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LOK SABHA

Friday, 20th April, 1956.

The Lok Sabha met at Half Past Ten of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

REPORT OF ESTIMATES COMMITTEE ON RAILWAYS

*1582. **Shri Gidwani :** Will the Minister of Railways be pleased to state :

(a) whether Government have since considered the various recommendations contained in the Seventeenth Report of the Estimates Committee relating to Operation on Indian Railways ;

(b) if so, the action taken to implement the following recommendations :—

- (i) devising some cheap method by which some degree of cooling can be effected in the third class compartments and to provide dust-free ventilation in the third class carriages ;
- (ii) over-crowding of trains ; and
- (iii) improving speeds of trains ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The recommendations are at various stages of consideration.

(b) A statement is placed on the Table of the Lok Sabha. [See Appendix IX, annexure No. 19]

Shri Gidwani : In view of the fact that the Estimates Committee in their report have pointed out that there is deterioration in the punctuality of passenger trains, and that its main

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cause is that there are about 1700 miles of track under engineering restrictions owing to arrears of replacement of rails and sleepers, may I know what steps have been taken by Government to wipe off those arrears ?

Shri Alagesan : It is a long question. I could not follow it fully. If the hon. Member is referring to the report of the committee which was asked to go into the question of sub-urban overcrowding, I have only to say that that committee has submitted its report, in which all these questions would have been dealt with. That report is under examination.

Mr. Speaker : What the hon. Member wanted to know was this. It appears that the Estimates Committee have pointed out that owing to the fact that about 1700 miles of railway lines are under repair or have to be replaced, directions have been issued that the trains must go slow, and therefore the trains are not coming in time. What steps have been taken by Government since to replace and set right those 1700 miles of railway lines? That was the hon. Member's question.

Shri Alagesan : As far as the relaying of the track or the strengthening of the track is concerned, that is going on according to plan. And if we have to strengthen the tracks, naturally the train speeds have to be slowed down. There is no escape from that. We cannot have both.

Mr. Speaker : The hon. Member wants to know what exactly is being done for these 1700 miles of railway lines.

Shri Alagesan : As I said, that work is going on according to plan, and we are relaying the tracks.

Shri Gidwani : Is it a fact that Government propose to run a completely air-conditioned train between Bombay

and Delhi, and Delhi and Howrah, and that air-conditioned accommodation will be provided even to the third class passengers in these trains on payment of a surcharge, as stated by the Estimates Committee, and if so, when will such trains be introduced?

Shri Alagesan : We are having three full air-conditioned rakes under construction now, and our hope is to launch these trains from October next.

Shri A. M. Thomas : May I enquire whether the Railway Ministry consider that there is any meaning in writing in the various compartments "To seat so many persons" in the various classes? Has that got any significance at all? May I also know by how many times the present rolling stock and machinery will have to be multiplied to carry the present passenger load? Have Government any scheme with regard to that?

Shri Alagesan : This question has been discussed, if I may say so, threadbare, when the Railway Budget was under discussion. It was said on behalf of the Railway Ministry that since the Plan allotment has been cut down considerably, the unfortunate conditions of overcrowding have to continue for some time more. That has been admitted. As far as the seating position is concerned, of course, the hon. Member refers to overcrowding. There are cases where the number of persons occupying a compartment or a bogie is much less than the number indicated. There are such cases also.

Shrimati Ammu Swaminadhan : May I ask why the Railway Ministry are thinking of having air-conditioned trains between Howrah and Delhi, and Delhi and Bombay only? What is the Ministry going to do to improve the condition of the Grand Trunk Express which runs between Madras and Delhi, in which every compartment is in an awful state, and needs to be repaired, and things have to be replaced and so on? Is any consideration being given to that matter at all?

Shri Alagesan : The going ahead with the running of air-conditioned trains does not in any way stop the other programmes of maintaining the coaches in a proper condition and seeing that no inconvenience is caused to the passengers. I am afraid the hon. Member's statement that every coach is in a bad way is rather a sweeping one.

Shri B. S. Murthy : May I know at what stage the manufacture of cement sleepers, is, and whether if these sleepers are laid the track arrears will be reduced to a great extent?

Shri Alagesan : I am afraid the scope of the question is getting more and more widened.

Shri Gidwani : From the statement, I find :

"So far as known, cooling of coaches and exclusion of dust can be satisfactorily achieved only by introducing air-conditioning. The problem has, however, been referred to the Railway Research Centre".

May I know when Government expect to get the report from the Research Centre?

Shri Alagesan : I cannot indicate the time. As soon as they are able to arrive at any conclusions worth recording, they will, of course, intimate the results of their research to us.

Mr. Speaker : It is the practice of the Ministry concerned to lay on the Table of the House a statement showing how many directions or suggestions of the Estimates Committee have been implemented. Has it been done in this case?

Shri Alagesan : If that is the practice, then that will be followed, and I am prepared to lay it on the Table of the House.

Mr. Speaker : To avoid so many supplementaries in a matter like this which concerns a number of recommendations, the Minister may kindly lay a statement.

Shri Alagesan : The recommendations come to several pages.

Mr. Speaker : I know. From time to time, a statement used to be laid on the Table of the House showing what particular recommendations have been implemented. That will avoid discussion of these matters on the floor of the House.

Shri Alagesan : I shall abide by your decision.

REPAIRS TO RAILWAY ROLLING STOCK

***1583. Shri Dabhi :** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there is always a large number of locomotives, carriages and wagons under or awaiting repairs in workshops, running sheds and sick lines, especially on the Western Railway ;

(b) if so, the causes thereof ; and

(c) the steps which are being taken to remedy this state of affairs ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No. Stock under and awaiting repairs is normal.

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

Shri Dabhi : Is it not a fact that even the Estimates Committee have made this complaint ?

Shri Alagesan : I am not aware of it, but I have got the figures relating to four years in this respect, and I find that the percentage of locomotives, coaches etc. under or awaiting repairs has been going down.

Shri P. C. Bose : May I know the present repairing capacity of the railway workshops as compared with the pre-war repairing capacity ?

Shri Alagesan : To give a specific reply, I would like to have notice.

Shri V. Muniswamy : Are Government aware that a very large number of newly imported coaches from

abroad have been kept in the sick lines in many of the stations on the Southern Railway for more than a year ? Are Government also aware that if they are kept like that, they will become useless in future ?

Shri Alagesan : It is true that the unfurnished shells that were imported have been kept on those lines for want of adequate furnishing capacity. They have to be furnished in our workshops. But now, I may inform that many of them have been furnished and put on the line, and the rest are also being furnished.

Shri S. V. Ramaswamy : May I know how many such shells are lying idle ?

Shri Alagesan : I cannot give the exact figure.

MAHANANDA BRIDGE

1584. Shri Krishnacharya Joshi : Will the Minister of Transport be pleased to refer to the reply given to Starred Question No. 667 on the 8th December, 1955 and state ;

(a) the details of estimates of the construction of a bridge over the Mahananda near Dingaraghat on the national highway linking Assam with Bihar ; and

(b) when will the construction work start ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The construction of the bridge over Mahananda at Dingaraghat is estimated to cost Rs. 51.85 lakhs.

(b) The work is expected to be commenced during the current year.

Shri Krishnacharya Joshi : May I know how long will it take to complete the work ?

Shri Alagesan : I am unable to say. The works have to be undertaken and finished only during certain seasons. During the flood season, it may not be possible to make any progress. It will take some years, perhaps two or three ; I cannot say definitely.

दवायें

*१५८६. श्री बिभूति मिश्र : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या सरकार ने ऐसा कोई उपाय निकाला है, जिससे भारत में सस्ते दामों पर विशुद्ध दवाइयाँ मिल सकें; और

(ख) यदि हाँ, तो कौन-कौन सी दवाओं पर से कर हटाने का विचार है ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) :

(क) Drugs Act, 1940 (औषधि अधिनियम, १९४०) के Provisions (उपबन्धों) और नियमों के अनुसार देश में दवाइयों के खालिसपन और स्तर का ध्यान रखा जाता है।

खालिम और सस्ती दवाइयाँ प्राप्त कराने के प्रश्न पर भारत सरकार विचार कर रही है।

(ख) ऐसा कोई विचार नहीं है।

श्री बिभूति मिश्र : मैं यह जानना चाहता हूँ कि जो क्लोरोमाइसिटोन, स्ट्रेप्टोमाइसिन, पेनिसिलीन आदि दवायें कठिन बीमारियों की हैं, और जो २० रुपये और २५ रुपये पर फायल (प्रति शिशी) बिकती हैं, उन के सम्बन्ध में सरकार क्या कोशिश करती है कि वह कम दामों पर गरीबों को भी मिल सकें ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : जहाँ तक गरीबों का सवाल आता है हमारे अस्पतालों में यह दवायें गरीबों को दी जाती हैं बिना किसी दाम के। और जहाँ तक असल बात, यानी दवाओं का दाम कम करने की बात, या सवाल है उसका उत्तर तो यही हो सकता है कि यह दवायें हमारे ही देश में बनें, और इसपर सोच बिचार किया जा रहा है।

श्री बिभूति मिश्र : मैं यह जानना चाहता हूँ कि जो लोकल एरियाज में डिस्ट्रिक्ट बोर्ड्स के अस्पताल हैं, क्या मंत्री महोदय को यह पता है कि उन में यह दवायें लोगों को नहीं दी जाती हैं, और क्या सरकार इस बात का इन्तजाम करेगी कि जो डिस्ट्रिक्ट बोर्ड्स के छोटे-छोटे अस्पताल हैं उन में यह दवायें भी दी जायें ताकि गरीबों को लाभ पहुँच सके ?

राजकुमारी अमृत कौर : यह तो प्रांतीय सरकारों के उपर निर्भर है। लेकिन

जहाँ तक मुझे मालूम है, छोटे से छोटे अस्पतालों में यह दवायें रखी और दी जाती हैं।

Shri V. P. Nayar : May I know what steps Government have taken to enable people to get very essential and life-saving medicines like terramycin, which are now sold at Rs. 35 for 16 capsules ?

Rajkumari Amrit Kaur : This is a very difficult thing ; we control, as far as possible, the price of imports. But when they are sold in the open market for the prices that they are sold at, we cannot further bring those prices down. As far as service to those who cannot afford it is concerned, we do give many medicines free.

सेठ गोविन्द दास : क्या सरकार इस बात को जानती है कि एलोपैथिक दवाओं की अपेक्षा इसी प्रकार की बीमारियों के लिये कई आयुर्वेदिक दवायें भी मुफीद होती हैं, और अगर यह सही बात है तो देश भर में इस प्रकार की आयुर्वेदिक दवायें तैयार की जायें। इस के लिए क्या सरकार कोई योजना बना रही है ?

राजकुमारी अमृत कौर : जी हाँ। जो हमारे अपने देश की दवायें हैं उन के उपर परीक्षण हो रहा है जामनगर में। कई दवायें ऐसी भी हैं, जो यहाँ पर बिक रही हैं। लेकिन वह दवायें स्ट्रेप्टोमाइसीन, टेरासाइसीन और आरोमाइसीन जैसी ड्रग्स (औषधियाँ) की जगह नहीं ले सकती।

Dr. Jaisooria : Is the hon. Minister aware that in many of the big hospitals in several States, not only are the patients asked to buy the drug but also to bring sticking plaster ?

Rajkumari Amrit Kaur : That is a question that should be put to the States concerned. I will certainly send the information that the hon. Member has given to the States.

Dr. Jaisooria : Please do.

Shri Ramananda Das : If everything is to be done by the State Governments, what is the duty and function of the Central Ministry of Health ?

Mr. Speaker : The hon. Minister can state as to what is happening in hospitals in States directly under the charge of the Centre. This is the legis-

lature so far as those States are concerned. There are legislatures in other States. Whenever answers are given, if they apply to the States directly ruled by the Central Government, the hon. Minister will kindly give the information regarding what is happening in those States.

Rajkumari Amrit Kaur : If I have the information, I will certainly furnish it.

Shri V. P. Nayar : The hon. Minister said that it was not possible to control the price in the open market of so far as costly drugs like aureomycin and terramycin. Could I know whether the Health Ministry has done anything in this matter and taken it up with the Ministry of Commerce and Industry to find out whether in the case of all such imports of costly medicines, the local dealers and importers do not fleece the customers by taking an undue profit?

Rajkumari Amrit Kaur : This matter is under the consideration of the Pharmaceutical Development Council that has been appointed by the Minister of Commerce and Industry, and with which I am in close collaboration.

Shri V. P. Nayar : By the time a decision is taken, people would have died.

BRAHMAPUTRA WATER TRANSPORT

*1589. **Shri K. P. Tripathi :** Will the Minister of Transport be pleased to state :

(a) whether any scheme for the development of river transport in Brahmaputra has been submitted by the Rivers Steam Navigation Company Limited and India General Navigation and Railway Company Limited for inclusion in the Second Five Year Plan; and

(b) if so, whether any tentative decision has been taken thereon?

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

(b) The proposals were considered by the Ganga Brahmaputra Water Transport Board on whose recommendation, the following schemes, have been accepted for inclusion in the Second Five Year Plan:—

- (1) River control and conservancy measures including dredging, snag clearance and provision of aids for navigation.
- (2) Development of facilities at selected river stations.
- (3) River surveys.

Shri K. P. Tripathi : May I know if the suggestions are to maintain the existing monopoly, or there is a scheme for introducing competition also?

Shri Alagesan : This relates to facilities for inland water transport. It does not relate to which companies are going to operate the waterways.

Shri K. P. Tripathi : Is it a fact that one of the suggestions is that railway facilities should be reduced and steamer facilities should be increased? If so, has it been considered and any decision arrived at?

Shri Alagesan : There is no question of reducing railway facilities and increasing the other facilities. One is not opposed to the other. In fact, we have to co-ordinate.

Shri Debeswar Sarmah : The question was whether there was such a suggestion.

Mr. Speaker : The hon. Member asks whether such a suggestion was made, and if so, what is the attitude or reaction of the Government.

Shri Alagesan : Suggestion by whom?

Shri K. P. Tripathi : By the Rivers Steam Navigation Co. Ltd., in its memorandum.

Shri Alagesan : We asked the Secretary of the Water Transport Board and the Development Officer of the Joint Steamer companies to examine this question and submit a report. They have made recommendations

with regard to river control, introduction of radio-telephone communications etc. There is no suggestion there about rivalry between the two. It is one of co-ordination.

Shri K. P. Tripathi : Is it a fact that there is also a suggestion that repair stations for steamers should be put up in Assam? If so, has it been considered and decision finalised?

Shri Alagesan : I am unable to go into details about the recommendations.

POSTAL SERVICES FOR VILLAGES

*1593. **Dr. Rama Rao :** Will the Minister of Communications be pleased to state :

(a) whether the department had started a campaign in 1937 to increase the frequency of delivery in villages ;

(b) whether there are still villages which are served fortnightly because there is only one village postman to work for a week on one side and for the next week to another side ; and

(c) if so, whether Government propose to increase the number of village postmen ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) :

(a) Yes. It is always the aim of the Department to increase the frequency of delivery of letters etc. in villages according as the volume of letters etc. is increased for particular villages. A review in this regard is made from time to time.

(b) Yes. There are villages which are served by fortnightly visits of village postman but that is not on account of the village postman being engaged for delivery of letters to other villages, but on account of the fact that such villages do not receive letters etc. for delivery to such an extent as to necessitate more frequent visits by the delivery staff.

(c) Question of increase of the number of village postmen does not arise.

If the volume of letters etc. received for delivery is increased, the delivery staff will visit the villages more frequently and if this necessitates increase in the number of village postmen or other delivery staff that will be done.

Dr. Rama Rao : May I know if Government have any scheme to provide these village postmen with cycles, where there are roads, so that they can deliver mails much earlier?

Shri Raj Bahadur : They have their beats which are fixed in terms of miles, and they have to cover them on foot.

Mr. Speaker : This involves a straight question as to whether there is a proposal to provide them with cycles or not.

Shri Raj Bahadur : At present there is no proposal to give them cycles.

Shri A. M. Thomas : Apart from the question of the frequency of the delivery of mails, may I ask the hon. Minister whether it has come to the notice of the Ministry that, because of the addition of a large number of post offices, transport of mails from one post office to another, situated just two or three miles away, takes in some cases even 2 or 3 days and whether the Ministry intends to do anything in the matter?

Shri Raj Bahadur : As I have mentioned earlier in reply to several questions, our aim is to substitute runners' lines by other means of transport ; where there are bus services, to carry the mails by bus and where there are train services, to take them by that. I think, by and large, that policy is being followed, and the delays are being minimised.

Dr. Rama Rao : May I know whether Government have any scheme to give loans for these village postmen to buy cycles with the condition of repayment by instalments?

Shri Raj Bahadur : If they are departmental postmen and in permanent

service, they are allowed such facilities as are open to other permanent Government Servants in this matter.

श्री भार० एन० सिंह: क्या गवर्नमेंट के नोटिस में यह चीज भी आई है कि कुछ ऐसे भी पोस्ट आफिस हैं जिनके नजदीक ही दूसरे गांव हैं लेकिन उन गांवों का सम्बन्ध उन पोस्ट आफिस से न होकर कोई चार मील की दूरी के पोस्ट आफिस से है? यदि हां, तो क्या गवर्नमेंट चाहती है कि सब गांवों को उनके नजदीक जो पोस्ट आफिस हैं, उनसे ही जोड़ दिया जाये और क्या कोई स्कीम इसके बारे में सरकार के विचाराधीन है?

श्री राज बहादुर: जी हां, कुछ अवस्थाओं में ऐसा हो गया है। इसका कारण यह है कि जिस तेजी और जिस रफ्तार से डाकखानों की संख्या बढ़ी है उसमें अक्सर ऐसा हुआ है कि एक गांव में जहां पोस्ट आफिस नहीं था और चाहे उसके नजदीक अब दूसरा डाकखाना खुल गया है, फिर भी उसका सम्बन्ध उसी पुराने दूर वाले पोस्ट आफिस से है जिससे पहले था जब कभी ऐसे मामले हमारे सामने आते हैं उन पर गौर करके उनको ठीक कर दिया जाता है। अगर माननीय सदस्य के पास कोई ऐसे केस नहीं हों जिनमें वह देखते हों कि किसी गांव का सम्बन्ध उसके नजदीक के पोस्ट आफिस से साथ जोड़ा जा सकता है तो वह उसे मेरे पास भेज दें और मैं बड़ी खुशी से उस पर विचार करने को तैयार हूं।

श्री भार० एन० सिंह: मेरे पास लिस्ट है और मैं आपको दे सकता हूं।

श्री राज बहादुर: जरूर दीजिये।

श्री भार० एन० सिंह: दूसरी चीज यह है कि एक गांव में एक नहीं दो दो पोस्ट आफिस खुले हुए हैं। क्या गवर्नमेंट के पास कोई ऐसी स्कीम है जिसके तहत ऐसा किया गया है या किया जा रहा है?

श्री राज बहादुर: किसी किसी केस में ऐसा हो सकता है। जहां जरूरी समझा जाता है किसी कस्बे की आबादी देखते हुये दो पोस्ट आफिस भी खोल दिये जाते हैं। कई शहरों में भी ऐसा होता है।

Shri Kaulwal: May I know, on an average, how many villages are being served by one postman?

Shri Raj Bahadur: That depends upon the density of the population, in the area covered in the beat of a postman. It is not possible for me to give a fixed number of places or villages for every beat that a postman has to cover.

Shri Kamath: Is it a fact that many of these newly opened post offices in the rural areas serving a large number of villages have no regular 'dakiya' or mail runner, but only extra-departmental mail carriers on a mere pittance of Rs. 5 a month, and does that conduce to efficient delivery on the part of these extra-departmental carriers?

Shri Raj Bahadur: Extra-departmental post offices have been opened where the traffic that emanates from those places do not justify the establishment of a departmental post office. At such post offices we do appoint extra-departmental mail carriers. But, it is not a fact that they get only Rs. 5. They get an allowance of Rs. 10 and some other kinds of allowances; that always depends on the volume of work that they have got to do.

रेल्वे कार्यालय, बीकानेर डिवीजन

*१५६५. श्री पी० एल० बाबुलाल : क्या रेल्वे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर रेलवे के बीकानेर डिवीजन के पदाधिकारियों और कर्मचारियों के साथ उनकी तरक्की देने के सम्बन्ध में कुछ पक्षपात किया जाता है ;

(ख) बीकानेर रेलवे वर्कशॉप में जिन कामों को करने के लिये अनुभवी और कुशल व्यक्ति उपलब्ध होते हैं, उन पर बाहर के व्यक्ति क्यों नियुक्त किये जाते हैं; और

(ग) क्या यह भी सच है कि स्टेशन-मास्टर्स, टिकट-कलक्टरों और गाड़ों के चुनाव में भूतपूर्व राज्य-रेलवे के कर्मचारियों के साथ भेदभाव किया जाता है ?

रेल्वे तथा परिवहन उपमंत्री (श्री अलगेशान):

(क) जी नहीं।

(ख) उत्तर रेलवे में कई कारखाने (Workshops) हैं, जिनमें से एक कारखाना बीकानेर

में है। कारखाने की ऊंची जगहों इस रेलवे के सभी कारखानों के कर्मचारियों के लिये खुली हैं, इसलिये इन जगहों में नियुक्त पूरी रेलवे के आधार पर की जाती है। इस तरह एक कारखाने से दूसरे कारखाने में कर्मचारियों की बदली हो सकती है।

(ग) जी नहीं।

OVERCROWDING IN TRAINS

***1596. Shri Ram Krishan :** Will the Minister of Railways be pleased to state the stage at which the proposal for the introduction of new trains on metre gauge sections of Northern and Western Railways is to eliminate overcrowding in the trains in these sections?

The Deputy Minister of Railways and Transport (Shri Alagesan) : Certain trains have been introduced. Further trains will be introduced progressively, as the requisite line capacity, coaches and locomotives become available.

श्री राम कृष्ण : क्या इन रुट्स पर जनता ट्रेन्स भी चलाई जायेंगी, अगर हां तो कबसे और किस रुट से?

Shri Alagesan : There is a proposal before the Western Railway to provide Janata Express between Delhi and Ahmedabad by combining and extending certain trains. I do not think I need go into details.

Shri Dabhi : Is it not a fact that there is terrible rush and overcrowding on trains running between Ahmedabad and Delhi and, in view of this, may I know when this Janata Express is likely to be introduced?

Shri Alagesan : As I said, the Western Railway is considering the proposal and I think they will be able to do it shortly.

Shri Kamath : With a view to minimise and avoid if possible such overcrowding in trains on all Railways, does the Ministry propose to issue instructions to all station masters and booking offices concerned that the

issue of tickets should be stopped as soon as the incoming trains are full to capacity?

Shri Alagesan : It will be very difficult to carry this suggestion into actual practice. Perhaps, we may not be able to do so statutorily also.

Shri B. S. Murthy : May I know whether a liberal use of rail cars will remove congestion in specific portions of the track?

Shri Alagesan : Yes, Sir; that has also been answered before. We are getting some rail cars and putting them on sections where there is great passenger traffic.

CARRIAGE OF MAILS

***1597. Shri Ramananda Das :** Will the Minister of Communications be pleased to state :

(a) whether it is a fact that the rates now paid to the shipping companies for carriage of mails, are higher than those prescribed in the Post Office Rules;

(b) if so, the total amount charged in excess on the revenue of the Post and Telegraph during the period of 9 months upto December, 1955; and

(c) the steps being taken for elimination of this burden?

The Minister in the Ministry of Communications (Shri Raj Bahadur) :

(a) Yes.

(b) Information is not readily available. It is being collected and will be placed on the Table of the Lok Sabha when ready.

(c) The rates given in the I.P.O. Rules were fixed in 1908. The revised rates are commensurate with the present conditions and costs of operation and there is no scope of any appreciable reduction.

Shri S. C. Samanta : May I know whether tenders are called and rates fixed where there are more than one established company existing?

Shri Raj Bahadur : At the present moment, we have been utilising the services of the P. & O. Steam Navigation Company. I cannot say whether tenders are invited.

Shri P. C. Bose : May I know whether Government has ascertained whether the P. & O. Company and others are accepting the same rates from other countries also as they are charging us ?

Shri Raj Bahadur : That is ascertained.

ELECTRIC COACHES FROM JAPAN

*1600. **Shri G. P. Sinha :** Will the Minister of Railways be pleased to state :

(a) whether any agreement has been made between India and Japan for import of locomotive and electric coaches ; and

(b) whether any offer has been made by Japan for joint manufacture of electric coaches in India ?

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

(b) Yes, by a Japanese firm.

Shri G. P. Sinha : May I know how many other countries have been approached for the manufacture of electric locomotives ?

Shri Alagesan : There was no question of our approaching any country. It was the Japanese firm that offered, in partnership with an Indian firm, to manufacture coaches. We had already arranged with a firm in Calcutta for the manufacture of these coaches—the electric multiple-unit coaches. Messrs. Jessops & Co., are already at this work.

Shri G. P. Sinha : May I know what are the difficulties which we are facing in the extension of the manufacture of locomotives ?

Shri Alagesan : It was not our case that we are facing any difficulty.

Shri Bhagwat Jha Azad : What will be the approximate number for which we have entered into an agreement—that we are likely to import from Japan ?

Shri Alagesan : I have got a statement before me and I can give it to the hon. Member.

Mr. Speaker : The Minister may just look up and find out how many.

Shri Alagesan : I have to add up.

Mr. Speaker : Then, he may place it on the Table of the House.

Shri Bhagwat Jha Azad : May I know how the price of the locomotives imported from Japan compares with the price of those which we are importing from Canada and other countries.

Shri Alagesan : I have got the prices for steam locomotives.

Shri Bhagwat Jha Azad : We want for electric locomotives.

Mr. Speaker : How do they compare with the purchase price of locomotives imported from Canada and other countries ?

Shri Alagesan : I should like to have notice.

Shri D. C. Sharma : May I know what will be the proportion of share capital to be owned by Japan and by Indian firms and whether the Government will have any part in the share capital ?

Shri Alagesan : That is only a proposal and nothing has been accepted. Another firm has already entered into an agreement with us and they are manufacturing electric coaches.

Shri G. P. Sinha : May I know whether our requirements for the Second Five Year Plan of electric locomotives and coaches have been assessed ?

Shri Alagesan : Yes, Sir. With the development of capacity in this particular

company, we hope that we will be able to get the required number of coaches, but these coaches may not be available for the Calcutta electrification because it may be coming a little earlier than the coaches from this company, and for that purpose we intend importing.

Shri C. D. Pande : In view of the fact that in future there will be greater popularity and necessity of electric and diesel locomotives, will Government consider the advisability of establishing its own works as complementary unit in Chittaranjan for electric and diesel engines?

Shri A. Iyengar : This matter is under our consideration.

MINERAL SPRINGS

*1601. **Shri Hem Raj :** Will the Minister of Health be pleased to state:

(a) whether the complete report of the Russian Experts on mineral springs has been obtained;

(b) whether any further material on other mineral springs was sent to them;

(c) if so, the details of such springs;

(d) the main recommendations made by them; and

(e) the action proposed to be taken thereon?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) Not yet.

(b) and (c) Further data regarding chemical analysis and radio-activity etc. in respect of Sohna and Rajghir springs required by the Russian experts has now been collected and is being sent to them.

(d) In their preliminary report the Russian experts have recommended that ten to twelve springs can be developed in various parts of the Union.

(e) It is proposed to develop, in the first instance, the springs at Rajghir and Sohna under the supervision and

technical guidance of Russian experts. These springs when developed will serve as models for other States.

Shri Hem Raj : May I know whether Government is aware that there are certain sulphur springs in the Kulu Valley of Manikaran and whether Government will include those springs also for development purposes?

Shrimati Chandrasekhar : This decision has been taken after receiving a preliminary report. As far as we have received information, we have got some intimation about 80 springs that are existing in the Union to be developed, but that will be taken into consideration after the final report is received.

Shri Hem Raj : May I know whether a survey of the whole country has been undertaken regarding these springs?

Shrimati Chandrasekhar : Yes, it has been done. Besides the Russian experts, our experts have done some survey in this field.

श्री भक्त बर्षाण : क्या मैं जान सकता हूँ कि जब कि इस देश में इस तरह के सैकड़ों अन्य घातवीय जलस्रोत हैं तो केवल सोहना और राजगीर को ही क्यों चुना गया और दूसरों के बारे में जांच पड़ताल नहीं की जा रही है?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : बात यह है कि हम पहले एक दो जगह में ही शुरू कर सकते हैं और उसके बाद दूसरी जगहों पर भी काम शुरू होगा। फौरन तो सब जगह काम चालू नहीं किया जा सकता फिर इसमें रुपये का सवाल भी है।

श्रीमती कमलेश्वरिणी शाह : ऐसे सल्फर जलस्रोत गंगोत्तरी और बद्रीनाथ आदि स्थानों में भी हैं। क्या मैं जान सकती हूँ कि सरकार उनको देखने के लिये एक्सपर्ट भेजेगी, और क्या उन स्थानों को ऐसा बनायेगी कि जहाँ देश के और विदेश के लोग आकर स्वास्थ्य लाभ कर सकें?

राजकुमारी अमृत कौर : जी हाँ, तमाम देखभाल हो रही है, और जहाँ जहाँ फायदा हो सकता है वहाँ जरूर स्पाज (स्वास्थ्य केन्द्र) बनाये जायेंगे।

संसद सदस्यों को चिकित्सा सम्बन्धी सुविधाये

*१६०३. श्री भक्त बर्शन : क्या स्वास्थ्य मंत्री ६ दिसम्बर १९५५ के तारांकित प्रश्न संख्या १६३४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि संसद सदस्यों को चिकित्सा सम्बन्धी सुविधायें देने के लिये तैयार की गई योजना को कार्यान्वित करने में अब तक क्या प्रगति हुई है ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) : इस बारे में लोक सभा और राज्य सभा सचिवालयों से अब तक कोई खास प्रस्ताव नहीं मिले।

श्री भक्त बर्शन : क्या मैं जान सकता हूँ कि यह जो योजना चालू की जाने वाली है इसके बारे में कितने सदस्यों की सहमति प्राप्त हुई है, या इस बारे में कितने सदस्यों से पूछताछ की गयी है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : हमको तो इस बारे में कोई इल्म नहीं है कि कितने सदस्य इस योजना को चलाना चाहते हैं और कितने नहीं चलाना चाहते। हमने तो योजना बना कर पार्लियामेंट सेक्रेटेरियेट को दे दी थी, पर हमारे पास अभी तक कोई जवाब नहीं आया है।

श्री भक्त बर्शन : क्या इसका कारण यह नहीं है कि वर्तमान संसद को चार वर्ष समाप्त होने आ गये हैं और अगले चुनावों की छाया अभी से पड़ने लगी है, इससे लोग इसमें सम्मिलित नहीं होना चाहते ?

राजकुमारी अमृत कौर : इसका कारण मैं नहीं बतला सकती।

Shri Dabhi : May I know whether it is not a fact that under the proposed scheme every Member has to contribute Rs. 6 per month. As the Members stay here for the session period only, it means they have to pay Rs. 12 per month in practice, while the Government servants, receiving pay between Rs. 250 and Rs. 500, are to pay Rs. 24 a month. That is why many of the Members have not taken advantage of this scheme.

Rajkumari Amrit Kaur : I have not been apprised of any opinion as far as the Members are concerned. Therefore, I do not know their reasons for not accepting this scheme.

Shri Kamath : Preventive medicine is better !

Shri Gidwani : Will the Government be pleased to extend it to such Members who are willing to pay for it and willing to be members of the scheme ?

Rajkumari Amrit Kaur : If I can get any specific proposals from the Secretariat, I shall certainly consider them.

Shri D. C. Sharma : One important question, please.

Mr. Speaker : Let us proceed to the next question. There is a Committee, I think, appointed under the statute. The statute declares that some amenities may be provided for Members of Parliament such as medical facilities, telephones, etc. The Committee constituted under the Act looked into that and came to some conclusions. They made recommendations regarding telephones and rent. Both the Chairman and the Speaker have looked into this aspect and possibly this may come into being very soon. So far as the other point, (that is, medical facilities, is concerned, the Committee have not made any recommendations ; they have not looked into it. If it is the general desire of hon. Members, I shall ask the Committee to look into this and make recommendations.

TUBERCULOSIS RESEARCH CENTRE

*1604. Shri Shivananjappa : Will the Minister of Health be pleased to state :

(a) whether Government propose to start a Tuberculosis Research Centre in the country ;

(b) if so, where this centre will be opened ; and

(c) the assistance of W.H.O. in this connection ?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) A project of Chemotherapy Research in Tuberculosis is proposed to be started

by the Indian Council of Medical Research on behalf of the Government of India in collaboration with the British Medical Research Council and the World Health Organisation.

(b) Madras.

(c) The World Health Organisation provide a team of International experts for a period of two years initially and equipment required for the project, as also two fellowships for training in the U. K.

Shri Shivananjappa : May I know the estimated cost of this project and the type of researches proposed to be conducted ?

Shrimati Chandrasekhar : The estimated cost cannot be said just now because it is under examination. As regards the researches that are to be done, we are going to make trials on tuberculosis control by chemotherapy on a community scale on infective patients living at home under which domiciliary and nutritional conditions obtain in India for low wage level groups of population and it is also proposed that investigations will be conducted in two stages. The first stage is to determine what proportion of the patients living in congested urban area can be rendered sputum-negative by the present standard of drugs without hospitalisation, because we have not enough hospital beds to keep all the patients that are suffering from tuberculosis. It is also proposed to find out the proportion of patients thus rendered sputum-negative and remain so after the stopping of chemotherapy.

Shri B. S. Murthy : What is the contribution of the W. H. O., towards this project ?

Shrimati Chandrasekhar : They are going to provide some experts and also some equipment.

Dr. Kama Rao : May I know the organisational set-up of this research centre ?

Shrimati Chandrasekhar : There will be one senior medical officer, one medical officer, one bacteriologist, an

administrative officer, a laboratory technician, a radiographer, a nurse, a secretary and two public health nurses.

Dr. Jaisoorya : What will we have to pay to the experts of the WHO for their services ?

Shrimati Chandrasekhar : Nothing at all in the shape of pay.

Shri Viswanatha Reddy : In view of the fact that the actual culture of virus will have to take place in this centre, may I know whether the Government is able to say that this centre will be located in a place far removed from human habitation.

Shrimati Chandrasekhar : It will take necessary precautions to see that the safety of the population is not endangered.

डाक के जाली टिकट

*१६०५. **श्री रघुनाथ सिंह :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि १९५५-५६ में डाक के जाली टिकट छापने के लिये कितने व्यक्ति गिरफ्तार किये गये और इनमें से कितनी घटनाओं की सूचना सरकार को प्राप्त हुई है ?

संचार मंत्रालय में मंत्री (श्री राज बहादुर) : तीन मामलों की सूचना मिली है, परन्तु अभी तक कोई व्यक्ति गिरफ्तार नहीं किया गया है।

श्री रघुनाथ सिंह : वह कौन कौन सी स्टेट्स हैं जहाँ कि जाली टिकट काफी तौर पर छापे जाते हैं और जहाँ के कि यह मामले हैं ?

श्री राज बहादुर : ग्राम तौर से कोई जाली टिकट वहाँ पर बनते हों, ऐसी बात नहीं है। इस तरह की गलत और मूर्खमाना किस्म की कार्यवाही की इत्तिला हम कलकत्ता, दिल्ली और बम्बई इन तीनों बड़े शहरों में मिली है इन्हीं तीन जगह से एक एक केस मिला है।

श्री भागवत झा आजाद : क्या मंत्री महोदय ने इस बात का कोई अंदाज लगाया है कि इस तरह के जो जाली टिकट छापे गये हैं, वे कितनी संख्या में चालू किये जा चुके हैं और उसके कारण आपको कितना घाटा पहुँचा है ?

श्री राज बहादुर : अभी इस सम्बन्ध में पुलिस जांच कर रही है और यह नहीं कहा जा सकता कि ऐसे जाली टिकटों की संख्या कितनी होगी लेकिन डाकखानों को इतिला दे दी गई है कि जाली टिकटों के खबरदार रहें और इस तरह का एक जाली आठ आने का टिकट बम्बई में हमारे आर० एम० एस० (रेलवे डाक सेवा) के स्टाफ ने ही पकड़ा था और उस पर सारी कार्यवाही चालू हुई ।

श्री रघुनाथ सिंह : असली स्टाम्प और नकली स्टाम्प में क्या कोई ऐसा फर्क है कि जिसकी वजह से हम टिकट खरीदते वक्त यह पहचान सकें कि हम असली टिकट खरीद रहे या नकली टिकट खरीद रहे हैं ?

श्री राज बहादुर : जो इसके पारखी होते हैं वह अच्छी तरह से देख सकते हैं, वे असली टिकट और नकली टिकट में पहचान कर सकते हैं और यदि मैं और आप भी पहचान न की कोशिश करें और खरीदते वक्त अच्छी तरह से देखें तो असली टिकट और नकली टिकट में पहचान कर सकते हैं ।

श्री पी० एल० बारूपाल : क्या माननीय मंत्री को मालूम है कि एक्सप्रेस डेलीवरी लेटर्स पर जो एक्सट्रा (अतिरिक्त) टिकट लगाये जाते हैं, पोस्ट आफिसेज में उनको उचाड़ लिया जाता है और वह लेटर्स आर्डिनरी (साधारण) हो जाते हैं और क्या इस प्रकार की कोई शिकायत आपके पास आई है ?

श्री राज बहादुर : एक्सप्रेस लेटर पर से अगर एक्सप्रेस डेलीवरी का लेबल उतर भी जाव तो भी अगर उस पर दो आने का एक्सट्रा स्टाम्प लगा हुआ है तो वह एक्सप्रेस डेलीवरी के तौर पर चला जायेगा । अब जहां तक एक टिकट उचाड़ने का सवाल है तो एक क्या अगर कोई इस बुरी हरकत पर उतरे सारे ही टिकट उचाड़े जा सकते हैं ।

RAILWAY CATERING

***1606. Shri Dabhi :** Will the Minister of Railways be pleased to state :

(a) whether subletting in the catering services on the Railways has been eliminated ; and

(b) if not, to what extent it still exists ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b) In all proved cases of subletting, prompt steps are taken for its elimination by terminating the contracts. It is difficult, however, to make any categorical statement whether subletting has been eliminated or not, as all such cases either do not come to light or are not easily established.

Shri Dabhi : What steps has Government taken to ensure that no subletting takes place ?

Shri Alagesan : Whenever any complaints are received, they are thoroughly enquired into. As a result of such enquiries some cases of subletting were established. In such cases, as I said in my answer, the contracts were terminated.

Dr. Jaisooria : Is the hon. Minister aware that, when cases of large-scale subletting on the Secunderabad division of the Central Railway were brought to the notice of the General Manager of the Central Railway, he said that he was not in a position to do anything in the matter ?

Shri Alagesan : It is true that we are generally aware that subletting on a large scale exists. But, as I said in my answer, it is rather difficult to prove that such subletting exists. The vendors concerned do not generally come forward to make statements, etc.

Dr. Jaisooria : I am saying once again that he said that he was not in a position to do anything in spite of his attention being drawn.

Shri Alagesan : At least it should have been possible for the General Manager to have launched an enquiry. I do not know how one can say that nothing could be done in the matter.

Mr. Speaker : In such cases, where the local authority, who is the highest authority, pleads absolute inability, even if he has sufficient material on which he could come to conclusions for terminating the contracts, the hon. Members who have got that information may kindly pass it on to the highest authority here and thereafter come to the Parliament.

Shri Kamath : Is the hon. Minister prepared to lay on the Table of the House an up-to-date statement giving the names of contractors who have been proved to have sublet their contracts and the action taken in each case ?

Shri Alagesan : Provided it relates to a particular period, it could be done.

Shri Kamath : For the last 3-4 years. Will he lay a statement or will he not ?

Mr. Speaker : Order, order. It is not a supplementary question.

Shri Kamath : He has not answered the question; he wanted the period.

Mr. Speaker : Order, order. The hon. Member put a question without mentioning the period; the Minister answered but naturally he wanted the period. Now, the hon. Member has said the period and then wants a further assurance and asks: 'Will he place it on the Table of the House?' If he is interested in that, he must put down a separate question, if he is not satisfied with the answer that is given here. If a particular question is put, he is certainly bound to answer; otherwise, he is satisfied with this assurance. But, why should he go further and ask a double assurance ?

Shri Kamath : I seek your protection in this matter; you are the custodian of the rights of the Members.

Mr. Speaker : I am aware of that; I need not be reminded of my custodianship.

Shri Kamath : I put the first question whether he is prepared to lay it on the Table of the House and he asked for what period. I have said 'three years' but he has not answered.

Mr. Speaker : If he asked the period, the period must be given. It may be three years or four years. Then, there is an end of it. What is the need

for a further assurance—whether he will do so or he will not do so ?

Shri Kamath : He has not yet answered the first question.

Mr. Speaker : Order, order. There need not be any debate on this point. There is an implied understanding that, if the period is given, he would make every effort to place it on the Table of the House.

Shri Kamath : He has not said that. You have given the answer.

Mr. Speaker : I am entitled to give the answer.

Shri Nanadas : May I know how many contracts have been terminated during 1956 ?

Mr. Speaker : That requires notice.

कृषि सम्बन्धी गवेषणा

*१६०७. श्री विभूति मिश्र : क्या साष्टी और कृषी मंत्री यह बताने की कृपा करेंगे कि इस समय ऐसे कौन-कौन संगठन हैं, जिनके द्वारा किसानों को कृषि के बारे में की गई ताजी से ताजी वैज्ञानिक गवेषणाओं से परिचित कराया जाता है ?

कृषि मंत्री (डा० पी० एस० बेशमुख) : किसानों को नये वैज्ञानिक अनुसन्धानों के नतीजों से अवगत कराने की जिम्मेदारी मुख्यतः राज्यों के कृषि विभागों की है। उन इलाकों में, जहाँ सामुदायिक योजनाओं और राष्ट्रीय विस्तार सेवा ब्लाक्स का कार्य चल रहा है इस प्रकार की जानकारी किसानों को ग्राम सेवकों द्वारा पहुँचाई जाती है। इंडियन कौंसिल आफ एग्रिकल्चरल रिसर्च (Indian Council of Agricultural Research डाइरेक्टोरेट आफ एक्सटेन्शन एन्ड ट्रेनिंग (Directorate of Extension and Training) सेंट्रल रिसर्च इंस्टिट्यूट (Central Research Institute) और कमोडिटी कमिटीज (Commodity Committees) अन्य संस्थाएँ हैं जो कि फायदेमन्द वैज्ञानिक जानकारी को किसानों तक प्रसारित करने में मदद करती हैं।

हाल ही में फार्मर्स फोरम (Farmer's Forum) तथा ग्राम इंडिया यंग फार्मर्स असोसिएशन

(All India Young Farmers Association) ने विशेषज्ञों, अनुसंधान कार्यकर्ताओं तथा विकास विभागों के अधिकारियों का खेतों में काम करने वाले किसानों के साथ अधिक सम्पर्क पैदा करने का काम हाथ में लिया है। इससे जो जानकारी किसानों को दी जाती है उसके प्रसार में सुधार होगा और वे खेती के सुधरे हुए तरीकों को और भी अच्छी तरह से समझ सकेंगे।

श्री बिभूति मिश्र : माननीय मंत्री जी ने बताया कि अनुसंधानों से भ्रवगत कराने की जिम्मेदारी प्रान्तीय सरकारों की है। मैं जानना चाहता हूँ कि जहां पर सामुदायिक योजनायें नहीं हैं और डिस्ट्रिक्ट हेडक्वार्टर्स (जिला मुख्यालय) से दूर गरीब किसान रहते हैं, उनको जानकारी कराने के लिये क्या प्रबन्ध किया जा रहा है। मंत्री जी ने बताया कि ग्रामसेवकों द्वारा यह जानकारी किसानों तक पहुंचाई जाती है। वे बेचारे तो खुद ही कुछ नहीं जानते वह बतायेंगे क्या? मैं पूछना चाहता हूँ कि क्या यह केन्द्रीय सरकार की जिम्मेदारी नहीं है कि वह सुदूर देहातों में रहनेवाले किसानों को नये वैज्ञानिक अनुसंधानों के बारे में जानकारी करावे?

डा० पी० एस० बेशमुख : मैं इसका जवाब यही दे सकता हूँ कि इस बारे में हम अभी तक अपने आदर्श तक नहीं पहुंच सके हैं, लेकिन फिर भी काफी सुधार हुआ है। यदि कोई काश्तकार हमको कार्ड भी लिखता है और कोई सवाल पूछता है तो हमने ऐसा इन्तजाम कर दिया है कि उसको कुछ न कुछ जवाब भवश्यक मिले।

श्री बिभूति मिश्र : कोई कार्ड अगर लिखे तो उसको जवाब मिलता है, लेकिन मैं जानना चाहता हूँ कि क्या यह केन्द्रीय सरकार की जिम्मेदारी नहीं है कि वह किसानों को पूरी जानकारी कराये कि हम देश में क्या कर रहे हैं?

डा० पी० एस० बेशमुख : इस बारे में भी बहुत से बुलेटिन्स का प्रकाशन हो रहा है, और हम चाहते हैं कि ज्यादा से ज्यादा काश्तकारों तक यह चीजें पहुंचें। इसके लिये हमने काफी कार्यवाही की है और आगे उससे ज्यादा करने वाले हैं।

साथ और कृषि मंत्री (श्री ए० पी० जैन) : आई० सी० ए० ग्राम० के जरिये से अनुसंधान के जो नतीजे निकलते हैं वे काश्तकारों तक

पहुंचाये जाते हैं। इसके अतिरिक्त जो केन्द्रीय रिसर्च इन्स्टिट्यूट्स हैं वे भी इस काम को कर रहे हैं। कुछ पीरियाडिक्स (पत्रिकायें) छपते हैं।

Pandit K. C. Sharma : What is the number of periodicals?

श्री ए० पी० जैन : कई पीरियाडिक्स हैं, एक तो 'इंडियन फार्मिंग' निकलता है, दूसरा 'खेती' निकलता है, तीसरा 'बरती के साला' है।

Pandit K. C. Sharma : Are they monthly magazines?

श्री ए० पी० जैन : इसके अलावा पैम्फलेट्स निकला करते हैं। रिसर्च इन्स्टिट्यूट्स जो हैं उनके साथ हमने कुछ और भी इलाके लगा दिये हैं जहां पर वह प्रसार का काम कर रहे हैं। जो सेन्ट्रल गवर्नमेंट की कमोडिटी कमिटीज हैं देहातों में वह भी प्रसार का कार्य कर रही हैं।

NORTH EASTERN RAILWAY UNIONS

***1609. Shri K. P. Tripathi :** Will the Minister of Railways be pleased to state :

(a) whether requests have been received from North-Eastern Railway Unions for increase in dearness allowance or Assam compensatory allowance for the high cost of living prevailing in Assam; and

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

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes, Sir. Representations have been received for compensatory cost of living allowance being sanctioned.

(b) The matter is under consideration.

Shri K. P. Tripathi : May I know whether it is a fact that such compensatory allowance was prevalent during the war and if after the war due to transport dislocation the cost of living here has increased rather than decreased, may I know whether the decision is being finalised quickly?

Shri Alagesan : I am unable to say, as far as the Railway is concerned, whether the allowance was prevalent during the war. But there are a number of allowances under the names

like bad climate allowance, jungle allowance and so on, that were given to the railway staff as well as to the staff of the P. and T. Department. This question has been gone into by a committee of officers from our Ministry and other departments, and they are expected to submit their proposals with a view to rationalise all these allowances.

बीकानेर रेलवे वर्कशाप

*१६१०. श्री पी० एल० बारुपाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि उत्तर रेलवे के बीकानेर वर्कशाप में बहुत सी मशीनें पड़ी हुई हैं और रेलवे वर्कशाप भंडारों (स्टोर) के जोधपुर में स्थित होने के कारण आवश्यक सामग्री उपलब्ध नहीं है जिससे उन मशीनों के लगाये जाने में देर हो रही है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : जी नहीं।

श्री पी० एल० बारुपाल : क्या यह सत्य नहीं है कि बीकानेर रेलवे वर्कशाप की जरूरत का बहुत सामान जोधपुर रेलवे वर्कशाप में है और ऐसी सूरत में वहां से सामान प्राप्त करने के लिये पत्र व्यवहार आदि में समय लगता है और इससे सामान के आने में देरी होती है ?

Mr. Speaker : That is what he has answered. There is no delay. Therefore, the same answer stands.

श्री पी० एल० बारुपाल : मेरे कहने का मतलब यह है कि बीकानेर रेलवे वर्कशाप के आदमियों को सामान प्राप्त करने के लिये जोधपुर जाना पड़ता है जिसके कारण सामान के मिलने में देरी होती है और सामान के देर से पहुंचने के कारण सरकार को दिक्कत होती है।

श्री अलगेशन : बीकानेर में भी एक स्टोर है जिससे सप्लाई होती है।

THE TATA MEMORIAL CANCER HOSPITAL

*1612. Dr. Rama Rao : Will the Minister of Health be pleased to refer to the supplementary raised to

Starred Question No. 695 on the 14th March, 1956 and state :

(a) the special reasons for spending a huge amount of about Rs. 45 to 46 lakhs to acquire a well-run hospital (The Tata Memorial Cancer Hospital) of Bombay, while facilities for Radium and other methods of treatment for Cancer are very meagre in the country;

(b) the number of beds and the number of the hospitals in which facilities for Radium and other methods of treatment of cancer are available in Delhi; and

(c) the types of research being carried on by Government in association with the Tata Memorial Cancer Hospital?

The Deputy Minister of Health (Shrimati Chandrasekhar) : (a) The Government of India do not propose to purchase or acquire the Tata Memorial Hospital. The Government have already assumed responsibility for financing the Indian Cancer Research Centre, Bombay. As this Centre is dependent on the Tata Memorial Hospital, Bombay, it has been decided to take over the Hospital with the main object of bringing the two institutions under the control of the same administration. The Government of Bombay and the Tata Memorial Trust will, it is expected, continue their contribution. It is estimated that the Government of India will incur an expenditure of Rs. 44-50 lakhs on the maintenance and expansion of this institution during the Second Five Year Plan period.

(b) No beds are exclusively reserved for cancer cases but such beds are available for treatment of cancer cases according to requirements in two hospitals in Delhi, namely :

(i) Lady Hardinge Medical College Hospital, New Delhi;

(ii) Irwin Hospital, New Delhi.

(c) A statement containing the requisite information is laid on the Table of the Lok Sabha. [See Appendix IX, Annexure No. 20]

Dr. Rama Rao : May I know what steps the Government are taking to improve the facilities for treatment of cancer in cities like Delhi ?

Shrimati Chandrasekhar : I have already said that there are two hospitals here, and we are not satisfied with the existing arrangements because we do need more beds. But I know that the finances stand in the way of improvement.

The Minister of Health (Rajkumari Amrit Kaur) : I may add, Sir, that we are contemplating having a special extra ward for cancer in the Safdarjung Hospital also.

EMPLOYEES STATE INSURANCE SCHEME

***1613. Shri Gidwani :** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that Employees State Insurance Scheme is being extended;

(b) if so, to which places;

(c) the total number of employees who are benefited by this scheme at present ; and

(d) the number of employees who will be eligible after the extension of the scheme ?

The Deputy Minister of Labour (Shri Abid Ali) : (a) Yes.

(b) Arrangements are in hand to extend the Scheme to about 22 industrial centres in Rajasthan, Madhya Pradesh, Travancore-Cochin and Saurashtra.

(c) About 10.15 lakhs.

(d) Approximately 85,000 more employees will be benefited after the introduction of the Scheme in the new centres mentioned.

Mr. Speaker : Next question.

Shri K. P. Tripathi : May I put a supplementary, Sir?

Mr. Speaker : Hon. Members who want to put supplementaries should rise in their seats early.

2—89 L. S.

Shri K. P. Tripathi : I was expecting that you would call the hon. Member who has tabled the question.

Mr. Speaker : All right. Shri Tripathi.

Shri K. P. Tripathi : May I know whether it is a fact that a large number of areas, where the factories are paying subscription for this purpose, are at present excluded from this benefit and, if so, what is the approximate number of factories excluded, and workers involved ?

Shri Abid Ali : We are collecting three-fourth per cent of the wage bill from the employers in the non-implemented areas and nothing from the workers. If the hon. Member wants the details as to from which areas it is collected, I will require notice.

Shri K. P. Tripathi : May I know what is the policy with regard to these excluded areas from which money is being collected; whether they are expected to be included some time or, are they to be excluded for a long time?

Shri Abid Ali : We hope to implement the scheme there also as soon as the State Governments are ready with their plans.

MASTER MARINERS

***1614. Shri Bibhuti Mishra :** Will the Minister of Transport be pleased to state :

(a) whether it is a fact that a Company of Master Mariners of India has been formed by the Merchant Navy officers ; and

(b) if so the main aims and objects of the company ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) It is understood that Senior Certificated Master Mariners in India who are either serving Merchant Navy Officers or ex-Officers of that service propose to form a Company of Master Mariners (India) in the near future.

(b) The main aims and objects of the proposed Company would be to provide a Central Body representative of the Senior Officers for the purpose of developing and promoting the traditions, efficiency and the interests of the Merchant Navy and also to raise the status of Merchant Navy Officers.

TOURISM

***1615. Dr. Rama Rao:** Will the Minister of Transport be pleased to state :

(a) whether the Andhra Government has sent in any proposals or request for the development of tourism in Andhra ;

(b) the steps the Central Government have taken for the development of tourism in Andhra ; and

(c) the number of tourist offices opened by the Government in Andhra and where ?

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

(b) The Guide to South India (Madras and Andhra) brought out by the Ministry of Transport in March 1954, gives a detailed description of all the tourist centres in Andhra. Certain proposals to promote tourist traffic to Andhra are also being considered for inclusion in the Second Five Year Plan.

(c) The Government of India have not opened any tourist office in Andhra.

Dr. Rama Rao: In view of the forthcoming Buddha Jayanti celebrations, may I know what steps the Government are taking to encourage tourist traffic to Nagarjunakonda and Amravati in Andhra ?

Shri Alagesan: If I remember aright, the question is being put for the 12th time, and I have already answered on prior occasions that the centres that are chosen for the purpose of pilgrimage by foreign Buddhists all lie in the U. P. and Bihar areas. No other centre has been chosen for this purpose.

Shri B. S. Murthy: May I know whether the Andhra State has made any representation as regards Nagarjunakonda being included in the places to be visited by the foreign visitors during the Buddha Jayanti and, if so, what action has been taken on that representation ?

Shri Alagesan: The criterion was that the places with which Lord Buddha himself was connected when he was alive are chosen—Nagarjunakonda and places similar to Nagarjunakonda—were not connected with the life of Buddha, as such. They are important places where the Buddha's disciples and other leaders of Buddhism lived.

WRITTEN ANSWERS TO QUESTIONS

RAILWAY OUT-AGENCIES

1585. Chaudhuri Muhammed Shaf-fee: Will the Minister of Railways be pleased to state :

(a) the nature of complaints received by Government against the Railway Out-agencies in India in 1955 ; and

(b) the action taken by Government in this connection ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Complaints received during 1955 against the Railway Out-agencies related to irregularities in the booking of passengers, goods and parcels and delivery of goods and parcels and pertained largely to aspects such as irregular bus services, pilferage from consignments, demand for illegal gratification, collection of charges in excess, rude and objectionable behaviour of the out-agency staff and the inconvenient situation of the out-agency offices.

(b) The complaints were examined and where substantiated or justified suitable remedial action was taken.

SUGARCANE

***1587. Shri Sivamurthi Swami:** Will the Minister of Food and Agriculture be pleased to state :

(a) whether it is a fact that Mysore Government's scheme to double the State's present sugarcane production has been submitted to the Union Government ; and

(b) if so, whether it has been accepted by the Union Government ?

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

(b) The scheme is under the consideration of Government.

CIVIL AVIATION EMPLOYEES

***1588. Shri T. B. Vittal Rao :** Will the Minister of Communications be pleased to refer to the reply given to Unstarred Question No. 838 on the 21st December, 1955 and state :

(a) whether any decision has since been arrived at regarding the grant of Assam allowance to the civil aviation employees, stationed in the aerodromes in Assam ; and

(b) if so, when the decision will be given effect to ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) : (a) The matter is still under consideration.

(b) Does not arise.

GOODS TRAINS ON N.E. RAILWAY

***1591. Shri Dhuriya :** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that most of the goods trains of North-Eastern Railway are non-vacuumed ; and

(b) if so, how long it will take for Government to make them vacuum ones ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No. Most of the trains are partially vacuum braked.

(b) It is not proposed to fit vacuum brake equipment on wagons which have got only one quarter or less of their normal life left ; the remaining wagons are scheduled to be fitted with vacuum brake equipment by the end of 1957.

VACUUM BRAKES ON TRAINS

***1592. Pandit D. N. Tiwary :** Will the Minister of Railways be pleased to state :

(a) whether disconnecting of vacuum in certain trains on North-Eastern Railway has brought any statutory effect on the chain-pullers ;

(b) whether the vacuum has since been restored on those trains ; and

(c) whether any accident has been reported due to the trains running without vacuum ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The trains referred to still run vacuum braked, the procedure adopted being only to blank off the alarm chain apparatus from all passenger coaches except the ladies and R.M.S. compartments.

While there has been a substantial decrease in the incidence of chain pulling on such trains, some wrongdoers still resort to pulling the chain from the non-blanked off compartments.

(b) No, not in the blanked off compartments.

(c) Does not arise in view of answer to (a).

KOSI PROJECT AUTHORITY

***1594. Shri L. N. Mishra :** Will the Minister of Railways be pleased to state :

(a) the facilities demanded by the Kosi Project Authority (Bihar) for transport of its material ;

(b) the facilities granted so far and also that are proposed to be given ; and

(c) whether it is a fact that they have not been given priority in certain matters of transport and their work has suffered ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A statement is laid on the Table of the Lok Sabha. [See Appendix IX, Annexure No. 21]

(b) All the facilities have been provided except the laying of track on Karhagola Road-Kheriaghat Siding, which was postponed at the request of the Kosi Project Authority.

At present, there is no proposal for giving further facilities as there is very little traffic offering now for the Kosi Project.

(c) No; in fact, all traffic for Kosi Project is cleared under high priority item 'C' of the Preferential Traffic General Order; and the traffic actually offered has so far been less than the demand for wagons, for which commitments were accepted by the Railways.

BENGAL PROVINCIAL RAILWAY

***1598. Shri Tushar Chatterjea :** Will the Minister of Railways be pleased to state :

(a) whether it is a fact that the Bengal Provincial Railway of West Bengal has closed down recently ;

(b) if so, whether Government propose to take over that Railway or make any alternative transport arrangement in its place ; and

(c) whether the employees of the Bengal Provincial Railway have been provided with alternative jobs ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) It is understood that this Railway was closed down for traffic on 20-3-56.

(b) The Central Government do not propose to take over this Railway. As regards alternative transport arrangements, the State Government will no doubt consider this matter.

(c) The Central Government have no information in the matter.

REHABILITATION OF Jhumias

***1599. Shri Dasaratha Deb :** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 832 on the 21st December, 1955 and state :

(a) whether any plot of land from the protected areas has been released so far for the rehabilitation of Jhumias and displaced persons of Tripura ; and

(b) whether Government propose to release land for Jhumia rehabilitation from the protected or reserved forest areas of Boxnagar, Sonanura division of Tripura near the mauzas of Ashabari, Veluechar, Putia etc. ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) A major portion of protected Forests is being utilised for Rehabilitation of Jhumias and Displaced persons of Tripura.

(b) Release of some areas of Reserved Forests wherever desirable is under consideration but the exact area has not yet been located and demarcated.

EX-BIKANER STATE RAILWAY

***1602. Shri Karni Singhji :** Will the Minister of Railways be pleased to state :

(a) whether Government are aware of the dissatisfaction prevailing amongst the employees (Station Masters, Assistant Station Masters, etc.) of the former Bikaner State Railway (now incorporated with the Northern Railway) owing to the imposition of the former North-Western Railway Rules of Service on them without any consideration of the rules of service which governed them prior to the amalgamation of the Railways and thus putting them at a disadvantage; and

(b) if so, the steps taken or are being taken to redress their grievances ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) No change in the terms and conditions of service has been imposed on the ex-BK. S. Rly. staff, nor is Govt. aware of any dissatisfaction in this connection. It is, however, true that some representations have been received against the equation of certain ex-State Railway scales of pay to the prescribed scales of pay, and against the application of Indian Railway Medical Examination Rules to staff in service.

(b) The equation of the ex-State Railway scales to the prescribed scales has not affected the existing incumbents of the posts unless they have deliberately opted for the prescribed scales. The medical examination rules are applied on an all India basis and cannot be relaxed consistent with public safety.

QUARTERS FOR RAILWAY ACCOUNT STAFF

***1608. Shri T. B. Vittal Rao :** Will the Minister of Railways be pleased to state :

(a) the reasons for the delay in the matter of construction of 150 quarters for the staff of Accounts Department, Secunderabad, Central Railway ;

(b) the steps likely to be taken to expedite the construction ; and

(c) when it is likely to be completed ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Only 60 quarters for the staff of the Accounts Department are under construction and the delay in their completion has been due to the non-availability of steel material.

(b) It has been arranged to get the quarters completed by using steel materials supplied by the contractor.

(c) It is expected that it will be completed by the middle of May, 1956.

RAILWAY COACHES

***1616. Shri K. P. Tripathi :** Will the Minister of Railways be pleased to state :

(a) whether through coaches between Tezpur and Maniharighat have

been withdrawn since the 1st April, 1956;

(b) whether new allotted bogies have not been placed at all ;

(c) if so, the reasons therefor ; and

(d) the steps, if any, contemplated to remove the hardship ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (d). A statement is laid on the Table the Lok Sabha. [See Appendix IX, Annexure No. 22]

NORTH BIHAR CHAMBER OF COMMERCE

1199. Thakur Jugal Kishore Sinha : Will the Minister of Railways be pleased to state :

(a) the details of the discussion held between the representatives of North Bihar Chamber of Commerce and the Transport Member of the Railway Board recently ;

(b) to what extent the suggestions of the Chamber of Commerce have been not found acceptable and reasons therefor ;

(c) which of the suggestions have been accepted ; and

(d) when they will be implemented ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (d) It is presumed that the hon. Member is referring to the North Bihar Merchants Association who presented a memorandum to the Member, Transportation, Railway Board, during his visit to Muzaffarpur on 4-1-1956. The broad position, as explained to the Association during the course of discussion, in respect of the principal points raised in the aforesaid memorandum, is as shown in the attached statement. [Placed in Library. See No. S-136/56.]

POST AND TELEGRAPHS UNIONS

1200. Chaudhuri Muhammed Shafiee : Will the Minister of Communications be pleased to state :

(a) the number of the recognised unions and associations with their membership, union-wise and the dates on which they were recognised ;

(b) whether Government made any promise at the time of realignment of Post and Telegraph Union that no new union will be recognised; and

(c) if so, when and the causes for recognising the new unions?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) A list containing the information so far furnished by the Unions is placed on the Table of the Lok Sabha. [See Appendix IX, Annexure No. 23]

The authenticity of the figures however is yet to be verified for which action will be taken with complete co-operation of the Unions.

(b) and (c) No new unions have been recognised.

RAILWAY WAITING HALLS

1201. Shri Ram Krishan: Will the Minister of Railways be pleased to state:

(a) the number of new III class waiting halls constructed during 1955-56 on Northern Railways;

(b) the number of new III class waiting halls to be constructed during 1956-57 on Northern Railways; and

(c) the names of stations where these III class waiting halls are to be constructed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 16.

(b) 28.

(c) Bhatinda, Sampla, Panki, Sasni, Kandarki, Mewanawada, Seohra, Dab-tara, Karengi, Masit, Bijnor, Mandi Dhanaura, Kafurpar, Ramganga, Bah-joi, Basharatganj, Jawalapur, Kuchesar Road, Rajakasahasapur, Aghwanpur, Harduaganj, Basikiratpur, Kangra, Gogameri, Lalgargh, Palam, Sui and Mandore.

TICKETLESS TRAVELLING

1202. Shri Ram Krishan: Will the Minister of Railways be pleased to state:

(a) the total number of passengers detected without proper passes or tickets on Railways, Zone-wise, during 1955; and

(b) the total amount realised from them Zone-wise?

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

Railway	No. of passengers detected travelling without proper passes or tickets	Amount realised from them (fare and penalty)
		Rs.
Southern	9,87,640	17,62,172
Western	12,04,229	31,33,476
Northern	15,18,454	28,46,132
Eastern*	19,07,814	33,24,458
Central	5,71,335	13,65,052
South-Eastern†	3,69,060	6,47,370
North-Eastern	8,06,687	13,74,597

*Figures upto July, 1955 are inclusive of present South-Eastern Railway.

† From August, 1955 only.

SUGAR FACTORIES

1203. Shri Ram Krishan : Will the Minister of Food and Agriculture be pleased to state :

(a) whether final decision has been taken for the setting up of 16 new sugar factories ; and

(b) if so, the names of places where these factories are to be set up ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b) It is not clear as to which 16 new sugar factories the question refers. Licences for the establishment of 46 new sugar factories have so far been granted, a list of which is enclosed. [See Appendix IX, Annexure No. 24]

Officers of the Reserve Bank of India.	T. A. Rs. 1,474	D. A. Rs. 1,001
Officers of the Ministry of Food and Agriculture.	Rs. 1,345	Rs. 124
TOTAL	Rs. 2,819	Rs. 1,125

POST AND TELEGRAPH UNIONS

1205. Shri T. B. Vittal Rao : Will the Minister of Communications be pleased to refer to reply given to Unstarred Question No. 569 on the 24th August, 1955 and state :

(a) whether the numerical strength of the various Unions recognised by the Post and Telegraph Department is the average paid membership ; and

(b) if not, the average paid membership of these Unions based on the audited accounts of the Unions ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) : (a) and (b) The numerical strength of membership of the various recognised Unions as furnished in reply to the Unstarred Question No. 659 asked on 24-8-55 referred to, was as claimed by the Unions concerned and furnished by them. The information now required will be collected from the Unions whose co-operation in the matter will be of great value and will be placed on the Table of the Sabha as soon as available.

TRAVELLING ALLOWANCE OF OFFICERS

1204. Thakur Jugal Kishore Sinha : Will the Minister of Food and Agriculture be pleased to state the details of the T.A. and D.A. that have been paid to various officers of Delhi (both Reserve Bank and Central Government officials) in visiting Bombay and those of the Reserve Bank of India, Bombay, in visiting New Delhi during the last six months in connection with agricultural credit matters ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : The details of T.A., and D.A. paid to various officers for their tour in connection with agricultural credit matters since 1st October, 1955 is as under :—

SHIP-OWNERS CONSULTATIVE COMMITTEE

1206. Shri Ram Krishan : Will the Minister of Transport be pleased to state :

(a) whether the Consultative Committee of Ship-owners has submitted its report of the fifth meeting held in Bombay in November, 1955; and

(b) if so, the main recommendations thereof ?

The Deputy Minister of Railways and Transport Shri Alagesan) : (a) and (b) The Consultative Committee of Ship-owners comprising of representatives of the Indian Ship-owners, is a standing Advisory Body which has been set up by the Government of India for the purpose of holding discussions and exchanging views with representatives of the Government on matters relating to Indian shipping. The Committee holds its meetings at least once a year under the Chairmanship of the Minister of Transport. The suggestions made at such meetings are

taken into account by Government in formulating or modifying its own policies regarding shipping. It is not usual for the Committee to submit a report.

The fifth meeting of this Committee was held in Bombay on the 28th November, 1955. The important items discussed at that meeting were the following :

- (i) Income-tax concessions to shipping ;
- (ii) Second Five Year Plan—target for shipping ;
- (iii) Policy regarding employment of chartered vessels on the coast *vis-a-vis* the shortage of tonnage on the coast ;
- (iv) Second Shipping Corporation ;
- (v) Purchase of tankers ; and
- (vi) Orders for the Hindustan Shipyard during the Second Plan period.

अभ्रक की खानों के श्रमिक

१२०७. श्री एच० आर० नयानी : क्या अम मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय अभ्रक खान कल्याण निधि के अन्तर्गत राजस्थान के भीलवाड़ा जिले के श्रमिकों के लिये एक अस्पताल खोलने का विचार है ; और

(ख) यदि हां, तो इस सम्बन्ध में कितनी धनराशि व्यय की जायेगी तथा उस स्थान पर कितने श्रमिक रह रहे हैं जहां अस्पताल बनाने का विचार है ?

अम उपमंत्री (श्री आबिद अली) : (क) जी हां ।

(ख) अस्पताल बनाने में कितना खर्च होगा उसका अन्दाज लगाया जा रहा है । यह अस्पताल किस स्थान पर बनाया जायेगा यह मामला अभी विचाराधीन है ।

UNDERGROUND TELEPHONE CABLES

1208. **Shri Ram Krishan** : Will the Minister of **Communications** be pleased to state :

(a) whether the programme of linking the major cities of India by an

underground telephone cable has been finalised ; and

(b) if so, the main features thereof?

The Minister in the Ministry of Communications (Shri Raj Bahadur) :

(a) The scheme to link the major cities on the Bombay-Delhi-Calcutta route by underground cable has been finalised.

(b) The scheme will provide high grade circuits between the principal cities and their adjoining areas, namely Calcutta, Asansol, Patna, Banaras, Allahabad, Kanpur, Lucknow, Agra, Delhi, Jaipur, Ajmer, Jodhpur, Ahmedabad, Baroda, Surat and Bombay.

Coaxial type cable will be used incorporating the latest technological developments.

RAILWAY SUB-COMMITTEE OF E.C.A.F.E.

1209. **Shri Ram Krishan** : Will the Minister of **Railways** be pleased to state :

(a) whether Government have received the report of the Fourth Session of the Railway Sub-Committee of the E.C.A.F.E. ; and

(b) if so, the main recommendations thereof ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A formal report from the E.C.A.F.E. Secretariat is awaited.

(b) Does not arise.

MINOR IRRIGATION SCHEME

1210. **Shri Hem Raj** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the details and names of the minor irrigation schemes undertaken in the different States costing less than ten lakhs in 1956-57, State-wise ;

(b) the amount of grants and loans granted to each State in 1955-56 ; and

(c) the schemes sanctioned for undertaking in the Kangra District (Punjab) in 1955-56 ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Complete information is not available. It will be supplied to the Lok Sabha as soon as it has been collected.

(b) A Statement showing the Loan and Grant sanctioned for the minor irrigation schemes costing less than ten lakhs to each State in 1955-56 is attached. [See Appendix IX, Annexure No. 25]

(c) Under the G.M.F. scheme, "construction of Khuls in Kangra and Kullu Valley" was sanctioned in 1955-56 for a sum of Rs. 14.32 lakhs (Grant 4.77 lakhs and loans 9.55 lakhs).

TYPHOID IN AGARTALA

1211. Shri Biren Dutt : Will the Minister of Health be pleased to state:

(a) whether Typhoid cases have increased in the Agartala Town of Tripura ;

(b) if so, the causes of increase ; and

(c) the steps Government propose to take to control it ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Typhoid cases have not increased in the Agartala town.

(b) Does not arise.

(c) In the Second Five Year Plan there is a scheme for supplying protected water and improvement of drainage facilities. Besides, the Municipality immunises the people of Agartala town by giving prophylactic vaccine against typhoid throughout the year.

LAND RECLAMATION IN TRIPURA

1212. Shri Biren Dutt : Will the Minister of Food and Agriculture be pleased to state :

(a) whether Central Tractor Organisation unit has been stationed in Tripura for reclamation of land ;

(b) if so, the works carried by it ;

(c) the division in which it is going to operate at present ; and

(d) what will be the approximate expenditure in this work ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) to (d). No Unit of the C.T.O. is stationed in Tripura State at present. But the State Government is preparing, at the instance of the Ministry of Rehabilitation, a Scheme of jungle clearance in Ryma Sarma Valley of the State through the agency of the Central Tractor Organisation. The details of costs have not yet been worked out.

AGARTALA MUNICIPALITY

1213. Shri Biren Dutt : Will the Minister of Health be pleased to state:

(a) the income of Agartala Municipality in the year 1955-56 ;

(b) the amount of aid given by Government during 1955-56 ; and

(c) the administrative cost of the Municipality ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Rs. 1,12,475.

(b) Rs. 3,91,000.

(c) Approximately Rs. 1,60,000.

TRIPURA HOSPITALS

1214. Shri Biren Dutt : Will the Minister of Health be pleased to state:

(a) the number of beds in Tripura Charitable Hospitals run by Government ;

(b) the number of patients treated as indoor patients during 1955-56 ;

(c) the number of operations conducted in Victoria Memorial Hospital during 1955-56 ; and

(d) the number of patients who died in operation there during 1955-56 ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) 215 beds in the Hospitals and Maternity Wings of dispensaries.

(b) 54,363 patients.

(c) 660 operations.

(d) Nil.

रेलवे कर्मचारियों के लिये आरामघर

१२१५. { श्री भक्त बर्शन :
श्री हेमराज :

क्या रेलवे मंत्री २७ सितम्बर, १९५५ के तारांकित प्रश्न संख्या २२४० के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) किसियों, रांची, मसूरी, पल्लवरम और बरोग के प्रतिरिक्त और किन-किन स्थानों पर रेलवे कर्मचारियों के लिये आरामघरों की व्यवस्था करने का निश्चय कर लिया गया है अथवा किन-किन स्थानों पर आरामघरों की व्यवस्था करने के बारे में विचार किया जा रहा है; और

(ख) इन आरामघरों में रेलवे कर्मचारियों को क्या क्या सुविधायें दी जायेंगी ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) :

(क) तथा (ख) आवश्यक सूचना साथ वाले विवरण में दी गयी है [देखिये परिशिष्ट ६ अनुबन्ध संख्या २६]। पल्लवरम और बड़ो में आरामघर बनाने का विचार अब छोड़ दिया गया है ।

RAILWAY RATES FOR INDIAN SHIPPERS

1216. **Shri Bibhuti Mishra**: Will the Minister of Railways be pleased to state :

(a) whether Government are contemplating to give incentive to Indian shippers in fixing preferential railway rates for the movement of goods exported and imported by Indian ships :

(b) if so, what are they ; and

(c) how far the Indian shippers have received incentives in the years 1954-55 and 1955-56 ?

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

(b) and (c) Do not arise.

HINDI TELEGRAMS

1217. **Shri D. C. Sharma** : Will the Minister of Communications be pleased to state :

(a) the number of persons posted in General Post Offices in India to deal

with telegrams in Hindi ; and

(b) the number that is proposed to be employed during the current year?

The Minister in the Ministry of Communications (Shri Raj Bahadur) : (a) Nine, for all the G.P.Os. Ordinarily Hindi Telegrams are handled in Central and Departmental Telegraph Offices.

(b) Thirteen.

RAILWAY COACHES

1218. **Shri D. C. Sharma** : Will the Minister of Railways be pleased to state the criteria for allotting new coaches to the various Railways and the various sections in each Railway ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : The allocation is made in accordance with the requirements intimated by the Railways through their annual Rolling Stock Programmes. The Railway administration concerned distributes the coaches among the various sections as per requirements.

FOREIGN TOURISTS

1219. { **Shri S. C. Samanta** :
Shri Amjad Ali :

Will the Minister of Transport be pleased to state the number of foreign tourists who visited Kashmir during 1955 ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : 2,830.

भोपाल में कृषि-योग्य भूमि

१२२०. श्री अमर सिंह शर्मा : क्या साध और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) भोपाल राज्य का कुल क्षेत्रफल कितना है तथा वहां कितनी भूमि कृषि-योग्य है;

(ख) विसीय वर्ष १९५३-५४ और १९५४-५५ में कितने एकड़ भूमि में खेती की गई तथा कितने एकड़ भूमि बंकार पड़ी रही;

(ग) भोपाल में बंकार पड़ी कुल भूमि का कितना भाग कृषि-योग्य है और इस कृषि-योग्य भूमि पर खेती करने के बारे में इस राज्य के भारत-सरकार के साथ सीधे प्रशासन के अन्तर्गत आने के समय से अब तक क्या-क्या प्रयत्न किये गये हैं;

(घ) भोपाल में ऐसी कितनी कृषि-योग्य भूमि बंकार पड़ी है, जिस पर उन खेतों के कृषकों के पाकिस्तान चले जाने के बाद से खेती नहीं की गई है;

(ङ) जब से यह राज्य केन्द्रीय सरकार के सीधे प्रशासन में आया है, क्या तब से कुछ काश्तकार भोपाल लौट कर आये हैं; और

(च) यदि हां, तो उनकी संख्या क्या है?

कृषि मंत्री (डा० पी० एस० देशमुख) :

(क)	एकड़
(१) कुल क्षेत्रफल	४४,०६,२९३
(२) कृषि-योग्य भूमि	२५,२३,८७६
(ख)	१९५३-५४ १९५४-५५
	एकड़ एकड़

(१) ताजी खेती की गई भूमि ६७,५०२ ४६,१४२

(२) बंकार पड़ी हुई भूमि ७,६६,७३५ ७,२२,०७४

(ग) १९४६-५० में जब कि भोपाल राज्य भारत सरकार के सिधे प्रशासन में आया, इस राज्य की कुल पड़त (fallow) भूमि ६,६५,६२२ एकड़ थी जो सारी कृषि-योग्य थी। राज्य सरकार ने पड़त और कृषि-योग्य बंकार भूमि पर केन्द्रीय ट्रैक्टर संगठन द्वारा ट्रैक्टरों से जुताई करवाई और इस भूमि में से २,४३,५४८ एकड़ों को सुधारा। बाद की खेती का काम किसान कर सकें इसलिये राज्य सरकार द्वारा बेलों के खरीदने, ट्रैक्टरों, खेती के औजारों तथा सिंचाई के लिये कुओं के निमित्त तक़्कवी ऋण दिये गये।

(घ) ठीक जानकारी शीघ्र उपलब्ध नहीं है किन्तु राज्य सरकार का कहना है कि प्रायः ऐसी कोई भी भूमि नहीं जहां निर्वासी किसानों के पाकिस्तान चले जाने के पूर्व वस्तुतः खेती हुई थी और वहां अब खेती की गई हो। क्योंकि पाकिस्तान चले जाने के पहले निर्वासी किसानों ने या तो अपनी भूमि अन्य किसानों को बेच दी या सब-टेनन्ट्स (Sub-tenants) को पट्टे पर दे दी।

(ङ) जी नहीं।

(च) प्रश्न नहीं होता।

MANUFACTURE OF SPORTS GOODS

1221. Pandit D. N. Tiwary : Will the Minister of Food and Agriculture be pleased to state :

(a) whether there is any proposal under consideration of Government to open training centres for training people in the art of manufacturing sports goods;

(b) whether sufficient seasoned wood is available in the country for the manufacture of sports goods; and

(c) if not, from which of the countries wood for sports goods is imported?

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

(b) No.

(c) Various kinds of woods are imported from U.S.A., Canada, U.K., Burma, Thailand, British East Africa, Sweden, Portugal, Austria, Germany, Netherlands, Japan, Finland and others for multiple uses. Information is not available regarding imports of woods specifically for the manufacture of sports goods, except that willow clefts, beech and maple are obtained from the U.K. and cane from Singapore.

DEVLALI POST OFFICE

1222. Shri Punnoose : Will the Minister of Communications be pleased to state :

(a) whether the overtime allowance bills of the signallers of Devlali (Nasik) Post Office are held up since July, 1954;

(b) whether these Signallers are still required to put in overtime duty without sanctioning the bills; and

(c) the action being taken to avoid such delay and when the arrear bills will be paid and prompt payment ensured?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) Yes, under a misapprehension that overtime allowance is admissible, while actually the duty performed is not admissible for overtime allowance.

(b) and (c) No overtime allowance is admissible for overtime duty of less than half an hour unless performed for disposal of urgent service traffic and Railway clear-line Traffic. The overtime bills of Devlali signallers relate to overtime duty which was for less than half an hour and not in connection with any of the aforesaid items of work and as such no overtime allowance is admissible.

POST AND TELEGRAPH STAFF (TRIPURA)

1223. Shri Biren Dutt: Will the Minister of Communications be pleased to state:

(a) whether any demand has been made by the P. and T. Workers Union of Tripura for increased compensatory allowance; and

(b) the steps being taken by Government in this regard?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) and (b) A representation has been received from what is called the Central Co-ordinating Committee of the Central Government Employees of Assam, Manipur, Tripura and NEFA for grant of Assam Compensatory Allowance at 25% of pay subject to a minimum of Rs. 30 P.M. No separate representation has been received from P. and T. Unions in Tripura. Local compensatory allowances are already being paid to P. and T. staff at Tripura.

TELEGRAPH OFFICES IN ANDHRA

1224. Shri Lakshmayya: Will the Minister of Communications be pleased to state:

(a) the number of Telegraph Offices opened in Andhra State, District-wise during the years 1953-54, 1954-55 and the number opened in Andhra in general and Rayalseema Districts in particular, by the end of First Five Year Plan;

(b) whether any Telegraph offices have been opened in the District of Anantapur in Andhra Circle during the plan period (First Five Year Plan); and

(c) if so, how many and at what places?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

	1953-54	1954-55
(a) East Godavri	6	5
West	..	3
Visakapatnam	..	3
Krishna	1	2
Guntur	2	9
Nellore	..	1
Chittoor	1	1
Kurnool	2	2
Other Dists.
Total	12	26

In Andhra State during 1955-56—52

In Rayalseema Dists. only—11

(b) and (c) Seven

1. Anantapur Collectorate
2. Georgepata
3. Hindupur R. S.
4. Madakasira
5. Tankallu
6. Timmancherla
7. Vajrakarur

TELEGRAPH OFFICES AT YADIKI

1225. Shri Lakshmayya: Will the Minister of Communications be pleased to state:

(a) whether Telegraph offices will be opened at Yadiki in Anantapur district in the near future; and

(b) if so, when?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) Yes, on guaranteed basis.

(b) As early as possible. The supply of stores is awaited.

CULTIVABLE LAND IN MANIPUR

1226. Shri Rishang Keishing: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of agricultural families in Manipur State (plain area) who own less than one *pari* and more than 10 *paries* of cultivable land separately;

(b) the number of landless agricultural families in Manipur (plain area); and

(c) the steps being taken to provide the landless families mentioned in (b) with lands?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b) This information is not available as no census of Agricultural holdings or any survey of landless agriculturists has been carried out in the State of Manipur.

(c) In settling Government land suitable for cultivation, the general policy of the State Government is to give preference to landless agriculturists of adjacent areas.

RAILWAY EMPLOYEES WHO OPTED FOR PAKISTAN

1227. Chaudhuri Muhammed Shafie: Will the Minister of Railways be pleased to state:

(a) the number of Railway employees Zone-wise who opted for Pakistan before Partition and had never gone to Pakistan, and were not allowed to continue their service in India;

(b) the reasons therefor;

(c) the number of employees who have been reemployed and the number whose cases are still pending; and

(d) when their cases would be finally decided?

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

(b) to (d) Do not arise.

SETTLEMENT OF FARMERS IN NACHOW

1228. Shri Rishang Keishing: Will the Minister of Food and Agriculture be pleased to state:

(a) the area of land settled with the villagers of Nachow village last year;

(b) whether the land allotted is a recorded grazing ground;

(c) whether the Government of India are aware that a majority of the villagers objected to the settlement in the interests of the cattle grazing; and

(d) if so, the action taken by Government?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) If the hon. Member refers to land in all the villages settled with persons belonging to Nachow village, no information is available as the residents of Nachow village might have obtained settlement of land all over the State and even outside, but if the reference is to land from the Nachow Grass Mahal of the Manipur Forest Department dere-served for settlement in 1954, its area is about 20 *paris*, i.e., approximately 50 acres.

(b) to (d) The area in question is a Forest Department Grass Mahal and not a grazing ground which was de-served by the State Government. It has not yet been settled and objections to proposals for settlement are being heard by the Revenue officer concerned.

AERODROMES

1229. Shri Madiash Gowda: Will the Minister of Communications be pleased to state:

(a) the names of the new aerodromes which are intended to be constructed during Second Five Year Plan period; and

(b) the estimated amount that will be required for their construction and equipment?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b) I lay on the Table of the Lok Sabha a statement giving the requisite information. [See Appendix IX, Annexure No. 27]

ALL INDIA CATTLE SHOW COMMITTEE

1230. Shri Madiah Gowda: Will the Minister of Food and Agriculture be pleased to state:

(a) the powers and functions of All India Cattle Show Committee;

(b) the names of the members of the Committee and the number of times they meet in a year;

(c) the number of cattle shows arranged during last five years and where;

(d) the amount spent for each of those shows; and

(e) the kinds of animals that are exhibited in these shows?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The All India Cattle Show Committee is an autonomous body registered under the Registration of Societies Act (XXI of 1860). It exercises financial and administrative powers as provided for in its Rules and Regulations and Byelaws. The functions of the Committee are to organise and establish All India and Regional Cattle Shows in India and to carry on all activities connected therewith including the furtherance of cattle breeding and the improvement of stock and also to conduct similar activities and organisation of shows in regard to other animals and poultry and to endeavour by intercourse and discussion to attract public attention to this important subject and to spread the knowledge of the principles of sound animal and poultry breeding.

(b) The names of members of the Committee are given in the enclosed list. [See Appendix IX, Annexure

No. 28]. The general Committee meets once a year, and the Executive Committee meets at least four times a year.

(c) to (e) The information is given in the Statement attached. [See Appendix IX, annexure No. 29.]

UNDELIVERED POSTAL ARTICLES

**1231. { Shri Madiah Gowda :
Shri Thimmaiah :**

Will the Minister of Communications be pleased to state:

(a) whether it is a fact that about 2000 postal articles (without being delivered to the addresses) were thrown into a well in Koppal; and

(b) if so, the action taken in the matter?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes but 449 and not 2000 Postal articles.

(b) The matter is under investigation.

GUNTUR TELEPHONE EXCHANGE

1232. Shri S. V. L. Narasimham: Will the Minister of Communications be pleased to state:

(a) whether the attention of Government has been drawn to the unsuitable nature of the Telephone Exchange building located at Guntur in Andhra State; and

(b) if so, whether Government propose to improve its condition?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) and (b) The accommodation in the existing rented building is insufficient for the expansion of the exchange. It has been proposed to construct a new departmental building for the purpose.

DUNGARPUR-BANSWARA TELEPHONE LINE

1233. Shri Bheekha Bhai: Will the Minister of Communications be pleased to state:

(a) whether it is a fact that the Director General for Posts and Telegraphs has sanctioned recently the

replacement of Dungarpur-Banswara telephone line by iron poles; and

(b) if so, the reasons why the work has not been undertaken as yet?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) There are at present two alignments between Dungarpur and Banswara—an *ex-state* line of wooden poles and a departmental line of iron poles. The sanctioned scheme is for dismantling the line of wooden posts and for erecting a new trunk pair on the line of iron poles.

(b) Supply of some essential items of stores is awaited.

मालगाड़ी के डिब्बे

१२३४. श्री पी० एल० बासपाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ और १९५५ में बीकानेर डिब्बीजन के व्यापारियों के लिये कितने मालगाड़ी के डिब्बे दिये गये ; और

(ख) उनमें से गंगानगर जिले के प्रत्येक स्टेशन को मालगाड़ी के कितने कितने डिब्बे दिये गये ?

रेलवे तथा परिवहन उपमंत्री (श्री अलमगेशन):

(क) १९५४ और १९५५ में बीकानेर डिब्बीजन में लदान के लिये जितने माल डिब्बे दिये गये वे इस प्रकार हैं—

१९५४. १,७४,१५७ माल-डिब्बे

१९५५. २,२२,८४८ "

(ख) एक बयान साथ नत्थी है। [देखिये परिशिष्ट ६, अनुबन्ध सं० ३०]

POSTAL TRANSACTIONS WITH FOREIGN COUNTRIES

1235. Shri Ramananda Das : Will the Minister of Communications be pleased to state :

(a) whether it is a fact that much loss is being suffered by the Government of India owing to the settlement through the High Commissioner for India in London, of accounts

concerning postal and telegraphic transactions, between certain foreign countries and India ;

(b) if so, the amount of loss per year under different heads viz., Money Orders, Letters and Parcels purchase of stores transactions etc.; and

(c) the steps taken so far by Government for the elimination of this loss ?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) No. The expenditure is not much on this account.

(b) Information is not readily available. It will be placed on the Table of the Sabha when available.

(c) The existing arrangements do not require any change as they are in the interests of the country and any other arrangements would mean heavy expenditure by way of bank charges.

CORRUPTION AMONG RAILWAY OFFICIALS

1236. Chaudhuri Muhammed Shafie : Will the Minister of Railways be pleased to state :

(a) the number of the officers given punishment in 1954 and 1955 in Northern Railway for corruption ;

(b) the nature of punishment given ; and

(c) the number of such cases still pending for decision ?

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

(b) Censure.

(c) Five.

GRAND TRUNK EXPRESS

1237. Mulla Abdullabhai : Will the Minister of Railways be pleased to state :

(a) the number of days on which G. T. Express 15 Up and 16 Down reached late at Nagpur and Delhi Stations during the months of September to December, 1955 ; and

(b) if so, the reason thereof ?

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

(a)	Number of days arrived late	
	No. 16 G. T. Express (South Bound)	No. 15 G.T. Express (North Bound)
Nagpur	65	110
Delhi	..	99

(b) The main reasons are as follows :—

- (i) Operational causes, such as accidents, engineering restrictions etc.,
- (ii) Pulling of alarm chain communication ;
- (iii) Diversion of the trains on certain days during September, 1955, via Waltair and Nagpur, due to breaches between Kazi-pet and Balharshah ;
- (iv) Heavy rush of traffic during October-December, 1955, due to the Indian Industries Fair at Delhi, involving the attaching and detaching of extra coaches ;
- (v) Dislocation of berthing arrangements at Delhi Main during October and November, 1955 due to floods and consequent late start of G. T. Express train.

There is an improvement in the performance of these trains and the Railway Administrations are taking special steps to further improve their performance.

POST AND TELEGRAPH SUB-OFFICES

1238. Shri Kamath : Will the Minister of Communications be pleased to state :

(a) whether it is a fact that some Post and Telegraph sub-offices are going to be opened in Jalpaiguri Division in West Bengal Circle ;

(b) if so, how many sites have been investigated for the purpose ;

(c) whether any suggestion has been received for the opening of a sub-office at Kathambari ; and

(d) if so, the action proposed to be taken in the matter ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) :

(a) Proposals for opening a few Branch Offices in Jalpaiguri Division are under consideration. Sub-Offices may, however, be opened where found necessary and justified.

(b) Fifteen Branch Offices are proposed to be opened in Jalpaiguri Division, for which departmental accommodation is not required.

(c) No. A Branch Office, however, already exists at Kathambari."

(d) Does not arise.

WORLD DAIRY CONGRESS

1239. Shri Bibhuti Mishra : Will the Minister of Food and Agriculture be pleased to state :

(a) whether it is a fact that India propose to participate in World Dairy Congress to be held in Rome in September next ;

(b) if so, what are the main subjects to be discussed there ; and

(c) what are the main subjects in which India is specially interested ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) The question of India's participation in the World Dairy Congress in Septemebr, 1956 is under consideration.

(b) The main subjects to be discussed at the meetings include problems connected with :—

(i) Milk for liquid consumption,

(ii) Dairy products,

(iii) Legislation, control, methods of analysis of milk etc.,

(iv) Position of milk industry in national economy and related aspects.

(c) India is interested in all the subjects and the dairy science workers in India have contributed 16 technical

papers covering the various aspects of the above subjects for discussion at the Congress.

ROPEWAYS IN HILLY AREAS

1240. Shri Krishnacharya Joshi: Will the Minister of Transport be pleased to state:

(a) whether there is any statistics been received by Government for the improvement of ropeways in hilly areas where valleys and streams abound; and

(b) whether any provision has been made therefor in the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Schemes for the construction of ropeways have been received from the Governments of Assam and Himachal Pradesh. The Government of Jammu and Kashmir have also sent a proposal for survey in connection with a ropeway scheme in the State.

(b) No provision for the construction of any ropeway has so far been accepted for inclusion in the Second Five Year Plan. However, a sum of Rs. 20,000 has been provided in the Second Plan for survey work in Jammu and Kashmir State.

RICE PRODUCTION IN MANIPUR

1241. Shri Rishang Keishing: Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any statistics of rice production in Manipur; and

(b) if so, the quantities of surplus rice in Manipur State in the years 1954-55 and 1955-56?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir. Acreage 2.74 lakhs, production of rice about 39.45 lakhs of maunds.

(b) There is no reliable consumption figure for rice in Manipur and as such no estimate for surplus rice in Manipur during the years 1954-55 and 1955-56.

1955-56 can be given. However, the surplus is estimated to be of the order of about 4 lakhs of maunds of rice.

VENDING CONTRACTORS AT LUCKNOW

1242. Shri P. L. Kureel: Will the Minister of Railways be pleased to state:

(a) whether petty vending contractors of the Northern Railway of Lucknow have been served with one month's notice for the termination of their contracts;

(b) whether it is a fact that according to the agreement they should be served with three months notice; and

(c) whether these petty vending contractors will be ousted from the business premises of Lucknow Railway Station?

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

(b) Yes, in the case of some only of those referred to under (a).

(c) The matter is *sub judice*.

BARAJAMDA AREA MINES

1243. Shri Deogam: Will the Minister of Labour be pleased to state:

(a) whether Government is aware of any trouble, on or about the 13th March, 1956, between the mine labourers and the owners in Barajamda area; and

(b) if so, the cause and the details thereof?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). There was some misunderstanding between the management and the workmen of the mines of Ram Gopal Pasari, Barajamda, over the refusal of the workmen to return the 'Admit Cards' at the time of their entry into the mines.

BARAJAMDA MINES

1244. Shri Deogam: Will the Minister of Labour be pleased to state:

(a) whether there is any union of miners of Barajamda; and

(b) if so, whether it is recognised by Government ?

The Deputy Minister of Labour (Shri Abid Ali) : (a) So far as Government is aware there are two Unions of Miners in Barajamda, namely :—

- (1) Keonjhar Mines and Forest Workers' Union ; and
- (2) Jamda Noamundi Forest and Minerals Workers' Union.

(b) The question of recognition of the Unions by Government does not arise since the mines are private ones.

बाल मार्ग प्रदर्शन क्लिनिक

१२४५. डा० सत्यवादी : क्या स्वास्थ्य मंत्री निम्न आशय का एक विवरण सभा-पटल पर रखने की कृपा करेंगी :

(क) अभी तक बाल मार्ग प्रदर्शन क्लिनिक में किस प्रकार के मामले लिये गये हैं और उनमें कितनी सफलता मिली है ;

(ख) इस समय किस प्रकार के मामलों की देखभाल या गवेषणा हो रही है ; और

(ग) गत वित्तीय वर्ष में इस क्लिनिक पर कितना खर्च हुआ ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) से (ग) संलग्न विवरणों में आवश्यक सूचना दी हुई है । [बेखिये परिशिष्ट ६, अनुबन्ध सं० ३१]

TEZPUR-RANGIA LINE

1246. **Shri K. P. Tripathi :** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 504 on the 20th August, 1955 and state :

(a) Whether the Tezpur-Rangia branch of North Eastern Railway has been adequately ballasted ; and

(b) if so, how far the speed of the trains in this section has been increased ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). The entire length consists of the following sections :—

- (i) Tezpur to Rangapara North.
- (ii) Rangapara North to Tangla.
- (iii) Tangla to Rangia.

The position as regards ballasting and other factors affecting speed in the sections is as follows :—

(i) Tezpur-Rangapara North.

This 16½ miles section consists of 41½ lb. rails and has been included for relaying with 50 lb. rails in 1956-57. The work is expected to take about 2 financial years to complete. The present permissible speed is 15 m.p.h. The speed is proposed to be progressively increased to 25 m.p.h. when relaying of track, ballasting and replacement of 10 N.G. bridges by M.G. bridges are completed within about 3 years.

(ii) Rangapara North-Tangla.

The section, 52½ miles long, is now ballasted with unscreened shingle and the maximum permissible speed is 20 m.p.h. Ballasting of this section with stone ballast as been included in the Works Programme of 1956-57. After the ballasting has been completed and a number of existing pile bridges replaced by pucca bridges, the speed will be increased to 25 m.p.h. The above works may take 3 years to complete.

(iii) Tangla-Rangia.

This section of 24½ miles is already ballasted with stone ballast and the speed of the section is 25 m.p.h.

वनप्रशासन

१२४७. श्री के० सी० सोबिया : क्या ज्ञात और कृषि मंत्री २२ मार्च, १९५५ के तारांकित प्रश्न संख्या १३३० के भाग (ग) के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या सरकार वनों के इंस्पेक्टरों जनरल द्वारा राज्य सरकारों के वनों की कार्य योजनाओं की छानबीन करने के लिये एक संगठन स्थापित करने के प्रश्न पर अब तक कुछ विचार कर चुकी है ;

(ख) यदि हां, तो क्या वह संगठन स्थापित हो गया है ;

(ग) यदि नहीं, तो उसके कब तक स्थापित किये जाने की आशा है; और

(घ) इस संगठन की स्थूल रूपरेखा क्या है ?

कृषि मंत्री (डा० पी० एस० बेशमुख) :

(क) जी हां ।

(ख) अब तक नहीं ।

(ग) चालू वित्तीय वर्ष में ।

(घ) अभिप्राय यह है कि देश को तीन क्षेत्रों में विभक्त किया जाये और प्रत्येक क्षेत्र एक अनुभवी अफसर के चार्ज (charge) में रक्खा जाये जिसका काम सम्बन्धित क्षेत्रों की कार्य योजनाओं की छानबीन में इंस्पेक्टर जनरल आफ फारेस्ट को सहायता करना होगा । बनायी हुई योजनाओं की छानबीन करने के अतिरिक्त, इन अफसरों से यह भी प्रत्याशा की जायेगी कि वे कार्य योजना से सम्बन्धित अफसरों को क्षेत्रों में मार्गदर्शन करें ।

COAL MINERS PROVIDENT FUND

1248. Shri Radha Raman : Will the Minister of Labour be pleased to state in how many States the provident fund facilities have been accorded to the Coal miners so far ?

The Deputy Minister of Labour (Shri Abid Ali) : In the States of West Bengal, Bihar, Madhya Pradesh, Orissa, Vindhya Pradesh, Assam and Hyderabad.

BANK DISPUTE

1249. Shri Radha Raman : Will the Minister of Labour be pleased to state :

(a) whether it is a fact that he has evolved a formula for the settlement of Bank dispute ; and

(b) if so, the nature thereof ?

The Deputy Minister of Labour (Shri Abid Ali) : (a) and (b). On my visit to Bombay last month, I had occasion to discuss with representatives of the employers what concessions they could give, in the light of

the present circumstances, to such of the bank employees as suffered a cut in their pay in conformity with the recommendations of the Gajendragadkar Commission as embodied in the Industrial Disputes (Banking Companies) Decision Act, 1955. It was left to the individual banks to settle the matter. The general line which the employers accepted was that there should be no further cuts in pay in April 1956 and afterwards.

संयुक्त राष्ट्र बाल सहायता कोष

१२५०. श्री अमर सिंह डामर : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि:

(क) संयुक्त राष्ट्र बाल सहायता को (यूनीसेफ) ने जो राशि दी थी, उसमें से बाल-कल्याण के लिए कुल कितनी राशि व्यय की गयी; और

(ख) विभिन्न राज्यों के कितने गांवों में कितने व्यक्तियों को दाइयों के औजार और सामान उपयोग करने के लिये दिये गये ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) :

(क) सरकार को यूनीसेफ से पैसे नहीं मिलते । लेकिन भारत के विभिन्न राज्यों में माताओं व बच्चों के कल्याण प्रोग्रामों के लिये १९५५ में यूनीसेफ द्वारा ३०५,७७५ डालर की कीमत के equipment दिये गये ।

(ख) भारत के विभिन्न राज्यों के गांवों में मां व शिशु कल्याण का काम करने वाले व्यक्तियों के इस्तेमाल के लिये १९५५ में यूनीसेफ द्वारा नीचे लिखे दाइयों के औजार और सामान दिये गये :—

मां व बाल-स्वास्थ्य के सामान के सेट	६७२
प्रसूति सामान के किट	१४६८
दाइयों के किट	२१६५

ADREMA MACHINES

1252. Shri S. C. Samanta : Will the Minister of Communications be pleased to state :

(a) the cost of the Adrema Machines introduced at Bombay, Calcutta and Madras Sorting Offices ;

(b) whether there is any proposal to introduce the same in other towns and cities in India ; and

(c) if so, the number of places where these will be introduced during the Second Five Year Plan ?

The Minister in the Ministry of Communications (Shri Raj Bahadur) :

(a) The cost of each Adrema Electric Printing Machine fitted with foot skipper, Data attachment top and bottom and Rack listing attachment supplied to Bombay, Calcutta and Madras Sorting Offices was Rupees Five Thousand Nine Hundred and Fifty only (Rs. 5,950).

(b) Adrema or other machines like Addressograph or Multigraph Machines performing similar work are proposed to be introduced to a few other cities also.

(c) The number will depend on the success of Adrema Machines being tried at Bombay, Calcutta and Madras. The places where the supply will be made have not been determined.

ENGINE FAILURES

1253 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the Minister of **Railways** be pleased to state :

(a) the number of engine failures on the Northern Railway on the Rewari-Bhatinda Section during the last year ;

(b) whether there has been any increase in such engine failures as compared to the earlier periods ;

(c) if so, the reasons therefor ; and

(d) the steps taken to minimise them ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 11 during 1955.

(b) No, there has been some reduction.

(c) Does not arise.

(d) Constant efforts are made to reduce engine failures by improving the mechanical condition of the locomotives and training the running staff.

AYURVEDIC INSTITUTIONS

1254 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the Minister of **Health** be pleased to state :

(a) the number of Ayurvedic institutions that have been upgraded so far ;

(b) the financial aid given to each ;

(c) whether any other institutions are proposed to be upgraded ; and

(d) the number of institutions that have been permitted and aided to carry on research in Ayurveda ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Government have sanctioned the establishment of a Post-Graduate Training Centre in Ayurveda at Jamnagar.

(b) Government have agreed to meet the recurring expenditure Rs. 1.5 lakhs per annum and to construct a 50 bedded Hospital at an estimated cost of Rs. 5 lakhs for the Centre. A sum of Rs. 50,000 has so far been paid.

(c) A provision of Rs. 7.50 lakhs has been made in the Second Five Year Plan of the Ministry of Health for the upgrading of 6 Ayurvedic institutions during the Second Five Year Plan period.

(d) Nine institutions have been given grants-in-aid to carry on research in Ayurveda. No permission is required to carry on research in Ayurveda.

TELEPHONE CONNECTIONS IN PEPSU AND PUNJAB

1255 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the Minister of **Communications** be pleased to state :

(a) whether there is any proposal to connect all the District and sub-divisional Headquarters in PEPSU and Punjab by telephone ; and

(b) if so, within what period ?

The Minister in the Ministry of Communications (Shri Raj Bahadur):

(a) All the District and sub-divisional headquarters in PEPSU and Punjab have already been connected by telephone, excepting Kulu, a sub-divisional headquarter in the Punjab.

(b) A scheme for a Public Call Office at Kulu has already been sanctioned and is expected to be completed before March, 1957.

RAILWAY ENGINES

1256 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the Minister of Railways be pleased to state :

(a) whether it is a fact that several Metre Gauge engines on the Northern Railway are either overaged or require constant repairs ; and

(b) if so, the number of each of these categories of engines ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Locomotives are kept at work regardless of age so long as they can be utilised effectively and can be kept in good repair. 40 years has been, however, fixed as the normal age of a locomotive. On the Northern Railway on 31-3-56, there were 70 Metre Gauge locomotives over 40 years old. These are in good condition at present. There are no locomotives on the Northern Railway requiring constant repairs.

WHEAT CONSUMPTION

1257 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

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

quantity of wheat consumed in India during the year 1955-56 ?

The Minister of Agriculture (Dr. P. S. Deshmukh): Estimates of actual consumption of wheat during 1955-56 are not available. The available data are, however, given below :—

(Million
Tons)

- | | |
|---|------|
| (1) Production of wheat during 1954-55 available for consumption in 1955. | 1.54 |
| (2) Less seed, feed and wastage @15% | 1.28 |
| (3) Plus net imports in 1955. | 0.43 |
| (4) Net availability for consumption during 1955. | 7.69 |
| (1) + (3) — (2) | |

The changes in the stocks have not been taken into account in the above calculation as stock figures are not available.

RAILWAY ACCIDENT

1258 { **Sardar Iqbal Singh :**
Sardar Akarpuri :

Will the Minister of Railways be pleased to state :

(a) the number of train-motor truck accidents in each zone during 1955-56 ;

(b) the number of persons killed and seriously injured in these accidents ;

(c) the value of property damaged as a result thereof ; and

(d) whether there has been any claim for damage in any zone ?

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

	Central	Eastern	Northern	N. E.	Southern	S.E.	Western
(a) Number of accidents:	4	6	9	11	Nil	4	4
(b) (i) Killed:	5	2	1	3	Nil	3	1
(ii) Seriously injured	13	1	3	9	Nil	13	Nil
(c) (i) The approximate cost of damage to Railway Property was:	Rs. 110	Rs. 493	Rs. 190	Rs. 60	Nil	Rs. 1,263	Rs. 15
(ii) The value of damage to public property is not known:							
(d) Yes, their numbers being:	8	3	3	2	Nil	2	1

बेलाताल स्टेशन पर डकैती

१२५६. श्री आर० एस० तिवारी : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मार्च, १९५६ में झांसी-माणिकपुर रेलवे के बेलाताल स्टेशन को डाकुओं ने लूटा था;

(ख) डाकुओं द्वारा लूटी गयी सरकारी और निजी सम्पत्ति का मूल्य क्या है ;

(ग) डाकुओं की संख्या क्या थी;

(घ) क्या यह भी सच है कि स्टेशन मास्टर को भी पीटा गया और उसे चोट भी लगी;

(ङ) क्या डाकू पकड़ लिये गये हैं; और

(च) क्या अन्य किसी स्टेशन को भी लूटा गया है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) :

(क) जी हाँ ।

(ख) सरकारी सम्पत्ति : स्टेशन की (नगदी) ६२ रु० ३ आने ।

निजी सम्पत्ति (रेल कर्मचारियों के नकद रुपये और गहने) २६६२५ रु०

(ग) लगभग २५ ।

(घ) जी हाँ ।

(ङ) जी नहीं ।

(च) जी नहीं ।

SUGAR FACTORY IN MYSORE

1260. **Shri Shivananjappa** : Will the Minister of Food and Agriculture be pleased to state :

(a) whether the Mysore Government have sent an expansion scheme of the sugar factory at Mandya for inclusion in Second Five Year Plan ;

(b) if so, whether the scheme has been approved by the Union Government ;

(c) the estimated cost of the scheme ; and

(d) the main features of the expansion programme ?

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

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

IMPROVEMENT OF DAIRY INDUSTRY

1261. **Shri Shivananjappa** : Will the Minister of Food and Agriculture be pleased to state :

(a) whether a special U. N. consultant who made a six weeks' study in India recently on behalf of U.N.I.C. E.F., has given suggestions to the Union Government for the improvement of dairy industry in the country; and

(b) if so, the important suggestions given by him ?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) No specific suggestions for the improvement of dairy industry were made by the U.N. Consultant.

(b) Does not arise.

RAILWAY SCHOOLS

1262. **Dr. Satyawadi** : Will the Minister of Railways be pleased to state :

(a) the number of Schools, Primary, High and others run by the Railway Administration zone-wise ;

(b) whether an establishment is separately maintained for administration, inspection and for prescribing the books for these Schools ; and

(c) the number of magazines and other periodicals sanctioned or approved by the authorities for the libraries of these Schools, language-wise ?

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

Railways	Primary	High	Others
Central	15	1	5
Eastern	12	5	4
Northern	4	3	..
North-Eastern	4	3	1
Southern	16	1	8
South-Eastern	21	8	6
Western	22	3	2

(b) No, Sir.

(c) The information is being collected and will be laid on the Table of the House in due course.

CENTRAL TRACTOR ORGANISATION

1263. Shri Kamath : Will the Minister of Food and Agriculture be pleased to state :

(a) whether it is a fact that the Central Tractor Organisation has carried out operations in Bhopal ;

(b) the area of land that has been reclaimed and brought under cultivation in that State ;

(c) the rate per acre of tractorisation in Bhopal ;

(d) whether the recovery is being made in instalments ;

(e) whether any interest is levied on the tractorisation charges on arrears thereof ; and

(f) if so, at what rates ?

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

(b) A total area of 3,28,139 acres has been reclaimed in Bhopal upto the end of the operational season 1954-55. Except for a small area of 3,098 acres, the entire reclaimed area has been brought under cultivation. The unallotted area of 3,098 acres is also being allotted by the Bhopal Government.

(c) The reclamation charges for the various years are given below :—

Year	Rate per acre/hour
(i) 1949-50, 1950-51, 1951-52 & 1952-53	Rs. 52
(ii) 1953-54	Rs. 55
(iii) 1954-55	Rs. 40
(iv) 1955-56	Rs. 35

(d) According to the arrangements in force the C.T.O.'s charges are credited to it in a lump sum from the G.M.F. Funds of the Central Government and the amount thus credited is treated as a loan to the State Govt. who recover the charges from the cultivators in instalments.

(e) and (f). The Bhopal Govt. was previously making recoveries from the cultivators in instalments of Rs. 10 each per acre. As a result of fall in agricultural prices the amount of instalments was reduced to Rs. 7 per acre from 1954. Whether these instalments include any element of interest is being ascertained and the information will be placed on the Table of the Lok Sabha when collected.*

COMPLAINT AGAINST RESERVATION SECTION AT MADRAS CENTRAL

1264. Shri Madiiah Gowda : Will the Minister of Railways be pleased to state the number of complaints against the reservation section of the Madras Central Station, from 1948 to 1956, year-wise ?

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

Year	Total Number of complaints received
1948	Not available
1949	5
1950	23
1951	25
1952	25
1953	56
1954	40
1955	40
1956 (up to 31st March)	19

*Laid on the Table vide Part II debates dated 9-5-56 and printed in Appendix XII of the Debates of 12th Session as annexure No. 37].

[Friday, 20th April, 1956]

COLUMNS

ORAL ANSWERS TO
QUESTIONS

2537-72

S.Q.No.	Subject	
1582	Report of Estimates Committee on Railways	2537-41
1583	Repairs to Railway Rolling Stock	2541-42
1584	Mahananda Bridge	2542
1586	Medicines	2543-45
1589	Brahmaputra Water Transport	2545-47
1593	Postal Service for Villages	2547-50
1595	Railway Offices, Bikaner Division	2550-51
1596	Over-crowding in Trains	2551-52
1597	Carriage of Mails	2552-53
1600	Electric Coaches from Japan	2553-55
1601	Mineral Springs	2555-56
1603	Medical facilities to M. P.s	2557-58
1604	Tuberculosis Research Centre	2558-60
1605	Counterfeit Postal Stamps	2560-61
1606	Railway Catering	2561-64
1607	Agricultural Research	2564-66
1609	North-Eastern Railway Unions	2566-67
1610	Bikaner Railway Workshop	2567
1612	The Tata Memorial Cancer Hospital	2567-69
1613	Employees State Insurance Scheme	2569-70
1614	Master Mariners	2570-71
1615	Tourism	2571-72

WRITTEN ANSWERS TO

QUESTIONS . 2572-2614

1585	Railway Out-agencies	2572
1587	Sugarcane	2573

WRITTEN ANSWERS TO
QUESTIONS—contd.

S.Q.No.	Subject	COLUMNS
1588	Civil Aviation Employees	2573
1591	Goods Trains on N. E. Railway	2573-74
1592	Vacuum Brakes on Trains	2574
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(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIA
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SIX ANNAS (INLAND)

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LOK SABHA

Friday, 20th April, 1956.

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-31 A.M.

MOTION FOR ADJOURNMENT

STRIKE BY CIVILIAN EMPLOYEES OF
NAVAL DOCKYARD AND DEPOTS AT
BOMBAY

The Minister of Defence (Dr. Katju): On the 5th April 1956, the Indian Naval Dockyard Employees' Union, Bombay, served a notice on the Captain Superintendent of the Dockyard stating that the workers would go on an indefinite strike from the 17th April, 1956, unless the two demands put forward by them were conceded before that date. The demands made by the Employees' Union are (i) that negotiating machinery should be constituted at the dockyard level with the representatives of the Employees' Union representing labour; and (ii) rules relating to leave should be modified so as to exempt workers having service of 10 years or more from the provisions of section 79 of the Factories Act.

As regards the first demand the position is that at present there are two trade unions functioning at the Naval Dockyard. The Indian Naval Dockyard Employees' Union, which has sponsored the strike, is not a union which has been recognised by the Government; but it is affiliated to the All-India Defence Employees' Federation. The other union, the Indian Naval Dockyard Workers' Union, is recognised by the Government; but is not affiliated to the All-India Defence Employees' Federation. In these circumstances, the question as to which union should represent the dockyard labour at the negotiating machinery meeting at the dockyard level, has to be determined, under the rules relating to the negotiating machinery, by the negotiating machinery at the top level. Last December, the President of the Indian Naval Dockyard Employees' Union met the Defence Secretary; and one of the points discussed at the meeting related to the setting up of the negotiating machinery at the dockyard level. The Defence Secretary advised the President of the Union to approach the All-India Defence Employees' Federation for inclusion of this question in the agenda of one of the meetings of the negotiating machinery at the top level. The question has not yet come up for discussion at any meeting of the negotiating machinery at the top level. The Union, on the other hand, has resorted to a strike on this issue.

As regards the other demand put forward by the Union, the demand relating to the leave rules, the position is that according to section 79 of the Factories Act, 1948, the workers earn leave at the rate of one day for every 20 days of work. Under the departmental rules in force in 1954, the workers were being allowed leave at less than the rate prescribed under the Factories Act if they had less than 10 years of service, and at more than the rate prescribed under the Factories Act if they have more than 10 years of service. As those departmental rules were not in accordance with the relevant provisions of the Factories Act, and as the Indian Naval Dockyard Employees' Union was agitating the issue, orders were promulgated in December, 1954 modifying those rules so as to conform to the provisions of the Factories Act and the rules made thereunder, except that those employees who had served for 20 years or over might continue to be granted leave on full pay for 20 days in a calendar year instead of the 14 days to which they would have been entitled under the Factories Act. The position now, therefore, is that under the revised departmental orders the workers are entitled to leave at the rates prescribed in the Factories Act, except for the fact that, for the people who had put in more than 20 years service in December, 1954, leave can be

[Dr. Katju]

granted at a more favourable rate. The Indian Naval Dockyard Employees' Union demands that workers who have more than 10 years' service should continue to be governed by the more favourable original departmental leave rules instead of being given leave at the rate prescribed under the modified rules which are in accordance with the Factories Act. This is an untenable contention. Government have always the right to modify the rules relating to the conditions of service of their employees, so long as such modifications are not contrary to any statutory provisions. Under section 78 of the Factories Act, the Union can therefore, claim to be governed by the provisions of the Factories Act or by the provisions of the existing departmental orders, whichever are more favourable. But they cannot demand that they should be governed by departmental rules which are no longer in force.

As regards the strike itself, the position is that about 3,900 industrial workers of the dockyard and its outlying depots refrained from working on 17th April, 1956, the first day of the strike. On the 18th April, 1956, the total number of industrial workers who were absent was again of order of 3,800. Informal reports indicate that about the same number were absent yesterday (19th April) also. Reports regarding today's situation are awaited. It will be noticed that the strike is confined almost entirely to the industrial workers at the dockyard. The 1,400 non-industrial workers are not affected.

I may mention here that a Deputy Secretary of the Ministry of Defence has been sent to Bombay to make an on-the-spot assessment of the situation and to assist in the restoration of normal industrial relations by explaining the correct position in respect of the demands to all concerned.

As I have explained, neither of the demands put forward by the Indian Naval Dockyard Employees' Union is based upon any rightful claim. It is a matter of great regret to the Government that the Union should have led the workers into a strike over these issues. The proper course for the union to follow would have been to refer the issues of the All-India Defence Employees' Federation for negotiation with the Government. The Union is, however, trying to force a settlement favourable to itself by resorting to an unjustified strike.

Government would even now advise the Union to call off the strike and to make use of the existing negotiating machinery at the top level.

I may further inform the House in this connection that special arrangements have been made by the Naval Authorities to ensure that all important and urgent work is duly carried out, even if the present strike continues for some time.

Shri Kamath (Hoshangabad): Considering the vital importance of the matter, The hon. Minister owes to the House clarification of two points. One is, he has told the House that there are two unions, one recognised and the other not recognised by the Government. Is it a fact that the union recognised by the Government has been sponsored or promoted by the INTUC and the other union is sponsored by the Hind Mazdoor Sabha or by the non-INTUC organisation? Secondly, whether the question of this negotiating machinery has been before the Government for the last one year or more and why there has been so much delay in arriving at a decision on this negotiating machinery question?

Dr. Katju: So far as the first question is concerned, the workers' union which has been recognised by the Government was so recognised in the year 1939.

Shri Kamath: The British order stands!

Dr. Katju: The employees' union came into existence after about 14 years. Therefore, no question of the Government favouring the employees' union arises at all in this connection, and the membership of the workers' union is slightly larger than that of the employees' federation.

Shri Kamath: Are you sure?

Dr. Katju: So far as the second question is concerned, as I said just now in my statement, in December last—about four months ago—we advised or rather my Secretary advised the employees' union and its people to have this on the agenda. The negotiating machinery at the top level meets every second month, and if they put it on the agenda, at the top level of the negotiating machinery, we can have it decided within a few weeks, as soon as the meeting is called.

Shri Nambiar (Mayuram): May I seek a clarification, Sir? In view of the serious situation arising out of the strike,

may I request the Government to consider a settlement of the present dispute at the Union level pending further negotiations on other matters later, so that the strike may be ended immediately?

Dr. Katju: The negotiating machinery has been settled after great consideration. I think the prime mover should be the All India Defence Employees' Federation as to what are their views on the topic. There is no question of *izzat*. I am prepared to consider at any time.

Mr. Speaker: In view of the Statement of the hon. Defence Minister, the Defence Employees' Federation ought to take up the initiative and place it before the high level committee and it has not been done. The hon. Minister is always ready to receive such advice as is tendered by them and act upon it. So far as the rules and regulations are concerned, they have been made in accordance with the statute. There may be difference of opinion.

An adjournment motion is not the proper remedy for this. I disallow this motion. I refuse to give my consent.

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

Mr. Speaker: Not after the event is over.

Shri U. M. Trivedi: The question is....

Mr. Speaker: If he wanted to rise, he must have risen before the hon. Minister rose.

Shri U. M. Trivedi: I had risen.

Mr. Speaker: If he had risen, he did not catch my eyes. I am sorry.

APPROPRIATION (NO. 2) BILL

The Minister of Finance: (Shri C. D. Deshmukh): I beg to move:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

Mr. Speaker: Motion moved:

"That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the service of the financial year 1956-57, be taken into consideration."

So far as this Appropriation Bill is concerned, some hon. Members wanted to say a few words with regard to the Ministry of Information and Broadcasting, and Ministry of Law. The hon. Minister of Information and Broadcasting is not here. He sent word to me through the hon. Minister of Parliamentary Affairs that this Bill may stand over and may be taken up tomorrow. Is the hon. Finance Minister agreeable?

Shri C. D. Deshmukh: I agree.

The Minister of Parliamentary Affairs: (Shri Satya Narayan Sinha): After the Finance Bill is disposed of tomorrow.

Mr. Speaker: Is it the wish of the hon. Minister?

Shri C. D. Deshmukh: Yes.

Mr. Speaker: Then, it may stand over.

Shri Kamath: (Hoshangabad): As regards the time to be allotted for the Appropriation Bill, may I invite attention....

Mr. Speaker: I know; I am coming to that. A number of hon. Members have sent me intimation that some six hours should be allotted for this discussion.

Shri Kamath: Five hours.

Mr. Speaker: Hon. Members will remember that this was also taken into account at the time of allocation of time by the Business Advisory Committee and 86 hours were allotted for the entire budget discussion including the Appropriation Bill. No separate time has been allotted for the Appropriation Bill. We have spent all the 86 hours. There is one other thing also. In as much as all Ministers cannot be properly disposed of, the Business Advisory Committee has, for some years past, been deciding which of these Ministries ought to be discussed at length at the time of voting so that the other Ministries need not be touched upon in that particular year. In accordance with that practice, the Information and Broadcasting Ministry and the Ministry

*Moved with the recommendation of the President.

[Mr. Speaker]

of Law were not put down as Ministries with respect to which detailed discussion should take place on the floor of the House. At no time will it be possible to spend time over all Ministries if all Ministries are taken up for discussion from year to year. In these circumstances, it is a well observed convention and it has been followed this year. There is nothing out of the way so far as this matter is concerned. Keeping this in view, 86 hours were allotted for the discussion and formally a few minutes may be taken for the Appropriation Bill. The demand for five hours is unreasonable. In view of this either the House accepts or does not accept the motion that the recommendation of the Business Advisory Committee be accepted. That motion was carried. The House is bound by it. I am not going to change and allot five hours.

Shri Tulsidas (Mehsana West): When considering this time limit, the Business Advisory Committee thought that the Appropriation Bill will not take much time. This assurance given by you with regard to the discussion of these two Ministries in the Appropriation Bill is a matter which has come subsequently. I do not think that the Business Advisory Committee was seized of this matter.

Mr. Speaker: Hon. Members have not understood correctly what I stated. I said that those Members who wanted to raise some discussion on the Information and Broadcasting Ministry or the Law Ministry will have ample opportunities of discussion in the Finance Bill. It is still here. Those hon. Members who want to speak on them may address themselves to them amongst other things in the Finance Bill. I shall give every reasonable opportunity of discussion. I never said that these may be taken on the Appropriation Bill. Even if I had inadvertently said so, it is wrong. I do not think it is right that I should have said so. I would not have said so. All that I meant was that I shall give them an opportunity in the Finance Bill. I am prepared to do so.

Shri Kamath: On a point of order, can the Business Advisory Committee supersede the Rules of the House in not recommending a particular quantum of time for discussion? I invite your attention to rule 237 (2). I take it that the word 'may' has, as in many other clauses and rules, the force of 'shall'.

It is obligatory to allot a day or days for the consideration of the Appropriation Bill. You have not allowed even a day.

Mr. Speaker: A day always means a portion of a day. Any hour will always be included in some day.

Shri Kamath: No. It is doing violence to the language.

Mr. Speaker: The hon. Member has had his say. He cannot go on interrupting like this. I have allowed half an hour for the discussion on the Appropriation Bill. (*Interruption*). Order, order. If hon. Members want to take these matters on the Finance Bill, I shall certainly give them time. I allot half an hour for the Appropriation Bill. The Appropriation Bill will be taken up after the Finance Bill. I would request the Minister for Information and Broadcasting to be present.

Shri K. K. Basu: (Diamond Harbour): I request that the time may be extended to one hour. Next year, we may consider what more time will have to be given.

Mr. Speaker: I would not let any decision taken by this House on the advice of the Business Advisory Committee to be lightly interfered with in this way. Leaders or spokesmen of various groups are present in the Business Advisory Committee. No decision is taken over the head of any particular group. If hon. Members who belong to any particular group raise any objection, I expect the leaders of those groups who are present in the Business Advisory Committee, to satisfy them and not allow them to get up from time to time and raise objection to what has been done by the Business Advisory Committee. I think it is their moral duty. This has been approved by this House. There is no end to this discussion.

Shri K. K. Basu: You have yourself altered the decision and given half an hour. I only request you to extend it to one hour. The alteration is by you.

Mr. Speaker: The alteration is on account of weakness.

Shri K. K. Basu: It may be extended.

Mr. Speaker: I am not going to allow. I will be very strict in this matter. Any hon. Member who wants to object to the Business Advisory Committee's proposal has got the right under the rules

to move an amendment and if the amendment is accepted by the House, it will be carried. Otherwise, if the Business Advisory Committee's allocation is accepted, I will not alter even half an hour next time.

Shri Kamath: We will have a regular amendment next time.

FINANCE BILL—*contd.*

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri C. D. Deshmukh on the 17th April 1956, namely:

"That the Bill to give effect to the financial proposals of the Central Government for the financial year 1956-57, be taken into consideration."

Shri K. K. Basu (Diamond Harbour): I am grateful to you for giving me this opportunity to speak first on the Finance Bill, soon after our demand for the extension of time for the discussion of the Appropriation (No. 2) Bill, has been turned down.

The provisions of the Finance Bill have to be judged in the context of the Second Five Year Plan which is to be put into operation from this year. As you know, in the Second Five Year Plan, we are going to embark on a large-scale expansion in the industrial sector, and the scope of the Plan is also going to be extended so that its outlay is going to be more or less double that of the First Five Year Plan.

If we are thinking in terms of the actual working of the Plan to its proper fruition, then the question of the financial resources needed for financing it has to be considered in all seriousness. In the first budget of the Second Five Year Plan, there are certain taxation proposals, which are intended to raise some additional finances. And we certainly welcome some of those proposals. For instance, the Finance Minister has tried to raise some money by taxing those people who have so long evading the payment of their due share of taxation, though they are in a position to bear the burden of further taxation.

Mr. Speaker: The hon. Member may resume his seat for a while. I find that a number of hon. Members are coming to my seat here to make representations, and I am finding it very difficult to proceed with my work here. Somehow, this very bad practice started some

time back. Hereafter, I shall not allow any hon. Member to come and talk to me here in the Chair. If they like, they can send a chit and express what they want. Hereafter, they may kindly avoid coming to the Chair and making representations.

Shri A. M. Thomas (Ernakulam): That is a very happy thing.

Shri Nambiar (Mayuram): That has been our practice all these years. If there is an urgent thing, and we want to make a personal representation, but we are debarred from coming to you, then it will mean some difficulty for us.

Mr. Speaker: No hon. Member should come and talk to me in the seat here.

Shri K. K. Basu: I was saying that we certainly welcome some of the new taxation proposals contained in the Finance Bill, but unfortunately there are certain aspects of the taxation proposals which we think will go against the interests of the common man.

It is true that the Finance Minister has tried to quote some of the recommendations of the Taxation Enquiry Commission in support of his proposals, as for instance, the recommendation that the base of the taxation should be widened and the common man should be made to bear the burden of financing the Second Five Year Plan.

I would ask the Finance Minister to consider seriously whether taxation on the necessities of life like cloth or soap or edible oils should be resorted to in the very first year of the Second Five Year Plan. The Finance Minister himself has admitted, and the Government's figures themselves show, that already the cost of living indices, so far as food articles are concerned, have gone up, and the common man is not in a position even to bear the burden that he has already been asked to bear.

It is true that there has been some increase in the national income, but we know that there are the poorer sections of the community, to whom this increase has not percolated. Even today, as Government themselves concede, there is a growing increase of unemployment. We find that in the defence industries, nearly 11,000 people are going to be retrenched. A few days back, we were told that in the Damodar Valley Corporation, about which we boast so much, and which is in charge of one of the

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biggest projects, even the technical personnel are going to be retrenched, numbering along with some others about 8,000 to 10,000. In the big cities of Bengal and other areas, there is large-scale educated unemployment. Suppose in a family, three or four brothers,—one of them may be working as a clerk, another may be working as a teacher, and the third may be doing some ordinary job here and there—are going to remain unemployed, then what is to happen to their family? After all, the family has got to be maintained by the total income of all the brothers, put together. So, if we consider the position objectively and in terms of reality we find that in the final analysis the burden on the common man is possibly going to increase. Only recently, Professor Mahalanobis in the course of one of his lectures on the Second Five Year Plan had stated that we would be having about 20 lakhs more of unemployed people after the Second Plan Period, if we take into account the persons who will join the band of those who would be in need of employment every year. So, the overall position is that in spite of the slight increase in national income that we have been able to achieve, the average income of the common man has not increased correspondingly. When that is the position, I do not understand why the Finance Minister wants to increase the burden of taxation on cloth, edible oils and other essential commodities.

In some places, already sales-tax is being levied on essential commodities. Only the other day, we found how in place like U.P. and some other States, sales-tax has already been imposed even on food articles, and the Central Government have given their consent to such levy as required under the Constitution.

* I would urge the Finance Minister to see whether the person on whom he wants to impose a tax is in a position to bear the burden. He has proposed that even edible oils should be taxed. I come from a State where mustard oil is a very essential part of our daily food. In almost every kind of food preparation in Bengal, mustard oil plays a very important part. Of course, the Finance Minister might come forward and say that the duty proposed is not very much, and thus he may justify the excise duty on mustard

oil, not to speak of the other edible oils like ground-nut and coconut oils which also are used in food preparations. But so far as mustard oil is concerned, it is used only for edible purposes; there is no industrial use at all to which it is put. And yet we find that the Finance Minister is adding to the burden of the common man even so far as essential commodities are concerned because nobody can go without food however bad his condition may be.

Before the Finance Minister goes forward with his taxation proposals, I would urge him to take into consideration to what extent the persons on whom he wants to impose taxation are in a position to bear the burden. He himself has conceded that so far as foodstuffs are concerned, we have not yet come to a stage of complete self-sufficiency, when we can think of taxation. For, this year also, we find that in one of the most important foodgrains, namely rice, there has been a decrease in production, as Government themselves have admitted. To tide over the inflationary tendency, the Finance Minister has said in the course of his speech to the planning forum, that he is thinking of getting the agricultural surpluses from abroad into our country. But then our people will have to pay more for that. Although he has stated that we may not have to pay for it immediately, yet the whole effect of it will ultimately fall on the common man who will have to pay for it at a price which is higher than what he is paying now.

One other point that I want to emphasise is this. The Taxation Enquiry Commission's reports have not been discussed in the House so far. But there are certain aspects of their recommendations which the Finance Minister has taken into consideration while bringing forward the present Bill. As for the other recommendations, we have been told that they are under his consideration, and tomorrow or the day after, some decisions may be arrived at on them also. But I would like to ask what has happened to the recommendation in regard to a tax on total wealth.

In an under-developed country like ours, we find that there is a huge disparity of wealth. If we look into the economic history of our country for the last thirty or forty years, we find that while on one side, people are stepped in so much of poverty, on the other side, there are persons who have accumulated a disproportionate volume of

wealth, and some of them have been indulged in building big palaces or investing their money in unproductive property, in which the community has no share. When we are embarking upon such a big plan, many basic aspects of which we all support, would have expected the Finance Minister to have ushered in our country a society which will be very much akin to the welfare State which has been enshrined in our Constitution, or even the socialistic pattern of society, which the party in power is now trying to boost up before the country. I would have been glad if the Finance Minister had come forward with a suggestion for imposing a tax on total wealth.

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Then what about the business profits tax which was given away since 1949? I would like to know why this was not taken into consideration in framing the taxation proposals. Then there is the capital gains tax.

[At this stage the Minister of Law and Minority Affairs, (Shri Biswas) walked up to the Chair]

Shri Mulchand Dube (Farrukhabad Distt.—North): On a point of order. Is an hon. Minister entitled to make personal representations?

Mr. Speaker: I think he was not here in the House when I explained it.

Shri K. K. Basu: Probably that was not meant for a member of the other House.

I would also ask the Finance Minister to take into consideration the question of imposing some sort of inheritance tax or succession duty. What has been the fate of the estate duty? I remember that in the final stages of the Estate Duty Bill, the Finance Minister assured the House that he had brought forward legislation intended to reduce the disparity of wealth, of the holding of individuals in terms of money or other properties. But what has been the result? Even the small expectation of the Finance Minister for the last two or three years has not been fulfilled. We know that when the estate duty proposal was there, people belonging to the wealthy community got long and prior notice, and with the help of ingenious lawyers and others they have been able to get away through legal lacunae that might be existing in the present Act. In our estate duty, we were guided by what was done in England long back. But let us not go by what was in England 50 years ago. Let us see the

position today. Regarding exempting the duty on trusts etc., whatever might have been the condition in Great Britain 30 years ago, today they have tried to plug the loopholes. Our Finance Minister did not think at that time that we should do this. After our two years' experience, when so much money is wanted for our Plan to which the country is wedded and the basic principles of which we accept, I would request the Finance Minister to bring forward some sort of succession or inheritance tax along with duty. It is necessary that we should shift the burden and adjust the burden in such a way that the real persons who have excess wealth with them are made to part with it for the benefit of the community, for utilisation in plans of development.

There are a large number of persons who try to hoard their wealth. We should see that this money is utilised for the benefit of the country. I do not mind if people like my hon. friend, Shri Tulsidas, who have money, utilise it for productive purposes; I do not mind if they utilise it and work hard to earn a genuine return. At the present state, we may allow it. But we should not allow persons to waste their money in big palaces or in luxuries. There are persons who go in for luxury air-conditioned cars—not one but four or five—each costing Rs. 60,000 or even Rs. 1,00,000. These cars are not built or manufactured in India. The money goes to the foreigners who are the manufacturers of these cars.

When we ask the common man to share the burden when we ask the common man to tighten his belt so that the country can develop, we must see that all sections of the people, and more especially those sections of the people who are in a position to make greater sacrifices, give to their maximum for the sake of the country. But unfortunately, even in the first Budget of the Second Five Year Plan, we do not find any change in outlook so far as the Finance Minister is concerned.

Then I come to the question of ceiling on income. The Taxation Inquiry Commission had come forward with a suggestion in this connection. In our country which is undeveloped, where the disparity of income from A to B is so wide, the time has come when in the interest of India, in the interest of the society, there should be some ceiling on income enforced. I remember that the Pay Commission had also sug-

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gested this so far as government employees were concerned. They had devised some sort of formula; I think the maximum laid down was Rs. 3000 and the minimum Rs. 100 or Rs. 125. So far as the minimum is concerned, that has not been adhered to. Whenever we ask that the common man, the ordinary worker or clerk or ordinary ministerial staff should get increased emoluments—these people are in absolute need of an increase in emoluments just to keep their body and soul together, just to have the bare subsistence—We are told that there is dearth of finance. There is no proportion between the income of the lowest and the income of the highest.

The other day I was trying to look at the Report of the Income-tax Department. In the Report for 1954-55, it says there are nearly 312 persons whose incomes range from Rs. 55,000 to Rs. 70,000, 127 persons whose incomes range between Rs. 70,000 and Rs. 85,000, about 60 persons in the category of Rs. 85,000 to Rs. 1,00,000. There are 89 persons having salaries—this is apart from individual income which has no limit—ranging from Rs. 1,00,000 to Rs. 1,50,000. There are 34 persons in the income range of Rs. 1,50,000 to Rs. 2,00,000 and there are 11 persons in the group of Rs. 2,00,000 to Rs. 2,50,000. And there is also one individual—I do not know who he is—whose annual return is over Rs. 4,00,000 and below Rs. 5,00,000. Even the salary of a Supreme Court Judge has been fixed as Rs. 4,000 under the Constitution. The Judge of the Supreme Court of India will be an intellectual of the highest order. Then the remuneration of Governors has been fixed at Rs. 5,500. The President's remuneration was Rs. 10,000; I am told he was good enough to surrender a certain portion of those emoluments.

Even then, we find that such high salaries are paid in the country. Apart from that, there are other benefits. If you go to Calcutta, you will find that there are officers getting Rs. 1,000 or Rs. 12,000. But in addition to that, they get so many perquisites and other allowances that their total emoluments work out to more than Rs. 6,000 or Rs. 7000. Even the amendment that we have brought is not able to meet the situation; that relates only to the remuneration of the directors. Then these officers are furnished with air-conditioned rooms, special houses, all furnished,

conveyance. We know that a large number of foreign concerns do these things in order to avoid payment of income-tax to the Government.

It is high time, when we have embarked on a huge plan, that we should bring about some change in this state of affairs. Why should we not come forward with such taxation proposals which will mop up such money for the benefit of all the citizens? We should see that all the citizens and all those who have for the time being come here to do business, fit in with the conditions of India today, adjust the conditions of their avocations accordingly and fall in with the basic principles of our economic policy.

Then I come to the subject of speculation. Even today, in spite of the fact that the Forward Markets Commission is there, we have not been able to stop speculation in many articles, including food articles. As I said earlier, mustard oil which was selling at Rs. 50, has immediately after the taxation proposals came in, shot up to Rs. 75. That means that the common man has now to pay nearly 50 per cent. more than what he was paying before.

We have repeatedly to urge upon the Finance Minister and the Government that the time has come for them to see that a large portion of the resources of our country are frittered away in speculative workings and activities. It is necessary for the Government to take steps to put an end to this speculation.

So far as other articles are concerned there is a Bill in connection with Securities, which I think will not serve the purpose, but which we can certainly discuss when the time comes. There must be some agency through which Government can have a direct control over the speculation indulged in respect of food articles or industrial raw materials. We should see to it that the prices of things vital to the life of the community should be controlled and are not increased.

Then I would urge on the Finance Minister to take into consideration whether State enterprises should not be more developed. We know that the public sector has expanded. So far as the public sector, is concerned, we are only entering into certain types of enterprises, where the private sector has not been able to mobilise so much capital or so much skill. In an underdeveloped country like ours, of course, there should be a limit to raising money

by deficit financing or taxation of the common man. As you know, in our country, people are much below the subsistence level and they are not in a position to bear the burden of taxation to finance development projects, which are absolutely necessary for the improvement of the country. Therefore, I would urge upon the Finance Minister to take into consideration whether we should not go in for State undertakings in certain types of consumer goods. I do not say that there should be no competition from the private sector; let there be a private sector also. The profits of the State undertakings may be utilised for the improvement of the resources of the country.

We have nationalised the State Bank and in its working it has produced a profit of nearly 14 to 15 per cent.

There was a proposal, for the rehabilitation of the refugees from East Bengal, to establish a textile mill. I was told due to the opposition of the private sector, it could not be done. The Government should also try to increase its resources by earning in certain types of consumer goods. It may also help us in another way for by that we may be in a position to check the inflationary tendency. Though we may not be competing with the private sector, the profit from these State undertakings will be a great addition to our resources and it will enable to ease the burden on the common man.

As I am a member of a Committee of this House, I cannot go into detail of what happened there. But, I may tell the house that Government must do its utmost to see that the accounting of these organisations is maintained on proper lines. You yourself have been in the Estimates Committee and know the convention that we cannot disclose certain facts. But, the Minister knows that the time has come—when we want to expand the public sector—to find out some sort of exchequer control of expenditure etc.

I do not want to go into the details of lapses. I would only like to draw your attention to the fact that during the last year Rs. 4½ crores which had been earmarked for education could not be spent. Rs. 45 lakhs could not be spent on the resettlement of landless workers and similar amount for tribal welfare, Rs. 21 lakhs on welfare schemes for

mine and coal workers; Rs. 40 lakhs could not be spent last year on industrial housing, as the hon. Minister for Housing and Supply himself said, and so on. As regards industrial housing, I was told by one of the important functionaries of the Bengal Government that there are certain technical things which have to be complied with. Even if you want to change the plan for a kitchen or a latrine, you have to come to Delhi for sanction and this takes 6 or 7 months and in such a way the funds lapse. When we want so much development in the country, we should not rely on the old rules. They might have been good enough when the British ruled the country, but, when we have our national Government, the rules must be modified for developmental needs. I would ask the hon. Finance Minister to take us into confidence and tell us whether we are going to have changes in these rules so that the funds allocated for development of the country could be properly utilised.

Finally, I would ask the Finance Minister to take into consideration the capacity of the common man to pay taxes and bear the burden. I have said earlier that the common man is not in a position to bear heavy burdens. I would, therefore, urge upon him to drop, at least for the time being, the idea of taxing edible oils—either the whole of it or that portion which is used for edible purposes. Oil is one of the essentials of life. I would also urge upon him to try to do away with the excise on cotton cloth and also the increase in postal rates. These are the things which the common man uses and he is not in a position to bear the extra burden, in spite of the increase in national income. The pattern of distribution is such that there is not fair distribution so that it may go to those persons who need it most. I would request the hon. Minister to see that in the first year of our Second Plan, the distribution pattern is so adjusted as to inspire confidence in the people of the country, so that they may see that our Government is taking the right path in tapping the available resources of the country in such a way that the burden falls on those that can bear it. You have to enthuse the country at large; otherwise no Plan, however big it may be, can be worked. The bureaucracy alone cannot work it; it is absolutely necessary to enthuse the common man. Then, and then alone, can the Plan work successfully and India's future will be happy, which all of us wish to see.

Shrimati Tarkeshwari Sinha (Patna East): Mr. Speaker, the political evolution of a nation is not something which develops out of the doctrines of political philosophy or the activities of the political personalities alone. It comes about as a result of the fusion of the forces which most directly affect and condition the lives of the people of the country. And one of the most influential of these forces is the economic force, because the spirit of man, which stimulates the political development of free man, finds hope and encouragement in an atmosphere of material prosperity and personal well-being. This fact is implicit in the concept of democracy. As we are also in the midst of our political evolution, we have taken the economic development of the country as the real basis of the healthy evolution of the nation.

For the economic development of our country, we have adopted certain fundamental principles and, one of the most important principles is deficit financing. But, the terms deficit financing does not convey the same meaning in this country as it does abroad. We recognise a budget deficit when the total receipts of the Government, including capital receipts, fall short of the total disbursement, including capital expenditure. To convey its overall character, we call this an overall deficit. In the U.S., a deficit will be spoken of when the Government's expenditure, including capital expenditure, exceeded revenue receipts. The issue of loan to cover such deficit would be deficit financing in the U.S.A. but not in India. For us, deficit financing would arise only when the budget gap is covered by Central Bank borrowing. That is the fundamental difference between us and the other industrially advanced countries.

In view of the divergence of the contents of the term, the economic consequences applicable to one cannot be applied to the other without due modification and it is possible that a failure to recognise this might be responsible for the haphazard way in which some of us in the country are trying to advocate deficit financing. I may venture to point out here that the virtue of loan financing of budget deficits to activate idle savings cannot be bodily applied to this country because of the Central Bank financing of development expenditure because savings here are in short supply. We know that in our

country, savings are in short supply and therefore the Central Bank financing of development expenditure cannot be compared to loan financing of the Budget deficit to cultivate or to encourage idle savings. Therefore, a proper distinction must be made between the problems of unemployment in industrially advanced countries and under-employment in the economically backward countries. The two problems are basically different. The emergence and progress of unemployment in industrial economies would be accompanied by the unemployment of the corresponding complementary resources that may be there. Savings would be idle, capital equipment will also be idle or it will work below capacity. There will be accumulation of stock of goods and material. Therefore, loan Central Bank financing in those countries where such a situation prevails would rather help to bring them together through public investment activities, thus creating more employment. But on the other hand what is happening in our country? Because we are economically backward, in our country the problem is one of shortage of savings in relation to the needs of development and that is a very important point to remember. The only resource at our disposal is the heavy supply of unskilled labour. Though we know that the scope of development is very wide; but labour alone cannot increase the output and it cannot create a thing by its own power. It must combine with it a capital investment. Some sort of investment must be there so that labour can create output. Therefore, it is not possible to conceive of production without capital, without saving; and that consequently brings us to the fact that nothing can be created without proper savings. Inadequacy of savings is the real problem that is facing our country, and if we cannot do something about increasing the savings, I think that deficit financing will not be able to help us very much. Here, I should like to point out that credit creation may or may not activate idle savings, but it can never create savings.

Apart from this confusion between undeveloped and under-developed economy, there are some rather odd theories of deficit financing that are current at present. There are some who argue that since created money was only meant to increase the productive capacity of the nation, in the long run it would be of a self-liquidating character; in fact, they argue that as a result

of the expanded output at the end of the 15-year period of the Plan that we have scheduled for ourselves, the general level of prices will be lower than at the beginning of the Plan, that is, than what they are at present. There are others who are of the opinion that deficit financing in the development plan would lead to a compensatory increase in production or productive capacity of the nation. There is a little truth in this fact. They also argue that there might be a little rise in the prices. And as our Finance Minister has also stated, they argue in favour of control for checking the rise in prices. They say that rise in prices to a little extent is inevitable in the field of deficit financing or in the sphere of deficit financing. They say that physical controls will be able to check the prices and thus check the cost of living index. But I must point out that they seem to over-look one fundamental fact in our economy, namely, that there is a big time interval between investment whether in the construction of wells, dams, factories, its completion and the result of the increase in output. This time limit is the crux of the problem and it is the most important problem to think before we resort to the principles of deficit financing. As wages are paid monthly or weekly, price of consumer goods would rise immediately as investment begins. We cannot pay wages six-monthly or yearly or by the time production will come into full swing. By that time investment in the economic set-up, the prices will start rising, because we put money into the pocket of the people and we cannot check that. And if there is money in their pocket, they will go and buy all sorts of consumer goods. After investment has taken place in our economic set-up, we will not be able to reduce the rise in prices because prices tend to stick after having risen. We have experience of the war economy; we have seen the Second World War with our own eyes. Compare the prices in 1939-40 with those in 1956. There is a gulf of difference. Why? There was an inflationary economy and in that economy, prices rose and they have stuck today. In spite of all our best efforts, we are not able to bring down the level of prices very much. Therefore I would like to point out that we will create an entirely new price structure in the country and that price structure will be related to the wages and the cost of production of the thing. Because wages will be higher, ultimately the cost of production of the thing will be higher and the

whole price structure of the country will be on the high level, higher than the present.

Sir, it is a great illusion, born out of a wrong economic theory of money, wrong assumption of the quantity theory of money and of a faulty visualisation of the realities of economic dynamics. We think that when production comes up to our target, the prices will come down. It has never happened before and it will not happen in the future. I want to warn the Finance Minister here not to allow the prices to go up. Otherwise, with all your best efforts, you will not be able to bring down the prices even if you succeed in increasing the productive activity of the country, that is, bringing the total production to our target.

There is another point in this. During the discussion of the Finance Ministry Demands, the Minister said that he has got certain things in view by which he will be able to bring down the prices. It is very difficult to do so. You increase the wages, and that means that you put money into the economic life and in that way you will increase the cost of production of a thing. After you increase the cost of production, ultimately you will try to bring down the prices, but I think it will be disastrous in the economic set-up of the country to bring down the price of a thing, of which the cost of production and labour cost have increased so much. It is a common fact that money incomes would rise, not because of our effort, but because of the reflex action of the increase in the total output of the country. If the flow of output is now larger, incomes and demand will correspondingly be larger, resulting in higher and higher prices. Therefore, it was contrary to the realities of this mechanism to imagine that prices would revert to the original level through a compensatory increase in production.

Therefore, that argument does not hold very much strength here. This is the reason why we are afraid of deficit financing. This is the most vital reason that we should keep before our mind before we launch on the principle of deficit financing, because it will ultimately be self-defeating in its purpose. When prices rise, the original estimates of the cost of projects would be out of date. We shall have to increase the estimates of the cost of projects because of rise in the price level and that will mean the requirement of more money for the building up of the economy of the nation. Because it is an

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obvious fact that once we start those important projects, we cannot leave them half-done. In spite of all the difficulties, we shall have to finish those projects because they cannot be left half-done. Therefore the estimates will have to be put in the original schedule and that would mean that you will not be able to keep deficit financing to the level that you are trying now and ultimately you will create additional deficit financing without any desire on your part to do so and thus add to the inflationary situation. And sooner or later there will be non-developmental demands on savings which will be highly detrimental to the progress of the Plan.

In the field of external payment also, it is obvious that you will have difficulties because there will be a great pressure for the import of consumer goods and there will be difficulty in payments because you will ultimately reduce the exports. It may also in the long run discourage current savings if the rate of interest is very low. Therefore, I would appeal to the hon. Minister to give more attention to this issue and not to go to that amount of deficit financing that he proposed in his Budget speech.

In the course of the discussion on his Demands, he has said that he has got certain checks with him by which he can check the rise in prices. The only check which I can think of and on which one can rely is the system of controls. But our experience of controls is very bad. People cannot be induced or coerced not to spend money when you are going to put it into their pockets. We can never do that. It is human nature to spend money when they have got money. Even if consumer goods are not available, they will spend. In spite of our precautions by way of controls and this and that, we would not be able to check that outflow of money from their pockets. Therefore, this system of price controls and commodity controls cannot work properly in an inflationary economy.

Here, I should not be misunderstood to say that I do not believe at all in deficit financing. I do believe that, to some extent—to an extent where it is not inflationary—it is desirable for stable economic progress of a backward country. But there are two criteria and they come under two heads. One is the purchase by the Government against its cash balances, of sterling from the Reserve Bank to finance im-

ports of equipment for the public sector of the Plan. This would leave the volume of money in the country, in circulation, unaffected. That course will not lead to an increase of the amount of money in actual circulation. Only the assets and liabilities of the Reserve Bank would decline by the amount of deficit financing. The Assets would fall by the amount of sterling purchased and the liabilities, by the decline in the cash balances. Here, I also want to point that the Finance Minister can also resort to the purchase of sterling against *ad-hoc* Treasury Bills. In this way, the monetary effect would be more or less the same, because the assets and liabilities of the Reserve Bank would remain unaffected as the deficit financing would be balanced by the payments deficits.

But, if on the other hand, the currency reserves are drawn upon for the use of the private sector. I may point out that Government will not be in a position to engage inequivalent deficit financing. Because, if the private sector needs foreign exchange, what will they do? They will go to the commercial banks and get all the credit created by commercial banks. Therefore, it would be difficult for the Government to resort to deficit financing to cover cases of payments deficits as that has already been taken away by the commercial banks to meet the foreign exchange needs of the private sector. That is why I have pointed out that we should resort to the purchase of sterling from the Reserve Bank to finance the imports of equipments in the public sector, in order not to imbalance the whole system of deficit financing and also not to allow the private sector to take advantage of this particular thing.

The second type and the safer type of deficit financing is the one pointed out by the Bernstein Fund Mission. That was invited by the Government of India and it submitted a report. There, it is said that we can resort to deficit financing against the cash balances of the public because they are a part of the savings, for which there exists somewhere in the economy equivalent real resources. Real resources can be found for that amount of savings because it relates to the cash balance of a private individual who has got real resources behind him. Now, the institution providing him with the cash balances would gain possession of the corresponding real resources. The institution may be the Government; it may be commercial or private banks. So,

if these resources are utilised by the private sector or by the commercial banks, they take possession of them and so the Government will not be in a position to go in for deficit financing of a high level against the cash balance of the individual. If Government takes certain advantages of individual savings and individual cash balances, then, only I think, the biggest problem of finding money will be solved.

So, we see that the magnitude of deficit financing comes under four heads: the rate of increase in the national output, firstly and secondly the amount of withdrawals from the currency reserves, thirdly the degree of the preference of the public for holding the cash balances and savings and lastly, the ratio of distribution of the real resources between the public and the private sector.

Therefore, in view of the uncertainty involved, I would like the Finance Minister to take note that it may not be a good financial policy to take advance credit for the total amount of deficit financing that is going to be raised in the next five years. It will be very unwise to resort to deficit financing and to make a statement about the total amount thereof, without taking advantages of other resources to finance the plan.

This, ultimately brings us to the question of foreign investment. I think it has not been given the place it deserves in our Plan. There is further scope for foreign investment. I do not believe that there is no scope. Almost all the countries including the USA and Canada have developed their economy with foreign assistance; they depended on foreign resources. The European countries who were devastated by the war and who had no resources of their own, had also to depend on foreign resources. They have shown us that they have been able to build their economy in a few years. It is amazing. Take any country—West Germany, France or other countries. Therefore, we also can depend more on the foreign resources, and we must explore the possibilities. Sir, there is no question of our begging for these. It is our right to take loan if we want to do something. We can approach them with all dignity to give us loans. If they think that their investment is going to pay and if they are going to have some dividends or profit, they will be glad to give us loans because of our economic background, our bright future—bright industrial future. It is not a question of

going and begging somebody. We must explore all the channels for foreign investment. If we can raise foreign investment to the tune of Rs. 250 or Rs. 300 crores a year, investment approximating to the scale contemplated in the Plan frame will be made without any fear of inflation.

I have done Sir.

Shri C. D. Pande (Naini Tal Distt. cum Almora Distt.—South-West cum Bareilly Distt.—North): Sir, I will confine myself to the economic policy as adumbrated or expressed in this Budget. Or, shall I say, lack of economic policy in our Budget? This Budget or the debatable question involved in the Budget as discussed by the country, our Government and by this Parliament, poses two questions: whether we stand for speed or progress or whether we stand for stagnation and are going back to the past? We know, as Shrimati Tarakeshwari Sinha stated, that we are going to put in our economy a huge sum of Rs. 4,800 crores as expenditure in the Five Year Plan and also an annual expenditure of Rs. 1,000 crores in the States and in the Centre. That means, within the next five years we shall be spending Rs. 10,000 crores. Then, with a view not to create any unwholesome effect of that huge spending, what are the policies we want to follow? What are the remedies that we propose to check the inflation that will accrue? My complaint or my grievance is that there is utter confusion and there is lack of clarity on the part not only of the Finance Minister, but the entire Government.

Shri K. K. Basu: Including...

Shri C. D. Pande: Yes. Including myself as a member of Party in power.

What I say is, there is no co-ordinated or dynamic policy of production of consumer goods. That comes to this: we will put in Rs. 10,000 crores without any opportunity for the people to spend that money. It will be said that there is so much economic activity in India, we are building dams, we are having big projects, we are having Chittaranjan locomotive works and so on. All these are things where we are only spending. We are not producing any consumer goods there to be consumed by the people. Therefore, what I am pointing out is that there should be co-ordination, a balanced co-ordination between production of capital goods and consumer goods. If you will spend money for the sake of creation of some power, on irrigation system or production

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of engines, that is not the channel where people can spend their money. There they only earn. In a way you feel that there is no other remedy for it and so you emphasise on savings.

What I emphasise is that there should be production of consumer goods. I am not enamoured of these appeals for small-scale savings. The appeal to the country should be to spend as much as possible. If the people spend their money, there will be greater production of consumer goods. If there is a greater amount of consumer goods, there should be greater production which will lead to the assimilation of the entire expenditure that you are going to make through those public projects.

An Hon. Member: But, where is the capacity?

Shri C. D. Pande: The capacity will grow and you will not need that much of deficit financing as you are now contemplating. In my opinion, your economy is tuned to the key of excise duties and sales tax. What we need is greater economic activity the more activities there are the greater will be the return in taxes. The process will not be stagnant. You need not stop production of consumer goods. There need not be any apprehension that the production of consumer goods will hamper production of capital goods. One will help the other.

In England there is a tendency these days to stop the spending spree. There is an economy which has reached saturation point. We are still beginning. We are far away from saturation point. We have not even started production of goods that we need for our country. Therefore, the advice to this country should be not to follow a policy of thrift and austerity, but, I may say, in a way a policy of spend-thrift and extravagance. That will lead to greater economic activity. That will solve the problem of unemployment. Then there will be a co-ordinated and well-balanced economy in the production of capital goods as well as consumer goods.

I was particularly referring to the stagnant and archaic policy of following the Ambar Charkha. There is a great deal said these days about Ambar Charkha. Many people believe that this is a panacea of all economic evils and that we will employ the entire country through Ambar Charkha. But, at what cost? Do you call it the employment potential? It is a new phrase which has

got a great charm. But, I say this is hollow phrase. I call it the "wastage potential". You will waste the manpower and the money you raise. At whose cost? At the consumers' cost.

Shri K. P. Tripathi (Darrang): What is the alternative?

Shri C. D. Pande: The alternative is to ask the people to spend on anything and everything that you can produce, even on drinks and recreations. That will work as an incentive for further production of consumer goods. That incentive will lead to further production and more employment. That will stimulate the economy of the country. This country does not need a policy that is followed by England. This country needs just the reverse of it, a policy of spending more on consumer goods. Of course, I agree that you are taking care to produce capital goods. You are producing energy, say 2 lakhs kw. here and 2 lakhs kw. there. But, to what use? You do not want to put that power to any constructive use because you feel that this country has to provide employment to the people and therefore you want to reserve certain goods so that only man-power is used.

What is the use of that power? This Ambar Charkha is supposed to have the gift of employing the entire people unemployed in the country. I know that the unemployment sector of the country is a vast one. But I am not worried about the unemployment or the partial unemployment in the country side. The people are somehow or other managing. Of course, if we can help them we will do it. But, to my mind, the first necessity of this country is to solve the question of unemployment among the educated people. Are you going to solve this question with Ambar Charkha? Can you persuade a young graduate to work for ten annas or twelve annas a day on Ambar Charkha? How many people like that can you employ on Ambar Charkha? If you analyse it you will find that it is not a discovery that India has made.

श्री श्री नारायण दास (दरभंगा मध्य) :
बैठे से बेगार भली ।

Shri C. D. Pande: That is also a very wrong psychology. Can you ask a man who is starving to work on a low wage? In Naini Tal I know there are many people who have no employment, but if you ask a cooly to take a load to Bhim Tal, 12 miles away, he asks Rs. 5 to do the job. He will rather go without doing anything and earning nothing than work

for 14 annas a day on your Ambar Charkha.

What I say is, you must be very clear in your ideas. What is it that we want? You have imposed excise duties for collecting a certain amount of money. We do not mind it. We can pay excise duties on anything you like. But we do not want that the money should be wasted like this on Ambar Charkha. I have the educated people, to take to Ambar Charkha and to work 8 hours a day. You can get six annas in the economic sense, and if the subsidized portion is taken into consideration, then the wages would come to 14 annas a day, can you persuade the people of this country. I mean the educated people, to take to Ambar Charkha and to work 8 hours a day to get 14 annas in the evening. That 14 annas is also all subsidy from top to bottom. It is all a waste. The yarn produced is a waste. The cloth produced is a waste.

In the larger sense it comes to this. I wear khader. I can afford to pay Rs. 2 a yard. But you cannot ask the people to purchase costlier goods in mill-made sector and at the same time pay for the costlier goods produced by the Ambar Charkha. If you say that Ambar Charkha is some deity which you want to worship, by all means worship. If you say that we are in a stage of compromise between the most advanced economy and the most primitive economy, and if compromise is your aim, do it by means. But never have faith that will solve the question of unemployment.

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas): Then tell us the alternative.

Shri C. D. Pande: I have suggested the alternative in the beginning. It is for the Government to find out the alternative. (Interruption.)

Mr. Speaker: Order, order. Hon. Members must be prepared to hear all points of view. If they had their views before Ambar Charkha was discovered, did any Member here say that he will discover it. Therefore somebody discovered it. Immediately some hon. Members took a fancy to it and some other hon. Members took exception to it. The view points of both sides must be placed before the House for coming to a conclusion.

Shri C. D. Pande: I am not resenting their remarks I welcome them.

Mr. Speaker: I am resenting them.

Hon. Members should hear the views of the hon. Member who is speaking. Let there be no interruptions.

Shri C. D. Pande: As regards the discovery, I say it is no discovery at all.

Mr. Speaker: The hon. Member will look at me while speaking. He will address the Chair.

Shri C. D. Pande: Yes, Sir. In the process of development during the industrial revolution in England there used to be various kinds of spinning wheels and spindles. In 1826 you will find that there was a certain type of machine put to the use of power. It was sometimes of four spindles and sometimes of 8 spindles. Later on, they developed the machines. We have come to the modern age where we have got mule spindles and now ring spindles. They first discovered the mule spindles and then they came to ring spindles. Now, can you persuade the people of this country to stay out as regards all developments and can you now say, "Look here, under one direction we will have to start research institutes and we will have to establish physical laboratories, Research institutes etc., but in another direction, say, in the branch of cloth we will stay put and remain at the stage of 1820's?" Is it possible? Is it in any way reconcilable with the present trends? How can you persuade the people to do this? Is it desirable that you should have an economy of such fantastic opposites? I think it should be considered carefully as to what is the programme and what should be our aim. It is quite possible that mechanisation will not solve the problem of unemployment fully, but at the same time, this is not the method and the manner in which we will solve the problem. As it is, the employment potential will be wasted and the proposed method is the best medium for wasting the employment potential.

Thus far I have been dealing with the Ambar Charkha. Now, I come to the real Finance Bill. I come to the taxation policy in the country. In the beginning, I had an idea that our Finance Minister was rather severe and harsh, but I now revise my opinion. I feel that he was more considerate than most of the States' Finance Ministers. The items of taxation which he chose were in a way capable of bearing the taxation levied. For example, he took things like liquid gold. We do not worry what happens to it. Then he chose rayon silk. I think he has taken for taxation more or less the

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items that are of an obscure nature. But in the States I find that the tendency is quite different now. They obviously cast their eyes on things which are of common use and if taxes are levied on such articles of common use, the cost of living goes up at once. I shall explain how a multi-point tax on food materials affects the country, as it is affecting in Uttar Pradesh. It increases the cost of living of the ordinary person. Take for example wheat. Last year there was a cry that wheat was being sold at a low cost. You were so much worried with that, and you took steps to raise the price this year. The question now is whether the prices will fall. The wheat prices will never fall. Even after the new crop comes to the market, the position will not change and the prices will not come down below Rs. 12 or 13 a maund. We have now reached a position which may be called as one of price crops. The difficulty is this. Wheat will be sold first at Rs. 15 and then at every stage of transaction, it will be taxed. It is not only a tax but along with it there are charges such as freight, carriage, etc. If you purchase wheat at Rs. 15 a maund, the next man who sells it would charge Rs. 17 per maund. From Rs. 15 it rises to Rs. 17, and then when *atta* is made out of it, it comes to about Rs. 20. If a person like me staying at Naini Tal wants to have wheat, the wheat has to come from Haldwani at a purchase price of Rs. 20. Then, to come to Naini Tal, Rs. 2 per maund is charged as freight, and when *atta* is being made out of it, there will be additional charges. Finally, at Naini Tal, it costs Rs. 22 per maund. Perhaps you feel that this is a very easy way and that it is only a small payment, which everybody can make. But that is not so. Therefore, the Central Government should take the initiative. The time has come when all taxation measures on commodities which are involved in the cost of living of the people should be co-ordinated and particularly, the sales-tax should be the function of the State Government while the entire legislation in respect of it should be guided by the Centre. The money accruing therefrom should be apportioned to each State according to its share. That will give a sort of co-ordination and balance taxation throughout the country. Of course, I do not blame the State Ministries because they are also in need of finance and to them, everything that yields money readily seems to be the

easiest thing. Therefore, the possibility for temptation in the States should be as little as possible. But you may say that this will hurt the autonomy of the States but in a country where there is so much of centralisation, when planning is formulated by the Centre and even a single item cannot be done by the States in this regard without your permission, I think there is nothing wrong in coordinating and curtailing, if necessary, the taxation policy of the States for controlling the economic activity of the whole country. If that is done, there would not be an undue imbalance between one State and the other.

Take, for instance, the sale of a diesel tractor in Bareilly. The sales-tax there, you will be surprised to know, for this item comes to about Rs. 1,600. I think in Delhi, the sales-tax for it is only Rs. 800. The difference is so great that there will be, so to say, smuggling of goods from one place to another. Therefore, a coordinated taxation policy is absolutely necessary.

I now come specifically to the measures contained in the Finance Bill. As I said earlier, I say it again to the Finance Minister, it is not proper to include such measures of legislation as affecting the income-tax, which are of a substantial nature, in the Finance Bill. You should confine the Finance Bill only to the barest minimum. That means, the Bill must relate only to those items which we have taxed in the budget. You want the authority of Parliament for taxing certain items and therefore only those items should be included here and form the basis of the Finance Bill. But perhaps you find that this Parliament is so troublesome that if you want to bring in an amending Bill to the Income-tax Act it will take two or three months to pass it and that you will be subjected to harassment. But this is not the way to include or to sneak in very harsh measures in the Finance Bill. After all, we are discussing the Finance Bill for two or three days. You have given two or three hours for discussing the clauses of the Bill. So, the clauses will not be dealt with as closely as they could be dealt with if the Bill were to be referred to a Select Committee or if any amending Bill were to be referred to a Select Committee. Therefore, I would appeal to the Finance Minister to drop all those measures that do not really pertain to the Finance Bill and include only those items which directly relate to the new taxation measures.

I have one more item to speak upon and that is in relation to the re-opening of accounts. I am not worried about the big persons, because they have got lawyers and they have got their books. But the smaller persons have neither the agency to defend themselves nor have they got a continuous series of books in their possession. Therefore, the provision regarding the re-opening of books at any time—an unlimited period is prescribed—should be given up. You have mentioned an aggregate of Rs. 1 lakh. I first thought that it was a big sum and that it will apply only to a few persons and that the smaller persons would not be affected by it. But I find that it is not so. It applies to any person who gets an income of Rs. 10,000. It applies to an aggregate of the amount and also to the arrears that might follow. That means all the years—from 1941 up to 1956—can be included and even if you have an income of Rs. 8,000, which is the income that most of us have, you are liable to be asked to re-open the book. Well, if you want to make it foolproof for the smaller persons, you can do it, but please make it Rs. 50,000 instead of Rs. 1 lakh. Confine it to one year. You can also make it Rs. 30,000 and confine the period to one year. If in one single year, the income is Rs. 30,000 or less, then the accounts should not be re-opened. There must be a finality about it. Once we have paid the amounts, the books must be closed. Even in a murder case, when once the person is acquitted, and when subsequently you find out something wrong, can you say, "You have been wrongly acquitted because new evidence has come in?" I have never heard of such a thing. For the sake of realisation of money, we should not put in such provisions. After all, justice is not such that we should be panicky about it. Especially for the smaller person, the period that has elapsed should be wiped out and the accounts should not be re-opened. Therefore, I would suggest that the amount be put at Rs. 20,000. But even if you make it Rs. 15,000, make it final and the accounts must be closed. We cannot ask the people to keep the books in perpetuity. Most of the smaller people do not have the books. They do not care, in fact. When your inspector goes to them, they just give Rs. 200 or Rs. 500 by way of tax and say "You finish with it". Therefore, I say that there should be a finality about it. There should be a limited period for which the books should be kept, and later on they

should be weeded out. Even in your Secretariat, you are weeding out the files. A businessman or any man who pays tax should be allowed to weed out the old books. Therefore, the period of eight years should be maintained. I may add that formerly it was four years and later on you made it eight.

1 P.M.

Pandit Thakur Das Bhargava: (Gurgaon): Previously it was one year.

Shri C. D. Pande: Eight years is good enough. Let it be there. Do not make it openable all the time. If you find that Rs. 1 lakh is too much, reduce it to Rs. 20,000. But, confine the operation to one year: not the aggregate of all the years from 1941 up to this date. I appeal to the Finance Minister to consider these things. There are many other things. These are the things which affect the ordinary man. These things create suspicion and apprehension in the minds of the ordinary tax-payers.

Shri Tulsidas: (Mehsana West): Mr. Speaker, the Finance Bill this year is intended to increase the resources of the Government. This is said to be justified in the name of the welfare State or a socialist society. Whether it is socialistic pattern of society or a socialist society, it is the same thing. The terms 'welfare state' and a 'socialistic pattern of society' still remain to be clearly defined, which leaves ample scope for different interpretations. In so far as the term welfare state is concerned, it is generally agreed that the object is to realise the common good on the basis of the directives of policy laid down in some of the articles of the Constitution. Differences of opinion prevail in regard to the interpretation of these articles. But, as regards the concept of the socialistic pattern of society or a socialist society, the absence of a clear definition leads to widely divergent interpretations, some of which might be born of honest conviction and some of which are obviously improvisations designed to suit the convenience of the authors. With some people it has become a fashion to treat anything that contributes to the extension of state ownership of industry or the expropriation of proprietary rights even if it is not conducive to the overriding objective of the increasing of production, as an advance towards a socialistic pattern of society. This is due, in my humble opinion, to the confusion of ends and means. Our ultimate end is to raise the general standard of living of the people which can be done only by means of increasing production

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and by no other means. Our Government believes that the socialistic pattern of society is the ideal form of social organisation suited to maximise national production or industrial production. Therefore, a socialistic pattern of society can be only a means to an end, and not an end in itself. But, this distinction is not clear to all and in the din and dust of political life, ends are often confused for means.

In order to realise our end of increasing living standards through higher production, we set ourselves a formidable task under the First Five Year Plan. This task has been fulfilled with a reasonable success and now we are embarking on a still more ambitious Second Plan. The enormity of the Plan would require co-operation on a nation-wide scale and every person capable of contributing should be encouraged to put forth his best effort. The Government has to play the major role. But, Government effort alone would not suffice and full scope and encouragement should be given to popular initiative and enterprise in order to draw forth the maximum effort from the non-government sector. In this, the Government might give the lead, but they should not adopt a repressive policy which would inhibit spontaneous effort on the part of the people. The Government have too much on hand. You know, we have passed the Companies Act and the Finance Ministry is busy with regard to the administration of this Act. They are not able to cope with the problem. They are, in my opinion, over-burdening themselves with responsibilities that could be conveniently left to the non-government sector. Perhaps the Government are not inclined to trust the non-government sector as can be seen from the needless nationalisation of the aviation industry or the recent nationalisation of life insurance. I would like to know what benefit the country has derived from the nationalisation of the aviation industry and also what benefits are also likely to accrue from the nationalisation of life insurance, as compared to its functioning today or its functioning before. Nationalisation of existing industries involves needless diversion of time, energy and resources of the Government from their rightful function of providing educational, medical and other socially beneficial facilities and social investment such as in irrigation and power, railway and other transport services. It is difficult to understand

why the Government are unnecessarily over-burdening themselves with functions which could be best left to existing agencies, to the neglect of their legitimate duties. There is enough scope for the Government in the field of social overhead investment. But, probably it is easier to busy oneself by pouncing upon something that is already being done by others, than in doing something new that requires the exercise of imagination and initiative. Government, obviously, have a limited amount of time, energy and resources, which could be more profitably spent in doing something that other agencies are not capable of doing rather than in supplanting the non-government sector and assuming responsibility for what it is doing satisfactorily.

This trend towards the State's monopolising even those economic activities that could be better entrusted to popular responsibility leads to the concentration of more and more power in the hands of the Government. The assumption of greater responsibility necessarily implies the co-extensive acquisition of more and more political power and this leads to the State's becoming more and more powerful, and the people becoming more and more dependent on the Government. But, the responsibility and power that the Government assume will be exercised through the bureaucracy, and the accentuation of this trend will necessarily lead to bureaucratic regimentation. I am sure this House will not approve bureaucratic regimentation of national life. But, that is an unavoidable consequence of state monopolies. State monopolies are not easily amenable to public control, or even parliamentary control, and they even try to avoid public accountability. I could substantiate my statement by the secretive attitude the Government are trying to adopt in regard to the accounts of the State undertakings managed by the Government. The Government are deliberately trying to evade parliamentary control over such enterprises by refusing to publish their accounts in a way that enables critical examination, by refusing to publish a White Paper every year on such undertakings and by refusing to allocate sufficient time for discussion of their affairs. The Estimates Committee has also made a similar reference in its sixteenth report. It says: that the reports are not given out in a manner in which the House could understand them. The report says that the reports should be

drawn up in a consolidated manner and presented to the House. The Taxation Inquiry Commission has also pointed out thus:

"We suggest that the Comptroller and Auditor-General may have the subject examined from the point of view of evolving suitable standard forms of accounting for different categories of public enterprises. The annual reports on the working of public enterprises, together with the budgets and audited accounts should be laid before the legislature and published with reasonable despatch. It was important from many points of view, not excluding the fiscal, that the search light of enlightened public opinion should be thrown on the operations of government undertakings, especially in a country where it was a part of public policy to extend and develop the public sector in the economy."

Sir, even the Estimates Committee could not get the information which it liked to have. The other day my friend, Dr. Lanka Sundaram, made out this point and I reiterate what I said earlier, namely, that the investment in industrial undertakings is assuming in the next Five Year Plan proportions as big as the railways. The railways have a separate Budget and a separate discussion. Here we are going to have under the next Five Year Plan more than Rs. 600 crores spent on industrial undertakings of the Government. After all, this Parliament is in duty bound to scrutinise their accounts on behalf of the people, who are the ultimate owners of this capital.

The Government are also reluctant to allow the audit of their accounts by the Auditor-General, who alone is competent to report to this House. For example, in the case of the National Life Insurance Corporation, the Auditor-General is not there to audit the accounts; the Corporation itself will appoint an Auditor with the approval of the Government. I do not understand this trend at all, because after all, the accountability of any Government enterprise must be to the House; who is competent enough to scrutinise the accounts except the Auditor-General? The trend is that more and more privacy is kept not only from this House, but from the public also and, as I said earlier, the so-called public sector is much more a private sector than anything else. It is a much more secret sector than the other

one. I do feel and maintain that this policy on the part of the Government is not desirable. You know very well that Government are trying to evade even the normal controls such as those under the new Indian Companies Act and the Industries (Development) Regulations Act. When any enterprise is transferred to the State sector, all these Acts do not come in there at all. For instance, there is no Companies Act applicable in the case of the nationalisation of life insurance. In my opinion, the State undertakings tend to become autocratic monopolistic bodies, who are neither subject to the common law of the land nor amenable to parliamentary control. This sort of autocracy allows State monopolies to enjoy almost absolute privacy, which makes mockery of the term "public enterprise". There is more privacy in the State sector of the industry than in the so-called private sector. This tendency of the Government to allow almost absolute autocracy to State undertakings, and at the same time clamp down all sorts of controls on non-Government enterprises, does not seem to be consistent with the avowed policy of the Government to give equal treatment to both the sectors. The tendency is all the more to be deplored in view of the fact that investment in State enterprises is going to be increased in geometrical proportions. How the efficiency and the public accountability of such enterprises will be maintained under such circumstances is a matter which I shall leave to the imagination of this House.

I have received a note: An hon. Member wants to know whether the Auditor-General knows his audit business or not. It is for us to decide how the Auditor-General should function. He is acting on behalf of this House.

I now come to the question of State trading. The other day the hon. Commerce Minister said—I welcomed his speech—that State trading would be limited to a certain sphere of the industry. We know what experience we have had of State trading in the past. I may tell the House that, apart from the question of profit or loss, the recent actions of the Government in State trading have not been to the larger benefits of the people. The people have to pay higher prices for the commodities where there has been State trading. I may point out that the Taxation Enquiry Commission has made it clear that State trading by itself is not likely to yield substantial resources to the State. Apart

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from the question of resources, the point to be considered in the larger context is whether there is any benefit derived by the common people.

The growing State monopoly in the industrial and commercial field is being matched by an increasing State monopoly of national capital through a financial policy aimed at squeezing the non-Government sector to the maximum possible extent of its financial resources. The proposals in the new Finance Bill will accentuate this trend. The Government are trying to acquire for themselves more financial resources than they can possibly make use of, leaving the people to fend for themselves whatever resources they would like to have. The Government finance. Popular enterprise making arrangements for the provision of loans to industry but this necessarily implies an undesirable dependence of the public on Government agencies, which undermines the self-reliance of the people's sector. It is better to make popular enterprise self-reliant and healthy instead of sapping its vitality by making it perpetually dependent on Government finance. Popular enterprise should be strengthened wherever it is allowed and the continual increases in direct and indirect taxes and repressive Government control will not conduce to its strength. The draft outline of the second Plan lays down the manner in which the non-Government sector is expected to find finance to carry out the targets fixed for it. These financial estimates have been obviously based on the assumptions of tax rates prevailing when they were framed. How can the financial targets be realised if the Government keep on changing tax rates and drawing the financial resources of non-Government enterprises at an ever-increasing proportion? It is unfair to expect such enterprises to raise a certain amount of finance and then to make them liable to criticism sometime in future for failing to mobilise the targeted sources because of increased tax rates. Higher taxation will reduced their reserves, and also make it more difficult for them to attract risk capital or venture capital, thus sterilising their productive and reproductive capacity.

The Government have been declaring from house-tops that their attitude towards popular enterprise is not doctrinaire but pragmatic. I might only say that by sterilising popular enterprise through confiscatory fiscal policy and repressive controls they are not helping

progress, because the non-Government sector of industry is entitled to better treatment on the basis of past performance. It fulfilled the physical targets set for it in almost all possible cases, and fulfilled over 90 per cent of the financial targets as against only 60 per cent fulfilled by the State sector of industry. If the Government refuse to act on the basis of actual experience, and refuse to allocate responsibility on the basis of proved ability, it would be impossible to concede that they are following a pragmatic approach. The only acceptable conclusion in such circumstances would be that they are following a doctrinaire approach.

I now come to the tax proposals. I do not wish to enter into details, because I have a number of amendments and I will deal with them during the clause-by-clause discussion. I do want to make a broad observation that the tax proposals, in my opinion, are unique and novel in many respects. In no country in the world has there been a tax on registered partnership firms. You know very well, Sir, that a registered partnership firm is not a separate legal entity; but still, it has been construed as a corporate body and taxed. I do not find anywhere in the recommendations of the Taxation Enquiry Commission a suggestion to tax registered partnership firms. As has been pointed by Dr. Lanka Sundaram the tax on registered partnership firms will take the maximum marginal rate to 98 per cent. This is something very heavy and it becomes difficult for anyone to have any initiative. The other day, the hon. Finance Minister made a certain change. He said, "All right, we will not tax professional registered partnership firms". That means that again there is discrimination, because the Finance Minister does not want a large section of the business community to have this relief. I think it is a very discriminatory attitude on the part of the Finance Minister when he says that the business community would not be entitled to have the relief which he would like to give to the professional classes. I now come to the taxation on bonus issues. I know that that is part of an integrated scheme of taxation. But then if the entire taxation proposals are pooled together, it will be found that the maximum incidence of taxation comes to something like 93.9 per cent. I at least, cannot commend these proposals or the basis on which they have been brought forward; of course, I can congratulate the Finance Minister on his suddenly-

acquired flair for invention of new types of taxation, which do not exist in any other part of the world. Such preposterous taxes were never known before either in this country or in any exist country. The likelihood of their adverse effects and their inequity are so patent that no economist worthy of his profession could even endorse them. I do not wish to go into further details at this stage, as I shall have occasion to deal with them when the clauses are taken up. For the present, I shall content myself with saying that I do not know on what basis these proposals have been brought forward.

In conclusion, I would request the Finance Minister to consider the suggestions that we have made in the light of the Second Five Year Plan. When we are embarking upon such a very ambitious programme of industrialisation, he should see that every person who is going to increase the production in the country should be encouraged to do so, and there should be more and more initiative left in the hands of the non-Governmental sector instead of an attempt being made to nationalise or take over everything under the State. Otherwise, we shall not be able to achieve the ends which we all would certainly like to achieve.

Shri Morarka (Ganganagar Jhunjhunu): I would like to pick up the argument left by the hon. Member who just preceded me, in regard to the tax on registered firms. He said that such a tax does not exist anywhere else in the world. He also said that because a registered firm is not a separate entity in law, there should be no tax on that. I would like to ask the hon. Member whether an unregistered firm is a separate entity and has independent existence in law, and also in what way an unregistered firm is taxed. If an unregistered firm can be taxed as one person or as a single unit of income, then what is the difficulty in taxing the registered firms?

The registered firms have been enjoying a peculiar position. On the one side, we have the limited companies, and on the other side, we have the unregistered firms. According to me, the registered firms have been having the best of both the worlds. I cannot therefore understand why the tax on the registered firms should in any way be less than the corporation tax on the private limited companies. If unregistered firms could be taxed, on the basis of the total income of the firm and individual partners, but as one going

concern, I think there is some justification in taxing to some extent the registered firms also. I would not like to develop this argument any further, now, for as the hon. Member has said, we shall have occasion to deal with it further when we come to the clauses.

I now come to the taxation on bonus shares. There have been two kinds of criticism against this tax. The first is that this tax does not exist anywhere else in the world, and the second is that it is contrary to the recommendations of the Taxation Enquiry Commission.

So far as the first criticism is concerned, I find that such a tax does exist in Australia, and till recently it existed even in England in the form of some stamp duty on the bonus shares. But that comparatively is a minor point of criticism.

Coming to the second argument that because the Taxation Enquiry Commission did not recommend this tax, we should not have this tax at all, I wish to remind the House that the Taxation Enquiry Committee of 1936 had recommended this tax on the bonus shares. Not only had they recommended it, but the Government also had accepted that recommendation. A Bill was drafted for the purpose, and when it went before the Select Committee, the Select Committee had altered that provision, and the legislature had accepted the recommendation of the Select Committee. If this tax was justified even in 1936, when the financial requirements of the country were quite different from what they are today, I think there is greater justification for such a tax in the present context of our Second Five Year Plan.

Further, there is already a tax on the issue of bonus debentures. Now, what is the difference between bonus debentures and bonus shares? In one case, the company parts with certain assets at a future date, while in the other case it does not part with any assets. Whatever that may be, the Taxation Enquiry Commission themselves have pointed out:

"A bonus issue gives the shareholders an element of individual proprietorship in the assets of the company and makes their interests in the reserves of the company transferable and heritable."

They further go on to say:

"As the bonus issue results in increasing the paid-up capital of the company, it enables the company so to exhibit its rate of divi-

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dend as to present an apparent picture of low dividend rates."

After discussing the whole thing, they have come to the conclusion:

"We think that the privilege of issuing bonus shares free of tax in the hands of the shareholder does confer some advantage both on the shareholder and on the company, and there may be a case for a small duty payable by the company on the issue of bonus shares."

Of course, they have ultimately not recommended any tax on bonus shares. I am aware of that. But the main grounds on which they did not recommend it were that the issue of bonus shares did not take away anything from the company, and that it did not put anything in the pockets of the shareholders. Since the shareholder did not gain anything from the company, they recommended that there should be no tax on bonus shares. But under the present scheme of taxation on dividends, I feel that it does put something in the pockets of the shareholders, and to that extent, it does take away something, if not from the company, at least from the pockets of Government, and therefore there is full justification for taxation of bonus shares.

Having said this, I have, however, one criticism to make against the manner in which the bonus shares are proposed to be taxed. It is this that this tax is not a straight tax or a direct tax. That is to say that if a company issues bonus shares then the company will have to pay so much tax on the bonus issues. What the Finance Bill says is that if a company issues bonus shares, then the refund that is due to the company would be reduced by the amount payable as tax on bonus shares. There may be a year in which a company may not make any profit, and therefore it may not have to pay any corporation tax, and hence it may not be entitled to any refund at all. And since the bonus shares are issued out of the past accumulated reserves, the company may very well choose a year in which it is not going to pay any tax, and it is not going to have any income, and in that year it can issue the bonus shares, and thus go scot-free. In this way, in some cases there may be no tax on the bonus shares at all. I would suggest that the Finance Minister must apply his mind to this loophole and bring forward a suitable amendment to the relevant provision.

In regard to the tax on dividends also, I have a similar criticism to make. Here again it is not a direct tax. The position is that if a company declares dividends above a certain percentage, then it will get less rebate from Government depending on the extent to which tax on dividend is payable. Here again, the company can declare dividend out of the past profits, and in a year in which the company has got heavy depreciation allowances because of expansion programme and so on, the company can easily escape this tax by declaring dividend out of the past accumulated reserves.

Sir, you would recall that in 1946, the then Finance Minister had brought forward a Bill for taxing dividends. But then his scheme was quite different, the scheme was that if a company distributes a certain percentage of its income in a particular year, then the tax should be payable by the company; in other words, the rate of dividend tax in the 1946 Bill which was from two annas to seven annas in the rupee depended upon the part of income which you distributed by way of dividends. But here in this Bill we are having a tax only of two to three annas. That is good, so far as it goes. But in the 1946 Bill, the provision was that if a company distributed from 30 to 40 per cent of the income, the tax payable was 2 annas, from 40 to 45 per cent 3 annas, and from 45 to 50 per cent 4 annas and so on and so forth, going up to a maximum of seven annas in the rupee. There, the rate of dividend tax was related to the percentage of income. But here, we are relating it only to the percentage of capital.

We say that if a company declares a dividend more than 6 per cent but less than 10 per cent of the paid up capital, then it will have to pay an extra 2 annas in the rupee, and if it declares a dividend more than 10 per cent, an extra 3 annas in the rupee. This has no relation to the income of the company. I think under the present scheme, what may happen is this. A company, howsoever prosperous, howsoever big, if it has a small paid up capital, would suffer, and a company howsoever small in size and profit it may be, would benefit, if it has got a big paid up capital. In other words, a company which capitalised its reserves in the past will stand to benefit while a company which did not do so, even though it has a lot of reserves and working capital, would suffer.

My second criticism of the dividend tax is that this tax would not apply to a company whose income is derived from

agriculture. Now, take the case of the tea companies. What are the companies which pay high dividends? I have got with me a report of the Stock Brokers—Messrs. Place, Siddon and Gough. It says that there are tea companies which declare dividend to the extent of 120 per cent, that is, Rs. 120 on every Rs. 100 share in one year. Seventy-five per cent dividend rate is the normal feature. There are many companies which declare 100 per cent dividend in one year. Those are the companies which will go scot-free; they are not going to pay any dividend tax on this income, whereas industrial companies which declare dividends of 10, 15 and 20 per cent would be roped in.

In this connection, it is pertinent to mention here that in a recent case decided by the Supreme Court, it has been held that the dividend income in the hands of a shareholder, even though the profit fund of the company from whom such dividend is received consisted entirely of agricultural income, when it comes to the shareholder, it does not form an agricultural income. I think the Finance Minister should devise ways and means by which even these companies, namely, tea companies, rubber companies and coffee companies, which are declaring 100 per cent, 120 per cent and even 150 per cent dividends are brought in and that dividend is also taxed. Sir, this is a peculiar thing. After all, all these companies are operating in this country. They are all citizens of India in that sense. Why should there be any discrimination between one shareholder and another? I cannot understand it. If for this purpose any amendment is necessary either in the Finance Bill or in the Constitution, for the matter of that, I think we should not be slow to move and bring it about.

Then I would like to say something about the statistics prepared by the Central Board of Revenue. Here I have got a copy of some statistics which are full of figures only, purported to be issued by the Central Board of Revenue, for the year 1954-55. The information given in this publication is so scanty, and I must say, full of so many figures, that one cannot make proper use of it. The public cannot make much use of these figures. Not only this. The other day I asked a question in this House. It was an unstarred question put on the 16th March 1956 and answered on the 4th April 1956, exactly after 20 days. My question was :

"Will the Minister of Finance be pleased to state: (a) the number of companies which claim a rebate of one anna in the rupee on the amount by which the total income (less tax of a company to which section 23A does not apply) exceeds the amount distributed as dividend during the years 1952-53, 1953-54 and 1954-55; and (b) the total amount actually rebated in the above years?"

The answer given by Shri M. C. Shah was:

"(a) and (b). The information is not readily available. It is being collected and will be laid on the Table of the House in due course."

But, Sir, I find the same information is contained in this publication. Year after year this information is published. But this is how the Finance Ministry functions. Even the persons who prepare these statistics, even the persons who briefly the Minister, do not know whether this information is contained in these statistics or not. (*Interruption*).

I would very strongly recommend and urge that a report on the basis of the report of the Commissioner of Inland Revenue in England must be published here also showing not only the figures but also various changes that have taken place during the year, regarding income-tax administration and all other matters, connected with our revenue department.

Now I would like to make a suggestion, and that is about small investment companies. Since life insurance has been nationalised, I think there is scope for starting genuine small investment companies which can mobilise and mop up the savings of the small man. I do not mean big investment trusts or cartels or companies which are monopolistic or which corner shares, but what I mean is small companies which can mobilise the resources and the savings of the industrial workers and others. These should be started on the lines of the small municipal savings bank and other companies started in Birmingham and elsewhere quite sometime back. Here the idea is that the capital of the company is limited to a certain extent, say Rs. 5 lakhs or Rs. 10 lakhs. That capital is issued every year and the shareholders are permitted to subscribe to them every month out of their wage savings. If that is done, I am sure many such companies can spring up. They can also have

[Shri Morarka]

scope for investment in shares and debentures in the stock market. They would give an impetus to the stock exchange. We must examine this point carefully and must give some tax relief in the form of income and super-tax relief. If that is done, I am sure many companies would come up. If these companies are started, they would mop up the extra money power in the hands of the small factory workers. It would also provide sufficient impetus to our small savings movement, and we would get much more than what we expect by way of small savings. This might act also as an instrument against inflation.

Shri Tek Chand (Ambala-Simla): Mr. Speaker, Sir, there are three pivotal problems, on the speedy and successful solution of which rests the welfare of this country. Those three broad problems are: economic progress and development, cohesion and unity at home, and security against possibilities of aggression. The moment that these three problems are solved, Mr. Deputy-
[MR. DEPUTY-SPEAKER in the Chair]

Speaker, the Government will satisfactorily demonstrate its competence and its ability.

Finance has a very important role to play. If it functions with probity, with honesty and with devotion to duty, it is likely to achieve results better. If the administration conducts itself in a manner whereby it retards the progress, the consequences can be very disastrous. Whatever taxes you may impose, if the machinery to carry out your policy is not doing its duty as it should, your objects can be achieved only partially. Therefore, I desire to invite the attention of the hon. Deputy Minister, who happens to be present, to some of the crying problems within his Ministry which should engage the attention of the Government.

So far as the administrative machinery in realising taxation is concerned, I find that it is not properly equipped with adequate knowledge of the income-tax laws and the income-tax rules, and what is more, on the side of public relations, it is lacking in vision, to a material degree. An income-tax officer, from the point of view of the assessee, is a bogeyman who scares them, who alarms them, who treats them as suspects and who successfully antagonises them. He may have a few of his pampered pets who take advantage of him and of his friends. The Minister should realise that

there is hardly an income-tax region and, on the lower rungs, hardly an income-tax officer who has not got his favourites. Some escape easily and other are subjected, in a most heartless and cruel manner, to a scrutiny which is almost inquisitorial. So far as their knowledge of income-tax law is concerned, so far as their training is concerned, there is a lot to be said about it. It may be that you have a dearth of staff; it may be that you have not got sufficient trained personnel, but it is regrettable that probationers of a year are put in charge of assessments without limit.

On the public relations side also, the approach is not psychological. If you treat a person as a suspect the logical result is that he becomes a tax dodger. If you treat him with consideration, with courtesy, and if you give a certain amount of allowance for his ego, his response is more friendly. Therefore, strict instructions should be given to the income-tax staff that the assessee should not be treated as a suspect and the approach of the income-tax officer ought to be that of a guide, that of an expert and that of a friend. He should be in a position to tell the unwary that there are certain permissible deductions and, if they are not aware of them, their ignorance should not be exploited to their disadvantage, but they should be assisted in filling the forms etc. If there are any omissions, he should help them in seeing that those mistakes are not perpetuated. That approach is not there. Therefore, it is extremely important that the tax-collecting agency is placed on a more efficient basis. It is not tax-collecting that is more troublesome; but, what is more painful is tax-dodging. Tax evasion and tax avoidance are very serious problems. There are a very large number of people, who would otherwise be liable to pay, who manage to escape scot-free. Maybe that they manage to grease the palm of some who matter; maybe that they are too shrewd and exploit the ignorance or want of knowledge on the part of the income-tax staff; maybe for different reasons. But, it is of the utmost importance that you should not only be imposing taxes, but you should also, in the realisation of the taxes, see that there is as little of tax evasion as possible.

This leads me to other problems, problems relating to services and administration. No doubt, hon. Members in this House are almost bored to distraction when somebody talks of corruption that is prevailing, and it is not

to that aspect of it that I want to invite the attention of Government. I am not going, on this occasion, to stigmatise so much the corrupt officers as the impropriety of the laws which are being passed, whereby a corrupt officer gets a certain impetus, whereby we, by passing certain laws, are creating difficulties and obstacles in the way of the Government in catching such people who bleed the citizens white.

I had an occasion to pay close attention to a well known Act, the Prevention of Corruption Act, 1947, the ostensible object of which was that it should assist in the speedy prevention of corruption and those who are found guilty of corruption should be caught and receive sentences, because there have been a large number of cases where corruption was rampant but the corrupt officers could not be caught or convicted. I am glad that my hon. friend, Shri Datar is here. I wish to present for his close examination, section 5 of the Act, which lays down penalties for what is known as criminal misconduct and the offences where gratification is received by a public servant etc. But, what the law requires is, 'if he habitually accepts or obtains or agrees to accept gratification as a motive or reward...'. What hurts me is the insertion of the adverb 'habitually'. In short, what the Act tells the corrupt officer is: 'If you occasionally accept bribe now and then, we won't harm you, we are not going to trouble you; but, if you make a habit of it—it is the habitual acceptance and not the occasional acceptance—it will lead to drastic results; it will lead to your conviction'. It is no use denying the fact. One has to see some of the judgments in decided cases where people have been acquitted on the defence that it was a stray case of acceptance and not of habit, and no habit had been made out. Not only in (a) but also in (b) of section 5, the same condition is there, that is of habitual acceptance. I could even make a present of the decided cases in this country, cases decided by various High Courts, where this expression has been interpreted in the only manner in which it could logically have been interpreted and whereby a very large number of people escaped conviction simply because the defence was that it was an occasional acceptance and not habitual acceptance. *(Interruption)*. Therefore, it is very necessary that we do some proper investigation whereby we should see that the various cogs in the machinery which clogs efficient ad-

ministration are removed. Maybe it is because of the inefficiency of the men who man it; maybe, because of their corrupt propensities; maybe because of the inadequacy or inappropriateness of our laws that they pursue their old and ancient trade. It is better that something was done about it.

Apart from corruption, there is another matter. Civil servants require a certain change in their psychological approach. Scoffers used to poke fun at the initials, I.C.S. at one time. They used to say that they are neither Indian in outlook, nor civil in their department nor service-minded. Happily, those things are not there, not to the same acuteness, but, nevertheless, the stiff approach is there. If you have the effrontery to go and approach them, they are class-conscious, and they are a little officious. That officiousness is rather of a forbidding nature and the result is that there is a very considerable hiatus, a considerable gulf, between the officers who, I said, are invariably officious, and the people whom they purport to serve. That attitude is there and that is to be deprecated more so now because of the very large recruitment among the Government servants who are going to be entrusted with very high, very desirable, very onerous duties which they have to discharge in the interests of the citizens. It would be extremely desirable if frequently some sort of a corrective or some sort of a directive on these lines is circulated.

The hon. Speaker, a short while ago this morning, was pleased to permit us to advert to the administration of law. I may avail myself of this opportunity to make my comments. On this question I have had on more than one occasion to allude to and my hon. friend, Sehri Datar, is a ware of it. We are harnessing science to various services, more so when it comes to medical science, industry, engineering, etc., but we have not so far harnessed science to the service of criminal prosecution. The method of criminal investigation leaves much to be desired. The time is gone when you can rely upon confessions to secure conviction of the guilty or the suspects or otherwise upon retracted confessions or upon third-degree methods. Crime is a very serious menace to the smooth functioning of the administration and, therefore, at the earliest opportunity I would hail an announcement, if there be one, that we are going to have proper scientific laboratories

[Shri Tek Chand]

where we are going to train proper detectives on scientific systems for crime detection, where there are going to be real, genuine, not fake, experts in every branch of criminal investigation, that we are going to equip our police stations with jeeps fitted with telephones and where we may be having lots of trained persons, who are loosely called 'walkie-talkiemen', that is, who carry on their person wireless telephones. You will find lately that there have been a series of serious dacoities in several States. If your investigating agency and preventive agency were scientifically equipped, some of those crimes that we witness today would not be there. You must keep pace in ingenuity with the law breaker; your speed should be faster than the imagination of the law breaker, and that you can do only if you have properly trained staff, who have been properly coached, in detective science. There is one aspect upon which I may take a few minutes that are left.

Mr. Deputy-Speaker: You have got only one minute at your disposal and the rest you have already exhausted.

Shri Tek Chand: Whatever your magnanimity or generosity impel, I will avail myself of that. With regard to technical education, out of a thousand and non-technical graduates that our institutions produce, we have hardly ten educated technical men. Technical education is absolutely necessary. We must have an army of technically trained personnel more so in engineering. Therefore, it is desirable that the Education Ministry, instead of running all sorts of polytechnics where inferior type of technical education is being given, should spend the same amount of money in providing chairs in Universities for the imparting of education in various branches of engineering. Whether it is architecture or civil engineering or electrical engineering, it should be entrusted to the Universities and under the guidance and leadership of men of real education, and not to third class graduates as we very often see in our institutions. It is very necessary and you will find that there is in our country a real paucity of engineering institutions. More so, since India is changing out of all shape and form; architecture seems to be absolutely neglected, and we want architectural education and the people trained in architecture who should be able not only to give us new urban houses and village houses but also other institutions whereby India

should not be said to be a land where there are ugly hamlets and squalid buildings. In this particular branch, I would counsel the Government and the Ministry of Education that they should see to it that education of a very high order in technical subjects is entrusted and is placed in the hands of men who are very well up in the particular line, in the particular science, and that mountebanks ought not to be allowed to masquerade as learned people.

Mr. Deputy-Speaker: Before I call upon Shri Vallatharas, I would seek the permission of the House, though the authority is already there, whether I should enforce this time-limit very strictly because other people are being pushed out. I find that some Members take longer time though the bells are rung. I would request all Members who are on the legs that they should confine themselves to 15 minutes and no more.

Shri Vallatharas (Pudukkottai): During the last three years, we have been accustomed to a sort of budgeting by whatever name it is called, in which we are finding great strains to find money for financing our developments and also meeting the exigencies and contingencies that arise out of our foreign relations. The present age is a very critical period. I am not very particular in saying that a certain percentage of tax should be imposed. I am very much satisfied with the way in which the taxation is being calculated and imposed. There may be some difference. Our business is not so much as to pin-prick these things, but the greater part of it is that there is a tendency on the part of the budgeting persons that if production on a statistical basis is found to be on a large scale, it would ensure the prosperity of the country. That may be true to a certain extent, but that is not the only criterion. My general experience is this. Without too much of technicalities, I have seen days when in this country a bag of 50 measures of paddy was sold at Rs. 3. Last year we had it at Rs. 13, and this time, during the last fortnight, in Madras, we saw that the price has risen up to Rs. 16. The price of gingely oil has gone up by 40 per cent. So also the prices of foodstuffs and necessities of life, which go to make up the cost of living of the individual, have risen in such a manner that the Government are not very serious about it. We may produce, we may trade and we may derive income, but on the other hand, the plight of the common man in the country, in the rural parts, is very pitiable.

and especially in the Madras State. I should say that Madras State is the sick man of India; out of the 20 and odd States Madras State is the worst sufferer, the weakest and the most indifferently treated part of the country. The State Government also is much to blame. I see total inefficiency being exhibited there prominently, which is now developing into chronic. But it is the business of the Central Government to see that it is removed. So far as the Central Government is concerned, the announcement of the Budget, the subsequent utterances of the Prime Minister, the leakage of the Budget and all those things have created an atmosphere in which the poor man has been hit very hard.

2 P.M.

They say the national income has increased. How has it helped the poor man? In some countries it has doubled or almost doubled. India is a country where the national income has just begun to rise. It is a wrong type of principle enumerated by the Taxation Enquiry Commission that a large section of the population has got resources to be taxed. It is very pitiable. The report of that Commission has not been placed before the House. We would have been benefited and the Government also would have been benefited by receiving the opinions of the hon. Members, if there had been a discussion. As it is, Government reserve to themselves the right of interpretation of the recommendations. Whenever it suits them, they will simply say that it is recommended by the Commission. 99 per cent of the people in our country do not pay income-tax. That does not mean that all are to be taxed. On the other hand, it means that they have not got sufficient income and that they should not be taxed. When we compare ourselves with UK or USA or other countries, our population, 99 per cent, is devoid of fair wages and so it could not be made to pay income-tax. So, we shall have to seriously consider the improvement in the matter of purchasing capacity of the rural population and also increased production. The two should be bridged. It shall be the policy. The production in the industrial sphere, production in the rural parts as well as the purchasing capacity of the rural people should be immensely developed. But for that, I will have to envisage a very dark future for this country.

So far as the financial policies and so many other things are concerned, I will put it in a nutshell. What the Government enthusiastically states and speaks and does—they are sometimes adverse and prejudicial to our interests in the peninsular part of the country. After these four years, we in the south feel that we have not been treated fairly. I do not attribute *mala fides* but the *bona fides* which they build are such that they are *mala fides* to us. I suggest that Government must set up an independent non-official committee to make an urgent investigation of the existing state of affairs in the Madras State and the Travancore-Cochin State. I do not want to talk about Andhra because they have got an enthusiasm by which they will seek their own way. If that is not done, it may spell chaos. I do not want to forecast but I may say that it is a very serious situation. In 1953, April or May, Shri T. T. Krishnamachari went to certain famine-stricken areas there and he visited those areas. He had given a first class report. I wrote to six Ministries as to what they have done with it but they say that they have no information about it. That is how they function.

The Finance Ministry is assuming a greater importance and its policy should be such, at least from this moment, to work on our behalf. When one limb is weak, greater attention must be paid to it. In respect of the backward classes, there is a total omission of appreciation. I sympathise with all that should be done for Harijans and tribal people. But, we have got an equally numerically strong section of backward class population in the south. In appointments, education, etc. they have no representation.

There is the report of the Backward Classes Commission but it is not coming up. Under the lure of the promises in the report, they have suffered very much in the Madras State; they have suffered irreparable injuries. In the north, the quantum of backward classes population is not so much; in the south, nearly 65 per cent of the people are backward. Side by side with your energetic and enthusiastic support for Harijans and other classes, the backward classes should also be taken into consideration. Otherwise, it is going to tell upon the welfare of this country.

Another aspect is our domestic happiness; it is the primary thing. There is no doubt that we have got a dynamic policy to suit modern tendencies so that we may be on a par with other nations.

[Shri Vallatharas]
of the world. But we are placed in a very uncertain position. There is Pakistan; there are other military pacts. They decide the whole trend of trade, commercial relations, national developments, national income and all these things. They may have a different set-up for good or bad.

As for as the kind of relation that exists between our country and certain others, we are not responsible for that. Those things loom large. The Russians are of course our friendly powers. Now, in the context of things, we will have to see what benefit will be served by our remaining in the Commonwealth, either materially or politically. Canada, USA, UK and Australia—all have come out during the last two or three weeks or so with open statements which we do not like. USSR has completed five five-year plans; it is now in the sixth. The whole of the western world was ignorant of its resulting significance. It is about its military strength alone that the USA was very careful. During the recent days, the eminent personalities of USSR visited Asia. They have said that they could supply goods to the countries outside at a cheap price. They have got engineering and technical personalities and they have got so many experts in thousand—I should say in lakhs. During these six five-year plans their technicians have so developed in number and efficiency that the western countries feel that they are miles behind and so their trade has become costly and they are not able to supply cheap goods. We in India think this way. So many others also feel so. Whichever country supplies us cheap goods, we will purchase from them. We will receive aid from anybody without strings. Now, I feel that we are a bit backward than the present Ceylon. Recently, two or three days ago, they suspected or distrusted the situation in which it was placed in the Commonwealth. Regionally, therefore, we will have to form ourselves into groups hereafter with a definite programme of mutual aid so that we can, in our own cultural way, improve our relations. We need not be bound to the Commonwealth which came in under different circumstances. In the present situation, I would submit that we will have seriously to consider whether, within the limited resources of the regional nations here, Asian African nations—we should not have a formula for aids instead of hanging upon others. Six months before, if you say 'Russia' you

may be looked upon with a prejudiced eye. Today it is not so. But the Western powers look at this with suspicion and they say that there is Russian infiltration. We are not fools. We know on whom to rely and on whom not to rely. Our financial policy is chiefly based upon international trade, commerce, etc. The production here should be recast in such a manner that all available sensible connection should be maintained and the other connections with the western nations should be analysed and brought on line with the others.

There is one more thing about which I want to say a few words. The hon. Finance Minister has not referred to the dues outstanding or the balance amount which must be paid to us by the Pakistan Government. Two years before, he had said openly that Rs. 9 crores per year would be expected by him to be recovered from Pakistan. Not a single pie has been recovered so far and in this year's Budget there is no reference at all to the dues outstanding against Pakistan.

In regard to Indus Valley Basin, the payments due to us for supply of water has not been made and there are arrears amounting to Rs. 1.75 crores. I would like to know why no effort has been taken to state openly in this House the circumstances that had led to the non-payment of that amount by Pakistan or the non-realisation of that amount by us. It should have also been stated whether such amounts have to be accounted for while calculating our welfare and financial strength.

Another thing that I want to submit is with regard to the rice that is going to be purchased from Burma. The last experiment of purchasing rice from Burma, apart from our friendly relations with Burma and our sincere desire to help Burma in any manner, has shown that purchases were made at rather very high prices, and when the quantities were brought to this country they had become rotten in the Calcutta dock. Now what I would submit is that a non-official committee must be set up to analyse as to how rice is to be purchased, at what price and, as soon as it is received here, how it should be distributed. Further, unless the proposed import of foodstuffs to the extent of two million tons is done immediately and that foodstuff is distributed throughout the country, the spiral of inflation will grow to a great extent and it will have a bad reaction on our people.

श्री टंडन (जि. इलाहाबाद-पश्चिम): उपाध्यक्ष महोदय, मैं इस बंधे हमारे समय में कुछ गिनी हुई बातें ही निवेदन करूंगा।

सब से पहले मुझे यह कहना है कि हमारा जितना आर्थिक क्रम चल रहा है जिस के लिए कि यह विधेयक यहां उपस्थित किया गया है उस सब में जो समाज सामने रखा गया है वह अधिकतर शहर का है। हम जितनी बातें करते हैं संपत्ति बनाने की और प्रबन्ध की और शिक्षा की, पठन पाठन की, उद्योग सम्बन्धी शिक्षा की, अर्थात् जिस पर भी हम विचार करते हैं उसमें मुझे ऐसा लगता है कि हमारे देहात के लोगों की और पयोप्त ध्यान नहीं दिया जाता है। देहात की आर्थिक समस्या हम हल करें इस की ओर, मुझे ऐसा लगता है, हमारी गवर्नमेंट का ध्यान बहुत ही कम रहा है। कहने को तो कहा जाता है कई योजनाएं बनायी गयी हैं और इन सब का सम्बन्ध गांवों से ही है। लेकिन मैं आपसे कहता हूं कि आप गांव में जा कर घूमिये, उनको देखिये, आपको चारों ओर दरिद्रता और बेकारी ही नजर आयेगी जो बढ गई है और बढ़ती जा रही है। मैं पहले भी निवेदन कर चुका हूं कि हमारा ध्यान उधर होना चाहिये, हमारे रुपये का एक अच्छा भाग, उस रुपये का जो हम व्यय कर रहे हैं, गांवों की दशा सुधारने में लगना चाहिए। गांवों में जो कुटुम्ब हैं उनको हम भूमि दें यह बहुत आवश्यक है। हम चाहिये कि उनके स्वास्थ्य को अच्छा रखने के लिए तथा उनकी उन्नति करने के लिए हम प्रत्येक परिवार के लिए कुछ न कुछ भूमि अलग रखें और उनको घर बनाने में मदद दें। आपने कुछ करोड़ रुपये घर बनाने के लिए रखे हैं लेकिन मैं समझता हूं वह बहुत थोड़े हैं। आप को चाहिये था कि आप बहुत अधिक रूपया इस काम के लिए रखते आपको यह भी चाहिए था कि आप देहातियों को घर बनाने में सुविधा देते।

अभी हमारे एक भाई ने चर्चा की थी। उन्होंने अम्बर चर्खा की भी इस सम्बन्ध में की और उसकी हंसी भी उड़ायी। मुझ को उनकी बात सुन कर बहुत आश्चर्य हुआ। उन्होंने कहा कि कौन पड़ा लिखा आदमी चर्खा चला कर अपनी जीविका कमायेगा। मुझे ऐसा लगता है कि उनको पडे लिखे आदमियों की अधिक चिंता है और जो बेपड़ा आदमी देहात में रहता है, वह किस तरह से अपनी जीविका चलाता है, इसकी और उसका ध्यान नहीं गया। उन्होंने यह तो कहा कि मैं भी खदर पहने हुए हूं। परन्तु इस

तरह की बात भी कही कि चर्खे से क्या लाभ होगा और कितना थोड़ा पैसा मिलेगा उनके खदर पहनने से क्या लाभ हुआ.....

श्री बी० जी० देशपांडे (गुना) : डिस्प्लिन (अनुशासन) में रहकर पहनते हैं।

श्री टंडन : उससे तो ऐसा मालूम होता है कि उनका खदर में कोई विश्वास नहीं है, खदर के आर्थिक शास्त्र में विश्वास नहीं है। हम लोगों को उसके शास्त्र में विश्वास है, गांधीजी को भी इस शास्त्र में बहुत विश्वास था। मैं यह कभी नहीं कहता कि जिस में गांधीजी का विश्वास था उसमें हमारा विश्वास भी होना ही चाहिए। लेकिन यह मैं निश्चय के साथ कहता हूं कि एज्युकेटेड अनएम्प्लायड (शिक्षित बेकारी) की समस्या जो अपने सामने धरी है और आप जिसे अपने ढंग से हल करना चाहते हैं वह उस तरह हल नहीं होगी मेरा विश्वास है कि चर्खे के द्वारा, चर्खे के प्रबन्ध के द्वारा और अम्बर चर्खे के द्वारा यह समस्या बहुत हद तक हल हो जायेगी। यदि आपका मतलब एज्युकेटेड अनएम्प्लायड (शिक्षित बेकारी) की चर्चा से यह है कि सी सी डेड डेड सौ, तीन तीन सौ और चार चार सौ रुपये की नौकरियां उनको देनी हैं तो मैं समझता हूं चर्खा वह नहीं कर सकता। परन्तु करोड़ों की संख्या में हमारे यहां जो लोग हैं उनका ध्यान करके ही गांधीजी ने ठीक बात कही थी, मैं इसे उनकी प्रतिभा कहता हूं, उनकी बड़ी भण्डारी सूझ कहता हूं। जो हमारे यहां गिरी अवस्था में थे, उनके लिए उन्होंने चर्खा लाकर रख दिया और आज उसमें जो उन्नति हो रही है, उस उन्नति को देखते हुए हम लोगों को आशा है कि इस चर्खे द्वारा हम गांवों की समस्याएं बहुत कुछ हल कर लेंगे। चर्खे और खादी के प्रचारकों का यह दावा है कि अम्बर चर्खा ७०-८० लाख आदमियों को जीविका दे सकेगा मैं इसे कोई छोटी सी बात नहीं मानता हूं। मेरा अनुमान है कि जैसे जैसे हम प्रयोग करण वैसे वैसे इससे भी अधिक आदमियों को इसको द्वारा जीविका देने में हम सफल हो सकेंगे।

अब मैं एक दूसरी बात की ओर बढ़ता हूं। कुछ दिन हुए मैंने यहां पर रिक्शाचालकों के बारे में चर्चा की थी। मेरा निवेदन यह है कि हमें ऐसी बातों को देखना चाहिए कि कहां कहां हम लोगों को काम पर लगा सकते हैं। कहां कहां के काम से लोगों को अलग किया जा सकता है, इसे तो अंग्रेजी ने बहुत किया। अलग करना आज भी आसान है। आप जितना भी यांत्रिक क्रम

[श्री टंडन]

बढ़ावेंगे, जहां जहां बढ़ावेंगे वहां वहां यंत्र मनुष्य को अलग कर देगा। अगर आप अमरीका और यूरोप की नकल करना चाहते हैं तो आप कर सकते हैं। परन्तु हमारे यहां प्रश्न यह है कि हम किस प्रकार से बेकारी को दूर करें। मेरा निवेदन है कि उत्पादन बढ़ाने की अपेक्षा यह अधिक बड़ी समस्या है। अगर बेकारी दूर होगी तो उत्पादन आप ने आप बड़ेगा। परन्तु हमारे भाई उत्पादन पर ज्यादा जोर देते हैं। प्रोडक्शन, प्रोडक्शन चिल्लाते हैं, और जब वे इस तरह से चिल्लाते हैं तो मिलें उनके सामने होती हैं, क्योंकि वे तेजी से प्रोडक्शन (उत्पादन) कर सकती हैं। यह बहुत छोटी बात है एक गौण बात है। प्रोडक्शन (उत्पादन) हो या न हो, लेकिन बेकारी अवश्य दूर होनी चाहिये। हर एक आदमी को खाना तथा कपड़ा मिले यह मुख्य बात है। कहा जाता है कि आप २० गज हर आदमी को देना चाहते हैं। लेकिन जब आप २० गज की बात करते हैं तो आपका ध्यान गांवों की तरफ नहीं होता है जहां लोग बेकार हैं। आप यह चाहते हैं कि आपको ५०, १००, २००, और ४०० गज मिले और फिर औसत जा कर २० गज पड़े। आप यह चाहते हैं कि आपके पास तह की तह कपड़ों की हो, आपकी बीबियों के पास बहुत सी साड़ियां हों। गांव वाला फिर भी नंगा ही रहेगा। मैं इसे अशुद्ध और असत्य बात मानता हूं। हमारे सामने अर्थ शास्त्र रखा जाता है। प्रश्न यह है कि प्रोडक्शन (उत्पादन) बड़े या न बड़े लेकिन बेकारी दूर हो। जब बेकारी दूर होगी तो प्रोडक्शन (उत्पादन) आप से आप पीछे पीछे चलेगा। प्रोडक्शन (उत्पादन) पीछे चले, यह मुख्य बात है। उत्पत्ति पीछे हो, बेकारी की समस्या पहले हल हो। सरकार की ओर से रिक्शा रोकने का प्रश्न छिड़ा तो मैं चकित हो गया। मेरे उस विषय पर भाषण के बाद श्रम मंत्रालय ने मेरे पास कुछ कागज भेजे हैं और मैं देखता हूं कि उन कागजों में एक विशेष दलील दी गयी है। वह इस प्रकार है :

"The fundamental fact should not be overlooked—that this type of labour is a degradation of human personality".

बस यह दलील है, और उसमें अन्त में सुझाया गया है :

"The rikshaw-puller of today may be enabled to become a motor rikshaw driver of tomorrow".

उस रिपोर्ट में यह सुझाव दिया गया है कि हाथ से चलाने वाला रिक्शा समाप्त किया जाये ताकि मोटर रिक्शा का प्रयोग हो सके। मुझे यह बिल्कुल उल्टी अक्ल दिखाई देती है। मैं इसको बिगड़ी हुई अक्ल कहता हूं। मैं कहता हूं कि बन्द करो मोटर को और अरबों रुपया जो मोटर पर व्यय होता है उसको मनुष्यों को दो ता कि उनको अधिक रोजगार मिल सके। मेरा विश्वास है कि जिस तरह से चरखा ८० या ६० लाख आदमियों को जीविका दे सकता है उसी तरह यह हाथ से चलने वाला रिक्शा ५०-६० लाख आदमियों को जीविका दे सकता है।

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): There is no need of rickshaw then. Why cannot you walk? Let us remove all our vehicles.

श्री टंडन: कुछ लोग चल सकते हैं लेकिन बच्चे हैं स्त्रियां हैं, वृद्ध हैं, रोगी हैं जिनको सवारी की आवश्यकता पड़ती है। आज जापान में कितने रिक्शा चल रहे हैं। मतलब यह कि यह "डिप्रेडेशन आफ ह्यूमन परसोनेलिटी" (माननीय ब्यक्तित्व का न्हास) की दलील बिल्कुल बाहि्यात है। हम देखते हैं ऊंची दृष्टि से शहरी की दृष्टि से बड़े बड़े लोगों की दृष्टि से यह ध्यान नहीं है कि यदि यह काम नहीं होगा तो वह आदमी क्या करेगा। मैं ने उस रोज बतलाया था कि जब एक आदमी ने "डिप्रेडेशन आफ ह्यूमन परसोनेलिटी" की दलील देकर रिक्शा पर बैठने से इन्कार किया तो उससे रिक्शा वाले ने कहा कि पहले आप हमको जहर दीजिये रिक्शा बन्द करने की दलील देने वाले ऐसी बात करते हैं जो व्यावहारिक नहीं है।

अभी तक शिक्षा उपमंत्री हमारे डा० श्रीमाली यहां बैठे थे। अब मुझे दिखलाई नहीं देते।

श्री रघुनाथ सिंह (जिला बनारस—मध्य) : आपको देखकर भाग गये।

श्री टंडन : मैं उनसे कुछ निवेदन करना चाहता था। उन्होंने उस दिन अंकों के बारे में कुछ दलील दी थी। उनकी दलील इस प्रकार थी कि जो आज का संविधान है उसमें यह है कि जब तक कि प्रेसीडेंट आज्ञा नहीं देते तब तक हिन्दी लिखने में हमें अंग्रेजी न्यूमरल्स का प्रयोग करना चाहिए। यह उन्होंने इस प्रश्न का वैधानिक रूप बताया। मेरे सामने उनका भाषण है। उनकी दलील इस प्रकार है :

"Keeping in view the clear provisions of the Constitution and the interpretation given by the Law Ministry in 1952, the use of the Devanagari form of numerals for

any official purpose either in the Centre or in the States is unconstitutional so long as the President does not issue a special order to this effect".

बहुत अजीब सी बात है। उत्तर प्रदेश में जितना राज्य का काम हिन्दी में होता है सब नागरी अंकों में होता है। वहाँ कोई अंग्रेजी अंकों को नहीं छूता डा० श्रीमाली की इस दलील के अनुसार उत्तर प्रदेश सरकार का सारा काम अनकास्टीट्यूशनल है क्योंकि वहाँ हिन्दी नागरी अंकों के साथ लिखी जाती है।

अभी हमारे वित्त मंत्री जीने पोये के पोये हमारे सामने रखे जो हिन्दी में हैं और उनमें अंक नागरी के हैं। यह भूलना नहीं चाहिए। रेलवे मंत्री ने भी पहले बड़े बड़े पोये हमारे सामने रखे जो हिन्दी में थे और उनमें अंक भी नागरी के थे। अभी हाल में फिर रेलवे मंत्री ने एक हजार डेढ़ हजार पन्नों की हिन्दी पुस्तक हमारे सामने रखी है। उसमें भी नागरी अंक हैं। श्रीमाली जी की दलील के अनुसार और सन १९५२ में विधि मंत्रालय ने जो राय दी थी उसके अनुसार यह सब का सब काम अवैधानिक (अनकास्टीट्यूशनल) है। फाइनेन्स मिनिस्ट्री (वित्त मंत्रालय) रेलवे मिनिस्ट्री (रेलवे मंत्रालय) और एक्सटर्नल एफेअर्स मिनिस्ट्री (विदेश मंत्रालय) की रिपोर्टें में नागरी अंकों का प्रयोग होता है सिवाय एजुकेशन मिनिस्ट्री (शिक्षा मंत्रालय) और होम मिनिस्ट्री (गृह मंत्रालय) के और मिनिस्ट्रियों (मंत्रालय) की रिपोर्टों में नागरी अंकों का प्रयोग होता है। तो क्या ये सब के सब मूर्ख हैं जान बुझ कर कास्टीट्यूशन की अवहेलना कर रहे हैं :

श्री धार० एन० सिंह (जिला गाजीपुर—पूर्व व जिला बलिया—दक्षिण-पश्चिम): पहली ही बात सही है।

श्री टंडन : यह दोनों बातें गलत हैं। वे सब समझ वाले हैं। कोई कास्टीट्यूशन संविधान की अवहेलना नहीं कर रहा है। लेकिन अगर हमारे डा० श्रीमाली यह कहते हैं कि इन्होंने संविधान की अवहेलना की है तो वे प्रेसिडेंट राष्ट्रपति से लिख कर पूछ लें कि यह उनकी अनुमति से काम किया गया है या उनकी अनुमति के बिना किया गया है। ऐसा करना बहुत आसान है। मैं तो समझता हूँ कि मिनिस्ट्रीज (मंत्रालय) प्रेसिडेंट और गवर्नर के नाम पर काम करते रहते हैं। लेकिन अगर डा० श्रीमाली समझते हैं कि इस काम के लिए प्रेसिडेंट को खुद कहना चाहिए या तो वह उनसे लिखकर पूछ सकते हैं। केन्द्रीय

सरकार में जो इस प्रकार का काम हो रहा है मैं उसको ठीक मानता हूँ। ला मिनिस्ट्री (विधि मंत्रालय) ने सन १९५२ में एक राय दी थी लेकिन जैसा कि डा० श्रीमाली ने बताया उसने अब अपनी राय बदल दी है और कैबिनेट ने इस मामले में यह तै कर दिया है कि चाहे कोई अंक प्रयुक्त किये जा सकते हैं। परन्तु यदि प्रेसिडेंट की आज्ञा की आवश्यकता है तो मेरा सुझाव है कि तत्परता के साथ उस आज्ञा को मंगवा लिया जाये क्योंकि टाइपरायटर (टंकण यंत्र) का प्रश्न हमारे सामने है। मेरा कहना है कि टंकण यंत्रों में नागरी अंक होने चाहिए। लेकिन अगर शिक्षा मंत्रालय इसमें सन्देह है तो वे प्रेसिडेंट से इस बात का हवाला देकर निश्चय करा लें।

Shri S. C. Deb (Cachar-Lushai Hills): I thank you for the opportunity given to me to speak on this Bill. I was trying for several days to take part in the debate on General Budget & the Finance Bill. I would crave the indulgence of the House, if I take some time on the problems of my State in the course of my speech.

I support the Finance Bill and congratulate the Finance Minister for his able piloting of our country's finances. I have faith in him and I say that the fate of the common man will be safe in his hands. I do not like to say much about taxation policy. My only appeal to the Finance Minister is, firstly, parity should be maintained between low income group and high income group and secondly, small-scale and cottage industries will find suitable opportunities to develop along with large scale industries either in the public sector or private sector so that unemployment and under-employment problems may be solved to a large extent.

Now, I would like to draw the attention of the Government to some border problems and public security. I crave the indulgence of the House to place before it some problems that are growing in severity in some parts of the country. Because of the attitude of the Pakistan Government, the question of border security has come to the forefront. Our border is not fully demarcated so far as land border or water border is concerned. Though it is a small thing, we do not know whether Cachar Tibu Island which lies between India and Ceylon is ours or not. When we do not know the border, how can we take effective measures for border security? We know that some measures have

[Shri S. C. Deb]

been taken recently by the Government. One is declaration by the President describing our water territory up to six miles from the coast and the second is asking Pakistan for demarcation of western border on the line of the Radcliffe award.

We have so many border troubles in recent times with Pakistan and in these cases Pakistan is the aggressor. Recently our Home Minister made some remarks about the attitude of Pakistan on the occasion of a reception arranged in his honour. The remark runs thus as it appeared in the press:

"Anybody who had the temerity to cast an evil eye on India must mend his ways or be prepared to lose the eye."

At that time, he made an appeal to the people of the Punjab to rise equal to the occasion. I also ask him to issue such an appeal to the people of the other states, West Bengal, Assam and Tripura. He also regretted the attitude of Pakistan for not respecting the Pant-Mirza agreement. We do not know the mind of Pakistan. Another important factor is that Pakistan does not honour its pledges, whether in regard to its political or financial obligations to India. By the recent move of the Pakistan Government, border violations and border incidents are on the increase. Their aggressiveness is growing greater and greater. That country is bent upon doing anti-Indian propaganda and it seems to be devising a plan for creating troubles for India. Here, I would like to draw the attention of our Government to a report in the *Ananda Bazaar Patrika* on 21st March, 1956. With your permission, I am giving the purport of that in English:

"From the last part of January, 1956, propaganda has been carried on by Pakistan in Karimganj and Hailakandi subdivisions and in Katigara police station of Cochar district. Information is that Pakistanis have infiltrated in some parts of Cachar. Some such Pakistani Muslims have been convicted in the court for entering India without passport. It is also reported that some Maulanas from Pakistan are carrying on propaganda work in several parts of Cachar district on the Kashmir issue."

I do not know the veracity of the report. But, if it is true, these are serious things and Government should take note

of them. The situation is taking serious proportions. Some days ago, in reply to my question, the hon. Shri Anil K. Chanda admitted receiving information about infiltration. But, receiving the information will not do. Strong security measures are necessary. Infiltration is there and there have been some convictions due to that.

I would also like to refer to border violations by Pakistan in my part of the country. At Bangabazaar in Cachar district of Assam, there was an attack by Pakistan and firing was resorted to by the Pakistanis. One civil Indian was killed. Though it was repelled and peace was restored, the situation there is not without anxiety. I got a report that there is concentration of Pakistani forces on the Pakistan side bordering Karimganj subdivision. In such border attacks, the Pakistanis make their plans previously and take position and resort to firing to their advantage. On our side, our border police find it difficult to take position and repulse the attack because some of the areas are not easily accessible.

For the security of the area, I offer, some concrete suggestions. First our security forces are to be strengthened and adequate security measures are to be adopted. Secondly, along the border of Garo hills, Khasi-Jaintia hills, Cachar and Tripura, road communication should be improved or provided for. Thirdly, for the security of the whole of the North-eastern portion of India, the transport bottle-neck already existing should be removed and immediate attention should be given for better transport facilities in that area. That should be taken on a war footing. Fourthly, for unity and better security, the whole of the North-eastern part of India including Tripura, Manipur and Assam should be integrated into one administrative unit in order to have a better picture of the whole of that area. This is essential if you want effective security of that area. Fifthly I suggest that the hon. Minister for Defence Organisation Shri Tyagi may be asked to visit the East Pakistan border to study the conditions as he is also going to the western border. My next suggestion is this. We have friendly and cordial relations with our neighbour Burma. I humbly suggest to the Government to take the permission of the Burma Government to develop a port for ourselves at or near Rangoon and from Rangoon to create a corridor road by the side of Chindwin river right up to the

Stillwell road touching the Lushai hills, Manipur and Naga hills border and thus develop better communication. It will not only improve the supply position, but it is important for both the countries for security measures. I hope our Government will give serious thought to this and arrive at a decision favouring the idea.

Regarding the influx of the minority community, our Government says that it has done all in its power to move the Pakistan Government so that the latter may take adequate steps for better conditions of living in East Pakistan, but all efforts have failed. This influx is not abating but increasing. In that area, our Government should not create a situation obstructing their coming in, for example, by refusing migration certificates, etc., because there is a political reason behind this influx. Our Prime Minister says that this influx is indirectly connected with the Kashmir issue. In this saturated condition, as there is large scale influx in West Bengal, there is also the same kind of influx in my part of Assam. Adequate measures should be taken for their accommodation in some other place as there is no space there and the supply position is also very meagre.

I now come to the question of floods. Almost every year, because of floods the Assam Link Line of the North-Eastern Railway is affected and consequently there is dislocation of the whole transport system for some months together. Train services are dislocated, and goods do not move to Assam with the result that everything becomes to psyrtury. So, I suggest that the Railway Ministry and the Irrigation and Power Ministry should chalk out a plan to check the situation. Collection of data for the study of the rain gauge in the Himalayan region will not do. In collaboration with the Nepal and Bhootan Governments, some concrete plan should be prepared for the construction of water barrage, just as has been done for the river Kosi, in the upper regions of the rivers Tista, Iye and other virulent types of rivers which flow from the high hills. Also, a sum of Rs. 10 crores at least should be immediately given to the Railway Ministry to construct an alternate rail route for the flood-affected area.

I come from a plantation area also. Much has been said in this House about the labour problems. I come from an area where tea plantation labour population is a good part of the total population. Their problems are generally ade-

quately dealt with by the INTUC, but when there is a crisis, the situation becomes serious. There are many problems, regarding tea labour and besides that there is general deterioration in the industry as a whole. The different provisions of the Plantation Labour Act still await implementation, though the Act has been passed some years back. Where there is an appreciable increase in production, fair and higher wages for labour are crying needs. Our plantation labour deserves due consideration by the employers in that direction. Our Government should see that the employers have that frame of mind. Greater participation in the production by labour requires the fulfilment of the demand of labour for higher wages.

Shri Velayudhan: I am very glad to speak on the Finance Bill, because I had made some suggestions when I spoke on the Budget earlier. After the Finance Minister introduced his Budget here, he had ample opportunities to know the reaction in the country regarding his Budget proposals and it was our hope that as a reflection of those reactions, there would be some innovations or changes in the proposals. But, to our great surprise, there has been no innovation or change in the taxation proposals given out during his Budget speech.

I am not much interested in the taxation proposals relating to companies or corporations; but, I am very much interested in the tax on consumer articles which are essentially used by the common man, like soap, cloth or even oil. Some tax on non-essential oils was also mentioned. I thought that these taxes would be reduced and there would be some relief for the common man, resulting in greater co-operation from the public for the nation-building activities of the Government. The Finance Minister wants to reduce the disparity between the rich and the poor, but he is trying to equalise the taxes on all the classes, with the result that common people, the majority people in the country, are the sufferers. This has been the nature of Central finance from the very beginning. Central finance is only a part of the finance of the country, because we have another aspect, called the State finance. I should say that the State finance has more control in the people's economic life than the Central finance.

I do not know what is the main principle behind the taxation policy of the Government. It was based mostly on a confused economic approach and it had

[Shri Velayudhan]

no relation to the objective that was being given out by the framers of the Five Year Plans. What is the actual economic situation in the country which is reflected through the economic policy of the Government? Everywhere there is tomtomming of the achievements of the Government under the first Five Year Plan, but the prices of the essential commodities have risen in the country and the common man is more and more under the grip and oppression of an economic system which it is very difficult to resist, unless some remedial measures are suggested by the Government or by the people themselves. That is the position today. I read a Press report today regarding the price of rice in Tamil Nad in the Madras State. The Chief Minister has stated that the price of paddy and rice has gone up 100 per cent. more than what it was a fortnight or a month ago. This is the position with regard to every commodity or food-stuff in the country. I do not know what remedy the Finance Minister has got for this.

I now come to another important factor, namely, the unemployment problem in the country. The more we plan, the more we spend and the more we develop our industries, the more is the unemployment in our society today. I think there is something fundamentally and basically wrong with the economic approach of the Government.

Pandit K. C. Sharma (Meerut Distt.—South): That is because you produce more children.

Shri Velayudhan: Of course, I am producing more children, because I think India can have more children if my hon. friend who is now supporting the Government will come out with a realistic economy, a kind of revolutionary economy, for the country.

Mr. Deputy-Speaker: The hon. Member should not go far away from the subject in his search for more children.

Shri Velayudhan: My humble opinion is that the Government has had no fixed financial policy behind it; the whole policy was based on, I think, certain sentiments and emotions and at the same time the Government was trying to keep up the social order of the country. So, there was a contradiction in the approach and confusion was the result. The Government has spent much for the development of the country, but at the same time, there is a kind of reaction which is against

the hopes of the planners. The result is that we are living in a confused state, and it looks as if we are standing on the edge of a precipice.

My own feeling is that the economic policy of Government is based on what is obtaining in the Western economy. I am afraid the economic theory of the London School of Economics does not have any bearing on the economic situation in our country. I know that most of the planners and experts with the Government of India were the students or theorists who were produced by the London School of Economics. That is why when they plan for the future of this country, we find that their plan does not have any bearing on the realities in the country.

If Government want to build a socialist State in our country, then they should try to build up from the bottom. But what we find is that they are building up from the top, with the result that there is a top-heavy concentration of economic power, which in course of time may develop into a dangerous pattern of controlling power in the hands of Government. When that is the position, I am very much doubtful whether they will be able to establish a real socialist State at all in our country.

I now come to the Home Ministry, on which we had a discussion only the other day. When the Home Minister was speaking, I thought he would give a lead to the country so far as the domestic policy was concerned. But I am sorry to find that no reference at all has been made to this. When the Demands for Grants relating to the Home Ministry were being discussed here, the Prime Minister was touring the Karnataka State, and in the course of one or two of his speeches there, he had condemned communalism. At the same time, the RSS leader and the other people who had gathered here in Delhi were speaking about the Hindu Raj. But I was surprised to find that not a single Member from this House had the courage to speak about this great national danger that is lurking in India today. The Prime Minister had again referred to this while he spoke in Delhi also. But throughout the entire budget discussion we have had here, not a single Member, either from the Congress or any other party, had the courage to speak about this social menace which is standing in the way of the basic economic and social progress of the country.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): The Prime Minister belongs to the Congress Benches.

Shri Velayudhan: Including yourself.

I belong to a minority community, in much the same way as you, Mr. Deputy-Speaker, Sir, happen to come from a minority community. We had our common aspirations, and at the same time, we had the feeling of a common unity also. But we are not quite happy over what has happened in many parts of the country. I am not trying to accuse any majority party, but I think the Hindus want to keep the minorities under suppression, and eternal suppression at that. That is the position that we are fighting against.

Mr. Deputy-Speaker: The hon. Member should not expect me to join him in this.

Shri Velayudhan: I do not say that you should join me in this, but I could tell you that the minorities think in the same way. There is a fear lurking in our minds that the majority wants to dominate over us. At the same time, they want to have the power also with them for all time to come.

An Hon. Member: You are in a majority.

Pandit K. C. Sharma: The hon. Member is unnecessarily losing himself in this.

Shri Velayudhan: I am not talking of a majority in terms of numbers only. I am talking in terms of the economic power that they wield, and the influence they wield in the country. My hon. friend knows fully well that it is the minority community which is holding the reins of power now. Most of the Brahmins, I can say, almost 90 per cent. of them, are holding power, even though the non-Brahmins happen to be in a majority, so far as numbers are concerned.

Shri Feroze Gandhi: I am in the smallest minority.

Shri Velayudhan: I now come to the problem of the untouchables to which sect I belong. I am very sorry to say that as yet no one has tried to grapple with this problem in a realistic or democratic way. That has been my complaint from the very beginning. I do not want any patronage; I do not want any kind of doles to be given to us; I do not want any

paternal attitude to be shown towards the Harijan community or towards the untouchables or the backward classes. I want that there should be a democratic approach towards them. If the attitude from the other side is one of patronage or a paternal one, I hesitate to accept it; in fact, I hate to accept it, because I want that a democratic approach should be made towards our community.

Coming to the question of reservation of posts for the Scheduled Castes and Scheduled Tribes, I do not know why even the posts reserved for us according to the Constitution are not being filled up from amongst the members of the Scheduled Castes and Scheduled Tribes. We have been enjoying independence for the last eight years, but I do not know how many Scheduled Castes and Scheduled Tribes candidates have become, gazetted officers. Hundreds and thousands of appointments are made in the country every day, but it is only very rarely that a Scheduled Caste or a Scheduled Tribe candidate is taken into the services.

Shri D. C. Sharma (Hoshiarpur): I think you were one of the gazetted officers.

Shri Velayudhan: Of course, I was. But that was not because of your kindness.

So far as the recruitment to the posts of under-secretaries is concerned, I want to point out that even though there were qualified Scheduled Castes candidates available, they were not taken in. There were posts which had been reserved for them through the Union Public Service Commission, and yet no one was chosen. Recently also, there was an advertisement for the post of under-secretaries. And even though there were qualified hands available from among the Scheduled Castes, they were not taken in.

You know there is a Scheduled Caste member in the Union Public Service Commission. But what I have learnt is that when Scheduled Caste candidates are interviewed, he is not even called to be present. He sits on some other board; he sits on the board which is meant for some other unreserved posts only. I do not know why this strange practice should be allowed to continue. Even though we have a Scheduled Caste member in the Union Public Service Commission, we find that he has no voice in the selection of the Scheduled Caste candidates in respect of the posts reserved for them.

Pandit K. C. Sharma: Which commission are you referring to?

Shri Velayudhan: I am referring to the UPSC.

Mr. Deputy-Speaker: The hon Member should try to conclude now. If he is entering into a private conversation with other Members, how can I allow him to continue?

Shri Velayudhan: I would like to urge that the Home Minister should be very vigilant in regard to the recruitment of Scheduled Castes and Scheduled Tribes candidates. Every day, hundreds and thousands of persons are being recruited. And there seems to be a competition even among the upper classes with the result that favouritism, nepotism, and various other 'isms' are coming in. The net result is that the Schedule Castes and Scheduled Tribes candidates are not able to get even the quota which is reserved for them.

श्री बिभूती मिश्र (सारन व चम्पारन): उपाध्यक्ष महोदय, यह जो फाइनेंस बिल आया है उसका मैं हादिक स्वागत करता हूँ। इस पर मैं आगे चल कर कुछ कहूँगा, पहले मैं जो कुछ मेरे भाई वेलायुधन जी ने कहा उसके बारे में कहना चाहता हूँ। उन्होंने कहा कि जो भी काँग्रेस पार्टी के सदस्य आये हैं वे सब ब्राम्हण होने की बुनियाद पर आये हैं। यह सरासर गलत है। जो भी काँग्रेस पार्टी के मेम्बर हैं, जो भी काँग्रेस के टिकट पर चुन कर आये हैं, वे इस आधार पर नहीं आये हैं कि वे ब्राम्हण हैं या किसी दूसरी जाति के हैं। जो चार्ज (आरोप) उन्होंने हम पर लगाया है वह बिल्कुल गलत है। कोई भी काँग्रेस का सदस्य इस आधार पर नहीं आया है।

दूसरी बात मैं यह कहना चाहता हूँ कि हर साल हमारा करीब साढ़े चार बरब का बजट आता है। उसमें बहुत से खर्च होते हैं। सन १९०५ से लेकर सन १९४२ तक हमारे बहुत से साधियों ने देश के स्वराज्य के लिये अपनी जानें खपाई हैं और जाने खपाने के बाद हिंदुस्तान को स्वाधीनता मिली। यह ठीक है कि हमारी प्रान्तीय सरकारों ने राजनैतिक पीड़ितों के लिये कुछ किया है, लेकिन जो कुछ भी उन्होंने किया है वह बहुत नाकाफी है, वह बहुत कम है, फिर भी जो कुछ उन्होंने किया है उस के लिये प्रान्तीय सरकारें धन्यवाद के पात्र हैं। लेकिन इसके बारे में मैं केंद्रीय सरकार से कहना चाहता हूँ।

Mr. Deputy-Speaker: The hon. Member may continue his speech tomorrow. We shall now take up private Members' business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

FIFTIETH REPORT

3 P.M.

Shri Altekar (North Satara): I beg to move:

"That this House agrees with the Fiftieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th April 1956".

This is a Report wherein there are three or four items. The first thing is that there are four Bills which were there for classification. According to the principles laid down, they have been classified in 'B' category and time has been allotted to them as stated in appendix II against each of the Bills.

The next thing that was done was in connection with the Constitution (Amendment) Bill of Shri Dabhi's. The Committee has recommended that this Bill should not be allowed to be introduced, because according to the principles laid down in the First Report, the Constitution should not be lightly touched; there are other provisions to intensify and implement the policy of prohibition, and unless all of them have been properly implemented, this should not be taken into consideration.

Then there was a question about the minimum number of Bills that should be placed on the agenda on a Private Members' day. With as many as 29 Bills which came in the ballot and put on the agenda, hon. Members are at a loss to know which of them will be taken up. Sometimes it so happens that hon. Members are not present to proceed with their Bills. Sometimes, they do not press their Bills. So it is desirable that the House should know which of the Bills are likely to be taken up. From that point of view, it has been decided that six Bills in the order should be there, excluding those the consideration of which has already begun in the House or those which are to be withdrawn. Then in connection with the Bills, hon. Members will be asked whether they are going to proceed with their Bills or whether they

will be present when their Bills are taken up on that date, and after that has been ascertained, six Bills that come in the order will be put down in the agenda, and the other Bills need not be there, because it will be unnecessary and Members will not be in a position to know as to which of the Bills would be taken up.

So in order to facilitate hon. Members to prepare themselves for the Bills as also to make the agenda a sizable one, containing only Bills which will probably be taken up, it has been decided that only six Bills should be indicated in the agenda.

I beg to submit that this Report be accepted by the House.

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Fiftieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th April 1956".

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL

(AMENDMENT OF SECTION 429)

Mr. Deputy-Speaker: As regards the Bill to be introduced, Shri T. B. Vittal Rao is absent.

The House will now proceed with further consideration of the following motion moved by Pandit Thakur Das Bhargava on the 6th April 1956:

"That the Bill further to amend the Indian Penal Code, 1860, be taken into consideration".

Out of 2 hours allotted for discussion of the Bill, 33 minutes were taken up on the 6th April 1956, and 1 hour and 27 minutes are still available.

Shri R. D. Mishra may now continue his speech.

श्री. धार० डी० मिश्र (जिला बुलन्दशहर): उपाध्यक्ष महोदय, मैं गत दिन इस बिल की मुखालिफत कर रहा था। मैं समझता हूँ कि यह बिल पब्लिक इंटरैस्ट (लोकहित) में नहीं है, हालांकि इसके स्टेटमेंट आफ आवजेक्ट्स एंड रीजन्स (उद्देश्यों और कारणों) के विवरण में यह कहा गया है यह पब्लिक इंटरैस्ट में है।

जहाँ तक जानवरों के साथ हमदर्दी करने का सवाल है, मैं ठाकुर दास जी के साथ सहमत हूँ कि उनके साथ बेरहमी नहीं होनी चाहिये। लेकिन अगर दफा ४२८ इस प्रावीजन (उपबन्ध) को बढ़ाया जायगा तो उससे इस देश में बहुत खतरनाक नतायज पैदा हो जायेंगे। उस दिन मैं सुन रहा था कि "शैल प्रीज्यूम" के इस्तेमाल करने से कुछ ज्यादा फर्क नहीं पड़ता है क्योंकि इंडियन एबीडेंस ऐक्ट (भारतीय साक्ष्य अधिनियम) के अन्दर जहाँ "मे प्रीज्यूम" और "शैल प्रीज्यूम" शब्द इस्तेमाल किये गये हैं वहाँ वह रिबटेबिल प्रिजम्पशन (निराकरणीय धारणा) हो जाता है। लेकिन मेरा कहना यह है कि जो प्रोवाइसो (परन्तुक) श्री ठाकुर दास साहब बढ़ा रहे हैं उसमें उन्होंने वे शब्द इस्तेमाल नहीं किये हैं कि जो इंडियन एबीडेंस ऐक्ट में हैं। जहाँ तक इंडियन एबीडेंस ऐक्ट का ताल्लुक है, उसमें जहाँ दफा ४ में "मे प्रीज्यूम" और "शैल प्रीज्यूम" शब्दों को इस्तेमाल किया गया है, वहाँ उनके वाद में यह लिखा गया है "अनलैस एंड अन्टिल इट इज डिस्पूब्ड" यानी जब तक कि उनका सबूत रहे न कर दिया जाये उनको मान लिया जायेगा कि साबित हो गये हैं। लेकिन ऐसी बात मैं इस प्रोवाइजो में नहीं देखता, जिसका नतीजा यह होगा कि जब कोई मुकदमा दफा ४२८ में किसी अदालत में जायेगा तो उसमें मुलजिम को खिलाफ प्रीजम्पशन कर लिया जायेगा। चाहे डाक्टर ने किसी जानवर अच्छा करने के लिए जहर दिया हो लेकिन वह मर गया। अब उसका मालिक चाहे तो डाक्टर पर मुकदमा चला सकता है कि डाक्टरने अहूर देकर मेरा जानवर मार दिया। ऐसी हालत में प्रीजम्पशन डाक्टर के खिलाफ होगा, चाहे यह बात बिल्कुल सही है कि उसकी नीयत मारने की नहीं थी और उसने जो जहर दिया था वह अच्छा करने के लिये दिया था। लेकिन चूँकि वह नीयत लाजमी मानी हुई है, तो डाक्टर को सजा हो सकती है। अगर किसी के मोटर से कोई जानवर मर गया, चाहे उसकी नीयत जानवर को मारने की नहीं थी, लेकिन फिर भी यह मान लिया जायेगा कि इसकी नीयत नाजायज तरीके पर नुकसान पहुंचाने की थी। इस प्रोवाइसो की यही मंशा हो जाती है।

इसके बाद दफा ४२५ और ४२६ के अन्दर अगर खुद मालिक भी अपनी चीज को नुकसान पहुंचाता है तो यह समझा जायगा कि वह जुर्म कर नवाला है। अगर वह उस जुर्म में सजा पा

[श्री आर० डी० मिश्र]

सकता है। अगर कोई आदमी अपने किसी जानवर को स्लाटर हाउस (बघशाला) में दे दे, जैसे कि बहुत से गोश्त खानेवाले अपने जानवरों को मरवा देते हैं, तो इसमें यह मान लिया जायेगा कि उसने देश को नुकसान पहुंचाने के लिये अपने जानवर को मरवा दिया है। चाहे वह आदमी कहे कि उसने ऐसा इस गरज से नहीं किया लेकिन उसके खिलाफ यह चीज मान ली जायेगी। तो मेरे कहने का मतलब यह है कि इससे बहुत खतरनाक नतायज पैदा हो सकते हैं। चूंकि इसमें “अनलैस एंड ग्रंटिल इट इज डिस्प्रेब्ड” नहीं लिखा है जैसा कि इंडियन एवीडेंस ऐक्ट में है, इसलिए इंडियन एवीडेंस की डेफीनीशन (परिभाषा) यहां लागू नहीं हो सकती। इंडियन एवीडेंस ऐक्ट में कुछ दफात में शब्द “मे प्रीज्यूम” इस्तेमाल किये गये हैं और कुछ में “शैल प्रीज्यूम” शब्द इस्तेमाल किये गये हैं। अगर कुल एवीडेंस ऐक्ट को देखा जाये तो मालूम होगा कि “शैल प्रीज्यूम” वहीं इस्तेमाल किया गया है जहां कि तीस साल से ज्यादा पुराने डाक्यूमेंट्स (दस्त-एवीज या गजट्स वगैरा का सवाल है। ऐसे पुराने दस्तावीजात के बारे में यह कहा गया है कि अगर उनको गलत साबित न कर दिया जाये तो उनको सही मान लेना चाहिये। लेकिन वे डिस्पूब भी हो सकते हैं। वहां पर इंटेशन (अभिप्राय) का ताल्लूक नहीं है। जहां रोजमर्रा की बातें हैं, जैसे कि मुरज निकलता है तो धूप होती है, यानी जहां कि नेचुरल प्रीजम्पशन किया जा सकता है वहां दफा ११४ में “मे” का शब्द इस्तेमाल किया गया है। उस हालत में अदालत के हात खुले होते हैं कि अगर वह यह समझती है कि ऐसा होना चाहिए तो वह यह प्रीज्यूम कर ले। लेकिन अगर वह समझती है कि लाजिमी तौर पर यह बात साबित नहीं है तो उसको अस्तित्थार है कि वह उसको प्रीज्यूम न करे। वह सबूत मांग सकती है और कह सकती है कि पहले साबित करो उसके बाद हम प्रीज्यूम करेंगे। लेकिन जहां “शैल प्रीज्यूम” होगा वहां पर तो अदालत मजबूर हो जायेगी और उसके लिये और कोई रास्ता खुला नहीं रहेगा। अगर आप अपील में भी जायेंगे तो यह कह दिया जायेगा कि इसमें “शैल प्रीज्यूम” लिखा हुआ है। अगर इस प्रोवाइजो में भी इंडियन एवीडेंस ऐक्ट की तरह “शैल प्रीज्यूम” के बाद यह लिख दिया जाये कि “अनलैस एंड ग्रंटिल इट इज डिस्प्रेब्ड” तब तो यह प्रीजम्पशन रिबटेबिल हो सकता है। यह

प्रीजम्पशन आफ ला हो जाता है “शैल प्रीज्यूम” जो कानून के अन्दर प्रोवाइड किया जाता है, इसलिए मैं समझता हूं कि पंडित ठाकुर दास भागवत का जो प्राविजो है वह उस मंशा के खिलाफ जाता है जो कि उन्होंने बतलाई थी। जहां पर जिस कानून का मतलब होता है, वह मतलब उसी कानून के शब्दों से निकाला जाता है और अदालत उसी के मुताबिक काम करती है। उन्हीं शब्दों से वह मतलब निकालती है और उनसे बाहर वह नहीं जा सकती। इसलिए जरूरी है कि वह मंशा साफ तौर पर उन शब्दों से जाहिर होनी चाहिये और इसमें वह मंशा कि यह प्रीजम्पशन जो इसमें खड़ा किया जा रहा है कि वह रिबटेबिल है, ऐसा नहीं है। जहां पर नया कानून बनाते वक्त कोई ऐसा प्रीजम्पशन रखना जाता है वहां पर साफ मंशा जाहिर की जाती है। ताजीरात हिन्द की किसी दफा के अन्दर कोई ऐसा प्रीजम्पशन नहीं है, हालांकि यह बात एविडेंस ऐक्ट की थी और उसमें आनी चाहिए थी, या इसको क्रोमिनल प्रोसीज्योर कोड (दंड प्रक्रिया संहिता) में भी डाल सकते थे, लेकिन ताजीरात हिन्द में जो सिर्फ पेंनेल क्लाजेज (दंड खंड) बतलाता है कि फलां जर्म की यह सजा होगी, वहां पर यह एविडेंस क्लाज प्रीजम्पशन का बड़ा देना, गलत चीज है और वहां पर यह नहीं आना चाहिए था। मेरा कहना यह है कि जब कोई नये कानून में यह ऐसा प्रीजम्पशन रखना चाहते हैं उस समय देश में कोई ऐसी मुसीबत आई होती है कि उस वक्त अदालत के भी हाथ बांध देना चाहिए ताकि वह कोई और बात सोच ही न सके और वह लाजिमी तौर पर यही बात प्रीज्यूम करे जो हम कहते हैं तो वहां पर साफ तौर पर कानून में लिख दिया जाता है। जैसे कि प्रीवेंशन आफ ब्राइबरी एंड करप्शन ऐक्ट (रिश्वत तथा भ्रष्टाचार निवारण अधिनियम) पार्लियामेंट में पास किया गया। कई लोग बहुत रिश्वत लेते हैं लेकिन उसका साबित करना बड़ा मुश्किल हो जाता है और उसके बारे में यह सोचा गया कि अगर कोई आदमी रिश्वत लेता है और उसके पास बहुत सी जायदाद वगैरा पायी जाती है और जिसको कि वह एक्सप्लेन नहीं कर सकता वहां अदालत को यह प्रीज्यूम कर लेना चाहिए और उसको यह मान लेना चाहिए कि उसने रिश्वत ली है और इसके लिये वहां पर साफ तौर पर लिख दिया गया है। इस सिलसिले में मैं आपको उस ऐक्ट की दफा ४ को पढ़कर सुनाना चाहता हूं जहां यह शब्द लिख दिये गये हैं

"An Act for the more effective prevention of bribery and corruption"

१९४७ की दफा ४ में इस तरह लिखा हुआ है :

"Presumption where public servant accepts gratification other than legal remuneration—Where in any trial of an offence punishable under section 161 or section 165 of the Indian Penal Code (XLV of 1860), it is proved that an accused persons has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed unless the contrary is proved that he accepted or obtained, or agreed to accept or attempted to obtain, that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in the said section 161, or, as the case may be,——"

यहां पर "Until the contrary is proved" यह शब्द लिख दिये गये हैं। यह डिफेंस के ऊपर ज़िम्मेदारी आती है कि वह एक्सप्लेन करे कि उसने रिश्वत नहीं ली है, कोर्ट तो प्रीज्यूम कर लेता है कि उसने रिश्वत के लिये रुपया लिया है। अब यह मुलजिम पर भार सबूत पड़ जाता है कि वह उस प्रीजम्पशन को डिस्पूव कर दे और डिस्पूव कर देने की हालत में वह रिश्वत का प्रीजम्पशन उस पर से हट जाता है। इस ऐक्ट में "अनटि डिस्पूव्ड" शब्द लिख देने से मंशा साफ होगई लेकिन जहां पर यह बात नहीं लिखी जाती है वहां ऐसा नहीं होता।

इसी तरीके से मैं आपको बतलाऊं कि यू०पी० के लैंड रेवेन्यू ऐक्ट (यू० राजस्व अधिनियम) में "शैल प्रीज्यूम" यह शब्द लिखे हुए थे कि अदालत में जब कोई प्रोपरायटरी टाइटिल का क्वैश्चन पेश आयेगा और अगर रेवेन्यू रेकार्ड्स के अन्दर किसी की एंटरी पाई जाये तो अदालत मान लेगी, "Shall presume that it is true". अदालत उस इटरी के खिलाफ नहीं जायेगी और अगर किसी को कोई राइट है तो उसके लिए वह सिविल कोर्ट में जाये। इसी मामले का एक केस हाईकोर्ट तक पहुंचा और ३३ डलाहाबाद, पेज ७६६,

Durga Prasad and other versus. Hazari Singh, 911 June 2, June 10

के केस में फुल बैच ने तय किया कि यह शब्द "शैल प्रीज्यूम" के मानी यह है कि अदालत कोई और चीज नहीं सोच सकती। रेवेन्यू कोर्ट उस प्रीजम्पशन के करने के लिए पाबन्द है जो कि कानून में है और अगर अदालत की कोई और मंशा होती या एविडेंस ऐक्ट की डेफीनीशन उसपर लागू होती तो उसमें "अनटिल कंटेरेरी इज प्रूव्ड" यह शब्द लिख दिये जाते.....

Mr. Deputy-Speaker: I will request the hon. Member to be short because some other hon. Members also would like to speak.

Shri R. D. Mishra: I am moving fast.

फुल बैच ने यह तय कर दिया कि "शैल प्रीज्यूम" के माने यह है :

"It is conclusive; no other presumption can be taken."

दूसरी चीज मैं यह कह रहा हूं कि उस प्रीजम्पशन के रखने के बाद देश का जो हमारा नार्मल कानून है कि हर एक मुलजिम इन्वोस्टेंट है, यह इंग्लिश ला भी मानता है और इंडियन ला भी इसके ऊपर बैस करता है। इस प्रीजम्पशन को हटाने के लिए प्रासीक्यूशन पर यह वार रक्खा गया है कि वह इस बात को साबित करे, हालांकि कुछ दफात एविडेंस ऐक्ट के अन्दर ऐसी हैं जिनमें कि बार सबूत कुछ बातों का जिनका कि इल्म मुलजिम को हो, उस पर जा पड़ता है लेकिन इसका मंशा यह नहीं हो जाता कि अगर मुलजिम अपने एक्सप्लेनेशन की ठीक साबित न कर सके तो वह उस जनरल ला का फायदा न उठाये क्योंकि अगर सबूत ने अपना मुकद्मा साबित नहीं किया कि उस में मुलजिमको इस तरीके की नीयत थी कि वह किसी को नुकसान पहुंचाना चाहता था, तो मुलजिम को भ्रम सबूत का पूरा फायदा उठाने का हक रहता है। जो हमारा नार्मल कानून है वह इस कानून से हट जाता है। यहां पर इस दफा के आ जाने के बाद एक मामूली सी बात रह जाती है कि हमने यह कह दिया कि मोटर चल रही है और सड़क पर जाते हुए बैल की उससे टक्कर लग जाती है और बैल मर जाता है। मोटर-वाला गांव वालों से कहता है कि भाई बैल तुम्हारा मर गया है और बैल के मरने से तुम्हारा नुकसान हुआ है, तुम मुझ से उस बैल

की कीमत २०० रुपये ले लो, गांव वाले सोचत है कि मोटार वाला है, बड़ा आदमी है, इससे हजार रुपया लिया जाये अब सिवाय उनको रुपया देने के उसके पास कोई चारा नहीं रह जाता है क्योंकि बैल मरा हुआ मौजूद है और वह खुद मानता है कि यह मोटर ने मारा गया है और उस इलाके में अपने बचाव के लिए उसको कोई गवाह नहीं मिलेगा और साफ जाहिर है कि मुकदमा चलने पर उसको पांच साल की सजा होगी। अब वह हालात कि जिनमें उस बैल की टक्कर लगी कौन साबित करेगा और कहाँ से उसके लिए गवाह आयेंगे और मैं पूछता हूँ कि “दी कोर्ट शैल प्रीज्युम” के आ जाने के बाद अदालत कुछ और सोच ही नहीं सकती। अकेले मुलजिम ने जो कहा है कि उसकी नियत नाजायज नुकसान पहुंचाने की नहीं थी उसके इस डिफेंस को अदालत उन तमाम गवाहियों के मुकाबले में कैसे मान सकती है। अदालत मुलजिम की बात को तो तभी मान सकती है जब की उसके हाथ खूले हुए हो लेकिन हमने तो उसके हाथ यह लिख कर कि “दी कोर्ट शैल प्रीज्युम” बांध दिये हैं और बात खतम हो जाती है। मैं इस बारे में बहुत सी रूलिन्स कोट कर सकता हूँ लेकिन वक्त की कमी से लाचार हूँ। मैं इसकी बाबत सिर्फ एक सरकमस्टेंस बयान करना चाहता हूँ कि फर्ज कर लीजिये कि एक किसान के खेत में बहुत से डोर घुस गये और वह किसान अपनी फसल बचाने के लिए उन डोरों को ढेल मारता है। अब कोई पत्थर किसी जानवर के लग जाता है और इतफाक से वह मर जाता है, किसीने मुकदमा चला दिया, तो यह बात प्रीज्युम कर ली जायेगी कि उस की नियत नुकसान पहुंचाने की थी, जब कि उसकी नियत है अपने फसल को नुकसान से बचाने की। चांदनी चौक में दो बैल लड़ रहे हैं और एक दुकान में घुस जाते हैं। उनसे किसी को चोट लग जाने का डर है। इस लिये किसी ने एक लाठी मार दी। उन में से कोई एक जानवर मर गया, या एक की टांग ही टुट गई। मारने वाले पर किसी ने मुकदमा चला दिया तो उस को सजा हो जायेगी। असल में इन्टेन्शन इन्फर किया जाता है, और इन्फर किया जाता है फैक्ट्स से (तथ्यों) फैक्ट्स डिस्टाइव होते हैं दूसरे फैक्ट्स से। तो ऐसी सूरत में जो भार सबूत पहले प्रोसिक्यूशन (अभियोगी) पर था वह इस एमेन्डमेंट (संशोधन) के जरिये से मुलजिम पर शिफ्ट हो जायेगा। मैं पूछता

हूँ कि मुलजिम निगेटिव एविडेन्स कहाँ से लायेगा कि उस की नियत ऐसी नहीं थी? मैं इसको मानता हूँ कि कोई भी आदमी साधारण तरीके पर इन्टेन्शन प्रूव नहीं कर सकता ऐसी सूरत में यह समझता हूँ कि हमारे भाई पंडित ठाकुर दास जी भागवत अपने इस एमेन्डमेंट को वापस ले लेंगे क्योंकि जिस मंशा से वह इस कानून को अमेन्ड करना चाहते हैं, वह मंशा इस से पूरी नहीं होती। इस से हम एक खतरनाक सूरत यहाँ पैदा कर देंगे जो कि मैं समझता हूँ मुल्क के मफाद के खिलाफ है।

Shri D. C. Sharma: (Hoshiarpur): There has been a lot of legal battle over this Bill, and since I am not one of the legal luminaries in this House, I would not like to base my remarks on the findings of courts or on the findings of which happen to be in force all these Acts years.

To me it presents a very simple problem, and I could never have been aware of the gravity of the problem if I had not become a member of a committee appointed by the Government of India for the prevention of cruelty to animals. I have toured through many States of India in connection with that committee; we have examined many witnesses; we have taken a great deal of written evidence from so many persons, scientists, humanitarians, doctors, Members of Parliament and the public, and after doing that, one lesson has been burnt into my mind as into the minds of the other members of that committee and it is this, that our conscience with regard to the animal wealth of the country or the cattle wealth of the country is not as sensitive as it should be. What is the result of the blunting of that conscience on the part of the public in general in regard to their attitude towards the animal wealth of the country? All these things which are given in section 429 of the Indian Penal Code of 1860 are being practised with a great deal of callousness. I read modern Indian language papers as all Members do and sometimes I read that a cattle has strayed into the field of somebody and if my friend, Shri Misra, is to be believed, the cattle should, of course, be driven out, and if while the cattle is being driven out, it receives some injuries or it dies, the person should be given very high marks for his intention in trying to protect his field. But I ask one question: What is the proportion between the damage to the field and the punishment inflicted

on the cattle? I would say that the proportion is something which is very very extravagant and which is a reminder of the fact that we do not have any feeling towards the cattle that are there. If you walk through the streets of Delhi or any other town, you will find that so many of the cattle are maimed and so many of the cattle are rendered useless. I think our Commissioner for Livestock will be able to give us a large number of details about the way in which we are treating the cattle at this time.

I would, therefore, say that on moral grounds I would support the Bill which Pandit Thakur Das Bhargava has brought forward. It is not by taking gentle measures that we can preserve the cattle wealth of this country. I have come definitely to believe in that.

Shri Tek Chand (Ambala-Simla): What about the human wealth that goes to jail?

Shri D. C. Sharma: It is not by taking gentle measures; it is by taking only drastic measures that we can develop some kind of a better outlook towards animals.

Shri Raghbir Sahai (Etah Distt.—North-East *cum* Buadaun Distt.—East) : But is he not satisfied with the provisions against cruelty to animals?

Shri D. C. Sharma: I am not satisfied. That is why the committee has been appointed to see to it that some other measures are adopted in order to prevent cruelty to animals. It is a question of cattle wealth *versus* human wealth. Mr friend, Shri Tek Chand, put a question to me: Do you want to preserve cattle wealth at the expense of human wealth? It is a very difficult question to answer, but I would say that our human beings are not worth much if they do not realise the sanctity of our life, if they do not realise the unity of our life and they do not give a fair deal to animals in the same way as they would give a fair deal to human beings. All kinds of things are being brought forward to do this.

My friends have a soft corner in their hearts for motor drivers. Very good. I myself have a soft corner for motor drivers. They have a great deal of sympathy for farmers. They have a great deal of sympathy for doctors. I do not think a doctor is going to be punished because he has administered some kind of medicine to an animal so that it may be cured. I think that is a

consideration which has been brought in extraneously, but I must admit that motor drivers and farmers do not have the same kind of attitude towards this problem as they should have. Motor drivers are what they are. Truck drivers are what they are, and we know what they do. I think we should propose a deterrent punishment for them so that they become as careful about animal wealth, as my friend, Shri Tek Chand, says, as about human wealth. This is the moral reason why I am supporting this bill.

The second reason is this. It is an economic reason. The economic reason is this, namely, that our cattle wealth, whether it is in the form of elephants or camels or horses or any other things which are enumerated in this section, is being most ruthlessly exploited. Yesterday, in a newspaper, I found an item of news that our elephants would become extinct unless something is done to preserve them. There are so many other animals which face the same danger. I remember a speech by Shri Frank Anthony made on the floor of this House, in which he referred to the preservation of wild life. It is not only wild life which is covered by this Bill; it relates to domestic and useful animals also.

We are trying to bring into being a good society and in such a society, there should be a happy partnership between man and animal. Man should be the friend of the animal and the animal of man. I find that that kind of thing is not coming into being. People are trying to deplete this wealth of ours in a ruthless and heartless manner. If we continue that, I am sure that our cattle wealth is going to grow less and less.

I do not want to go into details about the way in which it is being used for draught purposes, etc. The hon. Members here know all that. I would only say that for the economic prosperity of our country, we should try to follow a saner course.

Now, it has been said here: "You do not presume." All this kind of legal battle has been going on. I would ask you, Sir, to view it properly. You have been the Judge of a High Court. There are other hon. Members who know something about law courts. Do you mean to say that our courts always go by the letter of the law and not by the spirit of the law? If we think that they go by the letter, we are not doing any justice to them. Our courts are enlightened. Even though the presumption is that the

[Shri D. C. Sharma]

man has to prove that he was innocent, I know that our courts will remember that the person who is dealt with by them may be the right type of person or he may not be the right type of person. They will see if a motor driver is a habitual offender or a person not of that description or if the farmer is cruel by nature and so on. I, therefore, would say that these laws should be made as humane as possible for these animals. It is not in the wording of these laws that the magic lies; it lies in administering them. Since it has been found difficult to administer it, it is intended to amend it so that the hands of the judiciary may be strengthened against persons who are wanton destroyers of our animal life and who wantonly ruin our cattle wealth. If we do not do so, I think the time will not be far off when our cattle wealth will be a thing of the past and the happy partnership which had existed would disappear.

Mr. Deputy-Speaker: I will request the hon. Members to be brief to conserve time. Only the points should be mentioned.

Shri Achuthan (Cranganur): Even though I have not had the pleasure of hearing Pandit Thakur Das Bhargava, I think there is not much purpose to be served by this small amendment. The Indian Penal Code contains many important provisions in respect of very serious offences. It is worthwhile for this Parliament to shift the burden of proof in respect of an offence against an animal. Many other serious offences are adumbrated in the Penal Code. This is only one of the many mischiefs under that chapter. A lot of other sections are there which are more harmful to human beings. What about those offences where we are not shifting those burdens? Pandit Thakur Das Bhargava is a learned man with a lot of experience. We abide by what he says. How can he pick up this particular section and say that with regard to the animal kingdom the burden and the presumption should be like this. We are also, many of us lawyers, for one or two decades. I for one do not find any reason for enacting this legislation, saying that this proviso should be there. How many such cases have been there in the first class or second class courts? Very rarely, cases of this nature go to courts. We are also having our own practice in the district courts. Occasionally, there may be one case but there will not be many cases. 99 per cent. of the cases

are automatically compromised out of the court. If a man has actually done something or has caused some injuries, the matter goes to the court. The man will be called and then action is taken. It is only in extreme cases the matter goes to the court. Then, it will be a genuine case where the prosecution will be sufficiently alert with sufficient evidence to show that the accused had the intention to do that and that the hand of law must fall upon him. I do not know why a man of Pandit Bhargava's position should think that there must be this particular amendment for this particular section to shift the burden to the accused.

Shri Sadhan Gupta (Calcutta South-East): Sir, this Bill deserves the opposition of the House, because it has introduced a very unjust, I would say dangerous, principle from the point of view of civil liberties. We have our criminal law in which there are provisions of different characters relating to offences some of which are serious and some of which are less serious and I think in very few cases have we sought to shift the burden of proof on to the accused. There are cases and offences like murder. Even there the burden of proof is upon the prosecution to prove the intention. It may be that the very nature of the crime itself proves the intention and to that extent the burden of proof can be discharged by the state, but the principle has never been in doubt that, however serious the offence may be, the burden of proof will be upon the prosecutor and not upon the accused.

Now, what Pandit Thakur Das Bhargava's Bill seeks to do is to shift the burden of proof on to the accused. And, what is that burden? The burden is the burden of disproving an intention. In most cases, when you kill some animal which comes within the scope of section 429 of the Penal Code, what you have to do is to disprove that you had not the intention or you had no knowledge that your act is likely to cause wrongful loss. As against this your act stands and to strengthen the act there is created a presumption which militates against you, a presumption that you had a particular intention, that you had a particular knowledge; or, I should rather put, the presumption is infinitely strengthened by the act itself.

Sir, that is a very unfortunate position for an accused. That is not the position which is expected even in the most serious crimes. And, what have we in

a crime like a crime under section 429, which is relatively a much less serious crime, to justify that kind of departure from the usual principles? Pandit Thakur Das Bhargava himself in many instances has pleaded for the retention of the presumption. In his speeches on the Criminal Procedure Code amending Bill, he has upheld the principle of non-interference with the civil liberties and has upheld the cause of the rights of the accused. Now, what is there to justify a departure from that principle today and in this matter? I would have expected that to justify such a principle, the killing or maiming of the animals would be so widespread and it would be so difficult to bring the accused to book. In such matters such an unusual provision would be necessary. But, I think no case has been made out that such a position exists in the country, that all the people of the country, or at any rate a substantial number of people in the country, are going about killing, maiming and disabling useful animals and are conveniently escaping the hands of justice. That is not the case that is being made out. If that is not being made out, how can we be asked to support such an unusual provision in a Bill?

I think that this provision is a most dangerous thing and will operate very harshly against the accused persons. Take the instance of a man who accidentally runs over or even negligently runs over a cow, a bull or, any other animal for that matter, say a goat, where the goat is valued at over Rs. 50. Nowadays Rs. 50 is not a very high value. If he does it negligently, it is difficult to distinguish between negligence and a deliberate act in most cases and it is very difficult if you make the court start with the presumption. How can a person give evidence of his mental state? It is only his own evidence that can be given and no other evidence can be given. Under the recent amendment to the Criminal Procedure Code, section 342-A has been introduced by which an accused person can give evidence. But, as against the compulsory presumption directed on the court, what is the use of the evidence of an accused person, who is obviously the person interested? And, minus his evidence, who can give evidence of his intention? Who can give evidence of his knowledge? The knowledge is in himself. The intention is in himself. Rather, it should be the other way. It should be the prosecutor who should allege circumstances, who should prove circumstances which show that it is proved beyond

reasonable doubt that the person concerned had the intention, had the knowledge. That is how section 429 stands at present. It provides an effective means of punishing all kinds of mischief committed in respect of useful animals and there is no ground whatever for interfering with the scheme of the section as it stands at present. By interfering you will only be doing harm. I do not know how many animals you will save, but you will endanger many human beings and that way you will perpetrate more injustice and very little justice.

The Minister in the Ministry of Home Affairs (Shri Datar): Mr. Deputy-Speaker, while it is possible to sympathise with the laudable objects of my hon. friend, I am afraid, the remedy that he has suggested is worse than the disease. All that he now desires, as he has pointed out in the Statement of Objects and Reasons, is that inhuman acts are being perpetrated against animals and that it is absolutely essential that there ought to be a proper conservation so far as the animals are concerned. In other words, he is anxious that animals should be saved from cruelty as also from destruction.

So far as these objects are concerned, it is perfectly open to this Parliament or to the legislatures in the country to have a special Act or laws dealing with these laudable objects. But, so far as we in this House are concerned, we are dealing with a Penal Law and the question is whether by an indirect manner we can introduce reforms so far as such objects are concerned. I am afraid that the Penal Law should not be resorted to indirectly for the purpose of effecting improvements so far as social conditions are concerned.

Secondly, I want to point out that my hon. friend desires that there ought to be a presumption in certain cases. He desires that there ought to be a presumption and I would read to the House the relevant portion. He desires that in section 429 a proviso shall be added saying:

"Provided that the offender under this Section shall be presumed to have possessed the intention to cause or the knowledge that he was likely to cause wrongful loss or damage to the public or to any person."

I take very strong objection to the expression "offender" because the offence itself has to be proved and, rightly or

[Shri Datar]
wrongly—according to me rightly—we are governed by certain principles of criminal jurisprudence which we should not lose sight of in our desire or enthusiasm for effecting certain improvements.

Now, so far as the Criminal Law is concerned, the presumption is that the accused is not guilty; and in such a case a contrary presumption should not ordinarily be had unless the matter is extremely grave or when it is open to a court of law, a criminal court of law to come to certain or rebuttable presumptions. As the hon. Members are aware, so far as the Indian Evidence Act is concerned, they have pointed out certain degrees of presumptions. They say that the court "may presume in a proper case". "May presume" means it depends upon the discretion of the court. After going up a little further, and if the presumption has to be strengthened, then the statute says that the court "shall presume". I would invite your attention to section 4 of the Indian Evidence Act where it is stated that whenever it is provided by this Act that the court may presume, the fact, it may either regard such fact as proved unless and until it is disproved or may call for proof. Therefore, the degree of presumption is not very strong in this case at all. But you will kindly note the definition of the expression "shall presume".

"Whenever it is directed by this Act that the court shall presume the fact it shall regard such fact as proved".

You must kindly understand the expression "it shall regard such fact as proved unless and until it is disproved". That means in such a case in the absence of any evidence by the defence to disprove or in the absence of evidence which is held reliable by the court, it will be found that the presumption itself can be the basis or the foundation for conviction and sentence to the accused. It is, therefore, extremely difficult to agree to the contention of my hon. friend that he should have a statutory presumption.

I have cursorily looked into the Indian Evidence Act and I find that there are hardly one or two cases there, coming under the provisions in question. They are just within five, where a presumption has been laid down in the body of the provisions of the Act itself. For example, you will find that when dealing with an offence regarding the sale of a minor female for prostitution, we have

got a presumption raised in section 372 (1). The circumstances are pointed out there. Firstly, the young female is there. Secondly, she is sold to a man who has got a brothel. Then, under these circumstances, a statutory presumption is sought to be raised. That would show that the legislatures in India naturally are very slow to have statutory presumptions.

If such presumptions are not had, then, what would happen? In the Indian Evidence Act, there are cases where it is open to a court to presume a certain course of things provided certain facts have been proved, and therefore, under the Code of Criminal Procedure, a large extension of discretion is granted to the courts and the courts, after judicially assessing the evidence, might come to the conclusion that some sort of a presumption, some rebuttable presumption, shall be drawn. It is not a presumption of that type which my hon. friend desires to have.

Secondly, even here, my hon. friend has not used those ordinary expressions which have been used in the Evidence Act, namely, "until and unless it is disproved". In section 372 of the Indian Evidence Act, as I pointed out, it has been stated that there are these expressions:

"The person so disposing shall be presumed to have disposed of with intent, unless the contrary is proved".

So, these are the two points which have to be noted.

Further, a number of hon. friends have pointed out that in such cases where the cruelty occurs we have to consider whether the hardship or cruelty is so prevalent. So far as the cattle wealth of India is concerned, I agree that the cattle wealth also requires a very large degree of protection, of good nutrition, etc. It is our duty, apart from the duty of the citizens of India, to take into account the interests of the cattle wealth also. The hon. Member will note that we have got 29 crores of cattle—I am speaking subject to correction—and I agree with the object of my friend that we ought to take proper care of them. But, is the destruction of cattle or the cruelty to cattle of such a large nature as to import into the criminal law of the land a presumption of the type that my hon. friend has in view? I therefore submit that this is not a matter in which we should have any presumption of this type.

We should also note one more circumstance. So far as this offence is concerned, you will find that the offence has been defined in section 425, of the Indian Penal Code. It has been explained and described there. You will find from that section that intention is the gist of the offence. Intention is the organic ingredient of this particular offence. There might be certain offences where there may be no intentions. Also, there might be cases where intention may be an over-riding factor. I need not go into the various cases of complication to point out how in some cases there may be an intention or there may not be an intention. But so far as the offence of mischief is concerned, I would read to the House section 425:

"Where, with intent to cause or knowing that it is likely to cause....."

Intention is there ordinarily, and in some cases knowledge also can be presumed from a number of circumstances. So, intention or knowledge is very essential ingredient of the offence under section 425.

Section 429 is for an offence of an aggravated nature and therefore punishment has naturally been provided. My hon. friend Shri Tek Chand pointed out an instance where a stone was thrown, because cattle trespass is more or less common. We have got Cattle Trespass Acts in various States. Now, suppose a cattle strays into my backyard or into my frontyard, and then I just throw a stone at it assuming that that particular animal is not of sufficient strength, assuming that it dies, as it did in a particular case, what happens? How is the man to prove that he had no intention?

Secondly, the House must understand that so far as this intention is concerned, when there is such a presumption which shall be a statutory presumption, then, the judicial courts would be slow to hold that that particular presumption is rebutted. That would show that the burden of proof in such cases on the accused would be far larger than the ordinary burden.

In this connection, I might point out certain instances quoted by the commentaries according to which even an ordinary instance is likely to lead to serious consequences if a presumption is made. Therefore, the point that I want to place before this House is that the interests of the accused should not be sacrificed in our supposed zeal for the protection of the cattle wealth. That doctrine on

which the whole criminal law is based, or is made to depend, should not be very lightly departed from even on account of supposed good intentions. Otherwise, it would be extremely difficult for the accused to prove, and the court might come to the conclusion that the particular presumption is there and it would act upon that presumption. As I already read to you, the Indian Evidence Act makes the whole position very clear.

In the circumstances, I would request my hon. friend to withdraw the Bill. He has very large experience not only of parliamentary life but also in his professional life, and therefore, I was a bit surprised when he brought forward such a Bill. The views that this House holds have been fairly clear. My hon. friend has not been able to get the sympathy of any hon. Member who spoke on this subject in this House till now, except my friend Shri D. C. Sharma, who perhaps may not know the intricacies of the law.

Shri Keshvaiengar (Bangalore North): He unknowingly supported it!

4 P.M.

Shri Datar: It is quite likely that he unknowingly supported it. I am not prepared to argue, but Shri D. C. Sharma naturally is taking the view that this Bill has the object or the intention of protecting the cattle wealth or preventing cruelty to the cattle. For the first time, I find that on this Private Members' Bill, there has been almost universal opposition. I say almost because we have to take into account the views expressed by Shri D. C. Sharma. I therefore appeal to my hon. friend not to allow this Bill to be defeated, but to withdraw it.

श्री रघुबीर सहाय : जनाब डिप्टी स्पीकर साहब.....

Mr. Deputy-Speaker: I am appealing to the hon. Member to be brief. There are only five minutes.

Shri Raghunir Sahai: There is much time. You may extend the time to ten minutes. I shall be very brief.

Mr. Deputy-Speaker: If the hon. Member is going to be brief, five minutes should be sufficient.

श्री रघुबीर सहाय : डिप्टी स्पीकर साहब, जब मैं ने इस बिल को पढ़ा और पंडित ठाकूर दास भार्गव की स्पीच को पढ़ा, तो उस में एक खास बात शुरू में यह कही गई है कि

[श्री रघुबीर सहाय]

यह बड़ी छोटी सी तरमीम वह पेश कर रहे हैं। मेरी समझ में नहीं आता कि अगर पंडित ठाकुर दास भार्गव कोई बड़ी तरमीम पेश करते तो वह क्या होती। मुझे ताज्जुब है कि पंडित ठाकुरदास भार्गव, जो इतने तजुबकार क्रिमिनल लायर (फौजदारी के वकील) हैं, जिन का तजुबा इस हाऊस में बड़ा वसीअ रहा है और जिन की तकरीरें जान्ता फौजदारी की तरमीम के वक्त मैं ने सुनी हैं, उन सब बातों को ध्यान में रखते हुए उन्होंने कैसे इस बिल को पेश किया। जब इस बिल को जिस तरीके पर उन्होंने पेश किया है, मैं ने पढ़ा तो वह मुझे बड़ा ताज्जुब मालूम हुआ।

पंडित ठाकुर दास भार्गव कहते हैं कि दफा ४२६ में यह प्राविजन (उपबन्ध) बढ़ा दिया जाय कि अगर कोई शख्स किसी जानवर को हाथी, घोड़ा, ऊंट, खच्चर, गाय या बैल को जहर दे दे या मार दे, उस की टांग तोड़ दे, तो यह मान लिया जाय कि उस की नियत इस की थी कि उस को खत्म किया जाय। मैं अर्ज करता हूँ कि पंडित ठाकुर दास भार्गव जो बड़े पुराने जरिस्ट हैं, क्रिमिनल लायर हैं, जिस वक्त उन्होंने इस बिल को पेश किया क्या उन को यह नहीं मालूम था कि वह फौजदारी के कानून को ही खरबाद कह रहे हैं?

श्री टेक चंद : इन्साफ की खरबाद कह रहे हैं।

श्री रघुबीर सहाय : सिर्फ श्री डी० सी० शर्मा ने इस मामले में पंडित भार्गव को सपोर्ट (समर्थन) करने की कोशिश की है लेकिन उन के खुद के बयान से ऐसा मालूम होता है कि वह कानून नहीं जानते हैं, हालांकि कानून के मामले में उन्होंने अपनी टांग अड़ा दी। मैं अर्ज करना चाहता हूँ कि हमारा सारा कानून जो है वह इंग्लिश ला के ऊपर बेस्ड (आधारित) है। इंग्लिश क्रिमिनल ला में नियत सब से बड़ी चीज है। अगर आप नियत को हटा देते हैं तो सारा क्रिमिनल ला खत्म हो जाता है। मैं पंडित ठाकुर दास भार्गव और हाऊस की तबज्जह इंडियन पीनल कोड की दफा ८१ तरफ ले जाऊंगा। वह तो कहते हैं कि एक छोटी सी तरमीम है लेकिन उस से वह सारे इंडियन पीनल कोड को ही खत्म कर रहे हैं। दफा ८१ कहती है:

"Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm and in good faith for the purpose of preventing or avoiding other harm to person or property."

Mr. Deputy-Speaker: Each hon. Member should not try to go to the spot to ascertain for himself what has happened.

श्री रघुबीर सहाय : यह जनरल एक्सेप्शन (सामान्य अपवाद) है और सारे इंडियन पीनल कोड को एप्लाई करता है। जो अफेन्स ह्यूमन बाडी के खिलाफ होते हैं ३०२ से ३३५ तक उन में इंटेंशन देखना होता है। उसी तरीके पर ४२६ जो कि कैटल के बारे में है, उस में भी इंटेंशन आता है। जो नियत की बात है उस को ही आप इस बिल से खत्म कर रहे हैं। इस तरीके पर तरमीम पेश करने से आप सारे क्रिमिनल ला को ही खत्म कर देंगे। इस में कोई शक नहीं है कि इंटेंशन का साबित करना मुश्किल होता है, लेकिन जो लोग फौजदारी की बकालत करते हैं। जनाब डिप्टी स्पीकर साहब, आप को भी बड़ा वसीअ तजुबा रहा है, वह जानते हैं कि इंटेंशन वाक्यात से निकाले जाते हैं। वाक्यात से साबित करना पड़ता है, और अदालत यह तसव्वर करती है कि इंटेंशन फौजदारी के कानून में असली और जरूरी चीज है। अगर आप इस इंटेंशन को ही इस कानून में से निकाल दे तो वह कानून बिलकुल ही बेकार हो जाता है।

मुझे इस में कोई शक नहीं है कि पंडित ठाकुर दास भार्गव ने जानवरों के बारे में अपनी हमदर्दी जाहिर की है, हमें भी उन से पूरी हमदर्दी है, लेकिन मैं अर्ज करता हूँ कि प्रिवेंशन आफ क्रुएलिटीज ऐक्ट (निंदयता निवारण अधिनियम) बना दिया गया है, जानवर के ऊपर अगर ज्यादा बोझा रक्खा जाय, अगर जानवर को बुरी तरह से मारा जाय या कोई ऐसी बात की जाय जो कि इन्सान को नहीं करनी चाहिये, तो वह उस कानून के दायरे में आता है और उस को सजा मिलनी चाहिये। आप ज्यादा से ज्यादा यह कह सकते हैं कि इस कानून का पूरा इस्तेमाल नहीं हो रहा है। आप कोशिश यिह कीजिये कि प्रिवेंशन आफ क्रुएलिटीज ऐक्ट का पूरा इस्तेमाल किया जाय। उस में खुद यह कहा

गया है कि इन्फर्मरीज (Infirmaries) बनाई जायें जहाँ पर कि ऐसे जानवर रखे जायें जो काम नहीं कर सकते हैं, जिन पर बोझ नहीं लादा जा सकता है, जो किसी बिमारी में मुल्तला है, और वहाँ पर उन का इलाज किया जाय। हमारे मुल्क में इन्फर्मरीज नहीं हैं, हमें कोशिश करनी चाहिये और गवर्नमेंट पर जोर डालना चाहिये कि इस तरह की इन्फर्मरीज बनाई जायें। जिस तरीके पर जो आदमी कमजोर होते हैं, बूढ़े होते हैं, जो अपनी गुजर बसर नहीं कर सकते हैं, उन के लिये ऐसा इलम्स बनाये जाते हैं, उसी तरीके पर जनवारों के लिये बनाये जायें। अगर इस कानून का ठीक इस्तेमाल नहीं हो रहा है तो उस का ठीक इस्तेमाल हो, लेकिन दफा ४२६ में तरमीम करना इस का ठीक जवाब नहीं है।

अखीर में मैं यह अर्ज करना चाहता हूँ कि यहाँ पर मिसाल दी गई अनटचेबिलिटी प्रिवेंशन ऐक्ट (अस्पृश्यता निवारण अधिनियम) की। इस कानून में हम ने इस बात को मान लिया है कि जो भी आदमी इस ऐक्ट के खिलाफ काम करे, उस के लिये यह मान लिया जाय कि उस की नियत कानून के खिलाफ काम करने की थी। फूड ऐडल्टरेशन ऐक्ट (खाद्य अपमिश्रण अधिनियम) में भी बर्डन आफ प्रूफ बदल दिया गया है और यह भार बजाय प्रोसीक्यूशन के डिफेंस पर डाल दिया है। लेकिन यह मिसालें वह हैं जो कि सोशल इबिल्स (सामाजिक बुराइयों) के बारे में हैं, जो और किसी तरह पर दूर नहीं हो सकतीं रेस्पेन्ट ईबिल्स हैं, उन को दूर करने के लिये यह जरूरी है की ला को जरा सा तरमीम किया जाये। मगर पंडित ठाकुर दास भार्गव ने अपनी तकरीर में यह साबित नहीं किया है कि यह ऐसा सोशल ईबिल है और हर शख्स जान बूझ कर जानवरों को नुकसान पहुंचाता है, जो अच्छी बात नहीं है।

इस लिये मैं कहना चाहता हूँ कि जो हमारा मौजूदा कानून है उस में हम को गैर मामूली तरमीम नहीं करनी चाहिये और मैं पंडित ठाकुर दास भार्गव जी से अपील करूंगा कि वह बजाय इस के कि अपने बिल को प्रेस करें, उस को वापस ले लें।

पंडित ठाकुर दास भार्गव (गुडगांव): जनाब डिप्टी स्पीकर साहब मैंने अपने दोस्तों की करीरें बहुत गौर से सुनी। लेकिन मैं अबबसे तबज्ज करूंगा.....

Shri Keshavalengar: On a point of order, even the first speech of Pandit Thakur Das Bhargava made in introducing the Bill was in Hindi. In fact, I know some Hindi. Still, I was not able to follow his speech. I would request Pandit Thakur Das Bhargava to speak in English.

Mr. Deputy-Speaker: Now that the request has been made, it is for the hon. Member to respond or not.

Pandit Thakur Das Bhargava: Though I do not know how to speak English well, I shall not disappoint my hon. friend. My टूटी फूटी English will do.

I was submitting that I heard the speeches of hon. Members with rapt attention especially the speech of the last speaker, because he imported more personal matters into it than the others. At the same time, after hearing him, I would only ask him to read his own speech again. He says all criminal law in this country will be lost if this presumption is made. Then, he reverts back and says, that if there is a social evil, this presumption is justified. He is greatly mistaken. Presumptions do not arise on account of any social evil or want of social evil. Presumptions arise if from a certain fact, a natural consequence flows and the connection between one fact and the inference therefrom is so proximate and inherent as if the nexus was that of parent and child. If it flows as a natural consequence in 99 cases presumptions should be made. If no such presumption arises the social evil may or may not be there; we are not entitled to make any presumption if they do not naturally arise only for uprooting social evils.

Other objections have been taken. For instance, objections has been raised that this kind of presumption is very unusual. I do say that the presumption is not very usual, but at the same time, the question is not whether it is usual or otherwise. My humble submission is that the yardstick to measure the meaning of "presumption" is quite different. As a matter of fact, some of my hon. friends began to doubt their own wisdom. My friend, Dr. Tek Chand said that he was rather surprised that a man of my eminence should bring a Bill of this nature. First of all, he condemns himself because he has got no right appreciation of me. He should not have considered me as an eminent jurist or lawyer, and I cannot congratulate him for his own estimate. I would submit in all humility

[Pandit Thakur Das Bhargava]
that the presumption raised in this Bill is quite different from ordinary presumptions. There are two kinds of presumptions. One is what is contained in the section:

"Whoever commits mischiefs by killing, poisoning, maiming or rendering useless, any elephant, camel, horse . . ."

I am sorry the hon. Minister himself has fallen into this error. He says, the word "offender" has been used. This section predicates two things. Firstly, the killing, poisoning, maiming etc. must be proved; if it is not proved, no person can be run in for this section.

Shri Datar: Does he automatically become an offender?

Pandit Thakur Das Bhargava: I am coming to it. Many of my friends have presumed that the killing also need not be proved. They have said, "Suppose I am driving a car and a dog or a bullock comes and breaks its leg." Certainly, there is no presumption. The words used are not "if an animal is maimed", but "if a person maims an animal". What is killing? Suppose I kill a man; there may be no intention at all. I would like to submit that there are exceptions provided under the Indian Penal Code to cover all accidents. Even killing, maiming, poisoning etc. is not enough. Sections 80, 81 and other sections provide the general exceptions. I maintain that if a person does not intend to kill, he is not killing; he is not maiming; he is not poisoning. There must be a direct positive act, which must be brought out. I do not say that it should not be proved.

This Act was enacted in 1860 by Lord Macaulay and the law-makers have been silent on this point all these years. I only want to change the onus of proof; I am not doing anything else only a rule of evidence is being changed. My friends have argued and said, "You want to protect the cattle, but not the man". I am very sorry I cannot understand the mentality behind it. All life is sacred and useful and that is the reason why injuring an animal has been made an offence under section 425. At the same time, all people believe in the culture of India; all life has been regarded as sacred by all religions and therefore, we are making a law like this.

I would like to submit that here there are two intentions and not one. There

is a primary intention and a collateral intention. The first intention is to kill an animal; the man who kills it does it with intention and with his knowledge. Otherwise, it is not killing or maiming. If a man destroys his own property, he commits mischief under Sections 425 and 426 of the Indian Penal Code. Therefore, the man becomes an offender even without that intention. My point is this. I do not want that this presumption should be made in relation to offences which come under Section 426. I only want to provide for cases where there is injury or loss of life of an animal. As I said before, all life, including the life of cattle, is sacred to me. In addition to the presumption provided under Section 425, I combine with that an extra presumption. What I mean is that that extra presumption need not be proved to start with by the prosecutor.

Therefore, there are two intentions and not one. The primary intention is the intention of killing and I am not dealing with it. I am not at all touching it. The only point is that the other presumption must be there according to me. I am not changing Section 425 or 426; I only want that the second intention need not be proved by an act. The intention may be proved in certain cases in the manner suggested by the illustration, but it need not be proved by any of the distinct evidence. The intention may be presumed.

Objection has been taken to the absence of the words "unless the contrary is proved". The hon. Minister himself gave his support to this point, namely, that the words used mean something more than what is really implied. I will read out the quotation from the Evidence Act, which I read out the other day also:

"In cases in which a court 'shall presume' a fact, the presumption is not conclusive, but rebuttable. Of course, there is no option left to the court, but it is bound to take fact as proved until evidence is given to disprove it."

Shri Tek Chand: Then the burden is shifted to the accused.

Pandit Thakur Das Bhargava: Certainly; my hon. friend need not remind me of this. What is the use of raising a presumption if the burden is not shifted? I know it will be shifted. The presumption is not conclusive, but rebuttable. So, I though I need not put it there. If my hon. friends are so legalistic, I have

no objection to have these words included. They have taken objection to something which does not arise in this case. I have heard the speeches of the hon. Members rather carefully and I have come to this conclusion. This will not apply to cases where there are several exceptions. Members have asked, "Supposing I drive a car and a bullock or goat is killed; do I become an offender?" I say certainly this provision does not apply in that case. I only submit to my friends that they should not think that this idea is not supportable. It is perfectly supportable. If the act is proved, then there may be the presumption that the act was done with a view to cause damage to the public or the individual. That is my point. For instance, suppose this section does not exist and I kill another person's horse or I kill another person's dog; even then, I shall be liable under the civil law. Even without this criminal law being there, civilly I shall be liable, and I have to prove that the act was not intentional.

Then, the question arose as to who will prove it. The accused is the only person who will have to prove it. May I humbly ask, in ordinary cases, who will prove it? If the accused does an offence in a jungle, then who will prove it? Who will prove it in all other cases? I humbly submit that by raising this question, they are only trying to put a curtain over the whole question. They are trying to shirk from the real issue, and they are not applying their mind to the question. The real question is not how the offence will be proved. It has to be proved as in all other cases, and the offence must be there.

My hon. friend Shri Sadhan Gupta had referred to section 342-A of the Criminal Procedure Code. I do not know what possible relevancy that section can have, so far as this Bill is concerned. If an accused wants to give evidence, he can certainly give evidence in this case also. In many cases when there is a conflict between human interest and cattle interest, I know the person who decides is a human being, and he may well decide that the statement of the accused may be accepted; in that case, as in all other cases, it will be accepted. I do not see how these points which have been raised by my hon. friend come in, so far as this Bill is concerned. I am reminded of the story which has even found its way in one of the reported rulings of the old Punjab Chief Court that on a painting

being commented upon wherein a frail human being overpowered a lion, it was said that the painting would have been otherwise if the lion painted it. Like a human being the injured or the maimed animal cannot appear as a witness to tell the story of tyranny over itself.

I am very sorry that my hon. friends have not given the consideration to this question, which it really deserved. At the same time, I am not in a very unhappy position, because I had only one sympathetic heart which responded, namely that of Shri D. C. Sharma. But so far as my other friends are concerned, I am very sorry that they have not given their support to this Bill. Either they have designedly not given their support, or they have not given support because they have not faced the real question.

So, I have no option left. I am very specific in my point that this is a question which is certainly worth consideration by this House. An objection was raised, and it was said, we will consider it certainly, if it concerns a question of cruelty to animals. My hon. friend the Minister also said the same thing. He said, well, the general law is there, if it came under any special law, we shall certainly give it consideration.

May I humbly submit that so far as the question of proof is concerned, there is no question of special law or general law? It is a question of proof. It is a question of the Indian Evidence Act. It is only a question of raising a presumption. We are not concerned with whether it is a general question or a special question, or whether it is a special law or a local law or a law of a general nature. We are not concerned with that at all.

To bring in that point is really not to apply your mind to the question. The real point is not that. The real point is, as I submitted earlier, whether if the act is proved, you are going to raise a presumption or not; and the presumption is rebuttable. My humble submission is that looking to the principles of the Indian Evidence Act and the principles under which these presumptions are shifted, my attempt was perfectly justified.

My hon. friend Shri Sadhan Gupta and my other friends have referred to my attempts are resisting the shifting of the onus of proof on to the accused. I shall go on doing that. I feel that it is

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but right that the burden must be on the prosecution. It is the prosecution that has to prove, and the prosecution must prove that the act was done. If the act is done, then only the question of presumption arises. As I have submitted already, my hon. friends have not considered this question from this standpoint.

There are two intentions here. One is the intention to kill, which must be proved by the prosecution; and the other is the collateral intention; it is imposed by law in regard to other things, but it has been wrongly put here in regard to animate objects when the question of mischief arises, it can arise in two ways, it can be mischief to animate objects, or it can be mischief to inanimate objects. So far as inanimate objects are concerned, I have not raised any presumption at all. I have raised the presumption only in regard to animate objects, really sentient beings. I have raised it only in regard to animal life.

I may submit that about one-third or perhaps more of the national income of this country is contributed by the cattle wealth of this country. All our Five Year Plans will not be able to do any benefit to this country, unless and until they pay more attention to the cattle wealth of this country. The Minister himself was pleased to say that he is alive to this fact. I would only say that a crore of persons could be employed on this job, of cattle welfare and at least Rs. 500 crores more of income will come to the Union; if only we care for our cattle wealth in the proper manner, and if only we give them food etc., we shall be able to raise our income to a great extent. This only says that a person should be more circum-spect and should not lightly kill, that a person should not lightly behave, he should behave in a manner which has been enjoined on him by the injunctions of religion, Hindu, Muslim and every other religion. My humble submission is that this is a simple Bill. It was designed in order to promote the cattle wealth, and the welfare of the country. I wanted that our conduct in this matter should be according to our ancient culture, as understood by us, according to which no life should be wantonly destroyed or destroyed in the manner in which it is destroyed today.

My friends want me to produce evidence here of how the cattle are treated, how cattle are poisoned, how cattle

are maimed. I will refer them to the slaughter houses of Bombay, Madras and Calcutta. Let them see how cattle are maimed, how cattle are poisoned; let them see how designedly these and all sort of crimes are done. But I am not putting my case on the question that this is a very great social evil. I am putting it on this simple question, that according to the principles of the Indian Evidence Act a man is presumed to know the natural consequences of his act. According to these principles, my submission is that the framers of the Indian Penal Code make a mistake, in that they did not differentiate between animate and inanimate objects; in section 429, we would be well advised to put this presumption.

I am thankful to you, Sir for being pleased to give me the full time I wanted, and in view of the advice given by the hon. Minister, I do not see my way to insist upon the full pound of flesh (*Interruptions*).

Shri Kamath (Hoshangabad): Not even an ounce of flesh.

Pandit Thakur Das Bhargava: If the House agrees, I will just take the advice of the hon. Minister and those hon. Members who have opposed me and request you to kindly allow me to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw the Bill?

Several Hon. Members: Yes.

The Bill was, by leave, withdrawn.

ELECTRICITY (SUPPLY) AMENDMENT BILL

(AMENDMENT OF SECTION 77 ETC.)

Shri Sadhan Gupta (Calcutta South-East): I beg to move:

"That the Bill further to amend the Electricity (Supply) Act, 1948 be taken into consideration".

This Bill has been necessitated by a very unfortunate decision of the Labour Appellate Tribunal in which it held that bonus to electricity workers was not an item of expenditure allowed under the Electricity (Supply) Act, 1948.

Shri Nambiar (Mayuram): On a point of order. None representing the Ministry of Labour is here. In essence, this is a matter concerning labour and grant of bonus. It is not exactly relating to electricity supply only. Therefore, it is necessary to have the Minister of Labour or his deputy here.

Mr. Deputy-Speaker: So far as I know, it has been entrusted to the Minister for Irrigation and Power. Let us proceed now and if we find that there is something, we will advise the other Ministers to be here.

The Deputy Minister of Irrigation and Power (Shri Hathi): It is not necessary for the Minister of Labour to be here in connection with this.

Mr. Deputy-Speaker: We need not discuss it at this moment. Let us proceed.

The Deputy Minister of Defence (Sardar Majithia): It is joint responsibility. He is equally responsible.

Shri Sadhan Gupta: As I was saying, the Appellate Tribunal had decided that bonus to electricity workers was not an item of expenditure allowed under the Electricity (Supply) Act, 1948. The result of that has been that claims to bonus which by all canons of justice may be regarded as legitimate have been overruled by the Appellate Tribunal only on the ground that the bonus is not permissible as an item of expenditure and that it cannot be claimed out of the profits.

In order to understand the injustice involved in this interpretation of the law and the consequent necessity to amend the law, as I have suggested, I shall give a short background of the Electricity (Supply) Act, 1948. Before this Act was passed electric supply companies could make as much profit as they chose. Now, one of the main objects of the Act was to regulate the quantum of profits which an electric supply concern should be permitted to make. With that end in view, this Act sought to control profits by enacting the Sixth Schedule. This schedule contains a definition of 'clear profits' and it is defined by paragraph XVII (2) of the schedule. It is defined as follows:

"'clear profit' means—the difference between the amount of income and the sum of expenditure plus special appropriations, made up in each case as follows:—"

Then, there are three other clauses (a), (b) and (c); (a) enumerates income; (b) gives the items of expenditure and (c) enumerates the special appropriations. So 'clear profit' is income minus the sum of expenditure and special appropriations.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

The injunction in the very first paragraph of the Sixth Schedule is that the licensee shall so adjust his rates for the sale of electricity by periodical revision so that this 'clear profit' in any year, shall not as far as possible, exceed the amount of reasonable return, provided that the licensee shall not be considered to have failed so to adjust his rates if the 'clear profit' in any year of account, has not exceeded the amount of reasonable return by more than 30 per cent. of the amount of reasonable return.

Then, paragraph II is important.

"II (1) If the clear profit of a licensee in any year of account is in excess of the amount of reasonable return, one one-third of such excess, not exceeding 7½ per cent. of the amount of reasonable return, shall be at the disposal of the undertaking. Of the balance of the excess, one-half shall be appropriated to a reserve which shall be called the Tariffs and Dividends Control Reserve and the remaining half shall either be distributed in the form of a proportional rebate on the amounts collected from the sale of electricity and meter rentals or carried forward in the accounts of the licensee for distribution to the consumers in future, in such manner as the State Government may direct."

Then, there is the provision as to how the Tariffs and Dividends Control Reserve has to be utilised and so forth. Therefore, the net result of the Sixth Schedule is this; that 'clear profit' should not exceed the reasonable return and if there is an excess, only 7½ per cent. of the excess will be at the disposal of the undertaking. Out of the rest of the excess, one-half shall be transferred to a Tariffs and Dividends Control Reserve, which is to be utilised for obviating any losses that have been suffered in the past and the other half is to be transferred or to be distributed to the consumers or to be used for granting rebates for the sale of electricity. That is the scheme of the Act. Therefore, a clear profit is

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not to exceed the reasonable return. What is the reasonable return? A reasonable return is defined in paragraph XVII of the Sixth Schedule as the return that will be found by applying the standard rate to the capital base. It is in sub-paragraph 9. A reasonable return means in respect of any year of account the sum of following: the amount found by applying the standard rate to the capital base at the end of that year, the income derived by investments other than that made under paragraph 4 of this Schedule, an amount equal to one half of one per cent. of any loan advanced by the Board—sub-paragraph (2) of paragraph 1 of the First Schedule. We need only be concerned with clause (a) a sub-paragraph (9) because the others are not important in the case of most electricity supply concerns. Sub-paragraph 9 (a) says "the amount found by applying the standard rate to the capital base at the end of that year". The standard rate is defined in paragraph 10 as 5 per cent. that is to say the reasonable return is 5 per cent. of the capital base. The capital base itself is defined in paragraph XVII(1) and is a sum of many capital assets, such as the original cost of fixed assets, the cost of intangible assets, the original cost of works in progress, the amount of investments compulsorily made under paragraph 4, amount on account of working capital equal to the sum, etc., etc. and there are many items. Therefore, the scheme we have is that the reasonable return is 5 per cent. of the capital base, which consists of all kinds of capital assets, movable and immovable, in the possession of the concern. Therefore, the reasonable return, you will find, is calculated on an entirely different basis. It is calculated not as it is usually done in the case of other concerns on the paid-up capital; it is calculated in this case on the capital base of the company itself. Through this mode of calculation the companies, which have enjoyed a good business for a long time, which are old established companies, get an advantage over the relatively newer companies, because through their profits the capital base keeps on expanding and so their profits expand much more in relation to the paid-up capital than in the case of other companies. This is a very important thing to remember, because electricity supply concerns often enjoy monopoly, and some of the concerns have been established in big cities for a long time con-

trolled by foreigners and they are in the best position to earn a huge dividend.

Take the case of the Calcutta Electric Supply Corporation, for instance. This company has the monopoly of the electricity supply in Calcutta. In 1950, its capital composition was—in round figures—about eighteen million pounds. The paid up capital of the corporation was only six million and odd pounds. So, the capital base was about three times the paid up capital. In terms of our currency, the capital base would be about Rs. 24 crores while the paid up capital would be about Rs. 8 crores. On that basis, applying the standard rate of five per cent, the company would be able to make a clear profit of about Rs. 1,20,00,000. That would be the reasonable return. That would be about fifteen per cent. of the paid up capital. That is supposed to be the controlled profit of a concern.

It is being accepted that six per cent. is quite sufficient by way of return on paid up capital. Here it is about fifteen per cent, recognised statutorily. Therefore, although it seems that the profit is controlled, the allowance is quite liberal at all events in the case of these companies. Even this allowance is not sufficient for companies which have been established for long. For example, in the case of the Calcutta Electricity Supply Corporation, even in spite of regulations, they were compelled, if I may say so, to make an excess profit of £961,113—that is to say, about Rs. 1,28,00,000 over that profit. That is to say, they were compelled to double their clear profits through the sale of the electricity which took place.

Now, they employ five thousand workers. In terms of the number of workers employed, the profit comes to about £ 225 per worker, which means about Rs. 3,000 per worker. That is the position of the company.

But when the workers wanted a bonus of only three months pay they resisted it. Why should the workers be given the bonus? What is the legitimacy of their claim for bonus? To all these, I will come later. Apart from all questions of legitimacy, whenever huge profits are made, the workers' claim to bonus is recognised. It is not rare in concerns which make huge profits for workers to get three months or four months or even six months' remuneration by way of bonus. That is a common phenomenon. The workers in the petroleum industry have been given

four or five or five and a half month's remuneration as bonus by the labour appellate tribunal itself. The Labour Appellate Tribunal considered it just to give it. The Tatas give, I think, about 3 or 4 months' pay. Similarly there are any number of well established companies, who have made huge profits and who give 3 months', 4 months', 5 months' and even 6 months' bonus. But when the claim comes against an electricity supply concern the argument is that bonus cannot be given because it is not mentioned in one of the items of expenditure which occurs under paragraph 17(2)(b) of the Sixth Schedule. This argument came to be upheld by the Labour Appellate Tribunal in the Bombay Suburban Electricity Supply Company's case. Then the workers turned round and said: "Very well. If it is not an item of expenditure, let us have it out of profits. You are making huge profits. Please give us this bonus out of profits". There the Appellate Tribunal in the same case said that they cannot claim it out of profits also. Why? Because the profits have been so regulated by statute that they are making only a reasonable profit. They said: "What the statute calls a 'reasonable return' is in fact reasonable and, therefore, you cannot claim bonus either out of expenditure or out of profits."

Now, you know, Sir, the Calcutta Electricity Supply Corporation, about which I have been mentioning, made a profit. They made not only a profit amounting to the reasonable return of about Rs. 1,20,00,000, but they made an excess profit of Rs. 1,28,00,000. That excess profit, Sir, was ordinarily to have been allocated mostly to the consumers, because after allocating 7½ per cent. of the reasonable return, which I think would amount to Rs. 29 lakhs, the rest would have to be transferred for the benefit of the consumers. In the case of the Calcutta Electricity Supply Corporation there is no question of a tariff and dividend control reserve fund because it has never suffered a loss. Therefore, it cannot be allowed under the law to transfer the amount to the tariff and dividend control reserve. Even this consumers' money was allowed to be appropriated by the West Bengal Government by way of special appropriation for the expansion of its undertakings. The result was that the consumers did not get it, the workers did not get it and the company was allowed to expand its undertakings by taking the consumer's share of the money.

By way of expansion it would be enabled to earn greater profits, because by way of expansion the capital base of the company would be expanded by about Rs. 1,28,00,000. Therefore, the clear profit to that extent would increase.

In spite of all this, in spite of making huge profits, in spite of having the use of the money which belonged to the consumers and thereby being able to earn greater profits, when the demand for bonus comes, they award only one month first and then, on an arbitrary basis I would say, in view of the Appellate Tribunal's interpretation the lower Tribunal enhanced it to two months. I do not know what has happened to the appeal against it, but was only two months.

Now, I would ask you to consider whether, when a profit of Rs. 2,48,00,000 that is to say, about Rs. 2½ crores has been made by employing a mere 5,000 workers, it is just that the share of the workers should be only two months' basic wages. What is bonus? There was a contention for a long time that bonus is a payment which the employer makes out of his generosity. But in every country industrial courts have decidedly rejected this theory. In our country, all the courts, from the lowest to the highest, from the small tribunals to the Supreme Court, have decided that bonus partakes of a double character. Bonus is firstly a bridge between the wages in so far as they fall short of the living wages and the living wage itself. Principles have been laid down to say that that shortfall cannot be bridged at once and that all kinds of repercussions have to be taken notice of. But there is no doubt that whether it is the industrial tribunal, whether it is the Planning Commission or whether it is any other authority dealing with labour, they have all admitted and accepted that the claim of labour to bonus is just.

Mr. Chairman: The hon. Member's time is up.

Shri Sadhan Gupta: I think there is enough time. I do not think many hon. Members are going to speak on this.

Mr. Chairman: Four minutes more. The hon. Member has taken 26 minutes already.

Shri Nambiar: Many hon. Members are not going to speak on this Bill.

Mr. Chairman: I cannot say that.

Shri Sadhan Gupta: The Bill has been given 2½ hours.

Mr. Chairman: Half an hour is usually allowed for the mover of the Bill. If there is no other Member to speak, I will certainly allow the hon. Member more time.

Shri Sadhan Gupta: Thank you, Sir. I was saying that our industrial courts have accepted that bonus is necessary to bridge the gap between our wages and the living wages, which should be the wages of every worker in justice and fairness. Also, bonus represents the worker's right to share in the profits. There is no doubt that in a concern where huge profits are made, for example in a concern like the Calcutta concern where the company earns a profit of Rs. 5,000 per each worker, the workers are entitled to a substantial share and that amount should certainly be for more than two months. If the workers are deprived of it, not because the company is unable to pay, not because the profits are insufficient, not because the workers do not deserve to get the amount out of the profits, but because there is a technical difficulty and that the expenditure cannot be met under clause (b) of sub-paragraph (2) of paragraph XVII, it is a very unfortunate state of affairs. Justice is there; the legitimate claim is there; the profits are there. Yet, you do not allow the disbursements of the profits to the workers who have contributed to the profits of the company, merely because of the omission of a provision. I have, therefore, sought to supply the omission by my amendment to sub-paragraph (2) of paragraph XVII. Clause 3 of the Bill contains my main amendment, and the others are consequential. I shall read my amendment:

"In paragraph XVII of the Sixth Schedule to the principal Act, after sub-clause (xii) of clause (b) of sub-paragraph (2) the following new sub-clause shall be inserted, and shall be deemed always to have been so inserted, namely:—

"(xiii) All expenditure incurred on account of payment of bonus to employees earning less than one thousand rupees a month exclusive of such bonus."

It may seem a drastic thing to make in retrospective. I have made it retrospective in the interests of both the workers and the concerns themselves. Some concerns may have paid more bonus. They would find the difficulty of being hauled up because of recurring

of an item of expenditure not permitted. Some workers may have had claims and many workers have claims against their companies for greater bonus and these claims are continuing for a long time. For their interests, this provision should be made retrospective. Therefore, I have made it retrospective.

There is, however, one danger in providing an item of bonus in expenditure. The danger is that big officials, most of whom would be foreigners, would take away very huge sums from our country by way of bonus. Therefore, I have suggested an amendment of section 77 of the Act which is the section penalising infractions of the Act. If bonus is paid to any person earning Rs. 1,000 or more, that payment of bonus should be penalised. I have hit upon this limit to Rs. 1,000 because most of the people earning over Rs. 1,000 are likely to be foreigners and are likely to deprive our country of huge resources.

There is another consequential amendment—I should not say it is consequential, it is also substantial—to sub-section (3) of section 77. Sub-section (3) bars cognisance by a court of law in respect of an offence committed under the Act unless the complaint is preferred by the State Government. This provision is fraught with great danger. As far as the interests of the workers are concerned, I have seen cases in my own part of the country where the State Government has readily given employers the authority to prosecute cases against their employees. In the case of the Llyods Bank, the European authority of the Bank was allowed to prosecute the employees for resorting to an illegal strike, which was otherwise justified. It was only technically an illegal strike. On the other hand, the employers have violated the Industrial Disputes Act deliberately and yet the employees find it very difficult to get sanction for the prosecution of the employers. I have sought to add by way of an amendment to sub-section (3) that not only the Government, but also the President or Secretary of a registered trade union of the employees of the licensee or other persons against whom a complaint is made, should be allowed to prefer the complaint and the court should take cognisance of the offence on their complaint. I think this is a very reasonable amendment and the House will have no difficulty in accepting the amendment.

In the penal clause, you can reduce the penalty. I have no objection to it. You can reduce the term of imprisonment; you can reduce the amount of fine. But regarding the principle I think there should be no objection that bonus should be allowed to the workers. Bonus should be given to them and no payment difficulty should be created on their way. If any infringement occurs regarding the payment of bonus, the representative of the workers should be allowed to prosecute the employer.

5 P.M.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration."

Before we proceed further, I have to make an announcement. The House will sit tomorrow till 6-30 P.M. The Finance Bill will be over by 6 P.M. and half an hour will be taken by the Appropriation Bill.

Shri Tek Chand (Ambala-Simla): Mr. Chairman, I have had an occasion to go through the amending Bill that is before the House along with the relevant provisions of the Electricity (Supply) Act, 1948, which this Bill seeks to amend. There are certain anomalies, apart from the spirit of the law, that are not easy to comprehend. Let us analyse the suggestions which have been made by the hon. Mover.

Clause 2 intends to bring about a drastic change. Making of the payment of bonus to an employee becomes an offence, according to him, under certain circumstances. I should have thought that if there is money which is not yours and you put it into your pocket or you throw it away or you distribute it among unauthorised persons, it may under certain circumstances be a criminal offence. But what happens here is that an electricity supply undertaking earns a certain profit. A part of that profit it distributes as dividend among its shareholders and a part of that profit it gives as bonus to the employees. The criminal offence, for which a citizen forfeits his liberty, the maximum of which is going to be three years, is that some profit that this company has earned has been distributed as bonus to the employees. The criminality lies not in withholding somebody else's money, but in distributing your own money as bonus. That act becomes a criminal offence when the giver of his

own money to his employees becomes a criminal offender thereby. Let us examine it. What is bonus? Bonus in the accepted sense is distribution by the employer out of his profits certain sums which under law he is not obliged to pay to an employee. For the good work done, for the co-operation, for such contribution as their labours have resulted in increasing the profits of the undertaking, the directors of a concern or the concern itself out of a sense of generosity, out of a sense of justice, out of a sense of fairness, like to share it along with their employees. Some moneys may be there; it may be two months' salary or it may be three months' salary; that fund forms itself into a bonus, and that bonus goes to the employees. That is an act whereby the profit of the undertaking which is exclusively the property of the undertaking or of the shareholders, let us say, is not being retained by the shareholders themselves; but the company gives it away to its employees under a conceivable set of circumstances, as opined by the Mover. That becomes a criminal offence whereby the giver of the largest or the giver of the bonus stands to forfeit his liberty to a period extending up to three years. And not only that, but for giving away money, he runs the risk of being fined to the tune of Rs. 50,000.

Shri Nambiar: Such a thing will never happen. Even the other thing is not happening. Even those who are drawing up to Rs. 1,000 are not getting any bonus.

Shri Tek Chand: To cap it, for giving that bonus, he runs the risk of forfeiting his liberty, and he is being mulcted in fine, not necessarily in the alternative, but in addition to sentence of imprisonment.

There seems to be a curious state of affairs. You distribute money out of kindness; and the reward you get for that kindness is that you forfeit your liberty for three years, and you stand to lose Rs. 50,000 to boot.

I do not know how it is possible to subscribe to the most novel proposition contained in this Bill. Further, under this Act the right to prosecute is conferred upon the board. The board is the authority for the purpose. The constitution of the board is given in section 5 of the Act. Where there is a board, the the board may prosecute,—because

[Shri Tek Chand]
they are the responsible people—on grounds provided in the Act itself, in cases where there has been some infraction of law. But where there is no board, that duty is cast upon the State. But now the role of prosecution is being arrogated under this Bill by this worthy gentleman styled as the president of the union or the secretary of the union. He is going to play the role of the complainant. I should have thought that in the case of a crime, the party aggrieved is not an individual, but essentially the party aggrieved is the State. It is the right of the State and the State alone to the exclusion of any other individual, whatever his capacity may be, to assume the role of a prosecutor. This duty is being taken over by the president or the secretary of the registered trade union, that is to say, the role of the prosecutor, the role of the complainant, which essentially does and should vest in the State or some official body like the board.

Then again, kindly examine the provisions of section 77. Under the penal provisions of section 77 (1), the maximum penalty for the infraction of certain provisions is a fine extending to Rs. 50. But for making payment to the employees, in the same provision the penalty imposed is three years plus Rs. 50,000. I think, in all humility, it is a logic defying statute, the like of which is difficult to locate in our laws. If you pay bonus to an employee whose salary is Rs. 1,000, it is a laudable object. But if you pay bonus to an employee whose salary is Rs. 1,100 or Rs. 1,050 or Rs. 1,001, then you run to risk of losing your liberty and being saddled with a fine. I think one has just to analyse the provisions in order to realise the absurd consequences that they will entail. I oppose the Bill.

Shri Nambiar: As I have already stated in my interruption, this is essentially a case which has to be decided by the Labour Ministry. In the Statement of Objects and Reasons, it is clearly stated that the whole question arose out of the decision of a Labour Appellate Tribunal which refused to grant bonus to the employees of a particular electric supply company. The hon. Mover has said:

"Taking advantage of this decision, many electric supply concerns, including the British-owned Calcutta Electric Supply Corporation, which make huge profits of about Rs. 5,000 per worker have refused to pay legitimate bonus to their workers".

That is the subject. Here the question is that in the electric supply corporation, the workers should get bonus. There is a provision under the Act which prevents the workers from getting the bonus if they go to an Appellate Tribunal or a court. It is to do away with this legal lacuna that the hon. Mover has moved this amendment.

Shri Hathi: May I just say, to enlighten the House, that that judgment on which this whole Bill is based, has been reversed by the Appellate Tribunal in the latest judgment?

Shri Nambiar: If it is so, then this lacuna can be removed by accepting the spirit of the amendment moved by the Mover.

Mr. Chairman: There is no lacuna.

Shri Nambiar: But this expenditure is not included yet.

Mr. Chairman: Suppose the company has a desire to pay bonus. Will it be committing an offence by paying according to the ruling of the Appellate Tribunal? Has the hon. Member seen the ruling of the Appellate Tribunal?

Shri Nambiar: No.

The Bombay Court has taken objection under this, that this bonus is not included in the so-called expenditure, as narrated by the schedule. That is the point. Therefore, the hon. Mover wanted to add another sub-clause in that schedule to say that bonus also can be a legal expenditure for this purpose. Here what the hon. Mover wanted was to limit it to the extent of

Mr. Chairman: Order, order. Let me just ascertain from the Deputy Minister. What is the basis of the reversal of the judgment? Is it on the plea that as a matter of fact, in spite of the fact that these words do not occur there, bonus cannot be paid?

Shri Hathi: The interpretation was that bonus is not an item of expenditure admissible. This is the wording:

"Other expenses admissible under the law, for the time being, in force, in the assessment of Indian incometax and arising from and ancillary or incidental to the business of electricity supply."

The first court held that this is not an item admissible, and it is not an item of expenditure incidental to the business of electric supply. Therefore,

this would not be an item of expenditure admissible. Then nobody went to the Supreme Court or higher courts. Subsequently, again some cases came and a Full Bench, that is, the Labour Appellate Tribunal, in appeal No. 242, very recently have held, referring to this very case, that,

"If that right has been given—and it cannot be doubted in view of its affirmation by the Supreme Court—then it follows that any payment for the implementation of that right must be regarded, in any event, as one of the other expenses admissible under the law, for the time being, in force, in the assessment of the income-tax and arising from and ancillary or incidental to the business of electric supply. We, therefore, hold contrary to the view of the Bench that bonus is, in fact, one of the permissible items of expenditure under Schedule Six, falling within item 11....."

to which the hon. Mover has referred.

They have held so and the previous judgment has been reversed and there is no basis for amendment.

Mr. Chairman: The judgment proceeds on the basis of another judgment which has been mentioned there—the Supreme Court judgment.

Shri Hath: No, Sir; this is a Full Bench judgment of the Labour Appellate Tribunal.

Mr. Chairman: There is a reference to the Supreme Court judgment.

Shri Hath: That was about the right of the workers to bonus. But, this is a judgment of the Full Bench of the Appellate Tribunal and it has held that it is an admissible item, and, therefore, it does not arise, in fact. Government also holds the same view.

Mr. Chairman: In view of what has fallen from the lips of the hon. Minister, these two questions still remain. The hon. Mover wants that so far as the employees are concerned, only certain class of employees may be given bonus. At the same time, so far as the main prosecution is concerned, he wants that the prosecution may be entrusted to particular people. These two still remain.

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Shri Nambiar: The Bill contains these two aspects. As regards the first one, the hon. Minister has now explained that the workers have got a claim for bonus and that can be allowed and treated as a real item of expenditure under the Act. So, the main job is over.

With regard to the next item, the bonus to be paid to those who get more than Rs. 1,000, I would also request my hon. friend the Mover to delete that portion, but not exactly for the reasons mentioned by my friend Shri Tek Chand. Shri Tek Chand said that it looks ridiculous that an employer should be penalised for paying bonus of his employees. But, it is a fact that in Electrical Corporations and especially in foreign concerns, just as those we have in Calcutta and Bombay, there are a large number of officers who belong to the United Kingdom, who have come here and for several years continued to serve here, who have drawn a lot of money by way of bonus and so many other items. Only the other day, the hon. Finance Minister referred to this in connection with another matter, and said that lakhs of rupees have been taken away in that form. Not only that; it is a matter in which we can save a lot of foreign exchange. The purpose of the hon. Mover is, therefore, to restrict such payments and not in the sense in which Shri Tek Chand tried to present it. Even granting that it would look awkward, I would only request the hon. Mover to delete that item, that is the first part of (IA). If the hon. Minister will agree that it will not stand in the way of employees, getting bonus, then, I think, the hon. Mover can be persuaded to decide the issue otherwise.

Mr. Chairman: What will be the effect of this ruling?

Shri Nambiar: Clause 3 is the main item.

Mr. Chairman: So far as this main item is concerned, if, according to the hon. Member who is speaking, bonus could be given to every employee, whether he gets a thousand rupees or more, the question about prosecution does not arise. So, the hon. Member's suggestion should be to ask the hon. Mover, Shri Gupta to take away his Bill.

Shri Nambiar: Directly it looks like that, but taking advantage of the present Bill, I would ask for some more clarification from the hon. Minister. Would

[Shri Nambiar]

he kindly enlighten us on these terms which we find peculiarly in this Act alone—terms like 'reasonable return', 'clear profit', 'capital base', 'special appropriation', 'dividend equalisation fund' etc? All these terms are included in this Act. In any business concern,

Mr. Chairman: In a Bill of this nature, it is not desirable to ask for clarification for terms which are given in the Act itself. The Act itself speaks of 'clear profit', 'reasonable return' and so on. Even if the hon. Member wants to have the clarification and it is acceptable to the hon. Mover, that will not serve any purpose.

Shri Nambiar: Then, it will strengthen my hands to request the hon. Mover to withdraw his Bill. If the hon. Minister is contemplating to move another amendment to the Electricity (Supply) Act, which contains all these peculiar things

Shri Hathi: May I say that the amendment to the Electricity (Supply) Amendment Bill, 1955, has already been introduced in this House and that it also deals with the question of bonus? If hon. Members read it, they will be able to know all about it.

Mr. Chairman: Has it been introduced in this House?

Shri Hathi: Yes. The bonus question is also there in it. The judgment was not there at that time and we rather thought that it was better that it might be clarified. So, it is already there and I think it is not necessary to proceed with the Bill that is now before the House.

Shri Nambiar: What is the reference of the ruling?

Shri Hathi: I can give the reference of the ruling.

Shri Nambiar: After the introduction of the Bill in this House, I think, in 1954, the hon. Minister might have moved another amending Bill to this Act, which is welcome. Whether it is done after this ruling or not is not the question. We welcome the move of the hon. Minister to bring in an amendment to this Act which will give some advantage to the employees, will remove all these peculiar clauses, and give a fair deal. We are thankful to him. Therefore, I would request on this occasion that the hon. Minister may pursue that Bill further and give the promise in practice and let the employees get a bonus. I know that in

the Madras State there are several cases where in the employers behave in the same manner as the Calcutta people did. When they find that there is any chance of evading payment of bonus, they do it, and especially when they find that the law is so convenient to them, they do it.

Mr. Chairman: The Bill does not make it obligatory upon every employer to give it. It is only optional.

Shri Nambiar: The workers join together and have a bargaining power. If they make their demands, then Government will come to their rescue.

Mr. Chairman: The Government themselves have brought in a Bill of this nature. What is the purpose of asking Government to pursue it?

Shri Nambiar: They did it after 1954. That is the reason.

Mr. Chairman: May I take it that the hon. Mover of the Bill proposes to withdraw it?

Shri Sadhan Gupta: I would ask for a few clarifications.

Mr. Chairman: The hon. Member may have seen that Bill.

Shri Sadhan Gupta: That Bill is a different one, of course. That Bill has nothing to do with the provisions I have touched in my Bill. I would like the hon. Minister to explain the whole position as regards the ruling. First he read out a few passages and I have not yet got the reference with regard to that ruling. Before I can decide upon withdrawing my Bill, I feel I should be perfectly satisfied about the whole position. The new ruling has been sprung upon me as a pleasant surprise, I must admit. So, the Minister may explain the whole thing—the background of the case—and he may refer me to the ruling and I might look it up in the meanwhile.

Shri Hathi: If the intention is that the debate should continue, I shall reply at length—if the hon. Member wants. I have just intervened only on certain points of clarification.

Mr. Chairman: The point is this. So far as the previous ruling is concerned, it has been reversed. There is a new ruling now. The operative portion of that ruling has been read out. If the hon. Member wants he can go through that ruling and so far as this Bill is concerned, we may adjourn the discussion.

Shri Nambiar: If the hon. Member is ready with his reply, he may reply. After that we can consider the question of withdrawal.

Mr. Chairman: He will take sometime; he will not finish now.

Shri Dabhi (Kaira North): Some other Bill might be taken.

Mr. Chairman: The Minister may reply.

Shri Hathi: As will be seen from the Statement of Objects and Reasons of this Bill, the Electricity (Supply) Amendment Bill is based on a judgment of the Labour Appellate Tribunal. The Statement, here, reads :

"The Labour Appellate Tribunal in the case of the Bombay Suburban Electricity Supply Ltd. decided that bonus could not be paid to workmen out of the reasonable return nor could it be deducted as an expenditure allowable under paragraph XVII(2)(b) in calculating clear profit. Taking advantage of this decision, many Electricity Supply concerns, including the British owned Calcutta Electric Supply Corporation, which make huge profits of about five thousand rupees per worker have refused to pay legitimate bonus to their workers."

The Mover wants to remedy this difficulty. He wants to add to the list in paragraph XVII of the Sixth Schedule to the Principal Act, an item No. (xiii) which reads:

(xiii) All expenditure incurred on account of payment of bonus to employees earning less than one thousand rupees a month exclusive of such bonus."

In this addition, the Mover wants to add two things at a time. He wants to make the payment of bonus admissible as an item of expenditure. Secondly, bonus should not be paid to people drawing more than a thousand rupees. He wants to achieve both these things by this one addition.

The entry No. 11 in Schedule VI makes this item an item of expenditure. It relates to expenses admissible under the law for the time being, in force in the assessment of Indian income-tax and arising from, ancillary or incidental to, the business of electricity supply.

I shall read the relevant portion from the case which the Mover has referred to in the Statement of Objects and Reasons.

"In the allowable expenditure many items concerning remuneration of and benefits to labour have been included, like contributions to provident fund, staff pension, gratuity and apprentice and other training schemes; but no provision is made for bonus, and try as we may, it is not possible to include bonus under any one of the sixteen items of expenditure which are to be taken into account for the ascertainment of the clear profit."

Shri Sadhan Gupta: May I have the reference of the latest ruling?

Mr. Chairman: The hon. Member wants the actual reference, the number of the judgment, the date of the judgment, who delivered it etc.

Shri Hathi: The one I referred to, which reversed the original decision?

Mr. Chairman: Yes.

Shri Hathi: It is signed by Shri Jeebhoy, member; Shri Bind Basi, member; Shri Ruben, member; Shri Lalkaka, member and Shri Matin, member. It was a full Bench of these five members.

Shri Sadhan Gupta: It is not yet reported, I think.

Mr. Chairman: I think the hon. Minister will take some more time for his reply. It is already past 5-30 and so he may continue his speech on the next day.

5-32 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Saturday, the 21st April. 1956.

DAILY DIGEST

5879

5880

[Friday, 20th April 1956]

	COLUMNS		COLUMNS
MOTION FOR ADJOURNMENT	5761-65	REPORT OF COMMITTEE ON PRIVATE MEMBERS' ON BILLS AND RESOLUTIONS ADOPTED	5832-33
In view of the statement made by the Minister of Defence (Dr. Katju) the Speaker withheld his consent to the moving of the adjournment motion given notice of by Shri Kamath regarding the strike of civilian employees of Naval Dockyard and Naval Depots in Bombay.		Fiftieth Report was adopted.	
CONSIDERATION OF BILL HELD OVER	5765-69	PRIVATE MEMBER'S BILL WITHDRAWN	5833-60
The motion for consideration of the Appropriation (No. 2) Bill was moved by Shri C. D. Deshmukh		Further discussion on the motion for consideration of the Indian Penal Code (Amendment) Bill (<i>Amendment of Section 429</i>) moved by Pandit Thakur Das Bhargava on the 6th April, 1956, was resumed. After discussion, the Bill was withdrawn by leave of the Lok Sabha.	
After some discussion further consideration of the motion was held over till the disposal of the Finance Bill on the 21st April, 1956.		PRIVATE MEMBER'S BILL UNDER-CONSIDERATION	5860-78
CONSIDERATION OF BILL	5769-5832	Shri Sadhan Gupta moved for consideration of the Electricity (Supply), Amendment Bill, (<i>Amendment of Section 77</i> etc.) The discussion was not concluded.	
Further consideration of the Finance Bill was continued. The discussion was not concluded.		AGENDA FOR SATURDAY, 21ST APRIL, 1956.—	
		Consideration of the Finance Bill and Appropriation (No. 2) Bill.	