necessary authority.

Before concluding, I should reply to Shri Feroze Gandhi who intervened and asked me whether the Reserve Bank has got enough power even now. I cannot give him a categorical affirmative reply. But, if we find that we have not got enough power, surely, we shall come to this House with amending Bills and I expect that the Government will place before the House a Bill to amend the Banking Companies Act which will give further authority and power to the Reserve Bank for controlling the operations and working of commercial banks. With these words, I would like to request the hon. Mover of this Resolution to withdraw his Resolution. The Government is proceeding with the idea of a socialist pattern of society. They have taken over the Imperial Bank of India. For the present, there is no necessity for interfering in the working of commercial banks. We are satisfied that the Reserve Bank would be able to have effective control over the working of commercial banks, and any irregularities that might have occurred in the past will be things of the past. We expect that the private sector in the banking operations will behave properly. If they do not behave the Reserve Bank is there to look after these things and take effective action.

Mr. Deputy-Speaker: I think the hon. Member can take hardly five minutes.

Shri M. S. Gurupadaswamy: I shall finish in six or seven minutes.

Shri V. P. Nayar: I had put a specific question for which he had no answer.

Mr. Deputy-Speaker: He had no answer. Can you force him to give one?

Shri V. P. Nayar: He was charitable to Shri Feroze Gandhi. I want the same charity to be shown to me.

Mr. Deputy-Speaker: That should be left to his discretion.

Shri M. S. Gurupadaswamy: The hon. Finance Minister has taken a very conservative and unsocialist view of the problem. He said that for a socialist pattern of society, it would be enough to have more regulatory and controlling powers for the Reserve Bank. It is like talking of Hamlet without the Prince

of Denmark. A socialist pattern of society without adequate socialism in it is, I think, no socialist pattern of society at all.

The most important point that should have been borne in mind by the hon. Minister is whether we should have credit completely under national control for the purpose of development of a planned economy or leave the instrument of credit to private control. It was not necessary for me to make out a case of failure of banks in India for the purpose of nationalisation of banking. Still I did it with a view to impress upon the Minister that in their working private commercial banks have completely failed. But, as I said, it was not at all necessary to prove failure of banks for the purpose of making out a case for nationalisation of banks. On the basis of philosophy, on the basis of ideology, we want certain strategic points of our economy to be controlled and owned by the Government or by public bodies. If we do not control the strategic points of our economy, it would be very difficult for us to control the economy itself in the long run. From that point of view, I say, banking plays a very vital part. Banking deals with not only creation of credit, but also with distribution of credit. So far as creation of credit is concerned, we have nationalised the Reserve Bank and partly the Imperial Bank. But, distribution of credit is left in the hands of private banks. Distribution of credit, in a developed economy is more important than creation of credit. In the next Five Year Plan period, we would be creating new money to the extent of Rs. 1200 crores which means that we would be creating a potential credit of Rs. 1800 crores. Should you allow or is it desirable to allow, this enormous credit potential to be controlled, managed and distributed by the whimsical policies of various commercial banks? If you do it, the dangers of inflation with its consequences will follow. You can't help it. The hon. Minister said that the banking law might be amended to increase the powers. The other day, at the time of the nationalisation of insurance, the Finance Minister had observed pertinently that the powers given under the Insurance Act are only regulatory powers, or negative powers and through these negative powers, it was very difficult to control insurance companies. I think the same analogy applies to banks also. The powers given to the Government under the banking law are only regulatory powers, which

means that they are negative powers. It is very difficult to control credit with these powers. I feel that nationalisation of banking would lead to consolidation of our economy. It also would lead to rationalisation of our credit system. So, I feel that from the point of view of ideology, from the point of view of policy, nationalisation of banking is imperative. Some hon. Members from Travancore-Cochin raised one point. They said that in the past, private banking had helped the development of industry and commerce. I would say that if there had been the public sector operating in the banking field the same results would have been produced in a much better way. I feel that the Finance Minister should have taken a more positive view of things and should have accepted my resolution. With the support given by some hon. Members, I am encouraged to say that nationalisation of banking is imperative. It must be done. If you postpone it, I think it will be a bad thing for Indian economy.

Mr. Deputy-Speaker: There is this Resolution. There is one amendment too, that of Shri D. C. Sharma. Would the hon. Member like me to put it to the House?

Shri D. C. Sharma: No.

Mr. Deputy-Speaker: The amendment is withdrawn by the leave of the House, I suppose.

Shri Nambiar: Before giving permission, I would request the hon. Member to reconsider because he spoke in support of nationalisation.

Mr. Deputy-Speaker: I assure the hon. Member that he has reconsidered it very carefully.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: I think the reaction of the Mover was that he is not prepared to withdraw the Resolution.

Shri M. S. Gurupadaswamy: No, no.

Mr. Deputy-Speaker: The question is:

"This House is of opinion that Government should take steps to nationalise the banks in the country."

Those in favour will please say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Now those against will say "No".

Several Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it.

Some Hon. Members: The 'Ayes' have it.

Mr. Deputy-Speaker: We have no time.

Some Hon. Members: We will stand up.

Mr. Deputy-Speaker: Those who support may kindly stand in their seats. Eleven.

Now, those against will please stand in their seats. I see a large number.

It is negated by a large majority.

The motion was negated.

Shri Chattopadhyaya: We have the disadvantage of being a human minority as against a brute majority.

Mr. Deputy-Speaker: Then, should the human beings come to the hon. Members' help or some brutes?

There is the next resolution of Shri Bibhuti Mishra, to which the House will now proceed.

RESOLUTION RE: CEILING ON INCOME OF AN INDIVIDUAL

श्री बिभूति मिश्र (सारन व चम्पारन) :
उपाध्यक्ष महोदय, मैं निम्नलिखित संकल्प पेश करता हूँ।

“इस सभा की यह राय है कि सरकार को एक व्यक्ति की आमदनी की अधिकतम सीमा निश्चित करने के लिये शीघ्र ही उपयुक्त कार्यवाही करनी चाहिये।”

उपाध्यक्ष महोदय इस बात की आवश्यकता है कि इस देश में.....

Mr. Deputy-Speaker: The hon. Member may continue next time.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

“In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 21st April, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill.”

WORKING JOURNALISTS

Mr. Deputy-Speaker: Next item is the half-an-hour discussion. Dr. Lanka Sundaram to raise a half-an-hour discussion on points arising out of answers given on the 11th April, 1956 to Starred Question No. 1368 regarding Working Journalists.

For the benefit of the hon. Members I may read rule 74—only a portion:

“There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to put a question for the purpose of further elucidating any matter of fact.”

There are thirty minutes only. The hon. Mover may take about 10 minutes as also the hon. Minister. We have notice of two or three others, they will require at least two or three minutes for questions.

Dr. Lanka Sundaram (Visakhapatnam): May I make a submission. Along with me, two others have signed, and I hope they will get an opportunity.

Mr. Deputy-Speaker: I am apportioning the time. If the hon. Mover wants that his supporters also should get a chance, he should try to condense.

Shri V. P. Nayar (Chirayinkil): In view of the importance of the subject, can we not sit for some time more?

Mr. Deputy-Speaker: It is a half-an-hour discussion. It cannot be extended though we might sit any time we like.

Dr. Lanka Sundaram: I am raising this discussion specifically to draw the attention of the House to the extremely unsatisfactory nature of the answers given on the 11th of this month by the Deputy Minister of Labour as well as the Minister of Labour who intervened during Question Hour that day. I consider that the answers as have emerged from the replies given by my two hon. colleagues opposite have not only created confusion as regards the intention behind the Act, but also have done a tremendous amount of damage to the interests of the working journalists. Here I have listed down the main points which I am going to dispute.

In the first place, the Deputy Minister of Labour said—I hope I am translating his Hindi into tolerable English properly—that it might take six or more months for a settlement of this wages question even after the Wage Board was constituted. I would like to emphasise that point. The Act was enforced on 20th December, 1955. Four months and a week have elapsed already. The Minister says it will take six or more months; he cannot be definite. In other words, almost a whole year has to be lost for the enforcement of that particular provision regarding wages and other provisions of the Act. That is my first point, and I will develop it in some detail.

The second point which emerged out of the answer is that Government has no intention to enforce interim wages. I hope I am not doing any violence to the answer given in Hindi by Shri Abid Ali.

The third point is, when I asked the Labour Minister whether the decision when—that is if and when—reached would have retrospective effect, the Minister said that he could not give that undertaking.

Fourthly, Shri Khandubhai Desai said that he was not aware of any hardships so far endured by or inflicted upon the working journalists as a result of lack of enforcement of the Act in terms of the formulation of the rules and the constitution of the Wage Board. These

are the major points. I will be extremely careful and fair in my analysis of the points.

The House will recall that, only in this House but also in the Rajya Sabha, we had cut through all procedural tangles. There was complete unanimity on the part of all the sections of the House, and we rushed through the Bill at a record time, for which I cannot find any ready parallel in the constitutional and parliamentary history of this country. I hope I am not exaggerating the point.

You will recall that it so happened that the original draft of the Bill as submitted by Government was altered at a late stage in the Rajya Sabha, and the enforcement of the Act became a fact the moment the President gave his assent. In other words, both the Houses were committed to the principle that something must be done immediately to protect the interests of the working journalists. That intention, in terms of what my hon friends have said on the 11th inst. in the House during the question hour, will take more than one year—God alone knows how much more than one year. In other words, the intentions of Parliament have not been carried out as a result of the lack of any action on the part of Government.

My hon. friend Shri Khandubhai Desai has my complete sympathy, because this Bill, as the House would recall, was the baby of our hon. friend Dr. Keskar, and this wage question has been transferred to Shri Khandubhai Desai only recently, with the result that he is now holding a baby who has been passed on to him, and whom he does not know how to handle.

An Hon. Member: He is a bachelor.

Dr. Lanka Sundaram: I would like to say at this stage, by referring to section 13 of the Act—hon. Members, I hope, have got the Act before them—that a compromise was reached as a result of the negotiations between the Minister of Information and Broadcasting on the one side, and the Indian Federation of Working Journalists on the other, with the result that the Indian Federation of Working Journalists have resiled from the original position they had taken, and the compromise was effected. That was with reference to interim wages.

[Dr. Lanka Sundaram]

I am now quoting from the latest editorial of the Indian Federation of Working Journalists, from the organ of the newspapermen, which says:

"The essence of the agreement was that the minimum wage board should be converted into a wage board to fix scales for journalists, and that Government should assume to themselves power to fix the interim wages by notification, pending the decision of the wage board. The Federation's representatives were persuaded to accept this compromise, because...."

I would like to emphasise these words in particular.

"....Dr. Keskar agreed that interim wages should be fixed by notification, and in essence the Federation's stand has been conceded."

I am sorry my hon friend Dr. Keskar is not here. In fact, he had told me this morning in the lobby that he was going to be present and possibly also participate in the discussion. I am sorry I am therefore at a disadvantage. I hope however, that the Minister of Labour will tell this House whether or not this pact was there, this understanding was there, as a result of which the Bill was altered in mid-stream, so to speak, in the Rajya Sabha. That is a very important point. So, when the position has been taken up here on behalf of the Labour Ministry that there is no question of Government agreeing to fixation of interim wages, I am bound to say with great respect to you and to the House, that this is a breach of faith on the part of Government, as far as assurances given on the floor of this House and the Rajya Sabha are concerned.

Shri Nambiar (Mayuram): This is not the first time that such things have happened.

Dr. Lanka Sundaram: As my time is short, I would request my hon. friend not to interrupt. I do not want to be obstructed from proceeding further.

The second point arising out of this is in regard to the formulation of rules. The House would realise that the Minister could not give an adequate answer as to when and in what manner rules will be framed. In fact, when the Speaker himself queried, this is what he has stated. I am quoting from the record of the 11th inst.

"**Mr. Speaker**: Are the rules likely to be placed before the House during this session?"

Dr. Lanka Sundaram: And the approval of the House sought?

Shri Khandubhai Desai: I do not think it is possible to place them."

In one place, as I have said, the Minister took up the position that no damage had been done. I shall show presently the manner in which damage has been done, is being done, and will continue to be done, in so far as rules are not made available within the time originally thought necessary for them to be framed under the principles which had been enunciated and which were behind the formulation of the Act.

The Act has left many things to be regulated by the rules, such as casual leave, holidays, details regarding medical leave, hours of work, such as spread-over etc. My hon. friend has not apparently applied his mind, nor have his advisers in the Ministry been able to keep track of the things which have developed in the meantime. I have got here a record of the various instances, and if the Minister wants I can pass them on to him. Four months after the Act has come into force, various categories of employees, such as reporters and journalists, are being compelled to work even longer hours than before. Actually, section 6 of the Act says that 144 hours are the maximum for a total of four working weeks. And yet my hon. friend thinks that everything is not plain-sailing. In fact, special provisions were made in the Act for the benefit of working journalists, a separate class which has now been brought within the ambit of the trade union law. I regret to say that my hon. friend is unable to frame rules. He says they are very complicated, they require a lot of time to be done and so on and so forth.

As the hon. Minister of Information and Broadcasting is now present in the House, I would like to tell him that I wanted him to confirm or deny whether there was a pact between him and the Indian Federation of Working Journalists about the interim wages. I would like to hear from him on that point at the appropriate time.

The Ministry of Information and Broadcasting brought this Bill. The Labour Ministry took over the responsibility for the Wages Board. Now, I find

the most extraordinary, most unbelievable, situation which has arisen as a result of the intervention—uncalled for intervention—of the Law Ministry. According to the definition in the Act—Section 2 (f) :—

“working journalists” means.... and includes—

I underscore the word ‘means’ and ‘includes’—

“an editor, a leader-writer, news editor, sub-editor, feature writer, copy taster, reporter, correspondent, cartoonist, news photographer and proof reader.....”

Now, the employers go to the Law Ministry and make a reference to them for clarification, and the Law Ministry has a wonderful enunciation to give them. This was circulated by the newspaper proprietors. I am now quoting from the memorandum of the clarification of the Law Ministry:—

“On examining the definition of ‘working journalist’ in section 2 (f) of the Act and the statute as a whole, it is clear that it was not the intention of the legislature to include within the scope of the definition of ‘working journalist’ all copy-tasters, cartoonists, proof-readers etc. irrespective of the fact whether they are persons whose principal avocation is that of a journalist or not”.

This is a most extraordinary position.

Pandit K. C. Sharma (Meerut Dist.—South) : The Law Minister is not the authority.

Dr. Lanka Sundaram : The Act says ‘means and includes’ all these categories. The Law Ministry gives a clarification and says ‘it excludes’. It means that the Government of India at the present moment are building up a new dictionary of English words. ‘Includes’ means ‘excludes’. That seems to be the position, all because of the fact—I am not taking it lightheartedly, because it is a very important legal and constitutional problem; the Act says ‘includes’ means ‘includes’ and the Law Ministry says it means ‘excludes’—that the rules are not ready, the rules are not promulgated according to the promises given.

Pandit K. C. Sharma : The Law Minister is not the authority.
5—101 L. S.

Mr. Deputy-Speaker : Let not extraneous issues be raised and decided that way.

Dr. Lanka Sundaram : It is on this basis that things are going on. I feel very strongly that there must be co-ordination, because the Minister of Information and Broadcasting is still responsible for the Act, even though the question of constituting a Wages Board is passed on to his colleague to the left, the Minister of Labour, and the Law Ministry has come—I won’t say, with a mischievous intervention—with a most unbelievable interpretation. I hope the position will be clarified as a result of the discussion I have raised. I would like the Ministers here and also the Law Ministry to do the right thing at the right moment.

Please remember that remedies are available, extraordinarily simple remedies are available, for the first time in our legislation, specially made available to the working journalists. They have not gone to the law courts. They could have obtained relief there. I do not think it is the intention of the Minister of Information and Broadcasting, Dr. Keskar to bring about legal squabbles by giving any chance to the Law Ministry’s interpretation to stand and forcing the employees to go to court. That will be a criminal responsibility which will be visited upon the employers.

I think I have done a public duty by raising this discussion. I would like to hear my friends, the Ministers, in this connection.

Mr. Deputy-Speaker : The Minister of Labour.

Shri Kamath : *rose*.

Mr. Deputy-Speaker : According to the interpretation I put on the rule, this is the order. The Minister shall answer now and then. Hon. Members shall have an opportunity to put questions, if they like.

Shri Kamath (Hoshangabad) : The procedure followed previously was that the Mover speaks first, then other hon. Members participate and finally the Minister replies.

Mr. Deputy-Speaker : The Member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any Member who has previously intimated to the Speaker

[Mr. Deputy Speaker]

can be permitted to put a question for the purpose of further elucidating any matter of fact.

Shri Kamath: Would it not be better for the others to speak first and then for the Minister to reply?

Mr. Deputy-Speaker: Let us hear the Minister.

The Minister of Labour (Shri Khandubhai Desai): I have heard very carefully what Dr. Lanka Sundaram has said.

There is one point which I hope my colleague, the Minister of Information and Broadcasting, will be able to make very clear, how the word 'proof-reader' was included in the definition of "working journalist".

Now, as he is leaving soon, I would request you to allow him to say a word for a minute or two and then I will take up the other questions.

The Minister of Information and Broadcasting (Dr. Keskar): I would not have intervened as the responsibility is of the Minister of Labour; but I want simply to say, in one minute the intention and the way in which the word 'proof-reader' came in here. I am not commenting here on any of the observations made.

Originally, when the Bill was being drafted, the working journalists—or with the illustrative list given now, including the editor, news-editor etc.—did not include the proof-reader. (*Interruption*). You need not quote from the Bill here. A delegation of working journalists came to see me and it pointed out that there were a number of small papers where the same man was doing sub-editing, proof-reading and also doing a number of other jobs. It was pointed out that it would be unjust to exclude all these people simply because they are also doing other work. After discussion with them, we felt that it would be really unjust to exclude these people who are mainly journalists and not mainly proof-readers. And, it is after discussion with them that the term proof-reader was included.

There is only one more point which I would like to add. The definition is very clear, in the sense that a person must be having as his principal avocation journalism and he can do anything else afterwards and then, he can be included in this Act. Whether a particular person can be or cannot be included, is a specific case about which I

won't be able to give any opinion here. That will have to be decided on merits. But, as far as the history of the inclusion of the term goes, I am afraid I will have to say that unless the proof-reader's main avocation is that of a journalist, it is difficult to include him now. I do not say that proof-readers should not be included. That is a different matter altogether. But, as far as it exists today, this is the history of how the word came to be included.

Of course, the Labour Minister will speak on other points.

Dr. Lanka Sundaram: What about the talk between the hon. Minister and the Federation?

Mr. Deputy-Speaker: It is an interpretation of the Act. He only wanted to explain it now.

Shri Khandubhai Desai: There are three points raised in the course of this short discussion.

An Hon. Member: Four.

Mr. Deputy-Speaker: Some hon. Members want to put questions also; therefore, the Minister will also be very brief.

Shri Khandubhai Desai: One is that the rules have not been framed and it is putting hardships in the way of working journalists. As a matter of fact, the rules are not absolutely essential for the working of the Act. The Act has come into force on the 20th December. If there had been any hardships, they could have gone to the State Governments who are in charge of the administration of the law.

Certain rules have to be framed with regard to holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists. In the case of all these categories, certain conditions do exist now in every establishment and, till the rules are finally decided upon, they have to be carried out. The rules are now in the course of being drafted and, I think, they will be drafted very soon and we propose to consult the parties concerned with regard to the rules. I thought that it may not be possible to place the rules on the Table of the House before the session ends. But, I now understand that the session is likely to be prolonged and I hope that I will be able to place the rules on the Table of the House before the session ends.

The other question which was raised was about the Wage Board. A Wage Board has to be constituted according to the Act by inviting the representatives of both the parties concerned. It did take some time before we decided to have a Chairman. We had decided upon one person to be the Chairman but, afterwards, he said that he would not be able to work.

We have now been able to fix up the Chairman of the Board. Then we communicated to the various associations to send in the names of their representatives. The names we have received now, but before we include them on the Wage Board, we have got to get their consent. By yesterday evening we got the consent of all the six members to be appointed on the Board, and I hope to announce the composition of the Board early next week.

As far as the interim scale of wages to be granted to the working journalists is concerned, it is already in the statute. Government may issue a notification by which an interim scale of wages can be given, but it has to be done in consultation with the Wage Board. So, unless the Wage Board comes into existence, how is the Government going to consult anybody and issue such a notification? As the Board is going to be constituted soon—on that Board there will be the representatives of both sides—it will go into all the questions. If the representatives of labour or the working journalists on the Board come to the conclusion that it will take more time for fixing the final wages, they might recommend to the Government, and Government will certainly give weight to the recommendations which will come from them.

Dr. Lanka Sundaram: His junior colleague said that it will take six or more months after the Board.

Mr. Deputy-Speaker: The subsequent statement by the senior colleague perhaps will hold the field.

The Minister of Defence Organisation (Shri Tyagi): I hope it is not your ruling.

Mr. Deputy-Speaker: No question of a ruling.

Shri Feroze Gandhi: (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East) : He—I mean Shri Tyagi—has no right to sit here, Sir.

Mr. Deputy-Speaker: Let us hear what the hon. Minister has to say.

Shri Khandubhai Desai: Regarding the proof-readers, my colleague, Dr. Keskar, explained under what circumstances proof-readers were included in the definition of working journalists. As the Bill was originally placed before the House, proof-reader was not included in it. But a point was made by some of the Members of the House that an employer will engage a working journalist and will designate him as a proof-reader. Therefore, proof-reader was included. But the essential fact is that the person employed must be mainly a working journalist. That is the intention of the law. But, as Dr. Lanka Sundaram has put it, if there is any doubt about it, the question can go to the court and we may get a decision.

There is one other thing that I wish to say. It has been brought to my notice that some people have been dealt with rather strongly. I would like the working journalists to go through the law; the remedies are already there in the statute itself.

Dr. Lanka Sundaram: Where is the money for it?

Shri Khandubhai Desai: If any breach of the law has been expected, there are two remedies for the journalist. If no gratuity is given, if no compensation is given or anybody is sent away without compensation being paid, the matter can go straightaway to the State Government on an application by an employee. The Government can send it on to the Collector to get the compensation collected as arrears of land revenue. This is a remedy which is there. It has not been brought to my notice at least, that any journalist has been dealt with under any of these provisions whereby he has not got any compensation or gratuity or things of that sort allowed under this law.

Shri Kamath : Mr. Deputy-Speaker, I will take only a minute and a half—one question and one sentence preamble. With the general elections in the offing the alliance between the political lords and the Press barons seems to be....

Shri Khandubhai Desai : Questions can be put to me.

Mr. Deputy-Speaker : He is formulating this question.

Shri Kamath: That will appeal to you better. The unholy alliance between the political lords and the press barons seems to be getting stronger and stronger as the

[Shri Kamath]

general elections approach, and in the bargain, the working journalist is threatened with a dirty deal. I will only put two questions to the Minister. One is, whether the interpretation which he—he has disappeared, I mean, the Minister of Information and Broadcasting—put on the proof-reader would at all be sustained in a court of law in view of the clear provision in section 2 (f).

Mr. Deputy-Speaker: I would ask the hon. Member how he can put the interpretation. It is the court which would put that interpretation.

Shri Kamath: There is no question of interpretation. Proof-reader is there. Therefore, the interpretation put by the Minister here and the other Minister—his cabinet colleagues—is wholly wrong.

Shri Khandubhai Desai: We got the interpretation of the Law Ministry which is our legal adviser and that is our interpretation. If anybody disagrees with that interpretation then it is a matter for the court of law to decide.

Shri Kamath: Anyway, the employers are taking advantage of these dilatory tactics on the part of the Government and do not implement the provisions of the Act on the ground that the rules are not framed. The other day, I put a separate question to the Minister why somewhere, in some corner or in the Ministry dilatory tactics are being employed. He evaded that question for some time—I am sorry to say so—but ultimately the answer came because I persisted in that question and wanted a clear yes or no. After that he said that it was not possible to bring the rules before this session of Parliament. I would remind him of this. We passed a big election law in 1951. You, Sir, were here, in this House. In May 1951, we passed that law and by September the rules were ready and were laid on the Table. It was a big law.

Mr. Deputy-Speaker: Now, there should be no complaint when the Minister says that it will be laid during this session.

Shri Kamath: They have already taken six months.

An Hon. Member: Eleven months.

Shri Kamath: I would next invite the attention of the House to section 13. (*Interruptions.*) It provides for interim fixation of wages in respect of working

journalists. I understand that there was a pact of agreement or understanding—call it what you like—between the hon. Minister of Information and Broadcasting and the Federation of the Working Journalists on this particular matter and the bipartite agreement was that the Government would fix interim rates in respect of wages. Is this a fact or not? If it is a fact, why is it not being implemented and why is the agreement being broken?

Shri Khandubhai Desai: I have already replied that section 13 lays down this. There has to be a wage board. In consultation with the wage board, if necessary, we will certainly notify any interim scale of wages, if necessary.

Shri C. R. Narasimhan (Krishnagiri): I want to put one simple question. Instead of allowing this tension between the working journalist and those who manage the industry, to grow, will he not arrange for a tripartite conference of all the parties concerned and persuade them to have an agreed solution for the full benefit of all, instead of taking recourse to the letter of the law and taking things to the law courts?

Shri Khandubhai Desai: In the first place, there is no tension as he has tried to make out. Within a week or so, there will be a bipartite conference of the representatives of both the parties presided over by a High Court Judge. If there is anything which may be discussed and if they come to any kind of settlement, we will be very happy.

We will be happy if they can come to certain conclusions with regard to the implementation of the law itself. They will be meeting each other almost every day. (*Interruptions.*)

6 P.M.

Shri C. K. Nair (Outer Delhi): No doubt it is a laudable object which Dr. Lanka Sundaram has raised, but I want to bring a wider issue for the consideration of the hon. Ministers and that is with regard to better relations between the employees and employers. As a field worker in trade unionism I have been noticing...

Mr. Deputy-Speaker: The issue should not be so wide that it could not be covered in the half-an-hour discussion.

Shri C. K. Nair: The more the number of laws we pass to safeguard the interests of employees, the greater is the

heart-burning that is created in the minds of the employers. I know some of the very sincere . . .

Mr. Deputy-Speaker: I may inform the hon. Member that the only scope in this discussion is that he may put a question for further elucidation.

Shri C. K. Nair: I only want to put this question. The Ministry should not lose sight of the real object of creating better relations. Such laws are on the other hand creating greater heart-burning and greater dislocation of not only the Press work but the work in all the industries. That is what I want to say.

Mr. Deputy-Speaker: This is an answer rather than a question.

Shri Sadhan Gupta (Calcutta South—East): I want to ask the Minister one or two questions.

Mr. Deputy-Speaker: One would suffice.

Shri Nambiar: The other is supplementary.

Shri Sadhan Gupta: Firstly, there has been delay in the creation of Wage Board and my information is that the employers have already started manipulating their accounts in order to resist the claim for wages. What is the Minister going to do about it.

My second question is, whether in view of the interpretation put as regards the position of proof-readers, the cases of wages payable to proof-readers will also be referred to Wage Board?

Thirdly I want to know whether the Government is considering the question of payment of interim wages to journalists pending the final decision of the Wage Board.

Shri Khandubhai Desai: I have already replied to the last two questions. As far as the first question is concerned, it has not been brought to our notice that the employers have begun manipulating the accounts. Even if they are manipulating the representatives of the employees are there to look after their interests.

Mr. Deputy-Speaker: Now I call upon Shri D. C. Sharma to put the last question.

Shri D. C. Sharma (Hoshiarpur): May I know if any cases of hardship have come to the notice of the Labour Minister? He said that no cases of hardship had come to his notice. But there have been so many cases reported in the Press. May I know why such cases have not come to the notice of the Minister?

Shri Khandubhai Desai: If any cases of hardship have arisen from the working of this law, the working journalists, intelligent as they are, know what are the remedies. They can straightaway go to the State Government and complain if they have any hardship. They are quite capable of rectifying the hardships, if any.

6-03 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Monday, the 30th April, 1956.

DAILY DIGEST

6681

6682

[Friday, 27th April, 1956]

	COLUMNS		COLUMNS
PAPERS LAID ON THE TABLE	6543	Amendment) Bill to a Joint Committee was concluded. The motion was adopted.	
A copy each of certain statements containing replies to certain memoranda received from Members in connection with Demands for Grants (Railways) for 1956-57 was laid on the Table		CONSIDERATION OF BILL	6596-6616
DETENTION OF A MEMBER	6543-44	Further discussion on the motion to consider the Hindu Succession Bill as passed by Rajya Sabha was continued. The discussion was not concluded.	
The Speaker informed the Lok Sabha that he had received a letter from the Chief Presidency Magistrate, Calcutta intimating about the detention of Shri Tus-har Chatterjea in Presidency Jail Alipore, Calcutta in connection with anti-merger demonstrations on 23rd April, 1956.		REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED. . . .	6616-17
PRESENTATION OF PETITION	6544	Fifty-first Report was adopted	
Dr. Rama Rao presented a petition signed by three thousand one hundred and twenty-seven petitioners in respect of the Hindu Succession Bill, 1955.		PRIVATE MEMBERS' RESOLUTION NEGATIVED. . . .	6617-65
MOTION TO REFER BILL TO JOINT COMMITTEE ADOPTED	6544-95	Further discussion on Shri M. S. Gurupadaswamy's Resolution regarding Nationalisation of Banks was concluded. The Resolution was negatived.	
Further discussion on the motion to refer the Constitution (Ninth		PRIVATE MEMBERS' RESOLUTION UNDER DISCUSSION. . . .	6665
		Shri Bibhuti Mishra moved a Resolution regarding ceiling on income of an individual. The discussion was not concluded.	

6683

6684

MESSAGE FROM RAJYA
SABHA

COLUMNS

6666

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Finance Bill, 1956, passed by Lok Sabha on the 21st April, 1956.

arising out of answers given on the 11th April, 1956 to Starred Question No. 1368 regarding Working Journalists.

AGENDA FOR MONDAY
30TH APRIL, 1956.

HALF-AN-HOUR DIS-
CUSSION

6666-80

Dr. Lanka Sundaram raised a half-an-hour discussion on points

Statement on Industrial Policy of the Government and further consideration of the Hindu Succession Bill as passed by Rajya Sabha.