

[Shri Jagjivan Ram]

via Asansol, was received at Asansol from Khargpur. Early in the morning on 31-7-1957, it was placed on the siding serving the transshipment shed so that the contents may be sorted and despatched to the different destinations. The wagon was opened at about 11 00 hours and very shortly thereafter its contents exploded.

The explosion was of severe intensity. It was felt not only all over the town of Asansol, but over a radius of several miles. Besides the wagon containing the fireworks, three wagons by its side were damaged, and the roof of the transshipment shed was blown off. The track was also severely damaged and thrown out of alignment.

As a result of the explosion, 10 died on the spot and 4 more have since died in the hospital. One of those who died is a tranship clerk, another a member of the Railway Protection Force and three labourers working under the labour contractor. The remaining dead bodies have not yet been finally identified, but it is believed that two of them are of tranship clerks and the remaining of labourers employed by the contractor.

Two persons who were seriously injured were taken to the Railway Hospital where they are progressing.

Some persons also received minor injuries, but their exact number is not known.

An enquiry into the accident by a Committee of Railway Officers commenced yesterday (18/8/57). The Inspector of Explosives, Calcutta, the Additional Superintendent of Police, Asansol, and a representative of the local District Magistrate were also present during the enquiry.

The Indian Explosives Act, the Indian Railways Act and the Red Tariff issued by the Indian Railway Conference Association prescribe a number of regulations in regard to the packing, marking, handling and transport of explosives and dangerous

goods. Some of these are for the senders to comply with and the others for the railway staff to implement.

At this stage, with the enquiry into the accident still in progress, it is not possible to say what was the cause of the explosion.

POINT OF INFORMATION

Shri Viswanatha Reddy (Rajampet): May I make a submission, Sir? Some days ago I gave notice of a call attention notice with regard to the Pataskar Report on the subject of the Madras-Andhra border. Since then certain reports which purport to be substantial portions of the Pataskar Report have appeared in the Madras Press. I wish to know from the Home Minister whether he is prepared to make a statement on the subject.

Mr. Speaker: The hon. Member has given a call attention notice regarding Pataskar's Report on the ground that some portions have appeared in the Madras Press. I have passed it on, I think, to the hon. Home Minister for consideration and information.

The Minister of Home Affairs (Pandit G. B. Pant): I don't think I have received it.

Mr. Speaker: Let me see where it is. I shall try to send it on immediately. I will look into it and see.

DEMANDS FOR GRANTS*—contd. MINISTRY OF LAW

Mr. Speaker: As suggested by me on the 31st July, 1957, Members who want to speak on the Demands for Grants in respect of various Ministries should send me chits intimating their names, Division Numbers, State, Constituency and Party to which they belong and also whether they have already taken part in any other debate or debates on the General Budget. Even in case where parties and groups give names, they may use the same forms.

*Moved with the recommendation of the President

The forms for this purpose are available at the Table. Members who wish to speak may now use the forms. Copies of the forms are also available in the Notice Office.

Some of the hon. Members say that they have had absolutely no opportunity, and I am not able to distinguish and see in a moment how many have spoken and from what territory. Sometimes territorial distribution has to be made as in the case of irrigation, education etc. and opportunities have to be given sometimes to party interests etc. I thought that this will facilitate my deciding, when I am sitting here, to call on any particular Member. The forms will be made available and hon. Members will kindly take the trouble to fill in these forms and send them to me instead of chits.

Shrimati Renu Chakravarty (Basirhat): May I know what is the purpose? Is it only to intimate who are the Members that want to speak, where they come from and is it that you are ruling today that you are going to call only on the basis of territories or constituencies? We should like to have clarification on this point.

Shri S. N Dwivedy (Kendrapara): In this matter, I do not think it is your desire to go away from the procedure that we are following. It is not only territorial representation, I think, but party point of view also that should be placed before the House and it may be necessary for parties to select their Members to speak on subjects. They may not belong to particular territories even. Therefore, I do not think that you should have any method saying that only persons who have not spoken will be given opportunities.

Mr. Speaker: This is only for my information. I shall give representation to territories, to parties and to interests and all sections of the Parliament. The front-benchers, the middle-benchers and the back-benchers, all these I will take into con-

sideration. From any particular group a name may be given; but, if I find that names are not given by other groups, I can choose from that group some person who stands. I am not going to ignore the recommendations of any particular group. I will call those Members. But, wherever I do not get such help or assistance I shall choose from other territories. In some cases it may be necessary, as in the matter of irrigation, without prejudice to the groups giving names, other Members also should be given opportunities. But that would not clash with others.

Shrimati Renu Chakravarty: This may be necessary as far as the Congress Party is concerned. But, as far as other parties are concerned, we generally take into consideration that we will get a very small number of speakers, two or three, and on that basis we give our lists.

Mr. Speaker: I want to know the name and also the Division Number and the Party to which he belongs. What is the objection to filling these in the form to which I have referred? If I am going to ignore the party slips, it is a different matter.

Raja Mahendra Pratap (Mathura): I belong to humanity.

Shri Radha Raman (Chandni Chowk): May I know whether the new procedure you have just announced will differ from the present practice of catching the eye?

Mr. Speaker: Order, order.

The House will now take up discussion of the Demands for Grants Nos. 73, 74 and 75 relating to the Ministry of Law. As the House is aware, 1 hour has been allotted for the Demands of this Ministry.

There are a number of cut motions to these Demands. Hon. Members may hand over at the Table within 15 minutes, the numbers of the selected cut motions they propose to move. I shall ask the Members to move them, if the Members in whose names those cut motions stand are present in the

[Mr. Speaker]
House and the motions are otherwise
in order

DEMAND NO 73—MINISTRY OF LAW

Mr. Speaker: Motion moved.

"That a sum not exceeding Rs 1,00,56,000 be granted to the President to complete the sum necessary to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1958, in respect of 'Ministry of Law'"

DEMAND NO 74—ADMINISTRATION
OF JUSTICE

Mr. Speaker. Motion moved

"That a sum not exceeding Rs 1,39,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Administration of Justice'"

DEMAND NO 75—MISCELLANEOUS
EXPENDITURE UNDER THE MINISTRY
OF LAW

Mr. Speaker. Motion moved

"That a sum not exceeding Rs 3,65,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Miscellaneous Expenditure under the 'Ministry of Law'"

Shri Easwara Iyer (Trivandrum)
What is the time allowed, Sir?

Mr. Speaker: How many minutes will the hon Minister require?

The Minister of Law (Shri A. K. Sen): About fifteen minutes

Mr. Speaker: All right Fifteen minutes will be taken by the Minister and fifteen minutes by the Opposition Half an hour will be taken by the others

Shri S. Ghose (Burdwan) Sir, law being the sheet anchor of the House, we would request you to extend this time

Mr. Speaker: I cannot help in this matter A sub-committee was appointed which suggested this It has now become the order of the House as it has been accepted by the House. The leaders of groups represented there that the Law Ministry need not take more than one hour

Shri Easwara Iyer: Sir, Within the available time-limit, I shall try to do justice (Interruptions) As a Member of the profession I must say that this is one of the most important subjects but yet it has been allotted only one hour

12-13 hrs

[MR DEPUTY-SPEAKER in the Chair]

Sir, I do not propose to go into the details but submit only certain aspects of the matter for the due consideration of the Minister of Law Our Constitution has provided—I refer to the Preamble—that we should evolve a legal system based on social justice, political justice and economic justice. I think that the legal system of our country, having due regard to the frame work of the Constitution that has been laid down—whatever may be my political ideology—needs a complete reorganisation or revision. The legal philosophy of the country must change according to the concept that had been laid down in the Preamble to the Constitution, the legal concept being social justice

An examination of the Directive Principles of the Constitution reveals the fact There is a provision in the Directive Principles that due regard must be had by any State to the social justice What exactly is this social justice? It is a matter on

which I can dwell at great length. Unfortunately, I am prevented from doing so for lack of time. I respectfully submit for the consideration of this House that the principles which had been derived from Macaulay, Salmond and Austin—all these concepts should not any more be made the basis for our legal philosophy. The legal philosophy must get a complete reorientation based on social justice.

We have got our Fundamental Rights. The Constitution declares equality before the law and equal protection of law. I do not understand how in a capitalist society equality before law could be worked out in its practical application, particularly when there is wide disparity between the exploiter and the exploited.

Shri Nath Pai (Rajapur): Sir, I am sorry to interrupt but it is a bit extraordinary for the Law Minister to be absent when the Law Ministry is being discussed here.

The Minister in the Ministry of Home Affairs (Shri Datar): Sir, I am here to represent him.

Shri Nath Pai: We want the Law Minister.

Mr. Deputy-Speaker: The Law Minister is here; he is having some discussion with the Speaker. He will be coming here shortly.

Shri Nath Pai: We are happy to have the assurance that he is coming.

Shri Easwara Iyer: With the time at my disposal limited and with so many points, I would request hon. Members not to interrupt.

Mr. Deputy-Speaker: I am glad that the hon. Member has got consciousness of the limitations of time.

Shri Easwara Iyer: Having due regard to the pattern of society that we are having under the Constitution, a certain amount of litigation could be avoided or mitigated by evolving a reform of laws in this country. I

would say, with respect to judicial reforms also, a few words about the avoidance of delay in the matter of disposing of cases. To this I would also add the avoidance of undue haste, avoidance of unnecessary expenditure in litigation, or avoidance of procedural technicalities, reducing the trials in courts. They are all a matter of discussion rather than a case for the search of truth. Trial before the court should not mean that one counsel must get a victory over the other. All these could be avoided by necessary legislations on the subject. Certain amount of equality before law in its practical application could be managed if these things are done having due regard to the principles that have been enunciated in our Constitution. I would earnestly suggest this to the hon. Law Minister because I read from the Law Ministry's report for 1956-57 that its function is also to advise in necessary matters the other departments. The Ministry of Law cannot of course be a water-tight compartment.

I cannot conceive of any modern society in which there is no law. Lawlessness cannot exist in any system of society. Law, if I may say so in common parlance, is the legal clothing for society. With the change in the pattern of society, the cloth also changes.

As an illustration as to how the social justice could be worked out, I may submit before this House that one of the fundamental points that is to be considered is that the personnel of the judiciary should also be men of progressive nature. They must have due regard to the social justice that may be required in the matter of interpretation of rules or Statute. They should not be guided by out-moded or exploded principles of jurisprudence that they have learnt in ancient days. In this connection, I may say with great respect that there are certain things to be considered. Possibly they may be coming within the purview of the Home Ministry but it is also for consideration by Law Ministry.

(Shri Easwara Iyer)

Most important of all is the separation of the judiciary from the executive. Moreover, quite apart from an impartial judiciary that is desirable, in cases where there has been an ambiguous provision of a statute which is capable of different interpretations while it is open to the judiciary to give its interpretation once it is found that a decision has been arrived at without due regard to social, economic or political justice, which is the root of our Constitution, we must be providing proper legislation, immediate legislation, to wipe out that disability

I say this, Sir, because I find that there are a number of interpretations that have been arrived at which are not consistent with social justice. The Law Minister may say that he has appointed a Law Commission for the purpose of revising and remodelling our laws. Lack of time prevents me from commenting upon the work of the Law Commission, and I will choose my time to comment upon it when its report comes before this House.

But, I might say with respect that in one of the interpretations of a statute, I refer to the States Reorganisation Act, while the matter was pending before this House the Law Commission forwarded a report regarding the desirability of having one High Court at one State. This House threw that report overboard and enacted Section 51. It was said there that consistent with the notions that are available in modern days, the high standards of administration of justice, which the Law Commission thought would be available only if the judiciary sits as one High Court, could very well be got even if the judiciary could be split up into two or three Division Benches. "The high standards of administration of justice" is an expression which has been used by the Law Commission for the purpose of opining that the judiciary must sit as one High Court.

My small experience as a lawyer taught me that the standards of ad-

ministration of justice are not dependent upon the entire lot of Judges sitting in a colossal building in a Moghul Emperor fashion, but they are really dependent upon the integrity, the impartiality, the independence and, last but not the least important, the legal erudition of the Judges who adorn those benches.

This House has enacted Section 51 and consistent with the States Reorganisation Act it has been provided..

Mr. Deputy-Speaker: The hon Member must conclude now.

Shri Easwara Iyer: I will conclude in five minutes.

Mr. Deputy-Speaker: The hon Member can have two minutes more. Only 60 minutes are allowed for this subject and not more than 15 minutes to each Member.

Shri Easwara Iyer: Consistent with Section 51 of the States Reorganisation Act, the Bombay High Court provided Division Benches, the Madhya Bharat High Court provided Division Benches, but it needed an agitation so far as the Kerala High Court was concerned to provide a Division Bench at Trivandrum. There too, surprisingly enough, the Kerala Chief Justice put an interpretation inconsistent with social justice and the demands of the people of that area, that though he may constitute a Division Bench cheapness of litigation is not available to Trivandrum persons because for appeals etc they will have to file the papers at Ernakulam, the principal seat of the High Court.

This is directly contrary to the interpretation put on the section by the Bombay High Court or the Madhya Bharat High Court, or any other High Court. I do not say for a moment that the Bombay High Court or the Madhya Bharat High Court are infallible, nor do I say that the Chief Justice of Kerala cannot come to a different conclusion. It may be open to greater intelligentsia, to differ from Bombay High Court or Madhya Bharat High Court. Although I am

bound to abide by the decisions of the Chief Justice of Kerala High Court, I am yet to learn to admire his legal erudition.

I, then, put a question in this House as to whether, since there is no uniformity in law, or the central law that is applicable in the matter, it could not be referred for an authoritative decision, under article 143 of the Constitution to the Supreme Court. Article 143 has been provided for such purposes. The answer was paradoxical, if I may say so with respect, that the aggrieved party may take it up. Why should the aggrieved party, who is a very poor man and who wants his case to be decided at Trivandrum, file a suit or appeal at Trivandrum, get it dismissed, then file a writ petition making the Judge who has refused to receive the case a party to the case and get it dismissed again, then file a Division Bench appeal and get it dismissed and then finally take it before the Supreme Court? That will involve him in unnecessary litigation. Why should there be a provision under article 143? Is it not inconsistent with economical, political or social justice? Why not an authoritative decision be arrived at? Why should Central Government fight shy of this decision? Let the Supreme Court decide that under section 51(3) a filing jurisdiction cannot be got, then we will be prepared to take it consistent with the provisions in our Constitution I may not be sharing the views of the Trivandrum people, but it necessarily gives rise to this inference, that so far as the people of Kerala are concerned they are treated in a step-motherly fashion.

This has been the feeling there and on behalf of those persons whom I represent I respectfully implore the Ministry of Law to put a saner interpretation on this matter and move the responsible quarters for referring the matter under article 143.

I have again to refer to a matter where there is need for revision under the Criminal law. Lack of time prevents me from going into details, but I would say that in all cases

where a firing is ordered by any authority—it is in most extraordinary circumstances that a firing is ordered—a judicial enquiry must follow under a statutory provision and statutory minimum damages should also be provided. Where an officer has acted irregularly, otherwise than illegally, if any officer has acted irregularly he must be, in law, liable in damages for shortened expectations of life. Such provisions are absolutely necessary consistent with social justice.

Mr. Deputy-Speaker: The hon. Member's time is over.

Shri Easwara Iyer: Sir, I have more to say.

Mr. Deputy-Speaker: This House can hear the hon. Member at another time.

12.28 hrs.

Shri E. J. Rao (Koraput): Mr. Deputy-Speaker, Sir, as I went through this book showing the subjects allotted to the various Ministries, I found that the Ministry of Law....

Mr. Deputy-Speaker: The hon. Member may try to conclude his remarks in ten minutes.

Shri E. J. Rao: I will try, Sir. I find that the Ministry of Law has not been allotted subjects that pertain to it. The appointment of Supreme Court Judges and High Court Judges is given to the Ministry of Home Affairs. Similarly, the items criminal procedure and criminal law which do form part of law should have been allotted to the Ministry of Law. I do not for a moment mean that the Ministry of Home Affairs is dominating over the Ministry of Law. But, all these matters are connected with the Ministry of Law. The Minister of Law should be the Minister of Justice and he should be in charge of all these portfolios.

Mr. Deputy-Speaker: That might be a wider question, not for the Minister of Law to answer.

Shri R. J. Rao: I quite agree. The joint responsibility of the Cabinet is there.

Mr. Deputy-Speaker: Here we are concerned with what this Ministry has done with the jobs entrusted to it.

Shri R. J. Rao: What I would like to impress upon the House is that the Minister of Law is responsible for judicial appointments and also for the administration of justice. Of course, the Cabinet is jointly responsible, I do not dispute that.

Shri Tangamani (Madurai): It is separation of judiciary from executive at all levels.

Shri R. J. Rao: Next I would deal with the oft-quoted principle of separation of judiciary and executive. We have been fighting for this principle even from the British times. After we achieved independence we are not going ahead with this principle. Several State Governments have not so far implemented this principle. My submission is that every State Government should be called upon to implement this and see that the judiciary is separated from the executive.

In this connection, I would like to say that in a welfare State, the position of administrative law has also to be considered. We have adopted the democracy of the British parliamentary type, but the position of the administrative law in a welfare State with its growing activities has also to be considered. We have to see what powers are to be given to the administrative tribunals and the right of appeal or superintendence over them should not be taken away. Of course, the superintendence of the High Court and also of the Supreme Court is there in certain circumstances. But it has to be seen that where an administrative tribunal is appointed, this right of appeal to a higher authority is there.

A few days ago, the Finance Minister declared on the floor of this House that he would prefer appointing a

network of administrative tribunals to go into the disputes regarding the pay or wage structure and so on. But in all these though I concede the necessity of the administrative tribunals in a democracy, the principle that these tribunals should be all sovereign could not be conceded.

I next refer to the law's delays in the administration of justice and in the disposal of cases. At present, civil cases take a long time to be decided upon. It takes a long time for a suit to be disposed of under the Civil Procedure Code. There is also long delay in the disposal of criminal cases. Of course, this problem has been entrusted to the Law Commission which is required to go into the state of the existing laws and devise ways and means for the speedy implementation of justice. But unfortunately, the Law Commission has taken a long time in submitting its report. In September, 1955, the Law Commission was constituted and we are given to understand that its time will be extended up to the end of December, 1957. My submission to the Law Minister is that the Law Commission should expedite its work and submit its report and recommendations and that the recommendations should be implemented soon.

Next I would deal with the drafting of the legislative enactments. Any amount of illegalities and loopholes are to be found in the Acts that have been recently passed both by Parliament and the State legislatures. I would request the Law Minister to bestow greater attention on this and see that in the matter of drafting all these laws, these irregularities or loopholes do not get in. If they get in, the result is that the litigants and the poor men are hit hard. For instance, the Life Insurance Corporation Act, sub-section (1) of section 11 has been given an interpretation by the High Court which held that the section is *ultra vires*. The position is still worse in regard to the State enactments. I am glad to find from the newspaper reports

that the hon. Minister is going to convene a meeting of all the State Law Ministers on this subject, and that he is going to see that hereafter drafting is given great importance and high priority and that hereafter a better system would be evolved.

I would also submit that some years back there was a proposal to give legal assistance to poor clients free of cost. Questionnaires were sent to all Bar Associations in the mofussil, but I do not know at what stage the matter stands. I would request the hon. Minister to consider and see if this question could be taken up.

Next, I would request the Law Minister to consider the question of the creation of an All-India Bar. This question had also been previously taken up. There should be a unification of the bar and the Minister should see that there is one grade of lawyer throughout the country. At present, various States have laws regarding legal practitioners and these laws differ, and similar is the case with regard to the fees. There should be a uniform system, and there should be a uniform grade of lawyers and a uniform system of fees, so that the clients can approach with certainty a lawyer and have the case argued.

Next, I would refer to article 222 of the Constitution which empowers the Government to transfer judges of one High Court to another High Court. This is a very salutary rule incorporated in the Constitution. The transfer of judges from one High Court to another is highly necessary. In cases where a particular judge occupies the bench for more than five or six or eight years, it would be in the interests of the country that the particular judge, however impartial he may be, is transferred to another High Court. However impartial he may be, he would naturally acquire some likes and dislikes, and it would be better that article 222 is implemented in future. This question should be considered.

Lastly, I refer to the Election Commission. The Election Commission is

given wide powers under article 324 of the Constitution. It was experienced during the last elections that the Election Commission passed certain orders and these orders are final. Some inconvenience was felt by the contesting candidates and parties. At the last moment, some constituencies were newly delimited and changes in the system of balloting were introduced. So, I would request the hon. Law Minister to bestow a greater amount of superintendence and supervision on the Election Commission and see that whatever rules are passed by the Commission, apart from the technical or formal rules, especially those rules which materially affect the elections, better attention is paid to those rules, and those rules are placed before Parliament before they are put into force.

Shri Surendranath Dwivedy: I want to be very very brief, and refer to a specific matter regarding the election petitions. Generally speaking, the elections have been run fairly and in an impartial manner. I have no grievance as regards that, nor do I subscribe to the theory that the powers of the Election Commission should be curtailed. But I feel there have been certain lapses or neglect, whatever one may call it, which to me appear to be very serious.

In the first general elections, there was an election petition against one ex-Minister, Shri R. K. Bose. He was a member of the Congress party in the Orissa Assembly. The election Tribunal that was appointed, disqualified him for six years, and an appeal was then preferred in the Supreme Court. The Supreme Court held that the election tribunal that was appointed had not gone into all the matters referred to in the election petition and that therefore, this matter should again be referred to the same tribunal. But, unfortunately, although the Election Commission appointed a tribunal, but not with the same persons who constituted the first tribunal. There was a rumour that certain wire-pullings were done and that the same persons were not there. I do not

[Shri Surendranath Dwivedy]

want to go into that matter, but the fact remains that the new tribunal or the changed tribunal that was appointed gave a verdict in favour of Mr. Bose and rejected the petition. An appeal was preferred in the High Court against the decision, and the High Court held that the new election tribunal that was appointed had no *locus standi* to decide the issue and that the matter should be referred to the previous tribunal. Nothing has been done in that respect; nor another tribunal was appointed; nor the Supreme Court was informed about the difficulties in appointing the same tribunal, as a result of which the person concerned who was disqualified by the tribunal again contested the election and got himself elected.

Shrimati Renu Chakravartty: Was he appointed as a Minister?

Shri Surendranath Dwivedy: He could not become a Minister because there were several allegations against him. I do not want to go into them. Therefore, it would seem that unless we take some speedy action regarding the disposal of election petitions, it would be very difficult, and the whole elections would be unfair.

There is another thing to which I would like to refer. The House must have known that even during the first general election, there were complaints about the ballot boxes. The Godrej boxes especially were said to be defective. I know that in Orissa Godrej boxes were used. I am informed that before a month of the polling, the defect in the Godrej boxes was pointed out to the Election Department in Orissa and, the Godrej Company was also informed about it. The company ultimately wrote to the person concerned that the boxes were made according to the specification given and with the approval of the Election Commission, who were the proper authority to be approached. The Election Commission, did not go into the

matter, although I am told that in the Election Department of the Government of Orissa, it was demonstrated that the boxes were defective. When the polling is going on, when the final seal is not put, it is possible to open the box and transfer the ballot papers from one box to another. Still no step was taken and the same boxes were used in the last general election. It is, therefore, inferred that in some cases, it is possible that the boxes were tampered with and votes transferred. Things happened which were said to be unfair. Therefore, I would like the Minister to refer this matter to the Election Commission or come forward with a statement in the House as to how far these things can be remedied. In future, let us not hear complaints like this, that the Election Commission neglected things, which were very important and serious in all respects.

Shri Pattabhi Raman (Kumbakonam): I am afraid that the legal profession, to which I have the honour to belong, has not in recent times been sharing the glory that it used to share in the olden days in the building up of the national life and in the contribution to the administration of the country. The lawyers must regain the position they held originally. After all, the father of the nation belonged to our profession; our Prime Minister belonged to our profession—I need not enumerate the numerous persons who belonged to our profession.

I do not share the view of my hon. friend from Kerala that we are not keeping in touch with the dynamic forces in the country today nor do I concede that we are reactionary and are not moving with the times. I would submit with great respect that we are well-qualified in every department, and we will only be too willing and ready to rush to the aid of the Government and the administration, wherever we are needed and whenever we are needed.

I submit in the first instance that legal education and the Bar should

be placed on an all-India basis. Likewise the judiciary also, I feel that the qualifications of lawyers and judges all over India should be the same and there must be a free transfer of judges, so that we will have judges with an all-India outlook, functioning in the various places. It will add to the homogeneity in the country and it will certainly counteract fissiparous tendencies that may be obtaining in the various parts of the country. The Madras State Bar Federation have submitted complete answers to the questionnaire sent out by the Law Commission and we have stressed *inter alia* there the various aspects of legal education and the equipment for the judiciary.

I next come to the sad fact that there is no mention at all of lawyers or the legal department in any of the Government publications of recent origin. *India—1957* refers to a number of matters including Manipur dances, to various departments and various institutions in all parts of the country, but not a word about the poor lawyer. I think he deserves some little mention. After all, I am astounded at the work done by the legal department and the amount of achievement that we have had in the last five or six years. Now the Hindu law of succession is different, our ideas of property have changed, we have abolished zamindaris. We have got a separate code for compensation wherever lands are acquired by Government. So much has been achieved, but not a word about the legal department or the lawyer is found in any Government publication except

Mr Deputy-Speaker: Would the hon. Member like to be bracketed with Manipur people?

Shri Pattabhi Raman: I wish to refer to this eight-page bulletin, which is very useful to us. I submit that we deserve, and there is need for better mention of us than what has been done.

Reference has been made to the separation of the judiciary from the executive. That, I am very proud to

say, has been achieved almost completely in Madras. We have been the pioneers in that direction and I have no doubt that other States will follow. That is very essential for the proper administration of justice, especially criminal justice.

With regard to legal aid for the poor steps have been taken in some States. Some act and some do not act. I submit that all aid should be given to the poor in whatever manner they need it. Here while talking about this matter, I wish to stress with all the strength at my command to the wickedness of the stamp charges in various States. In Madras, we have to pay 7½ per cent *ad valorem* stamp charges on litigation without any upward limit.

I will give you an instance. Supposing a great family had donated all their lands to the nation and the trustees have to fight to recover from transgressors some land, say worth Rs 5 lakhs. In Madras they will have to pay Rs 40,000 and odd as stamp charges—7½ per cent *ad valorem* without any upward limit. I am glad some States like Bengal have fixed an upward limit of Rs 10,000. There are States which want to make money out of litigation. It is wholly opposed to the great *Magna Carta* principles "To no one will we sell justice", etc. but yet justice is being sold. The usual answer trotted out by the Ministers in charge of legal departments in the States is that the civil administration is not running at a profit. But they include the cost of the magistracy and the criminal courts along with the civil justice receipts and say that there is no profit. Is it not a crying shame that the States should make money out of the misery of the litigant? After all, he does not resort to litigation unless he is forced to do it; it is not as if all people rush to litigation. It is a shame that a huge amount has been fixed as stamp charges—7½ per cent *ad valorem*. I know it is a State subject and the Centre cannot act in these matters. But, I hope that with the energetic lead from our Law Minister, some

[Shri Pattabhi Raman]

sort of uniformity would be achieved in this matter, as in so many other matters

So far as the simplification of Law is concerned much has been achieved I will give one example *Mayne's Hindu Law* is a big book with a thousand pages I had the honour of collaborating in the 10th and 11th editions of that book But now after the laws that we have passed recently, so far as Hindu law is concerned, that book needs to be reduced to one-third of its size, because matters like *bandhu* succession and so many other matters are now absolutely out of date and they are interesting only as ancient monuments Therefore, I would suggest that while the legal profession is co-operating in every manner in the simplification of law, it should be given proper recognition and as many lawyers as possible should be made use of for various purposes

For example, there is a dichotomy already in existence, so far as pleading and acting are concerned Conveyancing is done even where there are not solicitors and barristers as in Calcutta and Bombay We have barristers in Madras, but they become advocates the day they start to practise there Even in places like Madras there is a clear dichotomy There are people who are doing conveyancing work and there are people who are pleading in courts Conveyancing will become expert if we do like this I will give you an instance to show in what way lawyers can be made use of, so far as the getting up of the documents and their registration are concerned The Companies Act today is a very cumbersome enactment. There are so many enactments which need the advice of a lawyer at every step I submit that before every important document is registered, it should contain the signature of a lawyer as having advised the person concerned. It will certainly help to relieve the great unemployment in the profession and avoid

much confusion After all, it was not their fault There were only twenty-five or thirty when they joined the profession and they had then very different ideas of the profession All of a sudden, they are left high and dry They cannot become useful members of society unless they are respected, unless they are told in what way they can be made use of. I have no doubt that this will engage the attention of the hon. Minister

I find there are three wings functioning so far as the Law Commission is concerned One section has to deal with statute law and they are trying to codify the statute law and bring it up to date on an all-Indian basis A second wing has made suggestions with regard to the liability of the State in tort, parliamentary legislation with regard to sales tax, Limitation Act and a proposal that the High Courts should sit for a few days at different places in the States. Their work is not all embracing I submit that they should engage themselves more with the rationale of the law and the juridical principles and any suggestions coming from them will be of immense value to us I sincerely in conclusion hope that an attempt will be made to place all the lawyers and the judiciary on an All India basis, and that this will engage the attention of the Ministry.

श्री अक्षय्यो (बिल्हौर) : उपाध्यक्ष महोदय, मुझे विधि मंत्रालय के सम्बंध में कुछ ज्यादा नहीं कहना है, केवल दो तीन बातों की ओर ध्यान आकर्षित करना चाहता हूँ ।

यह सर्वमान्य सिद्धान्त है कि वह न्याय जो सस्ता हो, जल्दी हो और निष्पक्ष हो, वह न्याय उत्तम माना जाता है । इस में कोई सन्देह नहीं है, जिसका धनी एक माननीय सदस्य ने कहा, कि इस देश के अन्दर यह एक बड़ा नीतिक प्रश्न था कि एन्वी-क्यूटिव और जूरीशिचरी को, अर्थात् कार्यपालक शक्ति और न्यायपालक शक्ति को,

निष्पत्ति चाहिए और उन में कोई सम्बन्ध नहीं होना चाहिये। बहुत से प्रान्तों में इस का प्रयोग भी किया गया है। मैं उत्तर प्रदेश का हूँ। उत्तरप्रदेश की सरकार ने भी यह काम प्रारम्भ किया है और वहाँ पर जूडीशियल मजिस्ट्रेट नियुक्त किये गये हैं। लेकिन उन की हालत यह है कि आज भी जूडीशियल मजिस्ट्रेट जो न्याय करते हैं उन में उन पर एग्जीक्यूटिव का डब्बा रहता है और जो कार्य वह करते हैं उस के बारे में एक वर्ष पश्चात् डिस्ट्रिक्ट मजिस्ट्रेट को रिपोर्ट देनी पड़ती है कि उन्होंने कैसे कार्य किया है। आप अनुमान लगा सकते हैं कि इस का जूडीशियल मजिस्ट्रेट पर क्या प्रभाव पड़ता होगा। जूडीशियल मजिस्ट्रेट भ्रमण कार्य करते हैं लेकिन डिस्ट्रिक्ट मजिस्ट्रेट उन के काम के बारे में रिपोर्ट देता है। इसलिये स्वाभाविक है कि जूडीशियल मजिस्ट्रेट यह समझे कि उन को एग्जीक्यूटिव के आधार पर काम करना चाहिये क्योंकि यदि वे ऐसा न करे तो हो सकता है कि उन की रिपोर्ट ठीक न दी जाये। मैं कहता हूँ कि विधि मंत्रालय इस ओर ध्यान दे कि उत्तर प्रदेश में जो जूडीशियल मजिस्ट्रेटों के प्रमोशन होते हैं उन के बारे में जो डिस्ट्रिक्ट मजिस्ट्रेट रिपोर्ट देता है यह बड़ी विलक्षण बात है। जबकि एग्जीक्यूटिव और जूडीशियल विभाग को भ्रमण कर दिया गया है।

Pandit K. C. Sharma (Hapur).
With your permission, I may correct the Member Report is made with regard to the work done not the method or the judgment.

श्री अवस्थी : मैं समझता हूँ कि जब जूडीशियली और एग्जीक्यूटिव को बिल्कुल भ्रमण कर दिया गया है तो एक जूडीशियल मजिस्ट्रेट के काम के बारे में डिस्ट्रिक्ट मजिस्ट्रेट को रिपोर्ट नहीं देनी चाहिये क्योंकि वह एग्जीक्यूटिव का डब्बा है।

* दूसरी बात जिस की और में ध्यान आकर्षित करना चाहता हूँ वह यह है कि

हमारी न्याय प्रणाली ऐसी होनी चाहिये कि न्याय बहुत शीघ्र हो। मैं सदन के सामने अपना एक उदाहरण रखना चाहता हूँ और बतलाना चाहता हूँ कि उत्तर प्रदेश में यद्यपि जूडीशियली भ्रमण है, पर उस का हाल क्या है। मेरे ऊपर ११ महीने से दफा ८८ का एक मुकदमा चल रहा है। चूँकि वह कैसे सबजूडिस है इसलिये उस के बारे में मैं ज्यादा नहीं कहूँगा। मैं केवल इतना ही कहूँगा कि आज ११ महीने हो गये हैं लेकिन आज तक केस की हियरिंग तक नहीं हुई है। इस प्रकार का अन्याय तो एक लोक सभा के सदस्य के साथ ही रहा है। जन साधारण के साथ क्या होता होगा इस का आप सहज ही अनुमान लगा सकते हैं।

उपाध्यक्ष महोदय शायद यह लोक-सभा के सदस्य का ही मान हो।

श्री अवस्थी : अगर आप समझते हैं कि यह मान है तो उचित है।

आज इस बात की दुहाई दी जाती है कि न्याय बहुत शीघ्र हो जाता है लेकिन जूडीशियल मजिस्ट्रेट ऐसा नहीं कर रहे हैं। आप पीबियो में चाहे जितनी अच्छी बातें लिख दे लेकिन जब तक उन पर भ्रमण नहीं होगा तब तक कोई अच्छा परिणाम नहीं हो सकता।

दूसरी बात मैं हाईकोर्ट और सुप्रीम कोर्ट के बारे में कहना चाहता हूँ। हम को सावधान के अनुसार हैबिस कार्पस मुक्त करने का अधिकार मिला हुआ है। जब हम समझते हैं कि हम पर अन्याय हुआ है तो हम हाईकोर्ट और सुप्रीम कोर्ट के सामने जा कर इस प्रकार के न्याय की याचना करते हैं। मैं समझता हूँ कि जब से देश आजाद हुआ है तब से हाई कोर्ट और सुप्रीम कोर्ट के सामने हैबिस कार्पस की बहुत सी एप्लीकेशन्स वेश की गई हैं लेकिन मैं आप का ध्यान इस ओर आकर्षित करना

[श्री भक्शनी]

चाहता हू कि उन का निर्णय इतनी देर में हो पाता है कि उस का मूल्य ही समाप्त हो जाता है। हम नें सुना है कि जब इंग्लैंड या अमरीका में कोई इस प्रकार की पुकार करता है तो उस को २४ घंटे में न्याय मिल जाता है। लेकिन हमारे यहाँ हाईकोर्ट और सुप्रीम कोर्ट में महीनों मामले पड़े रहते हैं और कोई निर्णय नहीं हो पाता। मैं समझता हूँ कि इस कारण न्याय का मूल्य ही नष्ट हो जाता है। मैं चाहूँगा कि विधि मंत्रालय इस और ध्यान दे।

अब मैं जानता फाजदारी और दंड विधान की कुछ धाराओं की ओर आप का ध्यान आकर्षित करना चाहता हूँ। मैं बकोल तो नहीं हूँ लेकिन इन धाराओं का मुझे शिकार होना पड़ता है। इस में कुछ धारों से सीक्योरिटी मेजर्स के नाम से रखी गई हैं और उन के द्वारा जो अपराधी नहीं होता उस को भी सजा दे दी जाती है। ये दफाएँ हैं १०७, १०९ और ११०। जो आदमी अपराधी नहीं होता उस को इन धाराओं के द्वारा अपराधी बना दिया जाता है। मैं डेढ़ महीने जेल में रहा, इतिहास से मैं सी० क्लास में रखा गया। मैं कानपुर जेल में था। उस जेल में लगभग ८०० कैदी थे जिन में लगभग ४०० कैदी ऐसे थे जो दफा १०९ के शिकार हुए थे। अगर किसी को एक साल की सजा हो गई तो उस के छूटने पर पुलिस उस को न दफाओं के अन्दर फिर गिरफ्तार करके जेल में डाल देती है। आप कह सकते हैं कि यह मामला तो गृह मंत्रालय के अधीन है लेकिन मैं कहना चाहूँगा कि कानून में जो धारों बनाई गई हैं उन के पुलिस को इस प्रकार का अनुचित अधिकार मिल जाता है। मैं चाहूँगा कि धारा १०७, १०९ और ११० को जिन से हमारी स्वतंत्रता का अपहरण होता है हटा दिया जाना चाहिये।

इस के अलावा डिस्ट्रिक्ट मजिस्ट्रेट को दफा १४४ के अन्तर्गत जब वह अपने मन करे कि अशान्ति की सम्भावना है बहुत ज्यादा अधिकार दिया गया है। मैं आप से कहना चाहूँगा कि कानपुर में, जहाँ का मैं रहने वाला हूँ और जहाँ की सेशन अदालत से मैं छूट कर आया हूँ, वहाँ पर अठारस से दफा १४४ लागू है। अन्धी सेशन कोर्ट ने उस के खिलाफ आर्डर पास किया। मैं चाहूँगा कि विधि मंत्रालय इस की ओर ध्यान दे और जो कानून हमारी स्वतंत्रता का अपहरण करते हैं उन को हटा दिया जाये।

एक चीज बहुत गम्भीर है। हमारे देश में प्रायः कत्ल और डकैती के अपराध होते हैं। सब जानते हैं कि इन मामलों में पुलिस तथ्यों का दिवास्टिंग और फोरीकेशन करती है। मेरा सुझाव है कि पुलिस को ऐसा करने का मौका न दिया जाये। दफा १६१ की उपधारा ३ में यह नियम है कि अभियुक्त को नकलें दी जायें। मैं चाहूँगा कि पुलिस डायरी और प्रथम सूचना की नकल २४ घंटे के अन्दर सेशन जज के पास भेज दी जाय करे तो पुलिस को फोरीकेशन करने का अवसर नहीं मिलेगा। आजकल तो पुलिस डायरी में जो चाहती है भर भ्रष्ट कर भेज देती है और सुपरिटेण्डेंट पुलिस बैकडेट में साइन कर देते हैं। यह बहुत गम्भीर चीज है।

मैं आशा करता हूँ कि मैं ने जो सुझाव दिये हैं उन को विधि मंत्रालय ला कमीशन के सामने पेश करेगा और उन पर विचार किया जायेगा।

Shri A. K. Sen: Mr. Deputy-Speaker

Shri Tangamani: Before the Minister begins, may I submit, Sir, in this one hour, even the points which are

brought out in the cut motions could not be elaborated by independent speakers?

Mr. Deputy-Speaker: This House has decided one hour. More minutes could not be compressed into that hour.

Shri Tangamani: I request that the hon. Minister may meet all the points covered by the cut motions though they were not developed in any of the speeches.

Shri A. K. Sen: It has been very pleasant indeed to notice so much enthusiasm for the work of a Ministry which functions rather peacefully, beyond the pale of controversy. I am very much obliged to the hon. Members of this House for introducing into the debate impartial and constructive suggestions, whether they have been on the opposite side or on this side. That is really a very significant thing so far as our Ministry is concerned. It shows that we do discharge a useful function for which our demands are very frugal. I am obliged to those who have expressed the opinion that the Law Ministry should be given more importance than it enjoys at the present moment. That is indeed a matter not for me to answer, but for others to answer. It is not a matter which is pertinent to the work of the Law Ministry.

13 hrs.

Shri Tangamani has requested me to deal with all the cut motions. I do not think it will be possible to do so within the period allotted to me.

An Hon. Member: You can take some more time.

Shri A. K. Sen: But I shall certainly try to deal with the substantial ones.

Mr. Deputy-Speaker: The difficulty is that I shall have to ring the bell and not the hon. Member.

Shri A. K. Sen: Let me now deal with the points raised in the course of the debate this morning. The hon. Member from Kerala has introduced

the subject of social justice, fundamental rights, equality before the law. I do not suppose that it can be contended for a moment that the law of this country is not based on those high principles or the laws do not recognise those principles to which we all owe our allegiance. It is only necessary to quote from the Constitution, the preamble which forms the basis of all laws in this country. I suppose the greatest achievement of free and independent India has been and will always be its Constitution which has given it the place of the greatest democracy in Asia and which it is for us to maintain. It is necessary again to quote the preamble of the Constitution.

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

That is the answer to the points raised by the hon. Member from Kerala; nothing more need be said.

Shri Easwara Iyer: I did not dispute that. I said that such provision having been made in the Constitution, our obligations must be consistent with that and we must develop a legal philosophy in that respect.

Shri A. K. Sen: Any law or any administration of justice which contravenes those principles will be declared ultra vires; nothing more needs be said on that.

[Shri A. K. Sen]

Regarding the question of revision of laws and judicial reforms, they are certainly urgent needs. There will be no attempt on our side to minimise the importance of those two subjects. As hon. Members are aware, the Law Commission was constituted to deal with two specific problems. The first may be described as administration of justice; the second the work of law revision. The deliberations of the Law Commission on the first problem is awaiting completion and their report is expected by the end of this year. Hon. Members will no doubt be apprised of the report and I can assure them that all necessary legislation will be undertaken to expedite cheap and inexpensive justice.

Regarding statute revision, the Law Commission has upto now produced four reports on four specific subjects. They would do credit to any Law Commission in any part of the world. I have myself gone through them and I have nothing but admiration for the excellent work they have done so far. I have no doubt that when their labours will be completed this country will be given a set of the finest laws which you can imagine.

I would like to say a few words more on the necessity of preventing delays in the administration of civil and criminal justice and to make both cheap and inexpensive. It is true that due to various causes which it is not possible to deal with during the short spell of time allotted to me this morning, litigants have justly felt and are feeling that they have to wait for an indefinite period in getting justice, whether it is in a criminal court or a civil court. I agree with the hon. Member from the United Provinces about many of the complaints which he has given expression to this morning. He expressed a feeling which is current among the litigants in general. Whether all the complaints are true or not is a different matter, but the feeling that justice is delayed must be taken note of and serious note of. For that purpose various expedients are

under examination, including the investigation of the Law Commission. Hon. Members must have read already the various steps which the Law Ministry have initiated for the purpose of formulating a set of rules or laws which would henceforward make justice speedy and cheap.

I may give a few indications here and now which are not finally decided upon, but which may be discussed by hon. Members and in future we might have further discussions on them. Take for instance, the High Courts which have been the subject of constant complaints both from the litigants as also from government departments. It is not necessary again to go into the causes which have been responsible for the huge arrears which have accumulated in the different High Courts of India. Nor is it necessary again to dwell on the causes which prevent expeditious disposal of cases pending before the High Courts. Hon. Members are aware that most of the High Courts have been given additional judges, including the Calcutta High Court. We are also contemplating the question of introducing written arguments in appellate stages. It is a complaint of litigants and sometimes of judges that there are many advocates who do not know how to make their speeches short and incisive and as a result much more time is taken up than is actually necessary to assist the courts.

Shri Easwara Iyer: Some judges sleep also

Shri A. K. Sen: It is for the Bar to pull them up. A healthy Bar would always pull up a judge who sleeps. That is the tradition of the Bar and I hope the Bar will keep it up.

Mr. Deputy-Speaker: When written arguments are given they have to read them at home. Who will pull them up then?

Shri A. K. Sen: Then there is the question of refusing adjournments repeatedly on flimsy grounds. Various other methods are under examination,

but no final conclusions can be reached before the report of the Law Commission is available.

Some hon. Members referred to the question of introducing administrative law, in order to reduce the work of High Courts and also civil courts. It is a matter worthy of examination, and I can assure the hon. Members that the Law Ministry is having the matter under its examination. It is too early to say yet what the conclusions of the Ministry would be, and necessarily we have also to depend upon and take into account the report of the Law Commission which may be submitted by the end of this year.

The next question raised by the hon. Member from Kerala is the separation of the judiciary from the executive. Several other hon. Members also have touched on the same question. In most of the States there is already a complete separation of the judiciary from the executive. Not always does that bring about speedy justice or inexpensive justice. The High Courts are completely free, most of the civil courts are completely free—why most, all civil courts are completely free from the executive in every manner, and yet there is delay, there are arrears, there is corruption, and litigants have to pay more than they are obliged to pay under the law for having anything done in a court of law. So, the separation of the judiciary from the executive is not always the panacea for all ills. Some other steps have to be taken into account and devised.

We have tried mostly in West Bengal—and the Law Minister of Kerala has responded to that suggestion very quickly—having combined committees of senior Judges and representatives of the Bar for each court to deal with the question of delay, corruption and other problems relating to courts, so that the primary need of meting out cheap and speedy justice to the litigants may be ensured from day to day. It is my firm conviction, and I am sure the hon. Members here will agree with me, that no court of law can function free from corruption of the administrative off-

cers below and no court can mete out speedy and cheap justice to the litigants without the co-operation of the Bar, and the bar owes to the nation and the litigants whom they serve the duty of rendering all assistance possible to the courts in discharging the paramount duty.

The Bar in many States has responded. There have been difficulties created. Some High Courts have raised the question as to whether such committees would not be interfering with the paramount superintendence of the High Courts. Another view is possible in the matter because this has nothing to do with the superintendence of the courts. It is a matter touching on the public side of the administration of justice in which consultative committees consisting of representatives of the Bar and the Bench sit together to deal with specific complaints regarding corruption and delay. In my view that is the only way by which these two evils can be got rid of. If there is any such legal difficulty felt in the way of implementing these consultative committees drawn from the Bar and the Bench, necessary legislation may have to be undertaken, but the paramount duty of serving the public must be followed and complied with, and no technical objections can stand in the way of the implementation of these very healthy measures.

My hon. friend Shri Jaganatha Rao again has said—it is certainly very pleasing to me—that the Law Ministry has not been given enough importance. That, as I have said, is not a matter to which I should reply or should really be called upon to reply. He has also touched on administrative law. I have replied to that aspect of the matter. Then, delay in the civil and criminal courts. That has already been replied to.

He has raised the question of article 222, namely the exercise of powers by the executive in transferring a High Court Judge from one High Court to another. It certainly is a very extraordinary power. The power in its terms is unlimited and no condition is

[Shri A. K. Sen]

prescribed for its exercise by the executive, but as the executive in any democratic set-up must act responsibly, this power under article 222 must be exercised with due care and caution. Though in terms it is unlimited, and though according to its specific provisions the executive is not answerable to any one but Parliament, yet for the purpose of preserving a fearless and independent judiciary which is the greatest safeguard for preserving democratic institutions and rights, it is necessary that these extraordinary powers in the hands of the executive are exercised with due care, caution and restraint, and I am sure the hon. Members who are in favour of the executive exercising these powers would agree with me that these great powers have to be exercised very, very rarely. It is only in rare cases where it becomes important for the purpose of ensuring incorruptible justice in a particular High Court that a Judge should be transferred from his Court to another, and I have no doubt that under our Constitution any executive that is entrusted with the Government of this country would observe that rule of care and caution.

The next question on which most of the cut motions have been tabled is the question regarding the work and functions of the Election Commissioner. No doubt there have been cases here and there of rules for the conduct of elections, for the preparation of electoral rolls and other relevant rules being broken. Whether the complaints are genuine or not is a different matter, but I can say this with firm conviction, and I am sure most hon. Members will agree with me, that one of the greatest things that our Constitution has achieved is the setting up of a fearless and independent Election Commission which has undertaken and carried out the work of conducting elections covering a population of nearly 400 millions of people in a country where even a few years ago our ex-rulers used to think democracy was impossible, in a country where it was freely expressed that

it would be impossible to introduce universal adult suffrage. The requirements of the Constitution of giving the right of vote to every one, and the right to every adult man or woman to choose his own representative and his own Government have been admirably discharged by the Election Commission set up under the Constitution. It is not only that we feel flattered ourselves by what has been done under the Constitution by one of the integral organs of the Constitution and the Government, but it is a matter which has been very freely acknowledged by the outside world. It is only here in the whole of Asia that amongst a vast population suffering from all sorts of evils, poverty, disease, illiteracy etc., that we have set up a machinery which has during the last two General Elections successfully discharged the responsibilities demonstrated by a responsible electorate. This House, and representatives drawn from every shade of opinion from every political party worth mentioning, will speak for the efficiency with which the elections have been conducted, showing thereby that the electorate has been taught its role and that those who have run the machinery have in fact run it very very well. No law need be amended for this purpose, and no principle of ours need be changed. What is necessary is to check the evasion of laws, the breach of rules in particular instances. That is for the hon. Members here to ensure, and the different party leaders to ensure.

The question of ballot boxes, the question of voting by *purdanashin* ladies, and various other matters covered by the different cut motions have been made fool-proof by the rules. If they are observed, they are immune from any vice. But if they are not observed by those who are entrusted with the work, then like any other rule, they may break down. But I am happy to say that they have been observed universally, excepting possibly in very very rare cases.

I think that really brings me to the end of the 15 minutes allotted to me..

Mr. Deputy-Speaker: 25 minutes.

Shri A. K. Sen: I am thankful to you and the House for the indulgence extended to me, and the few kind words extended to me. I hope that the Ministry will live up to the expectations raised in the House in the course of the debate this morning.

Shri Surendranath Dwivedy: What about the specific point which I raised about the election petition?

Shrimati Renu Chakravarty: He means Rajkishore Bose's election.

Shri A. K. Sen: I am not posted with the facts of the case, because that is not the subject of any particular cut motion. But I can tell the hon Member that the rules regarding election petitions are perfect and are not capable of improvement. What is necessary is that those who are chosen to man the election tribunals are chosen with care and the Bar which is represented.

Shri Surendranath Dwivedy: The Minister has not answered my point. Perhaps, he was not here when I spoke, and he has not understood what I said.

Shri A. K. Sen: I was here very much.

Shri Surendranath Dwivedy: The High Court held that another election tribunal should be appointed.

Shri A. K. Sen: I was here. I have told the hon Member already that I am not posted with the facts of this case. So, I cannot deal with it. That was not made the subject-matter of any cut motion. What the High Court has held, why it has held so are all matters which need investigation. But the running of election tribunals is governed by rules of procedure, and if the personnel is chosen properly, I do not see any scope for improving the rules.

If there has been any tribunal which has not done its duty, there are the appellate authorities which will set it right. That is the function of the appellate authority. Even in ordi-

nary courts, you will find cases which are remanded by the High Court, either to the same court or to a different court. But that is not a reason why the Code of Civil Procedure should be amended or the Code should be abolished. Particular matters should be agitated in a particular manner. I suppose if there has been any case of malpractice by the tribunal, it is a matter for a specific complaint to be addressed to the Election Commission.

Mr. Deputy-Speaker: The following are the cut motions intimation of which was given at the Table.

Demand No	No of cut motions
73	1132, 1133, 1134
74	1137, 1138,
75	1141, 1142,

Shri Sadhan Gupta (Calcutta-East): Cut motion No 781 also may be included.

Shrimati Renu Chakravarty: Yesterday, the Speaker allowed.

Mr. Deputy-Speaker: I will include that also.

Election Commission's proposals of new method of Marketing System of elections instead of the present one

Shri Tangamani: I beg to move

"That the demand under the head 'Ministry of Law' be reduced by Rs 100"

Delimitation of constituencies

Shri Tangamani: I beg to move

"That the demand under the head 'Ministry of Law' be reduced by Rs 100"

Appointment of retired judges on election tribunals

Shri Tangamani: I beg to move:

"That the demand under the head 'Ministry of Law' be reduced by Rs 100"

Delay in disposal of appeals pending before the Supreme Court

Shri Tangamani: I beg to move:

"That the demand under the head 'Administration of Justice' be reduced by Rs. 100."

Heavy costs for filing of appeals before the Supreme Court against the decisions of Industrial tribunals

Shri Tangamani: I beg to move:

"That the demand under the head 'Administration of Justice' be reduced by Rs. 100."

Need for the early publication of the Law Commission's Report

Shri Tangamani: I beg to move:

"That the demand under the head 'Miscellaneous Expenditure under the Ministry of Law' be reduced by Rs. 100".

Need for new legislation on criminal law, procedure and Law of Evidence.

Shri Tangamani: I beg to move:

"That the demand under the head 'Miscellaneous Expenditure under the Ministry of Law' be reduced by Rs. 100."

Need to introduce legislation for minimising delay in civil and criminal litigation

Shri Sadhan Gupta: I beg to move:

"That the Demand under the head 'Ministry of Law' be reduced by Rs. 100."

Mr. Deputy-Speaker: I shall now put the cut motions to vote.

All the cut motions were put and negatived

Mr. Deputy-Speaker: The question is:

"That the respective sums not exceeding the amount shown in

the fourth column of the Order Paper be granted to the President to complete the sums necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of the following heads of Demands entered in the second column thereof, namely Demands Nos. 73, 74 and 75."

The motion was adopted.

[The motions for Demands for Grants which were adopted by the Lok Sabha are reproduced below—Ed.]

DEMAND NO. 73—MINISTRY OF LAW

"That a sum not exceeding Rs. 1,00,56,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Ministry of Law'".

DEMAND NO. 74—ADMINISTRATION OF JUSTICE

"That a sum not exceeding Rs. 1,39,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Administration of Justice'".

DEMAND NO. 75—MISCELLANEOUS EXPENDITURE UNDER THE MINISTRY OF LAW

"That a sum not exceeding Rs. 3,65,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Miscellaneous Expenditure under the Ministry of Law'".

MINISTRY OF TRANSPORT & COMMUNICATIONS

Mr. Deputy-Speaker: The House will now take up discussion of the

Demands for Grants Nos. 82 to 91 and 127 to 131 relating to the Ministry of Transport and Communications. As the House is aware, 9 hours have been allotted for the Demands of this Ministry.

There are a number of cut motions to these various Demands. Hon. Members may hand over at the Table within 15 minutes, the number of the selected cut motions which they propose to move. I shall treat them as moved, if the members in whose names these cut motions stand are present in the House and the motions are otherwise in order.

The time-limit for speeches will, as usual, be 15 minutes for the members including movers of cut motions, and 20 to 30 minutes if necessary, for Leaders of Groups.

DEMAND NO. 82—MINISTRY OF TRANSPORT AND COMMUNICATIONS

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 72,09,000 including the sum already voted on account for the relevant services be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of ‘Ministry of Transport and Communications’”.

DEMAND NO. 83—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES)

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 35,31,66,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of Indian Posts and Telegraphs Department (including working Expenses)”.

DEMAND NO. 84—PORTS AND PILOTAGE

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 36,85,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of ‘Ports and Pilotage’”.

DEMAND NO. 85—LIGHTHOUSES AND LIGHTSHIPS

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 80,83,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of ‘Lighthouses and Lightships’”.

DEMAND NO. 86—METEOROLOGY

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 88,84,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of ‘Meteorology’”.

DEMAND NO. 87—OVERSEAS COMMUNICATIONS SERVICE

Mr. Deputy-Speaker : Motion moved:

“That a sum not exceeding Rs. 67,00,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of ‘Overseas Communications Service’”.

DEMAND No 88—AVIATION

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 2,07,74,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Aviation'".

DEMAND No 89—CENTRAL ROAD FUND

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 2,49,78,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Central Road Fund'".

DEMAND No 90—COMMUNICATION (INCLUDING NATIONAL HIGHWAYS)

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 3,34,06,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Communication (including National Highways)'".

DEMAND No 91—MISCELLANEOUS DEPARTMENTS AND OTHER EXPENDITURE UNDER THE MINISTRY OF TRANSPORT AND COMMUNICATIONS

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 1,57,94,000 including the sums already voted on account for the relevant services be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958,

in respect of 'Miscellaneous Departments and other Expenditure under the Ministry of Transport and Communications'".

DEMAND No 127—CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS (NOT MET FROM REVENUE)

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 14,45,18,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Capital Outlay on Indian Posts and Telegraphs (not met from Revenue)'".

DEMAND No 128—CAPITAL OUTLAY ON CIVIL AVIATION

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 1,67,77,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March 1958, in respect of 'Capital Outlay on Civil Aviation'".

DEMAND No 129—CAPITAL OUTLAY ON PORTS

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 3,12,08,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Capital Outlay on Ports'".

DEMAND No 130—CAPITAL OUTLAY ON ROADS

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs. 8,45,83,000 be granted to the President to complete the sum

necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Capital Outlay on Roads'".

DEMAND NO 131—OTHER CAPITAL OUTLAY OF THE MINISTRY OF TRANSPORT AND COMMUNICATIONS

Mr. Deputy-Speaker : Motion moved

"That a sum not exceeding Rs 11,52,92,000 including the sums already voted on account for the relevant services be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1958, in respect of 'Other Capital Outlay of the Ministry of Transport and Communications'

(Shrimati Renu Chakravartty (Basirhat) Under the Ministry of Communications, I shall confine my remarks to the Demand under the head 'Aviation'

Actually for the last four or five years almost every year, I have been raising the question of the Civil Aviation Department the Indian Airlines Corporation and also the Air India International. We find that most of the basic problems about which we have spoken in this House again and again have not been attended to at all by the Ministry during these five years. So I wonder whether it is any use our debating upon these Demands for Grants at all.

This year, we are discussing the Demands of this Ministry under the shadow of the strike notice which has been given already by the Civil Aviation Department employees' Union. I feel that if during the course of these five years, the various demands, and very legitimate demands, which had been placed before the Ministry had been attended to by them, not only would our services have been better, but even this strike notice would not have come about.

For instance, at the time of the first Pay Commission, this Department was absolutely in its infancy. There

were hardly 23 aeronautical communication stations, and 27 aerodromes at that time. But after Independence, today, we have developed this Department to such an extent that we have got 67 aeronautical communication stations and 70 aerodromes, we have seven institutional centres, we have a training establishment, we have a stores department, a radio construction and development organisation and so on. All these have since come into being. Since 1954, we have indented for the latest technical equipment, radar equipment and so on, and as a result, highly trained hands have now come into this organisation.

At the time of the first Pay Commission, the employees of this Department were not even able to represent their case before the Pay Commission, with the result that in many cases, as for instance, in the case of radio technicians and operators the pay-scales were reduced from what they were earlier in the British days. So, it is a very legitimate demand that the service conditions of these people should be looked into, for this is a Department which works under certain special conditions.

For instance, the living conditions of these people are very different from officers. They live in remote places far from the cities and aerodromes, and they have hardly any connection with the cities. There are few public transport facilities for them. Medical aid also is very difficult to get at. The schooling of their children is a problem which has been discussed in this House again and again.

It was said that transport was going to be provided for them. Even in a small matter like this, in spite of the promises held out on the floor of this House, it is only in a very few aerodromes and places of work that this facility has been extended to the workers.

Then, there is the question of the hours of work.

That has been a long-standing dispute regarding the employees working round the clock all the 365 days.

[Shri Mathi Renu Chakravartty]

Shri Raj Bahadur knows it very well I myself have raised it four times during the last five years. We have been told by calculation of hours that they get 36 hours and 24 hours in between. But a man who goes for duty this morning at 7 goes back again to duty tomorrow in the evening at 7. This is how 36 hours are calculated. But if a man wants to go for the week-end, it is not possible for him to take that day off, because he is again on duty in the evening.

The workers have even said this, 'you arrange our time-table, do anything you like, we are prepared to follow the schedule, but we desire to have one day off in the week. We do not want to work 365 days in the year.' I think this a very very legitimate thing and this is a point which, with just a little arrangement, can be met.

Then again, there is the question of chowkidars—class IV staff. We all talk about it. What has happened? The question of their hours of work has been debated on the floor of this House again and again. At one stage I remember the Minister—I do not know whether it was Shri Raj Bahadur or whether it was the Minister—saying that this is a matter about which we have agreed and we are going to reduce the hours.

Again there is the question of three categories among chowkidars, the casual, the intermittent and some other, I think 'alert staff' or something like that. One cannot understand what is meant by this 'intermittent' category. Is it that those who are not on the 'alert' category and are in the intermittent category will have a few hours of work and again they will go off for a few hours, according to the Rajadhyaksha Report, or is it that they will have to continue on duty and they would still form this intermittent category?

13-32 hrs

[SHRI BARMAN in the Chair]

One can understand what is meant by the 'casual' category but as regards

'intermittent' category, one has to be clear as to what is the meaning of it.

These are small points, but they have been left unattended to; year after year, things have come up and been discussed. Sometimes the Minister has agreed. Then we hear that the whole thing is held up. We are told sometimes that this Ministry has agreed to it but the Home Ministry has held it up. Up to what point, up to what limit can we go on discussing these things? And then the whole matter is reopened in the next year and the only occasion on which we are allowed to discuss these things is when the budget demands come up for discussion.

Therefore, I feel that there is a very good case for these people to put their case before the Pay Commission. Let the Pay Commission decide whether the Demands made by these people are legitimate or not.

I myself have been to many of the aerodromes in the Assam area. This is an area which is the most paying so far as the IAC goes. And what is the position regarding the Civil Aviation Department employees there? Every year, as I go through the budget estimates and budget demands, I find that allocations have been made for construction of quarters. Now, it is no doubt true that in places like Dum Dum during the last five years we have put up some very good houses. But as far as the very far places are concerned, as for example, a place like Mohanbani, what is the position? I am sure the new Deputy Minister knows that in places like Mohanbani there is hardly any other place where the civil aviation employees can live except the jungles. So unless you put up quarters for them where are the civil aviation department employees going to live?

Again I find that this year there is an allotment for it. But I do not know whether this year construction of quarters will be undertaken in Mohanbani, because I believe the PWD is not interested as they are not

able to get the middleman's profit since they have to cart all the goods over long distances. If that is so, the department has directly to undertake the construction itself.

There is also the question of school buildings. Every year, we have allocated some funds for building schools. But as far as I know, there are no school buildings built as yet in any of even the major aerodromes—if I am incorrect I hope the Minister will correct me.

Now, I shall also take up the question of lack of planning in some of the buildings. For instance, there is a new terminal building in Santa Cruz. This was built for air conditioning; the whole building plan was such with very few floors and windows. Now because of foreign exchange difficulties, air conditioning is not coming. But our best equipment is going to be put up there. It will be impossible for the workers to work in such a designed house without air conditioning. The seating arrangements are such that it is most uncomfortable for the workers to work. Now we have no foreign exchange for air conditioning.

I would at least beg of the Minister to take away some of the air conditioning equipment from the Secretariat here and put it there, because the technical equipment which we have there is more precious to us than the comfort of our Ministers. Of course, I do not want to take away comfort from the Ministers, but I want to just a little minimise their comfort and that of our officers, so that that equipment goes there. I think there is no harm in that. So I hope that this new terminal building will have the air conditioning plant which is so necessary from the technical point of view.

I do not want to go further into the question of the civil aviation department employees because I am sure the new Minister, who has come, will look into it. I hope he will do something about these major issues.

I have not raised at all the question of the pay structure, because that is a very very intricate matter. Most of the civil aviation department employees have been recruited round about 1947 or 1948 and they have all reached the maximum of their promotion. All the high cadres are directly recruited. Now, those who have to retire in 10 or 15 years are at a standstill, they have no means of further promotion. These are very serious things.

I think as far as the civil aviation department employees are concerned, they work more efficiently and under worse conditions than those who handle such technical equipment, say for instance, in the army. I know the army will be called in which a strike occurs. But I can assure you that a radio operator working in the conditions of the civil aviation department is working in a far worse condition than a man handling similar equipment in the army, and this army man, who has various other subordinates, will be handling one machine which the boys of the civil aviation department will be handling alone.

So you cannot say that this is a department in which the employees are not working but are demanding more. This department is, to my mind, one the staff of which has the most legitimate right to ask for a revision of their pay scales.

Now I go on to the Indian Airlines Corporation and Air India International. The Air India International is showing a surplus, but the Indian Airlines Corporation, as ever is showing a deficit. Many of us on this side who have been interested in this particular department, have seen the stages right from the beginning, with the nationalisation Bill, up to date. We have always advocated that there should be some sort of one corporation. But that was not accepted. Now the Estimates Committee has more or less appreciated many of the things and policies carried out by Air India International. I feel some sort of a Board should be constituted which would make available to the

[Shrimati Renu Chakravartty]

Indian Airlines Corporation and its high executives some of the experience which has earned rich dividend for Air India International. Each should be able to learn through the other.

I do not go very much into the details about this Board and the Indian Airlines Corporation itself as constituted. The Estimates Committee has gone into it very thoroughly and it has recommended the type of manager we want, the type of Board we want etc.

But what I want to point out is that after nationalisation, we hear criticism that it is because of nationalisation that all our ills have come about. But we, as persons who have supported nationalisation always, feel very much concerned when people who are always opposed to nationalisation are in a position to really blacken nationalisation by the figures which we produce every year showing that the expenses are going up every year.

Now, the hours flown have increased, the miles flown have increased, passenger traffic has increased, freight carried has increased and mails carried have increased—and the deficit has also increased. This is the position that we are faced with. I am happy of course to see that the deficit is a little less this year than it was last year, but still we have no place for complacency.

One thing of course, I do want this House to appreciate because I have noticed that from one quarter consistently there has been an attempt to show that nationalisation is the reason why there has been so much loss in the Indian Airlines Corporation. I want to put one thing very clearly that from the basic figures have to be deducted the amount which we have spent on fuel. I do not say there has been economy on fuel but the basic price structure is a matter which has been debated upon in this House. I suppose we are practically controlled by the international world monopoly of the Americans and the British in the oilfields. We will not be able

to reduce the rates. But there is the other thing which the Estimates Committee has very correctly pointed out. That is the question of the amount of excise duty which we pay and the amount which State Governments have deducted from us by way of sales tax, and it should be taken note of by this House. If the total is taken, we will find that while we incurred a loss of Rs 119 lakhs the Exchequer gained to the tune of Rs 96 lakhs.

Even before nationalisation took place, I remember the Government of India used to subsidise the private companies to a very large extent—I do not remember the percentage, whether it was 100 per cent or less—on fuel. A very wise recommendation has been made by the Estimates Committee which, I hope, this Ministry will press with the Cabinet or with the Finance Ministry or the Ministry concerned that we should lower the incidence of taxation on fuel which is used by the Corporation. That, I think, is a very wise suggestion made by the Estimates Committee, because, without that, this constant showing of huge deficit really reduces the morale. Immediately, there is a hue and cry that because private enterprise has been stifled and nationalisation has taken place, we are incurring huge losses. People forget that these Tatas, these Birlas and these Bharat Airways were subsidised by the Government earlier. That is only the bright side of the picture.

But the other side is that one of the most difficult things to understand is the way we have been indenting aircraft. Even at the time when nationalisation took place, we pointed that most of the aircraft which were being taken over were aircraft which were very old and that the amount of compensation was too much. The Estimates Committee has also pointed out how inflated figures were given and they have warned us against it. This warning was, of course, given from this side of the House much earlier but I am afraid the Treasury Benches were

puffed up so much with their own importance that they were thinking that what were saying was not worth considering. I do not gloat over that fact. But, I do feel that we have taken over these Dakotas at higher prices.

Secondly, immediately after that we went in for Skymasters. At that very time, I remember, many people said that Skymasters are very big aircraft and unless you have long distances to fly, they will not be economic. We took them over. We could have continued with the Dakotas. There is a statement made by the Estimates Committee. I think the authorities said that the choice was wither to continue with the Dakotas until we got a suitable medium size aircraft or to change and take over to Skymasters. I would have said that it is better we had continued with the Dakotas, and with a little amount of patience and foresight we chose an aircraft that would have been suitable. We have the Skymasters now. If we go through the amounts that we have been spending, you will find that the cost at every stage is more; the landing cost is more, the fuel consumed is more and the Skymasters have been responsible for the greater losses we are showing in our Budget estimates. The hon. Minister need not shake his head. It is there in the Estimates Committee's report.

Then, I come to the Herons. I took up this question last time itself and it has been admitted by the Minister. But what is most amazing is this. How is that our officers rush to England every now and then, to European countries now and then and spend so much money—God alone knows—and then we indent machinery. Immediately on landing in India there is a magic that they start becoming bad. The D.G.C.A. said that it is one of the best aircraft but when it came here it did not work. The same thing with regard to the crusher, the giant crusher that came to Maithon but which worked only for 18 days out of 100. So, we have been getting

machinery that is not useful for the purpose they will put to.

Now, we are going to indent Viscounts. I would very humbly put it to the House: Is it the time for this when we say we are badly in need of foreign exchange? As regard the Air India International, we are told we have to compete in the world market and that we cannot afford to lose our market and therefore we must indent for new machines. The I.A.C. is internal and generally people who ride them are people who are supposed to be used to the bad things in life, uncomfortable things in life. We want that they should have the best; no doubt about it. But poor people cannot be choosers. Already our Ministers have spent money in such a way during the last few years that now we must put up with a certain amount of economy. Still I do not see why it was necessary to take up these Viscounts. We are told that they would be very useful in the long run and very cheap. We are told that for our Dakotas which are useful now, spares are not available. We were told some 5 years ago that we had enough of spare parts, enough for 10 years. Have they suddenly disappeared. It appears to me that we could have used these Dakotas a little more and we need not have spent these crores worth money on Viscounts just now.

I was in Europe only the other day and there I saw a number of our young boys who are there for training. I am glad that they are coming back with a knowledge of the latest scientific knowledge of Viscounts. But, I would ask whether it was necessary at this stage to send them there or purchase these aircrafts. Could we not have delayed this matter about which I have grave doubts.

I will not go very much into the question of Jets which are intended for the A.I.I. That will need pre-planning because our fields will have to be extended. I believe there is a new item in which you have stated that they are extending the air-fields at Palana.

[Shrimati Renu Chakravarty]

and Santa Cruz, Bombay. That has not been undertaken and, I think before the time they are completed, by 1960, the Jets will be here. Will they try to co-ordinate the two?

What are we going to do with the extra machinery which we have already got. That will have to be sold now. Let us take the warning of the Estimates Committee to see that we get the best value for our older machines. Let us try to dispose of them to our benefit.

If I had the time I would also like to mention very many serious wrong things go in on in the A.I.I. regarding stores purchase. This is a section of the Aviation industry which is working and as yet showing a surplus. But, I would like the Minister to go into the various kinds of corruption that are taking place in the matter of stores purchase. I have not got the time but I have got enough material to speak for even two hours in this House.

How are stores being purchased usually? We have a Stores Purchase Mission in England and one in U.S.A. All these are being by-passed. Our officers go there and they just indent directly. Even the Tatas had been purchasing machinery for the A.I.I. earlier. That too is by-passed and many wrong things are going on which have to be looked into. If we keep an eye on the stores purchase which would cost lakhs and lakhs of rupees as far as the A.I.I. is concerned, I am sure we will be able to make a saving of a good bit of amount. I hope the entire machinery will be tightened up regarding the Stores Purchase Department.

I would also like to mention a point about one of the items showing an increase in expenditure, General Administration. Under 'General Administration', you will see the figures have gone up very much. Of course, they would say in regard to this that there has been rationalisation of wage structure. But that was last year;

there was an increase in the salaries and allowances. This year the amount which has gone up is much less. But I feel that we have come to a stage when we should think of bringing about much more rationalisation about our operational organisations. This is a thing which the Estimates Committee has rightly pointed out—and I myself half—whether we should have Delhi as headquarters or not. It will take time for me to find out the page, but the figures show that if the capacity for flying is 44 at Calcutta it is only 12 for Delhi. I think that is so, if I am not very much mistaken. If that is so, what is the reason why we should have Delhi as the headquarters. Besides, we are putting up a huge construction next to Radio House—in Parliament Street at a cost of three lakhs of rupees and we will spend much more on it. All the expert committees say that it is not necessary for us to have the headquarters here, yet we continue with the scheme. It is an independent corporation. It is running the airlines and it should be where the traffic is heavy. There are many routes managed by the Air India International and then why not we manage it from Calcutta or Bombay where the traffic is heavy? Why should we have the headquarters here in Delhi? We speak of decentralisation and say that many offices should go outside Delhi but we want to have the headquarters in Delhi itself and thus spend large sums of money.

I shall not mention many other points since you have rung the bell. There is only one small point about the booking agency commissions. When discussion on nationalisation took place, both in the Select Committee and also here, we urged that the booking agencies were numerous. What used to happen was this. Bharat Airways would be functioning and some other small company inter related would be the booking agency. So, they would make on the commission of booking agents. The figures show that the amount that has been paid as commission in 1966-66

is about Rs. 20,39,000. That is one of the big items of expenditure taking away a sizable percentage of revenue. Very wisely the Estimates Committee, have said that we should reduce the number of booking agencies and try to improve the methods of publicity, etc. and try to integrate it with that of Air India International, so that expense should be reduced. It is a huge amount. I think this will not affect our traffic. It is a monopoly.

These are some of the suggestions and criticisms which I offer because I feel that the Indian Airlines Corporation has done well since its birth. It has increased its passenger traffic, etc. I could have gone into the question more about the non-schedule traffic which is now going on in Assam. More goods are carried by non-schedule traffic, more than fifty per cent. The report of the Estimates Committee refers to it. We must make our Indian Airlines Corporation something worthy of nationalisation. Give the good-will of the workers and the management. I am sure we shall make nationalisation effective and put a stop to all the criticisms that have been coming from certain sections of the House.

श्री रघुनाथ मिश्र (वाराणसी) : सभा-पति महोदय, सब से पहले मैं दोनों मंत्रियों को धन्यवाद देना चाहता हूँ कि लोक-सभा के प्रस्ताव का आदर करते हुए ट्रांसपोर्ट और रेलवे को दो अलग विभागों में बाट दिया गया है और शिपयार्ड को ट्रांसपोर्ट में सम्मिलित कर दिया गया है। साथ ही साथ 'डियन शिपिंग कम्पनी, हिन्दुस्तान शिपिंग यार्ड तथा ईस्टर्न शिपिंग कारपोरेशन के जो उत्साही अधिकारी हैं उन को भी मैं धन्यवाद देना चाहता हूँ। बम्बई में जो इन्जीनियर्स को ट्रेनिंग देने वाला सेंटर है, वहाँ से इस साल ६७३ इन्जीनियर्स को ट्रेनिंग दी गई है और इतनी अधिक संख्या में ट्रेनिंग दिये जाने पर मैं उस संस्था को भी धन्यवाद देना चाहता हूँ।

जहाँ तक शिपिंग का तात्त्विक है आप देखेंगे कि हम लोगों ने बहुत कम प्रगति

इस सम्बन्ध में की है। शिपिंग के प्रबल को दो दृष्टियों से देखना होगा, एक तो वाणिज्य की दृष्टि से और दूसरे सुरक्षा की दृष्टि। यह कहा जाता है कि शिपिंग सैकड़ लाख फ्रॉफ डिफेंस है क्योंकि अगर कोस्टल शिपिंग न होता तो इंग्लैंड की रक्षा असम्भव थी। जहाँ तक कोस्टल शिपिंग का सवाल है हम स्वावलम्बी हो गये हैं और हमें और आठ जहाजों की आवश्यकता है। लेकिन जहाँ तक ओवरसीस ट्रेड का सम्बन्ध है हमारी अवस्था अत्यन्त श्लेषणीय है। ओवरसीस ट्रेड का केवल पांच सैकड़ा ट्रेड भारतीय जहाजों द्वारा होता है। आप देखें कि सन् १९४८ में इस दुनिया में आठ करोड़ टन के जहाज थे। सन् १९५६ में, केवल आठ बरसों के अन्दर, १०५ करोड़ टन के जहाज हो गये। अर्थात् आठ बरस में दुनिया ने १७ गुना तरक्की ली है जबकि हमारे पांच साला प्लान के अन्त में हमारे पास केवल करीब ६ लाख टन के जहाज थे। इस का मतलब यह हुआ कि दुनिया ने तो १४ सैकड़ा तरक्की की जबकि हम ने केवल २ सैकड़ा तरक्की की। इस अवस्था को ठीक नहीं समझा जा सकता है।

दूसरे प्लान के अन्त में यह कहा गया है कि ९ लाख टन जहाज हमारे पास होंगे अर्थात् पांच बरस में तीन लाख टन जहाज हम और बनावेंगे। अब आप देखें कि वर्ल्ड के यार्ड में १९४८ में ८ लाख टन जहाज बने थे लेकिन आज सन् १९५७ में मार्च के महीने में वर्ल्ड के शिपयार्ड ८३ लाख टन जहाज तैयार कर रहे हैं। मैं आप के सामने जापान, जर्मनी और इटली के उदाहरण पेश करना चाहता हूँ। इन देशों के उदाहरण मैं विशेष तौर से इसलिये पेश करना चाहता हूँ कि ये तीन देश ध्वंस हो गये थे, बरबाद हो गये थे जबकि हमारा हिन्दुस्तान बरबाद नहीं हुआ था और कितनी तरक्की इन देशों ने शिपिंग के मामले में की है और कितनी भारत ने की है। वर्ल्ड में कितने जहाज इस समय बन रहे हैं, उस का २७ सैकड़ा

[श्री रघुनाथ सिंह]

जापान तैयार करता है। इस साल जापान ने १७ लाख टन जहाज बनाये हैं जबकि पार साल ९ लाख टन तक बनाये थे। बर्लिन के टनेज का १७ प्रतिशत केवल जर्मनी के शिपयार्ड्स में तैयार होता है। पार साल उस ने १० लाख टन तक बनाये थे जबकि इस साल उस ने टन में ७१,००० टन की बढ़ोतरी कर दी है। इटली ने ३५८००० टन के जहाज पार साल तैयार किये थे और इन साल पिछले साल की अपेक्षा १,६०,००० टन ज्यादा तैयार हो रहे हैं।

अब आप दूसरी तरफ देखिये। हमारे जो आदर्श मुल्क हैं, अमेरिका और यू० के०, उन को देखिये। यू० के० का जो शिपिंग है, उस को अगर आप देखेंगे तो आप पायेंगे कि उस की टेडेमी डाउनवर्ड है। बर्लिन के जितने जहाज हैं उस का केवल १४ मैकडा यू० के० अपने यहाँ तैयार कर सका है।

अब आप जापान की मिसाल को लें। युद्ध के पूर्व जापान के पास ६० लाख टन जहाज थे जबकि युद्ध के पश्चात् उस के पास १० लाख टन जहाज हुए। इस समय उस के पास ४० लाख टन जहाज हैं। जर्मनी के पास इस समय ३२ लाख टन जहाज हैं जबकि युद्ध के पश्चात् उस के पास केवल ७५,००० टन जहाज थे, अर्थात् एक लाख से भी कम जबकि युद्ध के पूर्व उस के पास ४२ लाख टन जहाज थे। इटली के पास इस समय ४२ लाख टन के जहाज हैं जबकि युद्ध के पश्चात् उस के पास ३,५०,००० टन के जहाज थे और युद्ध से पूर्व ३४ लाख टन के जहाज थे। अब आप भारतवर्ष की अवस्था देखें। युद्ध के पश्चात् सन् १९४८ में उस के पास ३,५०,००० टन जहाज थे और आज दस बरों के पश्चात् हमारे पास करीब छः लाख टन के जहाज हैं। अब हमें देखना यह है कि हम क्यों तरबकी नहीं कर रहे हैं। आप को यह देखना होगा कि जहाजों का जहा तक सम्बन्ध है, इस

का सम्बन्ध भिन्न-भिन्न इकोनोमी से है, प्राइवेट तथा पब्लिक दोनों सैक्टरों से इस का सम्बन्ध है। हमें अपने सामने जो उदाहरण रखना होगा वह जापान का, जर्मनी का तथा इटली का रखना होगा। मैं आप को ब्राजिल का भी उदाहरण देना चाहता हूँ। सब जगहों पर जहाजों के बारे में पहले से ही प्लानिंग कर के काम किया जाता है, लेकिन हिन्दुस्तान में जहाजों के विकास के लिये कोई प्लान नहीं है। हम ने पहले तथा दूसरे प्लानों में कुछ थोड़ा सा रकम इस काम के लिये निश्चित कर दी थी। मैं कहता हूँ कि शिपिंग की उन्नति के वास्ते हमारे सामने एक डेफिनिट प्लान होना चाहिये। जापान के यहाँ १३वा प्लान चल रहा है। एक बरस के लिये उन का एक प्लान होता है। इटली के पास प्लान है। ब्राजिल ने १० बरस के लिये अपना प्लान तैयार किया है। इन के अलावा आप देखेंगे कि पाकिस्तान जिस के पास १,३०,००० टन के जहाज हैं इम बार उस ने भी एक शिपिंग कारपोरेशन स्थापित किया है और मैं समझता हूँ कि दो बरस के बाद पाकिस्तान के पास हम में भी ज्यादा जहाज हो जायेंगे। इम के साथ ही साथ आप चीन को लें। चीन की मिसाल मैं इसलिये देना चाहता हूँ कि वह एक कम्युनिस्ट मुल्क है। सन् १९४९ में अर्थात् युद्ध के चार बरस बाद ३०५,००० हजार टन के जहाज चीन के पास थे जबकि आज चीन के पास ११ लाख टन के जहाज हैं। चीन ने अपना जो फाइव यीअर प्लान बनाया वह १९५३ में बनाया जबकि हम ने अपने प्लान को सन् १९५२ में बनाया। चीन तो हम से आगे निकल गया और हम जहा के तहा रह गये।

14 hrs.

फ्रांस ने भी अपने यहाँ एक प्लान बनाया है जो सन् १९६३ तक के लिये है। लेकिन हिन्दुस्तान में शिपिंग की तरक्की के वास्ते हम ने कोई प्लान नहीं बनाया।

अब आप सोचें कि भारतवर्ष की तरक्की कैसे होगी। इंग्लैंड ने इस बात को देखा और अभी एक महीना हुआ जब इंग्लैंड की पार्लियामेंट में बहा के चांसलर आफ एक्सचेजर ने यह कहा था "Unique step for unique industry which is the life line of our country" और यू० के० जहां पहले २० परसेंट देता था, वही यू० के० आज ४० परसेंट अलाउंस जहाजी कम्पनियों को दे रहा है। वही शब्द जो यू० के० ने एक्सचेजर साहब ने कहे वही शब्द हमारे देश में लिये भी कहे जा सकते हैं कि unique step for unique industry, which is the life line of our country आज दुनिया के बाहरी देशों से हम अपना सम्बन्ध खूबतर पास से या ईस्ट बंगाल की तरफ से स्थापित नहीं कर सकते। हम शिपिंग के द्वारा ही अपना सम्बन्ध शेष दुनिया से स्थापित कर सकते हैं और हमारे देश के वास्ते भी शिपिंग उद्योग की लाइफ लाइन है। यह स्पष्ट है कि अगर हमारे देश में शिपिंग नहीं होगी, तो विदेशों में हमारा कोई सम्बन्ध नहीं रह पायेगा और यदि अभाव्यवस्था हमारे देश पर कोई आक्रमण होता है तो कोई भी बाहरी देश हमारी सहायता नहीं कर सकेगा। हमारा वही हाल होगा जैसाकि पोलैंड का जर्मनी द्वारा उस पर आक्रमण के समय हुआ था। पोलैंड पर जब जर्मनी का आक्रमण हुआ तब अमरीका और इंग्लैंड कोई भी उस की सहायता नहीं कर सका क्योंकि सहायता ही नहीं सकती थी। अब आप पूछेंगे कि हिन्दुस्तान की शिपिंग की तरक्की क्यों नहीं हो रही है। मैं उस के लिये यह कहूंगा कि हिन्दुस्तान जिस को कि निक्सट एकोनामी में रक्खा गया है, उस की तरक्की के वास्ते में चार चीजें बाधक हैं और अगर हम उन चार चीजों को दूर नहीं करेंगे तो हिन्दुस्तान के शिपिंग व्यवसाय को हम ठीक नहीं रख सकेंगे। और वे चार चीजें हैं वेल्थ टैक्स, कैपिटल गेन्स टैक्स,

इनकम टैक्स और कारपोरेशन टैक्स। अब मैं आप को बतलाना चाहता हू कि इटली में शिपिंग इनकम टैक्स की है, इंग्लैंड में कारपोरेशन टैक्स नहीं है। बहा पर वेल्थ टैक्स नहीं है और कैपिटल गेन्स टैक्स नहीं है। आप हिन्दुस्तान के शिपिंग को जब इंटरनेशनल मार्केट में कम्पीट करने के वास्ते भेजते हैं तो बहा तो हर एक देश के जहाजों में कम्पीटीशन होगा और जाहिर है कि जिस के जहाज अच्छे होंगे, उन से सौदा किया जायेगा और उन मीके पर आप यह नहीं कह सकते हैं कि हम एक पुष्कर कट्टी हैं, हम एक गरीब मुल्क हैं। सलिये हिन्दुस्तान के जहाजों का प्रयोग करें। बहा तो मार्केट में कम्पीटीशन है और जिसका सौदा अच्छा होगा, जिस का जहाज अच्छे तरीके से काम करेगा उसका बिकेगा और उस को आमदनी होगी। अगर हिन्दुस्तान के पास अच्छे जहाज नहीं हुए तो वह दुनिया के मार्केट में कम्पीट नहीं कर सकेगा। उस हालत में हिन्दुस्तान वाले जर्मनी, इंग्लैंड आदि देशों की शिपिंग कम्पनीज से मुकाबला नहीं कर सकेंगे जब तक कि यह चारो टैक्स मौजूद हैं। अब उन के वास्ते आप कहेंगे कि वेल्थ टैक्स का क्या अन्तर पड़ेगा और १ करोड़ रुपये शिपिंग कम्पनीज को वेल्थ टैक्स में देना होगा। मैं आप को बतलाना चाहता हू कि कैपिटल गेन्स टैक्स का यह अन्तर होगा कि एक जहाज को जिस का कि जीवन २० वर्ष का होता है, २० वर्ष में जहाज पुराना ही गया और उस को हमें बेचना पड़ेगा और जब उस जहाज को हम बेचेंगे तो उस की आमदनी पर कैपिटल गेन्स टैक्स देंगे। इटली ने जहाजों की आमदनी को इनकम टैक्स से छी लिया और आप में देला कि शिपिंग में इटली ने कितनी उन्नति की। बहा यह किया गया कि पूंजीपति जो भी रुपया जहाजों व्यवसाय में लगावेंगे उन रुपये पर इनकम टैक्स नहीं लगेगा और इस का परिणाम यह हुआ कि इटली और जापान के पूंजीपतियों ने बिल खोल कर

[श्री रजनाथ सिंह]

शिपिंग में अपना रुपया इनवेस्ट किया। वहां शिपिंग के ऊपर कोई इनकम टैक्स नहीं लगता, कोई टैक्स उस के ऊपर नहीं लगता, गवर्नमेंट उन को सबसिडी देती है और इसी का यह परिणाम है कि इन तीनों देशों क शिपिंग व्यवसाय ने काफी तरफकी की है लेकिन हमारे वहां श्री साल बहादुर शास्त्री और श्री राज बहादुर क्या कर सकते हैं जबकि श्री टी० टी० कृष्णमाचारी उन के ऊपर बैठे हैं, उन को तो वेल्थ टैक्स चाहिये, कैपिटल गेंस टैक्स चाहिये, कारपोरेशन टैक्स चाहिये और इनकम टैक्स चाहिये। मैं यह चेतावनी देना चाहता हूं कि इन चारों टैक्सों से तो इस देश का जहाजी व्यवसाय ही डूब जायेगा।

अब आप देखेंगे कि हमारी द्वितीय पंचवर्षीय योजना में जहाजी व्यवसाय के लिये ३७ करोड़ रुपया रक्खा गया है। वह ३७ करोड़ रुपया साल भर के अन्दर खर्च हो गया। उस ३७ करोड़ रुपये में से १७ करोड़ रुपया तो आप ने प्राइवेट सेक्टर को दिया और २० करोड़ रुपया आप ने पब्लिक सेक्टर को दिया। अब आप देखिये कि इंग्लैंड ने उस के बरअक्स क्या किया। इंग्लैंड ने ४० परसेंट रिबेट एलाउन्स दिया। जापान में कमशियल बैंक अलग शिपिंग कम्पनीज को लोन देने हैं और गवर्नमेंट अलग से उन को लोन देती है। करीब ६० परसेंट सरमाया वहा की शिपिंग कम्पनीज को बैंकों और गवर्नमेंट से मिलता है और उसी का यह परिणाम है कि आज जापान दुनिया में २७ परसेंट जहाजों का उत्पादन करने में समर्थ हो सका है। हमें उन की एग्जाम्पिल फ़ालो (उदाहरण अपनायी) करनी चाहिये।

अब जहा तक रजिस्ट्रेशन का सम्बन्ध है उस के बारे में मेरा यह कहना है कि पनामा, लाइबेरिया, हॉन्डुरस और कोस्टरिका छोटे-छोटे देश जिन की कि आबादी शायद

हमारे वहां के दो बिसों के बराबर होगी, क्या कारण है कि लाइबेरिया में शिप्स का रजिस्ट्रेशन बढ़ गया है। लाइबेरिया में १५ लाख ८२ हजार टन के जहाज इस साल वहां पर रजिस्टर हुए हैं जबकि इंग्लैंड में केवल १० लाख टन के जहाज रजिस्टर हुए। इंग्लैंड की जो शिपिंग कम्पनीज हैं, उन में से बहुत सी कम्पनीज अपने जहाजों का रजिस्ट्रेशन पनामा, लाइबेरिया आदि देशों में कराती है और वे इसलिये वहां पर कक्षाती है ताकि उन को टैक्स न देना पड़े। अब मैं आप से पूछना चाहता हूं कि अगर हिन्दुस्तान की शिपिंग कम्पनीज पनामा में और लाइबेरिया में रजिस्ट्रेशन कराना शुरू कर दें तो आप कहां रहेंगे? क्योंकि जिस देश में रजिस्ट्रेशन होता है उस देश का उन शिप्स पर कंट्रोल होता है? अब स्वयं इस बात का अन्दाजा भच्छी तरह से लगा सकते है कि अगर यहा की शिपिंग कम्पनिया उन छोटे छोटे देशों में अपने शिप्स का रजिस्ट्रेशन कराना शुरू कर दे तो आप के लिये क्या समस्या पैदा हो जायेगी? इंग्लैंड और अमरीका अपनी इस कोशिश में असफल रहे कि उन के तमाम शिप्स का रजिस्ट्रेशन इंग्लैंड और अमरीका के अन्दर ही हो और हम ने देखा कि उन देशों की छोटी छोटी शिपिंग कम्पनियां उन छोटे छोटे देशों में रजिस्ट्रेशन करा रही हैं। मैं चाहता हूं कि आप हिन्दुस्तान के दरवाजे खोले, फ़ारेन रिफ़ाइनरीज के अन्दर हिन्दुस्तान के दरवाजे खोले, ४ करोड़ रुपये के स्थान पर आप ने १२ करोड़ रुपये फ़ारेन रिफ़ाइनरीज के बास्ते खर्च किये और आप क्यों नहीं दरवाजा शिपिंग के लिये खोलते? ऐसा होने से बाहर के देशों की शिपिंग कम्पनियां भी अपने जहाजों का रजिस्ट्रेशन इस देश में कराने लगेंगी और ऐसा होने से यह आप की फ़ारेन एक्सचेंज की समस्या अपने आप से हल हो जायेगी। आप फ़ारेन शिपिंग कम्पनियों से पार्टिसिपेशन कीजिये,

कोलंबो-रेखम करने के लिये मैं नहीं कहता। आप ने अपनी पालिसी यह ले डालनी की हुई है कि २५ परसेंट तक फारेन इनवेस्टमेंट हो तो ठीक है, मैं कहता हूँ कि आप ४६ और ५१ परसेंट पर क्यों नहीं जाते। ४६ परसेंट फारेन कम्पनी को दीजिये और ५१ परसेंट अपना रखिये। मैनेजिंग एजेंट्स अपने रखिये और मैजस्ट्री आफ डाइरेक्टर्स अपने रखिये। रजिस्ट्रेशन का उन को मौका दीजिये, आप को यह फारेन कम्पनियाँ रुपये के स्थान पर शिप्स देगी और उन पर आप का कंट्रोल रहेगा और अगर कोई लडाईं छिड़ती है तो यह जहाज़ आप के काम में आयेंगे और आप का टनेज बढ़ेगा और आप का रुपया बढ़ेगा। इस वास्ते मैं कहता हूँ कि पनामा, लाइबेरिया आदि छोटे देशों की शिप्स रजिस्ट्रेशन की पालिसी को हिन्दुस्तान को भी अपनाना चाहिये। ऐसा करने से दूसरे देश की शिपिंग कम्पनीज यहाँ आ कर अपने शिप्स को रजिस्टर करायेंगी श्री टी० टी० कृष्णमाचारी कहते हैं कि फारेन कैपिटल को हम एनवाइट करते हैं तो मेरा कहना है कि आप फारेन जहाज़ी कम्पनीज को क्यों नहीं एनवाइट करते, उन को अपने देश में आने दीजिये वह आप का धन ले कर बाहर नहीं आयेंगी।

अब एक दूसरी बात मैं आप से कहना चाहता हूँ और वह फारेन कैपिटल के इनवेस्टमेंट के बारे में है। हिन्दुस्तान अपने यहाँ हर साल ५ करोड़ ५६ लाख रुपये का सोना चादी पैदा करता है लेकिन मेरा कहना है कि इस सोने और चादी से काम नहीं चलेगा। हिन्दुस्तान की जहाज़ी कम्पनियाँ सिर्फ ५ परसेंट ओवरसीज ट्रेड करती हैं जिस से कि बहुत कम आमदनी होती है। यू० के० को ओवरसीज ट्रेड से ६४५ करोड़ रुपये साल की आमदनी होती है और जापान को ५२ करोड़ २६ लाख डॉलर की आमदनी होती है। इस का अर्थ यह है कि जापान ने तीन सालों में २६ प्रतिशत इन्कीज किया

है। इटली की आमदनी १६० करोड़ रुपये प्रति वर्ष है और डेनमार्क की, जोकि एक छोटा सा देश है, ६६ करोड़ रुपये प्रति वर्ष है। इस के मुकाबले में भारत को लगभग १३ करोड़ रुपये प्रति वर्ष फारेन एक्सचेंज की आमदनी होती है। श्री कृष्णमाचारी ने कह है कि हिन्दुस्तान पचास से ले कर एक सौ करोड़ रुपये तक प्रति वर्ष फ्रेट के रूप में दूसरे देशों को देता है। आप फारेन एक्सचेंज की कमी की बात करते हैं। इस देश में आप आस्ट्रेलिया में जहाज़ें लागू करने की चर्चा करते हैं। बेतनी में पाच परसेंट या दस परसेंट कट करने की सोचते हैं। इस सम्बन्ध में मेरा कहना यह है कि मोस चाटने से प्यास नहीं बुझेंगी। इन एक सौ करोड़ रुपये को बचाया जाना चाहिये। वे कैसे बचेंगे? अगर आप हिन्दुस्तानी जहाज़ी कम्पनियों का बिकास करे, इस देश का टनेज बढ़ाये, तो इस रकम को बचाया जा सकता है। १९४७ में आप ने यह पालिसी रखी कि हमारा टनेज बीस लाख होना चाहिये। अपने हमारे पाम वह बीस लाख टनेज होता, तो हम पचास करोड़ रुपये की फारेन एक्सचेंज को बचा सकते थे, यह मैं आकड़ों से साबित कर सकता हूँ। आप पचास करोड़ रुपये जहाज़ों में इन्वेस्ट कीजिये, चार बरस में आप को पचास करोड़ रुपये की आमदनी होगी। वे जहाज़ आप के पाम रहेंगे और आप का इन्वेस्टमेंट लीट कर आप के पास आयेंगा। मेरा निवेदन यह है कि ३७ करोड़ रुपये जो आप ने एक बरस में लर्च कर दिये, उन से काम नहीं चलेगा। आप को पचास करोड़ रुपये इन्वेस्ट करन चाहिये। आप कहते हैं कि आप लिबर्टी शिप खरीदना चाहते हैं। उस के लिये आप ने भी एप्लाइ किया है और पकिस्तान ने भी। अभी परतो मैं एक अलबार में इस विषय में एक कमेंट पढ रहा था कि लिबर्टी शिप १९५७ में हिन्दुस्तान को मिल सकेगा या नहीं इस विषय में सन्देह है, क्योंकि वहाँ से सम्बन्धित जो प्राइवेट

[श्री रघुनाथ सिंह]

मेम्बर बिल है, वह तब तक पास नहीं हो सकेगा। जब वह पास होगा—शायद वह १९५८ तक पास हो—तब ही भारत वह शिप प्राप्त कर सकेगा। परन्तु मैं आप का ध्यान इस बात की तरफ दिलाना चाहता हूँ कि लिबर्टी शिप की कीमत १९५० में १,५०,००० पाँड थी, १९५४ में १,७५,००० पाँड थी और जब आप उस को खरीदेंगे, तो उस की कीमत हो जायगी ६,७५,००० पाँड। इन पांच बर्षों में उस शिप की मांग हुई और उस की कीमत बहुत बढ़ गई। जो चीज आप को फ्रैंट फ्राइव यीअर प्लैन में डेढ़, पौने दो लाख पाँड में मिल सकती थी, आज वह आप को करीब सात लाख पाँड में मिलेगी। तो मैं यदि आप खरीदना चाहते हैं, तो खरीदें। फिर भी मैं अमरीका के प्रैजिडेंट फ्राइडनहावर साहब को इस के लिये धन्यवाद देता हूँ और मैं आशा करता हूँ कि मथबाल फ्लोट में से हिन्दुस्तान को बारह शिप्स जरूर मिलेंगे। इस के लिये हिन्दुस्तान उन का आभारी रहेगा।

यह पूछा जा सकता है कि आखिरकार यह रुपया आयगा कहा से। मैं आप को बताता हूँ कि हमारे शिप्स की अरनिंग कितनी है। हमारे शिप्स की दो प्रकार की अरनिंग है। एक इनविजिबल अरनिंग है, जिस में बैंकिंग, इन्वोरेस, ट्रास्पॉर्टेशन और टूरिस्ट ट्रेफिक है। मैं समझता हूँ कि बैंकिंग में करीब साढ़े नौ करोड़ रुपये, इन्वोरेस में ६.३ करोड़ रुपये, ट्रास्पॉर्टेशन में ३८.२ करोड़ रुपये और टूरिस्ट ट्रेफिक में १०.२ करोड़ रुपये की आमदनी होती है। यह सब तो शिप्स की अरनिंग है। इस के अलावा आप कस्टम लेते हैं। श्री कृष्णमाचारी ने इस साल जो बजट रखा है, उस में कस्टम की आमदनी दिखाई है, १६२ करोड़ रुपये, जबकि १९५५-५६ में कस्टम की आमदनी १६४ करोड़ रुपये के करीब थी। वह आमदनी क्यों कम हुई? वह इसलिये कम हुई कि घोवरसी ट्रेड की टेन्डेन्सी डाउनवर्ड थी।

हम बाहर से उतना माल हिन्दुस्तान में नहीं ला सके। मेरा कहना तो यह है कि शिप्स से जो १६२ से १६५ करोड़ रुपया हिन्दुस्तान को जब में जा रहा है, जोकि बैंकिंग, इन्वोरेस ट्रास्पॉर्टेशन और टूरिस्ट ट्रेफिक के अन्तर्गत होने वाली अरनिंग के अतिरिक्त है, उस का पच्चीस परसेंट आप क्यों नहीं देते? इंग्लैंड चालीस परसेंट देता है और जापान आठ परसेंट देता है। १६४ करोड़ रुपये की आमदनी में से कम से कम पचास करोड़ रुपये देने चाहिये, ताकि वह आमदनी बढ़ कर ३०० करोड़ रुपये तक पहुँच जाय। इस तरह एक सौ करोड़ रुपये जो हम फ्रान्स शिपिंग कम्पनियों को देते हैं, उन को भी रखा हो सकती है।

मैं यह भी निवेदन करना चाहता हूँ कि हमारी शिपिंग का सम्बन्ध विदेशों से है। पी० एण्ड टी० स्टाफ की स्ट्राइक हमारा आन्तरिक मामला है, हमारा घरेलू झगड़ा है और इस को हम निपटा लेंगे, लेकिन अगर डाकघाट में स्ट्राइक होती है, तो ६५ परसेंट जो जाहज बाहर से इस देश की पोर्ट्स में आते हैं, उन के ऊपर क्या अमर होगा? इसलिये मैं अपने डाकघाट के अमिको और अधिकारियों से निवेदन करना चाहता हूँ कि हिन्दुस्तान का गौरव उन के हाथ में है। विदेशियों के सामने हिन्दुस्तान का मस्तक लज्जा से नहीं झुकना चाहिये और हड़ताल के कारण शिपिंग के ऊपर आच नहीं देनी चाहिये। डाकघाट वर्कर्स की एक एसेसियेशन ने सूचना दी है कि पी० एण्ड टी० स्टाफ की स्ट्राइक की सहानुभूति में हम भी स्ट्राइक करेंगे। मैं डाकघाट के अपने बहादुर अमिकों से अपील करना चाहता हूँ कि उन्हें कम से कम इस बात का ख्याल रखना चाहिये कि अगर हिन्दुस्तान में इस प्रकार की हड़ताल हुई, तो हिन्दुस्तान को एक सौ करोड़ के ख्याल पर डेढ़ सौ करोड़ रुपये विदेशियों को देने

पर मजबूर होना पड़ेगा। आप जानते हैं कि एक जहाज का एक दिन का खर्च चार हजार रुपये होता है और एक हफ्ता पहले बन्दई में ४३ जहाज थे। हम को याद रखना चाहिये कि यह जहाजों कम्पनियों गवर्नमेंट की नहीं है। वे कोई रोडवेज नहीं हैं। वे आप की मानोपाली नहीं हैं। खुले समुद्र में वे जहाज जाहे आ जा सकती हैं। इसलिये मैं उन श्रमिकों से निवेदन करना चाहता हूँ कि वे हड़ताल का आश्रय न लें। जहाज तक ट्रास्पोंट का सम्बन्ध है, हमारा मन्त्रि-मंडल बहुत ही अच्छा है। वे सब बातें अधिकारियों के सामने रखें। अन्यथा विदेशी कम्पनियों को यह कहने का अवसर मिल जायगा कि यहाँ पर हमारे जहाज एक महीने तक टिके रहते हैं, हम डैमरेज चार्ज करेंगे। इसलिये उन को किसी प्रकार की हड़ताल में सहायक न होना चाहिये।

हमारी ट्रास्पोंट मिनिस्ट्री निगुण और सगुण का बड़ा सुन्दर मन्वय है। कबीर का निर्गुणवाद है और राज में जो लाली है, उस में सगुणवाद की झलक मिलती है। आध्यात्मवाद और भौतिकवाद दोनों ही हम मिनिस्ट्री में हैं। इसलिये मैं इस मिनिस्ट्री से यह आशा रखता हूँ कि जिस तरह फ्रूट फाइव यीअर प्लान में शास्त्री जी ने रिकार्ड कायम किया था, उसी तरह दूसरी फाइव यीअर प्लान में—१९६२ तक—वह हिन्दुस्तान की शिपिंग को एशिया में सर्वश्रेष्ठ स्थान दिलायगी।

दूसरा सजेशन मैं आप को यह देना चाहता हूँ कि शिपिंग ट्रेड तीन प्रकार की है, प्रोबरीसीड, एडजमेंट और कोस्टल। कोस्टल ट्रेड आपने हिन्दुस्तानियों के लिये रिजर्व की हुई है। कोस्टल ट्रेड के लिये मेरा सजेशन यह है कि सीलोन, बर्मा और हिन्दुस्तान की एक शिपिंग लाइन होनी चाहिये क्योंकि इस ट्रेड से इन तीनों का सम्बन्ध खास तौर से है। एडजमेंट ट्रेड के वास्ते मेरा सजेशन यह है कि इंडियन प्रोशन में जितने देश हैं उन के साथ हम को सम्पर्क स्थापित करना

चाहिये और इन देशों के व्यापार के लिये हम को इन से मिल कर एक एडजसेंट ट्रेड के लिये लाइन बनानी चाहिये। मैं चाहता हूँ कि जिस तरह से इंग्लैंड का एटलांटिक महासागर में आधिपत्य है, और जिस तरह में अमरीका चाहता है कि पैसिफिक महासागर में उस का आधिपत्य हो, उसी तरह से इंडियन प्रोशन में हमारा आधिपत्य हो, और हमारा ही नहीं बल्कि एशिया के सब देशों का आधिपत्य हो। इसलिये मेरा कहना है कि पाटनरशिप के जरिये या जिस तरह से भी सम्भव हो हम को एक बर्मा, सीलोन और हिन्दुस्तान की कोस्टल लाइन बनानी चाहिये और दूसरी लाइन इंडियन प्रोशन के दूसरे देशों की हो जैसे ईरान, फंनिया, थाईलैंड आदि आदि। ऐसा होगा तभी हिन्दुस्तान के शिपिंग की तरफको हो सकेगी।

Shri Mohiuddin (Secunderabad): Mr Chairman, after the oratory of Mr Raghunath Singh, in which he managed to compress a considerable amount of emotion, I wish to confine my remarks to a prosaic subject, namely, major ports. The hon Minister for Shipping, in his statement on 29th July, said that during the period from 12th May to 29th June, the number of ships that had arrived at Bombay, Madras, Calcutta and Visakhapatnam was 520 in 1956 and 607 in 1957. The hon. Minister did not say in his statement how many ships were waiting for berths in the stream or on the buoy. But the figures given in the newspaper reports show that there is a large number of vessels waiting for berths inside and outside the four major ports of Bombay, Calcutta, Madras and Visakhapatnam and during the last two months, May and June, they have multiplied six-fold from 14 to 81 at the beginning of July.

This is the state of affairs as far as the working of the docks is concerned. In the middle of June, Mr Nanda had said that the conditions of work in the major ports were one of his major worries. But in the middle of July,

[Shri Mohiuddin]

the hon Minister for Shipping, after his visit to Calcutta, said that "there is no congestion of cargo, but congestion of ships on the river front" and that he was not disappointed—I am only quoting him from the newspapers—with the working conditions in the docks. These different sentiments were expressed within a month. While there is a large number of ships still waiting in the streams to enter the ports and for berths, these different sentiments are causing confusion in the minds of the people.

Shri B. S. Murthy (Kakinada—Reserved—Sch Caste). The sentiments come with the ships and go with the ships.

Shri Mohiuddin: Is he referring to sentiments?

Shri B. S. Murthy: Of course.

Shri Mohiuddin: No, Sir sentiments stay on. That is the first point I wanted to mention. That different ideas and sentiments expressed on behalf of the same Government cause confusion.

The second point I would like to bring to your notice is that the objective of the second Five Year Plan was to modernise the port facilities and to provide mechanical means of handling cargo and to equip the docks so as to provide for new needs arising from the economic and industrial development of the country. Some progress, I am sure, has been made in this direction.

I read in the *Indian Shipping* a journal published from Bombay, that No 18 P K Dock at Calcutta was put into commission last April and that dock is mechanically equipped to handle coal at the rate of 500 tons per hour. This fact unfortunately has not been mentioned by the Ministry in their annual report for 1956-57. What they have mentioned is that another berth No 5 King George's dock is being mechanised for handling ore. I suppose the Ministry does not attach

much importance to the mechanisation of handling of cargo. In the report, however, it is mentioned—I am quoting from the report for 1956-57—that the need for procuring additional cargo-handling appliances and more mechanisation of facilities for bulk cargo like ore and coal has been revealed during the last year with the import of heavy equipment and steel.

On the one hand, the Ministry of Transport are mechanising the docks and berths and on the other we find that the Government agrees under pressure from labour in Bombay that the grain-elevators that have already been fixed there will not be put into commission. This is really surprising that on the one hand, we are spending crores of rupees on importing and fixing the mechanical equipment for handling bulk cargoes, on the other we agree not to use the grain-elevators that have already been fixed at Bombay, because the labour is against it. This is another contradiction in the policies or in the implementation of the policies which I personally feel is causing confusion. In 1952, 53 and 54, we have had a very bad experience as far as the cargo handling at the major ports was concerned. The Government of India appointed the Dock Labourers Regulations Committee to examine the Dock Labour Regulations. The Committee's report gives very revealing figures regarding the handling of cargoes. The committee estimated that the computed number of days taken for handling 5 000 tons of import cargo other than foodgrains was 19 days in 1952, 22 days in 1953, 24 days in 1954 and 17 days in 1955. For export the computed number of days was 6.7 in 1952, 9.3 in 1953, 13.1 in 1954 and 11.6 in 1955. Accordingly, on account of the delay in the handling of cargo, the number of days for which the ships are detained increases proportionately. In Calcutta, the number of days the ships were detained unnecessarily had increased from 19 in 1952 to 54 in 1954. Similarly, in Bombay, the maximum detention in 1954 was 58 days.

I shall give another illustration. The 1955-56 report of the Bombay Port Trust shows the fastest and slowest rates of un-loading and loading of vessels which worked 1,000 tons and over during the year. In un-loading, the fastest was 1,230 tons and the slowest was 90. This was in 1955-56. In loading, the fastest was 1,110 tons and the slowest was 104. These variations from year to year are not peculiar for the years 1952-53 and 1954. If the Ministry were to examine the history of the speed at which cargo is handled during the last 15 years, they will find, perhaps, that the variations have been of the same order, for many years. Perhaps, they will also be there in the future.

What is the effect of these variations in the rate of handling of cargo in the number of days that the ship is detained? The Scindia Steamship Co, in their evidence before the Committee said that an average loss of 5 days on account of poor discharge and loading operations in a round voyage—by no means a high figure in the present conditions of labour in various ports—would amount to in the case of the Scindia fleet to an aggregate loss of the order of 800/900 voyage days or the equivalent of 2½ vessels. If a ship were detained on an average for five days in a port it would amount to immobilisation of about 2½ vessels. As Shri Raghunath Singh just now said a vessel of 10,000 tons costs now £175,000. Immobilisation of vessels on account of delays in the handling of cargo is an extremely serious matter for consideration. It involves a very great national loss.

The facilities at the ports have increased considerably during the last five years. In 1954-55, Bombay, Calcutta, Madras, Vizagapatam and Cochin had handled 20 million tons. In 1955-56, these ports and also Kandla handled only 24,847,000 tons. According to the hon. Minister's statement of the 29th July, these major ports handled about 27 million tons in 1956-57. This is good. But, I wish to draw

the attention of the Ministry to one important and very important factor. We are, no doubt, adding some berths. We are, no doubt, building another port at Kandla at a very heavy price. It is necessary, it is essential that we must have that port and other ports as well. But, my point is, what is the efficiency of handling of cargo at these ports. Additional berths may give scope for handling more cargo. That is not sufficient. What I wish to emphasise is, what is the increased efficiency in handling the cargo at the same port, for the same docks and berths.

An expert,—I do not remember his name, I remember to have read this somewhere—said that a ship is a highly mechanised unit. It is a highly mechanised unit which costs thousands of rupees per day for its maintenance and for its working. If we subject this highly mechanised unit to a process of manual labour for purposes of loading and un-loading, we are incurring a very heavy national loss on the capital. A highly mechanised unit should be, for purposes of loading and un-loading, provided with highly efficient and mechanised equipment, so that the turn round of the ships is as quick as possible. Unfortunately, the annual reports of the Ministry do not give any indication as to the efficiency or increasing efficiency of the major ports. The hon. Minister was in charge of the Railways. He is now in charge of Transport and Communications. I suggest that he may adopt some indicators to show how our working of the ports is increasing in its efficiency. The indicator may be turned round of the ship cargo handled by a gang of labour, or, any other suitable indicator may be devised so that we can see that the efficiency in handling cargo at our major ports is increasing day by day and not going down.

There is a threat, as Shri Raghunath Singh pointed out, from the Shipping Conference that, unless our efficiency increases, they will raise the

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freight. Perhaps, they have not raised the freight so far; I hope they will not. But, we have got to do our duty to see that these highly mechanised units are not wasted by standing in the stream or by detention in docks longer than is essential that there should be no detention and unnecessary waste.

Shri Nath Pal (Rajapur): A few days ago I was travelling in one of the Dakotas of the Indian Airlines, and after we had gone a few minutes, I was reminded of a joke by Pop in the *Times*. While travelling in a car he once said: "In this car everything is making noise excepting the horn". Such was the condition of the Plane. I think that the passenger who takes a risk and pays a very fair price is entitled in return for that risk and that price to a modicum of comfort and a reasonable degree of safety. It is true that very often the planes do land very safely at the places of destination, but for me it looked like a minor miracle after what I had gone through in the plane.

I am not taking a delight, I should like to assure the House, in denigrating our own airlines. The only good thing in the plane was that the staff was unusually courteous and polite, and I think what we were lacking in comfort was made good by the air hostess who on the airlines is unusually good. When we had been given a tray, it took the combined strength of some of the passengers and most of the staff to extricate me because the table could not be put into place once it was detached. I found something was dangling there. Out of curiosity I looked and it was a tray, and there were a few of them lying.

As to how poorly these lines are run, if there was a testimony required in corroboration of what I am saying, I could quote Rajkumari Amrit Kaur in what she had to say recently in an article in the *Times of India*. I think that is testimony respectable

enough for a large number on the Treasury Benches.

In their report, they have said something which is rather interesting. At page 8 they say:

"The I.A.C. are playing a very important role in chartering their aircraft for the use of V. I. Ps. and the delegations visiting India. Throughout the year they had a brisk demand for charters."

There is a delightful vagueness about a brisk demand. This kind of delightful vagueness may be fine perhaps when two young people are dealing with each other, but I do not think it satisfies us or helps us in getting a clear idea of what is really happening. They could perhaps have really give information as to how many planes were chartered, what was the demand etc. Many paragraphs are couched in such delightful vagueness.

It is of no use going on telling the passenger that we have nationalised this. It is a poor comfort to the passenger to know that the plane in which he is travelling is nationalised property. We should like to propose to you that it is not enough to say that it is nationalised, try to rationalise the whole system of running it. And by rationalisation for Heaven's sake do not understand that I am suggesting retrenchment. Far from that. The point can be gone into, but there is shortage of time, and I leave it here.

Having said this about the Indian Airlines Corporation, I should like to say something about the Air India International, and I should like to put in a word of appreciation for the way that airline is run. In a field of keen competition from countries which have a long advance in this field, this line has done something, established a reputation for good service and efficient service of which we can be proud, and everything should be done to see that this fine record is enhanced.

Now I should like to turn to another point—because I am very conscious of the hours of time at my heels and that is about our ports. One topic that has been engaging the attention of all is the congestion in our ports. A variety of reasons have been given as to why this congestion is taking place. One is that suddenly it happened that the Suez canal was opened and ships were coming, and therefore there was congestion. This is not very convincing. If they were good enough to give the relevant figures of ships that came the same time last year, we can prove that it is not the case.

There was another reason given, that is there was adoption of go-slow tactics by the porters and the dockers. Shri Raj Bahadur is on record as having declared in Calcutta that he does not believe that the workers have been resorting to go-slow tactics.

Then there is the third reason given by the Government in dealing with this problem of congestion that there has been this influenza and so many workers were affected and that is why it has been happening like that. Once again that is not very true.

What happens is this. In this country if there is one word that has become as common as *Ram nam*, it is planning. Planning, planning, planning. For constantly ten years we have been hearing this word, it has been drilled into our ears, and one is reminded of "Water, water everywhere, not a drop to drink". We hear of planning and planning, but what we find in most departments is chaos. What happens is this. We place orders, and as the Plan advances these orders materialise, cargoes arrive. We have hardly thought about the number of ships that will be coming at Bombay, Madras or Calcutta or Calicut after six months. When they come we rush to find a solution. It is like digging a well when the house is on fire.

There is another thing. Cargoes arrive which require particular types of cranes, or particular types of machinery to deal with them. We discover this after the cargo arrives, and therefore the congestion is there. I can say one thing here; I think the plan in some ways, if successful, will do a lot to remove this congestion.

There is another aspect with which this Ministry is concerned to which I should like to draw attention. I have very little time, and I will make my point by only quoting an authority. If the Plan has to be a success, in which I think all of us are interested, we cannot wholly rely upon the capacity of the Indian railway system which is being stretched to the fullest. There are other methods of transport which have to be exploited to the maximum capacity. Inland navigation is one which has been ignored. Much can be done and not enough is being done. It does not sound a particularly staggering figure that we have 12,500 miles of highways. I do not want to bore the House with figures, but we know that compared with even small countries like Switzerland, Sweden, Holland and United Kingdom, ours is a very poor thing.

Here is what Mr Eugene Black, the President of the World Bank had to say to the Finance Minister as to what India can do in this field:

"We are struck by the extent to which the lack of adequate transport facilities threatens to constitute a bottleneck in the country's economic development."

Unmistakably and unambiguously, he states the position here:

"Indeed, in view of the acute shortage of capital for development and the very high import content of railway investment, attention should be given first to the possibilities of improving the operational efficiency of the railways and of encouraging

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road transport and coastal shipping. The latter between them should be capable of making a considerable larger contribution than at present".

This is something from a man who knows what he is talking about, not wild talk from the left. I hope this will receive due consideration at the hands of the Ministry.

There is another aspect. While on the one hand we should try to appreciate the difficulties the Government is encountering and the efforts made by them, it is amazing how in some departments there is colossal negligence or connivance or even acquiescence in methods of waste.

One word I would like to add before leaving this department here. The Scindia Steam Navigation Company which runs ships on the coast of Konkan has raised the rates four times. It is a burden which is not even taken into consideration. The people organised themselves for some succour also, but nothing came out. The rates during the last ten years have shot up four times, but what has been happening with regard to the development of shipping. They will perhaps enlighten us on that record when they give the reply.

Having said this, I shall turn my attention to a problem which has been engaging and exercising the attention of all Members of this House and of the public too. There is the shadow of a major national strike taking place in India from the midnight of 8th August. It is a pity that only one union has been mentioned, namely the Post and Telegraph Employees' Federation. There are other unions which have served strike notice on the department. The Civil Aviation Department Union has served notice. There are others, a large number of them. I am a bit associated with them as the Chairman of this confederation. I shall not take up the time of the House in trying to reply to those insinuations and slightly slanderous remarks

which have been made, because I am not interested in joining this battle of acrimony. But time will take care of the truth of these wild allegations. But I will come to the main thing. It has been said that the workers are behaving irresponsibly in all this. Now, let me point out to you one thing. The first point I will be talking about is the workers' impatience, irresponsibility etc.'

The Federation of the Posts and Telegraphs Workers and Employees, on as many as six occasions, appealed for what, not to have heaven granted to them, but for an interview with the Prime Minister. Beginning on the 8th August, 1956, culminating on the 20th April, on six different occasions, efforts were made to seek an interview with the Prime Minister. Even when they issued the strike notice, they still appealed to him to grant them an interview. In spite of these repeated rebuffs, in spite of seven separate attempts which were, I think, given a very cold shoulder, in spite of all the humiliation that is involved in the hand of co-operation being turned down, the workers still came and wanted to meet him. This is not a very glaring and convincing example of irresponsibility and impatience on the part of the workers.

It may be asked 'Why insist on seeing the Prime Minister?'. There is a good reply to that. Like so many other people in this country, the workers too continue to believe that if only the Prime Minister knows the injustice, the sufferings, the inconveniences and the grievances, they have some measure of the justice, some measure of fillip may be given to them. Perhaps, they may learn otherwise. But that was the reason why they wanted to see him.

There is then this thing, this showing how often, how long they have been patient. I would like to read out one thing, and I am open to correction. Is this an example, on

their part, of impatience? The workers' federation made this suggestion to the Ministry that there should be three-monthly consultations between them and the Ministry. God knows what happened to this very constructive suggestion. They sent their memorandum. I have got a document and acknowledgments. The workers made a suggestion and submitted a memorandum giving their full plan for a Whitley Council; and no one would accuse that the drawing of a Whitley Council or making it do work is a particularly revolutionary thing to do. And this was done at the invitation of the Minister. Nothing happened. They made their own comments, and submitted to them; perhaps, it was very artistic, ostentatious and very presumptuous. How can anybody except those of us who had the good luck of being at Elysee or Cambridge talk on matters of planning and economics, but if that continues to torture us?

But they submitted their own humble suggestions in the department which affects them, and made their constructive suggestions, which, if they had been taken notice of seriously, would have made some contribution towards effecting economy and bringing in more efficiency. But what happened? Nothing.

Then, they made another suggestion, namely, appoint the tribunal for the whole of the nation, an all-India tribunal. Then, they made another suggestion for a permanent conciliatory machinery. What do they talk? What is this approach?

I know that this criticism may sound a bit harsh, in the light of the fact that the two Ministers concerned, both Shri Lal Bahadur Shastri and Shri Nanda are men with an unusually fine record in labour strikes, and a very sympathetic understanding. What has gone wrong with them, I do not know. But the treatment that is meted out to these associations has not been the

best that could have been. It is not most helpful, was not most constructive either.

I should like to add at this point further, after having made these pertinent points that these six associations that have served notice—I plead guilty for being the chairman of that Confederation—have not been even called and asked 'What are your grievances? What can we do?'. I believe, on the other hand, the nation will be told, because we do not control the press or the radio, that here is a irresponsibility at the height of it, here is treachery, anti-national, anti-social. But will it help? In exasperation, in desperation, you may utter it. But if in seriousness you believe it, it is a very unhelpful attitude, I am afraid. When faced with difficulties, you perhaps said it. I do not want to harp on it; I do not want to make capital out of it. But this is the record we want to bring to your notice.

Now, it is said, 'Why do you want to go on strike?'. You see the spectacle of the postman going. We see him bend under the weight of the loads which he carries. Few of us see the burden of suffering, misery and frustration that he carries within. Then, they say, 'What of the Plan? If we grant you, what will happen to our Plan?'. Then, they come and say, 'What of the national emergency?'

Let me now say a few things. Firstly, I quite agree, that we shall have to be very careful; in making any demand. We must always bear in mind the danger that inflationary pressures may be released. All that is true. I grant, and I agree with the Planning Commission which says that the economy is fully strained. We bear all that in mind. But there is the other side to it.

If wages have got to be frozen, prices have got to be pegged, and profits and dividends also have got to be frozen. The two cannot be separated. I know the offer that has been made 'Let us freeze them at the

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present level'. We do not accept that. What the worker expects today is the question of taking the right attitude. Let us understand it. Let us not go on wrong ideas of prestige 'Who loses? Who is threatening?'. It is not a trial of strength. Now, what is happening? You come and say, help the Plan, the Plan must be saved. We agree. But who disagrees about it? Everything must be done to save our Plan and make a success of it. All that the worker asks is this, "When the Plan will be successful, when the Plan will be implemented, a new era will come, a new dawn will be coming, and it will be prosperity for many of us". "In order that we live to see the dawn of that prosperity give us the chance to survive till that dawn comes" is the demand of the working classes today. That is what they are begging,—not some heaven—so that they may live to see the dawn. 'Give us a chance to see that dawn' is their demand.

Is this something very unreasonable? Is this something that cannot be done? I am not very much convinced.

I have only a few minutes, I know.....

Mr. Chairman: At 3 P.M. we shall have to commence the non-official business. The hon. Member may go on.

Shri Nath Pai: I have not finished. I was at this point, and I should like to make a few replies to that, about the danger of it.

In view of the danger that I may have to stop exactly at 3 P.M. I shall have to mention this first. I should like to plead one thing. I want to ask one thing. Is it beyond the realm of constructive thinking, is it beyond the realm of courageous leadership to reach a solution which will do justice to them, and also preserve vital national interests? Can we not do something still to save

this situation? Is it enough? Shall we have discharged our duties if we say 'national catastrophe', and then, after having given a solemn and shrill cry of national catastrophe, proceed to bury our heads in the dreary sands of apathy and indifference, and sit quietly? I do not think that attitude will help. If there is one thing when there is a national catastrophe, that is that every avenue of averting it must be explored; and it will not help if we only try to pass the burden of blame somewhere. That is too much.

I would say that no false conceptions must come. Appoint a commission in which the working classes will have faith. It is no use appointing a pay commission. I do not want to go into details, for I am very conscious of my time. If we succeed in appointing a pay commission which can inspire confidence in the working classes, if we can offer something more tangible to the working classes immediately the workers want to go on strike, it is conceivable, it is not beyond possibility, it is not removed completely from the realm of possibility that still we can reach a solution which, while preserving the vital interests of the nation as a whole, would still have done justice to the demands of the working classes. That will be my plea to them.

I have got this thing to say also. Let us remember that it will not avail to quote Appleby as a certificate, every time some criticism is levelled. Not one Appleby, or a hundred Applebys will avail us in the last resort. All our efforts, all our endeavours should be directed in one direction, should be in one channel, and it is this, to obtain the contentment and satisfaction of the man who toils in the field and sweats in the factory. If we can get that—and how is he to get that satisfaction? Who, more generous, to be satisfied, who more generous in his expression, who more ready to be satisfied with a little than the Indian peasant and

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then the Indian worker—if we take that attitude and understand that then I think we can achieve something. And many of them have been leaders of long standing. I am not begging I am pleading because I believe that everything must be done, which is in the realm of reason and justice, to avert this catastrophe. If that can be done, if they bring this attitude, I think we can succeed. But if we think in terms of big club and small club and sticks, I am afraid—and this is my conclusion—that the over-enthusiastic Indian police, some of whom seen to be better equipped with arms than some of our Indian Armed Forces, may bring about some catastrophe, some tragedy, of which we have seen some very tragic example only the other day

14 57 hrs

[Mr DEPUTY-SPEAKER in the Chair]

They may lead to something which the Ministers and the Government do not mean, in the Government's determination to meet the strike. They may lead more than it is; they may lead us to somewhere where you do not want to go and we do not want to go

That is my plea, Sir, and I hope it will be read in this light and still justice will be done to workers and care will be taken of larger national interests

Shri Raghunath Singh: We should go together

15 hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
THIRD REPORT**

Shri Jhulan Sinha (Siwan): I beg to move.

"That this House agrees with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 31st July, 1957".

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the

House on the 31st July, 1957".
The motion was adopted

RESOLUTION RE: DISCONTINUANCE OF GRANTS OF SCHOLARSHIPS TO STUDENTS ON COMMUNITY BASIS

Mr. Deputy-Speaker: The House will now resume further discussion of the Resolution moved by Shri Bibhuti Mishra on the 19th July, 1957, regarding discontinuance of the grant of scholarships to students on community basis

Out of 2 hours allotted for the discussion of the Resolution, one minute has already been taken up and 1 hour and 59 minutes are left for its further discussion today.

Shri Bibhuti Mishra may continue his speech.

श्री बिभूति मिश्र (बगहा) उपाध्यक्ष महोदय, जो प्रस्ताव मैंने पेश किया है वह एक बहुत ही सरल प्रस्ताव है। इन प्रस्ताव में मैंने यह कहा है कि हिन्दुस्तान में जिनने गरीब आदमी हैं जिनका विधान में समाधान है और जो गरीब व्यक्ति छूट गए हैं उनका भी विधान में समाधान होना चाहिए। कोई भी गरीब आदमी हो, चाहे जिस तबने से वह सम्बन्ध रखता हो, चाहे जिस धर्म को वह मानता हो, चाहे जिस जाति का वह हो, यदि वह गरीब है, यदि वह पढ़-लिख इस बातसे नहीं सकता है कि उसके पास पैसा नहीं, उसको पढ़ाना लिखाना तथा उसको गरीबी से मुक्त करना सरकार का काम होना चाहिए। आज दुनिया में जितनी भी सरकारें हैं और जितनी सरकारों का भी गठन हो रहा है, वे सभी अपना ध्यान इस ओर केन्द्रित कर रही हैं कि उनको यहाँ लोगों में जो गरीब हैं, जो प्रशिक्षण है उनको कैसे दूर किया जाए। हर हकूमत की यह इच्छा रहती है कि किसी न किसी तरह से गरीबी को दूर किया जाए। हर गरीब आदमी को इस बात का अहसास होना चाहिए कि उसके प्रभाव प्रशिक्षणों को दूर करने का सरकार भरसक प्रयत्न कर रही है और उसकी गरीबी का अन्त करने के लिए सरकार सचेष्ट है।