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LOK SABHA DEBATES

(Sixth Session)



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THREE SHILLINGS (FOREIGN)

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* The sign + marked above a name indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA DEBATES

1595

1596

LOK SABHA

Thursday, 27th November, 1958.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Canal Waters Dues

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*261. { Shri V. C. Shukla:
Shri D. C. Sharma:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 62 on the 12th August, 1958 and state:

(a) what further progress has been made in securing settlement of the "disputed" and the arrears of "undisputed" canal water dues outstanding against the Government of Pakistan; and

(b) if the position is as before, whether Government propose to take any special steps to expedite settlement of the dues?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b) The matter is still under correspondence between the Governments of India and Pakistan.

Shri V. C. Shukla: Are the Government actively considering the question of setting off part of these outstanding dues as our share of the cost of the construction of the link canals?

Shri Hathi: We are not considering that. It is not for us to consider. We are insisting on the payment.

249(A) LSD—1.

Shri V. C. Shukla: Did the Government recently ask the Pakistan Government to pay the dues immediately amounting to about Rs. 107 lakhs, and if so, has any money since been received from Pakistan?

Shri Hathi: The amount due on the undisputed item is Rs. 30,81,631 and the amount due on the disputed item is Rs. 99,49,635. We are in correspondence with the Pakistan Government requesting them to pay these amounts.

Shri V. C. Shukla: May I know if the study of the latest replacement plan offered by Pakistan has been completed by the Government of India or not, and if the Government have formulated their stand on that plan?

Shri Hathi: Really this is outside the scope of this question, but the plan has been studied and we have prepared our statement which will be considered at the next session that is due to be held on December 2 at Washington.

Shri Morarka: Is it a fact that some files concerning this dispute and the canal water dues have been stolen recently in the theft committed in the Finance Ministry?

Shri Hathi: I think the Finance Minister did make a statement about certain files that have been lost.

श्री रघुनाथ सिंह : चूँकि यह अगस्त का मवाल है मैं जानना चाहता हूँ कि अगस्त में लेकर आज तक कुछ पेमेंट पाकिस्तान के द्वारा हुआ है कि नहीं ?

श्री हाथी : कुछ पेमेंट नहीं हुआ है ।

Shri Goray: If the Pakistan Government insists on refusing to pay the dues, what steps are Government contemplating to take?

Shri Hathi: Negotiations.

Shri Hem Barua: In view of the recent statement made by Gen. Ayub Khan to the effect that this is a life and death question with them, do Government expect any payment of our dues?

Shri Hathi: These things are quite separate.

Shri Vajpayee: May I know if this question has been raised before the World Bank and whether Pakistan has been told that India will not adhere to its obligations of supplying water to Pakistan till 1962 if these arrears are not paid immediately?

Shri Hathi: This question of non-payment is known to the World Bank. The question of withdrawal of water is also known to the World Bank.

Defective Construction of Ships at Hindustan Shipyard

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*263. { **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the Minister of Transport and Communications be pleased to state:

(a) whether the enquiry of the expert Committee on the defective construction of certain ships in the Hindustan Shipyard is over;

(b) whether the report has been submitted to Government; and

(c) if so, the main findings of the report.

The Minister of Transport and Communications (**Shri S. K. Patil**): (a) to (c). A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 25.]

Shri Subodh Hansda: May I know what action has been taken against the persons responsible for this defect in the design or the construction of the vessels?

Shri S. K. Patil: The report has been placed on the Table of the House. Several persons have been held responsible for certain omissions, but the chief person is the firm which was our adviser, A.C.L.

Mr. Speaker: He wants to know what steps have been taken even against the firm.

Shri S. K. Patil: We are trying to recover the money. Nothing else can be done at this stage. The firm has also been changed, because we have switched on to the other firm.

Shri S. C. Samanta: May I know whether in the excise launch "Andamans" this defect was found after the construction or in the intermediate stage?

Shri S. K. Patil: It was found after the construction, but the defect is only in the speed of the launch.

Shri Subodh Hansda: May I know whether any loss has been incurred on this construction?

Mr. Speaker: What is the amount of loss?

Shri S. K. Patil: Loss is not there in the sense that its dead-weight has gone down. Therefore, the loss will be in its actual running.

Shri S. C. Samanta: From the statement I find that while "Haldia" was under construction, some defects were found in the design. May I know whether it was referred back to the engineering consultants of the Calcutta Port Commissioners or the ship building authorities who took the step?

Shri S. K. Patil: It has not been finally constructed. The defects were noticed at an earlier stage that if the design was pursued, the dead-weight tonnage would be less. Therefore it has not been completed. It has been referred back to the Port Commissioners in Calcutta.

Shri Tangamani: In the survey vessel "Haldia" which is the subject matter here, may I know how much

has already been spent on construction?

Shri S. K. Patil: I would require notice for that. I have not got the figures here.

Shri Narayanankutty Menon: May I know whether there is any clause in the original agreement between the consultants and the Hindustan Shipyard by which the Government is enabled to collect the losses incurred because of either acts of omission or commission by the consultants?

Shri S. K. Patil: The charge of consultation is not the main factor in the cost of a ship. It is only a part of the cost. But the ship is defective because it has gone down in dead weight tonnage. Therefore, no question arises of substantially recovering the cost from anybody.

Shri Narayanankutty Menon: My question has not been answered. I wanted to know whether in the original agreement between the consultants and the Hindustan Shipyard there was any clause whereby the Government is enabled to collect the losses incurred because of acts of omission or commission by the consultants.

Shri S. K. Patil: The loss is only the consultation fee, and that is not the material cost of the ship. The ship is built by others, by our yard, according to the design, and if the design is faulty, the ship also becomes faulty. Therefore, there is nothing to be recovered except that part of the cost which is under negotiation which we are claiming back.

Mr. Speaker: The hon Member evidently wants to know if, in case any defect arises subsequently on account of the execution of the work according to the wrong advice given by the consultants, there is any penalty provided besides withholding the fee.

Shri S. K. Patil: For that I will have to go back to the contract. I have not got the information here.

Shri Hem Barua: Regarding "Haldia" it is said in the statement:

"This vessel has been partly constructed and it was found that if the vessel were built to the design and particulars furnished by the Consulting Engineers of the Calcutta Port Commissioners it would involve a considerable loss of dead weight."

So, what steps have been taken against this firm of consulting engineers for giving defective designs involving such a loss?

Shri S. K. Patil: The hon. Member is referring to "Haldia" which is the second thing which has not yet been built. It has been detected at an early stage that if that particular design is pursued, there will be loss in dead tonnage. Therefore, it is under negotiation between the Port Commissioners of Calcutta and the shipyard.

Rajasthan Canal

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*265. { **Shri Harish Chandra Mathur:**
Shri Ram Krishan:
Shri F. L. Barupal:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 440 on the 25th August, 1958 and state:

(a) whether work on Rajasthan Canal is proceeding according to schedule;

(b) how much amount has been spent so far and what provision exists for the rest of the Plan; and

(c) whether administrative set up and control Board have been finalised and what is the nature of these organisations?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The work in the Punjab portion is proceeding according to schedule but the progress in respect of the Rajasthan

portion is rather slow as the work in that State has been started only recently.

(b) Approximately a sum of Rs. 68.62 lakhs has been spent so far. It is proposed to spend Rs. 18.5 crores in all during the Second Plan period.

(c) The setting up of the administrative machinery and the Control Board are under consideration of the Government and will be finalised very soon.

Shri Harish Chandra Mathur: May I know what action is being taken to step up the progress of work on the Rajasthan side, and whether the Minister can give us an assurance that the canal water dispute with Pakistan will not retard the progress of this work?

Shri Hathi: Really, the execution is with the Rajasthan Government, and we have drawn their attention to the slow progress. The work in the Punjab will be completed according to schedule, and I hope that even the Rajasthan Government will expedite the progress.

Shri Harish Chandra Mathur: The retiring chairman of the water and irrigation board was to take over as the head of this project from the 1st of October. In spite of the fact that he has got very attractive offers from outside, he wants to stay on here. May I know why he has not been able to take over, and what is being done in this matter?

Shri Hathi: The terms of agreement for the conditions of service etc. between him and the Rajasthan Government are being considered by the Rajasthan Government.

Shri Harish Chandra Mathur: May I know whether the Central Government are in touch with this matter, particularly, regarding the setting up of the administrative and control machinery, and also what steps have been taken so far to finalise this?

Shri Hathi: Yes, the Central Government are in touch with this

matter. In fact, a meeting was held this month on the 7th instant, and the matter is now nearly finalised.

Shri Harish Chandra Mathur: May I know what has been finalised?

Shri Ram Krishan: In reply to a previous question, the Deputy Minister had stated that the proposals had been sent to the Punjab and the Rajasthan Governments. May I know whether any reply has been received from these Governments?

Shri Hathi: The replies were received from the Governments, and the points that were raised by the Governments were actually discussed at the meeting on the 7th November, 1958, to which I had referred earlier, and those points have been solved.

Shri Harish Chandra Mathur: The hon. Minister has not stated what has been finalised now.

Mr. Speaker: Hereafter, I shall allow the hon. Member to ask only four supplementary questions. He must make up his mind to ask those questions which are of the greatest importance.

Shri Harish Chandra Mathur: It is so nice of you to say so. I am referring to the question which I have already asked. One part of the question has not been answered, and that is whether the canal water dispute with Pakistan will not retard the progress of this work; another which he has answered is that it has been finalised. May I know what has been finalised, and what is the shape now?

Shri Hathi: The composition, duties and functions of the Rajasthan Canal Board have been finalised.

Shri Harish Chandra Mathur: What is it?

Shri Hathi: That is, who will be on the control board, what will be the functions of the board etc.

Rate for Public Telephone Call

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*266. { Shri Bahadur Singh:
Shri Shree Narayan Das:

Will the Minister of Transport and Communications be pleased to state:

(a) the steps taken in respect of the proposal to increase the charge for a local telephone call to 15 nP.; and

(b) the increase in income expected?

The Minister of Transport and Communications (Shri S. K. Patil): (a) All existing coin boxes which now accept a 2 anna charge will be modified to accept two coins one of 10 nP. and one of 5 nP. totalling to a 15 nP. charge. The modification will be commenced on 1st January, 1959 and is expected to be completed by 31st January, 1959 at all places in India.

(b) This depends on the number of calls made after the revision of charge. On the assumption that there will be no change in the number of calls, the yearly increase of revenue would be approximately Rs. 1 lakh only

Shri Tangamani: In view of the fact that the additional revenue is likely to be only Rs. 1 lakh, may I know why there is this increase to 15 nP. instead of its being 12 nP.?

Shri S. K. Patil: It comes to that, according to the scheme of rationalisation, because he must not pay anything less than the average ordinary subscriber who pays something more than 15 nP. for a call. That is the first point. Secondly, a committee was appointed to go into the matter and that committee recommended 20 nP. This is indeed a compromise that we have made, so that we could bring him as near the ordinary subscriber as we possibly can

Shri V. P. Nayar: The hon. Minister stated that the modifications will be completed before long. May I know the total expenditure which would be involved on the complete modification required to make it accept new coins, and whether it is the Government

which undertakes the work of modification or whether any agency has been entrusted with this work?

Shri S. K. Patil: These things do not exactly arise out of this question. I have no information about the actual expenditure that will be there. But it is being done in our own workshop.

Shri Braj Raj Singh: In view of the increase of revenue by nearly Rs. 1 lakh, may I know whether there is any proposal with Government to revise the increased charge for local telephone calls to 10 nP. only?

Shri S. K. Patil: No, I said that we are charging at the rate of 15 nP., because the average subscriber also pays that.

Shri Achar: The hon. Minister was pleased to say that a committee had been appointed. May I know the composition of the Committee, and whether it was a Governmental committee?

Shri S. K. Patil: I have not got the composition here. A committee had been appointed to recommend the telephone tariff that should be charged. The composition is not here before me. If the hon. Member wants the names, I shall give him the same; the names are not here

Shri Ansar Harvani: As most of the telephone booths are defective, and even after our putting the coin in the slot, the calls do not mature, may I know what amount Government expect to earn from such non-matured calls?

Shri S. K. Patil: The whole question of this public call office is under examination. In other countries, there is a special coin that has to be put there, which is not a current coin which can be used. We are also considering the possibility of whether that could be done, and that will be a better answer, but it will take some time before we come to that decision.

Shri V. P. Nayar: May I know whether Government are aware that

apart from calls not resulting after the coin is put, there are also devices by which calls can be had without putting coins, and the coins can also be taken back?

Shri S. K. Patil: We know. We are aware of many things, but that is true in all walks of life. You do something, but there are cleverer people who find an answer to it. But we are improving.

हिमाचल प्रदेश का परिवहन विभाग

*२६७. श्री पद्म देव : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश के परिवहन विभाग ने सेन्ट्रल वर्कशॉप के विकास पर कितना धन व्यय किया ; और

(ख) वहां क्या-क्या काम किये गये ?

परिवहन तथा संचार मंत्री (श्री स० का० पाटिल) : (क) ₹. २६ लाख रुपये ।

(ख) हिमाचल सरकार के परिवहन विभाग के सेन्ट्रल वर्कशॉप में मोटर गाड़ियों की ओवरहाल (Overhaul), इंजनों का नवीकरण (Reconditioning), बसों के टांचों का निर्माण, उनकी मरम्मत तथा प्रशासन के स्टाफ कारों की सर्विसिंग (Servicing) की जाती है। वर्कशॉप में मोटर गाड़ी की बँटियां भी बन जाती हैं।

Some hon. Members: In English also.

Shri S. K. Patil: (a) Rs. 5.26 lakhs.

(b) The Central Workshop of the Transport Department of the Himachal Government attends to major overhauls of vehicles, re-conditioning of engines, construction and repairs of bus bodies and servicing of the staff

cars of the Himachal Pradesh Administration. Motor vehicle batteries are also being made in the Workshop.

श्री पद्म देव : माननीय मंत्री को यह मालूम है कि हिमाचल में अधिक संख्या में बीमार गाड़ियां सड़कों पर पड़ी रहती हैं। क्या हिमाचल में उनको ठीक करने का कोई प्रबन्ध है।

श्री स० का० पाटिल : प्रबन्ध तो हो रहा है। हिमाचल में सड़कें कुछ ऐसी हैं कि गाड़ियां बीमार हो जाती हैं। इसलिए दूसरी जगहों के मुकाबले में वहां की सड़कों को दुस्त रखने के लिए ज्यादा पैसा दिया जाता है।

श्री पद्म देव : क्या माननीय मंत्री बतला सकेंगे कि इस साल कितनी गाड़ियों का जीर्णोद्धार हुआ है ?

श्री स० का० पाटिल : मेरे पास ये फिगर नहीं हैं कि कितनी गाड़ियां बीमार हुईं और कितनों का जीर्णोद्धार हुआ।

Shri Tyagi: I hope they are not infectious.

श्री अब्दुल लतीफ : क्या डाक्टरों का कोई बोर्ड बिठाया गया है यह तहकीकात करने के लिए कि यह क्या नई बीमारी गाड़ियों को हो रही है ?

Mr. Speaker: We need not pursue that simile.

Shri Kamal Singh: In view of the heavy expenditure incurred in wear and tear of motor vehicles, is it considered that some extra amount be spent on the upkeep of roads, building of new roads etc.?

Shri S. K. Patil: That is exactly what is contemplated. But it is a State responsibility, of course in consultation and co-operation with us, and we have decided to give every help to that Government to do that.

Master Plan for Control of Flood in U.P.

*202. **Shri S. M. Banerjee:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Master Plan for Flood Control in U.P. has since been examined by the High Level Committee on Floods;

(b) if so, what are the salient features of the Plan; and

(c) whether Centre is likely to grant some aid for this?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir. An "Outline of the Master Plan for flood problems in U.P." received from the State Government has been examined by the High Level Committee on Floods.

(b) and (c). A statement containing the requisite information is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 26.]

Shri S. M. Banerjee: The statement contains brief details of flood protection works proposed in the Outline of the Master Plan. May I know from which year or month this work is likely to be started and the plan going to be executed?

Shri Hathi: Some of the works included in this Plan are already under execution. The remaining, of course, will have to be taken up in future years. But as to which of the works could be started will be decided by the Central Flood Control Board.

Shri Vajpayee: May I know if there is any scheme to protect U.P. towns against erosion, and if so, the names of those towns? Has the scheme been put into execution?

Shri Hathi: Broadly, the Master Plan has six categories of protection works: marginal embankments, raising of the level of villages, protection of towns against erosion by rivers, drainage, increasing waterways under bridges and flood detention reservoirs.

Mr. Speaker: He wants to know the names of the towns.

Shri Hathi: I have not got the list of towns.

Shri Braj Raj Singh: In view of heavy floods in West U.P. for the last two or three years, may I know whether there is any special scheme for flood control in West U.P.?

Shri Hathi: Really, these flood protection schemes are formulated by the State Government themselves. Whatever schemes they forward to the Central Water and Power Commission are examined and loans given on priority basis to such schemes according to the financial resources available.

Mr. Speaker: I thought U.P. was a single State. The hon. Member wants to divide it into East and West, North and South!

Shri P. C. Bose: In view of the fact that most of the rivers of U.P. flow into Bihar, is it not proper to have a Master Plan for both the States together?

Shri Hathi: In fact, the High Level Committee on Floods have examined all the outline plans submitted by various State Governments.

Shri S. M. Banerjee: The details given are of a long-term nature. In view of the repeated floods in U.P., what immediate remedial measures are likely to be taken up by the Committee or by the State Government or the Central Government?

Shri Hathi: Immediate measures are being taken. Actually marginal embankments are under construction. Then some villages are being raised. Protection works against erosion are being proceeded with. In fact, we have given a loan of about Rs. 8 crores to U.P. for these emergent works.

Khosla Committee

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*269. { Shri T. B. Vittal Rao:
Shri D. C. Sharma:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1497 on the 23rd September, 1958 and state when the Khosla Committee appointed to go into the condition of Railway Bridges and to suggest measures for improving the same is likely to submit their report?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): As already stated, this is a Committee of experts entrusted with a very important job requiring deep and exhaustive study and collection of voluminous data from various sources which naturally takes time.

The preliminary report of the Committee is in its final stages and is likely to be submitted early next year.

Shri T. B. Vittal Rao: May I exactly know at what stage the Committee's work stands now, whether they have finished inspection of the bridges they wanted to inspect, and collected evidence from eminent engineers?

Shri S. V. Ramaswamy: All I can submit at this stage is that the terms of reference have been looked into and in accordance with the terms of reference, they have gone into the matter and are submitting a preliminary report. If my hon. friend is interested in the terms of reference, I shall read them.

Shri T. B. Vittal Rao: I know them.

Mr. Speaker: He wants to know how far they have progressed in the matter of inspection and so on. If the hon. Minister has got details, he may give them.

Shri S. V. Ramaswamy: I have not got details of the inspection.

Shri D. C. Sharma: In view of the urgency of this matter, is it not thought desirable that we should have

interim reports as often as possible so that the damage to the bridges and difficulties about them are overcome as early as possible?

Shri S. V. Ramaswamy: I do not think we can hustle these experts. This is a very intricate and delicate matter—a very difficult matter too—involving collection of data, collation, collaboration.....

Shri V. P. Nayar: Botheration!

Shri S. V. Ramaswamy: and examination. All this takes time. We cannot rush through.

Shri T. B. Vittal Rao: According to the terms of reference, the Committee were asked to submit the report within six months. Be that as it may, before the Committee finalise their recommendations, will they again collect evidence of eminent engineers in the country?

Shri S. V. Ramaswamy: I do not know, but whatever is necessary to collect in order to finalise their report will be done by them.

Shri P. C. Bose: Are urgent or important repair works to bridges being carried out simultaneously with the work of the Committee or are they being held up?

The Minister of Railways (Shri Jagjivan Ram): No work has been held up in anticipation of the recommendations of the Committee.

Shri Tangamani: This Committee was appointed more than two years ago, and after that, we find similar accidents taking place over the same bridges, as it happened in the Maruthayar bridge. May I know whether any interim recommendations were made by the Committee to immediately take suitable steps about particular bridges?

Shri Jagjivan Ram: The Committee was appointed sometime in March, 1957.

Shri T. B. Vittal Rao: Nearly two years.

Shri Jagjivan Ram: Not two years. As has been stated by the Deputy Minister, it is a very important work. There has been great improvement in hydraulic science and technology. There have been changes in water courses and irrigation systems also in the country. At times rainfall falsifies all previous data. All these things have to be taken into consideration before the experts are in a position to make recommendations which will hold the field for many years to come. Therefore, they are taking time.

As regards taking evidence, most of the famous engineers in the country have been associated with the Committee either as regular members or as co-opted members.

Accident to Night Airmail Skymaster

*270. **Shri V. P. Nayar:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 1506 on the 23rd September, 1958 regarding accident to Night Air Service Skymaster at Madras and state:

(a) whether any enquiry has been made; and

(b) if so, what are the findings of the enquiry?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir.

(b) The accident Investigation report has been received and is under examination.

Shri V. P. Nayar: Is it a fact that when the pilot detected fuel leakage in the 'plane and was landing, he found to his dismay that the brakes of the 'plane did not work?

Shri Mohiuddin: As I stated, the report is under examination. All the points brought out by the Investigation Committee will be considered in due course. I cannot reveal any details now.

Shri V. P. Nayar: Is the hon. Minister aware that but for the extraordinary courage shown by the pilot....

Mr. Speaker: What is the good of going into details now?

Shri V. P. Nayar: I saw that 'plane the next day.

Mr. Speaker: I am happy he did it.

Shri V. P. Nayar: We are all happy that 47 lives were saved.

Mr. Speaker: The hon. Minister also might have seen it the next day. Let us await the report. I am sure the report, if it is an important one, will be placed on the Table of the House

Shri V. P. Nayar: I wanted to know if the report suggests that the pilot was extraordinarily competent in this case and Government would reward the pilot for saving 47 lives.

Mr. Speaker: Let us wait and see. These are all suggestions for action.

Milk Powder and Condensed Milk Project

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

(a) whether it is a fact that a milk powder and condensed milk project is being set up at Amritsar;

(b) if so, whether any other place for this purpose was recommended by the Punjab Government;

(c) if so, the names of those places; and

(d) the reasons for selecting Amritsar?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) A composite plant for processing milk and manufacturing milk products like butter, ghee and milk powder is being set up at Amritsar.

(b) and (c) The project is included in the State sector of the Punjab

Second Five Year Plan. Amritsar was selected by the Punjab Government themselves. The names of other places which it considered can be ascertained from the State Government.

(d) Amritsar was selected presumably because it is a very important milk pocket.

Shri Ram Krishan: May I know the total amount to be spent on this project and the total quantity of milk to be produced?

Shri M. V. Krishnappa: The project will cost ultimately Rs. 30,50,000 and it will be processing 2,500 mds. of milk per day and manufacturing 50,000 mds. of butter and 60,000 mds. of dried milk powder.

Shri Ram Krishan: May I know whether the Punjab Government has proposed to set up such a project in the Hindi speaking area of Punjab which is a milk producing area?

Shri M. V. Krishnappa: It is for the coming in Nabha; but the Haryana area which the hon. Member referred to is a very important area and Delhi will be getting a large quantity of milk from this area because the Delhi project is coming into operation very soon—from June next year—and we would like to use the milk produced in the Haryana area for meeting its requirements.

Shri D. C. Sharma: Is it not a fact that Gurdaspur was suggested as the site for this factory? May I know why Gurdaspur was turned down?

Shri M. V. Krishnappa: It is for the Punjab Government to fix the location of the factory.

Shri V. P. Nayar: May I know whether in setting up the factory Government have considered the suitability or desirability of sending the products to areas where the per capita consumption of milk is very very low such as in the States of Kerala and Madras?

Shri M. V. Krishnappa: That is the main consideration in thinking of the milk powder. We want to convert all the surplus liquid milk of this milk-producing area and send it to places where people do not get milk.

Shri V. P. Nayar: Ultimately, it will go to Calcutta.

Shri M. V. Krishnappa: It is also important.

Shri Heda: There is a proposal to colour the powder or the milk. May I know the reasons for this since nobody would mistake powder for fresh milk or the pasteurised milk for fresh milk? A

Shri M. V. Krishnappa: Presumably the hon. Member is referring to press report regarding yesterday's Municipal Corporation resolution wherein they are reported to have decided un-animously that in Delhi skimmed milk should be coloured. But today there is a contradiction and they say that that was not decided.

Money Orders

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*272. { **Shri Nagi Bedy:**
Shrimati Parvathi Krishnan:
Pandit D. N. Tiwary:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Money Orders worth nearly Rs. 20,000—remained unpaid at a local Post Office in Muzaffarpur for several days because there was no money; and

(b) if so, whether the mater was enquired into?

The Minister of Transport and Communications (Shri S. K. Patil): (a) There were heavy accumulations of money orders in the interior sub-office in Muzaffarpur District in the month of September, 1958.

(b) The Postmaster-General has instituted enquiries into the matter and has taken all remedial measures possible.

Shri Nagi Reddy: May I know the number of days that the money orders were kept pending in that particular post office?

Shri S. K. Patil: I cannot give the exact number of days; but they were pending for a few days in the same month—maybe some weeks.

Shri Nagi Reddy: May I know the number of persons who were put to trouble due to this delay?

Shri S. K. Patil: It is very difficult to say how many persons were put to inconvenience.

Shrimati Parvathi Krishnan: May I know the reasons for this delay and the specific remedial measures that have been taken?

Shri S. K. Patil: The reasons are very obvious. (*Interruption*). To these places remittances go in one thousand a day because security has also to be taken into consideration, the average being Rs. 29 lakhs and some thousands—which is the district average. Instead of that, all of a sudden, owing to drought and other conditions, there were many money orders and they came to Rs. 34 lakhs, some Rs. 5 to Rs. 6 lakhs in addition. Therefore, this kind of congestion was necessitated because of security reasons.

With regard to the other part of the hon. Member's question, the remedial measures, when all these are converted into mail bags and other remedies are adopted, it is possible that we shall be able, consistent with security, to pay the money orders quicker.

Shri Tyagi: Have the Department informed the senders of these money orders that their money orders could not be delivered in time so that they can take to some other arrangements?

Shri S. K. Patil: It is indeed a very fine suggestion. I do not think it was

done. But, I would take that suggestion that in cases where these things happen sometimes, it is a better policy, if it is feasible that the persons affected shall be duly informed.

Shri S. C. Samanta: May I know whether one of the reasons is the paucity of sufficient number of cash overseers available to carry the money from the head office to the local office?

Shri S. K. Patil: That is correct; and, therefore, their number is also proposed to be increased.

श्री गणपति राव : क्या मनी महोदय को मालूम है कि बनारस जिले में कुछ छोटे छोटे पोस्ट आफिसिज में छ छ और चार चार महीने के मनीआर्डर अभी भी पड़े हुए हैं और एक एक छोटे छोटे पोस्ट आफिस में पाच पाच और दस दस हजार रुपये तक के मनी आर्डर अभी भी ग्वे हुए हैं ? यदि हा, तो इस बारे में क्या कार्रवाही की जा रही है ?

श्री स० का० पाटिल : यह सवाल इस से नहीं उठता है । लेकिन इस चीज को भी मैं देख लूंगा ।

Shipping Freight Rates

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*273 { **Shri Raghunath Singh:**
Shri Aurobindo Ghosal:

Will the Minister of Transport and Communications be pleased to state whether it is a fact that Government is again taking up the question of re-adjusting freight rates with foreign shipping Companies with a view to encourage export from this country?

The Minister for Transport and Communications (Shri S. K. Patil): Yes, Sir, This is a more or less continuous process and Government take up the matter with the shipping Conferences concerned whenever complaints are received to the effect that freight rates on any commodity figuring in India's export trade are either

high or discriminatory. The question of setting up a regular organisation for tackling this problem more effectively is under consideration.

श्री रघुनाथ सिंह : अभी तक किसी के साथ आपकी कान्फेंस या मीटिंग हुई है इस बारे में या नहीं कि हिन्दुस्तान की एक्सपोर्ट ट्रेड में उन्नति हो और इस हेतु फ्रेट रेट में थोड़ी सी कमी हो ?

श्री स० का० पाटिल : एक कान्फेंस हो गई है, Sixth Meeting of the Consultative Committee of Shipping Interests, 19-8-58 वह भी इसी नतीजे पर पहुंची है कि फ्रेट बढ़ रहे हैं और डिस्क्रिमिनेशन हो रहा है । लेकिन सर्वेनमेंट कोशिश कर रही कि जहां तक हो सके यह चीज न हो ।

Shri Tyagi: May I have an idea of the approximate amounts paid from year to year as freight to these foreign shipping companies; and may I also know whether these payments are made in rupee currency or in the respective currencies of the countries to which the ships belong?

Shri S. K. Patil: So far as the separate moneys are concerned, it is difficult for me to say now because I have not got the figures. But the currency is not the rupee currency; it is foreign exchange that we have to pay unless there is arrangement to the contrary.

Shri A. C. Guha: Is it true that in some cases the discriminatory freight rates are acting against the promotion of our export trade in particular matters?

Shri S. K. Patil: That is exactly what I answered the hon. Member. Therefore, we are taking up this matter so that the charges, whether high or low, if they are of a discriminatory character should be taken into consideration.

Shri Tangamani: Was this question of discrimination considered at the sixth meeting and may I know whether any decision was arrived at?

Shri S. K. Patil: The question was considered; but what exactly they decided in detail is not before me.

Shri Tangamani: Has there been any subsequent conference?

Shri A. C. Guha: Is it true that in some cases the freight between neighbouring countries like Burma and Malaya to the U.K. is lower than the freight rates to India from those countries?

Shri S. K. Patil: That may happen. But, these matters are not exactly under our control except through a process of negotiation; and we are going through a very delicate process of negotiation.

Export of Rice from Orissa to Bihar

*274. **Shri Panigrahi:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 468 on the 25th August, 1958 and state:

(a) whether 25,000 tons of rice have been exported to Bihar as agreed to by the Government of Orissa;

(b) what was the price paid per maund of rice exported to Bihar from Orissa; and

(c) whether there is any reserve stock of rice in Orissa on the Government of India account?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):

(a) The Orissa Government have been offering rice to the Bihar Government in instalments, and a quantity of 10,000 tons has been offered so far. Of this, about 5,000 tons have been despatched and further despatches are in progress.

(b) The prices paid are :-

- (i) Super Fine Rice] Rs. 19/1/3 per maund bagged F.O.R. despatching station (inclusive of Sales Tax)
- (ii) Fine Rice "] Rs. 18/15/3 per maund bagged ex-godown (inclusive of Sales Tax.)

(iii) Common Rice Rs. 18/7/- per maund
bagged ex-godown
(inclusive of Sales
Tax.)

(c) No. Sir.

Shri Panigrahi: Recently, the Union Government has authorised the State Government of Orissa to purchase rice at the rate of Rs. 15/- per md. May I know whether this rice would be purchased from the purchasing agents or directly from the farmers?

Shri A. M. Thomas: It is only a recent arrangement that the Government of the State of Orissa has been authorised to purchase at a particular rate. That will be from the producers as well as those who offer to the State Government.

The Minister of Food and Agriculture (Shri A. P. Jain): With your permission I may add that this rice was purchased by the Government of Orissa on its own account, and not on the account of Government of India. The Government of Bihar was in need of rice. These two Governments were put in touch with one another and the Government of Orissa sold rice to Bihar Government on a no-profit-no-loss basis.

Shri Panigrahi: Recently the Orissa Government has submitted to the Union Government that at the price fixed, Rs. 15 per maund, the State Government is not prepared to purchase rice. Is the Central Government going to suggest any other measure to the State Government?

Shri A. P. Jain: Last year we suggested Rs. 15 for the purchase of rice on behalf of Government of India. They did not agree to that figure and they purchased rice at a higher price. It was Rs. 15.50, I believe, and was purchased on their own account. So far as this year is concerned, we have intimated them that they should make purchase on our behalf at Rs. 15 per maund.

Shri Panigrahi: May I know whether this Rs. 15 per maund is the price to be paid to the purchasing agent or directly to the cultivators?

Shri A. P. Jain: Whoever may be the supplier, the Government pay Rs. 15.

Shri Jaganatha Rao: May I know if large quantities of rice procured last year by the Orissa Government on the Government of India's account is still lying there awaiting removal, in Koraput especially.

Shri A. P. Jain: No rice was purchased by the Orissa Government last year on the account of Government of India.

Shri V. C. Shukla: Recently, the Government of India have fixed the sale price of rice at Rs. 15 per maund in Madhya Pradesh. May I know if the rice imported from Madhya Pradesh would be paid just that purchase price or the Government of Madhya Pradesh would be getting a much higher price as in Orissa?

Shri A. P. Jain: May I respectfully submit that the hon. Member may table another question?

Mr. Speaker: There are fourteen States; I am not going to allow this sort of question.

Shri Daljit Singh: May I know the effect that this purchase had in the market at Orissa? Has it increased the local price?

Shri A. P. Jain: It created no effect.

Mr. Speaker: He wants to know whether it has increased the local price.

Shri A. P. Jain: No, Sir. This was the stock lying with the Government of Orissa and the Government of Orissa sold it to the Government of Bihar. It was not purchased at the time from the market.

Shri Heda: May I know whether the fixation of the price at Rs. 15 has any bearing to the existing market rates or it has been done with a view to bring down the rates?

Shri A. P. Jain: The Government of India had fixed the price after taking into account several factors. One was the recommendation made by the Foodgrains Enquiry Committee—that procurement price should be fixed between Rs. 15 and Rs. 17. The other was the procurement price prevailing in the year 1952-53 and also the market price prevailing in certain other years.

Shri Panigrahi: May I know whether the State Government has written to the Union Government to the effect that this fixation of Rs. 15 is not going to help the farmers if the State Government is asked to purchase it from the purchasing agents?

Shri A. P. Jain: I could not follow the question.

Mr. Speaker: All that he wants to know is this. Has the States Government written to the Central Government that this Rs. 15 would not reach the peasants if the rice is purchased from the middlemen? Is there any instruction given by the Centre that it ought to be purchased from the middlemen?

Shri A. P. Jain: No, Sir. There is no such direction from the Centre. We have also authorised the State Governments to buy paddy at the corresponding rate so that the profiteering of the middlemen can thereby be curbed.

Shri P. G. Deb: May I know if this price-fixation is going to benefit the cultivator?

Shri A. P. Jain: It is going to benefit everybody.

Sugarcane

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*275. { **Shri Bimal Ghose:**
Shri Ram Krishan:
Shri Bishwanath Roy:
Shri Nagi Reddy:
Shrimati Parvathi Krishnan:
Shri Vajpayee:
Shri Ajit Singh Sarhadi:

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

(a) whether the per acre yield of sugarcane and the recovery per cent of sugar in cane have been declining over the past three years; and

(b) if so, the reasons therefor and measures adopted to effect improvement in this regard?

The Deputy Minister of Food and Agriculture (**Shri A. M. Thomas**): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 27.]

Shri Bimal Ghose: The hon. Minister has been good enough to give us statistics for the last ten years. Neither the average per acre yield nor the recovery per cent had increased in the last ten years. May I know if the Government is satisfied with this position and also with the activities of such institutions as the Indian Central Sugarcane Committee?

Shri A. M. Thomas: There has not been any substantial increase in the recovery percentage.....

Some Hon. Members: No increase.

Shri A. M. Thomas: In 1957-58, it is 10.00 whereas in the previous years it has been 9.72 or 9.83 and 9.93. There has been some increase..... (Interruptions).

Mr. Speaker: Let the hon. Deputy Minister explain the position. The hon. Members are themselves answering the question. Why are they impatient?

Shri A. M. Thomas: In the statement placed on the Table, it has been

stated that the variations are mainly due to natural causes such as drought, irregular rainfall, floods, etc. We have adopted intensive cane development measures from 1949 and we have also provided for Rs. 8 crores for cane development in the Second Plan. We are spending substantial amounts in the direction of providing chemical fertilizers and irrigation facilities. We are attending to seed improvement also. We are thus taking the necessary measures. Of course the progress has not been substantial. But we have been able to cover about fifty per cent of the total sugarcane area in the country. It may also be stated that the Coimbatore cane variety is now in use in about 95 per cent of the area and it is a variety known throughout the world.

The Minister of Food and Agriculture (Shri A. P. Jain): With your permission, may I add a word, Sir? I agree that there has not been any substantial progress in the yield per acre; I am not satisfied with it. But I would like the hon. Members to take one factor into account. New areas have come under sugarcane which were not so suitable. In the areas which were previously under sugarcane there has been a comparatively higher yield, but because of these new areas, the average yield has been lowered. We are of course proposing to concentrate our efforts to increase the yield per acre.

Shri Bimal Ghose: This information was not given in the statement. Do I take it from the hon. Deputy Minister that all that we can do for increasing the yield would merely balance the counter-effects of natural causes and we can never expect to have any increase in the average?

Shri A. P. Jain: There is no such implication. I think sugarcane yield can increase.

Shri Braj Raj Singh: From the statement it appears that in the Second Plan there is some proposal for cane development and one proposal is the construction of pucca roads in sugar factory areas. What is the mileage of pucca roads constructed in the sugar factory area during the Second Plan? Is it a fact that the cane cess realised from the cultivators for the purpose of constructing pucca roads has remained unutilised for some years?

Mr. Speaker: We are going away. Many details are given in the statement no doubt. But the question relates to recovery and the supplementary goes to roads.

Shri Ajit Singh Sarhadi: May I know if it is not a fact that in Punjab the recovery percentage has been very much less during the last five years?

Shri A. M. Thomas: In Punjab in 1957-58 the figure is 9.42 compared to 9.02 in the previous year. So, there is some increase.

Pandit K. C. Sharma: Has the hon. Minister taken any step for introducing varieties of sugarcane which give a better recovery percentage in preference to the other varieties and if so, would he like to change the price formula for the sugarcane?

Shri A. P. Jain: It is our constant effort to introduce better yielding types of sugarcane and also the types of sugarcane which give better recovery; but that has no bearing with the bonus formula.

Shrimati Parvathi Krishnan: The hon. Minister stated that a sum of Rs. 8 crores has been set apart for sugarcane work in the Second Five Year Plan. May I know whether that includes the expenditure on the Central Sugarcane Research Stations and also the expenditure that is being incurred on the repeated delegations that are sent abroad to find out other methods of sugarcane products?

Shri A. M. Thomas: The amount of outlay which is necessary for State schemes is included therein as also the amount which would be spent on the Sugarcane Research Institute

Shrimati Parvathi Krishna: May I know whether there have been any results of the delegations going abroad, whether other methods of production have been adopted; and if so, whether any useful results have come from them?

Shri A. M. Thomas: It is true that one delegation has gone abroad and it has visited certain countries like Australia. It has submitted a report and the recommendations contained therein are also being taken into consideration.

Shri Nagi Reddy: Has the Government tried to review the whole work of the Sugarcane Board for the past eight years to see where the lacuna lies, because even though the Board has been functioning and spending a lot of money we have not been able to increase the production?

Shri A. M. Thomas: It is not correct to say that we have spent a lot of money. From the Central revenues we have spent for development schemes in 1956-57 Rs 32 lakhs, Rs 38 lakhs in 1957-58 and we have provided about Rs 60 lakhs for the current year.

Shri Shivananjappa: In view of the fact that sugarcane price is linked with the recovery, may I know the steps taken by Government to keep the sugarcane price remunerative to the cultivator?

Shri A. P. Jain: Firstly, there is the basic price of Rs 1-7-0 fixed for factory and Rs 1-5-0 for outstations. Secondly, along with it, the cultivators get a bonus worked out on the basis of the formula which has now become a part of the price.

तूफान की चेतावनी देने वाला रडार बंग

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*२७६ { श्री भक्त बर्षन :
श्री भक्त प्रसाकर :

क्या करिबहन तथा संचार मंत्री २७ सितम्बर, १९५८ के ताराकित प्रश्न संख्या १६९१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नई दिल्ली के सफदरजंग हवाई अड्डे पर तूफान की चेतावनी देने वाला जो रडार यंत्र लगाया गया है, वह धूल के तूफान के बारे में किसी प्रकार भी सूचना नहीं दे सकता है; और

(ख) यदि हा, तो इस कमी को दूर करने के लिये क्या कार्यवाही की जा रही है ?

असैनिक उद्योग उपमंत्री (श्री मुहीउद्दीन) (क) और (ख). यह रडार ऐंमो आधियों का पता देता है जो बू से लदे हुए वादलों के साथ ही। ज्यादातर आधिया इर्मी किम्म की हाती है। रडार की खुसमियत पानी बरसाने वाली आधियों यानी थण्डर-स्टार्म का पता लगाना है। यह रडार उन खुस्क आधियों का पता नहीं लगा सकता जिनके साथ पानी से लदे हुए वादल न पाये जाये। इस किम्म के रडार की यह पामी नहा है।

श्री भक्त बर्षन: श्रीमान, जब कि माननीय मंत्री श्रीर दासन को जान है कि दिल्ली में ज्यादातर तूफान रंगस्नान के नजदीक इर्न के कारण आने भरे आने है तो ऐंमो हालत में कोई ऐंमा यंत्र क्यों नहीं स्थापित किया गया जो कि ऐंमो आधियों का पता लगा सके ?

श्री मुहीउद्दीन: मैंने जवाब में बताया है कि ज्यादातर आधिया ऐंमी होनी है जिन

के कि माच पानी का भी लगाव होता है और इसलिए घाबियों का पत्ता यह रडार दे देगा ।

श्री भक्त बर्दान : अब तक इस यंत्र के द्वारा जो भी अनुभव प्राप्त किया गया है, मैं जानना चाहता हूँ कि क्या वह काफी सन्तोषजनक है या नहीं और क्या उससे हमारे हवाईजहाजों का काफी मदद मिली है कि नहीं ?

श्री मुहीउद्दीन : मेरे बयान में काफी सहायता मिली है ।

Shri Joachim Alva : When TU Jets are coming in and Boeing Jets are soon to come, may I know why we have not got radar capable enough of detecting every kind of storm?

Shri Mohiuddin : I have already stated that most of the storms in North India will be detected by this equipment

श्री भक्त बर्दान : मैं यह जानना चाहता हूँ कि इस तरह का रडार यंत्र क्या केवल दिल्ली में ही स्थापित किया जा रहा है या देश के अन्य स्थानों में भी उसे स्थापित करने की कोई योजना है

श्री मुहीउद्दीन : उस किस्म का यह रेडार रडार एक ही है लेकिन दूसरे किस्म के मान रडार यंत्र हमने खरीदने हैं जिनमें मैं दमदम और मेट्रोपॉलीटन ट्राफिस नर्ड दिल्ली उन दो स्थापना पर वह रडार फिट हो चुके हैं और - की शान्तकृष्ण, नागपुर मद्रास, गया और गीताटी इन पांच जगहों पर, और लगाय जायेगा ।

Mr. Speaker : Next Question

Shri A. M. Tariq : Question No 277

Shri Tangamani : Sir I request that Question 282 also may be taken up along with this

Mr. Speaker : Let me see 1. Shri D C Sharma present?

249(A1) L S D—2

An Hon. Member : No

Mr. Speaker : Then I cannot allow it to be taken up

Shri Tangamani : Part of the answer to this question is to be given by the previous question

Mr. Speaker : That does not matter, the hon Member is not interested

Delhi Transport

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277. { Shri A M Tariq;
Shri Bibhuti Mishra:

Will the Minister of Transport and Communications be pleased to state.

(a) whether Government are aware of the acute shortage of transport facilities in Delhi,

(b) if so, what steps are being taken to improve such facilities, and

(c) whether there is any proposal to increase the number of two-seater scooters in Delhi

The Minister of Transport and Communications (Shri S K Patil) :

(a) Yes There is shortage of cheap transport

(b) Steps have been taken to augment the existing fleet of buses with the Delhi Transport Undertaking. The State Transport Authority, Delhi, is issuing additional permits for taxis and two-seater auto-rickshaws

(c) Additional permits for two-seater auto-rickshaws are being issued by the State Transport Authority Delhi, as and when vehicles become available

श्री अ० सु० तारिक : क्या टुकमन का यह इत्स है कि दिल्ली में जो टू मीटर स्कूटर्स चलते हैं उनमें से १० फीसदी ऐसे हैं जिनका कि माइलेज मीटर हमेशा खराब रहता है और क्या उनको पता है कि इन टू मीटर स्कूटर्स के ड्राइवर्स अपनी मरखी में जहा जाना चाहे जाते हैं और पैमेजर्स को भी वह

इसके लिए मजबूर करते हैं कि वे भी वही जाय जहाँ कि वे जाना चाहते हैं ?

श्री स० का० घाटिल : यह जानकारी मैं भालरेबुल मैबर से लेता हूँ ।

श्री विभूति मिश्र : मैं जानता चाहता हूँ कि नई दिल्ली में सरकार यह टू सीटर्स प्राटो कशा चलाने के लिए क्या इंतजाम कर रही है ?

Shri S. K. Patil: This is, Sir, the responsibility of that Government and the Chief Commissioner, and they have got a programme of expanding the facilities of transport.

श्री स० सु० तारिक : मैं ने पूछा था कि क्या यह हकीकत है कि दिल्ली में जो स्कूटर्स चलते हैं उनमें से १० फ्रीसदी ऐसे हैं जिनका कि माइलेज मीटर हमेशा खराब रहता है और इस बारे में हुकूमत ने क्या पालिसी प्रखित्यार की है ?

श्री स० का० घाटिल : मैं ने कहा कि कि वह चीज तो अभी इस सवाल से नही उठती है लेकिन पता है और वह जानकारी मुझे मिली है और मैं उसे राइट क्वार्टर में भेज दूंगा ।

Shri Ansar Harvani: Is there any proposal to hand over some of the routes to private operators to make up the shortage of transport facilities in the city?

Shri S. K. Patil: The hon Member seems to have taken it from some report that has appeared in the Press; I have not received any intimation that the Corporation is contemplating such a step.

Shri Ram Krishan: May I know whether Government have received any complaint against scooter drivers that they refuse to carry passengers through certain routes?

Shri S. K. Patil: Generally, Sir, it is the Chief Commissioner and the

Corporation that receive the complaints. If the hon. Member wants, I would enquire and place the information before the House.

Shri Tangamani: I find that there are 550 four-seater scooters, which are known as phut phut, and I learn that Government do not propose to issue any more licences. In view of the fact that this system of transport is very much used by the poor people, may I know whether Government will reconsider the question of issue of licences?

Shri S. K. Patil: That is a suggestion for action; we shall consider it.

Shri Vajpayee: I understand that the Delhi Transport Authority applied to the Central Government for a licence to the tune of Rs. 13 lakhs to import spare parts and the Central Government has sanctioned only a licence of Rs. 3 lakhs. May I know if it is a fact; and, if so, will Government consider the desirability of increasing the amount so that the spare parts may be imported?

Shri S. K. Patil: They are not exactly the same, what the licences were applied for and what was given. But the fact remains that the spare parts are not available. Therefore, the sickness in transport has increased, and we are seriously considering what the hon Member wants.

Dakotas

*278. Shrimati Masida Ahmed: Will the Minister of Transport and Communications be pleased to state whether Government have undertaken any measures for replacement of overaged Dakotas flying on various routes in the country?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): As I have stated in reply to part (c) of Starred Question No 138, answered on 21-11-1958, the question of replacement of Dakotas is under consideration.

Shri Mulla Ahmed: May I know whether all the existing Dakotas and Skymasters are still fit for service and who is the proper authority to guard against dangerous conditions and under what basis the actual condemnation is done?

Shri Mohiuddin: The Dakotas and Skymasters are absolutely in good condition and in serviceable condition. They are all airworthy. The Director-General, Civil Aviation, is the authority to issue the certificate of air-worthiness, and there are very strict rules according to which every part of the machinery and the engine is tested or replaced according to programme, and then they are certified as airworthy. Only then they can fly.

SHORT NOTICE QUESTION

**Weekly Scheduled Freighter Service
By Air India International**

+
S. N. Q. 2. { **Shri Goray:**
Shri Basumatari:
Shri Ajit Singh Bhatinda
Sardar A. S. Saigal.

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Air India International have announced running of a scheduled freight weekly service between European countries and India and within India, from the 17th of this month;

(b) whether they have entrusted the job to an American Company, and

(c) if so, what are the terms of the contract?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir, but the service will not carry traffic between points in India

(b) The service will be in the name of Air-India International and bear A.I.I. flight numbers but will be operated with aircraft and crew of Seaboard and Western Airlines, an American all cargo carrier.

(c) The Agreement between the two airlines has not yet been finalised but broadly the terms of the contract are:

- (1) All operational expenses will be incurred by Seaboard & Western Airlines.
- (2) The quantum of gross revenues earned from the carriage of traffic on the India—U.K. route will be apportioned on the basis of 80 per cent. to Sea Board and Western Airlines and 20 per cent. to Air India International.
- (3) Air India International will receive the agency commission of 7½ per cent. on traffic for which immediate connection is provided by Seaboard and Western Airlines on their existing scheduled freighter service between London and New York.
- (4) The arrangements will be operative upto 31st March, 1960.

Shri Goray: May I know whether any effort was made to find out if any Indian company was ready to serve on these terms?

Shri Mohiuddin: When these negotiations were initiated, the question whether any Indian private operator will be able to render the same service as offered by the Seaboard and Western Airlines was fully considered and the A.I.I. came to the conclusion that the terms offered and the service that will be rendered by this Airlines will be better than that of the other one

Shri Goray: May I know whether the Kalinga Airlines were ready to operate these lines on these terms?

Shri Mohiuddin: The Kalinga Airlines had informed the Government and the A.I.I. that they would undertake this work, but, as the hon. Member knows, Kalinga have not got a plane suitable for the cargo service for long distances

Shri Basumatari: May I know who is the Chief Controller for this? Is it Mr. J. R. D. Tata or the Director-General of Civil Aviation?

Shri Mohiuddin: This is an agreement between these two airlines. There is an agreement between them on certain terms and conditions. I do not know what is meant by the term "Chief Controller".

Shri Joachim Alva: May I know why the Government did not exploit the idea of having our own freighter plane which would cost about Rs. 70 lakhs and why they were content to receive only a small commission of 7½ per cent of the freight on cargo?

Shri Mohiuddin: It is not 7½ per cent. As I already stated, it is 20 per cent of the gross revenue. As regards purchasing of aircraft on our own account, I may state that at the present moment, the A.I.I. have got ten or 11 super constellations. They will receive Boeings in the early part of 1960. When Boeings are received, their capacity will increase by about 100 per cent, and from 1960 onward, the piston-engine aircraft which the A.I.I. now possess will be surplus. So they are now making arrangements in such a way that by March, 1960, when the Boeings will be received, they will be able to develop cargo business, and the super constellations that may become surplus at that time will be usefully employed.

Shrimati Renu Chakravartty: Are we to understand from the Minister that this arrangement is a very temporary one because of the shortage of aircraft and that the policy of not allowing non-scheduled operators or private operators to function—in relation to the airlines coming to India and going out—will not be subverted in any way after 1960?

Shri Mohiuddin: The arrangement is temporary. It is only up to March, 1960. Another clause will also be included that, if necessary, the arrangement will be terminated at

three months' notice so that when the A.I.I. super constellations are surplus they can be utilized for this purpose.

Shri Basumatari: May I know who are the personnel in this American company and what is the relation that this company has with Mr. J. R. D. Tata and others?

Shri Mohiuddin: The Seaboard and Western Airlines are well-established cargo carriers and they are well known.

Shri Jaipal Singh: May I know whether, when the negotiations were going on with Kalinga, it is not a fact that Kalinga offered to buy up-to-date French freighter aircraft so that they could do this work without any foreign currency involvement?

Shri Mohiuddin: They did offer to buy. As a matter of fact, they also brought one freighter to India for test purposes but the difficulty is about foreign exchange. The other difficulty which I may point out is, as I have already said, the A.I.I. have themselves got sufficient number of planes to use from 1960 onwards for cargo purposes. If another aircraft were to be purchased, then that aircraft would have still been a surplus one. Moreover, during this period, 1958-60, there is another difficulty. As I have stated, the operational cost of this American airline will be the full responsibility of the American airline itself. The A.I.I. will not be financially responsible. If a new operator had to come in, the difficulty would have been about the return load from London to India. In the present circumstances of restricted imports, probably the return load would have been very little and the company would not have earned sufficient revenues.

Shri Jaipal Singh: I am afraid the hon. Deputy Minister has not understood my question. What I want to know is whether it was not a fact that this particular operator undertook to buy up-to-date freighter aircraft, which has been very highly spoken of

by the Ministry of Defence and it did not entail any foreign currency difficulties. What I really wanted to find out was why there was no linking between the requirements of Defence and our Civil Aviation in such matters, because it is a question of transport command. I am not disputing that the Super-Constellation might be good. But I want to know why there is no linking. The question has been raised earlier with regard to replacement of Dakotas also. There seems to be no linking between our defence and civil aviation requirements.

The Minister of Transport and Communications (Shri S. K. Patil): The question of linking does not arise out of this. This is merely confined to the freight for a limited period. I can understand its importance, but surely it does not flow out of this particular question.

Shri Hem Barua: In view of the fact that these independent operators informed the Government that they were ready to purchase French Nord Atlas, American Skymasters and British aircraft which would have meant 100 per cent earning for our country, why is it that the Government thought it fit to barter away our legitimate rights with an American company for 20 per cent of gross revenue on traffic and 7½ per cent commission?

Shri Mohiuddin: It is a matter of opinion whether the earnings would have been very large or 100 per cent. That is a matter of opinion. As I have already stated, on account of very heavy restrictions on imports and on account of lack of organisation for sale of capacity on the continent of Europe, the A.I.I. thought it fit and we agreed that the import of a newer aircraft for this purpose will not ultimately be profitable.

Shri Hem Barua rose—

Mr. Speaker: I have allowed a number of questions. I cannot allow any more

WRITTEN ANSWERS TO QUESTIONS

Integration of Gramdan and Community Projects

*262. **Shri D. C. Sharma:** Will the Minister of Community Development be pleased to refer to the reply given to Starred Question No. 632 on the 28th August, 1958 and state the progress made so far regarding integration of Gramdan and Community Projects?

The Minister of Community Development (Shri S. K. Dey): A Model Gramdan Act is being prepared.

Gramdan literature has been distributed to most of the States for Block Headquarters libraries. Gramdan journals and sets of basic gramdan literature for those libraries as well as village libraries are also being supplied.

Akhil Bharat Sarva Seva Sangh have started Gram Nirman work in collaboration with Community Development machinery at State level in Trimungalam (Madras) and Lakhimpur (Assam), in addition to Koraput (Orissa). They also propose taking up similar work in Sarguja (Madhya Pradesh) and Dungarpur (Rajasthan).

Telephone System in Cuttack

*264. **Shri Sanganna:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the existing Telephone System in Cuttack city has been converted into the Automatic System; and

(b) if not the reasons thereof?

The Minister of Transport and Communications (Shri S. K. Patil): (a) No.

(b) A scheme for a 1200 line automatic exchange is under consideration.

Private Manufacturers of Rail Coaches and Wagons

*279. { Shri Yajpayee:
Shri Raghunath Singh:
Shri Agadi:

Will the Minister of Railways be pleased to state:

(a) whether private manufacturers of rail coaches and wagons have recently made a representation to Government in respect of the future of their factories;

(b) if so, the difficulties and demands detailed therein; and

(c) Government's response thereto?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes.

(b) They have asked for additional coach building work beyond the current orders placed by North-Eastern Railway.

(c) On account of the reduction in the 2nd plan coach procurement programme, the Railway Administration is unable to place any further orders.

Fertilisers

*280. Shri Ramji Reddy: Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of fertilizers proposed to be imported during the remaining period of the current year;

(b) the quantity imported till now;

(c) the value of the quantities referred to in parts (a) and (b) above;

(d) the payments made so far; and

(e) how the balance of payment will be paid?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (e). A statement is laid on the Table of the Lok Sabha. [See Appendix I, annexure No. 28].

Development of National Highways

*281. Shri Achar: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government is setting apart Rupees five crores for development of "National Highways" free of the excise duty on cement; and

(b) whether Government is also setting apart similar amount for construction of village roads in backward areas of the country?

The Minister of Transport and Communications (Shri S. K. Patil): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 28-A].

Transport in Delhi

*282. Shri D. C. Sharma: Will the Minister of Transport and Communications be pleased to lay a statement showing:

(a) the number of taxis, two-seater scooters, motor cycle rickshaws and D.T.U buses plying in Delhi as on the 30th September, 1958;

(b) whether the above is likely to meet the transport needs on account of "India-1958" Exhibition in the Capital;

(c) if not, the steps taken to provide additional transport facilities; and

(d) the number of additional permits issued, if any, for taxis, two-seater scooters, motor cycle rickshaws separately, for the exhibition period?

The Minister of Transport and Communications (Shri S. K. Patil): (a) to (d). A statement giving the information required is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 29].

Development of Road and Inland Transport

*283. { Shri Subodh Hansda:
Shri S. C. Samanta:

Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that schemes and suggestions have been invited by Central Government from the State Governments and private bodies for development of road transport and inland transport;

(b) if so, how many suggestions have been received by Government up till now; and

(c) whether these suggestions have been considered by Government?

The Minister of Transport and Communications (Shri S. K. Patil): (a) to (c). A statement giving the information required is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 30].

Cost Structure of Indian Airlines Corporation

*284. Shri Ram Krishan: Will the Minister of Transport and Communications be pleased to state the progress made by the committee appointed by Government to examine the cost structure of the Indian Airlines Corporation?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): The proposed Committee to enquire into the cost structure of the Indian Airlines Corporation, has not yet been set up.

रेलगाड़ी पर आक्रमण

*285. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने को तैयार करेंगे कि यह सच है कि १० अक्टूबर, १९५८ को भरतपुर रानी स्टेशन (पूर्वोत्तर रेलवे) पर लगभग एक हजार विद्यार्थियों ने ललनऊ जाने वाली ३ घण्टे की गाड़ी पर हमला किया जिसके परिणाम-

स्वरूप एक मोजन गाड़ी टूट गई और यात्रियों के चोटें आईं?

रेल-उपमंत्री (श्री शाहमनाथ खन्ना) : जी हाँ। ४०० विद्यार्थियों की भीड़ में से एक ने गाड़ी पर परचर मारे जिससे डाईनिंग कार को थोड़ा नुकसान पहुंचा। डाईनिंग कार के एक वेटर और एक रेलवे अफसर को चोटें आयीं।

Purchase of Ships from Yugoslavia

*286. Shri Panigrahi: Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 323 on the 20th August 1958 and state:

(a) whether negotiations for purchase of ships from Yugoslavia have since been completed; and

(b) if so, with what result?

The Minister of Transport and Communications (Shri S. K. Patil): (a) The matter is still under consideration.

(b) Does not arise at present.

Sinking of 'Bosta Ricaw' Freighter

*287. Shri Vajpayee: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a freighter 'Bosta Ricaw' loaded with Rs. six lakhs worth of Indian iron ore and bound for Czechoslovakia sank in the Gulf of Aden in the month of October, 1958; and

(b) if so, the details of this mishap?

The Minister of Transport and Communications (Shri S. K. Patil): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 31].

Telco Locomotives

*288. { Shri D. C. Sharma:
Shri S. M. Banerjee:
Shri Tangamani:
Shri Ram Krishan:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No 1369 on the 18th September, 1958 and state;

(a) whether the arbitrator has since given his award regarding the prices of Telco Locomotives for the period commencing 1st April, 1958, and

(b) if so, the price finally agreed to per locomotive?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No

(b) Does not arise

Water Supply and Drainage Schemes in Delhi

*289. Shri Ram Krishan: Will the Minister of Health be pleased to state

(a) whether it is a fact that Union Government propose to constitute a special Committee consisting of Union, Punjab and U.P. Ministers and the Mayor of Delhi to speedily iron out problems in connection with water supply and drainage problems of the Capital and

(b) if so, at what stage the proposal is?

The Minister of Health (Shri Kar-markar): (a) and (b) Such a proposal is under consideration

U.S. Development Loan Fund

*290. Shri Panigrahi: Will the Minister of Railways be pleased to state

(a) whether the Railway Board have worked out details of the projects in which its share of loan from the U.S. Development Loan Fund is proposed to be invested and

(b) whether fresh tenders have been invited for the purchase of railway equipment out of this loan fund?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). There have been two loans for railways from the Development Loan Fund

For the first loan, details of the projects have been worked out and tenders have also been invited for a substantial portion

For the second loan, which was agreed to only in September 1958, details are being worked out in consultation with the US authorities

M/s Bird & Co.

442. Shri V. C. Shukla: Will the Minister of Railways be pleased to state

(a) whether it is a fact that Messrs Bird & Co. are the Eastern Railway's contractors in respect of goods handling at Sahibgunj,

(b) if so whether it has been brought to the notice of the Railway Administration that the above contract has been sub-let by the Contractors to an individual on some percentage basis

(c) whether such sub-letting would be in consonance with the terms of the contract awarded to Messrs Bird & Co. and

(d) if not, what action has been taken in the matter?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) Yes

(b) It has come to notice that labour for the work is supplied to the firm by a Sardar at "piece rates" for the work, while the firm provide the necessary staff for supervision as also the equipment and facilities such as shovels, baskets, drinking water

(c) and (d) The action of the contractors in relation to the agreement and what further action should

be taken by the Railway Administration are under examination.

Holiday Homes for P. & T. Employees

443. Shri D. C. Sharma: Will the Minister of Transport and Communications be pleased to state:

(a) whether holiday homes for Posts and Telegraphs Employees in the Northern India have since been started;

(b) if so, where; and

(c) if not, what steps have been taken for opening the same?

The Minister of Transport and Communications (Shri S. K. Patil): (a) Yes.

(b) At Simla.

(c) Does not arise

Movement of Foodgrains from Punjab

444. Shri D. C. Sharma: Will the Minister of Railways be pleased to state the total quantity of foodgrains which has been moved out from Punjab during the period from the 1st May to the 31st October, 1958?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): During the period from 1st May to 31st October, 1958, a total of 19,260 Broad Gauge wagonloads and 13,395 Metre Gauge wagonloads of foodgrains were moved out from Punjab

Note Foodgrains include wheat and its products, rice, coarse grains, grams and pulses.

Ticketless Travelling on Railways

445. Shri D. C. Sharma: Will the Minister of Railways be pleased to state the steps taken to prevent incidence of ticketless travelling on the Indian Railways?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): A statement showing the steps taken to reduce the incidence of ticketless travel on Indian

Railways is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 32.]

हिमाचल प्रदेश में मूल ग्राम केन्द्र

४४६. श्री एस देव : क्या साक्षर तथा कृषि मंत्री एक ऐसा विवरण सभा पटल पर रखने की कृपा करेंगे जिसमें निम्नलिखित जानकारी दी हुई हो :

(क) हिमाचल प्रदेश में कितने मूल ग्राम केन्द्र चालू हैं और कहा-रहा ;

(ख) उन केन्द्रों में किस प्रकार का काम किया जाता है, और

(ग) जिनके कार्य के लिये व्यय लक्ष्य निर्धारित किया गया है और उसमें अब तक क्या प्रगति हुई है

साक्षर और कृषि मंत्री (श्री प्र० प्र० जैन) : (क) मैं (ग). ए.ए. विवरण सभा पटल पर रख दिया गया है। [शेड्यूल: परिशिष्ट २, अनुबन्ध संख्या ३३]

गाड़ी का पटरी से उतर जाना

४४७ { श्री रघुनाथ सिंह :
श्रीमती इला पाल चौधरी :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि

(क) क्या १२ गज टिक ६ अक्टूबर, १९५८ को बरेली-कामांज संक्शन पर घटपुरी और मकरन्दपुर स्टेशनों के बीच जार्ज भवय ६५ अप कासांज-काठगोदाम मवारी गाड़ी का इंजन और उसके छेँ डिब्बे पटरी से उतर गये ;

(ख) यदि हा. तो दुर्घटना का विवरण क्या है, और

(ग) दुर्घटना के कारण क्या थे।

रेल उपमंत्री (श्री सै० वें० रामस्वामी) :

(क) और (ख) ६-१०-५८ को मुबह लगभग ८ बजे २० मिनट पर जब ५५ अप

कासगंज-काठगोदाव सवारी गाड़ी पूर्वोत्तर रेलवे के चाटपुरी और मकरन्दपुर स्टेशनों के बीच जा रही थी, उसके इंजन का टैंडर और साथ के ६ सवारी डिब्बे पटरी से उतर गये। इस दुर्घटना के फलस्वरूप ३ 1/4 माल के एक बच्चे को मामूली चोट आयी। डाक्टरों के इलाज के बाद बच्चे का सफर जारी रहा। अनुमान है कि रेलवे संपत्ति की लगभग ६०० ६० का नुकसान हुआ।

(ग) रेलवे मंत्रियर ए निरिस्ट्रिक्टिड अफसरों द्वारा इमकी जाच करा रही है। रेलवे से इन्डुस्ट्री की ब्योरेकार रिपोर्ट मिलने की प्रतीक्षा है।

Multi-purpose Blocks in Orissa

448. **Shri Panigrahi:** Will the Minister of Community Development be pleased to state:

- (a) the number of multi-purpose blocks allotted to Orissa in 1957-58;
- (b) where these blocks have been opened;
- (c) whether any multi-purpose block has been allotted to Orissa in 1958-59; and

(d) if so, how many and the areas included in it?

The Minister of Community Development (Shri S. K. Dey): (a) Four.

(b) These Blocks have been opened at the following places:

- (i) Bhuyapirh . Mayurbhanj District
- (ii) Kashipur . Kalahandi District
- (iii) Narayanpatna Koraput District
- (iv) Raruan . Mayurbhanj District
- (c) No.

(d) Does not arise.

Telephone Connections

449. **Shri Ram Krishan:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of pending applications for Telephone connections from

the towns of Mohindergarh and Hissar District of Punjab at present;

(b) the date of the oldest application; and

(c) the reasons for delay in giving connections?

The Minister of Transport and Communications (Shri S. K. Patil): (a) 112—9 in Mohindergarh District and 103 in Hissar District.

(b) 12-4-1957.

(c) Mainly due to want of exchange capacity and stores required. Action has been taken to increase the exchange capacities and to provide the connections early.

Food Godowns in Orissa

450. **Shri Panigrahi:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of grain godowns constructed by the Central Government so far in Orissa and the capacity of each of these godowns and their locations;

(b) the total number of such godowns to be constructed by the Union Government in Orissa during the Second Plan period;

(c) the total amount of money given to Orissa so far for this purpose; and

(d) how many of the proposed grain godowns have been completed and where?

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

(b) Not yet decided.

(c) Construction will be undertaken by the Central Public Works Department and the question of payments to the State Government does not arise.

(d) Nil.

Assistance for Health Schemes in Orissa

451. Shri Panigrahi: Will the Minister of Health be pleased to state:

(a) the amount of assistance given to Orissa from the aid received from U.S.A. under the following projects in 1957-58 and 1958-59;

(b) assistance to Medical Colleges and Allied Institutions;

(c) assistance to Orientation Training Project;

(d) assistance to National Water Supply and Sanitation Programme;

(e) assistance to National Malaria Control Programme; and

(f) assistance to National Filariasis Control Programme?

The Minister of Health (Shri Karmarkar): (a) In 1957-58—U.S. \$ 600,577.00.

In 1958-59—U.S. \$ 384,348.00.

(b) In 1957-58 'NIL'

In 1958-59—U.S.—\$ 56,878.00.

(c) 'NIL'.

(d) 'NIL'.

(e) In 1957-58—U.S. \$ 438,182.00.

In 1958-59—U.S.—\$ 327,470.00

(f) In 1957-58—U.S. \$ 162,395.00.

In 1958-59 'NIL'.

Agricultural Schemes in Orissa.

452. Shri Kumbhar: Will the Minister of Food and Agriculture be pleased to state the amount allotted by the Central Government to the Orissa State for the development of various agricultural schemes in that State during the First Five Year Plan and the Second Five Year Plan so far?

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

(Rs. in lakhs)

First Five Year Plan	36.45
Second Five Year Plan so far	87.43
TOTAL	123.88

Left Luggage

453. Shri Kumbhar: Will the Minister of Railways be pleased to state:

(a) the quantity of all kinds of left luggages found at the destination Stations of the South Eastern Railway during 1958, so far;

(b) the number of left luggages returned to the owners on representation; and

(c) the number of left luggages sold by public auction?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) 254 packages.

(b) 106 packages.

(c) 24 packages.

Bridges on Rivers in Orissa

454. Shri Kumbhar: Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 249 on the 17th February, 1958 and state:

(a) the amount granted by the Central Government to Orissa State for the construction of bridges over rivers during the Second Five Year Plan; and

(b) the names of the bridges completed and under construction district-wise?

The Minister of Transport and Communications (Shri S. K. Patil): (a) Rs. 33.33 lakhs (Rs. 26.78 lakhs for bridges on other roads and Rs. 6.55 lakhs on National Highways).

(b) A statement explaining progress of each project is laid on the Table of the Lok Sabha. [See Appendix II, annexure No. 34.]

Casual Labourers on S. E. Railway

455. Shri Kumbhar: Will the Minister of Railways be pleased to state:

(a) the number of casual labourers recruited in the South Eastern Railway during the year 1958 so far;

(b) the number of labourers among them belonging to Scheduled Castes and Scheduled Tribes, and

(c) the terms and conditions of their employment?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) 61,257

(b) Information is not available as no record is kept

(c) They are given market rates of wages or minimum wage if subject to Minimum Wages Act

Extra-Departmental Postal Staff

456. **Shri U C Patnaik** Will the Minister of Transport and Communications be pleased to state what is the total strength of the Extra-Departmental Postal Staff in the country in the following categories and what is their pay scale in each category

- (i) ED Sub Post Masters
- (ii) ED Branch Post Masters
- (iii) ED Mail Carriers,
- (iv) ED Delivery Agents
- (v) ED Packers, and
- (vi) ED Messengers?

The Minister of Transport and Communications (Shri S K Patil): A statement giving the required information is placed on the Table of the Lok Sabha [See Appendix II, annexure No 35]

Soil Conservation in Bombay

457 **Shri Pangarkar** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No 2631 on the 23rd April, 1958, and state the names of the soil conservation schemes sanctioned for Bombay State for the year 1958-59?

The Minister of Food and Agriculture (Shri A. P. Jain): As per the list furnished by the State Government the following schemes have

been sanctioned by them for 1958-59—

- 1 Anti-erosion and afforestation works.
- 2 Refresher courses for Agriculture Officers
- 3 Survey and research in Soil Conservation
- 4 Investigation on pasture and grazing
- 5 Soil Conservation Works
- 6 Soil Conservation in Catchment Areas
- 7 Dams and ponds for moisture conservation
- 8 Soil Conservation
- 9 Contour Bunding Schemes
- 10 Construction of field embankments
- 11 Afforestation of Catchment Areas
- 12 Construction of dams and bunds for erosion control
- 13 Staff for Contour Bunding
- 14 Contour Bunding
- 15 Fixation of Sand Dunes
- 16 Opening of Soil Conservation Demonstration Centres
- 17 Soil Conservation Schemes in Ratnagiri District
- 18 Immobilisation of Runoff of Kutch and Rajasthan

Irrigation Projects

458 **Shri Pangarkar** Will the Minister of Food and Agriculture be pleased to state

(a) the proposals for minor irrigation projects under investigation in Bombay, and

(b) the help that the Central Government have given to the State in removing the difficulty of technical personnel?

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

suitable schemes of minor irrigation projects on the basis of their investigation and forward the schemes to the Government of India for assistance. The Government of India have, therefore, no information about the projects under investigation in Bombay. A project of water resources survey in Bombay State is being implemented by the State under Operational Agreement No. 42 of the T.C.M. The services of a T.C.M. Expert had been made available to the State for the purpose

Family Planning

459. **Shri D. C. Sharma:** Will the Minister of Health be pleased to refer to the reply given to Starred Question No 66 on the 12th August, 1958 and state:

(a) how many Regional Family Planning Training Centres have been opened during 1958 so far,

(b) the places where they have been opened; and

(c) the expenditure incurred so far on these Centres?

The Minister of Health (Shri Karmarkar): (a) and (b). One Regional Centre has been opened in Patiala but training has not been started there. Two Regional Centres are actually functioning one each at Calcutta and Madras and are expected to be opened officially soon

(c) Information on the expenditure incurred is not yet available

Ticket Checking Staff

460. **Shri Ram Krishan:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1291 on the 2nd September, 1958 and state:

(a) whether the orders for the confirmations of Ticket Checking Staff of the Delhi-Rewari-Fazilka section have been issued and upgrading finalised; and

(b) if not, by what time confirmations are expected to be made and upgrading finalised?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Orders of provisional confirmations have been issued by the Railway. Orders regarding upgrading are under implementation and have not yet been finalised.

(b) Upgrading will be finalised shortly

Training in Midwifery and Health Visitors

461. **Shri Kumbhar:** Will the Minister of Health be pleased to state the number of female students from the Scheduled Castes and Tribes at present receiving training in the integrated course for Midwifery cum Health Visitors in the Health Schools of the Union Territories and States?

The Minister of Health (Shri Karmarkar): The information is being collected and will be placed on the Table of the Sabha in due course

D.V.C Water Tax

462. { **Shri Subodh Hansda:**
Shri S. C. Samanta:

Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Damodar Valley Corporation water tax is much higher than that on similar projects in other States for irrigation; and

(b) if so, by what percentage?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The necessary information is being collected and will be laid on the Table of the House.

Bahuda Eiver Project in Orissa

463. **Shri Sanganna:** Will the Minister of Irrigation and Power be

pleased to refer to the reply given to Unstarred Question No. 2994 on 27th September, 1958 and state:

(a) whether the plans and estimates in respect of Bahuda River Project in Orissa have since been received from the Government of Orissa; and

(b) if so, the action taken thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) No, Sir.

(b) Does not arise.

हिमाचल प्रदेश में मालियों की प्रशिक्षण

१६४. श्री तथा देव : क्या साक्षरता कृषि मंत्री यह बताने की कृपा करेंगे

(क) वर्ष १९५७ और १९५८ में अब तक हिमाचल प्रदेश सरकार ने कितने मालियों की प्रशिक्षित किया है ; और

(ख) हम संबंध में दो वर्षों में कितना व्यय हुआ ?

साक्षर और कृषि मंत्री (श्री अ० प्र० चौधरी) : (क) ६५ को प्रशिक्षित किया गया है । २७ अभी प्रशिक्षण प्राप्त कर रहे हैं ।

(ख) १९५७-५८ में १२,३०० रुपये खर्च हुए । अप्रैल-सितम्बर, १९५८ के समय में योजना पर ३,१८३.०४ रुपये खर्च किये गये । बाद के माकड़े अभी तक उपलब्ध नहीं हैं ।

Prices of Foodgrains

465. Shri Shree Narayan Das: Will the Minister of Food and Agriculture be pleased to state what were the ruling prices of different foodgrains in important centres in various States during the last three months as compared to the same period during the last year?

The Minister of Food and Agriculture (Shri A. F. Jain): A Comparative Statement showing the month-end wholesale prices of different food-

grains in certain selected centres in various States during the months of August, September, and October to the years 1957 and 1958 is laid on the Table of the Lok Sabha, [See Appendix II, annexure No. 36.]

Design for Gravity Dams

466. Shri Shree Narayan Das: Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that an engineer has patented a design for gravity dams to the Planning Commission which would be 30 per cent. cheaper than the conventional design;

(b) if so, whether the Planning Commission have got it examined by experts; and

(c) if so, the result of such examination?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Shri Shyam Lal (Retired Superintending Engineer) has patented a design for gravity dams. According to him, this design will result in 30 per cent. saving in materials and labour.

(b) Yes.

(c) Examination shows that the design is only an extension of one of the standard dam designs namely, slabs and counter-forts or multiple arches and counter-forts. Buttress dam, as is contemplated, is not adoptable for all locations. Where flood discharges are fairly high, buttress dams are not found to be economical because buttress dam sections have to be modified for overflow. The saving in materials and labour is to a great extent offset by the increase in face masonry and form work.

Coal Supply to Railways

467. Shri Rameshwar Tantia: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the coal supplied to the Railways has been

found inferior than the desired quality; and

(b) if so, how much extra expenditure had to be incurred by the Railways during the year 1957-58 due to the inferior quality of fuel supplied?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) Yes, Sir, to a certain extent.

(b) It is not possible to give exact figures as only about one per cent of the coal wagons consigned to Railways are checked at receiving ends. Two specially organised Quality Surveys carried out by Railways during 1957-58 indicated that there was an increase in consumption of coal of about 11 per cent, due to coal supplied to Railways from Bengal and Bihar coal-fields being inferior to specified grades. However it will not be appropriate to make an assessment of actual losses during 1957-58 on the basis of this indication.

Vizagapatam Port

468. Shri Raghunath Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a pilot Shri T. V. S. Kutti of Visakhapatnam Port, was crashed to death between an oil tanker and tug in October, 1958; and

(b) if so, what are the details of the accident?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). On 8-10-58, at about 11:30 hours Shri Kutty, Pilot, boarded M. V. "Caltex Capetown" to take her out of the port. When the vessel was almost abreast of the break-water in the Outer Channel, Shri Kutty decided to disembark from the vessel. The Pilot launch at the time was on the star-board side and due to heavy head swell and rough sea was pitching heavily. Shri Kutty had got down the

pilot ladder and when he was about to get into the launch, the launch had moved away. He further slipped down on the hand ropes being unable to get up again and, when the launch came up again, he was caught between the launch and the ship. The Pilot Launch Khallasia immediately got hold of him and took him on board. Shri Kutty was conscious in the launch and asked for some water which was given to him. He was taken to the Jetty by the launch and therefrom he was taken in an ambulance to the Port Dispensary. On examination by the Port Doctor he was unfortunately found dead.

III Class Coaches with Electric Fans

169. { Shri Hem Raj;
Shri Raghunath Singh;
Shrimati Masida Ahmed:

Will the Minister of Railways be pleased to lay on the Table a statement showing:

(a) total number of III Class coaches on Indian Railways;

(b) total number of such coaches provided with electric fans upto the 31st October, 1958;

(c) the number of coaches proposed to be provided with electric fans during the Second Plan period;

(d) the number of such coaches running on the Assam Section of the N.E.F. Railway; and

(e) the number of coaches on the Assam Section furnished with electric fans upto the 31st October, 1958?

The Deputy Minister of Railways (Shri Shah nawas Khan): (a) 15714 as on 15-10-1958.

(b) 10153 as on 15-10-1958

(c) 4499.

(d) & (e) Coaches are not earmarked for exclusive use on Assam Section. However, on the N.E.F. Railway there

were 731 third class coaches on 15-10-58 out of which 551 were fitted with fans.

Sale of Old Wagons

470. **Shri Damani:** Will the Minister of Railways be pleased to lay on the Table a statement showing the old wagons sold in the years 1953-54, 1954-55, 1955-56, 1956-57 and 1957-58, together with the value per wagon realised in each such year?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): A statement is placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 37.]

Grow More Food Campaign

471. **Shri Panigrahi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any loan was advanced to the Orissa Government on Grow More Food Account in 1943;

(b) if so, what was the amount advanced; and

(c) whether the Orissa Government has finalised that account with the Union Government?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b) Rs. 14.32 lakhs was advanced to Orissa to grant loan to cultivators during 1943-44.

(c) Yes, Sir. The loans have been repaid.

Master Plan for Flood Control in Orissa

472. **Shri Panigrahi:** Will the Minister of Irrigation and Power be pleased to state whether the master plan for flood control work in the Orissa State has since been examined by the High Level Committee on Floods?

The Deputy Minister of Irrigation and Power (Shri Hathi): The Orissa Government have prepared a note on

their long-range plan for flood control extending over a period of 15 years beyond the Second Five Year Plan period. The note has been examined by the High Level Committee on Floods.

Suspension of Railway Employees

473. **Shri Rajendra Singh:** Will the Minister of Railways be pleased to lay on the Table a statement showing:

(a) the total number of railway employees suspended on all Indian Railways from the 1st January, 1958 so far;

(b) the number of suspended employees whose cases have been disposed of ending in punishment, indicating the nature of punishments awarded and of those whose cases are still pending; and

(c) the break-up of the information asked for in parts (a) and (b) on North Eastern Railway, district-wise

The Deputy Minister of Railways (Shri Shah Nawaz Khan): A statement is placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 38.]

Training of Health Visitors

474. **Shri Ram Krishan:** Will the Minister of Health be pleased to state:

(a) the names of the States which have submitted to the Government of India for approval schemes to open schools for training health visitors;

(b) whether these schemes have been approved; and

(c) if so, the details thereof in each case?

The Minister of Health (Shri Karmarkar): (a) The following States have submitted schemes:

1. Bombay
2. Bihar
3. Jammu & Kashmir
4. Kerala
5. Mysore.
6. Madhya Pradesh

7. Uttar Pradesh
8. Madras
9. Punjab
10. West Bengal.

(b) The schemes submitted by state Governments at Serial Nos. 1-7 have been approved. The schemes submitted by the Governments at Serial Nos. 8-10 are under consideration.

(c) The details of the schemes, State-wise, are as indicated below:—

Name of the State	Location of the school	No. of candidates to be admitted annually
Bombay	Kajkot	25
Bihar	Ranchi	30
Jammu & Kashmir	Srinagar	15
Kerala	Trivandrum	37 in the 1st batch and 20 in subsequent batches.
Madhya Pradesh	Indore	60
Uttar Pradesh	(i) Allahabad,	60
	(ii) Bareilly	60
Madras	Madurai	30
Punjab	Patiala	20
West Bengal	Calcutta	30

The duration of the course is 2½ years. The syllabus will be as approved by the Indian Nursing Council. The students during the course of training will be paid a stipend of Rs. 50 (Rupees fifty) per month. Central assistance will be provided on the approved pattern.

Loans to Agriculturists in Andhra

475. **Shri E. Madhusudan Rao:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount allotted year-wise by the Central Government to Andhra Pradesh for advancing loans to agriculturists during the First Five Year Plan and the amount earmarked for the Second Plan period; and

(b) the various schemes under which the amounts were allotted?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). The statement containing the required information regarding Grow More Food Schemes since the formation of Andhra Pradesh is placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 39].

Bhadravati Railway Station

476. **Shri Mohammed Imam:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 631 on the 25th November, 1957 and state the progress since made in the works connected with the remodelling of the Bhadravati station?

The Deputy Minister of Railways (Shri Shahnawaz Khan): Surfacing the platform and providing cover over the platform are in progress. These are likely to be completed by about February, 1959.

Railway Protection Force, Central Railway

477. **Shri Daljit Singh:** Will the Minister of Railways be pleased to state:

(a) the strength of the Railway Protection Force on the Central Railway as on the 31st October, 1958; and

(b) the number among them belonging to Scheduled Castes and Scheduled Tribes?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The required information is furnished below:—

Category	No. of posts	No. of Scheduled Castes	No. of Scheduled Tribes
Chief Security Officer	1	Nil	Nil
Security Officer	1	Nil	Nil
Asstt. Security Officers	9	Nil	Nil
Class III Staff	403	19	1
Class IV Staff	6,392	964	54

Telephones

478. **Shri Daljit Singh:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of applications on the waiting list for installation of telephones in Amritsar district as on the 31st October, 1958; and

(b) the time by which telephones are expected to be provided?

The Minister of Transport and Communications (Shri S. K. Patil): (a) There are three exchanges in Amritsar District. The waiting list figures for each exchange are given below:—

Amritsar:	1264
Chheharta:	12
Patti:	5

(b) Amritsar: Most of the applicants would be provided with telephone connections in 1959. All during 1960

Chheharta: By April, 1959.

Patti. During 1959

Tuticorin Port

479. **Shri Subbiah Ambalam:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 2937 on the 27th September, 1958 and state:

(a) whether Traffic Survey of the Tuticorin Port has since been completed; and

(b) if so, whether the Report has been received?

The Minister of Transport and Communications (Shri S. K. Patil): (a) Yes, Sir.

(b) The Report is awaited.

12.04 hrs.

**MOTION FOR ADJOURNMENT—
contd.**

MURDER IN A NIGHT TRAIN

Mr. Speaker: On the 25th November, 1958, Shri Braj Raj Singh gave

notice of an adjournment motion about the reported murder of a lady passenger on the night of the 23rd November, 1958, in a train proceeding from Hoshiarpur, the discussion on which was held over. The hon. Minister of Railways will now make the promised statement.

The Deputy Minister of Railways (Shri S. V. Ramaswamy): Shrimati Harjeet Kaur, the deceased, was working as a Headmistress in Village Janauri, 13 miles from Hoshiarpur. She had taken two days casual leave for Monday and Tuesday to visit her husband, Shri Waryam Singh, who is Inspector of Police, Punjab Armed Police, at Jullundur. She is reported to have reached Hoshiarpur town on November 22, 1958 at about 15.00 hours. She purchased her railway ticket from the out agency and reached railway station Hoshiarpur at about 21.00 hours. It is not known where she spent her time between 15.00 hours and 21.00 hours. Her father-in-law lives in Hoshiarpur town, but as there are no ladies in the house, she did not visit her father-in-law. The deceased first took her seat in the general compartment of the passenger train in which there were four other male passengers at Hoshiarpur, but later left for the ladies compartment. The safety devices, i.e., safety latches were in working order on both sides of doors and iron bars on all windows were provided in this compartment. She appeared to have travelled alone, as there was no other lady passenger detected travelling in that compartment. The deceased does not appear to have asked for special precautions or any assistance from the train guard for her safety, when the necessary safety devices already existed in that compartment.

Crime was first detected by the guard, Shri K. C. Grover, at Jullundur City, when he was going towards the engine. According to police report, the guard tried to open the door, but it was found locked from inside. Through a chink in the door, as the lights were on, he peeped in the compartment and saw the blood. He then

went on to the off side. On opening the door which was not locked from inside, he saw a lady lying murdered.

The crime took place in SLR 1188, second from engine, on 11 JH train on 22-11-1958, which left Hoshiarpur station at 21 25 hours right time and arrived at Jullundur City at 22 50 hours right time.

According to the post-mortem report, the death was due to shock and haemorrhage-asphyxia, as a result of intensive injuries of skull organs. The deceased was about 25 years in age. She always carried a knife in her pocket for protection, but she could not use it during the unfortunate assault made on her in the train.

The police have taken up the investigation of the case and have detected some valuable clues to work out the case. The Assistant Inspector General, G R Railways, has reached the scene and is supervising the police investigations.

Shri Braj Raj Singh (Ferozabad) From the statement it appears that adequate safety measures were not taken on the whole by the railway authorities.

Mr Speaker: That is the inference of the hon Member. The hon Deputy Minister said all the devices were there in the compartment. Possibly she would not have bolted from within.

Shri Hem Barua (Gauhati) He said that no additional request for safety was made by the lady.

Shri Braj Raj Singh May I know whether any compensation is proposed to be given to the dependants of the murdered lady and whether in future on such occasions when murders take place in the railway tram, any convention shall be established that compensation shall be paid as a rule to the dependants of the murdered persons?

Shri Vajpayee (Balrampur) I wanted to know if the post-mortem had been conducted and if so, what is the result?

Shri S. V. Ramaswamy: The post-mortem report shows that there are extensive skull injuries. The death was due to shock, haemorrhage and asphyxia as a result of throttling.

Shri S M. Banerjee (Kanpur) May I know whether some policemen were also travelling in the tram and whether it is the duty of the policemen to see every compartment at every station?

Shri S V Ramaswamy On that train the policemen were not travelling.

Shri S M Banerjee I want to know the reason.

Mr Speaker: They were not travelling that day. Hon Members want to know whether it is usual to send policemen in every train.

Shri S V Ramaswamy No.

Shri S M Banerjee They assured us in this House that adequate safety arrangements will be made in future. I want to know the specific reason why the policemen were not there in that train.

Shri Narayanankutty Menon (Mukandapuram) The other day the hon Minister said that the Railway Protection Police are intended not for the protection of human life, but for the protection of property. At the same time, we find that in many trains which run during the night, ordinary police protection is not given. I would like to know from the hon Railway Minister whether ordinary police protection from the State Police concerned will be given especially when the trains are running in the night, in view of his statement that the Railway Protection Police is not intended for the protection of human life?

The Minister of Railways (Shri Jagjivan Ram): I never said that police protection will be provided in all trains on all sections. I said that where police protection is found to be necessary, police escort is given on the train. In this particular train, on the day of the occurrence, there was no police escort.

As regards the question whether at every station the police should come and check, from the answers it is quite clear that the train started and at the next stopping station, it was detected by the guard. So, there was no lapse on that account.

Shri Goray (Poona): May I suggest something? This is not a stray occurrence, because, so far as I know, six months ago or so one military officer, a young man, was murdered near about Chakradharpur. I would like to suggest to the Railway Minister that instructions should be sent out saying that wherever a lady or somebody is travelling alone in a first class compartment the guard or the conductor should give a warning that he or she is travelling at his or her risk and that he or she should take all precautions to bolt the door from within. Because, sometimes it happens that because of neglect on our side we leave the door as it is which gives an opportunity for these people to come in and do their dirty work. Will it not be possible to take such precautions?

Shri Jagjivan Ram: I will examine what effective steps can be taken in this connection. Perhaps, a board or something should be there in every compartment saying that the passengers should see to it that the doors are properly secured in their compartments.

Mr. Speaker: We have had enough discussion. It is unfortunate that the incident should have occurred. We have already discussed the safety measures, and I am sure the hon. Minister will take all necessary measures from time to time, as and

when things occur beyond one's control. He will also take into account all the suggestions as to what further devices may have to be made. I think it is not necessary to pursue the matter. Therefore, no consent is given.

12.20½ hrs.

PAPER LAID ON THE TABLE

AMENDMENTS TO THE MOTOR VEHICLES RULES FOR THE EXCLUDED AREAS, ASSAM

The Minister of Transport and Communications (Shri S. K. Patil): I beg to lay on the Table, under sub-section (3) of section 133 of the Motor Vehicles Act, 1939, a copy of Notification No. MV 22/55 dated the 21st May, 1958, making certain amendments to the Motor Vehicles Rules for the Excluded Areas, Assam, 1942, published in Assam Gazette. [Placed in Library. See No. LT-1048/58]

12-21 hrs.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Tea (Alteration in Duties of Customs and Excise) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 18th November, 1958, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.21½ hrs.

COMMITTEE ON ABSENCE OF MEMBERS**TENTH REPORT**

Shri Mulchand Dube (Farrukhabad): I beg to present the Tenth Report of the Committee on Absence of Members from the Sittings of the House.

I also lay on the Table a copy of the statement containing the names of Members who have been absent for sixty days or more during the last session.

12.21½ hrs.

DELHI RENT CONTROL BILL**REPORT OF JOINT COMMITTEE**

The Minister of Home Affairs (Pandit G. B. Pant): I beg to present the Report of the Joint Committee on the Delhi Rent Control Bill, 1958.

12-21½ hrs.

EVIDENCE TENDERED BEFORE JOINT COMMITTEE

Pandit G. B. Pant: I beg to lay on the Table a copy of the evidence tendered before the Joint Committee on the Delhi Rent Control Bill, 1958.

12.22 hrs.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE**NATIONAL MINERAL DEVELOPMENT CORPORATION**

Shri Ram Krishan (Mahendergarh): Under Rule 197, I beg to call the attention of the Minister of Steel, Mines and Fuel to the following matter of urgent public importance and I request that he may make a statement thereon:

"Composition and functions of the Corporation set up to exploit the mineral resources of India."

The Minister of Mines and Oil (Shri K. D. Malaviya): The National Mineral . . .

Mr. Speaker: Is it a long statement?

Shri K. D. Malaviya: No, it is only one page.

The National Mineral Development Corporation was incorporated on 15th November, 1958 with an authorised capital of Rs. 15 crores. The Industrial Policy Resolution places the responsibility of exploitation of minerals listed in Schedule A of the Resolution on the State. The Ministry of Steel, Mines and Fuel has undertaken detailed surveys of some of the minerals capable of being developed by the State. To start with, the Corporation will undertake the exploitation of iron ore at Kiriburu bordering on the States of Orissa and Bihar for export to Japan at the rate of two million tons a year. The Corporation will also be in a position to undertake exploitation of iron ore and other minerals like copper, diamonds and pyrites in other areas as soon as the detailed prospecting of some of these deposits is completed. To enable the Governments of States and also interested private parties to cooperate with the Government in the development of individual deposits the Corporation has been empowered to create subsidiary companies and allow participation to the extent desirable in each case.

For the present, it is proposed to create a Board of Directors composed of some officials and some non-officials with a Chairman at the head. The question of appointing a prominent person as whole-time Chairman of the Corporation will be decided as soon as the work of the Corporation justifies such an appointment and the Corporation has decided to take other projects in addition to the one at Kiriburu.

The Memorandum and Articles of Association have been separately forwarded to the Library of the House.

12.24½ hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

The Deputy Minister of Law (Shri Hajarnavis): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951."

The motion was adopted.

Shri Hajarnavis: I introduce the Bill.

12.25 hrs.

MOTION OF PRIVILEGE

STATEMENT BY CHIEF MINISTER OF KERALA

Mr. Speaker: The House will now resume further consideration of the following motion regarding the question of privilege moved by Shri M. R. Masani, and amendment thereto, moved by Dr K B Menon, on the 27th September, 1958:

"That the attention of the House having been drawn by an Hon'ble Member on September 23 to the telegram sent by Mr. E. M. S. Namboodripad, Chief Minister of Kerala, to Pandit G. B. Pant, Home Minister, extracts from which are contained in a report based allegedly on official sources issued by the Press Trust of India from Trivandrum on September 20 and published in *The Times of India*, Delhi and the *Amrit Bazar Patrika*, Calcutta, on September 21, in the course of which Mr. Namboodripad has attributed the

motive of slander to some Hon'ble Members of this House;

and having taken note of the subsequent telegram from Mr. Namboodripad to Pandit G. B. Pant, which was read to this House by the Hon'ble the Speaker on September 23;

this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privileges of the House and of the Hon'ble Members concerned has been committed; and whether any contempt of the House thus committed has been adequately purged; and that the Committee be requested to present its report and recommendations for appropriate action at the first day's sitting of the next session of the Lok Sabha."

Thereafter, I have received one more amendment to the motion, and that was tabled by Shri Narayanankutty Menon. Does he want to move it?

Shri Narayanankutty Menon: Yes.

Raja Mahendra Pratap (Mathura): I have been to Kerala recently. So, I must also be given an opportunity

Mr. Speaker: I will try to give him an opportunity later. I have received notice of an amendment from Shri Tridib Kumar Chaudhuri. But it was received only today.

Shri Tridib Kumar Chaudhuri (Berhampore): I may be permitted to move it.

Mr. Speaker: I think it is too late. I will be satisfied with whatever amendments have already been moved.

Shri Tridib Kumar Chaudhuri: Yesterday was a holiday.

*Published in the Gazette of India dated 27-11-58.

Mr. Speaker: But day before yesterday was not a holiday

Shri V. P. Nayar (Quilon) It is within your power to do it

Mr. Speaker: Now it is 12 25 Two members have already spoken, Shri Nayar has already spoken Therefore we will conclude by 2 30 or 3 o'clock I will give ten minutes to each Member

Shri Narayanankutty Menon (Mukandapuram) I beg to move

"The attention of the House having been drawn by a member on September 23rd to the report of a telegram alleged to have been sent by Mr E M S Namboodripad, Chief Minister of Kerala State, to Pandit G B Pant, Home Minister, extract from which is contained in reports in two newspapers

and having taken note of the subsequent telegram from Mr Namboodripad to Pandit G B Pant which was read to this House on September 23rd by hon the Speaker,

and having taken note of the fact that the original telegram sent by Mr F M S Namboodripad itself was a confidential document and intended by the sender to be such

and having satisfied that it would be improper and inappropriate to initiate any action relating to the privilege of this hon House basing upon a confidential document never intended to be published,

the House decides that no further action be taken in respect of the telegram above referred and that the whole matter and any proceedings thereto be dropped "

My substitute motion is based upon the mere fact that the whole privilege motion was necessitated by the hon Member passing through a document which was obviously, according to him, sent by the Kerala Chief Minister to

the hon Home Minister Any correspondence between a Chief Minister of a State or a Government of a State and the Central Government, if we go into the principles on which our Constitution is based, we will find, is bound to be confidential in nature because otherwise the rights to be exercised by the State Legislatures and the State Governments and the rights that are to be exercised by the Central Government and this Parliament may come into conflict

12 28 hrs.

[MR DEPUTY-SPEAKER in the Chair]

And the hon Prime Minister the other day, while discussing another motion, said that the real relationship between this Parliament and the State Legislatures and the jurisdiction of this Parliament and the State Legislatures are embodied in certain articles of our Constitution, the elaboration of which and the understanding of which could be laid down only by mature consideration and discussion hereafter because these relationships will have to be built upon certain conventions that we ourselves build in this country Looking into our Constitution, we find that the very basis of our Constitution, the very basis on which the integrity and the unity of the country is based, is the federal nature of our Constitution, and as long as the Central authority, which is the Parliament, gives due respect to the Legislatures which exercise sovereignty on their own spheres, the integrity of our Constitution and the unity of our country will be built up The other day, the Law Minister said for the benefit of those who brought this motion and also for the benefit of all the hon Members of this House that the privileges of either individual Members of this House or the privileges of this House are not at all to be enforced by means of certain actions which we hold as a threat These privileges in the long and uncertain past history when democratic institu-

[Shri Narayanankutty Menon]

tions were built up, were built up by the way in which the Members of this House behaved and because of their actions alone, they have built up this privilege. Any privilege that any hon. Member of Parliament has got today, any privilege that this august House has got today should be a privilege in the eyes of our people to whom we all owe our ultimate allegiance. Those people should understand and appreciate that there is a breach of privilege and there is already a privilege. But, in this case, when a correspondence passes on between the Chief Minister and the Home Minister here, according to the very nature of our Constitution, the Home Minister should be the custodian and interpreter and defender of the action of the State. As far as this Parliament is concerned, if any day, the archives of this correspondence and the sanctity of it, any hon. Member or anybody in this House tries to probe, certainly that day will be the most sorrowful day as far as the integrity and the basis on which our Constitution has been based.

Forget for some time—all hon. Members of this House—that this has been committed or alleged to have been committed by the Chief Minister of the Kerala State. Remember, the day will come when, in the 14 States where they usually carry on correspondence on matters of State where things like this usually crop up, every Chief Minister will have to be hauled up before the Bar and every State Government will have to be hauled up before this House for such breach of privilege or contempt which they have committed. Is it the case that any hon. Member of this House who owes allegiance to our Constitution and also to the basis, the letter and spirit of the Constitution, can tolerate for one day that there shall be a relentless war of privileges, of rights, of their own jurisdiction between the 14 State legislatures and each Chief Minister in each State and the Centre? When

that day will dawn, in spite of the fact that from outside and inside the House we as everyone else are asked to follow our Constitution both in letter and spirit, the very nature of this motion, I wish to submit, is an affront to the real spirit and letter of our Constitution today. Because, if we go through the proceedings of our Constitution, it presupposes a happy relationship which does not contradict each other, as between the State legislatures, the State Governments and the Central Government. As long as we owe allegiance to this Constitution and every hon. Member of this House owes allegiance to the Constitution, it shall be the bounden duty of every Member to see that the particular spirit as also the letter of the Constitution is safeguarded and no action is done opposed to it, which will promote any sort of ill-feeling or war between the States and the Centre. That will not be any action that we will be doing in support of the Constitution, to uphold the Constitution both in letter and spirit.

I will come to the very point of the substitute motion, that is, the confidential nature of the correspondence itself. The other day, the Law Minister, obviously after he became a Member of the Cabinet, said,—we have got every right to take it for granted that that is the opinion of the Cabinet—that this correspondence between the Home Minister and the Chief Minister, obviously the first telegram, is a confidential telegram, intended to be confidential and therefore it is a privileged document. I invite the attention of hon. Members to the Rules of Procedure of this House itself. The Rules of Procedure have been formulated to have a healthy relationship between the Centre and the States and the 'sanctity and privilege and the secrecy given to any correspondence between the States and the Centre. Every Member of this House is entitled to ask questions of the hon. Ministers and it is considered to be the privilege of every hon. Member to

elicit any information. It is only under extraordinary circumstances that the Ministers and the Cabinet get the right and privilege to deny to the hon. Member to give certain answers relating to certain subjects. It is basing on this principle that in the Rules of Procedure we have formulated that when we ask questions, those questions will be out of order under Rule 42 of the Rules of Procedure, if those questions relate any matter of correspondence between the State Governments and the Central Government. Rule 42 says:

"In matters which are or have been the subject of correspondence between the Government of India and the Government of a State, no question shall be asked except as to matters of fact and the answer shall be confined to a statement of fact."

The very principle is this that if this House or any hon. Member thereof gets liberty to go into the nature of the correspondence that is carried on between the State and any hon. Minister in the Cabinet, that will let loose a chain of events whereby any discussions in this House will not be helping the relations between the State and the Centre and it will be undermining the very nature of the confidence that the Government holds on behalf of the State Governments.

What is the relationship under law? Under all known systems of jurisprudence, in this particular case, between the Home Minister and the Chief Minister of a State, it is a relationship of high confidence. It is a relationship which is sanctimonious in character. Because unless the Home Minister upholds the rights and view points of the Chief Minister, as far as this forum is concerned, the State Government will go unrepresented. (Laughter). My hon. friend who obviously comes from Kerala has got every right to laugh at me because it is one of his intentions that his laughing should mean something more as he

laughs out. I am not worried about his laughter. What I am speaking is not because the Chief Minister of Kerala is involved. We in this part of the House will be only too happy that every Chief Minister who obviously commits certain acts in the course of his duty should be called before this House because politically we are not with them. I am submitting this not because in this case the condemner or the alleged person who committed the alleged breach of privilege is the Chief Minister of Kerala. I am submitting this because, just like others, when we say that our Constitution is based upon a principle, we will be the first to uphold that principle, because we have got as much respect if not more than others as far as our Constitution is concerned and also the rights and privileges of this House are concerned.

My submission, therefore, is that if today this House goes deep into any correspondence and that correspondence is to be called on the floor of the House and this House begins to describe the subject matters of that correspondence, this House will not be doing an act which will promote the strength and also the longevity of our Constitution, but that itself will be the first under-mining bomb that would be placed beneath our Constitution which will develop one day that by a series of actions following this privilege, the entire basis of the Constitution will be blown up. I make an appeal to hon. Members of this House because matters of privilege are not to be treated as party politics. In a democratic Constitution, party politics will have to travel beyond in cases of privilege, because it is a privilege which we will have to enforce by the confidence that we build up in the country, in the minds of our people. What is the sanction behind this privilege? It may be that the condemner can be called to the Bar of the House; it may be that the condemner can be committed to prison. After 100 years of freedom struggle, is anybody in India afraid of being condemned to prison for the courage of his conviction? In the case of the Kerala Chief

[Shri Narayanankutty Menon]

Minister, the Mover of the Motion knows that for the courage of his conviction, a jail or custody is not due to him. But, today, if, because of political grounds, because the Keraia Chief Minister has got the courage of conviction, because he refuses . . .

Mr. Deputy-Speaker: Order, order; the appeal should not be in such identical terms.

Shri Narayanankutty Menon: . . . because the Kerala Chief Minister refuses to reconsider his views on socialism, he should be called to the Bar of the House and penalised because of certain political reasons, for that particular purpose alone, all decency, decorum and principles ought to be thrown to the wind! The wind that is being sown today for the purpose of being utilised against the Kerala Chief Minister will turn into a whirlwind and the originators of this motion shall reap the fruits of the whirlwind. We are interested, in this part of the House as you and everybody there, beyond the question of party politics, that our Constitution should have a long standing and that this country should have democracy and the general principles and the sanctimonious principles of democracy will have to be upheld in this country. Joining with you, I make an earnest appeal that we should not probe further into this matter. Let us give as much privilege, let us give as much respect to that correspondence which the Government itself agreed on that day through the mouth of the Law Minister as a privileged correspondence. Later on, the Chief Minister himself said that the correspondence was not intended to be published. Let us drop it today and show to the people that we are not people who get ourselves bitter by means of certain actions which never touch the real privilege of the House, the real privilege of this House being the discharge of its duty in the interests of the people.

I will conclude by making one point in appeal. The real test whether a privilege of this Hon. House has been broken is whether the people of this country today feel that a telegram by the Kerala Chief Minister—indeed something may be contained or may not be contained in it—is a breach of privilege of this House. In my humble opinion, the people of this country are the least worried about the telegram of the Chief Minister. Since the people could not find any solemn right of the hon. Members of this House being involved, if we inside the House, the most responsible people in this country, make much of it so that an alleged privilege is being built up or consider that a privilege which did not exist has been broken, then certainly the very sanction that we have got to enforce our privileges will be lacking because the people are our ultimate sanction

Raja Mahendra Pratap: May I say a few words?

Mr. Deputy-Speaker: Order, order. Not just now

Dr K. B. Menon (Badagara): I have not spoken on my amendment.

Mr. Deputy-Speaker: Yes, he may speak.

Dr. K. B. Menon: I rise to speak on my amendment to the main motion moved by my hon. friend Shri Masani. My amendment is more direct. It is direct because I was completely convinced that the first telegram of the Chief Minister was not intended to be confidential

I have listened to the speech of Shri Narayanankutty Menon on his substitute motion. He is, in my opinion, clutching at a straw, for, his argument is based upon rather flimsy assumptions, and the strength of the argument depends upon the strength of the assumptions.

The first and foremost assumption that he makes is that the first telegram of the Chief Minister was confidential. In the first place, it was not intended even by the Chief Minister to be a confidential one, for, if he had intended the first telegram to be a confidential one, he should have sent it in code, for, inter-government communications of a confidential nature are generally communicated in code. This telegram was not in code.

Shri V. P. Nayar: I do not know of Government sending them in codes.

Dr. K. B. Menon: In the second place, while the House was discussing the admissibility of the motion, I received a telegram from my friend in Trivandrum which I wish to place on the Table of the House. The telegram is dated 25th September, and is addressed to me. The telegram reads:

"Kerala Chief Minister first telegram under privilege motion was released through his private secretary to a news agency stop surprised his claiming it confidential—R. Parameshwaran Pillai, Convener District Congress Ad hoc Congress Committee Trivandrum"

Shri V. P. Nayar: *Ad hoc!*

Mr. Deputy-Speaker: Subsequently it is to be seen what credit is to be attached.

Dr. K. B. Menon: There was no interruption when Shri T. C. N. Menon spoke.

Mr. Deputy-Speaker: He should be allowed to proceed uninterrupted.

Dr. K. B. Menon: Encouraged by this telegram, I went to Trivandrum to conduct a personal enquiry, and I wish to place before the House the little information that I gathered from my personal investigation. I met Shri Pillai himself. (*Interruption*)

Mr. Deputy-Speaker: Would it be possible for us to proceed in this manner?

Dr. K. B. Menon: I met Shri Pillai and a few others, and I understood that the telegram was read out to the news agency by Shri Sarma, the private secretary of the Chief Minister. The news agency person has taken, and must have taken notes when it was dictated on the telephone. I am perfectly sure that, being a confidential document, he would have preserved it, and that it would be available to the House if the House prefers to refer it to the committee and call these relevant witnesses before the House. I have no doubt that they will be able to throw some light on this subject.

We are interested in getting at the truth. We are not interested in getting after persons. I want to be fair even to the person who is on the dock, and I have no objection if the House rejects my amendment and accepts the main resolution and refers the same to the committee.

In the statement that is made by the PTI in the *Times of India* I wish to submit again, reference is more than once made to official sources. That publication refers to the subject matter of the telegram, viz. the objections raised by the Chief Minister that the subject should not be discussed in the House because it would be interfering with the rights of the State and that the State has no representative in the House to speak against the unfounded allegations that are likely to be made; quoting all this, the despatch, as printed in the *Times of India* in three places, makes reference to official sources.

Coming to the time of the telegram, the Speaker of the House made the announcement on the 19th that he would consider the admissibility of my motion. The telegram was dated the 20th. It was released to the press on the 20th, it was published all over India on the 20th. From the point of view of time it perfectly tallies. There was no lapse of time, and therefore there is no reason to believe that the press got at the telegram in an

[Dr. K. B. Menon]

illegal way. As the telegram which I have placed on the Table of the House shows, it was released to the press by the private secretary of the Chief Minister, Shri Sarma.

Another argument brought forward is that the second telegram is an apology. I humbly submit that the second telegram is not an apology. It is an effort to explain away the situation, and if I may also submit the House would take it, even into it there is an incorrect statement, because the Chief Minister says in the telegram that it was not intended to be released to the press. I submit: if he did not intend it to be released to the press, how did his private secretary talk to the news agency on the telephone? That is a fact and it may be inquired into. The Chief Minister should take his private secretary to task if he had not officially authorised him to release it to the press.

Then again, judging from the subject matter of the telegram, the two facts that were stated in the telegram were firstly that it was improper to discuss the subject because most of the cases were *sub judice*; in the second place, it was improper to discuss it because the State's representative was not present in the House to defend the case. Both these, I feel, are points which the Chief Minister wanted to communicate to the Speaker, and through the Speaker to the House. There was no question of confidence involved in it because it was only that, for some reason I do not know, why the hon. Home Minister was made the agent of communication to the Speaker. The telegram, as a matter of fact, is intended for the Speaker, and is intended for the House. So, no confidence can be claimed in this matter, as far as the first telegram is concerned. The second telegram is an after-thought after Shri M. R. Masani moved his motion, and after it appeared in the paper on the 23rd September, an explanatory telegram comes to the

Home Minister. The first telegram was not marked confidential, was not in code, and was never intended by the Chief Minister to be a confidential one.

Now, I wish to make another submission. What is it that I have done? What is it that my colleague comrade Shri Asoka Mehta has done? What have we done to merit to be called 'slanderous'? I have responded only to the call of the people of my State.

An Hon. Member: The great representative of the people of Kerala! (*Interruptions*).

Dr. K. B. Menon: Violence was let loose in Kerala, discrimination was made between Communist and non-Communist. There is a general denial of Fundamental Rights to the people of the State, the privilege of the House.... (*Interruptions*).

Mr. Deputy-Speaker: I am very sorry that in spite of my best efforts, hon. Members are not going to stop interrupting and allow him to proceed. There should be a fair discussion, we should at least be patient and hear the hon. Member.

Shri Goray (Poona): We should be the guardians of democratic rights at the same time.

Mr. Deputy-Speaker: I hope there will be no more interruptions now.

Dr. K. B. Menon: I have done only my duty, and I know that the privilege of the House is sacred to the extent that any whittling away of the privilege of the House will mean withering away of the efficiency and efficacy of the House. It is not a party question, as Shri Narayanankutty Menon has rightly pointed out. It is a question and it is an issue on which every Member must keep a close watch, and must keep a hawk's eye, and must see that it is defended at all costs.

Therefore, I appeal to the House in the name of fairness. And that is the reason why I am even prepared to go to this extent that I shall have no grouse if the House rejects my direct motion, and accepts the motion moved by Shri M R Masam, I feel then greater justice will be done to the Chief Minister who is today on the docks, we should be fair even to the person on the docks

With these few words, I conclude

Shrimati Renu Chakravartty (Basirhat) May I make one submission? I did not want to disturb the hon Member while he was speaking. But I would like to have a ruling from you whether you think that that telegram is worthy of being placed on the Table of the House, because it is within your discretion. We do not know who this gentleman, Mr Pillai, is, and what authority he has to say that so-and-so has actually given some material to the paper

Mr. Deputy-Speaker: As for the telegram, if it is desired, certainly, I shall ask the hon Member to place it on the Table of the House. That may be placed on the Table of the House

Shrimati Renu Chakravartty: May I point out that on an earlier occasion, you disallowed me to lay anything on the Table of the House saying that it is a general rule that the Chair has to look into it and see whether it is a document worthy of being placed on the Table of the House? Are we to take it that you take it that this particular letter coming from some Mr Pillai is worthy of being placed on the Table of the House?

Raja Mahendra Pratap: May I say a few words?

Mr. Deputy-Speaker: Order, order. The hon Member should not get up every time when there is a pause and just express his desire that he should be allowed to speak. I thought that the hon lady Member desired that it was fair

Shrimati Renu Chakravartty: No

Mr. Deputy-Speaker: that it ought to be placed on the Table of the House. At least that was what I understood, and I said that it might be placed on the Table of the House

Now that this telegram has been read, there is no harm, and I think it should be placed on the Table of the House. Since it had been referred to, it should be placed on the Table of the House

[The telegram was accordingly laid on the Table of the House which was placed in the Library, see No. LT-1053/58]

Shri Khadilkar (Ahmednagar): May I point out one thing? We are discussing the fundamental rights of this House, in order to preserve its dignity and decorum. When we are debating on certain evidence already before the House, are we to allow other things to be gathered from outside in support of a particular position? Would it not be derogatory to the proceedings of the House. I would like to have your ruling on this

Mr. Deputy-Speaker: We have not drawn anything from outside. It is yet to be seen whether this gives us any clue or not, whether it is to be credited with any reliable source or not, and what it is worth. That is a different thing altogether

What I have just now said is that this telegram which had been referred to would be placed on the Table of the House. Whether it is worth anything whether it is to be given any credit or not would be a thing to be subsequently looked into. Nobody has said that this is to be given discredit or credit

Shri Tyagi (Dehra Dun): May I get one clarification from you with regard to placing of documents on the Table? Does your discretion allow that Members could place anything on the Table? Because if this were made a

[Shri Tyagi]

precedent, all types of telegrams can be had, and they may be placed on the Table of the House.

Mr. Deputy-Speaker: It is not the right of any hon. Member to have a document placed on the Table of the House. The hon. Member expressed his desire. And there are rules that he should first provide a copy to the Speaker, and then the Speaker would decide whether really that is a document which should be placed on the Table of the House, and whether it should be permitted. But this document had been referred to, and it had been read. And what I thought was that because it had come up during the course of the argument and reference has been made to it also, it ought to be placed on the Table of the House. Whether we should attach any importance to it or not is a different thing altogether.

Therefore, I decide this way.

Shri Asoka Mehta (Muzaffarpur): Unfortunately, when this matter was first brought up in the House in the last session, I was not present in the House.

I would like to bring to a common focus the developments that led to this motion being brought us before this House. At the very beginning of the last Session, my hon. friend Dr. K. B. Menon had brought forward a motion in this House that the situation in Kerala should be considered because he felt, and many of us felt that the conditions there were such as were denying the people the Fundamental Rights. It was not as if this was the stray feeling of an individual or a group in this House, but during the same Session, when this question was seriously agitating the minds of all of us, no less a body than the Working Committee of the Congress Party passed an eighty-word resolution wherein it was pointed out as follows. It referred to the state of insecurity in the State....

12-58 hrs.

[Mr. SPEAKER in the Chair]

Shri Nagi Reddy (Anantapur): On a point of order. Are we discussing the privilege motion, or the resolution of Congress Working Committee or the conditions in Kerala as they exist today?

Mr. Speaker: Order, order. We are discussing a privilege motion. As to what is relevant and what is not relevant, I have to decide.

Shri Nagi Reddy: What about my point of order?

Mr. Speaker: I have answered the point of order. So long as I allow any hon. Member to go on, hon. Members may take it that I take it, and I rule that it is all relevant.

Shri Asoka Mehta: The resolution said:

“ as well as the policy of the State Government which is often discriminatory and not in accordance with the rule of law.”.

This was the very point that we had made, and you, Sir, very rightly wanted us to substantiate this kind of a general charge that we had made on the opening day of the last Session of Parliament. My hon. friend Dr. K. B. Menon, and I, therefore, in accordance with your wishes, and in accordance with your command, whenever we got an opportunity, tried to place before the House facts and documents as they came to our notice. We were doing that because we were called upon to prove that conditions in Kerala were such as demanded an intervention by this House. While we were discharging our responsibilities, the Chief Minister of Kerala sent a telegram. It purports to be a confidential telegram. I shall not cover the ground that has been so ably covered by my hon. friend Dr. K. B. Menon. I shall only invite the attention of the House to a P.T.I. message published by the *Times of India* of

21st September. This message, dated 20th September says:

"According to official sources here the substance given in that report is given there according to the official sources here (meaning in Trivandrum)."

I am sure that at that time neither the P.T.I. man nor the *Times of India* man was interested in playing any mischief

13 hrs.

Then the word used there is "slander". The whole controversy revolves round the word "slander". If this word "slander" was—as tried to be made out on the last occasion by some friends—used in the heat of the moment, one would ignore it. But this word "slander" is being deliberately and consciously used by the Communists. I would invite your attention to the *New Age*, the official organ of the Communist Party. In its publication of 1st October, a publication that came out immediately after this debate took place in this House in the last session, this is what Mr. P. C. Joshi, a very eminent leader of the Communist Party, has to say about this discussion and I shall read it to you—

"Tata employee M. R. Masani (which is absolutely false) . . .

An Hon Member: It is a fact.

Shri Asoka Mehta: Keep quiet.

" . . . brought up a privilege motion . . ." (*Interruptions*)

Mr. Speaker: Order, order.

Shri Nagi Reddy: Is it right on the part of the hon. Member to say "keep quiet". (*Interruptions*).

Several Hon. Members: He said "shut up"; he should withdraw those words.

Shri S. M. Banerjee (Kanpur): Is he maintaining the decorum? (*Interruptions*).

Mr. Speaker: Order, order. We are discussing a privilege motion. Hon. Members need not get excited. I called Shri Menon; he spoke. All hon. Members will have reasonable opportunities to speak. Let there be no interruption. Let not hon. Members get excited over this matter.

Shri Tangamani (Madurai): I would like to know whether it is proper to say "shut up"?

Shri Asoka Mehta: I said "keep quiet".

Shri H. N. Mukerjee (Calcutta—Central): May I raise a point of order?

Mr. Speaker: What is the point of order?

Shri H. N. Mukerjee: Mr. Asoka Mehta used the expression "shut up".

Several Hon. Members: "Keep quiet" he said.

Shri H. N. Mukerjee: Are you keeping order in the House, or Shri Asoka Mehta? Those words, according to his understanding of the English language, means "you please keep quiet". Are we going to take orders from Shri Asoka Mehta?

Shri Asoka Mehta: My knowledge of English is not as good as Shri Mukerjee's.

Mr. Speaker: I have heard the point of order. All hon. Members will kindly keep order in the House. Let there be no talk here other than what is relevant. There was continuous interruption and I did not hear him say one way or the other. Possibly the hon. Member also got excited and used the words "shut up".

Hon. Members must know that every hon. Member is a human being first and everything else next. I do not

[Mr. Speaker]

think he ever used the words, but if the words "shut up" are there they will be removed. Shri Asoka Mehta.

Shri Nagi Reddy: There is so much of extraneous matter which he is bringing that I think the debate is taking an entirely different course:

Mr. Speaker: The hon. Member brings it to my notice that what Mr. Asoka Mehta is reading is not relevant. I ask him to continue. It is relevant. It is for me to decide. What is the meaning of going on interrupting like this?

Shri Asoka Mehta: Hon. Members, I know, lose their patience or get excited.

Mr. Joshi says:

"It is only a gibe of those who have lost the battle of facts and principles."

Then he continues:

"The Parliamentary session will close this week but the Kerala debate will go on in the country. Truth and good service to the people: this is the strength of the Kerala Government. Slanders and fear of good work being done by a Communist Ministry: this moves the opponents of the Kerala Ministry."

Again, Sir, the word "slander" is used here. This word "slander" is used after the debate took place.

I would now invite your attention to a very interesting book written by my hon. friends Mr. A. K. Gopalan and Prof. Hiren Mukerjee entitled *Communists in Parliament*. I would invite your attention to page 4.

Shri Nagi Reddy: When was that published?

Shri Asoka Mehta: This book says:

"We were in Parliament, in very fact, a new element—forthright and obviously in touch

with the people, qualities which made us perhaps vaguely feared but always respected, even in the height of attack and slander on us (as over the issue of Telengana and of Preventive Detention in the May-August session of 1952.)"

Whenever you criticise the Communists, whenever you say anything that they do not like, they are in the habit of calling those who criticise them as slanderous. This word "slander" is a favourite expression of the Communists. Therefore, the Chief Minister of Kerala used it not in the heat of the moment. It is a part and parcel of the Communist strategy. I would like to invite your attention to the fact that it is the recognised tactics of the Communists in Kerala to intimidate the people. The Chief Minister of Kerala tried to do it with the High Court. The Kerala High Court was conscious of its rights and privileges. Therefore, he had to go before the bar of the High Court and offer an unqualified apology to the High Court, because he had tried to play that kind of thing with the High Court. This House should be equally concerned about its own privileges.

Sir, what is happening in Kerala today? This technique of intimidation is being carried on. A D.S.P. in Kerala has to go to the Communists..... (Interruptions).

Mr. Speaker: The hon. Member need not refer to that

Shri Asoka Mehta: After all you must give me an opportunity of explaining to you and to the House. If this were a stray expression, I have sufficient respect for the Chief Ministers of this country as not to associate them with a motion of this kind and I would have been the first person to request my hon. friend Shri Masani not to press this motion. The Communists in Kerala have been deliberately indulging in these tactics. This

motion is not a matter of mere form; it is a matter of profound substance and of profound importance, because this has been the tactics and the technique which is being deliberately used. That was the reason why a telegram purported to be confidential was deliberately leaked to the press, as has been proved not by the telegram that my hon. friend read out, but by the internal evidence in the report that was published by the *Times of India* on the very morrow of the telegram being sent. This deliberate leaking out of the telegram, this use of the word "slanderous" against some of us by Mr. P. C. Joshi in the official organ of the Communist Party after the discussion had taken place here, this use of the word "slander" by Mr. Gopalan and Mr. Mukerjee against the entire House, because nine-tenths of the House disagrees with one-tenth of it is deliberate. This one-tenth does not represent the vital elements of the country. If the nine-tenths of the House disagrees with them they are being denounced as slanderous. This is a conscious, deliberate and well-defined strategy of the Communist leaders and that is the reason why this matter should be looked into, should be gone into and should be referred to the Privileges Committee so that they may realise that in this country they will not prevent any one—least of all a Member of Parliament—from discharging his duty, because there are some who are interested, who are masters of the tactics and strategy of intimidation. But intimidation is not going to work against us, and to prove that, to conclusively prove to all concerned in the country, and above all, to the brave people of Kerala, who are fighting against heavy odds in order to keep the torch of freedom alive, in order to see that the lamps of liberty are not put out there, are not put out in any part of the country, this Motion must go to the Privileges Committee.

Shri S. A. Dange (Bombay City—Central): I do not want to speak on points of law for the simple reason that I am neither a lawyer nor a jurist.

But I would prefer to take a lesson from my hon. friend, Shri Asoka Mehta, and ask a question: why has this thing arisen? From where does it proceed? It proceeds from a well-planned conspiracy and a cold-war to overthrow the Communist Government in Kerala. And let me assure my friends who, as Opposition parties should be in a position to support another 'Opposition' Government, that they know, if ever by chance or mischance they come to power, they will meet with the same fate from that side. In any case, it seems today there is a nice unholy alliance amongst all these gentlemen to malign and to start a cold-war against Kerala....

Shri Tyagi: Slander.

Shri S. A. Dange: This has nothing to do with privilege. If it is a question of the dignity of these gentlemen who have made speeches, we know what dignity they have got. (*Interruptions*).

Mr. Speaker: Order, order. Let us not lose ourselves in excitement.

Pandit K. C. Sharma (Hapur): It is very undignified.

Mr. Speaker: It is not right for the leader of the Communist Group to say 'We know what dignity the other hon. Members who have spoken have got'. It is not right. Every hon. Member is a dignified Member of this House. I am afraid in the heat of the moment the hon. leader of the Communist Group has said something which, I do not think, he meant. While trying to support or oppose a Motion of Privilege relating to 'slander'—the word used—let us not be drawn into the same situation here by using expressions which are not quite good.

Shri S. A. Dange: I said that because I thought when Shri Asoka Mehta read an extract from the *New Age* describing the hon. Member, Shri M. R. Masani, as a Tata employee, he would protest. Since he did not protest, I thought, being a Tata employee, he had not a very dignified position.

Mr. Speaker: That is another matter.

Pandit K. C. Sharma: This is undignified

Shri S. A. Dange: Let me explain. As a Member of Parliament, he has his dignity. I was referring only to his dignity as a Tata employee. That is all.

Mr. Speaker: Let it be in any capacity. So long as an hon. Member is a Member of the House, let not anything be said which would take away the dignity of the hon. Member. The hon. Member might have read it. But that does not mean that we can use that as an excuse to attack any hon. Member here. He is an honourable Member both inside and outside. Let there be no words said about it.

Shri H. N. Mukerjee: On a point of clarification. A little earlier, Shri Asoka Mehta had the goodness to refer to my hon. friend, Shri A. K. Gopalan, and myself as past-masters in the art of slandering people, intimidating people and all that sort of thing. But you did not think it fit and wise to stop him. But now you stop this kind of thing being said.

Mr. Speaker: If I slipped over in a particular matter, the hon. Member might have pointed it out to me. (Interruptions)

Shri M. R. Masani (Ranchi—East): On a point of personal explanation. Now that Shri S. A. Dange has asked why I did not contradict that remark in the *New Age*, may I say two things? One is that I ceased to be a Tata employee when I got elected to the House in May 1957. I considered it a great honour for sixteen years to be identified with the leading industrial House in the country which has done a great deal for this country. Secondly, I did not contradict the *New Age* because it is a habitually lying newspaper. (Interruptions).

Shri T. B. Vittal Rao (Khammam): He says that it is a habitually lying newspaper. What is this?

Mr. Speaker: The newspaper is not a Member of the House. (Laughter)

Shrimati Bena Chakravartty: We shall now take this to mean that the word 'lying', which has been used, is parliamentary. (Interruptions).

Shri S. A. Dange: Therefore, I would submit that we should pay attention to the implications of this Motion. Even if it were held to be a correct Motion and even if it were passed, it would do damage to the political development in this country. That is why I am looking at it from the political standpoint.

Shri Rajendra Singh (Chapra): Damage to Communist development in this country. (Interruptions).

Mr. Speaker: The hon. Member is disturbing his own leader!

Some Hon. Members: No, no.

Shri Vasudevan Nair (Thiruvella): He is not a member of our Party.

Shri S. A. Dange: The point I wish to make is this, that this question of privilege should not be pushed too far. I need not tell you about how this concept of privilege has arisen. But I may say that a privilege was claimed by the House of Commons against autocratic monarchs who hanged them when they criticised the monarchs. Later on, the House of Commons developed a certain content for this concept of privilege. But now even in the House of Commons, there is a protest from the public that the Members carry this privilege too far; in fact they are setting themselves as super-Gods who cannot at all be questioned or against whom a remark will not be tolerated from the members of the public. There has been a certain amount of debate in the House of Commons also and in the general Press of England about this question of privilege. Here too the same development is likely to take place. Of course, unfortunately, the first occasion that has arisen here is with

regard to the Kerala Ministry. But that is not the main point. The main point is: how far are we going to stretch this concept of privilege? My impression is that we are trying to set ourselves as demi-Gods or super-Gods over anybody else who is outside the House who would like to use this word or that against a statement on the part of a Member. This would bring the dignity and privilege of the House in conflict with the general sentiments of the people who would like to criticise even hon. Members, may not be in very polite words.

Therefore, the first point is: let us look at it from the political standpoint, that if we go on putting forward obstructions in the way of people not merely criticising but even sharply criticising us, using sometimes even bad words against Members here, it would not redound to our dignity and privilege; if we are criticised, we should not lose temper and call them before the Bar of the House. In that case, we shall be losing our own dignity before the common people.

Of course, here in this case it is not a question of a common man being involved. Here is the Chief Minister of a State. That is still greater reason why we should have restraint, because has the Chief Minister as a member of another legislature not his own privilege? That also should be a question which we will have to look into

For example, the question of privilege in England does not suffer from the obstruction of another Assembly which is an Assembly of a State or Province. England does not have a federal Constitution. We have a federal Constitution. As yet, I do not think we have come to any balance between the privilege rights of Parliament and the privilege rights of the State legislatures. There have not been much of case-law or rulings on this question. Therefore, that point also should be taken into account, and we should come to the conclusion that the members and Ministers of the

State legislatures also should have certain privileges. If the two privileges conflict, let us come to certain understandings and rulings on this question. Instead of taking that way politically, the whole debate is taking another angle, that is the angle as is provided by Shri Asoka Mehta and that angle is that he thinks the communists are very fond of the word 'slander'. Well, if it is slander, it is slander. For example, if I were to discuss it politically, my friend Shri Asoka Mehta is a standing slander against socialism. He deserves to know socialism and naturally he hates communism; and when he hates communism, then he thinks every minute of his life to get an opportunity to damn the communists. Therefore, we are bound to say it is a question of slander. And slander is not such a bad word too

Shri Asoka Mehta: Sir, can this word be brought in in this manner? He is only trying to defend his leader, the Chief Minister of Kerala and he called me a slanderer

Shri S. A. Dange: A slanderer against his own socialism which he has betrayed.

Shri Asoka Mehta: Mine is a socialism which is accepted by the House. I am being charged as a slanderer against the socialism which is the accepted policy of the whole House.

Shri S. A. Dange: You are slanderer and a betrayer.

Mr. Speaker: Order, order; I do not want hon. Members.....

Shri S. A. Dange: When passions are sought to be roused, we shall not be short of it. Let it be remembered.

Mr. Speaker: Hon. Members are very good parliamentarians. They have had experience of this House as also elsewhere. I would request hon. Members not to cast aspersions against one another, here in this House. It is

[Mr. Speaker]

enough that we are dealing with something that has been said outside the House. It is true that any hon. Member has the privilege here and he won't be taken to a court of law for what he says. But I am here to see that one hon. Member does not use expressions derogatory to any other hon. Member. They have enough vocabulary that they can use in such a manner to express their own ideas as forcibly as possible without bringing in any words of abuse.

Shri S. A. Dange: I am not at all calling him a slanderer against me or against Shri E. M. S. Nambudripad, or anybody. It is a philosophical expression. If somebody slanders against something it is a slander against philosophy. What have I said? I mean slander against his own philosophy. It is not an imputation on his personal character. I do not see how I have violated the decorum of the House. It is not a reflection on his individual character.

Mr. Speaker: With all respect I do not agree. There is no use trying to make it anything impersonal. It is only with respect to this person. We are not saying anything here about socialism versus communism or some aspects of socialism. But it is in relation to an hon. Member of this House that it is said he is a slanderer. One can easily say that he is a slanderer to his house, to his family or to the whole country and so on. There is no difference between this and the other one. I am still sorry that an hon. Member, a leader of a group should persist in the use of the word 'slander'. (*Interruptions*).

Order, order.

Shri S. A. Dange: I am only submitting. (*Interruptions*.)

Shri Rajendra Singh: Shut up. (*Interruptions*).

Shri S. M. Banerjee: Sir, he said 'shut up'.

Mr. Speaker: Order, order.

Shri S. A. Dange: Sir, I was making a submission that this question should be looked at from a political standpoint and the question of privilege also should be considered with sober attitude. I was pointing out the danger that if only party considerations or considerations that were against a certain ministry which you do not like or a certain Minister whom you do not like, if these considerations were brought into the assessment of things and assessment of the value of privilege in this House, then, the traditions of this House would meet with a bad fate. That is what I was submitting.

Now, so far as other things are concerned, which my hon. friend Dr. Menon or my hon. friend Shri Asoka Mehta has raised, it is really doubtful why a telegram of an *ad hoc* Congress committee should have been allowed here and brought here. I thought there was a properly established Congress committee. I do not know about *ad hoc* Congress committees. In any case, there is no protest from the real Congressmen on the other side about the *ad hoc* congressmen on this side. Therefore, I thought it is all accepted.

Shri Rajendra Singh: On this side, there is an *ad hoc* Comintern.

Shri S. A. Dange: Therefore, I think it is quite natural for an *ad hoc* Congress committee's telegram being quoted by a socialist gentleman who thinks he is in opposition to the Congress benches. So, my submission is that the consideration of the whole question is being vitiated by pure considerations of party propaganda. I would like to know later on from the declamations which would be made from all sides whether such considerations should be imported into the discussion of the privileges of an hon. Member of this House, because, as I have already submitted, and I once again repeat it—and I do not want to take much more time of the House—that this is all being got up as a cold war,

Let me assure my hon. friends that cold war has never frightened us—of whatever kind either here or elsewhere. Therefore, if it is imported into this House, then, it will only lead to bad results for all of us, not only for us but for all of us. What is happening. An elected Ministry—an elected Legislature is there and it has put the Ministry into power—is being tried to be overthrown by all sorts of means, and means which are not very constitutional means. If that lesson were to go to the country that a Parliament with a majority party and the so-called socialists and all combined, in order to overthrow a Ministry which they did not like (Interruptions.)

Shri Rajendra Singh: What does he mean by so-called socialists, Sir? (Interruptions.)

Shri C. D. Pande (Naini Tal): Shri Dange has a passion for it.

Mr. Speaker: Hon. Members resent the expression socialists. (Interruptions.)

Shri S. A. Dange: Some of them are of the so-called socialist party, some of the socialist party; some of them are of the Praja-Socialist Party and there are these different kinds of parties we have got here. They have tried to become one socialist party; unfortunately they failed. I cannot help it. That is why I have tried to describe them in their different shades. If I am wrong in my description, please excuse me. So, with such an impression I am saying (Interruptions.)

Shri C. K. Bhattacharya (West Dinajpur): Whenever they differ from the communists they become the so-called socialists; when they are one with the communists, they are the only socialist party.

Shri S. A. Dange: So, Sir, I want to repeat that if an impression were to go sound in the country that all these

forces are combining in order to overthrow a Ministry which is carrying out certain measures which had a place in the programme of all these parties but were not carried out—if this Ministry is to be overthrown by such means—then the masses would draw very peculiar conclusions regarding the development of democracy in this country, regarding the use of the Constitution in this country and of the way in which a landlord capitalist government as we call it is run by various Congress Ministries in the various States and how they can be overthrown. (Interruption.) We have tried to overthrow by legal means and we have succeeded. Why should there be anything against? If you want to overthrow it, do it in the same way as we have done. That is, you try to do things in a good way and meet the demands of the people and society yourself. But, no; they want to create an atmosphere as if this Government is not liked by the people and there is violence and insecurity in the land.

Sir, if these means are to be used, I once again say this that the results would be very bad for all of us. I am not considering only the question of Communist party; I am considering the question of all the parties in this country and all elected Governments. If once a government which is elected and which does not belong to the majority party should be treated like this, then elections will be of no value. No elected government will have any value because anything will be done to overthrow it. I certainly want such an impression not to be created. (Interruptions.) Therefore in this tactics of overthrowing the Kerala Government this privilege motion should not be allowed. I would appeal to the gentleman who has brought it if there are certain grievances against the Government in Kerala let us sit down and discuss threadbare and thrash it out. That will be for the good of us all.

Some Hon. Members rose—

Mr. Speaker: Order, order. I have heard sufficiently. Before I call upon the other hon. Members, I would like to impress upon the House the scope of this motion. Now, the simple question is whether the word 'slander' ought or ought not to have been used and whether it is a question of privilege and if so, what steps the House ought to take, whether it must dispose of it here and now or send it to the Committee and if the House itself disposes of it in what manner should it dispose of it, whether it should accept this motion or that motion. These are the simple points generally. Cold war and other things have been brought in. Whatever might have been said, hereafter it is not necessary to say what is the motive behind all these. The simple point is this. If the word has been used, has it been used rightly and is it meant to attribute motives to this House? Is it such a big matter or is it a small matter? That is the point.

Shri Frank Anthony (Nominated—Anglo-Indians): Sir, you have, may I say with respect, sought to bring this discussion back to its proper moorings. Unless my communist friends provoke me, I do not propose to vie with the Leaders of the Communist Group in the way in which they sought to fight gratuitous personalities.

The position, as I see it from a more or less legalistic point of view, is this. Under our Rules of Procedure, a motion of this kind can only be moved with the consent of the Speaker. Under Rule 224, three conditions are postulated before you are pleased to give your consent. One of the conditions is a very important condition and that is that the matter requires the intervention of the House.

Now, having been seized of Mr. Masani's motion, having before you certain evidence, particularly documentary evidence, you were pleased, in terms of this rule, to say that the matter *prima facie* required the intervention of the House. I would ask the

Members of this House to bear this in mind. The Speaker has advisedly and after ample consideration come to the conclusion before giving his consent that the matter requires intervention of the House.

Now, what is this House supposed to do? Under rule 226, the House is supposed to do one of two things. It can, after hearing the case put forth by all sides, decide the matter itself or take a decision to remit the matter for consideration and investigation by the Privileges Committee. I am not very certain of the implications of Rule 227. Under Rule 227 you, as the Spcaker, appear to have an overriding discretion *suo motu* to refer the matter to the Privileges Committee . . .

Mr. Speaker: The Rule has been interpreted to me in this way. Before I give my consent, I may ask the expert body to give me advice and independently, of my own, I can do that. But it is not for publication here. It is only to give me an opinion as to how I should act—whether I should give consent or not.

Shri Frank Anthony: I was only outlining the procedure. What we are really concerned with is this whether after the Speaker has found that there is sufficient material to warrant the matter being brought to the notice of the House, we will in a cavalier manner say: 'No', as the Communists want us to do and just throw it out or act otherwise.

Dr. K. B. Menon has put in his amendment in a rather forthright manner. He has asked us to come to decision, that a contempt of the House has been in fact committed, that we should arraign before this House the Chief Minister of Kerala. By training and by experience I am objective and I quite frankly see Dr. Menon's amendment is rather forthright although there is ample precedent for it in the British House of Commons and they do act *ex parte* in privilege matters without hearing the other side. But all sorts of issues have been

brought in and all the irrelevant matters have been brought in by the other side whereby they are making all kinds of charges of *mala fides* and they are trying to embarrass the Central Government. We have heard here all kinds of rather irrelevant sermons about relationship between the Centre and the State. I say the simple issue is this.

We are here concerned with the complaint by an amendment before this House that there has been a breach of privilege by a person. Let us try to forget the personalities involved, whether that happens to be the Chief Minister of a State or I shall say, even the Prime Minister of this country. What are we concerned here? I say let us, whoever the person, at least give the appearance of fairness. It is not good enough to be fair only. I would request the House to remit this matter to the Privileges Committee. Otherwise my friends on the other side would probably welcome it in order to damn the Government and say that this Government has run true to its form; it has given its blessings to something *ex parte* against the Chief Minister of a State only because he happened to have a different political complexion. I say, in fairness to this House, we should not decide the matter as Dr. Menon has asked us. Let us remit the matter to the Privileges Committee.

Then, Sir, I also want to put the other side of the medal to you. We are here custodians of the privileges not only of the Chief Minister or the Prime Minister. We are custodians in privileges of the humblest Member of this House. No Member of this House has come to us and said: "Well, I have been called a slanderer; improper motives have been imputed to me and I am seeking your protection, improper motives have been imputed to me in the discharge of my duties as a Parliamentarian, in functioning in no other capacity." As I have said, the Speaker has looked into this matter. He has

come to the conclusion before admitting it that this is *prima facie* a case for intervention.

My friend, Shri Dange, I submit with respect, sought to draw a political red herring across this question. He assumed a pose of injured innocence. He said that there was a conspiracy on the part of everybody else to join against the communists. I do not think we need take that attitude of Shri Dange very seriously. Then a pseudo-legalistic position was taken by Shri Narayanankutty Menon. He said: "How can we seek to posit a privilege motion on a confidential document?" I submit with the utmost respect that it is not the correct position. I just do not understand how this 'confidential document' is being brought in. I say it has been brought in advisedly in order to embarrass the Home Minister and through the Home Minister the Central Government. The Home Minister is being charged directly with breach of faith. There is no question or the Home Minister being involved. If this matter is remitted to the Privileges Committee, the Home Minister will not be asked to appear before it; the Home Minister will not be asked to produce any document and show: here is the telegram. The telegram was sent in an open way. All that the Committee would have to do is this. It will summon the original of the telegram from whichever office it was sent. The Home Minister does not come into the matter.

There is ample evidence to show that these people have been stigmatised as slanderers. Should we accept—Shri Dange's thesis: "Why should we sc thin-skinned?". The communists, I say with respect, when anybody talks against them, are very unduly thin skinned but when they talk against anybody else, as Shri Asoka Mehta pointed out, the word 'slander' and other abusive, defamatory words are part of their ordinary vocabulary. I say this with respect. We had ample evidence. We have ample evidence that my hon. friend here is being

[Shri Frank Anthony]

stigmatised as a slanderer. In the reply telegram which was sent to the Home Minister and which was read out here—there is no question of privilege and it is not as if we are trying to drag out some thing which was behind, completely behind the curtain of official secrecy; the thing is already at large—the Chief Minister reaffirms the word. He admits that the word 'slander' was used; he does not deny that at all. Once again these people have been stigmatised as slanderers.

The position to my mind is very clear. Is there *prima facie* evidence to show that a Member of this House in the discharge of his duty has been called a slanderer?

Shri Tyagi: Has he named any Member?

Shri Frank Anthony: The whole matter was *ad hoc*, so to speak in respect of Dr. K. B. Menon and in the reply the matter was raised as far as I know; the Chief Minister had referred to Dr. Menon in effect as a slanderer. An explanation was asked for from the Chief Minister. In the reply the slander was repeated. There was no question of his saying: "No, I never said that; it was false". If he had said so—it was never said—for proof we can get the whole confidential document. As I said, the whole thing has been reaffirmed and publicised. Everybody knows it, and it is a fact that the Chief Minister referred to Dr. Menon as a slanderer. That is the simple position. I know that the Government are embarrassed, but they would be doing an injustice to the House if they allow this embarrassment, any false sense of somekind of relation between the Centre and the States to come in in order to reject this motion for reference to the Privileges Committee. I say, it would be setting up a precedent which is completely unworthy of the House.

What are we seeking to do? We are seeking still to work to some kind of democratic parliamentary conventions and principles. I can understand my Communist friends feeling hurt that they must submit to democratic and parliamentary controls. That is why they would like to call people slanderers and worse. With respect, Sir, I beg to submit, if the Prime Minister of India is in the same position, we must follow the same procedure. It is not only a question of his referring to a person as a slanderer. Here it is a question of precedent. If he refers to a Member of this House—whether he is the Chief Minister or the Prime Minister—as having said something because he has taken a bribe, how would you distinguish it from a person being called a slanderer instead of being called a bribe-taker? And, what will be the protection that they will seek? Because you were intimidated by Communist tactics you were afraid to arraign the Chief Minister as he happens to be a Communist Chief Minister. Why do you arraign an editor if he says that a Member of this House has made a speech because he has received a bribe? Sir, I am talking about a legal precedent. Is it a breach of privilege to refer to me as a slanderer? If it is a breach of privilege to refer to me as bribe-taker, then, *a fortiori* equally it is a breach to refer to me as a slanderer.

Now, Sir, you have ample *prima facie* evidence. There is no question of any relations between the Centre and State Governments. It is a simple question of Dr. K. B. Menon, a Member of this House *vis-a-vis* a gentleman who was a citizen of this country. I submit, there is more than enough evidence for the matter to be remitted to the Privileges Committee; we are not asking the House to take a decision on this.

Mr. Speaker: The hon. Prime Minister.

Shri Tyagi: Sir, may I request you kindly to ask the Home Minister to place on the Table of the House the

telegram because, after all, we are discussing language without knowing as to what exactly it is.

Mr. Speaker: Order, order. The hon. Member has not been following the proceedings. This matter was disposed of at an earlier stage.

Raja Mahendra Pratap: Sir, I had been to Kerala, and I want to give a report about it before the Prime Minister speaks.

Mr. Speaker: He will have his turn.

Raja Mahendra Pratap: I must explain what I saw in Kerala.

Mr. Speaker: Very well.

Shri Khadilkar: Before the Prime Minister makes a statement regarding this from his angle, would it not be better, Sir, for others to say something, whatever they want to say?

Mr. Speaker: I will call the Prime Minister now. Does the hon. Home Minister propose to speak?

The Minister of Home Affairs (Pandit G. B. Pant): I have no particular intention of speaking.

Mr. Speaker: I won't call upon any hon. Member unless he wants to speak.

Pandit G. B. Pant: If I have to make a request I will do that, but at present I do not intend to bother the Chair by making any such request. If I want to do so, I will do it later.

Mr. Speaker: I only wanted to know the time that I have to allot. Very well; I have called the hon. Prime Minister now.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I was not present in this House on previous occasions when this matter came up for some kind of discussion; but, naturally, I tried to follow what had happened, to understand it, because it

was a matter, in a sense, of grave consequence from many points of view.

I suppose it is difficult, when such a matter comes up, for Members of this House entirely to shed their party character or their pre-conceived ideas. It is not an easy matter. Nevertheless, it is obvious—and I agree with Shri Anthony in what he said—that the matter has nothing to do, ought to have nothing to do with groups, parties or other political ideas that people may have.

However, I do not think we can entirely forget or we should forget the fact that the person who is charged with an impropriety or against whom the allegation is made is the head of a State Government. It is a fact, and I do not know why we should forget that and merely imagine that we are dealing with a simple matter as one citizen to another citizen; of course, in the ultimate analysis it is between a citizen and another citizen, but all these factors are relevant and important.

I think all of us will agree that where any kind of—may I use the word without any impropriety—slander is done to any Member of the House, in whatever way it may be, or, in fact, anything is done which attracts the privileges of this House; every party and every group in this House should defend the House and should take steps to prevent that kind of thing happening. We are all, I hope, jealous of the reputation that this House should have and should build up for itself. So there can be no doubt, no argument—even though we may in our heart of hearts differ—about that basic issue.

There may be sometimes, of course, argument whether in the name of defending the privileges of this House we do not sometimes act in a rather thin-skinned way, we do not import other considerations than the immediate ones at issue. I know it is difficult. None of us can avoid import-

[Shri Jawaharlal Nehru]

ing other considerations to some extent. Nevertheless, the issue should be decided apart from those other considerations.

If I may respectfully submit, Sir, I did not, well, agree with what has been said, the manner in which it has been said about importing other considerations by either the hon. Member Shri Asoka Mehta or the Leader of the Communist Party here, Shri Dange, when he talked about the cold war. I am not very efficient with cold war as he said he was, and, personally I dislike the cold war wherever it occurs, even in the wider international sphere and much more so, of course, if we have it in our own country or in this House. So I cannot, apart from other reasons, because I would find myself rather incompetent to meet such a situation. Anyhow, it is not desirable for us to bring that in here. Therefore, I do not wish to say anything on that issue although I think some of his remarks were very uncharitable, so far as the Government is concerned, in that connection.

I know my colleague the Home Minister and I, who have most to do with State Governments, have tried to the very best of our ability to deal with the Kerala Government as we deal with other State Governments. We may have made a mistake; I do not say we are infallible, but we have only tried to do that. We have differed in some matters with them who pointed out our differences, but we have not to my knowledge done anything which we would not have to do to another State Government in that position. In fact, if I may say so, speaking for myself, there has sometimes been an element of bending backwards in this matter lest we be suspected of having done something to a Government which is controlled by a party which is opposed to our party and Parliament. So, we have been particularly anxious about it. Again I say that I do not claim any particular virtue. I do not say

we might not have made mistakes or said something which should not have been said. But this has been our attitude, and therefore, I was a little distressed at what Shri Dange said,—that we were leading some kind of crusade against the Kerala Government. However, I do not wish to refer to that matter in this connection, because, I would like this House to try, and every hon. Member to try, not to bring in these issues, important as they may be in other contexts, in the consideration of the particular matter before us.

Having said that, I would also like to say this. I am not quite sure we as a Government should function at all in this matter, as a Government. As individual Members, of course, we have equal right with other Members. I go a step further. As a Member also, I do not think these are party matters, that a party should function in a particular way. So, my request to the Members of this House will be that they should not get entangled in their other pre-conceptions what they think of the Kerala Government or the conditions in Kerala. They should keep that apart and try to judge the matter on the bare facts before us.

I would have preferred—I shall be quite frank to this House—if this motion had not been brought, not in order to protect the Chief Minister of Kerala, although, if necessary, it is my duty to protect him or help him—that is a different matter—but because I am a little anxious that we should not enter into a path of conflict in such matters, because this kind of thing might be overdone. There are things said, often enough, which are not desirable and things said in the heat of the moment which, a person, thinking more would not have said.

If we pursue every person who makes a statement like that, I do not know how many of us will be completely innocent of never making any remarks which might not be held up against. We are all human beings,

and I know that I err sometimes, Sir, though I hope not too often. So, from that point of view, if my mind was quite clear that if it was a deliberate flouting of the dignity of Parliament or of any individual Member of Parliament, then, of course, there can be no doubt that that challenge has to be met. But where in other contexts, in the heat of the moment or in a controversy something is said, I would personally prefer this House not to take too much notice of it. But, as I said, this is my personal reaction which I place before this House.

When I read about it on the first occasion, I did feel that perhaps it would have been better if this matter had not been pressed. But there it is. The House is seized of it, and it is now for each individual to decide on this issue and in which way he should vote. I cannot give an advice. I can function by myself as I think best. But I would repeat again that we have heavier tasks before us, tremendous difficulties and tasks before us, and if we get into this groove of challenging each other, over every petty thing or words spoken and of importing what Shri Dange was pleased to describe as an atmosphere of cold war here, it would not be good for this House or for the country outside.

I would only beg Shri Dange, when he says that, to advise his own party-men—not here, for, here we know each other, but outside—to speak a little more, shall I say, gently, to write a little more politely, and not always to behave as if the Heavens were falling, and therefore this fact had to be announced in square headlines.

I confess, maybe, I have become too old for this kind of thing, but it distresses me—this continuous shouting and running down people. It is a question of a Member of the House here, he can take exception to it and ask you, Sir, to protect him or the House to protect him. But who

is to protect all others outside this House who are being held up to ridicule or slander or whatever the word may be? It is too much, and I am not for the moment thinking in terms of even any particular group. There is a tendency, far too big a tendency, in the country to that effect, and it distresses me.

As I said, maybe I am not in tune with modern ways of thinking and I am ageing, but I do think it is a good thing to be courteous; it is a good thing not to shout too much at each other and to speak a little gently and try to solve problems in that way.

Therefore, all I have to say is that this is a matter for each individual to decide, as indeed it is, and it is not for me as Leader of the House or leader of the majority party in this House to tell them what they should decide in this matter. It is a matter of dignity of an individual and if that dignity has been affected in the wrong way, if somebody else has acted in a wrong way in so far as a Member of this House is concerned, I have expressed my own view about it, and I leave it to others to decide what they should do.

Shri Khadilkar: Since the beginning of the last session, what I find is that some attempts are being made in this House to continue the debate concerning Kerala and the things that are, for the time being, raging in that State as well as outside that State, in the country. When my friend Shri Masani noticed certain news items in the newspapers and thought of bringing that matter before the House, I thought that his attempt was to avoid, as far as possible, from either side, this controversy being carried to a limit where this House will have to take a serious note of. So, I considered that it was a mild warning that he desired. But now what do we find here? I am not going to look at the motion or issue before the House in a partisan way and I expect Mr. Masani and

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Mr. Asoka Mehta, who have faith in multi-party democracy and who would like that the democratic institutions in this country should further grow and evolve on those lines, would not also adopt a sort of partisan attitude towards the issue before us. So far as the words that were used are concerned, I feel they were of a general nature, and as I raised the point of order on the last occasion, if such a general complaint not referring to a particular individual, is made, the original document must be before the House before we are competent to take any action.

14 hrs.

I will not take much time of the House, but I will just refer to page 135 of Mays' Parliamentary Practice. What I feel, is as the Law Minister pointed out on the previous occasion, the original document is not before us and in the subsequent telegram, which the Speaker had an opportunity to see, a certain explanation of the former telegram was given. So, I think the Chief Minister stands exonerated, and, therefore, the matter should be dropped after the second telegram was received. As the former correspondence was of a confidential nature, it should not be pursued further.

I would like to appeal to this House from another point of view. In this country, though we have adopted the British parliamentary procedure, we are a type of a federation and we believe in multi-party democracy. If our faith is genuine, then in the course of evolution, occasions might arise when the Centre will be controlled by one party and there might be different States governed by different parties. In such a situation, if we lose our head and take a partisan attitude because a particular party is not to the liking of the party ruling at the Centre, I am afraid we will not build up national unity or help the cause of democracy in this land. Therefore,

the issue before the House is not simply the privileges, decorum and dignity of the House. We must be very watchful and vigilant about them; there is no doubt about it. But we must be equally vigilant about the decorum and dignity of the Chief Ministers in the States, whether they belong to the Congress or the Communist Party, because they have been elected properly and they have assumed charge of office as the Head of the State. Is it not our duty in a federal structure of the Constitution, to look at the problem from this angle as well?

Therefore, I would like to appeal to every Member of this House, that if we are going to be short-sighted and going to import the debate that is continuing in the country against a particular brand of Government that is ruling in Kerala, let that debate be fought on a political partisan platform. But when this House debates a question of privilege, it is not a partisan issue. It is not any party issue; it is the issue of the House. As I said earlier, it is the fundamental right of this House that we are going to protect, if at all it has been infringed by somebody outside. That is the main question before us.

A certain telegram of a routine nature, which is *prima facie* confidential, was sent. It has been said on the last occasion by the Prime Minister...

An Hon. Member: The Prime Minister was not present.

Shri Khadilkar: I am sorry; the hon. Law Minister said that it is normally confidential, unless otherwise it is expressed that it is for publication. If some newspaper tries to get hold of a secret confidential document and publishes certain parts of it and if on that basis we are going to say that our dignity, decorum or privilege has been infringed, I am afraid these things would give certain encourage-

ment to those who are trying to pry and get secret documents of the Government. I personally would deprecate such an attempt.

Shri Asoka Mehta said that a certain resolution has been passed by the Congress Working Committee. He has unfortunately quoted it on the floor of the House, because from the very quotation of the resolution of a party executive, he has exposed himself to the charge that he is arguing his case, getting support from a particular party which feels rather afraid to act and at the same time through some utterances sometimes creates an atmosphere that this is a Government which is not desired by the major party ruling the country. I do not think all Congressmen are of the same view. But as a party, their expression is of such a nature which implies that they are visualising the evolution of one-party authoritarian rule in this country and they would not have that democratic tolerance which presupposes the healthy atmosphere for the growth of the democratic institutions in our society. If this is so, as Comrade Dange said, there is an atmosphere of cold war and this House, let me repeat, should insulate itself, if it is going to discharge its responsibilities properly, against importations of cold war atmosphere if it exists in any State or in any part of the country.

If, as we saw at the initial stage of the debate, when the question of privilege of this House is involved, a certain partisan warfare is waging on the floor of the House, I think we are not equal to the task of protecting the dignity of the House, because it is not the dignity of any individual or any party, but it is the dignity of the whole House that we are going to protect. That is the law of privilege.

When my friend, Shri Masani, introduced his motion, I had a talk with him, and I said, "It is very unfor-

unate that this word has been used; I was also surprised. But if you are drawing the attention of the House and the Chief Minister of Kerala for a slip, I would not object so much." But seeing the manner in which the debate was carried on the last occasion, particularly the partisan warfare on the issue before the House that took place in the early part of the debate here, I feel the best course for my friend, Shri Masani, is to drop the motion, as it has served the purpose. Perhaps it will be useful for future guidance of all the Chief Ministers, whether of the Congress persuasion or some other persuasion in every State, who fortunately come to assume charge of responsibility to bear in mind that a certain amount of restraint in their official, and perhaps even in the non-official, utterances is necessary. They should remember the debate that took place on the little report that appeared in a section of the press

With these words, I again appeal to every Member of the House, as well as to the main mover of the motion, Shri Masani, that they should give serious thought to this particular issue before the House. As I said earlier, I feel that unless the original document is in possession of the House, this House cannot decide this matter. That is the law, as laid down by *May*, an authority on parliamentary practice, which we are supposed to follow. As I have already quoted him, I do not want to take any more time in repeating it. If by inference we are going to convict the Chief Minister of a State, perhaps the future historians will accuse us of certain short-sightedness when they read the proceedings of the House, and say that those who were charged with the responsibility, not only of preserving the dignity and decorum of the House but also of ensuring the future growth of democracy in this country, did not act with imagination, with

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vision and a certain decorum, which is necessary for democratic evolution and public life in this country. With these words, I conclude my speech.

Raja Mahendra Pratap: I told the House in the last session that I shall be going to Kerala and it would be better to discuss this question when I come back. I and my friend Shri Daulta, we two went to Kerala. We were there only for three days, but we toured 400 miles in Kerala, and we did not see anywhere any trouble of any kind. I asked some people here on the road, I asked some people there on the road; I asked some Muslim gentleman: "What is the condition here? Are you suppressed by the Hindus here?" That Muslim gentleman said: "Here are four communities—the Nairs, the Ezhavas, the Christians and Muslims. We are living at peace."

Mr. Speaker: The hon. Member will kindly resume his seat. I have no intention to avoid any statement by the hon. Member who has taken all the trouble to go there and study the conditions by himself. But if I allow the hon. Member to go on saying what happened in Kerala, another hon. Member, who possibly has got a different impression on the same subject, may say: what he says is wrong. In any case, that is not the point. The simple point is whether we in this House should take any action on the statement and whether it is a statement which goes against the privilege of the House. So, leaving all other topics, let hon. Members address themselves to this simple point. Even today, after Shri Dange, Shri Asoka Mehta referred to something and Shri Dange allowed him to conclude. After that, I submitted to the House that such controversies relating to what is happening in Kerala need not be brought in this discussion.

Raja Mahendra Pratap: That is my preface. I am coming to the point. I must also explain very clearly before this House that I am a religious man. I tried even to convert Comrade Lenin to religion.

An Hon. Member: Did you succeed?

Raja Mahendra Pratap: Anyhow, I was really very greatly distressed this morning when I saw a lot of shouting in this House. I quite agree with the hon. Prime Minister that in this House there should be a kind of decorum, there should be very great tolerance for one another. It is very unfortunate that Shri Masani and Dr. Menon brought these resolutions, these suggestions. What they really want is not served by these resolutions. I am not a communist. Therefore, I can say without any fear that they are helping the communists by the resolution. You know in our country when some people are persecuted or persecuted, then those people are very much liked by our people. Now, if such a resolution is brought here, the result is that people will like the communists more. I say that such a resolution is very unfortunate, even for that object for which they meant it. I want to say that now when there is a danger on the border, there should not be brought such questions in the House which divide us more and more, because then a day will come when all the parties are dissolved. I do not wish that. But if we will continue to quarrel like that then there may be a certain dictator who may dissolve all the parties.

What I saw in Kerala was quite peaceful. I asked all kinds of people. We were both together and I think he will bear with me when I say we were always together. One gentleman, Shri Thanu Pillai, who was formerly the Chief Minister there, said that all the communists are scoundrels and no communist can be believed.

Mr. Speaker: The hon. Member is referring to some statement of some hon. Members there. It will give opportunity to others to say all sorts of things. I want to avoid that.

Shri P. S. Daulta (Jhajjar): I just want to submit that every word of what he said is true.

Mr. Speaker: But let them not be repeated here. It is no good trying to repeat what hon. Members said elsewhere. If there is any abuse, why should he carry the abuse inside the House? I think the hon. Member has concluded and he has nothing to add.

Raja Mahendra Pratap: I want to say more. I am giving an eye-witness account before the House as to what I saw in Kerala

Mr. Speaker: That is not relevant

Raja Mahendra Pratap: We asked certain principal of the school. This gentleman was with me

Mr. Speaker: All that is not relevant.

Raja Mahendra Pratap: That principal said: we are very satisfied

Mr. Speaker: That information may be useful elsewhere, but not in this context. Let the hon. Member confine himself to this resolution.

Raja Mahendra Pratap: This is a very unfortunate resolution that is the impression created. And there I must agree with these communist brethren that the impression created is this: the Congress, P.S.P. and these lot of people are against the Government in Kerala and by hook or crook, by some method, they just want to pull it down. This impression should not be created. I agree with those gentlemen that we should drop it. Of course, I am not for democracy; I do not know it. I am for religion, and I believe in that democracy of God. God who created all men; God wants good of all men. But I say that if this

situation created by my friend is continued, we shall then be nowhere. We shall only quarrel here and when this news is printed in the press, what will the public say? The public will say "Oh! Ayub Khan is very good".

Some Hon. Members: No, no.

Raja Mahendra Pratap: I will tell you that is the impression created, because they say: these parties always quarrel This should not be. I say that press should not take notice of the shouting in the House. We are all friends and we want good of all. We are all together

Mr. Speaker: I would like to give opportunities to representatives of some Groups. Pandit Brij Narayan "Brijesh". Then, I will call Shri Vajpavee and then Shri A. K. Gopalan. I will call one or two here also

Shri Braj Raj Singh (Ferozabad): May I speak, Sir?

Mr. Speaker: If he wanted to speak; very well

Shrimati Renuka Ray (Malda): May I speak, now?

Mr. Speaker: I have called the other hon Member I will give some opportunities to Leaders of Groups.

Raja Mahendra Pratap: On a point of order, This gentleman tells me that I should explain that I was not bribed there We were not bribed there We were charged for the food also by the Government restaurant.

वंदित ब्रज नारायण "ब्रजेश" (गिवापुरी) ·
अध्यक्ष महोदय, सदन में जो प्रस्ताव प्राया
है

Mr. Speaker: Hon Members will be brief as I intend closing this debate by 3 o'clock

वंदित ब्रज नारायण "ब्रजेश": उस प्रस्ताव
पर अध्यक्ष महोदय मन्मानित सदस्यों

[पंडित ब्रज नारायण "ब्रजेश"]

ते बहुत संक्षेप में दो चार शब्दों में अपनी अपनी बात कहने के लिये बोल रहे हैं। स्वयं प्रस्ताव ही है, चार शब्दों में हैं। मेरा निर्बंदन इस सम्बन्ध में केवल इतना ही है कि जहां तक भारतवर्ष, धार्यवर्त और उस की इस लोक सभा का प्रश्न है, हमारे सामने एक आदर्श रहा है कि हम ने सारे संसार में यह दिखाना है कि हमें जो आज प्रजातन्त्र स्वीकार किया है, वह प्रजातन्त्र मसार में किम आदर्श के साथ चलना चाहिये, यह हमें सब के सामने उपस्थित करना है। अब यदि हम स्वयं प्रजातन्त्र की अवहेलना कर के और दूधिन उपायों के द्वारा एक दूसरे को अपशब्दों के साथ व्यवहार करना आरम्भ कर देंगे तो हम वह आदर्श और वह महानता जो मसार के सामने प्रस्तुत करना चाहते हैं उन्हे करने में पिछड़ ही नहीं जायें बल्कि एक प्रकार से केवल वह हमारी आदर्श प्रस्तुत करने की प्रणाली भी शाब्दिक ही रह जायेगी। मेरा यह निर्बंदन है कि मनसा वाणी और विचार करने में सब में साम्य होना चाहिये। हमारे विचार महान होने चाहिये और विचारों को व्यक्त करने की हमारी परिपाटी भी महान होनी चाहिये और जिन के लिये हम उन का प्रयोग कर रहे हैं उन के प्रति हमारे हृदय में भावना भी महान होनी चाहिये। इस महानता से प्रेरित हो कर जब हम कोई कार्य करेगे तो किसी को उपदेश देने की आवश्यकता नहीं पड़ेगी। खराबी तो उस समय आरम्भ होती है जब हम अपने मन में तो द्वेष बुद्धि रखते हैं और उसके पश्चात् शब्दाडम्बर में पड़ कर उस द्वेष बुद्धि को छिपाते हुए अपने हृदय के अन्दर बैठे हुए एक विशिष्ट स्वार्थ की पूर्ति के मार्ग पर अग्रसर होते हैं। आज हम देखते हैं कि हमारे देश में शब्द छल और शब्दाडम्बर और गालीगलौच बहुत काफी बढ़ गई है और वह दोनों ही पद्धतिया हानिकारक हैं। स्पष्ट रूप में स्पष्टता के नाम पर और स्पष्टवादिता के नाम पर अपशब्दों का प्रयोग भी देश के लिये अहितकर

ही होगा। । दूधित भाव हृदय में रख कर सुन्दर से सुन्दर शब्दों के आवरण में उन की कट कर और फिर विचार व्यक्त करने की जो परिपाटी है और जिसे डिप्लोमेसी के नाम से विमूषित किया जाता है, वह हमारे देश के लिये हितकर नहीं होगी। हमारे लिये तो सब में सुन्दर बात यही होगी "मनस्यकम् वचस्येकम् कर्मण्येकम् महम्मनाम्"। मनसा वाचा और कर्मणा सब में हमने महानता को सामने रखना है।

आज हम देख रहे हैं कि मदन में बैठ कर यह तो हम कहते हैं कि हमारे सामने पार्टी पालिटिक्स नहीं है और हमारे सामने दलगत नीति नहीं है और हमारे सामने व्यक्तिवादी का प्रश्न नहीं है। किन्तु वास्तव में अन्तर्गता में जब हम घुस कर देखते हैं तो उस से हम अपने को अछूता नहीं पाते। बोलने वाले भी स्वयं अपने आप को महान दिखाने के लिये यह बोल देते हैं कि यह उन सब से परे है लेकिन वास्तव में भीतर उन के यह दुर्लता घर करे रहती है। और जब हमारे मन में कुछ आज छिपी होगी तो वह दूसरे पर अवश्य प्रभाव डालेगी चाहे हम उस को स्वीकार करें अथवा न करे और यह दलगत नीति को लेकर मदन में हम आ जाते हैं और उस के कारण हमारा वानावर्ण खराब हो जाता है। इस में सन्देह नहीं कि पार्टियों के बीच में जो मनोमालिन्ध उत्पन्न होता है और जो विषमता उन के बीच में उत्पन्न हुई और जिन विषमता के आधार पर जो वायु मडल निर्मित हुआ वह एक दूधित वायु मडल था और उस ने यह स्थिति हमारे सामने रख दी है। इसमें कोई सन्देह नहीं कि कोई भी व्यक्ति किसी के प्रति कोई अपशब्द का यदि व्यवहार करे तो वह महावना की दृष्टि में कभी भी स्वीकार नहीं किया जा सकता। उस का कोई भी बुद्धिमान आदर्श समर्थन नहीं कर सकता है और यदि इसी तरह का व्यवहार चलने दिया जायेगा तब तो एक दूसरे के लिये अपशब्दों

का व्यवहार आरम्भ हो जायेगा और जिस की कि कोई सीमा नहीं रहेगी और जब कोई सीमा नहीं रहेगी तब फिर कोई एक भयंकर स्थिति उत्पन्न हो सकती है। जहाँ तक अपशब्दों के व्यवहार का सवाल है, उन पर रोक तो होनी ही चाहिये लेकिन उस के साथ साथ हम किसी दूसरे आदमी को बदनाम करने के लिये नवीन नवीन प्रकार ढूँढ निकालेंगे और उन प्रकारों को आधार बना कर अगर हम एक प्रकार से न चल सके और गलत राह पर चले और लोगों को ठीक रास्ता नहीं बतला सके तो फिर हम अपना और दूसरों का हिन नहीं करने वाले हैं। अगर मीथे नाक पकड़ने के स्थान पर पीछे से हाथ डाल कर नाक पकड़ने की पद्धति निकालेंगे तो उस से कोई हमारा लाभ या हिन होने वाला नहीं है, मेरा यह नम्र निवेदन है।

14.26 hrs.

[Mr. Deputy-Speaker in the Chair]

यहां हम समय देश में जो वायुमंडल का निर्माण हुआ है जो कि समाचारपत्रों में मालूम होना है और यहाँ लोक सभा में कम्युनिस्ट पार्टी के माथ जो अन्वेषण वादविवाद चल रहा है, उस में दो मत नहीं हो सकते हैं कि लोगो में यह भावना निर्माण हो रही है कि इन दोनों में एक प्रकार की टग आफ वार चल रही है। मैं इस बात से इन्कार नहीं करता कि विचारों में मतभेद हो सकता है और जहाँ तक कम्युनिस्ट विचारधारा का सम्बन्ध है हम त्रिकाल में भी साम्यवादी विचारधारा स्वीकार करने को तैयार नहीं और उस का यहाँ भी और बाहर भी खड़े हो कर हम अपने बुद्धिवाद को आधार पर उस का विरोध करेंगे परन्तु इस सम्बन्ध में यह नहीं है कि हम वह विरोध इन अपशब्दों के द्वारा करेंगे। साम्यवादी दल ने भी यदि उन से हमारे विचार नहीं मिलते हैं और यदि उन्होंने भी अपशब्दों के द्वारा हम को निन्दनीय या निन्दक कह कर और घोषित कर के आगे बढ़ने का प्रयास किया तो यह उन के लिये भी श्रेयस्कर नहीं होगा। अन्ततोगत्वा हम इस देश के निवासी

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हैं और हमें जो विचारधारा पसन्द आवेगी उस को लेकर हम चलेंगे लेकिन यह विचारधारा हमें जनता तक पहुँचानी है और यदि जनता के स्तर को गिरा दिया और उस के विचारने की पद्धति को गिरा दिया तो फिर हम स्वयं भी कहीं टिक सकेंगे यह स्वयं विचारने की चीज है। नेतागण जिस आधार पर चलना चाहते हैं जब वह आधार ही हिल जायेगा, जब आधार ही भ्रष्ट हो जायेगा तो फिर नेतृत्व के किस का करेंगे, यह सोचने की एक चीज होती है और उस दृष्टि से मैं समझता हूँ कि यह जो परम्परा चली आ रही है इस प्रकार से एक दूसरे को अपशब्द कहने की और सदन में बैठ कर यदि हम एक दूसरे के लिये अपशब्दों का प्रयोग करने लगेंगे तो फिर उस का गम्भीर्य, उस की महत्ता, और उस की निर्णायक शक्ति कहा रहेगी ? जब हम निर्णय करने बैठे और स्वयं उसी में जिस चीज में कि हम निर्णय करने बैठे हैं उस में फस गये तो फिर हमारा निर्णय भी शुद्ध होगा, यह कैसे माना जा सकता है ? इसलिये अत्यन्त शान्तिपूर्वक, अत्यन्त गम्भीरतापूर्वक बिना किसी प्रकार का क्षेप लगाये जो विषय हैं, उस पर विचार होना चाहिये। अभी जो यहाँ पर वाद विवाद हुआ और उस के द्वारा जो स्वरूप सामने प्रस्तुत किया गया वह योग्यतापूर्ण, बुद्धिमत्तापूर्ण और कोई बड़ा भव्य और सुन्दर नहीं था। भारतवर्ष की लोक सभा में इस प्रकार के दृश्य उपस्थित होना प्रशोभनीय है। जैसे अन्य देशों की ससदों में सदस्यों द्वारा एक दूसरे पर कुसिया उछालन और टेबुले फेंकने की घटनाये हो गयी हैं और हमारे निकट के पड़ोसी देश में ईस्ट बंगाल की विधान सभा में कुसिया और मेजे एक सदूरे पर फेंकी गयी और आपस में सदस्यों में हाथापाई भी खूब हुई और इस गडबड में वहाँ के स्पीकर महोदय को इतनी चोटें आई कि वे बंचारे जान से गये. . .

उपाध्यक्ष महोदय : वह स्पीकर नहीं, डिप्टी स्पीकर थे।

बंधित ब्रह्म नारायण "अधेश" : जी हां, मुझ से बसती हुई के डिप्टी स्पीकर ही थे। इस समय हमारे यहाँ उपाध्यक्ष महोदय भासन पर विराजमान हैं और मुझे यह देख कर बड़ा दुःख हुआ कि कहीं पर ऐसी दुःख स्थिति भी पैदा हो सकती है। खैर बाहर जो हो, हमें अपने भारत वर्ष की लोक सभा में इस प्रकार का दृश्य कभी भी उपस्थित होने देने का भ्रवसर नहीं देना चाहिये। दुनिया को हमें यह दिखाना है कि हमारा प्रजातन्त्र एक भद्र पुरुषों का, सम्य पुरुषों का, योग्य और बुद्धिमान पुरुषों का यह प्रजातन्त्री सदन है। इस सदन में हम लोग गम्भीरतापूर्वक बाल की लाल निकालते हैं और अच्छी प्रकार से आपरेषन करते हैं और कर सकते हैं लेकिन यह बेंच हिला कर, कुर्सिया हिला कर और मारपीट की नौबत ले आना, यह कोई बुद्धिमान और योग्य व्यक्तियों का काम नहीं है। यह तो जो साधारण मनुष्य होते हैं जिन में कि विचारने की, सोचने की और बोलने की शक्ति नहीं होती है, वे हाथापाई पर उतर आते हैं या गालीगलोज़ पर उतर आते हैं। इसलिये मेरी यह प्रार्थना है कि सदन की प्रतिष्ठा को, सदन के सदस्यों की प्रतिष्ठा को और प्रान्तों की मिनिस्ट्रीज़ और चीफ मिनिस्टर्स की प्रतिष्ठा को ध्यान में रखते हुए इन सब में परस्पर एक साम्य रखना है और यदि चीफ मिनिस्टर किसी स्टेट का कहे कि मेम्बर क्या चीज होती है और मेम्बर कहे कि चीफ मिनिस्टर क्या चीज होती है तो जनता यह कहने पर मजबूर होगी कि हम दोनों कुछ भी नहीं हैं और इस तरह दोनों की जो महानता है वह समाप्त हो जायेगी। इसलिये हमें बजाय एक दूसरे पर कीचड़ उड़ालने के एक दूसरे का प्राशांसक बन कर और एक दूसरे के कानूनों का धावर करते हुए लोकतन्त्र के पथ पर आगे अग्रसर होना है। एक दूसरे के प्रति यह भावना रहनी चाहिये, "परस्पर भावयन्तः श्रेयः परमवा स्थेत्यः"। मेरी यह नम्र प्रार्थना और नम्र निवेदन है कि यह जो वायुमंडल का निर्माण हुआ है उस वायुमंडल को समाप्त

करना चाहिये। वैसे तो यह प्रस्ताव कोई बहुत महत्व का नहीं है कि बिच के बिचों देस की और बहुत सी बातों को छोड़ कर केवल प्रीविलेज मोशन पर विचार करने के लिये हम बैठते लेकिन जब हम उस पर विचार करने बैठ ही गये हैं तो उस का निष्कर्ष यही निकलना चाहिये कि भविष्य में इस प्रकार की घटनाओं की पुनरावृत्ति न हो और साथ ही इस प्रकार के भ्रमशब्दों का व्यवहार न किया जाये, इस प्रकार का निश्चय कर के हमें भविष्य में कार्य आरम्भ करना चाहिये।

श्री बाजपेयी (बलरामपुर) : उपाध्यक्ष महोदय, मेरे मित्र श्री भसानी ने जो प्रस्ताव सदन के सामने पेश किया है मैं समझता हूँ उस से जिस उद्देश्य को वह पूरा करना चाहते थे वह शायद पूरा हो गया है। सदन या सदन के सदस्यों की प्रतिष्ठा बनाये रखने के लिये हम लोग कितने व्यग्र हैं यह अब तक के हुए विवाद से पूरी तरह स्पष्ट हो गया है, और कोई भी ऐसा प्रयत्न जो सदन की प्रतिष्ठा को कम करने के लिये जब किया जायेगा उस का हम विरोध करेंगे इस सम्बन्ध में भी अब किसी को सन्देह नहीं रहना चाहिये।

लेकिन इस विवाद के साथ जो और भी प्रश्न खड़े हो गये हैं और हम इस विवाद को आगे बढ़ायेगे तो मैं समझता हूँ और प्रश्न जटिल होंगे, इस सदन की प्रतिष्ठा या सदन के किमी सदस्य की गरिमा का प्रश्न पीछे पड़ जायेगा, और यह कहे के बावजूद कि किमी राजनीतिक उद्देश्य से यह प्रस्ताव नहो लाया गया है, राजनीतिक मंतव्य सामने आ जायेगे।

जो भी केरल के मुख्य मंत्री ने तार दिया उन तार से यह स्पष्ट नहीं होता कि उन्होंने न सदन के किमी सदस्य विरोध के विरुद्ध कोई आरोप लगाया है। अभी यहाँ यह बात कही गई कि वह आरोप एक सदस्य

विशेष के विरुद्ध है। मैं समझता हूँ तार में किसी का नाम नहीं है। हम उस में से संदर्भ के द्वारा अर्थ निकाल सकते हैं, लेकिन यह बात सच है कि तार में किसी सदस्य के नाम का उल्लेख नहीं किया गया। इस का अभिप्राय यह है कि किसी निश्चित सदस्य पर कोई आरोप नहीं है। यदि यह कहा जाये कि सदन के सदस्य के नाते जो कुछ सामग्री उन्होंने सदन के सामने उपस्थित की उस के ऊपर केरल के मुख्यमंत्री की आपत्ति है, और उन्होने ऐसे शब्दों का प्रयोग किया है जिन्हें सदन की प्रतिष्ठा के प्रतिकूल कहा जा सकता है, इस में भी इस बात का विचार करना होगा कि क्या केरल के मुख्य मंत्री की नीयत सदन के किसी विशेष सदस्य को बदनाम करने की थी।

श्री प्रशोक मेहता ने कहा कि हमारे कम्युनिस्ट दोस्त इस तरह की शब्दावली का प्रयोग साधारण रूप से करते हैं। हो सकता है कि यह प्रयोग भी उम्मी साधारण रूप से हो गया हो और उस का अभिप्राय सदस्य की मानहानि करना न हो। मैं नहीं समझता मुख्य मंत्री की नीयत क्या थी, इस के सम्बन्ध में यह सदन कैसे निर्णय दे सकता है। लेकिन जो भी विवाद यहां चल रहा है वह विवाद एक राजनीतिक पृष्ठभूमि में देश में देखा जा रहा है, जबकि कम्युनिस्ट पार्टी केरल में चुन कर आई है। और मैं यह स्पष्ट कर दूँ कि कम्युनिस्ट पार्टी से मेरा विरोध है और उन की नीतियों और कार्यक्रमों और उस के सिद्धान्तों का मैं कट्टर विरोधी हूँ और आगे भी रहूँगा। लेकिन इस तथ्य से इंकार नहीं किया जा सकता कि जनता के बोटों से भारतीय संविधान के अन्तर्गत कम्युनिस्ट पार्टी केरल में सत्तारूढ़ हुई है। यदि केरल में असुरक्षा की स्थिति है, संविधान द्वारा स्वीकृत मौलिक अधिकारों पर कुठाराघात किया जा रहा है, जैसाकि सदन में दावा किया गया है, तो मैं निवेदन करूँगा कि केन्द्रीय शासन को संविधान

के अन्तर्गत बंधन प्राप्त है जिन से केरल में कम्युनिस्ट पार्टी को सत्ता से हटाया जा सकता है। क्यों नहीं उन अधिकारों को काम में लाया जाता ?

लेकिन यहां एक बड़ी विचित्र परिस्थिति पैदा हो गई है। केरल को एक उदाहरण के रूप में पेश किया गया, पंचशील का उदाहरण, कोएंग्जिसटेस का उदाहरण, कि १३ राज्यों में कांग्रेस का शासन है, केरल में कम्युनिस्ट पार्टी का शासन है, यह हिन्दुस्तान में पंचशील का जीता जागता नमूना है। अगर नमूना है तो उस के साथ न्याय का, नीति का व्यवहार होना चाहिये। मेरे कहने का यह अभिप्राय नहीं है कि केन्द्रीय सरकार केरल के साथ कोई पक्षपात कर रही है, मगर यह विवाद इस सदन के भीतर और बाहर इस प्रकार का भ्रम पैदा करने में सहायक हो सकता है कि हम येन केन प्रकारेण, किसी भी प्रकार से, केरल की कम्युनिस्ट पार्टी को बदनाम करना चाहते हैं। मैं समझता हूँ अगर इस प्रकार की स्थिति पैदा होती है तो वह ठीक नहीं है।

हम ने मघात्मक शासन को स्वीकार किया है। भारत एक फेडरेशन है, यूनिटरी स्टेट नहीं, यद्यपि मैं और मेरी पार्टी यूनिटरी स्टेट के पक्ष में हूँ जिस में इस प्रकार के राज्य और केन्द्र के साथ उत्पन्न होने वाले झगड़े और उन के परिणामस्वरूप देश की एकता के लिये पैदा होने वाले खतरे के लिये कोई सम्भावना नहीं रहेगी, लेकिन सत्तारूढ़ दल ने, देश के बहुमत ने मघात्मक शासन स्वीकार किया है और मघात्मक शासन स्वीकार करने से जो परिणाम आयें आवश्यक हैं, जो नीतियाँ अनिवार्य हैं, उन का पालन किया जाना चाहिये। किसी राज्य में किसी और पार्टी का शासन हो इमीनिये यदि सत्तारूढ़ दल के सदस्य उस पार्टी के साथ भेदभाव करें तो मैं समझता हूँ कि यह ठीक नहीं है। विविधता में एकता को अगर हमें राजनीति में भी आश्रय देना है तो फिर जब तक

[श्री बाजपेयी]

कम्युनिस्ट पार्टी संविधान के अन्तर्गत काम करती है, और मुझे यह भान कर चलना होगा कि वह ऐसा कर रही है क्योंकि केन्द्र ने अभी तक हस्तक्षेप नहीं किया है, तो फिर हमें उन को पूरी छूट देनी चाहिये, और मैं समझता हूँ कि अगर इस प्रिविलेज के मोशन को भी हम राजनीति में अलग रख कर देखें, और अगर मेरे मित्र मिस्टर मसानी जो कट्टर कम्युनिस्ट विरोधी हैं इस सवाल पर विशुद्ध ससद् की प्रतिष्ठा और उस के सदस्यों की गरिमा का प्रश्न बना कर देखें, तो मैं समझता हूँ वह भी इस बात को स्वीकार करेगा कि काफी विवाद हो गया। चीफ मिनिस्टर ने यदि कोई गलती की थी तो उस की ओर सारे ससार का ध्यान खींच दिया गया और अब इस विवाद को आगे बढ़ाने की आवश्यकता नहीं है। यहाँ समाप्त कर देना चाहिये। मैं उनसे अपील करूँगा, वह इस समय अपने स्थान पर नहीं है, कि उन के प्रस्ताव में जो उद्देश्य था वह पूरा हो गया है, और वह अब इस विवाद को समाप्त कर दें। इस कट्टर विवाद को और आगे न बढ़ाये।

इन शब्दों के साथ मैं समाप्त करता हूँ।

श्री बाजराज सिंह उपाध्यक्ष महोदय, जो विशेषाधिकार का प्रश्न मेरे मित्र श्रीमन् मसानी ने सदन में उपस्थित किया है वह बहुत ही महत्व का प्रश्न है। इस में इन्कार नहीं किया जा सकता कि सदन की प्रतिष्ठा, सदन के सदस्यों की प्रतिष्ठा का हमेशा ध्यान रखा जाना चाहिये, और इस प्रस्ताव पर जो बहस हुई उस ने यह स्पष्ट कर दिया है कि इस सदन को, इस सदन के हर एक सदस्य को, सदन की प्रतिष्ठा में बहुत मोह है, वह उसे कायम रखना चाहता है। लेकिन, श्रीमन्, सिर्फ इतना ही प्रश्न नहीं है कि हम सदन की प्रतिष्ठा और विशेषाधिकार को कायम रखें,

सदन के सदस्यों की प्रतिष्ठा और विशेषाधिकार को कायम रखें, इस के साथ ही राष्ट्र के बहुत से और भी प्रश्न हैं। हमें देखना होगा कि जहाँ एक तरफ हम सदन और सदन के सदस्यों की प्रतिष्ठा और विशेषाधिकार की तरफ इतने जागरूक हैं, क्या उतने ही जागरूक हम अन्य समस्याओं की तरफ भी हैं या नहीं। इस सदर्भ में हमें इस विशेषाधिकार के प्रश्न को देखना होगा।

मैं इस से इन्कार नहीं करता कि शब्द "स्लैडर" अपमानजनक है, और यदि किसी सदस्य की प्रतिष्ठा में ऐसा शब्द कहा जाता है तो इस को बरदाश्त नहीं किया जाना चाहिये। लेकिन हम को यह भी देखना होगा कि जिस व्यक्ति की तरफ से यह शब्द प्रयोग किया गया है उन की पृष्ठभूमि क्या रही है। उस पार्टी की पृष्ठभूमि क्या रही है। हम यह न भूल जायें कि राष्ट्रीय आन्दोलन के जमाने में राष्ट्रपिता के प्रति इन्ही हमारे दोस्तों ने किस तरह के शब्दों का प्रयोग किया था, उन को पूजीपतियों का दलाल तक कहा गया। जब सन् १९४८ में कांग्रेस कम्युनिस्टों की तृतीय कांग्रेस कलकत्ता में हुई तो उस समय उस में कहा गया कि जो सोशलिस्ट नेता हैं उन को आमतौर से बदनाम करना चाहिये और सोशलिस्ट कार्यकर्ताओं को अपनी तरफ खींचना चाहिये। उस वक्त कांग्रेस में यहाँ तक कहा गया कि हिन्दुस्तान का प्रधान मंत्री इम्पीरियलिस्ट डाग है यानी साम्राज्यवाद का कुत्ता है। यह पृष्ठभूमि है उस पार्टी की और इस प्रश्न पर विचार करते समय हम को इस पृष्ठभूमि को अपने सामने रखना चाहिये और देखना चाहिये कि उस पार्टी के लोगों को इस तरह की भाषा बोलने की जो आदत पड़ी हुई है, इस शब्द का प्रयोग उस के कारण किया गया है, या किसी अन्य उद्देश्य से और इस के पीछे क्या वही भावना थी, या किसी दूसरी तरह

की भावना थी। मैं कहना चाहता हूँ कि इस एक शब्द के प्रयोग मात्र से हम समझ लें कि इस सदन के विशेषाधिकार का उल्लंघन हुआ है और उस पार्टी के विरुद्ध एक प्रकार की लड़ाई छेड़ दें—जिस की हमारी परम्परा नहीं है—तो मेरे विचार में यह उचित नहीं है।

श्री ज० ब० पाण्डे : चूंकि उन की यह भ्रात हो गई है, इसलिये क्या उन को छोड़ दिया जाये ?

श्री बजराल सिंह : मैं यह भी कहना चाहता हूँ कि यह उन की भ्रात बनी रही, लेकिन यह एक तथ्य है कि जब तक वे लोग अपनी उस भ्रात पर कायम रहे, वे हिन्दुस्तान में कुछ नहीं कर सके। अगर उन्होंने कुछ किया है, तो वह अपनी नीति और अपने तरीकों में परिवर्तन कर के, अपने काम के ढंग में परिवर्तन कर के किया है।

हम जानते हैं कि जब इस देश में १९४१ में ब्रिटिश शासन के विरुद्ध व्यक्तिगत सत्याग्रह शुरू हुआ, तो हमारे यही मित्र कहते थे कि इस समय देश में मास स्ट्रगल—जनयुद्ध—की जरूरत है, लेकिन जब १९४२ में “क्विट इंडिया” का प्रस्ताव सामने आया, तो इन्होंने कहना शुरू कर दिया कि आज लड़ाई की जरूरत नहीं है और ब्रिटिश शासन जो युद्ध कर रहा है, वह तो “पीपल्स वार” है।

एक माननीय सदस्य : क्या यह सब रिलेवेन्ट है ?

श्री बजराल सिंह : मेरे कहने का तात्पर्य यह है कि उन की ये सब नीतियां चलती रहीं, परन्तु हिन्दुस्तान की राजनीति में उन में कोई फ़र्क नहीं आया। और आज हिन्दुस्तान की राजनीति में अगर कम्युनिस्ट पार्टी को कोई महत्व या गरिमा प्राप्त है, तो वह इस लिए नहीं है कि उस ने कोई अन्धका काम किया है

बल्कि इस लिए है कि शासनायुद्ध पार्टी को महारत्ना गांधी के सिद्धान्तों पर चल कर जनता के हित के लिए जो कुछ करना चाहिए था उस ने वह नहीं किया।

इस लिए मेरा निवेदन यह है कि इस विशेषाधिकार के प्रश्न को ले कर हमें कम्युनिस्ट पार्टी के विरुद्ध कोई युद्ध नहीं शुरू करना चाहिए। जब तक वे लोग संविधान में विश्वास करने हों, जब तक वे सोचते हैं कि वे हिन्दुस्तान में संविधान के मूलाधिकार कार्य कर सकते हैं और राज्य चला सकते हैं, तब तक हमें उन्हें काम करने का मौका देना चाहिए।

उपाध्यक्ष महोदय : यह एतराज किया जा रहा है कि इस सम्बन्ध में जो कुछ कहा जा रहा है, वह रिलेवेन्ट नहीं है। स्पिकर मातव ने कहा था कि आज हमारे सामने जो मुसला है, माननीय सदस्य, भिन्न उस पर बहस करें।

श्री बजराल सिंह : मैं जानता हूँ कि केरल की तरह यदि हिन्दुस्तान में उन का शासन हो, तो ऐसी और बहुत सी बातें हो सकती हैं, जिन को हम बर्दाश्त नहीं करेंगे। लेकिन सवाल यह है कि क्या हम लोक सभा में, हिन्दुस्तान में जो कुछ हो रहा है, उस का दर्पण बन रहे हैं, देश में जो विचारधारा चल रही है, क्या हम यहां पर उस की सही तस्वीर खींच रहे हैं, या नहीं। मैं यह निवेदन करना चाहता हूँ कि इस सदन में आज जो बहस हो रही है, या पिछले प्रथिवेशन में इस सम्बन्ध में जो बहस हुई, मुल्क के लोग उस को सदन के विशेषाधिकार के रूप में नहीं ले रहे हैं। वे तो यह समझ रहे हैं कि दो पार्टियों के बीच युद्ध चल रहा है। “स्नैडर” शब्द के प्रयोग से हमारे माननीय सदस्यों का जो अपमान हुआ है, उस के लिए उस शब्द का प्रयोग करने वाले व्यक्ति को जो सजा दी जानी चाहिए थी, देश में और विदेशों में इस घटना का प्रकाशन होने से वह सजा काफी हो जाती है। अब इस प्रश्न को, भागे बढ़ा कर हम विशेषाधिकार की रक्षा के प्रश्न को भागे नहीं

[श्री राजराज सिंह]

बढ़ायेंगे, बल्कि हम आगे बढ़ायेंगे राजनीति में वैचारिक मतभेद को, वैचारिक युद्ध को और वह देश की भविष्य की राजनीति के लिए अच्छा नहीं होगा।

व्यक्तिगत रूप से मैं जानता हूँ कि कम्युनिस्ट शासन अच्छा नहीं हो सकता। आज सवाल यह नहीं है कि कांग्रेस के शासन और कम्युनिस्टों के शासन में कोई फर्क है या नहीं। जहाँ तक मैं समझता हूँ, उस में कतई फर्क नहीं है—केरल के शासन में और उत्तर प्रदेश के शासन में कोई फर्क नहीं है, उन की नीतियों में कोई फर्क नहीं है। जिस पंच वर्षीय योजना को कांग्रेस चलाती है, उसी को चलाने और पूरा करने का प्रश्न कम्युनिस्ट पार्टी करती है। आज प्रश्न तो यह है कि क्या हम इस विशेषाधिकार के प्रश्न को इतना महत्व दे, जिस से हिन्दुस्तान की मौलिक समस्याएँ पीछे पड़ जायँ और क्या इस प्रश्न पर बहस करने रहना हिन्दुस्तान की दूसरी महत्वपूर्ण समस्याओं के लिए ठीक और उचित होगा या नहीं? अगर हम सिर्फ कानूनी दृष्टि में देखने लगे, तो यह स्पष्ट है कि यदि 'स्ले-डर' शब्द का प्रयोग किया गया और प्रकाशित करने के लिए किया गया—जैसा कि वह प्रकाशित हुआ—तो यह उचित नहीं था और इस अपमानजनक शब्द का प्रयोग नहीं होना चाहिए था और उस में विशेषाधिकार के उल्लंघन का प्रश्न उठ सकता है। लेकिन यदि विशेषाधिकार का प्रश्न उठ, तो उस के बाद हमें देखना पड़ेगा कि सम्बन्ध व्यक्ति को हम कितनी सजा दे सकते हैं, हम इस प्रस्ताव को विशेषाधिकार समिति में भेजें या यह सदन उस पर विचार करे परन्तु जो कुछ हो चुका है, वही काफी है। मेरा विचार यह है कि अब तक जो कुछ हो चुका है, वही पर्याप्त है और इस सम्बन्ध में अब आगे बढ़ने की जरूरत नहीं है, इस को पास करने की जरूरत नहीं है। प्रस्तावक महोदय को इस पर ज्यादा जोर देने की जरूरत नहीं है। इस प्रस्ताव को जो

मन्तव्य था, जो उद्देश्य था, वह पूरा हो चुका है। मैं समझता हूँ कि यदि कम्युनिस्ट पार्टी जनतंत्रीय तरीके से हिन्दुस्तान में काम करने के सिद्धान्त पर दृढ़ है, तो उसे मानना पड़ेगा कि इस तरह की गलती भविष्य में न होनी चाहिए। मैं साफ तौर से मानता हूँ कि यह गलती है, इस को करने वाला व्यक्ति चाहे कोई हो, चाहे वह केरल का चीफ मिनिस्टर हो, चाहे उत्तर प्रदेश का हो। लेकिन इस के साथ ही साथ इस घटना के विषय में मुल्क में भावना इस तरह की है कि चूँकि केरल कम्युनिस्ट शासित प्रदेश है, इस लिए यह कार्यवाही की जा रही है और अगर उत्तर प्रदेश का चीफ मिनिस्टर रहा होता, तो ऐसी कोई बात न होनी। भले ही यह बात निराधार हो, लेकिन यदि मुल्क की जनता के हृदय में यह भावना बँठी है, तो हिन्दुस्तान की भविष्य की राजनीति के लिए और शासन के लिए यह अच्छा नहीं है। इस विषय पर जितना विवाद हो चुका है, उस का पर्याप्त समझने हुए इस सम्बन्ध में आगे नहीं बढ़ना चाहिए। कानूनी रूप से इस प्रश्न में सब पहलुओं को देखने हुए, यह मानने हुए भी कि वह पत्र प्रकाशन के लिए था और उस को प्रकाशित किया गया और इस प्रकार इस मदन के विशेषाधिकार का उल्लंघन किया गया, इस सम्बन्ध में आगे नहीं बढ़ना चाहिए। जैसा कि मैंने कहा, इस पार्टी के लोगों को इस प्रकार की भाषा और शब्दावली का प्रयोग करने की आदत शुरू से रही है। हमारे माननीय मित्र श्री डागे ने भी उगी प्रकार की शब्दावली का प्रयोग किया। वह तो समझते हैं कि उन की पार्टी के समान कोई दूसरी पार्टी क्रान्तिकारी नहीं है, कोई जनता का भला नहीं चाहती। वह चाहे जैसे शब्दों का प्रयोग करे और जैसा उचित समझे करे, लेकिन मैं कहना चाहता हूँ कि हम जो तरीका इस्तेमाल करना चाहते हैं, उस के हमारा उद्देश्य पूरा नहीं होगा। जिन प्रवृत्तियों को हम खत्म करना चाहते हैं, उन के लिए हम को सैद्धान्तिक बेसिस पर लड़ना पड़ेगा,

हमें वैचारिक लड़ाई लड़नी पड़ेगी—और वह हम लड़ रहे हैं, महात्मा गांधी के सिद्धान्तों पर चल कर लड़ रहे हैं, जैसा कि हम हमेशा लड़ते आये हैं। अब तो वे लोग अपने को अनुकूल बना रहे हैं और अगर वे ऐसा करना जारी रखते हैं और आने वाले समय में राजनीति में जनतंत्रीय परम्पराओं को विकसित करने की बात करते हैं, तो इस प्रस्ताव को वापस लेने से उस में कुछ मदद मिल सकेगी। मैं निवेदन करना चाहता हूँ कि हिन्दुस्तान के उन लोगों को काम करने का मौका दिया जाना चाहिए, जो कि हिन्दुस्तान की राजनीति में जनतंत्रीय परम्पराओं में विश्वास करने की बात करते हैं।

अन्त में एक और बात कह कर मैं समाप्त करूंगा। संघीय शासन में हमारे कुछ और उत्तरदायित्व होते हैं। हमारी लोक सभा या हमारी गवर्नमेंट उस तरह की नहीं है, जिन तरह की कि ब्रिटेन में चलती है, या अन्य जनतंत्रीय देशों में चलती हैं। यहां राज्यों और केन्द्र का अधिकार-क्षेत्र बंटा हुआ है, सीमायें बंटी हुई हैं। इन दोनों को अपने अपने क्षेत्रों में पूरी मार्बलमि मत्ता प्राप्त है। इस लिए इस देश में स्वस्थ राजनीतिक वातावरण पैदा करने के लिए और जनतंत्रीय पद्धति को विकसित करने के लिए यह आवश्यक है कि हम राज्यों को उन के मामलों में पूरी आजादी दें।

इन शब्दों के माध्य में कहूंगा कि इस प्रस्ताव पर और आगे बढ़ने की जरूरत नहीं है और इसको विशेषाधिकार समिति के मुपुर्द करने की जरूरत नहीं है। इस प्रस्ताव का उद्देश्य पूरा हो चुका है और इसे यहां ही समाप्त कर दिया जाना चाहिए।

Shri A. K. Gopalan (Kasergod): After the Prime Minister's speech and the good sentiments that had been expressed by him, I do not want to rake up those things that had been said here about me personally. Shri Asoka Mehta had said something

about me. If I have opportunities on other occasions I shall reply to them. I want only to speak on two points.

Shri Frank Anthony, while he was pleading for referring this motion to the Privileges Committee, said that there was some basis behind the second telegram, and that the telegram itself was the reason why it should be sent to the Privileges Committee. I want to read out the second telegram and then say that if the second telegram is the basis, then my opinion is that the matter should stop here, and no discussion should be there. I am sorry that even though at that time we had raised certain points, yet, unfortunately, the Speaker admitted this motion; if he had not, then these things would not have happened.

The second telegram says:

"I never intended to publish this telegram. On the contrary meant for your consumption only. Moreover never intended cast aspersions or reflection on any Member of Parliament or his conduct or proceedings of House. Context makes clear my meaning that if State not allowed to present correct facts an one-sided version from a Member may appear as slander on Kerala Government. Never meant to make imputation on Member but pleaded that if Kerala Government's case not before House impression would be damaging to my Government. Pray explain position to Hon. Speaker and my complete absence of intention to cast aspersion on Member of the House."

The second telegram definitely says that it was not intended against any Member of the House and there was no question of reflection on any Member of Parliament or on Parliament itself. In the last portion, he says: 'My complete absence of intention to cast aspersions on Members of the House'. Not only that. In the second sentence, he says: 'Context makes

[Shri A. K. Gopalan]

clear my meaning that if State not allowed to present correct facts, a one-sided version from a Member may appear on Kerala Government'. A Member gives a version here. The Member thinks that it is a correct version. It may not be a correct version. But when the Member gives the version to Parliament and if the Government against whom it is made is not there, is not represented there, to contradict it and say that it is not correct, it means it is a slander on the Kerala Government. This is all that he has said. This one-sided version goes outside and it becomes a slander against the Kerala Government. That is what he has said. I want to point out that that is the correct position.

There was an adjournment motion tabled by Shri Asoka Mehta sometime ago. There was also a discussion on the admissibility of that Motion for some time. Shri Asoka Mehta pointed out certain things. The Kerala Government or their representatives were not here to reply to that. We also did not know about the truth of the contents of the telegram. So we could not say anything. But that has gone into the proceedings and the country. The version was that one Velayudhan was attacked by Communists. It was said that there was something done to him on political considerations. When I inquired, I understood that immediately the question came up for discussion in Parliament and it was published, Shri Velayudhan gave a statement to the papers that this incident had nothing to do with politics, there was nothing between the Congress and the Communists in this. He said that some girls belonging to that house were going to school. Then some people made fun of them and there was an exchange of words between Velayudhan and the others. When Velayudhan was returning in the evening, he was attacked by some people. Velayudhan was out of the hospital. He had given a dying declaration. In that declara-

tion, he had said that this had nothing to do with politics; it was because of a quarrel between his son and some other people, and when he was returning home, he was attacked.

When something is presented here, it may be correct or not correct. Suppose I place some facts here. I have an adjournment tabled here or I give notice of some other motions here. The Government concerned is not here to reply. What happens is that when there is no reply by the Government of Kerala, which is the concerned Government, it will be a slander on that Government.

So it is not a question of the word 'slander'. Here is the Chief Minister of a State. You may not like his qualities and his party. My hon. friend, Shri Asoka Mehta, referred to a contempt of court incident. When he knew that he had made a certain statement after the matter had been filed in the High Court and that it was not a proper thing to do, he went to the High Court and said he was sorry about it. Then the Chief Justice remarked to the Chief Minister: "Your prestige and your stature have gone high by this".

So as far as the Chief Minister is concerned, if he had intentionally done that, he would have said that he had done that. But what he says in the telegram is very clear. I am not going into the constitutional point whether it is a confidential document or not. Here he has definitely said: 'I did not mean anything. I did not mean any reflection on any Member'. What he said was this: 'If you are taking cognisance of something against the Kerala Government and if Members are allowed to represent the matter anyway they like and we are not represented to reply to that and we cannot say anything about it, it must be a slander against the Kerala Government'. He has also drawn attention to the fact that he used the word 'slander' only in that context.

He again makes clear—'My complete absence of intention to cast aspersion on the Members The Speaker may be informed' He says that he had absolutely no intention of casting aspersions on the House So by sending this motion to the Privileges Committee, what is it that we are going to achieve? As the Prime Minister has said, as far as a Chief Minister and his duties are concerned, it will be not only a very difficult matter, but Parliament will have always to take these things into its cognisance, and Parliament's time will be sufficient only to discuss about certain words and so on

It is true as the Prime Minister has said, that in the heat of the moment we may sometimes use certain words But here the Chief Minister makes it very clear that what he said was that if the Kerala Government was not represented here to put its case a one-sided version would go round the country and that it would be a slander on that Government

I have nothing more to say except this that after receipt of the second telegram I think it is quite essential, if we want, as the Prime Minister said, to restore the dignity and privilege of this House, we should better end this matter here As far as other things are concerned, I do not want to say anything But I only want to refer to one thing The Prime Minister asked my Party and others to be careful in our speeches and writings I accept it I would only request him to see that as far as the Congress members in Kerala are also concerned, they might also be careful in their open speeches and writings, so that with carefulness on both sides, such things may not recur and there may be harmony all round After this, I hope that the House will certainly decide that the thing is over and there is no question of sending it to the Privileges Committee

Shri Mahanty (Dhenkanal) I have no intention to prolong this bitter and

acrimonious debate, but if I do so, it is precisely for the reason that some of the basic issues have been confused, and the House has been left with a sort of distorted impression I shall venture to put forth my views for what they are worth

The basic fact has to be remembered that the arms of this House are long enough and strong enough to lay them on any person, be he the Chief Minister of Kerala or be he even the Prime Minister of India, if that person commits certain acts which infringe the majesty and dignity of this House That is a fact which cannot be assailed

The next point we have to consider is whether the Chief Minister of Kerala in the telegram which was sent—whether by releasing that telegram and by giving it publicity in the Press—has committed any breach of privilege or not The House in its wisdom may condone any such action. That is one thing But it becomes a completely different thing if it is said that no breach of privilege has been committed

I would, therefore, request the House to differentiate between these issues, and see what is the genesis of this matter It will be remembered that during the last session an adjournment motion was tabled by Dr K B. Menon alleging certain incidents happening in Kerala While the Speaker was considering the admissibility of the motion, a question was raised as to who would answer on behalf of the Government of Kerala At that time, it was held that the Government of Kerala has been functioning in this matter through the Minister of Home Affairs of the Government of India Therefore, if any answer had to be offered, it would be by no less a person than the Home Minister Then the Home Minister of the Government of India naturally pleaded that unless he referred this matter to the Chief Minister of Kerala, he would not be in a position to acquaint the House with the real state

[Shri Mahanty]

of affairs. Therefore, while the House was seized of this question, while the Speaker was seized of this question, a telegram was received from the Chief Minister of Kerala which was addressed to the Home Minister of India for the consumption of the Speaker.

15 hrs.

An Hon. Member: For the consumption of the Speaker?

Shri Mahanty: I will come to the "consumption" part later.

The first point that I wish to raise is, is it right, is it open to the Speaker to withhold a particular document which is rightly the property of the House. That is a point which has to be clarified to the House. I am not concerned whether it is the Communist Ministry or any other Ministry. I yield to none in my anxiety to see that a non-Congress Ministry functions in a State and functions effectively. The real issue is whether the Speaker is entitled to withhold the document and whether he is not going to share his confidence with the House. If the Speaker says that he is not going to share his confidence with the House, then it is for the House to say that the House does not want to share confidence with him. That will be a very bad day for any Speaker. Even though it might have been meant for the Speaker for his own "consumption", the House has also to share it.

The second telegram says that the first telegram though it had used the word "slander" it was not meant for the House and was meant only for the Speaker.

Shri Tangamani: No; for the Home Minister.

Shri Mahanty: Yes, for the Home Minister. It was for the consumption of the Home Minister in relation to a matter with which this House was

seized. The Speaker has also got a part of that "consumption". He might have thought—after this consumption—that this matter, that this adjournment motion should not be allowed. But unless the House knows the circumstances under which that particular adjournment motion has been disallowed, it will be unfair both to the subject-matter of the consideration and also to the House. Therefore, even though it might have been meant for the Home Minister, even though it might have been meant for the Speaker, it was primarily meant for this House. This hon. House should have to judge whether the particular adjournment motion was admissible or not.

The second telegram admits that *prima facie* certain words might have been used in the first telegram advertently or inadvertently which had the effect of maligning the House or infringing its dignity but mentions that the first telegram was not meant for the House. That makes the position worse, because to say the least it is a breach of faith. The House is being maligning. If an individual member is maligning, to that extent, the entire House is maligning. It is one thing to say, 'I have done so; for that I express regret'; but, it is a completely different thing to say, 'Yes, I have maligning somebody but behind, his back.' That is unconscionable. That makes the position worse. What is troubling me is this: what is there to prevent the Chief Minister of Kerala to say, 'Yes, I did it; I am sorry for it; I did not mean it; if anybody has taken it seriously, I am sorry.' The other day he went to the High Court and said, 'I am sorry for it' and tendered his apology. That would have been dignified of him.

I had expected some of our communist friends to have admitted the matter. There can be no escape from the fact that in the first telegram the

word 'slander' was used. Slander is a word which is highly objectionable. It has been admitted in the second telegram, but it has been stated that the first telegram was not meant for the House

Before I conclude my speech, I would like to submit to you in all humility whether you are going to rule that a document which was germane to a matter which was under consideration in the House can be treated as confidential and whether the Home Minister cannot be asked to lay it on the Table of the House. I would like to know where is the secrecy about it. It is true that Members of Cabinet are bound by oaths of secrecy as much as we are bound by oaths of secrecy. But the question here is this: The telegram was sent. If I go to the post office in Trivandrum or Kerala, wherever it might be, if I deposit the requisite amount of fees and make an application in the requisite manner, what will prevent the postal authorities from supplying me a copy of the telegram? I am not conversant with that part of the law. But, according to my layman's knowledge, I know that a telegram can never be considered as a secret document under which the Government of India can take shelter. Therefore, I hold and maintain that there has been a breach of privilege.

But, I would appeal, now that its purpose has been served, the House may condone that act. It has served its purpose and the lesson has been driven home. A breach of privilege has been communicated and the House may condone that action.

But, it will be a completely different proposition if it is said that no breach of privilege has been committed taking umbrage under the fact that in the second telegram the first telegram was sought to be disowned.

I am of the opinion that a breach of privilege has been committed; but, as has been said by some hon. Members

since it has served its purpose, the matter should not be pressed.

Shrimati Renuka Ray: Mr Deputy-Speaker, Sir, I thank you for giving me a little time and I shall try to say what I have to say as briefly as possible.

I think our Prime Minister has rightly said that this is a matter that should be discussed absolutely objectively and dispassionately. It is unfortunate if political ideologies are dragged into it because it is a matter of the privilege of the Members of this House. This House is the custodian of the people's rights and any curtailment of the privileges of this House is a curtailment of the people's rights. As such, it is necessarily our duty and our responsibility as Members of this House to view this matter not from any political angle but simply from the one and only angle as to whether in any way this will be a precedent, if we allow it to pass by, that posterity might say of us that young though we were as a democracy, we were not zealous of our rights and we allowed the rights of this House to be curtailed because a majority in this House—let me be frank—were embarrassed. Why were we embarrassed? Because it happens that an eminent man, the Chief Minister, belonging to a party to which many of us do not belong, is, in fact, involved, and that the privilege motion that has been brought before this House is being viewed not objectively. We do not want to be embarrassed by other matters which are really extraneous to the issue.

Therefore, I say that it is very necessary for us to view it from the proper angle and to remember that "Eternal vigilance is the price of democracy." If today we allow our own embarrassments to come in the way of doing our duty as Members of this House, then, it will be extremely wrong of us. We shall have done something for which posterity might well say of us that we did not cherish

[Shrimati Renuka Ray]

the freedom that the Constitution has given us. The privileges of this House are a part really of the privileges of the people themselves, of democracy as we view it. Sir, the Opposition Leader, Shri Dange, spoke about the fact that today a great deal had been said and was being said regarding the privileges and privileges being made too much of regarding the British House of Commons. There is a vital difference between the privilege of a Member while he is discharging his duty as a Member of this House and the privilege that might be considered pertaining to him only because he is a Member of this House. These are two widely different things and we have to see the demarcation between them. A Member is trying to perform his duty in whatever light he may see it and his privileges should certainly be guarded zealously by every Member of this House, irrespective of party differences.

15 11 hrs.

[MR SPEAKER in the Chair]

It is unfortunate that on the floor of this House a great many things have been dragged in and a great many things said about our own party. These are extraneous. So far as the Chief Minister of Kerala is concerned, personally speaking, or even from the Party angle, we have nothing against him, he is a good man who works according to his own light. It is not a personal issue. It is an issue of the rights and privileges of this House. When this matter goes to the Privileges Committee, as the last speaker has said, it will decide. I am sure that a vindictive attitude will not be taken by the Privileges Committee where the representatives of all sides of this House are represented. I cannot say here what view it would take ultimately. But I am sure that this motion is being supported by so many because of the fact that a precedent of this

nature should not go down and not because of any other feeling.

Many things have been said regarding intimidation and many extraneous issues have been brought in which are not quite pertinent to this motion. I have been in Kerala very recently but not for any political purpose and I have received the greatest hospitality from the Government of Kerala. They have given us opportunities to see things. While seeing things which are not of a political nature we have found that there seems to be some kind of difficulty on the part of the people to express themselves as they would like to. But that of course is not quite pertinent to the issue and I do not want to bring it up. But I do want to say this.

Mr. Speaker: That is not relevant.

Shrimati Renuka Ray: Intimidation, slander and all these words are used by so many people. Let them also not forget that, when they try to impute motives regarding the reasons for which Members of this House want to bring up this motion, they should look into their hearts and see whether they really believe in the Constitution and democracy and the safeguarding of these. In the ultimate analysis, this motion is for the safeguarding of the Constitution and of democracy. I am glad they are working under the Constitution today and I hope that they will join us in earnest in upholding it. That is the real reason why so many of us feel that this motion is of importance and we cannot let this go. We do not want to be vindictive. We do not want personal or party considerations to weigh with us. We do feel that if it had been any other Chief Minister, say of our own Party, of any other State, even then this matter would have been taken up and we would not have felt this hesitancy that is felt today. We must objectively

and dispassionately view this matter and consider it only from the one angle. This House is the custodian of people's rights and it is sovereign. In future this kind of thing may happen again and if it is not taken up now, gradually this House and democracy itself would be weakened.

Shri M. R. Masani. Mr Speaker, the Leader of the House has followed the highest traditions of the British House of Commons in making it clear that, on a motion of privilege of this nature, neither the Government nor the parties normally function. It is really a question of the House as a whole and for its individual Members to consider as to what has taken place and what action should properly follow. The Prime Minister did indicate his personal preference by saying that perhaps he would have liked this matter not to have come before this House but, as he quite rightly pointed out, this House is now seized of it. While two or three Members have appealed to me to withdraw the motion I feel that this motion is no more a kind of a private property of my own, it belongs to the House itself, and the House is now seized of it. It is for the House to consider whether the motion that I made two months ago is or is not warranted.

Now Sir there are some irrelevancies which have crept in this morning. One of these was the attempt to import the federal structure and to bring in the relationship between the Central and the State Governments which had nothing whatever to do with this case. Equally irrelevant were the motives of conspiracy which were alleged against all of us by the Party concerned. What is relevant is whether a citizen of India—the fact that he is the Chief Minister of a State or he belongs to a particular political party is not of the essence of it—outside this House has or has not infringed the privileges of the House and committed a contempt. Shri Mahanty who spoke before me pointed out that

nothing stopped the individual concerned during the two full months that have passed since from tendering the same kind of unqualified apology as he did in the High Court of Kerala before which he was brought for contempt. But these two months have been allowed to pass without the kind of amends which would have been enough to make all of us agree that these proceedings should be dropped. In fact, Shri Gopalan has just now said something to justify the use of the word "slander" by pointing out that it was used in a certain context and sought to make it legitimate. Shri Dange pointed out that we should not be thin-skinned and worry about criticism. Nobody worries about criticism at all. I had said in my opening speech two months ago that if we were called fools or unwise people who did not know the interests of the country or how to serve them then it was all right. But when people attribute motives of malice and mendacity, because slander imputes motives of mendacity and malice, then our integrity and honesty in performing our duties is impugned. It is not against criticism that anyone jibs at all. Let there be good and free criticism of Members of Parliament collectively and individually, but let their motives when they are functioning in this House in pursuit of their obligations to their constituencies and to the people of this country, not be impugned. It is a very good warning for them.

Those who have read May will recall that the reason for this is that this House is the sole judge of the legitimacy of the actions of its Members. It is for this House and you Sir, as its presiding authority to pull up any of us if we behave in an undignified way or say things which we should not say. But it is not right for anyone outside this House to sit in judgment on the honesty and the motives of anyone who functions in this House. It would make it impossible for the hon. Members of this House to function freely if they were to be faced with the kind

[Shri M. R. Masani]

of intimidation that comes of terms being leard against them that should not be hurled at Members of Parliament for performing their duties. Now, this House has three motions before it. Dr. K. B. Menon's amendment seeks to establish that a contempt has been committed. I, Sir, do not myself have very much doubt on that point, but I realise that it may be necessary to investigate whether a contempt has been committed and whether, for instance, there has been publication on the part of the individual concerned. That is why, Sir, at the end of my motion I have kept it completely neutral and non-committal. All that the resolution that I presented to the House says is

"this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privilege of the House and of the hon. Members concerned has been committed, and whether any contempt of the House thus committed has been adequately purged, and that the Committee be requested to present its report."

The Committee is asked, Sir, to investigate and report to the House on the first day of the next Session. That makes this motion nothing of the nature of persecution, nothing of the nature of a judgment, nothing of the nature of condemnation. It is a request for investigation by a body of Members of the House composed of Members of all parties of this House with our own Deputy-Speaker at its head.

Sir, in the course of the discussion many issues have arisen which call for investigation. Apart from the main question whether contempt has been committed on which I have brought in the motion, other issues have arisen. The Chief Minister in his second telegram has alleged that he had meant the first one to be confidential. The hon. Member, Dr. K. B. Menon, today has made an important disclosure that, to the best of his know-

ledge after investigation on the spot, he has reason to believe that this first telegram, almost simultaneously with its despatch through the telegraph office to our Home Minister, was released to the news agency concerned by no less a person than the Private Secretary or Personal Assistant. Shri Sharma, of the Chief Minister himself. If this is a fact, then the second telegram, far from being an apology or amends, adds insult to injury. It seeks to mislead the House about a fundamental thing—whether this was meant to be confidential or not. However, we do not know for sure about it. We want the Privileges Committee to call the relevant witnesses and to find out whether this was so, and whether it was marked confidential as alleged in the second telegram. These are things that need to be investigated. We are faced with the position that although two months have passed no amends have been made to this House as was made in the case of the Kerala High Court.

Now, Shri Narayanankutty Menon has moved a substitute motion. He relies on the confidential nature of the first telegram. He then goes on to say that it would be improper and inappropriate for this House to institute any action. Sir, I wonder whether this is not again an attack on the decision that you gave, that there was a *prima facie* case for instituting proceedings, and also not an attack on the House. An overwhelming majority of Members got up to signify their support that leave be granted for this motion, because you and the House were satisfied that there was a case. Here comes an amendment that it is improper and inappropriate for this House to take this up. Sir, this is not surprising. Shri Asoka Mehta this morning showed that this lack of respect for the House and its Presiding Authority is not accidental. He might have gone on to quote from page 6 of the same booklet of Shri Gopalan and Shri Mukerjee where they refer to the "unhelpful attitude of the Chair." So, Sir, this lack of respect for the House and its institutions is

something that is chronic and inherent in certain people's thinking

Lastly, what is the issue involved? The issue is whether a citizen of this country has done something to violate the privileges of this House and to commit contempt of it. If we are told that because a man belongs to a particular political party or because he happens to occupy for the time being the position of Chief Minister of a State he should not therefore be proceeded against, then, Sir I think we would be indulging in great discrimination if we asked an ordinary citizen or the editor of a newspaper to be proceeded against for a similar offence. This House should accept the principle that as Shrimati Renuka Ray and Shri Mahanty pointed out, there should be equality before the law and equality in the way we deal with people

This motion that I have made, Sir, is a non-contentious one which seeks to investigate and get at the truth. It does not sit in judgment over Shri Namboodripad or anyone else, and it avoids any question of bringing in any extraneous issues. I feel, Sir, the House would be doing justice to itself if it adopts this motion for reference to the Privileges Committee for investigation and report.

Mr. Speaker I shall first put Shri Narayanankutty Menon's substitute motion to the vote of the House

The question is

"The attention of the House having been drawn by a member on September 23rd to the report of a telegram alleged to have been sent by Mr E M S Namboodripad Chief Minister of Kerala State, to Pandit G B Pant, Home Minister, extract from which is contained in reports in two newspapers,

and having taken note of the subsequent telegram from Mr Namboodripad to Pandit G B.

Pant which was read to this House on September 23rd by Hon. the Speaker,

and having taken note of the fact that the original telegram sent by Mr E M S Namboodripad itself was a confidential document and intended by the sender to be such,

and having satisfied that it would be improper and inappropriate to initiate any action relating to the privilege of this Hon House basing upon a confidential document never intended to be published,

the House decides that no further action be taken in respect of the telegram above referred and that the whole matter and any proceedings thereto be dropped."

The motion was negatived.

Mr Speaker: Then Dr K B Menon's amendment

The question is

"That for the last paragraph of the original motion, the following be substituted, namely —

"This House resolves that a contempt of the House has been committed by Shri E M S Namboodripad the Chief Minister of Kerala State and that he should be called to the Bar of the House on the first day of the next session"

The motion was negatived

Mr Speaker I shall now put the original motion to the vote of the House. The question is

"That the attention of the House having been drawn by an Hon'ble Member on September 23 to the telegram sent by Mr E M S Namboodripad, Chief Minister of Kerala, to Pandit G B Pant, Home Minister, extracts from which are

[Mr. Speaker]

contained in a report based allegedly on official sources issued by the Press Trust of India from Trivandrum on September 20 and published in *The Times of India*, Delhi, and the *Amrit Bazar Patrika*, Calcutta on September 21, in the course of which Mr. Namboodripad has attributed the motive of slander to some Hon'ble Members of this House;

and having taken note of the subsequent telegram from Mr. Namboodripad to Pandit G. B. Pant, which was read to this House by the Hon'ble the Speaker on September 23;

this House resolves that the matter be referred to the Committee of Privileges for investigation as to whether a breach of privileges of the House and of the Hon'ble Members concerned has been committed; and whether any contempt of the House thus committed has been adequately purged; and that the Committee be requested to present its report and recommendations for appropriate action at the first days sitting of the next Session of the Lok Sabha."

The Lok Sabha divided: Ayes 138;
Noes 32

Division No. 1]

[15.31 hrs.

AYES

Abdul Lateef, Shri	Hajarnavis, Shri	Naidu, Shri Govindrajulu
Achar, Shri	Heda, Shri	Nair, Shri C. K.
Anthony, Shri Frank	Imam, Shri Mohamed	Nair, Shri Kuttikrishnan
Arumugham, Shri R. S.	Jadhav, Shri	Naldurgker, Shri
Ashanna, Shri	Jaspal Singh, Shri	Narasimhan, Shri
Ayyakannu, Shri	Jena, Shri K. C.	Narayanasmv, Shri R.
Balakrishnan, Shri	Jhulan Sinha, Shri	Naskar, Shri P. S.
Banerji, Shri P. B.	Jhunjhunwala, Shri	Negi, Shri Nek Ram
Bangshi Thakur, Shri	Jinschandran, Shri	Onkar, Lal Shri
Bartman, Shri	Joshi, Shri A. C.	Padalu, Shri K. V.
Barrow, Shri	Joshi, Shrimati Subhadra	Pahadia, Shri
Barua, Shri Hem	Khadiwala, Shri	Pande, Shri C.D.
Besumatari, Shri	Kotaki, Shri Laladhar	Pandey, Shri K. N.
Beck, Shri Ignace	Kripalam, Shrimati Sucheta	Panna Lal, Shri
Bhagat, Shri B. R.	Krishna Chandra, Shri	Patel, Shri Rajeshwar
Bhargava, Pundit Thakur Das	Krishnaswami, Dr.	Patel, Shri Maniben
Bhattacharyya, Shri C. K.	Kurrel, Shri B. N.	Pattabhi Raman, Shri C. R.
Birendra Singhji, Shri	Lachhi Ram, Shri	Pillar, Shri Thanu
Borooh, Shri F. C.	Lahiri, Shri	Rahman, Shri M. H.
Bose, Shri	Mafiq Ahmed, Shrimati	Rajah, Shri
Chanda Shri Aml K.	Majhi, Shri R. C.	Ram Garib, Shri
Chaturvedi, Shri	Majithia, Sardar	Ram Saran, Shri
Chavda, Shri	Mandal, Shri J.	Rampure, Shri
Chettiar, Shri R. Ramanathan	Masani, Shri M. R.	Rangaran, Shri
Daljit Singh, Shri	Masuriya Din, Shri	Rao, Shri Jaganatha
Das, Shri Ramdhani	Matin, Qazi	Ray, Shrimati Renuka
Dasappa, Shri	Mehta, Shri Asoka	Rungsung Suisa, Shri
Deb, Shri N. M.	Melkote, Dr.	Saigal, Sardar A. S.
Desai, Shri Morarji	Menon, Dr. K. B.	Samanta, Shri S. C.
Dundod, Shri	Mishra, Shri Bibhuti	Scmdia, Shrimati Vijaya Raje
Dinesh Singh, Shri	Mishra, Shri L. N.	Selku, Shri
Dublab, Shri	Mishra, Shri M. P.	Shah, Shri Manabendra
Dwivedi, Shri M. I..	Mishra, Shri B. D.	Shankaraya, Shri
Ghodasar, Shri Fatesinh	Mishra, Shri R. D.	Sharma, Shri D. C.
Ghose, Shri Bimal	Mohan Swarup, Shri	Sharma, Shri R. C.
Ghoosh, Shri M. K.	Mohudeen, Shri Gulam	Shukla, Shri V. C.
Godsora, Shri S. C.	Morarka, Shri	Siddanajappa, Shri
Gohokar, Dr.	Mullick, Shri B. C.	Singh, Shri H. P.
Goray, Shri	Murti, Shri M. S.	Singh, Shri M. N.
Govind Das, Seth	Musafir, Giani G. S.	Sinha, Shri Gajendra Prasad

Sinha, Shri Saranbhadra
 Sinha, Shri Satyendra Narayan
 Sinha, Shrimati Tarakshwari
 Sanatak, Shri Nardeo
 Soren, Shri
 Subramanyam, Shri T.

Swami, Shri V. N.
 Tanti, Shri Rameshwar
 Thakur Das, Lala
 Tula Ram, Shri
 Uike, Shri
 Upadhyaya, Shri Shiva Datt

Varma, Shri B. B.
 Vedakumari, Kumari
 Verma, Shri Ramji
 Wadiwa, Shri
 Wamnik, Shri Balkrishna
 Wodeyar, Shri

NOES

Banerjee, Shri S. M.
 Braj Rai Singh, Shri
 Chakravartty, Shrimati Renu
 Dange, Shri S.A.
 Dasratha Deb, Shri
 Ellia, Shri Muhammad
 Ghore, Shri A.V.
 Gopalan, Shri A.K.
 Gounder, Shri Shanmuga
 Halder, Shri
 Iyer, Shri Bwara

Kar, Shri Prabhat
 Khadlikar, Shri
 Kumaran, Shri
 Kunhan, Shri
 Matera, Shri
 Menon, Shri Narayanankutty
 Mukerjee, Shri H.N.
 Nair, Shri Vasudevan
 Nayar, Shri V.P.
 Panigrahi, Shri
 Parulekar, Shri

Parvathi Krishnan, Shrimati
 Ram Subhag Singh, Dr.
 Ramam, Shri
 Rao, Shri T.R. Vittal
 Reddy, Shri Nagi
 Sampath, Shri E.V.K.
 Shobha Ram, Shri
 Sugandhi, Shri
 Tangamani, Shri
 Warior Shri

The motion was adopted.

15.30 hrs.

PARLIAMENT (PREVENTION OF
 DISQUALIFICATION) BILL—
 contd.

Mr. Speaker: The House will now take up further discussion of the Parliament (Prevention of Disqualification) Bill. Out of 10 hours allotted for the general discussion of the Bill, 8 hours 27 minutes have been taken so far, and the balance is 1 hour 33 minutes. Shri Tangamani may continue his speech.

Shri Tangamani (Madurai): Mr. Speaker, Sir, the other day I was saying that under article 102 of the Constitution Parliament is empowered to state those offices which will not disqualify a Member from holding his post of Member. But even when we give a schedule stating that such and such offices will be disqualifying, nothing would prevent the court of law from saying that any particular office will not disqualify. I mentioned also how there is no principle involved in saying that certain offices cannot be exempted. I mentioned the Employees' State Insurance Corporation and also the Dock Labour Boards. The schedule contains not only the

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Employees' State Insurance Corporation but also the regional committees. It also mentions the Port Trusts of Bombay, Calcutta, Madras and other bigger ports.

15.32 hrs.

[MR DEPUTY-SPEAKER in the Chair]

Even the various Electricity Boards and the consultative councils are also included in the list showing the posts which will disqualify.

In this connection, I would like to mention what the sub-committee had to say about categorizing. This is what they say in paragraph 14, page 19:

"In categorizing the Committee into disqualifying and non-objectionable ones no single uniform principle has been strictly applied as the Sub-Committee was influenced by the fact that in the peculiar circumstances of our country and the undeveloped state in many respects participation of members of Parliament, many of whom have special knowledge of various subjects could not rigorously be excluded,

[Shri Tangamani]

Thus some balance and compromise has been applied in categorising these Committees, while purity, freedom from influence and independence of members has been the guiding principle in making the choice. The practical aspect of utilizing the experience, wisdom, and talents of members in public interest specially in matters relating to social welfare, education, labour and cognate matters has also been kept in view".

I would submit that this cannot be a principle by which we will be able to lay down the general line of policy. That is why parts I and II of the schedule are based upon no definite principle at all.

I will develop another point. Now, in the new period of time that we are living, when the public sector is growing, when statutory bodies are also coming into existence, a certain attitude will also have to be developed inside the Parliament. Many annual reports and reports dealing with the functions of statutory bodies particularly in the public sector come for scrutiny before this House. That is one effective check which this House has got. By means of such effective criticism and effective check there is a salutary influence exercised over the functioning of the various public bodies. I can mention the State Trading Corporation. I can mention the UPSC. I can mention several other instances also. So, there is a fear in the minds of members of the committees that because such and such a matter is going to be discussed in Parliament, they will have to be very careful in dealing with the issues. But the same argument was advanced for saying that this is the reason why a Member of Parliament should not be associated with such a committee. I start with the assumption that every Member of this House is an honourable man. Every Member of this House is honourable. And we have

got to be very jealous about protecting our honour. When we start with that assumption, inclusion in the schedule itself presumes that we suspect the integrity of the Members, we suspect the moral standards of the Members and we suspect that they will be susceptible to influence. These two things cannot go together. If a particular Member is associated with a statutory body, my submission is that he will be afraid because he has to face the House, as a Member of the House; at the body in which he functions he is able to influence in the sense that he is constantly reminding the committee that there is an eagle eye of Parliament over him and over the committee of which he is a member. So, more and more Members of Parliament should be associated with such public bodies.

Only recently, in the last session, a very important Bill was passed, after having been referred to the Joint Committee It was the Merchant Shipping Bill. Both in the Joint Committee and in this House, the constitution of the National Shipping Board was discussed. It was felt that the Board must contain specifically some Members of Parliament. I would like to know whether they will be exempted or whether they will also come under the disqualification rule. When we feel how the economy of the country must be developed and when Members of that Select Committee feel that in a particular body more and more Members should be associated with such a body and with the National Shipping Board, and with such statutory and non-statutory bodies, we find that in this Joint Committee's report there is a rigorous approach to the inclusion of the Members.

I shall refer to two more points and then conclude. The State has got to administer not only law and order

as in the past but it has to administer and manage several industries, especially when the public sector is growing. So, we would like to see talented men, engineers, doctors, consultants and such people coming into this House, and that will also have a salutary effect.

I can mention many instances here. On this side of the House we have got Shri Prabhat Kar who is an ex-employee of the Lloyds Bank. Are we sorry that such an employee of the Lloyds Bank is here? He is able to focus attention, from the Opposition side, to several salient features of the Reserve Bank of India report. We have with us Shri T. B. Vittal Rao, who is an ex-employee of the railways. We have watched how penetrating some of his questions are when tackling the railway matters. We also have Shri S. M. Banerjee, an ex-employee of the Defence Department. I can say without any fear of contradiction that he is now a terror for the Defence Department because many of the 'inside things' which happen in the Defence Department are in the know of Shri Banerjee. We wish we have such men from the Posts and Telegraphs Departments also.

I would mention one more instance. Take the managing director of a banking concern. The managing director of a big industry is not disqualified, but an employee in the Reserve Bank will be disqualified, because an employee of the Reserve Bank will come under the office of profit. So, this kind of distinction which is now sought to be created; and again the attitude of the Joint Committee in keeping the purity of the House are something which I can not in a position to reconcile.

I can mention another aspect. Many Members who preceded me referred to the University Grants Commission. If it is a question of power, has not the University Grants Commission got powers? It is the Commission which wanted the three-

year degree course and ultimately it becomes the policy of the Government. It decides how much aid should be given to the Universities. Are they not powerful? When we are exempting certain bodies, how is it that we are not excluding the Vice-Chancellors of universities?

We have had several discussions about what is going on today in the Banaras Hindu University. The House in its wisdom has passed a certain legislation. We do not pass a certain legislation giving protection to a particular employee of an organisation. Many respected and responsible Members of this House have voiced the opinion that so long as this Vice-Chancellor continues, there is not going to be peace there. But we find that a particular Vice-Chancellor is protected, and instead, we find a number of students blacklisted. When we want to exclude Vice-Chancellors, we must bear in mind the experience that we have gained in this Parliament.

In this Bill, there is no regular method by which exemption has been given. If, as the Select Committee desires, you must know clearly what is an office of profit, this is not the way. Merely bringing this Bill or taking this Bill back and bringing another Bill is not going to solve the problem. What is going to solve the problem is boldly coming forward with a suitable amendment of the Constitution. Article 102 will have to be clarified. We will have to explain what is an office of profit and whether we limit it only to remuneration or extend it to certain powers conferred by Parliament or other bodies. When we clearly define that, the Parliament will be in a better position. Otherwise, what is going on now is nothing but shadow boxing.

Many hon. Members have suggested that the Government must be bold enough to withdraw this Bill and bring a suitable amendment to the Constitution. Although our Constitution is rigid in the sense that it is written, it is flexible to the extent

[Shri Tangamani]

that we are in a position to amend it whenever occasion arises. This is a clear occasion, because as a result of the passing of this Bill, there will be many uncertainties. This Parliament itself elects some people to the committees and now these committees are disqualified. This kind of anomalous position must end. But I am afraid, this legislation is going to create more confusion. Many people will not know whether their election is constitutional and legal or not. After the next election, this is going to throw open the flood gates of election petitions. We are trying to put an end to election petitions and *mala fide* actions and elevate the status of this House. But by passing this Bill, we are going to bring all the Members of this House into a position of uncertainty.

Therefore, my submission is that this Bill should be withdrawn. As many Members from different sections of the House have already suggested, some other suitable legislation should be brought, along with an amendment of the Constitution

Shri Barman (Cooch-Bihar—Reserved—Sch. Castes): Mr. Deputy-Speaker, Sir, it is very difficult to pass an opinion on this measure, because we find that those hon. Members who had deliberated on this Bill for long nine months are still themselves undecided as to the future of this Bill and the future of some Members whose cases perhaps have not been included within the schedule

Shri Tangamani said that we must amend the Constitution, so that this confusion may not arise, by deleting article 102. I think that will not be possible, because that article has some utility. According to the democratic Government, it is the executive that is responsible to the legislature. We, as Members of Parliament, have to watch the execution of the policies and the working of this Government from day to day. If any Member of

this House is associated with the execution of the policies, this House will not be able to call for an explanation from the executive. So, I think the principle we should stick to is that so far as the executive is concerned, no Member should be associated with it, because this House is entitled to call for explanation from the executive.

But at the same time, we have to associate some of the Members with the execution of the functions of the executive, as for instance, Ministers and Deputy Ministers. They are also responsible to this House for the departments under their control. But at the same time I should say that apart from direct connection with the executive, Members should not be tied up by such a limitation that they should not be associated with advisory bodies, etc. On the one hand, we want that Members should not hold any office of profit. For that purpose, I think that the definition of compensatory allowance is quite sufficient. But to say that even if the allowance is not more than what is defined here as compensatory allowance, there may be positions of influence which an hon. Member may make wrong use of. To stretch, this inference to that extent is, I think, entirely wrong.

After all, Members of Parliament and State Legislatures have been trusted by their electorate. After they have won that confidence, to say that they should not be associated with any position which carries with it some influence which they may abuse is very wrong. If a Member acts wrongly, what is the remedy? If any such misbehaviour by any Member is exposed on the floor of this House, it shall go to the whole world. There is no better safeguard needed. So far as his constituency is concerned, they will take note of it and the Member will be finished for ever. Is there any such safeguard against any other person who is not a Member, but who is associated with positions of influ-

ence? I do not think such sort of thinking should at all enter into our minds. Once we are free from such suspicion, then there is no difficulty in associating Members even in administrative bodies. When a Member is personally sitting here, if he misbehaves, he may be confronted here and will be more than sufficiently punished. I can say that once we remove the mistrust from our minds there will be no difficulty whatsoever if we add some clause by which a Standing Committee of Parliament or of the State Legislatures is constituted, which will be empowered to go into the cases from day to day or from time to time and report to Parliament or the State Legislature that such and such body, according to the Constitution, attracts disqualification and because it is necessary for the representatives of the public to be associated with such bodies, this disqualification should not apply to them and so legislation should be brought accordingly. I think that is the surest possible way of getting out of the rut. We should not think for a moment that any Member would go out of his way to misbehave when he has to justify himself on the floor of the House. There is one story. Some boatmen wanted to go in a boat upstream. They were plying it throughout the night. They did not know the location. In the morning they found that they were in the same place where they were at the start. I think our position has come almost to that situation. We are thinking of all conceivable things, because we cannot trust ourselves. I think we should proceed with the Bill. We shall pass the Bill as it is or with some modifications as we find later necessary. We have got sufficient support from all elderly members. You yourself, Sir, had presided over it. But, at the same time, in order to avoid any future difficulty in which we may be caught, I feel there should be some standing committee with sufficient power to report to the House of any other office which it may feel, should be exempted from disqualification.

श्री बाबूदेवी (बलरामपुर) : प्रपाप्यक्ष महोदय, इस विधेयक पर संयुक्त समिति को जितना परिश्रम करना चाहिए या और जितना ध्यान देना चाहिए, उसने नहीं दिया। और परिणाम यह है कि विधेयक झूठे रूप में हमारे सामने उपस्थित है। मैं यह दलील मानने के लिए तैयार नहीं हूँ कि संयुक्त समिति के लिए यह सम्भव नहीं था कि वह सभी समितियों का विचार करती और किन समितियों की सदस्यता सदस्यों को इस सदन में आने के लिए अयोग्य बना देगी, इस सम्बन्ध में कोई निर्णय करती। एक बहुत बड़ी बात जिसका कि शायद विचार नहीं किया गया, वह यह है कि संसद् अयोग्यता के सम्बन्ध में जैसे भी कानून बनायेगी, हमारे राज्यों की विधान सभायें उनको माडेल के रूप में लेंगी और उन के कानून भी उन्हीं के आधार पर बनेंगे और परिणाम यह होगा कि ऐसे व्यक्ति संसद् में आ सकेंगे जो कि शासन के द्वारा प्रभावित होंगे।

इस विधेयक में यह व्यवस्था की गई है कि गांवों में जो मालगुजारी वसूल करते हैं उन्हें छूट होगी चुनाव में लड़े होने की। अब मैं उत्तर प्रदेश की बात जानता हूँ कि पुराने दलबारी और आज के लेखपाल गांवों की जनता दर कितना असर रखते हैं, दबाव की दृष्टि से, प्रभाव की दृष्टि से नहीं और भले ही वे अपने क्षेत्र में संसद् के लिए निर्वाचित न हो सकें, अगर जहाँ तक विधान सभा के निर्वाचन क्षेत्र का प्रश्न है, वे जरूर अपने पद का प्रभाव ला सकते हैं। अब अगर राज्यों की विधान सभायें अपने विधेयकों में ऐसे पदों को भी शामिल करेंगी और मैं समझता हूँ कि वे करेंगी क्योंकि संसद् ने उनके सामने एक नमूने का ऐक्ट बनाने की तैयारी कर दी है तो उसका परिणाम ठीक नहीं होगा क्योंकि सुबों में ऐसे व्यक्ति अधिक संख्या में पहुँच सकते हैं जो कि शासन के द्वारा प्रभावित हों और जो किसी भी प्रश्न पर सत्य और निर्भीक दृष्टि से विचार

[श्री बाजपेयी]

न कर सकें। आज जब कि सत्तारूढ़ दल बहुत बड़े बहुमत में है तब तो इस बात का इतना खतरा नहीं है लेकिन अब धीरे धीरे राजनैतिक परिस्थिति बदल रही है और भ्रामे चल कर कभी राजनैतिक संतुलन ऐसा हो सकता है कि थोड़े से सदस्यों का प्रभावित होना दूरगामी परिणाम उत्पन्न करे। मैं समझता हूँ कि इस बात की पूरी व्यवस्था नहीं की गई कि जो भी व्यक्ति किसी पद पर होने का लाभ उठाते हैं या उसमें दूसरे को प्रभावित कर सकते हैं, उन्हें विधान सभाओं या संसद् में लाने की कोशिश नहीं करनी चाहिए।

विश्वविद्यालयों के वाइस चांसलरों की श्रेयग्यता दूर करने के सम्बन्ध में यहां पर काफ़ी वाद-विवाद हुआ है। इस सम्बन्ध में बनारस विश्वविद्यालय की भी चर्चा की गई है। मैं यह पूछना चाहता हूँ कि जब इस मदन में बनारस हिन्दू विश्वविद्यालय मशोधन विधेयक पर बहस हो रही थी उस समय अगर उस विश्वविद्यालय के वर्तमान वाइस चांसलर भी सदस्य के रूप में इस मदन में मौजूद होते, तो उनकी क्या स्थिति होती और इस मदन की क्या स्थिति होती। क्या वह उनके लिए और मदन के सदस्यों के लिए ठीक होता? क्या उनकी उपस्थिति मदन में बतौर एक सदस्य के, मदन के माननीय सदस्यों के लिए उनकी आलोचना करने में और एक स्वस्थ वातावरण पैदा करने में महायक होती? मैं समझता हूँ कि यह किसी के लिए ठीक नहीं होता, इस मदन के लिए भी ठीक नहीं होता और एक विश्वविद्यालय के वाइस चांसलर की महत्ता के लिए भी ठीक नहीं होता।

15-56 hrs.

[SHRI BARMAN in the Chair]

कुछ सदस्यों ने इस सुझाव का प्रतिपादन किया है कि लाइफ़ इन्स्योरेंस कारपोरेशन या स्टेट ट्रेडिंग कारपोरेशन ऐसे संस्थानों में

सदस्यों के जाने से बंध संस्था शक्यी तरह के चलेंगे। मेरा निवेदन है कि इस समस्या का एक पहलू और भी है और वह है कि ऐसा होने से इन संस्थानों में गड़बड़ियां भी हो सकती हैं जैसे कि लाइफ़ इन्स्योरेंस कारपोरेशन में हुई। उस तरह के कांड भी घटित हो सकते हैं और उस समय इस मदन में बैठे हुए उस सदस्य की स्थिति क्या होगी जो कि उस संस्थान में काम करता होगा? फिर उस सदस्य के मित्र भी होंगे और इस मदन में बैठा हुआ वह सदस्य किसी पार्टी का भी होगा और पार्टी की प्रतिष्ठा का प्रश्न भी खड़ा हो सकता है और मैं नहीं समझता कि संसद् के सदस्यों को ऐसे संस्थानों में लाना उचित होगा.

Shri Narayanankutty Memon (Mukandapuram): There is no quorum in the House. Of course it would inconvenience some hon. Members.

Shri S. M. Banerjee (Kanpur): it is because the Members had a strenuous session.

Mr. Chairman: Anyhow, the bell is being rung. Now there is quorum. The hon. Member may continue his speech.

श्री बाजपेयी : महापति महोदय, मैं निवेदन कर रहा था कि देश के आर्थिक विकास के माध्यमों में संस्थानों की संख्या बढ़ेगी, लेकिन उन पर नियन्त्रण करने का उन्हे ठीक तरह से चलाने का यह अच्छा तरीका न होगा कि संसद् के कुछ सदस्यों को उनमें भेज दिया जाये। जो भी संसद् के सदस्य इस तरह के आर्थिक या औद्योगिक संस्थानों में काम करना चाहते हैं उन्हे संसद् की सदस्यता में त्यागपत्र दे देना चाहिए और पूरा समय, पूरा श्रम, पूरी शक्ति और पूरी बुद्धि लगा कर उन संस्थानों को आगे बढ़ाने में लगना चाहिए। अगर

उनकी शक्ति बंट जायेगी और वे दोनों तरफ ध्यान देंगे तो न तो वे संसद् के प्रति अपना दायित्व पालन कर सकेंगे और न उन संस्थानों के प्रति न्याय कर सकेंगे। मैं समझता हूँ इस सम्बन्ध में विधेयक में जो भी व्यवस्था की गयी है उस पर पुनर्विचार किया जाना चाहिए।

राज्यो में विधान सभायें इस विधेयक के बनने पर अपने विधेयक तैयार करेंगी। इस बात को ध्यान में रख कर भी हम विधेयक में जो संशोधन उपयुक्त थे वे नहीं किये गये, और मुझे लगता है कि विधेयक अगर इस रूप में पास हो गया तो फिर चुनाव के बाद होने वाले झगड़ों की संख्या बढ़ेगी, और यह न करना मुश्किल होगा कि कौन सा निर्वाचित सदस्य मसद् की सदस्यता के योग्य है अथवा नहीं है।

विवाद में इस बात को भी उठाया गया है कि संविधान की धारा १०० में जो शब्दावली है उसके अन्तर्गत हमारे लिए यह सम्भव नहीं है कि हम आफिम आफ प्राफिट लाभ का पद क्या है इसकी व्याख्या करें, और मसद् यह नहीं कर सकती। अगर वैधानिक दृष्टि में मसद् के लिए यह कार्य सम्भव नहीं है तो फिर संविधान की धारा में संशोधन करने के सम्बन्ध में हम विचार करना चाहिए। मैं इस बात में महमत नहीं हूँ कि अयोग्यता की सारी शर्तें हटा दी जायें और मसद् के द्वार सब के लिए खोल दिये जायें। मसद् के सदस्यों की स्वतन्त्रता और निर्भीक बुद्धि सुरक्षित रहे, इसके लिए आवश्यक है कि ऐसे व्यक्ति मसद् में प्रवेश न पा सकें जो प्रशासन द्वारा, कार्यपालिका द्वारा, एग्जीक्यूटिव द्वारा प्रभावित हैं, उससे अर्थ में या प्रभाव में लाभ उठाते हैं। लेकिन इस सम्बन्ध में बड़ी बारीकी से ध्यान-दीन करने की जरूरत है और काम लम्बा भी है। शायद प्रवर समिति पूरा समय नहीं दे सकी। यह अधूरा विधेयक है। मेरा निवेदन है कि सरकार को यह विधेयक वापस लेना चाहिए और उसे अधिक पूर्ण रूप में, जो

आपसिया सदस्यों ने उठायी है उनका विचार करते हुए सदन के सामने लाना चाहिए।

श्री हेडा (निष्णामाबाद) सभापति महोदय, आज देश के अन्दर एक प्रवृत्ति बहुत स्पष्ट तौर पर दिखायी दे रही है, और वह प्रवृत्ति यह है कि जनता न केवल उम्मीद करती है बल्कि यह माग करती है कि यह संसद् अपनी जिम्मेदारियों को पूरे तौर पर पालन करे। जनता आज इस बात की माग करती है कि जो कुछ भी खर्च होता है वह ठीक तौर पर खर्च हो, गवर्नमेंट की तरफ से जो कारपोरेट्स हैं या जो इनवेस्टमेंट होता है, या जो फिसकल और दूसरी तरह की पालिसिया चल रही है और जो इतना पैसा लगाया जा रहा है वह ठीक तौर पर लगाया जायें, कहीं फिजूल-खर्ची न हो और कहीं पर भी सिफारिश की या अपने रिश्तेदारों को मदद देने की बात न दिखायी दे। तो आज हमें यह समझ कर चलना चाहिए कि जनता अब बहुत क्रिटिकल हो चुकी है क्योंकि वह अब चीजों को बारीकी से देखती है और नृत्ताचीनी कर रही है, और इस जिम्मेदारी से ससद् इन्कार नहीं कर सकती। उसकी इस सम्बन्ध में अन्तिम जिम्मेदारी है और उसे इसका जवाब देना पडता है।

अभी एक चीज का जिक्र मेरे पूर्व-वक्ता ने किया है, लाइफ इश्योरेस कारपोरेशन का। उसके बारे में जो कुछ भी हुआ उस पर जनता ने अपनी नाराजगी या अपने विचार बड़ी स्पष्ट तौर पर व्यक्त किये हैं। ये सब चीजें क्या बताती हैं। ये चीजें यह बताती हैं कि अब ससद् के सदस्यों को बहुत ज्यादा सजग रहना चाहिए, बहुत ज्यादा मालुमात रखनी चाहिए और इस तरह से जो इस मसद् का सारी चीजों पर नियन्त्रण होना चाहिए उनका ठीक तौर पर पालन होना चाहिए।

| एक और बात में इस सिलसिले में कह देना चाहता हूँ। वह यह है कि जागकार

[बीड़वा]

हलकों में आम तौर पर, भले ही आम आदमियों का यह क्याल न हो, यह क्याल बढ़ता जा रहा है कि संसद् के सदस्यों को ज्यादा जानकारी नहीं होती। उनको बहुत कम मालूमगत होती है और उनको बहुत कम अनुभव होता है। और इस कारण वह अपनी जिम्मेदारी का पालन नहीं कर सकते। जब हम स्टॉक एक्सचेंज में या किसी खास उद्योग के केंद्र में जाते हैं तो लोग कहते हैं कि यह चीज आपके कान पर नहीं आती, यह तो महीनों से हमारे कान पर आती रही है। और उन लोगों को बड़ा आश्चर्य होता है कि संसद् के उन सदस्यों को भी, जो कि उन विषयों के विवादों में भाग लेते रहे हैं, उतनी जानकारी नहीं है जितनी कि होनी चाहिए। तो हमारी जानकारी की इस अपूर्णता के सम्बन्ध में काफी क्याल बढ़ता जा रहा है। और सच बात तो यह है कि विषय इतने ज्यादा हैं कि किसी भी सदस्य के लिए यह शक्य नहीं है कि पूरे तौर पर उनकी जानकारी रखे और वह जानकारी प्राप्त करना भी उतना आसान नहीं है। जानकारी प्राप्त करने में काफी दिक्कत आती है। तो अगर इन दो तीन चीजों को हम ध्यान में रखें तो एक चीज स्पष्ट हो जाती है कि हम सदस्यों में से हर एक सदस्य को या कम से कम सदस्यों के एक छोटे से समूह को विशिष्ट प्रकार के विषयों में दिलचस्पी लेनी चाहिए। कुछ हद तक ऐसा हो रहा है लेकिन अगर हम किसी भी पार्टी को या पूरे हाउस को लें तो यह नहीं कहा जा सकता कि यह चीज संतोषजनक रूप में हो रही है। तो हमें कुछ विषयों की विशेष जानकारी रखना आवश्यक है। इसमें बड़ी मदद मिलेगी यदि सदस्यों का सम्बन्ध चीजों से नजदीक का हो जिससे कि हमें जानकारी हासिल करने में आसानी हो।

एक उदाहरण के तौर पर मैं सेंट्रल सोशल सेलफेयर बोर्ड को लेता हूँ। इसमें करोड़ों रुपया खर्च होता है। लोक-सभा का

एक सदस्य और राज्य सभा का एक सदस्य उसमें नियुक्त होता है। इसका परिणाम यह होता है कि अगर हम इसके बारे में कोई चीज मालूम करना चाहें तो उस सदस्य से आसानी से मालूम कर सकते हैं। अगर उस सदस्य के पास यह जानकारी न हो तो वह मालूम करके हमारे पास पहुंचा सकता है। इस तरह से हमको जानकारी आसानी से मिल सकती है।

दूसरे ऐसा करने से देश में यह विशेष भावना पैदा होगी कि संसद् का नियंत्रण तगड़ा है और ज्यादा नजदीक से हैं और इसलिए काम ठीक तौर पर चलता रहेगा।

पूर्ववक्ता ने एक दो आशंकाओं की तरफ ध्यान दिलाया है। वे आशंकाएँ सही हैं, लेकिन उसका जो उत्तर है उसकी तरफ उन्होंने ध्यान नहीं दिया। दो चीजें उन्होंने बतायीं। एक तो यह कि जब किसी कारपोरेशन में एक सदस्य का सम्बन्ध है, अगर उसकी तरफ से गलती होती है तो उस सदस्य की क्या हालत होगी। मान लीजिये कि हम में से कोई आदमी लाइफ इश्योरेंस कारपोरेशन का सदस्य होता है जो आलोचना उसकी यहां और हमारे देश में हुई उम समय उस सदस्य की क्या हालत होती। साफ है कि उसकी हालत खस्ता होती और ठीक तौर पर होती। इसके लिए वह जिम्मेदार है। कल अगर हमारा कोई मिनिस्टर गलती करता है, तो उस की हालत क्या होगी? चूंकि वह जिम्मेदार है, इस लिए उस की हालत खस्ता होनी ही चाहिए। लेकिन सवाल यह है कि क्या वह भेम्बर वह हालत होने देगा। हम तो उस को भेंज ही इस लिए रहे हैं कि वह वहां दुर्गति न होने दे और अगर इस के बावजूद दुर्गति होती है, तो उस को भुगतना चाहिए। मेरे मित्र ने कहा है कि उस वक्त उस के मित्र उस की तरफदारी और उस का बचाव करने की कोशिश करेंगे। मेरे मित्र

ने यह सवाल भी उठाया कि शायद पार्टी के प्रस्टीज का भी सवाल पैदा हो जायेगा। यह सारी पेचीदगियां पैदा हो सकती हैं, लेकिन वे पेचीदगियां तो मिनिस्टर्स और डिप्टी मिनिस्टर्स के चालीस पचास मनों के साथ भी पैदा होती और हम उन को गवारा करते हैं और डेमोक्रेसी में उन को गवारा करने के अलावा कोई चारा भी नहीं है। इस स्थिति में मेम्बरों के विषय में भी इस प्रकार की पेचीदगियां गवारा करने का कोई हर्ज नहीं है। इस का जो तोड़ है, उस की तरफ मेरे माननीय मित्र ने ध्यान नहीं दिलाया।

एक दूसरे मित्र ने कहा कि इस बात का भी खूबहा होता है कि कहीं इन पदों का दु पयान न हो जाय—इन पदों से वे कहीं अपना खूद का लाभ गलत तौर पर न करना शुरू कर दें। इस तरह की भी आशंकाए होती हैं। इस का तोड़ यह है कि सार्वजनिक जीवन में, विशेषकर राजनीतिक जीवन में, हरेक व्यक्ति को बदनामी का बड़ा डर होता है और इस लिए वह अपना व्यवहार, अपना किरदार शंका में बिल्कुल परे रखना चाहता है, क्योंकि ऐसा किये बगैर उस को हर पाच साल के बाद जो जनता के सामने हाजिर होना पड़ता है, वह नामुमकिन हो जायगा, और इसी कारण से कोई पार्टी या उम के मित्र भी उस का साथ नहीं दे सकेंगे। हांता यही है। यही नहीं, दूसरे डेमोक्रेटिक कंट्रीज में भी यही होता है। हमारे देश में भी यह हो रहा है। पहली बात यह है कि जनता में आज यह प्रवृत्ति है कि अगर कहीं थोड़ी सी भी गड़बड़ है, तो वह उस को सच मानने लगती है। जहां आशंकाए मौजूद हों, वहां वह किसी न किसी जिम्मेदार आदमी को बसीटना चाहती है। जहां सचमुच में कोई गड़बड़ थोटासा हुआ हो, या लापरवाही बरती गई हो, तो वहां जिम्मेदार व्यक्ति के लिए तो जीना दूभर हो जायगा और उस के मित्रगण भी उस की मदद नहीं करेंगे, क्योंकि वे जानते हैं कि डूबने वाला तो डूबेगा ही, उस का साथ देने वाले भी डूबेंगे और अगर न भी डूबें, तो उन पर छीटे तो जरूर उछाले जायेंगे और उन

पर भी असर पड़ेगा। धाम जनता के सामने हम लोगों को जाना पड़ता है—धाम दिनों में भी और सास तौर पर इलैक्शन में भी। उस का स्थान हर पार्टी और हर व्यक्ति को होता है और इस प्रकार के पदों पर जो व्यक्ति आसीन हैं, उन के दिनों को भी होता है। मैं समझता हूँ कि इस वजह से जिस गड़बड़ की आशंका की जाती है, वह नहीं होगी।

इस के प्रतिरिक्त प्रेस और जनता हम लोगों के आचार और व्यवहार पर कड़ी नजर रखेगी और हम लोगों को गलती नहीं करने देगी। जिस प्रकार से हम लोगों से यह उम्मीद रखी जाती है कि सरकारी अधिकारियों, कर्पोरेशन वगैरह और दूसरे लोगों से जो गलतियां होती हैं, उन को हम न होने दें, जिस प्रकार उन को चूक करके जो जिम्मेदारी हम लोगों पर—इस ससद के सदस्यों पर—डाली जाती है, ठीक उसी प्रकार हम गलती न करे, इसकी जिम्मेदारी स्वयं जनता पर है। जनता सजग हो रही है और रहेगी। प्रेस पर भी यह जिम्मेदारी है। अगर एक पार्टी का कोई व्यक्ति गलती करता है, तो दूसरी पार्टी का आदमी खामोश क्यों रहेगा? वह बराबर हर बात को सामने लायेगा और उस को खाना भी चाहिए। हमारी पार्टियों में भी ऐसा ही होता है। एक आदमी चला जाये, तो उस की जगह खाली हो जायगी और किसी दूसरे को मिल जायगी। इस लिहाज से वे एक दूसरे पर नजर रखेंगे। इसलिए यह विचार ठीक नहीं है कि चूकि गलतियां हो सकती हैं, इस लिए संस के सदस्यों को बड़ा न भेजा जाये। संसद के सदस्यों को बिल्कुल बच्चे और भासूम समझ कर उन को अछूना न रखा जाना चाहिए। बल्कि उन को एकस्पिरिएंसड और तजुबेकार समझना चाहिए। यह समझना चाहिए कि वे ठीक काम करेंगे और हम लिए उन को संसदार के बीच में भेजने के लिए हम तैयार रहना चाहिए।

यह भी कहा जाता है कि मेम्बर अपने पद का दुरुपयोग करेगा। मैं यह कहना चाहता हूँ

[श्री हेडा]

कि पद का दुरुपयोग करने या अनुचित लाभ उठाने के लिए संसद का सदस्य होने की आवश्यकता नहीं है। वह सब काम उस के बगैर भी हो सकता है। जो लोग लाभ उठाना चाहते हैं और उठा सकते हैं, वे अपने मित्रों के द्वारा ऐसा कर लेते हैं, वे मित्र चाहे मिनिस्टर के हों या बड़े बड़े आफिसर के हों। इस के लिए उन्हें संसद-सदस्य बनने और संसद-सदस्य बन कर कार्पोरेशन का मेम्बर बनने की जरूरत नहीं है। उन को हम पकड़ सकें, इसी लिए तो यह विधेयक लाया गया है। इसलिए संसद-सदस्यों के जितनी ज्यादा प्रवृत्तियाँ—एक्टिविटीज—से सम्बन्ध हों, उतना ही हमारे लिए अच्छा होगा और देश जो हम से यह आशा करता है कि हम सभा पर नियंत्रण रख सकें, वह आशा भी पूरी होगी।

अन्त में मैं एक जुज्वी बात कह कर समाप्त करता हूँ। मैं एक संशोधन का नोटिस भी दिया है और वह यह है कि डिस्क्वालिफिकेशन से एग्जम्पशन की लिस्ट में मैट्रल बोर्ड आफ फिल्ट्र सेन्सर्स का जिक्र नहीं है। समय आने पर दो शब्द मैं उस के सम्बन्ध में भी अर्ज करूँगा।

इन शब्दों में साथ मैं इस विधेयक को सपोर्ट करता हूँ।

Shri Mohammed Imam (Chitaldrug): Interesting, and sometimes elaborate, speeches have been made from either side of the House, and it is clear that no section of this House is satisfied with this Bill. This Bill creates more confusion rather than clarifies the present position; indeed, it worsens the present situation, and gives more power to the legislatures to remove disqualification even in genuine cases where disqualification has been incurred.

The Constitution lays down that under certain circumstances, especially, when a Member holds an office of profit, he cannot become a Member,

nor can he continue to be a Member. Power is also given both to Parliament and to the State Legislatures to remove disqualification according to circumstances. This power is intended to be used very rarely and in public interest and only when such removal of disqualification is meant for the good of the State. But, on the other hand, we find that this power is often misused. It is invoked in many cases to suit individual conveniences and to satisfy party appetites.

I can say from my experience of State Legislatures, particularly, the Mysore Legislature, how this power has been misused. Series of legislations has been passed to remove disqualifications, and I think on a number of occasions disqualification has been removed, to help certain individuals. Members of the legislature have been appointed as members of the labour tribunal or appellate tribunal, and still they continue to be members of the legislature and they are also drawing handsome salaries. They have been appointed as chairmen and directors of Government-owned and Government-aided factories. They have been appointed in various offices which are offices of dignity and from which they can command great power and influence. Even recently, I find that members of the legislature have been appointed as chairman of the housing board of Mysore, chairman of the social welfare board and so on; and one member has been appointed as chairman of the small-scale industries board, and another as chairman of the khadi board. What I would like to point out to hon. Members is that we have not received full information regarding what is happening in the States.

Shri Dasappa (Bangalore): Is there any remuneration for this job?

Shri Mohammed Imam: I think when my hon. friend was Minister there, such things did happen many

times. He raised the question of remuneration. True, the Chairman of the Housing Board or of the Small Scale Industries Corporation is not drawing remuneration. But he is provided with a car, a house; whenever he travels, he draws TA; he attracts the local crowd. They come and ask him for houses. He is given tea parties and addresses.

It has been pointed out in this House itself before by Shri C. C. Biswas that an office need necessarily entail or involve monetary profit, but if it is a position of dignity, if it is a position from where he can use his influence and power, then it has to be considered an office of profit. An office of profit need not necessarily be construed in terms of money. That is what has been happening.

Similarly, we find that from this August House some people being appointed as members or Chairmen of some committees which exercise considerable influence on the people. As members of such committees, they can misuse their position. All this goes against the spirit of the Constitution. This was put in the Constitution to ensure the purity of administration and to see that the Members who are elected by the electorate discharge their duties properly. On the other hand, such provisions made in the Bill will disrupt the safeguards and preventive measures framed in order to ensure the purity of administration and to prevent a Member from misusing or using the legislature as a stepping stone for his own personal advancement.

I submit that even the recommendations embodied in the Thakur Das Bhargava Committee have not been fully implemented. Officers like those of Vice-Chancellors and revenue officers are being exempted from disqualification. A Member is elected from a certain constituency with a particular object. He is elected by millions of people to help them to be their friend and philosopher and

help them in time of need and to reflect their voice. It is the intention that he should exercise an effective, intimate and continuous contact between the people and the Government. On the other hand, if a Member of either this House or of a State legislature when once elected accepts an office of profit or if he misuses his position, he will be committing a breach of faith.

I must also submit that Government also must refrain from putting temptations before these Members. Instances are not wanting when members of the legislature are appointed to responsible remunerative job; they are appointed as members of the Planning Commission or of other bodies or Chairmen of important companies. It may be argued that these Members may resign. But I oppose such a policy. The Government should take care that when a person becomes a Member of this House, he is not seduced during his five year tenure; otherwise, the entire atmosphere may be demoralised. It shows that if such things happen, the administration is not run on pure lines but on party lines. Often it so happens that to win over members of their own party or the Opposition, such baits are held out to persons.

Coming to a few instances in the Bill itself, the office of Vice-Chancellor is exempt. It is stated that Vice-Chancellors may become Members of Parliament or State legislatures, even though they command a dignified place in the Universities. There are Vice-Chancellors who are elected and nominated. The nominated Vice-Chancellors owe their position and continuance purely to Government. It may be argued that an elected Vice-Chancellor may be a Member of the legislature. Even there, the practice is that the Vice-Chancellor's appointment is subject to the approval of the Governor who is the Chancellor. It is a common practice that the Senate always submits a panel of three names and it

[Shri Muhammad Imam]

is left to the Chancellor to select any man from the panel. The Chancellor, who is also the Governor, is subject to the party Government. So, this elected Vice-Chancellor also is subject to the influence of the Government. His pay, most of it, comes from government money. In both these cases, there is no justification to exempt the Vice-Chancellor from incurring this disqualification.

Besides, it takes away most of his time. Even a member of a Syndicate wields a position of influence. And such a person must not serve in the Legislature as a representative of the people.

Then I come to the revenue officer. My submission is this. Whoever it be, anyone whose appointment depends upon the Government, whose continuance depends upon the Government, who may be dismissed or continued by Government, should not have any place in the Legislature. A revenue officer may be having police powers or may not have, but he is appointed by the Government. The Government can dismiss him, increase his remuneration etc. Till now no revenue officer was entitled to stand for election. All their applications were rejected.

Recently, there was a case in the Supreme Court which came from my constituency. The Supreme Court held that a revenue officer cannot stand for election; and his application was rejected. Now, the Government are coming forward to remove this disqualification. This really goes against the Constitution. Whoever is subject to the influence of Government, whoever is under the thumb of Government cannot act in Parliament. He always looks to the Government for his continuance and such a person ought not to be a Member of the Legislature.

I would like to say a few words about the committees. It has been pointed out in the Bhargava Committee Report that there are two kinds of committees. Of course, we cannot be prevented from serving on committees. But, there are committees and committees. There are committees which supervise and keep surveillance over the actions of others. There are advisory committees. I have absolutely no objection to Members of Parliament or of the State Legislatures becoming members of such committees. But, there are committees and boards, a position on which gives them a clear chance to use their influence not only use but to misuse—and it often gives them an opportunity to make money or become corrupt. On such committees, I think, the hon. Members should not go and serve.

I have already given instances of committees wherein they can exercise their patronage and whereby they can draw towards them particular sections of society, committees which can give them opportunities to strengthen their own party positions. All these must be avoided.

I submit that there is no hurry to proceed with this Bill. Let the hon. Minister cry a halt. Let him get all the information from the States. In fact, an attempt was made by the Chairman of the Bhargava Committee to get that information. I am afraid they have not got full information with them.

So far as my State is concerned, there are a number of difficulties. In fact, I have tabled two amendments to be considered. For example, the Housing Board and the Khadi Board. These are small committees. But there are other committees which are very influential and a member of such a committee can misuse his power. It may be considered that the Government have put these persons in

these committees not only to help them but to draw them to their side and also to act as agents at the time of election.

With these words, I submit that the hon. Minister should withdraw this Bill and should get all the information that is available in the States, and come to a definite understanding and see what is the right policy to be adopted and what is the right position to prevent Members of the legislatures who represent people from misusing their position—a position which has been entrusted to them by the electorate who have got implicit faith in them.

Shri Braj Raj Singh (Ferozabad) rose—

Mr. Chairman: I am sorry; I cannot give time to any other hon. Member.

Shri Braj Raj Singh: May I submit one word? When an hon. Member of this House spoke for more than 1½ hours, it was the sense of the House that the time for general discussion should be extended. It was usual and in a general discussion, it could not be checked. That was also the sense of the House. I had been rising in my seat for the last three days; yet I have not been able to get time. I will take ten or twelve minutes.

Mr. Chairman: I am sorry; the hon. Member may take his chance during the third reading. I quite agree with what he says but it was for him to represent to the Speaker or the Deputy-Speaker

Shri Braj Raj Singh: But it was the sense of the House that the time should be extended.

Mr. Chairman: I am sorry there is no time left now. The hon. Minister.

The Minister of Law (Shri A. K. Sen): Sir, it is true that we had a very exhaustive discussion on this rather small Bill. It evinces the very keen interest taken by the House

about a matter in which it rightly feels vitally interested. It is necessary to clear the ground at the very outset for the purpose of replying to the detailed criticisms which have been levelled against the Bill as reported by the Joint Committee. The purpose of the Bill was to remove disqualification in regard to certain offices, technically regarded as offices of profit as they may carry some small remuneration, however small it may be. The House will recollect that we still have an Act in operation more or less similar to the Bill as was originally drafted and introduced in this House which gave exemption to various offices disqualifying their holders. The scheme of the present Bill as was originally introduced was more or less similar to that Act. After the Bill was introduced, it was sent to the Joint Committee which had a rather long duration and that again appointed a Sub-Committee in pursuance of its desire to see whether a Schedule could be annexed to the Bill which would show at a glance which are the offices which would be treated as disqualifying notwithstanding the fact that these offices carried only compensatory allowance for their holders. Pandit Thakur Das Bhargava who has more or less stated on the floor of this House that it was useless to append a Schedule which was in-exhaustive was one of the main champions for introducing a Schedule in the body of the Bill itself. He was more or less insistent along with many other hon. Members that apart from the general exemptions given in clause 3, certain offices which would otherwise be exempted should be treated as disqualifying their holders. The Sub-Committee examined nearly 1,200 committees and bodies, statutory or non-statutory, for the purpose of ascertaining which of the bodies should be put in the Schedule as disqualifying their members or their Chairman or Directors from continuing or from standing as Members of Parliament. After a detailed examination of nearly 1,200 committees and bodies whose constitutions were supplied by

[Shri A. K. Sen]

the Central Government as also by many of the State Governments, the Sub-Committee reported to the Joint Committee and the Joint Committee passed finally these two parts of the Schedule which we now find printed in the body of the Bill enumerating various bodies set up under Central Acts and also under various State Acts.

One of the main criticisms levelled against the introduction of this Schedule by a large number of Members on the floor of the House in the course of the debate has been that the Schedule is not exhaustive. I may tell the hon. Members that when Pandit Thakur Das Bhargava and his colleagues were insisting upon the introduction of a Schedule I told them from the very outset that no Schedule could be exhaustive, and it was precisely for that reason that in the original Bill we did not introduce a Schedule. Even in England, hon. Members will recollect that after years of study when the British Act was ultimately passed it was found that even there they had not been able to carry out a detailed examination of all the various bodies and committees and they had admitted that their Schedule too was not exhaustive. In fact, it appears from the records of the proceedings of the Select Committee which was headed by Sir Patric Spence, late Chief Justice of India, that even after a period of 6½ years when a member of the Select Committee put the following question to Sir Austin Strutt: "A circular has been sent round to all the Departments to secure this list (list of disqualifying offices), has it not?", the reply given on behalf of Government says: "Several circulars over the last 6½ years have been sent". Later on, another Member, Mr. Bowles, observed: "We do not want to ask the Departments to search again for another 6½ years to add even more to what is a tremendous number already." This was the final observation of one of the

members of the Select Committee and I want to read it out to the hon. Members for the purpose of illustrating again what I said in this House when the Bill was first introduced, after the Bill was introduced and was sent to the Joint Committee, and also before the Joint Committee when they were deliberating upon this Bill. This is what he said:

"I am very doubtful about this procedure. I would have thought that if we ask Sir Austin or anyone else start thinking of a list of all the possible bodies, membership of which might be incompatible with membership of this House, I do not think there will be any end to the enquiry."

This was after 6½ years in England where they had only one Parliament and not 14 different legislatures as in our country and 14 different sets of statutes passed by the respective legislatures. Then he goes on to say:

"I do not realise we were going to embark upon that sort of enquiry. Take the Historic Houses Advisory Committee which advises the Minister of Works on which Historic Houses should be preserved or given a grant and so forth."

"Some people might take the view it is incompatible with membership of the House to be a member of that Committee and advise that a particular historic house in his constituency should get a grant from the Ministry. There is Ancient Monuments Board; there are all kinds once you start on that. Some are sanctioned by statute, some are not. It would be a never-ending job."

Hon. Members will realize that even assuming that after years of laborious work we succeed in unearthing all possible bodies and committees set up under local, State and Central Acts, these lists will them-

selves become obsolete after period of time because some of these bodies will become *functus officio*, some of them will be created anew and in the meantime some existing bodies might have changed their function and so on.

By the very nature of the circumstances, the list which we introduce in the schedule—by saying “we” I mean the Joint Committee—could never be exhaustive or final, and therefore, it is an inherent weakness in any form of lists that such lists would not import finality in the matter. That is why in the British statute they have introduced a provision by which a simple resolution of the House of Commons the lists may be added to, varied or amended, by the addition of new bodies or by the deletion of existing bodies and so on. Unfortunately, this expedient is not possible so far as our Constitution is concerned.

Hon. Members will kindly read article 102 of the Constitution. It will not take much time to realize that article 102 prescribes in clause (1) (a) that the exemption must be by a law of Parliament. It says:

“...other than an office declared by Parliament by law not to disqualify its holder;”

That means whichever office has to be exempted has to be so exempted by a law passed by Parliament, and a mere resolution of either House of Parliament would not be enough to satisfy the requirements of the Constitution. That is why the simple provision in the British Act is not feasible so far as our Bill is concerned.

Therefore, it is proposed, and the Government no doubt agreed to the proposal, that if a list is ultimately accepted, as indicated in the schedule, by the House and passed, then the only possible remedy which one may think of for the purpose of keeping the list as exhaustive and as final as possible from time to time, in view of the continuous changes and flux

which may be occurring in the composition and function of those bodies, is to set up a Standing Committee of the House or of both Houses for the purpose of keeping under study all statutory and non-statutory offices under different State Acts and different Central Acts. So, from time to time, they may report to Parliament as to the desirability of changing the schedule and the House may then, on such report, take upon the task of passing new laws changing the schedule. That is the only way possible.

You cannot in a law declare beforehand that the House or both Houses will be entitled to change the schedule by a simple resolution. As I said, even in England, the list has not been found to be exhaustive or final. Here it will be more so, and therefore once it is accepted that a schedule has to be inserted, this infirmity has to be accepted along with it, and there is no getting away from it. The only way by which you can rectify the position is to set up a Standing Committee or body at a future time for the purpose of keeping under its study the whole question of lists and offices for the purpose of periodical report to enable the Parliament to take appropriate action, for the purpose of keeping the schedule as nearly exhaustive and up-to-date as possible. As I said, it was not the original intention of the Government, when the Bill was introduced, to have any list, in view of the natural weakness in any scheme which provides for a list or schedule of the type we have now inserted in the Bill as a result of the Joint Committee deliberations.

Therefore, first of all the House has to decide whether apart from the general principles of exemption contained in section 3, we should specify by name certain offices, which should not enjoy that exemption. It has been hinted by some hon. Members that in preparing the schedule, the Joint Committee has followed no principle whatsoever. Such an accusation must be

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rejected as extremely unfair and unthinking. Though I was personally never wedded to the necessity of having a schedule yet in all fairness to the Joint Committee, I must submit that they did follow some principles, though by the very nature of the circumstances, no single or uniform principle could possibly be struck.

Shri Mahanty (Dhenkanal): Would the hon. Minister kindly enlighten us as to what principles were followed by the Committee?

Shri A. K. Sen: The hon. Member himself was a member of the Joint Committee and as far as I remember, he was himself a votary of schedule at that time. At least, I do not recollect having heard him on any occasion opposing the system of introducing a schedule at a time when, on behalf of the Government, I was trying to resist it. Further, the hon. Member himself was a member of the sub-committee which went into the constitution of the various committees and reported finally to the main committee as to which committees ought to be debarred from enjoying the exemption.

Shri Mahanty: I was a member of the sub-committee, but I think no principles were followed.

Shri A. K. Sen: If the hon. Member is making a grave confession, he should weigh the consequences before making the confession. I am not prepared to accept the confession, though it may come from an hon. Member of the sub-committee. What I understood as a member of the joint committee was that Pandit Thakur Das Bhargava and some others felt that simply because a Member does not draw anything but the compensatory allowance, it does not mean that he is not put in a position where he might be able to enjoy a superior or more influential position to that of his conferees in Parliament. Pandit Thakur

Das Bhargava and some others thought that apart from the question of actual remuneration being drawn by any Member of Parliament, another principle should be considered, namely, whether even if a Member obtains no pecuniary benefit from his office, he is not in fact given a position where he can utilise his position either for increasing his own personal influence or for distributing patronage for others.

If I remember aright, this was the undertone of the many interventions which came from Pandit Bhargava in the course of the long deliberations of the Joint Committee. He said that the reason why the constitution of the various bodies and committees was gone into by the sub-committee and the Joint Committee was for the purpose of enabling the Members to examine the constitution of each and every committee for the purpose of ascertaining whether, apart from the remuneration payable to them, they also are not given some added advantage by way of influence, patronage and so on. Therefore, the sub-committee thought that the offices mentioned in parts one and two of the schedule were the offices which ought to be disbarred from enjoying the exemptions granted in section 3. Government ultimately accepted certain variations in favour of khadi boards. If I remember aright, many of the khadi boards and social boards were disbarred by the sub-committee. Appearing for the Government I strongly objected to the members of the Khadi Board being disqualified from becoming Members of Parliament; so also the members of the Social Welfare Board and the rural health centres. As a result of those things this new Schedule has appeared.

So far as the Government is concerned, it has now accepted the Schedule. No doubt, our mind is open. If any case is now made out, or made out later, by the standing committee set up for the purpose of amending

the Schedule, either by addition of some more or deletion of some existing ones from the Schedule, we shall be prepared to consider them on their merits. Up till now there has been only a general criticism that there will be other bodies similar to these which would be enjoying exemptions while those which are enumerated in Parts I and II of the Schedule would not be enjoying the exemptions granted under section 3 and so the Schedule should be rejected. Well, I must say that that argument proceeds from rather loose and careless thinking, because before the hon. Members are prepared to put in amendments to the Schedule itself for the purpose of rectifying what, according to them, are the defects of this Schedule, so that the other committees similar to those now disqualified under the Schedule are brought on par it is no use discussing this matter in general. Unless I am told that "here is a body X or Y which enjoys all the exemptions but which are nevertheless similar to the ones which do not enjoy all the exemptions, because they are put in the Schedule". I am not at all able to answer that criticism.

Shri Shankaraiya (Mysore): May I ask one question? In Part II whereas exemptions have been made with regard to some States for bodies like electricity boards, marketing and warehousing bodies and housing boards, exemptions have not been made in regard to some other States for the same bodies. Why was no uniform policy adopted?

Shri A. K. Sen: The Schedule does not give exemption. The Schedule, on the contrary, disbars certain bodies from exemption.

Shri Shankaraiya: In one State being a member of the Electricity Board constituted under a Central Act is a disqualification whereas in another State it is not.

Shri A. K. Sen: If the hon. Member has any electricity board of any
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particular State in view, which discharges the same functions and enjoys the same privileges of patronage and influence, as electricity boards which have been disbarred in the Schedule, the hon. Member will be at liberty to put in an amendment in order to extend the same disqualification to those other electricity boards also, and unless he does so, I am not in a position to examine whether they are in fact at par with those on the Schedule itself. And if in future such defects occur, which possibly may not be noticed even by the hon. Members, it will be the task of the standing committee to report about them in future and try to remove the defect which is inherent in the system of schedule. But that is a defect curable by an amendment of the schedule. So, unless hon. Members give me concrete instances of bodies whose prototype or close are on the schedule and thus disqualified, I am not in a position to answer it. That again is a general criticism. And I shall be very obliged if any concrete body, either statutory or non-statutory, with its functions, privileges and immunities are given to me....

Shri Morarka (Jhunjhunu): Does he want it now?

Shri A. K. Sen: Any time; at the time of the amendment. Neither the mind of the Government, nor of the House, is closed on that point. In fact, that is the very reason why I told the Select Committee that I myself felt that if the schedule is adopted, the standing committee becomes a necessary adjunct. And it will be precisely the duty and the function of the standing committee to cure the defects, if any, in equity, fairness or otherwise, to the schedule.

Shri Dasappa: Would it not be in order to generalise bodies like housing boards, State electricity boards, city improvement trusts etc., because they have similar functions.

Shri A. K. Sen: I am not prepared to do generalisation and it was opposed in the original Bill. But, once in the Schedule, you specify certain bodies, each body is distinct in law, set up by a different statute. You cannot say Housing Board; that is extremely vague.

Shri Shankaraiya: So far as the Electricity Boards are concerned, they are constituted under the Electricity Act and they have got a uniform status.

Shri A. K. Sen: Without examining the position of the Boards set up in view of certain delegation by the Central Government, I am not in a position to answer. If the hon. Members are pleased to put in amendments, I can assure them that neither my mind, nor the mind of the Government nor the mind of the House is closed to it. As I said, inequality and want of finality are inherent in the Schedule itself. If any Electricity Boards have been left which should be equally disqualified, I am prepared to consider that. I would like hon. Members to study the bodies in their respective States and put in such amendments as they think are proper, which should be incurring the same disqualification as those mentioned in the Schedule.

I do not want to go into the details of the general criticism levelled against the Schedule apart from what I have already said. The next criticism has been against exempting the office of Vice-Chancellor. I can tell the House now that the Government will agree to Vice-Chancellors not being exempted apart from those who are already exempted, if any amendment is introduced. I expect some amendments to be introduced at the stage of the Second Reading.

Criticism has also been against Home Guards, Territorial Army, and N.C.C. As usual we have heard criticism regarding the bona fides of the Government. malicious desire of the

Government in trying to stuff this House with Home Guards, N.C.C. and Territorial Army people as if simply by removing the disqualification you get the fellow automatically into this House, as if people do not have to elect the man who is otherwise qualified. But, before the Joint Committee, in this House before and today now, I would strongly oppose disqualifying any member of the Home Guards, any member of the N.C.C. or any member of the Territorial Army from being a Member of Parliament. These are people rendering useful service for the nation and for the country. To tell them that though they render useful service, they are disqualified from being Members of Parliament would be the height of injustice. Take, for instance, my own State, West Bengal. With a long frontier with East Pakistan, every village has to have Home Guards, in the very nature of the circumstances. We are living away from that area and we do not understand the necessity of having Home Guards in that widely far-flung boundary, covering parts of Assam and West Bengal, for every village is a threatened village from border attacks. Every village has to have its Home Guards. Are we to tell the Home Guards that because they have joined the Home Guards, defending their own country, they cannot be Members either of the State legislatures or of Parliament? In all States, as far as my information goes, the State Governments have established Home Guards and though they can be members of the State legislatures, they can't be members of Parliament. The same thing with regard to the N.C.Cs. Young boys in the Universities and colleges receive training facilities. Personally speaking, I would welcome the way when every man and every woman would know how to defend the country and know the arts of military training. That is a different matter, but even now we are trying to extend the same type of training to as many boys in our colleges, schools and universities as

possible. To tell them: join the N.C.C. and learn the art of defending your country, but you can never be Members of the legislature, is some thing which I have strongly opposed and which I shall strongly oppose. I am opposed to have that sort of discrimination against a vital section of the community on which the defence of the community rests.

17 hrs.

Shrimati Mafida Ahmed (Jorhat): What about professors and teachers of the Government-aided schools and colleges?

Mr. Chairman: What I propose is this. Let the hon. Minister first finish his general observations. After that one or two questions may be answered.

Shri A. K. Sen: No, Sir. I shall answer the lady. Government-aided schools are not Government offices. We are only concerned under article 102 to remove disqualification of Government offices carrying profit. Offices which are not Government offices do not come within the disqualification imposed by article 102.

Mr. Chairman: May I know how much time the hon. Minister will take?

Shri A. K. Sen: I shall finish just now. Or, you may adjourn the House. It may be that some other points have to be replied.

17.02 hrs.

(The Lok Sabha then adjourned till Eleven of the Clock on Friday the 28th November, 1958).

[Thursday, the 27th November, 1958]

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No.

2	Weekly Scheduled Freighter Service by Air India International	1631-35
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284	Cost Structure of Indian Airlines Corporation	1639
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QUESTIONS—contd.

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288	Telco Locomotives	1641
289	Water Supply and Drainage Scheme in Delhi	1641
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443	Holiday Homes for P. & T. Employees	1643
444	Movement of Foodgrains from Punjab	1643
445	Ticketless Travelling on Railways	1643-44
446	Key Village Centres in Himachal Pradesh	1644
447	Train Derailment	1644-45
448	Multi-purpose Blocks in Orissa	1645
449	Telephone Connections	1645-46
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451	Assistance for Health Schemes in Orissa	1646
452	Agricultural Schemes in Orissa	1647
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455	Casual Labourers on S.E. Railways	1648-49
456	Extra-Departmental Postal Staff	1649
457	Soil Conservation in Bombay	1649-50
458	Irrigation Projects	1650-51
459	Family Planning	1651
460	Ticket-Checking Staff	1651-52
461	Training in Midwifery and Health Visitors	1652
462	D.V.C. Water tax	1652
463	Bahudar River Projects in Orissa	1652-53
464	Training of Gardeners in Himachal Pradesh	1653
465	Prices of Foodgrains	1653-54
466	Design for Gravity Dams	1654
467	Coal Supply to Railways	1654-55

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QUESTIONS—contd.**

S.Q. No.	Subject	COLUMNS
468	Death of Pilot Shri Kurti	1655-56
469	III Class Coaches with Electric Fans	1656-57
470	Sale of Old Wagons	1657
471	Grow More Food Campaign	1657
472	Master Plan for Flood Control in Orissa	1657-58
473	Suspension of Railway Employees	1658
474	Training of Health Visitors	1658-59
475	Loans to Agriculturists in Andhra	1659-60
476	Bhadrahati Railway Station	1660
477	Railway Protection Force, Central Railway	1660
478	Telephones	1661
479	Tuticorin Port	1661

MOTION FOR ADJOURNMENT 1661—66

The Speaker withheld his consent to the adjournment motion given notice of by Shri Braj Raj Singh on the 25th November, 1958, regarding the murder of a lady passenger on the night of 23rd November, 1958, in a train proceeding from Hosharpur.

PAPERS LAID ON THE TABLE 1666

A copy of Notification No. MV 22/25 dated the 21st May, 1958 was laid on the Table under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, making certain amendments to the Motor Vehicles Rules for the Excluded Areas, Assam, 1942, published in Assam Gazette.

**MESSAGE FROM RAJYA
SABHA 1666**

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Tea (Alteration in Duties of Customs and Excise) Bill, 1958, passed by Lok Sabha on the 18th November 1958.

COLUMNS

**REPORT OF COMMITTEE
ON ABSENCE OF MEM-
BERS FROM SITTINGS
OF THE HOUSE PRESEN-
TED 1667**

Tenth Report was presented

**REPORT OF JOINT COMMI-
TEE PRESENTED 1667**

The Minister of Home Affairs (Shri G.B. Pant) presented the report of the Joint Committee on the Delhi Rent Control Bill, 1958.

**EVIDENCE ON BILL—LAID
ON THE TABLE 1667**

The Minister of Home Affairs (Shri G.B. Pant) laid on the Table a copy of the evidence tendered before the Joint Committee on the Delhi Rent Control Bill, 1958.

**CALLING ATTENTION TO
MATTER OF URGENT
PUBLIC IMPORTANCE 1667-68**

Shri Ram Krishan called the attention of the Minister of Steel, Mines and Fuel to the composition and functions of the Corporation set up to exploit the mineral resources of India. The Minister of Mines and Oils (Shri K.D. Malaviya) made a statement in regard thereto.

BILL INTRODUCED 1669

The Representation of the People (Amendment) Bill, 1958

**MOTION OF PRIVILEGE
ADOPTED 1669—1756**

Further discussion on the motion of privilege moved by Shri M.R. Masani on 27-9-58 re: statement by the Chief Minister of Kerala and an amendment thereto by Dr. K.B. Menon was resumed. One substitute motion was moved by Shri T. C.N. Menon.

Shri M.R. Masani replied to the debate. The substitute motion and the amendment to the original motion were negatived. The motion was adopted and the matter was referred to the Committee of Privilege.

COLUMNS

COLUMNS

WILL UNDER CONSIDERATION

1755-1762

Further discussion on the motion to consider the Parliament (Prevention of Disqualification) Bill, 1957, as reported by Joint Committee continued. The discussion was not concluded.

AGENDA FOR FRIDAY,
28TH NOVEMBER, 1958—

Discussion on the motion re: Investment Policy of Life Insurance Corporation. Further discussion on the motion to consider the Companies (Amendment) Bill, 1957 (Amendment of section 293) by Shri Mahsary and consideration of other Private Member's Bill.