



Friday
23rd November, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

Volume VIII, 1956

1956

Fourteenth Session

PARLIAMENT SECRETARIAT
NEW DELHI

Contents

Part I - Parliamentary Debates
(Part I - Questions and Answers)

No. 8—Friday, 23rd November, 1956.

ORAL ANSWERS TO QUESTIONS—

Starred Questions Nos. 331 to 337, 340 to 342, 344, 347, 351 to 353, 355, 357
and 358 413—38

WRITTEN ANSWERS TO QUESTIONS—

Starred Questions Nos. 338, 339, 343, 345, 348 to 350, 354 to 356 and 359
to 384 438—53
Unstarred Questions Nos. 242 to 285 and 287 to 295 453—78

DAILY DIGEST 479—82

Mr. Speaker : Near the All India Institute ; near the Safdarjang hospital. The hon. lady Member belongs to Gau-tam Nagar.

Shri Achuthan : The hon. Minister said that during the Second Five Year Plan period, a number of new Medical colleges are going to be opened and no decision has been taken in regard to the Delhi college. May I know whether any decision has been taken with regard to the other colleges and whether any college is to be opened in the new Kerala State ?

Shrimati Chandrasekhar : The new Medical college for the Kerala State is under consideration.

Shri C. D. Pande : Does the Government realise that the standard of the staff that is being recruited for this Institute is not up to the level of importance for which we have established this Institute ?

Shrimati Chandrasekhar : The selection of Professors for this Institute is being done by a Committee of Specialists. I do not think there is any question about that.

Shri Keshavaiengar : May I know the places where the Minister was pleased to say that colleges will be started ?

Shrimati Chandrasekhar : One is Pondicherry, already established. The others are in Kanpur, Jamnagar, Ranchi and Bhopal. One in Kerala State is under consideration now.

Shri Mohiuddin : The hon. Deputy Minister has mentioned the number of students admitted to the Medical colleges in India. Is the Government aware that during the last two years, some private Medical colleges have been established and one of the conditions for admission of students in these colleges is a contribution of Rs. 3000 to 5000 for each student. Does the Government approve of it ?

Shrimati Chandrasekhar : We do not really approve of such things. They have established one in Udupi. We are not assisting it at all.

Salem-Bangalore Railway Line

+
*333 { Shri T. B. Vittal Rao :
Shri S. V. Ramaswamy :
Shri C. R. Narasimhan :]

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 2591 on 28th May, 1956 and state :

(a) whether the engineering survey of the proposed Salem-Bangalore metre gauge link has since been concluded ;

(b) if so, when the final location engineering survey will be undertaken ; and

(c) if not, the reasons therefor ?

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

(b) It depends upon the results of examination of the present survey report.

(c) The completion of a 124 mile long survey through very difficult country takes time.

Shri T. B. Vittal Rao : May I know when this survey was started and what is the amount spent so far ?

Shri Shah Nawaz Khan : The survey was sanctioned on 25th July, 1955 and field work started on 27th February, 1956.

Shri T. B. Vittal Rao : When does the Government expect to receive the report ?

Shri Shah Nawaz Khan : We hope, by July, 1957.

Import of Sindhi Cows from Pakistan

*334. **Shri Keshavaiengar :** Will the Minister of Food and Agriculture be pleased to state :

(a) whether there is any proposal to import Sindhi Cows from Pakistan to India ; and

(b) if so, whether any cows have been imported so far since the 1st July, 1956 ?

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

(b) No.

Shri Keshavaiengar : May we know whether any attempt is being made to improve the breed of Sindhi cows that we have in India ?

Dr. P. S. Deshmukh : We think so. We are making every effort to improve the breed.

Shri B. S. Murthy : May I know whether, before the cows were purchased from Pakistan, any attempt has been made to see whether the Ongole cows will satisfy the requirements ?

Dr. P. S. Deshmukh : We have the Ongole cows. Better breeding of that variety of bulls and cows is going on. These are the three varieties in which we are short in India. That is the reason why we want them from Pakistan.

Shri Ramachandra Reddi : In view of the answer to part (a) being in the affirmative, may I know what steps have been taken to import Sindhi cows from Pakistan especially in view of the great demand for milch cows in South India?

Dr. P. S. Deshmukh : We have been in correspondence with the Pakistan Government for a fairly long time. It seems now at long last that they would be prepared to give us some cows and some bulls.

Shrimati Kamla Mati Shah : May I know whether the Government is going to encourage the breed of Jarji cows as they give more milk and more butter whereas in other cases, they give more milk but less butter?

Dr. P. S. Deshmukh : We have got all these cows before us and we are trying to look after them.

Shipping.

*335 { **Shri Gidwani :**
Sardar Iqbal Singh :
Sardar Akarpuri :

Will the Minister of Transport be pleased to state:

(a) whether the Government of India have considered the question of revising the shipping target set out in the Second Five Year Plan; and

(b) if so, what are the revised proposals?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan): (a) There is no proposal at present to revise the shipping target set out in the Second Five Year Plan.

(b) Does not arise.

Shri Gidwani : May I know how far the Suez crisis has affected our sea borne trade and commerce which is dependent on non-Indian shipping and whether the Government have considered that problem and have in contemplation any remedial measures?

Shri Shahnawaz Khan: This is entirely a different question from what the hon. Member has asked.

Mr. Speaker : He refers to shipping targets.

Shri Shahnawaz Khan : That is the question he has put. He wants to know the effect of the Suez canal crisis.

Mr. Speaker : The hon. Member must table another question.

Sardar Iqbal Singh : May I know whether the Government have considered the effect of re-routing of shipping by the Cape; whether the Government will

require more ships and in view of that fact whether the Government are ready to revise the targets in the Second Plan?

Shri Shahnawaz Khan : We hope this Suez Canal crisis is purely a temporary phase and it will be over in the very near future without affecting any of our basic plans.

Shri Gidwani : May I know whether the Government have carried on any negotiations for the purchase of ships from the U.S.A. and other countries, and if so, with what result?

Shri Shahnawaz Khan : We have carried on negotiations with various Governments. If the hon. Member would like to know exactly the countries where we have placed orders, I think I can give the information later on.

Shri Kaaliwal : In respect of the Bhilai steel works, there was an agreement between the Soviet Union and India that one ship of ours will go and bring machinery and one ship of theirs will do the same, but it appears that now eight ships are coming but only two of our ships have gone to bring the machinery. May I know whether Government are taking any steps to rectify this?

Mr. Speaker : This question is about the general target for the Plan, and a question is asked as to how the machinery of an individual concern is to be brought. I do not think it is relevant. Anyhow, if the hon. Minister is willing to answer, he may do so.

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I was a little late. I did not hear.

Mr. Speaker : What he says is there is a reciprocal arrangement between Russia and India for bringing the machinery required for the Bhilai plant, that an equal number of ships should be sent to Russia, one on either side. Russia has sent eight, we are sending only two. How do we make up the deficiency?

Shri Lal Bahadur Shastri : It is not incumbent upon us to send equal number of ships. We had generally agreed amongst ourselves that we will be sending equal number of ships from both sides. We have not got enough ships just at present. We have even asked the private shipping companies to divert some of their ships to Russia if possible. They have not been able to do that. So we are going ahead, with what we have at present and as soon as we get more ships, we shall certainly be sending more ships to Russia.

Sardar Iqbal Singh : In view of the fact that the orders placed by the Government of India or by the private firms for

ships is far below the targets fixed for the Second Five Year Plan, may I know whether Government has taken any steps for the purchase of second-hand ships? If so, in what manner and to what extent?

Shri Lal Bahadur Shastri : It is not an easy matter to negotiate and place orders or purchase second-hand ships. We are trying to get second-hand ships, but we have to be very careful in purchasing them because we cannot purchase all kinds of second-hand ships. A ship as old as ten years will certainly be considered, but it is not easy to get second-hand ships which are only ten years old. We are being offered ships which are 15 or 20 years old.

But I may inform the hon. Member and the House that we had recently sent our Director-General of Shipping to the U.K., Germany, Italy, and other places, and it has been possible for us as well as the private shipping companies to place orders worth about Rs. 36 crores. We have been allotted Rs. 37 crores for the Second Five Year Plan period on the shipping side and the House will be glad to know that both the public and private sector have been able to place orders for Rs. 36 crores which is almost the total money within six months of the first year of the Second Five Year Plan.

Sardar Iqbal Singh : In view of the fact that some ships are released from the Maritime Reserve of the U. S. A., may I know whether the Government of India has taken any steps to take these ships?

Shri Lal Bahadur Shastri : We did for that, and our Ambassador there also took up the matter and had a discussion with the United States Government, but certain legislation had to be brought up and placed before the United States House of Representatives without which it was not possible for them to transfer the ships to us. They felt that it was not possible for them to bring forward any legislation in view of the coming elections, that is the elections which have recently taken place.

Rates and Costs Committee

+
 Shri Bahadur Singh :
 *336. { Shri Jhulan Sinha :
 Dr. Ram Subhag Singh :
 Pandit D. N. Tiwary :

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 1931 on the 4th May, 1956 and lay a statement on the Table showing in detail:

(a) the recommendations of the Rates and Cost Committee (as contained in

Part I of their Report) accepted by Governments; and

(b) the steps taken to implement the accepted recommendations?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) and (b). Part I of the Rates and Costs Committee's Report, as a whole, is proposed to be discussed at the ensuing Irrigation and Power Seminar, before final decisions are taken by Government on the recommendations contained therein. A few of the recommendations, however, relate to matters which had already been considered by Government and action on which had been initiated as a result of the recommendations of other Committee, etc. The relevant recommendations and the action taken thereon are indicated in the statement laid on the Table of the House [See Appendix II, annexure No. 41].

Shri Bahadur Singh : What are the causes which made for differences in rate at present prevalent on the various projects, and what has been done to have a uniform cost control?

Shri Hathi: The rates at different places for different items are really due to the various local conditions prevailing at particular places, for example the cost of transport. Then it depends upon each particular item. Excavation, for example, depends upon the nature of the soil etc. So, it is not possible to have a uniform rate for each particular item but having regard to the various conditions which prevail at particular places, we can have an idea as to what the rate should be.

Shri Bahadur Singh: May I know the figures worked out by the Committee for the standard output of principal machines such as shovels, draglines, tractor, dozers and motorised scrapers working under different job conditions, and also the rates of different types of machinery per hour?

Shri Hathi: I may submit that the report is placed in the Library and these things will be available if the hon. Member goes through it.

Shri Bahadur Singh : What action has been taken with regard to the suggestion of the Committee that river valley projects should be made a Central subject?

Shri Hathi : As I have mentioned in the reply, the whole report is to be considered at the ensuing seminar. So, decision on that has not yet been taken.

Railway Compensation Claims

*337. **Shri Krishnacharya Joshi :** Will the Minister of Railways be pleased to state :

(a) whether the Claims Commissioner, appointed to enquire into and determine all claims for compensation arising out of accident to 565 Down train between Jedcharla and Mahbubnagar on the 2nd September, 1956 has commenced the work ; and

(b) if so, the total number of claims received so far ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Yes, with effect from 10-11-1956.

(b) 47.

श्री कृष्णचार्य जोशी : क्या मंत्री महोदय यह बताने की कृपा करेंगे कि क्लेम्स (दावों) का ताइउन किस तरह किया जाता है ?

श्री शाहनवाज खां : एक क्लेम कमिशनर (दावा प्रायुक्त) मुकर्रर कर दिये जाते हैं जिनके सामने जिस जिस को क्लेम रखना होता है वह अपना क्लेम रखते हैं और वह जो फैसला फरमाते हैं उसी को कबूल किया जाता है ।

श्री कृष्णचार्य जोशी : क्या मैं जान सकता हूँ कि जो क्लेम फैसले हुये हैं, उनमें बेवाशों के क्लेम्स को कोई खास रियायत की गयी है ?

श्री शाहनवाज खां : यह तो क्लेम कमिशनर साहब के ऊपर मुनहसिर करता है कि वह किस क्लेम के बारे में क्या फैसला करते हैं । बेवाशों ने कितने क्लेम रिये हैं इसका मुझे इलम नहीं है ।

श्री कृष्णचार्य जोशी : क्या मैं जान सकता हूँ कि कुल कितनी रकम की भंजूरी की गयी है ?

श्री शाहनवाज खां : कोई खास रकम तो राइउन नहीं की जाती लेकिन कानून के मूताबिक किसी एक आदमी के लिये

दस हजार से ज्यादा नहीं दे सकते । वह लिमिट (सीमा) है ।

श्री जगदांबन रेडी : क्या यह सही है कि जो क्लेम पेश किये जाते हैं उनकी बराबर सुनबाई नहीं हो रही है । आनंदेबुल मिनिस्टर इसका यक़ीन दिलाते हैं कि सब के साथ इस्साफ़ होगा किर भी ऐसा क्यों होता है ।

श्री शाहनवाज खां : हमारा स्थान है कि हमारी जो जूँड़शियरी (न्यायापालिका) है वह दुनिया की बेहतरीन जूँड़शियरीयों में से है और हमारे जो आक्रिसर्स (अधिकारी) हैं या जजेज़ (न्यायाधीश) हैं वे हमेशा इस्साफ़ करते हैं ।

Malaria

*340. **Shri Sadhan Gupta :** Will the Minister of Health be pleased to state :

(a) whether the Ninth Session of the Regional Committee of the World Health Organisation has accepted plan for eradication of malaria from South East Asia by 1961 ; and

(b) if so, how the plan applies to India ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) The Regional Committee of the World Health Organization in their 9th Session approved in principle tentative proposals for the eradication of malaria from the South-East Asia Zone within as short a period as possible depending upon local conditions in each country.

(b) India has accepted in principle the attainment of the ultimate goal of eradication.

Shri Sadhan Gupta : My I know whether any estimate of the expenditure has been made in approving those principles and, if so, what would be the share of the expenditure that our country would be expected to bear ?

Shrimati Chandrasekhar : If it is the eradication programme, for the two Plan periods, it will be about Rs. 63.24 crores and according to what we are doing now, we spent about Rs. 11.37 crores and the T. C. M. supplies and equipment was about Rs. 7.09 crores for the control programme.

Shri Sadhan Gupta : May I know what part of this expenditure would be forthcoming from foreign sources through the WHO or whether all the expenditure would have to be borne by us out of our own resources?

Shrimati Chandrasekhar : I said, as part of my answer to a former question, that Rs. 11.37 crores was our contribution and Rs. 7.09 crores as T.C.M. supplies including equipment and other wretchedies and 27 crores to provide for the second plan period.

The Minister of Health (Rajkumari Amrit Kaur) : I think the hon. Member wanted to know that if we went in for the eradication programme, what would be the expenditure of the Government of India. It would be on the same basis as is now being done with foreign help in regard to the control programme. I cannot give the exact figures at the moment. But, all these foreign aid programmes are operated on a particular basis and will be continued on the same lines.

Supply of Foodgrains to other Countries

*342 { **Shri D. C. Sharma :**
Shri Bishwa Nath Roy :
Shri Bhagwat Jha Azad :

Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any demand of Indian foodgrains from any other country besides Pakistan; and

(b) if so, whether the Government of India have agreed to supply the same?

The Deputy Minister of Food (Shri M. V. Krishnappa) : (a) Yes, Sir.

(b) Only to a few countries.

Shri D. C. Sharma : May I know the names of the countries from which these demands have come and in respect of which we have given the help?

Shri M. V. Krishnappa : We had requests for foodgrains from about 7 countries out of which we were able to help only 3, namely Saudi Arabia, Maldives and Pakistan.

Shri D. C. Sharma : What is the value in terms of money of these foodgrains which are going to be exported to these countries?

Shri M. V. Krishnappa : To Pakistan, we have given on a loan basis 17,000 tons of rice which they are about to return and also 5,000 tons as gift. To Saudi Arabia, we have given 1,000 tons and we

have to give 9,000 tons more; and for Maldives, we have given 1,100 tons of rice. The rice will cost approximately somewhere about Rs. 400 to Rs. 500 per ton, according to quality.

Shri B. S. Murthy : May I know whether rice is being exported and, if so, what quality of rice is exported to these countries?

Shri M. V. Krishnappa : Not now; we have stopped exports from the beginning of this year.

Mr. Speaker : Question No. 342, Shri V. P. Nayar, Absent. Shri Punnoose.

Shri Punnoose : No. 342.

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : Sir, question is in the name of Shri V. P. Nayar.

Mr. Speaker : Shri Punnoose's name is also there.

State Transport Department

+
 *342 { **Shri Punnoose :**
Shri V. P. Nayar :

Will the Minister of Transport be pleased to state:

(a) whether there is any proposal to incorporate a Public Limited Company or a corporation with majority of shares held by Government to run the present Travancore-Cochin State Transport Department; and

(b) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The Planning Commission, in consultation with this Ministry, have advised the State Government to set up a Road Transport Corporation under the Transport Corporations Act and the matter is under the consideration of the State Government.

(b) Operation of nationalised transport services through a Corporation is favoured so as:

(1) to achieve Rail-road coordination, and

(2) to ensure operation on business lines.

Shri Punnoose : Two reasons are stated; one, for co-ordinating rail and road transport and the other, the commercial view. May I know whether the State Transport in that State has not been running at a profit all these years, increasing the profit every year?

Shri Shahnawaz Khan : I could not follow the question.

Shri Punnoose : The State Transport was begun more than a decade before. Every year it has registered greater profit and there was no conflict between the rail and road transport. So, I want the Minister to state what exactly is the reason for this move for a Corporation?

The Minister of Railways and Transport (Shri Lal Bahadur Shastri) : The general policy of Government is to establish Corporations and the Planning Commission have advised that if the State Governments want to nationalise the road services they should form Corporations and they should not be run, as far as possible through, Government departments. It has also been suggested by the Planning Commission that the Railways should participate or contribute to the State Governments for running all the nationalised road services only when they decide to set-up Corporations.

Shri Punnoose : Is it not a fact that the road traffic there was nationalised much earlier than the formation of the Planning Commission or the Plan and do not the Government consider it a retrograde step now to hand over this business partly to private interests when it has been totally in the hands of Government now?

Shri Lal Bahadur Shastri : The Corporation need not necessarily include the private operators. It is open for private operators to join the Corporation. But, wherever the Corporations have been set up so far, the State Government and the Railways have participated. So, it remains a State concern. The only point is whether it should be run departmentally where things are delayed and take a long time because there are checks and counterchecks. Therefore it was advised that a Corporation should be formed and it should be an autonomous Corporation. I know that in U.P. an effort was made but the private operators did not join it. So, the Railways and the State Governments participate and run the Corporation.

Shri Punnoose : Can we expect an assurance from Government that the terms and conditions of work for the workers and also their prospects will not be adversely affected by any such change, the formation of the Corporation?

Shri Lal Bahadur Shastri : I do not think that will happen.

Indo-Pakistan Rail Traffic

*344. **Shri R. P. Garg :** Will the Minister of Railways be pleased to state:

(a) whether through traffic between India and West Pakistan has registered an increase in the number of passengers to and from Lahore since January, 1956;

(b) the income to the Railways through this link up; and

(c) whether Government propose to introduce any other link of through traffic between India and West Pakistan at any other place?

The Deputy Minister of Railways and Transport (Shri Shah Nawaz Khan) : (a) Yes. By about 15%.

(b) Rs. 6.51 lakhs during January to September 1956.

(c) The opening of Ferozepore (India) Kasur (Pakistan) route is under correspondence with the Government of Pakistan.

Shri R. P. Garg : May I know whether the frequency of running of these trains between India and Pakistan is sufficient to reduce overcrowding on this route?

Shri Shah Nawaz Khan : At present no complaints about overcrowding have come to our notice. There is a road service also operating and people make use of either the railway or the road services.

Shri Tek Chand : To what extent has the crime of smuggling and trade offences increased on the restoration of this rail traffic between the two countries?

The Minister of Railways and Transport (Shri Lal Bahadur Shastri) : It is for the Customs Department and another Ministry to give the figures to the hon. Member about that.

Sardar Iqbal Singh : May I know what are the main difficulties in opening up the Ferozepore-Kasur line when the agreement has been reached a year ago?

Shri Shah Nawaz Khan : We are waiting for a reply from the Government of Pakistan.

Sardar Iqbal Singh : May I know whether, in view of the difficulty of opening the Ferozepore-Kasur line, Government has considered the opening of Hindunal-Kot line?

Shri Shah Nawaz Khan : At present there is no such proposal.

Shri R. P. Garg : May I know whether it is a fact that Indian personnel responsible for running these trains are changed at Attari at the border, and if so whether it is in keeping with the spirit of the agreement?

Shri Shah Nawaz Khan : That is not so. The Indian crew go right through to Lahore.

Carriage Electric Lighting Equipment

*347. **Shri C. R. Iyyunni** : Will the Minister of Railways be pleased to state :

(a) what will be the cost of equipping one carriage in a train for electric lighting from beneath the coach ;

(b) whether the equipment is properly protected ;

(c) what will be the cost of equipping half a dozen or a few more at the end of carriages ; and

(d) whether it is not possible to protect them in wooden cases ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) About Rs. 16,000/- for a Broad Gauge and Rs. 13,000/- for a Metre Gauge Coach.

(b) Yes, to the extent possible.

(c) About Rs. 36,000/- for a rake of 12 coaches.

(d) Even if the equipment is protected in wooden cases, it is doubtful whether this expensive method would help in the prevention of thefts.

Shri C. R. Iyyunni : In view of the fact that for serving 12 carriages only Rs. 36,000 is necessary, will it not be favourable for the Railway Authorities to substitute this for the other which would cost about Rs. 1,44,000 ?

Shri Shahnawaz Khan : This is purely in an experimental stage, and we have already introduced this system on one air-conditioned tram. We propose to extend it to the other trains, and this matter is already under the consideration of the Electric Standards Committee, which is going into it very thoroughly ?

Shri C. R. Iyyunni : May I know whether the Electrical Engineer's Committee has recommended the introduction of this system ?

Shri Shahnawaz Khan : We have already introduced it on one train and we are going to extend it to others. As I said, it is now on an experimental basis and we will find out how the thing works.

F.A.O.

*351 **Shri Dabhi** :
Shri Bheekha Bhai :
Shri S.S. More :
Shri Raghunath Singh :
Shri Radhe Lal Vyas :
Shri M. Islamuddin :

Will the Minister of Food and Agriculture be pleased to state :

(a) whether it is a fact that the third Regional Conference for Asia and Far East of Food and Agricultural Organisation was held at Bandung in October this year ;

(b) if so, the countries which participated in the Conference ; and

(c) the main subjects discussed and conclusions arrived at ?

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

(b) The Conference was attended by delegates from 19 countries viz. Australia, Burma, Canada, Ceylon, Denmark, France, Germany, India, Indonesia, Italy, Japan, Laos, Netherlands, Pakistan, Philippines, Thailand, United Kingdom, U.S.A. and Vietnam.

(c) A copy of annotated agenda showing the subjects discussed is placed on the Table of the Lok Sabha. [See Appendix II, annexure, No. 42]. The official report about conclusions arrived at has not yet been received from F. A. O. A copy of the same will be placed in the Lok Sabha Library in due course.

Shri Dabhi : Under item No. 3 of the agenda of the conference, it is stated that each delegate is invited to give a verbal account of the major food and agricultural developments in his country since the last regional meeting in 1953. May I know what account was given by our delegate ?

Dr. P. S. Deshmukh : A truthful account was given by our delegate. I have not got the exact account here.

दिल्ली अस्पताल

*352. **श्री नवल प्रभाकर** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि दिल्ली स्थित अस्पतालों में कुल कितने बिस्तरों की व्यवस्था है ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : At present there are 3,879 beds in the Hospitals including Maternity Homes and Dispensaries at Delhi as shown in the statement laid on the Table of the Lok Sabha. [See Appendix II, annexure, No. 43].

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि दिल्ली की बढ़ती हुई आवादी के लिये यह बेड्स पर्याप्त हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृतकोर) : जी नहीं, काफी तो नहीं है, लेकिन इस के लिये कोशिश हो रही है। बेड्स पहले से बहुत बढ़ भी गये हैं और अभी जो तज्जीज है उस में २,६८५ पलंग और बढ़ने हैं।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि दूसरी पंचवर्षीय योजना में कितने पलंग और बढ़ जाएंगे ?

राजकुमारी अमृतकोर : अभी मैंने कहा है २,६८५।

Shri Tek Chand : May I know the ratio per hospital bed vis-a-vis the population of Delhi ?

Rajkumari Amrit Kaur : I have given the number of beds that there are and it is for the hon. Member to work out the ratio.

Shri Barrow : May I know the number of nurses for these beds, and if the hon. Minister considers the proportion and the number sufficient ?

Rajkumari Amrit Kaur : The proportion of nurses to the patients in hospitals is not sufficient. We are trying our best to increase that also. It is all a question of the requisite amount of finance being available.

Shri B. S. Murthy : May I know whether it is a fact that in Delhi hospitals, the people concerned have to register their names even six months earlier to get accommodation in maternity wards, and if so, what urgent steps are being taken to relieve this difficulty ?

Rajkumari Amrit Kaur : It is perfectly true that because of the insufficiency of beds, the most serious cases are admitted at once and some others have to wait. I have already said that we have increased the number of beds greatly, and we have in our plans provided to increase them still further.

Lala Achint Ram : May I know the number of patients who are in the waiting list this year, atleast for the Irwin Hospital ?

Rajkumari Amrit Kaur : I am sorry that as the Centre has not only just taken over the Irwin Hospital, I have not got those figures with me.

Lala Achint Ram : Will she be able to get those figures ?

Rajkumari Amrit Kaur : I shall try to get those figures, and as soon as I am able to get them the hon. Member will be given those figures.

District Advisory Committee for Community Development

***353. Shri K. C. Sodhia :** Will the Minister of Community Development be pleased to refer to the reply given to Starred Question No. 27 on the 16th July, 1956, and state :

(a) whether Central Government contemplate any changes in the constitution and functions of the District Advisory Committees already working with district administration in connection with the machinery of community development ; and

(b) if so, in what directions and when the fresh instructions covering these changes are likely to be issued ?

The Minister of Community Development (Shri S. J. K. Dey) : (a) and (b). The primary object of the District Advisory Committees is to coordinate the work of the various official and non-official agencies concerned with development. In regard to the implementation of the Community Development Programme, in particular the following suggestions have been made to the State Governments : —

(1) M. L. As. and M. Ps. may sit on the District Development Committees.

(2) A representative of the State Department of Health and Local Self-Government at the district level may be appointed on these Committees.

Further changes will be suggested as and when necessary in the light of the experience gained of the working of the programme.

Shri Raghbir Sahai : May I know....

Mr. Speaker : Order, order. May I suggest to the Government to see that before any persons are inducted into the Ministry or are asked to speak or answer questions on behalf of the Ministry, they are first introduced to the Speaker. I must know them. Now I was not aware if the hon. Member was competent to speak in this House on behalf of the Government. That is the difficulty I feel. Therefore, let it be a convention hereafter that whenever a Minister is appointed or any other person is allowed on behalf of the Government to answer questions on the floor of the House, he is first introduced to the House, or to the Speaker at least. When

the hon. Member got up to answer, I was wondering whether he was competent to answer, because I did not know him. Even now I do not know whether he is a Secretary, or a Deputy Minister or a Minister.

Shri K. K. Biju : Ministers are built up in geometric progression now.

The Minister of Railways and Transport (Shri Lal Bahadur Shastri) : Perhaps you have seen him ; he is Shri S. K. Dey, Minister of Community Development.

Mr. Speaker : I have seen him, not in this capacity.

Shri A. K. Gopalan : We also must know.

Mr. Speaker : I am happy to receive him, but anyhow the House must know and I must know. In this case I did not know what capacity he was here.

Shri Lal Bahadur Shastri : I shall ask the Minister of Parliamentary Affairs to do so.

Mr. Speaker : Whenever a Minister answers questions or inducted into this House for the first time he may introduce him formally.

Shri Raghubir Sahai : May I know from the Minister of Community Development whether it is under the contemplation of the Government to appoint non-official Chairman to these advisory bodies?

Shri S. K. Dey : This question as to whether there should be a non-official as the chairman of the advisory committee has been considered on quite a number of occasions. For the time being we have come to the decision that until the intensive period of the community development programme is over the advisory committees would have official chairman and it is only in the post-intensive phase that we shall try to introduce non-official chairman.

Shri Raghubir Sahai : May I just invite his attention to the very weighty observations made by Mr. C. C. Taylor, Ford Foundation consultant whose report was distributed a few days back in which he has written that most of the officials connected with these advisory bodies do not like non-official co-operation and whether he has considered these remarks ?

Shri S. K. Dey : It is natural to expect in a country such as ours within nine years of our independence that there would not be a complete understanding achieved between the officials and the non-officials. It is only through the co-operative working of the two agencies that there would be

greater understanding and a mutual desire to meet the view points of each other. We are very closely concerned with this question and are trying to explore every step to bring about closer association.

Shri Mohiuddin : In view of the remarks of the Ford Foundation consultant referred to above has it been considered by the Minister to lay down certain rules that for certain items of expenditure the opinion of the advisory committee must be taken before hand and that the Government would not consider such questions unless the opinion of the advisory committee is available.

Shri S. K. Dey : As a general rule the recommendations which are nearly unanimous on behalf of the non-official members in advisory committees are accepted by the Chairman. Where there is a difference the matter is usually referred to the State Government for final decision.

Shri K. C. Sodha : The hon. Minister just now has said that MLAs, MPs and health officers are to be put in the advisory committees. What is the new thing that the Government is going to do ?

Shri S. K. Dey : There are two aspects of this question. One is the district advisory committee and the other is block advisory committee. So far as the community development programme is concerned in the block advisory committee, we have introduced an element of representatives of panchayats, which is more or less an innovation. So far as the district advisory committee is concerned, I believe, steps are being taken by the State Governments as well as the Centre to have more active participation of the members of the State legislatures as also of Parliament in the working of these advisory committees.

Shri Heda : Even in the committees where the non-official has been elected as the chairman, the rights and powers of the chairman as well as those of the members are so inadequate that they are not able to participate in the implementation of the programme. What further modification does the Government contemplate to make in the rules so that the people's representatives may have an active hand in the implementation of the programme ?

Shri S. K. Dey : It is very difficult to confer rights through official instructions. We believe that the rights will have been earned through active working of these committees in which the officials and non-officials have co-operated together.

Dr. Ram Subhag Singh : The hon. Minister said that the practice of keeping the District Magistrate or the other district officers as chairmen of the development

committees would continue during the period of intensive development. May I know whether he is aware that these District Magistrates throughout the country are not in a position to eradicate corruption in their own offices ? If so, what is the special consideration because of which he wants this practice to continue ?

Shri S. K. Dey : Corruption is a trait which is indivisible. I do not believe that the District Magistrates alone can eradicate corruption in this country. It is not corruption, which as a consideration prompted us to maintain the District Magistrates as Chairmen of these committees. It includes many other considerations—corruption the least.

Dr. Ram Subhag Singh : May I know the other considerations which have introduced corruption in any department and in the community development offices also ?

Shri S. K. Dey : The question is not quite clear.

Dr. Ram Subhag Singh : I can cite examples of corruption in the community development projects.

Mr. Speaker : We are not getting into those details.

Shri S. K. Dey : The community development programme is being implemented in India in areas which are part of India. As I have indicated earlier, corruption as a trait is something indivisible. It is not quite possible to have islands of honesty on land.

Shri Ramachandra Reddi : Is it a fact that the Government is contemplating to appoint a committee to go into the question of community development projects administration and if so how is it going to be composed and when is it going to start work ?

Shri S. K. Dey : There is a plan to go into the working of the community development programme in all respects according to the recommendations made by the National Development Council.

Misuse of Alarm Chains on Railways

+¹

*355. { **Shri Kajrolkar :**
{ **Shri Bhagwat Jha Azad :**

Will the Minister of Railways be pleased to state :

(a) whether the number of cases of unauthorised pulling of chains in railway compartments have shown an increase on certain railways :

(b) if so, what steps have been taken to prevent such misuse

(c) whether it is a fact that on certain railways the chain-pulling mechanism has been removed to prevent its misuse ; and

(d) if so, what alternative arrangements have been provided for passengers to stop the train in case of danger ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The number has shown an increase on the Central, Northern, South-Eastern and Western Railways, and a substantial decrease on the Eastern, North-Eastern, and Southern Railways.

(b) A statement is placed on the Table of the Lok Sabha [See Appendix II, annexure No. 44].

(c) Yes.

(d) There is no alternative arrangement in the compartments. But the vacuum brake remains operative on the train engine in the Guards' brake-van and in compartments set apart for ladies, and guards and engine crew have instructions to be specially vigilant and to stop the trains, when so required.

Shri Kajrolkar : Have there been any instances where the passengers have not co-operated in detecting the offenders ? If so, how many and where ?

Shri Shahnawaz Khan : It is very difficult to give such figures but I should like to say, generally, that in a number of cases the passengers have shown reluctance to co-operate with the railway authorities in apprehending the culprits.

Railway Employees

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

(a) whether it is a fact that 346 railwaymen on duty at Howrah station have been penalised on account of alleged abstention from duty for several hours on October 6, 1956;

(b) whether Government is not aware that the said "abstention" was due to the lack of any provision for protection of the said railwaymen from certain unruly members of the public ; and

(c) whether Government is also not aware that the said railwaymen resumed duty as soon as the protection was provided ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan):

(a) No Railwaymen have been penalised but 344 railwaymen on duty at Howrah Station stopped work without due notice which resulted in break in service in respect of all of them.

(b) and (c). A strong police force was posted at the station for the Durga Puja rush and this was augmented at 12.15 hours. In spite of this, the men continued to abstain from work till 16.00 hours.

Shri H. N. Mukerjee : May I know if it is not a fact that the Divisional Superintendent described the unavoidable abstention from duty of these persons as an illegal strike and ordered certain punishments of a fairly severe nature?

Shri Shahnawaz Khan : The men struck work soon after ten o'clock. The additional police force was called in. After, say, about mid-day they should have resumed work but they refused to go back to work till four o'clock in the afternoon.

Shri H. N. Mukerjee : May I know if the attention of Government has been drawn to editorial comments in newspapers, which support the Congress party and Government, suggesting that the conduct of the Divisional superintendent in regard to this particular incident should be examined and if necessary he should be removed on grounds of lack of sympathy with the railwaymen?

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I do not know how the hon. Member has come to the conclusion that the Divisional Superintendent was at fault. In fact, he tried to persuade the workers to resume work. It is true that some of the staff were assaulted by some passengers and there was some ground for agitation in the minds of the staff who were working there. The Divisional Superintendent simply persuaded them; in fact requested them, cajoled them to resume work. The workers were not willing. So, when they refused to resume work and kept away from their duty till four O'clock some action had to be taken, and it became all the more necessary when another officer was assaulted by the staff. He was actually about to be assaulted. It is not such an easy matter in which we can come to a decision one way or the other, and say that the Officer was in the wrong.

But one point is quite clear, that there was a lightning strike up to four o'clock which was not proper, and I want to say that we cannot put up with such lightning strikes because they create a lot

of inconvenience for the passengers. Therefore, it was decided that some action should be taken.

The action taken is, break in service. There too we have decided that only in the case of 11 persons some action will be taken. We have left out the rest of the workers. We have decided that no action will be taken against them. But those leaders who actually took a leading part and took part in an attempt to assault the officer, against them some action will be taken and this is the minimum that could be done.

Shri M. K. Moitra : May I know if the attention of the Government has been drawn to a letter by the District Magistrate of Howrah addressed to the Divisional Superintendent in which the District Magistrate has categorically said:

"In such circumstances, people generally get scared and very few of them may dare resume work. So the 'illegal strike' as it has been declared, is not a strike in the proper sense. It is obvious that the railway employees did not contemplate to go on strike as all of them resumed the work after the armed escorts had been provided for."

Shri Lal Bahadur Shastri : Firstly, the District Magistrate, in fact, should not have given that opinion at all. He has no authority to express opinion in such matters. It was purely a railway matter. But, for him to say that it was not an illegal strike is something which I am unable to understand. I personally think that it is not correct. The workers went on strike without giving any proper notice. They were not on duty till four O'clock. I could have understood if they had struck work for half an hour or even one hour, when actually this assault was going on. But when adequate police was posted there and the officers of the Railway gave an assurance to them that they will see to their safety, security and protection, they still continued to strike for a numbers of hours. How can the District Magistrate say that it was not an illegal strike? I think the Railway will have to take up the matter with the Bengal Government.

Shri M. K. Moitra : May I know if two trains carrying local passengers for offices in Calcutta arrived 37 and 17 minutes late respectively, and when the passengers were annoyed for that the District Commercial Superintendent who was present on the Howrah platform ordered for an intensification of checking of the tickets and the man who were on duty began to intensify the checking which created this trouble?

Shri Shahnawaz Khan : Owing to very heavy unprecedented rains the trains were delayed and the services were dislocated. As the trains steamed into the station one of our ticket checking staff saw a third-class passenger alighting from a second-class compartment. He went and asked for the ticket and in turn he was belaboured. That is all that happened.

Food Production

***358. Shri Sanganna** : Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1783 on 5th September, 1956 in respect of the food production and state :

(a) whether any State Governments have asked for additional allocation of the amounts; and

(b) if so, which are these States and with what results?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b). Yes. Additional allocations were asked for by the following (pre-reorganization) States by way of (a) increased provision for some of the schemes already included in the Plan and/or (b) provision for new schemes not included in the Plan :—

Assam, Bihar, Bombay, Madhya Pradesh, Madras, Orissa, Punjab, Uttar Pradesh, West Bengal, Madhya Bharat, Mysore, PEPSU, Rajasthan, Saurashtra, Ajmer, Travancore-Cochin and Vindhya Pradesh.

However, in reviewing the targets of agricultural production on the meetings held for the purpose, State Govts., in common with the Ministry of Agriculture and the Planning Commission, proceeded on the assumption that maximum possible efforts should be made by all concerned within the resources allotted for agriculture under the Plan.

Owing to the speeding up of certain parts of the programme it was recognised that at later stages it might be necessary in some instances to make small additions to the allotments available for agriculture, through internal adjustments and other ways. A few States also indicated possibilities of achieving higher targets than those recently agreed if additional schemes were approved. It is proposed to consider these schemes from time to time in the light of the progress made in actual implementation of the programmes agreed to in the discussions that have taken place.

Shri Sanganna : May I know whether the Government are in a position to give an idea of the present food situation keeping in view the recent country-wide flood disaster and the coming harvest season in the country?

The Minister of Food and Agriculture (Shri A. P. Jain) : Sir, two new factors have come into the food situation. One is the international crisis on Suez. So far as that is concerned, our supplies are not going to be seriously affected except that there may be some rise in freight. But, of course, there has been a sort of psychological development in the trade and they are trying to withhold stocks. I am sure that it is going to be a short-term phenomenon.

Another thing is the unprecedented floods in Bengal and Uttar Pradesh in particular. There have been quite a number of extra demands on account of these floods. We have been meeting those demands and we hope to meet those demands when the next harvest crop, particularly rice, is reaped, and it is coming up shortly. I do not anticipate any difficulty.

Shri Sanganna : May I know whether the observations made by the recent Indian Delegation to China have been intimated to the State Governments for their consideration?

Shri A. P. Jain : It is never the practice to intamate the observations of a Delegation to others. Of course, the observations are examined in the Ministry and only those portions of the observations which are accepted by the Ministry are communicated to the State Governments for implementation. A report may generally be sent for consideration of the State Governments but that is quite another thing.

WRITTEN ANSWERS TO QUESTIONS

Ticketless Travel

***338. Shri Jhulan Sinha** : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that a magisterial checking of passengers travelling without tickets in certain trains was recently held at Kunrughat North Eastern Railway (sometime in early September 1956) and that out of 130 passengers travelling by that train as many as 60 were found to be Railway servants; and

(b) whether special steps have been or are proposed to be taken to deal with such cases?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) On 10-9-56, in raids conducted by Ticket Checking Squads on 4 trains at Kunrughat Railway Station, 130 passengers were detected travelling without tickets, out of whom 60 were Railway employees.

(b) All the steps that are being taken and are being intensified to tackle ticketless travelling, are directed against all ticketless travellers including railway servants. Further, departmental action is taken against railway employees travelling without tickets based on the merits of each case, in addition to realisation of fares and penalty charges due as from other ticketless travellers.

Wheat from U.S.A.

*339. { Shri Bhagwat Jha Azad :
Shri Velayudhan :
Shri Bibhuti Mishra :

Will the Minister of Food and Agriculture be pleased to state :

(a) by what time the first shipment of U.S. wheat under the Indo-U.S. Agreement on Imports of Surplus Agricultural Commodities is expected to arrive at an Indian port; and

(b) what would be the quantity?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) The first ship has already reached Bombay, on 9-11-56.

(b) 8,500 tons.

Nagarjunasagar Dam

*343. Shri K. S. Rao : Will the Minister of Irrigation and Power be pleased to state :

(a) the total amount spent upto the end of October, 1956 for the construction of Nagarjunasagar Dam;

(b) whether Government propose to accelerate the pace of work; and

(c) if so, the steps proposed to be taken in this regard?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Rs. 1,18,75,972 on the Dam and Rs. 52,80,730 on canals.

(b) and (c). The Government are greatly interested in the speedy execution of the Project and have recently ordered the transfer of a batching plant from Hirakud to Nagarjunasagar to enable the project authorities to make an early start on the construction of the dam. The programme of work has been drawn up by the Nagarjunasagar Control Board and no special steps are at present visualised to accelerate it.

Planning Commission Officers' Visit to China

*345. Shri Velayudhan : Will the Minister of Planning be pleased to state :

(a) whether the Planning Commission had sent their officers to China during the last summer; and

(b) what was the purpose of this visit to China?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) and (b). Two officers of the Planning Commission went to China this year as members of the delegations sponsored by the Ministry of Agriculture and the Indian Statistical Institute. The object of the delegation sponsored by the Ministry of Agriculture was to study techniques of agricultural production and of the delegation sponsored by the Indian Statistical Institute to study planning techniques in China.

Convention on Indigenous Systems of Medicines

*348. { Shri Dhulekar :
Shri Shree Narayan Das :

Will the Minister of Health be pleased to state :

(a) whether a Convention of the Representatives of the State Boards and Faculties of Ayurveda and Unani Tibia was held in Delhi in September, 1956;

(b) whether the Convention has submitted its recommendations to the Government of India;

(c) if so, what are its main features; and

(d) what recommendations have been accepted by the Government so far?

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

(b) Yes.

(c) A statement containing the information is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 45].

(d) The recommendations are under consideration.

फल और शाक विकास बोर्ड

*346. श्री भक्त दर्शन : क्या शायद और कृषि मंत्री उमगस्त, १९५६ के तारांकित प्रश्न संस्था ७८६ के उत्तर के सम्बन्ध में यह बताने को कृपा करेंगे कि फल और

शाक विकास बीड़ की स्थापना के सम्बन्ध में इस बीच क्या प्रगति हुई है ?

शाक तथा कृषि मंत्री (श्री अ० प्र० जैन) : भारतीय कृषि अनुसन्धान परिषद् के अधीन एक फल तथा शाक विकास कमेटी बना दी गई है। इस कमेटी के पदाधिकारियों, इस के कार्य तथा बैठकों इत्यादि के सम्बन्ध में एक विवरण सभा की टेबल पर रख दिया गया है। [विशिष्ट परिषिष्टि २, अनुबन्ध संख्या ४६]

Homoeopathy

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

(a) whether Government contemplate any developmental scheme to higher and better teaching of Homoeopathic Science in India during Second Five Year Plan? and

(b) if so, the nature of the scheme and period within which, the scheme will be executed?

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

(b) The Scheme envisages the upgrading of five Homoeopathic teaching institutions, preparation of a Homoeopathic Pharmacopoeia and encouragement of Schemes of research in Homoeopathy during the Second Five Year Plan period.

कुलू घाटी विकास

*354. श्री अमर सिंह ढामर : क्या योजना मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या द्वितीय पंचवर्षीय योजना में हिमाचल प्रदेश की कुलू घाटी का विकास करने के लिये केन्द्रीय सरकार ने कोई योजना बनाई है; और

(ख) इस योजना को कार्यान्वित करने के लिये केन्द्रीय सरकार कितनी राशि संचर करना चाहती है ?

योजना उपर्युक्ती (श्री इया० न० मिश्र) (क) और (ख) सम्भवतः इस प्रश्न का अभिप्राय कुलू घाटी से है जो पंजाब में है। द्वितीय पंचवर्षीय योजना में सम्मिलित स्कीमों का व्यौतरा जो विशेष रूप से कुलू घाटी के विकास के लिये है सभा की में

पर रख दिया गया है विशिष्टि २, अनुबन्ध संख्या ४७

Co-operative Banks

*356. { Thakur Jugal Kishore Singh :
Shri Asthana :
Babu Ranmaraman Singh :

Will the Minister of Food and Agriculture be pleased to state :

(a) to what extent and in what shape any kind of assistance has been given to different State Co-operative Banks by their respective State Governments and the Reserve Bank of India in 1955-56 and 1956-57; and

(b) the names of the States in which no loans are advanced to any society without prior recommendations of the departmental officers ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) The State Governments generally give four kinds of assistance to State Co-operative Banks :—

- (1) Contribution towards share capital;
- (2) Loans for financing the co-operative institutions affiliated to the Banks;
- (3) Subsidy for strengthening the staff of the State Co-operative Banks; and
- (4) Guarantee on the loans issued by the Reserve Bank of India.

Two statements showing the quantum of assistance given by the State Governments and the Reserve Bank of India are placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 48].

(b) Punjab, Himachal Pradesh, Uttar Pradesh and Rajasthan.

Sinking of Barge of Bombay Port Trust

*359. Shri Raghunath Singh : Will the Minister of Transport be pleased to state whether it is a fact that a barge of Bombay Port Trust with two railway engines and heavy lift cargo of machinery sank in the Alexandra Dock basin on the night of the 20th October, 1956 after a collision with the British freighter "City of London"?

The Deputy Minister of Railways and Transport (Shri Shah Nawaz Khan) : Yes, Sir. The barge and all its contents have since been salvaged.

Indian Medicine Graduates

*360. **Shri M. Islamuddin** : Will the Minister of Health be pleased to state :

(a) whether graduates of Indian medicine, trained in colleges of integrated medicine are not taken up for service in the primary centres, National Extension Scheme and the Health Insurance Schemes; and

(b) if so, the reasons therefor?

The Minister of Health (Rajkumari Amrit Kaur) : (a) and (b). The responsibility for appointing medical officers for these schemes rests with State Governments and it is for them to appoint Graduates of Indian Medicine trained in Colleges of Integrated Medicine if they are considered suitable.

Agricultural Implements

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

(a) what steps have been taken so far to improve the existing agricultural implements in use in India;

(b) whether new implements have been designed also; and

(b) if so, what are they?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) The following steps have been taken for the improvement of agricultural implements:—

(i) A survey of indigenous agricultural implements has been undertaken in a number of States on the basis of which further research work on agricultural implements will be planned;

(ii) Advisory Councils have been set up in some of the States in order to test and popularise improved agricultural implements;

(iii) A scheme for the award of prizes for effecting improvements in 15 selected agricultural implements has been sanctioned by the Indian Council of Agricultural Research.

(b) Yes.

(c) A number of improved implements have been designed by the State Governments and private firms which are now in common use. A list mentioning a few of these implements is laid on the Table of the Lok Sabha. [See Appendix

II, annexure No. 49]. Further details can be obtained by reference to State Agriculture Departments.

Inland Water Transport Channels

*362. **Shri B. K. Das** : Will the Minister of Transport be pleased to state :

(a) whether there is any scheme to connect Cochin and Calcutta by inland water transport channels;

(b) if so, when a survey committee of experts is going to be set up; and

(c) whether there is any other proposal to connect Bombay and Calcutta by inland channel?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) to (c). The Master Plan prepared by the Central Water and Power Commission includes schemes to connect Cochin and Calcutta and the Narbada with the Ganga by inland canals. It is only an outline Plan and will have to be examined carefully. Government are considering the appointment of a high level committee on Inland Water Transport, to which such proposals could be referred for advice and recommendations. It is expected that the Committee will be set up shortly.

First Five Year Plan

*363. **Shri Hem Raj** : Will the Minister of Planning be pleased to state whether the Progress Report on the First Five Year Plan has been completed?

The Deputy Minister of Planning (Shri S. N. Mishra) : The Progress Report for 1955-56 is under preparation and it is hoped to present it in the course of the present session of Parliament.

Trains in Andhra Pradesh

*364. **Shri Mohana Rao** : Will the Minister of Railways be pleased to state whether the Mail and Express trains between Hyderabad and Waltair, and Hyderabad and Masula and Bhimavaram are proposed to be run in view of the opening of the Capital of Andhra Pradesh at Hyderabad?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : With effect from 1-11-56 a through passenger train has been introduced between Hyderabad and Vizagapatam by linking up one of the trains, which were running between Hyderabad and Bezwada and Bezwada and Vizagapatam. There are no proposals at present to introduce fast trains between Hyderabad and Masulipatam/Bhimavaram.

Social Security Scheme for Seamen

*365. **Shri T. B. Vittal Rao** : Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 648 on the 2nd August, 1956 and state ?

(a) whether the views of the ship-owners and seafarers on the draft Social Security Scheme for Seamen have since been received;

(b) whether Government have examined the same; and

(c) when the scheme will be put into effect ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b). Not yet. A Special Sub-Committee of the National Welfare Board for Seafarers composed, *inter alia* of the representatives of Shipowners/Seafarers, has been set up to examine in detail the question of a Social Security Scheme for Seamen. The report of this Sub-Committee is awaited.

(c) It is not possible at the moment to say when the scheme is likely to be put into effect.

Inland Water Transport

*366. { **Shri Gidwani** :
Shri Bhagwat Jha Azad :
Shri Jhulan Sinha :

Will the Minister of Transport be pleased to state :

(a) whether the Central Water and Power Commission has drawn up any plan for developing inland waterways in the country and submitted it to the Government with a view to provide cheap transport; and

(b) whether Government propose to appoint any Committee to go into the question of development of inland waterways in the country and consider that plan ?

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

District Boards in Kerala

*367. { **Shri V. P. Nayar** :
Shri Punnoose :

Will the Minister of Health be pleased to state whether Government have any proposal to set up District Boards similar to the Malabar District Board in other Districts of Kerala State ?

The Minister of Health (Rajkumari Amrit Kaur) : The setting up of District Boards is the concern of State Governments.

Lallaguda Railway Workshop

*368. **Shri K. S. Rao** : Will the Minister of Railways be pleased to state :

(a) when the proposal for expansion of Railway workshop at Lallaguda is likely to be completed; and

(b) what are the main features of the expansion scheme ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The expansion of the workshop is likely to be completed by the end of the Second Five Year Plan.

(b) (i) Extension to Machine Shop and additional machinery.

(ii) Extension of erecting shop.

(iii) Providing cover over carriage repair lines.

(iv) Providing additional accommodation for stores.

Dental Surgeons

*369. **Shri R. P. Garg** : Will the Minister of Health be pleased to state :

(a) the ratio of Dental Surgeons to the population in the country;

(b) whether the number is enough to cater to the needs of the population;

(c) if not, the steps taken or proposed to be taken to train sufficient number of Dental Surgeons as the need may be; and

(d) whether it is proposed to set up any Dental College in Patiala ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) It is estimated that the ratio is 1: 60,000.

(b) No.

(c) A provision of Rs. 1.5 crores has been made in the Second Five Year Plan of the Central Health Ministry and a sum of Rs. 52.09 lakhs has been provided in the State Plans for the purpose of establishing new Dental Colleges and for increasing the number of admissions to the existing Dental Colleges. It is also proposed to upgrade the existing Departments in Dental Colleges for training future teachers of Dental Colleges.

(d) It is for the Government of the Punjab to decide whether a Dental College should be established in that State and, if so, the place where it should be located. The Government of India have not yet received any proposals in this behalf.

Tourist Centres

*370. Shri Velayudhan : Will the Minister of Transport be pleased to state :

(a) whether Government have set up Tourist Centres in any foreign countries; and

(b) if so, in how many countries?

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

(b) In five countries.

Chittaranjan Loco Works

*371. Shri Krishnacharya Joshi : Will the Minister of Railways be pleased to state the total number of engines produced by Chittaranjan Loco Works during 1956 so far?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : 122 locomotives from 1-1-56 to 31-10-56.

Delhi Transport Service

*372. Shri D. C. Sharma : Will the Minister of Transport be pleased to state :

(a) the details of the Second Five Year Plan for the Delhi Transport Service; and

(b) the amount set apart for this purpose?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The Second Five Year Plan for the Delhi Transport Service provides for an addition of 322 vehicles to the fleet, the construction of a depot, extension of the Central workshop, Staff quarters and other facilities. A statement giving details is laid on the Table of the House. [See Appendix II, annexure No. 50].

(b) Rs. 278 crores.

शूगर टेक्नोलॉजिकल इंस्टीट्यूट, कानपुर

*373. श्री विमूर्ति लिथ्री : क्या आप और हृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भूतपूर्व आप और हृषि मंत्री स्वर्गीय श्री किंदवर ईने कानपुर में एक शूगर टेक्नोलॉजिकल इंस्टीट्यूट (प्रौद्योगिक संस्था) स्थापित करने का आश्वासन दिया था;

(ख) यदि हां, तो क्या यह सच है कि अब सरकार उस संस्था को कानपुर के प्रलाभार्थी किसी स्थान पर स्थापित करने का विचार कर रही है; और

(ग) यदि हां, तो इस का क्या कारण है?

आप और हृषि मंत्री (श्री अ० प्र० जैन) : (क) जी, हां।

(ख) जी, नहीं।

(ग) प्रश्न नहीं होता।

Damodar Valley Project

*374. Shri Jhulan Sinha : Will the Minister of Irrigation and Power be pleased to state the total amount contributed towards Damodar Valley Project by the three units, Bihar, West Bengal and the Central Governments till the end of the first Five Year Plan and the benefits accruing to the two contributing States?

The Deputy Minister of Irrigation and Power (Shri Hathi) : The total amount contributed by the three participating Governments upto the end of 1955-56 was as follows :

| | Rupees |
|------------------------------|---------------------|
| Bihar Government . . . | 15,93,77,000 |
| West Bengal Government . . . | 48,44,41,633 |
| Central Government . . . | 22,66,05,167 |
| TOTAL . . . | 87,04,23,800 |

West Bengal has received supply of power, some flood control benefit and Irrigation facilities covering an area of 55,000 acres. Bihar has received supply of power and

some soil conservation benefit. As regards benefits in terms of money, there has been none so far as the Corporation is not yet earning any profit and whatever receipts are obtained from the sale of power and water are to be utilised in reduction of the capital cost under Section 39, of the Damodar Valley Corporation Act.

रेलवे बर्कशाप टेक्नीकल स्कूल

३७५ { श्री च० च० सोदिया :
श्री भ० इस्लामदीन :

क्या रेलवे मंत्री ७ अगस्त, १९५६ के तारीकित प्रश्न संख्या ८१४ के भाग (ग) के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या नये रेलवे बर्कशाप टेक्नीकल स्कूल खोलने के लिये उपयुक्त जगह चुन ली गई है या चुनी जा रही है; और

(ख) यदि हां, तो मध्य रेलवे के तीन स्कूल किन किन स्थानों पर सोले जायेंगे?

रेलवे तथा परिवहन उपभंगी (श्री इस्लामदार ज्ञान) : (क) जी हां, माजमाइश के तौर पर।

(ख) १. पश्चिम और मध्य दोनों रेलों के इंजीनियरिंग विभाग के कर्मचारियों के लिये महू में स्कूल खुल चुका है।

२. मनमाड—इंजिनियरिंग विभाग के कर्मचारियों के लिये।

३. सिकन्दराबाद—सिंगलल विभाग के कर्मचारियों के लिये।

Tala Bridge

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

(a) whether it is a fact that Eastern Railway has offered to bear a proportion of the cost of reconstruction of the Tala Bridge over the Chitpore yard; and

(b) whether negotiations in this behalf are being conducted with the Government of West Bengal?

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

Rice Godowns in Orissa

*377. Shri Sanganna : Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1390 on 24th August, 1956 in respect of rice godowns in Orissa and state :

(a) further progress made so far and

(b) whether the present food position in the country envisages any change in the scheme?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Necessary layout plans and estimates in respect of construction of godowns at centres previously suggested by the State Government have been finalised except for Balasore where a suitable site has been offered by the State Government only recently. The position in regard to suitable rail-sidings at the sites is under examination.

(b) No.

पठानकोट से जम्मू तक रेलवे लाइन

*378. श्री रम्बनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या सरकार पठानकोट से जम्मू तक रेलवे लाइन ले जाने का विचार कर रही है।

रेलवे तथा परिवहन उपभंगी (श्री इस्लामदार ज्ञान) : पठानकोट और माओ-पुर के बीच गाड़ियों का चलना शुरू हो गया है और माओपुर से कठुआ तक लाइन का सर्वे किया जा रहा है। कठुआ से ग्राम जम्मू तक रेलवे लाइन के सर्वे का कोई आदेश नहीं दिया गया है।

Health Service Centres in District

*379. Shri M. Islamuddin : Will the Minister of Health be pleased to state whether the scheme has been finalised to open Health Service Centres for students in every district of the States?

The Minister of Health (Rajkumari Amrit Kaur) : There is no scheme to open Health Service Centres for students in every district in the States. However, provision has been made in the 2nd Five Year Plan of some of the States to start School Health Services in certain areas.

TELCO Locomotives

*380. **Shri T. B. Vittal Rao** : Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 450 on the 30th July, 1956 and state :

(a) whether the Tariff Commission which enquired into the fixing of prices of locomotives manufactured by the Telcos has since submitted its report and

(b) if so, when a copy of the report will be laid on the Table of the Sabha?

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

(b) It is expected that Government will take decisions shortly on the Tariff Commission's Report, which is under detailed examination. Thereafter, a copy of the Report, together with the Resolution embodying Government's decisions thereon, will be laid on the Table of the Sabha.

Paddy Disease

*381. **Shri Bibhuti Mishra** : Will the Minister of Food and Agriculture be pleased to state :

(a) whether Government are aware that this year a disease has spread among paddy plants with the result that the paddy plants become white and get dried up; and

(b) if so, whether Government have taken any steps in this respect?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Yes. There are two types of diseases which have been brought to our notice. In Madhya Pradesh this is known as "Pansukh" and in Bihar it is called "Dakhina". These diseases occur annually and intensity varies from year to year. No abnormal report has been received this year.

(b) The "Pansukh" has been investigated in detail. To kill this disease and to avoid spread, draining off of the fields and allowing the soil to dry before irrigation and the application of ammonium sulphate have been recommended.

As regards the "dakhina" disease the earlier investigations have not proved very conclusive. The Agricultural College, Sabour, in Bihar is engaged in conducting further investigations into the matter.

Training of Panchayats Staff

*382. { **Shri D. C. Sharma** :
Shri Bhakt Darshan :}

Will the Minister of Health be pleased to state :

(a) whether it is proposed to set up training centres for imparting training to the executive and judicial staff of the Panchayats;

(b) whether it is proposed to confine such training in India only instead of sending them abroad; and

(c) if so, what is the present position?

The Minister of Health (Rajkumari Amrit Kaur) : (a) to (c). A proposal to set up training camps for village leaders as an experimental measure, during the 1st half of 1957, is under consideration. The training will be given in India.

Clearance of Railway Consignments

*383. { **Shri Gidwani** :
Dr. Ram Subhag Singh :
Shri N. B. Chowdhury :}

Will the Minister of Railways be pleased to state :

(a) whether it is a fact that a consignment of textile goods was not cleared by the consignees from their Godowns at Shalimar and Howrah Stations;

(b) whether it is a fact that Government requisitioned all consignments; and

(c) the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Clearance of many consignments of textile goods from Shalimar and Howrah Stations was substantially delayed during a few weeks preceding 10-10-1956.

(b) By orders issued on the 10th, 11th and 13th October, 1956 under Section 29 of the West Bengal Security Act (1950), the Government of West Bengal requisitioned cotton textile goods containing dhoties, sarees and blankets received at Shalimar and Howrah upto 6-9-1956 and lying undelivered upto 10-10-1956.

By a further order on the 14th October, 1956, the West Bengal Government requisitioned all consignments of cotton textile goods other than yarn received upto 30-9-1956 and lying undelivered upto 14-10-1956.

The consignments requisitioned under the 1st order were derequisitioned on 22-10-1956.

(c) In their requisition orders the West Bengal Government gave the following reasons :—

- (i) Increased demand of textile goods caused by devastation due to floods in many parts of West Bengal.
- (ii) Artificial shortage due to failure of consignees to take delivery of consignments at Shalimar and Howrah.
- (iii) Necessity of maintaining the supply of textile goods to the market and consumers, particularly flood affected people.

Paradip Port

*384. Shri Sanganna : Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 1156 on the 16th August, 1956 in respect of a survey party of Industrial Experts of Japan and state :

(a) whether any report has been received by Government from the Japanese Technical Experts with regard to the development of Paradip Port; and

(b) if so, the details thereof?

The Deputy Minister of Railways and Transport (Shri Shah Nawaz Khan). (a) No, Sir.

(b) Does not arise.

Fishing Boats

242. { Shri V.P. Nayar :
Shri Punnoose :

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 953 on the 25th August, 1956 and state whether the State Government of Travancore Cochin or the Central Government have done anything or propose to do anything to save the fishermen from the levy of 45 to 50 per cent. of total catch merely for hiring out the boats?

The Minister of Food and Agriculture (Shri A. P. Jain) : Under the Plan the State Government are issuing loans to fishermen co-operative Societies for the purchase of boats and fishing equipment by its members. The State Government are also supplying timber directly to fishermen at concessional rates for the construction of boats and catamarans. When these Schemes are fully implemented a large number of fishermen will have their own boats and the necessity for hiring boats on high charges will not arise. This will also serve to curb the tendency to charge higher rates of hire.

Small and Medium Size Projects

243. Shri Ram Krishan : Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 2 on the 16th July, 1956 and state :

(a) whether the required information regarding small and medium sized projects for Punjab has since been collected; and

(b) if so, the details thereof?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) The reply is in the affirmative.

(b) A statement is laid on the Table of the House. [See Appendix II, annexure No. 51].

Railway Lines in Punjab and Rajasthan

244. { Shri Ram Krishan :
Shri D.C. Sharma :

Will the Minister of Railways be pleased to state :

(a) the total mileage of new railway lines recommended by the Government of Punjab and Rajasthan for construction during the Second Five Year Plan;

(b) the names of the new routes proposed; and

(c) the names of the recommended routes approved so far?

The Deputy Minister of Railways and Transport (Shri Shah Nawaz Khan) (a) to (c). The recommendations of the State Governments for the construction of new lines during the Second Five Year Plan Period are still in an exploratory stage and no decision has yet been taken except on those projects which are specifically required for operational purposes and the steel works or coal development projects. Ordinarily, such recommendations are treated confidential unless the State Governments themselves make them known.

D.T.S.

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

(a) the total number of D.T.S. bus shelters built at terminus points of existing bus routes;

(b) the total number of terminus points where D.T.S. bus shelters have not been built so far, with their names; and

(c) the reasons thereof?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) (a) 26.

(b) 17. as per details given below:—

| Terminal points | Route Nos. |
|-------------------|---------------------------------|
| Fountain | 16, 16A, 19, 11, 20, 23, and 1. |
| Indra Nagar | 1 |
| C.O.D. Cantt. | 3 |
| Kamla Nagar | 4 |
| Tis Hazari | 5 |
| Ramesh Nagar | 13 |
| Vinay Nagar Depot | 8 |
| Radio Colony | 9 |
| Shakti Nagar | 9-A |
| Shahdara Border | 11-A |
| Pusa Institute | 26, 13 |
| Moti Bagh | 14 |
| Najafgarh | 16 |
| Mehruli | 17 |
| Okhla | 18 |
| Krishan Nagar | 20 |
| Camp Cinema | 25 |

(c) The construction of bus queue shelters is being undertaken according to a phased programme. The progress of work in certain cases has been affected mainly due to difficulty in obtaining land from the local bodies concerned.

Mixed Trains on Northern Railway

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

(a) whether it is a fact that many mixed trains run over ex-Bikaner State Railway portion of Northern Railway;

(b) if so, whether Government propose to abolish these trains; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Out of the 64 trains running on the Bikaner Division of the Northern Railway 34 are mixed trains and 30 passenger carrying trains.

(b) and (c). The Railway Administrations have already been advised to minimise the running of mixed trains on sections where the traffic warrants the running of passenger and goods trains separately, consistent, of course, with the availability of rolling stock, power and line capacity.

Overaged Wagons

247. Shri Feroze Gandhi : Will the Minister of Railways be pleased to state:

(a) the principles underlying the declaration of a wagon as overaged;

(b) whether any records of mileage of wagons are kept and are they taken into consideration when a wagon is declared overaged; and

(c) whether overaged wagons are sent or periodical overhauls earlier than those which are not overaged?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan)

(a) A wagon is considered 'overaged' when it is more than 40 years old. This is based upon experience.

(b) No.

(c) No.

Punctuality of Trains

248. Shri Feroze Gandhi : Will the Minister of Railways be pleased to state the punctuality percentage of mail and important through trains on B.G. and M.G. separately during 1955-56. ?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : Broad gauge . . . 70.8%
Metre gauge . . . 60.4%

Indian Agricultural Research Institute

249. Shri Achalu : Will the Minister of Food and Agriculture be pleased to state what has been the average number of workers employed in the Indian Agricultural Research Institute in Delhi on daily wage basis every month in the years 1954, 1955 and 1956?

The Minister of Food and Agriculture (Shri A.P. Jain) : A statement is attached. [See Appendix II, annexure No. 52].

Indian Agricultural Research Institute

250. Shri Achalu : Will the Minister of Food and Agriculture be pleased to state:

(a) the number of monthlymen employed in the Indian Agricultural Research Institute according to each station who have been confirmed permanent;

(b) whether there is any proposal to confirm more monthlymen as permanent; and

(c) if so, how many?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Nil.

(b) No.

(c) Does not arise.

Indian Agricultural Research Institute

251. Shri Achalu: Will the Minister of Food and Agriculture be pleased to state:

(a) the names of the Unions and Associations of the employees of the Indian Agricultural Research Institute;

(b) what is the membership of each one of them; and

(c) which of these organisations have been recognised?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b).

| Name of Unions and Association | Total No. of membership |
|--------------------------------------------------------|-------------------------|
| 1. Gazetted Scientific Staff Association I.A.R.I. | 60 |
| 2. Non-Gazetted Scientific Staff Association, I.A.R.I. | 99 |
| 3. Pusa Agricultural Research Society I.A.R.I. | 150 |
| 4. Ministerial Staff Association, I.A.R.I. | 156 |
| 5. The Engineering Workers Staff Association | 70 |

(c) Serial Nos. 1 to 4 above.

Indian Agricultural Research Institute

252. Shri Achalu: Will the Minister of Food and Agriculture be pleased to state the number of workers on daily wage basis as on 31st August, 1956 in the Indian Agricultural Research Institute sub-stations outside Delhi?

The Minister of Food and Agriculture (Shri A. P. Jain): 224.

Indian Agricultural Research Institute

253. Shri Achalu: Will the Minister of Food and Agriculture be pleased to state whether there is any system of Contributory Provident Fund for the monthlymen in the Indian Agricultural Research Institute?

The Minister of Food and Agriculture (Shri A. P. Jain): No.

Indian Agricultural Research Institute

254. Shri Achalu: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the monthlymen in the Indian Agricultural Research Institute are entitled to any leave; and

(b) if so, what kind of leave and how much in a year?

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

(b) Casual leave for 10 days.

Indian Agricultural Research Institute

255. Shri Achalu: Will the Minister of Food and Agriculture be pleased to state:

(a) whether there are any proposals to construct additional quarters for monthlymen employed in the Indian Agricultural Research Institute who have not been allotted any quarters;

(b) whether house rent allowance is being paid to those monthlymen who have not been provided with Government accommodation; and

(c) if not, the reason, therefor?

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

(b) No.

(c) They are not entitled to any House Rent allowance since they are not on the regular establishment of the Institute. They are paid from contingencies provision in the budget of Indian Agricultural Research Institute.

Fish Yield from Chilka Lake

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

(a) the estimated annual yield of fish from the Chilka lake; and

(b) how much of the yield is sent to Calcutta ?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) and (b), The information is being collected and will be laid on the Table of the Lok Sabha.

Fish Price

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

(a) the average price of fish in Trivandrum, Madras, Bombay and Calcutta per seer in 1955-56; and

(b) whether it is a fact that prices of fish in Calcutta are worked up to a very high level on account of the monopolistic control of a few agencies ?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) and (b), The information is being collected and will be placed on the Table of the Lok Sabha.

Ice and Cold Storage Plants

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

(a) the number of Ice and Cold Storage Plants received so far under the Indo-U.S. Technical Co-operation programme;

(b) how many of these have been erected in Kerala State; and

(c) how many of such Cold Storages or Ice Plants given by the Technical Co-operative Programme are operated by Co-operatives?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) Nine.

(b) None, yet. Two plants, have, however, been allotted to the State;

(c) None, yet.

Fishing Harbours in Kerala State

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

(a) whether the plan of Kerala State envisages the provision for construction of new or expansion of fishing harbours;

(b) if so, at what places;

(c) the total expenditure provided for in the State Plan for this; and

(d) the employment potential of such developmental work?

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

(b) Surveys are now being undertaken by the two F.A.O. Harbour Specialists and the Indo-Norwegian Project authorities in consultation with the Ministry of Transport. Information on the actual Centres where fishing harbours will be developed will be available only after the completion of the Survey.

(c) The information regarding the provision as a result of reorganisation, is being collected and will be placed on the Table of the Lok Sabha.

(d) The employment potential will be known only after completion of the survey.

Exploratory Fishing Station in Cochin

260. Shri V.P. Nayar : Will the Minister of Food and Agriculture be pleased to refer to para 33, page 295 of the Second Five Year Plan and state :

(a) whether the Exploratory Fishing Station proposed for Cochin has been or will be established and has started or will start functioning;

(b) the number of persons employed or proposed to be employed in that Station; and

(c) the details of fishing vessels proposed to be put under commission in that Station?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) It is expected to start functioning early in 1957.

(b) The number of persons proposed to be employed is :

| | |
|---------------------------------------|----|
| Administrative and Clerical personnel | 7 |
| Technical | 33 |
| Skilled workers (Male) | 30 |
| Unskilled workers | 5 |

(c) Two cutters, one tuna fishing vessel, one shrimp trawler, one trawler and one multi-purpose boat.

Fishing Grounds

261. Shri V. P. Nayar : Will the Minister of Food and Agriculture be pleased to lay on the Table of the Sabha a statement showing the details of information gathered in respect of "some valuable fishing grounds located" as referred to in para 33, page 295 of the Second Plan, off the Coast of Bombay and Saurashtra and state what are the varieties and quantities of fish available on these banks, as revealed by the location and subsequent study, if any?

The Minister of Food and Agriculture (Shri A.P. Jain): A statement is attached. [See Appendix II, annexure No. 53].

Charting and Mapping of Fishing Coast

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

(a) the percentage of the area, within the forty fathom line in the Indian coast, in which all the required charting and mapping has so far been done; and

(b) the number of persons, if any, now engaged in this work?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) The information is not readily available.

(d) 107.

Deep Sea Fishing

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

(a) the precise steps contemplated by the Government of India for fulfilment in the Second Plan period towards the development of deep-sea fishing and for the development of marine fisheries of India; and

(b) the sum earmarked, if any, for this specific purpose, under the current Plan?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) The steps contemplated for the development of Deep-Sea fishing and that of marine fisheries of India are :—

(i) the establishment of pilot exploratory fishing stations at Cochin, Vizakapatnam and Port Blair and equipping them with the necessary vessels for exploratory fishing and charting of fishing grounds;

(ii) expansion of fishing activities of the Deep-Sea Fishing Station;

(iii) training of Officers, deckhands and fishermen in the use of improved types of fishing gear from large vessels and specialised types;

(iv) technical assistance from F.A.O. and other foreign agencies;

(v) encouraging private enterprise in undertaking commercial deep-sea fishing operations;

(vi) improvement of fishing craft and mechanisation;

(vii) development of fishing harbours;

(viii) supply of fisheries requisites;

(x) organisation of fishermen's co-operatives;

(x) ice and cold storage facilities;

(xi) transport and marketing of fish;

(xii) opening of a Fisheries Technological Research Station; and

(xiii) expansion of existing and introduction of new lines of research on marine fisheries.

(b) Rs. 331.38 lakhs. In addition, the Central Government will provide financial assistance under G.M.F. Rules to the State Governments.

Earnings of Fishermen

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

(a) the estimated average *per capita* annual earnings of a sea-going fisherman in India, as compared to a worker in

(i) the textile Industry;

(ii) Plantation Industry; and

(b) the total of a year's work calculated in man-hours done by a marine fisherman in India.

The Minister of Food and Agriculture (Shri A.P. Jain): The requisite information is not available. Its collection will entail an economic survey for a long period along the entire coast of India. It is considered that the labour and expenditure involved in the survey will not be commensurate with the results to be achieved.

Fish Production in Kerala

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

(a) the per acre annual yield of fish in the coastal belt of 7 to 10 miles now exploited by Indian Fishermen;

(b) how does this yield of marine fisheries in Kerala compare with the yield in the corresponding coastal areas of Madras, Andhra, Bombay, Saurashtra and West Bengal; and

(c) whether it is a fact that even using out-moded fishing boats, gear and tackle Keralas fishermen catch more fish per acre of the exploited area of the sea than what an acre yields in countries using modern methods of fishing like U.K. and Norway?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c), No information is available on the basis of per acre yield of fish from the sea. Nor can such information (on this basis) be collected.

Fish catches from the sea are estimated on the basis of total landings or per Unit effort or on tonnage of boats.

No data for comparison of yield in Kerala with other States is available.

Storing of Fish

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

(a) the number of operating cold storages for storing fish in India as on 1st July, 1956; and

(b) the average daily tonnage of fish stored in such cold storages.

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The information is being collected and will be placed on the Table of the Lok Sabha.

Earnings of Fishermen

267. Shri V. P. Nayar : Will the Minister of Food and Agriculture be pleased to state whether any assessment has been made by the Central Government as to whether and if so, by how much the annual income of an average sea-going fisherman, who is also a member of a fishermen's co-operative, has increased in the years of the First Plan and the first year of the Second Plan?

The Minister of Food and Agriculture (Shri A. P. Jain): No assessment has so far been made.

Fishermen's Co-operatives in Kerala State

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

(a) the number of fishermen's co-operatives functioning in Kerala as on 1st November, 1956;

(b) the total value of annual sales of fish by the societies in 1955-56;

(c) the total value of loans advanced to fishermen by these co-operatives;

(d) the total value of fishing requisites supplied to fishermen by these societies; and

(e) whether there is any central Society for the fishermen's Co-operatives?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (e). Information is being collected from the State Government and will be placed on the Table of the Lok Sabha.

Food Value of Indian Diet

269. Shri V. P. Nayar : Will the Minister of Food and Agriculture be pleased to lay on the Table a statement showing the following details in the *per capita* food available in the various Indian States:

(1) the total calorific value of a day's food of an average man;

(2) the quantity of cereals and/or pulses and the calorific value thereof;

(3) the quantity and value of meat, eggs and fish;

(4) the quantity and value of milk and milk products; and

(5) the quantity and value of protective foods, if any?

The Minister of Food and Agriculture (Shri A. P. Jain): State-wise calculations of net available supplies of various items of food are not possible owing to lack of relevant statistics such as those relating to inter-State movement of the different commodities, opening and closing stocks with trade etc.

A statement showing the available information for 1954-55 for All-India is accordingly attached. [See Appendix II, annexure No. 54].

Fish Production

270. Shri V. P. Nayar : Will the Minister of Food and Agriculture be pleased to state the total estimated daily production of fish in the Major River Valley Projects under the Central Administration?

The Minister of Food and Agriculture (Shri A. P. Jain) : The information is being collected and will be placed on the Table of the Lok Sabha.

Vanamahotsava

271. Shri Keshavaiengar : Will the Minister of Food and Agriculture be pleased to state :

(a) the number of persons or institutions that entered the competitions for the award instituted by the Government for planting the highest number of trees under Vanamahotsava, during the year 1955; and

(b) whether any awards have since been made?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) The information is being collected from the State Governments and it will be placed on the Table of the Sabha when received.

(b) No.

C.T.O.

272. Shri Bhagwat Jha Azad : Will the Minister of Food and Agriculture be pleased to state :

(a) whether Government have received the resolutions passed at the Annual General Conference of Central Tractor Organisation Employees Union held in July 1956;

(b) if so, whether any decision has been taken on their grievances; and

(c) whether any retrenchment has been effected since August 1956?

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

(b) and (c). The resolutions dealt with the following points :

(i) The C.T.O. staff should be declared permanent.

(ii) A special officer should be appointed to arrange for the reabsorption of the retrenched C.T.O.'s employees.

(iii) The Departmental Leave System prevailing in the C.T.O. should be abolished.

Decisions have been taken on all the three points. The C.T.O. staff cannot be declared permanent as the department

itself is temporary. Regarding the appointment of a special officer to find alternative jobs for the employees retrenched by the C.T.O. the size of the problem does not justify the appointment of a whole-time officer for the purpose. The C.T.O. administration have been making considerable efforts to find alternative jobs for their retrenched men and these efforts have been largely successful. Since August 1956 only 19 persons have been retrenched and 17 of them have been absorbed in various Government departments.

Regarding the abolition of the system of Departmental Leave this system was introduced because in certain parts of the year certain categories of C.T.O.'s employees were not fully occupied. The Government of India have been willing to order relaxations whenever public interest demanded it. For example departmental leave has been completely abolished for the Base Workshops at New Delhi and for the Jungle Clearance Unit working in Assam. The Government of India are satisfied that there is no case for the complete abolition of the Departmental Leave system.

Agricultural Delegations

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

(a) the total number of Agricultural Delegations sent to foreign countries during 1956 so far; and

(b) the names of the countries visited by these delegations?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Twenty-nine (29) delegations were sent abroad from 1st January 1956 to 31st October, 1956.

(b) The names of the countries covered by these delegations are as follows:—

1. Bangkok (Thailand).
2. Geneva (Switzerland).
3. Colombo (Ceylon).
4. Rome (Italy).
5. Rome (Italy).
6. Ceylon.
7. Madrid.
8. New York.
9. Jeddah (Saudi Arabia).
10. Rome (Italy).
11. Rome (Italy).
12. Moscow (U.S.S.R.).
13. Rome (Italy).
14. China.
15. Oxford (U.K.).
16. Tehran (Iran).
17. Bangkok (Thailand).
18. Japan (Tokyo).
19. Rome (Italy).
20. Tokyo (Japan).

21. U.S.S.R.
22. Rome (Italy).
23. Penang (Malaya).
24. Geneva (Switzerland).
25. Tokyo (Japan).
26. Bandung (Indonesia).
27. Rome (Italy).
28. Rome (Italy).
29. Rome (Italy).

उत्तर-पूर्व रेल पर रेलवे के पुल

२७४. श्री रा० न० सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) सितम्बर, १९५६ में उत्तर-पूर्व रेलवे की बनारस-खगरा बांच लाइन के किन किन पुलों को 'खतरे से खाली नहीं' समझा गया था ;

(ख) उपरोक्त पुल कब बनाये गये थे और उस समय इंजीनियरों ने इन पुलों का जीवन-काल कितना अंका था ; और

(ग) किन-किन बर्षों में और कितनी बार सरकार ने इंजीनियरों द्वारा इन पुलों का परीक्षण करवाया था ?

रेलवे तथा परिवहन उपर्यंत्री (श्री शाहनवाज ज्ञा०) : (क) सितम्बर, १९५६ में गाजीपुर घाट और शाहवाजकुली स्टेशनों के बीच देसो नदी पर पुल नम्बर ३ 'खतरे से खाली नहीं', समझा गया था ।

(ख) यह पुल १६०३ में बनाया गया था । यह सूचना नहीं मिल रही है कि १६०३ में जिन इंजीनियरों ने इस पुल की बनाया था उन्होंने इसे किस समय तक गाड़ियों के आने जाने के लिये ठीक बताया था ।

(ग) साल में एक बार इस पुल की पूरी तरह जांच की जाती है और साल के अन्दर इंजीनियर अपने सामान्य निरीक्षण के दौरान में इसकी कई बार जांच करते हैं ।

रेलवे लाइनों का टूट जाना

२७५. श्री रा० न० सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर-पूर्व तथा पूर्व रेलवे पर कितने स्थानों पर रेलवे लाइनों को नुकसान पहुंचा है ।

(ख) इस प्रकार नुकसान पहुंचने से कितनी हानि हुई और उसका मुख्य कारण क्या है ।

(ग) रेलवे लाइनों के टूट जाने से किन-किन स्थानों पर यातायात में रुकावट पड़ी ।

(घ) कितने स्थानों पर और कितने दिनों तक यातायात रुका रहा और रेलवे डाक सेवा के डिब्बे अपने गलतव्य स्थानों पर नहीं पहुंच सके ।

(ङ) बनारस और गाजीपुर रेलवे स्टेशनों पर रेलवे डाक सेवा के डिब्बे कितने दिनों तक रुके पड़े रहे ; और

(च) उन डिब्बों में पत्रों और समाचार-पत्रों, आदि के कितने थेले थे ?

रेलवे तथा परिवहन उपर्यंत्री (श्री शाहनवाज ज्ञा०) : (क) पूर्व रेलवे के २५ और पूर्वोत्तर रेलवे के ३३ सेक्षणों में नुकसान हुआ । जिन जगहों पर नुकसान हुआ है उनका व्योरा इकट्ठा किया जा रहा है और यथासमय सभा-पटल पर रख दिया जायेगा । [देखिये परिवहन २, अनुवाच संख्या ५५]

(ख) बाड़ से लगभग २२.१७ लाख रुपये का नुकसान हुआ ।

(ग) और (च) । एक बयान साथ नहीं है ।

(ङ) बनारस और गाजीपुर स्टेशनों पर आर० एम० एस० का कोई डिब्बा पूरे दिन नहीं रुका रहा । उनकी डाक या तो

दूसरे डिब्बों में लाद कर भेज दी गयी या उन डिब्बों को दूगरे रास्तों में भेज दिया गया।

(c) सवाल नहीं उठता।

Bhakra Control Board

276. Shri Ram Krishan : Will the Minister of Irrigation and Power be pleased to state :

(a) the number of meetings of the Bhakra Control Board held during the period from the 1st July, 1956 to the 31st October, 1956; and

(b) the nature of decisions taken at each of the meetings?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Two meetings were laid held during this period.

(b) A note giving the main decisions which relate primarily to technical and financial matters is attached. [See Appendix II, annexure No. 56].

Station Consultative Committees

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

(a) whether in pursuance of the recommendation of the Railway Corruption Enquiry Committee Station Consultative Committees will be constituted; and

(b) if so, how many such Committees will be constituted in the Ferozepur Division of the Northern Railway and for which Stations?

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

(b) 21 Committees have already been constituted and are functioning at the following stations:—

- (1) Amritsar
- (2) Ludhiana
- (3) Jullundur City
- (4) Pathankot
- (5) Batala
- (6) Abohar
- (7) Jaitu
- (8) Fazilka
- (9) Kotkapura
- (10) Phagwara
- (11) Sangrur
- (12) Sunam
- (13) Atari
- (14) Kapurthala
- (15) Moga Tehsil

- (16) Jagraon
- (17) Nawanshah Doaba
- (18) Tarantaran
- (19) Bhagtanwala
- (20) Ferozepur Cantt.
- (21) Hoshiarpur.

And as all important stations have already been covered there is no proposal at present to constitute such Committees at any other station on that Division.

Embezzlement of Railways Funds

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

(a) whether any assessment has so far been made of the loss to Government on account of fraud and embezzlement by the officers of the Ministry during the last five years;

(b) if so, the amount involved year-wise; and

(c) the steps taken to recover the same?

The Deputy Minister of Railways and Transport (Shri Shahnaq Khan) :

(a) There has been no case of loss on account of fraud or embezzlement in the Ministry proper but there have been cases of fraud etc. by various categories of employees on the Railways.

(b) Rs.

| | |
|---------------|------------|
| 1951-52 . . . | 4,00,773/- |
| 1952-53 . . . | 1,09,039/- |
| 1953-54 . . . | 3,54,800/- |
| 1954-55 . . . | 3,87,179/- |
| 1955-56 . . . | 3,36,699/- |

These figures do not include the amount of losses in question in respect of S.E. Railway which are being collected and will be placed on the table of the House in due course.

(c) Wherever responsibility can be fixed every endeavour is made to recover the amount of loss from the person or persons concerned. If a fraud or embezzlement is facilitated by laxity of supervision a sufficient proportion of the loss is recovered from the persons at fault either directly or indirectly by reduction or stoppage of increments of pay.

Kosi Project

279. Shri D. C. Sharma : Will the Minister of Irrigation and Power be pleased to state :

(a) the amount of money spent on the Kosi Project so far; and

(b) the amount of money proposed to be spent in future on this Project?

The Deputy Minister of Irrigation and Power (Shri Hathl) : (a) Rs. 4.97 Crores approximately upto the end of September, 1956.

(b) According to the project estimate, Rs. 39.63 crores approximately after September, 1956.

Shuttle Train Service

280. Shri Bheekha Bhai : Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1131 on the 20th August, 1956 and state :

(a) whether Government have examined the proposal for running a shuttle train between Udaipur and Chittorgarh since the introduction of a new train on Khandwa-Ajmer section of Western Railway; and

(b) if not, whether the proposal if commercially examined, will be profitable in view of the changed circumstances?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No. During recent years no new trains have been introduced on the Ajmer-Khandwa section.

(b) The existing train services on the Udaipur-Chittorgarh section are considered adequate to cater for the volume of traffic offering. However, it is proposed to increase the number of coaches on the trains Nos. 445 and 446 by one third class bogie coach, as soon as the requisite stock can be made available, having the due regard to the extent of overcrowding prevailing over the various sections.

Permanent Way Inspectors

281. Shri Nambiar : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that some Assistant Permanent Way Inspectors of Railways in Trichy Division (Southern Railway) with eight years of service have not yet been confirmed;

(b) if so, their number and the reasons therefor;

(c) whether men with lesser service have been confirmed overlooking the claims and seniority of those affected; and

(d) what policy is being followed for confirmation?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b). Only one employee has not yet been confirmed as his conduct has been under investigation.

(c) About 50 persons junior to that employee have been confirmed in the normal course in their turn.

(d) Temporary staff with one year's service are confirmed in the order of seniority in their turn to the extent permanent vacancies are available.

Railway Accounts Examination

282. Shri Nambiar : Will the Minister of Railways be pleased to state :

(a) whether it is a fact that the number of passed candidates in the Railway Accounts Examinations—Appendix III-A in the Southern Railway is very low as compared with other Railways and with the figures of previous examinations; and

(b) whether it is a fact that the F.A. and C.A.O.'s have powers to increase or decrease the number of passed candidates irrespective of the marks obtained in the Examination?

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

(b) No.

Maternity and Child Welfare Centres, Gorakhpur

283. Shrimati Renu Chakravarty : Will the Minister of Railways be pleased to state :

(a) whether the Class IV staff of the Maternity and Child Welfare Centre, Gorakhpur have been taken on as full employees of the Railways and are getting the same pay and dearness allowance payable to other similar railway employees;

(b) whether they will get complete sets of passes and P.T.O.s.

(c) if not, the reasons for the same; and

(d) the time by which the matter will be finalised?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) They are railway servants but there was some delay in fixing their pay at the appropriate stage. Orders have been issued to fix them on the minimum of the scale pending final fixation of pay.

(b) Yes.

(c) Does not rise.

(d) The matter will be finalised in a month's time.

रेलवे के इंजन डिव्हे, आदि

२८४. { पंडित हां० नां० तिवारी:
श्री शू० च० शर्मा:

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या वे इंजन, मालगाड़ी के डिव्हे और सवारी गाड़ी के डिव्हे, जिनके लिये विदेशों को १९५६ में आंडर दिये गये थे, प्राप्त हो गये हैं; और

(ख) यदि नहीं, तो किन-किन देशों से कितने मूल्य के कौन-कौन से सामान अब तक नहीं प्राप्त हुए?

रेलवे तथा परिवहन उपमंत्री (श्री शाहनवाज जां) : (क) जी नहीं।

(ख) एक बयान साथ नत्य है। [इंजिये परिविष्ट २, अनुबन्ध संख्या ५७]

शाहदरा म्यूनिसिपल चुनाव

२८५. श्री नवल प्रभाकर : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) शाहदरा म्यूनिसिपल चुनाव में कितना व्यय किया गया; और

(ख) उन सदस्यों का कार्य काल कितना है?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) शाहदरा म्यूनिसिपल चुनाव में शाहदरा म्यूनिसिपल कमेटी द्वारा कुल रक्कम १७,८३७ रुपये १० आने और ६ पाई किया गया।

(ख) तीन साल।

गंगा बहापुत्र जल परिवहन बोर्ड

२८६. श्री शू० च० सोषिला : क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) गंगा-बहापुत्र जल परिवहन बोर्ड का संगठन प्रारम्भ कर किया गया था;

(ख) इस समय इस बोर्ड के कितने सदस्य हैं और उनके क्या नाम हैं, इसकी बैठकों किस तारीख से होनी शुरू हुई थीं और अब तक कितनी बैठक हो चुकी हैं;

(ग) इस बोर्ड को कौन-कौन से काम सौंपे गये हैं और उस का वर्तमान कार्यक्रम क्या है; और

(घ) क्या बोर्ड ने अभी तक अपने कामों के बारे में कोई रिपोर्ट प्रकाशित की है?

रेलवे तथा परिवहन उपमंत्री (श्री शाहनवाज जां) : (क) ८ मार्च, १९५२।

(ख) बोर्ड का संगठन साथ में लगे हुये विवरण में दिया गया है [इंजिये परिविष्ट २, अनुबन्ध संख्या ५८]। बोर्ड की पहली बैठक २५ जुलाई, १९५२ को हुई थी और अब तक नी बैठकों हो चुकी हैं।

(ग) बोर्ड के कामों को परिवहन मंत्रालय के तारीख ७ मार्च, १९५२ के प्रस्ताव नं० ६-एम(८) /५१ में बताया गया है जिसकी एक प्रति सभा की मेज पर रख दी गई है [इंजिये परिविष्ट २, अनुबन्ध संख्या ५८]। बोर्ड ने इस समय इन नीचे दी गई योजनाओं को हाथ में ले लिया है :

१. गंगा के ऊपरी भाग में कम गहरे पानी में चलने योग्य नौका योजना।

२. आसाम की सहायक नदियों के लिये इसी प्रकार की एक छोटे जहाज चलाने की योजना।

३. बहापुत्र नदी में गाड़ियों और मुसाफिरों को से जाने के लिये डीजल से चलने वाली नौका।

४. नदी का नियंत्रण और पालन।

५. बहापुत्र और गंगा नदी पर रेडियो टेलेफोन से बातचीत का शुरू करना।

६. पांडु, गीहाटी, डुबरी, करीमगंज, पट्टना, मनिहारी और बनारस के अन्तर्देशीय-बन्दरगाह में सुविधाओं का विकास।

७. नदियों का लगातार सर्वेक्षण करना और चालकों के लिये नौचालन सम्बन्धी नक्शों को देना।

(अ) नहीं। परिवहन मंत्रालय की प्रशासन रिपोर्ट में बोर्ड के कामों का व्यौरा दिया गया है।

Vanamahotsava

288. **Shri Krishnacharya Joshi:** Will the Minister of Food and Agriculture be pleased to state the number of trees planted so far in the country under the *Vanamahotsava* Scheme?

The Minister of Food and Agriculture (Shri A. P. Jain): The trees planted from 1950 to 1953 are as follows:—

| Year | No. planted |
|--------------|--------------------|
| 1950 | 44,315,000 |
| 1951 | 35,821,000 |
| 1952 | 42,243,000 |
| 1953 | 23,852,000 |
| TOTAL | 146,231,000 |

Information regarding number of trees planted during the years 1954, 1955 and 1956 is not yet available.

गीही की निवेदन

२८९. श्री विष्वूति मिश्न : क्या लालू और कृष्ण मंत्री १० मई, १९५६ के तारीखित प्रदर्शन संस्था २११६ के उत्तर में सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) पिछले मौसम में बन्द रहने वाली मिलों में से १९५६-५७ के गश्ता पेरने के मौसम में कितनी मिलों के चलने की आशा है;

(ख) क्या सरकार कोई योजना बना रही है ताकि अगले मौसम में सभी मिल चालू हों; और

(ग) यदि हां, तो उस का व्यौरा क्या है?

लालू और कृष्ण मंत्री (श्री अ० प्र० जैन) : (क) एक भली, जिला देउरिया, उत्तर प्रदेश।

(ख) और (ग) समस्त बन्द पड़ी मिलों को गश्ता पेरने के लिये चालू करना सम्भव अथवा किफायती नहीं समझा जाता है। ऐसे १६ मिलों में से १३ मिलों की मशीनें छोटी और बिना किफायत वाली हैं। दूसरी दो लिक्विडेशन (Liquidation) में की गई हैं। बाकी एक सार्जियों में झगड़े के कारण बन्द पड़ी है और इसको चालू करने के लिये विचार से इसे इन्डस्ट्रीज एक्ट के अधीन रजिस्टर करावाने का कदम उठाया जा रहा है।

लखनऊ-कानपुर सवारी गाड़ी

२९०. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) लखनऊ-कानपुर सवारी गाड़ी जो लखनऊ से ही बन कर १०-५ म० पू० पर रखाना होती है पिछले पांच महीनों में लखनऊ से ही कितनी बार देर से छूटी;

(ख) क्या यात्रियों ने इस सम्बन्ध में शिकायतें की हैं; और

(ग) उस पर क्या कार्यवाही की गई?

रेलवे तथा परिवहन उपमंत्री (श्री शाहनवाज जा०) : (क)

दस बज कर ५ मिनट पर छूटने वाली ३ एल महीना सी सवारी गाड़ी कितने बार देर से रखाना हुई

| | |
|---------------|----|
| जून, १९५६ | ५ |
| जुलाई, १९५६ | ६ |
| अगस्त, १९५६ | ५ |
| सितम्बर, १९५६ | ८ |
| अक्टूबर, १९५६ | १७ |

(क) जी हाँ।

(ग) बेजा देर के लिये जिम्मेदार कर्मचारियों के खिलाफ उचित कार्यवाही की गई है। इस गाड़ी पर खास तौर पर ध्यान दिया जा रहा है और इसे ठीक समय पर चलाने की पूरी कोशिश की जायेगी।

"Cash Your Ideas" Scheme for Railwaymen

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

(a) since 'Cash Your Ideas' Scheme was introduced to encourage original constructive thinking among railway men, how many suggestions on different subjects about improvements in the Railways, have been offered;

(b) how many rewards have been awarded; and

(c) what are the subjects dealt with?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan): (a) 1130.

(b) 22.

(c) These suggestions relate to various aspects of Railway workings for example, prevention of misuse of season tickets; improvements to track; safety devices in Railway compartments and improvements to methods of production in workshops etc.

Trade Apprentices in Railways

292. Shri Dhusiya : Will the Minister of Railways be pleased to state:

(a) the places on the North-Eastern Railways where Trade Apprentices have been recruited during this year so far;

(b) the number of such recruits at each place and how they are selected; and

(c) the numbers of Scheduled Castes and Scheduled Tribes recruited at those places?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan): (a) to (c). A statement is attached. (See Appendix II, annexure No. 59).

Passenger Amenities

293. Shri Debendra Nath Sarma: Will the Minister of Railways be pleased to state:

(a) whether his attention has been drawn to complaints in respect of

irregular supply of light and fan on the running trains on Pandu region of the North-Eastern Railway besides other items of passenger amenities; and

(b) if so, whether any arrangement has been made to remove these inconveniences to the passengers?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes. There have been a few cases of such failures.

(b) Yes. The ratio of coaches equipped with generators to those unequipped is being steadily improved. More battery charging sets are being provided at important stations. Security measures are being strengthened to reduce pilferage and theft. Suitable remedial measures are being taken to improve other amenities.

Overbridge at Godavary Station

294. { Shri Mohana Rao :

Shri B. S. Murthy : Will the Minister of Railways be pleased to state:

(a) whether there is a proposal for the construction of a pucca overbridge at Godavary Railway Station, and

(b) if so, what steps have been taken?

The Deputy Minister of Railways and Transport (Shri Shahnawaz Khan): (a) There is no such proposal.

(b) Does not arise.

Overbridge at Samalkot Railway Station

295. Shri Mohana Rao : Will the Minister of Railways be pleased to state:

(a) whether there is any proposal for construction of an overbridge at Samalkot Railway Station; and

(b) if so, when the construction will start?

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

(b) The proposal is under investigation in consultation with the State Government. The work will be taken up after the State Government has signified acceptance of their share of the cost.

DAILY DIGEST

(Friday, 23rd November, 1956)

479

480

ORAL ANSWERS TO QUESTIONS—

COLUMNS
413—38

S.Q. No.

COLUMNS

S.Q. No. **Subject**

- 331 Railway Division at Tinnevelly 413
 332 Medical College in Delhi 413—15
 333 Salem-Bangalore Railway Line 415—16
 334 Import of Sindhi cows from Pakistan 416—17
 335 Shipping 417—19
 336 Rates and Costs Committee 419—20
 337 Railway Compensation Claims 421—22
 340 Malaria 422—23
 341 Supply of foodgrains to other countries 423—24
 342 State Transport Department 424—2
 344 Indo-Pakistan Rail Traffic 425—26
 347 Carriage electric lighting equipment 427
 351 F.A.O. 428
 352 Delhi Hospitals 428—30
 353 District Advisory Committees for Community Development 430—33
 355 Misuse of alarm chains on railways 433—34
 357 Railway Employees 434—37
 358 Food production 437—38

WRITTEN ANSWERS TO QUESTIONS—

438—78

S.Q. No.

- 338 Ticketless travel 438—39
 339 Wheat from U.S.A. 439
 343 Nagarjunasagar Dam 439
 345 Planning Commission Officers visit to China 440

348 Convention on indigenous system of Medicines

440

349 Fruit and Vegetable Development Board

440—41

350 Homoeopathy

441

354 Kulu Valley Development

441—42

356 Co-operative Banks

442

359 Sinking of barge of Bombay Port Trust

442

360 Indian Medicine Graduates

443

361 Agricultural implements

443—44

362 Inland Water Transport Channels

444

353 First Five Year Plan

444

364 Trains in Andhra Pradesh

444

365 Social Security Scheme for Seamen

445

366 Inland Water Transport

445

367 District Boards in Kerala

445—46

368 Lallaguda Railway Workshop

446

369 Dental Surgeons

446—47

370 Tourist Centres

447

371 Chittaranjan Loco Works

447

372 Delhi Transport Service

447

373 Sugar Technological Institute at Kanpur.

448

374 Damodar Valley Project

448—49

375 Railway Workshop Technical School

449

376 Tala Bridge

449

377 Rice Godowns in Orissa

450

WRITTEN ANSWERS TO
QUESTIONS—con'd.

| S.Q. No. | Subject | COLUMNS | U. S.Q. No. | Subject | COLUMNS |
|---------------|---------------------------------------------|---------|----------------|------------------------------------------------------|---------|
| 378 | Railway line from Pathankot to Jammu | 450 | 266 | Storing of fish . . . | 463 |
| 379 | Health Service Centres in Districts | 450 | 267 | Earnings of fishermen | 463 |
| 380 | TELCO Locomotives | 451 | 268 | Fishermen's Co-operatives in Kerala State . | 464 |
| 381 | Paddy disease . . . | 451 | 269 | Food value of Indian diet . . . | 464 |
| 382 | Training of Panchayats staff . . . | 452 | 270 | Fish production . . . | 465 |
| 383 | Clearance of Railway Consignments . | 452-53 | 271 | Vanamahotsava . . . | 465-66 |
| 384 | Paradip Port . . . | 453 | 272 | C.T.O. . . . | |
| | | | 273 | Agricultural Delegations . . . | 466-67 |
| U.S.Q. No. | Subject | | 274 | Railway bridges on N.E. Railway . | 467 |
| 242 | Fishing boats . . . | 453 | 275 | Breaches in Railway lines . . . | 468-69 |
| 243 | Small and medium size projects . . . | 454 | 276 | Bhakra Control Board . . . | 469 |
| 244 | Railway lines in Punjab and Rajasthan . . . | 454 | 277 | Station Consultative Committees . . . | 469-70 |
| 245 | D.T.S. . . . | 454-55 | 278 | Embezzlement of Railway Funds . . . | 470 |
| 246 | Mixed trains on Northern Railway . | 455 | 279 | Kosi Project . . . | 470-71 |
| 247 | Overaged wagons . | 456 | 280 | Shuttle Train Service . . . | 471 |
| 248 | Punctuality of trains . | 456 | 281 | Permanent Way Inspectors . . . | 471-72 |
| 249 | Indian Agricultural Research Institute . | 456 | 282 | Railway Accounts Examination . . . | 472 |
| 250 | Indian Agricultural Research Institute . | 456-57 | 283 | Maternity and Child Welfare Centres, Gorakhpur . . . | 472 |
| 251 | Indian Agricultural Research Institute . | 457 | 284 | Railway Rolling Stock . | 473 |
| 252 | Indian Agricultural Research Institute . | 457-58 | 285 | Shahadara Municipal Election . . . | 473 |
| 253 | Indian Agricultural Research Institute . | 458 | 287 | Ganga-Brahmaputra Water Transport Board . . . | 473-75 |
| 254 | Indian Agricultural Research Institute . | 458 | 288 | Vanamahotsava . . . | 475 |
| 255 | Indian Agricultural Research Institute . | 458 | 289 | Sugar Mills . . . | 475-76 |
| 256 | Fish yield from Chilka lake . . . | 459 | 290 | Lucknow-Kanpur Passenger Train . . . | 476-77 |
| 257 | Fish price . . . | 459 | 291 | "Cash Your ideas" Schemes for Railwaymen . . . | 477 |
| 258 | Ice and cold storage plants . . . | 459 | 292 | Trade Apprentices in Railways . . . | 477 |
| 259 | Fishing harbours in Kerala State . . . | 459-60 | 293 | Passenger amenities . . . | 477-78 |
| 260 | Exploratory fishing station in Cochin . | 460 | 294 | Overbridge at Godavary Station . . . | 478 |
| 261 | Fishing grounds . . . | 461 | 295 | Overbridge at Samalkot Railway Station . . . | 478 |
| 262 | Charting and mapping of fishing coast . | 461 | | | |
| 263 | Deep sea fishing . . . | 461-62 | | | |
| 264 | Earnings of fishermen . . . | 462 | | | |
| 265 | Fish production in Kerala . . . | 463 | | | |

Contents

Part II - Parliamentary Debates
(Part II - Proceedings others than Questions and Answers)

No. 8—Friday—23rd November, 1956

| | |
|----------------------------------------------------------------------------------------------------------------|---------|
| Paper laid on the Table | 851 |
| Messages from Rajya Sabha | 852 |
| Delivery of Books (Public Libraries) Amendment Bill— | |
| Laid on the Table as passed by Rajya Sabha | 853 |
| Business Advisory Committee— | |
| Forty-third Report | 853 |
| Business of the House | 853—84 |
| Foreigners Laws (Amendment) Bill—Introduced | 854 |
| Road Transport Corporations (Amendment) Bill—Introduced | 854 |
| Employees Provident Funds (Amendment) Bill—Introduced | 854—85 |
| Indian Statistical Institute Bill—Introduced | 855 |
| Territorial Army (Amendment) Bill— | |
| Motion to consider | 855—89 |
| Clauses 2 to 5 and clause 1 | 889—93 |
| Motion to pass as amended | 893—95 |
| Faridabad Development Corporation Bill— | |
| Motion to consider | 895—913 |
| Committee on Private Members' Bills and Resolutions— | |
| Sixty-third Report | 913—94 |
| Constitution (Amendment) Bill (<i>Amendment of article 107</i>)—Introduced | 914 |
| Indian Divorce (Amendment) Bill (<i>Amendment of section 3 etc.</i>)— | |
| Introduced | 914 |
| Criminal Law Amendment Bill—Introduced | 915 |
| Salaries and Allowances of Members of Parliament (Amendment) Bill (<i>Amendment of section 6</i>)—Introduced | 915 |
| Appointment of Indian Employees in Foreign Embassies Bill— | |
| Introduced | 916 |
| Criminal Law Amendment Bill— | |
| Motion to consider | 916—80 |
| Statement <i>re</i> Madras—Tuticorin train disaster | 980—82 |
| Daily Digest | 983—86 |

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

Dated..... 23.03.2015

851

852

LOK SABHA

Friday, 23rd November, 1956

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

12-01 hrs.

PAPER LAID ON THE TABLE

AMENDMENTS TO REPRESENTATION OF THE PEOPLE (CONDUCT OF ELECTIONS AND ELECTION PETITIONS) RULES

The Minister of Legal Affairs (Shri Pataskar): I beg to lay on the Table, under sub-section (3) of section 169 of the Representation of the People Act, 1951, a copy of the Notification No. S.R.O. 2719, dated the 16th November, 1956, making certain amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956. [Placed in Library. See No. S—487/56].

Shri K. K. Basu (Diamond Harbour): May I know whether the hon. Minister would supply to us a copy of the rules, as on the previous occasion?

Mr. Speaker: Copies will be kept in the Notice Office and any Member who wants to have a copy may take it from the Notice Office. It may be noted.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 21st November, 1956, agreed without any amendment to the Code of Civil Procedure (Amendment) Bill, 1956, which was passed by the Lok Sabha, at its sitting held on the 14th November, 1956".

(ii) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Delivery of Books (Public Libraries) Amendment Bill, 1956, which has been passed by the Rajya Sabha at its sitting held on the 19th November, 1956."

(iii) "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 Indian Tariff (Amendment) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 15th November, 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".

DELIVERY OF BOOKS (PUBLIC LIBRARIES) AMENDMENT BILL

Secretary: Sir, I lay the Delivery of Books (Public Libraries) Amendment Bill, 1956, as passed by Rajya Sabha, on the Table of the House.

BUSINESS ADVISORY COMMITTEE

FORTY-THIRD REPORT

Sardar Hukam Singh (Kapurthala-Bhatinda): I beg to present the Forty-third Report of the Business Advisory Committee.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to announce the order of Government business for this House for the week commencing 26th November, 1956.

Business left over from the order paper for today will be taken up for disposal first except that the Representation of the People (Fourth Amendment) Bill may be brought up later during the week.

Other items of business thereafter will be as under:—

Motor Vehicles (Amendment) Bill, as reported by a Joint Committee.

Suppression of Immoral Traffic in Women and Girls, as reported by a Select Committee.

Government Resolution seeking approval of President's proclamation in respect of Kerala State.

Central Sales Tax Bill.

All the Bills mentioned by me are for consideration and passing.

The Administration of Evacuee Property (Amendment) Bill will be taken up before the Displaced Persons (Compensation and Rehabilitation) Amendment Bill, because it is a consequential item of business.

FOREIGNERS LAWS (AMENDMENT) BILL*

The Minister of Legal Affairs (Shri Pataskar): On behalf of Pandit G. B. Pant, I beg to move for leave to introduce a Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Foreigners Act, 1946, and the Registration of Foreigners Act, 1939".

The motion was adopted.

Shri Pataskar: I introduce the Bill.

ROAD TRANSPORT CORPORATIONS (AMENDMENT) BILL**

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): I beg to move for leave to introduce a Bill to amend the Road Transport Corporations Act, 1950.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Road Transport Corporations Act, 1950".

The motion was adopted.

Shri Lal Bahadur Shastri: I introduce the Bill.

EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL†

The Deputy Minister of Labour (Shri Abid Ali): I beg to move for leave to introduce a Bill further to amend the Employees' Provident Funds Act, 1952.

*Published in the Gazette of India Extra-ordinary dated 23-11-1956, pp. 975-77.

**Published in the Gazette of India Extra-ordinary dated 23-11-1956, pp. 978-81.

†Published in the Gazette of India Extra-ordinary dated 23-11-1956, pp. 982-87.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Employees' Provident Funds Act, 1952.

The motion was adopted.

Shri Abid Ali: I introduce the Bill.

INDIAN STATISTICAL INSTITUTE
Bill*

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move for leave to introduce a Bill to declare the institution known as the Indian Statistical Institute in Calcutta to be an institution of national importance, and to provide for certain matters connected therewith.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to declare the institution known as the Indian Statistical Institute in Calcutta to be an institution of national importance, and to provide for certain matters connected therewith".

The motion was adopted.

Shri A. C. Guha: I introduce the Bill.†

TERRITORIAL ARMY (AMENDMENT) BILL—concl'd.

Mr. Speaker: The House will not resume further consideration of the following motion moved by Dr. Katju on the 22nd November, 1956:

"That the Bill further to amend the Territorial Army Act, 1948, be taken into consideration".

I understand that Shri Vallatharas was in possession of the House yesterday. He will continue his speech.

Shri Vallatharas (Pudukkottai): Mr. Speaker, the matter of Territorial Army is highly important at the present juncture. It deserves a full analysis and an appreciation of the need for enhancing the status or utility of the Territorial Army in this country. The Territorial Force was, for the first time, inaugurated in this country by the Act of 1920. It was done in the days of the British Government. 28 years after that, we heard the new Act having been passed after Independence, in 1948. One of the chief reasons given for introducing the new Act and superseding the old one was that the old Act subjected the members of the Territorial Force to the discipline of the British Army Act and that under the changed conditions in 1948, that Act could not be tolerated, and so, the Territorial Force in this country was brought under a new set-up.

The chief object of the Act was that people in this country must get military training and form into units called the Territorial Army which may be used for the services as a second line to the regular army and also for civil defence. Various criticisms were passed by very eminent Members at the time of passing the 1948 Act. Dr. Kunzru observed that the Act had no flesh or blood. An inference can be had from the expressions made then by our present Minister of Defence Organisation, Shri Tyagi, that enthusiasm and initiative should be infused into the youths and also a military spirit deserved to be infused into the people. Except vague expressions and vague expectations, there is nothing concrete in the Act of 1920 or 1948 to comment upon. But, between 1920 and 1948, we have to observe, that the Territorial Force Act had not worked satisfactorily. It was only on paper. But, in 1948, after our country had assumed Inde-

*Published in the Gazette of India Extra-ordinary Part II—Section 2, dated 23-11-1956, pp. 988—92.

†Introduced with the recommendation of the President.

[Shri Vallatharas]

pendence and after our free rule began to work out, we observed that, with the changed circumstances of the world, the entire plan of warfare and civil defence had thoroughly changed. One of my enquiries of the Government will be whether the Government have appreciated the significance of the changed conditions of warfare and the changed requirements in the civil defence. If it is the conception of the Government that the enrolled people in the Territorial Army would only supplement or augment the regular army and not contribute to any other work, certainly it is a matter to be gone into.

I would like the Government to state whether the Territorial Army, apart from being conceived as a supplementary and auxiliary force to the regular army, has been entrusted with any other defences, safeguards and civil defence works in a permanent or at least in an appreciable form.

The present Bill was introduced on the 5th May, 1954. For two and a half years, it has been lying idle without anybody to concern about it. Now, the Bill has come up. Perhaps, it may be stated that this lethargic interval of two and a half years is an indication of the lack of interest and responsibility of the Government over matters of civil defence. It may be borne in mind that not only these two years, but the last six or seven years have been years of great danger to the internal security of the country, which envisage attacks from outside and also disturbances inside. Pakistan asserts itself as a permanent enemy ever ready to pounce upon India. The Goa affair is another thing. Consequent on the States re-organisation schemes, several agitations of a very wide nature had happened in this country. Considering all these, the background of the Baghdad Pact and the tendencies of the Western nations to establish international theatres of war around this

country, it is quite necessary for one to be always on the alert in case there is an attack on this country either deliberately or accidentally.

My conception of the Territorial Army is not that it must essentially be the element of supplementing the regular army. But, the essential feature of it must be for civil defence and for safeguarding our cities, industrial installations, irrigational installations and the urban population. Now I want to insist that the approach to the whole problem must have a drastic change in the eye of the Government. My point is this. The regular army is intended to safeguard our country. Of course, our policy is quite well known and announced. We do not go to war; we do not participate in any war; we do not encroach upon another's territory and as far as possible, we try to live in peace, with an amicable understanding with the other nations, either near or far. Once we have pledged ourselves to that, there is no need for a regular army which may be compared with any army of the western countries. So, our air strength is very weak. Even our land army has not been put to test, except in the Naga area. Up till now we do not know how the strength and efficiency of our regular army will be if it comes to play with any other regular army of an opponent. Let it not happen for goodness's sake, but that is a matter to be seen. The regular army which has been left to us at the time of partition by the ex-British Government is the only thing which we have; whether it is maintained in perfect efficiency or not is a different matter. The operation of the military in the Naga area for over one year is no compliment to the efficiency of the army in my humble opinion; but, opinions may differ.

In respect of the Territorial Army, I will have to submit with some regretfulness that there has been some negligence and evasion on the part of the Government in the concentra-

tion and co-ordination of their interests in the development of the Territorial Army. From 1920 to 1948, we do not have a proper appreciable history of the Territorial Force. From 1948 to 1956, I may simply put the question to the hon. Minister, what are the steps that they have taken to enhance the status of the Territorial Army, to increase the strength and efficiency of the Territorial Army and to bring the Territorial Army on a level of equality with the regular army? What is the equipment that has been granted to the Territorial Army in order to control its own activities of self-defence within the country in times of emergency? All these factors have to be explained. Of course, we may leave aside what happened in the long interval between 1920 and 1948; but subsequently between 1948 and 1956, I expected the hon. Minister of Defence to give us some idea as to how the resourcefulness of the Territorial Army has been utilised in a concrete and substantive form to safeguard our population within the country in times of emergency. It cannot be pleaded that there is no emergency at all. Two and a half years before, we know very well what reaction and what nervous situation had been occasioned in the whole of this country by the very news that 3,000 Dakotas had been granted to Pakistan under the terms of the military aid grant by the United States. I was present on the day of the publication of the news in Delhi and I know what the Delhi population felt. We know our air strength is very weak. The United States have been equipped with very many safeguards against air raids, but we cannot afford to have even one item like that; but, we are not sorry for it because we never attack anybody and we are never in the danger of being attacked by anybody, except by gangsters who think that by attacking others they are going to live prosperously. But that is only on a limited scale. Anyway, living amongst gangster groups and war-minded sections of this world, having all-round international theatres of war and seeing that the

middle-east and the Asian countries are being made the targets of all war exploitations in the future, we should save our people from destruction.

An air raid means mass destruction. I know that during the second World War, there were some safeguards provided in India by the British Government. When an alarm of an air raid is given, people were asked to prostrate on the floor or run into houses or go into pits. That is a very weak safeguard; that is not the safeguard I want. We can rather be without them than have such weak safeguards. We know the air raid effects on a country. Air raids are concentrated only on cities on industrial installations or on other installations of economic importance and communications. Cities are the concentrated areas where all the intelligentia and people of affluence with all facilities and resources of a nation live. We have got several cities like that. Equally entitled to protection are the rural parts, but my concentration is upon the cities, because the enemy concentrates on cities and industrial installations. If that is the case, I should like to know what the Government have done during these eight years to provide some permanent or at least temporary safeguards in order to protect our irrigational and industrial installations and also our cities. Except that the Territorial Army has been in existence to train people at certain intervals and keep them fit to go in support of the regular army, I see no demonstration or exhibition throughout this country with a view to safeguard on the spot these industrial installations and these big cities.

In the whole scheme of the Act, of course option is given to the people to come and get military training in order to serve the country in future under certain conditions. The object of the present amending Bill is that Government employees as well as employees in public utility services can be compelled to join the Territorial Army. I have just come across a casual reference to the Territorial Army in a daily newspaper wherein

[Shri Vallatharas]

some comments are made about the army in connection with the seventh anniversary that took place on the 17th November, 1956:

"The Territorial Army is drawn from raw hands to highly skilled personnel engaged in civil employment like Government departments and big private commercial and industrial organisations. Certain concerns here have given special concessions to their employees who have joined the Territorial Army. They have allowed a break for practice during working hours, granted special leave with pay for attending annual camps and bonus varying from Rs. 50 to Rs. 100 to those who regularly attend parades. Government have approved of the award of liberal disability and family pensions and gratuity for T.A. personnel. Orders to this effect in respect of the officers have already been issued."

I would like the hon. Minister to confirm if this is true or how far this is true. If really businessmen and employers have come forward in a bright spirit to permit their employees to go and attend these parades and also help them with allowances, certainly it is an interesting feature which deserves congratulations. If the employers in business have been able to send their own men, then, wherein lies the difficulty in cajoling or even inducing such of those employers who are in the utility services to send their men to the parades? Is it necessary that there should be an Act of this kind to give the power to the Government to compel some persons to come and join the Territorial Army? I read from this paper that Government servants have also gone and got trained in the Territorial Army. If that is so, where is the difficulty in persuading a large number of Government employees to go and get training like that? I do not see any special reason for this Act, if really what I have read as an extract happens to be true. It is conceivable also that Government have so far been

resourceful in granting pensions and other encouragements to those who entered into this service. But the estimate of 1,30,000 is totally inadequate for a country consisting more than 36 crores of people and considering the vastness of the country.

The co-ordination of the Territorial Force in times of emergency can happen only when the units are spread throughout the country in every urban area, in every city. When the Act of 1948 was passed, the then Defence Minister observed that he wanted to remove the distinction between rural recruitment and urban recruitment—because in the Act of 1920 predominance was given to urban recruitment. Now I would like to submit that this approach deserves some changes. There must be more concentration upon urban units. Because, the cities are the first targets of attack sought in air raids. If that is so, the people in the cities and towns must all of them get trained, so that in times of emergency they do not have to look forward to other units to come and help them and they can depend upon themselves.

Under these circumstances, my submission would be that greater attention must be paid to raise more urban units and also to equip them with modern weapons in order that they might be able adequately to command all the resources in their hands for affording as effective safeguard to the civilian people as well as to the various installations of an economic or industrial or political importance.

In 1938, the British Government in England made an offer of a very remarkable type. The Secretary for War announced in 1938 that they had sanctioned the issue of all modern weapons which were used by the regular army, for use by the Territorial Army of England. I would like to know from the Government now whether this Government have given permission or the scope to the Territorial Army to use all modern weapons just as the regular army is able to do.

In the scheme of the Act, as well as in the scheme of the working of the Government so far, they want that an army containing some civilian people should be trained just to act as a second line to the regular army. I have only to make one point with regard to this. The Territorial Army has not been put to use in peaceful times or in times of disturbances. A great disturbance took place in Bombay recently, and also in Ahmedabad. In both the places the regular army was summoned, and the armed police was also present. I would like to know why they could not ask any unit of the Territorial Army to come in and take charge of the situation and perform the duties that were necessary. That would have also been a demonstration of the discharge of the duties of the Territorial Army in the matter of maintaining internal security. But such things have not happened. Even in Madras when there was an agitation it was only the armed police that went and opened fire. The Territorial Army was not sent to pacify the people and control the situation. So there has been an inaction on the part of the forces of the Territorial Army, not due to its own initiative, but as a result of the Government not utilising them in the proper situations.

Every Member of this House knows what the effects of an air raid would be. If, by any chance, an air raid takes place, we must be fully alive to the extent and scope of the devastation that is likely to be caused. Would we like the devastation caused by the grandson of Chengiz Khan, or that which had taken place in Hiroshima and Nagasaki to happen? The latter was a devastation by an air raid, and the former a devastation by the movement of land forces. When Tuli the grandson of Chengiz Khan, raided a town he brought about a total devastation of one and a half lakhs of people, killing every human being. According to historians, not even a cat or dog was left. That case is there. That was the kind of total devastation carried out by him. In the bombing of the Japanese cities during the last war, we had destruction for four miles

across. Besides killing several thousands of people, the radioactivity which had the effect of burning people could be seen even after the third or fourth mile. There were several people who were severely wounded and injured but who did not die; they were thousands in number. A great author who wrote a history about the Second World War asked this question: would you prefer the remnants of a bomb raid or a total destruction of the type carried out by Chengiz Khan's grandson? And he observed: "Better dead than be left in a cruel state of torture and suffering." This is the case.

Suppose an air raid takes place. What have you done under the Act on the basis of the Territorial Army? If an invasion takes place, the Territorial Army would join the regular army. But if there is actually an air raid, what is the position? I only envisage an air raid and not any other things in the circumstances. Because, if it is an atom bomb or a hydrogen bomb, that is an end of the matter. Nobody would be left. I do not know whether even our administrators or the Cabinet will be surviving to consider the after-effects of it. That will be a total destruction. But no hydrogen bomb or atom bomb may be used, because the tendency on the part of everybody now is to prevent it. But suppose there is some raid, just like the raid on the Suez Canal or Port Said—because we have got so many people, who can commit such atrocity, outside our country and some inside also.

There are four categories of service that can be rendered. One is a preventive service. Another is a controlling service. The third is a curative service. And the last is a restorative service. If such a raid happens, the Territorial Army must be in action to prevent the apprehended danger, with all the modern weapons in their hands as far as possible. Suppose a raid takes place. At the time of the raid the population must be kept under control and the situation must be kept under control till such time as the onslaught is over. And thirdly, in

[Shri Vallatharas]

the case of such a raid, there must be curative measures and the people must be attended to. The injured people must be cared for and there must be alleviation of their suffering. And, after the raid is over, there must be the restorative function, that is attending to all who survive.

Under these circumstances, I would like to know what are the ways in which the Territorial Army has been equipped for these four aspects of work which must really form the just work of a civilian defence. I would ask Government to have a drastic change in their outlook. What is of importance is not the outlook of the Territorial Army as an auxiliary part of the regular army but their independent existence as a disciplined mass of people who would be in charge of the civilian defence in times of an emergency when, especially, an air raid takes place. Or else there is no meaning in having this or even the regular army which would be engaged elsewhere.

Another great lesson which one should learn from the Second World War and its affects upon Japan is this. Japan is a militant nation. Its military spirit is unparalleled in human history. So many cities were bombed and the population killed instantaneously. But their morale and their military spirit did not die down, it did not demoralise. But the one thing that did demoralise them was the shortage of food. So, despite the fact that various places were bombed and millions of people were killed, the morale of the nation did not suffer; it did only when there was shortage of food. I would like to submit to the Government this proposition: what is the civilian defence precaution taken for securing the stability of food supply to the population in cases of an emergency?

From February 1956 up to now the price of foodstuffs has been rising. The supply is very inconsistent and ridiculous. The fair price shops, of course, supplied to two or three per cent. only of the people who ap-

proached the shops. But the others did not get their supplies. Can you expect anybody to think that if an emergency occurs, the Government or the civil defence of the country are in a position to supply the necessary food to the people during that period of stress and strain? I do not think it is possible. So it will be the just responsibility of the civil defence and the defence organisation to get in collaboration with the Food Ministry and see that a sufficient quantity of food supply is always kept ready and can be made available to the people, so that in times of emergency the Food Ministry need not be depended upon but on the other hand the civil defence organisation of the country would be able to supply food to the people, so that the morale of the people may be maintained at all costs.

12-30 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Under these circumstances my submission is that very many important points have to be looked into, but so far, we have not had the advantage of any Committee either representing the Parliament or at least the Government officers who had gone into the question of investigating into the structure, the purpose, utility, efficiency and the conditions obtaining in the Territorial Army. I think it is time for us to constitute a Committee of some officers of the Government to go into the question and report to Parliament as to how the problem of the Territorial Army stands at present.

A view has been given in the extract which I have read that this Territorial Army, of course, has grown up very well during the last 8 years. But the mere fact that Government wants by this amending Bill to fill up some deficiency in the numbers in the expected quota of 1,30,000 shows that the response to the recruitment has not been very good. During these 8 years I do not think that it is not possible that only, less than

1,30,000 persons could be recruited to the Territorial Army out of this 36 crores of people. Certainly it lends room for the thought that there has been a lack of effort on the part of the Government to invite recruits or there was a lack of enthusiasm on the part of the people to get recruited. The numerical strength of this Territorial Army should be raised to one crore. Several hon. Members in 1948 and subsequently raised their voice to suggest that a co-ordinated and substantial national defence programme must be formulated, but no programme of national defence has yet come up so far. A national scheme of self-defence will certainly involve a greater number of people; at least 1/36 of the people of this country must be available for emergency services.

Another important matter which has not been considered so far is the position of the women in the Territorial Army. In 1948 one hon. lady Member brought to the notice of Government in the course of discussion the fact that women in this country should be given a place in the services of the Territorial Army. Further, Dr. Kunzru had directed special attention to the fact that besides the N.C.C. there must be special women's organizations and their services must be secured and formulated on the basis of certain other organizations in other parts of the world. Now, what has the Government done in respect of these two suggestions made as early as 1948? The then Defence Minister had said that he was not ignorant of the honourable and noble services rendered by the women in the history of the country, and he was also gloating over the capacity of the women population for taking part in noble causes on future occasions. But he added that there was no provision for utilizing the services of women under the Army Act and hence there was an omission in the Territorial Army Act which followed the same pattern. I would now submit to Government in view of the equality of rights for men and women under the Constitution, that

women must also be allowed to take part in organizing the security resources of this country. I think, now-a-days, one should feel ashamed to say that women are not capable enough to be entrusted to carry out responsible duties. In Russia there has been a record that the greatest height that has ever been flown is by a woman in an aeroplane. We have here also great records of our women. For instance, under our Netaji Subhas Chandra Bose there were three leaders of whom one was a lady belonging to this country and who is the daughter of one of our hon. Members at present. She led a legion and naturally, the importance of that legion is well-known for so many years. Women are capable of sacrificing their lives, of ruling several States, of organizing legions against so many and also functioning in the forefront in other aspects. Therefore, I would submit to Government that even though there may be delay, a provision should be made in the Act that women must be given her rightful place in the Territorial Army forces. I suggest that some attention must be paid to this or otherwise, we are likely to lose the services of one half of the population of this country.

Apart from this, I do not attach much importance to the Government trying to compel other people to come into the service, because as the newspapers go to show, we find that several employers and employees have been enthusiastically and willingly co-operating in the training and also taking advantage of the territorial service and it is the enthusiasm of the Government that should increase the tempo amongst the employees of the service. Once the Bill has been brought before the House, I know that it will be carried through and it would become law very soon.

The young men of this country require an appeal from the Government in an extensive scale that every youth can get trained militarily. One of the chief things for a man after joining the Territorial Army is to

[**Shri Vallatharas**]

know how to use a rifle and also how to act in times of emergency. What is restricted to 1,30,000 people should be extended to all people alike so that all the young men and women and even the aged people will have a chance. The Territorial Army is an important item in the country's security and it deserves the greatest encouragement not only in this House, but also from the people in general and the Government has only to open the door and declare that all sections of the people and all members of the Indian society may have a chance of military training.

Mr. Deputy-Speaker: I would remind Members that there are only three hours for this Bill fixed by the Business Advisory Committee and I would request them to be brief in their remarks.

Shri L. Jogeswar Singh (Inner Manipur): Sir, I welcome the Bill.... I will be brief in my remarks....

Shri Kastiwal (Kotah-Jhalawar): I suggest that you may extend it by half-an-hour, because at 2-30 we have the Private Members' resolutions.

Mr. Deputy-Speaker: Yes.

Shri L. Jogeswar Singh: Sir, with regard to the provision about persons who will be declared fit for enrolment in the Territorial Army, I would like to mention one point. I think that women belonging to a certain category should be allowed to join the Territorial Army.

Another thing that I want to bring to the notice of this House is that the Government contractors should be brought in the category of public utility services. The reason is that in Manipur for instance those contractors who were in charge of the supply depot suddenly left the place quite to the inconvenience of the public when the town was bombed during the Japanese invasion. The people did not know where to seek shelter. The officers who belonged to the essential services also fled away; the Posts and Telegraphs people also fled and the Police did the same. They did not know how to defend them-

selves, the administration collapsed. They were afraid of being looted. All sorts of damages were taking place. So, in these emergencies we should see that the people cited above who belong to the category of public utility services are armed to the teeth.

I will elaborate it by certain examples. Apart from the bombing by the Japanese of the Imphal town very recently there was rebellion in the Naga Hill areas. Sometime back, in the month of June or so there was trouble and the Kohima town was in a state of siege and then people in all the essential services wanted to flee to safer places. They did not think to save the town. In fact, they could not save the town because they did not know how to use arms. So departments like the Postal Department and the Civil Supplies Department ceased to function. In order to avert the collapse of administration workers in the above categories should be militarily trained.

Regarding the people who can be enrolled I would suggest that the list be enlarged. For instance, Government contractors, specially those connected with road, building and bridge construction, should be included in the list of persons who should be declared as essential. Government supply agencies, specially military supply agencies should be declared essential, because if they are allowed to run away then the supplies would stop. Then those who are in charge of the Electricity Department and supply of water should also be included in the list of persons who are declared to be in the essential service.

Another point which I want to mention is this: While welcoming the Bill, Government should see—I again repeat my observation—that active married women are allowed to be enrolled as members of the Territorial Army.

Since I want to be very brief, I have nothing more to say. So, with the hope that the Minister will think over the suggestions that I have made, I conclude.

Shri Punnoose (Alleppey): I generally welcome the idea and the plan to strengthen the Territorial Army and make it a real force that can cope with any situation, if one arises. I do not share the panicky view that in case a war breaks out the public is going to be helpless. A public which is sufficiently patriotic and informed can certainly rise up to the occasion. Of course, in case an atom bomb or a hydrogen bomb is dropped, the position would be different. But we, the people of India, could not plan things on the basis of such an eventuality. In the normal course, if an attack happens, the public should be in a position to meet the contingencies and so they should be properly trained and well informed. The Territorial Army can go a long way in helping the public in this direction.

A Territorial Army of one lakh or two lakhs can do nothing. It cannot do anything substantial to help India in such a situation. We should plan on a very big scale—perhaps a few millions. I believe that in the past Government have not taken sufficient care to develop the Territorial Army. Recruitment to the urban units of the Territorial Army has not so far been satisfactory, especially in the technical units. The Statement of Objects and Reasons says that because of that this amendment is being introduced. I think that Government have not examined the whole position. They have not cared to see why the recruitment has not been sufficiently encouraging and satisfactory. They seem to think that certain amendments in the law can make the recruitment satisfactory. I differ there. How many people in India know that there is a Territorial Army? How many people in India are conscious of the need for a Territorial Army or its object? I believe much has to be done in that way.

Now, instead of enlightening the public, telling the public of the necessity of a Territorial Army and how it is the patriotic duty of the people and the employees to co-operate with

it, they are introducing an amendment so that they can conscript people, especially employees of the utility services, when such occasions arise. I do not agree with this step first because it cannot serve the object. Any amount of conscription or compulsion cannot give you a good Territorial Army. The basis must be patriotism and it must be an enlightened body of people who are there to sacrifice for the country. More than that, I believe the present step can do positive harm also. The employees in the utility services have certain handicaps for the Industrial Acts like the Industrial Disputes Act etc. do not apply to this section of employees and they cannot go on strike. They find themselves in a disadvantageous position. They cannot put in their demands as other workers do. Therefore, if this right of conscription is also given to the Government, I think it can only alienate the sympathies and it cannot give them the vigour and the enthusiasm which is very necessary. If, on the other hand, Government calls for the co-operation of these employees including the technical personnel and if you impress on them the benefits of such a Territorial Army and if they are given sufficient inducement and incentive, I think that will be helpful. So, I look with very much apprehension on the sections which smack of conscription. I do not believe that it easily fits in with the Indian mind and psychology.

In the first place, there should be widespread information with regard to this. In fact I was doubting whether I should not move for circulation of this Bill because there should be some public discussion and public should know it. Today I think only a few officers of the Ministry know about these things. There is no understanding by the public. Therefore, I would request the Government to proceed very slowly in this matter and also that this idea of conscription may not be immediately enforc-

[Shri Punnoose]

ed. I know that we are not going to conscript immediately. Let not that right be taken by the Government at the moment. Government should immediately take steps to enlighten the people and all these employees. If there is sufficient publicity and a very moderate inducement, I think our people are patriotic enough. There is no need absolutely to take in this power of conscription.

Shri N. R. Muniswamy: (Wandiwash): Mr. Deputy-Speaker, I shall not go into the details of some of the observations made by the speakers before me. I would only like to say that I am opposed to the amendment which wants to refer this Bill to a Select Committee. I shall only make a few observations on the contents of the Bill.

I am opposed to the element of compulsion in the sense that anything that is requisitioned or done under compulsion is not going to be properly useful. This element of compulsion has to be eliminated. Otherwise, we have to see that attractive terms are given with a view to obtain their services in an emergency. Compulsion will always work havoc in the mind of a particular man who is called upon to render service. Optional or a voluntary aspect has to be incorporated in this Bill. Otherwise, I do not think that we will be able to derive any benefit from this Bill.

From the Statement of Objects and Reasons, I find that it is only with a view to fill up deficiencies in the authorised strength of the Territorial Army units and for expansion of the Territorial Army and for giving the necessary legal basis for calling upon certain persons to render service that this Bill is being brought. These are the main objects for which men in Government employ and employees of specified public utility concerns are being called. An important point is this. An arbitrary power has been

taken by a certain authority to prescribe the conditions or determine the conditions under which their services will be requisitioned. Such powers should necessarily be incorporated in the Bill itself. In between the stage of requisitioning the service and actually calling upon him to serve, there are several stages and those stages have been left over to delegated legislation to be done by the Central Government. If we allow such things to delegated legislation, such as qualifications, age and medical fitness, it will create some heart burning to certain persons who may possibly render service. Such important matters should certainly be incorporated in the Act itself. These are now left to the Central Government to prescribe. This means that these rules will not be placed before Parliament so that the Members may have an opportunity to go into these rules and suggest modifications with a view to see that the Act is properly implemented. If these powers are given to a particular authority and if these rules are not brought to the notice of Members of Parliament or peoples' representative bodies, the actual working of this law will be jeopardised in the long run. I only insist that these rules which are sought to be framed later on by a particular authority should be placed before Parliament for eliciting opinion or suggesting modifications.

In clause 3, I find an Explanation has been added to section 6A. That Explanation envisages about five items. Explanation, part (e), says:

"Any other persons as may be exempted from the operation of this Act by the Central Government, by notification in the Official Gazette, on the ground that, having regard to the nature of the service performed by such persons or to the exigencies of the service in which they are employed, it is, in the opinion of the Central Government, expedient in the public interest that they should not be liable to perform service under this Act."

This (e) envisages the exclusion of other items also. It is said that:

".... person employed under the Government or in a public utility service" shall not include—

(a) a woman;

(b) a member of the regular Army, Navy or the Air Force or a member of any Reserve Force;

(c) a person who is not a citizen of India;

(d) a person employed under the Government in any country or place outside India for so long as he is so employed;"

These four items which have been enumerated in the Explanation can easily be eliminated and still the object of the Bill achieved by retaining part (e). This part (e) specifically authorises the Central Government to exempt certain categories of persons from the operation of this Act. There need not be all these four clauses and still the object will be achieved. What is to be achieved by putting in all these clauses and this general clause regarding exemption to certain other persons? These four clauses may be eliminated so that the Bill may be short and succinct.

As regards punishment, I find, clause 4 lays down that if any one does not satisfy the conditions, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both. This seems to be very severe in the sense that he is to be punished not only for not supplying the data required of him, but also for not appearing before the Medical Board as regards medical fitness to be obtained by him. If any particular person rendering service in the Government departments, for various reasons, may not be able to go. It would be better if the department in which he is working is called upon to supply all the information which will be the information supplied by

the individual. Therefore, I would say that instead of the particular individual.....

The Deputy Minister of Defence (Sardar Majithia): There is already amendment No. 4.

Shri N. R. Muniswamy: I shall not dilate on that point.

My next point is this. Trial must not be necessarily by a second class magistrate or third class magistrate, but must be by a first class magistrate or Presidency Magistrate. This is a very serious matter where a magistrate of a higher calibre alone should be entrusted with this responsibility, so that he may be able to take all circumstances from the point of view of justice, that he has not done anything wilfully or wantonly or has not in any way shirked responsibility to the Government. Therefore I suggest that instead of saying that the punishment is only imprisonment for three months and a fine of Rs. 200 and so it can be tried by a third class or second class magistrate, in view of the seriousness of the offence, it would be better if it is tried by a first class magistrate or a Presidency Magistrate.

The question of publicity was referred to by the previous speaker. I am also of opinion that this matter has not been widely publicised as regards the efficacy or utility of the Indian Territorial Army. This Bill refers only to the land army. Nothing is said about the Navy or Air Force. Anything that we may do about air raids and other things may not be covered under this Bill in which we take only certain precautionary measures. Therefore I suggest that wide publicity may be given in the districts, specially in the mofussil areas. So many people in the age group 20 to 40 are unemployed and they are all educated. Without any job, they are hovering about the offices. Instead of 3 lakhs or 2 lakhs, I suggest it may be raised to one crores or 50 lakhs; people will get employment for three or four

[Shri N. R. Muniswamy]

months and get trained in this technique, and they will be serviceable in times of emergency.

13 hrs.

I would, therefore, suggest that another amendment might be brought so as to increase the strength of the Territorial Army to one lakh or a lakh and a half, so that the educated unemployed of this country may be absorbed in it and will have an opportunity of doing service to the country in times of emergency.

Shri Achuthan (Crangannur): I heard the introductory speech of the Defence Minister, but I do not understand the necessity of bringing this measure before the House at this moment. He told us that at the time the measure was introduced in 1954 the response of the public to the Territorial Army was not encouraging, but during the past two years there has been improvement in this respect. We were told that last month when the anniversary of the Territorial Army was celebrated all over the country, there was very good response not only in urban parts but throughout the country. So, what is the urgency for bringing forward a measure empowering the Government to compel employees of Government as well as public utility concerns of certain age groups to join the Territorial Army. This smacks of conscription.

We are having a national Government. If at all an emergency were to arise, we should see to it that recruitment to the Territorial Army is made not merely from employees of Government and public utility services, but from the whole country. I do not really see why a particular section of the people should be singled out for this work. When an emergency arises, the recruitment cannot be confined to a particular source. If at all we want to have conscription, it need not be from the public services alone. When that stage comes Parliament is there and we can at once say that people of

certain age groups throughout the country will get themselves enrolled in the Territorial Army. To single out a particular set of people who should undergo training is not correct. I do not, therefore, see any urgency for this Bill.

The Statement of Objects and Reasons, *inter alia*, says:

"The Bill, if enacted, will also facilitate expansion of the Territorial Army in an emergency."

We are now contemplating of an emergency. Are we sure when an emergency comes we will be content with this alone? As was pointed out by Mr. Vallatharas, if an emergency were to arise, would Government be content with the Territorial Army which has been recruited from government servants? I do not think so. Then an occasion would arise for call to be made to the whole country.

In this connection I would like to say that our youngsters should not be trained in this line. The Communist Party which was having a small following created a lot of trouble in our State. There were some ex-service men in some centres and they organised some youngsters, because an idle brain is the workshop of a devil. Educated youngsters, because they knew something of fighting, created a lot of trouble and Government had to use guns. This happened a few years ago.

On the whole, I am not convinced of the urgency of this measure and feel that it would be better if the measure is sent for eliciting public opinion. There is no urgency about it. If at all an urgency were to arise we can have recourse to some other measures by which thousands of youngsters can be recruited to our Territorial Army.

Shri Joachim Alva (Kanara): Sir, I welcome this Bill. We do need a re-organisation, or better type of organisation of the Territorial Army. This

will infuse better discipline amongst our people who are either Government employees or employees of public utility concerns. These type of citizens will acquire a better code of conduct and will learn to be better citizens.

The aims and objects of the Territorial Army are not well known to the wider public. They ought to be known better to the public. Just as we have the N.C.C. which has been popularised among college boys and girls, we should make the Territorial Army exceedingly popular amongst the public. Among those in Government employ or employed in public utility services there may be quite a large number who may not have had the advantage of a university education. It will be such persons who will really benefit through enrolment into the Territorial Army.

The Territorial Army was the backbone of Britain during the First and Second World Wars. The famous Lord Haldane, as eminent as a lawyer like our Defence Minister, had laid the foundation of the Territorial Army, and the Territorial Army has been the backbone of British defence in times of stress and strain. We are looking forward to making our Territorial Army the backbone of our own defence forces. In regard to pay and allowances we are going to give them the same amount as we are granting the Regular Army. But what about the prospects of employment? I would like the men of the Territorial Army, or at least a small percentage of them, to be employed outside our land, in times of international emergency. Now we are called to contribute our quota of the international police force to work under the auspices of the United Nations. I want to know whether the Territorial Army gets even the tiniest quota of representation. They should get it on the simple ground that they are men from civil life; they are men from civil avocations; they are more in touch with the public than men of the Defence Forces. They ought to get fair percentage of representation in

this international force. They will be better ambassadors and links between our public and the public of those countries wherein our men will be called upon to serve.

Sir, I want to know what kind of promotion is given to men in the Territorial Army? The pay and allowances are the same. But what kind of promotion do we give them? Admiral Erleigh Burke, the present Admiral of the United States Navy was chosen above seventeen people. About half a dozen persons were asked by the Secretary of the Navy to give the names of the persons who would be the fittest to lead the American Navy. There was one name whose name was common in all the lists and that was the name of the present head of the U.S. Navy. He was rightly kicked up above seventeen people. I want to know what are the chances of a man in the Territorial Army who shows guts, character, patriotism, discipline and ability in a given situation. What are the chances of a man in the Territorial Army to get quickly into the Regular Army. Are there too many hidebound rules. We have known in the history of the wars, in the history of great countries, that ordinary citizens have taken up leadership in an emergency. Napoleon was a man who rose from the lowest ranks. It is no use building up a Territorial Army and denying the men chances of leadership. If their pay and allowances are the same, their chances of leadership and promotion should also be the same.

I however differ from the contention of my hon. friend Shri Vallatharas, who made a thought-provoking speech, that the territorial Army should be called when civil strife breaks out. It is better that like the King, the Territorial Army is seen from a distance; its services not tapped in our strife. The sound of the rifle should not be heard. We do not want to call out our armed forces in times of civil emergency. The police should be trained to do their duties efficiently in

[Shri Joachim Alva]

times of civil disorder. If the army is called, a day may come when military men who are supposed to rule from Madrid to Bangkok may seize power and subvert constitutional, democratic rule. We want our army-men to be upright, fine, patriotic, we want the founders and defenders of our democracy. We do not want them to intervene in times of civil disorder, except when the situation becomes irrevocably hopeless. If our policemen fail to do their duty in times of emergency without taking sides this way or that way, or with this community or that community, then they shall have really built up lines of democracy. Hence I would like to make this point very clear that we should call in our armed forces only when there is absolute necessity as it was at the time of the partition when the armed men from South India restored order in Delhi.

The Government of India or the Defence Ministry are doing everything they can for the defence of our country. The other day questions were asked about the rudeness of some armed forces officer in a railway carriage. We beg to differ from that for the simple reason that after we attained independence, the men of our armed forces are behaving uniformly in a courteous and polite manner. We should not judge the entire forces by the misbehaviour of one individual. The arrogance and courtesy shown by the White men who are no more here have vanished. Our own men are showing themselves to be as courteous if not more than, ordinary civilians. We should not draw a line between civilian and defence life. They have also got their wives and children, and their sufferings are in fact more. They do not get houses nor enough pay nor are they able to send their children to proper schools as they are transferred from one place to another. We have to concede our defence forces as an indispensable part of our national life and not put them into separate, water-tight compartments.

I would also like the Defence Ministry to take note of what a British journalist wrote in a British paper after being in Hong Kong. These words have been riveted in our mind. He wrote: "The Chinese army is well-fed and well disciplined; they are popular in the countryside and are warned to keep their hands off women." If these traits are observed in the Chinese army after the Red liberation of China, we would like these to be in our own army also—not that our defence forces lack any one of these qualities. But I want that they should be well-fed and well looked after, so that they can strive to discharge their responsibilities better than they have been doing so far.

Now I would like to turn to our Navy and Air Force, though it is not strictly relevant to this discussion. By June 1957 it has been reported that Pakistan will have attained the biggest air force in Asia, both qualitatively and quantitatively. I want the Defence Minister to tell us now or later what measures we are taking for self-defence. We are satisfied with what the Government of India is doing but we want it to be more alert and adopt more vigorous measures and to have better weapons of defence. I would like that we have a discussion in the House about the state of our civil and military aviation defence so that we may know that it is prefect and cent per cent foolproof.

In regard to the Navy, we read in the papers how frogman Crab created an international stir by going and tapping the U. S. S. R. ship lying in the British dock and thereafter vanished. During the last war, the Italians built up a brilliant research section and they were able to send their frogmen and destroy ships and British men of war near Alexandria and in the waters of the Middle East. The British were forced to do some research and take counter-measures. They built up their own frogmen with the result that Crab was tapping the U. S. S. R. ship the other day. We

want no submarines to destroy ships of other nations; but a day may come when all our ships may be scuttled in an emergency by other powers or their agents. Are we going to train frogmen for our purposes or not? An interesting fact is that after Italy's defeat the Italian frogmen were ready to co-operate with the British frogmen to go and fight the Japanese. But the Japanese surrendered and hence the fusion did not work. This is all in the Italian archives. If the Italians who were sworn enemies of the British during the war could bury their hatchet and planned to fight the Japanese along with the British, I want to know why we cannot get the assistance of the Italians to train frogmen for our Navy. I want the Defence Ministry to take an over-all view. Now, in this age of atomic artillery, what weapons are we going to give our Territorial Army? Along with uniform pay and office, they should also have equality of weapons. When atomic and super atomic artillery are being given to the defence forces of other countries, what have we got to give to our men? I do not find fault with the Defence Ministry in any shape or manner, but I want them to be more alert. We should learn from the smallest lessons which other countries have learnt. Even a second rate power like Italy may have something to tell us in the matter of the Navy. Italy has sold a tanker to us, the first our defence forces have owned. We have bought the first tanker from Italy now called 'Shakti'. If Hitler lost the war, it was because of tankers. His aerial bombardment or blitz failed because of oil which in turn because the tankers went down the sea. It is time we have half a dozen tankers and at least a dozen frogmen!

It was my proud privilege nearly four years ago to make the pioneer demand in Parliament for tankers and the Minister for Defence Organisation, Shri Tyagi promised in answer to my demand that we will buy four tankers, hence came the 'Shakti'.

495 LSD

That is why I support this amendment to the Territorial Army hoping that the Territorial Army together with the N.C.C. and the Lok Sahayak Sena may be the real backbone of our defence and fighting forces.

Shri Barman (North Bengal—Reserve—Sch. Castes): I support wholeheartedly the simple provisions of this Bill.

It has been argued by my friend Shri Achuthan that there is no emergency for this measure. If he goes through the Statement of Objects and Reasons he will find that this has been brought none too soon. Rather, I agree to some extent with the first speaker, Shri Vallatharas, that the Defence Ministry should not have kept this Bill waiting for more than two years. The Bill was printed on the 13th May 1954 and possibly introduced in the House in the course of a few days. This Bill has now come before us after more than two years.

Apart from the question of emergency and the international situation, whether there is such an emergency now or not, the very statement of Objects and Reasons discloses that though the Territorial Army is there, the recruitment to the urban units of the Territorial Army has not so far been satisfactory, especially in the technical units. The Statement of Objects and Reasons also says that besides meeting this deficiency, if there is any necessity at any time to expand the Territorial Army units or constitution, it will facilitate matters if compulsory registration is passed. What is the harm? These people are already in service, either under the Government or under any private utility concerns. It is necessary for Government to know where-from to draw its resources to fill up the deficiency in the Army. They must have a record for it so that, at any time, if any emergency arises later on, they can not only make up the deficiency but also expand the Territorial Army or unit as much as they think fit. In order to facilitate that, registration is being made compulsory. So long, it was not compulsory.

[Shri Barman]

and the result of it is that effective action could not be taken and we still find that these units are deficient in technical units.

I think this is a very salutary provision of law. This will enable our services and also the services under private institutions to be more physically fit and morally uplifted. Military training, as we know, has this much excellence in it that all the services there are disciplined. They bear in mind what their duty is and they are always ready to do it. That sense of duty ought to be inculcated in the minds of all our public services and also in the minds of other services. That will be a great benefit to them.

We know from the introduction of the University Training Corps and other institutions among children, the discipline among the school and college boys and girls is growing more and more efficient and more commendable. We want the whole nation to be disciplined, no doubt. But it is certainly beyond the capacity of this Ministry's finances to have such military training or discipline among all our people.

After enlistment what is the next thing to be done? It will be the duty of the Defence Ministry to give them periodical training, whatever may be the period. Every year they will be called upon to undergo this military training, for a month or a month and a half, as the Government think necessary. Though they shall undergo military training only for a short period of time in the year, the effect of it will be lingering for the rest of the year. Unless we give some sort of military training to the civil personnel, when any emergency arises, they cannot be called upon to render actual service. It will be difficult for the Territorial Army to manage the affairs. But, if they have some sort of preliminary training beforehand, it will be easy for the administration to regulate matters at the time of emergency. These are all the benefits that will ensue by the passing of this

measure. No harm will be caused to anybody. There will be no complaint of any arbitrariness. Those individuals who will be registered will get the benefit of conducting themselves in a disciplined way and also get the physical training which will ensure their physical fitness also. From all these considerations, I think this is a very salutary measure and we should not lose a single minute in getting this passed.

I support the measure wholeheartedly.

The Minister of Defence (Dr. Katju): Mr. Deputy-Speaker, complaint has been made that this Bill has been pending too long. It is not my fault. But as you are aware, the pressure of business on this House is exceedingly heavy and in spite of our attempts to get it on to the agenda, we did not succeed.

Secondly, something has been said that proper publicity has not been given to the Territorial Army. I should like to deny this categorically. We are doing our utmost to popularise the organisation and the scheme of the Territorial Army. There is really no complaint that the response is poor. The response is getting better and better every year. Why this Bill which was introduced in 1954 is being pressed today is not because there is any urgent deficiency so far as the Territorial Army is concerned, but we do feel some difficulty on the ground of technicians for the protection of public utility services and, as my hon. friend pointed out just now, it is desirable that there should be on the Statute Book a provision of this kind which will authorise Government to call upon the citizens of India for service.

Then, some other points were made which really do not arise out of the Bill. For instance, my esteemed friend, Shri Alva, referred to the Navy and the Air Force, to the Frogmen and to the diving and this and that. These are all important matters. I

was wondering how they did arise out of the Territorial Army Bill—whether there should be power or should not be power to compel people to come and serve. But, in order to remove the anxiety, I would like to assure my hon. friend and all the Members of this House, that so far as possible we look into it and the Defence Ministry, assisted by the various Headquarters, the Naval Headquarters, the Army Headquarters and the Air Force Headquarters, are doing their very best to discharge this primary obligation of safeguarding the security of India.

So far as the Navy is concerned, it is in its infancy. So far as the Air Force is concerned, it is getting stronger and stronger. But, then, it will be ridiculous for me to say that our Indian Air Force can compare with the Air Forces of greater powers. We are doing, within our financial limits and within our resources, all to strengthen the Air Force and to acquire trained staff and to make people air-minded as much as we can. —

My hon. friend, Shri Vallatharas painted an exceedingly gloomy picture. He referred to what happened in the Second World War in certain Japanese cities and asked me what I was doing and so on and so forth. I was rather hurt when he spoke about the efficiency of the regular army. I say with confidence that so far as the Regular Army is concerned, we are proud of it. It is one of the very best in the world, and in bravery, in gallantry and in decency the Indian soldier has won the greatest laurels, the greatest tributes, wherever he has gone. There can be no doubt whatever that the Indian Army will do its job, whenever it is called upon to do so, with the utmost bravery. We have got no ambitions on anybody else's land or anybody else's territory. We want to live within our own great India and to protect, and for that purpose we are always prepared. I do not want to go into detail in these matters, but the country may be assured on that ground.

We have got our deficiency. The House is well aware of it. We have got to import heavy artillery from foreign countries, particularly things which we cannot manufacture here. We are doing our best to become self-contained. Our ordnance factories manufacture as much equipment and ammunition as they possibly can. We are hurrying that, and that is all that can be said.

So far as the Territorial Army is concerned, some questions were put as if there was some sort of a difference between the Territorial Army and the Regular Army in the matter of equipment. I may assure the House that the members of the Territorial Army are trained militarily and they are supplied arms which are adequate to enable them to perform their duties. They are the second line of defence, civil defence. For instance, there is the anti-aircraft problem, there is the coastal problem, there is the internal defence in aid of the civil power. To enable them to do their duty well, we give them the arms and equipment necessary. There is no difficulty about that.

Secondly, so far as their status is concerned, they are part-time forces. As I said, the whole Territorial Army is not on a war footing, but it is based on war, and they will do work in their spare hours twice or thrice a week. The officers also will do their part of the work.

There seems to be a misunderstanding about women. Women are not debarred from enrolling themselves into the Territorial Army. As a matter of fact, I am very glad to say that there are 300 sisters of mine who are serving in the Signal Units. In this amending Bill what we have done is that no women can be compulsorily required to serve, but there is nothing to prevent any woman citizen of India to come and offer her services.

The T.A. officers are now commanding battalions in the rank of Lieutenant-Colonels, Majors and

[Dr. Katju]

Captains, and rules for promotion are prescribed separately.

I really do not think there are any other points which have been raised. Much of the ground covered has been rather outside the Bill. So far as civil defence is concerned, that is a matter always before our consideration. You, Sir, know that civil defence as against air attack is a difficult proposition. That has got to be borne in mind. Much will depend not only upon what the Army can do but also on what the people can do. It is the duty of the people to protect themselves against air raids and to keep their calmness and not to become either impatient or to get flurried or get panic-stricken. These are all matters which are always borne in mind, which are engaging our constant attention, and I should like to say that the country should depend and rely upon the Army Authorities and the Armed Forces of the Republic to do their job very well.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Territorial Army Act, 1948, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 2 etc.)

Mr. Deputy-Speaker: There is no amendment to clause 2.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Insertion of New Section 6A etc.)

Dr. Katju: I have got an amendment to clause 3, the object of which is this. In the Bill we only wanted information from the individuals who may be liable to service. It has been

thought that it may be desirable to get parallel information from the employers themselves, and paragraph (5) provides for that. This is the only amendment to clause 3.

Amendment made: Page 2—

for lines 17 to 21 substitute:

(i) "(4) Every person liable to perform service under sub-section (1) shall, if so required by the prescribed authority, be bound to fill up such forms as may be prescribed and sign and lodge them with the prescribed authority within such time as may be specified in the requisition.

(5) The prescribed authority may require any person in charge of the management of a public utility service to furnish within such time as may be specified in the requisition such particulars as may be prescribed with respect to persons employed under him, who may be liable to perform service under sub-section (1)."

(ii) line 22—

for "(5)" substitute "(6)"

—[Dr. Katju]

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4.—(Insertion of New Section 10A etc.)

Amendment made: Page 3—

for lines 7 to 9 substitute:

"(a) to comply with any requisition under sub-section (4) or sub-section (5) of section 6A, or"

—[Dr. Katju]

Mr. Deputy-Speaker: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5.—(Amendment of Section 14 etc.)

Dr. Katju: I beg to move:

Page 3—

for lines 19 to 22 substitute:

"5. Amendment of Section 14, Act LVI of 1948.—In sub-section (2) of section 14 of the principal Act—

(a) clause (a) shall be re-lettered as clause (aaa) and in that clause as so re-lettered the words 'or may be required to perform compulsory service in the Territorial Army,' shall be added at the end; and

(b) before that clause as so re-lettered, the following clauses shall be inserted, namely:—"

—[Dr. Katju]

The object of the amendment is this. The original Act dealt with persons who had opted to enrol themselves in the Territorial Army. Now, an element of compulsion in respect of Government servants has been introduced in this Bill and therefore this amendment has become necessary, so that he may be put, so far as the rules and orders are concerned, exactly on the same basis as the compulsory persons. In the general debate some hon. members said that there should be no difference between the two. That is our object. The man whose services have been compulsorily acquired and the men who have volunteered for service stand exactly on the same footing. There is no difference on this.

Mr. Deputy-Speaker: The question is:

Page 3—

for lines 19 to 22 substitute:

"5. Amendment of Section 14, Act LVI of 1948.—In sub-section (2) of section 14 of the principal Act—

(a) clause (a) shall be re-lettered as clause (aaa) and in that clause as so re-lettered the words 'or may be required to perform compulsory service in the Territorial Army,' shall be added at the end; and

(b) before that clause as so re-lettered, the following clauses shall be inserted, namely:—"

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 1.—(Short title)

Amendment made: Page 1, line 4—
for "1954" substitute "1956"

—[Dr. Katju]

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made: Page 1, line 1—

For "Fifth year" substitute
"Seventh Year"

—[Dr. Katju]

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Dr. Katju: Sir, I beg to move.

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

Mr. Deputy-Speaker: Motion moved:

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

Shri D. C. Sharma (Hoshiarpur): Mr. Deputy-Speaker, Sir, it is true that some hon. members in this House painted a very gloomy picture. But it is also equally true that the hon. the Defence Minister has not given us an adequate picture about the Territorial Army. This kind of, if I may use the word, hush hush, about our military affairs should not be persisted in. For instance, I know that there are some nations which are very strong militarily.....

Mr. Deputy-Speaker: I may remind the hon. Member that we are at the third reading stage of the Bill now.

Shri D. C. Sharma: Yes, Sir, I am coming to that.

Mr. Deputy-Speaker: What happened at the second reading stage should not be referred to.

Shri D. C. Sharma: Take the United Kingdom. That Government publishes a White Paper on Defence giving everything; and I do feel our Minister of Defence should have given us some kind of a White Paper on this Territorial Army when we were discussing this amending Bill. I would tell you that the information given to us has not been adequate. The reasons given for the amending

Bill have not been sufficient. Therefore, I believe that the House has been discussing this question in a state of hush hush which is not conducive to the greatness of this country. I believe with the honourable the Defence Minister that our army is a great army and that anything that has been said about it....

Mr. Deputy-Speaker: I appreciate the difficulty of the hon. member that he had had no chance during the consideration stage; but I appeal to him to confine himself to the third stage.

Shri D. C. Sharma: I would say that the operations which are going on in Naga area are in the best traditions of the military affairs of any country. But, I would say that if this is the second line of defence, as our Minister has described it to be, then, this second line of defence is not at all sufficient either numerically or in other respects as it should be. I agree that the element of compulsion that has been introduced is welcome; and I believe that it will be conducive to the proper functioning of the Territorial Army. But I would submit that so far as technical personnel is concerned, we cannot find such personnel for all those fields for which we need them.

Mr. Deputy-Speaker: If the hon. member is not prepared to listen to me, should I reconcile myself?

Dr. Katju: This is not the time for it.

Shri D. C. Sharma: I want to make only a few observations. If this is the second line of defence I think that the money that is provided for it does not make any member of the House feel confident either in point of numbers or of equipment, or arms or training which would justify that this is going to be a second line of defence in the real sense of the term. I would, therefore, ask the hon. Minister to bring forward a Bill about the Territorial Army which should give us all those

factors which make this Territorial Army a second line of defence in the real sense of the term.

Dr. Katju: Territorial Army is not suffering from any defects in point of training or any other thing. They are well-trained and well looked after and they have got no complaint on that score. With profound respect for my hon. friend, I do not really understand what is the Bill which he wants us to bring about.

So far as propaganda and provision is concerned, it is great and the response is growing so far as numbers are concerned. That is a matter as to how many are required, and hon. members are aware that there are financial limitations also.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

FARIDABAD DEVELOPMENT CORPORATION BILL

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): Mr. Deputy-Speaker, I beg to move:*

"That the Bill to provide for establishment and regulation of a trading Corporation for the purpose of carrying on and promoting trade and industry in the town of Faridabad, assisting in the rehabilitation of displaced persons settled therein and for matters connected therewith be taken into consideration."

In 1948, a relief camp was set up in Faridabad, 17 miles south of Delhi, to provide temporary shelter to the displaced persons from the North-West Frontier. In February 1949, it was decided to convert this relief camp into a township to house the

displaced persons from Dera Ghazi Khan and the North-West Frontier. In May 1949, the Rehabilitation Committee of the Cabinet decided that the relief camp as well as the new township be placed under the control and full charge of an autonomous board directly under the Government of India, working through the Ministry of Rehabilitation. Dr. Rajendra Prasad was appointed the first Chairman of this Board with a representative each from the Ministries of Rehabilitation and Finance, the Government of Punjab and UCRW. Soon after the setting up of this body, the Punjab Government withdrew its representative and in 1950, Dr. Kunzru succeeded Dr. Rajendra Prasad on the latter's election as the President of India. By 1953, it did not seem to function so well and the Ministry of Rehabilitation took full control of the management of the Township. However, in January 1955, a new board was set up with the Secretary Ministry of Rehabilitation as Chairman and a Deputy Secretary of the Rehabilitation Ministry and a Deputy Secretary of the Finance Ministry, the Administrator, Faridabad Development Board, Shrimati Sucheta Kripalani and Shrimati Arayananayakam as members. It has all along been an *ad hoc* body. It had no legal status. It could neither sue nor be sued. It could not execute any agreement with any outside body. Besides, its employees could not be considered as public servants. So, it was decided to set up an autonomous board. Since, Faridabad came under the jurisdiction of the Punjab, it was decided that legislation be passed through that State. The Ministry of Law therefore, worked out an ordinance and it was forwarded to the State Government. It was to the effect that the board to be set up would have municipal, development and rehabilitation functions. It was to consist of seven members—six to be nominated by the Government of India and one, by the Punjab Government. Its jurisdiction was to include Faridabad and

*Moved with the recommendation of the President.

[Shri J. K. Bhonsle]

twenty villages round about. This was sent to the Government of Punjab in 1950 but they did not seem to work on it and in February 1952, they sent us a Bill to be enacted as President's Act.

13-55 hrs.

[SHRI BARMAN in the Chair]

This was very carefully examined by the Ministries of Home Affairs, Law and Rehabilitation and it was found to be rather lengthy. They felt that a simpler measure might be adopted. At about that time the Punjab Legislative Assembly was formed and it was felt that the Bill, instead of being enacted as the President's Act, might be passed by the Punjab Legislature. So, it was returned to that Government. Till 1953, they took no action on that Bill and by that time things had changed to a great extent and the twenty villages which were to be under the jurisdiction of this board came under the community projects. It was then thought necessary to draft a new Bill which would have control and jurisdiction over the urban part of Faridabad township and accordingly, another Bill was prepared by the Ministry of Law and forwarded to the Government of Punjab. It so happened that by this time the Government of India had invested roughly about four crores and they were required to invest more money in order to develop the economy of the township. So, they wanted full control over the management of the affairs of this board. But the Government of Punjab thought that since the Board would have municipal functions it would not be possible to pass its control to the Government of India and if any such enactment was passed, it would be, they thought, *ultra vires* of the Constitution. At that time the Government of India thought that the time was not ripe to pass the township on to the Government of Punjab. The Government of India wanted to develop the economy of the township and as the question

of rehabilitation was getting the particular attention of the Government of India, it was thought that it would not be possible for them to pass on the responsibility to the State Government. Accordingly, it was decided to set up a corporation having trading, development and rehabilitation functions through Central legislation.

I may as well give a short history of the township to the House. In 1948, the Rehabilitation Committee of the Cabinet decided that the township should have forty thousand displaced persons. About 21,000 persons were sent there temporarily and later on, another five thousand aged, old and infirm were housed in the colony. But, since the *gratuitous relief was stopped*, a few of them left the place and now there are 23,000 displaced persons. The township is divided into five areas called neighbourhoods or sectors.

14.00 hrs.

The Board has constructed 5,158 houses, 138 shops and 150 Nissen huts. These Nissen huts are, as a matter of fact, used by the administrative staff as well as the administrative offices and for some of the industrialists. It has a 150-bed hospital and a new T.B. wing has just been attached. It has its own water-supply coming from tube-wells and a 6000 kw. electric plant.

So far as the question of employment goes, it has been rather difficult as Faridabad is situated far away from Delhi. This question has been engaging the attention of the Government of India for the last eight years. To start with, the displaced persons were given employment on the construction works that were going on in Faridabad itself. We had, at the same time, started a technical institute with several components such as diesel engine factory, press metal shop, button factory, textile factory, carpentry section etc. The Indian Co-operative Union also helped in trying to establish co-

operatives and the institution was advanced a sum of Rs. 24 lakhs. But, unfortunately, since the displaced persons were mostly untrained the result was that the technical institutes about which I have just mentioned as well as the co-operative did not have much success.

It was, therefore, necessary for the Government of India to make arrangements to provide employment for displaced persons of the township, they arranged for the employment of 1500 displaced persons in the construction works at Delhi. Since a lot of construction works were going on round about Delhi, the contractors etc. were given contracts of buildings in and near Delhi through the Board. The Government of India also decided that in order to transport these 1500 displaced persons from Faridabad to Delhi a subsidy might be given to them which works out to roughly about Rs. 5½ lakhs a year.

Besides these, a number of industries have been set up. Upto date it is estimated that 23 schemes have been sanctioned at a cost of about Rs. 70 lakhs which will provide employment to 2300 displaced persons. Of these ten industries functioning at the moment, which are giving employment to about 1100 displaced persons.

Now about the question of finance. The Faridabad Development Board was given an *ad hoc* grant of Rs. 60 lakhs in 1949. It was then considered that this amount was not quite sufficient for the Board to carry on its work and in 1951 the provision was increased and Rs. 254.9 lakhs were advanced. In 1953 the capital project was revised to Rs. 345.9 lakhs. It is hoped that the project will be completed within the next three or four years with a further provision of '70/80 lakhs for provision of gainful employment etc. to the displaced persons of this township.

Sir, I commend the Bill to the House.

Mr. Chairman: Motion moved:

"That the Bill to provide for establishment and regulation of a trading Corporation for the purpose of carrying on and promoting trade and industry in the town of Faridabad, assisting in the rehabilitation of displaced persons settled therein and for matters connected therewith be taken into consideration."

लाला अर्जित राम (हिसार) : सभापति महोदय, मैं इस बिल का स्वागत करता हूँ। स्वागत इस बास्ते करता हूँ कि जो हमारी लगातार आवाज उठती रही कि बैस्ट पाकिस्तान से जो डिस्लेस्ड पर्सन्स (विस्थापित व्यक्ति) आये हैं, उन का रिहैबिलिटेशन (पुनर्वास) मुकम्मल नहीं हुआ, वह आवाज बहुत देर तक तो नहीं सुनी गई, लेकिन मुझे सूझी है कि इस बक्त जो मिनिस्टर साहब हैं उन्होंने उस को सुना और कभी ऐसा कहने की गलती नहीं की कि रिहैबिलिटेशन मुकम्मल हो गया। यह जो बिल आया है, वह एक किस्म का सुबूत है कि बाकई अभी रिहैबिलिटेशन मुकम्मल नहीं हुआ और उस को मुकम्मल करने को कोशिश की जा रही है। और यह कारपोरेशन की तजबीज़ सामने आई है।

जैसा कहा गया इस जगह की आबादी करीब २३,००० के है, यानी करीब ४,००० फैमिलीज (परिवार) हैं। जापदेवेंगे कि कितने ही आदमी लाखों की तादाद में बैस्ट पाकिस्तान से आये हुए हैं, जिनकी प्राव्लेम (समस्या) अभी बड़ी गहरी हैं। कितना रुपया उन के ऊपर अभी तक खर्च किया गया है, और उन के लिये कितनी मेहनत की गई, डा० राजेन्द्र प्रसाद जैसे दिमाग वाले, श्री कुंजरूल जैसे दिमाग वाले, आदमियों ने कोशिश की, यहाँ कमेटियाँ बनीं, लेकिन प्राव्लेम हल नहीं हुई। आखिरकार, एक कमेटी बदली, दूसरी बदली, तीसरी बदली, लेकिन प्राव्लेम यैसी ही बनी रही। आज हालत यह है कि वहाँ पर पठान लोग टोकरियाँ

[लाला अच्छित राम]

उठाते हैं। काम करना कोई शर्म की बात नहीं है, टोकरियां उठाना कोई शर्म की बात नहीं है, लेकिन फिर भी उन की हालत बेहतर नहीं हो सकी है। नौ वर्ष हो गये और उन की प्रावृत्ति वहीं की वहीं है। इसलिये मैं समझता हूँ कि यह जो कुछ हो रहा है, यह खुशी की बात है। लेकिन मैं यह कहूँगा कि जिस तरीके से अब इरादा करने के कारपोरेशन की तरफ कदम ठाया गया है उस में सोच समझ कर रुपया खर्च किया जाय, जो वाकी रुपया है वह फैरीदाबाद में ही खत्म न हो जाये। अभी मैं देखता हूँ कि यह तो कुल २३,००० की पापुलेशन है, साजपतनगर में ६०, ६१ हजार की पापुलेशन है। मुझे पता नहीं है कि उस का कारपोरेशन बगैरह आप बनायेंगे या नहीं। यहां आप कदम उठा रहे हैं तो आप उस को, बना ही लेंगे, और यह खुशी की बात होगी लेकिन जरूरत इस बात की है कि गवर्नर्मेंट का कदम इस तरफ और तेजी से बढ़े। आज गवर्नर्मेंट खुद तसलीम करती है कि प्रावृत्ति अभी साल्व (हल) नहीं हुई है। मैं नहीं कह सकता कि जो साढ़े लीन करोड़ रुपया दिया गया, और २८ लाख रुपया जो पिछले चार पांच वर्षों से दिया जाता रहा, उस का इस्तेमाल कैसे हुआ, अच्छा हुआ या बुरा हुआ, इस की रिपोर्ट कोई तसलीबस्तु नहीं है। लेकिन मैं जानना चाहूँगा कि आखिरकार क्या बात हुई कि इतनी बुरी हालत रही। जब यहां पर उतना खर्च हुआ जितना और जगहों पर नहीं हुआ, तो फिर ऐसी हालत क्यों रहीं, इस बात का पता चले तो अच्छा है।

दूसरी बात यह कही गई कि यह बिल जो है वह इंडस्ट्री उद्योग और बिजिनेस (कारबार) को बढ़ावा देने के लिये है। यह खुशी की बात है कि यह चीज बिजिनेस और इंडस्ट्री के और काम के लिये है, लेकिन मुझे योड़ा सा स्पाल वह हुआ कि जरा और अहतियात कर के इस रुपये को ढंग से खर्च किया जाय। ऐसा न हो कि कई बरस लगा कर ठेकेदारों और दूसरे आदमियों पर ही सारा रुपया

खर्च कर दिया जाय। अगर आप सबिसडी (अर्थ सहायता) देते हैं तो उस के अन्दर आप गवर्नर्मेंट के और रिफ्यूजीज के फर्दर एक्स-प्लायटेशन (और अधिक शोषण) का सिलसिला न बनाइये। यह बात मैं खास तौर से कहना चाहता हूँ क्योंकि अक्सर गवर्नर्मेंट बदनाम जरूर हो जाती है, और हो रही है कि इस तरह के कामों में आज उस का लालों करोड़ों रुपया जहां जाना चाहिये वहां नहीं जाता है और जगह चला जाता है। इस बास्ते जब आप उन का काम शुरू करने लगे हैं तो यह एहतियात कीजिये कि बाहर से कैपिटलिस्ट्स (पूंजीपतियों) का इम्पोर्टेशन (आयात) न किया जाय।

मैं यह भी कहूँगा कि बाहर से रिफ्यूजीज को इम्पोर्ट कर के यहां पर न लाया जाय और खास तौर से ऐसे रिफ्यूजीज को न लाया जाय जो कैपिटलिस्ट्स हैं। मैं यह भी चाहता हूँ कि यहां पर जो रुपया खर्च किया जाय वह इस तरह से खर्च किया जाय कि गरीबों के मुंह में जाय और ऐसे लोगों के मुंह में जाये जिन का भसला अभी हल नहीं हुआ है। जब ऐसे लोगों के मुंह में रुपया जायेगा तभी इस सारी स्कीम से कुछ फायदा होगा।

इस बिल में यह देख कर मुझे खुशी हुई कि मकान इत्यादि बनाने के लिये भी प्रावीजन (उपबन्ध) रखा गया है। इस में कहा गया है कि या तो गवर्नर्मेंट मकान बनवा कर देगी और अगर रिफ्यूजीज चाहेंगे तो उन को मकान बनाने के लिये रुपया उधार भी दिया जा सकेगा। यह बहुत अच्छी चीज है जो आप करने जा रहे हैं; आज यहां पर लोगों को रोटी नहीं मिल रही है वहां उन को रहने के लिये मकान भी नहीं मिल रहे हैं। तो मकान तो आप बना देंगे ही और उन के बनवाने पर पांच हजार या सात हजार या दस हजार रुपया भी खर्च कर देंगे लेकिन मैं चाहता हूँ कि आप एक बात का ध्यान रखें। आप उन को यह न कहें कि यह सारा रुपया

तीन इंस्टालमेंट्स (किस्तों) में पे (अदा) कर दें। अगर आप ने ऐसा किया तो आप उन को रिहैबिलिटेट करने के साथ ही डिरिहैबिलिटेट भी कर देंगे। इस बीज का जल्दी से फैसला हो जाना चाहिये कि उन को यह रुपया किसी इंस्टालमेंट्स में वापिस करना होगा नहीं तो यह तलबार हमेशा उन के गले पर लटकती रहेगी। अगर आप ने उन से कहा कि वे तीन इंस्टालमेंट्स में रुपया वापिस करें तो यह एक नामुमकिन बात होगी। ऐसा कर के आप नेको करने के साथ साथ उन की बरबादी का कारण भी बनेंगे और उस नेकी को खत्म करने का कारण बनेंगे। यह किस तरह से मुमकिन है कि वे इतना ज्यादा रुपया तीन इंस्टालमेंट्स में पे कर दें। दूसरी जगहों पर तो आप कहते हैं कि जो कोई रुपया भकान बनाने के लिये उधार लेगा उस को उसे २५ या ३० बरस में वापिस करना होगा लेकिन अगर आप यहां पर यह कहेंगे कि तीन बरस में ही वापिस कर दो तो यह कहां तक मुनासिब होगा इसका अंदाजा आप खुद ही लगा करकते हैं। जल्दी रुपया वापिस लेने के हक में आप दलील यह देंगे कि हमारे पास रुपये की कमी है और इस बक्त हमारे पास रुपया नहीं है। आप और जगहों पर तो लाखों और करोड़ों रुपया पानी की तरह बहा रहे हैं लेकिन जब डिस्लेस्ड परसन्स की बात होती है तो आप यही कहते हैं कि हमारे पास इतना रुपया नहीं है। क्या आप के पास इस काम के लिये ४० या ५० करोड़ रुपया भी नहीं है? आप इस रुपये को उन्हें दान नहीं दे रहे हैं। यह रुपया आप के पास वापिस आ जायेगा। क्या आप इस अर्सें को एक्सटैड (बढ़ाना) नहीं कर सकते हैं? आप चाहे यहां के मिनिस्टर हों या डिप्टी मिनिस्टर या किसी स्टेट के चीफ मिनिस्टर हों या मिनिस्टर, इस बात को अच्छी तरह से समझ सकते हैं कि किस तरह से किसी एक रिफ्यूजी के लिये यह भुमिकिन हो

सकता है कि वह तीन इंस्टालमेंट्स में रुपया वापिस करे। एक बार उन के पिजरे में डाल कर, जाल में डाल कर, अगर आप ने उन को उखाड़ा तो यह उन की मौत का ही बायस (कारण) होगा। इस बिल के अन्दर यह तो नहीं लिखा हुआ है कि किसी इंस्टाल-मेंट्स में रुपया वापिस लिया जायगा लेकिन में चाहता हूँ कि इस प्रावोजन का नाजायज फायदा न उठाया जाय। इस बास्ते आप इस रुपये को इतनी इंस्टालमेंट्स में वसूल करें जिन में कि वे उसे आसानी से अदा कर सकें। एक हाथ से नेको कर के आप दूसरे हाथ से बदी न करें। जब वे लोग इस तरह की कोई मांग करते हैं तो जो पायुलर वायस (जनता की आवाज) होती है वह उन के साथ होती है। आप की तरफ से यह कहा जाता है कि हमारी मजबूरियां हैं। पब्लिक आप की मजबूरियों को नहीं समझ सकती है। आप अरबों की स्कीमें बनाते हैं। कई फाइबर यीर प्लान बनाते हैं और उन पर अरबों रुपया खर्च करते हैं तो क्या यह भुमिकिन नहीं है कि आप योड़ा सा रुपया इन लोगों पर भी खर्च करें जो कि आप को वापिस मिल जाना है। अपनी मांगों को पूरा करवाने के लिये लोग भूल हड़तालें करते हैं जिसे मैं बिल्कुल फिजूल समझता हूँ। लेकिन आप को भी वही करना चाहिये जो जायज हो। अब जब हाउ-सिंग का प्रावीजन इस लिए किया जा रहा है तो मैं चाहता हूँ कि आप देखें कि उन पर किसी किस्म की ऐसी मुसीबत न आये जैसे कि दूसरों पर आ रही है। भुजे इतना ही कहना था। अन्त में मैं यही कहना चाहता हूँ कि एक तो आप जो रुपया इंडस्ट्रीज खोलने पर खर्च करें वह ठीक तरह से खर्च करें, दूसरे बाहर से रिफ्यूजीज को इम्पोर्ट न करें और खास तौर से कैपिटलिस्ट रिफ्यूजीज को, तीसरे ऐसा इंतजाम करें जिस से कि यह रुपया गरीबों के मुंह में जाये, जीये जो इंस्टालमेंट्स हैं, जिन के बारे में मैं ने अभी जिक्र किया है,

[लाला अर्चित राम]

उन को कृपा कर के आप कई सालों तक फैलायें।

मैं समझता हूं कि यह बहुत ही मुफीद बिल है और इसे पास हो जाना चाहिये।

पंडित ठाकुर दास भार्गव (गुडगांव) : जनाब चैयरमेन साहब, मैं माननीय मंत्री महोदय को इस बिल को लाने के लिये मूवारिक-बाद देता हूं। असल बात यह है कि जिस वक्त फरीदाबाद टाउनशिप बनाने का फैसला किया गया तो बहुत से लोग जो एन० डब्ल्यू० एफ० पी० से आये और जिन को वहां बसाने का स्वाल किया थया था, तो वहां पर बसने वालों ने भी इस को काफी पसन्द किया। लेकिन थोड़े ही असे बाद जब वहां पर काम शुरू होने लगा तो यह महसूस किया गया कि जहां पहले से ही शहर मौजूद हैं उन के पास रिफ्यूजीज बस्तियां बनाना और वहां पर इन लोगों को काम देना ज्यादा अच्छा है बनिस्वत इस के कि नये सिरे से आप नई बस्तियां बनाना शुरू कर दें और वहां पर पहले लोगों को बसाये और किर काम देने की कोशिश करें। यह जो एक्सपरीमेंट (प्रयोग) था यह एक स्तरनाक एक्सपरीमेंट था और हमें पता नहीं था कि इस के नताइज क्या निकलेंगे। मैं आप को बताना चाहता हूं कि करनाल के पास एक जगह है जिस को नीलो-खेरी कहते हैं। वहां पर एक और तजुर्दी किया गया है। वहां पर एक नई बस्ती बसाने की कोशिश की गई और वहां पर भी बेशुमार रुपया खर्च किया गया। मैं समझता हूं करीब करीब एक करोड़ रुपया से भी अधिक खर्च किया गया था। वहां पर जो नताइज (परिणाम) निकले वे ऐसे नहीं थे जिन के बारे में यह कहा जा सके कि जितना रुपया खर्च किया गया है उसका बैस्ट इनबैस्टमेंट (उत्तम विनियोजन) हुआ है।

दरअसल जब यह मसला पैदा हुआ और जब

वहां रिफ्यूजी आये तो जैसे कि बाकी दुनिया इस बारे में नातजुर्बेकार है वैसे ही हमारी बदलनीमेंट भी नातजुर्बेकार भी और जैसे जैसे मुसीबत माती गई वैसे वैसे जो इलाज सूझता गया उस को अम्ल में लाती गई। जब कोई नया काम किया जाता है तो यह कुदरती बात है कि उस के नताइज हर सूरत में तसल्लीबस्तू नहीं हो सकते। मुझे याद है वह दिन जब हम फरीदाबाद यह देखने के लिये गये थे कि किस तरह से वहां पर काम शुरू किया जाय। उस बक्त वहां मकान बनाने शुरू हुए तो इस काम के वहां के जो रिफ्यूजी थे उन्होंने न अपने जिम्मे ले लिया और बड़ी ईमानदारी, बड़ी मेहनत और बड़ी दिलचस्पी के साथ इस को किया। सच तो यह है कि उन बहादुर लोगों को ईमानदारी और पैट्रियोटिज्म (देशभक्ति) के जजबे (भावना) से प्रोत्साहित हो देने का काम करते देख कर हर एक आदमी को खुशी हासिल हुई होगी। लोगों ने हजारों की तादाद में मकान बना डाले और इस को ऐसा शहर बना डाला कि एक आदमी जो मधुरा से दिल्ली आता है सड़क के पास इन सफेद सफेद मकानों को देख कर ऐसा महसूस करने लग जाता है कि वह कोई एजलिक ड्रीम (दिव्य स्वप्न) देख रहा है। यह एक बहुत ही अच्छी बात थी कि इन मकानों को उन्हीं लोगों के हाथ से बनवाया गया और उन्हीं को इन के बनाने की मजदूरी दी गई।

इस के फौरन बाद ही यह सवाल पैदा हुआ कि अब जब मकान बन चुके हैं तो इन लोगों को रोजी कहां से मिलेगी। उस बक्त मिनिस्टर साहब ने एक हाई पावर्ड (उच्च शक्ति सम्पन्न) कमिटी बनाई जिस का मैम्बर में भी था और जिस के प्रेजीडेंट श्री गोपालस्वामी साहब थे। उस कमिटी के अन्दर जब रोजी देने को सवाल उठा तो मैंने कहा कि नीलोखेड़ी के अन्दर आप ने हर एक कैमिली पर कोई ५,००० रुपया खर्च किया है तो क्या आप इतने पवा

इन लोगों पर भी खचं करने के लिये तैयार हैं और इस तरह से इन को काम देने के लिये तैयार हैं? इस के बाद बहुत सी तजबीजें पेश की गई हैं और एक सब्जबाग दिसलाया गया और कहा गया कि यहां पर बहुत सी इडस्ट्रीज सुलेंगी, बाटा भी यहां अपनी फैक्ट्री नगायेगा और जमीन की इतनी मांग है कि यह पूरी नहीं हो सकती। सैर बाटा ने तो वहां काम शुरू कर दिया है। तो कहा यह गया कि इतना काम होगा कि लोगों में जो अनेम्प्लायमेंट है वह खत्म हो जायगी। इस के बोहे ही देर बाद जब मकान बन चुके तो यह साफ हो गया कि वे लोग बड़ी तादाद में अनेम्प्लायड (बेरोजगार) हैं। उस बक्त वे लोग बड़े दुखी हुए। पहले वे बहुत सुश थे कि हमारे मकान बने हैं। हम भी इस पर बड़े सुश थे। लेकिन बाद में हालत बिल्कुल बदल गई। मैं अबं करना चाहता हूं कि मैं इस हाउस में उस इलाके का इलैक्ट्रिट (चुना हुआ) मैम्बर हूं। उन्होंने मेरे घर पर आ कर घरना दे दिया और भूख हड़ताल कर दी। मेरी जान को मुसीबत आ गई।

श्री टेक चन्द (अम्बाला-शिमला) :
भूख हड़ताल उन्होंने की।

पंडित ठाकुर बास भार्गव : जी हां। मैं ने नहीं की। जो लोग अनेम्प्लायड थे, जिन को काम नहीं मिलता था, उन्होंने मजबूर हो कर भूख हड़ताल की। सब से पहले वे मिनिस्टर साहब के पास पहुंचे। मैं ने उन को वहां जान को डायरेक्ट कर दिया था कि वहां पर जा कर भूख हड़ताल करो।

पुनर्वास मंत्री (श्री मेहर चन्द लन्ना) :
पुराने मिनिस्टर।

पंडित ठाकुर बास भार्गव : जी हां, पुराने मिनिस्टर, आप नहीं। आप को तो मैं ने मुबारकबाद दी है कि आप ने यह बिल यहां पर पेश किया है। आखिर कोई रिसीविंग कीचर (सहायता पहुंचाने वाली बात) तो होनी चाहिये।

मैं ने उन को कहा कि आप पंडित कुंजरू के पास जाइये जो कि डेवलपमेंट बोर्ड के प्रेजीडेंट हैं या श्री अजीत प्रसाद जैन के पास जाइये और वहां उन के मकान पर भूख हड़ताल कीजिये।

श्री बी० चं० शर्मा (होशियारपुर) :
क्या आप ने कहा?

पंडित ठाकुर बास भार्गव : इस के अलावा मेरे पास और क्या चारा था? मैं उन के लिये क्या कर सकता था। मैं ने कुंजरू साहब और श्री अजीत प्रसाद जैन से इस सिलसिले में बीसियों दफा कहा।

श्री मेहर चन्द लन्ना : क्या मेम्बर भी इस तरह भूख हड़ताल करवाते हैं?

पंडित ठाकुर बास भार्गव : जी हां, भूख हड़ताल करने के कई तरीके हैं। कई दफा मिनिस्टर साहब सुद लोगों को बुला लेते हैं कि मेरे मकान पर भूख हड़ताल करो। कई लोग सुद वहां पर भूख हड़ताल करने चले जाते हैं। और कई बार मेम्बर लोगों को भेज देते हैं।

शिमला से फरीदाबाद एक प्रिंटिंग प्रेस लाने की स्कीम थी। वह तो सैर अब पूरी हो गई। इस के अलावा एक भैंसों की स्कीम थी। यहां पर एक कांफेस कर के यह स्कीम बनाई गई थी। हम ने बैंस आदमी वहां भेजे। आप ने कोआपरेटिव की जिस स्कीम का जिक किया है, मुझे यह कहने में बड़ा अफसोस होता है कि उस पर लगाया गया सब रुपया बरबाद हो गया और वह स्कीम नाकामयाब हो गई। उस रुपये का बरबाद होने का मुझे फिक यह अफसोस नहीं है। मुझे इस बात का फिक है कि अगर इस देश में कोआपरेशन (सहकारिता) की मूवमेंट (आंदोलन) नाकाम हो गई, तो फिर यहां पर कोई ऐसी चीज नहीं रह जाती है, जो हम को उम्मीद दिला सके। मैं ने अभी लाला अर्चित राम की तकरीर सुनी है। वह कहते हैं कि किसी

[पंडित ठाकुर दास भार्गव]

बहुत बड़े मालदार आदमी को बुला कर उस के हाथ में सारी इंडस्ट्री दे कर उन लोगों को भज्ज भज्जूर न बना दिया जाय— कहीं ऐसा न हो कि उन को कुछ हासिल न हो और कीम कोई और ले जाय, सारा फायदा कोई दूसरा उठा जाय। जब तक कोई कैपिटलिस्ट अपना मुनाफा न देखेगा, वह यहां आयेगा नहीं। यह जाहिर है कि आप को टैम्पिंग टम्ब (आकर्षक शर्तें) पेश करनी होंगी। इस सिलसिले में मेरी तजवीज यह है कि—और वह सारे देश में एक मुसलमा (मानी हुई) तजवीज है—आप को कोआपरेटिव बैंसिस पर इंडस्ट्रीज शुरू करनी चाहियें। अगर आप ऐसा करेंगे तो उन लोगों का भी फायदा होगा, जिन का कि आप फायदा करना चाहते हैं और आप का काम भी बड़ा आसान हो जायेगा। वह एक निहायत बेहतर काम होगा।

जब कोआपरेटिव स्कीम भी फेल हो गई, तो कई तरह की कोशिशें हुईं। मैं गवर्नरेंट को मुबारकबाद देना चाहता हूं। आखिर गवर्नरेंट के पास कोई “खुल समस्या” नहीं है उस के पास कोई ऐसा तरीका नहीं है कि वह हुक्म दे और कोई फौरन उस काम को कर दे। गवर्नरेंट को बड़े काम करने पड़ते हैं। उस के पास जितने रिसोर्सिज (साधन) हों, उन्हीं के मुताबिक उस को काम करना पड़ता है। गवर्नरेंट की लारियों वहां से जलती थीं और उन भाइयों को यहां लाती थीं और वे यहां पर भज्जूरी करते थे। दिल्ली वाले कहते थे कि ये लोग हमारा हक्क की ओर रहे हैं। लेकिन यहां पर सबाल बह है कि गवर्नरेंट ने कोई कम्युनिटी बनाई, कोई डेवेलेपमेंट बोर्ड बनाया, तो उस के काम की पूरी जिम्मेदारी गवर्नरेंट पर होती है, उस की देखभाल करना गवर्नरेंट का फज्ज हो जाता है। अगर कोई मेरी राय पूछता, तो मैं कभी भी यह न मानता कि कोई ऐसी स्कीम बनाई जाये, जिस से इतना सच्चा करना पड़े। साक्षे तीन करोड़ रुपये

कैपिटल रखा गया और अठाइस लाख रुपये कई साल तक देने होंगे, लेकिन मेरे स्थाल में वह भी काफी नहीं होगा। जिन आदमियों को आप ने बसाया है जब तक उन को काम नहीं मिलेगा, तब तक हमारी तसल्ली नहीं होगी। मैं उन लोगों को बखूबी जानता हूं। वे अब्बल दर्जे के हासपिटेल (मेहमाननवाज) और पेट्रियाटिक आदमी हैं। वे खान अब्दुल गफकार खां का नाम लेते हैं, उन के आदर्शों पर चलते हैं और उन के लिये मरने को तैयार हैं। वहां जा कर आदमी ऊंचा हो जाता है। वे बड़े बहादुर, बड़े अच्छे लोग हैं। उन के लिये आप जितना रुपया खर्च कर सकें वह आप को करना चाहिये। लेकिन लाला अंचित राम की आर्यूमेंट (तर्क) का जवाब क्या है? आप इन लेईस हजार आदमियों पर साक्षे तीन करोड़ रुपये खर्च करते हैं और एक करोड़ सैतीस लाख रुपये भी और खर्च करेंगे। मुझे यकीन है कि वह काफी नहीं होगा। आप ने यह टीक कहा कि यह गवर्नरेंट आफ इंडिया का फज्ज है और वह और खर्च करेगी। यह उम्मीद आप ने हम को दिलाई है और वह बात फरीदाबाद तक भी पहुंच जायेगी। यह अर्ज करना चाहता हूं कि अगर आप कांस्टीट्यूशन की दफा १४ की रुसे हर एक आदमी पर इसी विसाव से रुपया खर्च करें, तो अगर आप के पास सरबों रुपये भी होंगे, तो भी वे काफी नहीं होंगे। आप इतना रुपया खर्च नहीं कर सकेंगे। मैं समझता हूं कि इस बक्त यह सबाल नहीं है कि हम ने गलती है कि नहीं। फरीदाबाद तो बन गया और आज वह हिन्दुस्तान की शान है। आज वहां पर एन० डब्ल्यू० एफ० पी० के लोगों की एकमारी आवादी है। लेकिन मैं यह अर्ज करना चाहता हूं कि यह उन लोगों के साथ इंसाफ नहीं है कि आप उन को रहने के लिये भकान तो बना दें, लेकिन उन को एम्प्लायमेंट (रोजगार) न दें, उन को कोई काम भूहिया न करें। दिल्ली में पंजाब के लोगों को गेनफूल एम्प्लायमेंट तो कौरन मिल गई। लेकिन उन को

रहने के लिये मकान नहीं मिल पाये। इस बक्त उन का जो क्षण डाढ़ा चल रहा है और इंस्टालमेंट्स बगैरह का जो मामला है, इस बक्त मैं उन का जिक्र नहीं करूँगा। उन के मुतालिक कुछ अर्जं करने के लिये और मौके मिलेंगे। इस बक्त मैं यह अर्जं करना चाहता हूँ कि आपने ब्लेम किया है कि ट्रेडिंग कारपोरेशन (व्यापार निगम) बनाई जायेगी, जो कि ट्रेडिंग का काम करेगी, लेकिन वैसिक आइडिया (मूल विचार) यह है कि यह रिहैबिलिटेशन कारपोरेशन है। आप का मेन (मुख्य) काम यह है कि आप उन लोगों को आरामो-आसायश मूहैया करें। जितना रूपया आप गलती से खर्च कर चुके हैं, उस को हम वापिस नहीं ला सकते हैं। हम नीलोखेड़ी को वापिस नहीं ला सकते हैं। जो हो गया, सो हो गया। अब हमें आगे की बात देखनी है। अब इस को अच्छे से अच्छा बनाना हमारा फर्ज है। और वह कैसे बना सकते हैं? अगर आप महसूस करते हैं कि आप को और रूपया खर्च करने की जरूरत है तो आप के सारे रिसोर्स, प्लैनिंग की सारी मशीनरी, सारे एक्स्पर्ट्स (विशेषज्ञ) इस काम के पीछे लग जायें, तो शायद मुमकिन है कि यह काम हमारे काबू में आये लेकिन मुझे दिलाई देता है कि जिस तरह से हम ने पहले काम किया है—बगैर सोचे समझे काम कर के चौबीस लाल रूपया जाया कर दिया है, मकान बनाने पर इतना लैविशली (मुक्त हस्त से) खर्च कर डाला है—उस तरह से हमारा काम नहीं चल सकता है।

[MR. DEPUTY-SPEAKER in the Chair]

14.28 hrs.

गवर्नरमेंट को इस सिलसिले में बहुत सोच समझ कर काम करना चाहिए। मुझे वह दिन याद है जब कि मिस्टर सुधीर घोष ने हम को नवशा दिखाया और बड़े बड़े सब्ज़ बाग दिखाए कि इन लोगों को काम मिलेगा। मैंने श्री गोपालास्वामी को कहा था कि इन की काम नहीं मिलेगा। इनमें से कम से कम पांच हजार लोगों को मेसन (राज) बना दिया जाय,

तो वे दो तीन रुपया से पांच रुपया रोज तक कमा लेंगे। मैं यह अर्जं करना चाहता हूँ कि फरीदाबाद डेवेलपमेंट कार्पोरेशन की जिम्मेदारी इस हाऊस ने ली है। अगर उसे मन्दूर है, तो वह इस का स्थाल रखे। गवर्नरमेंट ने इस के लिए काफी प्राविजन किया है गवर्नरमेंट आफ इंडिया का उस पर कंट्रोल रहेगा। रिपोर्ट और बजट उस के पास आयेगा। पिछली दफा बाबूजूद गवर्नरमेंट के देखने के इतना रूपया जाया ही गया। मैं इस बात की गारन्टी चाहता हूँ कि आईन्डा इस तरह रूपया जाया नहीं होगा और उस की गारन्टी है गवर्नरमेंट आफ इंडिया का वर्ड (वचन)। गवर्नरमेंट आफ इंडिया रूपया स्वर्चं कर सकती है। स्टेट गवर्नरमेंट की जिम्मेदारी और है। वे लोग डरते हैं। अबर इस को पंजाब गवर्नर्मेंट के हाथ में दिया होता तो वह कभी इतना रूपया स्वर्चं न कर सकती। डेवेलपमेंट बोर्ड के मुतालिक हमारे पास रोज शिकायतें आती थीं। आठ नौ वर्ष के पुराने नौकरों को यक-कलम (एक दम) बरखास्त किया जाता था। उन के मुतालिक एक मोटी फाइल बन गई थी। उससे मालूम होता था कि हालत क्या है, कितने लोगों के साथ सस्तियां की गईं, जो कि गवर्नरमेंट सर्विस में कभी नहीं हो सकती थीं। अब आप पर वे सब प्राविद्यां आयद (लागू) होंगी, जो कि गवर्नरमेंट सर्वोन्तंस पर आयद होती हैं। अब उस तरह की सस्ती नहीं हो सकेगी। अब उन को यक-कलम नहीं हटाया जा सकेगा। हम ने देखा है कि दस दस वर्ष पुराने नौकर रोते किरते हैं। इस कार्पोरेशन बनाने का मतलब यह है कि गवर्नरमेंट पर उन सब आदियों की जिम्मेदारी होती। वे बाहर सी आदियों आप की लायबिलिटी (दायिता) है क्योंकि १२००कों ही काम मिला है। वहां पर कारखाने बहुत थोड़े हैं। छोटे छोटे कारखाने हैं। ये दस इंडस्ट्रीज भी बहुत छोटी छोटी हैं। लेकिन वहां के लोग बड़े रिसोर्सफुल (प्रतिभाशाली) हैं। वे तो काम करना चाहते हैं। एक साहब आए हुए हैं—वह फ़ारेनर (विदेशी) हैं।

[पंडित ठाकुर दास भार्गव]

हैं—और उन्होंने एक कारखाना बनाया हुआ है। वह रोज कहते हैं कि यह काम शुरू किया जाय, मैं अपनी लाइक (जीवन) इस में दे दूँगा।

मैं आपको उनकी सारी स्कीम भेज दूँगा।

Mr. Deputy-Speaker: Is the hon. Member going to conclude or is he likely to take some more time? We have to take up non-official business now.

पंडित ठाकुर दास भार्गव : जो कुछ मुझे अर्ज करना या वह किसी हद तक तो मैंने अर्ज कर दिया है। अगर जनाब की इजाजत हो तो दस पांच मिनट और अभी ले लूँ या आयन्दा ले लूँगा।

उपाध्यक्ष महोदय : फिर ही सही।

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-THIRD REPORT

Shri Altekar (North Satara): Mr. Deputy-Speaker, with your permission, I beg to move:

“That this House agrees with the sixty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 21st November, 1956.”

This report is in connection with the classification of six bills and the time that has to be allotted to them. From Appendix I of the report it will be found that they have all been classified under 'B' category, having considered all the aspects of those Bills; and the time allotted to them is stated in Appendix II. I commend that this House agrees with this report.

*Published in the Gazette of India dated 23-11-1956, pp. 993-94.

**Published in the Gazette of India dated 23-11-56, pp. 995-98.

Mr. Deputy-Speaker: The question is:

“That this House agrees with the sixty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 21st November, 1956.”

The motion was adopted.

CONSTITUTION (AMENDMENT) BILL*

(AMENDMENT OF ARTICLE 107)

Shri Raghunath Singh (Banaras Distt.—Central): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Constitution of India.”

The motion was adopted.

Shri Raghunath Singh: Sir, I introduce the Bill.

INDIAN DIVORCE (AMENDMENT) BILL**

(AMENDMENT OF SECTION 3 ETC.)

Shrimati Maydeo (Poona—South): I beg to move for leave to introduce a Bill further to amend the Indian Divorce Act, 1869.

Mr. Deputy-Speaker: The question is:

“That leave be granted to introduce a Bill further to amend the Indian Divorce Act, 1869.”

The motion was adopted.

Shrimati Maydeo: Sir, I introduce the Bill.

Extraordinary Part II—Section 2,

Extraordinary Part II—Section 2,

**CRIMINAL LAW AMENDMENT
BILL***

Shri Pocker Saheb (Malapuram): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1898.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1898".

The motion was adopted.

Shri Pocker Saheb: Sir, I introduce the Bill.

**SALARIES AND ALLOWANCES OF
MEMBERS OF PARLIAMENT
(AMENDMENT) BILL****

(AMENDMENT OF SECTION 6)

Shri Keshavaiengar (Bangalore North): I beg to move for leave to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954".

The motion was adopted.

Shri Keshavaiengar: Sir, I introduce the Bill.

*Published in the Gazette of India dated 23-11-1956, pp. 999-1001.

**Published in the Gazette of India dated 23-11-1956, pp. 1002-004.

***Published in the Gazette of India dated 23-11-1956, pp. 1005-007.

APPOINTMENT OF INDIAN EMPLOYEES IN FOREIGN EMBASSIES BILL***

Shri Krishnacharya Joshi (Yadgir): I beg to move for leave to introduce a Bill to help and provide facilities for the appointment of Indian employees in Foreign Embassies in India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to help and provide facilities for the appointment of Indian employees in Foreign Embassies in India".

The motion was adopted.

Shri Krishnacharya Joshi: Sir, I introduce the Bill.

**CRIMINAL LAW AMENDMENT
BILL—concl.**

Mr. Deputy-Speaker: The House will now resume further discussion of the following motion moved by Shri Mukund Lal Agrawal on the 24th August, 1956:

"That the Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration."

Out of three hours allotted for the discussion of the Bill, one hour and forty-five minutes were taken up on the 24th August, 1956, and one hour and fifteen minutes are now available. Was some hon. Member in possession of the House? I think not.

Shri Raghbir Sahai (Etah Distt.—North-East cum Budhaun Distt.—East): There are some amendments.

Extraordinary Part II—Section 2,

Extraordinary Part II—Section 2,

Extraordinary Part II—Section 2,

Mr. Deputy-Speaker: Let us dispose of those amendments. Mr. Raghubir Sahai submitted last time that he wants to move an amendment for the circulation of the Bill for eliciting public opinion. The difficulty was that it had come very late and I said that if the Government's reactions were known and if they were agreeable I had no objection at all and I would waive the notice. But so far as I have learnt, the Government is not prepared to agree to that.

Shri N. C. Chatterjee (Hooghly): I hope they have changed their mind today.

Mr. Deputy-Speaker: May I know the reaction of the Government?

The Minister of Legal Affairs (Shri Pataskar): The position has already been stated by the hon. Minister who was then in charge and he opposed it. I do not think I can take up a different attitude.

Pandit Thakur Das Bhargava (Gurgaon): Do the Government not want that the notice should be waived because they want to pass the Bill at once, or because they want to oppose it?

Mr. Deputy-Speaker: They are sure that it would not be passed.

Pandit Thakur Das Bhargava: Or that it is sure to be passed?

Mr. Deputy-Speaker: One of the two.

Pandit Thakur Das Bhargava: May I submit that the motion should be taken to be in order? Why should it be outside the scope of the rules?

Mr. Deputy-Speaker: The decision whether it was in order or not when it was given, that decision was to be given that day. But we postponed the decision. Can it be said now that because the decision was not given, therefore we should entertain it? More than half the time has already been taken. That is the only difficulty. Several speakers have given their opinions. It would not be possible for

them to express themselves on the amendment that would be before the House if the motion is allowed just at this moment. ~

Shri Raghabachari (Penukonda): In that connection I wish to submit for your kind consideration just a few words. This is coming from the last session. We have given amendments in time. As you know very well, the practice was that when a motion went and was being considered, amendments could also be moved. No doubt this point that you have just now mentioned arose a few days ago, and the Speaker said that he would make a change in the practice; and yet he permitted similar amendments to be moved. I am one of those who have given amendments for circulation for eliciting public opinion in connection with this Bill. Therefore, even if the original motion of our friend was exposed to the criticism of its having come late, my amendment is in time and in view of the longstanding practice the matter may be considered on its merits.

Mr. Deputy-Speaker: I am afraid the hon. Member has placed some obstacles in my way really. When he has reminded me that the Speaker said two days ago that hereafter he would not allow this practice, how can I do it?

Pandit Thakur Das Bhargava: May I make one or two submissions? So far as the amount of time is concerned, it is true that so much time has been taken already and so much time remains, on paper, to be taken. At the same time, the House and the Chair can certainly prolong this time. And, considering the importance of the matter—when it took four years for a Parliamentary Commission in England to decide about this matter, and even now the matter is going on in many other countries—, two or three hours' time is not sufficient, in my humble opinion. I would therefore, first of all, submit that the time may be increased by one hour.

And the second question which I beg very humbly to submit for your consideration is that the Chair has got a discretion in the matter. Even if the Speaker was pleased to say in a particular case regarding a particular matter that in future this practice will be changed in a certain direction, it does not take away the discretion of the Speaker or the Deputy-Speaker to apply his mind in a particular way in regard to a particular Bill. Considering the importance and the consequences involved in deciding whether there should be abolition of capital punishment or not, I submit that it would be a very wise exercise of your discretion if you kindly admit this motion. Because, I feel many Members want to speak and, at the same time, want to see that it is circulated. I would therefore request you to reconsider your decision—as a matter of fact, you have not given it yet. You were pleased to say that it was postponed for the purpose of making a decision. So the decision has not been given. I would beg of you to consider the matter from all these points and kindly agree to give us more time by increasing it by one hour and also permit amendments to be moved by the hon. Members.

Shri N. C. Chatterjee: I am endorsing this appeal.

Shri Raghavachari: As regards the objection I only wish to say that the Speaker wanted to change the practice hereafter. But he did make an exception and allowed the motion to be moved on that day. Therefore, that practice need not be misunderstood.

Mr. Deputy-Speaker: He allowed that motion on the understanding that after that he would not allow it.

Shri Raghavachari: Hereafter he will not allow it.

Shri N. C. Chatterjee: I am also appealing to you to accede to both the requests made by Pandit Thakur Das Bhargava. It is a very important matter of social planning and also a penal reform which is of outstanding importance and, as you know, it has

been agitating the jurists and Parliaments throughout the world. Therefore, I submit this is a matter where we should not allow any technicality to come into play specially when the House has got specific notice that these three amendments have been put forward and it is a very apposite thing that this Bill should be placed before the public for eliciting public opinion. As you know, there are regional considerations which should come into play. Therefore, I am appealing that you should allow this motion to be adopted; and I am still hoping.

Mr. Deputy-Speaker: May I know from the Government why they are so insistent in opposing?

Shri Pataskar: I will explain why Government are opposing it. I find from the records that last time the hon. Minister, Mr. Biswas, who was here, has very clearly stated as to why he would not agree and he then said:

"As a matter of fact, Government consulted the States and we have got the opinions of the different States. Most of them are against the proposal. Now the House has got to consider, and Government have also to consider whether having regard to that it would be worthwhile circulating it for opinion generally, not merely to the States—that has been done—but to the different High Courts, to the other different bodies..... I would in this connection state that the Law Commission has been approached...."

It is under these circumstances, not on the merits, that it was opposed. Nobody wants that such an important issue should be settled in this manner. All the State Governments have been consulted. So let us put the matter before the Law Commission. They can take into consideration not only the practice but so many other aspects. It will not be possible for us to do it. We have ourselves passed a resolution on the subject. Then this Law Com-

[**Shri Pataskar**]

mission is presided over by an eminent jurist, as my friend Mr. Chatterjee will agree. That is the course which was suggested which, I am sure, the Government will follow and that would be the right thing. Then we will get the public opinion also. There is no question of hustling through or trying to suppress any opinion. We, all of us, along with the people all over the world, are concerned with this proposition and I think that is a good suggestion which has been made by my friend. From that point of view, having been once committed to that position, I do not think it would be proper for us to change that now.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): About the point of order regarding the delay in moving the amendment the hon. Speaker ruled on the motion that was given notice on that day. But this is a pending matter and I think the hon. Speaker, in view of the decision in regard to that matter, would have decided similarly in regard to this amendment. Its notice also was given much before. Mr. Raghbir Sahai has given notice some three or four days ago. Therefore, it should be considered in order.

Mr. Deputy-Speaker: There are two points. One is that the time be extended and the other is that the amendments be allowed and notice waived. So far as time is concerned, I have no hesitation in granting time if the House wants it. Then many hon. Members will get a chance to speak. So far as the other question is concerned, I will leave it to the House and if the House so desires then I shall have no objection at all to waive the notice. Government is still opposing it.

Shri N. C. Chatterjee: Half-heartedly.

Mr. Deputy-Speaker: That perhaps would be a guess by one hon. Member of the mind of the other; and opinions might differ. We cannot say. But I leave it to the House to decide. If the

House is willing to take it up there will be no harm because, I presume, even the Law Commission would be benefited by the opinion that we express. Now, do I take it that it is in the sense of the House that notice should be waived?

Some Hon. Members: Yes.

Mr. Deputy-Speaker: I find the sense of the House is that notice should be waived and the amendments should be allowed.

Shri Raghbir Sahai: I am very grateful to you for having given an opportunity to this House to discuss at length the point of order and having decided that, this motion of mine be taken into consideration.

Before I formally move and speak on the motion for the circulation of this Bill for eliciting public opinion thereon, I would like to congratulate my hon. friend, Shri M. L. Agrawal, for having made a studied speech on a very vital problem such as capital punishment.

By introducing this Bill he has given this august House an opportunity to express its opinion one way or the other. By introducing this Bill he means to say that capital punishment should be abolished here and now. The main points that he made out in his speech were firstly that in many countries of Europe and America death penalty has been done away with. His second point was that capital punishment has no deterrent effect. His third point was that in the land of Lord Mahavir, Lord Buddha and Mahatma Gandhi where all of them were preaching non-violence, death penalty would be an anachronism.

Shri Pataskar: It is the land where Mahatma Gandhi was murdered. That fact also should be gone into.

Shri Raghbir Sahai: I will elucidate it. His fourth point was that wherever death penalty has been abolished, there the offence of murder has not increased. In my humble

opinion they were all very good arguments. But personally I feel that they do not make out a very good case for the abolition of capital punishment here and now because in considering this matter we have to consider also the conditions in which a particular country at a particular time is. It is quite true that capital punishment has been abolished in many countries and there the crime of murder may not have increased. But to apply that argument in India in the year 1956 when still we find that there are vast tracts of country where gangs of Man Singh, Tehsil Singh and Girend Singh are roaming about will not be proper. The leaders of those gangs may be dead. But their followers are still there. They do all sorts of havoc. They play with life. It will not be discreet on the part of this august House to entertain this Bill for the abolition of capital punishment here and now. The conditions in our country are entirely different. We also find, from the example of other countries where capital punishment has been abolished, they are now reverting to capital punishment. Only recently, Hungary which had abolished capital punishment before, is reverting to capital punishment because they found that in the existing conditions, the abolition of capital punishment would not be in the best interests of that country.

My hon. friend said that it has got no deterrent effect. That may be the experience of other countries. But, I can say that if any punishment in India has got a deterrent effect, it is the capital punishment. I have had opportunities, during the days of non-co-operation and satyagraha, to be in several jails where there were cells for people condemned to death. I have seen these people with my own eyes. It was a sight to see how these people trembled. It was a question of life and death. Throughout the jail it appeared as if a reign of terror was prevailing. So, the contention of my hon. friend that it has got no deterrent effect does not convince me. It has got a very great deterrent effect.

The next contention was that this is the country of Lord Mahavir, Lord Buddha and Mahatma Gandhi. We do admit that every one of them tried their best to preach the gospel of non-violence. Every one of them, we ought to confess, did not succeed in making everybody in the country non-violent. As the hon. Minister for Legal Affairs pointed out, Mahatma Gandhi himself was brutally murdered. When the trial of that offender took place, not one voice in the entire country was raised that he should not be sent to the gallows. That showed the resentment of the people and if I may say so, that also showed the justification for this punishment being retained. It is no doubt an extreme penalty. But, simply because, it is an extreme penalty, it should be scrapped from the statute-book will not be a good argument. I am reminded of a very old saying of the late lamented Gokhale when he was speaking in the old Imperial Legislative Council. The British Government then was here. He then observed that he would be satisfied if the Government possessed a giant's power but did not use it like a giant. The same argument applies today. This Government should possess in its armoury a giant's power and capital punishment is really an extreme penalty and is a giant's power. But, it should not use the power like a giant. Everybody should not be sent to the gallows. We find in our Criminal Procedure Code, there are so many stages. When capital punishment is awarded, the Sessions Judge says, you can file an appeal before the High Court. We find that the High Courts and the Supreme Court are very very cautious and they are very reluctant to maintain the capital punishment. Only in extreme cases, they would award that punishment. Still, mercy petitions are being filed and sometimes, the prerogative of mercy is being exercised by Governors and by the Rashtrapathi. We find that in very few cases—they are very unfortunate—capital punishment is being awarded. This is what happens in other countries also. After the capital punishment is awarded, the

[Shri Raghbir Sahai]

cases are being scrutinised and efforts are being made to see that capital punishment is not enforced. The argument that simply because it is an extreme penalty, it should be scrapped from the statute-book, as I said, is not good.

As I was saying in the beginning, we ought to see the state of the society in which we are living. The present state of society does not permit us to say that the abolition of the capital punishment will be to the good of the country and to the society in which we live. Gruesome murders are taking place every day. Only a few months back, two Members of the Legislative Assembly were murdered in the district of Barabanki in the U.P. in broad day light by persons of desperate character. In my district of Budaun, an Assistant Sessions Judge was murderously assaulted. Thank God, he was saved; he escaped death by a hair's breadth. As soon as he was transferred to another place, Rae Bareli, there was another murderous assault on him by a revolver. Thank God, he was again saved. When society is like this, when things are going on like this, to say that capital punishment should be abolished, I think, will be something very indiscreet.

My motion wants that this important matter should be placed before the country, and public opinion should be elicited. I cannot possibly understand on what strong grounds the Law Minister opposed this motion for circulation and on what strong grounds my hon. friend will oppose this motion for circulation. In England, so many commissions have been set up every now and then to enquire into this matter. Even after comprehensive enquiries, the people there have not been able to come to a definite finding whether this punishment should be abolished or not. A Private Member's Bill was passed in England. We saw that the House of Lords turned it down. We see that another Bill is going to be sponsored by the Govern-

ment in regard to the retention of the capital punishment. Where such comprehensive enquiries have been made, where such important commissions have gone into this question, where the whole question has been discussed threadbare, the people have not come to any definite conclusion. How on earth can we do that when we have not enquired into the matter and when public opinion has not been elicited? The hon. Minister Shri Biswas may have in his possession the opinion of the State Governments or all the High Courts. But, they are not with us. You may be remembering that in the case of the amendment of the Criminal Procedure Code, what Dr. Katju did was to elicit public opinion in regard to the amendment of the Criminal Procedure Code. Every State Government was consulted; every bar association was consulted; all M.L.As. and M.P.s. were consulted and the question was thrown open to the public. Every person interested in Criminal Procedure Code was given an opportunity to express his opinion and we, who were in the Select Committee knew how much we were benefited by those opinions. To say on this fundamental question that public opinion should not be consulted, I think, is something absurd.

15 hrs.

The Bihar Government, I find, was consulted on this Bill and it said:

"Conditions in the State are not favourable for the abolition of death penalty. The abolition will have adverse effects on the crime situation in the State.

A Commission should be appointed by the Central Government to find out whether the death penalty should be totally abolished or whether the suspension of capital punishment for murders should be limited".

These are some of the opinions of some Governments.

It was said that Shri Sampurnanand, Chief Minister of U.P. was in favour of the abolition of capital punishment. I submit that is his personal opinion. The U.P. Government as a whole was opposed to the abolition of this capital punishment. So, we will attach more weight to the opinion of the Government, then to the opinion of a single individual.

Mr. Deputy-Speaker: The hon. Member need not dilate now upon the opinions that have been received. We are wanting to elicit his opinion.

Shri Raghbir Sahai: I will not quote any further opinions. In the end, I submit there is great room here in our country for the reform of the system of criminal administration. We ought to see that everything should be done in our country where those who are really guilty of serious offences are punished and deterrent punishment should be given to such offenders.

If we go to our constituencies what people say mostly is that we are not awarding deterrent punishment to people like dacoits, robbers and murderers; that is the public demand. So, if this Bill is sent up for eliciting public opinion, I think, a very great object would be served.

I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of April, 1957."

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of April, 1957."

Shri N. C. Chatterjee: All sections of the House should be grateful to Mr. Agrawal for bringing up this very important matter for our consideration. There is a good deal to be said on

either side, and you know that capital punishment has been abolished in a large number of countries in Europe. Holland, Belgium, Denmark, Norway and Sweden have abolished it; West Germany, after a good deal of discussion and deliberation has also abolished it. Switzerland abolished it in 1874. Last year, when I was there, I had a discussion with the Chief Justice of the Zurich High Court and he assured me that there has been no increase of crimes since the abolition of death penalty in Switzerland.

It seems that they are satisfied that there has been no increase in the homicidal rate after that. Otherwise, a progressive nation like the Swiss would have altered it. Austria has already done it and some other countries. Six American States have abolished death penalty. I must admit that there are a number of American States which have restored it. If they abolished it, 9 American States have restored death penalty. In South America about a dozen States have abolished death penalty. In the British Commonwealth, New Zealand abolished it in 1941, but again restored it. In England, you know, the Royal Commission was appointed in 1949 and they went on deliberating and taking evidence of jurists and psychologists and also men interested in penal reform and they presented their report in 1953 and they came to the definite conclusion that the re-introduction of death penalty really has no relationship to homicidal rates in other countries, that is, in those countries where death penalty had been abolished, there had been no immediate increase in murders and also where it has been restored, it has been due to some occasional popular upsurge and not because of a sudden aggravation of serious crimes. I maintain it is not correct to say that if we abolish death penalty, there would be an increase of murders in India. In England criminal law was very, very feudal, medieval and brutal. There were 222 offences which merited death penalty. Even as anyone who

[Shri N. C. Chatterjee]

has studied English law knows a man who has committed larceny in respect of 5 shillings was sent to the gallows. Cutting a tree or stealing a handkerchief was a capital offence and the man would be sent to the gallows. I think Zachraih, Macaulay and Mackintosh were pleading for the mitigation of this very harsh kind of penal law and ex-Lord Chancellor said that it will be a bad day for England and God knows what will happen if law is altered in this fashion.

I, personally, would like to have a suspension of death penalty in India for a definite period, say for 5 or 10 years and see how it works. This Parliament is supreme and sovereign. When the Criminal Procedure Code Amendment Bill was introduced by Dr. Katju, he was impressed by the different Members of Parliament and I was one of them who said that there was no point in merely changing the procedural code without changing the substantive law. Macaulay was the President of the Law Commission which drafted the Indian Penal Code. He was assisted by some English jurists; the times have altered and it is no good having a change in the adjective law without having a change in the law of crimes. Now the world has moved forward. The old concept of the state being a Police State has fundamentally been altered. We are now trying to develop a Welfare State, a socialistic pattern or any other pattern. Fundamentally, the socialistic concepts are coming into play and therefore, our system of penal laws require a radical reform. I hope you will agree with me and my other friends that it is no good simply to abolish death penalty, unless you have radical reform of our present system of jail administration.

had the privilege of being a prisoner in the Delhi District Jail three times in connection with our movement. I was simply aghast at the torture which those condemned criminals were undergoing, and especially even those who have been transported for life were kept in solitary cells for months

and months. I came out of the jail and reported to Dr. Katju about the pitiful condition of some of the condemned prisoners from Pakistan, who were sentenced to death. They were condemned in Pakistan after the trouble started there and were sent over to India and their death penalties were commuted to transportation for life. They had absolutely no fair trial and had no lawyer to defend them. Their condition was simply horrible. There was no need pursuing the death penalty only as a deterrent.

At the same time a complete reformation of your present system is imperative. You, yourself were a judge and had the experience of the administration of justice. After spending so many years in law and having been associated with the administration of justice, I want to make one statement; I shall say this with a full sense of responsibility. No wrong door is in the least influenced by considerations of legal consequences because of his wrongful act. He will never think: "What is the section in the Indian Penal Code by which I will be actually hanged by the neck or transported for 20 years or whatever it is?"

He does it and he takes the consequences. My hon. friend Shri Agrawal was right in saying that people like to face bullets and death. It is a psychological upsurge which takes place at certain times.

I want to say this after having spent more than 30 years in law, and I hope my friend Pandit Thakur Das Bhargava will also agree with me. The more a man matures in law, the more he finds it difficult to justify capital punishment, because I am not convinced of the infallibility of the Judges. I remember when I was a student in the London University there was case. I reached England on the 2nd October, 1922. Within a few days thereafter, the notorious or the celebrated Ilford murder took place and the murderer was hanged. Along with him the

wife of the murdered man was hanged because there was some illicit love between the murderer and that woman, and the whole legal world was simply aghast that that could be done. I do not know how it happened. There was no suggestion that that lady was at all responsible for the crime, but prejudice works and many things happen, and the jury, swayed by many passions and many considerations, some relevant and some irrelevant, pushed the doctrine of constructive crime to such a degree that it is very difficult to justify that capital punishment.

We respect our Judges. They are all honourable, they are all learned, they are all impartial, but even then there have been gross miscarriages of justice in some cases. Remember the Adolf Back trial which completely shocked England, the Dreyfus trial which shocked France and a good bit of the civilised world. These things do happen.

Shri Tek Chand (Ambala Simla):
How many did you hang?

Shri N. C. Chatterjee: I know the Punjab is talking through Shri Tek Chand. The Punjab suffers from a peculiar psychology. I have talked with some of the distinguished Judges and lawyers of the Punjab and they say: "God help the Punjab if capital punishment is abolished." But I think they will not lament the abolition of death penalty. But I am very cautious and I am supporting my friend Shri Raghbir Sahai's suggestion. Although I do not agree with him and my attitude is fundamentally different, still I am supporting him that the Bill be circulated for the purpose of eliciting opinion. It may be that in regard to the abolition of the death penalty, Parliament will not enact *ad hoc*. It may be we shall leave it to the States and if the Punjab is determined to kill, let them have the pleasure of having capital punishment, nobody will stand in the way. I am not saying we should dogmatise for the whole of India, but I would like to have a trial

or experiment in India. That will be in consonance with the spirit of the times, with the spirit of our civilisation. It is not merely paying a lip tribute to Lord Buddha because we are celebrating the 2500th year of his great revelation. It is not that, but it is something more fundamental.

If you are a lawyer briefed for a criminal, you would like to have the client sentenced to death, rather than anything else. Then you have a much easier time. As a matter of fact, in England people wanted to be convicted of capital punishment because then they know in the appeal courts they would have a better time.

In Poland in 1955 there was a great discussion in their Parliament and they ultimately abolished death penalty. Ceylon also has decided to suspend it for three years, and it would be, I think, a proper step to take if we emulate the example of Ceylon and other States. Let us try this experiment and find out whether it works or not.

Some psychologists have taken the definite view that capital punishment affords a very slight encouragement to murder, and it is not so deterrent as some people think. But Shri Datar has said that 9,000 murders are taking place in India: how can you abolish death penalty. The question is not 9,000. The question is: has your death penalty reduced the rate of 9,000. If the figure is steady at 9,000 year after year, it will show the futility of pronouncing it as effective and finally deterrent. You cannot really do away with human nature as it is. The question is whether in spite of the death penalty the number of homicidal cases remains the same. It is entirely wrong to say that fear of death prevents a man from committing culpable or wilful homicide.

I may point out that there are different theories. The theory of elimination is a horrible theory. You have taken the name of Mahatma Gandhi. He believed in the cardinal principle of the Indo-Aryan civilisation, namely

[Shri N. C. Chatterjee]

the essential divinity of man, the potentiality of every human being for ultimate redemption. That was the cardinal principle of Hindu civilisation on which Mahatma Gandhi's life was based and which he was preaching. Is death penalty consistent with that principle?

Then there is the theory of retribution which is really still haunting us, but that is a medieval and barbarous theory, a cruel theory, a theory of the Romans, the code of Hammurabi, a theory of the Israeli school, namely an eye for an eye and a tooth for a tooth, and therefore we must have a life for a life. That should go and we must have some respect for the Indian theory, the Hindu theory, the Vedantic theory, namely the essential divinity of man, and try to reform him. If you like, you can make some conditions. Therefore I am submitting that it is not a very easy problem on which to say either way or to make a final pronouncement.

I do not know whether the Law Commission is doing anything, or whether the Law Commission will be able to do anything before it receives its final capital punishment from Parliament. But let all the States give us their considered views. May be Shri Sampurnanand is in favour of capital punishment. His opinion is entitled to the highest respect. Let us know their views, let us know the views of the High Courts, the Bar Associations and other associations who take cognizance of sociological problems. I am appealing to Shri Pataskar. He is a great lawyer, and I am appealing to the lawyer in him, to the votary of Themis, to the jurist in him, not to take the Home Ministry's point of view but to take the reformer's point of view, the legal revolutionary's point of view and accept this motion for circulation of the Bill. I hope he will be good enough to accept it and that the coun-

try will have a chance of pronouncing its final and definite opinion and then we shall be in a position to decide it ultimately.

Some Hon. Members rose—

Mr. Deputy-Speaker: Shri Tek Chand. Let us hear Punjab first.

Shri Raghunath Singh (Banaras Distt.—Central): Then U. P.

Shri Tek Chand: It may sound paradoxical but it is nevertheless true that the author of this Bill is motivated by the most merciful notions when he thought of introducing this Bill, but this is a most merciless Bill, because by letting off the killers, the butchers and the murderers, he will be letting loose murderers amuck, the result of which will be that neither life, nor liberty nor honour will be safe.

I should have thought that the learned author should have been more than satisfied when only few months ago we passed the Criminal Procedure Code (Amendment) Bill whereby section 367 was substantially amended. According to section 367, sub-section 5, as it previously stood before the amendment, the rule of law was that if the accused is convicted of an offence punishable with death and the court sentenced him to any punishment other than death, the court shall in its judgement state the reason why the sentence of death was not passed. This provision is no longer the law. The change is this. Originally, if a murder had been committed, the ordinary normal sentence was the sentence of death. And, if, for special reasons or extraordinary reasons, the Sessions Judge thought that the sentence of death was not merited and a more lenient sentence was called for, he had to specify the reasons in support of his being more lenient. Now, it is his discretion whether to award the extreme penalty known to law or a lesser one. Therefore, it will leave

the Sessions Judge with an absolutely free hand to make a distinction between murders which were pre-planned, designed and brutal and murders which were not pre-planned perhaps, and which were as a result of the impulse of the moment, or what are known in France as *Crimes passionnels*.

Before Shri Chatterjee were to leave this House (Shri N. C. Chatterjee: I am not leaving). I would have been anxious to put one question to him. He had adorned the Bench of the premier High Court with great distinction. I should have liked to have known whether throughout his period of judgeship, did he always commute sentences of death whenever a murder reference came up before him, or whether his record was in consonance with pretensions of today or of his practice of yesterday. (Interruption).

He tells us that in Belgium, a country the size of which may be, perhaps, equal to one district of ours or may be a little less, and in Holland, capital punishment has been abolished. When he was giving that information I should have liked also to have asked him what is the average number of murders committed in Belgium or Holland.

Take the case of England, where, as a result of considerable debate and considerable doubts being expressed, the House of Commons was of the view that the death penalty ought to be abolished. But the House of Lords turned that down. It is necessary to remember that in England there are 150 murders a year with a population of 6 crores. In my country, accepting the statistics furnished by the preceding speaker, there are 9,000 murders a year. I thought there were 15,000; may be my information was wrong. I am willing to accept the figure of the preceding speaker—9,000 murders a year in a population of 36 crores. India has six times the population of England and our murders are 60 times the number of murders in England according to the statistics of Shri Chatterjee.

Mr. Deputy-Speaker: Would it not supplement the schemes for birth control?

Shri Tek Chand: If you view it from that point of view, it would, perhaps, be more desirable to have a Bill allowing infanticide.

This is the state of affairs in our country. When we say that in other small countries like Belgium, which can be put away in some small pocket of India, this is not so, the analogy is unconvincing; it is illogical.

In one district of ours, I believe, Sir, your constituency, in Ferozepur—no, it is the constituency of my learned colleague to the left Sardar Iqbal Singh—the average is one murder a day. Twenty-four hours do not pass without one person losing his life as a result of some murder at the assassin's hand. Now, to tell all those gentlemen with gory and sanguinary predilections, from now onwards they can carry their trade *ad libitum* and if they are caught and convicted, then, for the rest of the days they will be guests of the taxpayers of this country and will be lodged in comfortable lodgings for the remaining period of their lives and their daily meals and raiment will be assured is not good.

Pandit Thakur Das Bhargava: Only for 7 or 8 years.

Shri Tek Chand: No; transportation for life.

Pandit Thakur Das Bhargava: Transportation for life means about 10 years.

Shri Tek Chand: That interjection of Pandit Thakur Das Bhargava is most revealing. He says, 'No. Transportation for life virtually means today 6, 7 or 10 years'. If this is the result of the abolition of the death penalty, the result will be that those who are so minded will murder for the pleasure of doing so and enjoy a little holiday, may be for 6 or 7 years, at the expense of the State. It

[Shri Tek Chand]

is bewildering when my hon. friends, talented friends, experienced friends counsel in the teeth of these facts that the death sentence should be abolished. Human memory seems to be very short.

It was in 1947 that we had a spate of assassinations, human slaughter, and butchery, as a sport. During the partition days, whether they were children, women or old men, so long as they were of the other community, to kill them was not an act of sacrilege but it was almost meritorious and holy. Seven years ago.....

Shri Raghavachari: When men become beasts.

Shri Tek Chand: Yes; my learned friend is quite right. It is so when men become beasts. If you go to the Romans they would say *Homo homini lupus est*. Man upto man is a wolf. Therefore, it was not in 1947 that men became beasts, but that happens to be human nature unfortunately. That being the position, if humanity is to be saved, it can only be saved by keeping this terror in the repository of the judicial armury, to be used sparingly, occasionally and infrequently. You have already provided that. You have given full rope to your humane impulses when you passed the Act amending the Code of Criminal Procedure. That being the position, let us try this experiment, may be, for 10 years, may be, for a few years less or more and see what is the effect.

I was rather surprised when someone said that the death sentence does not deter. Examine this from the point of view of what happens among people with criminal propensities. Let us assume that some people go to commit a dacoity. They know that if the dacoity is committed their purpose is served and they will get away with the lucre, all the property. But if the fear of death sentence were not there, every dacoity and robbery in this land will be accompanied

with murders to boot. If dacoits, who have no soft feelings, spare their victims and simply relieve them of their valuables, it is because they know that if in addition to dacoity there is a murder, then the gallows are there and they may be dancing in the air suspended by the neck. These are the circumstances, these are the peculiar notions. Even people in the U.S.A., as Shri Chatterjee very rightly remarked, had to retrieve the steps they had taken. Socially, they had done something that was wrong and thereby endangered and jeopardised the security of the peace-loving people, and therefore they had to resort to the sentence of death. That being the position, I submit that it is no use saying that in the land of the Buddha, in the land of Mahatma Gandhi, in the land of Mahavir, death penalty ought to be abolished. It is better to remember that in the land of the Buddha, in the land of Mahatma Gandhi, in the land of Mahavir, 9,000 murders take place every year. The Apostle of mercy, peace and kindness had to die at the hands of an assassin. If he could not be spared, do you think that by the abolition of death penalty, there will be fear of God in the mind of the potential murderer? What peculiar feelings of mercy sway the hon. Members on behalf of a man whose hand is red, whose knife is dripping with human blood, with the blood of an innocent man, I do not know. Why is my learned friend, Shri Mukund Lal Agarwal or my hon. friend, Shri Chatterjee, who adorned the Bench with distinction, today shedding tears for the man whose hands are gory, whose knife is dripping with blood, may be of a child, a woman or a helpless victim? Why do they say, "Spare him the repetition of the death which he perpetuated and lodge him comfortably"?

This, I respectfully submit, is not mercy, but negation of mercy; this is not justice but travesty of justice. It will be an ill day, when a potential

murderer—9,000 die in this land every year in this way—will think, "Go on with your gory business, nobody is going to hang you". I wish to oppose this Bill.

Mr. Deputy-Speaker: I am conscious of the subject before us and the hon. Members being very resourceful and that each Member can take as much time as perhaps there might be available to us, but I must bring it to the notice of hon. Members that there was only 1 hour 15 minutes with us and another one hour was asked for, and even if that is given, there will be 2 hours 15 minutes, that is, the time should expire by 4-45 P.M. Therefore, I would request hon. Members that they should be concise in their comments and there are half a dozen more to speak on this Bill. I now call on Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भर्गवा : मैं श्री मुकन्द लाल यशवाल को मुकारकबाद देता हूँ कि उन्होंने एक ऐसे मजमन को इस बिल के अन्दर ला कर हाउस के सामने रखा है जो निहायत ज़रूरी था और जो डिवेटेब्स (वादविवाद के योग्य) भी है। मैं ने दो बड़े जोर की तक़रीरें सुनीं, एक तो इधर हमारे श्री चटर्जी की ओर दूसरी श्री टेकबन्द की। जब मैं इन दो तक़रीरों को अपने दिमाग में लाता हूँ और इन के रीजन्स (तक़रीरों) को सोचता हूँ तो मुझ को डर लगता है कि क्या मैं सही नतीजे पर पहुँच सकूँगा या नहीं। इसी बास्ते मैं कहता हूँ कि वकीलों में जो बड़े प्रोरेटर्स (वक्ता) हैं उन की बाबत यह समझ लेना चाहिये कि यह जहां इसांफ पसन्दी से काम लेते हैं और हम को ठीक गाइडिएस (भाग्यदर्शन) देते हैं वहां प्रगर यह किसी लास मजामून के पीछे पड़ जायें तो वे अपने नतीजे हम पर धूसने के लिय ऐसे आर्गुमेंट्स (तर्क) देते हैं कि वह हमारे जजमेंट को प्रीजुडिस (निर्णय को प्रतिवूल) कर देते हैं। हम को तो वही तरीका अखिलत्यार करना चाहिये कि न हम इस एकस्ट्रीम (सीमा) को देखें और न

उस एकस्ट्रीम को देखें बल्कि जो हमारा इंडिपेंट जजमेंट (स्वतंत्र निर्णय) इस बारे में निकले उस को हम मानें। मैं उसी नुस्तेनिगाह से जनाब वाला की खिदमत में पहले उन चन्द एक आर्गुमेंट्स का जिक्र करूँगा जो बड़े जोर सोर के साथ उन लोगों ने दिये हैं जो चाहते हैं कि इस का एबौलिशन (समाप्ति) हो जाय और इस में कमी हो। अब जो लोग इस में तबदीली करना चाहते हैं, बड़न (दायित्व) उन पर है कि हमारे दिलों को वह तबदील करें और उन की दलील भीर उन के आर्गुमेंट्स इतन मुकामिल हों जिन से कि हम कर्निंस (विश्वास) हो जायें कि वह जो करमाते हैं वह ठीक है।

(१) पहली तजबीज उन की यह है कि बहुत से मुल्कों में यह कैप्टिल पनिशमेंट (मृत्युदंड) एबौलिश (समाप्ति) हो रहा है। (२) दूसरी चीज वह यह कहते हैं कि उस का एफैक्ट (प्रभाव) डिटरेट (भयोत्पादक) नहीं होता है, जिस को फांसी देते हैं उस पर डिटरेट एफैक्ट नहीं होगा, दूसरे लोगों पर डिटरेट एफैक्ट नहीं होता। बहुत से मुल्कों में जहां यह भौजूद है जहां पर यह कैप्टिल पनिशमेंट होता है वहां पर जरायम (अपराध) में कोई कमी नहीं हुई और उन मुल्कों से जो स्टैटिस्टिक्स (आंकड़े) मिलते हैं उन से साबित नहीं होता है कि कैप्टिल पनिशमेंट से डिक्रीज इन क्राइम (अपराध में कमी) होती है। जिन जगहों पर इस को बन्द किया गया वहां पर से ऐसे स्टैटिस्टिक्स भी मिले हैं कि जिन से साबित होता है कि डिक्रीज इन क्राइम हो गई है। (३) एक आर्गुमेंट (तर्क) उन का यह है कि जो शस्त्र मार दिया जाता है और चूंकि वह मर जाता है और हमारे पास यह चांस (भीका) नहीं है कि जो आज के दिन सही उसल (सिद्धान्त) समझा जाता है कि जुम करने वाला मुजरिम दरभसल इस संसार में नहीं है जिस में कि हम समझते हैं बल्कि उस का माइंड (दिमाग) डिसीज्ड (झूँझित) हो जाता है और उस का ठीक

[पंडित ठाकुर दास भार्गव]

से इलाज कर के और अच्छे एनफुलसेंज (प्रभाव) क्रायम कर के उस की भायन्दा जिन्दी को बेहतर बनाया जा सकता है, उस चांस से हम भर्हम (वंचित) हो जाते हैं। (४) चौथा आर्गुमेंट उन का यह है कि दरबरसल हियुमन इस्टिट्यूशन (मानव) इतना कमज़ोर है कि बहुत दफ़ा इस में शालती का इमकान (समावना) है और कितनी दफ़ा एसा हुआ कि एक आदमी को फांसी का हुक्म हो गया और फांसी के हुक्म के बाद एक एक्यूज़ (अभियुक्त) अदालत के सामने आ कर पेश हो गया और कहने सका कि खतावार (अपराधी) मैं हूँ और मैं ने मारा है और यह चीज़ साबित हो गई कि वह शास्त्र बिलकुल बेगुनाह था जिस को कि पहले फांसी की सजा दी गई

Shri Tek Chand: How often?

Pandit Thakur Das Bhargava: It is not so rare. If my friend wants to know, in my practice I can give several occasions or several cases in which this has been done and this has been demonstrated.

हमारे राष्ट्रपति जी ने एक ऐसे शास्त्र को जिस की फांसी का हुक्म था हमारे रिप्रेंटेशन पर उस को पाईन (क्षमा) कर दिया। एक एसा केस मैं जानता हूँ जिन में कि गवर्नर्मेंट आफ इंडिया का हुक्म पहुँचा कि कलां शस्त्र को फांसी न दी जाय लेकिन उस को दस मिनट पहले फांसी दे दी गई। किन्तु ही केसेज मैं जनाव के सामने अर्ज कर सकता हूँ जिन के कि अन्दर एसे आदमियों को जो दरबरसल इस जुर्म के गुनाहगार नहीं दे उन को फांसी की सजा हुई और मैं उन को मिसालें दे सकता हूँ। मेरे लायक दोस्त का इटरप्शन भी वाजिब ही है और मैं समझता हूँ कि इस ४७, ४८ कर्व के मेरे जमाने बकालत में जिस में ने तकरीबन एक हजार सेशन केसेज किये होंगे, पांच,

सात केसेज ऐसे होंगे इसलिये यह कहना गलत है कि ऐसे केसेज नहीं हैं या तादाद में बहुत काफी हैं। हियुमन जजमेंट (मानवीय निर्णय) बिलकुल फौलेबुल (भूल-चूक के योग्य) है और उस में बहुत गलतियाँ हो सकती हैं। (६) उन का छठा आर्गुमेंट यह है कि जिस शास्त्र को फांसी दी जाती है उस के रिस्तेदारों को बड़ी तकलीफ होती है, उस को खुद को छोड़ दें लेकिन रिस्तेदारों को बड़ी तकलीफ होती है। (७) वह यह भी आर्गुमेंट देते हैं कि रैट्रिव्यूशन (बदला) किसी मजहब (धर्म) का उस्तूल (सिद्धान्त) नहीं है। महात्मा बुद्ध, इसा मसीह और दूसरे दुर्गां की नसीहत (उपदेश) चली आई है कि मनव्य मात्र के साथ दया का बर्ताव करो, मर्सी (दया) करो और किसी को जान मत लो और जान का लेना एक बाबरस ऐक्ट है। मुझे भी मुकन्दलाल जी के ये छः सात आर्गुमेंट मालूम हुए। मुझे पता नहीं कि उन का कोई और आर्गुमेंट है या नहीं, लेकिन जब मैं ने उन की स्पीच (भाषण) पढ़ी और यहां पर तकरीरें सुनी तो मुझे सिफ़ इतने ही आर्गुमेंट मालूम हुए। जिन आर्गुमेंट्स में मुझे कुछ वजन मालूम होता है, उन के बारे में कुछ अज्ञ करना चाहता हूँ। जहां तक सबाल है कि दूसरे मुल्कों में क्या यह चीज़ रायज (ठीक,) है, मैं अर्ज करना चाहता हूँ कि उन की स्पीच पढ़ने के बाद मैं यह न तीजा नहीं निकाल सका कि कूँकि बहुत से मुल्कों ने इस चीज़ को बन्द कर दिया, और वाजिब तौर पर बन्द कर दिया, इसलिये हम को उन के पीछे चलना चाहिये। वै उन मुल्कों की भिसालों को ज्यादा वजन देता हूँ जिन्होंने एक दफ़ा इस को बन्द कर दिया और कुछ अर्स के बाद उसे फिर जारी कर दिया। उन्होंने ने तजुर्बा कर के देख लिया और फिर जारी कर दिया। लेकिन जैसा चैर्जर्स साहब फरमाते हैं कि एक्स्प्रेसिमेंट (प्रयोग) कर के देख लो। मैं कह

सकता हूँ कि अगर एक्सप्रेस्मेंट कर के देखा गया कुछ असें के लिये तो देशर विल बी ए स्पेट आफ मड़स (हत्याओं की एक बाड़ आ जायगी), इस में मुझे कोई शुब्दहा नहीं है। श्री टेकचन्द जी ने जिस ढंग से पेश किया उस के अन्दर मुझे सच्चाई मालूम पड़ती है। आप कुछ दिनों के लिये बन्द कर के देख लें, मड़स (हत्याओं) की तादाद (संख्या) बढ़ जायगी, आप हमेशा के लिये बन्द कर दें तो तादाद बढ़ेगी या नहीं, मालूम नहीं, लेकिन कुछ असें के लिये ऐसा करने का असर अच्छा नहीं होगा। मेरी राय यह है कि बहुत से मुल्कों ने बन्द नहीं किया है, और जो मुल्क बन्द कर देते हैं, हमें आख बन्द कर उन की तकलीद (अनुकरण) नहीं करती है। हम को अपने मुल्क के हालात को देखना है, अपने मुल्क के हालात को देख कर ठीक रास्ते का फैसला करना है। अगर सब मुल्क इसे बन्द कर देते तो मैं सब मुल्कों को साथ देना पसन्द करता, लेकिन अब भी यह चीज डाउटफुल (संदेहास्पद) है कि किन मुल्कों ने इस को जरूरी समझा है और किन्होंने नहीं। इसलिये आर्मेंट अपील नहीं करता कि चूंकि और चन्द मुल्कों में यह चीज नहीं है, इसलिये हमें नहीं करना चाहिये।

दूसरी इम्पार्टेन्ट आर्मेंट (महत्वपूर्ण तर्क) और सब से बड़ा आर्मेंट जो है उस में दो बातें हैं, एक तो डिटरेंस (भय) की और दूसरी इन्फैलिबिलिटी आफ जजमेंट (निर्णय के गलत न होने की) की। मैं जानता हूँ कि गलती इन्सान से ही होती है, लेकिन मैं पूछना चाहता हूँ कि इस कैपिटल पनिशमेंट (मृत्युदंड) वाले जितने भारी जरायम (अपराध) होते हैं, उन में कितनी गलती होती है। मैं हर एक सजा के लिये तो नहीं कह सकता, लेकिन कैपिटल पनिशमेंट के बारे में कम गलती होती है। इस में शुब्दहे का कायदा दिया जाता है। अभी चैटर्जी साहब ने मिसाल दी कि लोग चाहते थे कि

अगर कैपिटल पनिशमेंट वाले जुम्ब में चालान हो जावे ताकि बरी हो जावे तो यह बात सही है कि अगर बहुत सस्त सजा कायम कर दी जाय किसी जुम्ब की, तो नतीजा यह होता है कि जज स्थान करता है उस की बाबत कि चूंकि इस जुम्ब की सजा बहुत सस्त है, इसलिये मुलजिम को छोड़ दिया जाय। इसलिये बहुत सस्त सजा का मुकर्रर कर देना अपने परपत्र को ही डिफोट (उद्देश्य को विफल) कर देता है। हमें जुम्ब की नवैयत (प्रकार) को देख कर ही सजा कायम करनी चाहिये। यह उसूल ठीक है। मैं जानता हूँ कि कितने ही केसेज में ऐसा हुआ है कि बेगुनाह आदमी को फिल वाक्या फांसी की सजा का हुक्म हो गया। मैं ने एक ताजा मिसाल श्री दातार साहब के रूबरू पेश की और रेकाई की बिना पर अर्ज किया कि इस केस में बेगुनाह आदमी को सजा हुई है। उस को उन्होंने कम्पूट कर (बदल) दिया। एक केस में एक आदमी को फांसी का हुक्म हो गया, डाकू गये और लोगों की मार आये। जहां का वह रहने वाला था वहां के लोगों को, जिन में एक कांप्रेसमैन पंडित नेको राम मरहूम भी थे, पता चला कि वह बेगुनाह है। उन्होंने तहकीकात कराई। ताहकीकात के बाद, जिस आदमी को फांसी का हुक्म हुआ था, उस का भाई गिरफ्तार कर लिया गया, जिस ने डाका डाला था और कत्ल किया था। उस ने जेल में इक्बाल किया कि जुम्ब तो मैंने किया है, मेरे भाई ने नहीं, वह गांव के बाहर ही नहीं गया। इस सब का नतीजा यह हुआ कि इस की तहकीकात हुई, १२ गांव को पंचायत हुई, जिस में तय पाया गया कि जिस को सजा का हुक्म हुआ वह बेगुनाह है। सुपर्टेंडेंट आफ पुलिस ने अपनी रिपोर्ट भेजी। मैं बहुत सी मिसालें इस तरह को देसकता हूँ। अगर इन्सान का जजमेंट (निर्णय) इन्फैलिबिल (भूलचूक न होने वाला) होता हो यह सबाल ही पैदा नहीं होता कि सजा दें या छोड़ दें। हालूमन जजमेंट के पास ऐसा

[पंडित ठाकुर दास भार्गव]

इन्स्ट्रुमेंट (साधन) नहीं है, कोई तरीका हमारे पास नहीं है, सिवा इन कोट्स के जरिये मालम करने का, अगर जुर्म को मालूम करने का कोई तरीका बन जाये, जैसे कि साइकलोजिस्ट्स (मनोवैज्ञानिक) वर्गरह क्लेम (दावा) करते हैं, तो वात दूसरी है, वर्ना जब तक भौजूदा तरीका चलता है, जब तक कोट्स कायम हैं, हमारे पास कोई तरीका नहीं है सिवा इस के कि हम इस तरीके को ही कायम रखते। अगर आप हर तरह के जरायम के बास्ते भौजूदा तरीके को बदलना चाहते हों तो इस को भी छोड़ दें, वर्ना मैं इस आर्गमेंट को मानने के लिये तैयार नहीं हूँ कि इस बिना (आधार) पर कैपिटल पनिशमेंट हटा दिया जाय। मैं इस चीज को मानता हूँ कि रेपर केसेज (किंचित् मामलों) में कांसी की सजा होनी चाहिये क्योंकि इन्सान के जजमेंट में हमेशा ही सटैन्टी (निश्चितता) नहीं हो सकती। इसलिये इस सजा को उन केसेज के लिये ही होना चाहिये जिस में सटैन्टी हो। जनाव को मालूम है कि मर्डर केसेज के बास्ते यह बात कहीं गई है: “the fouler the crime the better the evidence should be.” (अपराध जितना ही अधिक गलत हो उतना ही अच्छी साक्ष होनी चाहिये) और क्या कहते हैं? जिस मामले के अन्दर बड़ा जुर्म हुआ हो, तो हमारा सुनीम कोट्स (उच्चतम न्यायालय) और बूरिज्मूडेस (विविशास्त्र) कहते हैं कि मुजरिम को बेनिफिट आफ डाउट (सन्देह लाभ) दो, सजा न हो। इस का यह मतलब नहीं है कि अगर कोई कल्प या डाके का मामला हो जाता है और उस में डाउट हो सकता है तो सारा जजमेंट गलत होता है और इसलिये कैपिटल पनिशमेंट नहीं देना चाहिये। मैं इस आर्गमेंट को कंक्लूसिव (निर्णयात्मक) नहीं समझता। मैं तो इस की यह नतीजा देखता हूँ कि हम निहायत एहतियात से काम लें, जिस में किसी बेगुनाह को सजा

न हो जाये। मैं इस चीज के माने यह नहीं समझ सकता कि सारे जजमेंट्स को और कोट्स को ही कंडेम कर दिया जाय।

अब सबाल डिटरेंस (भ्रय) का है और यह इतना ज़रूरी है कि मैं चाहूँ हूँ कि सिफ स्टेट्स और हमारी गवर्नरमेंट ही इस चीज का फैसला न करें। सारे कंट्री (देश) के सामने यह बिल जाना चाहिये। हर एक आदमी के मुतालिक यह चीज है। हर एक बार एसोसिएशन (बॉल संघ), हर एक जज और हर एक मामूली आदमी अपनी राय इस के मुतालिक दे सकता है कि आया डिटरेंस होता है या नहीं और इस का असर सोसायटी (समाज) पर क्या होगा। मैं अर्ज करना चाहता हूँ कि अगर आप डिटरेंस के सबाल को उठायेंगे तो आप को एविडेंस (साक्ष) नहीं मिलेगी क्योंकि यह सबाल इस कदर मुश्किल है जिस की इन्तहा नहीं है। मैं ने अपने दोस्त की तकरीर भी सुनी। मैं डिटरेंस के बारे में अर्ज करूँ कि अगर कोई नतीजा चार काजेज (कारणों) की बजह से पैदा होती है तो जब तक आप तीन काजेज को न निकाल में, चौथे काज को आप कंनेक्ट (संबद्ध) नहीं कर सकते। कल्प क्यों हुआ करता है? मैं मानने को तैयार हूँ कि जब आदमी कत्स करता है तो पैदान (क्रोध) में होता है। उस का अपने ऊपर काबू नहीं रहता। वह जो फेल करता है उस के कांसिक्वैसेज (परिणाम) को पूरी तरह नहीं देखता है। लेकिन यह एक बहुत चीड़ा स्टेटमेंट (कथन) है कि किसी सूरत में जब आदमी फेल करता है तो कांसिक्वैसेज से डरता नहीं है। मूले मालूम है कि ८७ परसेंट (प्रतिशत) केसेज में लोग मर्डर केसेज में एक्विट (छूट) हो जाते हैं। लोगों को यकीन ही नहीं होता कि वह कल्प करेंगे और श्री टेकचन्द्र साहब उन को बचा नहीं लेंगे। जब यह सूरत ही तो डिटरेंट एफेक्ट की बात कहा रही अगर

यह यकीन हो जाय कि इस जुर्म की सजा फांसी है, और कत्ल करने पर वह जरूर मिलेगी। तब तो उस को डिटरेंस असर दिलाया जा सकता है। जब आदमी जानता है कि बाबजद कत्ल करने के मैं बच जाऊंगा, हाई कोर्ट व सुप्रीम कोर्ट तक जाऊंगा, बकील कर लूंगा, आफी के लिये जज को तैयार कर लूंगा, गवाही तोड़ने के लिये किसी को पैसा दे दूंगा। ऐसी हालत में डिटरेंट परिशमेंट हो या मामूली, क्या फर्क पड़ता है। लोगों ने बतलाया कि जहाँ ऐसी सजा नहीं है वहाँ जुर्म भी नहीं बढ़ा। मैं पूछना चाहता हूं कि आप के पास क्या पैमाना है कि अगर यह सजा न होती तो यह जुर्म कितना हो जाता? यह आर्गमेंट ऐसा नहीं है जिस को हम इस तरह से गोल्डेन स्केल्स (नाचुक पैमाने) पर तोल सकें और पता लगा सकें कि ऐसी सजा डिटरेंट है या नहीं। फिर कहा गया कि डिटरेंस कम होती है उतना ही लोगों पर असर होता है, उतना ही लोग जुर्म करते हैं, इस की बजह से हजारों किमिनल्स (अपराधी) ने इस देश के अन्दर जुर्म करना बन्द कर दिया। अगर ला (विधि) का डर नहीं होता तो सारे कोट्स व पुलिस को बन्द कर दीजिये। इस में कोई आर्गमेंट नहीं है कि कोई ज्यादा सजा क्यों पाये। इस बारे में जितनी कठिनाई पाई जाती है हम पूरी तरह से जानते हैं अगर इस डिटरेन्ट न होने की बहस को माना जावे तो सब मशीनरी अवालतों व पुलिस को बन्द कर दी जावे फिर देखें क्या होता है। जहाँ डिटरेंस का सबाल है, इस का हमारे पास कोई डेटा (आंकड़े) नहीं है जिस की बजह से हम इस नतीजे पर पहुंचें कि हमारा ला (विधि) डिटरेंस (भयोत्पादन) का काम करता है या नहीं।

अभी इस हाउस के रूबरू बड़े जौर से महात्माओं की बात कही गई। मैं अपने को इस काबिल नहीं समझता हूं कि मैं महात्माओं के मूतालिक कुछ कह सकूं कि

उन की विड (लक्ष्य) क्या थी। लेकिन मुझे मालम है कि महात्मा गांधी की ब्लेसिंग (आशीर्वाद) उन लोगों के लिये थी जो रेडसं (आकमणकारी) का मुकाबला करने के लिये काश्मीर गये थे। मुझे मालूम है कि गीता में कहा गया है :

“परित्रायाय साधूनाम्, विनाशायच दुष्कृताम्,
धर्मं संस्थापनार्थ्यं, संभवामि युगे युगे।”

दुष्कृत्यों के विनाश के लिये मैं जन्म लेता हूं। जुर्म के लिये साप्ट हारटेडनेस (सहदयता) नहीं है। किसी सूरत में हक्क नहीं है कि कोई आदमी किसी आदमी की जान ले। हमारे यहाँ शास्त्रों में लिखा हुआ है कि जो आउटला (आततायी) लोग हैं उन को मार देना कोई जुर्म नहीं है। यहाँ मिसाल दी गई यू० पी० के दो लेजिस्लेटरों के कत्ल की, कहा गया कि महात्मा जी के काल करने वाले को उसी बक्त लोग जान से मार डालते। इस बक्त जो कानून है वह यह कि जो लोग किसी को मारते हैं वह फांसी पाने के मुस्तहक (योग्य) हैं, अब क्या यह कर दिया जाय कि अब ट्रांस्पोर्ट-शन फार लाइफ होगा (आजीवन काला पानी) मर्डर के लिये ताकि ८ साल बाद फिर आ कर जुर्म करो। मैं ने अपने जिले में कई केस किय हैं। एक गांव के अन्दर जिस के अन्दर फ्यूड्स (बेरेलू जगड़े) थे अगर एक आदमी को मार दिया गया तो जब तक कि सारे के सारे गैंग (जत्थे) के आदमी सत्म नहीं हुए और दूसरी तरफ के आदमियों को सत्म नहीं किया गया, उस गांव में वीस (शान्ति) नहीं हुआ। मैं ने ऐसे ऐसे केसिस (मामले) किये हैं जिन में जो असली मर्डर (हत्यारा) था वह मेरे पास बैठा हुआ था, मुझे इंस्ट्रक्शन्स (हिदायतें) दे रहा था, उस का चालान नहीं किया गया किसी दूसरे का ही चालान कर दिया गया। तो मैं बड़े शदव के साथ अर्ज करता हूं कि जब इस तरह के जराइम होते हैं तो जो डर का थोड़ा बहुत एलिमेंट (तत्व) है उस को द्वारा ना

[पंडित ठाकुर दास भार्गव]

किसी भी नुक्तेनवार से जायज़ नहीं है। मैं नहीं जानता कि कोई घर्मशास्त्र या कोई हमारा कानन हमें यह कहता हो कि eye for eye and tooth for tooth (जैसे को तैसा) किसी साहब ने कहा कि प्राइवेट रिट्रिव्यूशन (प्रापसी बदले) के बास्ते अगर ऐसी आर्गमेंट हो तो शायद इस में सच्चा हो। इस के बारे में मैं यह अच्छे करना चाहता हूँ कि प्राइवेट रिट्रिव्यूशन का असर यह होगा कि एक खानदान के लोग दूसरे खानदान के लोगों को जिन्दा नहीं रहने देंगे अगर उन के साथ उन की दुकमनी है। कोट्स और पुलिस का मतलब यही है कि मजलूम आदमी रिट्रिव्यूशन नहीं करता है बल्कि वह परसन (लीसरा व्यक्ति) करता है। तो यह चीज़ स्टेट के इंटिरेस्ट (हित) में है, कि यह प्राइवेट रिट्रिव्यूशन न हो। मैं समझता हूँ अगर आप इस पनिशेंट (दंड) को हटा देंगे तो आप प्राइवेट रिट्रिव्यूशन को डायरेक्ट इंसेटिव (प्रत्यक्ष प्रोत्सा हन) देंगे। कई केसिस ऐसे हैं जिन के अन्दर खानदानों को ही खत्म कर दिया गया है। अगर किसी को कत्ल किया जाता है तो उस का जो बेटा है वह इस का बदला लेगा और १२ बरस की मुहूरत खत्म नहीं होती कि कत्ल का बदला ले लिया जाता है। कई गांव ऐसे हैं जहां पर इस तरह से हुआ है और जिस के बारे में मैं जानता हूँ। बाद में वे लोग भले ही छठ जाते हों लेकिन बदला वे अवश्य ले जाते हैं। ऐसी हालात में यह जो घर्मशास्त्रों की आर्गमेंट दी गई है, इस को मानने के लिये मैं तैयार नहीं हूँ।

यह भी कहा जाता है कि जिस ने कत्ल किया है, उस के माता पिता ने उस की बीवी बच्चों ने, उस के रिश्तेदारों ने क्या कहू़र किया होता है। मुजरिम को तो फांसी के तस्ते पर लटका दिया जाता है, लेकिन जातीजा यह कि उन से उन का बेडिक्षर (पोषणकर्ता) छीन लिया जाता है। मैं यह मानने के लिये तैयार हूँ कि बहुत से

केसिस में हार्डिंग (कठिनाई) होती है। मैं ने एक केस किया है जिस का मैं नाम नहीं सेना चाहता और जिस के अन्दर एक बेटे ने अपने बाप को कत्ल कर दिया था और बचारी मां जो अपने खाविन्द का कत्ल नहीं चाहती थी क्या कर सकती थी। उस का वह इकलौता बेटा था लेकिन उस पर यह इलजाम था कि उस ने अपने बाप को कत्ल किया है। जज ने जजमेंट दिया कि बाप को बेटे ने कत्ल कर दिया है। अगर मैं ने बेटे को फांसी की सजा दी तो जो उस की मां है वह इस दुकम को सुनते ही भर जायेगी और सारे का सारा खानदान बाइप आउट हो (मिट) जायगा। यह फैसले में लिखा गया है। मैं नहीं जानता कि कहां तक इस तरह का जजमेंट दुस्त है लेकिन इस के अन्दर एक चीज़ जरूर है जिस पर ध्यान रखा जाना चाहिये और वह यह है कि यह जो फांसी की एक्स्ट्रीम (चरम सीमा) सजा है यह एक्स्ट्रीम केसिस (चरम सीमा के मामलों) में ही दी जानी चाहिये। हर एक मर्डर के मामूली से मामूली केस में यह सजा नहीं दी जानी चाहिये।

लेकिन इस के साथ ही साथ मैं पूछना चाहता हूँ कि रिलिजस फैनेटिसिज्म घर्मान्धता की बजह से एक आदमी दूसरे को मार दे और आप उस को छोड़ दें तो इस का क्या असर होगा। इस का असर यह होगा कि जो दूसरे रिलिजन (घर्म) के आदमी हैं वे जा कर उस रिलिजन को मानने वाले आदमियों पर हमला कर देंगे और इस का जो नतीजा निकलेगा उस का अंदाजा आप लगा सकते हैं। तो एक बात है कि जो इनकोरिजिबल (जिन का सुधार नहीं हो सकता) हैं और जिन के बारे में आप जानते हैं कि जेल से जाते ही वे दूसरा जुर्म कर देंगे उन को जिन्दा रखने में कौन सा भारल प्रिसिपल (नैतिक सिद्धान्त) है जिसकी बजह से आप उन को जिन्दा रखना चाहते हैं। अगर आप ने

आतताई को जन्मा रखा तो जो आतताई की डेफिनिशन (परिभाषा) है वहीं खत्म हो जायगी। आतताई को मारना, आउटला को मारना कोई जुम्ब नहीं है।

जब आप यह कहते हैं कि जिस ने कत्ल किया है उस के रिश्तेदारों को तकलीफ होगी तो मैं आप की तवज्जह जो मक्तुल है उस के रिश्तेदारों की तरफ भी दिलाना चाहता हूँ जिन के रोटी कमाने वाले को कत्ल कर दिया गया है। तो आप को हमस्तन नेचर (मानव प्रकृति) को भी देखना होगा और दोनों को एक स्केल (तराजू़) के अन्दर वे (तील) करना पड़ेगा। आप को एकतरका फैसला नहीं दे देना चाहिये, आप को दूसरे पहलू पर भी गौर करना चाहिये। जिस स्थानदान के आदमी को कत्ल कर दिया गया है वह स्थानदान कर्मी तो यह नहीं चाहता है कि वह आदमी जिन्मा रहे और वह जिन्मा रह भी नहीं सकता है। मैं ने देखा है कि जब एक आदमी किसी दूसरे घर के सामने से गुज़रता है जहां पर रहने वाले को उस ने कत्ल कर दिया है तो वह एक संगूरा मारता है और सांसता है। तो जब वह संगूरा मारता है कि तो जिस स्थानदान के घर के सामने वह संगूरा मारता है तो उस स्थानदान वालों को जो चोट एक सलवार के चलाने से लग सकती है उस से भी ज्यादा चोट लगती है। उसी दिन या उसी रात को वे लोग उस के घर पहुँच जाते हैं और जब तक उस को खत्म नहीं कर देते वे न की सांस नहीं लेते। कोई भी नहीं चाहता कि इस तरह से संगूरे उस के मकान से सामने कोई मारे। यहीं चीज़ मैं ने दूसरी जगह भी देखी है....

उपायका भाषेव्य : दूसरी जगह शायद बरदाश्त कर लिया जाता हो लेकिन पंजाब में नहीं।

पंजित ठाकुर बात मानव : मैं ने १०० पी० में देखा है और वहां भी केसिस किये हैं। वहां पर भी इस चीज़ को बरदाश्त नहीं किया जाता है। वे लोग भी पंजाब के रहने वाले लोगों की तरह इस चीज़ को बरदाश्त नहीं कर सकते हैं। १०० पी० में संगूरा वही असर रखता है जो वह पंजाब में रखता है। यहीं हाल राजस्थान वालों का है। वहां पर रोज़ डाके पड़ते हैं, रोज़ मर्डर (खून) होते हैं। मैं बाकी जगहों के बारे में ज्यादा नहीं जानता हूँ।

तो जहां पर इस तरह से मर्डर होते हैं उन इलाकों के लिये क्या आप कह सकते हैं कि यह जो डिटरेंट पनिशमेंट (भयोत्पादक दंड) है इसे हटा दिया जाना चाहिये। मैं अदब से अच्छे करता हूँ कि यह पंजाब या १०० पी० का सवाल नहीं है। इस चीज़ को लोलने और देखने का सवाल है। तो जितना बजन इस सजा को हटाने के बारे में दिलचलने की कोशिश की गई है, मैं समझता हूँ इस में उतना बजन नहीं है।

एक के बाद दूसरी आर्मेंट को मैं ने लिया है और सब को मैं समझता हूँ, मैं ने डिसपोज आफ कर (निवटा) दिया है। अगर कोई रह गई हो तो मुझे मालूम नहीं।

जो दलीलें दी गई हैं उन में मेरी समझ में इतना बजन नहीं है कि इस पनिशमेंट को ही हटा दिया जाय। श्री टेकचंद जी ने भभी कहा कि दफा ३६७ को चेंज कर (बदल) दिया गया है और अब इस बात का बोझ सैबान जज पर नहीं रह गया है कि वह बताये कि क्यों सजा फांसी नहीं दी गई। मैं इस से भी आगे जाता हूँ। उन केसिस में जो 'प्योरली' (विशुद्धता) ३०२ के हों उन में अगर सजा फांसी दी जाय तो यह जज के ऊपर बढ़न (दायित्व) डाल

[पंडित ठाकुर दास भाग्यव]

दिया जाय कि वह लिखे कि क्यों फांसी का हुक्म दिया जाता है। अगर और भी करना चाहते हैं तो यह कर सकते हैं कि वह यह बताये कि क्यों फांसी की सजा के सिवाय कोई दूसरी सजा वाजिब नहीं है। अगर यह बड़न आप उस पर डाल देंगे तो मैं समझता हूँ कि इस तरह के केसिस की तादाद और कम हो जायगी। लेकिन अगर आप ने इस सजा को बिल्कुल ही बन्द कर दिया तो मैं समझता हूँ कि, जिस तरह के हमारे यहां हालात हैं जिस तरह की रवायात चली आ रही है, जिस तरह से हम जबाबात में खेल जाते हैं और कैसे काम कर बैठते हैं, यह ठीक नहीं होगा। आप जानते ही हैं कि ३०२ मौजूद है, ३०४ मौजूद है, ३०४ (ए) मौजूद है, ३०२ में डिस्ट्रिक्शन मौजूद है रिप्रीव (दंड को स्थगित करना) का कानून मौजूद है, पाईन (शमा) का कानून मौजूद है, राइट आफ सेल्क डिफेस (आत्म रक्षा का अधिकार) का कानून मौजूद है एक्सीडेंट (दुर्घटना) का कानून मौजूद है, इन सब चीजों के होते हुए इन्हें रेस्ट (विरक्त) केस होते हैं जिन के अन्दर फांसी की सजा होती है या फांसी का हुक्म सुनाया जाता है। रेस्ट केसिस के अन्दर भी हम जानते हैं कि कितनों में रिप्रीव हो जाता है और कितनों में क्या कुछ हो जाता है।

यहां पर यह भी कहा गया कि इस में आवादी को घटाने की भी बात है। मैं पूछता हूँ कि एक साल में कितने ऐसे केसिस होते हैं जिन में फांसी की सजा होती है। इन केसिस में ज्यादा नहीं तो मैं समझता हूँ ८० परसेंट तो जस्टीफाएबल (समर्थनीय) भी होते होंग अगर ६६ परसेंट नहीं।

अन्त में मैं इतना ही कहना चाहता हूँ, कि रेस्ट केसिस में ही पनिशेंमेंट आफ डेथ (मृत्युदंड) रखा जाय लेकिन इस को ऐबालिश करना लीगली जायज (विधि की दृष्टि से

उचित) नहीं होगा, पोलिटिकली (राजनीतिक दृष्टि से) जायज नहीं होगा। और न ही मारल प्लाइट आफ ब्यू (नैतिक दृष्टि से) जायज होगा।

उपायक भाषोवय : सरदार इकबाल सिंह।

मैं यह बता देना चाहता हूँ कि अभी तक मैं ने पंजाब वालों को ही बुलाया, दूसरों को नहीं बुलाया है। इस बास्ते आप ब्रीफ (संक्षेप में) रहिये।

श्रीमती शिवराजबती नेहरू (जिला लखनऊ-मध्य) : इस बिल पर बोलन की इजाजत स्त्रियों को भी मिलनी चाहिये। आप अभी तक केवल वकीलों को ही बुलाते रहे हैं।

उपायक भाषोवय : मेरे स्थान में तो इस बिल के साथ स्त्रियों का कोई सम्बन्ध नहीं है।

श्रीमती शिवराजबती नेहरू : सम्बन्ध क्यों नहीं है, सब का सम्बन्ध है।

उपायक भाषोवय : बहुत अच्छा, आप को भी बोलने का अवसर दे दिया जायगा। 16 Hrs.

सरदार इकबाल सिंह (फाइल्का-सिरसा) : जनाब डिप्टी स्पीकर साहब, इस से पहले जो आनरेबल मेम्बर्ज (माननीय सदस्य) बोले हैं, वे बहुत बड़े वकील हैं और उन्होंने आप के सामने एक वकील का नुक्ता-ए-नजर (दृष्टिकोण) रखा है और दोनों तरफ से बड़े बड़े आर्म्स्ट्रिंग्स (तक) दिये गये। इस सिलसिले में मैं जो कुछ कहना चाहता हूँ, वह एक इन्सान के नाते कहना चाहता हूँ।

मैं उस इलाके का रहने वाला हूँ, जिस में मेरे स्थान में हिन्दुस्तान में सब से ज्यादा कत्ल होते हैं। एक दिन में एक कत्ल तो वहां

की श्रीसत है। हमारे डिस्ट्रिक्ट (जिले) में यह तादाद शायद बढ़ तो जाती हो, लेकिन कम नहीं होती है। जो भाई कहते हैं कि फांसी की सजा को हटा देने से इस देश में कुछ सुधार हो सकेगा, वे शायद कातिल की मैन्टेनेंसी (विचारधारा) को बिल्कुल नहीं समझते हैं। मैं आप को बताना चाहता हूँ कि हमारे जिले में एक गांव में एक खानदान के अठारह आदमी कत्ल किये गये और दूसरे के बारह और पिछले तीस साल से यह सिलसिला जारी है। और वह इसलिये कि आज तक उस गांव में कोई आदमी सजा नहीं पा सका है। एक गांव में यह तरीका बना हुआ है कि जो आदमी किसी को कत्ल करता है, वह उस के सिर को काट कर ले जायगा और उस के घर के सामने जा कर खुले तौर पर कहेगा कि हम ने यह कत्ल किया है। ऐसा इसलिये होता रहा है कि आज तक उन लोगों का एक भी आदमी फांसी पर नहीं चढ़ा है। हमारे दोस्त श्री अश्वाल कहते हैं कि फांसी की सजा कोई हटरेन्ट (भयोत्पादक) नहीं है। मैं उन को बताना चाहता हूँ कि अगर किसी गांव में एक भी फांसी हो गई, तो उस गांव में कत्ल कम हो गये, उस खानदान में कम हो गये। इस की वजह यह है कि जिस खानदान के किसी आदमी को कत्ल किया जाता है और बाद में कातिल को फांसी की सजा हो जाती है, तो उस खानदान के लोग समझते हैं कि अगर हम अपने आदमी के कत्ल का बदला नहीं ले सके, तो सरकार ने तो बदला ले लिया है। इस तरह उन लोगों को कुछ तसल्ली सो हो जाती है। लेकिन जिस केस में कातिल को सजा नहीं होती है, वहां जिस शहर को कत्ल किया गया था, उस का लड़का, उस का भाई उस बक्त तक चैन नहीं लेते, जब तक कि वे बदला न ले सें।

मैं यह भी अर्ज करना चाहता हूँ कि यहां पर जिस माहौल में बैठ कर हम बातें कर रहे हैं और आर्म्डेंट्स पेश कर रहे हैं,

वह गांवों के माहौल से बिल्कुल मुहतलिफ (भिन्न) है। जिस ढंग से हम लोग सोचते हैं, गांवों के लोग उस ढंग से नहीं सोचते हैं। वहां पर जिस खानदान का कोई शहर किसी से कत्ल किया जाता है, उस खानदान के लोगों को दूसरे आदमी उकसाते हैं कि तुम्हारे घर के आदमी को—तुम्हारे बाप को, तुम्हारे भाई को या लड़के को—फलां शहर ने मार डाला है और उस को सजा नहीं मिली है, जब तक तुम उस को नहीं मारोगे, तुम को यहां इन्सान कहने वाला कोई नहीं है। इस तरह के संकर्मस्टासिज (परिस्थितियों) में वह लोग बदले के तौर पर एक और कत्ल करने पर मजबूर हो जाते हैं, जिस का नतीजा यह होता है कि यह सिलसिला खत्म होने को नहीं आता।

यहां पर कहा गया है कि फांसी की सजा को हटा कर उस की जगह पर ट्रांस-पोर्टेशन फार लाइफ की (आजीवन काला पानी) सजा रख दी जाय। पंजाब में मर्डर (खूनी) कहते हैं कि हम नानके—ननिहाल—बले हैं, जबकि जेल जाने की बात होती है। वे लोग कहते हैं कि हमारे घर में न बिजली है और न पंखे हैं, लेकिन फ़िरोजपुर सैट्रल जेल में बिजली भी है और पंखे भी हैं—बह तो हमारे घर से ज्यादा अच्छी जगह है, क्यों न हम अपने आदमी के कत्ल का बदला भी ले लें और फिर आराम से वहां रहेंगे। इसलिये इस किस्म के लोगों के लिये जेल या कैद की बात कोई मानी नहीं रखती है।

उपाय्यस भाहोबल : पंडित ठाकुर दास भार्गव ने बहुत देर तक कोशिश कर के ये रियायतें जेल के कैदियों के लिये हासिल की थीं। क्या अब आप उन को पंजाब से दूर करना चाहते हैं?

सरवाह इकबाल सिंह : जनाब, मैं उन रियायतों को वापिस नहीं लेना चाहता

[सरदार इकबाल सिंह]

हैं। मैं तो सिफ़े यह बताना चाहता हूँ कि जेल में कैद की सजा कोई डेटेरेन्ट इफेक्ट नहीं पैदा कर सकती है। जेल फांसी का इवजाना (स्थानापन्थ) नहीं बन सकता है। यह एक हकीकत है कि जिस गांव में, जिस खानदान में कातिलों को फांसी की सजा नहीं दी गई, वहां कत्ल बन्द नहीं हुए। मैं इस तरह की कई मिसालें आप के सामने पेश कर सकता हूँ।

१९४७ में पंजाब गवर्नरमेंट ने फैसला किया कि हर एक कत्ल करने वाले को फांसी के बजाय माफ कर के बीस साल की कैद की सजा दे दी। इस का नतीजा यह हुआ कि पहले साल में तीन सौ मरडर (खुन) होते थे, अगले साल ५५० मरडर हो गये। लोगों ने सोचा कि पांच साल की क्या बात है, फांसी तो होगी नहीं, बाद में दूसरे को मारेंगे।

यहां पर मारेलिटी (नैतिकता) की बात भी की गई है। पंजाब के एक केस का जिक मेरे मोहतरिम बुजुर्ग, पंडित टाकुर दास भारंव ने किया कि बारह कत्ल ऐसे हुए जहां बेटों ने अपने बापों को मारा। बेटे और बाप के रिक्ते पर इन्सानियत मुबनी (आवारित) होती है, लेकिन उन केसिय में इन्सानियत के स्ट्रॉकवर (ढांचे) को खत्म करने की कोशिश की गई और उस इलाके के मूतालिक यहां पर मारेलिटी की बात कही जाती है। इस के अलावा नौ केसिय ऐसे हुए, जहां पर बापों ने बेटों को मारा और छः केसिय ऐसे हुए, जहां पर खाविदों ने बीवियों को मारा। यह कहना बिल्कुल गलत है कि फांसी की सजा खत्म करने से कत्ल के जुर्म कम हो जायेंगे। मैं अर्ज़ करना चाहता हूँ कि कत्ल वहां ज्यादा होते हैं, उन का सिलसिला कहां खत्म होने को नहीं आता है, जहां कि कातिलों को फांसी नहीं भिलती है। आदर्श के साथ ही साथ हम को प्रैक्टिकल (व्यावहारिक) पहलू पर गौर करना चाहिये।

मैं यह दावे के साथ कह सकता हूँ कि जिन इलाकों में हर रोज़ मरडर होता है, अगर फांसी की सजा खत्म कर दी जाय, तो वहां कत्लों की तादाद कई गुना बढ़ जायगी।

आप इस बात को भी देखें कि डाके के मामले में सात साल की सजा होती है। उस में माफी नहीं हो सकती है। इस के मुकाबले में कातिल को चौदह साल की सजा होती है, अगर फांसी नहीं होती है, तो नौ साल काटने पड़ते हैं और उस में भी माफी के बाद सात साल में ही रिहाई हो जाती है। इस हालत में लोग सोचते हैं कि जब डाके और कत्ल में बराबर की सजा होती है, तो फिर हम कत्ल ही क्यों न करें, कत्ल में तो हम ज्यादा बदला ले सकते हैं।

जो मैन्टेलिटी कातिलों के दिलों में काम करती है, उस को देखते हुए और खास तौर पर इसलिये कि पंजाब में अभी ऐसा वायु-मंडल नहीं बना है, ऐसी हालत नहीं आई है कि इस बिल को पास किया जाय, मैं अपने तजुर्बे (अनुभव) की बिना (आधार) पर दावे के साथ कह सकता हूँ कि जिस तरह से आज-कल खानदानों में आपस में दुश्मनियां चलती हैं, अगर फांसी की सजा को खत्म किया गया, तो कत्ल के जुर्म कई गुना ज्यादा हो जायेंगे।

श्रीमती शिवरामबहादुर नेहरू : माननीय उपाध्यक्ष महोदय, मैं आप की बड़ी आभारी हूँ कि आप ने मुझे इस विषय पर बोलने का समय दिया। मैं इस बिल का घोर विरोध करती हूँ कि अभी हमारे देश की सामाजिक और नैतिक अवस्था ऐसी नहीं है, न हम इतने सिविलाइज्ड (सम्प्य) हो गये हैं कि यहां से मृत्यु-दंड की सजा हटा दी जाय। स्वतंत्रता के बाद हमारे देश का बातावरण ऐसा हो गया है, लोग ऐसे निहर हो गये हैं कि स्वतंत्रता के माने ही उन्होंने —हमारे देशवासियों ने—कानून पर न चलने और मनमानी करने के समझ लिये हैं।

हमारे देश में ऐसे क्रिमिनल-माइडिड (अपराधी प्रवृत्ति वाले) लोग हो गये हैं, जिन के सामने मनुष्य की जान का कोई मूल्य नहीं है। वे न जेल से छरते हैं और न ही उन्हें सूली से भय है। उन्होंने कानून अपने हाथ में ले लिया है। आज हमारे देश में छोटी छोटी बातों पर बदला लेने के लिये, ईर्प्पी के कारण और रुपये के लालच से हजारों हत्यायें होती हैं। अब तो हमारे देश में पोलीटिकल मरड़ज़ (राजनीतिक हत्यायें) भी होने लगे हैं। १० पी० में कई कांग्रेसी भाई इसी प्रकार मारे गये हैं।

इस परिस्थिति में देश की जनता सहमी हुई है और भयभीत है, मगर हमारी आरक्षी—हिन्दी में पुलिस का नाम आरक्षी रखा गया है—हमारी रक्षा नहीं कर पा रही है और कितने ही हत्यारों का पता नहीं लगा पाई है। अभी चांद दिन हुए, दिल्ली के बांदनी चौक में बम फटा, सात आठ आदमी जान से मारे गये और ३३ आदमी घायल हो गये, लेकिन पुलिस अभी तक हत्यारों का सुरुग नहीं लगा पाई है। अभी कुछ समय हुआ, अल्लाबारों में छपा था कि अलीगढ़ में एक पोते ने अपनी दादी को गोली का निशाना बनाया। वह रानी आवागढ़ थी। अलीगढ़ में तो ये आये दिन के करिहमे हैं। मैं पन्द्रह दिन बहां रही। इन १५ दिन में मैं ने वहां तीन कल्प की बारदातें सुनीं। वहां एक न एक कल्प रोज़ हो जाता है। वहां के लोगों को इस का मसावात हो गया है। मुरादाबाद में एक हत्यारे ने ऐसा बदला लिया कि साल आदमियों के एक कुटुम्ब को मर बच्चों के समाप्त कर दिया। अभी कुछ दिन हुए कि अल्लाबार में खबर निकली थी कि हैदराबाद में

उपायमध्यक्ष महोदय : ऐसे उदाहरण तो बहुत होंगे।

श्रीमती शिवराजबती नेहरू : एक आदमी ने चार आदमियों का कल्प किया जिन में

एक दो बरस का और दूसरा चार बरस का बच्चा था और उन को मार कर उन्हीं के घर के अहाते में उन के शव को जलाया। जिस देश में इस तरह दिन दहाड़े कल्प होते हों वह इस योग्य नहीं है कि वहां से मृत्यु दंड हटा लिया जाये।

कहा जाता है कि हत्या करना मनुष्य की एक बीमारी है और जो लोग क्रिमिनल मायंडेड होते हैं वे एक प्रकार के रोगी होते हैं। बहुत खूब। लेकिन मैं पूछता चाहती हूँ कि इस रोग को दूर करने वाला डाक्टर है कौन। यह जो बिल संसद में लाया गया है यह तो उस रोग से भी ज्यादा खतरनाक है। हम इस रोक को अच्छा करने की आज-माइश करने में अपने देश के निरपराध सोगों की जानों से नहीं खेल सकते।

समाचारपत्रों में आये दिन देश के हर कोने से ऐसे ही हत्याकांडों की खबरें मिलती रहती हैं। हमारे देश की पुलिस ऐसी बेबस व लाचार है क्योंकि वह भी डाकुओं और कातिलों के जुमों की शिकार हो रही है। हम मृत्यु दंड बन्द करने की बात करते हैं और उधर ये हत्यारे सारे देश में हत्यायें कर रहे हैं। इस का कारण है। आज हमारे देश में सब प्रदेशों से अधिक जेल रिफार्म उत्तर प्रदेश में किये गये हैं जिन से कि कैदियों को जेल में अपने घर से भी ज्यादा आराम मिलता है। मैं आप को बताऊं कि ये जेल क्या है खालाजी के घर हैं जहां कैदियों को हर प्रकार की सुविधाएं दी जाती हैं।

उपायमध्यक्ष महोदय : मैं माननीय सदस्या से विनय करूँगा कि यहां जेल के रिफार्म को वापस लेने का सवाल नहीं है।

श्रीमती शिवराजबती नेहरू : आप ने जिस सब्र से इतने श्रीर लोगों को जोकि बोले हैं बरदाशत किया, उसी तरह भुजे भी थोड़ी देर के लिये बरदाशत कीजिये।

उपाध्यक्ष महोदय : अच्छा जी मैं आप को भी बरदाशत करूँगा । कहिये ।

धीमती शिवराजबती नेहरू : उपाध्यक्ष महोदय, इन जेलों में रेडियो हैं, वहां कभी कभी सिनेमा भी दिखाये जाते हैं, और ड्रामे खेले जाते हैं और त्योहारों पर हलवा, पूँडी और पकवान बना कर उन को दिये जाते हैं, हमारे प्रान्त में ओपिन एंप्रेर जेल (खुला जेल) है जहां बाब्ड वायर (कंटीले तार) में कैदियों को रखा जाता है और उन को पैरोल (कारावाकाश) पर अपने घर जाने की छुट्टी दी जाती है । जो काम वे जेलों में करते हैं उसकी उनकी मेहनत और मजदूरी दी जाती है । इस तरह से इन कैदियों को जोकि अपराध कर के आते हैं रोजगार भी मिल जाता है, जबकि हमारे देश में जो बेचारे निरपराध हैं उन को रोजगार नहीं मिलता ।

उपाध्यक्ष महोदय, अगर फांसी की सजा नहीं दी जाती तो इसके एवज में बीस बरस की केंद्र की सजा दी जाती है परन्तु यह २० बरस की सजा छूट मिलने के कारण १५ बरस की या कभी कभी दस बरस की सजा ही रह जाती है । जब कोई बड़े अफसर जेल में आते हैं तो वे अच्छे आचरण के एवज में कैदियों को साल में चार महीन की या ६ महीन की या आठ महीन की छूट दे देते हैं और इस तरह से उन की सजा बहुत कम रह जाती है । इस प्रकार ये हत्यारे इस बोडी सी सजा से भय नहीं खाते क्योंकि ये लोग डेसपरेट (मदांध) होते हैं । इन बोडे से कप्टों की उन को परवा नहीं होती ।

योहे दिन हुए कि मेरे एक मित्र ने मुझे बतलाया था कि एक जज साहब ने एक हत्यारे को लाइफ (आजीवन) की सजा दी और उस को फांसी की सजा नहीं दी परन्तु जब वह जेल से छूट कर आँया तो पहला तम उस ने यह किया कि जिस आदमी को उस ने मारा था उस के १५

बरस के लड़के को मार दिया और फिर आकर फांसी पर लटक गया ।

इस बिल के सपोर्ट (समर्थन) में कहा जाता है कि कभी कभी बेगुनाहों को फांसी की सजा दे दी जाती है । पर यह तो कानून का दोष नहीं है, यह तो बकीलों की पैरवी और हाकिमों की समझ और जजमेंट की बात है । इस के विपरीत बहुत से डाकू और हत्यारे, जिन्होंने वास्तव में कत्ल किये हैं वे जुर्म से बरी हो जाते हैं । बकील समाज देश में सलामत रहे कातिलों को सजा का भय नहीं है । उन की उत्तम पैरवी से वे जुर्म से बरी हो जाते हैं । मेरी समझ में तो आज देश में जो वातावरण है उस को देखते हुए क्षमा और दया के नाम पर कैपोटल पनिशमेंट (भूत्युदंड) को हटाना इन सद्गुणों का दुरुपयोग करना होगा । अगर आप ऐसे दयालु हृदय हैं तो बीस बरस की सजा भी क्यों देते हैं, भगवान पर छोड़ दीजिये, वह न्याय करेगा और आखिर कर्म का फल तो मिलेगा ही ।

अग्रवाल साहब ने कहा कि सम्भव देश इस प्रथा को छोड़ रहे हैं । यह बात बिल्कुल ठीक नहीं है । इंगलैंड और दूसरे देशों में इस बात की चर्चा अवस्था हो रही है कई देशों ने इसे छोड़ भी दिया है । परन्तु कुछ देश, जिन्होंने इसे छोड़ दिया है, फिर इसे लागू करने की कोशिश कर रहे हैं । इसलिये मेरा यह मत है कि अगर आप को फांसी की सजा से एतराज है तो आप इस मूत्युदंड को इलेक्ट्रिक चेपर द्वारा (बिजली की कुर्सी) देने की व्यवस्था कर दें, परन्तु मैं चाहती हूँ कि हत्या के लिये मूत्यु दंड अवस्था रखा जाये । इस को बन्द करना देश के लिये बहुत हानिकारक होगा ।

Mr. Deputy-Speaker: I find that there are a large number of speakers who are anxious to speak. I must bring it to their notice that over and above the maximum time, we have extended it by one hour. Even that will expire by 4.45. It will not be

possible for me to extend the time any further. Within that time, the mover wants to have 15 minutes and the hon. spokesman of the Government wants to have 20 minutes. So, unless the mover also reduces his time, I cannot call any other hon. Member. I have called Shri Raghunath Singh. He may speak for five minutes.

श्री रघुनाथ सिंह : इस सदन में जो व्यवस्थान हुए उनके सुनने से यह जाहिर हुआ कि तीन हजार वर्ष पूर्व हम जिस स्थान पर थे अभी भी उसी स्थान पर हैं और इन तीन हजार वर्षों में हमने कोई तरकी नहीं की है। श्री निं. च० चटर्जी ने जो आई फार आई और टूथ फार टूथ (जैसे को तैसे) की बात कही वह उस कानून की बात है जो कि ३२०० वर्ष पूर्व हजरत मूसा को सैनाई पर्वत पर होने वाले यहोवा के इलहाम के फलस्वरूप बनाया गया था। यह बात बाइबिल की तीसरी पुस्तक की है। उसके बाद बहुत समय तक आई फार आई टूथ फार टूथ, तथा आदमी के बदले आदमी और पशु के बदले पशु की व्यवस्था रही। उसके करीब १२०० वर्ष बाद जब हजरत ईसा मसीह हुए तो उन्होंने एक दूसरी व्यवस्था दी और कहा कि इन्तकाम (प्रतिशोध) को हमारे लिए छोड़ दो। उन्होंने कहा कि अगर कोई तुम्हारे एक गाल पर चपत मारे तो तुम दूसरा गाल भी उसकी तरफ करदो, दया। कर्णा। उन्होंने कहा कि १२०० वर्षों में मानव समाज ने कोई तरकी नहीं की। उन्होंने देखा कि इस यहूदी कानून से कि आई फार आई और टूथ फार टूथ की व्यवस्था की जाये, कोई परिवर्तन नहीं हुआ। इसी लिए हजरत ईसा मसीह ने कहा कि हमें क्षमा सीखना चाहिए, मनुष्य के दिमाग का परिवर्तन करना चाहिए, उसके विचारों का परिवर्तन करना चाहिए, उसके दिमाग की भ्रष्टाचारी करनी चाहिए ताकि कोई अपराध न हो।

उसके पश्चात् हजरत मोहम्मद साहब आते हैं। कुरान शरीफ में उन्होंने

जो व्यवस्था की उस व्यवस्था में उन्होंने योड़ी और तरकी की और उन्होंने कहा कि आई फौर आई और टूथ फौर टूथ तो नहीं होना चाहिए लेकिन अगर किसी की हत्या हो जाय तो उस हत्या के लिए हत्या किये गये व्यक्ति के परिवार के लोगों को कुछ रूपया दे देया अगर हत्या किये गये खानदान का कोई आदमी हत्यारे से कहे कि हम तुमको इस के लिए क्षमा करते हैं तब उसको क्षमा करने का अधिकार होना चाहिए . . .

Shri Nand Lal Sharma (Sikar): The followers of Mohamed do not spare their opponents!

Shri Raghunath Singh: I will say about your Hinduism also.

उसके पश्चात् आप देखेंगे कि ईसामसीह को जो सूली दी गई वह उस वक्त के प्रचलित जूदिया ला (यहूदी कानून) के अनुसार वहां के रोमन गवर्नर ने दो लेकिन आज सारा संसार कहता है और हर कोई कहता है कि ईसामसीह के साथ अन्याय हुआ लेकिन उस वक्त यहूदी कानून वहां पर था और उसी के अनुसार ईसामसीह को सूली की सजा दी गई गई। इसी तरह मंसूर को सूली दी गई। आज शायद ही कोई ऐसा व्यक्ति होगा जो यह कहेगा कि मंसूर को जो सूली दी गई वह ठीक थी। इसके आगे चल कर आप देखिये कि आज से ३०० वर्ष पहले इसी दिल्ली नगर में गुरु तेग बहादुर को क़त्ल किया गया। उस वक्त के प्रचलित कानून के अनुसार काजी साहब ने अपने चर्म के अनुसार गुरु तेग बहादुर को क़त्ल किया। मैं पूछना चाहता हूँ कि क्या आज हिन्दुस्तान में कोई ऐसा भी आदमी है जो उस वक्त के कानून को मानने के बास्ते तैयार हो। उसी कानून के अनुसार गुरु अर्जैन देव को उबलते तेल के कड़ाह में डाला गया और गुरु गोविन्द सिंह के बच्चों को जिन्दा दीवार में चुन दिया गया। यह सब बातें उस

[**श्री रघुनाथ सिंह]**

समय के प्रचलित कानून के अनुसार हुई। मेरा यह कहना है कि दुनिया ने आज तक तीन हजार वर्ष तक फांसी की सजा का एक्सपरीमेंट (प्रयोग) किया कि क्या खून और कत्ल के अपराधी को हम फांसी की सजा देकर रोक सकते हैं। हमने देखा कि दुनिया इस एक्सपरीमेंट में असफल हुई और दुनियां फांसी की सजा देकर खून और कत्ल का अपराध रोकने में अब तक असफल रही है और हम इसको नहीं रोक सके हैं। मेरा निवेदन है कि जिस प्रकार से इस दिशा में तीन हजार वर्ष से एक्सपरीमेंट चलता आया है उसी प्रकार से कम से कम ५ वर्ष, १० वर्ष या २०, ३०वर्ष तक हमें यह भी एक्सपरीमेंट करके देखना चाहिए कि हमारे इस कैपिटल पनिशेंट (मृत्यु दंड) को उठा लेने से इस अपराध में कमी आती है कि नहीं। मैं यही आपसे प्रार्थना करता हूँ जैसा कि हमारे भाई ने कहा कि हिन्दू धर्म तो बड़ा सहिष्णु है और हिन्दू धर्म तो यह हा है कि कि जिसको हमें बनाने का अधिकार नहीं उसको हमें बिगाड़ने का भी अधिकार नहीं अर्थात् जिस मनुष्य को हम बना नहीं सकते उस मनुष्य को हम कत्ल भी नहीं कर सकते और उसे हम फांसी नहीं दे सकते....

Shri Nand Lal Sharma: Sir, the hon. Member has not heard my words. I said that the followers of Mohamed do not spare their opponents.

Shri Raghunath Singh: That is what I have said.

सिवसंघों के बारे में मैंने कहा कि उन्होंने अपने कानून के अनुसार उनको वंद्य दिया। इस विषय में मेरा यह कहना है कि हिन्दू धर्म बड़ा सहिष्णु धर्म है। आर्य सम्मता तो प्राचीन समय से इसी बात को मानती भाई है कि हम जिस चीज़ को बना नहीं सकते उस चीज़ को हम बिगाड़ नहीं सकते। इसी तरह मैं आपको बतलाऊं

कि यूनानी और ग्रीक लोग क्या कहते थे। उनके अनुसार आदमी ईश्वर का टेम्पल मंदिर है, लिहाजा इस ईश्वर के मंदिर को हमें बिगाड़ने का ढोने का अथवा नष्ट करन का कोई अधिकार नहीं है। इस वास्ते मैं निवदन करना चाहता हूँ कि कम से कम ५, १०, २०, ५०, या १०० वर्ष तक के लिए मानव जगत को यह भी एक्सपरीमेंट करके देखना चाहिए कि आया हम सहिष्णुता के द्वारा, प्रेम के द्वारा और स्नेह के द्वारा अपराधों को रोक सकते हैं या नहीं।

Mr. Deputy-Speaker: Pandit Fotedar.

Shri Nand Lal Sharma: The hon. Member has referred to Hindu shastras and quotations.

Mr. Deputy-Speaker: I have called Pandit Fotedar.

Pandit Fotedar (Jammu and Kashmir): Sir, it is rather unfortunate to observe that even while discussing a momentous matter like the question of abolishing capital punishment the House is functioning without a quorum. I do not know whether I should proceed or not.

Mr. Deputy-Speaker: Now that he has brought it to my notice, it must be counted. But immediately after there is quorum, I shall have to call the Minister, not the hon. Member.

Shri K. K. Basu (Diamond Harbour): He has short-circuited himself!

An Hon. Member: Suicide!

Mr. Deputy-Speaker: I am sorry, I cannot give time to any hon. Member now. I shall have to ask the hon. Minister to reply.

Pandit Thakur Das Bhargava: But the hon. Minister, it appears, is not speaking.

Mr. Deputy-Speaker: The quorum bell is being rung. Now there is quorum. The hon. Minister may now speak.

Shri Pataskar: Sir, the hon. the Mover of the Bill has certainly brought forward for discussion a problem which has been baffling jurists for several years past. No doubt, if the matter was to be considered purely on the basis of that high thinking that we should not try to destroy, or rather that man should not try to destroy which man cannot create, well, then, theoretically it is all right. Because, man has been able to produce many things but man himself. And therefore it has been that man is the creation of God. But God has created men of different varieties and qualities—good, bad and indifferent. Therefore, this problem has become a human problem. So it cannot be solved merely on that basis.

In spite of the fact that there has been this death penalty, I have known of judges who in their life, though they were authorised to pass a sentence of death, did not do so. I know of at least one judge, who was even commented upon, but he said: no, I would not do it. Because, the law as it stands, does not say that a judge must pass that sentence. It is left to him to decide whether, under the circumstances, the death sentence should or should not be passed. That is the present position of the law, on which I need not dilate because many of the hon. Members who have taken part in the discussion are themselves eminent lawyers.

This is not, therefore, a problem which can be merely theoretically solved. After all, there is no desire on the part of anybody, particularly of organised society, that it should take life for life. Whatever might have been the ideas in a certain stage of society, where life was taken as a matter of private retribution—to which reference was made by Pandit

Thakur Das Bhargava, we have passed that stage. But what does it indicate? If there is no punishment for an offence of this nature by somebody, then, as was rightly pointed out by one of the hon. Members, it is likely to produce some other psychological effects. One Member rightly pointed out that suppose the father of 'X' was murdered in a village, and there is no provision for death sentence, however heinous the crime, then, public opinion, right or wrong, is still in that condition where the son would be so treated, so chided, that probably he would be forced to have recourse to that remedy.

It is rather unfortunate that even in spite of Buddhas and Christs and what not, humanity has not made much progress. After all, the Buddha lived 2,500 years back. It is no good invoking his name. Thousands of years have elapsed in—between where his doctrines were thrown to the winds. Even now I am not sure if we look to the humanity as a whole that people have much regard for the sanctity of human life. Leaving aside this country or that country, what does the events now happening all over the world indicate? It indicates that in spite of all talk of progress, humanity does not seem to have progressed much. There is still conflict between the instinct of an animal and the higher desire, the desire to attain some higher level in life. It might be unfortunate. Therefore, this problem should not be looked at from merely the theoretical point of view but should be considered on more practical considerations. And what are they? Why is it that the State intervenes to punish? There are two objects. One is to reform the criminal. I know that in cases where the man is sentenced to death there is no question of reform and it is on that account that the punishment that we provided under the law is not invariably resorted to. If a person commits murder, so many factors are taken into consideration before the sentence of death is awarded. It is only very rarely that resort is had by judges to this extreme

[**Shri Pataskar**]

penalty. They also are human beings. I do not claim infallibility for judges or for anyone for that matter. But looking into the working of this Act and particularly this punishment, I am convinced—and I will place the figures before the hon. Members of this House shortly—that the record has been good. They have awarded this extreme penalty of law only in cases where they thought that the other aspect of punishment, namely deterring other people from resorting to this crime, has to be taken into account and then alone this punishment is awarded. It is not a question of retribution. The judge is not personally concerned with one side or the other and he awards that punishment only in cases where he thinks that the ends of justice, ends of society and the ends of public good require that this man must be sentenced to death. Otherwise, that is never resorted to. Therefore, the mere question of theoretical abolition of capital punishment because something has happened somewhere need not by itself be any justification for the abolition of this punishment.

Now, what are the present facts? I will not go into the past history because the past is past and the future is yet to come. But we have to be guided by what the present position is. What is it? In the year 1953, 9,802 cases of murder were reported throughout the country. Then, the number of cases in which prosecution could be launched was only 6,446, meaning thereby that out of 9,000 and odd murders committed, in 3,000 cases because there was no evidence, no prosecution could be launched. They might have committed the murder, but they could not be punished. Out of them, 3,042 were convicted. That means, half of them escaped any punishment whatsoever. So, out of the 9,802 reported murders in the year 1953, only 3,042 could be convicted and out of them how many must have been sentenced to death? I haven't got that figure separately. But, as hon. Members are aware, in cases where the

sentence of death is awarded, we have made a provision whereby the accused, that is, the person convicted, is entitled to send a mercy petition and in almost all cases—I can even say in all cases—efforts will be made by the accused or his relatives to save his life to the last. Now, the number of mercy petitions received in the year 1953 was approximately 263. So, out of 3,042 convictions about 263 or so were only sentenced to death. Out of that again, when the matter was examined by Government, they thought it fit to commute the punishment in 68 cases. It will, therefore, be found that it is not as if because there is a provision for capital punishment, it is being recklessly resorted to. Similarly, in the year 1954, about 9,765 cases were reported out of which in about 6,313 cases prosecution was launched. But the number of convictions was a little less; 2,885 only as against 3,042. There also, I think, the number of persons who were sentenced to death was about 225. That was the number of petitions presented for mercy. Out of that, in 55 cases the sentence was commuted. It will, therefore, be found that though theoretically it may be argued that after all why should a person be deprived of his life on the theory that we should not take away what we cannot create and what has been created only by God, as I said, it has got social and other aspects, and therefore it is from this point of view that the whole question has to be looked into.

It was pointed out—and I think that was the cause which led to the raising of this question and its discussion in this House—that in the United Kingdom last year an hon. Member of Parliament brought forward a resolution and it was passed.

Shri Raghbir Sahai: A Private Member's Bill.

Shri Pataskar: I think it was a resolution. I do not know. But before I turn to what is being done by them I would like to point out that there are certain figures which will show

as to what is the proportion of crime there and here. In 1953, the proportion of this sort of crime in our country was 27.1 per million. In 1954 it was 26.9 per million. Now, we were told by the hon. friend, Mr. Chatterjee, that in Switzerland it has been abolished. Switzerland is probably a country where people have developed certain peculiar good qualities. As we know, it has never joined any war. Then, there the figure was only 4.6 per million at the time when it was abolished while here, as I pointed out, it was about 28 per million in the years 1953 and 1954. I do not want to tire the House by giving all the figures. Then, in the case of Great Britain itself, for the first 50 years of this century, the proportion of crime punishable with death was only 3.89. That was in England and Wales. In Scotland it was still less, 2.82.

Therefore, to say that merely because something has been done by England, so we should try to do it, I think, is not justifiable on any theoretical ground. On the other hand, I have information that after the capital punishment was abolished, the United Kingdom itself has thought it necessary that again it must be introduced, at least for certain kinds of offences, and this is what they propose to do by the Bill which has been recently introduced. Now they want to provide for the retention of capital punishment in five classes of cases—murder committed in the course of the furtherance of theft by shooting or causing murder when one is apprehended; preventing lawful arrest by murder; murder in the process of escaping from legal custody; murder of a police officer while he is in the act of performing a public duty; murder by a prisoner of a prison officer acting in the execution of his duty or a person assisting the prison officer.

There are also other countries, as already pointed out, where once the Government thought it better to abolish it, but had again introduced it. This has happened in 8 or 9 States in the U.S.A. Therefore, it is not as if this question can be considered and

settled by merely theoretical considerations or by the application of judicial principles. Even then, I was glad to find that the hon. Member Shri N. C. Chatterjee, the hon. Mover of this amendment Shri Raghbir Sahai and my hon. friend, an experienced Member of Parliament and a great lawyer, Pandit Thakur Das Bhargava have all pointed out things that should give us a warning that the capital punishment must not lightly be dispensed with. They are perfectly right. Therefore, considering everything, I think that the time has not come to abolish that punishment though we may wish that society may develop in such a way that there would be no necessity for the capital punishment. As matters stand at present, throughout the length and breadth of the country, about 200 people are sentenced to death for very heinous crimes. They must have been such because, as I have said, it is very rarely that any Judge passes a sentence of death. That punishment is not awarded unless there are very very heinous crimes or there are circumstances attending on it for which he has to pass a sentence of death in order that it may serve as a deterrent preventing other people from resorting to such crimes. We should consider the proportion of crime very high. Why is this punishment inflicted? Not because of retribution: but because we find that if there is to be stability in society, if such crimes which result in wanton taking of the life of one man by another are to be prevented, it has to be there. There is no other alternative. Reference was rightly made to gangs of people in our country—I will not refer to the areas—who organise themselves and take the lives of other people who pass by in order to get some living. They are still existing. We cannot close our eyes to this fact. Government are trying their best to use humane methods to check this. Naturally, that is why some delay is caused. Are we going to serve any purpose by declaring from the house tops that there will be no capital punishment hereafter? That small amount of fear that some may have, we will remove. Looking to the way

[Shri Pataskar]

in which the law has provided so many safeguards, I do not think there is any justification for abolishing capital punishment. As a matter of fact, in very few cases, the sentence of death is given. The figures that I have given will convince that this punishment is not lightly given. There are also other remedies provided, appeal to the High Court, to the Supreme Court, and lastly, mercy petitions to the President.

I agree with those hon. Members who say that we must pay due regard to higher considerations of progress of humanity. True; humanity is contending for the last 3,000 years and man is trying to rise to his full stature. Unfortunately, he tries to rise for some time, but falls back again. This has been happening throughout the centuries. I agree with the object underlying this Bill. Let there be a state of society in our country where, probably, there would be no necessity for a punishment of this nature. When will that be possible? That would be possible, not by abolishing capital punishment, but by our raising the standards of social conduct, social thoughts and social activities. Only under those conditions would it be possible. That ideal has been before not only our country, but before the whole of humanity for thousands of years. Unfortunately, as the Mover of the Bill said, we seem to have made very little progress. Humanity does not seem to have made much progress not only in this. Let us look around and see what is happening in the world. I am convinced that man has ceased to have a very good regard for the sanctity of human life, not only in this respect, but in other respects also. We should not be carried away by theoretical considerations. I do not think that because something happened in England, the same should happen in all other countries. The conditions are entirely different. As I have pointed out, they are again thinking of re-introducing this punishment. Let us not rush in. From that point of view, I am convinced and I hope the information that I have given the House

will convince the Members that, whatever may have happened in other countries, the time has not come in our country for the abolition of the capital punishment, without trying to unbalance or creating wrong balance in the state of society in which we now live. Therefore, it is my painful duty to oppose the Bill and at least at the present moment I cannot accept the proposition contained in the Bill which has been brought forward.

There was a proposal made by my hon. friend Shri Raghbir Sahai that the Bill should be circulated for public opinion. That also was supported by some hon. Members. Normally, I would not have objected to that. But, having given the House all the information at my disposal, I would like to ask hon. Members, is it likely to serve any purpose? On the contrary, it will only raise a sort of public agitation over a matter for which we really feel that the time has not yet come. Why should we do it? Our country has enormous problems of different varieties. I will not dilate on that point. If the idea is that there may be a theoretical discussion in public, when we are convinced that it cannot be carried out at this stage, I ask what purpose it will serve.

There was reference to the Law Commission. I also agree with those hon. Members who said that it is not merely by the retention or non-retention of capital punishment that we are going to make progress, but also by resorting to other remedies. We have appointed a Law Commission also for changing the substantive laws of the country. This House took a decision and that Commission has been appointed. That Commission has made certain reports. I do not know if I have placed them here, I will shortly place them on the Table of the House. Their problems are numerous. They relate to the civil law, they relate to criminal law and so many things. Therefore, it naturally takes time. I am sure, the Law Commission, before it closes its labours, will have also to

discuss this matter and report. Though normally my instinct is that, if anything is to be published for ascertaining public opinion, I would be the last person to say that I would not like it, I have to oppose this. This is perhaps the last session of the present Parliament. I myself, at any rate, feel convinced that the present is not the right time for carrying out any such reform. Why should we now place this before the country when there are so many other things agitating their minds? This would only add one more food for thought. I therefore suggest to my hon. friend Shri Raghbir Sahai that—of course he has brought forward this motion with the best of intentions—if he is also convinced, he may please withdraw the amendment which he has moved.

Mr. Deputy-Speaker: He has got only five minutes to give a reply.

Shri M. L. Agrawal: I am entirely in your hands, but I think I deserve some time to reply.

Mr. Deputy-Speaker: I entirely agree with the hon. Member that he is entitled to much more time than what we have got, but he should restrict himself.

Shri M. L. Agrawal: I am grateful to the hon. Members who have participated in this debate. As this Parliament represents a cross-section of the country, I could not have expected whole-hearted support for the Bill, but I am glad that most of the Members who have opposed the Bill have also found that there is sense in reforming the law on this point.

Punjab has spoken vigorously and in great volume, but in spite of their orations, I am still unconvinced. Shri Tek Chand who always speaks with great vigour and in his inimitable style, perhaps was not present when I moved the motion. Shri D. C. Sharma—I admire his versatility to be able to speak on any point—too perhaps did not take any notice of what I had said in my original speech. For Pandit Thakur Das Bhargava I have

got very great respect. He has laboured the point that capital punishment is a deterrent. No doubt it is a deterrent. I never denied it. The whole point of my speech was that it is not a unique deterrent. And then he says there is an aspect of the minds of the relatives of the murdered. Nobody ignores them, but capital punishment does not do any good to them, it does not alleviate their suffering. If, on the other hand, we can so arrange that the man who is sent for life imprisonment for committing murder is made to earn and support the members of the family of the deceased with his earnings, it would be a better way than imposing a merely retributive punishment.

Shri Tek Chand referred to the amendment of the Criminal Procedure Code, and he said in the face of that amendment, it is no longer necessary to go to any length about the reform of the criminal law in this behalf. I disagree with him. All that the amendment has done is that the Judge is no longer required to give reasons for giving a particular sentence, but when he gives a sentence, the High Court or the superior court can always pull him by the ear. I would not go into all the matters which I wanted to mention, but certainly on this point I shall cite one or two cases.

In 1937 Athappa Goundan was sentenced to death by a Full Bench of the Madras High Court (*I.L.R. 1937—Madras 695 F. B.*) on the basis principally of a confession made to an investigating officer. This Athappa Goundan and several others convicted under similar confessions should have presumably been executed. It was only as late as 1947, ten years later that the Privy Council in an appeal on special leave arising out of a similar case held expressly that Athappa Goundan's case had been wrongly decided and that the confessions on which Athappa Goundan was sentenced ought not to have been admitted at all in evidence (*A.I.R. 1947 P. C. 67*).

[**Shri M. L. Agrawal**]

Quite recently the Supreme Court on an appeal (1955 *I.M.L.J.* Page 141) by special leave granted by its own, order from a conviction and sentence of death passed by the High Court set aside the sentence of death passed on the appellant and ordered a re-trial on the ground that the previous Full Bench decision of the Madras High Court of 1924 (47 *Madras* 746 *F.B.*) on which the conviction and sentence were based was incorrect and the accused was prejudiced by the procedure indicated in that Full Bench case. The public is most unhappy at the number of executions that must inevitably have taken place on the basis of that case from 1924 to 1955.

I may just add one additional argument for the abolition of the death penalty.

16-55 hrs.

[**MR. SPEAKER in the Chair**]

There was the case of *Woolmington vs. Director of Public Prosecutions* in which a young man was put under trial for shooting his wife, and his defence was that the shooting was accidental. He was twice tried because the first trial jury disagreed. He was convicted by the second jury after a long deliberation and was sentenced to death. The case went to the Appeal Court and the Appeal Court held that the Judge's rulings on law were correct and proper and upheld the sentence. There, so far as the great majority of condemned criminals are concerned, the matter would have dropped, but in this case it was taken up to the House of Lords. What happened? The House of Lords threw out the conviction. It was stated by Lord Sankey in giving the judgment of the assembled Judges:

"No matter what the charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the common law of England, and no attempt to whittle it down can be entertained."

The reason for that statement was that in cases where accidents was the defence of the prisoner charged, the onus of proof was lifted from the prosecution to the defence. A wrong principle of law had stood in the U.K. from 1762 and was only overturned in 1935. As a writer in the Law Journal said:

"It is interesting, if unprofitable, to speculate as to the number of murderers (to say nothing of innocent persons) lying mouldering in lime and ignominy within the precincts of our prisons, and who would have been respectably alive and well today if our Judges had known the law."

So, there may be mistakes. Pandit Thakur Das Bhargava said that it does not matter, human institutions are all fallible and the Judges may be fallible. I admit such cases are few. The case may be one in one thousand, but what is the consolation for the one who is wrongly put to death by the process of the law? Therefore, I think this is one of the strongest points that should be taken into account.

I have also got figures. I have calculated that in Uttar Pradesh in every 200 cases of accused who are prosecuted for murder, only three are executed. The greatest point for having a deterrent effect is certainty. Now, where is the certainty in 200 persons being prosecuted for murder but only two or three being executed? Therefore, the law as it stands is very defective and it does not lead to any lessening of crime.

The figure has been bandied about that 9,000 murders are committed every year. True, but what has your law done to it, if the murder is steady or slightly increasing or is being slightly reduced...

Mr. Speaker: The hon. Member is only replying. It appears as if it is the original speech itself.

Shri M. L. Agrawal: No, Sir. The numbers do not give any reason for keeping the death penalty as it is

because what greater reason can there be for altering the law than that it is inefficacious. If 9,000 murders were committed in spite of your death punishment, it belies its deterrent effect and should be changed.

My motion is for consideration of the Bill and I submit it should be given effect to. At any rate, there is no harm in accepting the motion for circulation that has been moved by my friend Shri Raghbir Sahai. This is a country of non-violence and Ahimsa. Even if you do not accept my motion straightforward, what harm can there be if this motion for circulation is adopted and the Bill goes before the country to elicit opinion. If the opinion is in favour of the punishment, that would strengthen the hands of the Government.

It was said by Pandit Thakur Das Bhargava that the burden of proof is on those who want to abolish it. No, Sir. I would respectfully differ and say that the burden of proof is on those who want to keep it because they cannot prove that this is a unique deterrent and that on account of its existence on the statute-book the murder rate is kept within bounds.

With these remarks I request the hon. Minister of Legal Affairs to accept if not my motion at least the motion of Shri Raghbir Sahai.

Mr. Speaker: Need I put the motion for circulation to the vote of the House?

Shri Raghbir Sahai: I beg to withdraw my motion.

Some Hon. Members: No, no.

17 hrs.

Mr. Speaker: When there is an objection even from a single hon. Member, I will have to put the motion to the House.

The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of April, 1957."

The motion was negatived.

Mr. Speaker: What about the other amendment of Shri Raghavachari?

Shri Raghavachari: In view of the first amendment, mine was not accepted.

Mr. Speaker: The question is:

"That the Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898, to provide for the abolition of capital punishment, be taken into consideration."

The motion was negatived.

MADRAS-TUTICORIN TRAIN DISASTER

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): Mr. Speaker, Sir, it is extremely unfortunate that a serious accident took place this morning between Ariyalur and Kallagam near Trichinopoly. The information received so far is incomplete and we are getting it in bits. We hope to get authentic reports by this evening. Here is the report prepared by the Railway Board.

At about 5-30 hours this morning, No. 603 Down Tuticorin Express of the Southern Railway, which left Madras Egmore last night at 21-50 hours met with a serious accident at the Trichinopoly end of the abutment of bridge No. 252 over the river Marudayam at mile 170/14-12 from Madras between the stations Ariyalur and Kallagam. The engine and seven bogies next to it fell down behind the abutment as a result of the approach bank having been washed away due to heavy rains. The eighth coach was derailed of all wheels but kept standing on the bridge. The rear four bogie coaches were safe on the track.

According to the latest information available 68 dead bodies have been recovered so far and further salvage operation is progressing. Sixty persons have been injured and were removed from the site by a special train, which left at 10-30 hours for Trichinopoly Junction. This train has

[Shri Lal Bahadur Shastri]

been held up near Lalgudi station due to water overflowing the track. However, ambulance cars have been requisitioned from Trichinopoly and they are expected to be moved by ambulance vans to hospital at Trichinopoly. Relief trains, both from Trichinopoly and Villupuram, were rushed to the site of accident and it is learnt that adequate medical aid and relief have been provided. The last four coaches of the train, which were intact have been brought back to Ariyalur with all the passengers. Telegraphic communication between the site of accident and the adjoining stations has been disrupted.

Through communication is expected to be restored by the 26th instant. Transhipment of traffic is not possible as about 6 ft. of water is running in the river Marudayar and the bridge is 500 ft. in length.

Mr. Speaker: Six ft. of water in the river over the bridge.

Shri Lal Bahadur Shastri: No, Sir. There is 6 ft. of water over the bed. The length of the bridge is 500 ft.

The Deputy Minister, Shri Alagesan, who reached Madras this morning has reached the site of the accident with other railway officers. Doctors have also reached there with medical relief van and all that is possible by way of help and relief is being done. I have all my sympathies for the injured and the relatives of those that are dead and I know how all of us feel deeply concerned over this tragedy.

Shri Vallatharas (Pudukkottai): May I know whether the hon. Minister is aware of the names of those persons dead or injured?

Shri Lal Bahadur Shastri: Not yet; I have no information so far.

Shri T. B. Vittal Rao (Khammam): It is really very sad that within a couple of months.....

Mr. Speaker: What does the hon. Member want?

Shri T. B. Vittal Rao: I seek information, Sir. I want to know what further steps are going to be taken.

Mr. Speaker: Let us not embark upon a debate here. What does the hon. Member want?

Shri T. B. Vittal Rao: The hon. Minister has not said what steps he is going to take. The accident is not a small thing. Every time the train is falling and so many lives are lost and so many people injured. Nearly 3 million people are travelling every day. In any other democracy the Minister would have gone.

An Hon. Member: No, no.

Shri T. B. Vittal Rao: Why not?

Mr. Speaker: We shall go into these matters later. If the hon. Member himself were the Minister what can he say now?

Shri T. B. Vittal Rao: I would have tendered my resignation immediately.

Mr. Speaker: Now, that is the statement. So far as the Hyderabad matter is concerned, I have allowed a discussion on that matter—the draft report that has been placed before this House. Similar things can be done.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes) rose—

Mr. Speaker: The House will now stand adjourned till 11 A.M. on Monday.

17-05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 26th November, 1956.

DAILY DIGEST

[Friday, 23rd November, 1956]

| 983 | COLUMNS | 984 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAPER LAID ON THE TABLE | 851 | REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED |
| A copy of the Notification No. S. R. O. 2719, dated the 16th November, 1956, making certain amendments to the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 was laid on the Table under sub-section (3) of section 169 of the Representation of the People Act, 1951. | | 853 |
| MESSAGES FROM RAJYA SABHA | 852 | Forty-third Reports was presented. |
| Secretary referred the following messages from Rajya Sabha : | | |
| (1) That Rajya Sabha had agreed without any amendment to the Code of Civil Procedure (Amendment) Bill passed by Lok Sabha on the 14th November, 1956. | | BILLS INTRODUCED |
| (2) That Rajya Sabha had passed the delivery of Books (Public Libraries) Amendment Bill on the 17th November, 1956. | | 854—55 |
| (3) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Indian Tariff (Amendment) Bill, passed by Lok Sabha on the 15th November, 1956. | | (1) Foreigners' Laws (Amendment) Bill. |
| BILL PASSED BY RAJYA SABHA—LAID ON THE TABLE | 853 | (2) Road Transport Corporations (Amendment) Bill. |
| Secretary laid on the Table the Delivery of Books (Public Libraries) Amendment Bill, as passed by Rajya Sabha. | | (3) Employees' Provident Funds (Amendment) Bill. |
| | | (4) Indian Statistical Institute Bill. |
| | | BILL PASSED |
| | | 855—95 |
| | | Further discussion on the motion to consider the Territorial Army (Amendment) Bill was continued. The motion was adopted. After clause-by-clause consideration the Bill was passed as amended. |
| | | BILL UNDER CONSIDERATION |
| | | 895—913 |
| | | The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) moved that the Faridabad Development Corporation Bill be taken into consideration. The discussion was not concluded. |
| | | REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED |
| | | 913—14 |
| | | Sixty-third Report was adopted. |

COLUMNS

PRIVATE MEMBERS'
BILLS INTRODUCED

914-16

The following Bills were introduced :

- (1) Constitution (Amendment) Bill (*Amendment of article 107*) by Shri Raghunath Singh.
- (2) Indian Divorce (Amendment) Bill (*Amendment of section 3 and substitution of sections 10 and 11 etc.*) by Shrimati Maydeo.
- (3) Criminal Law Amendment Bill, by Shri Pocker Saheb.
- (4) Salaries, ~~and~~ Allowances of Members of Parliament (Amendment) Bill, 1956 (*Amendment of section 6*) by Shri Keshavaengar.
- (5) Appointment of Indian Employees in Foreign Embassies Bill, by Shri Krishnacharya Joshi.

COLUMNS

PRIVATE MEMBER'S
BILL NEGATIVED

916-80

Further discussion on the motion to consider the Criminal Law Amendment Bill by Shri M.L. Agrawal was continued. The motion was negatived.

STATEMENT BY MI-
NISTER

980-82

The Minister of Railways and Transport (Shri Lal Bahadur Shastri) made a statement regarding the Madras Tuticorin train disaster.

AGENDA FOR MONDAY,
26TH NOVEMBER, 1956—

Further consideration and passing of Faridabad Corporation Bill, and consideration of Administration of Evacuee Property (Amendment) Bill.