

# **LOK SABHA DEBATES**

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**LOK SABHA SECRETARIAT  
NEW DELHI**

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## LOK SABHA

Monday, 16th December, 1957.

*The Lok Sabha met at Eleven of the Clock.*

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Railway Lines on the Northern Railway

+  
\*1128. { Shri D. C. Sharma:  
          { Sardar Iqbal Singh:  
          { Shri Daljit Singh:

Will the Minister of Railways be pleased to state:

(a) whether a total survey has been undertaken as to the needs of more Railway lines on the Northern Railway; and

(b) if so, what are the lines?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Surveys of certain specific sections have been undertaken, and not a total survey to determine the overall needs.

(b) A statement showing lines surveyed or under survey in the Plan Period is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 33.]

**Shri D. C. Sharma:** May I know if the Nangal-Luna line has been surveyed or not, according to the assurance given by the Minister?

**Shri Shah Nawaz Khan:** The surveys have been completed and at present, they are under the scrutiny of the Board.

**Shri D. C. Sharma:** May I know what is the proportion of the lines surveyed to the overall needs of the Northern Railway, and what proportion of the target is fulfilled by these surveys?

**Shri Shah Nawaz Khan:** A number of railway lines has been surveyed on an operational basis. A number of other lines were recommended by the State Governments, but the actual construction of these lines is undertaken if the operational needs are very urgent and funds allow us to do so.

श्री भक्त दर्शन : इस वक्तव्य से ज्ञान होता है कि ग्राट लाइनो का सरवे किया गया है । क्या माननीय मंत्री जी के ध्यान में यह बात है कि इन लाइनों के सिवा बहुत मो लाइनों के सरवे किये गये और फिर उन को छोड़ दिया गया । उदाहरण के तौर पर कर्णप्रयाग से कर्णप्रयाग तक की लाइन का सरवे किया गया, लेकिन उसके पश्चात् उस सम्बन्ध में कोई कार्यवाही नहीं की गई । मैं जानना चाहता हूँ कि क्या गवर्नमेंट की यह नीति है कि सरवे किया जाये और उसको छोड़ दिया जाये और फिर उस पर कोई कार्यवाही न की जाये ।

श्री शाहनवाज़ खां : सरवे करने का मकसद यही होता है कि देखें कि प्राया लाइन बनाने की जरूरत है या नहीं है । अगर सरवे से यह नतीजा निकलता है कि लाइन बनाने की जरूरत नहीं है और उस से आमदनी कम होगी, तो मकसद उन सरवे को वहीं छोड़ दिया जाता है ।

### Selection of Candidates on Southern Railway

\*1128. **Shri Eiyaperumal:** Will the Minister of Railways be pleased to state:

(a) how many applications were received for Class III posts (both Technical and non-Technical) from Scheduled Castes and Scheduled Tribes candidates during the years 1955, 1956 and in 1957 so far on the Southern Railway; and

(b) how many candidates were selected from those communities during the same period?

**The Deputy Minister of Railways (Shri Shah nawas Khan):** (a) and (b). A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 39].

**Shri B. S. Murthy:** May I know how many seats were reserved for the Scheduled Castes, and whether the number selected was equal to the number advertised for?

**Shri Shah nawas Khan:** The information is given in the statement.

**Shri B. S. Murthy:** It is not given.

**Mr. Speaker:** If it is not given, he has not got it.

**Shri Shah nawas Khan:** I will give the information if you permit. The statement gives the numbers of candidates selected for Class III year-wise.

**Shri B. S. Murthy:** I want to know how many posts have been advertised?

**Shri Shah nawas Khan:** In 1955, a total of 385 seats were reserved for the Scheduled Castes. Out of that, 384 seats were filled up, leaving a balance of 1 seat. For Scheduled Tribes, it was a little more. In 1956, the number of seats reserved for Scheduled Castes was 329 and the number actually filled, 317, that is minus 12. In 1957, upto September, 30, the number of seats was 176 and the number actually filled, 164 leaving a balance of 12.

**Shri B. S. Murthy:** How many Scheduled Caste people have been selected for non-reserved seats?

**Shri Shah nawas Khan:** I require separate notice.

**Shri M. R. Krishna:** May I know whether there is any proposal to nominate a member of the Scheduled Castes on the Selection Board of the Southern Railway as well as of other zones also?

**Mr. Speaker:** That is for Class III service?

**Shri M. R. Krishna:** Yes, and also Class IV. They have got Selection Boards.

**Shri Shah nawas Khan:** It is a suggestion for action.

**Shri Thimmaiah:** Are Government aware that whenever a Scheduled candidate has got standard merit, that is, merit of a general candidate, the Selection Board purposely selects him for the reserved appointment instead of putting him in the general quota?

**Shri Shah nawas Khan:** There is a definite quota fixed for Scheduled Castes and Scheduled Tribes. Our first concern is to fill up that minimum quota. If that quota is filled up and we have people who are qualified to compete and be selected in open competition, there is no bar to taking them that way.

**Shri Thirumala Rao:** May I know the relative numbers of candidates recruited from the Andhra, Tamil Nad and Mysore areas?

**Shri Shah nawas Khan:** We do not maintain State-wise figures.

**Shri Jaipal Singh:** May I seek clarification on a rather important point? The hon. Minister raised the question of certain quotas being fixed. Are these quotas only for the subordinate appointments or is there any regulation for superior and senior appointments also?

**Shri Shah nawas Khan:** Yes. Reservation for Scheduled Castes is guaranteed by the Constitution. Even

the UPSC reserve certain vacancies for them.

Mr. Speaker: For higher posts?

Shri Shah Nawaz Khan: Yes.

### Port Development Programme

+

\*1129. { Dr. Ram Subhag Singh:  
Shri Raghunath Singh:  
Shri Jaganatha Rao:  
Shri Heda:  
Shri Mohan Swarup:  
Shri Tangamani:  
Shri N. R. Munisamy:  
Sardar Iqbal Singh:

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

(a) whether Government had approached the World Bank to assist our Port Development Programme;

(b) whether the World Bank has sent any team to India for studying our Port Development Projects; and

(c) the progress so far made in that regard?

The Minister of States in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). Yes Sir.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 40].

Dr. Ram Subhag Singh: Sometime ago the Transport Minister had said that the World Bank had refused to give any loan for construction of a dry dock at Visakhapatnam. May I know whether this will also be considered by the Bank now because Visakhapatnam is included in the statement?

Shri Raj Bahadur: We approached the World Bank for loan for the development projects of the Ports, more particularly the foreign content thereof in respect of Calcutta, Bombay, Madras and Visakhapatnam ports, as also for a dry dock at Visakhapatnam and a dredger-cum-survey launching pool. The matter is under considera-

tion of the Bank. The team did at one time say that the last two items were not included in their terms of reference.

Dr. Ram Subhag Singh: What are the foreign exchange requirements for the four ports mentioned in the statement?

Shri Raj Bahadur: For all these projects, we require as much as Rs. 38,67,55,000 of foreign exchange.

Shri N. R. Munisamy: May I know whether, while visiting these four ports, the mission also went to the ports of Dharwar and Cochin?

Shri Raj Bahadur: They essentially came for these four major ports which have experienced a larger volume of traffic, for which we have to cater.

Shri Damani: May I know whether the idle capacity of the important ports has been brought under use?

Shri Raj Bahadur: So far as the ports of Bombay, Calcutta, Madras and Visakhapatnam are concerned, occasionally there might be a little idle capacity, but by and large, they keep fully busy in accordance with the volume of traffic that flows in.

Shri N. R. Munisamy: The Port Development programme envisages not the development of these 4 ports only but also of other ports like Cochin, Dharwar etc. So, why were they not taken to other ports so that they may have an idea of the overall picture of development?

Shri Raj Bahadur: We took the relative importance of the ports into consideration. Each of these ports however, has its own development programme.

पदसन

\*११३१. श्री विमूर्ति निध : क्या काय तबा कुबि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने पदसन को साफ करने का कोई नया तरीका निकाला है ; और

(ख) यदि हाँ, तो वह क्या है ?

श्री बिभूति मिश्र (श्री श्री० बें० कृष्णप्पा) :

(क) तथा (ख)। सभा की टेबिल पर एक विवरण रस दिया गया है। [देखिये परिशिष्ट ४, अनुसूच संख्या ४१]

श्री बिभूति मिश्र : इस विवरण में लिखा है :

“श्यामल रंग को दूर करने के टेक्नीक में पटसन निकलने के तुरन्त बाद ही तन्तु को इमली के रस में घोना शामिल है। मैं जानना चाहता हूँ कि क्या यह रस बाजार में बिकता है और इमली के किस रस में घोना जाना चाहिये ?

श्री श्री० बें० कृष्णप्पा : श्यामल रंग को दूर करने के वास्ते इमली के रस में उसको घोना चाहिये।

श्री बिभूति मिश्र : कलकत्ता में ज्यूट का भाव २८ रुपया है जबकि बिहार में १५ और १६ रुपया ही है। बिहार में जो दाम कम हैं क्या ये कुछ सफाई इत्यादि की वजह से हैं या किसी और जगह से ? क्या कारण है कि बिहार में ज्यूट के दाम इतने कम हैं ?

श्री श्री० बें० कृष्णप्पा : इमली के रस में घोना जाये तो दो रुपया ज्यादा मिलेंगे ग्राइडनरी के मुकाबले में ?

श्री बिभूति मिश्र : मेरा प्रश्न यह था कि क्या कारण है कि कलकत्ता में भाव २८ रुपया है जबकि बिहार में १५ और १६ रुपया ही है ? बिहार में इतने कम भाव होने के क्या कारण हैं ?

Shri M. V. Krishnappa: It is due to transport difficulties and other reasons.

श्री बिभूति मिश्र : मैं एक बात पूछना चाहता हूँ . . . .

अध्यक्ष महोदय : मैं सारी चीजें जानता

I cannot allow more than three supplementary questions on this small matter. What if there is a difference? He has brought it to the notice of the House and the Minister.

Shri Bibhuti Mishra: The Minister replied that due to transport; from Bihar to Calcutta, the transport charge is only Re. 1 per maund but what is the reason for this difference of Rs. 12?

Mr. Speaker: The hon. Member wants to take advantage of the opportunity he has for putting supplementary questions to convince the Minister that he has to purchase or do something in Bihar and not in Calcutta etc. I cannot allow this. Hon. Members can only elicit information and not argue with the Minister during question hour.

Shri Bibhuti Mishra: On a point of order, Sir. I want to know this. The hon. Minister said that there is such a vast difference in price. He must convince the House why there is such a vast difference.

Shri M. V. Krishnappa: There may be a wide difference. But the hon. Member wants to know the reason for this difference between Bihar and Calcutta and the original question he put was about retting of jute. I am prepared to answer his question provided separate notice is given.

Mr. Speaker: The hon. Member has put down a question here whether Government have found out a new method of retting jute. The hon. Minister has given the information. But the hon. Member wants to say that either there is a cheaper method or a better method by which things could be done cheaper. That is a matter for a separate question or separate discussion and not here. He cannot convince the Minister and he won't be convinced. I am talking relatively; the hon. Member wants to convince the hon. Minister and the hon. Minister wants to convince the hon. Member.

**Shri Bikhari Mishra:** I wanted to ask this because he said that there are transport difficulties. The transport charges from Bihar to Calcutta is only Re. 1 but the Minister says that there is a difference of Rs 12. Why is it so? I want to know this.

**Shri Damani:** The quality might be different.

**Mr. Speaker:** Order, order. I am exceedingly sorry that hon. Members are not treating this as Parliament House but as something where everyone can speak without being called. I will not call Shri Damani during the rest of this hour today. He should not make me to be a little too hard upon him.

#### Homoeopathic System of Medicines

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\*1132. { **Shri S. C. Samanta:**  
          **Shri Subodh Hasda:**

Will the Minister of Health be pleased to state:

(a) whether there is any proposal to appoint an adviser on the Homoeopathic system of Medicine; and

(b) how far the Homoeopathic system has been taken up in earnest by various State Governments?

**The Minister of Health (Shri Karmarkar):** (a) No Sir

(b) This is a matter of opinion

**Shri S. C. Samanta:** My question was: how far the Homoeopathic system has been taken up in earnest by various State Governments and the Minister's reply is that this is a matter of opinion.

**Shri Karmarkar:** Yes; this is a matter of opinion.

**Shri S. C. Samanta:** I want to know what opinion I have expressed when I asked that question as to how far they have taken it up in earnest.

**Shri Karmarkar:** We are not sitting here in judgment over the State Gov-

ernments or to conduct an enquiry into their mental earnestness. But they have sent up certain proposals. As to how far they are earnest in the promotion of homoeopathy, they are entitled to have their own opinion and we are entitled to have our own opinion.

**Mr. Speaker:** What is wanted is this. The earnestness may be in the mind but it must show itself in action. I think the hon. Member wants to know whether they have recognised the homoeopathic system, whether they have opened homoeopathic dispensaries, or encouraged homoeopathic medicines etc. in any manner or not.

**Shri Karmarkar:** That is a question for specific information for which I should like to have notice; the financial assistance given etc.

**Shri S. C. Samanta:** I wanted to know whether such institutions have been encouraged in the States, whether charitable dispensaries have been encouraged. I wanted to know all these.

**Mr. Speaker:** Then why should he put so vague a question whether they are earnest and all that? He could as well have asked what kind of assistance is given to the dispensaries etc. The hon. Member puts a vague question and gets a vague answer.

**Shri M. L. Dwivedi:** Is it open to the hon. Minister to give a vague reply, Sir?

**Mr. Speaker:** It is equally vague

**Shri T. N. Singh:** In earnest only means, so far as we could understand the language, whether they have taken it seriously, whether any real or serious effort has been made by the State Governments in this regard or not. That is the question. To say that it is a matter of opinion—I cannot understand how that reply can be said to be a reply.

**Mr. Speaker:** Hon. Members are involving themselves and the House in all this interpretation. The hon. Member asks whether they have

taken in earnest and the Minister says that it is a matter of opinion. What prevented the hon. Member from asking how many dispensaries have been opened etc., a definite question of that kind; and why does he ask his opinion whether they are earnest? Why should he ask that?

**Shri Jaipal Singh:** May I humbly submit, Sir, that this is a starred question. Here we are eliciting information. It is not with a view to elicit any subjective opinion that this question was accepted as a starred question. It is purely factual information which the hon Member requires

**Shri Banga:** The Minister should give it if he has it.

**Mr. Speaker:** We understand it in one way and the hon. Minister understands it equally in another manner.

**Shri Tyagi:** He knows English

**Mr. Speaker:** Notwithstanding the interest taken by the State Governments, whether they are in earnest or not is a matter on which the hon. Minister has replied that it is a matter of opinion. However, I would request the hon. Minister not to go by the letter of any particular question but to go by the spirit of it. Next question.

**Shri M. L. Dwivedi:** Let him answer the question, Sir.

**Shri Karmarkar:** I can say what we have done. What the State Governments have done, we shall have to ask them to say. When the information is received I shall place it before the House, if notice is given.

चीन के साथ डाक तथा तार सम्बन्धी करार

\*११३३. श्री जगत दर्शन : क्या परिवहन तथा संचार मंत्री २१ दिसम्बर, १९५६ के तारांकित प्रश्न संख्या १४६२

के उत्तर के सम्बन्ध में वह बताने की कृपा करेंगे कि :

(क) डाक व तार सेवाओं को व्यवस्थित करने के उद्देश्य से भारत व चीन के लोक गणराज्य की सरकारों के मध्य करार करने के सम्बन्ध में जो बातचीत चल रही थी, क्या इस बीच वह पूर्ण हो गई है ;

(ख) यदि हा, तो क्या इस करार की एक प्रति सभा-घटन पर रखी जायेगी ;

(ग) यदि उपरोक्त मान (क) का उत्तर नकारात्मक हो, तो विसम्ब के क्या कारण हैं ; और

(घ) देर से देर कब तक इस बातचीत के सम्पन्न हो जाने की सम्भावना है ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) (क) जी नहीं।

(ख) यह प्रश्न नहीं उठता।

(ग) विसम्ब का यह कारण है कि करार के विभिन्न प्रतीकों (articles) के व्योरे को अभी तक अन्तिम रूप नहीं दिया गया है, साथ ही चीन की सरकार भारत सरकार द्वारा भेजे गये वैकल्पिक प्रारूप (alternative draft) पर अभी विचार कर रही है।

(घ) समय की कल्पना करना सम्भव नहीं है, क्योंकि यह इस बात पर निर्भर है कि चीन की सरकार हमारे प्रारूप के उपबन्धों (provisions) के विषय में क्या विचार प्रकट करती है।

श्री जगत दर्शन : इस विवरण से ज्ञात होता है कि चीन सरकार को एक प्रारूप (ड्राफ्ट) भेजा गया था और अब एक वैकल्पिक ड्राफ्ट (आल्टरनेटिव ड्राफ्ट) पर विचार किया जा रहा है। मैं जानना चाहता हूँ कि किन बातों के सम्बन्ध में क्या सुझाव दिये गये हैं और किन पर विचार किया जा रहा है ?

श्री राज बहादुर : माननीय सदस्य को बिदिष्ट होगा कि पेंकिंग चीन गवर्नमेंट यूनिवर्सल पोस्टल यूनिडन की सदस्य नहीं है, इसलिये एक बाइसेट्रल एग्रीमेंट हमें करना पड़ता है और उसके बारे में एक ड्राफ्ट उस ओर से भ्राम्या था किन्तु वह और ड्राफ्टों के अनुकूल नहीं था। इसलिये एक वैकल्पिक ड्राफ्ट उनको दिया गया है जिस पर विचार हो रहा है और उनकी सम्मति आने पर उस पर हस्ताक्षर होंगे।

श्री भक्त दर्शन : क्या मंत्री महोदय के ध्यान में यह बात आई है कि तिब्बत में जो तीर्थयात्री लोग कैलाश, मानसरोवर इत्यादि को जाते हैं और जो व्यापारी गड़तोक या दूसरे नगरों में जाते हैं उनकी वहा से छ महीने तक डाक की सुविधा नहीं है इसलिये इस समझौते को करते समय क्या इस बात का ध्यान रखा जायेगा कि वहा से भी कोई ऐसी व्यवस्था हो जाये कि उनकी डाक पहुंचने लग जाये और कम से कम वायरलेस के जरिये संदेश पहुंचने लग जायें ?

श्री राज बहादुर : तार की सुविधा बराबर चालू रही है जब से चीन के शासन में परिवर्तन आया है। जहां तक डाक का सम्बन्ध है इस समय रजिस्टर्ड और अन-रजिस्टर्ड दोनों तरह की डाकें जाती हैं और तीन सरफेस बैग बाकायदा हर हफ्ते भेजे जाते हैं : एक, सांघाई एक कैंटन को और एक पेंकिंग के लिये।

श्री भक्त दर्शन : मेरे प्रश्न का मतलब यह था कि पश्चिमी तिब्बत जो कि अब चीन का भाग समझा जाता है, वहां कैलाश और मानसरोवर को जो यात्री जाते हैं, वे वहां के सबसे बुरे बसों और रिक्शों को अपना कुशल समाचार नहीं भेज सकते हैं और इस-लिये क्या वहां पर कोई वायरलेस जैसी सुविधा रखी जा सकती है ताकि वे अपना कुशल समझाकर भेज सकें ?

श्री राज बहादुर : मैंने निवेदन किया कि वहां तक तार का सम्बन्ध है, वायरलेस से भ्रमवा दूसरे प्रकार से तार त्ने जां जाते रहते हैं। जिन जगहों के लिये माननीय सदस्य कह रहे हैं उनके बारे में मैंने निवेदन किया यह जाब की जायेगी कि वहा क्या सुविधा और क्या कठिनाईयां हैं और वह किस प्रकार दूर की जा सकती है ?

#### Agriculture Ministers' Conference

\*1137. Shri B. S. Murthy: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No 724 on the 3rd December, 1957 and state:

(a) whether all the States were represented at the Agriculture Ministers' Conference held at Srinagar in the second week of October, 1957; and

(b) if not, why not?

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

(b) Does not arise.

Shri Panigrahi: May I know whether after the Agriculture Ministers' Conference, there has been any change in the policy of the Government of India so far as the establishment of a fertiliser factory in the public sector is concerned?

The Minister of Food and Agriculture (Shri A. P. Jain): I do not know whether it was before or after this Conference but how a fertiliser factory can be set up in the private sector?

Shri Panigrahi: May I know whether the establishment of all the three fertiliser factories in the public sector will be taken up in the Second Plan period?

Shri A. P. Jain: I am not in a position to answer that question definitely. The whole question is being examined by the Planning Commission.

श्री ए० ए० द्विवेदी : मैं जानना चाहता हूँ कि इस सत्र मंत्रियों के सम्मेलन में और अभी हाल में हुए राज्यपालों के सम्मेलन में अधिक भ्रष्ट उपजाये के सम्बन्ध में क्या निर्णय हुए हैं और वे कैसे पूरे किये जायेंगे ?

Mr. Speaker: We are going far away from the question. The question was whether all the States were represented at the Agriculture Ministers' Conference held at Srinagar. It does not refer to the Governors' Conference.

Shri M. L. Dwivedi: I will leave out the Governors. Let him answer.

मैं जानना चाहता हूँ कि सत्र मंत्रियों के सम्मेलन में जो यह निर्णय किया गया कि देश में अधिक भ्रष्ट उपजाया जाये, तो इस सम्बन्ध में सरकार क्या कार्यवाही कर रही है ?

Mr. Speaker: Even that is irrelevant. (Interruptions). Order, order. The hon. Members know as much English as I know. It is a simple question whether all the States were represented at the Agriculture Ministers' Conference. We do not go further. We do not go into the details of the Conference or what exactly they decided; that is not relevant to this question. It may be good but it does not arise out of this question. Next question. We have as many as 64 questions today.

#### Interest on Loans to Shipping Companies

\*1142. Shri Jhulan Sinha: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the rate of interest on loans to the Shipping Companies has been raised very considerably; and

(b) if so, the reasons thereof and the effect on the progress of disbursement of loans for purposes of developing shipping?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur). (a) No, Sir.

(b) Does not arise.

Shri Jhulan Sinha: May I enquire if it is a fact that the slow progress of development of shipping in this country is due to the inadequacy in the meeting of the needs of the shipping industry in the country?

Shri Raj Bahadur: Our developmental needs are essentially governed and controlled by the financial resources that we have got at our disposal.

Shri Jhulan Sinha: What I wanted to know was whether the inadequacy of the resources available privately to the shipping industry is not to be augmented by the resources from the Government. Does the Government realise the importance of this industry?

Shri Raj Bahadur: The hon. Member might have read in the papers that a non-lapsable shipping development fund has been created and some new concessional rates of interest have been provided.

Shri E. Ramanathan Chettiar: What is the total amount of loan to the shipping companies?

Shri Raj Bahadur: Rs. 12.50 crores approximately has been sanctioned since the commencement of the Second Plan and the total loan granted during the First Plan period is Rs. 24 crores approximately.

Shri Thirumala Rao: What is the amount invested in this new fund to be created for helping shipping industry—non-lapsable fund?

Shri Raj Bahadur: The fund will have in all about Rs. 50 crores. Rs. 10 crores will be contributed from the Consolidated Fund of India during the years 1957-58, 1958-59, 1959-60 and 1960-61.

Shrimati Lia Faichoudhuri: Is the Government aware that the ship-owners' association is averse to any

foreign capital participating in Indian shipping? In view of that, how much of the freight earnings of shipping is going to be utilised for buying more tonnage?

**Shri Raj Bahadur:** There is a large body of opinion in the Indian shipping interests against foreign participation in Indian shipping. There is a section of opinion however against that too—that means, this latter section favours foreign participation.

### Loans to Jhumias

\*1144. **Shri Dasaratha Deb:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any amount has been given by Government to the jhumias in Tripura this year as loan popularly known as dadan;

(b) if so, the amount distributed so far, family-wise; and

(c) the rate of interest, either per month or per annum for such loan required to be paid to Government?

**The Deputy Minister of Agriculture (Shri M. V. Krishnappa):** (a) Yes

(b) Rs. 1,62,000/- at the maximum rate of Rs. 50/- per family

(c) 4% per annum

**Shri Dasaratha Deb:** Is the Government intending to continue the advancement of such loans for a further year?

**Shri M. V. Krishnappa:** There is a scheme being worked out in the Home Ministry.

**Shri Dasaratha Deb:** May I know whether the Government proposes to advance such loans through co-operative societies or banks?

**Shri M. V. Krishnappa:** It is done both ways—by the Government and through co-operatives also.

### Consumption of Rice

\*1147. **Shri Kumaran:** Will the Minister of Food and Agriculture be

pleased to state whether Government have any scheme to reduce the consumption of rice to the minimum by changing food habits of the people?

**The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):** The consumption of wheat is being encouraged in the rice eating areas by issuing wheat freely in these areas. In Bombay, Calcutta, Madras and other important consuming centres and areas, the quantity of rice supplied to a consumer from Fair Price Shops has been or is being reduced and the deficiency would be made up by supplying wheat. The State Governments have been asked to encourage reduced consumption of rice in all possible ways.

**Shri Kumaran:** May I know whether Government is aware that the Congress party in Kerala is carrying on a vigorous campaign against the State Government's programme for changing the food habits of the people, especially against macaroni and whether this Government has done anything to dissuade their own party men in Kerala from indulging in such ill-advised propaganda?

**Shri A. M. Thomas:** It is the other way, Sir.

**Shri B. S. Murthy:** Sir, on a point of order. How does this question arise—this Government being a party to some negotiation or agitation going on there, and this Government advising the Congress Party there?

**Mr. Speaker:** I understand the point of order. I entirely agree with Shri Murthy. This does not arise out of this question at all. The question is: how far the Governments are carrying on a propaganda in favour of an alternative cereal in place of rice? The hon. Member is giving information to the House that the Kerala Government is doing very good work and that some other Party is obstructing. Are we to go on like this? No. I rule it out.

**Shri Narayanankutty Menon:** May I know whether the Central Government is taking any steps to popularise

macaroni in rice eating areas as a substitute for rice?

**Shri A. M. Thomas:** Some experiments were conducted in Kerala and we have got a report about the results of such experiments. The Central Government is considering it and if it is found advisable, the Central Government would be prepared to assist in the putting up of a plant there.

**The Minister of Food and Agriculture (Shri A. P. Jain):** The Central Government has given a little subsidy in popularising macaroni.

**Dr. Sushila Nayar:** The hon. Minister stated that efforts are being made to educate the people in change of food habits and eating non-cereal foods or other cereals instead of rice. The Women's Food Council was created for that purpose. Is it correct that the Central Government has stopped giving all assistance to the Women's Food Council and, if so, does not Government think it desirable that non-official organisations should also take up this work of educating public opinion?

**Shri A. P. Jain:** I quite agree that non-official assistance should be taken, and non-officials should do whatever they possibly can. We want to seek their co-operation. But, so far as the stopping of assistance to this particular body is concerned, the decision was taken sometime ago, and after taking into account all the facts.

**Shri C. R. Pattabhi Raman:** Are the Government taking steps in the matter of publicity so far as wheat dishes are concerned especially in South India?

**Shri A. M. Thomas:** The Government are taking necessary steps. The Central Government has issued a circular to various State Governments to popularise other cereals food, mainly wheat dishes, and the State Governments are trying their level best to see that wheat dishes and other non-rice dishes are popularised.

**Shri Thirumala Rao:** Is it a fact that there is general resistance by all

people in Kerala irrespective of political opinions, to substitute Macaroni for rice and, therefore, the Kerala Government is pressing for more rice from the Central Government?

**Shri A. M. Thomas:** It is again a matter of opinion, Sir. In fact, Kerala is rather unwilling to take any other substitute food other than rice; that is a fact.

**Shri Punnoose:** Am I to understand from the Deputy Minister's reply that the scheme for starting the macaroni plant is not yet finalised?

श्री म० सा० द्विवेदी : सरकार ने जो चावल कम खाने की नीति अपनाई है, और इस सम्बन्ध में जो पत्र जारी किये हैं, मैं जानना चाहता हूँ कि केन्द्रीय सरकार ने और सूबे की सरकारों ने उस पर क्या प्रयत्न किया है और उस का क्या फल हुआ ?

श्री प्र० प्र० जैन : यह तो इस प्रश्न के उत्तर में ही बता दिया गया है कि इस बारे में क्या किया जा रहा है ।

श्री म० सा० द्विवेदी : आपने यह नहीं बताया कि केन्द्रीय सरकार ने जो कदम उठाये हैं उन के फलस्वरूप कितना चावल बचाया गया और सूबों में उस के सम्बन्ध में क्या किया जा रहा है ।

श्री प्र० प्र० जैन : यह कहना बड़ा मुश्किल है कि कितना चावल बचाया जा रहा है ।

#### Second Ship Building Yard

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\*1149. { Shri Vasudevan Nair:  
Shri Raghunath Singh:  
Shri Vajpayee:  
Shri Mohan Swarup:

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

(a) whether the U.K. Mission that is to make recommendations about the location of the Second Ship-building Yard is visiting all the places visited by the original team of British experts;

(b) if not, the name of the places left out; and

(c) the time by which Government expect the mission to submit its final report?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No.

(b) Paradip, Tuticorin, Mangalore and Bhatkal.

(c) By the end of March, 1958.

Shri Vasudevan Nair: I would like to know whether the original team submitted any specific recommendations or they only furnished general information to the team that came later?

Shri Raj Bahadur: The advance team that came only collected data for the use of the full Mission that came subsequently, and it was in the nature of that particular work that the advance team went round.

Shri Narayanankutty Menon: May I know when the Government expects the final team to submit its report on this?

Shri Raj Bahadur: I have already stated, by March, 1958.

Shri E. Ramanathan Chettiar: May I know the reason why Tuticorin was left out

Shri Raj Bahadur: I think this was explained by the mission itself, perhaps at a Press conference. They said that it was not a question of exclusion on particular site. The Mission have full data available with them with regard to the sites and, consequently the sites proposed to be visited on the present occasion would be only those in respect of which the data available with the Mission was not complete, or in respect of which they required verification of the existing data by a further inspection.

Shri Josephin Alva: Is it not true that, both in the opinion of the Government and in the opinion of the first advance party of the Mission, Kar-

war has been considered a most suitable site from all points of view?

Shri Raj Bahadur: If I attempt a reply to this question, I may perhaps forestall the judgment or the finding of the Mission.

Shri Achar: May I know why Bhatkal was left out?

Shri Raj Bahadur: I have already said that nothing was left out, but that they did not have data in regard to some.

Shri Surendranath Dwivedy: In reply to part (b) of the question it has been said that Paradip was one of the places left out. May I know why even for the visit of the team these places were left out?

Shri Raj Bahadur: While it may be physically possible or conversely may not be impossible to establish a shipyard at any one of these places, what the Mission is charged with is to recommend a particular site which should be the best taking all the facts into consideration, and I think we shall have to await their report and their recommendations on this point.

यमुना बाजार, दिल्ली की गन्दी बस्ती  
को हटाना

\*११५०. श्री नवल प्रसाकर : क्या  
स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली  
हम्ब्रबैंट ट्रस्ट ने दिल्ली के यमुना बाजार  
की गन्दी बस्ती को हटाने का विचार त्याग  
दिया है ; और

(ख) यदि हां, तो इसके क्या कारण  
हैं ?

स्वास्थ्य मंत्री (जी करमरकर) : (क)  
जी नहीं ।

(ख) प्रश्न नहीं उत्तरा ।

श्री नवल प्रसाकर : क्या मैं काम सफाई  
हूँ कि जो रिंग रोड बन रही है वह इन मोर्चों  
के न उठने के कारण रुकी हुई है ?

श्री करमरकर : कई लोग ऐसे हैं जो वहाँ से नहीं उठ रहे हैं, और हम सोच रहे हैं कि उन के उठाने का क्या उपाय किया जाये।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि यमुना बाजार में कितने परिवार रहते थे और कितनों को आप ने उठाया है ?

श्री करमरकर : आज तक हमारे पास जो संख्या है उस के अनुसार ६५० फॅमिलीज कोलीकरी और मिलमिल या ताहरपुर में सब को मिला कर की गई है।

श्री न० ला० द्विवेदी : क्या मैं जान सकता हूँ कि यमुना स्लम एरिया के जिन लोगों को कोलीकरी आदि स्थानों में बसाया गया है, उन के लिये बिजली पानी और डाक आदि की साधारण सुविधाओं के लिये क्या किया गया है ?

श्री करमरकर : डाक की सुविधाओं के लिये तो डाक मंत्री से पूछना चाहिये, पानी और बिजली आदि के लिये जो कोशिश हो सकती है वह की जा रही है।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि शाहदरा के पास मिलमिल ताहरपुर में जहाँ इन परिवारों को बसाया गया है वहाँ का पानी बहुत खराब होने के कारण बहुत से लोग फिर अपनी जगहों को वापस आ रहे हैं ?

श्री करमरकर : जी हा, पिछले हफ्ते रिपोर्ट आई है कि वहाँ का पानी कुछ खराब है और उस के बारे में हम सोच रहे हैं।

#### Posts and Telegraphs Employees

\*1152. **Shri Viswanatha Reddy:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the cases of all the political sufferers in the Posts and Telegraphs Department who were dismissed prior to independence for patriotic activities have been considered;

(b) if so, whether all of them have been re-employed;

(c) whether their scales of pay have been altered;

(d) whether any further representations have been made in this connection; and

(e) if so, the decisions taken thereon?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) Yes, of all those who applied for re-employment.

(b) 24 persons applied for re-employment out of whom one was found ineligible for the concessions announced and 23 were offered re-employment. 20 have accepted re-employment and 3 did not accept.

(c) Their scales of pay have not been altered except to their advantage based on the recommendations of the Central Pay Commission in 1947.

(d) No.

(e) Does not arise.

**Shri Viswanatha Reddy:** May I know whether a distinction between re-employment and reinstatement has been made in the matter of giving jobs to these patriots and, if so, may I know what were the reason for making this distinction?

**Shri Raj Bahadur:** It is a fact that they were offered re-employment and were not reinstated. The reasons therefor should be asked from the Ministry of Home Affairs. So far as other questions are concerned, pertaining to the counting of past service, pensions, seniority leave, confirmation and promotion, some concessions have been made in these matters for them.

**Shri Viswanatha Reddy:** May I know whether those people who have been re-employed, at least some of them, are getting lower scales of pay than they would have been getting if they had served in the time-scale, on the ground that the post itself was downgraded since independence?

**Shri Raj Bahadur:** That may be true of a particular case which the hon. Member might have in view but, by and large, they have benefited by the upgrading of scales of pay as a result of the acceptance of the recommendations of the first Pay Commission, and also because of the concessions given to them in respect of seniority, standing in service and other things.

**Shri T. N. Singh:** May I know whether re-employment has not made a break in their services, whereas if they had been reinstated the continuity of service would have been maintained and they would have got certain benefits which they are not getting now?

**Shri Raj Bahadur:** The inference is correct, that by reinstatement they would have been entitled to more privileges, advantages and benefits than by being merely re-employed.

**Shri T. N. Singh:** Is it not true that in many other cases where political sufferers were similarly treated they have got a better treatment, at least in the States where they have been actually reinstated instead of being re-employed?

**Shri Raj Bahadur:** I take the information

consideration and they will not be treated merely as re-employed officers?

**Shri Raj Bahadur:** I have given the information that concessions have been given by the Government from time to time, as for example counting of past service, seniority, leave etc. Counting of past service means counting for pension too.

**Shri Viswanatha Reddy:** May I know whether any cases in which adverse effect has been noticed have been brought to the notice of the Government and, if so, whether any action has been taken in that respect?

**Shri Raj Bahadur:** At present I am told there are no representations pending.

**Shri Thimmalah:** May I know whether there is any uniform policy while appointing these dismissed patriots? Is it different from Ministry to Ministry in respect of these cases?

**Shri Raj Bahadur:** No, Sir. The policy is laid down by the Ministry of Home Affairs and we follow the instructions which are given to us by them.

#### Dum Dum Aerodrome

\*1156. **Shri Biren Roy:** Will the Minister of Transport and Communications be pleased to state:

(a) the stage at which the plans now are for the lengthening and modernisation of at least one runway at Dum Dum to take fast jet engined transport aircraft to be introduced in World air-routes from 1960; and

(b) whether the runway would be lengthened upto 3300 metres, the ICAO standard?

The Minister of State in the Ministry of Transport and Communications (**Shri Raj Bahadur**): (a) and (b). The question whether a runway at Dum Dum Airport should be lengthened by 1960 to provide for Jet operations is still under consideration.

**Shri Biren Roy:** In view of the fact that 17 international airlines are

श्री भक्त दर्शन : श्रीमान्, इन कर्मचारियों को राजनैतिक पीड़ित करार दे दिया गया है। इसलिये क्या गवर्नमेंट इस सुझाव पर विचार कर रही है, या करेगी, कि कम से कम उन दिनों की सेवा मान ली जाये, जिन दिनों का वेतन उन को नहीं मिला है ताकि उन की सीनियोरिटी में बाधा न पड़े ?

श्री राज बहादुर : जहाँ तक पिछली सविस की गणना का सम्बन्ध है, सीनियोरिटी आदि का सम्बन्ध है, इन प्रश्नों पर कुछ क्लेयरिफिकेशन दिया गया है, जो कि उन के अनुकूल है।

**Shri B. S. Murthy:** May I know whether in computing the pension their full service would be taken into

working there, of which five will be using jet planes by 1980, including the Air India International, will the Government consider that one runway at least is lengthened according to ICAO standard by 1980?

**Shri Raj Bahadur:** While I repeat my answer, I may add that so far as this particular point is concerned, we may have to suitably regulate the halts or stoppage of the jet aircrafts, the arrival of which will be only in limited numbers in the preliminary stages.

**Shri Biren Roy:** In view of the fact that five jet airlines including our own Air India International will be.....

**Mr. Speaker:** I find the hon. Member is arguing. It is only a question of argument. The hon. Member is giving reasons.

**Shri Biren Roy:** My question is this. If Dum Dum is going to be left out completely from the international air route.....

**Mr. Speaker:** He has not said so

**Shri Raj Bahadur:** I did not say that Dum Dum will be left out. I said that the matter is under consideration. The programme for the development of the runway to the required length depends upon the finances available with us.

**Shri Joachim Alva:** Has Government got a plan by which they could bring the Bombay, Calcutta and Delhi airports on one uniform standard, namely, to the requirements of the ICAO standard?

**Shri Raj Bahadur:** So far as the ICAO standards for other types of aircrafts are concerned, I think they are already there. But the question is about the jet aircraft. We would very much like to have each one of these airports conform to the requirements of the jet age.

## Yamuna Hydrel Project

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\*1157. { **Shri S. M. Banerjee:**  
          **Shri Tangamani:**  
          **Shri Sarja Pandey:**

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

(a) whether the work on Yamuna Hydrel Project has been suspended at the instance of the Planning Commission;

(b) if so, whether the U.P. Government have approached for financial aid; and

(c) if so, what aid is being given for the completion of this project?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) The Yamuna Hydrel Project consists of two parts—stage I and stage II. The work on Stage I has been suspended and it has been decided to take up work on Stage II.

(b) and (c). The Government of Uttar Pradesh approached the Planning Commission for a loan of Rs. 68 lakhs for this scheme (stage I) during the current year. This amount was not granted as the scheme has not yet been approved by the Advisory Committee on Irrigation and Power Projects.

**Shri S. M. Banerjee:** May I know whether the foundation-stone of this project was laid in 1949 by the Prime Minister and, if so, may I know the reasons for the abnormal delay in its completion?

**Shri S. K. Patil:** There are some difficulties so far as project No. II is concerned, because some shrines are going to be submerged. Naturally, it is a matter which takes time.

**Shri T. N. Singh:** May I know whether it is a fact that the Central Government's Irrigation Department had asked the Uttar Pradesh Government to get the whole project prepared through Punjab and that their project was not to be considered? Is that so?

**Shri S. K. Patil:** It is not the point as to which Government prepared the project. But, so far as the first stage was concerned, the work is suspended. The question is about both the first and the second stages. It has to be ruled out, because if the second one is taken up, the first gets entirely submerged.

**Shri T. N. Singh:** I am referring to the second project.

**Shri S. K. Patil:** It is not a question as to who prepared the project. It is under consideration because of the difficulties that I have mentioned.

**Shri Tyagi:** May I know whether as a result of the second project—it is known as the second—the holy alkh shrine of Paonta Sahab will be submerged by about 250 feet?

**Shri S. K. Patil:** That is a fact but I cannot vouch for the number of feet.

**Shri Tyagi:** May I know the extent of the agricultural fields in the Dehra Dun district and in Himachal Pradesh that will be submerged under water?

**Shri S. K. Patil:** We shall know it after the survey is completed. I have no information about it just now.

### गोसदन

\*११६०. श्री मोहन स्वराज : क्या सास तथा कृषि मंत्री यह बताने की कृपा करेंगे कि

(क) देश भर में राज्यवार गोसदनो की संख्या कितनी है ;

(ख) उन गोसदनो में कुल कितने पशु हैं ; और

(ग) सरकार उन पर प्रति वर्ष कितना व्यय करती है ?

कृषि उपमंत्री (श्री मो० बें० कुम्हण्णा) :  
(क) के (ग) सभा की टेबिल पर एक निबन्ध रख दिया गया है। [देखिये परिशिष्ट ४, अर्धवार्षिक संख्या ४२]।

श्री मोहन स्वराज : मैं यह जानना चाहता था कि क्या इन गो सदनो में जो पशु बीमार हैं और बेकार हैं उनकी वास्तव में सेवा हो रही है ?

**Mr. Speaker:** Order, order. What is the meaning of this insinuation? In fact these Gosadans are meant to take care of these cattle. The bimar of the cattle is attended to. But why should the hon. Member ask whether it is true or whether treatment is being given in right earnest? Why does he ask whether 'in earnest' it is being attended to? I will not allow such questions. Is it for the purpose of killing that the Gosadans are established?

**Shri Surendranath Dwivedy:** He wanted to know whether any step or action is being taken.

**Mr. Speaker:** How many are ill, how many have been attended to and how many have died? That appears to be the question.

**Shri Surendranath Dwivedy:** He wants the actual fact.

**Mr. Speaker:** "Are they being really attended to" is the question. Will the Minister accept it?

**Shri Surendranath Dwivedy:** The actual question was .

**Mr. Speaker:** The hon. Members are sometimes prompted, in their enthusiasm to put questions, to criticise the Government. Well, I have no objection, but they might criticise the Government in a proper manner. But they should not take advantage of each question and use the House for the purpose of making insinuations. What exactly is the Gosadan for, unless it is for the purpose of taking care of the cattle? If the hon. Member wants to force the opinion and then convert the House here, there are other opportunities. He can only put a question and elicit an answer: how many have fallen ill, how many have been taken care of or how many have died etc

**Shri Mohan Swarup:** I wanted to know whether the purpose is actually served or not. That was my point

**Mr Speaker:** It is served. What else will he say? What is the answer that he expects?

**श्री म० मो० द्विवेदी :** मैं यह जानना चाहता हूँ कि इन गोसदनो के लिये सेवा अधिकारियों के लिये कितनी धनराशि सरकार ने प्रतिवर्ष मुकर्रर की है ?

**श्री मो० वें० कृष्णप्पा :** दूसरी पंचवर्षीय योजना की अवधि में ६० गोसदन स्थापित करने की योजना है। इस के वास्ते इस साल में ६ लाख रुपया दिया गया है।

**Shri Rameshwar Tanti:** Has there been any increase in the supply of milk?

**Shri M V Krishnappa:** No, Sir. We take them as unproductive and useless. Cattle which might die come to the Gosadans and milk is taken from such cattle as will continue in milk. Otherwise, we do not take these cattle to the Gosadans for milk.

**मण्डुग्राडीह रेलवे वर्कशॉप**

\*११६२ श्री सरजू पांडे क्या रेलवे मंत्री २८ मई, १९५७ के ताराकित प्रश्न संख्या ४७७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि

(क) मण्डुग्राडीह रेलवे वर्कशॉप के लिये जो ३५० एकड़ भूमि ली जा रही है उसका कितने किसान परिवारों पर प्रभाव पड़ेगा

(ख) क्या उस क्षेत्र के किसानों ने वह अभ्यावेदन किया है कि उक्त भूमि न ली जाये,

(ग) क्या उन्होंने कोई अन्य भूमि लिये जाने के बारे में सुझाव दिया है; और

(घ) यदि हाँ, तो सरकार ने इस सम्बन्ध में क्या कार्यवाही की है ?

**रेलवे उपमंत्री ( श्री शाहनवाज़ खाँ ) .**

(क) यह मालूम नहीं है कि जमीन लेने से कितने किसान परिवारों पर प्रभाव पड़ेगा। लेकिन जिन लोगों के नाम में यह जमीन है और इसे लेने के लिये जिनको नोटिस दिये गये हैं उनकी तादाद ५७८ है।

(ख) १ हा।

(ग) जी हा।

(घ) कारखाना कहा बनाया जाये, इसके सभी पहलुओं पर विचार करने के बाद यह फैसला किया गया कि कारखाना मण्डुग्राडीह के पास बनना चाहिये। इस काम के लिये जितनी जमीन की जरूरत है उसका ज्यादातर हिस्सा लिया जा चुका है।

**श्री सरजू पांडे** किसानों के डपुटेगन की तरफ से जिस दूसरी जमीन को लेने का सुझाव दिया गया था, उस जमीन को लेने में सरकार को क्या आपत्ति है ?

**श्री शाहनवाज़ खाँ** कोई बड़ा कारखाना लगाने के लिये हमें इंजीनियर्स और माड्रियन की राय पर चलना पड़ता है, न कि किसानों की राय पर।

**श्री सरजू पांडे** क्या यह सत्य है कि जिस जमीन को लेने के लिये किसानों की तरफ से सुझाव दिया गया था, उस पर इंजीनियरों को कोई आपत्ति नहीं थी, लेकिन चूंकि वह जमीन किसी बहुत बड़े आदमी की है और उत्तर प्रदेश के किसी मिनिस्टर को उस पर आपत्ति थी, इसलिये वह नहीं ली गई ?

**Mr. Speaker:** Order, order. The hon. Member is arguing; he is giving reasons as to why it ought not to have been taken.

राधा बड़ेका प्रभाव : जब यह है कि कुंकि इस तरह बहुत जमीन ली जा रही है, मैं पूछना चाहता हूँ कि क्या प्राप इस बात का इंतजाम कर रहे हैं कि वेस्तर इसके कि लोगों से जमीन ली जाये, उन को कोई धौर जमीन दे दी जाये। अगर ऐसा किया जाये, तो कोई हर्ज नहीं है। फिर चाहे जितनी जमीन ली जाये। प्राप जो जमीन ले रहे हैं, क्या उन लोगों को किसी धौर जगह जमीन देने का इन्तजाम कर दिया गया है या नहीं ?

जन्मका बहुबोध : इतना प्रार्थुमेंट क्यों ?

श्री शाहनवाज खाँ : जमीन जो ली जाती है, वह प्रान्तीय सरकार के जरिये एक्वायर की जाती है और उस के मुआविजे में लोगों को जमीन मिलती है या न नहीं, यह तो प्रान्तीय सरकार ही फैसला कर सकती है।

#### Bridge near Mukerian Railway Station

\*1163. **Shri Daljit Singh:** Will the Minister of Railways be pleased to state:

(a) whether Government have received any representation regarding the construction of a railway bridge near Mukerian railway station on Jullundur-Pathankot line; and

(b) if so, the action Government propose to take in this regard?

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

(b) It has been tentatively decided by the Railway to provide an opening at mile 44/13-14, near Mukerian. The size of the opening is still under investigation.

**Shri Daljit Singh:** May I know whether it is a fact that foodgrains of the Mukerian grain market are destroyed yearly by water blocked by the railway line in rainy season?

**Shri Shahnawaz Khan:** It was represented to us in October last by

**Shri Hem Raj M.P.** that certain stocks of foodgrains were damaged as a result of water-logging in the area. The railways have taken up that matter and we have decided to have an opening under the Railway line.

**Shri Hem Raj:** May I know by what time the work will be completed?

**Shri Shahnawaz Khan:** I hope it will be completed very soon.

#### Master Plan for Control of Brahmaputra Floods

\*1167. **Shri Hem Barua:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether there is a Master Plan to permanently combat Brahmaputra floods; and

(b) if so, the progress made so far in the work?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) and (b). A statement giving the requisite information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 43].

**Shri Hem Barua:** From the statement it is evident that the State Government has submitted a plan for short-term measures. May I know if the short-term measures constitute a proposal to construct dykes along the Brahmaputra and remodel the existing Sub-standard dykes?

**Shri S. K. Patil:** The short-term measures are under consideration and its full report has not come to me. Therefore, I am not in a position to say whether it is included.

**Shri Hem Barua:** From the statement it is evident that the Central Water and Power Commission is offering technical assistance in this matter. May I know if the C.W. P.C. has made any survey of the Assam rivers and if so, what are the results?

**Mr. Speaker:** Of all the Assam rivers?

**Shri Hem Barua:** Yes.

**Shri S. K. Patil:** First the outline plan is to be prepared by the State Government and then it comes to the C.W.P.C. Therefore, both the short-term and long-term measures are under investigation of the State Government. When their enquiries are finished and the surveys are sent, then comes in the Central Water and Power Commission.

**Shri Hem Barua rose—**

**Mr. Speaker:** The hon. Member is putting general questions.

**Shri Hem Barua:** It is a particular question, Sir. This is Brahmaputra, not putri. The Brahmaputra is male river and therefore, there will be too many supplementaries.

May I know the amount of money allocated for flood-control in Assam under the Second Five Year Plan?

**Shri S. K. Patil:** Rs. 11,89,00,000. We have given sufficient importance to that; there is the Brahmaputra River Commission looking after it.

**हिमाचल प्रदेश में आलू के बीज**

\*११६८. श्री एचम देव : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में इस वर्ष कितना आलू का बीज बिना बिका पड़ा है ;

(ख) इस के न बिकने के क्या कारण हैं ;

(ग) किसानों को इससे कितनी हानि हुई है ; और

(घ) इस सम्बन्ध में सरकार द्वारा क्या कार्यवाही की जा रही है ?

**कृषि उपमंत्री (श्री मो० ब० कृष्णन्ना) :**

(क) से (घ). सभा की टेबिल पर एक विवरण रख दिया गया है। [देखिये परिशिष्ट ४, अनुसूच संख्या ४४]

**श्री एचम देव :** आलू की कमी की वर्तमान अवस्था के होते हुए, इस समय बर्फ के गिरने से वहाँ पर जो तकरोबन तीस हज़ार बोरी आलू की सड़ जायेंगी, उन के उठाने के सम्बन्ध में क्या सरकार कुछ विचार कर रही है ?

**Shri M. V. Krishnappa:** We are expediting measures to dispose of this potato which has remained unsold in Himachal Pradesh. We are contacting consuming States like West Bengal and other States to see that this potato is taken as early as possible. We are asking the Railway Ministry also to expedite the wagon-supply.

**श्री एचम देव :** अगर इस का प्रबन्ध नहीं होता है, तो क्या सरकार इन सारे प्राइवेट्स को किसी कोल्ड-स्टोरेज में रखने का प्रबन्ध करेगी ?

**श्री मो० ब० कृष्णन्ना :** कोल्ड-स्टोरेज तो हिमाचल प्रदेश में नहीं है। वहाँ पर बर्फ गिरने से, इसलिये वहाँ पर नेचुरल कोल्ड-स्टोरेज है। इसलिये इन को नीचे ला कर कलकत्ता में रखना पड़ेगा।

**Shri Tyagi:** Are the Government considering the proposal of reducing the freight-rate on the railway? From Kalka to Simla, at present the freight-rate is 300 per cent, the rate in other places.

**Shri M. V. Krishnappa:** The question may be addressed to the Railway Ministry.

**Shri Tyagi:** I want to know if the Food Ministry has made any proposal to the Railway Ministry to reduce the freight-rate on potato particularly, so that the extra potato can come into the market?

**Mr. Speaker:** Is it one of the measures adopted by the Food Ministry for expediting the export of this potato?

**Shri M. V. Krishnappa:** No; I want notice.

**Shri S. C. Samanta:** May I know whether the hon. Minister has received any representation from the West Bengal seed users that the seed potato that is available in the country takes more time than the seed that is brought from Rangoon?

**Shri M. V. Krishnappa:** They wanted seed potato from Burma. We examined the matter and it was felt that because of the tight foreign exchange situation, we must make use of the indigenous seed potato as far as possible.

**The Minister of Food and Agriculture (Shri A. P. Jain):** We consulted our experts and we were advised that the contention of the potato seed merchants of West Bengal was not correct. Indian seed was good as the Burmese seed.

**Shrimati Da Palchoudhuri:** Considering the fact that the time for planting potato in West Bengal is practically over immediately after Diwali, now that this potato is going to be sent to West Bengal, is there any plan to conserve it by cold storage methods, so that it may be possible to plant it with effect?

**Shri M. V. Krishnappa:** Whatever potato we send after the sowing period is meant for table purposes.

### Third Class Passengers' Amenities Committee

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\*1169. { **Shri D. C. Sharma:**  
**Shri T. B. Vittal Rao:**

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 951 on the 17th August, 1957 regarding the Third Class Passengers' Amenities Committee and state:

(a) whether Government have since received the report of the Committee;

(b) if so, how many of the recommendations therein have been implemented; and

(c) how many are yet to be implemented?

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

(b) and (c). The Committee have made 15 major recommendations. These have been accepted by the Board and orders have been issued to Railways to implement them.

**Shri B. S. Murthy:** May I know how many minor recommendations have been made?

**Mr. Speaker:** The Question Hour is over.

**The Minister of Irrigation and Power (Shri S. K. Patil):** In answer to a supplementary to S.Q. No. 1167 about the allotment of money in the Second Five Year Plan I said that the amount is Rs. 11 crores. But the correct amount is Rs. 7 crores. I want that correction to be made.

### SHORT NOTICE QUESTION AND ANSWER

#### Theft in Lucknow Mail

**S. N. Q. No. 5. Shrimati Da Palchoudhuri:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that an American lady who was travelling by the 30 Down Lucknow Mail from Delhi to Lucknow in a Ladies' reserved compartment all alone, on the night of November, 23, 1957, was robbed of her money and a few other belongings, and was also severely beaten and injured;

(b) whether it is also a fact that the lady passenger reported the matter to Railway authorities at Kafurpur Railway Station, on the Northern Railway;

(c) if so, the details of the action taken so far in the matter; and

(d) the steps Government propose to take in future to ensure safety of unescorted women passengers?

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

(b) She did not make any report at Kafurpur where there is no stoppage of the train. She reported the matter at the Government Railway Police Station, Moradabad.

(c) A case under section 392 I.P.C. has been registered and its investigation has been taken up by the Government Railway Police, Moradabad.

(d) Central Government have already taken the following steps within the competence of the Railway Ministry to ensure safety of all women passengers travelling by train:—

(i) a separate compartment for ladies is reserved on all important trains.

(ii) safety catches have been provided on all doors inside the Railway compartment of 1st class.

(iii) shutters have been protected by providing iron bars and latches.

(iv) alarm chains have been fixed in every compartment.

(v) Guards of trains and Conductor Guards are required to keep whatever watch they can at all halting stations.

(vi) Police guards are provided to escort important trains during night.

This is essentially a law and order problem within the competence of the State Governments and Railway Ministry cannot do anything more.

**Shrimati Na Palchoudhuri:** The gentlemen in the next compartment also affirmed the fact that the dacoit or marauder, whoever it was, has not been able to jump off the train. May I know why, in spite of the lady saying that she might have been able to identify the man, no attempt was made to search the train?

**Shri Shah nawas Khan:** When the lady reported the matter to the police, they immediately tried to look for the person. But they could not find him.

**Shri Sinhasan Singh:** Has the lady mentioned in the statement how the man got into the compartment?

**Shri Shah nawas Khan:** It appears that one of the doors was left open and the catches were not applied from inside. According to the lady's own statement, she was under the impression that her husband, who had come to the station to see her off, had applied the safety catch of one of the doors that was left open.

**Shri M. L. Dwivedy:** How can he apply that?

**Shri Sinhasan Singh:** How can the husband do that from outside?

**Mr. Speaker:** It was her impression.

**Dr. Sushila Nayar:** The hon. Minister has stated that ladies compartments are attached to important trains. I would like to know what are these important trains and whether the hon. Minister would consider issuing orders for attaching ladies compartments in every train, because ladies are very greatly inconvenienced for lack of ladies compartments in many trains.

**Mr. Speaker:** We are going away from one question to another question.

**Shrimati Parvathi Krishnan:** Recently there have been a large number of robberies on running trains and there have been complaints that the catches that are provided are most ineffective and, therefore, the dacoits are able to open them from outside. In view of that, has the Ministry considered the question of taking some action in the matter?

**Shri Shah nawas Khan:** We are taking every precaution that is possible, to provide safety, not only to lady passengers, but to all passengers. There had been cases where lady passengers have been assaulted and in some cases it has come to light

that these robbers, or whatever they are, hide underneath the berth and come out at night.

**Shrimati Parvathi Krishnan:** He has not answered my question.

**Mr. Speaker:** He has stated that every action is being taken.

**Shrimati Ha Palchoudhuri:** Considering the fact that this particular lady was beaten severely when she tried to pull the chain, or thought of pulling the chain or even when she looked at the chain, would it not be possible in the ladies compartment to have the chain near the seat so that it could be pulled easily?

**Shri Shah nawas Khan:** The alarm chain is situated very conveniently. If any person wants to pull it, it can be pulled easily from the place where it is situated at present.

**Shri Joachim Alva:** Are Government aware of cases that are not reported to the police, wherein passengers are molested or robbed, and the passengers are afraid to go to the police because they are long distance passengers and so they will be greatly inconvenienced if they report the matter to the police and, if so, has the Government instructed the railway prosecutors to speed up such cases so that the passengers may be enabled to record their evidence without any delay?

**Shri Shah nawas Khan:** We are not aware of any such cases.

**Kumari M. Vedakumari:** May I know whether Government have any proposal to have women conductors in the long distance trains to look after the comforts of the lady passengers?

**Mr. Speaker:** We are proceeding from safety to convenience.

**Shri Shah nawas Khan:** We have no such proposal at present.

## WRITTEN ANSWERS TO QUESTIONS

### Foodgrain Prices

\*1126-A. { **Shri Shree Narayan Das:**  
**Shri Radha Raman:**

Will the Minister of Food and Agriculture be pleased to lay a statement on the Table showing prices of foodgrains at present in important market centres of different States giving retail prices also and state;

(a) the extent of seizure of foodgrains by the Centre or various States under powers given by the Essential Commodities Act; and

(b) the total quantity of foodgrains supplied during the year to various States and the extent to which they met their demands?

**The Minister of Food and Agriculture (Shri A. P. Jain):** A statement is laid on the Table of the Sabha showing present whole-sale prices of foodgrains in certain important centres. [See Appendix IV, annexure No. 45.] Retail prices are not readily available.

(a) Under the Essential Commodities Act about 83,000 tons of foodgrains have so far been requisitioned by the Central and State Governments.

(b) About 27,42,000 tons of foodgrains were supplied to various States up to the end of November to meet their reasonable demands in full.

### Guna-Ujjain Rail Link

\*1129. **Shri T. B. Vittal Rao:** Will the Minister of Railways be pleased to refer to his reply to the half-an-hour discussion held on the 24th August, 1957 regarding Guna-Ujjain Rail Link and state:

(a) whether the traffic and engineering survey reports of the Guna-Ujjain rail link have since been received and examined by the Railway Board;

(b) if so, the nature of the decision arrived at; and

(c) whether any estimates for the link has been worked out?

**The Deputy Minister of Railways (Shri Shah nawas Khan):** (a) Reports have just been received. These are yet to be examined.

(b) Does not arise.

(c) Yes Sir.

#### **Pothundi Scheme, Kerala**

**\*1124. Shri L. Eacharan:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Kerala Government have recommended the 'Pothundi' Scheme in Chittor taluk for inclusion in the Second Plan; and

(b) if so, what is the priority given to this scheme?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) Yes, Sir.

(b) The matter is under examination in the Planning Commission.

#### **"No Man's Land" Situation in Delhi**

**\*1125. Shri Heda:** Will the Minister of Health be pleased to state:

(a) whether the Delhi Municipal Committee passed unanimously a resolution on the 25th September, 1957 urging Government to end 'no man's land' situation in Delhi;

(b) if so, what consideration it received from Government; and

(c) whether Government propose to distribute powers between the Delhi Municipal Committee and Delhi Development Provisional Authority *de novo*?

**The Minister of Health (Shri Kar-markar):** (a) Yes Sir.

(b) To get over this situation, the Delhi Development (Provisional) Authority with the approval of the

Government of India and in consultation with the Delhi Municipal Committee issued a notification authorising the Delhi Municipal Committee to sanction building plans in "controlled" areas falling in the jurisdiction of the Delhi Municipal Committee, on the 24th September, 1957.

(c) No Sir.

#### **U. S. Aid for Malaria Control Programme**

**\*1126. Shri A. S. Salgal:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that U.S. may participate in India's scheme for converting the Malaria Control Programme into an Eradication Programme;

(b) what progress has been achieved in the Eradication Programme so far; and

(c) whether Government is going to take any other steps towards Malaria Control Programme?

**The Minister of Health (Shri Kar-markar):** (a) Yes, Sir.

(b) The Government of India have decided to start the Eradication Programme from the 1st April, 1958. The State Governments have been informed of the Government of India's decision. An agreement has been signed by the Technical Cooperation Administration and the Government of India according to which an assistance of 38.4 million will be given to India during the next three years.

(c) No, Sir.

#### **Export of Foodgrains**

**\*1128. Shri Raghunath Singh:** Will the Minister of Food and Agriculture be pleased to state how many States have banned the export of foodgrains from their areas at present?

**The Minister of Food and Agriculture (Shri A. P. Jain):** A statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure, No. 46]

**Small Savings Drive in Community Development and N.E.S. Blocks**

\*1139. Pandit D. N. Tiwary: Will the Minister of Community Development be pleased to state:

(a) whether any steps have been taken to intensify small savings drive in the Community Development and N.E.S. Blocks; and

(b) if so, the details of the steps taken and the results achieved so far?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) The State Governments have been advised to launch Small Savings drive in at least one block in each district and establish two to four pilot projects in selected development blocks for intensive drive. Besides the block staff including V.L.W's have been actively associated with the National Savings Organisation in propagating the Small Savings drive. It has also been suggested to States that an active sub-committee of the Block Advisory Committee may be constituted for promoting small savings with the S.E.O. of the Block as its Secretary. Comparative assessment of results has not yet been made

**Transport Problem in Himachal Pradesh**

\*1140. Shri Y. S. Parmar: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Himachal Pradesh Government Transport used to charge Rs. 8/2 per mile per local trip but the same has been raised to Rs. 15/- per mile in Saran, District Sirmur;

(b) whether Government are aware that people find it beyond their means to hire vehicles at the above rate and development works are consequently suffering; and

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

The Minister of State in the Ministry of Transport and Communications

(Shri Raj Bahadur): (a) The sum of Rs. 8/2/- mentioned by the Hon'ble Member is not the freight rate per mile. The Himachal Government Transport have since 1955 been charging Rs. 8/2/- for a local trip involving a total run upto 3 miles and there has been no increase in this rate. Freight for distances exceeding 3 miles is realised in accordance with the schedule of freight rates fixed by the Himachal Government Transport.

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

**Cattle census in Manipur**

\*1141. Shri L. Achaw Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount of money sanctioned in 1957-58 for the cattle census work in Manipur;

(b) who are the persons entrusted with the work; and

(c) how much remuneration is given to them individually?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Rs. 20,000/-.

(b) Sub-Divisional Officers have been appointed as Census Officers in respect of their respective Sub-Divisions. The Supervisors and Enumerators for conducting actual census operation have been engaged from amongst the personnel in Government service such as School teachers, Village Level Workers, Field Assistants and Amins. They will carry out the work in addition to their own duties.

(c) An honorarium of Rs. 10/- has been sanctioned for payment to each enumerator as remuneration for the census work.

**Theft in New Delhi Post Office**

\*1143. Shri Tangamani: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that Rs. 8,000 were stolen from the Gole

Post Office, New Delhi on the 6th November, 1957;

(b) the result of investigations; and

(c) the steps Government propose to take for giving extra protection to Postal employees?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) Yes.

(b) Police and Departmental enquiries are still in progress.

(c) Enquiries so far made do not reveal any defect in safety arrangements.

#### **Master Plan for Flood Control in Andhra Pradesh**

**\*1145. Shri Balarama Krishnaiah:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have got a proposal to start with a Master Plan for control of Floods in Andhra Pradesh; and

(b) if so, the amount allotted for the purpose?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) and (b). The Government of Andhra Pradesh have been requested to prepare a Master Plan, which is still awaited. As regards funds, an amount of Rs. 3 crores has been earmarked under the flood control programme in the Second Plan towards financial assistance to the State Government to meet the expenditure on their flood control works.

#### **Sugarcane Crop**

**\*1146. Shri Jadhav:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Soil in Uttar Pradesh, Bihar, and Punjab is not suitable for the Sugarcane crop;

(b) if so, what other profitable money crop can be grown to the benefit of the agriculturists in that area; and

(c) the average yield of sugarcane crop in the above provinces during the last two years?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) No, Sir.

(b) The question hardly arises. The cultivators take to the most economic crop at the time of sowing.

(c) State	1955-56 (Tons per acre)	1956-57 (Tons per acre)
U.P.	10.8	11.4
Bihar	7.7	10.1
Punjab	12.3	11.0

#### **Chambal Valley Hydel Project**

**\*1148. Shri Assar:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Madhya Pradesh and Rajasthan Governments have not been able to arrive at an understanding regarding their respective share of expenditure on the Chambal Valley Hydel Project; and

(b) if so, whether the Union Government propose to take any steps in this regard?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) and (b). The matter is being examined by the Chambal Control Board who are awaiting the views of the Rajasthan Government.

#### **Telegraph Lines in Orissa**

**\*1151. Shri Sanganna:** Will the Minister of Transport and Communications be pleased to refer to the reply given to Starred Question No. 1557 on 6th September, 1957, in respect of the Telegraph lines in Orissa and state:

(a) whether the Government of Orissa as well as the public have since requested the Government of India for the transfer of their lines; and

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

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** (a) Yes.

(b) It has been decided not to disturb the Status quo on administrative and Technical grounds.

#### **Fruit Experimental Station in Punjab**

\*1153. **Sardar Iqbal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government propose to develop the Fruit Experimental Station in Punjab; and

(b) if so, the details thereof?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) and (b). It is proposed to set up three sub-stations for research on different fruits in the Punjab as below:—

(1) Sirsa (Hissar) for citrus and grape.

(2) Kandaghat—peaches, plums and apricot.

(3) Bahadurgarh—Citrus.

#### **Shimsha Hydro-Electric Works, Mysore**

\*1154. **Shri Mohammed Imam:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether he is aware that financial assistance was given to the Government of Mysore for the development of Shimsha Hydro-Electric Works between 1952 and 1954 by the Central Government; and

(b) if so, how this amount was utilised by Mysore Government?

**The Minister of Irrigation and Power (Shri S. K. Patil):** (a) No financial assistance was given specifically for the Shimsha Hydro-Electric Works, but during the years 1951-52 to 1953-54 loans amounting to Rs. 300 lakhs were given to the Government of Mysore for approved Power Projects and schemes, of which Shimsha was one.

(b) An expenditure of Rs. 78,216 only was incurred on preliminary surveys on Shimsha Hydro-Electric Extension Works.

#### **National Extension Service Blocks**

\*1155. **Shri Ghosal:** Will the Minister of Community Development be pleased to state:

(a) whether Government have taken statistics of the average earning of the people covered under the National Extension Service Blocks; and

(b) if so, the average earning of such areas of West Bengal?

**The Minister of Community Development (Shri S. K. Dey):** (a) No.

(b) Does not arise.

#### **Hotel Standards and Rate Structure Committee**

\*1158. **Shri Supakar:** Will the Minister of Transport and Communications be pleased to state the number of meetings held so far by the Hotel Standards and Rate Structure Committee?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** Twenty five.

#### **Amenity Inspectors**

\*1159. { **Shri Rajendra Singh:**  
**Shri Ramji Verma:**

Will the Minister of Railways be pleased to state:

(a) whether Government are aware of the fact that a selection for the posts of Amenity Inspectors was held on the North-Eastern Railway more than a year ago but the results thereof have not yet been announced; and

(b) if so, whether Government propose to expedite the publication of results?

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

(b) No, since the posts have been abolished from 30-11-1957.

### Family Planning

\*1161. **Shri Kalika Singh:** Will the Minister of Health be pleased to state the number of trainees from different States who attended the Training Course conducted at the Family Planning Training and Research Centre, Bombay?

**The Minister of Health (Shri Karmarkar):** A statement giving the requisite information is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 47].

रेलवे बोर्ड में केन्द्रीय अनुसन्धान विभाग

\*११६४. { श्री नरदेव स्नातक :  
श्री ए० ए० तिबारी :

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि .

(क) क्या रेलवे बोर्ड में केन्द्रीय अनुसन्धान विभाग खोला गया है ;

(ख) यदि हां, तो यह कब से कार्य कर रहा है, और इसका व्यौरा क्या है ; और

(ग) इस विभाग के निरीक्षकों का चुनाव किस प्रकार किया जाता है ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :  
(क) जी हा ।

(ख) १२-२-५७ से । इस समय इस संगठन ( organisation ) में एक डिप्टी डाइरेक्टर और १० इंस्पेक्टर हैं ।

(ग) इंस्पेक्टरों की जगहों पर या तो ऐसे रेल कर्मचारी रखे जाते हैं जिन्हें रेल-संचालन ( Railway working ) के मुस्तलिफ पहलुओं का काफी तजुर्बा हो या उनके लिये राज्य सरकारों के पुलिस विभाग से मौजू आदमी उधार लिये जाते हैं ।

रेलवे यात्री सुविधायें

\*११६५. श्री ए० बी० मिश्र : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रात्रि के समय प्रथम श्रेणी

में नीचे की बर्थ रिजर्व करवाने पर कोई प्रतिबन्ध लगाया गया है ;

(ख) यदि हा, तो ये प्रतिबन्ध किस प्रकार के हैं ;

(ग) यदि नहीं, तो क्या सम्बन्धित रेलवे अधिकारियों को यह अधिकार है कि वे जिसे चाहें जो सीट दे दें ; और

(घ) क्या सरकार को विदित है कि सदस्यों को जब ऊपर की बर्थ लेने के लिये बाध्य किया जाता है, तो उन्हें बहुत असुविधा का सामना करना पड़ता है, चाहे उन्होंने कुछ दिन पहले ही क्यों न सीट रिजर्व कराई हो ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :  
(क) जी नहीं ।

(ख) सवाल नहीं उठता ।

(ग) जी नहीं ।

(घ) आम तौर पर जिस तरतीब में अजिया मिलती है उसी तरतीब से निचलो बर्थ दी जाती है । लेकिन कभी कभी ऐसा नहीं भी होता । जैसे जब परिवार के लोग एक साथ सफर करते हैं, या जब बूढ़े या बीमार मुसाफिर सफर करते हैं, तो बाद में आयी हुई उनकी अजियो पर कभी-कभी उन्हें निचली बर्थ दे दी जाती है ।

### Turmeric

\*1166. **Shri Ball Reddy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government would consider setting up of a Turmeric Committee on the lines of other cash crop committees such as oil seeds, arcanut, tobacco and cotton; and

(b) whether any effort has been made to explore the possibilities of the increased use of turmeric within the

country for industrial and chemical purposes?

The Minister of Food and Agriculture (Shri A. P. Jais): (a) A central Spices and Cashewnut Committee has already been set up to plan, coordinate and guide all research and development work on cashewnut and spices including Turmeric.

(b) A marketing survey of Turmeric is to be undertaken shortly. According to the information available at present about 92 per cent. of the indigenous production is already being used for domestic purposes and seed.

नये डाक-घरों का खोला जाना

\*११७१. श्री नरेश बरौन : क्या परिवर्तन तथा संसार मंत्री १८ दिसम्बर, १९५६ के ताराकित प्रश्न सख्या १२८३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या गांवों में डाक की अधिक सुविधायें प्रदान करने के लिये नये डाक-घर खोलने की शर्तों को उदार बनाने के सम्बन्ध में सरकार ने आदेश दिये हैं ;

(ख) यदि हा, तो क्या उक्त आदेश की एक प्रति सभा पटल पर रखी जायेगी , और

(ग) इस नयी नीति को लागू करने के फलस्वरूप भारत सरकार पर कितना प्रति-रिक्त वित्तीय भार पड़ेगा ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) प्रत्यधिक कार्यक्षमता ( efficiency ) तथा मितव्ययता को कार्यान्वित करने के साथ-साथ जनता को प्रतिरिक्त सुविधायें देने के प्रयोजन से द्वितीय पंच-वर्षीय योजना-काल में डाक सम्बन्धी सुविधाओं के मूल विस्तार-कार्य का पर्यालोचन करने के विचार से एक समिति नियुक्त की गई है ।

(ख) तथा (ग) प्रस्तुत काल में वे प्रश्न नहीं उठते हैं ।

Cash Grants for Eradication of T.B. etc. in various States during 1957

\*1172. Shri Bibhuti Mishra: Will the Minister of Health be pleased to state:

(a) whether any cash grant has been made towards the eradication of T.B., Elephantiasis and Leprosy to various States on behalf of Central Government during 1957-58; and

(b) if so, the amounts so far given and the mode of giving relief?

The Minister of Health (Shri Kar-markar): (a) No, Sir.

(b) Does not arise.

Konch Reserve Water Project in Delhi

\*1173. Dr. Ram Subhag Singh: Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government have prepared a scheme known as Konch Reserve Water Project for protecting Delhi and surrounding areas from flood;

(b) if so, when that project will be undertaken; and

(c) the cost involved in executing that project?

The Minister of Irrigation and Power (Shri S. K. Patil): (a) No, Sir, but investigations are in progress.

(b) and (c). Do no arise

Andhra Zone on Railways

\*1174. Shri B. S. Marthy: Will the Minister of Railways be pleased to state:

(a) whether the Andhra Pradesh Government has suggested to the Government of India to create an Andhra Zone on Railways; and

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

**The Deputy Minister of Railways (Shri Shahnawas Khan):** (a) Yes, Sir.

(b) The matter is under correspondence with the State Government.

#### **Substitutes for Steel and Cement in River Valley Projects**

\*1175. **Shri Jhulan Sinha:** Will the Minister of Irrigation and Power be pleased to state the latest position with regard to the use of substitutes for steel and cement in the execution of River Valley Projects by the Central and State Governments?

**The Minister of Irrigation and Power (Shri S. K. Patil):** The reports of the Hirakud Seminar Sub-Committees on "Economy in the use of steel" and "Use of lime mortar and lime pozzolan in the place of cement", which included, *inter alia* their suggestions regarding the use of substitutes for steel and cement in the execution of river valley projects, were commended to all the State Governments and Control Boards for adoption. The reports received indicate that efforts continue to be made in the use of substitutes for steel and cement, as far as practicable. The position in the more important projects is indicated in a statement which is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 48.]

#### **Collision of Bus and Train**

\*1176. **Shri Raghunath Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that on the 9th November, 1957 a goods train hit a bus on a level-crossing, 51 miles away from Gorakhpur, North-Eastern Railway, killing two and injuring more than 40 persons; and

(b) if so, the facts of the accident?

**The Deputy Minister of Railways (Shri Shahnawas Khan):** (a) and (b). At about 8/10 hours on the 9th November, 1957, while No. 832 Dn. Goods Train was passing the unmanned level

crossing gate between Dudahi and Tamkuhi Road stations, Bus No. 2184 of Uttar Pradesh Government collided with its engine. The bus with all its occupants was thrown off its track. As a result, 28 persons were injured of whom, 3 succumbed to their injuries after admission in the hospital—2 in the Tamkuhi Government Hospital and 1 in the Gorakhpur Civil Hospital. The Engine Driver and two firemen sustained minor injuries.

#### **Survey of Leprosy in Manipur and Tripura**

\*1177. **Shri L. Achaw Singh:** Will the Minister of Health be pleased to state:

(a) whether survey of leprosy has been completed in all the parts of Manipur and Tripura;

(b) whether reports have been received for these areas in which survey has been done; and

(c) if so, whether a copy of the report will be laid on the Table?

**The Minister of Health (Shri Kar-markar):** (a) No, Sir.

(b) Survey of leprosy in Thoubal Project area of Manipur only has been practically completed but final reports have not been received.

(c) Does not arise.

#### **Family Planning Training and Research Centres**

\*1178. **Shri Balarama Krishnalah:** Will the Minister of Health be pleased to state:

(a) whether there is any immediate proposal with Government to start as many family planning training and research centres as possible in all the States;

(b) if so, the names of the States selected; and

(c) the number of centres selected, Statewise?

**The Minister of Health (Shri Kar-markar):** (a) There is a proposal to establish six regional Family Planning training Centres at present.

Two training centres, one in Bombay and another in Ramanagaram, are already functioning.

Research on contraceptives is being carried out at the Contraceptive Testing Unit in Indian Cancer Research Centre, Bombay and the All India Institute of Hygiene and Public Health, Calcutta. Research on population problems is being carried out at the Demographic Teaching and Research Centre, Bombay and at the Demographic Centre in the Delhi School of Economics.

(b) The Regional Training Centres are proposed to be established in Kerala, Madras, Madhya Pradesh, Punjab, Uttar Pradesh and West Bengal.

(c) One training centre only in each of the States selected.

**गाजियाबाद-तुगलकाबाद रेलवे लाइन**

११७६ श्री मोहन स्वराज : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि .

(क) क्या यह सच है कि गाजियाबाद से तुगलकाबाद तक रेलवे लाइन बनाने की व्यवस्था की जा रही है ; और

(ख) यदि हा, तो यह लाइन कितनी लम्बी होगी और इस पर अनुमानतः कितना खर्च होगा ?

**रेलवे उपायुक्त (श्री जहाङ्गिरा खाँ) :**

(क) इस लाइन का अन्तिम मार्ग निर्धारण सर्वे ( Final Location Survey ) करने का हुक्म दिया गया है ।

(ख) तुगलकाबाद से गाजियाबाद तक इस लाइन की लम्बाई १६.०८ मील होगी और मीटे तीर पर इसके बनाने में २.६७ करोड़ रुपये खर्च का अनुमान है जिसमें

यमुना पर दूसरे पुल की लागत भी शामिल है ।

**Cotton**

\*1180. **Sardar Iqbal Singh:** Will the Minister of Food and Agriculture be pleased to state the area under cultivation of cotton and the annual production of cotton, State-wise, during the current year?

**The Minister of Food and Agriculture (Shri A. P. Jain):** According to the All-India Second Estimate of Cotton, 1957-58 the area under cotton during the current year is estimated at 16,211 thousand acres. A statement giving information regarding area under cultivation in each State is laid on the table of the Lok Sabha. [See Appendix IV, annexure No. 49].

Final estimates of area and production of cotton for 1957-58 will become available only by the middle of May, 1958.

**Railway Siding**

\*1181. **Shri Dasaratha Deb:** Will the Minister of Railways be pleased to refer to the replies given to Unstarred Question No. 219 on the 24th July, 1957 and Unstarred Question No. 1157 on 3rd September, 1957 and state whether the joint traffic and engineering surveys by the representatives of India and Pakistan as regards provision of Railway sidings to Tripura have been completed?

**The Deputy Minister of Railways (Shri Shahnaswaz Khan):** No Sir; The surveys have not yet been taken in hand as the minutes of the Indo-Pakistan Conference held at Dacca on 18th March, 1957, wherein agreement to that effect was reached, have not been ratified by the Government of Pakistan so far.

**Electric Trains**

\*1182. **Shri Ghosal:**

**Shri B. Das Gupta:**

Will the Minister of Railways be pleased to state:

(a) whether there was a test-running of the electric trains in the first

week of November, 1957 between Howrah and Sheoraphuli; and

(b) whether there was any substantial difference in the running time between the electric trains and ordinary trains?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) and (b). No test running of Electric trains between Howrah and Sheoraphuli was started in the first week of November. However, testing of electric locomotives with some coaches on section Belur to Konnagar commenced on 10-11-1957. On four suburban trains, hauled by electric locomotives, introduced on the section Howrah to Sheoraphuli from 1-12-1957, a saving of 11 minutes per run compared to steam services is achieved at present.

#### Protection of Railway Lines and Bridges

\*1183. { Shri D. C. Sharma:  
Shri Kumaran:

Will the Minister of Railways be pleased to state:

(a) whether the scheme for the protection of railway lines and bridges with the help of villages has been finalised; and

(b) if so, whether a statement indicating the details about the financial implications and working of the scheme will be laid on the Table?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) and (b). The scheme has been worked out between the Ministries of Railways and Home Affairs and sent to the State Governments and Railway Administrations for implementation. Most of the State Governments have issued instructions to their Districts where the details of the scheme are being worked out in consultation with the local Railway Administrations. The financial implications will be known only after these details have been settled.

राष्ट्रीय जल सम्भरण तथा स्वच्छता योजनाओं के अन्तर्गत उत्तर प्रदेश की स्वीकृति

\*११८४. श्री भक्त ब्रह्मचारी: क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि राष्ट्रीय जल सम्भरण तथा स्वच्छता योजना के अन्तर्गत उत्तर प्रदेश को अनुदानों के रूप में चालू वित्तीय वर्ष में कितनी धन-राशि स्वीकृत की गई है प्रयत्न करने का विचार है तथा ये अनुदान कितनी योजनाओं के लिये स्वीकृत किये गये हैं ?

**स्वास्थ्य मंत्री (श्री कश्मरकर):** उत्तर प्रदेश सरकार को १९५७-५८ में अनुदान देने के लिये ७ लाख रुपये की राशि निर्धारित की गई है। इस राज्य की प्रथम आयोजना से कोई योजनायें शेष नहीं बची हैं। जल-सम्भरण और परिशोधित शौचालयों के १८० सेटों के लिये चार नयी योजनायें परीक्षणाधीन हैं, जो ३५५ गांवों में लागू होंगी।

#### Rice and Paddy

\*1185. Shri B. S. Murthy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Madras Government have sought the advice of the Centre to introduce licencing system for merchants dealing in rice and paddy;

(b) the need for such a step; and

(c) the advice rendered by the Centre?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) to (c). In order to prevent any tendency for speculative trading in paddy and rice, the Madras Government have proposed the issue of an Order under the Essential Commodities Act, 1955, seeking introduction of a system of licencing of big traders. The draft Order is under consideration of the Central Government.

### मालगाड़ी दुर्घटना

\*११८६. श्री रघुनाथ सिंह: क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १२ नवम्बर, १९५७ को एक सवारी गाड़ी एक माल गाड़ी से कलकत्ता कांड लाइन के आउटर सिगनल केबिन के पास दमदम से लगभग ४ मील की दूरी पर टकरा गई जिसके फलस्वरूप ड्राइवर की मृत्यु हो गई; और

(ख) यदि हां, तो इस दुर्घटना का ज्वारा क्या है ?

रेलवे उपायुक्त (श्री शाहनवाज खां) :

(क) तथा (ख). १२-११-१९५७ को मुबह लगभग ५ बज कर ५२ मिनट पर, जब डी ए वाई-०७ अप माल गाड़ी डानकुनि और बालीघाट के बीच कलकत्ता कांड लिंक केबिन के बाहरी सिगनल पर खड़ी थी, तो एस-११५ अप लोकल सवारी गाड़ी उसके पिछले हिस्से से टकरा गई। इस टक्कर की वजह से मालगाड़ी का ब्रेक-यान चूर चूर हो गया। मालगाड़ी के गाड़ों को गहरी चोट आयी और बाद में वह अस्पताल में मर गया। सवारी गाड़ी के ड्राइवर, एक फायरमैन और एक मुसाफिर को मामूली चोटें आईं। ड्राइवर की हालत सुधर रही है, बाकी लोग ठीक होने पर छोड़ दिये गये।

सरकारी रेलवे इंस्पेक्टर ने इस दुर्घटना की जांच की। हालांकि उनकी आखिरी रिपोर्ट अभी नहीं मिली है फिर भी आरज़ी और पर वह जिन नतीजों पर पहुंचे हैं उनसे मालूम होता है कि दुर्घटना कुछ कर्मचारियों की गलती से हुई।

### Transport Cooperative Societies

\*1187. Shri L. Achaw Singh: Will the Minister of Transport and Communications be pleased to state:

(a) how many Transport Co-operatives and viable units have been form-

ed in Manipur up-to-date;

(b) how many of them were given permits to ply passenger services in the Territory of Manipur; and

(c) how many vehicles belonging to these Co-operatives have been allowed to handle goods traffic in the Territory?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Three Co-operative Societies are functioning in Manipur at present.

(b) Two.

(c) Three.

### Family Planning Boards

\*1188. Shri Balarama Krishniah: Will the Minister of Health be pleased to state:

(a) whether there is a proposal with Government to start branches of Family Planning Boards to emphasise wide dissemination of information to the rural population in regard to family limitation and voluntary planned parenthood;

(b) if so, the steps taken thereof; and

(c) the amount granted to Andhra Pradesh Government in this regard during 1957-58?

The Minister of Health (Shri Karmarkar): (a) No Sir.

(b) and (c). These do not arise in view of the reply to part (a) above.

### Indo-Norwegian Project

\*1189. Sardar Iqbal Singh: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 1722 on the 11th September, 1957 and state:

(a) whether the Danish harbour expert who is in India at the invitation of Indo-Norwegian project has submitted a report; and

(b) if so, the details thereof?

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

(b) Does not arise.

### विदेशी पर्यटक

१६७३. श्री हेडा : क्या परिवहन तथा संचार मंत्री यह बताने को कृपा करेंगे कि :

(क) १९५६-५७ में कितने पर्यटक भारत आये;

(ख) कितने पर्यटक केवल काश्मीर ही गये; और

(ग) केवल काश्मीर का पर्यटन करने वाले विदेशियों में किन-किन देशों के कितने कितने व्यक्ति थे ?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) ७१,७०५ विदेशी पर्यटक । इनमें पाकिस्तान से आये हुए पर्यटक शामिल नहीं हैं ।

(ख) केवल काश्मीर का पर्यटन करने वाले पर्यटकों की अलग संख्या उपलब्ध नहीं है । सन् १९५६ में काश्मीर जाने वाले विदेशी पर्यटकों की कुल संख्या ७०२६ है और जनवरी से अगस्त, १९५७ तक बहा जाने वाले पर्यटकों की संख्या ३६५३ है ।

(ग) मांगी गई सूचना अभी प्राप्त की जा रही है । उपलब्ध होने पर प्रस्तुत कर दी जावेगी ।

### Salaries of Ticket Collectors

1674. Shri Vishwanath Prasad: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the relieving Ticket Collectors at Hardwar Station of the Northern Railway are not getting their salaries in time;

(b) whether it is also a fact that the newly appointed Ticket Collectors at different Stations in different Divi-

sions of the Northern Railway, e.g. Moradabad and Lucknow Divisions have not even been paid the stipends of their training period; and

(c) if so, the reasons therefor?

The Deputy Minister of Railways (Shri Shah Nawas Khan): (a) No. The Relieving Ticket Collectors at Hardwar Station are getting their salaries in time. However, in the months of June, August and October, 1957, the salaries could not be paid on the due dates which was due to the late receipt of Muster Rolls from the Ticket Collectors concerned.

(b) No.

(c) Does not arise.

### Change of Post Office Names

1675. Shri Vasudevan Nair: Will the Minister of Transport and Communications be pleased to state:

(a) whether he has received any petition to the effect that the names of the Post-offices 'Ayroor South' and 'Ayroor-Kozhencherry' in Kerala State should be changed as 'Ayroor (Thiruvalla)' and 'Nyoozhooor' respectively;

(b) if so, when it was received; and

(c) the action taken in the matter?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes.

(b) 24-4-57.

(c) The request was thoroughly examined and it was decided that the existing names of the two Post Offices should not be changed as the public had got used to the names which had been in existence for a long time and there were also no chances of mis-sorting or Postal articles as the names were quite distinguishable. A further petition on the subject has been received and is under consideration.

### Level-crossing Gate, Nasik

1674. **Shri Jadhav:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway Level-crossing gate at Nasik Road is closed for the pedestrians;

(b) if so, from when and why;

(c) whether it is a fact that it has caused a great inconvenience to thousands of pedestrians;

(d) whether it is a fact that the President, Nasik Road Municipality has made a representation to Government that the gate be opened to the pedestrians; and

(e) the steps Government have taken in the matter?

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

(b) From 10-4-1957, the date on which the road overbridge at Bhusawal end of Nasik Road Station was opened. This has been done for the safety of the pedestrians.

(c) No inconvenience has been caused to the pedestrians as the road overbridge is situated only about 360' away from the closed level crossing.

(d) Yes, Sir.

(e) It is not considered necessary to take any further action, as a safer alternative means of crossing at a short distance from the level crossing has been provided.

### Financial Assistance to Jammu and Kashmir

1677. **Shri Yajnik:** Will the Minister of Food and Agriculture be pleased to state the total amount given to the Jammu and Kashmir State from November, 1947 to the 31st March, 1957, year-wise, under the following heads;

(i) Food subsidy,

(ii) Grow more food,

(iii) Animal Husbandry,

(iv) Agriculture farms; and

(v) Co-operative Societies?

**The Minister of Food and Agriculture (Shri A. P. Jain):** The required information is as follows:—

#### (i) Food Subsidy :

Year	Amount of Subsidy Rs.
1948-49	68,50,000
1953-54	1,12,20,562
1954-55	1,50,00,000
1955-56	1,25,00,000

#### (ii) Grow More Food :

Year	Loan Rs.	Grant Rs.
1955-56	21,04,000	--
1956-57	7,47,000 (a)	1,00,000 (a)

(a) The information is incomplete and hence provisional.

#### (iii) Animal Husbandry .

Year	Grant Rs.
1948-49	4,900
1949-50	19,840
1950-51	25,590
1951-52	6,633/8/-
1952-53	16,222/5/6
1953-54	16,736/1/-
1954-55	6,716/9/-
1955-56	2,125/-
1956-57	61,795/-

#### (iv) Agriculture Farms :

Year	Loans Rs.	Grant Rs.	Subsidy Rs.
1949-50	.	3,763	.
1950-51	.	7,387	.
1951-52	.	5,290	.
1952-53	.	18,440	..
1953-54	.	..	..
1954-55	.	27,213	..
1955-56	...	30,600	..
1956-57	39,000	84,913	1,36,000

#### (v) Co-operative Societies .

Year	Loan Rs.	Subsidy Rs.
1956-57	2,11,000	62,000

**Indian Agricultural Research Institute, Delhi**

1678. Shri B. K. Gaikwad: Will the Minister of Food and Agriculture be pleased to state:

(a) the total number of students in the Indian Agricultural Research Institute, Delhi;

(b) the number of students from the Scheduled Castes and Scheduled Tribes;

(c) whether it is a fact that there is no reservation for the Scheduled Castes and Scheduled Tribes; and

(d) whether Government are aware that some Scheduled Caste students were refused admission this year?

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

(a) 2nd Year, i.e., admitted in 1956	91
1st Year, i.e., admitted in 1957	105

Total . . . 196

(b) 2nd Year, i.e., admitted in 1956	1 (Scheduled Caste)	} Out of (a) above
	1 (Scheduled Tribe)	
	2	
1st Year, i.e., admitted in 1957	ad-Nil (Scheduled Caste)	} Out of (a) above
	2 (Scheduled Tribe)	

(c) There is no reservation as such for candidates belonging to Scheduled Castes and Scheduled Tribes and other Backward Communities. But candidates found suitable from these communities are given preference at the time of admission.

(d) Yes; but these candidates were individually interviewed along with all other applicants by the Institute Council consisting of all the Heads of the Divisions of I.A.R.I., New Delhi, presided over by the Director and were found to be so low in the order of merit that they could not be admitted even after taking into consideration that they belonged to Scheduled Castes and Scheduled Tribes Communities. These candidates were found to be of much below the minimum standard required of each can-

didate to enable him to follow the prescribed courses of study.

**Indian Agricultural Research Institute**

1679. Shri B. K. Gaikwad: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Government servants of grade I and II in the Indian Agricultural Research Institute, Delhi;

(b) the number of Government servants from Scheduled Castes and Scheduled Tribes in each of these grades; and

(c) whether it is a fact that the duly qualified Scheduled Caste candidates were refused admission in II Grade?

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

(a) Class I—52  
Class II—90.

(b) Class I—1  
Class II—Nil.

(c). No. Recruitment to all Class I and II posts at the Indian Agricultural Research Institute is made through the U.P.S.C. In all requisitions for such posts at the Institute it is provided that "other things being equal, preference will be given to Scheduled Castes/Tribes candidates."

**Scheduled Tribe Railway Employees**

1680. Shri S. C. Godsara: Will the Minister of Railways be pleased to state the number of Scheduled Tribes employed as Class IV in Railways in Chakradharpur District during the years 1950 to 1956 and in 1957 so far?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):**

Year	Number of Scheduled Tribes recruited
1950	31
1951	28
1952	35
1953	17
1954	50
1955	47
1956	104
1957 (so far)	71

### Fifth Development Commissioners Conference

1681. **Shri S. C. Godara:** Will the Minister of Community Development be pleased to state:

(a) whether all the States have sent their reports of the action taken by them on the recommendations of Fifth Development Commissioners' Conference; and

(b) if so, the action taken by the State of Bihar?

The Minister of Community Development (**Shri S. K. Dey**): (a) and (b). Action taken by the Central and State Governments is contained in the printed pamphlet 'Action taken on the Recommendations of the Fifth Development Commissioners' Conference held at Namital in May, 1956, copies of which are available in the Parliament Library. A brief summary of the action taken by Bihar Government is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No 50.]

### Minor Irrigation Projects

1682. **Shri P. G. Deb:** Will the Minister of Food and Agriculture be pleased to state:

(a) the percentage of success of minor irrigation projects State-wise during the First Five Year Plan;

(b) whether it is a fact that the Central Government has recommended to States to consult the non-official members for execution of these projects; and

(c) if so, the response received from the State of Orissa?

The Minister of Food and Agriculture (**Shri A. P. Jain**): (a) A statement giving the requisite information is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 51].

(b) Instructions were issued in September, 1957, to the Development Commissioners of all States that the Block Advisory Committees which

consist of officials and non-officials should be associated with the Planning of projects in C.D. & N.E.S. Blocks.

(c) While some of the State Development Commissioners have acknowledged the receipt of instructions, no reply has so far been received from the Development Commissioner, Orissa.

### Wagons

1683. **Shri S. M. Banerjee:** Will the Minister of Railways be pleased to state:

(a) the total number of wagons likely to be declared unserviceable at the end of 1957; and

(b) the number already declared unserviceable during the years 1955 and 1956?

The Deputy Minister of Railways (**Shri Shah Nawaz Khan**):

(Figures in terms of four wheelers)

(a) 1-4-1957 to 31-12-1957	3686
(b) 1955-56	9122
1956-57	6293

D. D. (P) A.

1684. **Shri D. C. Sharma:** Will the Minister of Health be pleased to state the number of demolition notices issued by the Delhi Development Authority during the months of August, September, October and November, 1957?

The Minister of Health (**Shri Karmarkar**): The number of demolition notices issued by the Delhi Development (Provisional) Authority during these months is as follows:—

Month	No.
1. August	190
2. September	59
3. October	69
4. November	162
<b>TOTAL:</b>	<b>480</b>

### Quarters for Railway Employees

1685. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state the number of houses constructed during the First Five Year Plan and the first year of Second Plan for the Railway Employees on the Northern Railway?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** The number of quarters constructed for railway employees on the Northern Railway from 14-4-52, i.e., the date of formation of Northern Railway to 31-3-56 is 7,707 and those constructed during the first year of the Second Plan is 1,916, respectively. The number of staff quarters built between 1-4-51 to 13-4-52 is not readily available.

### Labour (Employment)

1686. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) the strength of labour employed in Railway Workshop, Amritsar (Year-wise) from 1951 to 1957 so far;

(b) whether Government have any scheme to expand this workshop; and

(c) if so, how much additional labour it will absorb?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):**

(a) Period ending	Strength
31-12-1951	1,454
31-12-1952	1,483
31-12-1953	1,695
31-12-1954	1,511
31-12-1955	1,523
31-12-1956	1,486
30-9-1957	1,535

(b) Yes.

(c) 2,000 approximately.

### Nangal-Una Railway Link

1687. **{ Shri D. C. Sharma:  
Shri Hem Raj:  
Shri Daljit Singh:**

Will the Minister of Railways be pleased to state:

(a) whether the Traffic Survey of the new railway line connecting Nangal to Una has been completed;

(b) if not, the approximate time that the survey will take; and

(c) the estimated amount earmarked for its construction?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) Yes, Sir. But the Survey Report is still awaited from the Northern Railway Administration.

(b) Does not arise.

(c) The construction of this line is not included in the 842 miles of new lines approved by the Planning Commission for construction during the Second Five Year Plan.

### Diesel Trains

1688. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) whether there is a proposal to have diesel trains between Ambala and Amritsar; and

(b) if so, the number of such trains?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) No.

(b) Does not arise.

### Ticketless Passengers

1689. **Shri D. C. Sharma:** Will the Minister of Railways be pleased to state:

(a) whether there has been any considerable decrease in the number of passengers travelling without tickets in the trains on Northern Railway as a result of the endeavours of Railway Magistrates; and

(b) the amount realised by way of penalty during each of the past three year. by the Railway Magistrates under the Indian Railways Act?

**The Deputy Minister of Railways (Shri Shahnawas Khan):** (a) No. Although the Railway Magistrates have been doing good work, the resultant reduction in the number of passengers travelling without tickets cannot be called considerable.

(b) The amount of fines and excess charges recovered from the ticketless passengers prosecuted before the Railway Magistrates during the past three years is as follows:—

	<i>Fines</i>	<i>Excess charges</i>
	<i>Rs.</i>	<i>Rs.</i>
1954-55	92,223	55,783
1955-56	41,198	45,439
1956-57	55,842	41,567

#### Class III Posts

**1690. Shri D. C. Sharma:** Will the Minister of Railways be pleased to state the number of candidates interviewed and kept on the waiting list for class III appointments by the Railway Service Commission, Allahabad, as on the 30th of November, 1957?

**The Deputy Minister of Railways (Shri Shahmawaz Khan):** It is presumed the information required is in connection with persons who were selected for Class III appointments by the Railway Service Commission, Allahabad, and whose names were forwarded to the Northern and North Eastern Railways but have not been offered appointments as on 30-11-57. On this presumption, the required information is as given below:—

30-9-1957	1,535
Northern Railway	1,210

#### गंडक परियोजना

१९६१. { श्री बिभूति मिश्र :  
श्री राम सुभग सिंह :  
श्री सुजन सिंह :

क्या सिचाई और बिजुल मंत्री २६ अगस्त, १९५७ के तारांकित प्रश्न संख्या

११६८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि गंडक परियोजना (बिहार) के बारे में, विशेषतः नेपाल सरकार से बातचीत के बारे में इस बीच क्या कुछ और प्रगति हुई है ?

**सिचाई तथा बिजुल मंत्री (श्री स० का० पाटिल) :** गंडक परियोजना रिपोर्ट की तकनीकी (टेक्निकल) जांच अभी पूरी नहीं हुई है और उस पर काम चालू करने के बारे में नेपाल सरकार से बातचीत चल रही है ।

#### "G.M.F." Scheme

**1692. Shri Elayaperumal:** Will the Minister of Food and Agriculture be pleased to state the amount allotted for 1957-58 by way of loans and aid by the Government of India to the Government of Madras for sinking wells and well repairing schemes under the Grow More Food Programme?

**The Minister of Food and Agriculture (Shri A. P. Jain):** No amount has so far been asked for by the Government of Madras for sinking wells and well repairing schemes during 1957-58, hence no amount has been sanctioned.

#### Aerodrome at Trichy

**1693. Shri Elayaperumal:** Will the Minister of Transport and Communications be pleased to state the amount allotted for the construction of a terminal building at Trichy Aerodrome in Madras State?

**The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur):** Rs. 6,20,620.

**Community Development and N.E.S. Blocks, Madras State**

**1694. Shri Elayaperumal:** Will the Minister of Community Development be pleased to state the number of Blocks started in South Arcot and Trichy Districts in Madras State under the Community Development and National Extension Service programme since 1956?

**The Minister of Community Development (Shri S. K. Dey):** Six National Extension Service Blocks have been opened since 1956 in each of the Districts of South Arcot and Tiruchirappalli.

Two earlier National Extension Service Blocks have also been converted into Community Development Blocks in each of the Districts.

#### Block Development Officers

1695. { Shri S. C. Samanta:  
Shri Subodh Hasda:

Will the Minister of Community Development be pleased to state:

(a) how the Block Development Officers are at present being recruited;

(b) whether it is a fact that most of them are drawn from Revenue Department;

(c) what steps have been taken to recruit Block Development Officers from other departments of the Government also; and

(d) whether suitable promising young people serving any department of Government are given preference for the post?

**The Minister of Community Development (Shri S. K. Dey):** (a) Recruitment of Block Development Officers is made by the State Governments. Generally Block Development Officers are recruited from among the officers of the Revenue (including General Administration) Agriculture and Cooperative Departments.

(b) It is a fact that a substantial number of Block Development Officers are drawn from Revenue (including General Administration) Department.

(c) No special steps are required to be taken for recruitment of Block Development Officers from other Departments as suitable personnel of these Departments are in fact being appointed. Instructions that this

should be done were given to the State Governments.

(d) Persons with rural background and sufficient field experience and knowledge particularly of agriculture and allied subjects are given preference for appointment as B.D.Os. There is no bar to any young promising officer of any Department being considered for appointment as Block Development Officer.

#### Colonisation in Raja Park, Delhi

1696. Shri A. S. Saigal: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the land known as Raja Park in Delhi has been sold for purposes of colonisation;

(b) if so, what is the area of land;

(c) to whom it was sold and at what price;

(d) to whom did the land belong;

(e) whether this land is covered by the Delhi Improvement Trust Town Expansion Schemes; and

(f) if so, when was this scheme applied?

**The Minister of Health (Shri Karmarkar):** (a) to (f). Government are not aware of any land in Delhi known as Raja Park. If however, the information is required in respect of Ashoka Colony on Najafgarh Road (also known as Raja Garden Colony), the facts are as follows:—

(a) It is understood that the coloniser has sold plots in this colony to private individuals.

(b) According to the plans submitted to the Delhi Development (Provisional) Authority, the gross area of the colony is 18.33 acres.

(c) Government have no information about the individuals to whom the plots were sold and at what price.

(d) The land belongs to Modern Housing & Finance.

(e) and (f). This colony falls in the Delhi Improvement Trust's Basai-darapur Naraina Town Expansion Scheme, which was sanctioned on the 25th May, 1953.

### Community Projects in Iran

1697. **Shri Bibhuti Mishra:** Will the Minister of Community Development be pleased to state whether it is a fact that the Indian Government have recently sent the Secretary, Community Project Administration, to Iran at the invitation of that Government for the introduction of a pilot scheme of community projects there?

**The Minister of Community Development (Shri S. K. Dey):** Yes, Sir. On the invitation of the Government of Iran, Secretary, CPA, visited Iran in October, 1955, and submitted a report indicating the lines on which community development work in Iran could be organized.

### Dehra Dun Forest Research Institute

1698. **Shri R. Narayanasami:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that at the Dehra Dun Forest Research Institute boards are made from saw dust and common agricultural wastes, and

(b) if so, for what purposes the boards are used?

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

(b) These boards can be used for making partitions and ceilings, in the furniture industry and for panelling railway coaches etc. However, only bamboo composition boards have been taken up for industrial production.

### Howrah Goods Shed Marksmen

1699. **Shrimati Renu Chakravartty:** Will the Minister of Railways be pleased to state:

(a) whether Howrah Goods Shed Marksmen are to be put directly under the Railway Administration;

(b) whether similar types of workers are direct employees of the Railways; and

(c) the reason for continuing contractual system in case of Howrah Goods Shed Marksmen?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** (a) A suggestion that they should be so placed is under consideration.

(b) Yes.

(c) This work at Howrah has all along been done through the agency of a contractor, and as stated in answer to part (a), a suggestion that the work may be undertaken departmentally is under consideration.

### Train Wrecking

1700. **Shri Wodeyar:** Will the Minister of Railways be pleased to state:

(a) how many cases of attempted train wrecking because of political motives or thefts were detected in India during 1955-56 and 1956-57; and

(b) the total loss of human lives and money?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** (a)

	1955	1956
(i) Total No. of attempted train wrecking in which motive was established, as		
(a) political . . . . .	6	1
(b) for committing theft . . . . .	Nil	Nil
(ii) No in which no definite motive was established in the investigation . . . . .	10	11

(b) (i) There has been no loss of human life or money in the 6 cases of 1955-56 and 1 case of 1956-57 where the attempt for wrecking was with political motives.

(ii) In the 21 cases in which no motive was established casualties and damages were as follows:—

Loss of life

Loss of money                      Rs. 66,000  
Railway Property.

### Cooperative Societies in Himachal Pradesh

1701. { Shri Y. S. Parmar:  
          { Shri Padam Dev:

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

(a) whether it is a fact that the Himachal Pradesh Co-operative Department has filed cases against a number of members of Co-operative societies;

(b) the number of cases started by the Himachal Pradesh Co-operative Department against members of Co-operative Societies during the years 1954-57; and

(c) the number of cases in which the accused were convicted and the number in which discharged or acquitted?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Only four cases were filed by the Himachal Pradesh Co-operative Department against members of Co-operative Societies.

(b)	1954	Nil
	1955	One
	1956	Three
	1957	Nil

(c) In one case the accused has been discharged and the other three cases are still pending.

### Acquisition of Land in Manipur

1702. Shri L. Achaw Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any representation has been made by the villagers of Lwang-sangbam against the acquisition of the

grazing field for construction of godowns in Manipur;

(b) whether Government are aware that previous encroachments of the grazing fields have been ejected by Court; and

(c) whether Government are aware that these grazing fields have been reserved for several villages for the last 50 years and villagers have been harassed very often since the last world war?

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

(b) No, Sir

(c) No, Sir.

### Railway Passenger Amenities

1703. Shri Shree Narayan Das: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Third Class Carriages running on the Darjeeling Railway have not been provided with lavatories;

(b) if so, the reasons therefor; and

(c) whether steps are proposed to be taken at an early date to make a provision in this respect?

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

(b) A statement is placed on the table of the Lok Sabha. [See Appendix IV, annexure No. 52].

(c) No, for reasons given against part (b) above.

### Jute Production in Tripura

1704. Shri Bangshi Thakur: Will the Minister of Food and Agriculture be pleased to state:

(a) the total acreage of land in Tripura under jute cultivation; and

(b) the percentage of arable plain land occupied by jute production in Tripura at present?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) 18,800 acres.

(b) 4.60%.

**चतुर्थ श्रेणी के वाविकारियों का चुनाव**

१७०५. श्री प० ला० बाबूराव : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) कितने उम्मीदवारों ने चतुर्थ श्रेणी की सेवाओं में नौकरी के लिये बीकानेर डिवीजन के डिवीजनल सुपरिन्टेन्डेंट को प्रार्थना-पत्र भेजे ;

(ख) क्या यह सच है कि उक्त आवेदन-पत्रों के देने वालों में से लगभग २५०० उम्मीदवारों का चुनाव हो गया था, किन्तु वर्तमान डिवीजनल सुपरिन्टेन्डेंट ने उन में से केवल ११०० उम्मीदवारों को ही योग्य समझा और वह शेष रिक्त स्थानों की पूर्ति के लिये नये आवेदन-पत्र मांगने का विचार कर रहे हैं ; और

(ग) पुनः चुनाव करने के लिये नये सिरे से आवेदन-पत्र मांगने के क्या कारण हैं, जब कि पहले के चुनाव किये हुये १४०० उम्मीदवार अभी शेष हैं ?

**रेलवे डायरेक्टर (श्री शाहनवाज खां)**

(क) १८,५८६ ।

(ख) जी नहीं, सिर्फ ११०० उम्मीदवारों की एक नामिका ( Panel ) बनाई गई थी ।

(ग) कोई नयी श्रजियां नहीं मांगी गई हैं ।

#### Chira

**1706. Shri L. Achaw Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) how many maunds of Chira or flattened rice have been exported from

Manipur by the State Trading Office during the last two months;

(b) whether making of Chirs has been allowed without any restriction for export;

(c) the quantity that has been acquired and purchased by the Administration for export and how much is yet to be purchased; and

(d) whether the said quantity has been procured from private dealers or primary producers?

**The Minister of Food and Agriculture (Shri A. P. Jain):** (a) 1350 maunds.

(b) No permission is required for production of chira; but under Manipur Foodgrains (Movement) Control Order, 1956, export of rice, paddy and other products including chira is not allowed except on permits.

(c) 5392 maunds. The quantity yet to be purchased cannot be indicated as that depends on various factors like quantity and quality of stocks available and offered, the results of export of chira on local foodgrain prices, etc.

(d) From all persons who had stocks of chira and who were willing to sell their stocks to the State Trading Officer, Manipur.

#### Sugar Factories

**1707. Shri Jadhav:** Will the Minister of Food and Agriculture be pleased to state:

(a) the number of sugar factories in Northern India;

(b) how many of these are running under a loss due to uneconomic conditions and how many of them have stopped working;

(c) whether Government propose to take any action in the matter; and

(d) if so, what?

The Minister of Food and Agriculture (Shri A. P. Jais): (a). 123 including 9 factories which have been lying idle for various reasons such as disputes among owners, uneconomic size of the plant.

(b) to (d). Profit and loss accounts of the working factories are available up to 1956-56 seasons. 8 of the working factories have shown losses continuously for several years, mainly on account of paucity of cane supplies in their areas of operation. None of these factories, however, stopped working, except one (Bijainagar in Rajasthan). As a result of development of sugarcane cultivation undertaken in their areas by the State Governments, the working of these factories is improving. The factory at Bijainagar is also proposing to restart during the current season.

### Luggage Guards

1708. Shri Jadhav: Will the Minister of Railways be pleased to state:

(a) when the post of Luggage Guards was abolished;

(b) what were the duties of the Luggage Guard;

(c) when the category of Brakesmen came into existence;

(d) what are the duties of Brakesmen category;

(e) in what class of service is the service of the Brakesmen included;

(f) whether there is any representation made by the Brakesmen to the Railway Board; and

(g) if so, what are their demands?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) From 1st January, 1949.

(b) The duties mainly were:

(i) Correct loading and unloading of parcels; and

(ii) looking after the booked animals and birds in the Brake Vans.

(c) The category of Brakesmen existed before but with standardized duties came into existence from 1-1-49.

(d) Looking after packages or luggage, distribution of railway dak or otherwise assisting the guards.

(e) Class III.

(f) Yes.

(g) The main demands are:—

(i) increase in the rate of running allowance; and

(ii) allotment of scale of Rs. 80-170 as applicable to Guards Grade 'C'.

### Survey of New Railway Line

1709. Shri Jadhav: Will the Minister of Railways be pleased to state:

(a) whether there has been any survey of the railway line between Koregaon and Satara in the Bombay State on the Southern Railway;

(b) if so, when; and

(c) when Government propose to take up the line for construction?

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

(b) In 1928.

(c) This is not included in 842 miles of new constructions approved by the Planning Commission during the Second Five Year Plan. The chances of its taking up in the near future are, therefore, remote.

भर्ती

१७१०. श्री प० ला० बाबुलाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर रेलवे के बीकानेर डिवीजन में गत वर्ष भर्ती करते

समय अनुसूचित जातियों के लिये सुरक्षित स्थानों की पूर्ति विधिवत नहीं की गई ; और

(ख) यदि हां, तो कुल कितने नये कर्मचारी नियुक्त किये गये हैं और उन में अनुसूचित जाति के कितने व्यक्ति हैं ?

रेलवे उपमन्त्री (श्री शाहनवाज खां):

(क) तथा (ख). ३०० रुपये माहवार से कम की तीसरे दर्जे की नौकरियों की हर एक कोटि ( category ) में अनुसूचित जातियों के उम्मीदवारों के लिये डिवीजन के आधार पर और ३०० रुपये माहवार या उससे ऊपर की नौकरियों की हर कोटि में पूरी रेलवे के आधार पर जगहें आरक्षित की जाती हैं । चौथे दर्जे की नौकरियों में अनुसूचित जातियों के लिये डिवीजन के आधार पर जगहें आरक्षित की जाती हैं । पिछले साल बीकानेर डिवीजन में जो भर्ती हुई उसके आंकड़े इस प्रकार हैं :—

तीसरा दर्जा चौथा दर्जा

कुल कितने		
किये गये	२७६	८६०
इनमें अनुसूचित जातियों के		
कितने लोग थे	६	२४६

### Theft of Utensils

1711. { Shri Halder:  
Shri M. Elias:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that utensils worth Rs. 15000 have been mysteriously stolen from the central catering godown from Howrah Station; and

(b) if so, the steps taken by Government?

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

(b) (i) The Railway Security Force and Police have taken up investigation into the theft case.

(ii) A departmental fact finding enquiry has also been arranged.

(iii) Arrangements have been made for stricter watch by the Security staff.

(iv) Action to strengthen the river side wall of the godown is also under consideration.

अकाउंट्स विभाग में प्रथम श्रेणी के पद

१७१२. श्री प० ला० बाबू लाल : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे बोर्ड ने उत्तर रेलवे के अकाउंट्स विभाग में प्रथम श्रेणी के पदों की संख्या बढ़ा दी है ; और

(ख) यदि हां, तो ये नये पद किस आधार पर भरे जायेंगे ?

रेलवे उपमन्त्री (श्री शाहनवाज खां):

(क) जी हां ।

(ख) पहले दर्जे की सब गजटेड जगहें यूनियन पब्लिक सर्विस कमिशन द्वारा या उनकी सलाह से भरी जाती हैं ।

### Telegraph Offices in Rajasthan

1713. Shri Karni Singhji: Will the Minister of Transport and Communications be pleased to state:

(a) the places where Telegraph Offices are proposed to be opened Division-wise in Rajasthan during 1957-58; and

(b) the number of Tehsil Headquarters which are not yet provided with Telegraph Offices in Rajasthan?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). A statement is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 53].

### Opening of Post Office

1714. **Shri Elayaperumal:** Will the Minister of Transport and Communications be pleased to state:

(a) whether there is any proposal to open a Branch Post Office at Kanjankullai Village, Chidambaram Taluq, South Arcot District, Madras State;

(b) if so, when; and

(c) if not, the reasons therefor?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) A branch post office already exists at Kanjankollai village.

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

### Passengers and Goods Earnings

1715. **Shrimati Ila Palchoudhuri:** Will the Minister of Railways be pleased to state the total Railway passenger and goods earnings separately during the period from the 1st April to the 30th September, 1957 as compared to the corresponding period of 1956?

The Deputy Minister of Railways (Shri Shahnawaz Khan):

(Figures in Crores)

	1,4.57 to 30.9.57	1,4.56 to 30.9.56
(i) Passenger Earnings	61	52
(ii) Goods Earnings	107	95

### Coaches

1716. **Shrimati Manjula Devi:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that all the old coaches running on the North Eastern Railway in Assam are unfit for travelling; and

(b) whether Government propose to take any steps to renovate them?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The old coaches running on the North Eastern Railway are fit to travel in.

(b) Does not arise.

### Tea Stall at Kalupara Ghat Station

1717. **Dr. Samantsinhar:** Will the Minister of Railways be pleased to state:

(a) how long the tea stall at Kalupara Ghat station of the South Eastern Railway has been closed;

(b) the reasons therefor;

(c) whether it is a fact that the upset price fixed for this stall by the authorities concerned is comparatively high;

(d) whether, in view of the inconvenience caused to the public due to its closure, the authorities propose to reduce the upset price; and

(e) when the stall is proposed to be opened for the public?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (e). A statement is placed on the Table of the Lok Sabha. [See Appendix VI, annexure No. 54].

### Rice

1718. **Sardar Iqbal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of rice allotted to different States in the year 1957 month-wise;

(b) whether the whole quantity allotted was taken by the States; and

(c) if not, the quantity left over and the reasons therefor?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). Foodgrains are not being allotted at present as in the control days. These are supplied through Fair Price Shops

either direct from central depots or in areas where there are not central depots through the State Governments. The quantities of rice supplied during each month from January to November, 1957 were as below:—

Month	Quantity (In 1000 Tons)
January	58.4
February	29.0
March	49.0
April	54.9
May	62.2
June	73.0
July	77.2
August	83.5
September	83.4
October	62.2
November	62.4
<b>Total</b>	<b>695.4</b>

#### Fruits in Himachal Pradesh

1719. **Sardar Iqbal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a large amount of fruits are grown in the hilly areas of Himachal Pradesh;

(b) the estimated quantity of these fruits produced every year;

(c) whether it is a fact that large quantities of these are wasted due to transport difficulties and for want of marketing facilities; and

(d) if so, the steps taken in the matter?

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

(b) One lakh maunds.

(c) The production of apples and cherries is mostly confined to the Kotgarh areas and almost the entire

production of this area reaches the market and there is no wastage. But fruits grown in the remote and inaccessible areas cannot always reach the market owing to transport difficulties, particularly in the rainy season.

(d) With a view to remove the transport difficulties, a good deal of road development programme has already been completed during the First Five Year Plan and this development work is being continued during the Second Five Year Plan.

The establishment of three fruit preservation centres is also under consideration.

#### Community Development and N.E.S. Blocks in Punjab

1720. **Sardar Iqbal Singh:** Will the Minister of Community Development be pleased to state:

(a) the total area and population covered under the Community Development and National Extension Service Schemes in Punjab State at the end of the First Five Year Plan period district-wise;

(b) the total amount spent by the Central Government thereon during the above period; and

(c) the extent of area and population which will be covered at the end of the Second Five Year Plan period?

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

(a) A Statement is laid on the Table of the Lok Sabha. [See Appendix IV, annexure No. 55]

(b) Grant-in-aid      Rs. 183.9 lakhs

Loan      Rs. 179.0 lakhs.

(c) Entire State according to present plans

### Jagadhri Railway Workshop

1721. **Sardar Iqbal Singh:** Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 645 on the 25th November, 1957 and state when the carriage and wagon shop at Jagadhri is likely to commence the work after expansion?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): Detailed estimates and Plans are under preparation.

### Rest Houses

1772. **Sardar Iqbal Singh:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of Rest Houses available for the employees in Railway Mail Service in Punjab circle; and

(b) their location?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b) The information is given below: There are altogether 19 R.M.S. Rest Houses in Punjab Circle. These are located at the following places:—

1. Amritsar.
2. Jullundur City.
3. Hoshiarpur.
4. Lohian.
5. Jaijon Doaba.
6. Pathankot.
7. Paprola.
8. DB Nanak.
9. Khemkaran.
10. Rupar.
11. Nangal Township.
12. Kalka.
13. Simla.
14. Bhatinda.
15. Ferozepore.
16. Jakhal.
17. Hindumalkote.
18. Fazilka.
19. Rohtak

### Level Crossings

1723. **Sardar Iqbal Singh:** Will the Minister of Railways be pleased to state:

(a) whether there are level-crossing gates carrying shifts of 24 hours duty on the Northern Railway;

(b) if so, their number; and

(c) whether any steps are being taken to reduce the duty hours of the men to twelve in such gates?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes, but at such level crossing gates the effective work in 24 hours does not exceed 6 hours.

(b) 1,386 approximately.

(c) No in view of reply to (a) above, this does not arise.

### Railway Accounts Staff

1724. **Shri M. B. Thakore:** Will the Minister of Railways be pleased to state:

(a) the number of graduates and post-graduates who are working as Lower Division Clerks in the grade of Rs. 60—130 in Accounts Department of all Railways; and

(b) the period of service they have put in?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 1287.

(b) The period varies from less than a year to 33 years.

### अन विधियों का प्रशिक्षण

१७२५ श्री नरदेव स्वातक : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या ऐसे कोई कालेज हैं, जहाँ रेलवे के कर्मचारीवर्ग पदाधिकारियों और कल्याण निरीक्षकों को अन विधियों का प्रशिक्षण दिया जाता हो ;

(ख) यदि हां, तो उनके नाम क्या हैं ;

(ग) इस प्रशिक्षण की अवधि क्या है ;

(घ) क्या इस प्रशिक्षण के पाठ्यक्रम में रेलवे सम्बन्धी समस्याओं को विशेष रूप से रखा गया है ; और

(ङ) यदि नहीं, तो इसके क्या कारण हैं ?

रेलवे उपसत्री (श्री शाहनवाज खां) :

(क) से (ङ). कोई ऐसा कालेज या ट्रेनिंग संस्था नहीं है जहाँ रेलवे अफसरों को भिन्न भिन्न कानून (labour laws) की ट्रेनिंग दी जाती हो। लेकिन कुछ समाज विज्ञान की संस्थाएँ हैं जिन में औद्योगिक सम्बन्धों और श्रमिक-हित (industrial relations & labour welfare) की ट्रेनिंग दी जाती है। इस तरह की तीन शिक्षा संस्थाओं में रेलवे के कुछ कर्मिक अफसरों और हित निरीक्षकों (Railway Personnel Officers & Welfare Inspectors) को ३ से ४ महीने तक की ट्रेनिंग दिलायी जा रही है। इनके नाम इस प्रकार हैं :—

१. भाल इंडिया इन्स्टीट्यूट आफ सोशल वेल्फेयर एण्ड बिजिनेस मैनेजमेंट यूनिवर्सिटी आफ कलकत्ता, कलकत्ता।

२. जे० के० इन्स्टीट्यूट आफ सोशियो-लाजी एण्ड ह्यूमन रिलेशन्स, लखनऊ यूनिवर्सिटी, लखनऊ।

३. टाटा इन्स्टीट्यूट आफ सोशल साइंस, बम्बई।

जो लोग हित निरीक्षक का काम कर रहे हैं, उनको दिल्ली स्कूल आफ सोशल वर्क में ट्रेनिंग देने का एक प्रयोग भी किया गया है, जिसका पाठ्यक्रम ३ महीने का है। इन लोगों को रेलवे समस्याओं के बारे में

ट्रेनिंग देने का काम उन रेल अफसरों को सौंपा गया था जिन्हें अपने विषयों का अनुभव हो। इस प्रयोग के फलस्वरूप यह विचार किया गया कि समाज विज्ञान की शिक्षा देने वाली संस्थाओं (Social Science Educational Institutions) में ग्राम तोर पर जो पाठ्यक्रम रखा जाता है, उसके आधार पर एक ऐसा पाठ्यक्रम बनाया जाय जो रेल कर्मचारियों के लिये अधिक उपयुक्त हो। अभी इसके बारे में आखिरी फैसला नहीं हुआ है।

### Passenger Amenities

1726. **Shri Yajnik:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that agents are given licences for employing boys for polishing the shoes of passengers on the Western Railway;

(b) if so, whether these agents employ these boys on very unjust terms and virtually deprive them of large part of the earnings; and

(c) whether Government would take any steps to see that the boys engaged in this work are themselves directly given licences like the porters to run their trade on the Western Railway Stations?

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

(b) No.

(c) This question was recently examined and instructions have been issued to Railways.

(i) that licences for shoe polishing at stations should be confined to cooperatives of workers in the tanning industry or in the manufacture of leather goods, such as shoes etc;

(ii) that each licence should not cover an area more than one civil District; and

(iii) that this policy should be followed in the award of new licences as also whenever the existing licences expire and fall due for renewal.

#### Opening of a Sub-Post Office at Kiratpur

1727. Shri Daljit Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether Government have received any representations from the general public of Kiratpur in Hoshiarpur district for opening a Sub-Post Office there; and

(b) if so, the decision taken in this regard?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) Yes, for upgrading the existing Extra Departmental Branch Office at Kiratpur into a Departmental Sub-Office.

(b) The conversion of the office into a departmental sub-office having not been found justified by departmental standards, it has been decided to upgrade it into an extra departmental sub office on availability of a suitable person to work as Extra departmental Sub Postmaster.

#### Amritsar Railway Workshop

1728. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) the total number of employees at present working in the Amritsar Railway workshop;

(b) the number of employees out of them belonging to Scheduled Castes; and

(c) the categories in which the persons belonging to Scheduled Castes are working?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 1917.

(b) 186

(c) Class III — 12  
Class IV — 174.

#### Indore-Delhi Rail Link

1729. Shri M. B. Thakore: Will the Minister of Railways be pleased to state:

(a) whether Government had a proposal to construct a new railway line from Delhi to Indore; and

(b) if so, the reasons why the scheme has not been implemented yet?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) The two points are already connected by rail.

(b) Does not arise.

#### Telegraph Signallers

1730. Shri S. M. Banerjee: Will the Minister of Railways be pleased to state:

(a) whether 45 per cent of the Telegraph Signallers in various Railways have been grade in proper grade; and

(b) if so, the reasons for not grading the signallers of North Eastern Railway as yet?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). The gradation of Telegraph Signallers in accordance with the instructions is in the process of implementation on all railways including the North Eastern Railway.

#### Family Planning Centres in Punjab

1728. Shri Daljit Singh: Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 921 on the 14th December, 1956 and state:

(a) the number of Family Planning Centres established in the Punjab State in 1956-57; and

(b) the amount given by the Central Government to the Punjab State for the purpose in the Second Five Year Plan?

**The Minister of Health (Shri Kar-mar):** (a) No New Family Planning

Centre was opened in the Punjab during 1956-57.

(b) Grants-in-aid amounting to Rs. 1,38,295 have been sanctioned since 1-4-56 for the implementation of the family Planning Programme in the Punjab State as detailed below:—

	Rs.	
(i) Government of Punjab.	65,762	For the opening of five urban and eight rural Family Planning Clinics and to meet the expenditure on account of the State Family Planning Officer
(ii) Philadelphia Hospital, Ambala City.	5,500	For the opening of one rural Family Planning Centre
(iii) Family Planning Association, Punjab, Simla	51,277	For the opening of five urban and five rural Family Planning Centre
(iv) Family Planning Association, Chandigarh	2,736	For the maintenance of one Family Planning Clinic
(v) Child Welfare Society, Nangal Township	13,000	For the opening of one urban Family Planning Clinic
Total : Rs 1,38,295		

#### Remodelling of Ongole Station

**1732. Shri B. S. Murthy:** Will the Minister of Railways be pleased to state:

(a) whether the remodelling of the Railway Station at Ongole (Andhra Pradesh) has been taken up;

(b) the time scheduled for the remodelling; and

(c) the amount allotted for the same?

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

(b) Over 95% of the work has already been completed. The remaining work will be completed by the end of 1958.

(c) Rs. 12.12 lakhs.

#### Railway Service Commission, Madras

**1733. Shri B. S. Murthy:** Will the Minister of Railways be pleased to state:

(a) whether any Member of the Railway Service Commission at Madras is to retire shortly; and

(b) if so, whether a Harijan will be appointed as a Member as per their previous assurance given on the floor of the House?

**The Deputy Minister of Railways (Shri Shah Nawaz Khan):** (a) No.

(b) Does not arise.

#### MOTION FOR ADJOURNMENT

**SITUATION ARISING OUT OF ALLEGED FAILURE OF RAILWAY ADMINISTRATION TO MAKE PROPER ARRANGEMENTS FOR VISITORS TO THE INAUGURATION CEREMONY OF NEW SUBURBAN ELECTRIC RAILWAY SYSTEM.**

**Mr. Speaker:** I have received a notice of an Adjournment Motion from Mr. Hiren Mukerjee, Shrimati Renu Chakravartty, Shri Elias and others about the following:

"The tragic situation arising out of the failure of the Railway administration to make proper and adequate arrangements to received and control the large crowds of people who eagerly came to watch the Prime Minister Nehru inaugurating the new suburban electric railway system at Howrah

[Mr. Speaker]

in Calcutta and the consequent death of two persons and injuries to large number of citizens."

Does the hon. Minister want to say anything other than what appeared in the newspaper?

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** We have received notice of this motion at 10 a.m. this morning. We put through a trunk call to Calcutta. But, as the lines are out of order, we did not get any information.

**Shri H. N. Mukerjee (Calcutta-Central):** I do submit that this adjournment motion should be permitted to be discussed in this House because the reports in the papers are very disquieting. Quite apart from the fact that a very elaborate ceremonial was arranged for the inauguration of the electrification of the suburban railway system of Calcutta, it so happened that the Railway administration failed in affording protection to the people, who came to see the Prime Minister in the electric train. Some people travelled on the foot-board and when the electric train naturally picked up speed, they fell over, according to the newspaper reports.

I have the *Amrita Bazar Patrika* of Calcutta, which writes in yesterday's number under an editorial article entitled "A crime scandal" as follows:

"The people broke the cordon and got on the foot-board, holding the handles of the bogies—they could not enter the compartments because the doors, we understand, were locked—having little idea of the speed which an electric engine quickly picks up."

If accidents happen on account of lack of proper maintenance of tracks and bridges etc. that might be understandable. But this kind of a ceremonial arranged for the visit of the Prime Minister, whom the people wanted to see in their thousands—a

look at him—if this kind of ceremonial is conducted and the railway administration fails so egregiously in affording the most elementary protection of security to the people who want to see what is going to happen, then it is a very serious matter, and I feel you should permit us to have some discussion.

It happened on Saturday and today is Monday. The Railway Ministry must be in a position to satisfy the House that everything was done to see to it that the people who came to see the inauguration of the electric train service by the Prime Minister were looked after and elementary protection was afforded to them. That not having been done by them, I feel you should provide an opportunity to the House to have a discussion of this adjournment motion.

**The Minister of Home Affairs (Pandit G. B. Pant):** I beg to submit that the motion for adjournment is not in order. So far as casualties are concerned or any injury has been caused to any, it is a matter of regret to all of us and we are sorry to that extent. But, if in the usual course something happens and it is regrettable, I do not see how it can be made a subject of an adjournment motion here. If there was anything concerning law and order which called for attention there, it did not come within the purview of the Central Government. So far as the actual facts are concerned, nobody here seems to vouch for them from his own knowledge. Whatever is being said is based on a report published in the paper or papers. So, from whichever point of view it may be looked at, it is not a proper subject for an adjournment motion.

**Mr. Speaker:** When is the hon. Minister likely to get information?

**Shri Shahnawaz Khan:** The telegraph lines are out of order and we are having difficulties. I hope in two or three days' time, we will get the information.

**Mr. Speaker:** I will call this day after tomorrow. Let us know what is exactly the situation. On the one side it is said that proper steps have not been taken to safeguard the people or prevent the people from rushing. In spite of the best efforts passengers may rush on such occasions and it may be very difficult and beyond control. Let us know the full facts. Let the hon. Minister just make a report to the House of whatever facts he is able to gather by day after tomorrow. This matter may lie over.

**Shri M. Elias (Howrah):** Just now, the hon. Home Minister said that nobody has witnessed these things. These things have occurred in my constituency. I was present there and I was invited to participate in that ceremony. But, I could not go. When I come there to come to Delhi, at that time, I heard from the railway staff and other people. There was a lot of commotion. The preparations for the inauguration were going on for the last 10 or 15 days and police parade was going on for the last six days. The police could not take full precautions to hold this ceremony properly. They could not check the people from boarding the train. Some compartments were completely vacant. They could easily be accommodated in these compartments. The officers who were in the compartment did not allow the people when they boarded the train, holding the handle outside. Therefore, I want to protest, because we have witnessed what happened there. I do not know how many people have died by this time, because the injuries to some were very serious.

**Mr. Speaker:** Order, order. I have adjourned it to day after tomorrow. How has this hon. Member enlightened this House by saying some people might have died. We want to know how many have died. There is no good arguing over this matter.

**Shri Biren Roy (Calcutta-South-west):** The railway police is under the

Central Government and not under the Bengal Government.

**Mr. Speaker:** Order, order. I am not disposing of it now.

#### 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 rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 13th December, 1957, agreed without any amendment to the Indian Railways (Amendments) Bill, 1957, which was passed by the Lok Sabha at its sitting held on the 6th December, 1957."

#### MINES AND MINERALS (REGULATION AND DEVELOPMENT) BILL

##### REPORT OF JOINT COMMITTEE

**Shri C. R. Pattabhi Raman (Kumbakonam):** I beg to present the Report of the Joint Committee on the Mines and Minerals (Regulation and Development) Bill, 1957.

#### PREVENTION OF DISQUALIFICATION (AMENDMENT) BILL\*

**The Minister of Law (Shri A. K. Sen):** Sir, I beg to move for leave to introduce a Bill further to amend the Prevention of Disqualification Act, 1953.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Prevention of Disqualification Act, 1953."

*The motion was adopted.*

\*Published in the Gazette of India Extraordinary Part II—Section 2, dated 16-12-57. pp. 995—1024 and 972—73,

**Shri A. K. Sen:** I introduce the Bill.

# APPROPRIATION (NO. 5) BILL\*

**The Minister of Finance (Shri T. T. Krishnamachari):** Mr. Speaker, Sir, I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58.

**Mr. Speaker:** Motion moved:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58."

**Shri Naushir Bharucha (East Khandedh):** I object. I object on the ground that the recommendation of the President under Article 274 is not signified in the Bill, in view of item 4 in the Schedule for Rs. 8,36,00,000 which refers to Union excise duties for distribution amongst the States. Where there is a change in the States' share or re-distribution, then, the recommendation of the President, not only under article 117 is necessary, but also under article 274. The copy of the Bill which I have got signifies the President's recommendation under article 117, but not under article 274 and I submit that the hon. Finance Minister has no right to introduce this Bill without previously obtaining the recommendation of the President.

**Mr. Speaker:** What does the hon. Minister say? I think the hon. Minister wants some time. I will just pass over this and....

**Shri Naushir Bharucha:** He may now obtain the recommendation and we may take up the Bill in the evening.

**Shri T. T. Krishnamachari:** That can be done. But the point is this. Article 274, I think the House would like to know, reads like this:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression "agricultural income" as defined for the purposes of the enactments relating to Indian income-tax, or which affects the principles on which under any of the foregoing provisions of this Chapter moneys are or may be distributable to States, or which imposes any such surcharge for the purposes of the Union as is mentioned in the foregoing provisions of this Chapter, shall be introduced or moved in either House of Parliament...."

The only thing that my hon. friend might rely in this particular Bill is 'under any of the foregoing provisions of this Chapter moneys are or may be distributable to States'. Actual distribution has been effected all along under the provisions of this Chapter. I do not think there has been any variation. It is for the Chair to give a ruling.

**Shri Naushir Bharucha:** In Supplementary Demands for Grants, December, 1957, page 13, you say definitely formerly they were distributed on the basis of 40 per cent. and now it is varied and therefore you require the amount.

**Shri T. T. Krishnamachari:** That is no doubt true.

**Shri Naushir Bharucha:** Formerly it was 40 per cent.; now it is 25 per cent.

**Shri T. T. Krishnamachari:** If the Chair has any doubt, we will get the matter remedied. I do not think there is any. It is really a matter of construction.

**Mr. Speaker:** How does this arise? It is not distribution to the States.

**Shri Naushir Bharucha:** It arises in this way. Originally these duties of excise were distributed on the basis of 40 per cent. Afterwards, the

Finance Commission recommended that more resources should be included, and the duties should be distributed on the basis of 25 per cent. Variation takes place as a result of that.

**Mr. Speaker:** Originally it was 40 per cent; now it is 25 per cent.

**Shri Naushir Bharucha:** The point is this. Not only 25 per cent, but more items are included also.

**Shri T. T. Krishnamachari:** The question is one of principle. Only the quantum is there. No variation in principle. If new commodities come and they are added, is it a question of violation of principle?

**Shri Naushir Bharucha:** May I point out that the words are: "No Bill or amendment which imposes or varies any tax or duty"? It does not say "rate of tax or duty". That means quantum as well as rate. Not only that, it further states "which also varies the shares of the States." Surely, the shares of the States are varied. I would suggest that instead of spending time in argument, if they go to Rashtrapati Bhavan, they will get the recommendation quicker.

**Shri T. T. Krishnamachari:** The construction of the hon. Member reading the first portion is not right because nothing is being done and there is no question of any tax or duty in which the States are interested being affected, but it is really a matter, as I said, of that particular sentence in which there is a variation of the principle which is enumerated in the provisions of this particular Chapter. I submit there is no variation of the principle.

**Shri Naushir Bharucha:** The Constitution does not say "variation of principle", and it is safe for you. Supposing some trader or institution like the Millowners' Association challenges the Bill, the whole thing will go phut.

**Mr. Speaker:** Let this be challenged. I am not in favour and I do not agree. There are no principles that have

been set out here, nor have the proportions been worked out. Unless the hon. Member brings article 274 into the picture, there is nothing *prima facie* to show that any other person is interested in this. No doubt, they are interested in the excise, over the principles on which the division has to be made, in the regulation and imposition of the tax or any provision varying any particular tax, but nothing is involved here. Merely for the purpose of our pleasure, we shall not have the President's sanction.

**Shri Sinhasan Singh (Gorakhpur):** The shares of the States are involved.

**Mr. Speaker:** Are they provided for here?

**Shri Sinhasan Singh:** They are in the Bill.

**Mr. Speaker:** This Bill does not say that any particular portion shall go to a particular State.

**Shri Naushir Bharucha:** The amount is there. They are asking for Rs. 9 crores additional amount.

**Mr. Speaker:** This Bill does not in terms impose any tax, does not in terms divide the amount which is sought to be drawn from the Consolidated Fund.

**Shri Naushir Bharucha:** It does.

**Shri T. T. Krishnamachari:** May I point out that in regard to another Bill which I had introduced, you will find that we have taken the precaution of putting in the recommendation of the President under article 274—that is in regard to the Union Duties of Excise (Distribution) Bill—and therefore, it is not a question of not knowing the necessity there. Where there is a variation in taxes and only the Centre is interested, it might be that this question might be brought in, but here I do humbly submit there is no variation in principle.

**Shri Sinhasan Singh:** Let the Law Minister say because the original....

**Mr. Speaker:** I am not going to allow, merely to satisfy the hon. Member there. I am thoroughly satisfied that in terms there is no provision here which says so much shall go to this State or that State. We are dealing with Appropriation (No 5) Bill, 1957.

**Shri Bharucha:** It gives effect to the Bill.

**Mr. Speaker:** It may give effect. All that the hon. Minister wants to say is: "I will draw so much money". If a Bill comes up as to how it is to be distributed, we shall then look into it. Whatever the implication of the money drawn be, these are matters where the States have interest. We will assume he will draw less money, even then he can come again. So far as this Bill is concerned, he only draws money from the Consolidated Fund. This money has no doubt to go to the States, but whether he is going to give to one or the other State without altering the proportion is not known. There is no proportion fixed here, nor even lump-sum amounts, nor a schedule deciding the proportion. As to what the proportion will be for the States is a matter in which there can be a possible doubt. He can pay away one after the other in due course.

It is also pointed out by the hon. Minister that Bill No. 88 of 1957 which has been passed into law settles the proportion or the percentage for distribution, but apart from that there is nothing here. He may draw all the money and pay away. Even if there is any objection, that Bill has now been passed and this is following the previous decision. Therefore, what they are going to do is not clear on the face of it. The States are interested, but the States may be thoroughly satisfied even according to the opinion of the hon. Members here.

I do not think it is necessary to obtain the recommendation of the President under article 274.

The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58."

*The motion was adopted.*

**Shri T. T. Krishnamachari:** Sir, introduce\* the Bill.

**Mr. Speaker:** The hon. Minister may now move the next motion in respect of this Bill.

**Shri T. T. Krishnamachari:** I beg to move\*\*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58, be taken into consideration."

**Mr. Speaker:** I shall now put the motion to vote. The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That clauses 1 to 3, the Schedule, the Title and the Enacting Formula stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 3, the Schedule, the Enacting Formula and the Title were added to the Bill.*

**Shri T. T. Krishnamachari:** I beg to move:

"That the Bill be passed"

\*Introduced with the recommendation of the President.

\*\*Moved with the recommendation of the President.

Mr. Speaker: The question is:  
"That the Bill be passed."

The motion was adopted.

# PARLIAMENT (PREVENTION OF DISQUALIFICATION) BILL

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri A. K. Sen on the 14th December, 1957, namely:

"That the Parliament (Prevention of Disqualification) Bill, 1957, be referred to a Joint Committee of the Houses consisting of 30 members: 20 from this House, namely, Sardar Hukam Singh, Pandit Thakur Das Bhargava, Shri M. R. Krishna, Shri Dharanidhar Basumatari, Shri Rajeshwar Patel, Shri Rohan Lal Chaturvedi, Shri M. K. Jinachandran, Shri Ram Sahai Tiwari, Shri P. Subbiah Ambalam, Shri H. Siddanajappa, Shri Panna Lal, Shri J. Rameshwar Rao, Shri S. R. Damani, Shri Shivram Rango Rane, Shri Bimal Comar Ghose, Shri Surendra Mahanty, Shri Braj Raj Singh, Shri Aurobindo Ghosal, Shri S. Easwara Iyer; and Shri Asoke K. Sen and 10 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the second week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join in the said Joint Committee and communicate to this House the names of members to be

appointed by Rajya Sabha to the Joint Committee".

One hour and seven minutes have been taken already. Shri Raghubir Sahai may continue his speech.

Shri Raghubir Sahai (Budaun): The other day before the House adjourned I had discussed the case of sheriffs and I had pointed out that in England they had both administrative as well as executive duties. Pandit Thakur Das Bhargava was then acting as Chairman, and he pointed out that these duties which I had enumerated had to be discharged by a sheriff in England, were not foisted upon a sheriff here, and so he said for that very reason sheriffs were going to be exempted, from this disqualification.

I could not trace the relevant Acts in the Library which can show these sheriffs in Calcutta, Bombay and Madras were appointed and whether they were getting any emoluments or not, but I could find out from the Sheriff of Calcutta (Powers of Custody) Act of 1931 that the sheriff there had the power to take any person in his lawful custody to or from the Presidency Jail of Calcutta. From another Act, the Sheriff's Fees Act, 1852, I found that the sheriffs are empowered to keep in their possession and to dispose of properties that are entrusted to them by civil courts. Also, from the Civil Procedure Code I find in the definition of a public officer that these sheriffs are public officers to all intents and purposes because they have got powers to keep the property in their possession and to dispose of the same according to the order of the court. Also, the sheriff can keep in his custody people who are entrusted to his care. So, for all practical purposes, the sheriff is a jailor or is a custodian of property. He may or may not get emoluments. That is an entirely different matter. Why should he be exempted from this disqualification, I do not understand?

When I look at the report of the Pandit Thakur Das Bhargava Com-

[Shri Raghbir Sahai]

mittee, I find that at page 24 they have argued that having regard to the prevailing conditions in India, honorary magistrates, Justices of Peace, revenue officers, munsifs or judges need not be exempted from disqualification, because in their opinion:

"These posts confer great influence and prestige on the incumbent and, therefore, the only fact that they are honorary servants should not weigh with the Committee in saving them from disqualification."

I submit that these remarks of the committee will apply on all fours to the sheriffs as well. So, it will be worth while for the Joint Committee to consider whether sheriffs should enjoy this exemption or not.

Then, there is the case of pensioners. I find that no mention has been made of pensioners, and nothing has been said as to whether they should enjoy this exemption or not. In England, as far back as 1941, a Select Committee had been constituted to enquire into this matter, and that Select Committee came to the conclusion that pensioners should be given this exemption. On that analogy, it may follow that in India too, the pensioners may be exempted. But I feel that the conditions here are altogether different. We find from experience that Government pensioners cannot discharge their duties either in Parliament or in an elected State legislature independently. Moreover, why should they enjoy two emoluments, the benefit of their pension as well as the emoluments and the amenities that would be given to them if they come to Parliament or a State legislature? In case the consensus of opinion is that the pensioners should be given this exemption, then I submit that it would be worth while for the Joint Committee to consider the point that they should forgo their pension and should rest content with the emoluments and amenities that would be

available to them from Parliament or a State Legislature.

The Law Minister, in the speech that he made in moving this motion, referred to part-time teachers and part-time medical practitioners. He considered that it would be worth while if their services could be utilised in a legislature. This question was thoroughly considered by Pandit Thakur Das Bhargava Committee. I would invite your attention to certain observations made in the report of that committee, at page 31:

"The Committee, in their examination, came across cases of persons who are serving under Government as part-time professors, lecturers, instructors or teachers in Government educational institutions, medical practitioners rendering part-time service in Government institutions etc. All these functionaries receive remuneration from Government which can undoubtedly be construed as profit. The offices that they hold can be termed as offices of profit. The Committee, after due consideration of the question whether such part-time workers should be exempted from disqualification came to the conclusion that their membership of Parliament would be incompatible with and harmful to the duties, though part-time, which they are called upon to discharge. Hence, the Committee recommend that such office-holders should not be exempted from disqualification."

I am really sorry that these weighty arguments that were advanced by the members of that committee were not taken into consideration by those who drafted this Bill. I hope that when the question of the exemption of these part-time lecturers and medical practitioners would be considered by the Joint Committee to which this Bill is going to be referred, the observations of the Pandit

Thakur Das Bhargava Committee in this regard will be taken due note of.

Lastly, as I said in the very beginning, this Bill is not a comprehensive Bill, and what is intended at the present moment is that a comprehensive Bill should be introduced. So, in my humble opinion when a Bill of this kind is placed before the House, nothing should be left vague in it lest people should grope in the dark.

As I pointed out the other day, along with the draft Bill which was introduced in the House of Commons, and which has been quoted in the report of the committee to which I have referred, there were several schedules enumerating the judicial offices disqualifying for membership, miscellaneous offices disqualifying for membership, paid offices under the Crown, ministerial offices, offices disqualifying for particular constituencies and offices involving no disqualification. Unless and until, along with this Bill, you provide also schedules indicating the categories of persons or committees or offices that come within this disqualification or that are excluded from this disqualification, no useful purpose would be served by having this Bill passed.

There is also another lacuna in this Bill. Suppose a person incurs disqualification. There is no provision of this Bill to say what the effect of that disqualification will be, and how in certain cases that disqualification can be removed. In the House of Commons Bill we find that a clause of that nature has been provided.

In conclusion, I would say that we hold our Law Minister in very high esteem. I would simply request him that an important Bill of this kind should be worthy of him and worthy of this House. I hope that the considerations which have been placed before this House in the course of the discussions will be taken into consideration by the Joint Select Committee.

Shri Nath Pai (Rajapur): Had I not been present on Saturday listening to the speech of the Law Minister, I would have found it extremely difficult to persuade myself that Shri A. K. Sen would take it on himself to introduce a Bill which if we allow it be passed in the form in which he thought it fit to introduce in this House would be very seriously impugning the dignity and independence of this House. It will be far from me to try to tell him some of the basic principles which are involved in the Bill. I share the regard which the hon. Member who preceded me holds for our Law Minister.

I think one of the cardinal tenets which we have accepted in accepting or undertaking to work democracy in this country is that there will be always a complete separation of the functions of the judiciary, the executive and the legislature. If we really are to be loyal to this principle, we must take every care that there is no kind of crossing and overlapping of the functions of these three arms of the State.

Now, there are some luminaries of the executive whom he is trying to bring into this House.

I will, with your permission, confine my attention to seeing why in time past, the predecessors of this House in authority had tried to take care to see that those who depended on the executive for their living, on whom the executive was in a position to exercise authority of any type should not come and try to participate in the decisions which the House took as the sovereign guardian of the will of the nation. Now, a reference was made the other day to this. Who are these people? Before saying anything about the office of profit and the evolution of that conception in our country, I should like to ask for some clarification, seeing the ambiguity in which some of the paragraphs are couched. I feel that this Bill was very hastily conceived, and things hastily conceived lead to very dangerous results.

[Shri Nath Pai]

What exactly is meant by sub-clause (a) of clause 2—

“any office held by a Minister of the Union or for any State whether *ex-officio* or by name”?

We had a provision to that effect in the Act which he now purports to repeal, the Act of 1953. I tried to apply my little knowledge of law to this and I do not know under what canon of law we can introduce this, unless he means that the Minister will be holding some other office apart from Ministership. Is it intended that the Ministers will be holding more than one office? Will they be drawing remuneration from more than one office?

Then there is a very interesting thing. I happen to be the Whip of my Party. In sub-clause (b) of clause 2 is mentioned the office of the Chief Whip or a Deputy Chief Whip. Is it intended to provide remuneration for the Chief Whip or Deputy Chief Whip of the party? Of course, I am aware of the fact that the Chief Whip here happens to be the Minister of Parliamentary Affairs. But I think he draws his emoluments in his capacity as Minister of Parliamentary Affairs and not as the Chief Whip. If the Chief Whip is not to draw any salary or remuneration or emoluments from the Government, why is this provision introduced here? What are the intentions behind this introduction?

I would like to point out the criteria which the Supreme Court has laid down. There we will get the basic principles. In cases after cases, the Supreme Court has thought it fit in defining offices of profit to say that he holds an office of profit who holds it during the pleasure of the executive. And this is the most important thing against which we have to guard. Not only does he draw his remuneration from that office, but the more important criterion that has been applied is that he remains subject to

removal by the State. If it is so, we know what happens—anybody who holds office during the executive's pleasure sitting here and trying to help to pass laws.

The main function of a Member of Parliament—I think he will not disagree with me—will be that. He controls the Executive. Is he seriously proposing to interfere with that? I will be referring, of course, to the Report on which he has based recommendations partially. I think the conception of our parliamentary democracy here will be control of the executive by Parliament. That is the main function which we have undertaken here. Now, if members of the executive come not directly coming, of course, but these are small arms of the executive—if these luminaries like patels, Home Guard Commandants and others come in what is the position? I want to clear this point here. It has been our experience that offices like Home Guard Commandant's are offices of privilege patronage distributed liberally by the ruling party. I say that the Home Guard Commandant is an employee of the State in this sense that the ruling party—I repeat it—has distributed such offices as a kind of patronage. I think it will be very unhealthy if they are allowed to come here, when they depend for their continuance in office on the pleasure of the ruling party and of the executive. It does not matter which Party is in power. We have to go to the principles that are involved in bringing such people to legislate for us.

I was referring to the guiding principles. One is control of the executive. Can the executive be controlled if its own members, not directly elected members, but quasi-members, as we may describe them, come here to do that function? It is beyond me to understand. They may be *tehsildars*, *lambardars*, *malguzars* or *patels* or *deshmukhs*. Very satirical references have been made to them. I

do not denigrate the office of any Indian. We accept the equality of all Indians in the eye of our law. They are as good citizens as I am. But it is the function which they undertake, as *malguzar* or *patel* or *deshmukh* that will seriously interfere with that watchfulness which will be required of a Member of Parliament. He has to be vigilant, watchful and fearless.

Now, as regards those people, how brilliant has been their record? It is not as individuals that I am speaking of them but as the holders of these offices. Now have they discharged their duties, of *patel*, *lambardar*, *malguzar*—some of these are not familiar in our part of the country—and *deshmukh*? We know they have been 'yes-men'. But I think we must see to it that no attempt is made to fill this House with 'yes-men' for the executive. We shall not allow that, if we can prevent such a thing happening here.

Therefore, the Supreme Court decided what an office of profit is. These are the criteria that have been applied in cases after cases—I will be reading them for his ready reference. One is that which involves an appointment by the State in one form or another. It applies to the new categories which he has introduced—it applies to most of them. The next is that it carries emoluments payable mostly periodically. That qualification is satisfied here. Then the other criteria are: it is for a limited period, it is terminable, it is not assignable, it is not heritable and the holder of the office must be *sui juris*. The last one is unimportant. But as regards the others, the executive exercises some kind of control over the whole of those offices. As such, it impinges on the principle of separation of the functions of the judiciary, executive and the legislature.

It is true that our Constitution does not say anything specifically about that. The only thing it says is that Parliament from time to time shall legislate. So once these principles

have been given to us, we shall have to exercise the utmost care in guarding this inviolable principle of the separation of the functions of the executive and the legislature.

The Committee, which was appointed because of the complexity of the problem and of the very delicate nature of it, has this to say on page 9:

"It is thus clear that the concept of office of profit disqualifying its holder, unless exempted by the Legislature, from being chosen as or for being a member of a representative legislature is an essential part of democracy which has to be guarded against the influence and authority of the executive".

The point which I am trying to bring to notice and which the Committee has accepted, is that the influence of the executive must not be allowed to come into this House in one form or in another form. This is what his worthy predecessor had to say about this matter:

"For instance, if the office is one to which some power or patronage is attached"—I would like Shri A. K. Sen to bear in mind the words of his own predecessor—"if the office is one in which the holder is entitled to exercise executive functions, an office of dignity, of honour that might be regarded also an office of profit, the idea being that Government must not be in a position to seduce a Member of Parliament by placing him in a position"—and that is what will be happening if we go ahead with this list—"where he can exercise authority, where he thinks he is a somebody"—you know how much these *malguzars* and *deshmukhs* think of themselves; they are more than somebody—"and either he has got some money or he is otherwise made very important. All these temptations

[Shri Nath Pai]

must be removed. That being the object, the word 'profit' has been given a larger interpretation".

Then I will quote another worthy predecessor of his. It is from a speech of Dr. Ambedkar's, who also had something to do with this. I think he was a very vigilant guardian of these principles. He said that he could not lend himself to depart from these principles. Here is the exact quotation:

"I personally think that that would involve a disqualification".

An office of this kind must be kept away

"because it may be regarded and interpreted as a fraud upon the Statute".

It is true that the Constitution has given the power to exempt such categories from time to time, as he said in the earlier part of his speech. But we must exercise the utmost precaution in doing that, because:

"It may be regarded and interpreted as fraud upon the Statute, by getting a Member of Parliament to be appointed but to be paid by somebody else".

The man who pays the piper must determine the tune. If this is the kind of people who are going to come to this House, not directly but by the back-door, will they be basically loyal to us? Will they be basically loyal to this House, to the legislature? Will they carry the dignity and the independence which go with the office of Member of Parliament?

I will not be labouring this point any further; but there are one or two aspects which I should like to mention before I conclude. May I say that this is not just being eloquent about certain things. There are certain dangers which I not only feel, but there are certain dangers and there are greater men who think that

these dangers will have to be vigilantly guarded against.

Sir Henry Maine said—and he is a good authority—and this is what he said:

"It is important to ponder over these questions. Parliamentary democracy, like liberty, cannot be taken for granted."

In introducing new elements we must be guided by their loyalty. We must not ignore the obvious fact that they will be subservient. We shall have to bear the words which an authority has brought to our notice:

"Sir Henry Maine wrote as early as in 1886 that his study of history did not bear out the assumption that a popular government had an indefinitely long time before it. Experience rather tends to show that it is characterised by great fragility and that since its appearance all forms of Government have become more insecure than they were before"

If we carry out this kind of legislation, we will be seriously depreciating the basic principle of subservience of the executive to the legislature. There is the danger of legislators coming here who will be basically tending to be subservient to the executive

Before I conclude, I would like to point out to him this thing. Let us bear that in mind and not easily tamper with the independence and sovereignty of this House.

The Manchester Guardian had this to say:

"All that is happening" and I hope he will take these words to heart—

"All that is happening in Asia throws a spotlight on the Parlia-

ment in Delhi as the one institution of the kind which is working in an exemplary way."

Are you going lightly to tamper with this? This is the only institution that is now working in the whole and entire field of Asia....

**Mr. Speaker:** What is that book; written by whom?

**Shri Nath Pai:** It is *Parliament in India* written by Morris Jones who is a fairly good authority on constitutional matters.

*The Manchester Guardian* says:

"Pericles said that Athens was the School of Hellas Mr Nehru without boasting may say that Delhi is the School of Asia"

We shall not lightly tamper with it for the necessity of an emergency. This is my appeal to the hon. Minister. I hope the Select Committee will bear in mind these anxious thoughts which have been expressed from all sides of the House.

**Mr. Speaker:** Originally 4 hours had been allotted for this Bill under the impression that this is not going to the Select Committee. Now that it goes to the Select Committee, hon. Members will just indicate the several points which the Select Committee will have to take into consideration.

Hon. Members who are on the Select Committee will kindly not rise in their seats and try to catch my eye

**Pandit Thakur Das Bhargava (Hissar):** Sir, there is one difficulty with me. I have been mentioned as a member of the Select Committee in the motion made by the hon. Minister. But, I myself have given notice of an amendment to send this to the Select Committee as I felt that this Bill as it was moved would not be enough and I have something to say not as a member of the Select Committee but as the Chairman of a committee which had something to do with this Bill, which as an ordinary member I may not have an opportu-

nity to say. Therefore, I had occasion to look into this question rather minutely. I would, therefore, beg of you to make an exception in my case as I have something to say as to what the Select Committee ought to do.

**श्री सिंहासन सिंह (गोरखपुर) :**

अध्यक्ष महोदय, यह विधेयक जिस रूप में आज इस भवन के सामने है अगर उसी रूप में इसको पाम कर दिया गया तो शायद इस भवन के अनेक सदस्य, मंत्री और अधिकारी वगैरह की तरफ अपनी दृष्टि रखेंगे ताकि उनको कही न कही बैठने का कोई अन्य स्थान भी मिले। पार्लियामेंट के सदस्यों की ईमानदारी अक्षुण्ण हो, इसके लिये यह जरूरी हा जाता है कि हम ऐसी व्यवस्था बनाये रखें ताकि हमारे पार्लियामेंट के सदस्य का किसी मंत्री या किसी अधिकारी के पीछे रुझान ही न हो और उनका किसी प्रकार का कही से लाभ मिलने की आशा न हो।

अभी हमने दस वर्षों के अन्दर इस तरीके के तीन विधेयक पास किये और मे माननीय मंत्री से यह कहना चाहता हू कि सारे एशिया के अन्दर भारत ही केवल एक ऐसा देश है जिसके कि प्रजातांत्रिक तरीके की ओर अन्य तमाम देशों की दृष्टि लगी हुई है और जो इस तरह के लोकतन्त्र को अपने यहाँ चलाने में समर्थ हो रहा है। लेकिन अगर हमने भी ऐसा कानून पास किया जैसा कि आज हमारे सामने पेश है और इस सदन के सदस्यों को इस तरह प्रलोभन उठाने का अवसर मिला तो भारत जो आज एशिया में प्रजातन्त्री कार्यों में अग्रणी होने जा रहा है, वह शायद इस दौड़ में पीछे रह जायेगा और हमारा इस तरह का आचरण देश और सारे एशिया को गुमराह कर देगा। इसलिये इस दृष्टि से मैं खास तौर से जो मार्गव कमेटी बनी थी उसकी तरफ ध्यान दिलाना चाहता हूँ। उसने पांच तरह के प्राफ़िसेज को कहा है कि यह पांच तरह के प्राफ़िसेज आक्र प्राफ़िट माने जायें और उनको इसकी सुविधा नहीं मिलनी

## [श्री सिद्दहसन सिंह]

चाहिये कि वे पार्लियामेंट के मेम्बर बन सकें। रिपोर्ट आफ दी कमेटी आफ आफ्रिसेज आफ आफ्रिट के पेज १४ पर पैरा ३६ में यह दिया हुआ है :

"Broadly speaking there are five categories of offices from the point of emoluments, which may be deemed to be offices of profit, namely:—

(i) Where a person is appointed to an office of profit and takes remuneration which may, when set against expenses or loss incurred by not being able to follow his ordinary avocation, be less.

(ii) Where a person is appointed to an office of profit even though he does not take remuneration.

(iii) Where a person is appointed to an office of profit although the payment of remuneration may have fallen into disuse.

(iv) Where a person is appointed to an office of profit which is not financed from Government funds.

(v) Where a person is appointed to an office which may not give any advantage by way of monetary gain but is an office which carries with it honour, influence or patronage."

इन पांचों दृष्टिकोणों से अगर हम देखें तो हम पायेंगे कि जितने आफ्रिसेज आफ आफ्रिट को हम इस विधेयक के द्वारा पार्लियामेंट की मेम्बरी के लिये डिस्क्वालिफाइड होने से बचाना चाहते हैं ताकि वे आफ्रिसेज किसी तरह से उनको होल्डर्स के पार्लियामेंट के मेम्बर बनने में किसी तरह से बाधक सिद्ध न हों, तो हम पायेंगे कि करोब करोब सब उसमें आ जाते हैं और शायद कोई ऐसे बचते हों जो उनके अन्दर न आ जाते हों।

पहले हमने मंत्रियों को निकाला क्योंकि उनका निकाला जाना जरूरी था, पार्लियामेंटरी सेक्रेटरीज को निकाला लेकिन अब जिस रूप में हम विधेयक पास करने जा रहे हैं उसके अनुसार तो शायद ही कोई आफ्रिस भलावा सिविल सर्विस को छोड़ कर, कोई ही ऐसा आफ्रिस बचेगा जो इसके अन्दर न आजाता होगा।

आज हमारी सरकार एक वेलफेयर सरकार के नाते या सोशलिस्टिक पैटर्न के नाते बहुत सी तिज्जारी वस्तुओं पर भी अपना हाथ डालने जा रही है और ट्रेड के कुछ सींगों को अपने हाथ में ले भी लिया है। इस विधेयक के द्वारा हम चेअरमैन, डाइरेक्टर और मेम्बर आफ स्टैचुटरी बोर्डों के आफ्रिस को यह कहने जा रहे हैं कि वह पार्लियामेंट की मेम्बरी के लिये बाधक नहीं होगा। रेलवे बोर्ड के लिये इसमें नहीं कहा गया है लेकिन उसके लिये भी प्रागे चल कर कह सकते हैं कि रेलवे बोर्ड का मेम्बर होना भी पार्लियामेंट की मेम्बरी के लिये बाधक नहीं होगा क्योंकि इस विधेयक में हमने यह डिफाइन कर दिया है कि चेअरमैन, डाइरेक्टर और मेम्बर आफ स्टैचुटरी बोर्ड, कारपोरेशन का चेअरमैन ये बर हो सकता है, उसका डाइरेक्टर मेम्बर हो सकता है, अभी तक हमने यही रखा है कि ऐसी कारपोरेशन का चेअरमैन या डाइरेक्टर जहां कि उनको तनखाह न मिलती हो, और अब दो तरह की कारपोरेशंस बनाई जाया करेगी या वहां पर एक दफा लगा देगे कि कारपोरेशन का मेम्बर पेड भी हो सकता है और अनपेड मेम्बर भी हो सकता है। यह तो ठीक है कि उसको उस आफ्रिस होल्ड करने के लिये कोई तनखाह नहीं मिलती है लेकिन उस आफ्रिस के अन्दर सत्ता है और इनफ्लुएंस और पेट्रोनेज होती है। इसके जरिये लोगों को प्रलोभन भी हो सकता है। चेअरमैन का और डाइरेक्टर का काम एग्जिक्यूटिव काम है, कार्यकारी काम है, जिससे शासन प्रजाजी की व्यवस्था चल

रही है। पर यहां तो पटेल और कारपोरेशन के चेयरमैन दोनों को ही रखा है। मेरी समझ में नहीं आता कि बे लोग दोनों जगह कैसे ईमानदारी से काम कर सकेंगे। वह यहां पर भी ईमानदारी से काम करे और यहां भी ईमानदारी से काम करें, यह मुमकिन नहीं है। अगर इस भवन के अन्दर उसी कारपोरेशन के खिलाफ कोई बात आती है जिसका वह चेयरमैन है कि वह कारपोरेशन सही तरीके से काम नहीं कर रहा है, जैसे यहां डी० वी० कारपोरेशन के बारे में कई बार चर्चा आई, तो वह मेम्बर पार्लियामेंट को हैसियत से यही कोशिश करेगा कि वह बात यहां तक न उठ सके। वह चाहेगा कि हमेशा उसकी तारीफ होती रहे। ऐसी ऐसी वस्तुएं लाकरके हम लोगों के अन्दर ऐसी ही भावना पैदा करेंगे कि वे हमेशा यह कोशिश करते रहे कि उनको कोई स्थान पार्लियामेंट में मिल जाये। ऐसे लोगों को पार्लियामेंट में स्थान दिला देने के बाद हम पार्लियामेंट को एक तरह से ऐसा बना देंगे कि वह किसी भी कारपोरेशन पर, या और किसी चीज पर सही तरीके से ईमानदारी से, अपनी राय प्रकट न कर सके।

13 hrs.

भारंगव कमेटी ने डिस्क्वालिफिकेशन के बारे में अपनी राय दी है कि फला फला चीज को डिस्क्वालिफिकेशन मान लिया जाय। जब हम कमेटी बनाते हैं तो कमेटी की राय को मान्यता देनी चाहिये। इस कमेटी ने खास शब्दों में वाइस चान्सलरों के लिये कहा है कि उनको जगह न दी जाये। अगर कोई वाइस चान्सलर पार्लियामेंट का मेम्बर हो जाय तो या तो वह यहां से चला जाय या वाइस चान्सलर की जगह से चला जाय। वह दोनों तरफ न रहे। लेकिन आप वाइस चान्सलरों को इस सदन में कायम रख रहे हैं। मेरी समझ में नहीं आता कि जब कमेटी ने बड़े साफ शब्दों में कहा है कि वाइस चान्सलरों को क्यों न रखा जाय तो उस पर कोई ध्यान

क्यों नहीं दिया गया है। मैं उसकी एक लाइन पढ़ कर मुनाना चाहता हूँ :

"For these reasons, the Committee feel that if these Vice-Chancellors, either appointed or elected, are exempted from disqualification, such exemption will be to the detriment of both the offices. The Committee therefore are of the opinion that the office of Vice-Chancellor should not be exempted from disqualification."

उसकी डेफिनिट ओपीनियन है, ओपीनियन बेंड ध्यान रोजन है, उन्होंने बताया है कि वाइस चान्सलरों को न रखा जाय, फिर भी उसे रखा जाता है। लेकिन हम उसको भी मान्यता नहीं दे रहे हैं। इस तरह से तो बहुत थोड़े ही लोग बाकी रह जाते हैं। सिविल सर्विसेज वाले बाकी रह गये, जजेज बाकी रह गये, हालांकि रिटायर्ड जजेज आते हैं, पेन्शन वाले आते हैं। कुछ और जगह जो पड़ी रह गई है, जो सेन्टेटेरियट का काम करते हैं, वह भी चले आर्यें, तो हो सकता है कि एक दिन इस पार्लियामेंट का दूसरा ही स्वरूप बन जाये। अगर सरकारी अहलकार आ गये तो यहां पर कोई काम न हो सकेगा और पार्लियामेंट की जो प्रभुसत्ता होगी वह नहीं के बराबर होगी।

इसलिये जो विशिष्ट समेटी बनी है, उसका कर्तव्य है कि वह इस बात को पूरा तरह से सोचे और ध्यान रखे कि कई विवेक बनाते बक्त हम ऐसा काम करें जिससे पार्लियामेंट की सत्ता पर या पार्लियामेंट के सदस्यों पर कोई उंगली न उठा सके। आज हमारे प्रति जो देश की उंगली उठती है, वह हमारे लिये कलंक की बात है। हम जहां भी जायें वहां हमारे प्रति आदर का भाव होना चाहिये। पार्लियामेंट के सदस्यों में स्थान की वृत्ति होनी चाहिये। इस वृत्ति के होते हुये हम किसी भी प्रलोभन में न पड़ कर यहां अपनी ईमानदारी और नेकनीयती

[श्री सिद्धान्त सिंह]

को अनुमति रखें। यह जो विधेयक विशिष्ट समिति में आ रहा है, उसके विरोध करने या समर्थन करने का तो सवाल ही नहीं उठता, लेकिन अगर यह पास होना ही होता, तो मैं तो कम से कम यह मांग करता कि चूंकि इस विधेयक का हम लोगों से ही सम्बन्ध है, इसका फायदा पार्लियामेंट के मेम्बरों को ही मिलने वाला है, इसलिये जसे मेम्बरों को अपनी राय प्रकट करने की आजादी होती है उसी तरह वोट देने की भी आजादी होनी चाहिये, और शायद मैं इसके विरुद्ध ही वोट देता। वह विशिष्ट समिति के सामने जा रहा है, और वह इस पर विचार करेगा। भार्यव कमेटी ने इस में अम्बेदकर साहब की राय बताई है, सेन साहब की राय बताई है, मैं समझता हूँ कि जितने भी ला मिनिस्टर्स पहले हुये सबने अपने विचार प्रकट किये हैं और सब ने किसी न किसी रूप में विरोध किया है। अब हमारे सेन साहब आये हैं, वह भी यहां पर संख्या बढ़ा रहे हैं। मैं कहना चाहता हूँ कि संख्या जितनी कम रहेगी, उतनी ही कम खराबियां बढ़ेंगी। जितनी अच्छी चीजें दुनिया में हैं उनकी संख्या कम होगी है। संख्या ज्यादा होने पर उसकी वकफत घटती है, उसका नाम घटता है। इसलिये संख्या बढ़ाने की जरूरत नहीं है। और अगर आपको संख्या बढ़ानी ही है तो दफा १०२ के अंश को ही क्यों न हटा दीजिये, उस को हमेशा के लिये खत्म कर दीजिये। बार बार पार्लियामेंट में एक विधेयक लाना पड़े और उस पर बहस करनी पड़े, फिर बार बार पुराने विधेयक को रिपोज करना पड़े यह कहाँ तक ठीक है? हम हमेशा कुछ न कुछ स्थान इसमें बढ़ाते चले हैं, कल यह किया, परसों और बढ़ाया और आज हम इसमें वस और बढ़ा रहे हैं। मुझमें है कि यह जाने चल कर काफी न आनन्द पड़े और सन् १९५८ में और विधेयक आये कि इस रास्ते में दफा १०२ रोड़ा साबित हो रही है, इसलिये ऐसा कर दिया जाये कि

संविधान इसको डिस्क्वालिफिकेशन न करार दे सके।

अभी हमारे यहां एक एलेक्शन पिटीशन सुप्रीम कोर्ट ने मंजूर किया। एक मुखिया गांव का, एक सदस्य का एजेंट हो गया और एजेंट होने के नाते वह एलेक्शन पिटीशन मंजूर हो गई। जो मेम्बर खड़े हुये हैं वह तो शायद जानते भी न होंगे कि कौन उनका एजेंट बना और कौन नहीं बना, लेकिन चूंकि मुखिया एजेंट बन गया इसलिये उनको निकाल दिया गया। लेकिन हम आज यहां पटेल रख रहे हैं जो कि एक तरह से सरकारी कर्मचारी है। तहसीलदार की जगह पर पटेल हैं। अभी अभी कई जगहों पर उत्तर प्रदेश में ऐसा होने जा रहा है कि गांव सभाओं के जरिये ही मालगुजारी वसूल की जाये और उनको कुछ भलाउंस दिया जाय। इसमें बहुत आदमी खड़े जायेंगे और सभी एक तरह से सरकारी प्रहलकारों की तरह से होंगे। बहरहाल मैं तो जो हिस्सा बढ़ाया जा रहा है, उसके बढ़ाने का स्वागत नहीं कर सकता, लेकिन मैं विशिष्ट कमेटी से और सेन साहब से यह अपील करूंगा कि वह विशिष्ट कमेटी में बैठें और अपनी पार्लियामेंट के लिये, अच्छे नियम बनायें। आज भारत एशिया का नेतृत्व करने जा रहा है इसलिये हमारे यहां के सदस्यों को कम से कम प्रलोभन हों और कम से कम फायदा उठाने की उनमें आदत हो। इसलिये अगर यह विधेयक पास कर दिया गया तो कोई अच्छा आदेश हम संसार के सामने नहीं रख सकेंगे।

Pandit K. C. Sharma (Hapur):  
Mr. Speaker, Sir, I share the anxiety of hon. Members that Members of Parliament should be impartial and independent. But I do not want to take them too near the ground. I think a Member who gets the vote of the electorate and enjoys the confi-

denies of his people will not be led astray simply because he has been sent to perform certain functions.

Situated as we are, rather situated as the world is, the utmost is required of every individual who is capable, efficient, honest and enjoys the confidence of his people to do his best for the service of his people. Therefore, simply because an individual happens to be a Member of Parliament, he should not be deprived of an opportunity to put in his best for the service of his people in any sphere of life for fear that he would be influenced by Government views. I do not think in any way that a man who does *malguzari* work or is a *patel* or work of a similar nature should be deprived of an opportunity of rendering a little service for his people.

Section 7(d) of the Representation of the People Act says:

"If, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest in a contract for the supply of goods to, or for the execution of any works or the performance of (these are important) services undertaken by, the appropriate Government;"

I beg to submit that suppose a professor of art and culture or a professor of sociology gives a broadcast talk on the radio. The radio service is an undertaking by the Government. He does perform some service. Only a man who is well versed in subjects which are useful and good to the people, only a man of rare qualities can distinguish himself in these subjects. It is not given to an ordinary market-place man to have something original and useful in sociology or in cultural pattern or to transform one era of culture into another or to bring about changes which will have an impact on social life. You deprive Parliament of a Member simply because he goes and gives a

talk on the radio. Therefore, I beg to appeal for two exemptions.

I want to add at the end of (iii) of clause 2 of this Bill two new categories:

"(iv) a lawyer, not permanently employed for conducting cases or given brief on behalf of the Government."

"(v) the performance of any service academic or in the matter of arts or culture by any persons not permanently employed by the Government."

My respectful submission is that certain classes of people who have enjoyed the confidence of the electorate and have been voted for the membership of Parliament should not be judged from the market place standard. Certain confidence and trust is to be reposed in them. If by their learning and achievement, they are capable of rendering certain unique type of service, they should be allowed to do so.

Let us suppose that Government has a case in the Supreme Court. We have not got many lawyers in the matter of Company Law. Should not a lawyer Member of Parliament, well versed in that law, be allowed to appear on behalf of the Government in such a case before the Supreme Court simply because he is a Member of Parliament? Does he forfeit the confidence of his people? Is his opinion, as a distinguished jurist and a Member of Parliament likely to be influenced simply because he works there? Nowhere in the world is such an opinion about the lawyers' capacity or is it considered that the trust reposed in him is taken away.

Secondly, about radios. Let us take Shrimati Rukmani Arundale. She goes and gives a talk on the history of arts and it lasts about a week and she is daily paid Rs. 50, let us suppose, for each such talk. Are the people to be deprived of such a rare

[Pandit K. C. Sharma]

and distinguished service simply because the poor lady happens to be a Member of Parliament? It is not doing any injury to her; it is doing injury to the people.

Therefore, I beg to submit that these two amendments should be considered by the Joint Committee. I would again say that while judging our people, we should not judge them too near the ground. Let us take a reasonable view. His impartiality and honesty should in no way be judged or balanced as in the market place manner. He is a different, superior man. The trust reposed by the people should be taken into account and a reasonable view of the case taken.

पंडित ठाकुर दास भार्गव : जनाब स्पीकर साहब, यह जो बिल हमारे सामने है इसके वास्ते सबसे पहले तो मैं आनरेबिल मिनिस्टर साहब का शुक्रिया अदा करना चाहता हूँ कि बिजनेस एडवाइजरी कमेटी से सजेशन पर और जिन मेम्बरान ने सिलेक्ट कमेटी के वास्ते रेफरेंस की दरखास्त की थी उनकी व्यूज का लिहाज रख कर मेहरबानी फरमा कर इसके ऊपर मोशन प्राव कंसिडरेशन के वास्ते नहीं कहा है बल्कि ज्वाइंट सिलेक्ट कमेटी को रेफरेंस के बारे में कहा है। फिलवाके इस हाउस में बहुत से मेम्बरान को बड़ी सलत मायूसी होती अगर यह मोशन हाऊस के सामने न आती और कोशिश यह की जाती कि बिल बीजदा फार्म में पास कर लिया जाये।

यह मामला दरअसल इतनी ग्रहमियत का है कि जिसके ऊपर बहुत से मेम्बर साहिबान, पेनल प्राव बेयरमैन के मेम्बर और दूसरे साहिबान ३० अप्रैल, सन् १९५४ को इकट्ठे हुये और आनरेबिल स्पीकर साहब की अध्यक्षता में हाजिर हो कर उन्होंने अर्ज की कि वह मेहरबानी फरमाकर इस मामले का इन्तिजाम करें ताकि यह मामला हमेशा के लिये फूलभूक हो जाये। चुनांचे बात

तीर पर एक कमेटी हमारे आनरेबल स्पीकर साहब ने बनायी जिसको वास टर्म्स आफ रेफरेंस दिये और यह हुक्म दिया कि तुम ऐसा मसाला इकट्ठा करो जिससे गवर्नमेंट को इस बारे में कानून बनाने में इमदाद मिले।

जनाब वाला, यह मामला आज का नहीं, कल का नहीं, एक पार्लियामेंट का नहीं, दो पार्लियामेंटों का नहीं, सारी दुनिया की पार्लियामेंटों के वास्ते एक सबसे ग्रहम चीज है। चुनांचे कई सदियों से विलायत में इसके ऊपर झगडा होता चला आया है और इसके ऊपर कम से कम सैकड़ों ऐक्ट और रिजोल्यूशन्स हाउस आफ कामन्स में पास हुये जिनकी तफसील अगर आप देखना चाहें तो हाउस आफ कामन्स के सन् १९५७ के डिस्क्वालीफिकेशन्स ऐक्ट में मिल जायेगी। यह ऐक्ट आज खुशकिस्मती से हमारे हाथ में है जिसका हमें बेहद इन्तिजार था। इसके अन्दर दस सफहों के अन्दर उन ऐक्टहाय और रिजोल्यूशनहाय की तफसील दी गयी है जो इस ऐक्ट की रू से र पील किये गये हैं। यह मामला हमारी पार्लियामेंट के सामने भी आज ही नहीं आया है। अगर हम अपनी पार्लियामेंट को देखें तो हमको मालूम होगा कि सन् १९४७ के बाद जो हमारी पार्लियामेंट बनी वह इस बारे में तीन ऐक्ट पास कर चुकी है। सन् १९५० में एक ऐक्ट पास किया, सन् १९५१ में एक किया और सन् १९५३ में एक ऐक्ट पास किया जिसको ऐक्ट १ सन् १९५४ कहते हैं। लेकिन बावजूद उन ऐक्टहाय के यह शिकायत रही है कि ये ऐक्ट कामग्रेहसिव नहीं हैं। ये ऐक्ट ऐसे नहीं हैं कि हम कह सकें कि हम अपने कानून को ठीक तीर पर रख सकें हैं। यह मामला हमको और भी तकलीफ देता अगर हमारे सामने वी कानून न होते जो कि इतने अर्से तक मदर प्राव पार्लियामेंट में पास हुये।

सुप हाउस भाव कामकाज में सन् १९४१ में एक सिलेक्ट कमेटी बिठाई गयी और इस तरह के वास्ते बिठाई गयी कि इस कानून को कंसालीडेट किया जाये । बड़े भर्से तक वह काम करती रही, उसने बड़ी मुशकिलें लीं । उस कमेटी की रिपोर्ट यह थी कि यह कानून बड़ा प्रार्थाईक और कम्प्लेक्स है और बड़ी प्रनसिटील कंडीशन में है । चुनावे सिलेक्ट कमेटी की रिपोर्ट के बाद यह मामला सन् १९५५ में मदर भाव पार्लियामेंट के सामने शुरू हुआ और जो रिपोर्ट हमने इस मामले के मुतालिक लिखी उसके प्रपेडिक्स में यह सिलेक्ट कमेटी की रिपोर्ट भी दी गयी है । उस वक्त तक ऐक्ट पास नहीं हुआ था । खुशकिस्मती से विलायत में सन् १९५७ में वह ऐक्ट भी पास हो गया । मैं चाहता हूँ और दरखास्त करूँगा अपने प्रान्तेबिल ला मिनिस्टर साहब से कि वह मेहरबानी फरमाकर सिलेक्ट कमेटी के तमाम मेम्बरान के पास इस ऐक्ट की एक एक कापी भेज दें क्योंकि यह बड़ा इन्फुर्मिनेटिग डाक्यूमेन्ट है, जिससे हमको अपना कानून बनाने में बहुत मदद मिलेगी ।

हमारे हिन्दुस्तान के अन्दर भी यह मामला आज से नहीं है । इस तरह का मामला कि डिस्क्वालीफिकेशन क्या हो, किस तरह से उसको कायम किया जाये, किस तरह से उसको दूर किया जाये और किस तरह से उस पर प्रमल किया जाये, यह मामला हमारे यहाँ उस वक्त से चल रहा है जबसे कि यहां पर रिप्रेजेंटेटिव इन्स्टीट्यूशन की शुरुआत हुई । चुनावे सन् १९०६ में और १९१५ में जिन ऐक्ट्स की रू से रिफार्म्स नाफिज किये गये उनमें इसके वास्ते भी प्रावीजन बनाये गये । बाकिर ऐक्ट सन् १९१६ में पास हुआ जिसकी दफा २२ का हवाला उस रिपोर्ट में दिया गया है जिसको कमेटी प्रान प्राफिट प्राफिट ने बनाया । और उम्मीद है कि प्राफिट प्राफिट के

मेले ही उस शक्त्त को उस प्राफिट से जुवा कर लिया जायेगा और उस डिस्क्वालीफिकेशन को रिमूव करने का प्रस्तिधार पार्लियामेंट को ही होगा । चुनावे ऐक्ट सन् १९१६ की दफा २२ बाकिर करती है आज से तकरीबन ४० बरस पहले भी हमने इस मामले पर गौर किया था । सन् १९३५ के ऐक्ट में साफ तौर पर दफा २६ और ६६ में इसका जिक्र आया है । और वहां से यह प्रावीजन हमारे कांस्टीट्यूशन के प्राटिकल १०२ में आया है । जनाब वाला मुलाहिजा फरमायेंगे कि प्राटिकल १०२ में किसी किस्म के शक की गुजाइश ही नहीं छोड़ी गयी है और जो शक्त्त इस प्रावीजन को खिलाफवर्जी करता है उसके लिये इस्टिक कासीकबसेज होंगे । इसमें दर्ज है

"A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;"

इसकी रू में दो शरायत बनी । कोई शक्त्त जो कि गवर्नमेंट प्राफिट इंडिया या किसी स्टेट गवर्नमेंट के अंदर प्राफिट भाव प्राफिट लिये हो वह पार्लियामेंट के वास्ते लड़ा हो सकता है और अगर लड़ा हो कर गलती से यहाँ आ भी जाये तो वह कायम नहीं रह सकता । अगर पार्लियामेंट चाहे तो उस डिस्क्वालीफिकेशन को हटा सकती है । अगर पार्लियामेंट ऐसा नहीं करती तो कोई ताकत और कानून ऐसा नहीं है जिसके जरिये वह शक्त्त पार्लियामेंट का मेम्बर हो सके या वहाँ रह सके । २. चुनावे इसके वास्ते ये शरायत है कि जब कभी यह सवाल उठे तो यह मामला प्रेसीडेंट साहब को रेफर किया जायेगा और वह इस मामले को तै करेगा कि उस शक्त्त को चुना जाना

[पंडित ठाकुर दास भार्गव]

चाहिये या नहीं। इसमें इलेक्शन पिटीशन का खर्चा भी नहीं आता। यह प्रतियोगिता डाइरेक्टली प्रेसीडेंट को है कि वह तैयार करें कि उस शख्स को चुना जाना चाहिये या नहीं और आया उसको हटा देना चाहिये। अगर प्रेसीडेंट को प्रतियोगिता हो तो बरूये कांस्टीट्यूशन यह गवर्नमेंट आक्रा इंडिया का प्रतियोगिता होता है। लेकिन इस चीज को गवर्नमेंट आक्रा इंडिया के हाथ से भी ले लिया गया है और ऐसा खर्चा बजट से किया गया है। इसका मंशा यह है कि पार्लियामेंट के मेम्बर इंडिपेंडेंट हो और फ्री फ्राम करप्शन हों क्योंकि अगर ऐसा नहीं होगा तो देश का इन्तजाम ठीक से नहीं चल सकेगा। यह सबसे बड़ा उसूल है कि जिसके मुकाबले में सारे और उसूल हैं। यह सबसे पहली चीज है कि मेम्बर आव पार्लियामेंट फ्री फ्राम इन-क्यूरेण्ड होने चाहिये। ताकि इस देश की हुकूमत ठीक चल सके। ऐसा होना इस साविरन बाड़ी के मेम्बरों के वास्ते एक बड़ी चीज है क्योंकि जो शख्स ईमानदार है और गवर्नमेंट और एग्जीक्यूटिव के असर से आजाद है वही यहां पर आजादानी तौर से काम कर सकता है। चुनाव इसके लिये बड़ी सख्त सजा रखी गयी है। अगर किसी शख्स को डिस्क्वालीफिकेशन मालूम हो और फिर भी वह यहां आकर बैठ जाये या अगर वह डिस्क्वालीफाइड न हो पर वह आफिस आक्रा प्राफिट लिये हुये हो और फिर यहां आकर बैठ जाये तो उसके वास्ते ५०० रुपया रोज के जुर्माने की सजा का प्रावीजन है। जो कि कांस्टीट्यूशन के दफ्ता १०४ में दी हुई है।

अगर यह आफिस आक्रा प्राफिट की डिस्क्वालीफिकेशन किसी मेम्बर को लागू होती हो तो मैं यह मानने के लिये तैयार हूँ कि यह उस मेम्बर की निहायत ही बद-किस्मती है। उसको इलेक्शन में कामयाब

हो कर आना होता है और उसके रास्ते में वैसे ही बहुत काफी हरकतें हैं। हो सकता है कि उसने कोई आफिस मसती से ले लिया हो जिसे वह आफिस आक्रा प्राफिट न समझता हो। उससे यह गलती हो सकती है और वह यहां आनकर पार्लियामेंट का मेम्बर बनने की कोशिश कर सकता है। ऐसे शख्स के लिये भी कोई भर्ती नहीं दिखाई गई है। क्योंकि इस लिये कि उसूल यह है कि पार्लियामेंट का मेम्बर एक ऐसा शख्स हो, जिसके बारे में हम कह सकें कि वह बिल्कुल आजाद है और सन तरह के प्रलोभनों से ऊपर है। चुनाव, जहां पार्लियामेंट का मेम्बर होने की ये तारीफें दी गईं, वहां यह तारीफ भी दी गई कि सिर्फ वही शख्स पार्लियामेंट का मेम्बर चुना जा सकेगा, जो कि पच्चीस वर्ष की उम्र का हो, इलैक्टर हो, सिटिजन आक्रा इंडिया हो और साथ ही उसको ऐसी वह क्वालिफिकेशन हासिल हों, जोकि पार्लियामेंट मुकर्रर करे। यह तारीफ आर्टिकल ८४ में दी गई।

मेम्बर साहबान को याद होगा कि इस पार्लियामेंट में एक रेजोल्यूशन आया था, जिस में यह करार दिया गया था कि पार्लियामेंट के मेम्बरों के लिये कोई एन्क्वेशनल क्वालिफिकेशन रखी जायें। लेकिन हाउस ने कोई क्वालिफिकेशन नहीं रखी और अपनी तरफ से इस किस्म की कोई पाबन्दी मुकर्रर नहीं की, जिसके मायने ये हैं कि लोग जिस को चाहें, अपना रिप्रेजेंटेटिव मुकर्रर कर सकते हैं।

आर्टिकल १०२ में आफिस आक्रा प्राफिट होल्ड करने के अलावा और भी पाबन्दियाँ रखी गई हैं। मसलन, वह पागल न हो—पागल हो, तो कोई परवाह नहीं, कोई से डिक्लेयरड पागल न हो—, अन-डिस्बाई, इनसाल्वेंट न हो, किसी दूसरे

मुल्क के लैजिस्लेचर का मेम्बर न हो, सिटिजन थाफ़ इंडिया हो, बरैरह । इस का मत-सब साफ़ यह है कि थाफ़िस थाफ़ प्राफ़िट को लेने वाला भी उसी जुमरे में आयेगा, जिसमें इन दूसरी डिसक्वालिफ़िकेशन्स को रखने वाला आयेगा । जिन डिसक्वालिफ़िकेशन्स का मैंने बिक्र किया है, वे एक से एक आला डिसक्वालिफ़िकेशन्स हैं । मैं बर्ज करना चाहता हूँ कि इससे बढ़ कर कोई डिसक्वालिफ़िकेशन नहीं है कि एक आदमी वहाँ पर चुन कर आये और वहाँ पर पूरी आजादी के साथ काम न करे और यह ब्याल करे कि गवर्नमेंट का कोई मेम्बर मुझे किसी कमेटी का मेम्बर बना देगा, कोई थाफ़िस थाफ़ प्राफ़िट दे देगा, जो कि मुझे इनफ़्लु-एन्स, इन्फ़्लु और वेट्रनेज देगा । इससे गवर्नमेंट भी बराब हो जाती है अगर वह यह ब्याल करती है कि हमको इस तरह से किसी आदमी की सपोर्ट मिस सकती है । मैं बर्ज करना चाहता हूँ कि ये दोनों बातें हमारे देश की बरबादी का कारण हैं । इसलिये ऐसे किसी आदमी को गवर्नमेंट नहीं हटा सकती है, जिसके बारे में यह कहा जाय कि वह इन डिसक्वालिफ़िकेशन्स के नीचे आ गया है । उस को सिफ़्रं प्रेजिडेंट हटा सकता है—और असल में प्रेजिडेंट भी उस को नहीं हटा सकता है, उसका तो सिफ़्रं नाम रखा गया है । इस पार्टिकल में कहा गया है कि इस सिलसिले में इलेक्शन कमीशन की राय प्रेजिडेंट के लिये काबिले-पाबन्दी होगी । मामला फ़ौरन इलेक्शन कमीशन के पास जायगा और उस की राय प्रेजिडेंट को कबूल करनी पड़ेगी और उसके मुताबिक यह करार देना पड़ेगा कि उस बक्स को थाफ़िस थाफ़ प्राफ़िट मिला है या नहीं । इस बात को इतना प्रहम समझा गया कि कांस्टीच्युशन में यह प्राबिद्धन रखा गया और ये प्रहकामात सादर किये गये ।

हमारे सामने तीन बिल आये, जिनका कि मैंने बिक्र किया है । उन तीनों बिलों

से सारे मेम्बरान और पब्लिक वरैमूतमईन भी, क्योंकि उन बिलों में लम्बी चौड़ी एग्जम्प्लान्स दी गई थीं । वे एग्जम्प्लान्स इतनी खबर्दस्त थीं कि गवर्नमेंट के हाथ बड़े झुके हुये थे कि वह जिसको सीड्यूस करना चाहे, करे—वह मेम्बर सीड्यूस हो या न हो, यह असल बात है । जो मेम्बर किसी ऐसे थाफ़िस को कबूल करता है, वह हाउस का मेम्बर रहने का अस्तिपार नहीं रख सकता । बहरहाल, ये तीन बिल सेटिसफ़ेक्टरी नहीं थे । इसलिये एक कमेटी मुकर्रर की गई, जिसको यह काम सौंपा गया कि वह रिपोर्ट करे कि क्या कमियाँ हैं, वे किस हद तक जाते हैं और उनको किस हद तक नहीं जाना चाहिये । उस कमेटी ने एक्सटेंशन भी हासिल की और एक साल में अपना काम पूरा कर दिया और अपनी रिपोर्ट पेश कर दी । वह रिपोर्ट हाउस के सामने है । सबाम यह पैदा होता है कि जिस गरब से वह रिपोर्ट की गई है, वह गरब पूरी हुई या नहीं । इस बिल को देख कर मुझे यह कहने में बरा भी ताम्मूल नहीं है कि गवर्नमेंट ने इस कमेटी की सिफ़रारियों की परवाह नहीं की, जिसकी कि उसे करनी चाहिये थी और उस कमेटी के अफ़ाराब पूरे नहीं हुये, क्योंकि गवर्नमेंट ने इस बिल में इस मामले को इस तरह देखा जो कि कमेटी की राय के मुताबिक नहीं था । अगर यह एक्ट पास हो जाता, तो देश में एक ऐसी बराबी होती, जिसको हम ध्यान में नहीं ला सकते हैं । मुझे उम्मीद है कि हमारे ला मिनिस्टर साहब और गवर्नमेंट इस बात का सास तौर पर ब्याल रखेंगे कि यह मामला ऐसा है, जिसमें नानथाफ़िशियल ओपीनियन का पूरा इखल होना चाहिये और यह देखना चाहिये कि हम अपनी पार्लियामेंट को पाक और साफ़ रखें ।

जब मैं इस बिल की तरफ़ देखता हूँ तो मासूम होता है कि कई बातों के बारे

- [पंडित ठाकुर दास भार्गव]

मैं गवर्नमेंट ने कमेटी की राय को न सिर्फ़ कबूल नहीं किया, बल्कि उसके कतई बरखिलाफ़—उस की डिफ़ायेंस में—कई चीज़ें रखी हैं, जिसको आम तौर पर बहुत से मेम्बर साहबान पसन्द नहीं करेंगे और कंट्री भी पसन्द नहीं करेगा।

सबसे बड़ी बात, जिस की मैं नुक़्ता-चीनी करना चाहता हूँ और जिसको सिलेक्ट कमेटी खास तौर से देखे, यह है कि असल मन्ना इस कमेटी के बनाने का, असल मन्ना हमारे स्पीकर साहब का और उन मेम्बर साहबान का, जो कि उनकी ख़िदमत में हाज़िर हुये थे, यह था कि एक ऐसा शिड्यूल बना कर रखा जाय, जिस में कि आफ़िसि आफ़ प्राफ़िट की तारीफ़ की जाय और बताया जाय कि ये ये आफ़िसिज़ आफ़ प्राफ़िट हैं। अगर कोई शक्स् उनमें से किसी को पहले से होल्ड कर रहा है, तो वह पार्लियामेंट के लिये खड़ा नहीं हो सकता है और अगर वह खड़ा हो कर कामयाब हो जाता है, तो पार्लियामेंट में कायम नहीं रह सकता है। यह बात सब को मालूम होनी चाहिये। जब तक यह मालूम न हो, तब तक उस शक्स् का क्या कसूर है, जो कि असलियत को नहीं जानता है और जो खड़ा होता है और कामयाब हो कर यहां आ कर बैठ जाता है? इसलिये सबसे पहली ज़रूरत इस बात की है कि यह एसरटेन किया जाय कि आफ़िसि आफ़ प्राफ़िट क्या है और उनको शिड्यूल में दाख़िल किया जाय और यह प्रोवाइड कर दिया जाय कि आगे के लिये ये ये अशख़ास खड़े नहीं हो सकते हैं। जब तक यह नहीं होता है, तब तक आफ़िसि आफ़ प्राफ़िट्स का कानून मुकम्मल नहीं हो सकता है। यही चीज़ है, जिसको गवर्नमेंट ने ज़ाहिर करने से परहेज़ किया है। स्टेटमेंट आफ़ प्रावबेयेंस एंड रीज़न्स में उस ने कहा है कि हम शिड्यूल नहीं बना सके हैं, क्योंकि

हमारे सामने प्रैक्टिकल डिफ़िकल्टीज़ थीं। लेकिन गवर्नमेंट ने यह नहीं देखा कि जो कमेटी मुकर्रर की गई है, उसने महीनों बैठ कर कम से कम दो सौ कमेटीज़ के कांस्टीच्यूशन्स देखे और, जहां तक उस के इल्म में आ सका, पूरी मालूमात की कि किस तरह से शिड्यूल बनाया जाय और शिड्यूल बनाने की कोशिश की।

कमेटी की तीन सब-कमेटियां बनाई गईं और उन कमेटियों ने रिपोर्ट की। वे रिपोर्ट मुफ़त्सल तौर पर शायी कर दी गईं और चन्द एक कमेटियां ऐसी करार दी गईं, जिनकी मेम्बरशिप लेने से कमेटी की राय में किसी शक्स् को डिसक्वालिफ़ाई किया जा सकता है। मुझे खुशी है कि इस बारे में मेरे हाथ मजबूत हो गये हैं। रिपोर्ट के पार्ग बी, सफ़ा २३५ से २७४ तक उन तरह कमेटियों के बारे में हमने अर्ज़ किया था कि उन कमेटीज़ की मेम्बरशिप आफ़िसि आफ़ प्राफ़िट में आ जायगी। इस बिल की रू से एक-कलम वे सब कमेटियां ऐसी करार दी गईं जिनकी मेम्बरशिप डिसक्वालिफ़िकेशन एनटेल नहीं करेंगी। विलायत के एक्ट में यह करार दिया गया है कि इस किस्म की कमेटीज़ की मेम्बरशिप ज़रूर डिसक्वालिफ़िकेशन होगी। मैं विलायत के एक्ट पर इस लिये ज़ोर देता हूँ कि हमारी पार्लियामेंट, हमारे पार्लियामेंटरी इंस्टीच्यूशन्स, चाहे हम मानें या न मानें, उनमें अन्तर्गर्भ हो या न हो, उन बातों पर बेस्ड हैं, जो कि मदद आफ़ पार्लियामेंट्स ने सैकड़ों, हजारों बरसों के तज़ुबों के बाद कबूल की हैं। पहले शिड्यूल में वह लिस्ट दी गई, जिन की मेम्बरशिप से कोई शक्स् आफ़िसि आफ़ प्राफ़िट होल्ड करता हुआ माना जायगा और इसलिये डिसक्वालिफ़ाई हो जायगा। मैं चाहता हूँ कि सिलेक्ट कमेटी खुद बैठ कर नये सिरे से इन को आफ़िसि आफ़ प्राफ़िट करार दे।

मैंने आरंभ कमेटी की तबदील पेश की थी। स्पीकर साहब आम तौर पर किसी

डिस्सेकट कमेटी के मेम्बर चुकरें नहीं होते । उन को छोड़ कर नैक्स्ट बैस्ट मैन, हमारे डिप्टी स्पीकर साहब, को मैं अपनी तरफ से बरखास्त की थी कि वह उस कमेटी के चेयरमैन बनें । जिस कमेटी में डिप्टी स्पीकर साहब होते हैं, हमारे रूल के मुताबिक वे उस के चेयरमैन होते हैं । मैं चाहता था कि जो हाइएस्ट आदमी हैं, उन पर यह जिम्मेदारी डाली जाय कि वे सिड्यूल बनाये । मुझे खुशी है कि आनरेबल मिनिस्टर साहब ने इस को कबूल कर के, जहाँ मैं जिम्मेदारी डालना चाहता था, वहाँ जिम्मेदारी डाल दी है । मैं भ्रष्ट करना चाहता हूँ कि यह कानून सारे हिन्दुस्तान के लिये—सारी स्टेट्स के लिये—बनेगा और यह एक एग्जम्पलरी होगा । जैसा कि श्री चाय पाई साहब ने कहा है, यह सारे एशिया में अपनी एक मिसाल होगा । मैं चाहता हूँ कि यह कानून इतना मुकम्मल बने कि जो गलतियाँ मदर आफ पार्लियामेंट्स ने की हैं वे भी हम न करें । मैं क्लेम करता हूँ कि हमारा कांस्टीच्यूशन सारी दुनिया में सब कास्टीच्यूशन से अच्छा है । हमारा यह एक्ट भी एक ऐसा नमूना बने, जिस पर एशिया यूरोप और सारी दुनिया के मुल्क चले । आज हम हाउस आफ कामन्स के कायदों पर चलते हैं और हम पाते हैं कि उन में इतनी खूबियाँ हैं, इतनी उमदा चीजें हैं, जिन की देख कर हमारा दिल लुभायमान होता है । अगर उससे बढ़िया नहीं, तो कम से कम ऐसा एक्ट हमारे लिये बने, जो कि उस के बराबर हो । इस नये एक्ट १९५७ की एक खास दफा की तरफ मैं आपकी तवज्जह दिलाना चाहता हूँ और वह दफा है दफा ११ । उसमें बर्ज है :—

The second schedule to the Representation of the People Act, 1949, which contains Parliamentary Election Rules and local election rules shall be amended by the addition, at

the end of rule 9 of the Parliamentary Election Rules, of the following paragraph, that is to say:

(2) A candidate's consent given under this rule shall contain a statement that he is aware of the provisions of the House of Commons Disqualification Act, 1957, and that to the best of his knowledge and belief, he is not disqualified to the House of Commons.

मैं यह चाहता हूँ कि हमारे रिप्रेजेंटेशन आफ पीपल एक्ट में यही रूल बने । हर एक मेम्बर जहाँ यह लिखा होता है :

I give my consent to become a Member of Parliament उसके साथ यह लिखा जाये : मैंने यह पढ़ लिया है और मैं इसके किसी सिड्यूल के अन्दर नहीं आता और मैं यह जानता हूँ कि मेरे में यह डिसक्वालिफिकेशन नहीं है । यह चीज पेशतर इसके कि उसको खड़ा होने को इजाजत दी जाये, होनी चाहिये इसलिये उसके अन्दर यह रूल बनना चाहिये जैसा कि इस में है । इस रूल को बनाने से यह साफ जाहिर हो जायेगा कि वह शक्स खड़ा नहीं हो सकता । मेरे दोस्त के० सी० शर्मा साहब ने बड़े जोर शोर के साथ तकरीर की है और उसके दौरान में उन्होंने कहा है कि अगर कोई बड़ा भारी आर्टिस्ट हो या बड़ा भारी वकील हो उसको डिसक्वालिफिकेशन के दायरे में नहीं आना चाहिये । मैं इस चीज के मैरिट्स में नहीं जाना चाहता । हमने कमेटी के अन्दर ऐसे लोगों को जो कहीं बाइकास्टिंग करें किसी रेडियो स्टेशन से उनको डिसक्वालिफिकेशन से एग्ज्प्ट किया हुआ है । उनकी यह तजवीज तो हमने पहले ही मानी हुई है । मुकला साहिबान का जहाँ तक सम्बन्ध है, घाम तीर पर पब्लिक प्रासीक्यूटर बैररह होते हैं उनके बास्ते हमारी तजवीज यह है कि उसकी डिसक्वालिफिकेशन रिज्यूब न की

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जाये। मेरी अब भी यही राय है कि उसकी डिसक्वालिफिकेशन रिव्यू नहीं होनी चाहिये। लेकिन हमारे शर्मा साहब ने बड़े जोर शोर की तरकीर की और कहा कि मंत्री या फ्रां पार्लियामेंट एक मजीब तरह का जानवर होता है जो मामूली जानवरों से बहुत ज्यादा फौकियत रखता है। इस वास्ते उसके रास्ते में कोई रुकावट नहीं डाली जानी चाहिये। मैं मानता हूँ कि मंत्री या फ्रां पार्लियामेंट एक ऐसा प्रादमी होता है जिस में लाखों प्रादमी अपना कान्फिडेंस देते हैं और वह जरूर प्रच्छा प्रादमी होना चाहिये। लेकिन यह तो वह चीज हुई जिस को लाजिक में कहते हैं कि उस चीज को जिसको कि हम साबित करना चाहते हैं एस्यूम (Assume) कर लेते हैं। इसमें यह दोष है। इस दोष को दूर किया जाना चाहिये। मंत्री वही शक्त्त होना चाहिये जिस में दोष न हो, जिसमें कोई डिसक्वालिफिकेशन न हो जो कोई प्राफिस या फ्रां प्राफिट न मिले हुये हों। सेशन १ क्लाज ४ ने इस चीज का फैसला कर दिया है। उसमें लिखा है :—

"Except as provided in this Act, a person shall not be disqualified from Membership to the House of Commons by reason of his holding an office or place of profit under the Crown or any other office or place and a person shall not be disqualified for appointment to or for holding office or place by reason of his being a Member of that House."

जिसके माने यह हुये कि इस एक्ट के अन्तर जो जो प्राफिस या फ्रां प्राफिट दर्ज हैं उनके अलावा अगर कोई शक्त्त प्राफिस या फ्रां प्राफिट होल्ड करता है, वह डिसक्वालिफिकेशन नहीं होगी और साथ ही उन प्राफिसिस के वास्ते जो इसके अन्तर मैनशंड हैं उनके अलावा जितने भी प्राफिस या फ्रां प्राफिट

हैं उनके वास्ते मंत्री या फ्रां पार्लियामेंट डिसक्वालिफिकेशन नहीं होगी। सेशन १ क्लाज ४ ने यह फैसला कर दिया है कि यह शब्दयुल खुद बिल्कुल वाक्य है, एक्स-क्ल्यूसिव है, इसके अन्तर जो प्राफिसिस दर्ज हैं उनके अलावा कोई ऐसा प्राफिस नहीं होगा जो किसी को डिसक्वालिफाई करे। कानून हमेशा सट्टेन होना चाहिये। इस एक्ट की रू से इसको सट्टेन बना दिया गया है।

उस जमाने में जब यह कानून बिलायत में पास नहीं हुआ था, एक मसहूर अखबार टाइम्स ने इस कानून के बारे में लिखा था उस वक्त जब यह सिलेक्ट कमेटी की स्टेज में था कि सिलेक्ट कमेटी ने बड़ा भारी एहसान किया है जो उसने एक शब्दयुल बनाने की कोशिश की है और उसने इंडिकेट किया है कि किस तरह का यह कानून होगा। टाइम्स ने एक प्रांटिकल में लिखा था कि कानून सट्टेन हो और उससे पता चल जाना चाहिये कि प्राफिस या फ्रां प्राफिट क्या है। हमारा शब्दयुल बने और वह सट्टेन हो और उससे यह बता चले कि प्राफिस या फ्रां प्राफिट क्या है। इसके अलावा और कई चीजें इस एक्ट के अन्तर भी जिन का हवाला टाइम्स ने दिया जिन को पढ़ना मैं गैर जरूरी समझता हूँ।

इस वास्ते सब से पहली चीज जो हमें करनी चाहिये वह यह है कि हम एक शब्दयुल बनायें जिस में हम प्राफिस या फ्रां प्राफिट का इंडिकेशन दें। वह एक जाये शब्दयुल होगा जिस के अन्तर सारे प्राफिस या फ्रां प्राफिट आ जायेंगे। अगर सारे नहीं आयेंगे तो वह शक्त्त जो कि बाबजूब उस शब्दयुल के अगर कहीं नौकरी कर लेगा तो उसको किसी सुरत में मंत्री या फ्रां से खारिज नहीं किया जायेगा। बिलायत के एक्ट का एक चीफ मैरिट यह है। मैं

बाहता हूँ कि हमारे ऐक्ट का भी बीज मैरिट एक वह ही और यह बीज हमारे ऐक्ट के अन्दर भी आ जाये ।

हमारे ला मिनिस्टर साहब ने जो बिल पेश किया है वह एक नेगेटिव सा बिल है । उन्होंने तो यह कहा है कि फलां बीज डिसक्वालिफिकेशन नहीं होगी लेकिन यह बतलाने की तकलीफ नहीं की कि आफिस आफ प्राफिट है क्या । कौन कौन से आफिसिस हैं जिन को आफिस आफ प्राफिट कहा जायेगा । मैं यह मानता हूँ कि यह एक बड़ा मुश्किल काम है । पहले तो आफिस की तारीफ करना मुश्किल है, फिर प्राफिट की तारीफ करना मुश्किल है और उसके बाद आफिस आफ प्राफिट की तारीफ करना मुश्किल है । जहां तक प्राफिट का सवाल है उन्होंने मीनेटरी प्राफिट को ही क्यास में रखा है । चुनावे उन्होंने लिखा है कि कम्पेसेटरी एलाउंस से अवर नीचे या कम्पेसेटरी एलाउंस की हद तक अवर कोई आफिस होगा जिस का उन्होंने जिक्र किया है, तो वह आफिस आफ प्राफिट नहीं होगा । क्योंकि इसके अन्दर सिर्फ रुपये बाने पाई का ही क्याल रखा गया है और किसी दूसरी बीज का नहीं हालांकि इस कमेटी की रिपोर्ट में और सैकड़ों बीज हैं जिन का हवाला उसमें दिया गया है । डा० धम्बेडकर, श्री सी० सी० विस्वास और बहुत से दूसरे मैन्यूरों ने जिन्होंने उस मीके पर तकरीर की थी जब यह बिल बनाये गये थे, कहा था और साफ तौर से कहा था कि इसमें सिर्फ रुपये पैसे का सवाल नहीं है बल्कि ऐसा आफिस जो किसी को इस हासल में रखता है कि वह पैट्रनेज दे सके, वह आफिस जिस में इन्फ्लुएंस बढ़ता हो, जिसमें एग्जिटिव फंक्शंस का एक्सरसाइज हो, रुपये पैसे के डिस्बर्समेंट का सवाल हो, इस किस्म के आफिस भी आफिस आफ गार्किट बनते हैं । जहां पर मैं प्रीकटस किया करता था, वहां पर एक बकील मजाक में

कहा करता था कि मुझ को कोई तनक्वाह नहीं चाहिये मुझ को भानरेरी बानेदार बना दें, भानरेरी मैजिस्ट्रेट बना दें, मैं राजी हूँ । यह रुपये पैसे का मामला बहुत जरूरी है । जो सेजरी लेकर सरकार की नौकरी करता है, वह पार्लियामेंट का मेम्बर होने के किसी भी सूरत में काबिल नहीं है । भानरेबिल मिनिस्टर साहिबान की बात अलग से है और उनके बारे में मैं अलग से अज कसंगा । लेकिन अगर किसी शख्स को ज्यादा पैट्रनेज मिलता है, ज्यादा डिगनिटी मिली है, ज्यादा अक्वायरात मिलते हैं, ज्यादा इन्फ्लुएंस मिलता है, किसी आफिस की रु से, तो वह आफिस आफ प्राफिट की जद में आता है । लेकिन यह बिल इसकी बिल्कुल परवा नहीं करता है । वह बिल यह डिफाइन नहीं करता कि आफिस आफ प्राफिट है क्या । इसकी तरफ से इतने बिल्कुल धाबें बन्द कर सी हैं । एक ही बीज का ध्यान रखा गया है कि कहीं कोई कम्पेसेटरी एलाउंस से एक पैसा ज्यादा तो नहीं लेता जैसे कम्पेसेटरी एलाउंस ही सब कुछ हो । कितने ही मिनिस्टर और कितने ही मैन्यूर हमारे हाऊस में ऐसे हैं जिनको कम्पेसेटरी एलाउंस पार्लियामेंट देती है, वह उनके सामने हेब है और उससे कई गुना ज्यादा वे गवर्नमेंट के कोफर्स में बतौर टेक्सो के भदा करते हैं । लेकिन जो ज्यादा जरूरी बीज है वह यह है कि पार्लियामेंट के मेम्बर इस काबिल न हो, इस प्रलोभन में न पड़ें कि वे अपनी स्वतन्त्र राय की परवा ही न करें और सोचें कि इस तरह से मुझ को फलां जगह मिल जायेगी । वे किसी मिनिस्टर के जेर एहसान नहीं होने चाहियें, गवर्नमेंट के जेर एहसान नहीं होने चाहियें । उन्हें अपनी आजादी बरकरार रखते हुये अपना काम ईमानदारी के साथ कर सकने के काबिल होना चाहिये । हमें सोचना चाहिये कि आया यह बीज पूरी होती है या नहीं ।

सा मिनिस्टर साहब ने कहा कि सोशलिस्टिक पैटर्न जो बाने वाला है, उसमें

[पंडित ठाकुर रास भार्गव]

हमको बहुत से लोगों की जरूरत होगी, बहुत से ऐसे एक्सपर्ट्स की जरूरत होगी जो यहाँ पर आ कर बहस कर सकें। मेरा ख्याल है कि उनका यह नुक्तानिगाह उस प्वाइंट आफ व्यू से मेल नहीं खाता जो मैं उनके सामने रख रहा हूँ। जो कमेटी हमारी बनी थी, वह हिन्दुस्तानियों की कमेटी थी, मैंम्बरस आफ पार्लियामेंट की कमेटी थी। हम चाहते हैं कि अगर मैंम्बर इस काबिल है कि देश को आगे बढ़ा सकें, किसी लेबर प्राबलैम में, किसी एजुकेशनल प्राबलैम में, किसी हेल्थ प्राबलैम में, तो वे जरूर मैंम्बर बन सकें। हम को ऐसे मैम्बरो को काम करने के लिये एनकरेज करना चाहिये। लेकिन उसी के अन्दर हमने इसके आखिर में दूसरा एक्सट्रीम काशन भी दे दिया है जिस के अन्दर ये दोनों ख्यालात रह सकें। जहाँ हम यह चाहते हैं कि मैंम्बर पार्लियामेंट इन चीजों के अन्दर ज्यादा से ज्यादा काम करे और उनको ऐसा करने के लिये एनकरेजमेंट मिले वहाँ साफ तौर पर लिखा है कि मैंम्बरों की भ्राज्वादी, उनकी प्योरिटी और फ्रीडम फ्रॉम कोरप्शन से भी ज्यादा जरूरी चीज यह है कि उनको ऐसे आफिसिस पर मुकर्रर न किया जाय जिन के अन्दर वे यह सोचें कि हमारे ऐसा बन जाने से रुतबा बढ जायेगा, इज्जत बढ जायेगी, पैट्रनेज का प्रबल्यार हमें मिल जायेगा। इन दोनों चीजों का हमें ध्यान रखना होगा। किस हद तक हमें बिलायत के कानून से मुस्तलफ कानून बनाना होगा वहाँ पर कई सी वर्षों से डेमोक्रेसी चलती आ रही है। वहाँ के लोगों की कई हैबिट्स बार्ड ट्रेडिशन बन गई हैं जिन की वजह से उन के अन्दर उस तरह का प्रलोभन नहीं आ सकता। बल्कि हमारी जो कांस्टीट्यूशन है और दूसरा मुस्तलका कानून है उसने हमें कई तरह के प्रबलकाम दिये हैं। वे बिलायत के कानून से कहीं ज्यादा हैं। हमको कोई प्रबल्यार नहीं है कि जिसके मैम्बर के साथ आफिस

आफ प्राफिट घटेय होता हो उसको यहाँ बैठने की इजाजत दें।

लेकिन उन्होंने अपने ही पास यह अधिकार रक्खा। यहाँ पर एलेक्शन कमीशन फैसला करता है वहाँ पर प्रिवी कांसिल के तीन जजेज इसका फैसला करते हैं।

मैं जनाब की खिदमत में अब उन ४, ५ सींगो की तरफ जाना चाहता हूँ जिनका कि जिक्र हमारे ला मिनिस्टर साहब ने इस बिल के अन्दर किया है। पेश्तर इसके कि मैं उनकी तरफ तवज्जह दिलाऊँ, मैं जनाब की तवज्जह मैक्शन १ पार्लियामेंट के उस ऐक्ट की तरफ दिलाना चाहता हूँ जिसके कि अन्दर वे आफिमेज दिये गये हैं जिनका कि आफिम आफ प्राफिट करार दिया गया है

"Subject to the provisions of this Act, a person is disqualified for the membership of the House of Commons who for the time being holds any of the judicial offices specified in Part I of the First Schedule to this Act"

इस फर्मेंट शेड्यूल में, उन जुडिशल आफिसस का जिक्र है। आम तौर पर हमारे देश में वे जुडिशल आफिसमं जो गवर्नमेंट की सैलरोज लेते हैं, वे पार्लियामेंट के मैम्बर नहीं हो सकते लेकिन ताहम मैं जानता हूँ कि कितनी कमेटीज ऐसी होती हैं जो जुडिशल काम करती हैं और इन पर पार्लियामेंट के मैम्बरस मुकर्रर कर दिये जाते हैं और वे जुडिशल काम करते हैं। चुनावे प्रजमेर में एक ऐसी कमेटी है, ऐक्साइज अपील कमेटी, उसमें इस हाउस के एक मैम्बर साहब हैं और आज तक हमने यह नहीं कहा कि वे उस कमेटी के मैम्बर होने से डिस्क्वालिफाई हो जायेंगे और उनको हक है कि वे मैम्बर बने

एहें । मैं यह से अच्छे करना चाहता हू कि किसी भी बुद्धिमान आफिसर का इस पार्लियामेंट का मेम्बर रहना हमारे खास हालात में मुनासिब नहीं होगा और उनको इसकी इजाजत नहीं होनी चाहिए । इस सम्बन्ध में सवाल उठता है कि हम अपने आन्देरी मजिस्ट्रेट का क्या करें, आन्देरी सिविल जजेज का क्या करें और आन्देरी रेवेन्यू आफिसर्स का क्या करें । अगर सली मैट्रिक्स पर देखा जाय तो मुझे कोई ऐतराज नहीं है अगर कोई आन्देरी जज या आन्देरी मजिस्ट्रेट यहाँ आकर देश की सेवा करना चाहता है और उनके यहाँ पर आने में आम तौर पर कोई हुज्जत नहीं होनी चाहिए और जैसे कि विलायन में जस्टिसेज आफ दी पीस को डिस्कवालिफिकेशन से एम्प्लेशन हासिल है उसी तरह इनको भी यहाँ पर हो लेकिन जब मैं अपने देश के खास हालात को देखता हू तो मैं यह कहें बगैर नहीं रह सकता कि वह चीज यहाँ के लिए मुनासिब नहीं होगी । मैं इस चीज से इकार नहीं करता कि हमारे आन्देरी जजेज और आन्देरी मजिस्ट्रेट में अच्छे से अच्छे लोग भी मौजूद हैं लेकिन आन्देरी मजिस्ट्रेट्स के इस्टीमेशन का अर्थ से जो ट्रेडिशन चला आया है वह कोई अच्छा ट्रेडिशन नहीं रहा है, उसमें बुरी तरह से लोगों ने काम किया है यहाँ तक कि अंग्रेजी हुकूमत के जमाने में लोग आन्देरी मजिस्ट्रेटों को टोडी बच्चा हाय हाय कह कर याद किया करते थे । हमारी कमेटी ने इस देश के खास हालात को देख कर ही यह फैसला किया कि ऐसे अश्लास को छूट न दी जाय लेकिन इस बिल के अन्दर उसका कोई जिक्र ही नहीं है । अगर कोई आन्देरी मजिस्ट्रेट बन जाय और यहाँ पर पार्लियामेंट का मेम्बर बन जाय तो उसके बास्ते क्या होगा ? इस बिल की ज़द में वह आयेगा नहीं क्योंकि यह सिर्फ एम्प्लेशन के का बिल है, आफिस आफ दी प्राफिट का बिल नहीं है । जब वह यहाँ पर आयेगा तो प्रेसीडेंट साहब के पास उसका केस हुकम के लिए भेज दिया जायेगा । उसका आफिस आफ

प्राफिट में जिक्र नहीं है लेकिन उसके अश्लास-रात है, उसको इज्जत और पैट्रोजेज मिली हुई है और उस वक्त यह फैसला करने में विवकत होगी कि आया वह आफिस आफ प्राफिट है या नहीं और यह कि वह इस हाउस में बैठ सकता है या नहीं बैठ सकता है । इसीलिए मैं चाहता हू कि यह गैड्यूल मुकम्मिल होना चाहिए और जो शस्स पार्लियामेंट की मेम्बरी के लिए खड़ा हो उसको मालूम हो कि मैं कहा खड़ा हू और मुझे खड़ा होना चाहिए कि नहीं । विलायत के अन्दर जस्टिसेज आफ दी पीस खड़े हो सकते हैं लेकिन हमारी कमेटी नहीं चाहती कि वैसा ही यहाँ इस देश में हो और यह आन्देरी मजिस्ट्रेट और सिविल जजेज वगैरह जहाँ हैं वहीं रह कर ईमानदारी के साथ अपना काम करते जाय । इन अश्लास की जैसी रैपुटेशन है और जो उनके ट्रेडिशन रहे हैं वे इस काबिल नहीं हैं कि हम उनको एम्प्लेशन दे सकें ।

इस बिल में जो दूसरी मद है वह यह है

"Whoever is employed in the civil service of the Crown whether in an established capacity or not, or whether whole or part of his time."

इस मौजूदा बिल में पार्ट टाईम आफिसर्स लिख कर मिनिस्टर साहब ने एक ब्लैंक चेक दे दिया है । हमारी कमेटी ने यह रिपोर्ट की थी कि ऐसे अश्लास जो गवर्नमेंट से सेलरीज हासिल कर सकते हैं या किसी तरीके से गवर्नमेंट एम्पलाय में हैं चाहे पार्ट टाईम भी हैं, हम नहीं चाहते कि ऐसे अश्लास पार्लियामेंट के मेम्बर बन सकें । गवर्नमेंट का यह बिल उस कमेटी को रिपोर्ट के बर-खिलाफ जाता है और जो हालात कि हमारे यहाँ पर आज सैकड़ों वर्षों से मौजूद है और आज भी कायम हैं, उनके बरखिलाफ है, चुनावों में चाहता हू कि यह कस ऐक्सेक्यूट कर दिया जाय और सेलेक्ट कमेटी ऐसे सब सिविल एम्पलाईज को चाहे वह गवर्नमेंट की इम्पलाय

[पंडित ठाकुर दास भागवत]

में हों। यद्यपि किसी अन्य शास्त्र की किसी कैपेसिटी में इम्प्लायड हो, उनको यहाँ पार्लियामेंट में आने की इजाजत नहीं होनी चाहिए और मेम्बर बन कर यहाँ पर बैठने की इजाजत नहीं मिलनी चाहिए। मैं जानता हूँ कि जब मैं किसी शास्त्र के खिलाफ डिस्क्वालिफिकेशन लगाता हूँ तो यह सीरियस डिस्क्वालिफिकेशन है लेकिन जैसे हमारे देश के हालात हैं उनके देखते हुए हमारे देश के इंटरैस्ट में यही है कि हम गवर्नमेंट के किसी आदमी को जिसके कि ऊपर गवर्नमेंट का इस तरीके का कोई असर हो कि उसकी राय के ऊपर काबू पा सकती है, हमें इस चैकड प्रीसिक्ट्स आफ दी हाउस में उसे दाखिल होने की इजाजत नहीं देनी चाहिए। अगर हम चाहते हैं कि हमारे देश की आजादी बरकरार रहे तो हमको इस तरह की पाबन्दी रखनी लाजिम है।

मैं यहाँ पर उस चीज का भी जिक्र करना चाहता हूँ जिसका कि हमारे आनरेबल मिनिस्टर साहब ने क़ानून में ब्लैक ब्लेक दिया है और जिसे कोई भी मेम्बर कबूल नहीं करेगा मालगुज़ार, देशमुख, पटेल वगैरह जो कि दफ़ा १२३ के सब सेक्शन ८ की ज़िम्न में आते थे और इस वजह से, यह हुकम था कि वे प्रशास्त्रास अगर किसी पार्लियामेंट के लिए खड़े होने वाले शास्त्र के लिए एलेक्शन में काम करेंगे तो उस शास्त्र का एलेक्शन इस बिना पर नाज़ायज़ करार दे दिया जायगा कि उसने गवर्नमेंट आफ़िसर्स की इमदाद एलेक्शन में हासिल की। बुनाये अब मेरे एक भाई ने मिसाल दी थी कि किसी शास्त्र की एक गांव के मुखिया ने पार्लियामेंट के एलेक्शन के वक्त उसकी इमदाद की थी और उस बिना पर सुप्रीम कोर्ट में उसका एलेक्शन नाज़ायज़ करार दे दिया। मैं किसी आदमी के बर-खिलाफ़ जो कि पब्लिक का काम करता हो, कुछ कहना नहीं चाहता लेकिन मैं नहीं चाहता कि तहसीलदार, नायब तहसीलदार और

थानेदार वगैरह जिनकी कि बाबत मैं जानता हूँ कि वे सब किस तरह काम करते हैं और मैं पूछता हूँ कि कौन उनके बारे में नहीं जानता, मैं ऐसे प्रशास्त्रास इस दरवाज़े के अन्दर दाखिल नहीं होने देना चाहता और मैं चाहता हूँ कि ऐसे प्रशास्त्रास को यह ऐम्प्लायन न दिया जाय।

अब मालगुज़ार का सवाल आता है तो मालगुज़ार कोई गवर्नमेंट का नौकर तो होता नहीं है और कमेटी ने अपनी रिपोर्ट में लिखा था कि जिन आदमियों के बारे में पूरी तहकीकात न की हो उनके बारे में हम चाहते हैं कि गवर्नमेंट तहकीकात करे और इस भ्रम का फ़ैसला करे कि आया उनको ऐम्प्लायन मिले कि नहीं। अब कहाँ तक मालगुज़ार का सवाल है तो मैं भी एक मालगुज़ार हूँ, गवर्नमेंट को लंब रेवेन्यू देता हूँ और मैं समझता हूँ कि इस हाउस में ८० या ९० परसेंट मेम्बर्स ऐसे होंगे जिनके पास कुछ न कुछ ज़मीनें होगी और वे मालगुज़ारी देते रहेंगे और मैं समझता हूँ कि उसके बर-खिलाफ़ कोई ऐसी चीज़ नहीं है जो उसको डिस्क्वालिफ़ाई किया जाय असलता अगर एक मालगुज़ार के लिए यह माना जाय कि कि वह मालगुज़ारी में से कुछ हिस्सा अपने पास रखता है बतौर कमीशन मालगुज़ारी इकट्ठा करने की उजरत के तौर पर और बाक़ी हिस्सा जाकर सरकार के खज़ाने में दाखिल करता है तब तो बात दूसरी है। लेकिन तहसीलदार और थानेदार, ज़ेलदार, तासादी वगैरह जिनके कि बारे में हर कोई जानता है कि वे किस तरह काम करते हैं, वे अगर यहाँ पार्लियामेंट में घुस आते हैं तो उसका हमारे देश की आजादी पर ख़राब असर पड़ेगा।

मैं चाहता हूँ कि सेलेक्ट कमेटी उन तमाम ओहदों की जिनकी कि फ़ैरिस्स दे दी गई है, उनके बारे में तहकीकात करके अपनी रिपोर्ट दे कि उन ओहदों को पार्लियामेंट की मेम्बरी के लिए छूट दी जाय कि नहीं।

सम्बरदार के लिये मुझे सिर्फ यह धर्ज करना है कि पंजाब गवर्नमेंट ने वक्रा १२३ के सब सेक्शन (८) से यह छूट दे दी है और मैं चाहता हूँ कि सम्बरदार के बारे में जांच की जाय कि प्राया वह अपने छोटे छोटे जो पैटी प्रक़तरान हैं, उनके क़ाबू में होगा कि नहीं। मैं भयब ने धर्ज करना चाहता हूँ कि चूकि पंजाब गवर्नमेंट ने १२३ (८) से ऐग्जम्पशन दी है और वह पार्लियामेंट के मेम्बरशिप के लिए सबा हो सकता है और जिसे कमेटी ने पार्लियामेंट की मेम्बरों के लिए लिखा है, मैं चाहता हूँ कि उसको छूट दी जाय लेकिन जहा तक बाक़ी पैटी प्राफ़िशियल्स जैसे रेवेन्यू प्राफ़िसर्स वगैरह हैं उनको मैं नहीं चाहता कि इस तरह की छूट दी जाय। हर केस अपनी मैरिट पर देखना चाहिए और मैं चाहता हूँ कि जिन ओहदों के बारे में कमेटी ने लिखा है उनके बारे में तहकीकात की जाय। अब मैं देस के दूसरे हिस्सों के हालात से वाक़िफ़ नहीं हूँ कि "देशमुख" वगैरह ओहदों के लिए मैं कह सकूँ कि वह इस काबिल हैं कि नहीं कि उनको ऐग्जम्पशन दिया जाय या न दिया जाय। मैं पंजाब के बारे में जानता हूँ और पंजाब के बारे में मैं धर्ज करता सकता हूँ। बाकी सेलेक्ट कमेटी को हक़ होगा, उसका यह फर्ज होगा कि प्राइन्दा वह इस चीज़ की तहकीकात करे। हमारे प्रान्तेबल मिनिस्टर साहब ने तो बिल्कुल कार्ट ब्लैश राइट दे दिया है। मैं इसका बिल्कुल मुख़ालिफ़ हूँ क्योंकि यह हमारी इंडेपेंडेंस पर बड़ा ख़राब असर करेगा।

तीसरी जो चीज़ आती है वह ग्राम्स फ़ोर्सेज की है और चौथी चीज़ है मेम्बरस जाक वि पुलिस फ़ोर्स, इन्स्टेबल बाई वि पुलिस प्रचारिटीज़। जहाँ तक पुलिस का सवाल है, हमारी कमेटी ने इस के बारे में कुछ नहीं लिखा क्योंकि एक सिपाही जो गवर्नमेंट से सनक्बाह पाता है वह डाइरेक्टली गवर्नमेंट से कनेक्टेड है और किसी सूरत में उसे इजाज़त नहीं दी जा सकती कि वह हाउस का मेम्बर बन जाय।

आगे इस बिस के अन्दर ज़िक्र है कोलेज प्राफ़िसर्स का, टैरिटोरियल प्रार्मी वालों का। कुछ ज़िक्र किया गया है होमगार्ड्स का। मैं चाहता हूँ कि जहाँ तक इनका सवाल है, उसको मैरिट्स पर देखा जाय। अगर वह गवर्नमेंट के इतने काबू में हैं कि वह इंडिपेंडेंस कायम नहीं रख सकते तो वह किसी भी फ़ोर्स के मेम्बर हो, उन को यहा आने की इजाज़त नहीं दी जानी चाहिए। कल हमारे एक प्रान्तेबल मेम्बर ने ज़िक्र किया कि अगर ऐसा शक्स यहाँ आएगा तो क्या वह प्रार्मी के मामले में हमारे प्रान्तेबल मिनिस्टर साहब के खिलाफ़ कुछ कह सकेगा? अगर आपने ऐसे मेम्बरों को रक्खा तो इससे हमारी प्रार्मी का ही नुक़सान होगा। जहा तक प्रान्तेरी प्राफ़िसर्स का सवाल है, जो रेगुलर फ़ोर्स में नहीं हैं, हमने उन के लिए कानून बनाया है, जिस में पब्लिक के प्रादमी देश की सर्विस कर सकते हैं, वह इन चीज़ों के अन्दर नहीं आएंगे जो कि रेगुलर ग्राम्स फ़ोर्स के प्रादमियों पर लागू होती हैं। इसके अलावा जनाब मुलाहज़ा करमाए, इन्सिश ला में भी लिखा हुआ है:

"(6) a member of a Legislature of a country or territory outside the Commonwealth."

Mr Speaker: This is being sent to the Select Committee. The hon. Member may be brief. It is not as if we are now deciding one way or the other regarding the matter.

पंडित ठाकुर बस प्रार्म्य में इस को यहीं छोड़ता हूँ, लेकिन मैं धर्ज करता हूँ कि जहा तक शेड्यूल का ताल्लुक है, यह शेड्यूल हमें अज़र बनाना पड़ेगा। हमें इससे कोई एक्सेप नहीं है। हमें शेड्यूल बनाना ही पड़ेगा और उस में सब प्राफ़िसर्स को दर्ज करना होगा। जैसा मैंने बिलायत के सा से पढ़ कर सुनाया, मैं जनाब की तबज़ह उसकी तरफ़ दिलाना चाहता हूँ। ग्राम तीर पर हर एक सेजिस्लेचर में यह दिक्कत नबर आती है। जब ग्राम तीर से मिनिस्टर को

[पंडित ठाकुर दस भार्गव]

इजाजत दी, कहा कि मिनिस्टर्स आफिस आफ प्राफिट में नहीं आते, तो कहा गया कि हम नहीं चाहते कि एक लाख मम्बर आफ मिनिस्टर्स इस हाउस में आकर बैठें, १०० या १५० मिनिस्टर्स आकर बैठ जाएं और हमारे बोट पर पानी फेर दें। वहां विधायक में इसके लिए यह किया गया कि ७० से ज्यादा आदमी ऐसे नहीं होंगे जो मिनिस्टर्स हो सकें और उनमें से २७ आदमियों से ज्यादा को बोट देने का हक नहीं होगा। मैं चाहता हूं कि इस किस्म का कोई सिलूटरी ला यहां भी हो। जहां तक गवर्नमेंट आफ इण्डिया को मौजूदा शकल का सवाल है, इस के अन्दर जरूरत से ज्यादा मिनिस्टर्स नहीं हैं। लेकिन मैं चाहता हूं कि कभी उन की तादाद इतनी एक्सेसिव न पहुंच जाय जो नान आफिशल ओपीनियन को आफिशल ओपीनियन रनेट कर दें। मुझे एक ऐसा मामला याद है जबकि आफिशल ओपीनियन ने नान आफिशल ओपीनियन को डिफोट दे दी थी। मैं वह चीज दुबारा नहीं देखना चाहता। कमेटी ने अपनी रिपोर्ट में इस चीज का जिक्र किया है लेकिन इसके लिए हमने कोई राय नहीं दी, क्योंकि ऐसे हालात पैदा नहीं हुए थे। लेकिन अब चूंकि हम वाजेह कानून बनाना चाहते हैं, इसलिए मैं चाहता हूं कि ऐक्ट के अन्दर इस चीज को ध्यान में रक्खा जाय और यह फ़ैसला किया जाय कि इससे ज्यादा तादाद मिनिस्टर्स की नहीं होगी। मिनिस्टर की जगह आफिस आफ प्राफिट को करार देने के यह माने नहीं हैं कि मिनिस्टर इस हाउस में आएँ और वह सारे हाउस को स्वेम्प कर दें। मैं कमेटी से यह उम्मीद करूंगा कि वह इस का पूरी तरह से मुताला कर के सब तरह से इस हाउस की आजादी को कायम रखने की कोशिश करेगी।

इसके अलावा मैं इस बिल में जो कि हमारे सामने है, एक नई चीज देखता हूं। अब तक सिर्फ ऐडवाइजरी कमेटी की मेम्बरशिप का सवाल था, उसी के वास्ते लिखा गया था,

ऐक्ट में भी वही लिखा गया था कि जब तक किसी का फंक्शन ऐसा न हो कि वह किसी को पैट्रुमेन दे सकता हो, या इंप्लुएस कर सकता हो, तब तक ग्राम तीर से ऐसा होना चाहिए कि उसे आफिस आफ प्राफिट न करार दिया जाए और उस को ऐंजम्पशन दिया जाय। लेकिन ऐसा मालूम होता है कि जो बिल मिनिस्टर साहब लाए हैं, उस में सारी चीज पर पागी फेरा जा रहा है और एक नई कैटेगरी बनाई जा रही है, जिस कैटेगरी से मुझे डर लगता है कि पता नहीं आइन्दा वह क्या बनेगी। उन्होंने कैटेगरी ३ आफ एच में लिखा है :

"(h) an adviser created temporarily for the purpose of advising the Government or any other authority on any matter of public importance."

14 hrs.

मुझे फिलवाकया सबसे ज्यादा डर इस जिम्न से लगता है। आप ऐडवाइजर मुकर्रर कर दीजिए उसका नाम तो आप ऐडवाइजर रख दीजिए लेकिन उसे सब पावर्स दे दीजिए, जुडी-शल और एग्जक्यूटिव, तहकीकात करने की, नौकर मुकर्रर करने की, सब तरह की। आप तो कहते हैं कि डी इज ऐन ऐडवाइजर। किस चीज का ऐडवाइजर? "फार बी गवर्नमेंट आफ एनी अवर अफ़ार्टी" जितने आप के कारपोरेशन हैं सब के लिए आप ऐडवाइजर मुकर्रर कर दीजिए, कह दीजिए कि तुम को यह प्रक्स्यारात हैं

"On any matter of public importance."  
What is a matter of public importance?

मैं अदब से अर्ज करना चाहता हूं कि इतने बेग धल्फाज रखे गए हैं कि आफिस आफ प्राफिट के जो कानून आप बना रहे हैं, वह बड़े डेन्जरस हैं। मैं नहीं जानना कि वह कहां पर स्टैन्ड करते हैं। इसमें जो अनसलेंटी और बेगनेस है, जो इन्वेसिगमिटेबल है, वह सबसे ज्यादा इत्तफा कंसेन्सस है।

में भर्ज कइया कि आप ऐडवाइजर मुकर्रर कीजिए, उस के अन्दर कम्प्लेन्टेरी प्रसाजंस ज्यादा न हों, मुझे कोई ऐतराज नहीं है, जब तक वह ऐडवाइस देता है। लेकिन कमेटी ने रिपोर्ट में लिखा है कि ऐसी चीजें ऐडवाइजर को भी करप्ट कर सकती हैं जैसे नीकरी देने का हक, पैट्रनेज देने का हक, डिस्टेंसमेंट आफ फंडस का हक। यह लोग हमेशा देखा करेंगे कि गवर्नमेंट ने हमें ऐडवाइजर मुकर्रर किया है, हम कैसे गवर्नमेंट के खिलाफ बोट दें। मैं चाहता हूँ कि मिनिस्टर साहबान को अपने को इस चीज से दूर रखना चाहिए कि वह किसी पार्लियामेंट के मेम्बर को पैट्रनेज दें सकें। पार्लियामेंट के मेम्बर को तो ऐसी पोजीशन अस्तिथार करनी चाहिए कि वह दुनिया में परमात्मा के सिवा और कंदी के इन्टरेस्ट के सिवा किसी की परवाह न करे। आप ऐडवाइजर को इस में से अलग कर दीजिए, कम से कम उन ऐडवाइजर्स को जो इस तरह के इन्फ्लुएस की एक्सपोज़र करते हैं। इसमें तो हमारे मिनिस्टर साहब ने इन लोगों को एक कोर्ट ब्लेश दे दिया है। यह ठीक नहीं है।

इसमें वाइस चांसलर की जो चीज रखी गई है, उस के बारे में मुझे ज्यादा कहना नहीं है, गो मैं जानता हूँ कि वाइस चांसलर को आफिस आफ प्राफिट करार दिया जाय, लेकिन कमेटी ने यह तय किया कि सब चीजों पर और करने के बाद वह मालूम होता है कि वह जरूर ऐसा भोहदा है जिसे आफिस आफ प्राफिट करार दिया जाय। हम को इस हाउस के अन्दर वाइस चांसलर्स का तजुर्बा है, कई वाइस चांसलर इस हाउस के मेम्बर रहे हैं। इस हाउस के तजुर्बे से ही श्री सी० सी० बिस्वास ने यह राय दी थी कि वाइस चांसलर की जगह को आफिस आफ प्राफिट करार दिया जाय। दूसरी राय भी हो सकती है क्योंकि वह यूनिवर्सिटीज से साल्लुक रखने वाले हैं। वह काबिल आदमी होंगे, लेकिन मजबूत काबिलियत की काफी बजह नहीं है।

हम को वह करार देना चाहिए कि जहाँ उन्हें ज्यादा काबिलियत दिखाने की जरूरत है, उस भोहदे का कर छोड़ कर इस पार्लियामेंट में घा कर बैठें, यह ठीक नहीं है। फिर हम यह भी नहीं चाहते कि यहाँ ऐसे मेम्बर आएँ जो कि ह्येशा यहाँ हाजिर न रहें, वह बिल्कुम इन्कम्पैटिबल है। यह पहला फर्ज है, यह मेम्बर की एसेन्शल क्वालिटी है कि वह सात महीने तक यहाँ आकर बैठे, और सब चीजों को पीछे छोड़ वे और इस हाउस में अपने फर्ज को अदा करने में कोताही न करे। मैं नहीं जानता कि कोई भी वाइस चांसलर यहाँ आकर इतना बक्त दे सकेगा। मैं कहना चाहता हूँ कि इन्कम्पैटिबिलिटी के प्वाइंट आफ व्यू से यह फैसला ठीक है। मैं अपने मिनिस्टर साहब की काबिलियत की दाव देता हूँ जिन्होंने आने वाले सोशलिस्ट पैटर्न का ब्याल कर के यह किया कि जो आदमी यहाँ आने के काबिल हो, उन को यहाँ आने से न रोका जाय। मैं इस चीज की दाव देता हूँ लेकिन चूँकि आनरेबल मिनिस्टर साहब खुद इनकम्पैटिबल हैं, वह नहीं जानते कि कर्प्शन क्या चीज है। अगर उन को दुनिया का तजुर्बा होता कि लोग किस तरह से आते हैं और कितना फायदा उठाते हैं तो उनको पता चलता कि वाकई ऐसे लोग ऐसा कुल्हाड़ा बनाते हैं और पार्लियामेंट की प्योरिटी और मेम्बरान की आज़ादी रखने के नुकताह ब्याल से उन्हें ऐसा बिल न बनाना चाहिये था।

मैं इस बास्ते प्रवच से भर्ज करना चाहता हूँ कि कमेटी ने जो असली प्रसूल रख दिये हैं उन उसूलों से तजावुज न किया जाये। बहुत सारे मेम्बर पार्लियामेंट ऐसे हो सकते हैं कि जिनको किसी कमेटी का मेम्बर बनाकर या और किसी तरह से सेवा ली जा सकती है। मैं तो समझता हूँ कि उनकी ऐसा करने का मौका न देना देश को उनकी सेवा से महसूस रखना है। इसलिए मैं चाहता हूँ कि बसतें उनके इंडिपेंडेंस में फर्क न आने पाये, हमको उन मामलात में मेम्बर पार्लियामेंट से सब

[पंडित ठाकुर दास भार्गव]

सेनी चाहिए जिसमें वे अहल हों। यह असूल भी कमेटी ने देखा है और मैजस्ट्रिटी व्यू यही भी जो कि मैं कह रहा हूँ वो कि माइनारिटी तो यह चाहती थी कि हर प्रॉफिट प्राफ प्राफिट को डिस्कवाल्फिकेशन समझा जाये। हम जानते थे कि अभी हमारे देश की यह हालत है कि बहुत से मामलों में काम करने की महारत पालियामेंट को हासिल है। लेकिन हमको यह असूल नहीं भूलना चाहिए, और हमको खास तौर से विलायत के तजर्बों से सबक सीखना चाहिए कि हमें इस देश के प्रॉब्लम ऐसी पालियामेंट रखनी है कि जिसका हर एक मेम्बर भाजाद हो, हर एक मेम्बर ईमानदार हो, जो गवर्नेमेंट के हर इनफ्लूयेंस को स्टैंड कर सके और वही काम करे जो कि देश के लिए अच्छा हो। यही असूल है इस प्रॉफिट प्राफ प्राफिट के कानून का। अगर हम इस असूल से डिपार्ट करेंगे तो हम गलती करेंगे।

मे ज्वाइंट कमेटी से दरखास्त करूंगा कि वह इस कमेटी की रिपोर्ट का क्याल रलें और विलायत के ऐक्ट के असूलों को ध्यान में रलें।

मे आपका शुक्रिया अदा करता हूँ कि आपने मुझे बोलने का मौका दिया ताकि मे अपने क्यालात का इजहार कर सकूँ।

Shri Yajnik (Ahmedabad): Mr. Speaker, the work of the Opposition has been considerably facilitated by the exhaustive criticism to which Pandit Thakur Das Bhargava has subjected this Bill. I am also glad to see that Parliament has taken the initiative in this matter. We are all thankful to the Committee that has gone into this subject with great care, with great precision and so exhaustively and placed before us the main principles which should guide us and the House in framing a new Bill on the subject.

The three principles that emerge from this discussion, in my opinion,

are that persons holding an office of profit should have sufficient time to devote to Parliament, secondly, that they should be able to work independently of Government, that is to say, they should not be subject to the executive policies of the Government and thirdly, they should not be, whether taking money or not or any honorarium or not, in a position to influence unduly people who are working under them or people within their jurisdiction. In view of the principles that have been enunciated by hon. friend, if we look at the concrete instance of the Vice-Chancellor, it is quite obvious that either a Vice-Chancellor does not perform his duty towards the University or he is not able to work faithfully as a Member of Parliament. The special consideration that has weighed with us also is that a Vice-Chancellor is, after all, carrying out the educational policies of Government as an executive head of a university. How can that Vice-Chancellor bring an independent mind to bear on the subjects that come before him, and how can he be the head, not merely titular, but the true executive head and intellectual head of an educational organisation?

Then, we must also realise that the Vice-Chancellor exercises enormous influence over a host of professors and lecturers, and perhaps hundreds or thousands of students, and taking human nature as it is, if a Vice-Chancellor stands as a Member for Parliament, naturally the whole host of professors and lecturers and salaried servants and several hundreds students also would work as an army of electioneering agents. Whether they would come within the purview of the law or not is a different thing, and many things are done that cannot be proved. In any event, this Parliament and every Member should like, Caesar's wife, be above suspicion, and therefore I would certainly urge Government to disqualify any and every Vice-Chancellor from being a Member of Parliament.

Something has also been said about home guards. I have seen something of the home guards as a man of the districts. There is not much difference between a home guard and the policeman in time of emergency. We of the Opposition are very often involved in many movements, and however peaceful the movements, often enough they are interfered with by the police to whom the home guards are attached. Apart from politics, I know of instances in which the home guards have been even more zealous instruments of erroneous Government policies, and they have not hesitated to shoot people when the police, burdened with a sense of responsibility, have held their hands. So, a home guard is appointed a home guard by the executive Government. Then there is the whole hierarchy of officials, and I certainly would request the Government to drop the home guards from the list of exemptions.

Then there are these statutory bodies, and their chairmen and governors are also sought to be exempted by this Bill. This has certainly been done in the teeth of, in flagrant opposition to, the recommendations of the Bhargava Committee, and Pandit Thakur Das Bhargava has said quite a lot in the most eloquent and in the most persuasive terms.

Fancy a chairman or a director of a finance corporation being a Member of Parliament. We have to deal with these things every time, the working of these finance corporations, the Coffee Board, the Tea Board, the commodity boards and other statutory bodies which are aided by Government, which are working with Government finances and which have very wide powers and control a great amount of patronage, which are in a position to dispose of many important appeals, which also distribute funds as loans and otherwise. And the Boards may go on increasing.

It is absolutely necessary that all these men, however high and mighty they might be, however capable, however efficient they might be, should not be Members of Parliament. They might be entrusted with work of the highest responsibility by Government no doubt, but that does not qualify them for being elected to this House.

There is enough room for talent in India. The biggest engineers, the biggest scientists are doing things that most of us cannot do. Their position, the position of many of them, is much higher than that of any of us, but that does not qualify them for being Members of this House where absolutely independent judgment should be brought to bear on every question that is before them. This House has not the monopoly of all wisdom in this country. Let wisdom fructify all over the land.

A friend complained about a M.P. lawyer's abilities not being available to the Supreme Court in an important case. Well, there are great lawyers, and they are performing eminent services perhaps to this land in many capacities, but they need not be in this House. This House can do without them. What we, above all, desire is thorough independence of the executive. Reading the British law and case law we see how zealous Parliament was in keeping its Members absolutely away from the influence of the Crown in those old days. We should be as zealous even in the circumstances of our Republic in seeing that all Members of Parliament are absolutely free from the all-pervasive influence of the executive, and they should not be tied down to any policies of the executive which they would not be in a position to judge independently as Members of Parliament.

I do not want to take much of the time of the House, but I want to place the greatest emphasis on these village revenue officials. I am a rural

[Shri Yajnik]

man and have been working many year in the countryside as many of our friends are doing. I know, and we all know, the role of the village revenue official. Unfortunately, the words used here are: "the office of village revenue officer, such as...." which is only by way of illustration. So, if the Law Minister likes it, he can just chop off the rest of it.

And what is the village revenue official doing? Is he just a country gentleman? Is he occupying an ornamental post? Is he there just to be a host to all good people who come to the village? Is he merely a welfare officer? He is a revenue officer, and a revenue officer has to collect revenue, and collecting revenue is a big job.

So, in the first instance, I cannot understand how any revenue officer who is responsible to the executive Government for collection of land revenue—and that is a big item in our income today—can afford to spend seven, six, five or even four months out of his constituency, out of his petty, puny village. It is impossible for him to do so

More than that, he is not capable of bringing to bear any independent judgment. His mind is largely governed by the rural atmosphere to which he is attached, and he naturally looks at everything from the point of view of the executive of which he is only an agent. Because, after all, he is an instrument of the executive Government that cannot be denied; as a revenue officer.

Then, what influence does a revenue officer hold? We all know what the role of the revenue officer was in the olden times under the British Government. The revenue officers were the props of the British Government. It was they who created the greatest difficulties in the way of the Congress propaganda in the initial stages. It was they who urged

the police to use the lathis most on the Congress volunteers. They are the bed-rock of the old feudalistic society. They are the bosses, and they are masters of the countryside. They are the tyrants. They please, and co-operate with the well-to-do people in the village and exploit and terrorise the poor. These men, by force and by threat of force, are a real power in the village. Can they ever be expected to be the shining lights of a House of Parliament?

Again, Pandit Thakur Das Bhargava has reminded us that according to the Representation of the People Act, a candidate cannot avail himself of his assistance in winning an election. Is that man, who could not uptill now act as a candidate's agent in an election, to be a candidate for election to Parliament? It surpasses my imagination how such a clause could have been introduced in this Bill. This provision especially about the village revenue officer is the most obnoxious provision, and I hope that the Joint Committee to which this Bill is being committed will remove that clause lock, stock and barrel.

I joint with Pandit Thakur Das Bhargava in hoping that the Joint Committee will take into consideration all the points that have been placed before this House, and especially those that have been placed so eloquently by the chairman of the committee that was appointed by the Speaker, and give us not a piecemeal or fragmentary Bill such as we have today before us, which would not be worthy of us, but a really comprehensive and exhaustive Bill, not only in the interests of the purity and sanctity of this House but also for the guidance of the would-be candidates and for the edification, enlightenment, progress and prosperity of our country.

Mr. Speaker: I now call upon Shri Achar. After him, I propose calling upon Shri Sarju Pandey. Each one

of them will have ten minutes. We must close this debate by three o'clock. I shall then call upon the Law Minister. How long does he propose to take?

**Shri A. K. Sen:** Not more than half an hour.

**Shri Achar (Mangalore):** I am very glad the Bill is going before a Joint Committee, because I consider this Bill to be a very important one from the point of view of building up healthy democratic traditions in our country.

The basic principles have already been stated especially those with regard to the independence of the Members of a legislature, whether it be at the Centre or in the States. The Law Minister, while moving the motion laid great stress on experts. He made an eloquent appeal that great engineers, great doctors and great scientists, even if they were holding offices of profit, should be allowed to enter this Parliament as well as the State legislatures. That is an aspect which has certainly got to be very seriously considered. This must be gone into in very great detail in the Joint Committee. But, for my part, I would say that these experts are not so very essential, from the point of view of having a democratic House.

If we take even an ordinary textbook on the elements of politics, we shall find that the essence of democracy is not expert knowledge. Earlier writers like Professor Sidgwick and also the subsequent writers have laid great emphasis not on expert knowledge or on the greatness of a man of science or anything of that nature, but on something else. It is not that which helps to build up a healthy democracy or a good House of Parliament. The greatest characteristic that is required of a parliamentarian is that he must represent an interest with which he is identified. That is the first essential of democracy. A man who is interested

in a matter is the best representative, and not an expert. Take, for example, experts like C. V. Raman or Bose. Would they like to come to Parliament? Certainly, such great scientists or such great literary men would not come to Parliament.

**Shri C. R. Pattabhi Raman (Kumbakonam):** Why not?

**Shri Achar:** You would probably get only second-rate engineers, second-rate doctors and second-rate lawyers into Parliament. The first-rate men would not be coming to Parliament. Besides, even if we get very great experts in science, or medicine or law in a House, would that House make a good House of Parliament?

I would like to remind this House of one incident that is reported in the history of the British Parliament, the Mother of Parliament. A great scholar and a great literary man—I need not mention the name; I think it was probably Lord Bacon—....

**Shri C. R. Pattabhi Raman:** Hal-dane.

**Shri Achar:** I am not quite sure of the name. My memory is that it was Lord Bacon. He was considered to be a great literary man and a great scholar. Many of his friends said that it was better that he should become a Member of Parliament. He himself had no confidence in himself. Anyhow, they forced him, and he became a Member of Parliament. When for the first time he spoke in Parliament, the galleries were crowded, and all the Members of Parliament were anxious to hear this great scholar. That great scholar got up and said, I conceive....

**Dr. Krishnaswami (Chingleput):** It was Addison.

**Shri Achar:** After two or three minutes, once again, he said: 'I conceive....' Again, he repeated after

[Shri Achar]

a few minutes "conceive" and then sat down.

**Mr. Speaker:** All hon. Members know this.

**Shri Achar:** Yes, it is so. But it is a fact which we have to consider when we are considering this Bill. The lady Member who spoke after him said. "The hon. Member conceived thrice, but has brought forth nothing".

What I would like to point out is that it is not expert knowledge or scholarship that would help to make this House or a legislature a good House to represent the various interests in the country. On the other hand, it is the ordinary man,—it may be an ordinary farmer; it may be an ordinary barber, if I may so put it, or it may be any man following any particular interest in a legislature. That does not mean that Parliament does not want to utilise the services of great men. Parliament would certainly like to utilise the services of a great expert, a great engineer or a great doctor or a great lawyer. They will be paid for it. They need not be Members of the House. From that point of view, I would request the Law Minister as well as the Joint Committee to consider this aspect of the question. It is not expert knowledge that is required. The man who feels the punch of the shoe, he is the person interested and he alone is the best person to represent. Of course, experts will co-operate and help in the execution of policy but not in its formulation. From that point of view, we should have the services of experts, whether they be engineers, scientists or others. But it should not be the principle of this legislation to get experts in here. The more important principle is—I think it has been sufficiently debated upon—the independence of the Member to vote, and independence to express his views. My hon. friends, especially the venerable friend and veteran parliamentarian of this House, spoke clearly

and for a long time. Though I could not follow the language, I would make out that the point he was emphasising all along was the independence of the Members.

From this point of view, is it good to have anybody in Parliament who is in the pay of Government? Can he independently exercise his vote? Can he independently argue and put forth a case against Government from which he is drawing remuneration? From that point of view, is it good to have such offices removed from disqualification?

Of course, this is a little controversial subject, as to what exactly is an office of profit. We need not go into that now. There are decisions of the High Courts and the Supreme Court on this. Whatever it may be, the only question is whether he will be independent. If not, should such a person be brought into Parliament. So far as I am concerned, such a person should not be brought into Parliament.

What does our Constitution say? It says that the general principle is that persons enjoying offices of profit should not be allowed to come into Parliament. That is a clear proposition. To this principle, only one or two exceptions are made. They are mentioned in the Bill also. Ministers have been exempted from this provision. This is mentioned in clause 2(a)—'any office held by a Minister for the Union or for any State whether *ex-officio* or by name'. Of course, there is a very good reason for that. He goes to the electorate and is elected. Then he becomes Minister. But if there is to be any further exception, a clear case should be made out for it. But here exceptions are given to which reference has been made by several speakers. I, being the last speaker, do not want to repeat them. These exceptions are

relating to persons who would certainly be under obligation to Government, and they should not be included.

Not only that, there is the question of drafting also. I do not know how exactly this is brought in here. For example, take item (i) of clause 2(h):

"the office of village revenue officer, such as *lambardar*, *mal-guzar*, *patel*, *deshmukh* and the like, who is remunerated by a share of, or commission on, the amount of land revenue collected by him".

That is, if he gets a share, he should be exempted. But I find that in our parts, he does not get commission. He gets regular pay, monthly pay. Why should there be a difference made? So far as I am concerned, whether it be village *patels* or any higher officer, those who get remuneration from Government should not be allowed to come into Parliament. If the *patel* is to be allowed to come into Parliament, why should a distinction be made in the other case?

Then again, item (iii) is beautifully vague. It says:

"an adviser created temporarily for the purpose of advising the Government or any other authority on any matter of public importance".

I feel on the whole that this Bill requires considerable consideration and I would suggest to the Joint Committee to see that this is examined with a view to the preservation of democratic institutions in our country, so that all those persons who are under obligation to Government are not allowed to come into Parliament or local legislatures.

श्री सरजू पाण्डे (रसड़ा) : अध्यक्ष महोदय, हमारे सामने यह जो बिल पेश हुआ है और उस पर वक्ताओं की जो तकरीरें हुई

हैं उन सब को मैंने बहुत गौर से सुना। हमारे बहुत से दोस्तों को इस बात से ऐतराज है कि वाइस चांसलर, गांव के मुखिया और दूसरे लोगों को प्राफिट होल्डर माना जाय यद्यपि मैं उनसे इसमें सहमत हूं और मेरी समझ में यह ठीक बात भी है कि उनको प्राफिटेज प्राफिट माना जाय।

इस बिल में मैं समझता हूं कि तमाम उन लोगों को जो गवर्नमेंट आफिसेज में हैं और सरकार के वहां से बाकायदा तनखाह पाते हैं, उन को छोड़ कर उन सब को इस बात की इजाजत दी गई है कि वे पार्लियामेंट की मेम्बरी के लिए खड़े हो सकते हैं जो कि हालांकि ज़ाब्त से तनखाह तो नहीं पाते लेकिन उनके पास पावर होती है और वे लोगों पर अपना असर बखूबी और कामयाबी के साथ डाल सकते हैं। मैं चाहता हूं कि सेलेक्ट कमेटी इस पर गौर करे कि इन मिनिस्ट्रों का क्या होगा। मिनिस्टर के आफिस को आफिस आफ़ दो प्राफिट नहीं माना है लेकिन एलेक्शन का तज़ुबा हमें बतलाता है और मैं सैकड़ों मिसालें इस हाउस के सामने पेश कर सकता हूं जहां पर कि मिनिस्ट्रों ने बहसियत एक मिनिस्टर होने के बोटरी पर खुद नाजायज़ दबाव डाला। खुद हमारे उत्तर प्रदेश में, बनारस, गाज़ीपुर और बलिया में मंत्री महोदय अपने दौरे पर जाते थे और उन्होंने खुद अपनी तकरीरों में इस बात की धमकी दी थी कि अगर उन्होंने कांग्रेस उम्मीदवारों को वोट नहीं दिया तो अच्छा नहीं होगा। अब आप समझ सकते हैं कि ऐसी दशा में हमारे देश में चुनाव निष्पक्ष और स्वतन्त्र रीति से कैसे सम्पन्न हो सकते हैं? यह कैसे सम्भव हो सकता है? सही मायने में कैसे चुनाव हो सकेगा जबकि यह मंत्रीगण स्वयं अपने ओहदों पर मौजूद रहेंगे और बहसियत मंत्री के चुनाव में उतरेंगे? मेरा राय मैं तो अगर आप चाहते हैं कि देश के अन्दर सही माने में लोग आजादी से अपनी राय दें तो आपको ऐसी व्यवस्था यहां पर करनी पड़ेगी कि मंत्री लोग चुनाव में उतरने से पहले अपने मंत्री पदों से इस्तीफा

[श्री सरजू पाण्डे]

दे दें वरना लाजिमी तौर पर इसका नतीजा यह होगा कि जब एक तरफ ऐसे लोग चुनाव में खड़े होंगे जिनके कि हाथ में सारे अधिकार होंगे तो जनता आजादी के साथ ऐसे लोगों को वोट नहीं दे सकेगी जो कि आफ़िसों में नहीं हैं क्योंकि उनको डर लगा रहेगा कि कहीं ऐसा करने से उनकी परमिट न छिन जाय, तो किसी को डर रहेगा कि उसके लडके की नौकरी न चली जाय। मे समझता हूँ कि वाइस चांसलर्स, मुखिया और चेयरमैन आदि अपने नीचे के धमले पर दबाव डाल सकते हैं और उनके दबाव डालने से सही और आजादाना इलेक्शन्स नहीं हो सकेंगे। यहां कुछ माननीय सदस्यों ने बताया कि एलेक्शन ट्रिब्यूनल ने महज इस बिना पर कि किसी शख्स ने मुखिया को एलेक्शन एजेंट बनाया था, उसके चुनाव को नाजायज़ करार दे दिया।

14.39 hrs.

[MR. DEPUTY SPEAKER in the Chair]

जब मिनिस्टर्स अपने ओहदों पर कायम रहते हुए चुनाव में खड़े होंगे तो लाजिमी तौर पर स्वतन्त्र चुनाव हमारे देश में नहीं हो सकेंगे। इसलिए मैं चाहता हूँ कि इस कानून में यह भी व्यवस्था हो कि मंत्री लोग चुनाव में जाने से पहले अपने ओहदों से इस्तीफा दें वरना हमारे देश में बतई तौर से सही चुनाव नहीं हो सतेंगे और विरोधी दलों के उम्मीदवारों को कोई वोट नहीं देगा। अभी पिछले चुनाव को ही ले लीजिये। इस ५२० के हाउस में मुश्किल से ८० या ९० ऐसे सदस्य बैठे हैं जो कि विरोधी दलों के हैं और आज हालत यह हो गई है कि विरोधी दल की ओर से अगर कोई सही से सही बात भी हाउस में कही जाय तो चूकि सरकारी दल के लोगों की यहा पर बहुत बड़ी संख्या है, इसलिए वह सही आवाज भी उनके आगे दब सी जाती है। अगर उसके सम्बन्ध में सरकारी बैचो पर बैठने वालों में भी पूछा जाय तो वे भी कह देंगे कि हां होना

तो बंसा ही चाहिए लेकिन फिर भी बोटिंग के वक्त उनको पार्टी अनुशासन का खयाल रखते हुए उसके विरुद्ध मत देना पड़ता है और जिसका कि परिणाम यह होता है कि वह सही चीज आगे नहीं बढ़ पाती और दब जाती है। इसलिए जनतन्त्र की रक्षा के लिए और विरोधियों को आगे बढ़ाने के लिए लाजिमी तौर पर यह अधिकार देना होगा। और भी देशों में यही नियम है। मंत्री महोदयों को अपने पदों से चुनाव के पहले इस्तीफा देना होता है। लेकिन हमारे देश में उन के इस्तीफा देने की बात कौन कहे, यह वह लोग गांवों में जाकर अपने बल में लोगों से वोट लेते हैं। लोग तरह तरह के ओहदों पर रह कर गांवों में यह काम करते हैं और इस बिल के अन्दर उन्ही को अधिकार दिया गया है। माननीय सदस्यों को ज्ञात होगा कि हमारे उत्तर प्रदेश में गांवों में पंचायतों के चुनाव होते हैं, आप जाकर देखिए कि किस तरह से मुखिया और नम्बरदार इन लोगों के लिए वोट लेते हैं और दूसरों को आगे नहीं बढ़ने देते। इसलिए मेरी प्रार्थना है कि बहै-सियत मंत्री इन लोगों को चुनाव में खड़े होने का अधिकार नहीं होना चाहिए। मैं चाहता हूँ कि मेलेक्ट कमेटी मुखिया और नम्बरदारों को भी चुनाव में खड़े होने का अधिकार न दे। अगर उनको यह हक मिल गया तो मैं समझता हूँ कि लाजिमी तौर पर हमारे देश में जनतन्त्र कायम नहीं हो सकेगा।

साथ ही साथ मन्त्री गांवों के बाजे में भी अर्ज करना चाहता हूँ कि और मुक्तों की तरह से हमारे देश में भी यह मिमाल कायम होनी चाहिए कि मंत्रियों को ओहदे पर रहते हुए चुनाव में न जाने दिया जाय। मैं आपको गाजीपुर की मिसाल बताना हूँ। वहां मंत्री महोदय पहुंचे और दो तीन कर्मचारियों के खिलाफ ऐक्शन इसलिए रिकमेंड किया और डिस्ट्रिक्ट मैजिस्ट्रेट को शिकायत लिखी कि वह लोग विरोधियों से मिले हैं। यह तो सब को मालूम है कि कौन सरकारी कर्मचारी विरोधी दलों से मिल सकते हैं। लेकिन चूकि

उन लोगों को वोट नहीं मिला इसलिए उन्होंने बहाना बनाया और अधिकारियों को लिखा कि उन कर्मचारियों को हटा दिया जाय। इसी तरह से मीटिंगों में खुल्ला इस बात का ऐलान किया गया कि अगर मैं चाहूँ तो तुम लोगों से वोट देने का अधिकार छीन लूँ। गांवों में मंत्री लोग मीटिंगों में जाकर इस तरह की बातें कहते हैं कि अगर वह चाहें तो लोगों से वोट देने का राइट ही छीन लें। वह कहते हैं कि हमारी मर्जी की बात है जो कि तुम लोगों को वोट देने का अधिकार मिला हुआ है, हम जब चाहें उस को छीन लें, हम जब चाहें तुम को गिरफ्तार कर लें और जेल भेज दें। मैं कोई लम्बी बहस नहीं करना चाहता, सिर्फ यह निवेदन करना चाहता हूँ कि सेलेक्ट कमेटी तय करे कि चुनाव के लिये मंत्रियों को भी अपने पदों से इस्तीफा देना होगा जिस में लोग आजादी से अपना वोट दे सके वरना यह मानी हुई बात है कि जब इस तरह से मंत्री लोग गांवों में घूमेंगे, तो हम लोगों को कोई वोट देने वाला नहीं है। वह तो साफ साफ कहेंगे कि बाबा, तुम को वोट देकर हम क्या करेंगे? तुम्हें वोट देने का मतलब है कि हम जेलों में जाएं, अपनी सविसेज से निकाल दिए जायें।

**उपस्थित महोदय:** इस बिल में माननीय सदस्य क्या चाहते हैं?

**श्री सरजू पाण्डे :** मैं यह चाहता हूँ कि इस बिल में यह व्यवस्था होनी चाहिए कि मंत्री लोग जब तक अपने पदों पर बने रहें, तब तक वह प्राफिटेबल पोस्ट मानी जाय और वह इलेक्शन में खड़े न हो सकें।

**उपस्थित महोदय :** वह मेम्बर न बन सके ?

**श्री सरजू पाण्डे :** मेम्बर बनें।

**उपस्थित महोदय :** अगर यह आफिस प्राफिट होगा तो वह मेम्बर कैसे बन सकेंगे जब तक कि उन्हें एग्जेंट न किया जाय ?

**श्री सरजू पाण्डे :** वह खड़े होने से पहले इस्तीफा देकर मेम्बर बन सकते हैं।

**उपस्थित महोदय :** बगैर मेम्बर बने वह मिनिस्टर कैसे हो सकेंगे ?

**श्री सरजू पाण्डे :** मेम्बर तो बन सकते हैं, लेकिन एलेक्शन लड़ने से पहले उन को अपनी पोरट से रिजाइन करना चाहिए। इन मंत्रियों के लिए भी ऐसी व्यवस्था की जाय, सेलेक्ट कमेटी इस पर गौर करे।

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, I am obliged to the hon. Members who have taken part in the discussion on this motion. Whether the speakers have spoken against the policy of the Bill or the different clauses of the Bill or whether they have spoken in favour, it shows, a deep concern to preserve the independence and dignity of this House. Thoughts may differ, solutions may differ but the keenness for keeping up the traditions of this House as the supreme legislature of the country, fearless of anyone is evident from the speeches of the hon. Members who have taken part in this debate. That justifies the compliments paid by the *Manchester Guardian* which has been quoted on the floor of this House by the hon. Member, Shri Nath Pai. It also shows that the party which has been in power for the last 10 years and the party which had obtained the approval of the House in regard to the previous enactments which granted substantially the same exemptions had not misused the exemptions thus granted. Nor have they taken advantage of those provisions, if I may use a vulgar expression (Shri Jaipal Singh: No, no) buy the souls of the Members of this House with the resources at its command. There have never been such an inclination nor has the mettle of the House been such as would have been purchased for a price.

(Interruption.)

[Shri A. K. Sen]

But, in giving expression to our keenness to preserve the dignity, and the independence of this House, I am afraid, we have strayed a little, and have missed the cardinal points which the Bill seeks to express.

I think the first speaker suggested that if this Bill was to be passed, we might as well scrap article 102 of the Constitution, because, according to him, it militates against the spirit of article 102. This has, more or less, been repeated by a few other Members and it is, therefore, necessary to answer this criticism which, in my submission, is completely unfounded. When article 102 was enacted by the Constituent Assembly, the Members of the Constituent Assembly were perfectly aware that the Parliament must be possessed of powers necessary to exempt certain offices of profit in the interest of the country and the legislatures of the States. That is why article 102 contains within itself this very power given to the Parliament because it says: A person shall be disqualified if he holds an office of profit etc. Then various clauses follow—(a), (b), (c).

In (a), it says:

“ if he holds any office of profit under etc.... other than an office declared by Parliament by law not to disqualify its holder”.

That means it contains the power of Parliament to declare what is not an office of profit in its view. Therefore, it is a mistake to read 102 as debarring permanently, for all time to come, the holders of offices of profit, as the expression has been understood during the last two centuries of judicial interpretation.

The reason why that power was thought necessary to be given in article 102, I took pains to explain. I tried to explain when I moved the motion that it was thought necessary and expedient at that time—and it is

still necessary and expedient in view of the 3 enactments which this House has passed from 1950 to 1953—to exempt certain offices of profit as disqualifying persons from being Members of Parliament in the larger interests of the country.

It is necessary at this stage to clear up another point which has unfortunately led to a little confusion. It is thought that removing a disqualification is equivalent to placing a man in Parliament on the floor of this House, as if a man automatically gets lifted into the floor of the House. That is why a lot of argument has flown from all sides. It has been said: why should a Vice-Chancellor who has to devote all his time as a Parliamentarian on the floor of this House be allowed to come here when he has other business to attend to? It is not as if a Vice-Chancellor, simply because he is qualified to be a Member, gets automatically elected. Election depends upon the people, upon the voters. We have enough confidence in the capacity of our voters and they have convinced us that only those who command the confidence of the public shall be elected in the free elections which we have. Those who do not command the confidence of the public shall not be allowed to come as Members of this House. The only passport is the passport of public confidence and the capacity to secure the consent of the electorate by a majority vote. The removal of disqualification does not automatically make him a Member. He has to obtain this passport and obtain the consent of his electorate.

**Shri Naushir Bharucha** (East Khandesh): It is an argument for deleting article 102.

**Shri A. K. Sen:** As I said, article 102 contains in itself the seed for parliamentary legislation. It does not require any elaboration. A plain reading of that article would convince anyone who reads it.

The point I was making is this. It has been asked: why exempt Vice-Chancellors, this man or that man and so on? They have other work to attend to. They have to be here whole time and serve this House and they cannot work elsewhere. The two positions are incompatible. In our Constitution we have created special constituencies for teachers and graduates in the upper Houses in the States. We have also acknowledged that principle as a guiding principle in electing Members to the upper House here. So, graduates and teachers can be qualified to stand for election for the upper Houses in the States. Yet, we are told that, they should be stigmatised and disqualified to stand as Members of Parliament the moment they are appointed Vice-Chancellors. It is that legal disqualification which the Bill seeks to remove. Whether a man will be elected by the people or not is a different consideration altogether. Whether the parties which contest the elections in a democratic country will choose such a man having regard to his pre-occupations is a different matter. Whether the University which he serves will allow him to come as a Member of Parliament is again a different consideration. The question is: does he suffer from such a status as to disqualify him from being a Member of Parliament? That is the point.

**Shri Raghbir Sahai:** Is every Member of the House of Lords entitled to stand for the House of Commons?

**Shri A. K. Sen:** That is a different matter altogether. He is a peer; how can he stand for the House of Commons? He cannot just as here you cannot be a member of the Council of States.

**Shri Surendra Nath Dwivedi (Kendrapara):** No. They have stood for election and won the election and then they have resigned from the Council of States.

**Mr. Deputy-Speaker:** Order, order. Two hon. Members cannot be on their feet just at the same time.

**Shri A. K. Sen:** Several hon. Members have said that the Members must be here wholetime. They should not be allowed to have anything else to do. If the argument is followed, strictly and if we look around this House, many of us would be disqualified. When this question of qualification is being debated, how many of us are attending the House? If every Member of Parliament has to attend the House night and day, 24 hours, and if that be the only basis of qualification to become a Member, then many of us would be disqualified. I hope that argument is not pushed too far for it is sure to recoil on ourselves.

The hon. Member in front of me, Shri Asoka Mehta reminds me of this very strongly. He has done an excellent service with his recent report on food. His analysis and his knowledge had been of extreme help to all of us. Whether we agree with his conclusions or not, is a different matter but we are all indebted to him for the excellent work he has done when he was not a Member of Parliament. But today if we want to take advantage of his erudition and power of analysis and, if article 102 is to be followed strictly, we cannot get him in any advisory capacity.

**Mr. Deputy-Speaker:** Therefore, he is going.

**Shri A. K. Sen:** That is why advisory committees and others have been brought under the purview of this Bill. It seems that there has been a good deal of loose thinking on the purpose and the objective of this Bill.

**Shri Naushir Bharucha (East Khandesh):** On whose part?

**Shri A. K. Sen:** On everybody's part, including myself, if that satisfies the hon. Member.

You will find that we have taken the minimum of categories within the ambit of our exemptions. It has not been found possible to exempt larger

[Shri A. K. Sen]

categories which, if the matter was left to me personally, I would have liked to exempt.

If we scan the categories which have been brought within the ambit of exemption, our categories do contain persons who render most valuable service to the country and the nation: *Lambardars* and other services on an honorary basis are not offices of profit. They deal with property. I will come to this later on.

Then, Ministers of the Union and so on. If we have to give effect to the argument of Mr. Pande, Ministers would cease to be Members of this House. He prefers an irresponsible Government to a responsible Government. I do not think the argument merits an answer. We have chosen a system of responsible Government which is to answer for every action to this House and we hope to cherish and preserve it. It is unthinkable that any of us will take seriously any argument which supports a Government which is not responsible to the House.

Now, the Chief Whip, the Deputy Chief Whips in Parliament. Their purpose and functions in every country where the parliamentary system of Government prevails are known.

Then, the National Cadet Corps, the Territorial Army and the Reserve and Auxiliary Air Force. Through these agencies, we have been trying to strengthen our defence forces. The regular services had been meagre having regard to the vastness of our country and the greatness of our defence problem.

Shri Naushir Bharucha: So, have the whole army in!

Shri A. K. Sen: We are not talking of the army. We are talking of something else. We are talking about the National Cadet Corps. The hon Member thinks that the young boys and girls who join, under a sense of patriotism, the NCC should be disqualified because they have chosen that course. I hope that argument is not listened to by anyone, so that

every boy and girl in universities may join the National Cadet Corps, so that when the time comes they can defend their country, so that they can be trained to render the maximum sacrifice that is necessary for a citizen of this country to defend its liberty and institutions. If Shri Bharucha is going to prevail, then these boys and girls should be told beforehand: "Look here, you may be suffering from the pain of patriotism, you may be thinking seriously of joining the National Cadet Corps and other defence and auxiliary services, but by doing so you will have to part with your claim to stand as members of Parliament". An excellent incentive to induce our young men to take to defence services. I am sure no serious attention would be paid to this line of argument.

15 hrs.

The next is Home Guards. I think those who thought that Pandit Thakur Das Bhargava had recommended the exclusion of Home Guards are not correct. It is quite the contrary. It is this Committee which recommends that Home Guards should be exempt. I think it is at page 41 of the Report, recommendation 15—

"Persons belonging to the National Cadet Corps, Territorial Army, Members of the Home Guards in various States raised under special enactments should be exempted from disqualification."

We have really taken the unanimous recommendation of this Committee and, personally speaking, if the National Cadet Corps is exempt, I do not see any reason why members of Home Guards should be suffering from this disqualification. That does not mean that they get automatically elected.

The next category is the office of sheriff. I think somebody read out the definition of the word "sheriff" from *Encyclopaedia Britannica*. In our country the office of sheriff is now governed by relevant statutes. Its functions are not the same as in

England or in America. I think it exists in a purer form in America than in England today. These gentlemen are generally very important members of the public who are selected by the High Courts and not by the Government. The appointment is made by the High Courts sitting in Full Court appointing the Sheriffs for the respective High Courts. These gentlemen are drawn, maybe from educational institutions, maybe from the commercial community and so on. A man who has established himself in public life is usually chosen as a sheriff, because he has to discharge very important functions which involve great care and impartiality.

**Shri Raghbir Sahai:** What are the functions performed by a sheriff?

**Shri A. K. Sen:** Well, I can give the important ones, I cannot recite the whole gamut of functions. The important functions are: they are entrusted with the service of processes of courts, for executing the writs of execution, for arresting persons convicted of contempt, taking them to jail, and, in those courts which still have sessions courts, for producing prisoners to the sessions courts from jail and conducting them back. These are the important functions performed by him. Large sums of money are realised by way of execution and otherwise. He also holds sales of movable and immovable properties attached in execution. They are very important functions. He is really the arm of the court. The court's judgments and orders are executed with the aid of the sheriff's arm. They are, therefore, selected with care. Now, we have been told that these important men, who are chosen by the High Courts to perform most useful functions which require great care and impartiality, would be disqualified, from standing as Members of Parliament. For what reason? On what ground? Because the High Courts have chosen them?

**Shri Raghbir Sahai:** Because they are public officers.

**Shri A. K. Sen:** That is for the electors. If we look into the matter there is nothing which will merit their disqualification compared to other citizens.

Next comes the office of Vice-Chancellor about which we have already dealt. Then there is the office of member of any delegation or mission sent outside India by the Government for any special purpose. Every year we have members drawn from this House who are sent out to various international conferences, to the United Nations and so on, where they draw certain allowances. I suppose we have not many people left now, thanks to our system of taxation and other measures, who can afford to go outside every year and spend their own money to attend international conferences where our counsels are sought. If that is so and if this disqualification is not removed then in future we shall not be able to send any member from this House in any of these important delegations. We shall have to then take others who are outside this House. Why? Simply because we have become members of Parliament others will discharge their functions better and more intelligently. Is it suggested that simply because a Member is sent out on an important delegation or to the United Nations he ceases to be an independent Member of this Parliament? I think we are paying very little compliment to ourselves and thinking too little of ourselves. It is a case of self-immolation, the antonym of self-eulogy, self-mortification, which looks at the worst in ourselves and ignores the best in ourselves. No, Sir, I am convinced that the mettle of the Members of this House is strong enough and, as I said, their souls cannot be purchased by selecting them to represent us in delegations or in international conferences. It is necessary that Members of Parliament take these important activities within the ambit of their parliamentary functions; it is absolutely necessary.

[Shri A. K. Sen]

Next in the list are:

- “(i) chairman, director or member of a statutory body other than a body connected with a University, unless the law by or under which the statutory body is established otherwise expressly provides, or
- (ii) chairman or member of a non-statutory body other than any such body as is referred to in clause (g), or
- (iii) an adviser created temporarily for the purpose of advising the Government or any other authority on any matter of public importance.”

I would only quote what the Bhargava Committee has said on this point, because I have little to add to this, and I agree entirely with what they have said on this point. They have said that it is important that disqualification with regard to statutory bodies should be removed, because it is necessary that Members of Parliament have to be associated with the statutory bodies as the Indian Council of Medical Research and the whole list that is given in the report of the Bhargava Committee. Paragraph 73 of the report says:

“A minority of the Committee feel that the functions are of such a character as should incur disqualification. But a majority of the Committee feel that the functions of these committees should be viewed against a wider background. Parliament has the duty of developing the country and harnessing its resources for achieving an all round progress. Members of Parliament should therefore be allowed to serve in all capacities except where it is incompatible with their duties as Members of Parliament to serve on such committees. It is also recognised that with its under-developed economy the country has not such an abundance of talent

and public spirit that it is justifiable to exclude Members of Parliament from opportunities of service on such vital committees. It will not therefore be in public interests to enforce rigorously the exclusion of membership of such non-advisory committees by Members of Parliament. Moreover, the membership of such bodies by itself does not involve the exercise of executive functions.

The majority are therefore of the view that members of such committees should be saved from incurring disqualification by making a necessary provision in the relevant Acts themselves”.

They said that provisions should be made in the relevant Acts creating the statutory bodies. Instead of doing that and including it in every Act, we have provided for it in this Bill—because it is a changing thing,—we are setting up more and more statutory bodies every day with increase in our functions and it will become cumbersome to insert it in every Act, an exemption clause separately,—we thought that it would be a piece of better draftsmanship to insert it in the parent Act by way of removing the disqualification for membership of all statutory bodies.

**Shri Nath Pal:** But the question is, who appoints the committees? Government or Parliament? If Parliament does it, everybody should welcome it.

**Shri A. K. Sen:** Whoever appoints.

**Shri Nath Pal:** You are misleading very tactfully.

**Shri A. K. Sen:** Whoever appoints. Today we may appoint. Tomorrow you may.

**Shri Nath Pal:** That is the whole essence of it.

**Shri A. K. Sen:** Whoever is the Government has to appoint the committee.

**Pandit Thakur Das Bhargava:** Kindly see paragraph 78. You have not read it.

**Shri A. K. Sen:** I have read the whole report.

**Mr. Deputy-Speaker:** Is it very necessary that the hon. Minister should be very emphatic on each and every point? He may have to yield on certain points in the Joint Committee.

**Shri A. K. Sen:** I am only giving the reasons why these categories have been introduced. Excepting the category of Vice-Chancellor, we have substantially followed the recommendations of the Committee appointed by the hon. Speaker. That is what I said in the opening of the discussion.

One more point about *patels*, *malguzars*, and so on. The Representation of the People Act made it a corrupt practice to take the help of those revenue officers whose functions were like those of the village accountants, or revenue accountants, and they left out of that section the help given by or rendered by *patels*, *malguzars* and such other officers. The obvious implication was that it would not be a corrupt practice to take the help of *patels*, *malguzars* and like officers. The reason is well understood. *Patels* and *malguzars* have been hereditary offices and they have been regarded as inherited property, partible. They have inherited the offices by virtue of their birth and they are partible, unless the law of primogeniture applies in any given instance and about which I have no knowledge. They have been performing very useful functions ever since the ancient days and even today in the villages they perform a very useful function. In many places *patels* are elected even, and they are mostly in Maharashtra if my knowledge is correct.

Now, why should these people who have inherited this office as property from time immemorial be disqualified from standing as Members of Parliament? It is a different question whether they will be elected or not. The

people may vote them down. If any of them has such influence as is attributed to him then he can put up his own friend and get him elected. The whole argument against these persons has been that these offices exercise great influence. The *patel* it is said, is the last voice in the village. If he says "vote for this man" the people will go like a flock of blind sheep and vote for that man. That is not the fact. And you do not really remove his influence by disqualifying him from standing as Member. He can nevertheless make one of his men stand and the mischief which is sought to be removed will nevertheless remain.

It is a technical, legal question. Is there anything in his office which should incur the odium of disqualification? That is the very narrow limited point with which we are concerned in this Bill. Does the office carry anything with it which invites the stigma of disqualification?

**Shri Naushir Bharucha:** There is the "Commission" by Government.

**Shri A. K. Sen:** Commissions and other bodies are not infallible. I do not think there is anything in the Commission which militates against our recommendations in the Bill. I do not know what Commission the hon. Member has in view.

**Shri Naushir Bharucha:** The same which is mentioned in the Bill.

**Shri Nath Pai:** Your Act makes a reference to that.

**Shri A. K. Sen:** Thus, I have disposed of the arguments in substance put forward against the Bill.

As I said, we are all obliged, whether we agree with the arguments or not, to the universal expression of our common desire that nothing should be done which shall strike at the independence of our institutions. As I said, our institutions thrive and prosper with the aid of its Members who are elected by the people and who are elected by the law which removes disqualification. The people determine ultimately who shall represent

[Shri A. K. Sen]

them That is the basis of our Constitution and our institutions I have not the least doubt that the people will send out and continue to send out the very best men that the country can produce and they will be as zealous, whether they suffer from disqualification or not by a technical law, to safeguard the nobleness of our institution as anybody else The fear that these exemptions are sought to destroy the independence of our Members is extremely unfounded and is not based on reason

**Shri Nath Pal:** It is happening unwittingly

**Shri A. K. Sen:** I hope it does not

Therefore, with these words I submit that the motion should be accepted by the House

There has been a slight mistake in the list of names I submitted on the last occasion, mentioning the names, for the Joint Committee Instead of Shri Rameshwar Rao, the name of Shri Jagannatha Rao should be inserted and in the place of Shri Bimal Ghose, the name of Shri Khushwaqt Rai should be inserted

I beg to move

In the motion moved on 14th December, 1957 for reference of the Parliament (Prevention of Disqualification) Bill—

(i) for "Shri J Rameshwar Rao" substitute "Shri Jagannath Rao",

(ii) for "Shri Bimal Comar Ghose" substitute "Shri Khushwaqt Rai"

**Mr. Deputy-Speaker:** There is amendment No 8 by Shri Easwara Iyer He is not here Anyhow, I shall put it to the House The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st day of February, 1958"

*The motion was negatived*

**Mr. Deputy-Speaker:** I shall now put the amendment just now moved by the hon Minister, inserting the name of Shri Jagannatha Rao in the place of Shri Rameshwar Rao and inserting the name of Shri Khushwaqt Rai in the place of Shri Bimal Comar Ghose

The question is:

In the motion moved on 14th December, 1957 for reference of the Parliament (Prevention of Disqualification) Bill—

(i) for "Shri J Rameshwar Rao" substitute "Shri Jagannath Rao",

(ii) for Shri Bimal Comar Ghose" substitute "Shri Khushwaqt Rai"

*The motion was adopted*

**Mr. Deputy-Speaker:** I will now put to the House the motion for reference of the Bill to a Joint Committee, as amended

The question is

"That the Parliament (Prevention of Disqualification) Bill, 1957, be referred to a Joint Committee of the Houses consisting of 30 members 20 from this House, namely, Sardar Hukam Singh, Pandit Thakur Das Bhargava, Shri M R Krishnna, Shri Dharindhar Basumatari Shri Rameshwar Patel Shri Rohan Lal Chaturvedi, Shri M K Jinachandran, Shri Ram Sahai Tiwari, Shri P Subbiah Ambalam, Shri H S. ddananappa Shri Panna Lal, Shri Jaganatha Rao, Shri S R. Damani, Shri Sivram Rango Rane, Shri Khushwaqt Rai, Shri Surendra Mahanty, Shri Braj Raj Singh, Shri Aurobindo Ghosal, Shri S. Easwara Iyer and Shri Asoke K Sen, and 10 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the second week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted.*

#### ADDITIONAL DUTIES OF EXCISE (GOODS OF SPECIAL IMPORTANCE) BILL

**Mr. Deputy-Speaker:** The House will now take up the next item.

**Shri Mahanty (Dhenkanal):** I rise on a point of order.

**Mr. Deputy-Speaker:** There is no business before the House. How can he rise on a point of order? The hon. Finance Minister

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to move:\*

"That the Bill to provide for the levy and collection of additional duties of excise on certain goods and for the distribution of a part of the net proceeds thereof among the States and to declare those goods to be of special importance in inter-State Trade or commerce, be taken into consideration."

**Shri Mahanty:** I rise on a point of order.

**Mr. Deputy-Speaker:** That this motion cannot be made?

**Shri Mahanty:** Yes. My point of order is that this Additional Duties of Excise (Goods of Special Importance) Bill, 1957, has been brought here under article 272 of the Constitution,

but it does not comply with the requirements of article 272 in full. I invite your attention to article 272. I better read out the last line of the article which states:

"those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law".

This Bill does not state the principles of distribution or devolution. It merely states the quantum of distributable amount which should accrue to the States.

The second point is, it is not enough that this Bill should determine the quantum of distributable amount; in order to be valid, it must formulate and state the principles of such determination. This word "principle" has acquired a certain precision in usage and literature. "Principle" means the fundamental basis, the theoretical basis, for arriving at a particular decision. We find this Bill does not contain those principles.

Lastly, this word "principle" has been used in another context in article 280, sub-clause (3) (b) where it is said:

(3) It shall be the duty of the (Finance) Commission to make recommendations to the President as to—

(b) the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India".

The Finance Commission in their report, have gone at length into the principles. Therefore, I am meaning to suggest that "principle" has been used in the Constitution to mean the fundamental basis, the theoretical basis, for such devolution of excise duty as and when they are distributed. In view of the fact that this Bill does not state those principles concretely, we are not in a position to consider

\*Moved with the recommendation of the President.

[Shri Mahanty]

the Bill on its merits. This confusion has been created, if you look into the Statement of Objects and Reasons..

**Mr. Deputy-Speaker:** I requested the hon. Member to say whether there was any prohibition or restriction on the Bill being considered. If there is something wrong in the contents of it, then when I place the motion before the House, the hon. Member may stand up and object to those things. Then we can see what we can do, whether there is a bar and whether we cannot proceed further. Let that motion be made by the hon. Minister and then when I place the motion before the House, the hon. Member may stand up and put his point.

**Shri T. T. Krishnamachari:** On Friday last, when I asked leave to introduce this Bill, I explained to this honourable House the nature of the additional imposts which this Bill covers. I also gave the House a brief account of the rate of each duty and the total estimated yield in a full year from them. As this must be fresh in the minds of hon. Members, I do not propose to go over the same ground again. I shall only deal with the remaining provisions of this Bill relating mostly to the distribution of the net proceeds of these duties

These additional duties are in replacement of the present sales-tax on goods. Centre's interest is confined only to the proceeds relating to the Union territories. The benefit of the taxation will, therefore, accrue almost in its entirety to the States. Out of the net proceeds, only a sum equal to 1 per cent will be retained by the Centre and the balance will be distributed in accordance with the recommendations of the Finance Commission.

In applying the scheme of distribution suggested by the Commission, we are making a minor modification to bring it in line with the Commission's general recommendations for the sharing of ordinary Union duties of excise. Hon. Members are well aware

of that part of the scheme of the devolution recommended by the Commission that 25 per cent of the net proceeds of excise duties on eight commodities should be assigned to the States and distributed amongst them. Amongst those commodities are sugar and tobacco, on both of which additional duties are now sought to be levied. Government consider that it would be appropriate to distribute 25 per cent of the net proceeds of these additional duties in the same way as the basic duties and distribute the balance in accordance with the Commission's recommendation.

This is sought to be done, because if any particular State does not want to fall in line with the particular scheme, then that State will be entitled, by virtue of the procedure recommended by the Finance Commission, which has been appropriately embodied in a legislation which this House has accepted, to 25 per cent of these excess duties levied on sugar and tobacco. We want to ensure that that legal position is maintained. The amount that the Commission has recommended to be paid to these States could also be maintained, but there will undoubtedly be a provision that the amount to be paid in addition to this, to what they are really entitled to, will be the difference between the amount recommended by the Commission and what they will get by law. The net effect of this will be that the recommendation of the Commission will be carried out, but the legal possibility of a State demanding its slice if it does not want to fall in line with this scheme is being provided against. Apart from the amount that has been recommended by the Commission, any balance will also be distributed on the basis recommended by the Commission.

Simultaneously with the levy of the additional excise duties, State Governments have taken action to exempt these goods from State sales tax and inter-State sales-tax. But the problem has been posed by the substantial volume of those goods which

are held in the market on which, unless special action is taken, neither the new additional duties nor the old sales-tax will be paid. The benefit of this will accrue to the middlemen, and not even to the consumer. The State Governments are, therefore, taking action to secure that in respect of these floating stocks, sales-tax is collected by some form of compounding with the holders of the stocks and therefore, sales-tax on those goods may be imposed for a short time. The scheme on which the whole of this Bill is based is on the assumption that all the States will participate in it, as I said just now. An agreement to this effect is there. But it is only a gentleman's agreement and has no statutory or formal basis. I have no doubt that it will be honoured by all States. But, as a measure of abundant caution, we had to make arrangements for distributing to the States what they were entitled to and also we had to introduce a provision in the Bill against the possibility of the State changing its mind later on.

Obviously, a State cannot change its mind and, at the same time, receive the additional duties distributed on the basis that there will be no sales-tax. Therefore, provision has been made in the Bill for withholding any share of any State which, after the 1st of April 1958, may levy a tax on the sale or purchase of these goods. The broad purpose of the replacement of sales-tax by duties of excise is to secure uniformity in the taxation of these three goods which are widely consumed. The purpose will be defeated if any State, after getting a share of this duty, is free after the 1st of April 1958 to levy sales tax at any rate it likes.

15.31 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

Government considers that to avoid this possibility, it is desirable to include these three goods in the list of goods declared to be of special importance in inter-State trade and commerce. This is also justified by

the reason that there is considerable inter-State movement of these goods, which are manufactured in some States, all over the country. Provision has accordingly been made in the Bill, notifying these three goods as declared goods with effect from the 1st of April 1958. The effect of it will be to make any sales-tax on these goods on or after that date subject to the restrictions of section 15 of the Central Sales-Tax Act, 1956, which means that no State will be able to levy more than two per cent. of sales-tax on these commodities.

**Shri Mahanty:** What about the point of order which I have raised? My point of order was that this Bill does not fulfil the requirements of article 272 in its entirety and, therefore, this bill is *ultra vires* of that article.

**Mr. Chairman:** I request the hon. Member to repeat the arguments because I was not in the House when the point of order was raised. Then the Deputy-Speaker was in the Chair.

**Shri Mahanty:** My point of order is very simple. This Additional Duties of Excise (Goods of Special Importance) Bill, 1957 has been introduced here in conformity with article 272 of the Constitution. I had read out the last line of the said article, which relates to taxes which are levied and collected by the Union and will be distributed among the States. If you kindly look into the article, you will find that the last portions of the said article states:

“and those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law.”

I would once again invite your kind attention to the word “principles”. Now, before this piece of legislation may be passed, in order that it will fulfil the obligations of article 272, it must state the principles of devolution, that is, the principles on which

[Shri Mahanty]

all the various sums have been distributed among the various States. You will find that this Bill does not state any principle. It merely states the quantum of distributable amount which will accrue to the various States. Therefore, I venture to think that this Bill has not fulfilled the mandatory obligation, the mandatory provision of article 272 of the Constitution.

Then, the word "principle" has acquired a certain precision in usage. A principle cannot be equated with a cut and dry figure or formula. Therefore, in view of the fact that a principle must be a theoretical basis, a fundamental basis, on which a certain decision has been reached, and in order that this House, as well as the people outside, can judge this piece of legislation on its own merits, it should have stated the principle, as stated in article 272 of the Constitution

Then, this word "principle" has been used in this context in another article. You may kindly see article 280 of the Constitution. Article 280, clause 3, sub-clause (b), enumerates the functions of the Finance Commission and states:

"the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India;"

In view of the fact that the word "principles" had been mentioned, the Finance Commission had gone at length into the principles of devolution. Now, it is not enough that this Bill merely conforms to those recommendations of the Finance Commission. It should also state the very principles.

Also, another confusion has been created on account of a statement in the Statement of Objects and Reasons appended to the Bill. It states:

"The distribution of the proceeds of the additional duties broadly follows the pattern re-

commended by the Second Finance Commission."

Here I would like to emphasize the term "broadly follows." That does not mean that the various recommendations have been followed in full. Therefore, I would like to know, the House would like to know, what principles the Government had accepted and on what principle this devolution has been made, as required under article 272 of the Constitution.

I, therefore, submit that this Bill does not fulfil in entirety the requirements of article 272 and so it should be ruled out of order.

**Shri T. T. Krishnamachari:** Mr. Chairman, the reference to article 280 gives the case away. The reference to article 280 is to clause 1(3) (b), name y,

"the principles which should govern the grants-in-aid of the revenues of the States out of the Consolidated Fund of India."

That is where the Finance Commission recommends grants-in-aid to be given to the States. They should state the principle which should govern that particular appropriation

Well, this matter was discussed by the House and the Bill was approved of, in regard to the grants-in-aid. No part of this particular Bill covers grants-in-aid. So, the position in regard to the reference to article 280(3) (b), whether it is directly or indirectly, even to seek support to the need of principle is not relevant.

Now, what is it that the hon. Member has objected to? He is objecting to the Bill itself. I would suggest to him that even according to his definition, assuming that there are no principles here, which have been stated, he cannot object to this House considering the motion for levying additional excise duties on textiles, sugar and tobacco. We can levy that,

call it additional excise duty or something. That power is there. The power is inherent in the State and article 270 does not preclude it. It is only where distribution has to be made to the States, then it must be made by law by Parliament, and any scheme of distribution which the Government decides must be supported by law.

**Mr. Chairman:** The hon. Member's contention is about Union duties of excise on goods other than those mentioned, for which the principles of distribution must be specified.

**Shri T. T. Krishnamachari:** I would like to say this. Duties of excise other than such duties of excise on medicinal and toilet preparations as are mentioned in the Union List shall be levied and collected by the Government of India. But, if Parliament by law so provides, it shall be paid out of the Consolidated Fund of India to the States to which the law imposing the duty extends. In fact, except in the case of these eight commodities on which we are giving away 25 per cent of the collection, there are other commodities, for instance, textiles. It is just collected under article 272. It is collected under the power vested in us by Schedule VII, List I. It is not being distributed to the States normally. In this particular case, it is proposed to be distributed to the States subject to Parliament accepting this law.

The position is this. As I said, the offending provision will be clause 4 of this particular Bill. Even assuming he is right, there is nothing in clauses 1, 2, 3, 5, 6 and 7 which makes it impossible for us to consider this Bill. If clause 4 goes, the Schedule goes. I am suggesting to the hon. Member, what is the Schedule for the schedule is an elaborate one and it gives the distribution in great detail.

15.42 hrs.

[**MR. SPEAKER in the Chair.**]

What are principles? I would like my hon. friend to say what would be the principles that we should incor-

porate in this Bill. After all, if an hon. Member objects to a lacuna that I have left, he must say what it is. The mere use of the word 'principle' and reference to the definition of it in article 280 (3) (b) does not mean that the hon. Member has conveyed to me what is the principle that he wants to be put in here, which would satisfy the requirements of article 280. My hon. friend must be able to tell us, these are the principles that should be laid down, these are the things that are absent in this law, and if these are laid down, it would satisfy the three sentences that are incorporated in article 272. I would like my hon. friend to tell me. Supposing we agree that my drafting is defective, after all, it is a question of drafting, it is not a question of intention. The intention is very clear. The intention has been elaborated in the Schedule. Care has also been taken to see that even remotely we should not offend the particular right of a State in the distribution. That is to say, the State has a right to get 25 per cent. of the excise duties collected on sugar and tobacco according to principle laid down already which has been passed by the House. Therefore, it is sought to be provided that that would be the rate.

Beyond that rate, this amount has been prescribed by the Finance Commission that it should be given to them. It is a grant-in-aid virtually, more or less. This difference is added. What I have got to pay by their right and what has been recommended by the Finance Commission will be taken into account and the difference will be added, and the total amount will be ensured. After all, if somebody objects, the person must say what is the objection. What is it that is lacking? Merely to say that there is no principle is no excuse. I can merely say, I can't see my hon. friend there. Somebody can touch him and say, here he is physically, a material object; he is there. There is no material being here. Let them give me something tangible on which I can exercise my mind and say, it is

[Shri T. T. Krishnamachari]

there, it is not there. The point of order has no basis either in law or in fact.

Shri Mahanty: May I submit I am much gratified that the Finance Minister asks me to fill up a lacuna in his drafting. It is not my job to fill up the lacuna in drafting done by the Finance Ministry. The Finance Ministry is there and it should have drafted the Bill in conformity with the wording of article 272 of the Constitution. Since he has asked the question, I will attempt an answer.

The Finance Commission has enumerated the principles that there should be population as well as consumption as basis, and that both should be taken together as the basis for the distribution of additional excise duties. In article 272 of the Constitution, the last lines say, "distributed among those States in accordance with such principles of distribution as may be formulated by law". This question arises when it comes to distribution. The question does not arise when it comes to levy. I concede that. This question comes in when the distribution of additional excise duties is taken and then my point arises. I would beg of you to point out to me from this piece of legislation whether any principle has been stated. If the hon. Minister equates the Schedules with principles, I would say that such equation will militate against the accepted definition of principle. I would beg of you to point out any ruling or any judicial pronouncement where principle has been equated with cut and dried set of figures. I, therefore, venture to think that the drafting of this Bill is defective and inadequate. The principles which determine this devolution must be stated and then only it will be a self-contained piece of legislation on which this House can consider.

Shri Naushir Bharucha (East Khandesh): May I be permitted to say a word, Sir? I am very glad

that my hon. friend Shri Mahanty has raised this point though I do not think I can share his point of view. The question is this. When we talk of principles, what is intended by principles? Certain rules laid down for conduct. Let us see whether this Bill contains any principle or not. To my mind, a major part of the Bill is occupied by principles.

Shri Mahanty: The Finance Minister does not say so.

Shri Naushir Bharucha: He may say or not; this is my point of view.

Take, for instance, page 5. We discuss the distribution of additional duties on sugar. What is the principle? The first principle is that the State of Jammu and Kashmir will get 1.25 per cent. of the net proceeds.

Shri Mahanty: Is it a principle?

Shri Naushir Bharucha: Let me develop it. The second point is, you are specifying the claim to a certain percentage, one-fourth of the net proceeds as is specified against the State in the second column of the table. My submission is, principle does not mean and it cannot be strictly confined to the meaning that principles shall be for example, that it should be on the population basis or consumption basis. Nothing of the kind. The principle laid down is that a particular percentage will go to this or that State or a particular percentage of revenue will be distributed according to a particular formula. Why is it that we take the word 'principle' in a narrow restricted sense? It might be conceivable that the House agrees to principles or formulae which may be inadvisable, inexpedient, bad, indifferent. That is not the point. Good, bad or indifferent, if the House lays down that a particular method of distribution must be followed, that is the principle of it.

On page 7 is the question of distribution of additional duties on textiles. The first principle is, you are defining

what shall be net proceeds. The second principle is, we are setting aside for Jammu and Kashmir 1.25 per cent. The third principle is stated in page 8, namely, that it shall be distributed according to a particular method. Principle does not necessarily mean abstract principle. They may contain definite and fixed figures. Therefore, I submit that in the case of all duties, principles have been laid down not in abstract terms, but in very clear precise terms as they should be laid down in a Bill. Does my hon. friend Shri Mahanty contemplate that we should say that there will be distribution according to consumption? We cannot lay down any such abstract principle. The law has got to be very definite. I, therefore, submit that the Bill contains the principles of distribution. Whether we like them or not is a different question.

**Shri T. T. Krishnamachari:** The point as I said, is a matter, may be of rhetoric, because he did not mention what it was. The whole Schedule, as Shri Naushir Bharucha has pointed out deals with this position. The Finance Commission has recommended that in the distribution of these proceeds, we should safeguard the income that these States were getting, and any surplus should be distributed according to a certain percentage which is based primarily on population. Normally you will find that in the case of cloth this is being followed, that is to say, in Part III—Distribution of additional duties on textiles—there are only two schedules. The first schedule gives the amount of money that should be paid to them for purposes of safeguarding their current revenues, and the balance that has been left over, or what will be left over on any future occasion, by the increase in production or any increase in these commodities as may be made from time to time would be given on the basis of these percentages which have been established as 80 per cent. on the population and 10 per cent. on certain other considerations. But in the case of sugar and tobacco as I explained at the outset, we had to vary without

doing damage to the principle of distribution or to the quantum of money that has been distributed. We had to vary the table in order to provide for certain contingencies that might occur; namely, a State might say: "We do not propose to co-operate in this; therefore, we do not mind whether you pay us what you collect from this excise duty or not; so you better leave us out of it". Even then, on whatever we collect by way of additional excise duty on sugar and tobacco by virtue of a legislation which we have passed, which this House has passed last week, we will be compelled to pay the States 25 per cent. of the total proceeds that we get from tobacco and sugar; and that has been provided for at a particular percentage. That has been provided for in column 2 in the tables relating to both sugar as well as tobacco.

This complication in presenting the whole story, and I must ask the House to forgive me for so doing, is entirely because of the fact that that legal requirement had to be fulfilled namely, that in these two commodities where we have accepted the basis of distribution that will be followed, the total amount they will get will be the amount that has been prescribed by the Finance Commissioner, or an amount compensating them for waiving the levy of sales tax in their territory.

So, as Shri Bharucha has mentioned, and I am very grateful to him for it, such an elaborate setting out of the basis of division here, as I said before, is the only information that we could give the House, and the House could act and accept legislation or pass legislation on some basis which is this basis. So, to say now that the whole Bill has no principle behind it, that the House, if it accepts the Bill, will be acting in an arbitrary manner, will be far-fetched.

**Shri Mahanty:** May I make a submission before you give a ruling?

**Mr. Speaker:** How many times will the hon. Member make a submission?

**Shri T. T. Krishnamachari:** This is the fourth time.

**Mr. Speaker:** There must be an end to this. He started, he replied. I would like myself to ask a question.

The hon. Minister will look into article 270. Taxes on income other than agricultural income should be levied and collected by the Government of India and distributed between the Union and the States in the manner provided in clause (2). A kind of distribution takes place here also between one State and the other. The distribution contemplated in article 270 is between the Union and the States, and so far as article 272 is concerned, it is between State and State.

The language used in article 270(1) is: "distributed between the Union and the States in the manner provided in the clause (2)", and clause (2) begins with the words "Such percentage, as may be prescribed"

In the one case it is the Centre to which the entire income-tax should go and it distributes, and it gives a certain percentage as prescribed by the President. Later on in article 270, clause (4), the word "prescribed" is defined as:

"prescribed" means—

- (i) until a Finance Commission has been constituted, prescribed by the President by order, and
- (ii) after a Finance Commission has been constituted, prescribed by the President by order after considering the recommendations of the Finance Commission;"

There is a difference in the language between article 272 and article 270. So far as article 270 is concerned, the President is asked to make the distribution in accordance with certain principles laid down; if the Finance Commission has made a re-

port, let him take the Finance Commission's recommendations and then make the prescription. And then the percentage follows—"such percentage as may be prescribed". Now, this "prescription" is to be done not by an Act of Parliament but by the President. The President is asked to take into consideration the Finance Commission's recommendations in clause (4) (b) (ii) of article 270. The President considers the recommendations of the Finance Commission and prescribes, and in accordance with that prescription percentage is fixed. Now, we have word "prescribed" in article 270, but here who is the person who takes the place of the President for the purpose of considering these principles?

**Shri T. T. Krishnamachari:** I may mention this: there is a total difference between article 270 and article 272. Article 270 covers only taxes levied under article 269 which are essentially not matters within the purview of the Union. There may be from time to time subjects added to article 269 which is not within the legislative competence of the Union excepting for the specific purpose mentioned in article 269.

The articles which are envisaged in article 272 happen to be normal articles on which duties can be levied by the Centre by virtue of the powers vested in it under List I, Seventh Schedule, and it is not incumbent on Parliament to distribute these moneys that we get from these excise duties to the States. In fact, I might recall to the House that we had the other day two Bills to carry out the intentions of the Finance Commission. One Bill was in regard to Union excise duties which was under article 272. The other Bill regarding estate duty and railway fares was in respect of excise duties collected by the Union under article 269. So, we could not put the two different sets of items together in one Bill.

Here under article 272 the Union can collect the money; at the same

time we can say that we will not accept the Finance Commission's recommendations. We are perfectly entitled to say that we do not accept the Finance Commission's recommendations, so nothing will be distributed. Parliament is entitled to do that.

**Mr. Speaker:** Where is the opportunity for Parliament?

**Shri T. T. Krishnamachari:** In regard to article 272, after all, what happens is this. The principles are recommended by the Finance Commission, and the President's direction is placed on the Table of Parliament. If Parliament does not enact a law for distribution, the money cannot be distributed.

Secondly, Parliament can vary, because article 272 says that Parliament can vary. It is possible for them to vary. The only thing is that excepting for or subject to the normal provisions by which money bills of any sort or funds coming out of the Consolidated Fund are covered, for which the President's assent is necessary, Parliament is completely in possession of all items covered by article 272. So, the distinction is clear.

**Mr. Speaker:** If Parliament varies, on what principle does it vary?

**Shri T. T. Krishnamachari:** The principle is that it accepts the recommendation or advice of the Finance Commission and accepts that principle; that is to say, the schedules that have been put in here are the principles of the Finance Commission; without any serious damage to those principles certain variations have been made.

10.00 hrs.

**Mr. Speaker:** Can it not be said that they are only percentages?

**Shri T. T. Krishnamachari:** But the percentages have to be there, and Parliament accepts the percentages because there is some basis for determining the percentages.

**Mr. Speaker:** My difficulty is this. In the one case, whatever might be the actual distribution, it is distribution between the Centre and the States. And who is to distribute? Is it arbitrary? It is not left to the Finance Minister to distribute. Now, there is another authority which acts upon the recommendations of the Finance Commission. That authority, in the absence of any such recommendation, does so. When once the commission formulates certain principles, he looks into those principles, and after his considering the recommendations of the Finance Commission, the recommendations will be supported by percentages or by whatever other thing may be there in addition to that. Now, therefore, he prescribes after considering. It is open to him to accept or not to accept.

**Shri T. T. Krishnamachari:** That is under articles 269 and 270 but not under article 272.

**Mr. Speaker:** I agree. I am trying to follow from the language in the same Constitution. If with respect to similar matters, different languages are used, should we say this has absolutely no different meaning and it is the same thing? They could have easily used the words 'percentage' and 'prescribed' here, and said 'in accordance with the amounts prescribed, Or, leave alone 'prescribed' because it is the President in that case. They could have said here 'In accordance with the percentage that has been prescribed by Parliament', for, here Parliament is there in the place of the President. The word 'percentage' is not unknown to them. If it is merely a percentage, then, we may say, yes; but, why should we, simply because the Finance Commission is there? Is it not open to us to vary? The Finance Commission may say, 10 per cent. or 15 per cent. Is it not open to Parliament to modify it to 25 per cent. in which case, on what principle does it modify? Is it merely to say, yes, we want only 15 per cent.? And when somebody wants to know, some State wants to know how you

[Shri Naushir Bharucha]

have modified it, should we merely say 'Look into the proceedings of Parliament'? And 'proceedings' means the debates in Parliament.

**Shri T. T. Krishnamachari:** No. It is not right. As I said, the distinction is clear. In the case of articles 269 and 270, even Parliament is only entitled to collect the duties, first, to pass legislation for the levy of the duties and secondly to collect the duties; but it has necessarily to be appropriated to the States. And that is where the President comes in. Either it is a Presidential Order or the Finance Commission's recommendations are accepted by the President.

**Mr. Speaker:** Has the President no discretion?

**Shri T. T. Krishnamachari:** Where?

**Mr. Speaker:** In the matter of distribution? He has to take into consideration certain principles which are enunciated.

**Shri T. T. Krishnamachari:** The wording of clause 4 of article 270 will indicate that the President has discretion until the Finance Commission has recommended.

**Mr. Speaker:** After the Commission has recommended also?

**Shri T. T. Krishnamachari:** After the Finance Commission has been constituted, after considering the Commission's recommendations, he may vary. But so far as goods covered under article 272 are concerned, the President does not come in, except under normal procedures by which his permission is needed for any fiscal measure.

**Mr. Speaker:** What I am feeling is that whereas in one case it is the President that is to formulate and then prescribe the percentage, here it is the Parliament that in this case has been asked to do so and not give the power to the President. A full Parliament has to go into this matter.

**Shri T. T. Krishnamachari:** The President does not come in at all in this matter.

**Mr. Speaker:** I have not myself understood this. There are distributions of moneys, one under article 270 and the other under article 272. With respect to both these distributions, the Finance Commission is appointed. With respect to one set of distributions, in the case of taxes on income, for instance, it is the President that is given the power to look into and take into consideration the recommendations of the Finance Commission and make the distribution or order the distribution and the percentage.

In the other case, it is not the President unilaterally that is allowed power. Here, it is Parliament that has been given the power. It is for Parliament to exercise all the powers which the President may exercise in relation to the other matter where the President looks into the Finance Commission's recommendations and then prescribes. Therefore, is it not open to us now to look into the Finance Commission's recommendations in this Bill and then make our recommendations?

I would go further and say this. Of course, I am saying this apparently. I am not coming to any conclusion. If it is merely a statement or enunciation or formulation of principles, that is absolutely different from prescribing the percentage. It is open here to say that it is open to Parliament, as it is open to the President in the other case, to prescribe the percentage. The language is easy. They need not have stated it. We formulate the principles. I think it is necessary for this reason. It is a question of distribution. This is a thankless task, that we have to collect and distribute to the various States. One State may complain. You have not the odium? and therefore it is that this has been done.

I would also urge the Minister to consider this other case. In the

Central Sales Tax Act of 1956 we find in chapter II:

"formulation of principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commence or outside a State..."

Therefore, the formulation of principles on the basis of which certain things have to take place or certain duties have to be levied is not unknown to the legislature.

**Shri T. T. Krishnamachari:** Nobody suggested it is unknown. The point suggested was that the principles are there in the Schedule.

**Mr. Speaker:** The simple point is whether this percentage or this mere division is the principle.

**Shri T. T. Krishnamachari:** It is not merely division. The basis of division is mentioned. It is being argued actually, and actually it is not even lumped together; each commodity has been separated.

**Mr. Speaker:** Let us see.

**Shri Naushir Bharucha:** May I invite your attention to.

**Mr. Speaker:** The hon Member may wait.

The hon. Minister means evidently the scheme of distribution at page 6 of the Bill, such as:

"a sum equal to such percentage..."

"a sum equal to the difference."

etc. These are the principles of division?

**Shri T. T. Krishnamachari:** Yes.

**Mr. Speaker:** These have been formulated here. As this is one of first impression, and it may have far-reaching consequences, I shall defer my judgment. If hon. Members want to say anything more, I shall hear.

**Shri Naushir Bharucha:** May I invite your attention to...

**Mr. Speaker:** I believe the hon. Member is a practising lawyer or barrister. Should he not anticipate all the points? Shall I go on concurrently hearing one after the other? When am I to conclude this?

**Shri Naushir Bharucha:** I am simply inviting your attention to...

**Mr. Speaker:** Why did he not invite my attention earlier?

**Shri Naushir Bharucha:** Because I did not know what was at the back of your mind.

**Mr. Speaker:** It is rather strange that a judge should give out what is passing in the back of his mind.

**Shri Tyagi:** (Dehra Dun): The Chair has nothing at the back of its mind.

**Shri Naushir Bharucha:** I would invite your attention to para 34 at page 14 of the Second Finance Commission's report.

**Mr. Speaker:** What does it say?

**Shri Naushir Bharucha:** It says:

"The position is different in respect of distribution under article 272 of the Union duties of excise. This article does not refer to the Finance Commission. The Commission's jurisdiction to deal with the distribution is derived from the provisions of article 280 (3)(a). It is also open to the President to make a specific"....

**Mr. Speaker:** Article 270 refers to the Finance Commission's report?

**Shri Naushir Bharucha:** This is article 272. Chapter IV of the report deals with the constitutional aspects of distribution. There, it has been mentioned that the two articles stand on a totally different footing.

**Mr. Speaker:** Article 272 does not refer to the Finance Commission. That is what he means.

**Shri Naushir Bharucha:** This article does not refer to Finance Commission. Therefore, it is open to Parliament to lay down the principle, without bothering to refer to the Finance Commission's recommendations.

**Mr. Speaker:** All the worse then

**Shri Naushir Bharucha:** May I complete what I was going to say? The point is that the principle may be arithmetical; the principle may relate to percentages. Or I go further and say, to the extent that it is open and competent to Parliament to prescribe the principle it may even be by ballot then we may determine the shares of each State; it is even open to Parliament to do that. Principles need not be there.

**Mr. Speaker:** These by themselves are sufficient to meet the requirements of formulation of principles.

**Shri Naushir Bharucha:** More than sufficient

**Mr. Speaker:** Or whether it should be satisfied why Bombay gets so much, Madras gets so much, and so on. Therefore, if the Finance Commission is not referred to in article 272, it only means that it is open to the Finance Minister or his Ministry to say, 'You take this, you take that' and then we are bound by it. It comes to this: accept or reject it. Then, States which are interested, should take it up

**Shri T. T. Krishnamachari:** I am sorry I did not bring out the difference between articles 269, 270 and 272. Actually, article 269 stands on a footing of its own. Article 270 has a historical background. Formerly, under the Government of India Act, a certain percentage of income-tax went to the States as by right. We did not have the Finance Commission then. We had a periodical award. We had the Niemeyer Award and

subsequently, my distinguished predecessor too had given an award in that particular matter. The pattern of States' revenue has been determined when the Constitution was promulgated, and that fact was taken into account by making it more or less a matter not merely of the pleasure of Parliament, but something which is obligatory on the Government of the day, which has to be carried out by the President to the extent that the President can. That is to say, the Government will have a moral obligation in seeing that the apportionment of income-tax should be made to the States year after year in a particular percentage. That was made obligatory so far as the Central Government was concerned, and that obligation was left with the President.

Article 269, as I said, had to be a separate thing, because it is a thing in which, more or less, the States are primarily interested—the Centre was not interested—and so had to be dealt with separately.

Article 272 is something in which the Centre is primarily interested. But here we are enacting legislation purely for the purpose of States in which the Centre is not interested ultimately in the collection. But in article 272, as in article 269, whatever it covers, the question of allocation is not obligatory on Parliament. It need not allocate any portion of the revenue to the States.

The Chair has pointed out that States may ask: what is the principle? Well, the principle is something which Parliament must be satisfied about, not the States. The Government had referred the matter to the Finance Commission. The Finance Commission has recommended certain distribution based on certain principles, and the only variation that we have made here was to accept the effect of the Finance Commission's recommendations, and make a slight variation in regard to the procedure.

Therefore, while the Chair is perfectly entitled to take its own time to consider this matter, I would like to point out that the mere fact of a different wording for article 270 need not unduly puzzle us, because it has been put in by reason of a historical fact and a pattern of distribution that was obtaining before the Constitution was promulgated.

**The Minister of Law (Shri A. K. Sen):** If you take articles 269 and 270, you will find that clause (2) of article 269 specifically provides that those duties are to be distributed among the States in accordance with such principles of distribution as may be formulated by Parliament. If Parliament feels that it should lay down principles, and it does so, then those principles shall govern. Clause (3) makes it further clear:

"Parliament may by law formulate principles for determining."

Not that they must. If clause (2) is construed to mean that the principles must be laid down, then the word "may" in clause (3) would have been redundant... (laughter). This is not a thing to be laughed at. We are all wise. There is no doubt about it.

**Mr. Speaker:** Clause (3) relates to a different matter.

**Shri A. K. Sen:** The Chair will kindly see what I am saying. There it is said: 'taxes on the sale or purchase of goods ... where such sale or purchase takes place in the course of inter-State trade or commerce'. I know that the subject-matters dealt with by the two clauses are different. But what I am saying is that even when the question of laying down principles is there, it is an enabling section. Clause (2) does not say that Parliament must in any event lay down principles. What it says is that it shall be distributed in accordance with such principles as may be laid

down. That is all. The words are 'as may be formulated'. The natural construction would be that if Parliament chooses to lay down any principles, then the distribution shall be in accordance with those principles. The same language is adopted in article 272.

**Mr. Speaker:** The hon. Minister thinks that instead of the word 'may', it must have been 'shall', that is, Parliament shall formulate.

**Shri A. K. Sen:** That is right.

**Mr. Speaker:** I do not know if 'may' does not mean 'shall'. In many cases, it is so.

**Shri A. K. Sen:** Not in regard to bodies like Parliament. One of the cases which went up to the Privy Council touched on article 205 of the Government of India Act. It was said that when the word 'may' was used in regard to august bodies like Parliament or the High Courts, it should not normally be given the mandatory meaning. That was Privy Council's decision in that case. Here also the word 'may' is there. It says that if Parliament has laid down any principle of distribution, then the distribution must be in accordance with those principles. That is all.

**Mr. Speaker:** Who is the distributing authority?

**Shri A. K. Sen:** Government or the revenue authority.

**Mr. Speaker:** Let us take article 269 (2):

"The net proceeds in any financial year of any such duty or tax... shall be assigned to the States within which that duty or tax is leviable in that year, and shall be distributed among the States in accordance with such principles ..."

Therefore, the hon. Finance Minister need not come to this House at all.

**Shri T. T. Krishnamachari:** No, Sir.

**Mr. Speaker:** I am only developing the argument. He need not come to this House at all. He can sit in his own office and distribute. It is for an hon. Member from the Opposition to say: 'No, no; we will formulate principles'.

**Shri T. T. Krishnamachari:** It is not so.

**Mr. Speaker:** I am trying to the best of my ability to reach a logical conclusion.

**Shri T. T. Krishnamachari:** In any event, whether there are principles or no principles, for any distribution we will have to come to this House.

**Mr. Speaker:** Where is it said? If that was the construction put, if Government are the authority, why not Government distribute without coming to this House?

**Shri T. T. Krishnamachari:** Because it is a part of the Consolidated Fund and no money can go out of the Consolidated Fund without the permission of Parliament.

**Shri A. K. Sen:** Any appropriation from the Consolidated Fund should be with the sanction of Parliament.

**Mr. Speaker:** Clause (2) says that "it shall not form part of the Consolidated Fund". Therefore, there is no question of the Consolidated Fund coming in.

**Shri T. T. Krishnamachari:** Then it goes to Public Accounts. Public Accounts cannot be dealt with without parliamentary sanction.

**Mr. Speaker:** Articles 269, 270 and 272 relate to three kinds of duties. Under article 269, the Union Government are only agents. They cannot touch a pie. Nor is there any method of assignment. Whatever collection is there, goes away to the respective States.

**Shri T. T. Krishnamachari:** Yes.

**Mr. Speaker:** But 269 (2) says:

"The following duties and taxes shall be levied and collected by the Government of India but shall be assigned to the States...."

Then it is indicated in what manner it should be assigned. That is in clause (2). It is said that it won't form part of the Consolidated Fund. It is not as if it is the income of the Centre; it is not part of it. It belongs to the State Governments but shall be distributed in this manner. Therefore, if it is really payment from the Consolidated Fund, the appropriation must come to the House. I agree. When it does not form part of the Consolidated Fund, according to the interpretation of the Law Minister, no rule need be formulated and Shri Krishnamachari, the Finance Minister, can give away to Madras 75 per cent., to Bombay 10 per cent., and so on. Where does Parliament come in here?

The hon. Minister will kindly look at clause (2). It shall be distributed among the States in accordance with such principles as may be prescribed. The formulation of principles alone is the business of Parliament; the distribution is none of the business of Parliament.

**Shri A. K. Sen:** I do not think I have made myself clear. What I have said is distribution otherwise than in terms laid down by Parliament.

**Mr. Speaker:** Where is it said that Parliament can do so or not; why not the executive authority do so?

**Shri A. K. Sen:** How can any amount be distributed by the revenue authorities?

**Mr. Speaker:** It does not belong to us.

**Shri A. K. Sen:** It is going into public accounts.

**Mr. Speaker:** It does not go into the Consolidated Fund. It does not go in to the public accounts. It is said: shall not form part of the Consoli-

dated Fund. Do not even cast a long-  
ing eye on that because it belongs to  
the States and it is none of your con-  
cern.

If the hon. Minister has anything  
more to say, let him proceed.

**Shri A. K. Sen:** Parliament has  
always the power to say it shall be  
distributed.

**Mr. Speaker:** The Cabinet is the  
highest or the supreme body of Parlia-  
ment. No other committee of Parlia-  
ment has got so much power as the  
Cabinet and therefore the Cabinet  
acts in the name of Parliament. Why  
should I not read that it is the Cabinet  
that is clothed with the responsibility  
for the formulation of the principle?  
Why not the supreme committee of  
Parliament, the Cabinet which can be  
dispensed with by it at any time, get  
the sole right of distribution? Why  
not the Finance Minister distribute it?

**Shri T. T. Krishnamachari:** That  
takes us to another article. We are  
going on as it were it is a matter of  
ladders. In article 268, the power of  
legislation is for the Parliament; but  
it is a thing which is collected entirely  
by the States. Article 269 occupies  
a muddling position. There is an  
option that is given to the States to  
collect the money in which case,  
naturally, it won't come to the Consoli-  
dated Fund of India.

If I may be permitted to mention  
this, as a matter of fact, we  
had some difficulty in precisely  
defining the 'Consolidated Fund' at  
that time. It was done at a subse-  
quent meeting. At that time we had  
a slightly different version of the  
Public Account. And a distinction  
was made between article 268 and 269  
by reason of the fact that under 268  
the Centre shall not collect the money  
and, therefore, it will not come into  
the Consolidated Fund. In 269, there  
are possibilities of the Centre saying,  
we shall not collect this money; let  
the States collect the money. We  
have levied it. In that case, if it  
collects there is an obligation to bring

it into the Consolidated Fund. The  
difficulty will come with this view that  
it need not come into the Consolidated  
Fund. Even with an expression pro-  
vision to the contrary, the moment the  
Government of India collects the  
money it should be sent to the Consoli-  
dated Fund of India. Once the  
money is paid into the Consolidated  
Fund Parliament is supreme.

**Mr. Speaker:** What is the meaning  
of saying, 'shall not form part of...?'

**Shri T. T. Krishnamachari:** Suppos-  
ing it is a case of duties on things  
other than property, agricultural land  
or something of that kind, where the  
collection is made at State level; some  
such contingency was probably envi-  
saged. Therefore, if the State collects  
it or some other agency collects, the  
obligation that every portion of what  
is collected should be given to the  
Consolidated Fund makes it a difficult  
matter. So it was intended to govern  
a situation that might arise like this  
and it was an obvious lacuna, because  
of the nature of the articles covered  
by article 269 on which taxation was  
sought to be levied.

**Shri V. P. Nayar (Quilon):** Article  
268 also puts it into the Consolidated  
Fund.

**Shri C. R. Pattabhi Raman (Kum-  
bakonam):** rose—

**Mr. Speaker:** I would have asked  
Shri Pattabhi Raman to tell me what  
he has to say earlier. The Government  
must have the right of reply. What  
has he to say?

**Shri C. R. Pattabhi Raman:** I  
wish only to say that articles 268 to  
281 deal with the distribution of reve-  
nues between the Union and the  
States. The scheme of taxation can  
be culled from items 82 to 84 in List  
I. Item 82 deals with taxes on income  
other than agricultural income. Item  
83 deals with duties of customs includ-  
ing export duties and Item 84 with  
duties of excise on tobacco etc.

[Shri C. R. Pattabhi Raman]

Article 268 says that the Centre levies these duties which are collected by the States. The levies under article 269 are taxes levied and collected by the Union but assigned to the States and do not form part of the Consolidated Fund; similarly, under 270, they are taxes on income other than agricultural income and, again, distributed to the States. But in 272 you will find that these are Union duties of excise other than such duties . . . as are mentioned in the Union List, and these shall be paid out of the Consolidated Fund of India to the States to which the law imposing the duty extends sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law.

**Mr. Speaker:** That is a simple point. It is clear that it forms part of the Consolidated Fund of India. It is not obligatory for the Parliament to pay and there shall be paid out of the Consolidated Fund of Parliament by law so provides that it shall be. Therefore, you cannot do away with Parliament at all. Parliament has to give; otherwise it belongs to us.

**Shri C. R. Pattabhi Raman:** That is no Finance Commission here.

**Mr. Speaker:** The Finance Commission comes when you give the power to the President. Here the Parliament is the supreme body where each one can apply his mind to these matters. Therefore, the Finance Commission may be taken or may not be taken into account. We have to say that these are the principles under which this distribution is to be made, not the percentages. This is the point argued.

I have not yet come to any conclusion. Therefore, this matter will have to stand over, I am afraid.

**Shri T. T. Krishnamachari:** Do you want the Bill to stand over?

**Mr. Speaker:** We are on the motion for consideration; let us go on. I have heard this point. Let us go on with the motion.

**Shri V. P. Nayar:** Sir, if you rule . .

**Mr. Speaker:** If I rule it may be there, it may be brought by way of amendment . . .

**Shri V. P. Nayar:** How, Sir.

**Mr. Speaker:** How or when, I shall decide. We are not absolutely potent so far as rules are concerned. If perchance I come to the conclusion that rules have to be formulated, I would ask the Law Minister and the Finance Minister whether they have definite principles so that they may be introduced by way of amendment subject to any objections here.

**Shri T. T. Krishnamachari:** We import the particular sections of the Finance Commission Report. I do not think we can go anywhere beyond. We can make a reference to the Finance Commission's Report and put it in the Schedule.

**Mr. Speaker:** I do not think there will be any difficulty to have it by way of amendment.

**Shri T. T. Krishnamachari:** That can be done. A Schedule can be drawn up and reference can be made to the Schedule—in accordance with the recommendations of the Finance Commission, if it is considered to be legitimate.

**Shri A. K. Sen:** You may please consider article 283(1). It says that all matters connected with any moneys which are received by or on behalf of the Government of India, the withdrawal of it and all matters connected with it shall be regulated by law made by Parliament. That supports the argument that I advanced regarding 272.

**Mr. Speaker:** The hon. Minister referred to article 283; it relates to the custody.

**Shri A. K. Sen:** Article 283 (1) says:

"The custody of the Consolidated Fund of India and the Contingency Fund of India, the payment of moneys into such Funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Funds received by or on behalf of the Government of India, their payment into the public account of India and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by Parliament, and until provision in that behalf is so made, shall be regulated by rules made by the President."

That is to say, in regard to articles 269 and 279, the moneys which are received and which would be assignable to the States might be regulated by law made in Parliament. That supports by contention that the words 'in accordance with such principles as may be laid down by Parliament' do not make it obligatory; it is only enabling. If Parliament chooses, it can lay down principles without regulating distribution.

**Mr. Speaker:** That disposes of one objection. It is the Executive or the Minister that disposes of whatever money is received or collected; whether it is debited to the Consolidated Fund or not, it will go into the public account. Then any moneys that have to be paid shall be paid only by authority of the Parliament by an Act. The hon. Minister's interpretation is that 'may' here means may not also. Therefore, it is not obligatory on the part of Parliament to formulate... (*Interruptions.*)

**Shri A. K. Sen:** It may be mere allocation.

**Mr. Speaker:** Does he agree that so far as the words are concerned...

**Shri A. K. Sen:** We have not given up our argument; we still contend that the Schedule does lay down principles.

**Pandit Thakur Das Bhargava (Hisar):** Sir, you have been referred to article 283. According to me, it is article 272 which applies to this case and there is no escape from the fact that Parliament alone by law can decide about distribution. It is not a question of taking money out of the Consolidated Fund; it can decide about distribution, that it should be done in this manner. That is, those excise duties and other things which are mentioned in article 272, other than toilets and medicines, must be distributed according to certain principles formulated by Parliament by law. It has been given in the article itself.

Kindly see article 269. That also says that it must be distributed according to the principles formulated by law by Parliament. The principles must be formulated by Parliament through law. Judging from the nature of the tax, certainly Parliament is the sole authority for deciding the basis of distribution. In other matters, power has been given to other authorities also. But specifically this is mentioned; we cannot do it otherwise; it would be wrong to do otherwise. These principles must be formulated by law. The principles must be considered by this House and adopted by this House and the law must be based on those principles so that Parliament is the final arbiter of distribution of such taxes. Merely to say that a certain percentage should be given and that the principle is implicit and, is rather evading the issue. As a matter of fact, when the principle is given in article 272, we must abide by it. There is no other course. I would, therefore, submit, taking all these articles together, the residuary article does not apply as long as arti-

[Pandit Thakur Das Bhargava]

Article 272 applies. I would very humbly submit that there is no other course open excepting to formulate the principles and then according to the principles distribution must be made. Otherwise, it will happen that the States will be very much dissatisfied. Power is given to Parliament for a specific purpose. It is taken out of the hand of the Executive. Parliament alone can and should lay down the law. You cannot escape that conclusion.

**Mr. Speaker:** First of all, the money belongs to the Union Government. It is open to the Union Government and Parliament by law to say that this portion shall be distributed to the States. When once Parliament enacts that so much of this Consolidated Fund which is collected should be spent in a particular way, it goes to the Consolidated Fund and it is open to the Parliament to distribute a portion. When once it does so, it shall take a further step and under the same Act or some other Act, it shall distribute it also. It can say that so much taken away from the Consolidated Fund shall be distributed. How? As may be prescribed by Parliament. One contention is 'may' means 'shall'. The other contention is: it is not so. But who is to decide? The Minister? Shall we leave it? I am not talking of Shri T. T. Krishnamachari, now.

**Shri A. K. Sen:** In the absence of Parliament prescribing it.

**Mr. Speaker:** No, no. Parliament's authority is invoked for its distribution. It shall be distributed. By whom? By Parliament. The hon. Minister says that without an Act of Parliament, no distribution can take place. Article 272 says:

"... if Parliament by law so provides, there shall be paid out of the Consolidated Fund of India..."

Unless Parliament concurs, no money can be taken.

Then it goes on:

"...to the States to which the law imposing the duty extends sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among those States in accordance with such principles of distribution as may be formulated by such law."

When Parliament once says that so much money shall be given to the States, that shall be distributed among the States. What principles? As may be prescribed. The only condition is, according to the Constitution, that it must be distributed. It also adds 'as may be prescribed by Parliament'. The hon. Minister says: "No, no. Leave it to me. I will decide as I like it." I am only summarising the view-points. I shall reserve my judgment. Is anybody willing to speak on this?

**Shri Bharucha:** I have sent in my name.

**Shri Mahanty:** Sir, I want to speak.

**Mr. Speaker:** All right. We shall take up other subjects. The hon. Members, individually and collectively, are urging to allow some more time for this motion. Originally, it was set out to be half-an-hour discussion. It was converted into one hour. If the House is willing to sit 1½ hours, we shall start now and close at 6 O'clock.

#### INVESTMENTS OF LIFE INSURANCE CORPORATION FUNDS

**Shri Feroze Gandhi (Rai Bareilly):** Mr. Speaker, Sir, a mutiny in my mind has compelled me to raise this debate. When things of such magnitude, as I shall describe to you later, occur, silence becomes a crime. Public expenditure shall be subject to severest public debate, is a healthy tradition, especially so in an era of growing public enterprise. There is

nothing to be ashamed of if a public undertaking has made a mistake, if some people have made a mistake. We should confess it Parliament must exercise vigilance and control over the biggest and most powerful financial institution it has created, the Life Insurance Corporation of India, whose misapplication of public funds we shall scrutinise today.

Much as I have tried to, I have failed to understand how the Life Insurance Corporation became a willing party to this questionable transaction with the mystery man of India's business under world.

**An Hon. Member:** Who is that?

**Shri Feroze Gandhi:** Mr. Speaker, there is going to be some sharp shooting and hard hitting in the House today, because when I hit I hit hard and expect to be hit harder. I am fully conscious that the other side is also equipped with plentiful supplies of TNT

**An Hon. Member:** "T. T."

**Shri Feroze Gandhi:** A friend of mine in this House, Sir, mentioned to me that the Finance Minister's statement was well fortified. Let me see, if I can breach the ramparts at the very first shot. It appears the Life Insurance Corporation has committed a breach of privilege of this House by causing to be placed on the Table of the House a statement withholding important information. May I know why one important transaction with Shri Mundhra has been kept a secret from the House? In the absence of this vital information the statement of investments becomes worthless, not even worth the paper on which it is cyclostyled.

You, Mr. Speaker, are the guardian of the rights of this House, and it is for you to decide this issue. On the 29th November the Finance Minister stated in the House:

"The question is not one of favouring one particular indivi-

dual or group, but seeing that the Corporation benefits and the policy holders, ultimately, benefit by the investment made."

I ask, was it in fulfilment of this policy that the Corporation purchased by direct negotiation from an individual, Shri Mundhra, shares worth Rs. 1,25,00,000 in his concern on the 25th June, 1957? In March, in April, in June, in July—July is the one which the statement has left out—in August, in September, for six months in this year and on 19 different occasions the Corporation purchased shares of the Mundhra Group for a sum of Rs. 1,56,00,000. If this is not favouring and financing one particular individual or group, then what else is it?

The Finance Minister, in reply to another question on the 29th stated:

"They" meaning the Corporation "wanted to augment their shares."

And, whenever the Corporation wanted to augment its shares Shri Mundhra was always there waiting to oblige, so much so that on one occasion the Life Insurance Corporation transacted business on a day when both the Calcutta and Bombay Stock Exchanges were closed.

**An Hon. Member:** On what day?

**Shri Feroze Gandhi:** Look at the dates and then find out the day. To my own question:

"May I know whether it is a fact that a few months ago some shares were purchased at a higher price than the market price of those very shares on the particular day?"

the Finance Minister gave an emphatic reply:

"I have been told that no such thing happened."

What does the statement reveal? According to the quotations on the Calcutta Stock Exchange given by the Minister himself, on the 24th there is

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an over-payment of Rs. 77,000. According to the quotations on the 25th, given by the hon. Minister in the statement, there is an excess payment of about Rs. 3 lakhs. What are the results of these augmentations?

Such was the stability of these concerns, such was the soundness of the investment, so stable was the man with whom the Corporation had struck 19 deals, that within two months of their last augmentation, in September the Government had to appoint administrators and directors in these concerns. This is not investment. This is a conspiracy to beguile the Corporation of its funds.

From the Finance Minister's statement it would appear as if these investments were made through the open market. The truth is that this was a negotiated deal with Shri Mundhra himself. In the case of such bulk purchases the market value dwindles into insignificance. Taking into consideration the fact that no sane investor would have touched most of these shares with a tadpole's tail, I am left much against my will to the sad conclusion that this was a device to help Shri Mundhra who happened to be in financial difficulties at that time, as I shall prove later. The sacred savings of the insured were misused for this purpose and, if I may say so, almost gambled away.

I shall now scrutinise the shares purchases made on the 25th June and, Mr. Speaker, I shall confine myself to an analysis of the purchase of the 25th June alone. The purchases totalled Rs. 1,24,44,000. Obviously all the inspiration to augment their shares could not have burst forth suddenly on the 25th. Deep thought must have been given to this investment. Prevailing prices of these shares on the Stock Exchange must have been thoroughly scrutinised. Balance-sheets must have been looked into. I am sorry, Sir, I made a mistake.

Some of these concerns have not published their balance-sheets since 1955. I do not know what procedure the Corporation adopted in the absence of balance-sheets to arrive at a conclusion as to the value of the shares they were purchasing.

Let us have a look round the Calcutta Stock Exchange, armed with the same authority as that of the Finance Minister, the official report of the Stock Exchange. The 25th was a Tuesday, 24th was a Monday, 22nd and 23rd were Saturdays and Sundays when the Stock Exchange was closed. Let us see how much less the Corporation would have paid had they concluded the transactions, say, on the 21st. The answer is, Rs. 10,73,000. These very shares could have been purchased according to the market value on the 21st, and the quotations are, from the official report of the Calcutta Stock Exchange, for Rs. 10,73,000 less. But let us move a little backward and see how much less would they have paid on the 20th. Again, according to the same source, the official report of the Stock Exchange, it is Rs. 9,42,000 less. On the 19th, Rs. 11,52,000 less; on the 18th, Rs. 13,47,000 less; on the 17th, that is Monday—Monday week—Rs. 13,62,000. My figures do not seem to be creating much impression. \* \*

\* I am going to jump one week from the 17th to give you an idea of how much less the Corporation would have paid had the purchase been made on the 10th June at prices prevailing and quoted at the Calcutta Stock Exchange. The Corporation could have purchased these very shares on the 10th for Rs. 20,83,000 less than what was paid on the 25th June. I have made no calculations of prices before the 10th. My nerves gave way.

Occasionally you, Mr. Speaker, are very helpful to Members, and on the 29th,—

Mr. Speaker: The hon. Member also is a Member.

Shri Feroze Gandhi: You are very helpful to Members, and I think you

understood what was in the minds of Members when they were groping in the dark and asking questions. You clarified the position. You, Mr. Speaker, said:

"The hon. Member wants to know whether to push up the falling prices of the shares of this company, either the Government or this Corporation went to the aid by investment in shares."

Mr. Speaker, you let the cat out of the bag. It had never occurred to me. But I gave very serious thought to all that you said. This is exactly what happened. For purchases effected on the 25th, the prices were artificially created by crude market manipulations on the 24th, when, all of a sudden, all these shares reached their peak. On Monday, the peak was reached. On Tuesday the purchases were made.

Let us see, as I shall prove to you and to the House, how it was worked up. What happened on the very next day, Tuesday? The peak had passed. The downward trend began and as on Friday, the 13th December, the Corporation's investment has depreciated by about Rs. 37 lakhs against the total investment of Rs. 1,24,44,000.

This, it may be argued, is not a loss, because I have purchased shares and as long as I do not sell them there is no loss. Actually, it would be difficult to argue that way, because, the investment has depreciated and what would happen when the actuarial valuation takes place? An insurance actuary will take the market value of those shares; not what you have paid for it. Therefore, the insured will lose heavily. The actual amount by which the capital investment has depreciated will be much more, because the total investment is about Rs. 1,56,00,000. I have only taken into account Rs. 1,24,00,000 odd in the calculation of Rs. 37 lakhs.

Now, how was the market manipulated? Let us take the case of one

concern—Angelo Brothers. Mr. Speaker, on the 17th of June, the price of the share which Angelo Brothers quoted at the Calcutta Stock Exchange was Rs. 16.87 lakhs. On the 18th, Rs. 16.87. On the 19th, Rs. 16.87. On the 20th, Rs. 16.87; on the 21st, 16.87. On the 22nd and 23rd Saturday and Sunday—the Stock Exchange was closed. What happens on the 24th? With the ringing in of the Angelees on the 24th Angelo Brothers was booked by the Insurance Corporation for Rs. 20.25 per share—Rs. 3.38 far more than the quotation of the previous five days. This is how the market was manipulated.

I shall give you another example—the Osler Lamp Manufacturing Company. It is a very interesting company. It was floated in 1947—ten years ago. Let us see how the shares moved from the 10th June up to 24th June. On the 10th June, the price is 2.78, in the Calcutta Stock Exchange. On the 17th June, the price is Rs. 2.81. On the 18th June, Rs. 2.81; on the 19th June, Rs. 2.87; on the 20th June, Rs. 2.84; on the 21st, 2.84; Saturday and Sunday, 22nd and 23rd. Quotation on Monday, the 24th Rs. 4. What happens on the 25th? The prices collapsed. It goes down to 2.87. It has come to its original, and the Life Insurance Corporation paid Rs. 4 for share. The total investment runs into several lakhs.

But what is the condition of this company in which we have invested the money—the Osler Lamp Manufacturing Company. The dividend on preference shares has not been paid since August, 1949. Preference shares dividend has not been paid since August, 1949. No dividend has been paid on ordinary shares for the last ten years, that is, ever since the company was floated. And the Life Insurance Corporation was looking all round for a healthy investment. This is the kind of concern that they put their money in.

Now, I come to the British India Corporation. The British India Corporation in which on one day, the

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25th June, they invested Rs. 42 lakhs, paid a dividend of 1½ per cent in 1954, nil in 1955 and 2 per cent. for the year ending 1956.

This will work out at about 1.87 per cent on the Corporation's investment. Rs. 42 lakhs were invested, and they were handed over to this Corporation on a return of 1.87 per cent. This is what we have done with the monies of the insured.

**Mr. Speaker:** What about the price of this share?

**Shri Feroze Gandhi:** The prices have fallen. If you like, I can give the quotation. But it will take time.

The British India Corporation, once a tower of strength to the City of Kanpur, is in a state of collapse. One of its mills is either closed or there is notice of closure. It is in a state of collapse. The ruins are a testimony to its pristine glory.

खंडहर बना रहे हैं कि इमारत बुलन्द थी ।

पुनर्वास तथा अत्यसंख्यक-कार्य भंगी  
(बी मेरु चण्ड खन्ना) : प्रालीसान थो ।

**Shri Feroze Gandhi:** The Corporation has an Investment Board. May I know why the Chairman did not consult the Investment Board before the investment of 25th June was made? Rs. 1,24,00,000 is not a small amount. I doubt very much if the Chairman has got the sole right to go about investing these huge sums of money in any manner he likes on his own authority, without the consent of the Investment Committee. Is it not a fact that the Board was presented with a *fait accompli* and the Members of the Board took strong objection to the manner in which the Corporation's funds had been frittered away? I would like the Finance Minister to tell me I am wrong and I shall correct what I have stated.

17 hrs.

On the 29th November, the Finance Minister stated that these shares were

not spurious. What does 'spurious' mean? I do not know whether you have to rule it out again. That is the first word given here and you have once declared it unparliamentary. You can remove it from the record if you feel so later. 'Spurious' means, according to the *Chamber's Dictionary* and the *Oxford Dictionary* agrees with it—"bastard, illegitimate, not genuine, false". No one in this House said these shares were all these. Nobody had it in mind. I do not know how the Finance Minister said it; probably he used it in its general sense.

The point is this. Was the financial instability of these concerns known to the Government and to the Corporation? Was it known? Did they know that this money was going to be locked up in unstable financial concerns? It is here that I have an important clue contained in the report of the Textile Commissioner on the working of the British India Corporation and its subsidiaries and I shall read out the relevant portion from the report. I quote:

"The State Bank of India has recently demanded the mills to mortgage the fixed assets of the British India Corporation also as a security for the hypothecation loan. This is rather an unusual step and apparently this is due to the banker having lost confidence in the Corporation."

The State Bank of India had lost confidence in the British India Corporation. The Textile Commissioner further states:

"In fact, in the directors' meeting held on 23-3-1957, it was reported by the Deputy Managing Director, Mr. Powell, that when he contacted the Chairman and the Managing Director of the State Bank of India and also the Chairman of the Reserve Bank of India in connection with the application to enhance the loan facilities from Rs. 1.25 crores to Rs. 1.50 crores—i.e. Rs. 25 lakhs—for the Kanpur

Sugar Works Limited, a company launched by a subsidiary of the B. I. C., the three senior officials of the State Bank had expressed their concern with the financial position of the Corporation's group."

The three senior officials of the State Bank and the Reserve Bank were concerned about the financial position of the group, and what happened? Why did I say that I have a clue? The N. I. D. C. also refused a loan somewhere in the month of February or March. The State of India and Reserve Bank refused help in the month of March and in the month of March the Life Insurance Corporation started investing money in these companies. 23rd March is very significant, because the financial condition of the Mundhra groups was becoming worse and worse. The State Bank and the Reserve Bank refused help and the N. I. D. C. refused help because of the unsoundness of the concern. But the Life Insurance Corporation was only too willing and rushed in. The Textile Commissioner's survey concluded on the 10th June and the Life Insurance Corporation, a fortnight later, recklessly invested its funds in these very concerns.

I shall read out to the House an extract from the 1955 balance-sheet of the British India Corporation.—Directors' report on the accounts:

"Mr. Mundhra has taken a keen interest in the affairs of the Corporation and is lending every support to the directors and the management in their endeavours to ameliorate the condition."

Another paragraph begins:

"The results for the year are most disappointing".

If the Corporation, before it had invested its funds, had had a look at these balance-sheets, had seen what the condition of the Corporation was, they would never have touched it, as I said, with a tadpole's tail.

Now, let us see the seriousness of the entire transaction. Mr. Speaker, where are the scrips of these shares? Did the Corporation receive the share scrips before payment was made on the 25th June? That is a very important point. Or, did they make payment without having the share scrips in their possession? I would like to have that clarified. Have they even today in their possession all the shares I would like that to be clarified too, and if they have, have they got the genuine scrips?

Shri Tyagi (Dehra Dun): What?

Shri Feroze Gandhi: There is nothing to laugh about. Have they got the genuine scrips? My information is that there are on the market originals, duplicates and also forged scrips of these very shares. The House would like to know which variety the Corporation has got.

I hope I have established collusion between the Life Insurance Corporation of India and Shri Mundhra. I have I hope, established a conspiracy in which public funds were wrongfully employed for financing the interests of an individual at the cost of the insured. To me this discussion is a measure of the strength of democracy. We do not hang people. We do not chop off their necks, but we can make their existence pretty difficult. If we cannot knock off their heads, what can we do? Let me see if I can secure by pressure of public debate that which I have failed to achieve by peaceful negotiation.

I demand that Government institute an enquiry into this questionable transaction. There is already a precedent for such action. When charges less serious than this were levelled against the Industrial Finance Corporation, the then Finance Minister, Mr. Deshmukh, appointed a committee and the Chairman of the committee was a Member of the Opposition. Let us hope that our Finance Minister will follow the example of his predecessor. Mr. Speaker, this debate has been a very heavy strain on me both mentally and physically.

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It has not been easy to collect all these facts and place them before the House in a concise way because the transactions go into lakhs and lakhs. An unfortunate thing has happened. But I don't think there is any reason to be ashamed of it. I am a champion of the public sector. I was one of the persons who championed life insurance nationalisation. I am not ashamed to face an enquiry. I would like the public to know, I would like the Government to know, and I would like the Members of Parliaments to know that in the public sector, if such a thing happens, we are prepared to face an enquiry and get at the bottom of it.

**Mr. Speaker:** The hon Member's time is up. He should conclude in a minute or two.

**Shri Feroze Gandhi:** I hope that the Finance Minister will accept this suggestion of mine and appoint a Committee in which this House shall be well-represented. But I would prefer a committee of this House. I am not much enamoured of the word judicial I think we are quite capable; I think we can look after these enquiries. And I hope in the end that this small suggestion of mine will be acceptable.

**Mr. Speaker:** How long will the Minister take for the reply?

**The Minister of Finance (Shri T. T. Krishnamachari):** It depends upon what the other hon members have to say. I suppose Mr. Feroze Gandhi would expect me to reply to some of the points that he raised. May be, I will take about fifteen minutes for that. But if other hon. Members bring new facts to light, I will probably have to deal with them also.

**Mr. Speaker:** I have allotted an hour and a half. We have started at 4-35. We will close at 6-05. I will call upon the Finance Minister round about 5-45.

**Shri S. A. Dange (Bombay City-Central):** Mr. Speaker, the hon. Mr. Feroze Gandhi has made a very devastating case about the use of the funds of the Corporation, which are funds of the State as such. They are no longer private property.

After we took over the Insurance Corporation, we certainly expected that the funds will be used for the purpose of building the economy of the State, that is, the Plan. But, from the revelations made by Mr. Gandhi, quite a different picture comes out.

Now, I am not going to refer to the same facts again and I am not also going to question why the money was invested with Mundhra, and why not with Birla or why not with Tata or why not in Bombay Dyeing or Kohinoor. My question is quite different. My question rests on a certain principle and on certain statements made by the Ministry itself or the Government as a whole

Once, when in this House we pleaded for the nationalisation of certain companies, then the Government and the Prime Minister himself hurled at us the question: do the hon. Members want us to buy junk? It was a very wonderful question, and he thought that it was a very powerful question. Are we going to buy junk, he says; if we want to use our money, we should use money for building new factories. Why go and buy junk? Surely, why go and buy junk? But, here we find a case in which Rs. 124 lakhs are spent from the money of a Corporation belonging to the Government of India in buying just the junk, which they refused to nationalise and hurled a question at us.

Take Richardson and Cruddas. How many years old it is? It is just junk if you like to come and see it in the Bombay City. Then the British India Corporation. Is it not an old junk? Oser Company, is it not an old junk?

Then, what happened to the policy of the Government of India that it did not want to buy junk but wanted to invest their money in new concerns? Then why was the junk bought?

I am not concerned with whether they wanted to save Mumbra or XYZ. Go and save your brotherhood, if you want to save them. I cannot help them. The cases, as Mr. Feroze Gandhi stated, when he recited some of the facts, did not surprise some people. Well, I was one of those who are not surprised, because the Government, which in its main policy is advised by the private sector and some of the biggest speculators in the country, cannot but do such things. What could you expect from them? Therefore, we should not be surprised about such things. There is nothing to be surprised at.

The surprise is that it was found out. That is the thing. The surprise is not that it was done. The surprise is that Mr. Feroze Gandhi could find it out. Actually, it is in the natural course of things that the Government, advised by speculators, big monopolists and all they mighty brotherhood, should do such things. Here they slipped rather more seriously and were found out. Otherwise, the business of the stock exchange is always risky. At 11 o'clock a share may be floating at Rs. 250. At two o'clock it may be just near Rs 150. It can be manipulated. You just let in the news that Government or the LIC is going to buy those shares. Then there will be an up-shot of shares. These are all manipulations that can easily be done.

But, as I was saying, the question is one of policy and not a question of surprise so much and of serious thinking. Something has suddenly gone wrong. Therefore, I ask this pertinent question. Is it the Government's policy now henceforward to invest public money in buying junk? If it is so, then let us have a revision of the policy.

Therefore, my first conclusion from the debate is that Government violated

its policy. It might say that when we nationalised and took over the insurance companies, there was an understanding that a part of the funds, which will accrue to us every year—which, I think, are in the neighbourhood of Rs. 35 crores—a part of it will be invested in private business. If that understanding was there, then that understanding was a wrong understanding.

On what basis were we collecting this money? I hope hon. Members will not forget for what purpose we are collecting money. In the Five Year Plan we provided about Rs. 250 crores from funds gathered under the head "Provident Fund and other debt heads" that is, funds from insurance, funds from provident fund and other contributions and small savings also. We go to the country and tell people to save. For what? Save in order to lend to the Government. For what? Because Government wants to build factories, irrigation canals and so on. Why? Because Government is short of funds. So people are asked to save and workers are asked not to take bonus in cash but give it to the Government.

And when saving is made, what does Government do with those savings? It goes and invests crores and crores of rupees for buying junks, and that also at false prices. Is that a correct policy? Am I going to be denied my bonus in order that I may lend my money to the Life Insurance Corporation or to the Government of India, so that they may buy Rs. 42 lakhs and Rs. 50 lakhs worth of company shares, whose shares go down in the exchange or whose scrips are not of the right variety, as Mr. Gandhi said? Is that correct policy? Are we then telling people the truth when we take money from them if we say that we want it in order to build factories under the Five Year Plan? The Lal-Imli Mills and Richardson and Cruddas are already standing there. Why should we ask people to invest in insurance in order that Government may re-invest the money in such companies? Are

[Shri S. A. Dange].

they so much over-flowing with funds that they need not invest this money in the public sector need not invest funds in other factories, that they should invest funds in buying scrius on the market? Is that a correct policy? I want to raise a question of policy. Are we telling the people the truth when we are taking money from their small savings, from provident funds, from all these bonus cuttings and so on in order to build the Five Year Plan? Is this a part of the Five Year Plan? Is this building of the Mundhras shares a part of the Five Year Plan? If it is so, let us know. If that is so, people will have to revise their opinion about the Five Year Plan, those who run that Plan and those who take money from the people for that Plan and then, we shall have to question whether such a Plan should be supported henceforward in such sectors. Therefore, it is a serious breach of policy, a serious breach of the promise made to the people when you asked money from them, a serious breach in the general line that has been admitted on the floor of the House with regard to the Five Year Plan that we shall not buy junk, but we shall invest money in the building of good new factories. Why is this happening?

My hon. friend suggested there may be collusion, a conspiracy. May be, it may not be a collusion, it may not be a conspiracy. It may be old friendships being revived. One does not know. Because, I do not know whether I am entitled to ask or whether I am entitled to state that some of the Ministers at least were directors of Mundhras sometimes before they became Ministers. I do not know whether it is a fact.

Some Hon. Members: Who are they?

Some Hon. Members: They have to say.

An Hon. Member: You have to name them.

Shri S. A. Dange: The person if he is there should say it himself.

Mr. Speaker: As far as possible, hon. Members will avoid attributing motives to anybody. (Some Hon. Members: No; no). Arguments must be based on facts which can speak for themselves.

An Hon Member: It is a fact.

Shri S. A. Dange: There is no motive I am attributing. I am only stating revival of friendships in investments. That is all. If I know Mundhras and somebody asks me is this share good, I would remember my friendship and say, I know him very well, his share is good, do invest without fear. Before I become a Minister, if I knew him, why should I not advise a Minister to invest funds? What is wrong morally correct. In the capitalist system it is morally correct. It may not be so in a socialist system. Since we have not got a socialist system at present ..

Mr. Speaker: We have been proceeding nicely with respect to this debate. All that I can appeal to hon. Members is, not to attribute motives. Facts must speak for themselves. If I say, so and so is bad, merely on my ipse dixit nobody is going to accept. If on the other hand, facts are so marshalled and reasons are set out as have been done, of course, unless they are explained away, whatever has been said by Shri Feroze Gandhi require an explanation. *Prima facie*, they make out a case. That is enough. We need not go further and say what actuated this and that. Personally, so far as the Government is concerned, the hon. Member might one day adorn those Benches and if perchance I happen to be on this seat, I will prevent the Opposition also from saying the same things against him. Therefore, nobody need attribute any motives.

Shri S. A. Dange: Again I say, I do not attribute motives. No hon. Member suggested that any Minister was

personally interested. I am not suggesting that. If the enquiry that is demanded by Shri Feroze Gandhi is conceded, then, everything will be known. There is no question of attributing personal motives to anybody. I am not saying that. But, I am talking only of business and of habits of capitalist business. That is all.

Now, therefore, I would, again, reiterate that I am not saying that any particular Minister was interested in this transaction from the point of view of personal aggrandisement at all. Let me proceed by making a clarification and I hope that clarification will be borne out if an enquiry is considered and conceded during the process of the enquiry.

I should like to have a statement on three points. Firstly, should we, those from the working classes side and those who are interested in the earnings of the working classes and the people in general, on the basis of this fact, support henceforward surrendering our funds, our savings to the Government if the Government is going to utilise these funds in such a way? Secondly, is the Government going to nationalise these junks and buy them over for the State? Thirdly, if it is so, is that a correct policy, and whether the policy of the Plan is being revised by the Finance Ministry or by the L.I.C. in its dealings on such questions? These are the three questions, I think, on which, a straightforward statement can be made. I do not want to discuss any further this question.

There may be a statement that, as I referred to earlier, we were bound by the fact that we were to invest a certain part of the funds in private industry. What is the necessity. Because, if this policy is followed, I am afraid, we shall be buying some of their shares and at the end of the Plan, we shall have no money left and we shall be selling the public sector to the private sector in the same way. This is a very dangerous policy. To-

day, we have no funds. We complain of lack of funds. When we get funds, we invest them there. Tomorrow when we shall fail to find the funds for the public sector, are we going to follow the policy of selling the public sector investment to the private sector people? Because, if we do not observe a certain policy, then, we shall mix up our perspective. We shall fail in our goals and we shall fail in such a way that we shall not be able to build up the Plan that we wish to build. Therefore, I am submitting this question solely from the point of view of building up of the Plan, the financial condition of the country and of the Government and the necessity to utilise these funds for the sake of building the public sector investments, public sector enterprises and not spend the money in such speculation.

May be that the Finance Ministry itself may not be responsible for this. We do not know who is responsible. It is suggested that.....

**Shri Tyagi:** No; Minister is not responsible. It is the Corporation which is responsible.

**Shri S. A. Dange:** It is the Corporation which is responsible. But, the Corporation is functioning under the Government's guidance. If it is not, let us also have some light on the affair, we may know who ultimately governs the investments of this Corporation.

I want to make one more suggestion. Is it not a fact that some of the responsible directors of this Corporation formerly were vehemently opposed to the nationalisation of life insurance? They were vehemently opposed. These very people are running the Corporation. Can it be suggested that they want to run the Corporation in such a way that through all such compromising things, as this buying of shares, it can revert back to the private sector; by discrediting the management in the public sector, that public sector invests in this way,

[Shri S. A. Dange]

they can say private sector could do better; therefore, please revert to denationalisation; whether such a motive exists in the minds of certain people who are in charge of the affairs of the Corporation? If it is so, I would request the Finance Minister and the Government of India to look into the matter, discuss the matter with the people and tell them, gentlemen, if you do not like nationalisation, please relieve us of your presence, we will manage without you, you need not do such "enterprise" on behalf of the Plan, on behalf of the finances of the country and save the people from the robbery practised by—I do not know whether racketeers is parliamentary or not—

**Mr. Speaker:** Racketeer is as good as robbery.

**Shri S. A. Dange:** This racketeering on public funds should be stopped and a proper policy statement made and policy observed. That is my request to the Ministry.

As for Shri Feroze Gandhi's demand for a public enquiry, I do support it because an enquiry is necessary in this case. It will remove suspicions in whatever quarters they exist and give us better guidance. A public enquiry was given formerly when the Finance Corporation was once in trouble and their investments were also being challenged. Therefore, an enquiry should be given so that we shall have a better policy for the future in these investments.

17.29 hrs.

**Shri Asoka Mehta (Muzaffarpur):** **Mr. Speaker,** I am sure, we are all grateful to Shri Feroze Gandhi for the very illuminating information that he has given us this afternoon. Some months back, when, in this House we were privileged to discuss the Life Insurance Corporation Bill, you will remember that the then Finance Minister told us that he could only assure that that amount, not even that proportion of the income of the Life Insurance Corporation would

continue to be invested in the private sector as was done when insurance companies were privately owned and operated. Even that proportion, and that proportion was 16 per cent, shall not be maintained; only the amount would be maintained. But what do we find? In the interim report that was given to us we were told that of the total investment of Rs. 19.63 crores, Rs. 8.62 crores or 44 per cent were invested in the private sector. Before life insurance was nationalised, only 16 per cent were invested in private enterprises. After nationalisation, the proportion increased, jumped up to 44 per cent, and out of this sharp increase, 15 per cent of all that was invested in the private sector was invested in the concerns owned and operated by Shri Mundra. Fifteen per cent of this increased, augmented investment in the private sector went to the concerns owned by one single individual.

Not only that. I have been informed that immediately after the Budget—and I believe we had the Budget this year some time in May or perhaps early June—the authorities of the Life Insurance Corporation on their own, without taking the advice of the investment advisory committee that has been set up and which is expected to give some kind of expert advice and guidance, evidently under instructions received from higher quarters, invested largely in shares of various important concerns like the Tatas, A.C.C. and others. What was the reason? Evidently, the reason was to bolster up the market. Again, it is an important question of policy: should the funds of the Life Insurance Corporation be invested,—apart from certain transactions, doubtful transactions like those of Mundras—should at all be invested for the purpose of bolstering up the stock market; whether the funds should be used for the purpose of maintaining, keeping up the prices of shares of private concerns in the country?

The investments in Tatas and A.C.C., and more so the investment in the concerns owned by Shri Mundra, were made without any consultation with the investment advisory committee. This committee has some very distinguished people, men who have intimate knowledge of the financial markets and of the stock exchange, and they know the standing of different people. I am sure if this committee had been consulted, the committee would have warned the Corporation against investing in Mundra concerns, because, after all, Shri Haridas Mundra is quite a known person!

**Shrimati Renu Chakravarty (Basirhat):** Quite right.

**Shri Asoka Mehta:** I would like to know from the Finance Minister whether he knows that some of the members of this investment advisory committee put on record their protests against the investments made, that written protests were made against this unwise and unfortunate investment.

I shall not cover the ground that has been ably covered by my hon. friend Shri Feroze Gandhi. I do not know if he is there or not, but I think in his very able analysis, he made one mistake. He said that the State Bank of India was not willing to accommodate any further Shri Mundra. My information is that that may be so in March, 1957, but in July 1957, while the Life Insurance Corporation was helping Shri Mundra, the State Bank also was advised to give further accommodation to Shri Mundra and his concerns. Here again, it would be useful to find out from the Finance Minister whether that kind of assistance was made available after a very clear and a very categorical report made by three senior officers of the State Bank of India and the Reserve Bank of India that no such assistance or no such accommodation be made available to Shri Mundra.

I have known Shri Mundra for a long time. I happen to be connected

with trade unions in concerns that are owned by Shri Mundra. I know him for the last ten or twelve years, and therefore, I know him as a trade unionist. I know his strength as well as his weaknesses. Fifteen per cent of these investments were made almost at a stroke in his concerns. The State Bank of India was asked to give him accommodation, and all this was being done, we are told, on the advice given by higher authorities.

**Shrimati Renu Chakravarty:** Who are they?

**Shri Asoka Mehta:** As I said, I happen to know Shri Mundra, and I happen to know some people who are common friends. Talking to these common friends I found that Shri Mundra has been saying things which are very disturbing and very distressing. I would not like to say here as a responsible Member things which I have not fully checked up, but I have no reason to doubt the statements of these common friends. And the friend who told me is himself a banker, quite a distinguished banker. He said he had many discussions with Shri Mundra, and the things that he has been saying, the people whom he has been involving, the names he has been dragging into this whole question, I think, make one even more disturbed than all the disclosures of my hon. friend Shri Feroze Gandhi.

**Shri Joachim Alva (Kanara):** Do bankers divulge private, confidential information?

**Shri Asoka Mehta:** This is what Shri Mundra had told him. This is no private information at all. This is not about his transactions with the banker. This is what he had to say about this particular transaction as to what is his side of the case. As I said, that appears to be even more damaging than what has been brought out by Shri Feroze Gandhi.

I have no desire to go into the details which have already been covered

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very ably by my friend Shri Feroze Gandhi, but I would say that if there ever was a case in which an independent, impartial enquiry should be held, here is the case.

Shri Feroze Gandhi and I have talked with the fullest sense of responsibility. We have placed before you whatever information is available. There are other things which can be brought to the attention only of an enquiry committee. We would not like to speak loosely in this connection. May be we have to say things about people who are not present in this House, who may not be able to defend themselves. We are privileged people, and because we are privileged, we want to use our privileges with a considerable amount of restraint.

The Finance Minister is my good friend, and there are many people who are annoyed with me and with him because we happen to be friends, but I say if he is my good friend my appeal to him in the name of friendship is: here is a case where there is need for an enquiry committee. If it is not enquired into, he would be failing in his duty. Let it not be said of him that when an occasion like this arose, he failed in his duty.

I have no desire to take more of your time. I would only say this, that while the Finance Minister gives us his reply to the various points that have been made by Shri Feroze Gandhi, let him also devote a little time and tell us why 44 per cent of all the investments have been made in the private sector, and why of the 44 per cent 15 per cent were invested in particular group of concerns, what were the governing criteria that led him or the Corporation to invest 15 per cent of those investments in the concerns of one single individual whose reputation in the financial market of the country is none too high.

Shri Prabhat Kar (Hooghly): I want to put only two questions before the Finance Minister replies?

Mr. Speaker: Very well, let him put the question.

Shri Prabhat Kar: May I know whether these shares which have been purchased, namely F. & C. Osler and British India Corporation, are considered in the stock market as safe investments or they are known as speculative ventures?—because in the stock exchange shares are known....

Mr. Speaker: That is all right. The question is clear. Whoever knows the stock exchange, knows it.

Shri Prabhat Kar: Secondly, may I know whether the Life Insurance Corporation was in the know of the fact that many of the scrips of B.I.C. which were purchased by Shri Mundra and deposited with different banks were forged scrips?

Shri Joachim Alva: I just want to ask one or two questions of the Minister. Please allow me.

Mr. Speaker: Now, Pandit Thakur Das Bhargava.

#### BUSINESS ADVISORY COMMITTEE SIXTEENTH REPORT

Pandit Thakur Das Bhargava: I beg to present the Sixteenth Report of the Business Advisory Committee.

#### INVESTMENT OF LIFE INSURANCE CORPORATION FUNDS—contd.

Shri Joachim Alva: As the House would remember, and I would recall for the information of the Minister, when Dr. John Matthai was holding this office, there was a debate in regard to the Exchange Bank of India being lent Rs. 80 lakhs under the nose of the Reserve Bank of India, hardly half a mile away in terms of physical distance.

Mr. Speaker: What is the hon. Member's question.

Shri Joachim Alva: I am coming to the point?

**Shri C. D. Pande (Naini Tal):** Half a mile or one mile away from it.

**Shri Joachim Alva:** Later, the Minister of Finance, Shri C. D. Deshmukh was very much disturbed about this transaction because he was personally sensitive about it. We who then took part in the debate raised the point whether the Finance Minister had sanctioned that loan of Rs. 80 lakhs to the Exchange Bank of India, because that transaction shook the foundations of our credit in Africa, and they had no faith in us.

Similarly, I want to know whether a crore of rupees worth of transaction is sanctioned by the Finance Minister—whether it be A, B or C does not matter—whether a transaction of this magnitude is sanctioned by the Finance Minister right at the top or is even taken at the Cabinet level, for the simple reason that if there are two or three partners,—I have got a very mighty fat good capitalist next in mind, Shri G. D. Somani—he would not lend Rs. 5000, I am sure, without asking his other partners.

**An Hon. Member:** To you.

**Shri Joachim Alva:** If I were to ask him his money.

**Mr. Speaker:** The hon. Member need not argue it out.

**Shri Joachim Alva:** Similarly, I am asking whether a loan of a crore of rupees would go round the Cabinet for Cabinet approval.

Secondly, today, we are going abegging for Rs. 700 crores around the world. When that is the position, I want to know whether it is in the fitness of things of a welfare State that one crore of rupees should just be given at the stroke of the pen to people whose credentials have been very effectively challenged by Shri Feroze Gandhi and Shri Asoka Mehta.

Thirdly, I want to know whether the Finance Minister has drawn up

a record of our businessmen. This is the moral of the whole debate. So, we must come to this point. I want to know whether the Finance Minister has drawn up statistics and records of our businessmen who control more than a dozen business-houses in the land. Time it is for our welfare State and our State which is planning and which is going on such hard foundations to enquire whether businessmen can control more than a dozen business-houses in their hands, and allow first-rate business-houses to be turned into dud firms by running a regular racketeering.

**Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes):** May I humbly submit that the references in very bad taste indeed to his fat capitalist neighbour be expunged? (*Interruptions*).

**Mr. Speaker:** Interludes.

**Shri Nathwani (Sorath):** May I know who on behalf of the corporation effected these transactions with the Mundhras, whether the members of the corporation or the executive committee or the managing director?

May I know whether these very shares were pledged by Mr. Mundhra with the State Bank of India or not, and whether as the Bank began to press him to pay, the same were palmed off to the Life Insurance Corporation or not?

**Shri T. T. Krishnamachari:** May I congratulate my hon. friend Shri Feroze Gandhi on having maintained a reputation for an unerring instinct for touching the weak spots in the administration? I listened to him with a great deal of attention and care. Of course, if he will permit me to say so, I appreciate also the element of melodrama that he imported into it.

The facts are as stated, namely that on a particular date, namely 24th or 25th June, a large block of shares were purchased by the Life Insurance Corporation. There is one

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particular mistake that is running right through the entire criticism made in this House now and also in questions, that the name of a particular individual is mentioned as being the person to whom money was paid, and that it was his concern, and in order to help him or to bolster up his finances, money was paid. I thought Shri Joachim Alva in his peculiar sort of way touched the spot; he said it was a loan; it was a loan of a crore of rupees given to an individual. Well, it may be that he stated in a different way.

But the fact really happens to be that these are concerns which have been established for a period of time. Many of them have got, as my hon. friend Shri Feroze Gandhi mentioned, a good record in the past. But I do not know much about these concerns personally, excepting for the fact that in the case of, perhaps, Jessops, the railways and the Government of India happen to be one of the big customers. We give them a large number of order.

**Shri Feroze Gandhi:** That is only one of the good concerns.

**Shri T. T. Krishnamachari:** Well, it may be a good concern.

Incidentally, Shri Feroze Gandhi mentioned something which is even more serious than the charges of negligence, may be, or bad investment, may be, and so on. He asked: Did the corporation get the scrips before payment? Another hon. Member here asked whether these were pledged with the State Bank, and in order to safeguard the position of the State Bank, the Life Insurance Corporation was being used for the purpose of buying these shares, so that the State Bank might be saved.

There are several matters which have been raised to which I would try to furnish an answer, without trying to minimise my responsibility in the matter, because my responsibility to this House is there, and it

cannot be taken away by a few words; nor do I want to shirk my responsibility and transfer it to a few officers. The fact really is that the Finance Ministry does not run the Life Insurance Corporation. We have to interfere now and again when there is a labour trouble, when something is happening, or when questions are asked. On one or two occasions, I have probably transgressed the limits of my power by going round and sitting and suggesting certain methods of settlement. Even which had to go to the corporation ultimately for being ratified. So, the set-up of the corporation is that it is neither proper nor feasible for the Finance Minister to look into its day-to-day operations, excepting to see how it works.

One point that I would like to make clear, and that is the point which will probably set Shri S. A. Dange's fears at rest and also what my hon. friend Shri Asoka Mehta said, is whether it is the policy of the corporation to enter into the investment market; where they did enter was about the time of the budget, and they bought what are called blue chips. To that extent, I would like to plead guilty. I did feel that the corporation should invest in blue chips. Shri S. A. Dange saying that they were junk is not correct, because I do not think Tatas are junk, I do not think Indian Irons are junk, and I do not think ACC is junk. I did feel that if the prices were suitable—they already carried a large portfolio, the single largest portfolio, perhaps—they should make the policyholder, which is the general public, get the benefit of these big concerns for the development of which Government are very largely responsible. It is a policy decision for which I am responsible. I hold full responsibility. If the policy is wrong, I am quite prepared to accept the responsibility of having done something wrong. But that was about the time of the budget, and, therefore, I would like to tell Shri Asoka Mehta that he is right. But

the percentages are slightly distorted by reason of the fact that the total investments have not been made, or are being made some time later, as and when moneys come; and very largely, most of the investments made by the Life Insurance Corporation sometimes in Government securities take place in about August-September. These things were bought at that time. Therefore, the percentages look distorted. May be, sometimes we will have to prescribe some percentage.

I can also indicate to this House that on this question of control of investments by the LIC, it was my view that the LIC's interests should be the sole criterion. I do not mind admitting that I have refused a plea that a sister Ministry put forward that the LIC should be made to invest in one of their concerns at 3-1/2 per cent. Shri S. A. Dange may say: 'Yes it is public sector. Why not do that'. I felt that it was not right to invest at 3-1/2 per cent because normally, they get 5 per cent. Except for the statutory liability that they would possess in investing in government securities, we should not put any pressure on them, merely because it is a governmental institution, that they should invest at lower percentages and thereby cease the benefit accruing to the policy holders.

It is also with this view that there is a Bill pending before this House making a provision for a body which will oversee the investments of the LIC. It is the intention also—I think it has been indicated in that Bill—that the LIC should have advisory committees in various centres. It is also my view that when the various Housing Corporations are started, with the help of these advisory committees, the LIC should go into investment in housing, earn normally about 6 per cent, and also help the lower middle class people by putting up houses and lending to their Corporations.

Therefore, while I have no intention to make the policyholders lose money, make them invest in a purely public enterprise where perhaps we may not allow a return adequate for the investment, it was our intention to see that the LIC should get a return from those concerns which had a social content as well. That is the object of that particular measure now pending before the House. So that we should have a very high-powered body unconnected with Government which will lay down the policy and control the investments and also arrange to have advisory committees in various places according to local needs.

For instance, Calcutta is now complaining that most of the investments of LIC are made in Bombay and it is deprived of it. I am mentioning this, not in explanation of anything that has been done, but in explanation of the point raised by Shri S. A. Dange and subsequently raised in a different way by my hon. friend, Shri Ashok Mehta, that it is the intention that the LIC should share in the prosperity of this country; the policyholders should share in it by getting a fair share of the 'bluechips' May be they might ultimately not get a fair share, in which case the question of control will have to come in.

Now in regard to this particular transaction, I am not in a position very precisely to indicate with any sense of responsibility because two questions were raised in which the State Bank comes in—the State Bank induced the LIC to purchase the shares from them in order to absolve themselves of the responsibility. No, it was not the State Bank. I understand the shares were taken from the Central Bank.

Secondly, I am not aware of the fact—and I do not think it should be correct to say—that the State Bank at any time would have done anything other than what would be done

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in normal banking. It is quite likely that the LIC concerns probably got a little more advance sometime, may be one advance in March and another in July. I have no knowledge of the facts. It is likely that they may have given that. But I am not in a position to say anything because the question of investments of the State Bank in the various concerns is not a matter in which I should interfere; nor is it proper to do so. It is for the State Bank to arrange it as they like.

In regard to this particular matter, I would like to say that the scrips were taken delivery of by the LIC.

Shri Feroze Gandhi: When?

Shri T. T. Krishnamachari: On the date payment was made to the Bank.

Shri Feroze Gandhi: All the scrips?

Shri T. T. Krishnamachari: All the scrips.

I will explain why the hon. Member perhaps thinks that the scrips have not been taken delivery of.

It is true, I think, somebody told the LIC that they should quickly get the shares registered that they have got. The registration of a large number of shares—and they run to several lakhs—takes time I have now called for a complete list of the shares that have been registered and I have been told by Richardson Cruddas that out of a total of about 1,70,200 shares bought, all shares have been registered barring 22,450 which have still to be registered. The process is going on. I am told every day about 7,000 to 8,000 shares are being registered.

Shri Feroze Gandhi: These days.

Shri T. T. Krishnamachari: From the beginning.

Shri Feroze Gandhi: Last week.

Shri T. T. Krishnamachari: I do not think it is right; I think it has been going on for some time.

Shri Feroze Gandhi: May I interrupt? This question came up in the House on the 29th November.

Dr. Ram Subhag Singh (Sasaram): It has already come on September 4th.

Shri Feroze Gandhi: Sixteen days have passed. Is it not a fact that a large number of registrations have taken place in this last fortnight and also some are still pending?

Shri T. T. Krishnamachari: I am telling the hon. Member that there is a very small percentage still pending. But the point about it is this. In fact, I remember having met the Chairman some time—very much before the time the hon. Member asked the question—I think it was nearly a month back. ....

Dr. Ram Subhag Singh: It was on September 4th that you denied having made that investment in a private concern in Kanpur.

Shri T. T. Krishnamachari: Who?

Dr. Ram Subhag Singh: The Finance Minister.

Shri T. T. Krishnamachari: The hon. Member might have asked about a private concern. ....

Dr. Ram Subhag Singh: Shall I read it?

Mr. Speaker: Order, order.

Shri T. T. Krishnamachari: I still understand that no investment was made in a private concern. The hon. Member might have framed a question in such a manner that it has no relation with this.

These are all public concerns. I remember having met the Chairman more than a month back, probably before Parliament met. I asked him about these Mundhra concerns. I asked him whether he has got the shares registered. He said that 80 per cent had been registered. Therefore, the question that no delivery was taken

over when they were purchased does not arise.

**Shri Prabhat Kar:** When the shares were purchased, were the scrips delivered?

**Shri T. T. Krishnamachari:** My hon. friend must have some pity on me. I am answering questions in regard to action taken by other people for which all I have is only facts. The hon. Member thinks that I am being cross-examined. If the hon. Member asks me if it is in my knowledge, I will certainly answer.

**Shri Prabhat Kar:** The same question has been put.

**Mt. Speaker:** The question has already been answered.

**Shri T. T. Krishnamachari:** As I told the House it was conveyed fairly early—probably some time in June—to the LIC that the shares taken over from Mundhras must be registered quickly I think it was conveyed by somebody who was in the know of things.

The other point about it is the question of the particular day, the appointed day. The facts mentioned by my friend, I will admit them. But the scheme he has mentioned is that somebody was conspiring over a period of time (Shri Feroze Gandhi: *From March.*) and then suddenly jumped up the share and the LIC fell as a ripe plum into the bargain. The fact really is that so far as the shares are concerned, on that day or the next day, assuming his figures are correct, while the shares are quoted a little lower in some respects, they were quoted a little higher in other respects.

18 hrs.

**Shri Feroze Gandhi:** Not before the 21st.

**Shri T. T. Krishnamachari:** I am speaking about the 24th and 25th.

Some shares were quoted a little higher and some shares were quoted a little lower and the net result will be that if we take the day on which the shares have been purchased, there is a slight profit; the next day it declines. (*Laughter*) There is no use laughing because what he has done is an essay in making an attempt to show that particular shares have dropped.

**Shri Feroze Gandhi:** No, Sir. My attempt was to show that 21st backwards, right up to the 10th June, the prices of these shares are much lower than on the 24th and it drops on the 25th.

**Shri T. T. Krishnamachari:** On the 24th, there is one particular, share which he mentioned—Oslers, where the quotations certainly leave some room for doubt. If you take the over-all position of the share market quotation on that date, the losses were there—Rs. 1,01,995 and on the same day the profits in shares amount to Rs. 1,89,500. There is a plus difference on the basis of the market quotations which stands at Rs. 87,000. The next day the profit increases but the difference is in the matter of losses also and this increase converts Rs. 8,400 into a loss of Rs. 1,52,000.

**Shri Tyagi:** Were they purchased from the open market or by private treaty or was it from one person only? Was the price ranging on the day when the negotiations were started taken into account?

**Shri T. T. Krishnamachari:** I think I better read the statement. As I said the question really is this. I can only give the House what information I possess. I cannot speak with any particular knowledge.

**Shri Tyagi:** The House is anxious to know as to who was responsible for all this—whether it is the Minister or Shri H. M. Patel or anyone else? We want to name that man.

**Mr. Speaker:** The hon. Minister has already said that it is the business of the LIC.

**Shrimati Sucheta Kripalani** (New Delhi): Why were these investments made from Mundhra groups only? Were there not better companies in India?

(Interruptions).

**Mr. Speaker:** Order, order. The hon Minister must notice that although it is an autonomous Corporation, it is public money that has been invested. So, may I say that it is better some of these suspicions which had been explained are cleared once and for all here

**Shri T. T. Krishnamachari:** I should come to that question towards the end of my speech

**Mr. Speaker:** But the hon. Members are impatient

**Shri Dasappa** (Bangalore): When the negotiations.

**Shri T. T. Krishnamachari:** Now, don't ask any more questions.

**Mr. Speaker:** A number of questions have been put and he is answering one after the other

**Shri Dasappa:** This is a very relevant question

**Mr. Speaker:** No, no more questions

**Shri T. T. Krishnamachari:** There were facts that were mentioned I would like to state the facts as I know them. It is true that Mundhra approached the Corporation with an offer of sale of some of his holdings on the 21st June, and again on the 23rd June.

**Shri Feroze Gandhi:** That is why I gave the prices for the 21st.

**Shri T. T. Krishnamachari:** The hon. Member has given everything; he cannot take back what he has given. Shri Mundhra again approached them on the 23rd June.

**Shri Feroze Gandhi:** That is Sunday.

**Shri T. T. Krishnamachari:** It may be that the ruling sign on that day happens to be Sun.

Some of the proposals which he put forward, such as the sale of his shares in certain companies, were not accepted by the Corporation. After two or three rounds of discussions the Corporation finally agreed to purchase shares of those joint stock companies which were traded in the market. It was also agreed that the Corporation would pay him the prices as quoted by him or the prices ruling in the market on the date of the purchase, whichever were lower.

The negotiations for these purchases started on 23rd June, which was a Sunday, and completed on Tuesday, the 25th June. For obvious reasons, the Corporation could not keep the deal pending while making elaborate enquiries as to current market quotations; the prices in that event would have steadily gone up against them. It was, therefore, decided to make use of such information as was readily available on the 25th June. The Corporation ascertained the market prices of the various scrips from the commercial columns of the daily newspapers and also from some prominent brokers in Bombay who dealt with these scrips. For some scrips it was not possible to obtain current market quotations through these channels. Accordingly, a message was sent to Calcutta through the courtesy of the Times of India to which the following reply was received:—

"Following are the closing prices wanted: Smith Stanistreet Ordy. 13/- ."

**Shri Feroze Gandhi:** Received through the teleprinter?

**Shri T. T. Krishnamachari:** I suppose so. Then,

"Richardson and Cruddas Ordy. 15/25 (Pref. 82/- Osler and Lamp Ordy 4/- Pref. 75/-

The prices as received through this message were adopted for the purchase except where Shri Mundhra's

quotations happened to be below these prices.

**Shri Feroze Gandhi:** These are all wrong prices given by the PTI.

**Shri T. T. Krishnamachari:** For the preference shares of Smith Stanistreet & Co., the information, though asked for, was not readily available. The Corporation, therefore, made this purchase at Rs. 78/- per share which was the closing price as on 20th June 1957.

Thus, on the basis of the information that was readily available to the Corporation, they fully complied with the stipulation that the purchases were to be made at the quotations given by Shri Mundhra or at the market prices, whichever were lower. On this basis, there has been no overpayment.

Market quotations during the weeks preceding the purchase were influenced by the activities of speculators. Prices fluctuated rapidly and in both directions. If the Corporation had sought to make these purchases in the open market, the quotations would have gone up.

**Shri Tyagi:** This is a scandalous thing.

**Shri T. T. Krishnamachari:** The more important question is whether or not the purchases were made at prices which were of advantage to the Corporation from the point of securing a good return on its investment. At the prices at which preference shares were purchased, the tax free return on investments varies from 5.5 per cent. in the case of Jessop to well over 8 per cent. in the case of Smith Stanistreet & Company.

**Shri Feroze Gandhi:** What about Osler?

**Shri T. T. Krishnamachari:** Although the British India Corporation and Osler Electric Lamp Manufacturing Company had not shown similar progress in recent years, it is expected that, given proper management, the former which had nearly overcome its earlier difficulties and the latter

which was installing more modern machinery in its plant, would resume a reasonable dividend declaration. The purchases had been made undoubtedly without the prior consultation with the Investment Committee; but in accordance with the normal procedure the purchases were reported both to the Investment Committee and the Corporation at the following meetings. There comes the point that was mentioned—as to whether any record was made by a member of the Investment Committee. No record of this sort was made at both these meetings.

**Shri Feroze Gandhi:** Was the Investment Committee consulted before the 23rd?

**Shri T. T. Krishnamachari:** I have read.

**Mr. Speaker:** He says no. What more does he want?

**Shri Tyagi:** The Congress Party wants an enquiry into it.

**Mr. Speaker:** The hon. Members will get the facts first before an enquiry is started.

**Shri T. T. Krishnamachari:** At both these meetings, some of the members of the Investment Committee and of the Board specifically asked that in view of Shri Mundhra's association with these companies, the Corporation should keep a close watch on the future progress of these companies with a view to safeguard the Corporation's interests. At neither of these meetings was there any question raised as to the unreasonableness of the prices paid for the shares.

Subsequent to the Corporation's purchase throughout the month of July and for sometime in August, the market quotations were largely comparable to the rate of the Corporation's purchase. Further, during recent weeks, the Corporation received feelers sent through reliable brokers asking whether the Corporation would dispose of some of these

[Shri T. T. Krishnamachari]

shares at prices not lower than those for which they have made purchases. It is interesting that such offers are being made even at the present state of market.

**Shri Feroze Gandhi:** By which company? Jessop?

**Shri T. T. Krishnamachari:** The whole lot of that.

Now, I come to this question about an enquiry. The question really is this. My hon. friend Shri Feroze Gandhi mentioned certain developments that have taken place. I believe that in regard to one of the companies, Jessop, a member of the Investment Committee is now the Chairman, and the Board have invited the Zonal Director of the Corporation, Calcutta, to become a director. Steps were taken by the LIC to move the court in regard to Richardson and Cruddas. Sir Dhiren Mitra, a member of the Board of the Corporation, has been made an administrator. I believe some action is being taken in regard to Osiers. So far as BIC is concerned, the matter, I think, again is perhaps in court today, and an administrator is being appointed. So, these are matters which have to be straightened out first.

**Shri T. K. Chaudhuri (Berhampore):** What about Angelo? Is not Sir Dhiren Mitra a director of the Angelo Brothers already?

**Shri T. T. Krishnamachari:** These matters have to be straightened out first. And then, when my friend Shri Feroze Gandhi told me, "Why don't you have an enquiry?" I told him, "these matters which are now in a very nebulous why should be straightened out first." An enquiry at this time might probably prejudice some of the proceedings that have been taken.... (Interruptions).

**Shri Tyagi:** An enquiry was not demanded into the soundness or otherwise of these firms. Enquiry is de-

manded into the manner in which transaction was conducted.

**Dr. Ram Subhag Singh:** There have been three scandals and all under the same men: The jeep scandal, the sugar scandal and this is the third scandal, all under the same administration. Therefore, an enquiry is required. (Interruptions).

**Shri T. T. Krishnamachari:** The hon. Members must hear me. I do submit to this House, there is no question of burking an enquiry. As I said, the nature of the investment itself should be controlled by a different authority. That is a matter that I have put before the House.

**Shrimati Renuka Ray (Malda):** I would like to support an enquiry by Members of this House.

**Shri Ranga (Tenali):** That is for the future.

**Shri T. T. Krishnamachari:** Therefore, since these charges are made on the floor of the House and there is room for suspicion, one must clear even those officers who function, and in fact, the Chairman, and another director who does his work. Well, they must be asked. It may be that they have made a mistake. But then the extent of the mistake that they have made is a thing which has to be assessed. It will be unfair to load up that mistake by not straightening out factors now.

So, what I am suggesting is, I will certainly tell the House what we should do. I do not think I should straightaway say here and now when the enquiry will be made. An enquiry will have to be made. The House will have to know what it is about. On that I have absolutely no doubt at all, but the timing of it is a thing which will have to be left to the Government. I would like these matters to be straightened out.

**Shri Feroze Gandhi:** So, you agree to an enquiry; only the timing...

**Shri T. T. Krishnamachari:** Yes; the enquiry has to be made. But the nature of the enquiry and all that sort of thing is a matter which will have to be considered; and, the timing of it is very essential in view of the fact that certain interests have to be safeguarded and probably I do not think...

**Shrimati Subhadra Jeshi (Ambala):** What is the nature of the enquiry?

**Shri T. T. Krishnamachari:** It is not possible for me to tell those people to sell the shares. It is not even fair. If we are in difficulties, there is no point in a sort of unloading it. If actually shares are really worth it, they are not going to purchase it unless they are worth it. The matter will have to be gone into and the present tangles straightened out. Certainly an arrangement for enquiry has to be made and the enquiry will be made. .

**Shri Feroze Gandhi:** Members of Parliament will also be represented?

**Shri T. T. Krishnamachari:** I cannot commit myself to anything. Actually this is a matter in which I am not the sole member of the Government. What you have to do, what is the nature of the enquiry, who has got to do the enquiry are matters which will have to be considered. It is not a question of my agreeing to pressure, saying, well, I will have Members of Parliament or this or that. Nobody can make a promise about it. But I do admit that there should be an enquiry some time...

*(Interruptions)*

**Shrimati Renu Chakravartty:** When?

**Shri T. T. Krishnamachari:**... We will not burke the enquiry and the Parliament will have the full facts of the case.

**Mr. Speaker:** The House will now stand adjourned and meet again at 11 A.M. tomorrow.

18.18 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 17th December, 1957.*

(Monday, 16th December, 1957)

S.Q. No.	Subject	COLUMNS	S.Q. No.	Subject	COLUMNS
<b>ORAL ANSWERS TO QUESTIONS</b>					
1126	Railway lines on the Northern Railway . . . . .	5515—16	1139	Small savings drive in community development and N. E. S. Blocks . . . . .	5559
1128	Selection of candidates on Southern Railway . . . . .	5517—19	1140	Transport problem in Himachal Pradesh . . . . .	5559—60
1130	Port development programme . . . . .	5519—20	1141	Cattle census in Manipur . . . . .	5560
1131	June . . . . .	5520—23	1143	Theft in . . . . . Post Office . . . . .	5560—61
1132	Homoeopathic system of medicines . . . . .	5523—25	1145	Master Plan for flood control in Andhra Pradesh . . . . .	5561
1133	Post and Telegraph agreement with China . . . . .	5525—28	1146	Sugarcane crop . . . . .	5561—62
1137	Agriculture Ministers' Conference . . . . .	5528—29	1148	Chambal valley Hydel project . . . . .	5562
1142	Interest on loans to shipping companies . . . . .	5529—31	1151	Telegraph lines in Orissa . . . . .	5562—63
1144	Loans to Jhumias . . . . .	5531	1153	Fruit Experimental Station in Punjab . . . . .	5563
1147	Consumption of rice . . . . .	5531—34	1154	Shimsha Hydro-electric works, Mysore . . . . .	5563—64
1149	Second Ship Building Yard . . . . .	5534—36	1155	National extension service blocks . . . . .	5564
1150	Slum clearance in Jamuna Bazar, Delhi . . . . .	5536—37	1158	Hotel standards and rate structure committee . . . . .	5564
1152	Posts and Telegraphs Employees . . . . .	5537—40	1159	Amenity inspectors . . . . .	5564
1156	Dum Dum Aerodrome . . . . .	5540—41	1161	Family planning . . . . .	5565
1157	Yamuna Hydel Project . . . . .	5542—43	1164	Central investigating department in Railway Board . . . . .	5565
1160	Gosadans . . . . .	5543—45	1165	Railway passenger amenities . . . . .	5565—66
1162	Manduahuh Railway Workshop . . . . .	5545—47	1166	Turmeric . . . . .	5566—67
1163	Bridge near Mukerian Railway Station . . . . .	5547—48	1171	Opening of New Post Offices . . . . .	5567—68
1167	Master Plan for control of Brahmaputra floods . . . . .	5548—49	1172	Cash grants for eradication of T. B. etc. in various States during 1957 . . . . .	5568
1168	Potato seeds in Himachal Pradesh . . . . .	5549—51	1173	Konch reserve water project in Delhi . . . . .	5568
1169	Third Class Passengers' Amenities Committee . . . . .	5551—52	1174	Andhra Zone on Railways . . . . .	5568—69
<b>S.N.Q. No.</b>			1175	Substitutes for steel and cement in River Valley Project . . . . .	5569
5	Theft in Lucknow Mail . . . . .	5552—55	1176	Collision of bus and train . . . . .	5569—70
<b>WRITTEN ANSWERS TO QUESTIONS</b>			1177	Survey of leprosy in Manipur and Tripura . . . . .	5570
<b>S.Q. No.</b>			1178	Family planning training and research centres . . . . .	5570—71
1126-A	Foodgrains prices . . . . .	5556	1179	Ghaziabad-Tughlakabad railway line . . . . .	5571—72
1129	Guna-Ujjain Rail Link . . . . .	5556—57	1180	Cotton . . . . .	5572
1134	Pothundi Scheme, Kerala . . . . .	5557	1181	Railway siding . . . . .	5572
1135	"No Man's Land" Situation in Delhi . . . . .	5557—58	1182	Electric trains . . . . .	5572—73
1136	U.S. Aid for Malaria Control Programme . . . . .	5558	1183	Protection of railway lines and bridges . . . . .	5573
1138	Export of foodgrains . . . . .	5558	1184	Assistance to U.P. under National Water Supply and Sanitation Scheme . . . . .	5574

S.Q. No.	Subject	COLUMNS	U.S.Q. No.	Subject	COLUMNS
1185	Rice and paddy	5574	1703	Railway passenger amenities	5594
1186	Goods train accident	5575	1704	Jute production in Tripura	5594—95
1187	Transport cooperative societies	5575—76	1705	Selection of Class IV Officers	5595
1188	Family planning boards	5576	1706	Chira	5595—96
1189	Indo-Norwegian project	5576—77	1707	Sugar factories	5596—97
U.S.Q. No.			1708	Luggage guards	5597—98
1673	Foreign tourists	5577	1709	Survey of New Railway Line	5598
1674	Salaries of ticket collectors	5577—78	1710	Recruitment	5598—99
1675	Change of Post Office Names	5578	1711	Theft of utensils	5599—5600
1676	Level-crossing Gate, Nasik	5579	1712	Class I posts in accounts department	5600
1677	Financial assistance to Jammu and Kashmir	5579—80	1713	Telegraph offices in Rajasthan	5600
1678	Indian agricultural research institute, Delhi	5581	1714	Opening of post Office	5601
1679	Indian agricultural research institute	5582	1715	Passenger and goods earnings	5601
1680	Scheduled tribe railway employees	5582	1716	Coaches	5601—02
1681	Fifth development commissioners, Conference	5583	1717	Tea stall at Kalupara Ghat station	5602
1682	Minor irrigation projects	5583—84	1718	Rice	5602—03
1683	Wagons	5584	1719	Fruits in Himachal Pradesh	5603—04
1684	D.D.(P) A.	5584	1720	Community Development and N.E.S. Blocks in Punjab	5604
1685	Quarters for railway employees	5585	1721	Jagadhri railway workshop	5605
1686	Labour (Employment)	5585	1722	Rest houses	5605
1687	Nangal-Una railway link	5586	1723	Level crossings	5606
1688	Diesel trains	5586	1724	Railway accounts staff	5606
1689	Ticketless passengers	5586—87	1725	Training in labour laws	5606—08
1690	Class III posts	5587	1726	Passenger amenities	5608—09
1691	Gandak Project	5587—88	1727	Opening of a Sub-post Office at Kiratpur	5609
1692	"G.M.F." Scheme	5588	1728	Amritsar railway workshop	5609—10
1693	Aerodrome at Trichy.	5588	1729	Indore-Delhi rail link	5610
1694	Community Development and N. E. S. Block, Madras State	5588—89	1730	Telegraph signallers	5610
1695	Block development officers	5589—90	1731	Family planning centres in Punjab	5610—12
1696	Colonisation in Raja Park, Delhi	5590—91	1732	Remodelling of ongole station	5611
1697	Community projects in Iran	5591	1733	Railway service commission, Madras.	5611—12
1698	Dehra Dun forest research institute	5591—92			
1699	Howrah goods shed marksmen	5592			
1700	Train wrecking	5592—93			
1701	Cooperative Societies in Himachal Pradesh	5593			
1702	Acquisition of land in Manipur	5593—94			

# MOTION FOR ADJOURNMENT

5612—16

The Speaker postponed till 18th December, 1957, his decision on the admissibility of an adjournment motion given notice of by Shri H. N. Mukerjee and others regarding the reported inadequate arrangements in connection with the inauguration

## COLUMNS

## COLUMNS

of Suburban Electric Railway System at Howrah resulting in the death of two persons and injuries to others.

# MESSAGE FROM RAJYA SABHA

5616

Secretary reported a message from Rajya Sabha that at its sitting held on the 13th December, 1957, Rajya Sabha had agreed without any amendment to the Indian Railways (Amendment) Bill, passed by Lok Sabha on the 6th December, 1957.

# REPORT OF JOINT COMMITTEE PRESENTED

5616

Shri C. R. Pattabhi Raman presented the Report of the Joint Committee on the Mines and Minerals (Regulation and Development) Bill.

# BILLS INTRODUCED

5616—23

The following Bills were introduced:

- (i) The Prevention of Disqualification (Amendment) Bill,
- (ii) The Appropriation (No. 5) Bill.

# BILL PASSED

5617—23

The Minister of Finance (Shri T. T. Krishnamachari) moved the motion for consideration of the Appropriation (No. 5) Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.

# MOTION TO REFER BILL TO JOINT COMMITTEE ADOPTED

5623—5703

Further discussion on the motion to refer the Parliament (Prevention of Disqualification) Bill to a Joint Committee continued. After discussion the motion was adopted as amended.

# BILL UNDER CONSIDERATION

5703—38

The Minister of Finance (Shri T. T. Krishnamachari) moved the motion for consideration of the Additional Duties of Excise (Goods of Special Importance) Bill. The discussion was not concluded.

# DISCUSSION ON INVESTMENT OF LIFE INSURANCE CORPORATION FUNDS

5738—80

Shri Feroze Gandhi raised a discussion on the investment of the Life Insurance Corporation Funds. The Minister of Finance (Shri T. T. Krishnamachari) replied to the Debate.

# REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED

5762

Sixteenth Report was presented.

# AGENDA FOR TUESDAY, 17th DECEMBER, 1957 —

Consideration and passing of Prevention of Disqualification (Amendment) Bill and motion regarding International Situation.