

Insurance Corporation Act with regard to establishing of tribunals and other matters have been met and whether there are any other things which are still remaining and if so what are they?

Shri T. T. Krishnamachari: It is an omnibus question. So far as Tribunals are concerned, they are being constituted. But I cannot really off-hand say what are the things that have not been done and what have been done.

Shri L. N. Mishra: Is it true that the different wings, that is zonal, divisional and central organisations of the Life Insurance Corporation have not been working satisfactorily, from the administrative point of view? If so, may I know what steps Government are taking to bring about a change in the administrative structure of the Corporation?

Shri T. T. Krishnamachari: I am afraid from my personal point of view the whole set up is wrong, because there is a hierarchy without any division of responsibility. I think we have to look into it.

Shri Heda: Formerly Government had formulated some policy with regard to revising some ways of fixing expenditure in relation to premium amount. Many I know what it was formerly and what it is after nationalisation?

Shri T. T. Krishnamachari: I cannot say precisely what it was formerly. I remember that we had various figures ranging from about 11 per cent. to 16 per cent and many companies were following those figures. So far as nationalised insurance is concerned, it is not bound by any such figure. We do hope that it will be possible for us to reach the lowest limit.

Release of Political Prisoners in Kerala

Mr. Speaker: Question 189.

Shri Easwara Iyer: I wish to raise a point of order with regard to this question.

Mr. Speaker: Let the question be put first.

Shri Easwara Iyer: In this case the power of the State Government to remit sentences of death or order release of political prisoners is derived by virtue of article 181 of the Constitution and sections 401 and 402 of the Code of Criminal Procedure. This power is absolute. It should not be the subject matter of discussion in this House by way of questions, because it is beyond the purview of the Central Government.

Mr. Speaker: The hon. Minister will reply to that.

Let the answer to the question be read first.

*189. { **Shri H. C. Mathur:**
Shri Bibhuti Mishra:

Will the Minister of Home Affairs be pleased to state whether commutation of death sentences and general amnesty to the political prisoners were announced and given effect to by the present Kerala Government after obtaining the concurrence of the Central Government?

The Minister of State in the Ministry of Home Affairs (Shri Datar): No. The announcement was made without any reference to the Central Government. A recommendation for the commutation of death sentences in certain cases has been received from the Government of Kerala State and is under consideration of the Central Government.

श्री बिभूति मिश्र : मैं यह ज नवा बहता हूँ कि जब सेंट्रल गवर्नमेंट क. मर्जी के खिलाफ कोरन स्टेट गवर्नमेंट ने कार्यवाही की है, तो इस पर सेंट्रल गवर्नमेंट ने क्या स्टेप लिया है ?

Shri Easwara Iyer: May I know your ruling on my point of order?

Mr. Speaker: What has the hon. Minister to say?

The Minister of Home Affairs (Pandit G. B. Pant): What is the point of order?

Shri Easwara Iyer: That the power of the State Government to commute sentences of death or release political prisoners is absolute and its propriety or impropriety cannot be the subject matter of discussion in this House and it is entirely within the competence of the State Legislature.

Pandit G. B. Pant: That is an expression of opinion which I question.

Shri Easwara Iyer: With respect to the release of political prisoners by virtue of an order dated 12-1-1954 in the Andhra State, did the Andhra Government get the concurrence of the Central Government?

Mr. Speaker: I am not going to allow those questions. Is there any supplementary to this question?

Sardar Hukam Singh: The question was merely whether the commutation had been done with the concurrence of the Central Government. That was all that was wanted, and that information could legitimately be asked. It is not whether they could do it or not; it is only whether it was done with the concurrence of the Central Government. If some other supplementary question comes, then perhaps there might be objection.

Mr. Speaker: It is only a question of fact as to whether it has been done with or without the concurrence of the Central Government. On the question whether concurrence has to be obtained or not, the hon. Member has raised a point of order. The Home Minister says it is only a matter of opinion whether the Central Government's concurrence is necessary or not. I am not in a position to decide a matter of law. Of course I have allowed this question, because it is of importance.

Is there any other supplementary question? There is no point of order.

Shri V. P. Nayar: Under rule 41(vii) a question shall not relate to a matter which is not primarily the concern of the Government of India. This question is not primarily the concern of the Government of India, and

prima facie it is inadmissible. And section 54 of the Indian Penal Code gives absolute power to the State Governments to commute death sentences.

Mr. Speaker: With respect to what has happened in any particular part of the State, if a question is asked whether the Centre has been consulted, there is nothing wrong. The question of point of order does not arise. Any other questions?

Pandit G. B. Pant: If hon. Members want us to be more careful in answering questions put by them in future, we shall respect of their wishes.

श्री विभूति मिश्र : जो राजनीतिक कैदी छोड़ दिए गए हैं, उनमें से कितने प्रा.दमियों पर हिंसा का चार्ज था ?

Some Hon. Members rose

Mr. Speaker: The question has not yet been answered.

Pandit G. B. Pant: Hon. Members do not allow me to listen to the questions that are put, whether by them or by others. Many of them stand up simultaneously. I am prepared to satisfy everybody's curiosity. Only, let them have a little patience. May I know what the question was?

श्री विभूति मिश्र : जो राजनीतिक कैदी छोड़ दिए गए हैं, उनमें से कितने प्रा.दमियों के ऊपर हिंसा का चार्ज था ?

पंडित गौ० ब० पन्त : काफी लोगों पर हिंसा का चार्ज था ।

An Hon. Member: What was the question?

Mr. Speaker: The question was, how many persons were accused of violence.

Dr. K. B. Menon: May I know the number of Communists among those whose sentences were commuted, and whether there is one whose mercy petition was rejected by the Governor and the President?

Pandit G. B. Pant: I cannot exactly give the number of Communists, but there were Communists among them. And there was a case in which the

mercy petition had been rejected by the Governor and later by the President also. But the man has not yet been executed and we are giving consideration to the matter.

Shri Narayanankutty Menon: May I know whether the State Government is under any obligation, under any provision of law for the time being in force, to consult or get the concurrence of the Central Government in commuting the sentences imposed by them by law?

Pandit G. B. Pant: The State Government is not empowered to commute a sentence of death in a case in which the State Government has already rejected the petition and a further petition has been presented to the President. The matter is within the jurisdiction of the President, and the President, who is the supreme authority, being seized of the matter, no one else can deal with it except the President.

Shri Bharucha: That is not the correct view of the law.

Shri V. P. Nayar: Is it the view of the Home Minister or that of the Government of India or of any provision of law in any enactment?

Mr. Speaker: Next question.

Cost Structure of Coal Production

*190. { **Shri Kasliwal:**
Shrimati Tarkeshwari Sinha:
Shri Bahadur Singh:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Government propose to make a probe into the cost structure of coal production; and

(b) if so, the reasons therefor?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). A Coal Price Revision Committee has been appointed. A copy of the order constituting the Committee is laid on the Table of Lok Sabha. [See Appendix II, annexure No. 2].

Shri Kasliwal: The statement which has been given in reply to this question states the terms of reference to examine and report upon the cost of production of coal. May I know whether the Government have separately under their consideration the fixation of a pool price of coal?

Sardar Swaran Singh: I said something on that subject a few days ago on the floor of the hon. House. That matter is being considered. But, I cannot say whether the decision will be to accept the proposition or to reject it.

Shrimati Tarkeshwari Sinha: The hon. Minister has replied that the whole cost structure of coal is under investigation of the Government. If the Government had not before worked out the details of the cost of production of coal in the public sector that was to be produced at a cost of Rs. 80 to 120 crores, may I know how the Government came to the conclusion that 15 million tons will be produced in the public sector at a cost of Rs 80 to 120 crores?

Sardar Swaran Singh: These are estimates. Decisions with regard to targets that are settled cannot await calculation till the last pie.

Shri Bahadur Singh: May I know the recommendation of the Railway fare structure Enquiry committee and Road-rail-sea Co-ordination Committee with regard to the creation of a price pool is available with the Government at present and may we know in brief the recommendations of these committees?

Sardar Swaran Singh: These reports have been presented to other Ministries of the Central Government and these reports are under examination.

Shri T. B. Vittal Rao: Only last year, a Cost Accounts Officer and some other officials of the Government went into the question of price revision, of coal and gave an increase of from Rs. 3 to 6 per ton. Immediately after that, again, when