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# LOK SABHA DEBATES

(Fifth Session)



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LOK SABHA SECRETARIAT  
NEW DELHI

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

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LOK SABHA

Thursday, 25th September, 1958

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Mrs. Joshi in Goa Jail

\*1584. **Shri V. C. Shukla:** Will the Prime Minister be pleased to state what steps were taken by Government in the past and what are proposed to be taken now to secure the release of Mrs. Sudha Joshi who has been in Jail in Goa since 1954?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The question of release of Shrimati Sudha Joshi was taken up through diplomatic channels. The nationality certificates of both Shrimati Sudha Joshi and her husband Shri Mahadeo Shastri Joshi have again been forwarded to Portuguese authorities to prove her Indian nationality. We like to hope that the Portuguese will release her soon.

**Shri V. C. Shukla:** May I know how many Indians are prisoners there apart from Mrs. Joshi?

**Shrimati Lakshmi Menon:** Three more.

**Shri V. C. Shukla:** Have the Government examined the question of the desirability of raising this question in UNO; if so, whether any decision has been taken in this connection?

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**Shrimati Lakshmi Menon:** I do not think the Government has taken any decision regarding raising this issue in the United Nations.

**Shri Goray:** Is it a fact that one of the officers of the Egyptian Embassy is shortly proceeding to Goa to meet these prisoners?

**Shrimati Lakshmi Menon:** Yes, Sir; it is correct.

**Shri Goray:** Has he been instructed to urge upon the Government there to give more facilities to Mr. Ranade who is in jail and who has been sentenced to 28 years' imprisonment?

**Shrimati Lakshmi Menon:** I cannot tell exactly what the instructions are. I think he will look into the conditions of prisoners and takes care that these people are properly treated.

**Shri Assar:** May I know whether it is a fact that the Portuguese authorities are unwilling to release her claiming that she is a Goan national? If so, will our Government warn the colonial authorities there that it is futile to attempt to divide the Goans and Indian nationals?

**Shrimati Lakshmi Menon:** I did not understand the latter part of the question.

**Mr. Speaker:** The hon. Member will repeat it a little more slowly.

**Shri Assar:** May I know whether it is a fact that the Portuguese authorities are unwilling to release her claiming that she is a Goan national? If so, will our Government warn the colonial Portuguese authorities that it was futile to attempt to divide Goans and Indian nationals?

**Shrimati Lakshmi Menon:** It is a fact that the Portuguese declined to release Shrimati Sudha Joshi on the ground that she is not an Indian national. So, we produced the nationality certificate of Shrimati Sudha Joshi. Then, they said that unless it is proved that her husband was also an Indian national at the time of the marriage, they cannot consider it. Now, we have also produced the nationality certificate of her husband to prove that he was also an Indian national at the time of the marriage.

**Shri B. K. Gaikwad:** May I know how many persons there are in jail from India today?

**Shrimati Lakshmi Menon:** I have just answered this question, Sir.

**Mr. Speaker:** Three, I think.

**Shrimati Lakshmi Menon:** Three besides Shrimati Sudha Joshi.

**Shri Goray:** In view of the fact that Mr. Ranade has been sentenced to 28 years and still he continues to be in the Panjim lockup, will Government instruct this officer of the Egyptian Embassy to take this question up with the Portuguese Government?

**Shrimati Lakshmi Menon:** This question was also answered by me, Sir.

**Shri Assar:** Is Government aware of a news item that appeared in the last week of July that she had been released on the 6th July? If so, have they tried to find out how this false report was circulated and whether the Portuguese authorities had any hand in it?

**Shrimati Lakshmi Menon:** I do not know how this false rumour was circulated. It was true that there was a newspaper report that Shrimati Sudha Joshi was released. On enquiry, we found that it was not correct.

### Prices of Cloth

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\*1585. { **Shri Shree Narayan Das:**  
**Sardar Iqbal Singh:**

Will the Minister of Commerce and Industry be pleased to state:

(a) the trend of prices in the principal cloth markets of India during the last six months;

(b) whether it is a fact that the prices have been constantly falling; and

(c) if so, the reasons therefor?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) The prices of cloth have been fairly steady in the principal markets, the variations being about one per cent.

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

**Shri Shree Narayan Das:** May I know how the prices prevailing now compare with the prices last year during the same period?

**Shri Satish Chandra:** The weighted average of various prices of coarse, medium, fine and superfine varieties is less this year as compared to the same time last year.

**Shri Shree Narayan Das:** May I know whether any study has been made as to the reasons why there has been no fall due to the decrease in the excise duties?

**Shri Satish Chandra:** The excise duties have been readjusted. Concessions have been given in some cases. There has been a slight increase in the cost of fine and superfine cloth; but the prices of coarse and medium cloth have more or less remained stationary.

**Shri Ranga:** Has it not been brought to the notice of Government by the Handloom Board and also by several organisations of the handloom weavers that the prices of handwoven cloth have been coming down and there has been a huge accumulation of cloth?

**Shri Satish Chandra:** Yes, Sir; the production of handloom cloth has been increasing and the offtake has not increased to the same extent. It is hoped that with the coming Dusserah, Durga Puja and Diwali season, the offtake of cloth will be better.

**Shri N. R. Munisamy:** As a result of the readjustment of the excise duty, is there going to be a reorientation in the outturn of production suiting consumption to the indigenous demand and the demand abroad?

**Shri Satish Chandra:** These changes in the excise duty have resulted in a slight change in the pattern of production. There is a tendency now among the producers of coarse cloth to switch over to medium cloth for which there is a greater demand.

**Shri Jadhav:** May I know whether the cloth produced in power looms is not being allowed to be processed by the mills?

**Shri Satish Chandra:** I do not know; power loom itself is a small mill.

**Shri Jadhav:** I mean processing.

**Shri Satish Chandra:** I am not aware of it. There is no restriction on their being processed in a mill, if a mill wants to undertake the job and a power loom wants to get it done.

**श्री रा० क० वर्मा :** क्या मंत्री महोदय यह बताने की कृपा करेंगे कि क्या मिल-मालिक कपड़े की जात में हलके रीड और पीक चला उस को हलकी बना कर सस्ता बेचने की कोशिश कर रहे हैं ?

**श्री सतीश चन्द्र :** अगर एमी कोई शिक्षादात आयगी, तो उस की तहकीकात की जायगी ।

**श्री रा० क० वर्मा :** क्या माननीय मंत्री ने टेक्सटाइल एक्वायरी कमेटी की रिपोर्ट को देखा है, जिस में साफ़ बताया गया है कि मिल-मालिक कपड़े की जात में हलके रीड

और पीक चला कर उस को हलकी बना कर सस्ता बेचने की कोशिश करते हैं ?

**श्री बजरज सिंह :** उन्होंने ने पढ़ी नहीं है ।

**वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) :** रिपोर्ट में अगर कहा गया है, तो उन्होंने उपाय भी बताया है और जो उपाय उन्होंने बताया है उस के अनुसार कार्यवाही करने की कोशिश की जायगी ।

**Shri Rameshwar Tantia:** About 30 mills which were closed before the excise relief was given are still closed and the Government is running only the Sholapur mill. May I know whether Government is thinking of running the other mills in the same way?

**Shri Lal Bahadur Shastri:** We have to consider various steps in order that the mills which are closed could be opened. The conditions are different in the case of each and every mill. They are closed not on account of one reason; there are different reasons. We will, certainly, consider them and do whatever is possible in the light of the recommendations made by the Textile Enquiry Committee Report.

#### Decentralization of Administration

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\*1586. { **Shri Ram Krishan:**  
**Sardar Iqbal Singh:**  
**Dr. Ram Subhag Singh:**  
**Shri Shivananjappa:**  
**Shri Rami Reddy:**  
**Shri Keshva:**

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

(a) the names of the States which have accepted the recommendations of the study team for Community Development and National Extension Service in regard to democratic decentralisation of administration;

(b) the names of the States which have implemented the said recommendations; and

(c) the measures taken by the State Governments for implementing the recommendations?

**The Deputy Minister of Planning (Shri S. N. Mishra):** A statement is laid on the Table of the House. [See Appendix VI, annexure No. 77].

**Shri Ram Krishan:** From the statement I find that most of the States are preparing Bills for the democratic decentralisation of administration. In view of this fact, may I know whether the Central Government proposes to prepare a model Bill for the guidance of the States and to expedite this matter?

**Shri S. N. Mishra:** The idea is that the democratic structure suited to its conditions should be worked out by each State. There is no idea that there should be any uniformity insisted upon in this respect.

**Shri Ram Krishan:** May I know the names of the States which have agreed to appoint a chairman from non-official members for these institutions?

**Shri S. N. Mishra:** I think this matter has been coming up before the House so often. The view of the Planning Commission is that it is the concern of the State Government to see whether there should be a non-official or an official as Chairman.

**Shri Shivananjappa:** The answer speaks of the constitution of the taluk advisory committees and district advisory councils. May I know what will happen to the panchayats in this administrative set-up?

**Shri S. N. Mishra:** The panchayats are the very basis of this structure.

**Shri Basappa:** What steps are taken by the Government to increase the finances of the panchayats?

**Shri S. N. Mishra:** That question is entirely different.

**Shri Shree Narayan Das:** The hon. Deputy Minister has stated that it has been left to the various State Governments to decide as to the chairmanship, whether it should go to the official or the non-official. I would like to know whether the Planning Commission itself has given thought to this and has made any suggestion in this regard?

**Shri S. N. Mishra:** I have already indicated the view of the Planning Commission. It is the concern of the State Governments to see whether he should be an official or a non-official.

**Shri Tangamani:** In the statement I find that the Madras State has abolished the district boards. A new panchayat Bill has been introduced in the legislature. May I know whether this Bill has become law and whether it has followed the recommendations of the Balwantray Mehta Committee's report?

**Shri S. N. Mishra:** There were two Bills before the Madras Legislature. One Bill had been passed and another Bill is still on the anvil. So far as the principle behind the Mehta Committee's report is concerned, it has been accepted by the Madras Government and the progress in this direction is indeed very good in that State.

**Shri Tangamani:** May I request that question 1633 may also be taken up along with question 1587? The concluding part of the latter question asks about the number of persons who have expressed a desire to come to India while the other question deals with the number of repatriates who have come to Madras State and the help given to them.

**Mr. Speaker:** The hon. Minister may answer both these questions together.

**Indian Nationals in Ceylon**

- \*1587. {  
 Shri Ram Garib:  
 Shri Ram Krishan:  
 Sardar Iqbal Singh:  
 Shri D. C. Sharma:  
 Shri Shree Narayan Das:  
 Shri P. C. Borooah:

Will the Prime Minister be pleased to state:

(a) the number of Indian residents in Ceylon, who have been granted citizenship rights by the Ceylon Government as on the 31st August, 1958;

(b) the number of applications pending at present for registration;

(c) number of those stateless persons who have expressed desire to come to India to the Indian High Commission in Ceylon; and

(d) number of those who have been permitted to come to India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) 94,824 persons upto the end of June, 1958. Later figures are not available.

(b) 9,673 covering 31,836 persons approximately.

(c) and (d). These so-called stateless persons are, in the opinion of the Government of India, the responsibility of the Government of Ceylon. The question of permitting them to visit India is a matter for the Government of Ceylon to decide.

**Repatriates from Ceylon**

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 \*1633. Shri Tangamani:  
 Shri N. R. Munisamy:

Will the Prime Minister be pleased to state:

(a) the number of repatriates who have come so far to India from Ceylon;

(b) the number of those who have settled down in the Madras State; and

(c) the total help given by the Central Government for the rehabilitation of these repatriates?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) 63,852 between 1954 and 30th June, 1958.

(b) The Government of Madras report that 44,971 repatriates have settled down in the Madras State from October, 1954 to the end of August, 1958.

(c) No financial assistance has been rendered by the Central Government. The repatriates have however been treated liberally by the Indian Customs Department in the transfer of their assets from Ceylon.

Shri Tangamani: May I know whether the Central Government have received any proposals from the Madras Government as to the assistance given to these repatriates and if so, what is the reaction of the Government?

Shri Sadath Ali Khan: Yes, Sir. The Government of Madras had, in May, 1957, appointed a special officer for investigating the conditions of repatriates from Ceylon who had settled down in the Madras State. The findings of this Special Officer of the Madras Government have very carefully been studied in the Ministry of External Affairs. The conclusions reached were, firstly, that the repatriates in almost all cases returned to the original home and hearth they had left behind; secondly, that the repatriates were allowed to transfer their earnings and possessions to India and thirdly, that the repatriates were treated exceptionally liberally by the Indian Customs. In view of the above considerations, it was felt that no special assistance need be given to the repatriates from Ceylon. The Government of Madras did send us some suggestions but on these grounds we were unable to accept them.

Shri Ram Krishan: May I know the number of those who have settled in other parts of India?

**Shri Sadath Ali Khan:** I am unable to answer that question. I have no information with me as to how many have settled down in other parts of India.

**Shri Sinhasan Singh:** What percentage of these people had their own houses and lands in India on which they came and settled down and what is the percentage of those who had none?

**Shri Sadath Ali Khan:** It is hard to say. I think almost all of them had their own homes and hearths in India.

**Some Hon. Members:** No, no.

**Shri M. R. Krishna:** May I know whether any assistance has been given or whether there was any talk between the Government of India and the Government of Ceylon on the recent trials and also looting of the Indian businessmen's shops in Ceylon?

**Shri Sadath Ali Khan:** Our High Commissioner in Ceylon is looking into these but I do not know whether that question arises out of this question.

**Shri Hem Barua:** How many of those 10,000 Tamilians who were forced to ask for shelter in police stations in Colombo as a result of the riots there and asked for repatriation, if any are repatriated and how many of them are included in the number that the hon. Minister has just now cited?

**Shri Sadath Ali Khan:** I would require notice.

**Shri Tangamani:** May I know whether it is not one of the recommendations of the Madras Government that people who have come from Ceylon should be given some concessions in the employment in the railways and the postal department and also some facilities for exports to Ceylon?

**Shri Sadath Ali Khan:** Yes, Sir.

**Shri Ramanathan Chettiar:** In view of the strong feelings in the South,

particularly in the Madras State over this question, what steps are the Government taking to expedite the consideration of this matter in consultation with our High Commissioner in Ceylon and to give such reliefs as are needed?

**Shri Sadath Ali Khan:** If the hon. Member is referring to the Indian citizenship of these repatriates coming away to India the work is progressing fairly well and I will read out to you these things, if you permit me.

**Mr. Speaker:** He may do so if it is not very long.

**Shri Sadath Ali Khan:** It is not very long.

First of all, the progress of disposal of applications for Ceylon citizenship under the Indian and Pakistani Residents (Citizenship) Act is as follows:

2,37,934 applications were filed for their registration as citizens of Ceylon by persons of Indian origin in Ceylon by the due date which was 4th August, 1951. The Ceylon Government has so far accepted 21,127 applications covering 94,824 persons and rejected 1,95,842 applications covering 6,75,464. Another, 7,392 applications covering 36,028 persons are reported to have been withdrawn. 2,27,361 applications covering 8,06,316 have been disposed of upto the end of June, 1958. Only 9,673 applications are still pending disposal.

This is for the Ceylon citizenship. The Indian High Commissioner has registered 21,295 persons as Indian citizens upto the end of June, 1958. Our High Commission issues repatriation certificates in the case of only those persons who are registered as Indian citizens or who hold Indian travel documents.

**Shri Subbiah Ambalam:** May I know whether one of the recommendations of the Madras Government is

that small-scale industries should be started in that area in order to provide employment to these people and also that two spinning mills should be started in these areas to give employment to these repatriates?

**Shri Sadath Ali Khan:** They had forwarded various recommendations but, as I have stated earlier, in view of the facts already mentioned, we did not feel it necessary to accept these recommendations of the Madras Government.

**Shri Thanu Pillai:** Amongst the applicants to the Indian High Commission, may I know how many people who have acquired Ceylon citizenship have applied again for Indian citizenship?

**Shri Sadath Ali Khan:** I want notice to answer that question.

**Shri Ranga:** Have Government considered the need for providing relief, in some such way as has been offered to those who have had to come away from Pakistan, to all these people who have had to come away from Ceylon especially after the recent riots; and, if they have not considered it, do they propose to give early consideration to this matter?

**Shri Sadath Ali Khan:** Sir, I have tried to answer these questions. I do not know exactly what relief has been given to the victims of the riots who have come away. I will enquire into the matter.

**Shri N. R. Munisamy:** Sir, recently the highest court in Ceylon had given a verdict that all persons who applied for registration of citizenship in Ceylon must get themselves registered irrespective of the fact of their having made remittances from Ceylon to India, and in spite of that applications have been pending. May I know whether there has been any correspondence on this matter between the Prime Minister of India and the Prime Minister of Ceylon.

**Shri Sadath Ali Khan:** Sir, I require notice.

### Naga Hostiles

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\*1588. { **Shri Panigrahi:**  
           **Shri D. C. Sharma:**

Will the Prime Minister be pleased to state:

(a) the number of Naga hostiles who have surrendered during 1st February to the 31st August, 1958;

(b) the number of Naga prisoners released during the above period; and

(c) the quantity of arms surrendered by them?

The Parliamentary Secretary to the Minister of External Affairs (**Shri J. N. Hazarika**): (a) 856.

(b) 33.

(c) 64.

**Shri Panigrahi:** What was the strength of the hostiles when the hostilities began, and what is their present strength?

**Shri J. N. Hazarika:** We do not know the exact strength of the hostiles at the beginning of their activities, but at the moment I think their number has much reduced.

**Shri Panigrahi:** May I know whether any attempt was made to establish contacts with the leaders of the Naga hostiles by sending a delegation of loyal Nagas to those areas, and whether it is a fact that the six-member Naga delegation which went to have contacts with the leaders of the hostile Nagas did not return to report to Government?

**Shri J. N. Hazarika:** I do not know how it does arise out of this. But there is a Liaison Committee set up by the Select Committee for the Naga People's Convention. That Liaison Committee has already met the hostiles, and the members of that Committee have tried to explain away the present position.

श्री भक्त बर्मान : इस समाचार में कहा तक सत्यता है कि जिन नागा कैदियों को रिहा किया गया या क्षमादान दिया गया या जिन्होंने आत्म समर्पण किया वे फिर जाकर विद्रोहियों से मिल गये हैं ?

**Shri J. N. Hazarika:** No, Sir; those who have surrendered have not gone back. We have now more than 1000 hostiles who have come over ground, and we have no instance of their going back.

**Shri Hem Barua:** May I know how many of the Naga hostiles who crossed the Cachar-East Pakistan border—some of whom are believed to be emissaries of Naga hostiles who have met Phizo and come back—have been so far apprehended and arrested?

**Shri J. N. Hazarika:** I require notice to give an exact answer to that.

**Shri Basumatari:** May I know the names of the members of the Liaison Committee?

**Shri J. N. Hazarika:** The President of the Naga People's Convention, Dr. Imkong Liba Ao, is the Chairman of the Liaison Committee also. I do not know the names of other members.

#### Raw Materials for Industries

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\*1589. { **Shri N. R. Munisamy:**  
**Shri Bibhuti Mishra:**  
**Shri Rameshwar Tantia:**  
**Shri S. C. Samanta:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the representatives of the All India Manufacturers Organisation met him in May, 1958 and represented to him regarding the shortage of various kinds of raw materials required for the industries;

(b) if so, the steps taken or proposed to be taken in the matter;

(c) what are the total requirements of India for raw materials such as

steel, pig iron and non-ferrous metals for the development of our industries in 1958-59; and

(d) how Government propose to meet the requirements therefor?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Yes, Sir.

(b) to (d). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 78].

**Shri N. R. Muniswamy:** Towards the end of August, 1958, the Export Promotion Advisory Council and also the Import Promotion Advisory Council met. May I know whether Government referred these representations to any of these Councils; and, if so, what are their reactions?

**Shri Satish Chandra:** The Export Promotion and Import Promotion Advisory Councils do not deal with representations received from other parties. They are consultative bodies where the Ministry of Commerce and Industry discuss round the table problems faced by the importers, exporters and the industry.

**Shri Rameshwar Tantia:** May I know whether Government are considering the question of re-adjusting the import policy by which the factories manufacturing imported articles do not suffer due to want of raw materials?

**Shri Satish Chandra:** The matter is kept constantly under review, and every effort is made to keep the industries going within the limitation of imports of raw materials and the availability of foreign exchange.

**Shri S. C. Samanta:** As regards steel for small scale industries, may I know whether the total requirement for 1957-58 was available; if so, why only 9,000 tons of steel was allotted for West Bengal against their demand of 44,000 and unwanted varieties were also supplied to them?

**Shri Satish Chandra:** It is true that the full steel demanded by the various States could not be supplied, but the allocation of steel for small-scale industries has been going up from one licensing period to the other.

**Shri S. C. Samanta:** I want to know why unwanted steel was supplied when the steel demanded was not available, and that too at a high price?

**Shri Satish Chandra:** I do not know whether unwanted steel was supplied. The fact is that allocation for small-scale industries has been gradually increasing. Even in the current licensing period the quantity allocated for small-scale industries is more than the quantity allocated in the previous six months or the corresponding period in the last year.

**Shri N. R. Munisamy:** From the statement I find that some relaxation has been allowed in respect of certain items of industries. May I know what are those specific items in respect of which relaxations or liberalisation in import restrictions have been allowed?

**Shri Satish Chandra:** In the case of a scheduled industry, whenever a shortage of steel is felt and there is a likelihood of the production being hampered below the previous year's production, efforts are made to supply special quantities of steel.

**Shri V. P. Nayar:** I find from the statement that special provision has been made in the Export Promotion Schemes for the import of industrial raw materials. May I know whether it is a fact that such concessions are also allowed on, what is called, prospective exports and, if so, what are the conditions or the guarantees taken from those prospective exporters and how are such guarantees fulfilled?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** In some cases action may have been taken on the lines suggested by the

hon. Member, but it was in very few cases. This scheme of linking exports with imports is under our close examination, and we will be taking our decision very soon. It will have to be decided in the case of each commodity differently.

**Shri V. P. Nayar:** May I know whether it is a fact that owing to lack of clarity in the policy framed by Government in respect of export promotion and imports thereto, undue advantage has been taken and on furnishing mere information that firms are trying to export so many lakhs worth of goods in many cases Government have been forced to give import licences for values far incommensurate with the possibility of exports?

**Shri Lal Bahadur Shastri:** I shall be glad if the hon. Member will give me a few specific cases.

**Shri V. P. Nayar:** I have given him already.

**Shri Banga:** Is the same consideration being shown to the needs of agricultural industry for supplies of iron and steel as is being shown to small-scale industries?

**Shri Lal Bahadur Shastri:** It is for the Food and Agriculture Ministry to make any recommendations to us, and very recently, in a particular matter, the Food and Agriculture Minister did mention to me regarding the import of certain commodities for the development of agriculture. I said we will most sympathetically consider those proposals.

**Shri Bimal Ghose:** Now that Government have some firm idea about the foreign exchange assistance that we might get, is it possible for the Government to say to the industry the quantum of essential raw materials that they would get for the rest of the Plan period so that they may adjust their policies according to it?

**Shri Lal Bahadur Shastri:** It will not be possible to do so in so far as this licensing period is concerned.

We have yet to wait to know the exact assistance and aid or loan that we might get, but, during the course of the next few months, it might be possible to consider the suggestion made by the hon. Member.

**Shri S. C. Samanta:** May I know whether it is a fact that when Government could not supply specific allotments demanded by the States they supply an excess of other categories and, if so, whether those items of other categories go to the market and the small-scale industries have to pay a higher price?

**Shri Lal Bahadur Shastri:** I want to inform the hon. Member that we do not want to supply unwanted steel to the State Governments or to the industry. But as there has been an acute shortage of supply of steel, we have sometimes to supply them steel which was not in accordance with their needs or requirements. For example, the Russian steel which had come to this country had to be supplied to various State Governments. It has to be fabricated according to the needs of the industry concerned. So, the State Governments or the industries have to make a special effort or even have to undergo some difficulty in order to meet their needs in the present difficult circumstances.

सूती वस्त्र उद्योग के लिये मजूरी बोर्ड

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\*१५६०. { श्री पद्म देव :  
श्री वाजपेयी :  
श्री स० म० बनर्जी :  
श्री तंगामणि :

क्या श्रम और रोजगार मंत्री १६ अप्रैल, १९५८ के अतिरिक्त प्रश्न संख्या २४८२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि सूती वस्त्र उद्योग के लिये मजूरी बोर्ड ने इस बीच क्या प्रगति की है ?

श्रम उपमंत्री (श्री आबिद अली) : बोर्ड न अब तक बम्बई, कानपुर, दिल्ली, अहमदाबाद और कलकत्ता में सम्बन्धित

पक्षों के बयान लिखे हैं। देश के दूसरे कपड़ा उद्योग केन्द्रों में भी बोर्ड जायेगा।

**An Hon. Member:** It may be read in English also.

**Mr. Speaker:** Yes.

**Shri Abid Ali:** The Board has so far heard the parties at Bombay, Kanpur, Delhi, Ahmedabad and Calcutta. It has still to visit a number of textile centres in India.

**श्री पद्म देव :** क्या माननीय मंत्री यह बतला सकेंगे कि यह काम कब तक खत्म हो जायेगा ?

**श्री आबिद अली :** अभी यह कहना मुश्किल होगा क्योंकि बहुत सी जगहों पर बोर्ड को जाना है और सम्बन्धित पक्षों से बातचीत करनी है, उसके बाद वह उस पर विचार करेगा और फिर अपनी रिपोर्ट बनायेगा। अभी उसका अंदाजा देना मुश्किल है।

**Shri Tangamani:** This Textile Wage Board under Shri Jheejibhoj was appointed more than two years ago. May we know at least now whether this report will be before us at the end of this year at least?

**Shri Abid Ali:** This Board was not appointed two years back. It was appointed on 30th March, 1957. I have just replied to the previous question that it is difficult, at this stage, to give any indication of the time by which we will receive the report, because too much work has to be done. In this Board both workers' and employers' representatives have been appointed. So they have to hurry up.

**श्री रा० क० वर्मा :** क्या श्रीमान्, को यह ज्ञात है जैसा कि उन्होंने फरमाया कि वेज बोर्ड, बम्बई, कानपुर, दिल्ली और अहमदाबाद वगैरह गया था, बम्बई और अहमदाबाद में जब वेज बोर्ड गया तो कम्युनिस्ट्स समर्थित यूनियन की तरफ से वेज बोर्ड के सामने कोई वडेंस देने नहीं आया ?

**श्री आशिष घली :** इस बारे में मैंने एक भ्रमवार में तो पढ़ा था लेकिन बोर्ड की तरफ से मुझे कोई ऐसी सूचना नहीं मिली ।

**श्री रा० क० वर्मा :** क्या श्रीमान्, को यह ज्ञात है कि वेज बोर्ड ने सम्बन्धित उद्योगपतियों और ट्रेड यूनियनों से सितम्बर १९५७ के अन्त तक प्रश्नावली के उत्तर में मेमोरेडम मांगा था लेकिन कम्प्युनिस्ट्स समर्थित टैक्सटाइल फ़डरेशन की तरफ से अभी तक उनकी प्रश्नावली के उत्तर में उनका मेमोरेडम न आने से वेज बोर्ड को कार्यवाही करने में देरी हुई ?

**श्री आशिष घली :** मैं फिर वही अज्ञं करूंगा कि इस क्रिसम की कुछ चीज़ बम्बईके एक भ्रमवार में मैंने देखी थी । भ्रम भ्रगर उमकी तफ़सील माननीय सदस्य को चाहिये तो वे उमके लिये नोटिस दे और मैं उसको बोर्ड से मंगा कर पेश कर दूंगा ।

**Shri Dasappa:** In view of fact that the Government have appointed three Wage Boards already—apart from one for textiles, they have appointed Wage Boards for sugar as well as for the cement industry—and in view of the fact that many things are common like the rise in the cost of living index and so on, may I know what arrangements are made for integrating the work so far as the ascertainment of these facts is concerned?

**Shri Abid Ali:** A suggestion was made that the Chairman of these three Boards may meet and again a suggestion was also made that all the members of the Wage Boards may meet together, and this was forwarded to the respective Wage Boards.

**श्री रा० क० वर्मा :** क्या श्रीमान् को यह ज्ञात है कि कपड़ा उद्योग के संचालकों द्वारा मौजूदा कथित क्राएसिस को बढ़ा चढ़ा कर प्रचार करने के कारण वेज बोर्ड के कार्य में भी विघ्न पैदा हो रहा है ?

**श्री आशिष घली :** वेज बोर्ड का यह ख्याल तो है कि जो कपड़े की क़ामत है और जो उद्योग की हालत है वह बहुत अच्छी नहीं है और इस काम को क्रोरन कर लेने से शायद वह जो पहले उन्होंने समय का ख्याल किया था, उस नतीजे तक नहीं पहुंच सके और इसलिए कुछ धीरे धीरे जाने का विचार है ।

**श्री रा० क० वर्मा :** श्रीमान्, मेरा यह निवेदन है.....

**Mr. Speaker:** I cannot allow the hon. Member to go on talking like this.

**श्री रा० क० वर्मा :** अध्यक्ष महोदय, एक छोट्टा सा सवाल है । वेज बोर्ड का ख्याल ऐसा बनाने की गरज़ से ही इस उद्योग के संचालकों ने प्रलत तौर से इस क्राएसिस का प्रचार किया है ।

**श्री आशिष घली :** मेरे लिये यह कहना तो मुश्किल होगा ।

**Shri Tangamani:** May I know whether, in view of this delay of 18 months, the Government will give directions to the Wage Boards that they will come out with an interim award before the end of this year?

**Shri Abid Ali:** It is for the workers' representatives to make this suggestion there, and we will forward this suggestion also to the Wage Board.

**Shrimati Sucheta Kripalani:** Just now the hon. Minister said that the members of the Wage Board are deliberately slowing up the progress of the work for certain reasons. May I know whether the Government also agree with those reasons or whether the Government are willing to take some steps to see that the work of the Wage Board is expedited?

**Shri Abid Ali:** That was not my intention.

### Non-ferrous Metals

\*1592. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any complaints from manufacturers of non-ferrous metals against the presence of 10 per cent. Zinc in Copper for rolling sheets; and

(b) if so, what action has been taken on the matter?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Yes, Sir.

(b) Indian Standard Institution propose to lay down standards for the Copper Sheets.

**Shri V. P. Nayar:** Question 1629 may also be answered along with this.

**Shri Satish Chandra:** That question relates to copper and prices.

**Mr. Speaker:** The same hon. Member gives two or three more questions deliberately. I have distributed them. I am not going to allow it.

**Shri V. P. Nayar:** When we give notice of questions we do not know which question comes last, and in one question I cannot cover all the details.

**Shri Satish Chandra:** That is an entirely different question about the price.

**Mr. Speaker:** Yes.

**Shri V. P. Nayar:** It is not different.

**Mr. Speaker:** But the hon. Minister feels so. What can I do?

**Shri V. P. Nayar:** I cannot help that.

**Mr. Speaker:** Shri V. P. Nayar.

**Shri V. P. Nayar:** What will be the price differential between copper and zinc so that 10 per cent. of zinc in copper can be calculated in terms of the value of the profit arrived at?

**Shri Satish Chandra:** I would require notice for that.

**Shri V. P. Nayar:** May I know whether it is a fact that some of the copper re-rolling mills deliberately have 10 per cent. of zinc in the copper sheets in order to earn more profits than what are allowed now by the Copper Control Order?

**Shri Satish Chandra:** There were one or two complaints sometime ago that zinc was being mixed with copper sheets. Thorough enquiries were made and it was found that no scheduled industry was indulging in this practice. But there were some small rolling mills in Bombay which had done this. As there are no standard specifications, the Indian Standards Institution has been requested to lay down specifications so that they can be enforced in future.

**Shri Rameshwar Tantia:** May I know whether it is a fact that the distribution of copper is in such a way that all the big manufacturing plants are getting it and on account of that, the small industries in Jagadhri and Ludhiana have been closed, as they are not getting the material at the same price?

**Mr. Speaker:** How does it arise out of this question? It is only mixing up.

**Shri V. P. Nayar:** The hon. Minister says that complaints have been received about the presence of 10 per cent. of zinc in copper sheets. He also says that such complaint has not been made against any units, except very small units. May I know whether it is not a fact that complaints have been made of the presence of 10 per cent. or over of zinc in copper sheets rolled by Kamani Engineering Works?

**Shri Satish Chandra:** No, Sir, sheets like that were put in the Bombay market and on enquiry, it was found that some small re-rolling mills were doing it. No legal action could be taken against them, till specifications were laid down.

**Shri Rameshwar Tantia:** Question No. 1629 which you allowed to be replied at the same time may be taken.

**Mr. Speaker:** I did not allow it. Next question.

#### Verification of Claims

\*1593. **Shri Daljit Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that there has been much delay in the verification of claims against Railway Co-operative Credit Societies;

(b) if so, the reasons therefor;

(c) whether Government are aware that the retired Railway employees are suffering hardships because of the non-payment of money against their claims; and

(d) whether Government have considered the question of giving interim relief to the claimants on the basis of *ad hoc* verification of claims?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). The Co-operative Societies in Pakistan and India have expressed their inability to settle the claims payable by them till they receive amounts recoverable by them from their migrant members. With a view to resolving this difficulty it has been agreed that the two Governments should exchange by the end of December, 1958, lists showing the amounts payable by the Co-operative Societies to their migrant members and the amounts recoverable by them from their migrant members. The question of recovering from the individual Co-operative Societies the amounts payable by them will thereafter be taken up.

(c) Yes, many representations have been received from the ex-employees of North Western Railway in this connection.

(d) The matter was examined in consultation with the Ministries of Railways and Law, but the grant of interim relief in such cases was not found to be feasible.

**Shri Daljit Singh:** May I know the number of such cases pending?

**Shri P. S. Naskar:** As I have said, we have not got any exact figures about the pending cases, because the last date is December, 1958. After that, we will know the position.

**Shri Daljit Singh:** May I know the time by which the payment of money against these claims is expected to be made?

**Shri P. S. Naskar:** The position is that the claimants have to wait for some time for the payment of their dues by the co-operative societies.

**Shri Ram Krishan:** May I know the reason for not giving interim relief to the claimants?

**Shri P. S. Naskar:** The reason is, so far as the settlement of these claims on *ad hoc* verification is concerned, it may be pointed out that the money is payable by the co-operative societies and not by the Government.

#### Conference on Refugee Rehabilitation

\*1594. **Shri Bimal Ghose:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether any representative or representatives of any political party or parties were invited to the high level conference held at Calcutta in July, 1958 to take decisions about rehabilitation of displaced persons from East Pakistan; and

(b) if so, the criterion adopted in inviting such representatives?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) No representative of any political party as such was invited.

(b) Does not arise.

**Shri Bimal Ghose:** May I know if the President of the West Bengal Provincial Congress attended this conference?

**Shri P. S. Naskar:** Shri Atulya Ghosh, M.P., was present there.

**Shri Bimal Ghose:** Do I understand that certain Members of Parliament in their capacity as Members of Parliament were invited?

**Shri P. S. Naskar:** None was invited.

**Shri Bimal Ghose:** May I know in what capacity Shri Atulya Ghosh attended this conference?

**Shri P. S. Naskar:** Shri Atulya Ghosh is a prominent citizen of West Bengal and he is interested in the refugee problem. So, he attended it. (Interruptions).

**Shri Bimal Ghose:** Is no other citizen of West Bengal interested in the refugee problem?

**The Minister of Law (Shri A. K. Sen):** No other citizen, including the hon. Member, offered to attend the conference and express his view.

**Mr. Speaker:** What is the good of this? Hon. Members might be invited later on.

**Shri V. P. Nayar:** The hon. Minister says that one Member of this House has been invited in view of the special interest he has taken in rehabilitation. We have never heard Shri Atulya Ghosh speak a word on rehabilitation here.

**Shri A. K. Sen:** The hon. Deputy Minister never said that Shri Atulya Ghosh was invited; he said quite the contrary.

**Shri Bimal Ghose:** The hon. Law Minister gave wrong information, because there was nothing published either in the papers or otherwise inviting Members to be present at that meeting. Then Members could have taken advantage of it.

**Shri A. K. Sen:** This conference was publicised in the papers quite a few days before it actually took place. Nobody was invited either to attend or not to attend it.

**Shri Bimal Ghose:** It was a ministerial conference.

**Mr. Speaker:** Hon. Members must have shown greater interest. (Interruptions). Let us proceed. Shri Maniyangadan.

**Shri Bimal Ghose:** The hon. Law Minister should not give incorrect information. It was stated in the papers that it was a conference of Ministers. How can citizens or ordinary Members be invited to attend such a conference?

**Shri Hem Barua:** The hon. Deputy Minister said that Shri Atulya Ghosh attended the conference as Member of Parliament. After he attended the conference as Atulya Ghosh, M.P., the newspapers flashed it like this: "Atulya Ghosh, President of the West Bengal Provincial Congress.....".

**Shri Bimal Ghose:** It was not a newspaper report; it was a Government Press communique.

**Mr. Speaker:** Next question.

#### Cardamom Board

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\*1595. { **Shri R. Narayanasamy:**  
**Shri Maniyangadan:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether there has been a demand from the Cardamom growers for the constitution of a Board on the lines of the Tea Board; and

(b) if so, what action has been taken thereon?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**  
(a) Yes, Sir.

(b) The matter is under consideration.

**Shri R. Narayanasamy:** Cardamom is grown in the States of Kerala, Madras and Mysore.

**Mr. Speaker:** What is the question?

**Shri R. Narayanasamy:** There are Tea Board, Coffee Board and Rubber Board. Why should not a Cardamom Board be constituted on a statutory

basis and its scope and activities enlarged to cover all aspects of plantation, protection, improvement, research and marketing of cardamom on the lines of the Coffee, Tea and Rubber Boards?

**Shri Satish Chandra:** A proposal has been received to that effect. As I said, it is under examination. But the House will appreciate that the production of cardamom is about 1400 tons in the country, out of which 1,000 tons are exported. So, whether a Cardamom Board is a feasible proposition for this small production is a matter to be examined, specially when there are no export problems at present.

**Shri Tangamani:** May I know whether the Government have taken steps to increase the production of cardamom in these three States, in view of the fact that there is an export possibility of this commodity?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** This is a matter which deserves consideration and the possibility of export seems to be quite bright. Hence we will consider that matter and see how we could help in the development of cardamom.

**Shri R. Narayanasamy:** Will the Government undertake a survey of the cardamom-producing centres?

**Shri Satish Chandra:** The Indian Council of Agricultural Research and the agricultural departments of various State Governments look after the interests of the cardamom-growing areas. A symposium was held recently under the auspices of the Indian Council of Agricultural Research at Mercara and these problems were discussed there also.

**Shri V. P. Nayar:** The hon. Minister says that there are no problems, because the export is only to the tune of 1,000 tons. May I know whether Government are aware that if a part of it is converted into products like tincture-cardamomium and other derivatives, our export earnings from

cardamom will be increased substantially, and if so, what are the steps taken for that?

**Shri Satish Chandra:** Hon. Member has gone from cardamom to chemical industry. He may put a separate question. Government would be prepared to encourage the setting up of any chemical industry which uses cardamom as raw material. But some party must come forward to undertake that job.

**Shri Achar:** May I know the amount of foreign exchange earned by export of cardamom?

**Shri Satish Chandra:** The foreign exchange earned during 1957-58 was Rs. 2.72 crores.

**Shri Ranga:** In view of the fact that the I.C.A.R. concerns itself mostly with research only, is it not necessary for the Government to offer special assistance, apart from whatever can be done by way of research by I.C.A.R., for storage purposes and also for supplying credit to the people to grow cardamom plantations and so on?

**Shri Satish Chandra:** I said in the beginning in answer to the main question that the matter is receiving consideration. The only question is whether there should be a separate body for cardamom or there can be one body for all these spices put together.

#### Raw Film Factory

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\*1596. { **Shri Subodh Hansda:**  
          { **Shri S. C. Samanta:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a firm from the U.S.A. had offered a proposal to the Government of India to start a raw film factory in this country;

(b) whether Government have accepted that proposal; and

(c) if so, what are the terms and conditions of the proposal?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) No, Sir.

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

**Shri Subodh Hansda:** May I know whether Government have received any proposal other than this?

**Shri Satish Chandra:** As the House is aware, a proposal is under consideration for sometime for the setting up of a raw film factory in collaboration with an East German firm. That is the only offer. Regarding the question put by the hon. Member, there has been no offer at all from U.S.A. except that a representative of some factory visited this place to assess the possibilities of establishing a factory. Later on, the firm expressed inability to set up a factory here.

**Shri Subodh Hansda:** Because of the heavy import of raw film into the country is the Government taking any initiative of its own for the establishment of raw film factory?

**Shri Ranga:** With the help of some other country?

**Shri Satish Chandra:** The matter is under consideration. Government wishes to establish a factory in the public sector for the production of raw films.

**Shri Jadhav:** How do the price of raw film compare with that of last year?

**Shri Satish Chandra:** I require notice for that.

**Shri S. C. Samanta:** May I know whether any contact has been made with any other country for this purpose?

**Shri Satish Chandra:** The proposal of East Germany is in a very advanced stage of consideration. Experts have come and gone and the project report has been received. It is in the final stage. Our Minister of Industries, who is now in America, may visit Germany also, if possible, on his way back, to finalise these matters.

**Shri Heda:** May I know the amount which we have to pay as foreign exchange for importing raw film even after the restrictions? What is the demand for raw films?

**Shri Satish Chandra:** I do not know the exact value. The demand is about 300 million cubic metres and may go up to 400 million by the end of the Plan period. The cost of cinematograph film imported in 1956-57 was Rs. 1.45 crores and other photographic films etc. Rs. 2.2 crores.

#### **Tyre Manufacturing Companies**

**\*1598. Shri Chandak:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the tyre manufacturing companies have taken any steps towards increased participation of Indian capital in their enterprise as recommended by the Tariff Commission;

(b) if so, the total Indian capital invested in the above companies so far;

(c) if the reply to part (a) is in the negative the reasons therefor; and

(d) the steps proposed to be taken in the matter?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) to (d). A statement is laid on the Table of the House

#### *Statement*

Of the tyre companies, there are only two namely, Messrs. Dunlop Rubber Company (India) Ltd., and Messrs. Firestone Tyre and Rubber Company (India) Ltd., which are manufacturing concerns. As regards Dunlops, the principal shareholders, Messrs. Dunlop Rubber Company (U.K.) are in the process of disposing of 3,36,500 ordinary shares of Rs. 10 each to the Indian public thus reducing their holding from about 90 per cent. to 51 per cent. In the new issue of ordinary shares of Rs. 140 lakhs also,

the U.K. firm has taken up only 51 per cent. shares in Messrs. Dunlop Rubber Company (India) Ltd.

2. The paid up share capital of Messrs. Firestone Tyre and Rubber Company (India) Ltd., is only Rs. 20,000. The question of Indian participation in the share capital of this concern will be kept in view when it asks for sanction to issue additional capital.

**Shri Chandak:** May I know whether the non-tyre manufacturing companies have been asked to wind up their business?

**Shri Satish Chandra:** They have not been asked to wind up their business. But there are many tyre companies which get part of their goods manufactured by other tyre-manufacturing companies in India.

**Shri Chandak:** May I know what are the percentages of Indian capital participation in the two proposed tyre factories in Madras and Bombay.

**Shri Satish Chandra:** The existing factories or the future factories?

**Shri Chandak:** The proposed factories.

**Shri Satish Chandra:** Three new factories are proposed to be set up. One firm, Ceat Tyres, have entered into collaboration with Tatas, where the Indian capital would be 40 per cent. initially, to be raised gradually to 50 per cent. There is another proposed factory in collaboration with Daton Rubber Company, in which the equity capital will be 50:50. The National Rubber Company, which will be set up in Calcutta, will be an Indian company.

**Shri Chandak:** May I know whether the proposed tyre factory at Bombay will be with the collaboration of the Italian firm, who are new in the line and who will work with American patent and, if so, why the promoters have not been asked to get direct participation of the U.S. firm?

**Shri Satish Chandra:** The Tatas have selected their collaborators. So, they must have taken into consideration the suitability of that firm to render help before they came forward with their proposal.

**Shri V. C. Shukla:** From the statement it appears that Messrs. Firestone Tyre and Rubber Company have only Rs. 20,000 as paid-up share capital. May I know how they are manufacturing tyres with this paid-up capital? Do they bring in loans etc. from outside?

**Shri Satish Chandra:** Firestone is a large tyre manufacturing company. It is obviously the subsidiary of its foreign company abroad. It has been registered here for convenience in operations with a nominal capital. There are no other shareholders.

**Shri Ramanathan Chettiar:** In view of the low percentage of Indian shareholding in the existing companies what steps will the Government take to negotiate with those companies to see that they increase the shareholding of Indian participants?

**Shri Satish Chandra:** If the hon. Member looks into the statement he will find that in the Dunlop Rubber Company, which is the only company with a big share capital, is reducing its foreign capital. The percentage has gone down from 90 to 51, and that is being offered to Indian shareholders.

#### Supply of Water in the Bapu Park

\*1600. **Shrimati Sucheta Kripalani:** Will the Minister of Works, Housing and Supply be pleased to state the time by which it would be possible to supply unfiltered water in the urban localities of South Delhi and in particular the Bapu Park?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** The supply of unfiltered water in the Government Colonies on the South of Delhi is expected to be available by the end of 1959. For other localities like the Bapu Park, which are under the Municipal Corpó-

ration of Delhi, no proposal for supply of unfiltered water is at present under the consideration of the Corporation.

#### Short Notice Questions

**Closing down of Ferry Services by Bombay Steam Navigation Company, Limited**

15. { Shri Assar:  
Shri Jadhav:  
Shri Nath Pai:

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

(a) whether it is a fact that Bombay Steam Navigation Co. Ltd., Bombay have already stopped the ferry service of Bombay to Rewas and Bombay to Purnagad Line;

(b) if so, reasons thereof;

(c) whether Government is aware that stoppage of services has caused great inconvenience to the residents of Bombay and Konkan; and

(d) if so, what steps have been taken by the Government to continue the ferry services?

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

(b) According to the Company the two services have been running at a loss.

(c) Yes, Sir.

(d) In regard to the Bombay-Purnagad service, it has been ascertained that all the ports except Purnagad will be visited thrice weekly as before though integrated with the Bombay-Dabhol Vengurla services. As far as visiting Purnagad port is concerned, the Steamer Company is prepared to issue through tickets via Ranpur paying themselves the bus fare from Ranpur to Purnagad.

As regards the harbour service to Rewas which comes within the purview of the State Government, the Steamer Company has explained that as soon as their launch is repaired, their Board will consider resumption

of this service. Meanwhile as the foul season is over, private launches have started operating to Rewas and inconvenience to passengers has been removed.

**Shri Assar:** If losses are there, have the Government tried to ascertain whether these losses are real or manipulated? In view of the assurance given by the Chief Minister of Bombay last year to a Jân Sangh delegation to enquire into the losses, have Government looked further into the matter?

**Shri Raj Bahadur:** The latter part of the question can only be answered by the Government of Bombay.

In regard to the first part, a regular enquiry was held into this matter by an ex-Judge of the Bombay High Court, Mr. Justice Lokur, who went into the whole question and it was on his report that we allowed an increase in the fares to the extent of 10 per cent.

**Shri Nath Pai:** Is it not a fact that the Bombay Steam Navigation Co., which is a subsidiary of the Scindias, is showing a loss whereas the parent company is showing a profit which runs into millions?

**Shri Raj Bahadur:** That is largely a fact, Sir.

**Shri Nath Pai:** Have Government tried to find out whether this closure of some of the harbours which the Company's ships used to touch earlier is the first step to carrying out their threat? Is the closure of some of the harbours which were formerly touched by the ships of this line the first step to closing down the whole line and whether it is a method of coercion to get such concessions as they have been demanding from the Government?

**Shri Raj Bahadur:** Various interpretations can be put on this. It is difficult for us to probe into the mysteries of the hearts of these particular people who are running these particular services. But it is true that they have resumed their services to a good extent. Only one particular port has

been eliminated from the regular run of the steamer service. That is where the matter stands now.

**Shri Nath Pal:** Last year in this House Shri Lal Bahadur Shastri stated that before the end of September, 1957, the ships of this Company would start touching the harbour of Malvan. It is more than 17 months since a hundred thousand people are deprived of their only means of communication with Bombay. May I know what steps are now being taken by the Government in this regard?

**Shri Raj Bahadur:** The question pertains to two services other than the one referred to by the hon. Member. We are deeply conscious of the inconvenience that is caused to passengers. The responsibility in this behalf has to be shared both by the Central Government and the State Government. Some of the services are entirely harbour services for which the State Government is responsible. Even so, we are trying our level best to do what we can in the circumstances.

**Shri Jadhav:** May I know whether the service at present is carried only for six days in a week?

**Shri Raj Bahadur:** That is according to the time schedule which they have fixed for themselves.

**Shri Jadhav:** Even though an increase of 15 per cent. in fares has been allowed, the boats are not working.

**Shri Raj Bahadur:** It is 10 per cent.

**Shri Nath Pal:** Is it a fact that the Company is threatening to close down its line once a week? May I know whether there will be an assurance that it will be only one day?

**Shri Raj Bahadur:** They say that on Tuesday, which is supposed to be a bad day for going to sea, they do not propose to run their services. That is the superstition. This is the information I have got.

**Mr. Speaker:** The hon. Minister is saying that it is the sentiment that is observed.

**Shri Raj Bahadur:** On that particular day, they propose to close their services. I do not know whether it is Tuesday or some other day.

#### Vacation of Residential Buildings in Jharia

**16. Shri Bose:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that large number of people residing in the Station area of Jharia Town have been served with notice under Section 144 Cr. P.C. at the instance of the Mines Department to vacate their houses as the area is likely to subside;

(b) if so, the facts of the matter; and

(c) whether an enquiry by experts is proposed to be held to ascertain the actual condition as desired by the aggrieved people?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). Due to the existence of underground fire in No. 10 and 11 seams of the Khas Jharia Colliery, certain houses situated in the Jharia Town were got vacated by the district authorities in 1933. During a recent inspection of the area, it was found that 22 of the houses which were vacated had been re-occupied and 8 new houses constructed. As the area is considered to be dangerous because of the existence of underground fire in one of the coal seams, and of unstable workings in another, the occupants of these 30 houses have been served with notice to vacate the same.

(c) The Chief Inspector of Mines inspected the area on the 16th September 1958 and he also is of the opinion that the area is not safe for these people to live there.

**Shri Bose:** May I know whether the hon. Minister has seen the telegram sent by the sufferers that the

area has been inspected by Coal Board engineers and has been declared as a safe area and that there is no need to vacate the place?

**Shri Abid Ali:** Yes, Sir. Such a telegram has been received from the persons who have been unauthorisedly occupying these houses. We will send this telegram again to the Chief Inspector of Mines to examine in the light of the suggestions made therein.

**Shri Bose:** May I know whether the Government propose to appoint a committee of experts consisting of engineers, both of the Mines Department and of the Coal Board, to make a joint examination of the area to see how far this area is safe or unsafe?

**Shri Abid Ali:** The Chief Inspector of Mines himself is sufficiently a qualified and experienced person to give an opinion in this matter. We do not think that any other opinion will be necessary.

**Shri V. C. Shukla:** May I know if Government have investigated whether coal seams are being worked under or near other colliery towns and if so, whether any precautions are being taken now to see that such mishaps or fires do not occur?

**Shri Abid Ali:** Fires would occur so long as mines are working. Of course, the attempt is to minimise these fires.

**Shri S. C. Samanta:** The hon. Minister says that an underground fire was seen in 1953 and again it has been seen in 1958. May I know whether some fissures were found in the meantime from which gas was coming out or smoke was coming out and if so whether any steps have been taken in the meantime or are proposed to be taken in future?

**Shri Abid Ali:** This question pertains to these 30 houses which have been occupied unauthorisedly. I did not mention any fire of the kind as hon. Member has misunderstood. I said that in 1933 these houses were vacated and have again been occupied and that these persons have been

asked to vacate because it is not safe to live there. This question is limited to this sphere only.

**Shri S. C. Samanta:** Last year in the newspapers we read that in some place near about Jharia there was underground fire and that somewhere smoke was coming out. If so, may I know what steps the Government or the Department have taken for preventing that fire?

**Shri Abid Ali:** A mine there is on fire for more than 20 years. All that is possible in this connection, i.e., to seal it and not to allow this fire to extend further, is being done by the Department.

**Shri Bose:** May I know if Government propose to take any precaution in the case of collieries working in congested towns with heavy buildings?

**Shri Abid Ali:** Yes, Sir. The function of the Mines department is to be on the watch with regard to these matters and all that is necessary is being done. They do take precautionary steps and also warn the parties if it is necessary.

#### WRITTEN ANSWERS TO QUESTIONS

##### Production of Cement

\*1591. **Shri Sanganna:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the enhanced price for cement with effect from the 30th June, 1958 has helped in increasing the production of cement in the country; and

(b) if so, to what extent?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). While the enhanced price paid to cement producers with effect from the 1st July, 1958, should normally have a beneficial effect in encouraging the implementation of expansion schemes, it is not possible at this stage to estimate precisely the effect. It may, however, be added that this increase in the ex-factory prices

has not resulted in any change in the equalised price of Rs. 117.50 nP. per ton f.o.r. destination at which the State Trading Corporation is selling cement to the consumers.

### Import of Automobile Tyres

\*1597. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether *ad hoc* licences to import automobile tyres were granted in the past two years;

(b) if so, the names of the parties to whom these licences were granted together with the value of each licence;

(c) whether the licences were fully utilised;

(d) whether it is a fact that the Tariff Commission had recommended the introduction of an element of competition in the import of tyres; and

(e) if so, the reasons for departing from the recommendations of the Tariff Commission?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Yes, Sir.

(b) A statement is laid on the Table of the House. [See Appendix VI, annexure No. 79.]

(c) Information regarding the extent to which the licences were utilised is not available.

(d) Yes, Sir.

(e) As the prices of imported tyres were ruling high it was considered desirable to arrange for a common pooled price for both imported and indigenous tyres.

### Land for Rehabilitation

\*1599. **Shrimati Renu Chakravarty:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether requisition has been made to Ministry of Railways by the West Bengal Government to permit

the 54 acres of vacant and water-logged land owned by Eastern Railway in Mouza Ghola and Vamanpur under Panihati Municipality P.S. Khardah 24 Parganas to be used for refugee rehabilitation; and

(b) if so, the action taken thereon?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). The State Government have informed that they made a reference to the Ministry of Railways about the transfer of certain land belonging to them (Railways) in Mouza Ghola, P.S. Khardah in August, 1958. A reply is still awaited.

### फरीदाबाद का कस्बा

\*१६०१. श्री प्रकाश बीर शास्त्री : क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) फरीदाबाद के कस्बे में, जहाँ बहुत कम कारखाने हैं, रहने वाले बहुत से बेरोजगार विस्थापित परिवारों को काम दिलाने के लिये क्या प्रबन्ध किये गये हैं; और

(ख) उनमें स्थानीय श्रमिक कितने हैं और बाहर के लोग कितने हैं ?

पुनर्वास उपमंत्री (श्री पू० जे० नास्कर) :

(क) फरीदाबाद में ४० से भी अधिक कारखाने स्थापित किये जा चुके हैं और इन में लगभग २६०० शरणार्थियों को रोजगार मिलता है। कुछ शरणार्थी निजी व्यापार और कामों और फरीदाबाद डिवलपमेंट बोर्ड की मदद से रोजगार पाते हैं। किमी दूसरे कस्बे में पुनर्वास मंत्रालय ने इतनी बड़ी तादाद में कारखाने स्थापित नहीं किये हैं। सरकार सब शरणार्थियों को रोजगार दिलाने की जिम्मेदारी नहीं ले सकती। सारे देश में रोजगार की हालत को देखते हुए स्थिति का अदालोकन करना है।

(ख) इन कारखानों में २६०० शरणार्थी और २६०० गैर-शरणार्थी काम करते

हैं। गलत-सूचनाओं में से १२०० व्यक्ति टैकनीकल और कलात्मक कामों में लगे हुए हैं।

तिहाड़ बस्ती में विस्थापित व्यक्ति

\*१६०२. श्री नवल प्रभाकर : क्या पुनर्वास तथा अत्यावश्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली की तिहाड़ बस्ती में जो अपने मकान बनाने के लिये ५०० रुपये विस्थापित व्यक्तियों को वित्तीय सहायता के रूप में दिये गये थे उसके बदले में दावों की रकम में से उन से १०४० रुपये वसूल किये गये थे ;

(ख) क्या यह सच है कि बाद में वसूली की राशि बढ़ा दी गई थी; और

(ग) यदि हां, तो कितनी और इस के क्या कारण हैं ?

पुनर्वास उपमंत्री (श्री पू० छे० नास्कर) :

(क) सरकारी जमीन पर छोटे टेनोमेंट बनाने के लिये शरणार्थियों को ५०० रुपये दिये गये थे। गैर-दावेदार शरणार्थियों को दी गयी यह रकम अनुदान समझी गयी थी और उन से केवल जमीन की कीमत वसूल की गयी थी। दावेदार शरणार्थियों के दावों में से इस ५०० रुपये की रकम के प्रतिरिक्त जमीन की कीमत भी वसूल की गयी थी।

(ख) जी हां।

(ग) कालोनी में अधिक सुविधाओं पर खर्च के कारण १३५० रुपये।

बस्ती के निर्यात नें करी

\*१६०३. श्री अजयचन्द्र सिंह : क्या वास्तुविद्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ब्रिटेन को भारतीय बस्ती का निर्यात बंद रखा है ?

(ख) यदि हां, तो इसके क्या कारण हैं ; और

(ग) इस स्थिति को सुधारने के लिये सरकार ने क्या उपाय किये हैं, या करने का विचार है ?

वास्तुविद्य तथा उद्योग उपमंत्री (श्री सतीश चन्द्र) : (क) जी हां।

(ख) इसके कारण हैं मांगों में कमी होना, प्रतियोगिता बढ़ जाना तथा लंकाशायर में बन सकने वाले स्थानीय माल का सम्भवतः अधिक उपयोग होना।

(ग) निर्यात बढ़ाने के सामान्य उपाय करने और उत्पादन शुल्कों को युक्तियुक्त आधार पर लाने के अलावा स्थिति पर बराबर नजर रखी जा रही है और उसका अध्ययन किया जा रहा है।

#### Jungpura Bridge

\*1604. Shri Sarju Pandey: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the special investigation officer has submitted his report regarding the causes of damage to the approach road to the Jungpura bridge (Delhi);

(b) if so, what are his findings; and

(c) what action has been taken thereon?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes, Sir.

(b) His findings are that the damage was due to the cumulative effect of the following:

(i) The unprecedented heavy rain on the 20th-21st of July 1968.

(ii) Improper and inadequate consolidation of earth work, particularly near the abutments of subways and bridges;

(iii) Lack of provision for drainage of water collected on the road surface between the kerb stones, particularly when the level of the roads was kept 3" below the level of the road slabs over the adjoining bridges and culverts, in order to receive an additional wearing coat of metal in due course.

(c) The work of rectifying the defects has already been undertaken by the contractors at their own cost. The findings of the Chief Technical Examiner are under detailed examination with a view to fixing the responsibility of the various officers as well as the contractors for the defects mentioned above.

#### Supply of Arms by U.S.A. to Pakistan

\*1605. Shri U. C. Patnaik: Will the Prime Minister be pleased to state:

(a) whether the Government of India are aware of the particulars of superior weapons supplied to Pakistan by U.S.A.; and

(b) if so, the details thereof?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Government of India do not have particulars of superior weapons supplied by U.S.A. to Pakistan.

(b) Does not arise.

#### मध्य प्रदेश में कागज की मिलें

\*१६०६. श्री जांढे : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय सरकार को मध्य प्रदेश सरकार अथवा गैर-सरकारी लोगों की ओर से मध्य प्रदेश में इटारसी और बिलासपुर में साधारण कागज बनाने के लिये कारखाने स्थापित करने के हेतु प्रार्थनापत्र मिले हैं ; और

(ख) यदि हाँ, तो क्या उन पर कोई कार्यवाही की गई है ?

वाणिज्य तथा उद्योग उपमंत्री (श्री सतीशचंद्र): (क) और (ख). एक विवरण सभा पटल पर रखा जाता है।

#### विवरण

कलकत्ते के मैसर्स ग्रोरिएन्ट पेपर मिल्स लि० ने १९५१ के उद्योग (विकास तथा नियमन) अधिनियम के अधीन बिलासपुर के पास १८,००० टन कागज और गत्ता प्रतिवर्ष बनाने का एक नया कारखाना खोलने के उद्देश्य से लाइसेंस प्राप्त करने के लिये १८ दिसम्बर, १९५७ को एक प्रार्थना पत्र दिया था। लाइसेंस देने वाली समिति ने इस पर ३० जुलाई, १९५८ को विचार किया और इसे अस्वीकार कर देने की सिफारिश की क्योंकि यह फर्म बिलासपुर में लुग्दी बनाने की योजना क्रियान्वित करने में सन्तोषजनक प्रगति नहीं कर सकी थी। लेकिन समिति ने सुझाव दिया है कि यदि यह फर्म चाहे तो ६ महीने बाद फिर नये प्रस्ताव पेश कर सकती है। ११ सितम्बर, १९५८ को इस आशय के निर्णय की सूचना फर्म के पास भेज दी गई है। इटारसी में कागज का कारखाना स्थापित करने का कोई प्रस्ताव नहीं आया है।

#### Export of Iron Ore

\*1606-A. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to lay a statement showing:

(a) the total quantity of iron ore exported from the Sukinda mines in Orissa during 1956-57, 1957-58 and 1958-59 so far;

(b) the quantity of iron ore contracted to be exported from the Sukinda mines annually by the State Trading Corporation of India (Private) Ltd.; and

(c) the quantity of iron ore contracted to be exported through the private agencies from the Sukinda Iron Ore Mines?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) 1956-57 53,710 tons on State Trading Corporations account.  
1957-58 2,73,700 tons  
1958-59 63,000 tons  
(till end of August) (Year from 1st July to 30 June)

(b) It will not be in the business interest of the State Trading Corporation to disclose the information.

(c) From 1st July 1957, iron ore is exported only on State Trading Corporation's account.

### राजस्थान में खादी बुनकर

\*१६०७. श्री प० सा० बाबूपाल : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान में ग्रामोद्योग और खादी उद्योगों में काम करने वाले बुनकरों को अपने उत्पादन केन्द्रों द्वारा तैयार की गई खादी तथा कपड़ा बेचने के लिये अखिल भारतीय खादी तथा ग्रामोद्योग बोर्ड और चर्खा मंच प्रमाण-पत्र नहीं दे रहे हैं ;

(ख) यदि हां, तो इसके क्या कारण हैं ; और

(ग) क्या सरकार जानती है कि हजारों की संख्या में कतवारी और बुनकर इस कारण बेकार हो गये हैं ?

वाणिज्य तथा उद्योग उपमंत्री (श्री सतीश चन्द्र) : (क) और (ख) जी, हां। काफी अरसे से चली आ रही परम्परा के अनुसार खादी तथा ग्रामोद्योग कमीशन की प्रमाण-पत्र देने वाली समिति अलग अलग बुनकरों को प्रमाण-पत्र नहीं देती। ये प्रमाण-

पत्र उन सोसायटियों, ट्रस्टों आदि को दिये जाते हैं जो कमीशन द्वारा निर्धारित नियमों तथा शर्तों का पालन करते हैं।

(ग) यह बात सरकार के ध्यान में नहीं लाई गई। लेकिन अगर ये कतवारी और बुनकर प्रमाणित संस्थाओं से अपना सम्बन्ध जोड़ लें तो उन्हें काम मिलेगा और ग्राम सुविधायें भी मिलेंगी, जैसे कि रुई मिलना और उनका काता हुआ सूत निर्धारित मजदूरी देकर लिया जाना।

### Allotment of Raw Films

\*1608. Shri P. C. Borooah: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any special consideration is given in the matter of allotment of raw films for the production of films in regional languages which are not so much developed like Assamese and Oriya;

(b) if so, the nature thereof; and

(c) the number of permits issued in 1958 for films in Assamese and Oriya languages?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**  
(a) and (b). Applications for allotment of raw films for pictures in such regional languages are considered on ad hoc basis.

(c) Precise information for the year 1958 is not available. However, three permits for Assamese films and four for Oriya films have been issued since the distribution of raw films has been regulated.

**Hindustan Motors Limited, Calcutta**

\*1609. Shri Subiman Ghose: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Short Notice Question No. 17 on the 29th April, 1958 and state:

(a) the number of trucks and buses manufactured by M/s. Hindustan

Motors Limited Calcutta in collaboration with M/s. Studebaker Packard Corporation of the U.S.A.

(b) the quantity of Studebaker trucks, chassis and other motor parts which were imported by M/s. Hindustan Motors under their manufacturing programme for Studebaker vehicles; and

(c) the number of such Studebaker vehicles purchased by various departments of the Government of India out of the imported vehicles by M/s. Hindustan Motors and the total amount paid therefor?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):  
(a) A statement is laid on the Table of the House.

*Statement*

A phased manufacturing programme for Studebaker Vehicles was approved for M/s. Hindustan Motors Ltd., Calcutta, in November, 1953 after the first enquiry by the Tariff Commission into the automobile industry. The production figures of Studebaker trucks and buses from 1954 onwards are given below:—

Year	No. of units.
1954	.. 1118
1955	.. 2360
1956	.. 2736
1957	.. 1137
1958 (Jan-July)	.. 1039

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

**Tea Garden Labour**

\*1610. Shri Dasaratha Deb: Will the Minister of Labour and Employment be pleased to state:

(a) whether there is an agreement between the tea garden owners and the Tripura Administration that labour staff will be provided ration by the tea garden owners;

(b) whether some tea garden owners have refused to supply ration;

(c) if so, their number; and

(d) the steps taken by the Administration to implement the agreement?

The Deputy Minister of Labour (Shri Abid Ali): (a) No; however, the responsibility for supplying rice to tea garden workers rests with the management of the gardens according to an order issued under the Minimum Wages Act, 1948.

(b) and (c). 6 gardens.

(d) The Tripura Administration have been trying to persuade the garden authorities to supply rice at concession rates or to pay subsidy in cash to the labourers in lieu of rice to cover the difference between the market price of rice and Rs. 20/- per maund as notified by the Administration under the Minimum Wages Act.

**Bicycle Factories in Ludhiana (Punjab)**

\*1611. { Shri Harish Chandra  
Mathur:  
Shri Ajit Singh Sarhadi:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that several units in Ludhiana (Punjab) engaged in the manufacture of cycle parts have closed down;

(b) if so, what are the reasons for their closure;

(c) the extent to which the large units have stepped up production of cycles during the course of last 3 years;

(d) what is the revised target; and

(e) how it is proposed to implement it?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):  
(a) No, Sir.

(b) Does not arise.

(c) A statement is laid on the Table of the Lok Sabha.

*Statement*

Year	Production (No. of bicycles)
1955	491,171
1956	663,969
1957	790,579
1958	483,544

(January to June, 1958)

(d) The Plan target is 1.25 million bicycles for the year 1960-61.

(e) Government have approved the full capacity, and with the present trend in the increase of production of bicycles it is expected that the target would be achieved.

**Import of Tobacco**

\*1612. Shri Nanjappa: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 916 on the 4th September, 1958 and state:

(a) the purpose for which the un-manufactured tobacco is imported from Ceylon and places where it is needed;

(b) whether any steps have been taken to grow this variety and quality of tobacco in the country; and

(c) if so, where and with what result?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) For chewing in Kerala State.

(b) Yes, Sir.

(c) Shertallai in Kerala State. Results of experiments indicate the possibility of growing this variety in this region.

**Films Divisions**

\*1613. Shri Wedeyar: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the Union Government are contemplating to have two films divisions, one for the South and the other for North India; and

(b) if so, the reasons thereof?

The Minister of Information and Broadcasting (Dr. Kekar): (a) No, Sir.

(b) Does not arise.

**Shortage of X-Ray Films**

\*1614. { Shri H. N. Mukerjee:  
Shri Tangamani:  
Shri S. M. Banerjee:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that because of shortage of X-ray films the X-Ray Department of the Calcutta Medical College Hospital has closed since the 6th August, 1958;

(b) what steps Government have taken to ensure that X-Ray films would be available to hospitals; and

(c) whether there is any proposal to supply the X-Ray films through the State Trading Corporation of India (Private) Ltd., and if so, when?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) Government have no information about the closing down of the X-Ray Department of the Calcutta Medical College Hospital due to shortage of films.

(b) and (c). Besides issue of licences to established importers, efforts are being made to secure supplies of X-Ray films, through the State Trading Corporation which may be able to meet partly the requirements of the various State Governments.

**"India—1958" Exhibition**

\*1615. **Shri Vajpayee:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether arrangements for the "India—1958" Exhibition due to commence on 1st October, 1958 have been completed;

(b) if not, the broad details of the work which has been completed and the work that remains to be done; and

(c) the steps being taken to expedite completion of the work?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) The arrangements are in the process of completion.

(b) and (c). The allotment of space has been completed and more than 50 per cent of the construction work is finished. The remaining work is progressing satisfactorily and it is expected that the Exhibition will be inaugurated on the scheduled date.

**Industrialisation in Kerala State**

\*1616. { **Shri Warrior:**  
**Shri V. P. Nayar:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of India have permitted schemes for Production-cum-Training Centres, for Machine Tools, Stainless Steel, Tin, Electric Motors for Kerala State as schemes of the First Five Year Plan;

(b) whether the setting up of these factories requires works to be carried out by the C.P.W.D.;

(c) whether these factories are not being set up expeditiously; and

(d) if so, the reason therefor?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) A Centre for the manufacture of electric motors at Thiruvalla, one for small machine tools and hand tools at

Ettumanoor, one for Stainless Steel Utensils at Attingal, and one for tin printing and tin containers at Moovattupuzha were sanctioned during 1956-57.

(b) Out of these four Centres the work relating to construction of building at Thiruvalla only has been entrusted to the C.P.W.D. The Centre at Ettumanoor is located in the industrial estate set up by the Kerala Government. Construction of buildings at Attingal and Moovattupuzha has been taken on hand departmentally by the Regional Director, Small Industries Service Institute, Madras.

(c) and (d). The electric motor Centre has started functioning in a temporary shed attached to the Regional Institute, Madras. It will be shifted to Thiruvalla within a month when the building there is expected to be completed. The Centre at Ettumanoor has already started functioning. The construction of buildings at Attingal and Moovattupuzha is being taken up on priority basis and as soon as the buildings are constructed, these Centres will commence functioning.

**मूर्तियों की स्थापना**

\*१६१७. श्री भक्त वशंत : क्या निर्माण, धावास और संभरण मंत्री ११ अप्रैल, १९५८ के तारंगित प्रश्न संख्या १६२४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) दिल्ली और नई दिल्ली में उपयुक्त स्थानों पर मूर्तियों की स्थापना करने के बारे में सरकार को सलाह देने वाली समिति ने अब तक क्या प्रगति की है ;

(ख) उक्त समिति ने अब तक क्या क्या सिफारिशों की हैं ; और

(ग) उन सिफारिशों पर क्या कार्यवाही की गयी है ?

निर्माण, प्राधान्य तथा संभरण उपसंबंधी (श्री अनिल कुं. चन्दा): (क) और (ख). इस विषय में प्रगति नहीं की जा सकी क्योंकि आवश्यक वित्तीय साधन युक्त सुझावों का प्रभाव है, जिसके कारण समिति ने अभी तक स्थायी सिफारिशें नहीं दी हैं।

(ग) संवाक पैदा ही नहीं होता

**Manufacture of Gliders**

\*1617-A. { Shri Halder:  
Shri S. M. Banerjee:  
Shri Narayanankutty Menon:  
Shri Dasaratha Deb:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the cost of Gliders manufactured in India is lower than that of the imported ones; and

(b) if so, whether there is a proposal to manufacture these gliders and other spare parts on large scale in India?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) No, Sir. The indigenous make is slightly costlier.

(b) Productive capacity of gliders and spare parts of existing indigenous manufacturers is expected to meet the requirements of the country and the need for large scale manufacture is not foreseen at present.

**Closure of Tea Estates in Assam**

\*1618. Shri Hem Barua: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the management of some tea estates in Assam have threatened to close them down;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken in the matter?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) to (c). In March last the Assam Government informed us that 6 gardens were faced with closure due to financial difficulties.

We have information about the closure of one garden namely Son-thalia, with an area of 485 acres. Inquiries have been made from the Assam Government regarding the rest and their reply is awaited.

Government are trying to assess the dimensions of the problem by having details collected of all gardens which closed during the years 1957-58.

**Handloom Industry**

\*1619. Shri Madhusudan Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government is aware of the critical situation facing the handloom industry at present; and

(b) whether any representation has been received from the Andhra Pradesh Government in this connection?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) As far as Government are aware, the handloom industry is not facing a critical situation at present.

(b) A representation urging relief to the Industry was received in May last from the Andhra Pradesh Government.

**Import of Fumigants**

\*1620. Shri Manabendra Shah: Will the Minister of Commerce and Industry be pleased to state:

(a) the value of licences granted for the import of fumigants and pesticides during the last three years; and

(b) the policy followed in granting import licences for fumigants so as to safeguard foodgrains and agricultural products from being attacked by pests?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a). A statement showing the value of licences issued for import of insecticides, fungicides and weedicides from 1955 to 1958 (upto March) is laid on

the Table of the Lok Sabha. [See Appendix VI, annexure No. 80].

(b) A statement showing the current import policy for insecticides, fungicides, weedicides etc. is also laid on the Table of the Lok Sabha. [See Appendix VI, annexure No. 81]. Applications for licence for import of fumigants and pesticides as are not indigenously available are considered on *ad hoc* basis.

#### Strike of Workers of Seetharama Mica Mining Company

\*1621. Shri Tangamani: Will the Minister of Labour and Employment be pleased to state:

(a) whether the workers of Seetharama Mica Mining Company, Kalichedu had decided to go on strike from the 8th September, 1958;

(b) if so, what were their demands; and

(c) the steps taken by Government in the matter?

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

(b) The demands were:—

(i) Reinstatement of certain dismissed workers;

(ii) Issue of service cards to workers; and

(iii) Grant of annual leave.

(c) The Conciliation Officer (Central), Vishakhapatnam held conciliation proceedings, which, however, did not succeed in bringing about a settlement. The failure report has been received from him and is under examination.

#### Geneva Atomic Conference

\*1622. Shri Tyagi: Will the Prime Minister be pleased to state:

(a) the number of members of the Indian delegation attending the Geneva Atomic Conference;

(b) total amount of money sanctioned on this account; and

(c) whether some members of the administrative staff of the Atomic Energy Organisation are also attending this Conference?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Forty, of whom nine were already in Europe and four en route to training centres abroad.

(b) Rs. 2,05,500/-.

(c) Yes, one, viz., the Member for Finance & Administration of the Atomic Energy Commission.

#### Report of Sholapur Spinning and Weaving Mill, Ltd.

\*1623. Shri Sonavane: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Somani Committee constituted on the 9th September, 1957 to investigate into substantial fall in production in the Sholapur Spinning and Weaving Mill, Ltd., Sholapur, has submitted its report to Government;

(b) if so, what are the main recommendations;

(c) whether Government will place the report on the Table; and

(d) what steps Government propose to take to implement those recommendations and by what time?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) Yes, Sir.

(b) to (d). The report of the Investigating Committee is a confidential document and it would not be in the public interest to lay it on the Table of the House. The main recommendation of the Committee envisages a scheme whereby the present Managing Director is to bring in additional capital of Rs. 50 lakhs for running the mills. The Committee has suggested that this scheme may be given a fair trial. Further developments are awaited.

**Khadi Gramodyog Bhawan, New Delhi.**

\*1624. { Shri S. M. Banerjee:  
Shri Tangamani:  
Shri Rajendra Singh:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether two employees of the Khadi Gramodyog Bhawan, New Delhi, went on a hunger strike on the 10th September, 1958;

(b) whether the hunger strike is still continuing;

(c) if so, the nature of their demands on which hunger strike was resorted to; and

(d) the steps taken by Government to settle those demands?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Yes, Sir, from the evening of Thursday, the 11th of September, 1958.

(b) No, Sir. The strike was called off on the 18th September, 1958.

(c) The demands are many; they relate mainly to the question of minimum wages for piece-rate workers, holidays, provident fund scheme, supply of uniforms etc.

(d) The Khadi and Village Industries Commission in consultation with the Khadi Gramodyog Bhawan authorities is considering the demands.

**Tiruvannoor Cotton Mill (Kerala)**

\*1625. Shri Narayanankutty Menon: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any proposal from the Government of Kerala for granting sanction and assistance for taking over the Tiruvannoor Cotton Mill in Kerala;

(b) if so, the nature of the proposal; and

(c) what action has been taken in the matter?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**  
(a) Yes, Sir. Only for taking over the mills.

(b) and (c). The Government of Kerala have proposed to advance an amount of Rs. 5 lakhs towards settlement of pressing liabilities under usufructuary mortgage to be obtained from the management and to run the mills. Kerala Government has been informed that as soon as the transaction takes place, and the control of the affairs of the mills will stand transferred to the State Government, the change of ownership shall have to be reported to the Government of India for effecting necessary amendments in the Registration Certificate.

**Transport Congestion**

\*1626. Shri V. C. Shukla: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 435 on the 24th February, 1958 and state:

(a) the names of the sectors where owing to some engineering works being in progress, congestion in respect of transport by Railways is said to exist; and

(b) the names of the minor ports and the result of efforts made to develop them to make up for the short-falls in the railway movement on these sectors?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**  
(a) Khargpur—Waltair, Tata-Bhilai and Rajkharwan—Gua Sections on the South Eastern Railway.

(b) Karwar, Belikheri, Honavar, Mangalore and Cochin on the West Coast and Cuddalore on the East Coast. A total quantity of about 1,10,600 tons of Iron ore has been exported through these ports upto date.

**Raw Film Factory**

- \*1627. { Shri Ram Krishan:  
Sardar Iqbal Singh:  
Shri D. C. Sharma:  
Shri Wodeyar:  
Shri Narayanankutty Menon:  
Shri Warior:  
Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri Tangamani:  
Shrimati Ila Palchoudhuri:  
Shri S. M. Banerjee:  
Shri Halder:  
Shri Vasudevan Nair:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the details for setting up a plant to manufacture raw film have been finalised;

(b) if so, the final decision taken about the selection of site; and

(c) other main features of the scheme?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) No, Sir.

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

**Naga Hostiles**

- \*1628. { Shri D. C. Sharma:  
Shri Vajpayee:

Will the Prime Minister be pleased to lay a statement showing:

(a) the number of raids made by the Naga hostiles from March 1958 to the 31st August, 1958; and

(b) the number of casualties suffered, the extent of loss in property and the amount of relief given to families of victims?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) There have been no large-scale raids with political objectives during the period. There were, however, 38 cases of petty thefts and dacoities, some of which may have been inspired by political motives.

(b) There have been no casualties except the murder of one person. The total loss of property in these thefts and dacoities is approximately Rs. 40,000/-. Rs. 2017 has been distributed as cash relief to families of victims. (This excludes gratuitous relief in kind in the shape of rice, etc.).

**Non-ferrous Metals**

\*1629. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have any idea of the profits made by the importers of non-ferrous metals in 1957-58;

(b) whether it is a fact that the trade has been taking high profits on the non-ferrous metals; and

(c) what steps have been taken to curb profiteering in this trade?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) No, Sir.

(b) and (c). A statement is laid on the Table of the House.

*Statement*

There were complaints about the rising prices of copper and it was alleged that high profits were being made by the trade.

To meet the situation the Government of India brought in statutory control and the Non-ferrous Metals Control Order, 1958 was promulgated on April 2nd, 1958, under the Essential Commodities Act, 1955. At present the Order applies only to copper. Under the provisions of the Order, the Controller, appointed for the purpose, acquires all imported copper for equitable distribution among all actual users, big and small. The margin of profit to Established Importers is subject to a ceiling of 3½ per cent. over the landed cost of the metal.

The Government are carefully watching the position in regard to other Non-ferrous Metals.

**Nangal Fertilizers and Chemicals  
(Private) Ltd.**

\*1630. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the construction works of the Nangal Fertilizer and Chemicals (Private) Ltd. has been hampered by the local agitation;

(b) if so, to what extent; and

(c) the steps taken to accelerate the construction work?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) and (b). Yes, Sir; but the construction works involved were very minor, namely,

(i) the laying of water pipe line in one area; and

(ii) survey of another area for the construction of residential quarters.

(c) Extra labour has been engaged to accelerate the progress of the works in question.

**Export of Alcohol**

\*1631. **Shri Subodh Hansda:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government contemplate the possibility of building up an export market for a few million gallons of alcohol;

(b) if so, to which country it will be exported; and

(c) whether alcohol produced in our country is surplus to our requirements?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Yes, Sir.

(b) There are good prospects of export to some countries and the possibilities are being explored.

(c) Yes, Sir, at present.

**सीमेंट**

\*१६३२. **श्री पद्म देव :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकारी लेख में कितना सीमेंट नारकंडा और हिमाचल प्रदेश के अन्य स्थानों पर धूप और वर्षा के कारण खराब हो गया है

(ख) यह कब से वहाँ पड़ा था ;

(ग) क्या इस सीमेंट को फेंक दिया जायेगा अथवा इसका उपयोग किया जायेगा; और

(घ) अग्राधी लोगों के विरुद्ध क्या कार्यवाही की गई है ?

**वाणिज्य तथा उद्योग उपमंत्री (श्री सतीश चन्द्र) (क) १६१ टन २ हंड्रेडट ।**

(ख) २ साल में लेकर ६ साल तक के समय में ।

(ग) जो सीमेंट काम आ सकेगा, उसे इन्वेंटरी करने की कोशिश की जायेगी । जिन जगहों हुई बोरिंगों का सीमेंट के रूप में प्रयोग नहीं किया जा सकता, उन्हें भराव करने तथा भूमि का कटाव रोकने के काम में लाया जायेगा ।

(घ) यह सीमेंट रेलवे घाट एजेन्सी से ही जमी हुई हालत में मिला था । हिमाचल प्रदेश प्रशासन इस मामले की जांच पड़ताल कर रहा है ।

**Tea Propaganda Abroad**

\*1634. **Shri Sanganna:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government propose to take up the work of propaganda and publicity for tea in foreign countries;

(b) if so, whether any scheme for the purpose is under the consideration of Government; and

(c) whether any final decision has since been arrived at?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) to (c). Publicity for Indian tea is already being carried out in various countries. With a view to strengthening our propaganda efforts, it has been decided to set up public relations units in Australia and Egypt. A similar establishment for the U.K. is under consideration.

Tea Delegations are also sent abroad from time to time.

#### Tin Plate Requirements

\*1635. **Shri Shree Narayan Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any estimate as to the India's requirement of tin plates has been made recently;

(b) if so, the quantity of tin plates required;

(c) the extent to which this demand is met by indigenous production;

(d) the extent of imports during 1957 and 1958 so far; and

(e) the steps taken to make India self-sufficient in this respect?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) and (b). No estimate has been made recently. It was, however, estimated some time ago that the requirement at the end of the Second Five Year Plan will be about 1,50,000 tons per annum.

(c) Indigenous production was 71,794 tons during 1956, and 65,067 tons during 1957, and 32,293 tons in 1958 (upto July).

(d) The quantity of tin plates imported during 1957 was 28,277 tons and during 1958 (upto August) 20,382.

(e) Permission was granted to two firms to instal plants for the production of tin plates.

#### Rationalisation in Textile Mills, Kanpur

\*1636. { **Shri S. M. Banerjee:**  
**Shri Tangamani:**

Will the Minister of Labour and Employment be pleased to state:

(a) whether some of the mill-owners have asked permission of Government to introduce rationalisation in Textile Mills in Uttar Pradesh;

(b) if so, on what conditions; and

(c) the reaction of Government thereto?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) No, as far as the Government of India is concerned.

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

#### State Trading Corporation of India (Private) Ltd.

\*1636-A. **Shrimati Renu Chakravarty:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a contract for the supply of 6 lakh tons of iron ore for four years has been given to a firm by the State Trading Corporation of India (Private) Ltd;

(b) what was the quota held by the said firm previous to the formation of the State Trading Corporation; and

(c) the reasons for giving this enhanced quota to a single firm?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) to (c). Contracts for supplies of iron ore on a long-term basis are

entered into by the State Trading Corporation with mineowners. Such contracts have been placed with mineowners in Jajpur, Badampahar and Barajamda areas having regard to their capacity to load full train loads. The quotas held by such parties when they exported iron on their own account may not have any relation to the supplies now obtained from them. It would not be in the business interest of the Corporation to disclose details of individual contracts.

#### Works Committees

\*1637. **Shri Ram Krishan:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No. 249 on the 19th November, 1957 and state:

(a) whether any study group to go into the functioning of works committees in the country has since been appointed;

(b) if so, whether the study group has started its work; and

(c) if so, the nature of the work done so far?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) The proposed study group has not yet been appointed.

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

#### State Trading Corporation of India (Private) Ltd.

\*1637-A. { **Shri V. C. Shukla:**  
**Shri Panigrahi:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Government of Bihar have made any representations to the Central Government in respect of the iron-ore purchase policy of the State Trading Corporation of India (Private) Ltd;

(b) whether Government have examined the matter; and

(c) if so, with what results?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). Yes, Sir.

(c) A reply stating the correct position has been sent to Bihar Government.

#### Central Information Service

\*1638. { **Shri D. C. Sharma:**  
**Shri Vajpayee:**  
**Shri Jagadish Awasthi:**

Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Starred Question No. 1443 on the 3rd April, 1958 and state:

(a) whether the rules governing the Central Information Service have since been finalised; and

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

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The rules have been finalised at an inter-departmental meeting and the Union Public Service Commission's concurrence has just been received. The rules will be notified in the Gazette shortly.

(b) Though there is no need to do, so a copy can be laid on the table if so desired.

#### Cement Industry

\*1639. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total estimated additional income likely to accrue to the Cement Industry in one year following the revision of fair prices payable to the cement producers announced in 1958; and

(b) the stock position with the factories as on the date of revision?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**

(a) Rs. 2.83 crores.

(b) 1,17,498 tons.

#### Central Zonal Council

**\*1640. Sardar Iqbal Singh:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the Central Zonal Council passed a resolution regarding inclusion in the "Core" of the Second Five Year Plan of all Power Development Schemes under implementation in the Zone;

(b) if so, whether the Planning Commission have considered this request; and

(c) with what results?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) Yes, Sir.

(b) and (c). It is not possible to include in the "Core" all the Power Projects in the region in view of the difficult foreign exchange position.

#### Acquisition of Land in Delhi

**\*1641.** { Shri Tangamani:  
Shri S. L. Saksena:  
Shrimati Sucheta Kripalani:  
Shri Jadhav:  
Shri Jhulan Sinha:  
Shri Hem Raj:

Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that plots of lands belonging to the Sarvodhya Cooperative House Building Society, National Insurance and Sunlight Insurance Companies in Factory Road, New Delhi, were acquired for Housing Scheme early in 1957;

(b) whether the Land Acquisition Officer has fixed the compensation for industrial owners;

(c) if not, the reasons for the delay; and

(d) when will the compensation be paid to the owners of the plots?

**The Deputy Minister of Works Housing and Supply (Shri Anil K. Chanda):** (a) Yes Sir, certain lands belonging to them were acquired by the Government.

(b) to (d). Compensation in regard to some land lying on the south of the Ring Road has been fixed and announced; award fixing the compensation for the balance is expected to be announced during October, 1958. The settlement of compensation involving a large number of claimants takes time. This was to a certain extent further delayed on account of the fact that some of the claimants were out of India.

#### Industrial Estate at Darbhanga

**\*1642. Shri Shree Narayan Das:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 296 on the 14th August, 1958 and state:

(a) the reason for delay in setting up an Industrial Estate at Darbhanga in Bihar; and

(b) how long it would take to set up the Estate there?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) The construction of sheds in the Industrial Estate at Darbhanga was delayed on account of shortage of iron and steel.

(b) It is expected that the Industrial Estate will be functioning from December, 1958.

#### Cantonment Board Employees

**\*1643.** { Shri S. M. Banerjee:  
Shri Tangamani:  
Shri Warrior:  
Shri Kodyan:

Will the Minister of Labour and Employment be pleased to state:

(a) whether Government are considering a proposal to refer all outstanding demands of Cantonment

Board Employees to a National Tribunal; and

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

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). The matter is under consideration.

#### Folk Dances

**2742. Shri Pangarkar:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether any documentary film has been prepared on the folk dances of Maharashtra and Gujarat; and

(b) if so, the nature thereof?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). No documentary film has so far been produced exclusively on the folk dances of Maharashtra and Gujarat.

#### Handloom Industry

**2743. Shri Pangarkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity and value of yarn consumed by the handloom industry of India in 1957-58; and

(b) the estimated value of products of the handloom industry during the above period?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) It is estimated that 9,43,780 bales of yarn valued at Rs. 86.7 crores, were consumed by the handloom industry in 1957-58.

(b) Rs. 150.8 crores.

#### Local Development Works

**2744. Shri M. V. Krishna Rao:** Will the Minister of Planning be pleased to state the total amount allocated to and utilised by the Government of Andhra Pradesh for the local development works during the year 1957-58?

**The Deputy Minister of Planning (Shri S. N. Mishra):** Out of Rs. 49.72 lakhs allocated during 1957-58 the

actual expenditure came up to Rs. 48.79 lakhs.

#### Delhi Shops and Establishment Act

**2745. Shrimati Sucheta Kripalani:** Will the Minister of Labour and Employment be pleased to state:

(a) whether any steps are being taken to amend section 15 of the Delhi Shops and Establishment Act, 1954, to fix working hours from 10 A.M. to 8 P.M. with two hours' break from 1 P.M. to 3 P.M.; and

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

**The Deputy Minister of Labour (Shri Abid Ali):** (a) No.

(b) Does not arise.

#### Displaced Persons Colonies in Delhi

**2746. { Shri Vajpayee:  
Shri U. L. Patil:**

Will the Minister of Rehabilitation and Minority Affairs be pleased to state the total area of any single storeyed tenement in units of two tenement each constructed by Government in various displaced persons' colonies in Delhi and allotted to two different families?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** The number of tenements constructed in Delhi runs into thousands. Generally, these tenements have been built on plots measuring 200 sq. yds. Under the "Cheap Housing Scheme", the area of a plot is about 100 sq. yds. Allotments were started about 9 years ago. It has been a continuing process. If information is required in regard to any particular area and allotment to "two different families", an effort will be made to collect the same.

#### All India Radio

**2747. Shri Manaan:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government have under their consideration

to beam a programme from the All India Radio to Nepal; and

(b) what relation is likely to exist between the proposed programme and the current Gorkhali programme in the Troops Programmes of the All India Radio?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) No Sir; but the Government have a proposal under consideration to start a programme in Nepali language.

(b) This will be in addition to the present Gorkhali programmes broadcast which are mainly meant for the Army.

#### Steel for Small Scale Industries in Andhra

**2748. Shri M. V. Krishna Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of steel demanded by the Andhra Pradesh Government as requirements for the Small Scale Industries during 1958-59 so far; and

(b) the quantity of steel allotted exclusively during the same period?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) and (b) :

	Quantity asked for Tons	Quantity allotted Tons
1958-59 (April-September)	5,000	2,376

#### Licences for Wine

**2749. Shri B. C. Prodhan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of export and import licences issued for wine in India during the year 1957-58;

(b) the total income realised by the Indian Government therefrom; and

(c) the total requirements in value of wine in Delhi, Bombay and Calcutta during the said period?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) There being no control over export of wine, the question of issuing licences for export does not arise. Licensing statistics are maintained according to licensing periods. The number of licences issued for import of wine during the last three licensing periods was as follows:

January-June, 1957.	97
July-September, 1957.	1
October 1957-March, 1958.	95
Total.	193

(b) Rs. 3,92,000.

(c) Information is not available.

#### Cattle Breeding Programmes

**2750. Pandit Thakur Das Bhargava:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that income from Cattle Industry was stated to be 1,000 crores per year in the First Five Year Plan report while the same has been calculated to be 664 crores in the Second Five Year Plan report;

(b) what is the basis of calculation in both the reports;

(c) if the basis is the same in both the reports the reasons for such a large decrease; and

(d) what is the annual income from Cattle Industry now in view of the fact that about 5 crores of maunds of milk are produced less every year according to the statistics of 1956?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) to (d). The matter is under reference to the National Income Unit of the Central Statistical Organisation.

### Saw and Hosiery Factories in Manipur

2752. **Shri L. Achaw Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the steps taken to start a saw mill and a hosiery factory in Manipur as provided in the programme for 1958-59; and

(b) the total sum provided for each scheme?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

### Dalmia Dadri Cement Ltd.

2753. { **Shri Ram Krishan:**  
**Sardar Iqbal Singh:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the expansion programme of Charkhi Dadri Cement Factory has been completed;

(b) if so, the nature of the expansion work; and

(c) the total amount of cement to be manufactured as a result of this expansion?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) Yes, Sir.

(b) The expansion involved an increase in the installed capacity from 70,000 tons to 2,35,000 tons per annum.

(c) 2.3 lakh tons per annum, provided the full requirement of electric power is met.

### Foreign Trade Missions

2754. { **Shri Ram Krishan:**  
**Sardar Iqbal Singh:**  
**Shri Daljit Singh:**

Will the Minister of Commerce and Industry be pleased to state:

(a) the names of foreign trade missions which visited India during

1957-58 and 1958-59 so far to explore the possibilities of strengthening trade relations with India; and

(b) the result of these visits (mission-wise)?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix VI, annexure No. 82.]

### Development of Industries

2755. **Shri Ram Krishan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any sum out of the amount allotted during 1957-58 and 1958-59 so far for the development of industries in the Punjab has been spent for the development of backward areas in that State; and

(b) if so, the total amount spent so far?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b). Up-to-date information is not readily available. The latest position is being ascertained from the State Government.

### Defaulting Companies in Punjab

2756. **Shri Ram Krishan:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number and names of the companies in Punjab against which the complaints were filed during 1957-58 for defaults of various provisions of the Companies Act; and

(b) the action taken in each case?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b). A statement containing the particulars is laid on the Table of the Lok Sabha. [See Appendix VI, annexure No. 83.]

### Chemical Industries

2754. { Shri Ram Krishan  
Sardar Iqbal Singh:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the schemes for development and production of chemical industries during the remaining period of the Second Five Year Plan have been finalised; and

(b) if so, the main features thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). Schemes for development and production of chemical industries including preparation of medicines, chemical instruments and apparatus used in Laboratories etc. are being received from time to time, and are considered by Government and sanctioned on merits wherever possible; a comprehensive scheme for the establishment of a central plant for the manufacture of synthetic drugs, vitamins, surgical instruments etc., with Russian financial and technical assistance is in an exploratory stage.

### New Industries in the Punjab

2758. Shri Ram Krishan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the scheme for starting industries in the State of Punjab in anticipation of power supply from Bhakra has been finalised; and

(b) if so, the details thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). In the public sector the Nangal Fertiliser and Heavy Water Factory will utilise power supply from Bhakra. No scheme for starting industries in the private sector based on power supply from Bhakra has been finalised.

### Wage Map of India

2759. { Shri Ram Krishan:  
Shri Sanganna:

Will the Minister of Labour and Employment be pleased to refer to

the reply given to Starred Question No. 661 on the 4th March, 1958 and state the progress made in drawing up of the "Wage Map" of India?

The Deputy Minister of Labour (Shri Abid Ali): As a first step towards drawing up of the Wage Map, the Wage Census and the Family Budget Enquiries have already been taken on hand.

### French Togoland

2760. { Sardar Iqbal Singh:  
Shri Ram Krishan:

Will the Prime Minister be pleased to state:

(a) the main features of the recent report of the Trusteeship Council regarding the French Togoland;

(b) the part played by the Government of India with the assistance of other Governments in this matter; and

(c) the reactions of the Togoland people in regard to this report?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The Trusteeship Council has not yet considered the question of French Togoland. It is expected to do so in October.

(b) The Indian Delegation has consistently tried to ensure that French Togoland attains a full measure of self-government or independence which is the objective provided for in the U. N. Charter.

(c) The newly elected Legislative Assembly is expected to communicate its views to the special session of the Trusteeship Council to be held in October, 1958. Later on, this question will also be discussed by the General Assembly during its current session.

### Hastinapur Township

2761. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to state the measures taken by the Government of India to remove the grievances of the

residents of Hasjnapur Township regarding accommodation, rent and employment?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** There is no dearth of accommodation in the township where a number of houses are even now lying vacant. The rent of the houses has already been fixed below the standard rate in view of the poor economic condition of the displaced persons settled there. Apart from this, considerable care is exercised in the matter of realisation of rent so that no hardship is caused in cases where individuals are unable to pay for genuine reasons. To remove unemployment in the township the Government has been trying to promote trade and business and set up new industries. Business and industrial loans amounting to Rs. 2.8 lakhs have been advanced to 177 families.

A scheme for setting up a sugar factory has recently been sanctioned which is expected to provide employment to about 800 displaced persons.

#### **Pakistani Nationals in India**

**2762. Shri D. C. Sharma:** Will the Prime Minister be pleased to state:

(a) the total number of Pakistani nationals who visited various places in Punjab during 1958 so far;

(b) the number of those who overstayed even after the expiry of their visas during the same period; and

(c) the number of cases in which visas were extended?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) 2,905 Pakistani nationals visited Punjab during the period from 1st January, 1958 to 31st August, 1958.

(b) 83.

(c) 58.

#### **Atomic Fuel Fabrication Plant**

**2763. Shri D. C. Sharma:** Will the Prime Minister be pleased to state the

progress made so far with regard to the construction of an atomic fuel fabrication plant in India under the auspices of the Atomic Energy Commission?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The work of constructing the building for the fuel fabrication plant is in hand and is likely to be completed by the middle of November this year. Most of the equipment required for the plant has been received and the rest is likely to reach the site within the next few months. The plant is scheduled to go into production by June, 1959.

#### **Indian Nationals in Australia**

**2764. Shri D. C. Sharma:** Will the Prime Minister be pleased to state:

(a) the number of Indians residing in Australia;

(b) whether the Indians now residing in Australia are subjected to colour prejudices;

(c) whether Indians there maintain the standard of living expected of them in that country; and

(d) whether facilities to the migrants for acquisition of citizenship in Australia are afforded?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) 887 according to 1954 census figures. This figure does not include persons who may be Indian nationals but for some reason had shown themselves as 'British' in the census schedule.

(b) No such case has come to our notice.

(c) Generally, yes.

(d) Does not arise as there is no migration as such of Indians to Australia.

**Import of Optical Instruments**

2765. { Shri H. N. Mukerjee:  
Shri Halder:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that preparations for the erection in Calcutta of a Zeiss Planetarium under the auspices of an Education Trust are being delayed on account of the difficulty of importing optical instruments essential thereto; and

(b) if so, whether the issue of licence for such educational import will be expedited?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). The information is being collected and will be laid on the Table of the House.

**Brick Prices**

2766. Shri Bibhuti Mishra: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are considering any proposal to control the price of bricks in view of the fact that the brick manufacturers are given coal in controlled price; and

(b) if so, when?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) No, Sir.

(b) Does not arise.

**Non-ferrous Metals**

2767. Shri V. P. Nayar: Will the Minister of Commerce and Industry be pleased to state:

(a) what is the total yearly offtake of non-ferrous metals by rolling mills; and

(b) what is the share of Kamani group and Binani group in it?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). A statement is laid on

the Table of the Lok Sabha. [See Appendix VI, annexure No. 84.]

**Manufacture of Sugar and Gur**

2768. Pandit D. N. Tiwary: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the possibility of making the country self sufficient in Sugar and Gur from the palm tree juice has been examined; and

(b) the number of training centres for this industry functioning in the country?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) No, Sir.

(b) Apart from West Bengal, Bombay, Kerala and Mysore from which reports are not available, the number of training centres functioning in the country during 1956-57 was 1,033. Complete figures for 1957-58 have also not yet been compiled.

**Industrial Production Unit, Tripura**

2769. Shri Dasaratha Deb: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the industrial production unit of Bogata, Tripura offered to produce the police boots required by the Tripura Administration;

(b) if so, whether the order for boots has been placed with them; and

(c) if the reply to part (b) is in the negative, the reasons therefor?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) The unit did not submit a tender but carried on some correspondence to supply the boots.

(b) and (c). The order could not be placed as the quality of boots was considered inferior and the unit was unable to give a guarantee for quick delivery to meet immediate requirements. The prices quoted by the unit were also not attractive.

**Delhi Land Reforms Act**

**2770. Shri Jadhav:** Will the Minister of Planning be pleased to lay on the Table a statement showing the progress made in the implementation of the Delhi Land Reforms Act in the Union Territory of Delhi?

No. of villages in which Bhumidhari rights are to be declared . . . . .	306
No. of villages in which Bhumidhari rights have been declared . . . . .	144
No. of ex-proprietors who have been declared as Bhumidhars . . . . .	13,255
No. of tenants who have been declared as Bhumidhars . . . . .	7,950
No. of tenants who have been declared as Asamis . . . . .	85
No. of Harijan tenants who have been declared Bhumidhars . . . . .	300
Total area in which rights of Bhumidhar and Asami have so far been declared . . . . .	4,38,032 bighas.

**Hospitals for Displaced Persons**

**2771. Shri Tridib Kumar Chaudhuri:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether Government have received any proposal from the West Bengal Government for financial help for the maintenance and upkeep of a number of hospital beds for displaced persons in the State;

(b) whether Government are aware of the fact that 37 per cent. of the 3,000 T.B. beds in the entire State of West Bengal are occupied by displaced persons from East Pakistan;

(c) whether Government have taken any steps to meet the problem and to provide adequate hospital facilities for displaced persons in the State; and

(d) if so, what are they?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) It has been indicated by the State Government that, at a census of hospital patients taken by them, it was found that about 35 per cent. (not 37 per cent.) of T.B. beds in the State were occupied by displaced persons.

(c) Yes.

(d) A statement showing the existing medical facilities for displaced persons in West Bengal is laid on the

**The Deputy Minister of Planning (Shri S. N. Mishra):** The Delhi Land Reforms Act came into force on July 20, 1954. Its implementation was stayed by the Punjab High Court. The stay order was vacated on April 6, 1956. The progress of implementation upto the 31st July, 1958 is reported as under:

Table of the Sabha. [See Appendix VI, annexure No. 85.]

**Small Scale Industries**

**2772. Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have decided the question of reduction of the rates of electricity for the development of small scale industries; and

(b) if not, the steps taken to expedite this matter?

**The Minister of Commerce and Industry (Shri Lai Bahadur Shastri):** (a) and (b). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 86.]

**Automobile Tyres**

**2773. Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total annual production in the country of the following sizes of automobile Tyres:

- (i) 8.25 x 20,
- (ii) 9.25 x 20,
- (iii) 10.25 x 20;

(b) whether these tyres are manufactured in 14 or more plies;

(c) the estimated consumption per year of these sizes of tyres for the last two years and the estimated requirements therefor in the coming five years; and

(d) the steps Government propose to take to meet the shortage therefor, if any?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) to (c). Of the sizes of automobile tyres mentioned, only size 8.25 x 20 is produced in the country. Several other sizes are also produced including (i) 9.00 x 20 (ii) 10.00 x 20. These are manufactured in 10 as well as 12 ply ratings but not in higher plies.

Total annual production of automobile tyres is about 1 million Nos. Information by individual sizes is not available.

(d) The tyre manufacturers would be prepared to manufacture 14 or more ply tyres with their existing equipment provided there is sufficient demand.

#### Displaced Persons in Assam

2774. { Shri Halder:  
Shrimati Renu Chakravartty:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that a large number of houses of the refugees were demolished by the authorities with the help of elephants in Kamrup District, Assam;

(b) if so, the reasons therefor; and

(c) what steps Government have taken to settle those families, particularly during this rainy season?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) The Government of Assam have demolished with the help of elephants ten vacated houses of displaced persons who encroached into the Subankhata grazing reserve in Kamrup District.

(b) The State Government had to take this step as these families were persisting in not removing the encroachment in spite of sufficient notice.

(c) The evicted families are being rehabilitated by de-reserving a portion of the Malaibari grazing reserve of Kamrup District for their rehabilitation. Rs. 1,974 as gratuitous relief and a sum of Rs. 6,000 as agricultural loan have already been disbursed to these families.

#### Export of Iron Ore

2775. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity and value of iron ore exported to each country during the last three years separately; and

(b) whether plan targets have been exceeded in this regard?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) A statement giving the required information is laid on the Table of the House. [See Appendix VI, annexure No. 87.]

(b) Yes, Sir.

#### Goa

2776. **Sardar Iqbal Singh:** Will the Prime Minister be pleased to state on what date Portugal's case against India before International Court of Justice at The Hague is coming up for hearing?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The Government of Portugal submitted their reply on 25th July, 1958 and we have to submit our rejoinder to it by 25th November, 1958. The date for hearing will be fixed by the Court after the submission of our reply.

**Public Co-operation Centres**

**2777. Sardar Iqbal Singh:** Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 530 on the 27th February 1958 and state:

(a) whether the revised scheme of Bharat Sevak Samaj to establish 50 Public Co-operation Centres in Community Development areas and outside has since been received and finally approved by Government;

(b) if so, the nature of the scheme finally approved; and

(c) the places selected for the establishment of these Centres?

**The Deputy Minister for Planning (Shri S. N. Mishra):** (a) to (c). A copy of the scheme as finally approved by Government is laid on the Table of the House. [See Appendix VI, annexure No. 87A].

It has been decided that a phased programme for establishing Jan Sahyog Kshetras (Public Co-operation Areas) should be adopted, and in the first instance work may commence in 25 Kshetras, Government assistance being limited to an average of Rs. 5,000 a Kshetra. The Kshetras would be started only after the first batch of Sahyogis have been trained but where experienced personnel are already available, the work in the Kshetra could be commenced immediately.

It has further been decided to ask the Bharat Sevak Samaj to establish the first batch of 25 Kshetras, if they are prepared to do so. It has been left to the Bharat Sevak Samaj to select the places where these Kshetras would be established, according to the availability of experienced personnel. However, the scheme is being brought to the notice of other All-India non-official, non-political voluntary organisations engaged in the activities of public co-operation. Applications, if any, from them will be considered on the merit of each case.

**Bhoodan Movement**

**2778. Shri Sadhu Sam:** Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 773 on the 27th November, 1957 and lay a statement showing the financial assistance since given by the Central Government for Bhoodan Movement?

**The Deputy Minister of Planning (Shri S. N. Mishra):** In addition to the assistance outlined in the statement placed on the Table of the Lok Sabha on 27th November, 1957 in reply to question No. 773, the following further assistance has been made available in connection with the Bhoodan movement.

The Ministry of Food and Agriculture sanctioned during 1957-58 a sum of Rs. 30 lakhs for financial assistance to 10,000 families of landless agricultural workers settled on Bhoodan lands in Bihar. This includes a sum of Rs. 22,50,000 as subsidy and Rs. 7,50,000 as loan. It has been reported by Bihar Government that the loan portion could not be drawn within the financial year 1957-58.

The Ministry of Community Development has sanctioned the supply of certain Bhoodan and Gramdan literature during 1958-59 to Block Headquarters, training centres and village libraries at an estimated cost of Rs. 5,25,000.

**Employment Exchanges**

**2779. Shri R. C. Majhi:** Will the Minister of Labour and Employment be pleased to state:

(a) the total number of Scheduled Tribe applicants registered with the Employment Exchanges from the 1st January, 1957 to the 30th June, 1958; and

(b) how many of them have been provided employment?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) 62,348.

(b) 7,764.

**Loans to Displaced Persons**

2780. { Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of displaced families from West Pakistan who were given (1) house building loan, (2) agricultural loan, and (3) small trade loan and the amount thereof (separately);

(b) how many displaced families from East Pakistan have received the above mentioned loans; and

(c) the amount involved?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) to (c). Information is given in the Annual Reports of this Ministry which are made available to all Members of Parliament.

**Zircon**

2781. Sardar Iqbal Singh: Will the Prime Minister be pleased to state:

(a) whether Zircon is available in India; and

(b) if so, at what places?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) Large reserves of Zircon are available in the beach sands along the western and eastern coasts and also in the inland placer deposits in Bihar and West Bengal.

**Export of Manganese Ore**

2782. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government has adopted a new system of bulk contracting in Manganese ore;

(b) if so, the reasons for this new policy; and

(c) how has this policy affected the small exporters?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) No new system as such has been evolved by the Government. The State Trading Corporation are negotiating a barter deal with the Commodity Credit Corporation of U.S.A.

(b) Decline in demand in the foreign market due to the recession in steel production in U.S.A. and Europe and other reasons.

(c) All exporters (including small exporters) should be benefited.

**Indian Fishermen in Piyan River**

2783. Sardar Iqbal Singh: Will the Prime Minister be pleased to state:

(a) whether Pakistan authorities have arrested an Indian fisherman in Piyan river;

(b) whether it is a fact that Pakistan Government has demanded full fishing rights in that river; and

(c) if so, the Indian position in this regard?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No, Sir.

(b) and (c). Pakistan claims the entire width of the Piyan river, which to a length of about 7 miles on the Khasi and Jaintia Hills (Assam) and Sylhet (East Pakistan) border, forms the Indo-Pakistan boundary. This stretch of boundary has been in dispute and India claims that, pending demarcation, the midstream of the river Piyan is the *de facto* boundary for all purposes, in accordance with the 1951 and 1952 agreements between the Deputy Commissioners of Khasi-Jaintia Hills and Sylhet.

**Land Reforms**

2784. Sardar Iqbal Singh: Will the Minister of Planning be pleased to state:

(a) the total amount of compensation and rehabilitation assistance paid

to intermediaries in each State of India as a result of land reform measures adopted by them since 1947;

(b) the total amount that is payable to them; and

(c) the respective contributions of the tenants and the States concerned?

**The Deputy Minister of Planning (Shri S. N. Mishra):** A statement is laid on the Table of the Lok Sabha. [See Appendix VI, annexure No. 88].

#### **Zeta and Super Zeta**

**2785. Sardar Iqbal Singh:** Will the Prime Minister be pleased to state:

(a) whether any start has been made in experiments on Zeta and Super Zeta in India; and

(b) if so, the result thereof?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) Not yet.

(b) Does not arise.

#### **Beryllium Oxide**

**2786. Sardar Iqbal Singh:** Will the Prime Minister be pleased to state:

(a) whether any steps have been taken to produce Beryllium Oxide in India; and

(b) if so, how far India has been able to produce it for its own use and for export?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) In view of the difficult foreign exchange position, the proposal to put up a pilot plant for producing beryllium oxide has been shelved for the present.

(b) Does not arise.

#### **Hindustan Machine Tools (Private) Ltd.**

**2787. Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of machines produced at the Hindustan Machine

Tools Factory, Bangalore, during 1958-59 so far; and

(b) the varieties of machines produced?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) The total number of machines produced at the factory during the period 1st April, 1958 to 31st August, 1958 is 176.

(b) (1) Lathes 1000 mm. centre distance.

(2) Lathes 1500 mm. centre distance.

(3) Horizontal Milling Machine, Size 2.

(4) Vertical Milling Machine, Size 2.

(5) Universal Milling Machine, Size 3.

#### **Incidents on India-Goa Border**

**2788. Sardar Iqbal Singh:** Will the Prime Minister be pleased to state the details of the protests lodged with the Portuguese authorities in Goa in respect of border incidents or other events during the year 1958 so far?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** On 8th August, 1958, the Portuguese police fired a few rounds of rifle and sten-gun fire towards the Indian post on road at Kunta which is about 200 yards from the border. The police on our side did not return the fire. We have protested to the Portuguese authorities through the Brazilian Embassy about this incident.

#### **Export of Handicrafts Goods**

**2789. Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government has drawn a scheme to increase the export of Handicrafts Goods; and

(b) if so, the details thereof?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**  
(a) and (b). The following steps have been taken to promote the exports of handicrafts goods:

(i) A commercial information and intelligence service has been started by the All India Handicrafts Board.

(ii) Surveys for ascertaining the market potential of handicrafts in foreign countries are being carried out by the Board.

(iii) Publicity is arranged through exhibitions in foreign countries and display in show-rooms and Trade Centres.

(iv) Handicrafts have been included in the trade agreements with foreign countries in the schedules of goods for export from India.

(v) A Government Company namely the Indian Handicrafts Development Corporation has been set up in April, 1958 to develop production and to find out markets abroad.

#### Coir Enquiry Committee

**2790. Shri Sarju Pandey:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Coir Enquiry Committee set up to examine the achievement of coir development schemes in the country has submitted its report; and

(b) if so, whether the report has been considered?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**  
(a) and (b). The Committee has submitted an interim report on the Coir Development Schemes in Kerala. This report is under consideration. The final report of the Committee is expected in two months time.

#### अशोक होटल

**२७९१. श्री जगदीश अशोका :** क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) अशोक होटल में कितने कर्मचारी काम कर रहे हैं ;

(ख) इन कर्मचारियों के वेतन के रूप में कितना मासिक व्यय होता है ;

(ग) १,००० रुपये से अधिक वेतन पाने वाले कितने कर्मचारी हैं ;

(घ) कितने विदेशी किन-किन पदों पर काम कर रहे हैं ; और

(ङ) ३१ जुलाई, १९५८ तक कुल कितने विदेशी इस होटल में ठहरे ?

**निर्माण, आवास तथा संभरण उपमंत्री (श्री प्रमिल कु० चन्दा) :** (क) १ मितम्बर, १९५८ को अशोक होटल में १,०९६ कर्मचारी थे ।

(ख) अगस्त, १९५८ के लिये वेतन व मजदूरी बिल ८७,८८८.४६ रुपये था ।

(ग) चार ।

(घ) होटल में मात्र विदेशी काम कर रहे हैं । उनमें से एक मुख्य रम्पाइया ( chef ) दूसरा भोजन और पेय पदार्थों का मैनेजर और बाकी पांच रम्पाइये हैं ।

(ङ) कुल ६२,२०४ मेहमान रात्रियों में से ७१,६१० या ७७.६६ प्रतिशत मेहमान रात्रियां विदेशियों ने बिताई ।

#### Free-Lance News Photographers

**2792. Shri Jagdish Awasthi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have received a memorandum recently, from

Free-Lance News Photographers Association, New Delhi, concerning the facilities for free-lance news photographers; and

(b) if so, the action taken thereon?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) No, Sir.

(b) Does not arise.

#### Population of Bangalore

**2793. Shri Keshava:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact the State statistician for the Development of Mysore has stated that the estimated population of Bangalore city for mid-year 1957 is 11,76,000 and for mid-year 1958 it is 12,54,000;

(b) whether Government has verified the above statement;

(c) whether in view of the above figures the Government is upgrading Bangalore city as Class I area for Bank employees; and

(d) if so, from what date?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) The State Bank of India Staff Union (Madras Circle) have made report to this effect.

(b) to (d). The Mysore Government have been addressed and their reply is awaited.

#### Small Scale Industries in Orissa

**2794. Shri Sanganna:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have deputed an officer to study the small scale industries in Orissa during the month of July, 1958;

(b) whether the officer has since submitted any report; and

(c) if so, what are the details of the report?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) to (c). No officer was deputed for this purpose to Orissa in July, 1958. Officers of Survey Teams attached to the Regional Small Industries Service Institute, Calcutta, visit different States from time to time for—

(i) Industrial Surveys, and

(ii) Area Surveys.

One officer of the Area Survey Division visited Orissa in July for preliminary discussion with the State Government regarding survey of Jharsuguda and Bargarh areas of Orissa. No report has been submitted.

#### Staff in the Ministry of Labour and Employment

**2795. Shri Daljit Singh:** Will the Minister of Labour and Employment be pleased to state:

(a) the number of Assistants and Clerks in the Ministry of Labour and Employment; and

(b) the number of such employees among them who belong to Scheduled Castes and Scheduled Tribes?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) and (b). Complete information in respect of some of the subordinate offices is not readily available, and is being collected. The information will be placed on the Table of the Sabha.

#### Staff in the Planning Commission

**2796. Shri Daljit Singh:** Will the Minister of Planning be pleased to state:

(a) the number of Assistants and Clerks in the Planning Commission; and

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

**The Deputy Minister of Planning (Shri S. N. Mishra): (a)**

Assistants . . . . .	61	(including 4 Assistants-in-Charge).
Upper Division Clerks . . . . .	33	
Lower Division Clerks . . . . .	167	
Steno-typists . . . . .	24	

**(b) Assistants :**

Scheduled Caste . . . . .	1
Scheduled Tribe . . . . .	Nil

**Upper Division Clerks :**

Scheduled Caste . . . . .	1
Scheduled Tribe . . . . .	Nil

**Lower Division Clerks :**

Scheduled Caste . . . . .	12
Scheduled Tribe . . . . .	Nil

**Steno-typists :**

Scheduled Caste . . . . .	Nil
Scheduled Tribe . . . . .	Nil

**Staff in the Ministry of Rehabilitation**

2797. **Shri Daljit Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of Assistants and Clerks in the Ministry of Rehabilitation;

(b) the number of employees among them who belong to Scheduled Castes and Scheduled Tribes; and

(c) the number of displaced persons among them?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** So far as the Main and the Branch Secretariates of this Ministry are concerned, the information is as below:—

(a) Assistants . . . . .	127
U.D.Cs. . . . .	26
L.D.Cs. . . . .	229
(b) Scheduled Castes . . . . .	33
Scheduled Tribes . . . . .	3
(c) 223.	

**Raw Material for Medicines**

2798. **Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any complaints from the public regarding shortage of imported raw materials for use in manufacturing medicines; and

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

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) A few complaints have been received from manufacturers regarding shortage of certain raw materials.

(b) Appropriate steps have been taken, wherever specific instances have come to Government's notice, and, within the foreign exchange limitations, to assist the manufacturers for importing raw materials required for the manufacture of essential drugs.

**High Explosives Factory in Punjab**

2799. **Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have a proposal for the construction of a high explosives factory in Punjab;

(b) if so, the time by which this factory will start production; and

(c) the installed capacity of the factory for the production of explosives?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) No, Sir.

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

**Dandakaranya Scheme**

2800. **Shri Sanganna:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) what steps have been taken to appoint the different categories of

personnel for the working of the Dandakaranya project;

(b) whether any recruitment board has been constituted for the purpose;

(c) if so, who is the chairman of the board; and

(d) the headquarters of the board?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) So far only such personnel as is immediately required, has been appointed, mostly from amongst the serving officers.

(b) Not yet.

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

#### Out-of-Turn Allotments

2801. { Shri B. K. Galkwad:  
Shri H. N. Sonule:  
Shri Dige:  
Shri Balasaheb Salunke:

Will the Minister of Works, Housing and Supply be pleased to state the total number of out-of-turn accommodation allotted during the last two years to the Central Government servants serving in the Capital?

The Minister of Works, Housing and Supply (Shri K. C. Reddy):

1956-57	799
1957-58	814.

#### Manufacture of Wine

2802. Shri Sanganna: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a proposal to manufacture wine in India with a view to save foreign exchange is under the consideration of Government; and

(b) if so, with what result?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). No such proposal is being considered by the Central Government. It is, however, understood that a private party has been in

correspondence with the Mysore Government.

#### नेपाल में पुस्तकालय

२८०३. श्री श्रीनारायण दास: क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या नेपाल राज्य में तराई के प्रमुख शहरों में भारत सरकार की ओर से पुस्तकालय खोलने के बारे में कोई प्रस्थापना है; और

(ख) नेपाल के किन-किन स्थानों पर अभी भारत सरकार की ओर से पुस्तकालय तथा सूचना केन्द्र चलाये जा रहे हैं?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) जी नहीं।

(ख) काठमांडू।

#### खाद्यान्न का निर्यात

२८०४. श्री प० ला० बारूपाल: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि १ जनवरी, १९५७ से ३१ जुलाई, १९५८ तक भारत से कितना गेहूँ, बाजरा, मक्का, जौ, ज्वार और चावल विदेशों को निर्यात किया गया?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री): इस विषय में जानकारी जून, १९५८ के अन्त तक की ही उपलब्ध है। १ जनवरी, १९५७ से ३० जून, १९५८ तक निम्न परिमाण में निर्यात हुआ:—

गेहूँ (भाटा, मैदा आदि)	२५ टन
बाजरा	शून्य
मक्का	शून्य
जौ	शून्य
ज्वार	शून्य
चावल	४१५ टन

### विस्थापित व्यक्तियों की जमीनें

२००५. श्री ए० ए० बाबूपाल : क्या पुनर्वास तथा अल्पसंख्यक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान के झलवर और श्री गंगानगर जिले में कुछ विस्थापित व्यक्तिओं की जमीन स्वयं काश्त के लिये दी गयी थी और वे अन्य लोगों को हिस्से बटाई पर देकर चले गये हैं और उनका ५, ६ वर्षों से कोई पता नहीं है ; और

(ख) यदि हां, तो क्या वर्तमान काश्तकारों को इन जमीनों से हटा दिया जायेगा ?

पुनर्वास उपमंत्री (श्री पू० जे० नास्कर) :

(क) जी हां ।

(ख) मेरे मामलों में तब तक काश्तकार के खिनाक कार्यवाही उस की पात्रता पर निर्भर करती है । इस प्रकार के सामान्य प्रश्न का विशेष उत्तर देना सम्भव नहीं ।

### Persons Declared *Persona non-Grata*

2806. **Shri Arjun Singh Bhadauria:**  
Will the Prime Minister be pleased to state:

(a) the names and ranks of members of the diplomatic corps in India who were declared *persona non-grata* by the Ministry of External Affairs and Commonwealth Relations in the years 1957 and 1958 upto the 15th August;

(b) the names and ranks of the members of Indian Missions abroad country-wise, who were declared *persona non-grata* during the above period by their host Governments; and

(c) the reasons therefor?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) No member of the diplomatic corps in India was declared *persona non-grata* by the Minis-

try of External Affairs. The Government of India, however, asked for the recall of the following members of the diplomatic corps:—

(i) Mr. A. A. Akmat, Third Secretary, High Commission for Pakistan in India, New Delhi, in 1957.

(ii) Mr. Attaullah, Assistant High Commissioner for Pakistan in Shillong, in 1958.

(b) No member of the Indian Missions abroad was declared *persona non-grata* by the host Government. However, the Government of Pakistan asked for the recall of Shri A. K. Sen, First Secretary, in the Office of the Deputy High Commissioner for India in Pakistan, Dacca, in 1958.

(c) (i) Mr. A. A. Akmat who was Third Secretary in the Office of the Deputy High Commissioner for Pakistan at Jullundur was involved in the year 1954 in certain undesirable activities. We approached the High Commission for Pakistan in India, New Delhi, for his withdrawal. Consequently, he was recalled by the Government of Pakistan. However, in the year 1956 Mr. A. A. Akmat was again posted to the High Commission for Pakistan in India, New Delhi. The Government of India brought the previous incident to the notice of the Government of Pakistan who recalled Mr. A. A. Akmat.

(ii) The Government of India requested the Government of Pakistan to recall Mr. Attaullah due to his undesirable activities. The Government of Pakistan accepted our request. However, in retaliation, the Government of Pakistan made similar allegations against Shri A. K. Sen. Though these were to our knowledge unfounded, we complied with the request made by the Pakistan Government in conformity with the normal diplomatic practice, in such matters.

**Newspapers**

**2807. Shri Arjun Singh Bhaduria:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of applications made for grant of declarations for bringing out newspapers in English, Hindi, Urdu and other languages in each State in the year 1957 and 1958 upto 15th August;

(b) the time usually taken for the grant of declarations;

(c) the number of such applications which have remained pending for decision for over two months (State-wise); and

(d) whether Government have under consideration any scheme to eliminate the delay in granting permission for filing declarations?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) It is not the responsibility of the Press Registrar to accept any application for the grant of declaration for starting a newspaper. That is made by the Magistrates empowered to authenticate declarations under Section 6 of the Press and Registration of Books Act, the Press Registrar being referred to only for the verification of the existence or otherwise of a title which is the same as or similar to that of any other newspaper published either in the same language or in the same State.

A statement giving, State-wise and language-wise, the number of references received by the Press Registrar from the Magistrates during 1957 and 1958 (upto 15th August, 1958) is laid on the Table of the House. [See Appendix VI, annexure No. 89].

(b) It is not possible to make an estimate as the applications are handled in districts all over India and depend on the circumstances of each case.

(c) Information in regard to the references received by the Press Registrar from the Magistrates is

given in the statement laid on the Table of the House. [See Appendix XI annexure No. 90.]

Information relating to the Magistrates' offices is not readily available.

(d) It has been suggested to the State Governments that Magistrates might advise publishers to give a panel of titles instead of one title at the time of making an application for filing a declaration so that at least one title out of those suggested by the intending publisher might be cleared without delay. Government will also address the State Governments to instruct the Magistrates concerned to deal with the applications expeditiously.

**Food Product Factory at Madhepur Bihar**

**2808. Shri Shree Narayan Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Central Government have given any aid in the establishment of a food product factory at Madhepur (Darbhanga) in the State of Bihar;

(b) if so, the nature thereof;

(c) whether the said factory has been put into operation;

(d) if so, the quantity of products produced so far; and

(e) whether products manufactured there have been examined and found to be satisfactory?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) No, Sir.

(b) Does not arise.

(c) to (e). The factory is almost ready for commercial production. During trial run 300 lbs. of ghee and some Caseing have been manufactured. Ghee has been found satisfactory under laboratory tests.

**Lakhimpur Border Incidents**

**2809. Shri Dasaratha Deb:** Will the Prime Minister be pleased to state:

(a) whether the Chairman of the Tripura Territorial Council has made any representation regarding the Lakhimpur border incidents of Tripura; and

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

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) The Government of India have NOT so far received any such representation.

(b) Does not arise.

**Training Centre in Tripura**

**2810. Shri Dasaratha Deb:** Will the Minister of Labour and Employment be pleased to state:

(a) the total number of students who received industrial training in different centres of Tripura in 1957-58;

(b) the number of students among the trained, who got employment; and

(c) what steps have been taken to secure employment for maximum number of trained persons?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) An Industrial Training Institute to be established at Agartala was sanctioned in 1957, but it has not so far been established by the Tripura Administration.

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

**Industrial Estate in Agartala (Tripura)**

**2811. Shri Dasaratha Deb:** Will the Minister of Commerce and Industry be pleased to state:

(a) the industries that are proposed to be set up in the Industrial Estate in Agartala, Tripura;

(b) the industries that are to be set up by private parties;

(c) the employment potentialities of these industries; and

(d) whether Government propose to advance finances to private industrialists to start industry in this Industrial Estate?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) The following industries are proposed to be set up in the Industrial Estate in Agartala:

Carpentry, Blacksmithy, Paper making, Tanning, Foot-wear and other leather goods manufacturing, fruit canning, soap making, barbed wire and agricultural and tea gardens implements, handloom weaving, saw mill, mechanical workshop, hosiery.

(b) The following industries are proposed to be set up by private parties:

Handloom Weaving, Carpentry, Saw Mill, Tanning and Leather Works, Mechanical Workshop, Hosieries.

(c) About 400 persons are expected to be employed in these units.

(d) There is no specific provision for financing the units to be started by private parties in the Estate. The units are, however, eligible for being considered for assistance under the State Aid to Industries Act.

**Partition of South West Africa**

**2812. { Shri Shree Narayan Das:  
Shri Radha Raman:**

Will the Prime Minister be pleased to state:

(a) whether it is a fact that United Nations Good Offices Committee has made a suggestion regarding the partition of S.W. Africa;

(b) if so, the precise nature of the said proposal;

(c) whether this question is likely to be discussed by the U.N. General Assembly in its current session; and

(d) what is the attitude that India will take up in this regard?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). The Committee has expressed an opinion that the partitioning of the Territory of S.W. Africa, under which a part of it would be placed under a trusteeship agreement with the United Nations and the remainder annexed to the Union of South Africa, might provide a basis for an agreement with the Union of South Africa. The General Assembly will discuss these proposals and further action will depend on the Assembly's recommendations.

(d) Our views will be explained at length in the Assembly; basically our views are that the whole of South West Africa should be placed under the United Nations Trusteeship system.

### तिलहन का सट्टा

२८१३. श्री जगदीश च्यवस्थी : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकार द्वारा नियन्त्रित किन किन स्थानों पर तिलहन के सट्टे का कार्य होता है;

(ख) क्या तिलहन के सट्टे के व्यापार की देख रेख करने के लिये सरकार द्वारा डायरेक्टमेंट नियुक्त किये गये हैं;

(ग) यदि हाँ, तो उन की संख्या क्या है;

(घ) जब से तिलहन के सट्टे पर सरकार का नियंत्रण हुआ है तब से कुल कितनी राशि का सौदा किया गया; और

(ङ) इन सौदों के बदले वस्तुतः कितना माल दिया गया ?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : (क) बम्बई, अहमदाबाद, उज्जैन, जामनगर, बेराबल, धौराजी रिस, हैदराबाद, भायरा, दिल्ली और भटिन्डा में।

(ख) जी, हाँ।

(ग) से (ङ). यह जानकारी इस समय उपलब्ध नहीं है।

### Film on Reconstruction of a Village

2814. Shri Wodeyar: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether a film on the actual reconstruction of the village is being proposed by the Union Government;

(b) if so, the names of the villages selected for this purpose; and

(c) whether Development of Projects of National Extension Service and Community Development Programmes would be depicted in this film?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). There is no proposal to produce one single film on the several aspects of Rural Reconstruction in any single village.

### Bhoomidari Rights in Delhi

2815. Shrimati Sucheta Kripalani: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that in Delhi Territory Bhoomidari rights were conferred on tenants holding lands on or before August 15, 1947, which subsequently became evacuee property on payment of about Rs. 50 per acre as compensation; and

(b) whether it is also a fact that the lands which were cultivated by the owners themselves before their migration to Pakistan were fetching Rs. 10,000 or so as auction price?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) It is understood that the Delhi Administration is taking some such action regarding conferment of Bhoomidari rights in respect of rural evacuee lands. The implications of this action are being examined.

(b) Large areas of agricultural land were abandoned by Muslims both within the urban limits of Delhi and outside. Urban agricultural land, because of its great potential value as land for building purposes, has fetched more in auctions than purely agricultural land. Figures of the rate per acre of such land have not been worked out. If the Hon'ble Member requires information in any particular case, efforts will be made to collect the same.

### Gita Refugee Colony

2816. **Shri Arjun Singh Bhaduria:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that Gita Colony, a refugee colony near Gandhi Nagar in Delhi has no proper drainage system, roads, or electric connection; and

(b) if so, what schemes Government have under consideration to provide basic civic amenities to the people in the colony and the estimated expenditure that might be incurred on such schemes?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). Drains and roads have been provided in the colony but during the monsoon these are damaged by flood water which accumulates there from the neighbouring areas. Permanent pumping arrangements for disposal of storm water in this colony are, therefore, being made and the work is likely to be completed by March, 1959, at an estimated cost of Rs. 6.18 lakhs. Street lighting is also going to be provided in this colony at an estimated cost of about Rs. 2.00 lakhs.

### Extraction of Uranium from Sea Water

2817. **Shri D. C. Sharma:** Will the Prime Minister be pleased to state:

(a) whether the Government of India is aware that the Soviet Union has developed a method for extracting

uranium—the fuel on which nuclear power plants operate—from sea water;

(b) if so, whether they are also aware that although sea water contains less uranium than some low-grade uranium bearing ores, it could be extracted more cheaply; and

(c) if so, what measures have been taken to develop the method in India so far?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). Government have seen a paper on the "Extraction of Uranium from Natural Water" presented by three Russian scientists to the Second United Nations International Conference on the Peaceful Uses of Atomic Energy held in Geneva from September 1 to 13, 1958. The Indian scientists who attended the Conference will no doubt take a note of the work done on the subject in USSR and suggest appropriate measures.

### मिन्टो रोड पर रहने के क्वार्टर

२८१८. श्री मोहन स्वरूप : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में मिन्टो रोड पर सरकारी कर्मचारियों के रहने के लिये कितने क्वार्टर बनाये गये हैं और उन से किराये के रूप में सरकार को कितनी आमदनी होती है;

(ख) कितने क्वार्टर खाली पड़े हैं;

(ग) क्या यह भी सच है कि उन क्वार्टरों में मरम्मत नहीं कराई जाती और यदि कोई क्वार्टर बहुत ही गिरी हालत में होता है तो उसकी मरम्मत कराने के बजाय उसे खाली छोड़ दिया जाता है और वह किसी को नहीं दिया जाता; और

(घ) यदि हां; तो इसके क्या कारण हैं?

निर्माण, आवास और

(श्री क० ब० रेड्डी) : (क) मिन्टो रोड के

इसके में सरकारी कर्मचारियों के रहने के लिये निर्माण किये हुए क्वार्टरों की संख्या १५६० है और उनसे किराये के रूप में प्राप्त सालाना आमदनी लगभग ४,६२,००० रुपये है।

(ख) १०३

(ग) केवल वही क्वार्टर जिनकी छतों को आपत्तिजनक घोषित किया जा चुका है खाली कराये गये हैं, या जो यथाक्रम रूप में खाली हो गये हैं और दोबारा भ्रूलाट नहीं हुए हैं। छतों की मरम्मत नहीं की जा सकती है परन्तु उनको उपयुक्त अवस्था में बदलना है। बदलने का काम बिल्वरी हुई जगहों में एक और दो क्वार्टरों में आरम्भ नहीं किया जा सकता है।

कृषि भवन के समीप भवन का गिराया जाना

२८१६. श्री मोहन स्वरूप : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कृषि भवन के पास एक भवन गिरा दिया गया है और उस के स्थान पर एक नई इमारत बनाई जा रही है;

(ख) यदि हां, तो उस भवन को गिराने के क्या कारण हैं; और

(ग) इसे गिराने पर कितना व्यय हुआ और नये भवन के निर्माण पर कितना व्यय होने का अनुमान है ?

निर्माण, आवास और संभरण मंत्री (श्री क० च० रेड्डी) : (क) और (ख). कृषि भवन के सामने एन० ब्लाक ('N' Block) की अल्पकालिक इमारतों की अवधि पूरी हो चुकी थी और उनकी मरम्मत पर बहुत अधिक खर्च आ रहा था। इसलिये उनको गिरा दिया गया जिससे कार्यालय स्थान की बड़ी कमी को कुछ सीमा तक पूरा करने के वास्ते कार्यालय भवन बनाने के लिये भूमि मिल सके। अब उस स्थान पर एक कई मंजिलों वाला कार्यालय भवन बनाया जा रहा है।

(ग) इनको गिराने में सरकार ने कुछ खर्च नहीं किया बल्कि जिन ठेकेदारों ने इन इमारतों को गिराने का काम किया उनसे सरकार को १,६६,७०१ रुपये उस सामग्री के मूल्य के रूप में वसूल हुए जो नष्ट होने से बचाई जा सकी। अनुमान है कि नये भवन पर ७१,२३,०६६ रुपये खर्च होंगे जिसमें ८१/४ प्रतिशत विभागीय शुल्क और भी जोड़ना होगा।

कृषि-भवन के समीप भवन का गिराया जाना

२८२०. श्री मोहन स्वरूप : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कृषि-भवन के पास एक बंगला, जिसमें भूतपूर्व खाद्य मंत्री रहते थे, गिराया जा रहा है और उस स्थान पर एक कई मंजिला भवन बनाने की योजना विचाराधीन है; और

(ख) यदि हां; तो उसका व्योरा क्या है ?

निर्माण, आवास और संभरण मंत्री (श्री क० च० रेड्डी) : (क) और (ख). नम्बर १ क्वीन विक्टोरिया रोड, नई दिल्ली के बंगले को गिरा कर उस स्थान पर एक कई मंजिला कार्यालय-भवन बनाने के सुझाव पर विचार किया जा रहा है। व्योरा अभी तक पूरी तरह से तैयार नहीं हुआ है।

National Small Industries Corporation (Private) Ltd.

2821. Shri Warlor: Will the Minister of Commerce and Industry be pleased to state:

(a) the measures adopted by his Ministry to check the losses incurred in the working of the "National Small Industries Corporation (Private) Ltd."; and

(b) the progress made in that direction?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) The functions entrusted to the National Small Industries Corporation are more of a promotional than of a commercial nature. There is some scope for making profits in its limited commercial activities, but they are more than offset by its other promotional activities. The net overall deficit incurred by the Corporation is made good through grants from the Government.

(b) Does not arise.

**Industrial Extension Centre in Kerala**

**2822. Shri Warrior:** Will the Minister of Commerce and Industry be pleased to state:

(a) which of the Industrial Extension Centres in Kerala have started production;

(b) what is the present turn-over of those Centres per month;

(c) the Industrial Extension Centres which have not been completed so far in that State; and

(d) the reasons therefor?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) and (b). Of the 9 Centres sanctioned in Kerala four have started functioning. They are (1) the Industrial Extension Centre for Foot-wear at Trichur, (2) Industrial Extension Centre for General Engineering and Cutlery at Shoranur, (3) Production Centre for manufacture of simple machine tools and hand tools at Ettumanoor, and (4) Production Centre for electric motors at Thiruvalla. The main purpose of the Extension Centres is providing service facilities and training, and, therefore, production in these Centres is only incidental. The value of production at the Centre at Ettumanoor is about Rs. 12,000 a month. The Electric Motors Centre is now working temporarily at Madras, and will be shifted to Thiruvalla within a month when the construction of buildings there is expected to be completed. The value of production in this

Centre during August, 1958 has been Rs. 22,500.

(c) The Centres which have not started functioning are:—

- (1) Stainless Steel Utensils Centre at Attingal.
- (2) Tin containers and Tin Printing Centre at Muvattupuzha.
- (3) General Engineering Centre at Alleppey.
- (4) Leather Goods Centre at Vaniamkulam, and
- (5) Wood Seasoning and Furniture Design Centre at Kallai.

(d) The reasons for the delay in starting these Extension Centres are mainly:—

- (1) Non-availability of suitable rented accommodation to erect and work heavy machines.
- (2) Delay in import of machinery and equipment required for these Centres.
- (3) Time taken in acquisition of land and construction of buildings.

**Export of Indian Sewing Machines**

**2823. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that India is losing export markets for sewing machines; and

(b) if so, the reasons therefor?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) No Sir. The exports have increased as will be evident from the following figures:

Year	Quantity in Nos.	Value in Thousands of Rs.
1956	3415	466
1957	4465	551
1958 (Jan.-June)	3456	378

(b) Does not arise.

**Housing in Orissa**

**2824. Shri B. C. Mullick:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the amount of money allocated to Orissa for housing during the Second Five Year Plan; and

(b) the amount of money sanctioned so far under different schemes, scheme-wise?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) and (b). A statement giving the required information is attached. [See Appendix VI, annexure No. 91.]

**Renaming of Delhi Colonies**

**2825. Shri Ram Krishan:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the proposal to rename certain newly developed colonies in the capital in consonance with the national aspirations of the people has been considered;

(b) if so, the names of such colonies; and

(c) their new names colony-wise?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) to (c). The proposal to rename some of the new Government colonies has been considered and the final decision is expected to be taken and announced very shortly.

**Harijans in Occupation of Evacuee Houses**

**2826. Shri Daljit Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that Government have received some representations in connection with the Harijan occupants of evacuee properties and grant of some facilities; and

(b) if so, the details of the facilities given regarding the grants of easy instalments?

**The Deputy Minister of Rehabilitation (Shri F. S. Naskar):** (a) Yes.

(b) Information in regard to the size of the problem etc. is being collected. When the information is available it will be examined and a decision taken.

**Employees in All India Radio**

**2827. Shri Tangamani:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that those who have put in more than 10 years service are still not made quasi-permanent or permanent in the All-India Radio;

(b) how many are permanent and quasi-permanent and how many yet await such a status in different classes; and

(c) what is the basis of conferring such a status?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). About 2.4 per cent of the class I & II employees of A.I.R. who have put in more than 10 years' service have not been made quasi-permanent or permanent. Out of 638 Class I & Class II officers having more than 10 years' service 474 have been made permanent and 139 have been declared quasi-permanent. 10 are holding contract posts and are not eligible for quasi-permanency or confirmation. The remaining 15 are continuing in a temporary capacity.

(c) Officers are confirmed, subject to availability of permanent posts, on the basis of seniority and suitability for the post. As regards quasi-permanency the conditions for eligibility are (i) more than 3 years' continuous service and (ii) suitability in respect of age, qualifications, work and character. Class I & Class II officers are declared quasi-permanent in consultation with the Ministry of Home Affairs and the U.P.S.C.

### Refugee Colony at Bharat Nagar

2828. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that the Ministry of Rehabilitation provided a sum of Rs. 1,09,140 early this year to the erstwhile Delhi Municipal Committee through the Delhi Administration, for providing street lighting water mains, roads, drainage etc. in Bharat Nagar, a rehabilitation colony in Delhi;

(b) if so, whether Government have received a representation from the Residents' Welfare Association of this colony to the effect that no work in this respect has so far been undertaken;

(c) if so, whether the Government of India have enquired from the Delhi Administration/Delhi Municipal Corporation into the reasons for the delay in the execution of these projects;

(d) if so, the result thereof; and

(e) the date when these projects are expected to be undertaken and completed?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) Yes.

(b) No.

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

(e) The Delhi Municipal Corporation expects to provide all the amenities for which funds have been given by the end of this year.

### Directorate General of Supplies and Disposals

2829. Shri D. C. Sharma: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government are aware of the fact that due to delay in taking decisions by the Directorate General of Supplies and Disposals the tendering firms are greatly inconvenienced;

(b) whether it is also a fact that payments due to contractors are in arrears; and

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

The Minister of Works, Housing and Supply (Shri K. C. Beddy): (a) Generally, decisions are taken by the DGS & D within the time that the tenders are open for acceptance, in accordance with the existing instructions. In a few cases, however, due to unavoidable reasons, where consultations between the DGS & D and the indenter are necessary, tendering firms are sometimes requested to extend the time for which their tenders are open for acceptance. In such cases it is open to the individual tendering firms to either agree to comply with this request or to withdraw their tender.

(b) Payments in respect of supplies made by the contractors, where their bills are in order and, in accordance with the conditions of the contract and supported by relevant documents, are made promptly. Arrears, however, do arise where the contractor has not been able to comply with the contract terms, particularly where the delivery of stores has been delayed beyond the date stipulated in the contract. In such a case he can obtain payment only after such delay in delivery has been regularised with or without penalty.

(c) As regards delay in taking decisions on tenders, suitable instructions exist that as far as possible, the period for which tenders are required to be kept open should be determined at the time of issue of invitations to tender in such a manner that ordinarily decisions on such tenders can be taken within such period. Thereafter decisions are ordinarily required to be taken during this period.

As regards arrears of payment, the existing procedures have been suitably revised in the light of the recommendations of the stores Purchase Committee, so that ordinarily where amendments are necessary before

suppliers can obtain payment, such amendments are finalised with the least possible delay. In addition, a special Wing has been set up within the DGS & D, namely, the Finalisation Wing, who are responsible for dealing with such cases with a view to expediting payment to contractors.

#### Titanium Dioxide

2830. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) the annual production, con-

(a) Production	The production of Titanium Dioxide of Anatase variety (the only variety manufactured in the country) during 1957 and 1958 (January to July) was 1671 tons and 964 tons respectively.
Consumption	The consumption of Titanium Dioxide in the country during 1957 and 1958 (January-July) was as follows:
	1957 . . . . . 1933 to 18 (Anatase type) & 280 to 18 (Rutile type).
	1958 (January-July) . . . . . 1209 to 18 (Anatase type) & 206 tons (Rutile type).
Export.	Titanium Dioxide is not being exported at present.

(b) Government received some complaints that Titanium Dioxide was being sold in the market at high price and that users were experiencing difficulties in obtaining adequate supplies.

(c) The following steps have been taken to make the pigment available in adequate quantities and to bring down the prices:—

(i) Cutting out sales to dealers;

(ii) effecting deliveries to consumers on the basis of off-take in 1957;

(iii) granting import licences to Actual Users to the extent of gap between indigenous supplies and their requirements and if necessary full requirements where no supplies are obtained from indigenous source;

(iv) maintaining supplies to consuming industry at 1957 level.

sumption and export of Titanium Dioxide;

(b) whether the attention of Government has been drawn to the fact that the actual users are not getting the supplies of Titanium Dioxide and that it is being sold at exorbitant rates very much above the normal price in the country; and

(c) if so, the steps taken or proposed to be taken in the matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

#### Swing Credit Facilities Agreement with Poland

2831. Shri Ram Krishan: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that an agreement of "Swing Credits" designed to expand Indo-Polish Trade has been finalised; and

(b) if so, the main terms of the agreement?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Some general discussions on Indo-Polish Trade were held when the Deputy Minister of Foreign Trade, Poland, visited Delhi early this month. The subject of Swing Credit was mentioned during these talks but no agreement was negotiated or finalised on the subject.

**Tea**

2832. { **Shri Osman Ali Khan:**  
**Shri N. B. Ghosh:**  
**Shri Ramoshwar Tanti:**

Will the Minister of Commerce and Industry be pleased to state:

(a) the comparative figures of production of tea upto the end of July, in 1957 and 1958;

(b) the estimated increase in production this year over the last year's production;

(c) whether the price, common tea is fetching is uneconomical; and

(d) if so, the steps Government propose to take in the matter?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) and (b). Production upto the end of July:—

1957	..	274,333,000 lbs.
1953	..	293,805,000 lbs.

It is too early to forecast the total production in whole of year 1958.

(c) and (d). Up-to-date data about cost of production in various regions is not available and it is not possible to say that the prices fetched by common tea are economic or uneconomic. The industry maintains that the prices of these teas are not remunerative and wants some relief in export duty to withstand competition from other parts of the world. The trend of recent exports has, however, been satisfactory.

**State Plans**

2833. **Shri Ram Krishan:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the Planning Commission has started discussions with representatives of State Governments on the re-assessment of their programmes in the last two years of the Plan and the measures to raise the requisite additional resources; and

(b) if so, the results of the discussions held so far?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The Planning Commission is at present having discussions with the States regarding assessment of financial resources for the last two years of the Plan. At these discussions the question of reassessment of their programmes is not being discussed.

(b) So far, discussions with six States, viz., Mysore, West Bengal, Madras, Bombay, Andhra Pradesh and Orissa have been concluded. It will be possible to give the results of these discussions only after all the discussions have been concluded.

**Finance for Tea Gardens**

2834. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a suggestion has recently been received from the State Government of Assam to convene a conference of tea interests, financiers and Government representatives for determining the procedure of block finance to the tea gardens;

(b) if so, the reactions of Government thereto; and

(c) whether the question of closed tea gardens will also be taken up in the proposed conference?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) The Government of Assam were proposing to have a conference for the purpose.

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

(c) Does not arise.

**Demolition of Huts near Ashoka Hotel.**

2835. **Shri T. B. Vittal Rao:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government are aware of the fact that labourers residing in

huts near the Ashoka Hotel are being put to trouble on account of their huts being demolished by the local authorities;

(b) if so, whether there is any proposal to continue them at the present place till alternative accommodation is arranged?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) Enquiries that have been made show that the local authorities are taking steps to prevent fresh encroachments on Government land in this area.

(b) The entire problem of squatting in Delhi/New Delhi is under the consideration of a Committee appointed by the Ministry of Home Affairs.

#### **Export of Indian Films**

**2836. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the names of Indian Films exported to foreign countries during 1958 so far (country-wise);

(b) the total Foreign Exchange earned therefrom; and

(c) the steps taken to encourage the export of Indian films?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) to (c). A statement is laid on the Table of the House [See Appendix VI, annexure No. 92].

#### **National Small Industries Corporation (Private) Ltd.**

**2837. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state the types of machines supplied by the National Small Industries Corporation (Private) Limited for the development of small scale industries in Punjab during 1958 so far?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** The following are the types of machines supplied by the National

**Small Industries Corporation in Punjab during 1958:—**

S.S. & S.C. Lathe, Automatic Lathe, Turret Lathe,

Drilling Machines, Radial Drilling Machines;

Shaping Machines, Universal Milling Machines; Socks Knitting Machines and Circular Jacquard Machines; Moulding Machines; Gear Hobbing Machines; Polishing Machines; and Electric Motors.

#### **Export of Tea to Iran**

**2838. Shri Daljit Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the present position of the export of Indian tea to Iran; and

(b) what measures have been adopted to promote the export of Indian tea there?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** (a) and (b). Exports of Indian tea to Iran in recent years were:—

1956	8.3 mn. lbs.
1957	10.0 mn. lbs.
Jan-June 1958	4.2 mn. lbs.
Jan-June 1957	3.5 mn. lbs.

Exports to Iran fluctuate widely due to changes in importing policy.

The Chairman, Tea Board was deputed to Iran in November 1957 to establish contacts with importers and assess the possibilities of increasing our exports. His suggestions in this regard are under consideration.

#### **Auctioning of Evacuee Buildings**

**2839. Shri Daljit Singh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of evacuee buildings auctioned in the Punjab from the 1st January to the 31st August, 1958; and

(b) the number of such evacuee buildings possession of which has been given to the purchasers?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) and (b). The information is being collected and will be laid on the Table of the Sabha when available.

#### Government Buildings

**2840. Shri Jadhav:** Will the Minister of Works, Housing and Supply be pleased to lay a statement with a break up of each State and Union territory showing:

(a) the number of the buildings of various types and categories owned by the Central Government in the various States and Union Territories; and

(b) the purposes for which they are used?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** The required information is being collected and will be laid on the Table of the House.

#### Evacuee Interests (Separation) Act, 1951

**2841. Shri T. B. Vittal Rao:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of officers still functioning in Punjab under the Evacuee Interests (Separation) Act, 1951;

(b) the total number of claims still pending with them; and

(c) how long it will take to finally settle these pending claims?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) 10, including the Additional Custodian who also works as the State Competent Officer (they also deal with work in Himachal Pradesh).

(b) (i) pending adjudication on 31.7.58; 3,077

(ii) in which final separation is to be affected; 10,457.

(c) the bulk of the pending work is expected to be finished by the middle of next year.

#### Cheap Housing Scheme

**2842. Shri Jadhav:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the Government of India have formulated any scheme for encouraging cheap housing;

(b) if so, what are the main features of the same;

(c) whether the scheme of prefabricated houses has been altogether abandoned by Government; and

(d) if so, the reasons therefor?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) and (b). All the Housing Schemes at present in operation viz., Subsidised Industrial Housing, Low Income Group Housing, Plantation Labour Housing, Slum-Clearance and Village Housing Projects Schemes are 'low-cost' housing schemes. Copies of these Schemes are available in the Parliament Library.

(c) and (d). Presumably the Hon'ble Member is referring to the Scheme for the production of prefabricated houses in the Government Housing Factory originally set up by Government of India. That Scheme was terminated in 1951, as already explained in para 1 of the statement placed on the table of the House in answer to Short Notice Question No. 10 dated the 20th September, 1955.

#### आकाशवाणी

२८४३. श्रीमती मिनिमाता : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) आकाशवाणी के विभिन्न रेडियो स्टेशनों पर वर्ष १९५८ में कितने प्रोड्यूसर नियुक्त किये गये ।

(ख) उन में से कितने प्राकाशवाणी के साहित्यिक विभाग से सम्बद्ध हैं; और

(ग) क्या साहित्यिक कार्यक्रमों के प्रोड्यूसरों को प्राकाशवाणी द्वारा अपने विषय का कोई प्रशिक्षण दिया जाता है ?

सूचना और प्रसारण मंत्री (डा० केलकर) : (क) ६ प्रोड्यूसर तथा १२ सहायक प्रोड्यूसर

(ख) ३ प्रोड्यूसर तथा ६ सहायक प्रोड्यूसर ।

(ग) जी, हाँ । प्राकाशवाणी का स्टाफ ट्रेनिंग स्कूल उनके लिये नियमित रूप से गोष्ठियों का प्रबन्ध करता है ।

#### Brassware Industry

2844. **Shri Madhusudan Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are considering the question of drawing up model rules for setting up voluntary organisations to promote the brassware industry and trade;

(b) what is the Foreign Exchange earned during 1957-58 from the exports of brass and copper wares separately; and

(c) what steps Government propose to take to help the industry in securing raw materials at reasonable price?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) No, Sir.

(b) Foreign Exchange earned during 1957-58 from the exports brass and copper wares.

The total amount of foreign exchange earned by the exports of "Brass and Bronzeware as artware" during 1957-58 was Rs. 96 lacs.

The exports of copper ware are not shown separately in the trade classification of the country and as such the export figures of the commodity are not available.

(c) Steps to help the industry in securing raw materials.

The main basic raw materials for the brassware and copperware industry are Copper and Zinc.

The import of these metals was taken off the O.G.L. w.e.f. 1-7-1957 due to foreign exchange difficulties. This was followed by complaints from consuming industries that the importers were charging high prices for copper.

To meet the situation the Government of India brought in statutory control under the Essential Commodities Act 1955 and the Non-Ferrous Metals Control Order 1958 was issued on 2-4-1958. Under this Order, the Controller acquires all imported copper for equitable distribution among actual users. The distribution among small scale industries is done having regard to their 1957 consumption. In the case of scheduled industries, distribution of copper is being effected on the basis of 1956 level of production.

#### Annual Report of the Chief Inspector of Mines

2845. **Shri S. C. Samanta:** Will the Minister of Labour and Employment be pleased to state:

(a) when the annual report of the Chief Inspector of Mines of India for 1956 is going to be published;

(b) the steps taken to bring out the annual report more expeditiously;

(c) how many copies of each annual report were published since 1940 onwards; and

(d) the price fixed each year during the above period?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) The Annual Report of the Chief Inspector of Mines for 1956 is under print and is expected to be published shortly.

(b) The main causes of the delay in publication are late receipt of

returns from mine managements and time taken in printing the report. All the necessary steps to avoid delay in these matters are being taken.

(c) and (d). The numbers of copies of the Report printed from 1940 onwards and the price per copy were as follows:—

Year	No. of copies printed	price per copy		
		Rs.		
1940	1090	1	12	0
1941	982	2	4	0
1942	1050	3	14	0
1943	1100	2	0	0
1944	1205	3	8	0
1945	1150	3	4	0
1946	1100	5	6	0
1947	1250	6	4	0
1948	1000	6	10	0
1949	700	12	12	0
1950	700	15	14	0
1951	370	17	14	0
1952	355	17	10	0
1953	385	23	8	0
1954	360	20	8	0
1955	320	54	0	0

#### Staff of the Indian High Commissioner in U.K.

2846. Shri Dinesh Singh: Will the Prime Minister be pleased to state:

(a) the total number of staff under the Indian High Commissioner in U.K.; and

(b) the total number of such staff in August, 1957 and April, 1954?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 1268 as on 31.3.1958.

(b) 1243 on 31.3.1957 and 1247 on 31.3.1954.

#### Remittances to India from Heads of Indian Missions Abroad

2847. Shri Dinesh Singh: Will the Prime Minister be pleased to state whether remittances sent to India by Heads of Missions and other members of the staff are free of all taxes?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The remittances are subject to taxes in accordance with current Indian Income-Tax Laws.

If an officer/member of staff is posted abroad from Headquarters in the middle of the financial year, his remittances to India for the balance of the financial year he spends abroad are subject to Indian Income Tax Laws. Thereafter, remittances for full financial years he spends abroad are not subject to Indian taxes. Similar is the case of officers posted to Headquarters in the middle of the financial year.

#### Foreign Service Inspectors

2848. Shri Dinesh Singh: Will the Prime Minister be pleased to state which countries were visited by the Foreign Service Inspectors on their last tour?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): During their last tour, the Foreign Service Inspectors visited the following countries:—

Austria, Burma, Czechoslovakia, Egypt, France, Hungary, Ireland, Italy, Morocco, Norway, Poland, Spain, Sweden & United Kingdom.

#### Foreign Service Allowance

2849. Shri S. A. Mehdi: Will the Prime Minister be pleased to state whether the Ministry of External Affairs have decided to discontinue all statements submitted by Heads of Missions and their staff in connection with Foreign Allowance?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Yes, if the word "all" refers to entertainment statements submitted by Heads of Missions and the remittance statements of all officers and staff.

**Mining Sirdars and Querries**

**2850. Shrimati Parvathi Krishnan:** Will the Minister of Labour and Employment be pleased to state:

(a) whether any Charter of Demands has been received from the mining sirdars and querries;

(b) if so, what are the demands; and

(c) the action taken thereon?

The Deputy Minister of Labour (Shri Abid Ali): (a) A Charter of Demands has been received from the Indian National Mines Overman, Sirdar and Shotfirers Association.

(b) The demands include the reduction of working hours, provision of medical, housing and drinking water facilities, provision for gratuity and pension, provision for adequate defence during enquiries made against them, etc. A copy of the charter is laid on the Table of the House. [See Appendix VI, annexure No. 93].

(c) The demands are under examination.

**Closure of Mines**

**2851. Shrimati Parvathi Krishnan:** Will the Minister of Labour and Employment be pleased to state:

(a) the number of collieries closed down by the Department of Mines under Section 22 of the Mines Act during the year 1957-58;

(b) the period of their closure; and

(c) the loss in production?

The Deputy Minister of Labour (Shri Abid Ali): (a) Orders under Section 22(3) of the Mines Act, 1952 resulting in the stoppage of the whole or parts of mines were issued on 59 collieries during the year 1957-58.

(b) Order under Section 22(3) of the Mines Act was in force in—

26 mines for less than a month	
13 mines between 1 & 2 months	
9 " "	2 & 3 "
3 " "	3 & 4 "
1 " "	7 & 8 "
1 " "	8 & 9 "
2 " "	9 & 10 "
2 " "	10 & 11 "
2 " "	11 & 12 "

(c) It is not possible to obtain accurate information of the loss. According to a very rough estimate, the loss was not more than 50,000 tons.

**Bicycle Units in Madras**

**2852. Shri Subbiah Ambalam:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Bicycle assembly units reposed to be started in Madras;

(b) their total outlay and location;

(c) whether the Madras Government have asked for financial assistance from the Centre; and

(d) if so, what is the amount asked for and given unit-wise?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Two units proposed by private parties have already been approved. The other four units (3 proposed by the State Government and one by private party) have not been finally approved.

(b) (i) By private parties at Guindy, Rapid Nagar (near Madras) and Sivakasi.

By the State Government at Guindy, Vellore and Tanjore.

(ii) Total outlay of five units is Rs. 16,21,032, and that of the sixth unit at Sivakasi is not yet known.

(c) Yes, Sir.

(d) Units proposed by State Government	Amount asked for by the State Govt.	Amount given by the Central Govt.
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	Rs.	
at Guindy	1,65,357	}
at Vellore	2,09,831	
at Tanjore	5,63,085	
		The matter is under consideration.

**X-Ray Films**

**2853. Shri L. Achaw Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that there is a restriction on the export of X-ray films; and

(b) if so, the reasons therefor?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) No, Sir.

(b) Does not arise.

**भारतीय चल-चित्रों के गाने**

२८५४. सेंट गं विन्ड दास : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारतीय चल-चित्रों में गीतों को किमी नौति या नियमों के अनुसार सम्मिलित करने की अनुमति दी जाती है;

(ख) क्या उक्त नीति और नियम बनाने के लिये कोई सरकारी समिति है; और

(ग) यदि हां, तो उस समिति के गठन करने के सिद्धान्त व उसके कार्यक्षेत्र का संक्षिप्त झूरा क्या है ?

सूचना और प्रसारण मंत्री (डा० केसकर):

(क) सेन्ट्रल बोर्ड ऑफ फिल्म सेन्सरज द्वारा जारी किये गये निर्देशों के आधार पर फिल्मी गानों को, "एक्झामिनिंग कमेटियों" द्वारा जांचा जाता है। गूरे गाने फिल्म का हिस्सा ही माने जाते हैं।

(ख) जी, नहीं।

(ग) प्रश्न नहीं उठता।

**Valuers and Peons in Regional Settlement Commissioner's Office at Jullundur**

**2856. { Shri S. M. Banerjee:  
Shri Tangamani:**

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether 50 valuers and peons under Regional Settlement Commissioner, Jullundur have been served

with notices of termination of service this week;

(b) if so, whether they have been offered any alternative jobs; and

(c) if not, the steps taken by the Government to absorb them in other Ministries?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) Notices were served on 40 Valuers and 3 peons on the 1st September, 1958.

(b) No, not yet.

(c) Retrenched employees have to register themselves with the local Employment Exchange for the purpose of obtaining re-employment. The Employment Exchanges have instructions to give high priority to such persons in securing re-employment which give them priority in the matter of absorption.

**Import Licences for Consumer Goods**

**2857. Shri K. C. Jena:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that no licence. to the new entrants for importing consumer goods are issued;

(b) if so, the reasons therefor;

(c) the basis of granting import licences for consumer goods;

(d) how many applications have been made from different States since July, 1958 by intending new entrants for the import of consumer goods;

(e) in how many cases the licences have been granted and issued up till now; and

(f) whether there are any cases still under consideration for granting licences?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Licences to new entrants for importing consumer goods are not ordinarily issued.

(b) Mainly foreign exchange shortage.

(c) Consumer goods licences during the current period have been issued mainly in favour of Established importers in accordance with the quota prescribed in the Red Book.

(d) Statewise statistics of applications received are not maintained.

(e) 20 licences of the value of Rs. 45,000 were issued during the current licensing period (April—September 1958) upto 16th August, 1958. This figure includes 17 licences of the value of Rs. 41,000 for books and periodicals falling under S. No. 169-170/IV of the Import Trade Control.

(f) This information is also being collected.

#### **Licence for Manufacture of Medicines**

2858. { Shri Subodh Hansda:  
Shri S. C. Samanta:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that some private firms have been given licences to manufacture streptomycin and terramycin;

(b) if so, the names of the firms to whom the licences have been issued; and

(c) whether they have started manufacturing these medicines?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):  
(a) and (b). No licences have been issued to any party for the manufacture of terramycin. As regards streptomycin, in addition to Messrs Hindustan Antibiotics (Private) Ltd., Pimpri, Messrs Standard Pharmaceutical and Chemical Works Ltd., Calcutta, have been granted a licence.

(c) No, Sir.

#### **State Trading Corporation of India (Private) Ltd.**

2859. Shri Bose: Will the Minister of Commerce and Industry be pleased to state:

(a) whether some industrialists particularly some Iron and Manganese Mines owners are complaining against the State Trading Corporation of India (Private) Ltd. for partiality; and

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

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) Some mineowners have complained that the S.T.C. have not accepted their offer to sell iron ore for export.

(b) These complaints have been investigated and purchase contracts have been concluded wherever the mineowners were in a position to offer acceptable grades of ores on acceptable prices. Many offers have had to be returned down for want of adequate transport capacity.

#### **State Trading Corporation of India (Private) Ltd.**

2860. Shrimati Renu Chakravartty: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of iron ore purchased by the State Trading Corporation of India (Private) Ltd. from Barajamda Sector since its inception;

(b) the names of suppliers; and

(c) the period of delivery agreed upon?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):  
(a) to (c). It is not in the business interest of companies such as the State Trading Corporation to disclose particulars regarding purchases from different sectors, or suppliers, or regarding delivery periods.

**Export Quotas**

**2861. Shrimati Renu Chakravarty:** Will the Minister of Commerce and Industry be pleased to state the export quotas for iron ore made available to the exporters in the quarter immediately preceding the formation of the State Trading Corporation of India (Private) Ltd.?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

*Madras:* 1,23,106 tons.

*Calcutta:* 3,57,140 tons (January—June 1958 including *ad hoc* allotment).

*Other Ports—*There was no quota system.

**Supply of Caustic Soda**

**2862. Shri V. C. Shukla:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that certain small-scale soap manufacturing factories of Raipur in Madhya Pradesh were advised by the Chief Controller of Imports that their 'actual user' requirements of caustic soda will be met from the stocks imported by the "import-distributors" appointed by Government;

(b) whether Government's attention has been drawn to the fact that Messrs. Tata Oil Mills Co. Ltd., one of the "import distributors" appointed by Government, have expressed their inability to arrange the supply due to restricted imports and other reasons:

(c) whether, a representation has been made by the Madhya Pradesh Laghurup Sabun Nirman Karta Sangh of Raipur to arrange supply of one wagon of solid caustic soda from the reserve stocks of the State Trading Corporation of India (Private) Ltd. to meet their immediate requirements; and

(d) if so, the steps taken in the matter?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**  
(a) Yes, Sir.

(b) Yes, Sir. The demand in full as required could not be met by Tatas.

(c) Yes, Sir.

(d) The matter is under consideration.

**Export of Manganese Ore**

**2863. { Shri V. C. Shukla:  
{ Shri Rameshwar Tantia:**

Will the Minister of Commerce and Industry be pleased to state:

(a) what are the names of the new markets, if any, developed by the State Trading Corporation of India (Private) Ltd. for Manganese Ore exports; and

(b) what specific steps are being contemplated by the State Trading Corporation in order to maintain the export of this ore?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**  
(a) None.

(b) The following steps are being taken by the State Trading Corporation:—

(i) The State Trading Corporation is negotiating a barter arrangement with the Commodity Credit Corporation of U.S.A., involving the exchange of substantial quantity of Manganese ore and ferromanganese against imports of wheat.

(ii) Special Payment arrangements are being worked out with some countries, which would, facilitate exports of Manganese also among other commodities.

(iii) Joint sales programmes are being worked out with principal shippers/mineowners, so

that supplies to traditional buyers of Indian ore can be maintained and wherever possible enlarged.

- (iv) Possibilities of entering into long term contracting with major consumers with the help of the Corporation's business associates are being explored.

**State Trading Corporation of India  
(Private) Ltd.**

2864. { Shri V. C. Shukla;  
Shri Rameshwar Tantia:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1550 on the 21st March, 1958 and state:

(a) what exactly the term "departmentally" signifies when used in the context of the business etc. done by the State Trading Corporation of India (Private) Ltd.; and

(b) what will be the position of the profit or loss on the business in ores and other than ores shown to have been done by the State Trading Corporation departmentally up to the period ending 31st January, 1958 if the total expenditure incurred by it in doing such business is taken into account?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) The term covers contracts negotiated, concluded, and executed by the Corporation.

(b) The profit and loss on the Corporation business will be shown in the second annual report for the year ending 30th June, 1958, a copy of which will be placed on the Table of the House when ready.

**State Trading Corporation of India  
(Private) Limited**

2865. Shri Shivnanjappa: Will the Minister of Commerce and Industry be pleased to state:

(a) the steps taken by the State Trading Corporation of India (Private)

Limited to bring down freight charges on imports; and

(b) what measures have been adopted to engage chartered ships for carrying commodities at lower rates?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) The State Trading Corporation have organised a separate Division namely "Shipping, Development and Marketing Development Division" for chartering ships and arranging freights on contracts basis at an economic rate.

(b) The Corporation is now endeavouring to export on CIF basis, and import on FOB basis as far as practicable, in order to support Indian shipping and to engage Chartered ships on economic terms on long term basis.

**State Trading Corporation of India  
(Private) Limited**

2866. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that during July 1957 to June 1958 the State Trading Corporation of India (Private) Ltd. purchased some manganese ore from any Manganese Mine owners at F.O.R. basis and resold the same to them on F.O.B. basis;

(b) whether the State Trading Corporation had incurred and loss in such transactions; and

(c) if so, the amount of loss incurred?

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):**

(a) No, Sir.

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

**State Trading Corporation of India  
(Private) Limited**

2867. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of Manganese ore exported by the State Trading Corporation of India (Private)

Ltd. from Calcutta Port during July 1957 to June 1958;

(b) whether the State Trading Corporation sold any Manganese ore to the private sector at Calcutta Port during above period; and

(c) if so, the quantity thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) 42,376 tons.

(b) Yes, Sir.

(c) 500 tons for blending purposes to enable a private exporter to meet his contractual obligations to the foreign buyer.

**State Trading Corporation of India (Private) Limited**

2868. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any Purchase Advisory Board attached to the State Trading Corporation of India (Private) Ltd., with representatives drawn from different Ministries and supplier; and

(b) how the State Trading Corporation conducts its foreign sales?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

(a) A Committee has been set up consisting of representatives of the State Trading Corporation and the Ministry of Steel, Mines and Fuel for advising the Corporation in its

arrangements for the procurement of ores. The Committee is to meet shortly.

(b) (i) By negotiations with foreign buyers who are mostly Central purchase agencies of their countries or the buyers concerned;

(ii) by enquiries materialising as a result of efforts by the Corporation's Business Associates and other traders;

(iii) by arranging quotations against tenders issued by foreign buyers.

**Export of Iron Ore**

2869. Shrimati Renu Chakravarty: Will the Minister of Commerce and Industry be pleased to state:

(a) how much quantity of iron ore was shipped from Calcutta port in 1956 and 1957 under canalised contract and how much directly by the State Trading Corporation of India (Private) Ltd.;

(b) whether some quantity of iron ore was shipped under the endorsed contract of a private shipper; and

(c) if so, what were the financial considerations and commitments for this deal?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

1956

1957

	1956	1957
(a) State Trading Corporation's direct contract	21,258 tons	2,94,644 tons
Canalised contract	..	1,00,055 tons
TOTAL	21,258 tons	3,94,699 tons

(b) No, Sir.

(c) Does not arise.

दस्तावेज और गोला बारूद का आयात

२८६६-क. श्री अर्जुन सिंह अदौरिया :

क्या वाणिज्य तथा उद्योग मंत्री यह बतायें

की कृपा करेंगे कि भारत में गत पांच वर्षों में अस्त्रनिर्माण के प्रयोग के लिये कितने दस्तावेज और गोलाबारूद आयात किये गये और वे किन किन देशों से आयात किये गये ?

वाणिज्य तथा उद्योग मंत्री (श्री लाल बहादुर शास्त्री) : एक विवरण समाप्त

पर रख दिया गया है जिसमें १९५३-५४ से १९५६-५७ (अप्रैल—दिसम्बर ५६) तक और १९५७ और १९५८ (जनवरी—जून ५८) में हुए शस्त्रास्त्रों और गोलाबारूद के देशानुसार आयात के प्रांकड़े दिये गये हैं। [बिम्बे परिशिष्ट ६, अनुक्रम संख्या ६४]

12.12½ hrs.

## ARREST OF MEMBER

Mr. Speaker: I have to inform the House that I have received the following wireless message dated the 24th September, 1958, from the District Magistrate, Pilibhit:—

“Shri Mohan Swarup, Member Lok Sabha, was arrested today, under section 143, Indian Penal Code, while leading a Praja Socialist Party batch to Government foodgrain godown, on declaring to City Magistrate that if keys were refused they would breakopen the locks.”

Shri Braj Raj Singh (Ferozabad): Where is he now?

Mr. Speaker: I am reading what I have received. I have no more information....

Shri Braj Raj Singh: It has got to be given that he is in such and such jail or place. That is not given.

Mr. Speaker: It may come later on.

Shri Tangamani (Madurai): Any further information....

Mr. Speaker: About whom?

Shri Tangamani: About Shri Prabhat Kar who was arrested in Calcutta on the 22nd, whether any....

Mr. Speaker: How can I carry all this in my mind? If he writes to the Secretary, I will come prepared.

12.11 hrs.

## PAPERS LAID ON THE TABLE

## REPORT OF ADMINISTRATIVE VIGILANCE DIVISION

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table a copy of the Report of the Administrative Vigilance Division for the period 1st April, 1957 to 31st March, 1958. [Placed in Library. See No. LT-963/58].

## AMENDMENTS TO RUBBER RULES

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to lay on the Table, under sub-section (3) of Section 25 of the Rubber Act, 1947, a copy of Notification No. G.S.R. 797 dated the 13th September, 1958 making certain further amendments to the Rubber Rules, 1955. [Placed in Library. See No. LT-956/58].

## REPORTS OF COIR BOARD

Shri Satish Chandra: I beg to lay on the Table under sub-section (1) of Section 19 of the Coir Industry Act, 1953, a copy of each of the following Reports:—

- (1) Annual Report on the working of the Coir Board for the year 1957-58. [Placed in Library, See No. LT-954/58.]
- (3) Report on the working of the Coir Board for the half-year ending the 31st March, 1958. [Placed in Library, See No. LT-955/58].

12.14 hrs.

## COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

## TWENTY-EIGHTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to present the Twenty-eighth Report of the Committee on Private Members' Bills and Resolutions.

12.14½ hrs.

## ESTIMATES COMMITTEE

## TWENTY-SIXTH REPORT

Shri B. G. Mehta (Gohilwad): I beg to present the Twenty-sixth Report of the Estimates Committee on the Ministry of Defence on the subject 'organisation of the Ministry of Defence and Services Headquarters'.

12:14½ hrs.

## COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

## NINTH REPORT

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

12.14-3/4 hrs.

## CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

## FALL IN TEXTILE PRODUCTION IN THE COUNTRY DUE TO THE TOTAL CLOSURE OF THE SHOLAPUR SPINNING AND WEAVING MILLS LTD.

Shri Sonavane (Sholapur-Reserved-Sch. Castes): Sir, under Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha, I beg to call the attention of the Minister of Commerce and Industry to the following matter of urgent public importance and I request that he may make a statement thereon:—

"The fall in textile production in the country due to total closure of the Sholapur Spinning and Weaving Mills, Ltd."

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): M/S. Sholapur Spinning and Weaving Mills, Ltd., Sholapur, is a composite mill with 86,048 spindle and 2,284 working looms.

The mills were incurring exorbitant losses since October, 1958. The main difficulty with the mill was their acute financial position and inability to pay for the main raw materials, namely, cotton and coal. The machinery is very old and has not been replaced or renovated on account of mismanagement.

Because of financial difficulties and obsolete machinery, the production had been continuously falling and mill had to close down from 10th March, 1958. The production of the mill had deteriorated to such an extent that as against 2,68,000 lbs. of yarn and 3,41,000 lbs. of cloth produced in July 1957, the output in February 1958 was 4823 lbs. of yarn and 28,900 lbs. of cloth. The closure of this mill, therefore, does not materially affect the total availability of cloth from the Mill Sector which during the month of August 1958 produced 13,92,18,000 lbs. of yarn and 9,57,97,000 lbs. of cloth.

It is a matter of regret that the Mill had to close down causing hardship to its employees.

12.16 hrs.

## STATEMENT RE: ANNUAL REPORT OF BHARAT ELECTRONICS (PRIVATE) LIMITED

The Deputy Minister of Defence (Shri Raghuramaiah): Sir, the statement runs to about 1½ pages. Would you like me to read it to the House or place it on the Table of the House?

Mr. Speaker: May be placed on the Table of the House.

Shri Raghuramaiah: I place the Statement on the Table

Shri V. P. Nayar (Quilon): We must know what it is about.

Mr. Speaker: Hon. Members will read it. The hon. Minister may say:

[Mr. Speaker]

Statement regarding laying on the Table the Annual Report and Audited Accounts of the Bharat Electronics (Private) Limited. Hon. Members may look into it.

*Statement laid on the Table*

Yesterday, when the annual report for 1956-57 on the working and affairs of Bharat Electronics (Private) Limited, Bangalore, was laid on the Table of the House, Shri Morarka raised two points, namely,

1. That the annual report and the audited statement of accounts of BEL for the year 1955-56, were not placed on the Table of the House except as an Annexure to the Commercial Appendix to the Appropriation Accounts of the Defence Services for the year 1955-56, on the 4th September, 1958; and

2. That the annual report for the year 1956-57 was placed on the Table of the House after 18 months of the ending of the financial year.

As regards the first point, I may mention that the annual reports on the working of the Government companies are now placed before the two Houses of Parliament under Section 639(1) of the Companies Act, 1956. That Act came into force on 1st April, 1956. The year 1956-57 was the first financial year of account of BEL which ended after the commencement of the Companies Act, 1956. Hence the first annual report of BEL to be laid before the House under section 639(1) of the Companies Act was the report for the year 1956-57. The annual report for the year 1955-56 and the connected audit report, etc., were not placed before the House under Section 639(1) of the Companies Act, 1956. They came before the House only as a part of the Appropriation

Accounts of the Defence Services for the year 1955-56.

As regards the delay in the placing of the annual report of BEL for the year 1956-57 on the Table of the House, it may be mentioned that under Section 619 of the Companies Act, the Auditors' Report for the year has to be submitted to the Comptroller and Auditor-General of India who has a right to comment upon or supplement the audit report in such manner as he may think fit. Any such comments upon or supplement to the Audit report have to be placed before the annual general meeting of the company. After the comments of the Comptroller and Auditor-General in respect of the year 1956-57 were received, the annual general meeting of the company was held on 24th April, 1958. In the circumstances, it was not possible to place the annual report under Section 639(1) of the Companies Act, 1956, for the year 1956-57 before the Lok Sabha during its last session which ended on 9th May, 1958. It has, therefore, been placed on the Table of the House in the current session.

12.17½ hrs.

CORRECTION OF ANSWER TO  
STARRED QUESTION NO. 764

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): In reply to Starred Question No. 764 by Shri Radha Raman and Shrimati Renu Chakravartty, replied by Shri Mehr Chand Khanna, Minister of Rehabilitation and Minority Affairs on 1st September, 1958, the figure of 64,000 was used inadvertently in the first line of the first paragraph of the statement laid on the Table of the Lok Sabha. This figure may be changed to 14,000.

12.18 hrs.

**APPROPRIATION (NO. 4)\* BILL**

**The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi):** 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 services of the financial year 1958-59.

**Mr. Speaker:** 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 services of the financial year 1958-59."

*The motion was adopted.*

**Dr. B. Gopala Reddi:** I introduce\*\* the Bill.

Sir, 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 services of the financial year 1958-59, be taken into consideration."

**Mr. Speaker:** 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 services of the financial year 1958-59, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1, 2 and 3 and the Schedule and the Enacting For-

mula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1, 2 and 3 and the Schedule and the Enacting Formula and the Title were added to the Bill.*

**Dr. B. Gopala Reddi:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

12.19 hrs.

**BUSINESS OF THE HOUSE**

**Mr. Speaker:** The House will now resume further discussion . . .

**Shri Mohammed Imam (Chitaldrug):** I seek some clarification from you regarding the special motions we have tabled so far. The original Order Paper included discussion on a Motion tabled by Shri Feroze Gandhi who is unfortunately ill and so it cannot be taken up today. We all submitted that another motion should be taken up today between 3 P.M. and 5 P.M. No other motion has been substituted for the motion that was included. In this connection I seek some clarification from you as to the procedure to be adopted . . .

**Mr. Speaker:** Is there no motion today relating to the Public Service Commission?

**Shri Braj Singh (Firozabad):** That has to be there.

**Mr. Speaker:** Let me hear him.

\*Published in the Gazette of India Extraordinary Part II—Section 2, dated 25-9-54.

\*\*Introduced and moved with the recommendation of the President.

**Shri Mohammed Imam:** . . . adopted for including in the Agenda motion, which were tabled under Rules 184 and 183 which have been admitted by you. We take great pains to table these motions in order to bring to the notice of the Government some urgent problems. It is our experience that most of these motions are not taken up or lapse presumably because the Government is not prepared to meet them. I may quote one instance. I tabled one motion . . .

**Mr. Speaker:** We are going into a general matter. All that I can say is, so far as these No-day-yet-named motions are concerned, we agreed in the Business Advisory Committee that one such motion will be taken up every week. It was suggested that instead of on Wednesday, it may be taken up on a Thursday. The other day, in the Business Advisory Committee it was decided that two motions alone could be taken up in this session before the session concludes. Priority was given to the motion in the name of Shri Feroze Gandhi relating to the late running of trains. The other one was about safety in trains. So far as the motion relating to the report of the Textile Enquiry Committee is concerned, it was not found feasible. Suddenly Shri Feroze Gandhi fell ill. In deference to his wishes, we have put off his motion. Therefore, it cannot be said that there is absolutely no method. Every week we have a no-day-yet-named motion on a Thursday. That is the arrangement. Suddenly they have not been able to switch over.

**Shri Braj Raj Singh:** Seeing the agenda which is meant for today, we may not be able to do any motion this week, not even on Saturday, because the statutory motion under article 320(5) of the Constitution has got to be passed before the close of the session—the motion on UPSC Consultation Regulations. Today the Supreme Court Judges (Conditions of Service)

Bill is going on, and after that the High Court Judges (Conditions of Service) Amendment Bill will come up. We may not be able to pass these two Bills today, and then on Saturday only 2½ hours will be at our disposal. So, we may not be able to do any motion this week.

**Mr. Speaker:** Very well. If it is so, it is so.

**Shri V. P. Nayar (Quilon):** I want a clarification from you about another matter.

Last session you were pleased to allow a half-hour discussion in my name in the matter of the Indian Institute of Medical Sciences, but because we had no time during the last session to have the discussion, you very kindly ordered this would be taken up in this session. As soon as I came to Delhi for the session, I gave notice . . .

**Mr. Speaker:** What shall I do now?

**Shri V. P. Nayar:** Can we have it tomorrow?

**Mr. Speaker:** Day after tomorrow?

**Shri V. P. Nayar:** May I submit that the hon. Minister of Health with whom I had a discussion this morning very kindly agreed to have the discussion day after tomorrow provided you consider it.

**Shrimati H. Palchoudhuri (Nabadwip):** May I ask for a clarification?

**Mr. Speaker:** The House will not sit beyond day after tomorrow.

**Shri Nath Pal (Rajapur):** The Business Advisory Committee had given 2½ hours for the consideration of the Supreme Court Judges (Conditions of Service) Bill, and yesterday the hon. Minister consumed 48 minutes, a big slice of it. I am afraid many hon.

Members want to speak on this very important Bill. Will you, therefore, kindly extend the time by an hour at least?

**Mr. Speaker:** Let us see. Hon. Members in the beginning of the day are very anxious that we should dispose of business and sit longer hours, but as the day advances, all hon. Members, one after the other, leave their place.

12.23 hrs.

**SUPREME COURT JUDGES (CONDITIONS OF SERVICE) BILL—Contd.**

**Mr. Speaker:** The House will now resume further discussion of the following motion moved by Shri Datar on the 24th September, 1958, namely:

"That the Bill to regulate certain conditions of service of the judges of the Supreme Court, be taken into consideration."

and also the motion for reference to Select Committee moved by Shri Frank Anthony.

Out of the 2½ hours allotted to this Bill, one hour and 42 minutes now remain. Shri Anthony may kindly continue his speech.

**Shri Frank Anthony** (Nominated—Anglo-Indians): I am glad that the hon. Home Minister is in the House. Yesterday in the very few minutes during which I spoke in support of my motion for reference to Select Committee, I had emphasized the fact that this is a very vital Bill which deals with the conditions of service of the Supreme Court Judges; and the Supreme Court is something in respect of which we must address ourselves carefully; that the conditions of service will depend on whether the Supreme Court functions as we want it to function in the vitally pivotal position.

I was at the point where I mentioned that although Government may take the position that the salaries that have been set out in the Constitution to be paid to the Supreme Court Judges are sufficient in the context of the resources of the country, I could not accept this position. I pointed out that the Federal Court had much less work, had much narrower jurisdiction, and yet the Chief Justice of the Federal Court used to get a salary of Rs. 7,000 whereas we have fixed a salary to our Chief Justice of Rs. 5,000. A Judge of the Federal Court used to get Rs. 5,500 whereas we have fixed the salary of a Supreme Court Judge at Rs. 4,000. I know that the plea will be taken that this thing has been fixed in the Constitution, but I feel that this is a matter . . .

**The Minister of Home Affairs** (Pandit G. B. Pant): Just a word of apology. I have to attend a meeting. Shri Anthony was good enough to refer to me. I shall certainly study all that he has said or will be saying, but he will excuse me if I go out now.

**Mr. Speaker:** Shri Datar will be here.

**Pandit G. B. Pant:** Yes. I may be coming back.

**Shri Frank Anthony:** I feel that in this very vital matter of the conditions of service for our Supreme Court Judges, to try and strike a comparison even with the salaries of Ministers is quite wrong. Any economy here is not only mis-conceived economy; to my mind it is false; worse than that, it is dangerous economy.

So far as the pension scales are concerned, I feel strongly, as I mentioned yesterday, that they are not only inadequate, they are grossly inadequate. I think they are grossly niggardly. So far as the Chief Justice is concerned, the maximum limit of pension for him is Rs. 26,000 per

[Shri Frank Anthony]

annum. For a Judge it will work out to Rs. 20,000 per annum. After deduction of income-tax and all the other taxes which we have recently evolved, a Judge will get Rs. 1,000 or Rs. 1,200 a month. Does the hon. Minister seriously believe that a Supreme Court Judge can live with the minimum of dignity on a pension of about Rs. 1,000 a month?

It is a question of degree, a question of comparison. A labourer works. I do not say he cannot live, he lives on Rs. 2 a day, but I do say that in the context of the purchasing power in the country today, a person like a Supreme Court Judge will have to live definitely in a shabby way, probably in a very shabby way.

But it is not so much a question whether he can live at a certain level. What I am trying to under-line is a question of principle. What have been the principles which have been adopted with regard to the Judges of the highest courts in the most progressive democracies? What is the position in Britain? There, there is no age of retirement for the Judges. In America, the same practice is followed. There may be conflicting points of view, but it is a good thing to allow the Judge to continue to be a Judge till 90. But what is the principle that underlies this very salutary convention? It is the maxim: once a Judge, always a Judge. This is the vital maxim which underlies the principle, and that is why in these progressive democracies they have invested the service of Judge with conditions which ensure that at 60 or 65 his emoluments do not suddenly go down to half or one-third or a quarter of what he was getting till then.

I feel, and I say this with all respect, that so far as our judiciary, is concerned, the Government, probably unwittingly, is setting up one

only bad conventions; the Government is setting up retrograde conventions, because we are not prepared or willing to pay our Judges generally an adequate salary; more than that because we are not willing to pay them an adequate pension.

Look at the pernicious conventions that we have adopted. A High Court Judge after retirement is allowed to practise. I had to resist this bitterly when the States' reorganisation was on the anvil because, I said, we practising lawyers knew what would happen, and what we envisaged has happened. Judges who should have maintained themselves on a pedestal, come down into the fierce hurly-burly of a highly competitive profession. They are not practising at the bar, they are malpractising at the bar. They are bringing themselves and the judiciary and the High Court into utter contempt. Speak to any responsible lawyer in any bar, speak to some of our leading lawyers in the Supreme Court bar. The High Court Judges, since you have allowed them to practise—I know the Supreme Court Judges are not allowed to practise—are undercutting the most junior lawyers, and some of the other malpractices will not bear mention. I had resisted this because I knew what would happen. So far as Supreme Court judges are concerned, we do prevent them from practising, but in common with the High Court judges, we do not prevent them from accepting jobs. This is not only a pernicious convention, but it is a malignant convention. It is eating, and it has already eaten into the vitals of the independence of the judiciary in the High Courts. Because we have not maintained this convention 'Once a judge, always a judge', two disastrous consequences have already supervened. Already, so far as most of our High Courts are concerned, the independence of the judiciary is an increasing casualty, and I say this

advisedly. Talk to the leading responsible members of any High Court bar—not to the ordinary members—and they will tell you—of course, honourable exceptions are there—that steadily, within the last few years, there has been a rapid deterioration in the independence of the judiciary in the High Courts.

**Shri Satyendra Narayan Sinha** (Aurangabad—Bihar): Why?

**Shri Frank Anthony:** Because political considerations are becoming a dominant factor in the appointment of judges. And this is a fact in many of our—I do not say all—High Courts. Talk to anyone, and he will admit it. Talk to some of your leading jurors, and leading members of the Bench, and they will tell you, and they say it with regret, they say it with pain, and they say it with shame.\*\*\* \*\*\* It is because you are allowing judges to seek Government patronage and Government jobs, and Government has converted them into job-seekers that this is happening. Everyone is talking about this. And if we were to shirk a vital issue like this, we would be guilty, as I say, of not facing up to an issue which is destroying the independence of the judiciary. Nobody is more disgusted, and nobody is....

**Mr. Speaker:** The hon. Member's point is that after retirement, it ought not to be open to them to seek any other job....

**Shri Frank Anthony:** Quite so.

**Mr. Speaker:** ...or to stand before Government for any such jobs lest it should interfere with the fairness of their judgment.

**Shri Dasappa (Bangalore):** Except jobs of a quasi-judicial type.

**Shri Frank Anthony:** That is what I have said. It is Government's policy that is corrupting our judiciary in two ways. For, judges, particularly of the High Court, feel now that they have to be able to supplement their inadequate pensions by getting Government jobs, and they can only get jobs if they curry favour with the politicians and the Ministers; and that is what is happening. What is the good of our shutting our eyes to it? And because of this pernicious and malignant convention of Government, a High Court judge whether he is in service or after he has retired, becomes a Government-job-seeker. I have set my face against it, because nobody is more zealous than I am that we should maintain intact the position which they have held. Put them on a pedestal; isolate them if you like, as they should be isolated; and give them the maximum of confidence, and you can only do it if you set the right conventions. I am sorry to say this, but somebody has got to say it. Everyone is talking about it today. The Bar Associations, and the litigating public are all talking about it, that in many of the High Courts, the rot has set in; and they say that in fifteen or twenty years' time, because the same people will ultimately come to the Supreme Court, the Supreme Court will also lose the semblance of its present independence; and a leading member of the Supreme Court Bar has said that in fifteen or twenty years' time, because of this rot having set in the High Courts, that rot will ultimately dominate the Supreme Court and the Supreme Court will be nothing more than an extension of the North Block in another 20 years. That is why I say it is a serious matter, and I am pleading with Government not to think that there is any conflict in respect of this. Let us make a common cause and refer it to a Select Committee. It is a vital matter which goes to the very basis of the maintenance of an incorrupt and an incorruptible judiciary.

[Shri Frank Anthony]

I am not suggesting for one moment that our judiciary is corruptible by money. So far as the High Court judges are concerned, they are not corruptible. But there are other ways of corrupting people. And this prospect, this constant dangling of Government patronage before them is corrupting them, and is demoralising them—not all; many of them are incorruptible even from this point of view. But what I am more aggrieved about is this.

The second disastrous consequence of allowing a judge, whether a judge of the High Court or a judge of the Supreme Court, to accept Government patronage is that public confidence in the judiciary is rapidly being destroyed. What happens is this. We know that many of our judges are absolutely honest; most of them are. You get a judge who is absolutely impeccable. He gives a judgement. And judges are also fallible. Somebody may discern in it some bias in favour of the executive or the legislature. Immediately the Bar or the public says, 'Why has he given this judgment? Why is there this noticeable bias in favour of the executive? It is there because at the back of his judicial mind, he was thinking of some preferment'. You are exposing your judges to this kind of attack by the litigating public and the Bar.

**Mr. Speaker:** Is all that relevant so far as the Supreme Court Judges (Conditions of Service) Bill is concerned?

**Shri Frank Anthony:** Yes. They also become Governors. They can become Ambassadors. They may be supremely fitted for it. But the convention is utterly pernicious. You are exposing your judges to criticism. You are allowing the public, and you are allowing the members of the Bar to point their finger at them—even

though they may not have done so—and say that this judgement has been written because this person had his eye on some Governorship or some ambassadorial appointment in the future. I resent it. We are angered, many of us are angered, at the fact that this criticism is current coin today; and many of us feel that nobody should be able to point a finger at the judiciary, as it is being done today. We resent it. How are you going to stop it; when you yourself are doing all these things? My hon. friend knows that it is a priceless axiom that justice should not only be done but it must appear to be done, and it is that appearance that Government are interfering with today. Government are investing that with the appearance of job-seekers. Are you not doing it? As I say, it is a tragic thing. I resisted this at the time of the consideration of the States Reorganisation Bill. I feel strongly that no judge, whether a judge of the Supreme Court or a judge of the High Court, however estimable he may be, and however fitted he may be for official preferment, should be allowed to accept any appointment, except as I have indicated in my amendment, an appointment by the State to a judicial or quasi-judicial appointment. For that certainly you require that talent. Beyond that, they must not on any account be allowed to accept any appointment either private or official.

In this respect, may I say that they would not have this temptation, they would not accept these jobs if you give them adequate pension. I am prepared to concede that with Rs. 4000 or Rs. 5000 a month, he can live at a certain level, but I am not prepared to concede that a judge of the Supreme Court can live adequately on Rs. 1000. My own view is that they must have a special pension rate. They should get at least Rs. 3000 a month. Then, as I say, there would be no temptation for them to look to government jobs,

There would be no temptation to accept government jobs.

In this connection, may I say that I am completely opposed to the provision allowing certain High Court Judges who do not qualify for a full pension to get the pension of Rs. 7,500? This is a completely wrong provision. If a person, whatever the reasons may be, has not been long enough in the High Court, do not raise him to the Supreme Court Bench, if he cannot qualify for a full pension. I feel on this strongly. What will happen is this. He will get as pension after deductions about Rs. 600 a month. Some person will point to him—he will be living more shabbily than a member of a Class II service—'Look at the former Supreme Court Judge. Look at the way he is living.' You bring the institution into contempt. That is why I have tabled an amendment that your rates are inadequate, that at least you should make it free of income tax. But do not on any account have this provision for a minimum pension of Rs. 7,500 per year for a Supreme Court Judge. If he is not in line, if he is not qualified for a full pension, do not raise him to the Supreme Court Bench.

I nearly wish to conclude by a few observations on the question of leave. The hon. Minister seemed to be very happy when he told us that they had cut down the long vacation. Now, I am going to enter a plea for an objective and a careful approach to this matter of leave for all Judges, and more especially for Supreme Court Judges. There is an impression particularly in political circles that Judges get too much leave, that the long vacation is too long. I say advisedly that there is a real danger of political standards being applied to this question of leave.

What is the kind of work that a Judge of the Supreme Court is required to do? He sits from 10 to 4 with a

break for lunch. But his work is a work which involves sustained, unremitting mental strain. The most complicated questions of fact and law are being canvassed before him every minute of the day. He cannot get up. A minister can have a cigar, he can have a chat, he can have coffee, and go into the lobby; but a Judge does not do that. It is amazing how they do not go out between 10 and 4, except for the lunch break, on any occasion or anything. And it is not only the work they do in courts; the work they do over the week-end is as strenuous as, perhaps more strenuous than, that they do in courts. What happens? My hon. friend knows that law and legal precedent in this country are literally growing every day and no Supreme Court Judge, unless he wants to become a legal anachronism, can afford not to study the law reports over Saturday and Sunday. He won't know the Indian law, much less the law in the American and other courts. He has to do it. On Saturday and Sunday they write their judgments. We have not given them any of the facilities that the American Supreme Court has. When Justice Warren was here, I asked him. He told me that they have a special elaborate procedure. When they write their judgments, they retire to the countryside. They have echelons of lawyers and professional assistants assessing the facts, studying the law and telling them how a judgment should be written. Our Judges on their own at home have to write judgments on Saturday and Sunday.

Then what happens? They come on Monday. What is the amount of work that is done in the Supreme Court on Monday? Special leave matters. A Bench disposes of on an average between 30—40 special leave matters in three hours. Now most of these special leave matters have voluminous records involving fact and law. The average time taken for the disposal of a special leave petition is five minutes. A death sentence matter disposed of in five minutes! We may not

[Shri Frank Anthony]

like the procedure. But the judges can only do that because they have studied all these voluminous records and studied the law at home on Saturday and Sunday. Saturday and Sunday may be for the average politician a day of *aaraam*, but they are certainly not days of leisure for Judges of the Supreme Court.

I know that on this question the plea is entered that if you have shorter vacation, your arrears will be cleared. I have analysed this. I have discussed this with one of the most senior of our Chief Justices of High Courts. He says the position is impossible. By cutting a few days or weeks, you are not going to begin to touch this problem of arrears.

What I feel is that this facile plea is made by some people for speedy justice. It is a dangerous plea to apply to the Supreme Court. Already many of us feel that the summary procedure of disposing of death sentence matters in five minutes in special leave applications is not adequate. But we cannot help it because there are so many special leave matters and comparatively so few Judges. But in regard to constitutional matters, in regard to appeals that are admitted, there is always a full hearing and we must ensure that there is a full hearing. It is all very well to talk of speedy justice. That may be all right for people's courts in Communist totalitarian countries. They may get speed, it may be inexpensive, but what they dispense is not justice. Here the very hall-mark of justice in the Supreme Court is a full and patient and careful hearing, and I submit with the greatest respect that if that hall-mark is either ignorantly assailed or ignorantly curtailed, you will undermine and destroy public confidence in the highest court of this country.

For these reasons, I say that these matters require the most careful consideration by all sections of the House

and I earnestly request the Home Minister not to reject my request but accept it and let this matter be referred to a Select Committee.

**Mr. Speaker:** Dr. Subbarayan. Hon. Members will be brief.

**An Hon. Member:** The time may be extended.

**Mr. Speaker:** We will have half an hour more.

**Dr. P. Subbarayan (Tiruchengode):** I have listened with very great care to the remarks addressed by my hon. friend, Shri Frank Anthony. In the first place, he was objecting to the Judges of the Supreme Court and High Courts expecting to be appointed to other places. May I remind him that in the middle of the first world war, Lord Reading, who was then the Chief Justice of England, was sent as Ambassador to the United States? If the State feels that a particular Judge is capable of doing something for the country in another country in a diplomatic mission, I do not think you can restrict that in the way Shri Frank Anthony wants. I am as much for the independence of the judiciary as he stands for, but there are exceptional cases when people are wanted for particular places and I think Government should be given the liberty of appointing such people to places where they think they will do well and be a credit to the country, though I generally agree with Shri Frank Anthony that appointments are not to be given in a haphazard fashion to Judges except what he mentioned himself, namely, labour tribunals etc. which require work of a quasi-judicial nature.

He was complaining about the pay. I agree with him to a certain extent because the pay must be such as to

attract the topmost men at the bar, because the pay has been reduced to such an extent from what it was in the old days that it is no attraction for a very active practitioner with a large income to accept a Judgeship, however fitted he may be for it. Several Chief Justices have told me that some men would not accept the place because it was not attractive enough for them. But of course, we are always thinking of lower salaries, and our standard of living is not as high as it is in some other countries. Therefore, the pay should be what is provided for in the Constitution. I agree with that to a large extent, but I think some method ought to be found for attracting eminent men from the Bar into the judiciary.

I entirely agree with Shri Anthony that we should not cut into their holidays. As he pointed out himself, most of the Judges spend their Saturday and Sunday in writing judgments. As he said, our Judges have not the facilities which Judges of the Supreme Court have in the United States for the purpose of writing judgments because the latter have outside help. But, on the whole, Mr. Anthony will agree with me when I state that our Judges have done very well in spite of the handicaps under which they work. I do not think that our Benches will not stand comparison with some of the Benches in other countries. We had some very eminent judges. All the same, we got others who were not so eminently qualified. But, when you have increased the number of Judges as has happened in most of the High Courts, you may not always look for quality because quality is not to be obtained. Therefore, you have got to do with the best material in your possession. And that is what has happened.

But, still, I agree with Mr. Anthony that the holidays should not be cut into. And this demand that there should be less holidays for the High

Courts and the Supreme Court will not do at all because they do require rest. As Mr. Anthony says, these judges sit from 10 to 4 either in the High Courts or in the Supreme Court; and, as he has pointed out, it is not an ordinary mental strain because they have got to listen to all the arguments that are put forward. They have got to be awake the whole time. I know judges who have slept on the Bench. But, still, I know of judges who looked as if they slept and all the time they were listening to what was happening. Sometimes they would wake up and ask a particular question which you will find refers to the matter on hand which shows that even though they looked asleep, they were following the arguments that were put forward and knew exactly to put their thumb on a particular point that had arisen.

There are judges and judges. Don't you run away with the idea that they are asleep on the Bench because their eyes are closed. They are really listening. The mental strain, as Mr. Anthony said, is such that though they look asleep and tired, all the same they are doing their duty and paying attention to what is happening before them and they know where exactly to put their finger. Mr. Anthony has had larger experience than I have had because it is a very long time since I left the Bar and I have not ventured to go back to it. But I know what is happening. There are judges and judges. There are some judges who are very quick on the uptake, I would say, because I know a judge whom I do not want to name. He would at once put the finger on the point. Once he said: 'You are arguing all round; why are you not referring to a particular witness?' He turned round and told the practitioner, 'if you cannot knock out this particular witness, you knock yourself out of court', because he said that according to him, everything turned round in this case on this par-

[Dr. P. Subbarayan]

ticular witness. The Council concerned was trying to avoid that witness and going round other witnesses and pointing out what was the flaw in the evidence that had been given on which the judge had come to a certain conclusion. He forgot that the judge also reads the papers like he does himself and this particular judge had read the papers and knew what was involved in the case. He put his finger on the right spot when he talked of the particular witness on whom the whole case depended because he was the only eye-witness to this murder and the particular practitioner was arguing round and round.

Such things do happen and I am sure Mr. Anthony will give credit to our judges that they are awake, that they know what is happening and they can put the finger on the right spot and come to the right conclusions. I would, however, venture to support Mr. Anthony in the matter of pensions. I think Rs. 7,500 for a judge who has not completed his period may be a very good solatium no doubt. At the same time, you are putting them in a position that they will not be able to keep up the standard they are accustomed to. I would, therefore, plead with Mr. Anthony that you should appoint judges in such a manner that they will be able to earn their full pension and live in comfort.

Of course, there are men at the Bar who can be found young enough to get on to the High Court and then to the Supreme Court and earn their full pension. Therefore, there is no need to get people who are about to retire after 3, 4 or 5 years at the most on the Bench, though there may be exceptions and you want to get an exceptional man who is good enough for this purpose. Then, you may pro-

vide for a particular pension for him and not this Rs. 7,500.

I would therefore plead with the hon. Minister to consider the circumstances and come to right conclusions so that the judiciary would be kept above party politics. I do not say that party men cannot be appointed to the High Court. There are cases on the English Bench where people were appointed because of party affiliations. That you cannot help when there is a party Government. I will give you a particular instance, the instance of Mr. Justice Sterling who was first appointed to the Kings Bench Division and afterwards became Lord Justice Sterling. He happened to be the Parliamentary Secretary to Mr. Gladstone who was then the Prime Minister. Mr. Gladstone was influencing the Lord Chancellor all the time to appoint this gentleman to the Bench. The Lord Chancellor turned round to the Prime Minister and said . . .

Shri Nath Pai (Rajapur): This thing is being discontinued now in Great Britain as the latest appointment of the Chief Justice of Great Britain shows. This system of making party appointments to judgeship is being discontinued.

Dr. P. Subbarayan: I do not say that party men should be appointed to judge ships. But all I am saying is that you cannot help appointment of party men; not because they are party men but because they are worthy of the appointment, they are chosen. That is the point I am making. I am not saying that party men should be appointed and Mr. Nath Pai need not run away with the idea that party men should be appointed. (Interruption). What I am pleading for is . . .

Mr. Speaker: I am afraid that all these observations regarding future appointments are not quite relevant—either from Mr. Anthony or from Dr. Subbarayan. They have answered each other. Let us proceed. Even if the

pension is equal to the salary, still a judge may like to become a Governor. God alone knows what he may or may not like. Therefore, let us not stray away. Whether it is adequate or not is the only point here. His liking to have another job may not necessarily be for want of money merely but may be for want of prestige also.

**Mr. P. Subbarayan:** That is also involved in it. But what Mr. Anthony was aiming at was that you should not place any temptation in their way so that their judgment may be biased because they are looking up to Government for further preferment. That is how I understood Mr. Anthony. I say I agree with him, though there are exceptional cases when the State may require the services of a particular person for a particular job. That is all I said. I do not see where the irrelevancy occurred, Mr. Speaker.

But, as I say, all these things should be looked into and Government should take care to see that our judiciary is placed above party politics and everybody thinks that our judiciary is of such a nature as to inspire confidence in the public.

**Pandit K. C. Sharma (Hapur):** Mr. Speaker, Sir, I very much appreciate my hon. friend Mr. Anthony's solicitation about the comfort of life of the Supreme Court Judges. I have all respect for his views. But he did not note certain pertinent facts. One of them is that when the Supreme Court Judge is taken from the Bar he has made enough of fortune.

**Mr. Speaker:** Enough of what?

**Pandit K. C. Sharma:** He has made enough of fortune, enough of money at the Bar. If he comes from the High Court Bench, in the promotion there is no adverse effect upon him, or his way of living. Therefore, to say that because lawyers are making lots of fortune so the best of lawyers do not come to the Bench is not a very

sound argument for the simple reason that it is not always true that the lawyer who makes the best of fortunes is necessarily the most brilliant lawyer. Because the legal profession is now turned into a private trade—and all sorts of practices are resorted to—where intellectualised men cannot stand competition.

Even a good and successful lawyer is not necessarily a good Judge, because the qualities of mind and character that are necessary for a Judge and a lawyer are quite different. They differ in many respects. Therefore, it is no good argument to say that because a lawyer makes a good fortune, therefore, Judges should be given as much as they can earn at the Bar. That is an impossible proposition. A top lawyer in High Court Bar earns something like Rs. 20,000 to Rs. 30,000 a month. Such a fat salary no State can give to the Judges or to any functionary whatsoever.

12.00 hrs.

Sir, there is another factor which has got a psychological bearing.

12.04 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Here are developments where the cardinal virtues of social evolution are epitomised in the solemn and sublime symbol of the majesty of law. The hon. Judges—the My Lords—provide the agency of the rule of law and at this stage of development the comforts and luxuries of life pale into insignificance and the dignity of office and nobility of functions get the better of them. Therefore, my respectful submission is that if a man accepts the office simply for the emoluments, in my judgment, he is unfit to sit on the exalted chair.

**Shri Nath Pal:** It is something different from Bharat Sevak Samajl

**Pandit K.C. Sharma:** But all the same it requires human virtues and a man who has not much respect for dignity of the office would not make a good judge. He better joins the Dalmia's office where he could make money.

I support Shri Anthony's case about the pension and I support his motion for sending the Bill to the Select Committee, because there are many important questions, many important aspects and it would be much better if they are quietly and carefully discussed before the Bill is made into law.

**Shri Nath Pal:** Sir, I share the anxiety expressed by my hon. friend Mr. Frank Anthony though I very fervently hope that we have not yet reached that state of affairs to which he wished to draw the attention of the House and the country. I think it was more a reflection of his anxiety than a description of the reality which is prevailing today in our High Courts. I hold, as he has eloquently been borne testimony to, that the contribution of the judiciary of India in strengthening the citizen's liberty has been very great. I hold, Sir, that the High Courts and the Supreme Court of India will have to play an even greater role in strengthening and preserving that liberty.

Sir, in a democracy like ours, in order to check the excesses and the enthusiasm of the executive, in order to call a halt to that enthusiasm which often has the better part of wisdom, the citizen can depend upon only the High Court and the Supreme Court in particular. The High Court comes in not only when there is a dispute between one citizen and another; far more important is its role when it is called upon to arbitrate between the citizen and the almighty executive.

The way our High Courts have functioned so far is a matter of pride for all of us. But there are certain tendencies which we must guard against and which must not be allowed to escape our vigilance. I should at the very beginning like to point out that the provisions that the Bill seeks to make are very meagre, very meagre indeed. Let there not be any kind of economy in looking after a branch which is charged with the very vital task of preserving the citizen's liberty. This Government reminds one of the men who was penny-wise and pound-foolish—want to have an army on which we are going to spend more than 50 per cent. of the additional taxation which we are going to raise, to defend our freedom and liberty. The High Courts have got a very important part to play in preserving that liberty and freedom. I would like, therefore, to say that whereas we should be very particular about every penny that we spend, anything that we spend we spend in maintaining the independence, the objectivity and impartiality of our judiciary, is the soundest investment we can make. I should therefore, like to point out some tendencies which are likely to develop, if not checked in time.

We have read in the papers about the announcement of the appointment of one of the finest judges this country has as our envoy to Washington. As an individual he is one who has won the affection and admiration of his countrymen; so far as his ability to discharge the duty he is called upon to perform is concerned, we have not the slightest doubt that there are few more fitted than he. But I want to ask you and the Ministry concerned: where are we going to land if these practices are continued? Are these things, these favours which are within the bounty of the executive, to be dangled before the eyes of the judiciary? It is a very sinister thing to make any judge, something which he can not reach because he is

a judge. No judges are in any way to be encouraged to feel that by being a good judge—and we know what that means—he can reach any such post like an ambassadorial post. It is a very dangerous thing. The independence, the impartiality and the objectivity of the judges will be very seriously undermined.

I very seriously hope that no one will misunderstand my reference to this appointment. I have made myself abundantly clear beyond the realms of any possible twist or misunderstanding that so far as his ability is concerned, we have no doubt of any kind. However, if jobs within the bounty of the executive are to be given to judges it is a very serious affair.

I would like to point out another practice that is developing. Whenever there is a vacancy in a Governor's post the practice is gradually developing to make the Chief Justice the Governor. How does he qualify himself to be a Governor? I feel a judge must basically remain a judge. Mr. Anthony has pointed out that one of the cardinal tenets of an independent judiciary is that once a judge always a judge he must remain. He will then alone remain independent. But if the executive can pick him up and make him a Governor in the case of many judges, I am afraid, howsoever impartial and good they may be, and a majority of our judges are good, efficient and impartial, there is a little element of uncertainty, that is, a temptation to surrender to it once in a while. We often say: better to let a thousand guilty men escape than punish one innocent man. So stringent is the law. The same applies here. Now I want to point out one thing. The executive, if it is tired of the objectivity, impartiality and independence of a judge, has one way—to give him an ambassadorial post. This can be a way of removing him—it can act as a temptation in his case, or it can be an instrument in their hands to remove a judge. And then we cannot condemn. After all they do not

victimise him; they have only promoted him.

No, Sir, these tendencies have got to be checked, and very sternly checked. A judge can be promoted only to a higher post within the purview of the judiciary of India, not to any post that the executive has to give. We should be vigilant and cry a halt to this practice. America could produce Justice Holmes and create a law which was something of course in keeping with the law of the Congress of the United States, but also something that reflected a conception of social justice that the country was building because care had been taken to see that his independence and impartiality was assured to him.

Let us be liberal to the judges and ensure to them adequate pay, more liberal and generous pension. This is no extravagance. There are many departments in which economy can be effected. It is not necessary to go on sending forty-seven people to Geneva to attend the Atom-for-Peace Conference. Save money wherever it is possible, but don't have this unwise policy of being economical where charity is required because here we put our money to its fullest value and use. There will be clause-by-clause discussion when I will have more opportunity to have my say.

My final point is this. Ours is a nascent democracy. People by their restraint, Parliament by its wisdom and judiciary by its independence—all together can alone hope to lay the foundations of democracy. At every stage, at every level and strata, we have to guard to see that we take the proper step. So, my plea is this. Let us not hastily rush through this piece of legislation. Let there be mature deliberation so that we can march ahead guarding against the things to which I have already referred during my brief talk. Let us refer the Bill to the Select Committee so that we will be properly advised and guided, so that we can create the foundations on which we can build the grand edifice of our democracy. I may say In

[Shri Nath Pal]

conclusion that if this tendency is allowed to grow, that edifice which we are working upon may begin to sink in its most vital part, that is, the independency of the judiciary.

Shri Bhanja Deo (Keonjhar): Mr. Deputy-Speaker Sir, I would request the hon. Minister to accept the suggestion of Shri Anthony to send it to the Select Committee so that the matter may be properly thrashed out there. What should be the allowances, pension, leave, etc. granted to our Supreme Court Judges? The Supreme Court has a very important part in our Constitution and it is rather the custodian of the Constitution. Whenever there is a danger to the Constitution, we may have to refer to them for their interpretation. For our democracy to grow properly, it is necessary that the Judges of the Supreme Court should be of an independent character. I do not say that they are not so. We are proud of our judiciary and that is why they should get the facilities which are not provided for properly in this Bill. Because much has been said about the Judges, their pay and privileges, etc., I would like to come to this point. Some of these points mentioned in the Bill are very vital and they should be thrashed out in the Select Committee. The hon. Minister pointed out that according to article 125 of our Constitution, the Parliament should lay down what should be the privileges, allowances, etc. of the Supreme Court Judges. It has not been done for the last 8½ years after we passed the Constitution. If this matter is referred to the Select Committee and it is delayed by another two months or a little more, nothing untoward would happen within this period. So, I urge the hon. Minister to accept the amendment of Shri Anthony.

There are certain matters where I have some doubt. If a Judge from the High Court comes to the Supreme Court, will he be able to carry forward the leave that stands to his credit? When a Judge goes on

medical leave, will that leave be counted towards his pension? That point also is not very clear from the Bill. The Minimum pension of a Supreme Court Judge should be higher than that provided in the Bill and it should be in conformity with the dignity and the duty performed by him. The pension should be adequate for him. According to the Constitution, the Judges are entitled to official residence. But it is not very clear whether electricity, water and furniture will be provided to them free of cost as in the case of Ministers. When a Judge goes on tour, we do not know whether he can take with him his wife. If the hon. Minister is granted that privilege and while going on tour he can take his wife with him, I do not see the reason why the hon. Judge, when he goes on duty to a far off place, should be denied the facility of taking his wife with him.

Shri V. P. Nayar (Quilon): Why not M.P.s. also? (Interruptions.)

An Hon. Member: We welcome this privilege.

Shri Bhanja Deo: It has come to my notice that when some of our Supreme Court Judges retired, they happened to face certain eventualities. One of our Chief Justices of the Supreme Court, when he retired, could not get travelling allowance to go home as he is entitled to it only when he comes to take office or join the post. That particular Chief Justice had to sell his car here before leaving his office to go to the place of his residence. That is why he should be given travelling allowance as is allowed to him while joining duty. When he vacates office, he should not be put to any extra hardship and should be allowed the same travelling allowance when privy office.

This Bill is of a very important nature. It involves financial matters, which has not been well enunciated

in the bill. Therefore, I would urge the hon. Minister to accept this amendment and send the Bill to the Select Committee so that after due deliberation and mature consideration it can be brought before the House again. It relates to a very important limb of our Constitution and we should not pass this Bill in a hasty manner within 2½ hours and I would, therefore, request him again to accept the amendment of Shri Anthony.

**Shri Satyendra Narayan Sinha:**  
After the very eloquent speeches of Shri Frank Anthony and my hon. friend Shri Nath Pai I feel a certain amount of diffidence in participating in this discussion. They have made very eloquent pleas for raising the salaries of the Judges and also the scales of pension. The main argument placed before the House is that unless we raise the salary and we make the conditions of service attractive, we will not be getting first-rate men. My hon. friend said that in a particular High Court as many as nine persons declined the offer of judgeship. It is really unfortunate that anybody should decline an offer of judgeship.

So far as the importance of the judiciary is concerned, so far as the need for having an independent, impartial and incorruptible judiciary is concerned, I do not suppose there will be any difference of opinion in this House. We all agree that judiciary is the bulwark of democracy. But the great emphasis that has been placed upon the pecuniary considerations for attracting men to the Bench is somewhat misplaced. I for one do not subscribe to this view.

I sincerely regret that some persons really refused to accept the call to serve as judges merely on grounds of financial loss. It is necessary that we should develop some sort of a convention, some sort of a tradition that when a call is made to serve as a judge it should not be refused on this ground alone. I concede that

members of the Bar are earning much more than what a judge gets, but whatever a person loses, when he becomes a judge, in terms of money, is amply or more than fully compensated in terms of dignity, honour, position, security and, above all, opportunity to serve the State and the people. This aspect of the matter has also to be taken into account, and I do not believe that members of the Bar, who alone are eligible for appointment as judges, place so much emphasis on the pecuniary aspect of the whole question.

**Shri Shree Narayan Das (Darbhanga):** Lawyers should be debarred from being appointed as judges.

**Shri Satyendra Narayan Singh:** Members of the Bar, which represent the most noble profession in this country, have had a very illustrious record. We find that most of our leaders are drawn from that noble profession. During the freedom fight we found that the vanguard of fighters of freedom came from this noble profession. I do not think that circumstances have altered so much that members of the Bar have suddenly started thinking in terms of monetary considerations, or mercenary motive is the dominant factor in their mind. Therefore, I have a feeling that in assuming that financial loss or gain or mercenary motive is the dominant factor in their mind we are being very unfair to members of that noble profession, and I would not be surprised if this kind of attitude towards the members of that profession is going to evoke a very great protest, indignant protest, from that noble profession.

We are trying to evolve a socialistic pattern of society. We are trying to create an integrated, harmonious picture of society. I cannot believe that members of that noble profession would like to be kept out of that picture. Even judges as a class would like to be kept out of that picture. We cannot treat them as a class by themselves and say that whatever happens in the society, it has no relevance to them, the economic life

[Shri Satyendra Narain Sinha]

of our country has nothing to do with them. Therefore, this undue emphasis upon pecuniary considerations or mercenary motive is almost sickening to me. I have listened to their speeches with very great respect, and with very great respect I have to say that I do not subscribe to their views.

Even from the point of view of my regard to members of the profession, I wish to enter my humble protest, because at one time I also happened to belong to that profession. In line with the maxim: "once a judge always a judge", I would say: "once an advocate always an advocate". As an advocate, I do not agree that you will not attract the best men if you are not going to raise the salary or pension scale.

My learned friend, Pandit K. C. Sharma, said that the age of retirement of Supreme Court Judges is 65 when the number of competing ones is much less and they have very few requirements to satisfy. For a Supreme Court Judge to look forward to Rs. 3000 per month to permit him to lead a way of life in the context of the existing society, to say the least, is something which is hardly in consonance with the existing position. I for one do not subscribe to this view. I strongly deprecate the tendency to place the emphasis only upon this aspect of life and no other. Their pecuniary loss is amply compensated in terms of prestige in society and dignity. I do not think they will refuse to serve the country due to any pecuniary loss. I think they are patriotic enough.

Sir, while framing the Constitution the President of India was given the top-most position. The Constitution laid down certain scales for different posts in this country. The President of India was given Rs. 10,000, the Chief Justice of Supreme Court was given Rs. 5000, Supreme Court Judges were given Rs. 4000 each and so on. Therefore, certain considerations were there

and a certain amount of dignity, position and honour was attached to particular posts.

You have provided for Rs. 15,000 per annum as pension to be payable to a President who retires. Now, I cannot understand why you should pay more than Rs. 15,000 to any one else? That does not appear to me to be reasonable. Therefore, from this aspect also I want to enter my protest. You should not pay more than Rs. 15,000 as pension to any functionary in India. Rs. 15,000 should be the maximum limit.

Of course, you cannot alter the conditions of service of those who are already on the Bench, but for new entrants you can do so. I would request the hon. Minister to take this into consideration and bring an amending Bill or, if possible, incorporate in this Bill itself a different scale of pension for new entrants.

After having heard the speeches of so many hon. Members I feel that a controversy has almost arisen on this Bill. Therefore, it is necessary that this measure should be sent to a Select Committee where a calmer deliberation can take place, and where you can meet all the different view points and bring forward a measure which will satisfy us all.

With these words, Sir, I support the amendment moved by Shri Frank Anthony.

श्री सिंहासन सिंह (गोरखपुर) : उपाध्यक्ष महोदय, श्री फ्रैंक एन्थनी का भाषण सुन कर मुझे आश्चर्य हुआ। उन्होंने देश में ईमानदारी को रुपये पर तोला है। ईमानदारी और रुपया दोनों मिला मिला चीजें हैं। ईमानदारी कम रुपये में भी रह सकती है और अधिक रुपये में भी रह सकती है। . . . .

श्री नाथ दाई : ईमानदारी का मूल्यांकन नहीं किया जा सकता।

श्री सिंहासन सिंह : आप रुपये में उसका मूल्यांकन करना चाहते हैं। आप कहते हैं कि रुपये अधिक दो तमी उनकी इंटीगिरेटी और अग्नेस्टी क्रायम रहेगी अन्यथा नहीं रह सकती। लेकिन दोनों अपने अपने स्थान पर भिन्न भिन्न हैं। एक आदमी को समाज में अधिक से अधिक इज्जत मिल जाये। हमारे देश में प्राचीन काल में यह संस्कृति थी कि उस व्यक्ति को समाज में अधिक से अधिक आदर दिया जाता था जो कि संसार की भाया को छोड़ कर अपने खयालात जाहिर करता था। उस व्यक्ति को राजा अपना आधा सिंहासन दिया करता था। अब हम अर्थवाद की नीति में आकर हर एक चीज को अर्थ पर ही तोल रहे हैं। किसी व्यक्ति के लिये इस देश में सुप्रीम कोर्ट का जज होना महान् गौरव की बात होनी चाहिए लेकिन उसकी न्याय करने की क्षमता को इस से तोलना कि उसको कितना दिया जा रहा है मैं नहीं समझता कि कहां तक ठीक होगा। अगर वह न्यायाधीश भी अपनी न्यायप्रियता को, अपने न्याय के स्थान को रुपये के आंकड़ों से तोले तो मैं समझूंगा कि वह भी अपने कर्तव्य का जिस तरह से पालन करना चाहिए नहीं कर रहा है। सुप्रीम कोर्ट के जजेज के बारे में यहां बहस हो यह हमारे लिये शोभा की बात नहीं है। उनको तो हम जितना गौरव प्रदान कर सकें, उनको तो हम जितना ऊंचे से ऊंचा स्थान दे सकें यह देश के लिये शान और गौरव की बात होगी। तो मैं इस स्थान का समन्वय रुपये से करना उचित नहीं समझता।

दूसरी बात में यह कहना चाहता हूँ कि टर्म्स आफ सरविस में हम उन को जितनी सुविधा देना चाहते हैं दें, चाहे तो रिटायरमेंट की एज को भी ६५ साल से आगे बढ़ा दें। लेकिन रिटायरमेंट के बाद उन को कोई ऐसा प्रलोभन नहीं होना चाहिये कि उन को गवर्नमेंट में किसी अन्य स्थान पर नियुक्त कर दिया जायेगा। इस विधेयक को देखने से मालूम होता है कि इस प्रकार की सम्भावना है। मैं श्री नाथ पाई की इस

बात से बिल्कुल सहमत हूँ कि अगर किसी रिटायर्ड सुप्रीम कोर्ट जज को कहीं बाहर राजदूत बना कर भेजा जाये उस के बनिस्बत अगर उस को कहीं सुप्रीम कोर्ट का जज बना कर भेजा जाये तो उस की न्याय-प्रियता के कारण उस का ज्यादा महत्व होगा। राजदूत बनाने में हां सकता है कि रुपये पैसे के लिहाज से और सम्मान के लिहाज से कुछ ज्यादा फायदा मालूम होता हो। लेकिन इस प्रकार की सुविधा देने में खटका है। हमारे संविधान की धारा १२८ में वह साफ दिया हुआ है कि अगर चीफ-जस्टिस योग्य समझे तो किसी भी सुप्रीम कोर्ट के रिटायर्ड जज को रिटायरमेंट के बाद फिर से सुप्रीम कोर्ट में नियुक्त कर सकता है। यह बात तो सम्मान की है और वह रहनी चाहिये लेकिन अगर उस रिटायर्ड न्यायाधीश को कहीं दूसरी जगह नियुक्त किया जाये तो इस में खतरा हो सकता है क्योंकि इन्सान में कमजोरी होती है और वह कमजोरी बहुत दूर तक जाती है, जिस के कारण वह आदमी झुक सकता है। ऐसी कोई आशंका न रहे इसलिये मैं चाहता हूँ कि इस विधेयक में कोई ऐसी धारा जरूर होनी चाहिये कि अवकाश ग्रहण करने के बाद कोई सुप्रीम कोर्ट का जज सिवा उस स्थान के जिस का जिक्र संविधान की धारा १२८ में किया गया है और किसी स्थान पर नियुक्त न किया जाये।

दूसरी बात यह कही गई कि इन को अधिक पेंशन मिलनी चाहिये। अभी मेरे भाई सिन्हा ने कहा कि इस में एक बड़ी आपत्ति है। भारत में राष्ट्रपति का सब से ऊंचा स्थान है और वही राष्ट्रपति सुप्रीम कोर्ट के जजों को नियुक्त करते हैं। अब आप देखें कि रिटायरमेंट के बाद राष्ट्रपति को तो १५००० सालाना पेंशन मिलेगी और जिन को वह नियुक्त करते हैं उन को २६००० पेंशन मिलेगी। तो अगर रुपये के हिसाब से नापा जाये तो राष्ट्रपति की इज्जत सुप्रीम-

[श्री सिद्दहसन सिंह]

कोर्ट के रिटायर्ड जज से बहुत कम हो जायेगी। राष्ट्रपति का स्थान छांटा हो जायेगा। न्याय की दृष्टि से देखा जाय तो देश में राष्ट्रपति से न किसी को अधिक इज्जत मिलनी चाहिये और न अधिक पया मिलना चाहिये। इसलिये अगर आप सुप्रीम कोर्ट के जजों की पेंशन २६००० रखते हैं तो आप को राष्ट्रपति की पेंशन मजबूरन बढ़ानी होगी। लेकिन जब हम इस प्रकार पया बढ़ाने की बात करते हैं तो हम को देश की आर्थिक स्थिति का भी ध्यान रखना चाहिये। आज हालत यह है कि हम दुनिया में रुपये के इलिये हाथ पसारते फिर रहे हैं लेकिन जहां खर्च करने का सवाल आता है तो हम बड़ी उदारता के साथ सब की पेंशन और वेतन बढ़ाने को तैयार हो जाते हैं। जब रुपये का सवाल आता है तो हम अमरीका, जर्मनी, जापान और सब जगह दौड़ते हैं। और जब खर्च का सवाल आता है तो उदार हो जाते हैं। इन दोनों बातों में बड़ा असन्तुलन है। एक तरफ तो हम मांगते हैं और दूसरी तरफ बड़ी उदारता के साथ दे देते हैं। मैं तो सुप्रीम कोर्ट के जजों से भी प्रार्थना करूंगा कि देश की आर्थिक अवस्था को देखते हुए उन को चाहिये कि "गवर्नमेंट को लिख" कि हमारी पेंशन कम करो, इस में कोई ज्यादा औरव नहीं है। आज हम इस बातानकूलित भवन में बैठे हैं पर हम अपने देश के गरीबों की हालत को नहीं देखते। आज देश में हर जेज खुराक का मसला सामने आता है, कपड़े का मसला सामने आता है, मकान का मसला सामने आता है। जो हमें यहाँ भोजन वाला बोटर है आज उस के बदन पर कपड़ा नहीं है, उस के पेट में अन्न नहीं है, उस के सामने भूखों मरने का सवाल है, और यहां यह प्रश्न सामने आते हैं कि इन की तनस्वाह बढ़ा दो और उन की पेंशन बढ़ा दो। तो हम को देश की आर्थिक हालत को देखते हुए संतुलन से काम लेना चाहिये।

हम ने सन् १९३२ में कानूनी से दिखते त्पुशन पास किया था और उस वकत की हासत को देखते हुए यह निर्णय किया गया था कि किसी का ५०० रुपये से अधिक वेतन नहीं दिया जाना चाहिये। लेकिन वह तो अब इतिहास की बात हो गई है।

श्री नाथ पाई : क्या वह सुप्रीम कोर्ट के और हाई कोर्ट के जजों के लिये था ?

श्री सिद्दहसन सिंह : वह तो जनरल था। मैं तो सब के लिये कह रहा हूँ। तो मैं यह कहता हूँ कि हम ने देश की गरीबी का ध्यान नहीं रखा। बेरा तो इस बात से बड़ा विरोध है कि सिवा राष्ट्रपति के किसी दूसरे व्यक्ति को राज्य की तरफ से फ्री फरनिशड हाउस दिया जाये। आप ने इस विधेयक में भी प्रांवाइड किया है। पहले जो फेडरेल कोर्ट के जज थे उन को इस प्रकार की मकान की सुविधा नहीं दी गई थी। त्रि दिशा शासनकाल में गवर्नर जनरल और गवर्नर के अलावा किसी को इस प्रकार की सुविधा नहीं दी जाती थी। आज तो हम यह सुविधा मंत्रियों और बहुत से दूसरे लोगों को दे रहे हैं। लेकिन मैं तो कहूंगा कि इस सब को जोड़जाड़ कर हम उन को उतनी तनस्वाह दें तो ज्यादा अच्छा होगा। हमें यह कहने को तो होगा कि सुप्रीम कोर्ट के जज को इतनी तनस्वाह मिलती है। कहा जाता है कि फेडरेल कोर्ट के जज को ७५०० रुपया वेतन मिलता था। लेकिन मैं कहता हूँ कि आज जो सुविधायें हम सुप्रीम कोर्ट के जजों को दे रहे हैं, जैसे फ्री फरनिशड मकान है, शायद लाइट भी फ्री हो, अगर इन सारी सुविधायों को जोड़ा जाये तो आप को मालूम होगा कि हम सुप्रीम कोर्ट के जजों को भी कम नहीं दे रहे हैं। मैं कहता हूँ कि आप इन को ७५०० वेतन ही क्यों न दें। इस प्रकार धुमा फिरा कर क्यों देना चाहते हैं। तो मैं मंत्री महोदय से प्रार्थना करूंगा कि इस मसले पर विचार किया जाये। क्या इस देश के अन्दर

यह ठीक है कि हम इस प्रकार से किसी को सुविचार्यें बढ़ायें जबकि एक तरफ हमारे देश में लोग शीत और ताप में नंगे बदन बिना मकानों के रह रहे हैं। मैं समझता हूँ कि इस हालत में इस प्रकार की सुविचार्यें देना ठीक नहीं है।

दूसरी बात मैं यह कहना चाहता हूँ कि घाप ने सुप्रीम कोर्ट के जजों को प्रावीडेंट फंड की सुविधा भी देने को कहा है। मैं जानना चाहता हूँ कि यह प्रावीडेंट फंड कांट्रीब्यूटरी होगा या नान कांट्रीब्यूटरी। वह बात इसमें साफ नहीं है। मैं जानना चाहता हूँ कि क्या घाप इन को दोनों तरह का बैनीफिट यानी पेंशन का और प्रावीडेंट फंड का बैनीफिट भी देना चाहते हैं। यह घाप को साफ करना होगा। अगर यह नानकांट्रीब्यूटरी प्रावीडेंट फंड हो तब तो कोई बात नहीं क्योंकि कोई भी अपनी तनस्वाह में से कुछ रुपया कटवा सकता है। लेकिन अगर गवर्नमेंट इन को पेंशन भी दे और कांट्रीब्यूटरी प्रावीडेंट फंड का बैनीफिट भी दे तो फिर ग्रन्थर से भी इस प्रकार की दोनों सुविधाओं की मांग होगी। उस अवस्था में अगर हम को फिर रुपये के लिये दूसरों के भागें हाथ पसारना पड़ा तो बहुत दुःख की बात होगी। इसलिये सरकार इस प्रश्न पर विचार करे और इन जजों को दोनों प्रकार की सुविधा न दे। एक चीज उन को देनी चाहिये।

मैं इस बिल को सिलेक्ट कमेटी में भेजने के लिये तो नहीं कहता पर मैं चाहता हूँ कि इस मसले पर अधिक गौर किया जाये। यह ऐसा सबाल नहीं है कि जिस पर एक दो घंटे में सीधे विचार किया जा सके। और अभी इस को पास करने की कोई खास जल्दी भी नहीं है। अगर अभी इस सत्र में यह विधेयक पारित न भी होगा तो जजों को कोई अकुविधा नहीं होगी क्योंकि नियम ती पहले से मौजूद ही हैं। मैं चाहता हूँ कि इस को

अगले सत्र में विचार के लिये रखा जाये। मैं चाहता हूँ कि मंत्री महोदय मेरे इस सुझाव को मान लें।

एक बात मैं और कहना चाहता हूँ। प्राज सुप्रीम कोर्ट की स्ट्रेंथ ११ आबमियों की है। इस वक्त सुप्रीम कोर्ट में एक चीफ जस्टिस है और दस जज हैं। अपने संविधान में हम ने घाठ जजिज का प्राविधान किया था—एक चीफ जस्टिस और सात जज। उस के कुछ समय बाद संविधान में संशोधन कर के जजों की संख्या बढ़ा दी गई। लेकिन हम देखते हैं कि जजों की संख्या ग्यारह होने के बाद मुकदमों की संख्या भी बढ़ी है। हमें देखना है कि किस तरीके से जल्दी जल्दी फ्रैसले कर के इन मुकदमों की संख्या को कम किया जा सकता है।

जजों को छुट्टियाँ भी बहुत दी जाती हैं। एन्वोनी साहब को मेरी इस बात पर हैरानी होती है। वह बकालत करते हैं और काफ़ी रुपया कमाते हैं। उन को गरीबों से मतलब नहीं है, मुकदमे में जितनी देर होगी, उन को उतना ज्यादा रुपया मिलेगा। तीन महीने तक सुप्रीम कोर्ट की छुट्टी रहती है। उस के अलावा जजों की भी बहुत छुट्टियाँ मिलती हैं। मैं यह निवेदन करना चाहता हूँ कि तीन महीने तक देश के न्याय का काम रुका रहे, यह ठीक नहीं मालूम होता।

श्री संतोन्न नारायण सिंह : उस वक्त वेंकेशन जज होता है।

श्री सिंहासन सिंह : वह फ़ौजदारी के केसिज देखता है और सिवल काम नहीं देखता है। उस वक्त सिर्फ एक एप्लीकेशन बीच होता है—वह सिर्फ एप्लीकेशन लेता है और वह कोई डिसिजन वगैरह नहीं ले सकता है।

इसलिये इस बात पर विचार किया जाना चाहिये कि हम अवकाश कम करें-

[श्री सिंहासन सिंह]

ताकि प्रागे चल कर हम को फिर जजों की संख्या न बढ़ानी पड़े। अमरीका की सुप्रीम कोर्ट में एक चीफ जस्टिस है और आठ जज हैं। अमरीका की आबादी कम है, लेकिन उस का क्षेत्रफल दुगुना बड़ा है। उस के पास धन भी बहुत ज्यादा है। अगर हो सके तो छुट्टियों की संख्या कम की जाय, ताकि जजों की संख्या बढ़ाने की नौबत न आये। यहाँ हफ्ते में पांच दिन काम होता है।

इन शब्दों के साथ मैं इस बिल को विशिष्ट कमेटी में भेजे जाने के प्रस्ताव का अनुमोदन करता हूँ।

**Shri Tangaman (Madurai):** Mr. Deputy-Speaker, Sir, I am very glad that a Bill like this is being discussed today. It has come to this House under article 125(2) whereby we are legislating to provide for the allowances, privileges and rights in respect of leave, pension, etc. for the Supreme Court Judges. But as the Bill makes it very clear, certain things like the travelling allowance, medical facilities, etc. are only those which are already in existence. Two specific things have been included, namely, pension and leave facilities.

I do agree with some of my learned friends who have spoken before me that this is a matter which has got to be canvassed in a calmer atmosphere. So, a Select Committee will be a proper place for taking up this issue, because there are so many things which are also incidental to the provisions of this Bill.

I find that notice has been given of two amendments Nos. 5 and 9. One of the amendments reads as follows:

"A Judge who has held office as a Judge of the Supreme Court shall not accept any political appointment or take up political career, except any Government job of a judicial nature."

Several Members have already spoken about this. Reference was made to the appointment of Governors and ambassadors from the cadre of Judges. I would add another appointment, which is also an alluring one, namely, Judges of the Supreme Court on their retirement being made the Vice-Chancellors of certain universities. We have had occasion to know how the Vice-Chancellor of a particular university can be a controversial figure. Very recently, on several occasions, we discussed the Banaras University.

My submission is that those Judges who have presided over the highest judiciary in this country should not fail for favours from anybody, to take up the position of Governor, Ambassador, Vice-Chancellor or any other position, however alluring it may be.

Another point I would like to mention is, I do not agree that our Judges are carried away only by the question of monetary emoluments. There are talents and we also know that Judges are appointed to the High Court and Supreme Court from amongst the cadre of men who have had a very lucrative practice either in the High Court or Supreme Court. In many cases I know that accepting Judgeship of the Supreme Court or High Court is more in the nature of a sacrifice. So, this pecuniary attraction is not the main thing, so far as Judges are concerned. So, I do not think we are doing justice to the Supreme Court Judges when we say that the emoluments must be increased.

Our Constitution-makers have seen to it that the salaries of the Supreme Court Judges and the Chief Justice of the Supreme Court should be fixed in the Constitution itself. According to the Constitution, the Chief Justice gets Rs. 5,000 per mensem and the other Judges of the Supreme Court get Rs. 4,000. We are now asked to legislate for the other facilities. Coming to the provisions of this Bill, I find that clause 14 deals with the Judges from ICS cadre. I do not think the ICS cadre Judges should have any

discriminatory treatment from the non-ICS Judges. I do not think these Judges should be treated differently. They have to merge; otherwise, the old imperialist hang-over of past will be still lurking. I find that the ICS Judges are allowed to have the old ICS scale of pension or leave facilities and they can also, if they want, accept the terms which are conferred on them by this legislation. I think it is high time the distinction between ICS and non-ICS in the judiciary was dispensed with.

My next point is, now specialisation is taking place all round the country. The other day we had occasion to deal with industrial tribunals. We had also occasion to deal with election tribunals. So far as industrial tribunals are concerned, there is, of course, no right of appeal to the Supreme Court direct. But in many cases, we find that under article 136, appeals are preferred to the Supreme Court. So, my submission is, however eminent a Judge may be, it is difficult for us to conceive of a Judge who will know everything about industrial law, income-tax law, criminal law, civil law, election law or any specialised kind of law. So, we will have to have special Benches in the same way as we are having the Constitution Bench. There must be a special Industrial Bench, special Election Bench, special Military Bench, etc. We must have also an Income-tax Bench, Railway Bench, Water Transport Bench and so on. Probably it may be something in the air today. But after a few years, we ourselves will realise that unless such departmentalisation comes up in the judiciary itself, we are not going to have efficiency in the matter of disposal of cases.

After independence, we find that there are more and more cases pending year after year. Several questions have been tabled in this House as to the number of cases pending before the Supreme Court and the High Courts. I do agree with some of the friends who mentioned that we are opposed to any kind of summary

disposal. We want a proper hearing. But, at the same time, what is the point in giving matters to a particular judge or particular Bench which has been dealing with constitutional matters? A matter which has been canvassed for nearly three years before an industrial tribunal is placed before a judge who has been dealing with constitutional matters. If it is referred to a particular Bench which has been specialising in industrial disputes, I am certain that they will be able to grasp the points much quicker than the other judges. That kind of division of labour will have to take place.

Another suggestion I would like to make is that the rules governing the Supreme Court need some change in relation to what is happening in the country today. Many people find that it is very expensive to go to the Supreme Court now. I can speak from my own experience about industrial disputes. Whenever an award is given in an industrial dispute, it is more the employers who are in a position to go to the Supreme Court.

**Shri V. P. Nayar:** Equal protection of the law.

**Shri Tangamani:** This is the equal protection that is given. I am not going to give any figures. But I will say that the amount of deposit for certain kinds of appeals will certainly have to be reduced. I know that in the Strait Settlements, they have statutorily fixed that whenever a suit is filed so many weeks will have to elapse before the matter has been disposed of. It may be a very big suit and it may involve lakhs and lakhs of rupees. But within three months the suit will have to be disposed of. Then, from the moment the appeal is filed it will have to be disposed within four weeks. We have also got our legislation. The Representation of the People Act provides that the election tribunals should dispose of the question within six months and after the appeal is preferred to the High Court, the High Court has to dispose of it within one month. But that never

[Shri Tangamani]

happens. We are told that in some cases the matter is pending before the election tribunal for more than 18 months. Then when the matter is referred to the High Court, it is not able to dispose of the case within one month.

This is a matter which will have to be taken up, though not by us, but by the Law Commission seriously. What is the use of the Law Commission going *ad infinitum* into certain items of detail instead of going into the real difficulties which face us in actual practice? So, that has to be looked into.

Then I come to the question of the age of retirement. I am of the opinion that there should not be any discrimination in the matter of retirement in the judiciary. Here I must say with respect that some of the judges of the district courts are very eminent men and it is very unfortunate that they are not elevated to the High Court. It is unfortunate that they have not come to the Centre. There are various considerations which are taken into account in a party government. Whether they are judges of the district court, High Court or Supreme Court, the age of retirement should be the same. Why should it be 55, 60 and 65 in the case of these three categories? Let there be some unanimity about the age of retirement of judges.

One or two more points and I am done. One hon. Member referred to Mr. Justice Oliver Wendell Holmes. Any student of law who wanted to know the elementary principles of law used to read the judgments of Justice Holmes. I remember, every time the famous Marxist, Harold Laski, referred to any judiciary, he always made it a point to bring Justice Holmes into the picture. Justice Holmes was a judge of the United States. He was humane and he has seen the limitations of

judiciary. I remember he said—I just quote from memory—

“Any articulate major premise of law under capitalism is that you retain the class structure of society and other things incidental thereto.”

It may be the same in a socialist State also. We have now dedicated ourselves to a socialist pattern of society. That is the declared policy of the government and different parties have accepted it with, maybe, different understandings. Now it is a changed country. It is no longer under the British imperialism. It is a changed country, but it will certainly absorb the best in the British jurisprudence without being a slave to Anglo-Saxon jurisprudence.

This country must have the correct interpretation of this Constitution. So my submission is that the major premise of law has also got to change. There were many eminent and talented personages, not only in the High Courts but also in the Federal Court, not only judges of British origin but also Indian judges. I may be excused if I mention one of the judges who is still living, a judge of the Federal Court, who was also a member of the first Pay Commission, Mr. Justice Varadachari. I might say that he will satisfy almost all the criteria which I have mentioned here. I do not think he will accept a post, even if it is offered, from whomsoever it may be. The only thing that he now deals with in his life is the subject of the unity of Indian culture and how with the Indian culture we were able to develop British jurisprudence. These are the two things in which he is very much interested. Then there are Chief Justice Mukherjee, Justice Bhashyam Ayyangar, Justice Mohammad, Justice Ashutosh Mukherjee and others. These are very great names, and their traditions must be maintained.

Having said this, I submit that if we want these judges to really defend us

from any encroachment on our Fundamental Rights, if we want them to correctly interpret the Constitution, then it has to be discussed in a much calmer atmosphere. I do not agree that monetary consideration alone is a thing which weighs with judges. Several considerations will weigh with them. There are some judges who, like one judge of a particular commission, are prepared to work without any pay. A fear was expressed by Shri Anthony that the judges will be forced to go behind important Ministers to get favours. I hope it will not come true. I know the case of one or two judges, whom I should not mention, very eminent judges, because they are not in the good books of certain powers that be they are not elevated to higher posts. So, their talents are not being utilized.

I will end by coming back to clause 21-A, which has been moved as an amendment, which says that a judge who has held office as a judge of the Supreme Court shall not accept any political appointment or take up political career except any Government job of a judicial nature, it is self-explanatory.

शंखित ठाकुर दास भार्गव : (हिसार)

जनाब डिप्टी स्पीकर साहब, इस बात में कोई शक नहीं है कि सुप्रीम कोर्ट जजिज की सर्विस कन्डीशन के बारे में यह बिल गैर-मामूली ग्रहमियत रखता है और इस के मुस्तलिफ एस्पेक्ट्स पर गौर करने के लिये यह जरूरी है कि इस मामले पर जितना मुमकिन हो, उतना गौर किया जाये। बिजनेस एडवाइजरी कमेटी ने इस बिल के लिये जो दो ड्राई घंटों का वक्त दिया है, मेरी राय में वह बिल्कुल नाकाफी है। न ही इस सदन में इस बिल से मुताल्लिका सारी जरूरी बातों पर अच्छी तरह से गौर किया जा सकता है। इसलिये मेरी नाकिस राय में इस बिल को जरूर सिलेक्ट कमेटी में भेजा जाना चाहिये। इस में चन्द एक बातें इतनी ग्रहम हैं कि उन की बाबत सिर्फ़ ध्याज ही नहीं कहा गया है, बल्कि कांस्टीट्यूट ग्रसेम्बली में भी उन का तजकिरा हुआ 209 'A' L.S.D.—7.

या। ध्याज भी वे बातें उतनी ही जरूरी हैं, जितनी कि वे उस वक्त थीं, जब कि हम ने अपना कांस्टीट्यूशन बताया था। वे बातें ऐसी हैं, जिन के बारे में राय में फर्क हो सकता है। इस सिलसिले में मैं यह भर्ज करना चाहता हूँ कि जो शक्स एक दफा सुप्रीम कोर्ट का जज हो जाये, उस के दिल में यह ख्याल भ्राना कि किसी पोलीटिकल जगह पर, या किसी ऐसी जगह पर, जो कि सिर्फ़ जुडिशयल न हो, जो कि उसी तरह की न हो, जैसी कि सुप्रीम कोर्ट के जज की होती है, उस की एप यंटमेंट हो सकती है, हमारे लिये एक निहायत खराब बोज है। सारे सिविलाइज्ड मुल्कों में इस तरह के कन्वेन्शज बने हुए हैं। इस में कोई शक नहीं कि हमारे सामने लाई रीडिंग की मिसाल दी गई। मैं तो उस मिसाल से वाकिफ नहीं हूँ, लेकिन मैं समझता हूँ कि शायद वह इस तरह की अकेली मिसाल होगी।

14 hrs.

श्री बें० प० नायर : हमारे देश में भी कभी कभी ऐसा होता है।

पंडित ठाकुर दास भार्गव : आप का देश और कोई होगा।

श्री बें० प० नायर : नहीं, भारत में।

पंडित ठाकुर दास भार्गव : मैं समझता हूँ कि यह बात हमारी जुडिशरी की इंडिपेंडेंस को कायम रखने के वास्ते बिल्कुल फंडामेंटल है कि न तो गवर्नमेंट यह ख्याल करे कि वह सुप्रीम कोर्ट के किसी जज को गवर्नर बना सकती है, या कहीं एम्बैसडर बना कर भेज सकती है, या और किसी पोस्ट पर मुकर्र कर सकती है और न ही सुप्रीम कोर्ट के किसी जज के दिल में यह ख्याल रहना चाहिये कि मैं ऐसी किसी जगह पर एपाइंट हो सकता हूँ। ह्यूमन नेचर जैसी है, उस से सभी लोग वाकिफ हैं। मैं कितने ऐसे जजों को जानता हूँ, जो सुप्रीम कोर्ट या हाई कोर्ट के जज नहीं बल्कि डिस्ट्रिक्ट जज रहें। जब तक वे काम करते रहे, वे बड़ी ईमानदारी से काम करते रहे, लेकिन जब वे रिटायर होने लगते

[पंडित ठाकुर दास शर्मा]

हैं, तो सब को ब्याल धाता है कि अब मेरा क्या होगा। उस वक्त वे जरूर देखते हैं कि किसी न किसी गवर्नमेंट जाब पर लग जायें। यहां तक कि मैं ने कितने ही रिटायर्ड जजिज को डिटेन्शन लाज की छोटी छोटी कमेटियों के लिये कोशिश करते देखा है, सिफारिशें कराते देखा है, कि किसी तरह से हम उन में आ जायें। उन की बात समझ में आ सकती है। लेकिन सुप्रीम कोर्ट के जजिज की बात दूसरी है। जब यह मामला कांस्टीट्यूट एसेम्बली में था, तो मैं ने अर्ज किया था कि वे सप्तऋषियों की तरह हैं। इस देश की आजादी के दो बुलवर्क हैं—एक तो यह पार्लियामेंट और दूसरा सुप्रीम कोर्ट। पार्लियामेंट में भी हम मेम्बरों की डिस्क्वालिफिकेशन के बारे में एक बिल ला रहे हैं, जिस में हम ने यह उसूल रखा है कि वे एग्जैक्टिव से किसी किसम की एपायंटमेंट एक्सेप्ट न करें। क्यों ? इसलिये कि पार्लियामेंट के मेम्बरों की इन्टेग्रिटी, प्योरिटी और इन्डिपेंडेंस पहली चीज है, जो कि देश की सिक्थोरिटी की जामिन है। लेकिन इस से भी बढ़ कर हम ने फंडामेंटल राइट्स बनाये और एक तरह से हमारी सुप्रीम कोर्ट और हाई कोर्ट उन को गारण्टी करते हैं। मेरी निगाह में तो हमारी कुल आजादी के मालिक वे जजिज हैं। कमी चर्चिल के बारे में हम ने सुना था कि लड़ाई के दिनों में उस की स्पीचिज ऐसा असर रखती थीं, जैसा कि किसी बैटेलियन का किसी मुल्क में चले जान से होता है। मैं समझता हूँ कि आप इस देश में हजारों पुलिस मैन एपायंट कर दीजिये, लेकिन वे पीस सिक्थोरिटी और लिबरटी के बैसे मुहाफिज नहीं हो सकते हैं, जैसे कि सुप्रीम कोर्ट के जज अपनी जगहों पर बैठे हुए हमारे हकूक के मुहाफिज होते हैं। जब हम ने सुप्रीम कोर्ट के जजिज को वह जगह दे दी, जो कि सप्तऋषियों के बराबर है, और हम ने उन को अपनी लिबरटी का बुलवर्क बना लिया, तो ऐसी सूरत में उन के दिमाग में एक दफा भी यह ब्याल आना कि हम को कोई और जगह मिल सकती है, हमारी

इन्डिपेंडेंस के लिये उन की लिबरटी के लिये नहीं, बल्कि इस देश की लिबरटी के लिये, किसी जरूर से कम नहीं है। मेरी नाकिश राय में अकेला यह प्वाइंट कि वे आईन्दा कहीं एप्वायंट हो सकें या नहीं, इतनी इम्पोर्टन्स का है कि महज उस के लिये इस बिल को सिलेक्ट कमेटी में भेजा जाना चाहिये, जो कि इस सिलसिले में सारी दुनिया की हिस्ट्री देखे और अपनी तसल्बी करे।

मेरी राय इस बारे में बिल्कुल साफ है। जब इस हाउस में इस बात पर चर्चा हुई थी कि कोई गवर्नर साहब रिटायर हो कर काम करें या नहीं, तब मैं ने अर्ज किया था कि हमारी गवर्नमेंट सुप्रीम कंट के किसी जज को किसी दूसरी जगह—गवर्नर के तौर पर—मुकर्र कर दे, इस को मैं निहायत ही बुरी निगाह से देखता हूँ। हम तो अंग्रेजों की कांस्टीट्यूशनल हिस्ट्री में और दूसरी जगह यही देखते आये हैं कि बन्स ए जज आलवेज ए जज। उस को कभी किसी दूसरी जगह एपायंट नहीं किया जाना चाहिये और न ही उस को ऐसी इजाजत होनी चाहिये। उस के दिल में कभी यह ब्याल नहीं आना चाहिये कि रिटायर होते हुए मैं कोई फैसला कर दूँ, तो मुझ को फायदा हो सकता है।

जनाब के रूब रू जिक्क आया है कि उन की तनख्वाह बढ़ा दी जाये। मैं इस बहस में नहीं पढ़ना चाहता हूँ। मैं सैंड शिड्यूल में लिखा हुआ है कि उन की इतनी तनख्वाह होगी। वह तनख्वाह जस्टिफाइड हो या न हो, उस से ज्यादा हम तनख्वाह नहीं दे सकते हैं। अगर किसी जज के लिये ज्यादा तनख्वाह का सवाल हो तो मैं उस को प्रज नहीं करता हूँ, क्योंकि हम ने सुप्रीम कोर्ट और हाई कोर्ट के जजों को न सिर्फ टेम्पटेशन से एबाव रखना है, बल्कि उन को आराम से रखना है। जब तक वे पूरे आराम में नहीं रहेंगे और उन को कोई फिक्र न रहेगा वे अपने काम को अच्छी तरह से नहीं कर सकेंगे और इस का नतीजा

यह होगा कि सही फैसले नहीं होंगे। आप सब जानते हैं और मैं भी जानता हूँ और यह बात किसी से छिपे हुई नहीं है कई हाई कोर्ट के जजिज ऐसे हैं जिन की प्रैक्टिस बहुत अच्छी हुआ करती थी और इतनी अच्छी हुआ करती थी कि कोई ठिकाना ही नहीं। उन को जो तनस्वाह मिलती है उस से ज्यादा एक मामूली वकील भी पैदा कर लेता है। लेकिन फिर भी उन्होंने ने अपनी प्रैक्टिस की परवा न कर के हाई कोर्ट की अजशिप ली। आम तौर पर यह कनवैन्शन सी बनी हुई है कि एक अच्छे से अच्छा वकील भी जो सिर्फ रुपये की तरफ ही नहीं देखता है, अपनी प्रैक्टिस को लात मार कर जब उस को अजशिप आफर होती है उस को एक्सेप्ट कर लेता है। इस का कारण यह है कि ऐसा समझा जाता है कि इस के अन्दर मौका है देश की सेवा करने का, इन्साफ करने का वगैरह। मैं नहीं मानता कि कोई भी अच्छा वकील इस आफर से इन्कार करेगा। फ्रैंक एन्थनी साहब जैसे हो सकता है न भायें क्योंकि उन के लिये आप कितनी तनस्वाह बढ़ायेंगे। आप तीस चालीस हजार भी कर दें तो भी शायद वे न भायें। लेकिन जो अच्छा वकील है और जो अपने फर्ज को समझता है वह कभी भी इस आफर को ठुकरायेगा नहीं और जो कनवैन्शन बनी हुई है उस को तोड़ेंगा नहीं। बहुत थोड़े लोग हैं जो रिफूज करते हैं।

यहां पर कहा गया है कि नौ प्रादमियों ने इस आफर को लेने से इन्कार कर दिया है। मुझे ताज्जुब है कि कैसे उन्होंने इन्कार कर दिया और इस कनवैन्शन को ठुकरा दिया। लेकिन इसका मतलब यह नहीं है कि उन लोगों से हम कहें कि वे बतौर साधू के काम करें। इसके लिए कोई भी तैयार नहीं होगा। उनकी भी बहुत सी जरूरियात होती हैं जिन को उन्हें पूरा करना होता है। जहां तक तनस्वाह का सवाल है जब हम ने कांस्टिट्यूशन बनाया तो इस में जो तनस्वाह और पैनशन का प्राविजन रखा तो वह बहुत सोच विचार करके रखा और

बड़ा बेलेंस करके उसको हम ने बनाया। यहां पर राष्ट्रपति जी का भी जिक्र किया गया है। लेकिन मैं समझता हूँ कि अगर आप हाई कोर्ट या सुप्रीम कोर्ट जजिज के लिये कोई तबदीली करते हैं तो हो सकता है कि बेलेंस न रहे। इस चार हज़ार को अगर आप कम करते हैं या ज्यादा करते हैं तो भारी में, नेबी में तथा दूसरी कम्पेयेरेबल पोइंट्स में भी इसके साथ ही साथ आपको तबदीलियां करनी पड़ेंगी और उनकी तनस्वाहों को तथा पेंशंस को भी आपको कम या ज्यादा करना पड़ेगा। इसका नतीजा यह होगा कि सारे का सारा जो बेलेंस है वह बिगड़ जायेगा। आपको ना-मालूम कितने लाख रुपये और खर्च करने पड़ जायें तथा दूसरी तबदीलियां करनी पड़ जायें। मेरा खयाल है कि इस मामले को जिसको कि कांस्टिट्यूट प्रसिम्बली ने बड़े गौर के बाद तय किया था रिशोपन नहीं करना चाहिए और यह ठीक नहीं है। आप देश का खयाल करें, उन लोगों की बुजुर्गी का खयाल करें। मेरा खयाल है कि कोई भी सुप्रीम कोर्ट का जज अपने दिल में यह सोचता नहीं होगा कि इस वक्त देश की जो हालत है उसको देखते हुए उसके लिए चार या पांच हज़ार रुपया बतौर तनस्वाह पाना कुछ कम है। कुल हालात को देखते हुए मैं समझता हूँ कि इस तनस्वाह के सवाल को न तो हम लीगली शोपन कर सकते हैं और न ही हम को शोपन करना चाहिए।

श्री फ्रैंक एन्थनी साहब ने दो बातें कही हैं और उनमें मैं उनसे बिल्कुल सहमत हूँ और यह मैं अपना फर्ज समझता हूँ कि उनका जिक्र मैं इस हाउस में करूं। पहली बात तो यह है कि हम उस तरीके से संतुष्ट नहीं हैं जिस तरीके से कि हाई कोर्ट के जजिज की एम्पाइंटमेंट्स होती हैं। मुझे सुप्रीम कोर्ट का तजुर्बा नहीं है, गो मैं जानता हूँ कि सुप्रीम कोर्ट के जजिज के बारे में भी कई बार यह सुनने में आता है कि वहां जो सब से बड़ा जज है यानी चीफ जस्टिस उसको भी एरोच किया जाता है और कहा जाता है कि गुम इस तरह से कर दो। हाई कोर्ट

[पंडित ठाकुर दास भार्गव]

के जजिज के बारे में तो मैं अच्छी तरह से जानता हूँ कि किस तरह से उनकी एप्वाइंटमेंट्स होती हैं और कई कंसिडेरेंस कई बार ऐसी गवर्नमेंट के सामने होती हैं जोकि नहीं होनी चाहियें। ये एप्वाइंटमेंट्स सिर्फ इसाफ की बिना पर और मेरिट पर नहीं होती हैं। मुझे बड़े दुःख के साथ कहना पड़ता है कि कितनी ही सूरतों में ऐसे जज एप्वाइंट होते हैं जिन के ऊपर वे कंसिडेरेंस नहीं होती हैं जो होनी चाहियें। दूसरे अरुसर जो रखे जाते हैं और जो बड़े बड़े अरुसर होते हैं उनकी बात को मैं छोड़ता हूँ। लेकिन मैं बड़े प्रदब से अर्ज करना चाहता हूँ कि दूसरी जगहों पर आप कुछ भी करें, किसी को भी एप्वाइंट करें तथा कोई भी कंसिडेरेंस अपने सामने रखें लेकिन हाई कोर्ट और सुप्रीम कोर्ट के जजिज के एप्वाइंटमेंट्स के बारे में सिर्फ मेरिट को ही कंसिडर करें। जो लोग रखे जायें वे ऐसे होने चाहियें जो कि उन क्वालिफिकेशंस को आंसर करें जो इन पोस्ट्स के लिये रखी जाती हैं। इसके अलावा और कोई भी कंसिडेरेंस गवर्नमेंट के सामने नहीं होनी चाहियें। हम इसी दुनिया में रहते हैं और हमें मालूम है कि किस तरह से लोग एप्वाइंट होते हैं। यह मुझे बहुत दुःख के साथ कहना पड़ रहा है। मैं अर्ज करता हूँ कि जहां तक एप्वाइंटमेंट्स का सवाल है वे बिल्कुल सहा तौर पर होनी चाहियें।

दूसरी बात जो मैं अर्ज करना चाहता हूँ वह यह है कि आज के दिन हमारी हाई कोर्ट्स में जो इंडिपेंडेंस है, वह ज्योपार्डी में है और तरह तरह की बातें हम हाई कोर्ट्स के जजिज के बारे में सुनते हैं और ये ऐसी बातें होती हैं जिनको सुन कर सिर शर्म से झुक जाता है। हम चाहते हैं कि हमारी जो हाई कोर्ट्स हैं वे बिल्कुल अरबव-ससपिशन हों, उनकी तरफ कोई अंगुली उठा कर न देख सके। यह बेसिस जस्टिस का है, यह बेसिस सोसाइटी के प्रिजर-बेशन का है। अगर इसके अन्दर गड़बड़ी होती है तो हम कहां जायेंगे यह नहीं कहा जा सकता

है। हम बहुत अष्टाचार सुनते हैं वेज के अन्दर। लेकिन हाई कोर्ट्स के अन्दर अगर अष्टाचार की कहानियां जो रायज हैं, वे अगर और ज्यादा हो गईं तो पता नहीं हम कहां जायेंगे। किसी खास जज के बारे में मैं यह नहीं कहता हूँ। आम तौर पर हाई कोर्ट्स के जजिज की इंडिपेंडेंस हमारे वास्ते एसेट भाग वी फर्स्ट प्रायोरिटी है। यह सब से इम्पार्टेंट चीज है। इसको कम होने देना बहुत भारी गलती होगी। अगर आपको इसके बारे में कोई शक हो तो आप सुप्रीम कोर्ट के जजिज से इसके बारे में पूछ सकते हैं, हाई कोर्ट्स के जजिज से पूछ सकते हैं और वे आपको बतलायेंगे कि यह दुस्त है या नहीं। जो स्टैंडर्ड और रेपुटेशन पहले थी वह आज किसी कदम कम होती जा रही है। अगर वह और कम हुई या वह इंडिपेंडेंस कायम न रही जो पहले थी, तो यह हमारे देश की स्टेबिलिटी के लिए बहुत नुकसानदेह साबित होगी।

श्री सिहासन सिंह : जिम्मेदारी गवर्नमेंट की है।

पंडित ठाकुर दास भार्गव : हर चीज की जिम्मेदारी गवर्नमेंट की है। अगर आबादी बढ़ती है तो वह भी गवर्नमेंट की जिम्मेदारी है। गवर्नमेंट ही माईबाप है।

तीसरी बात मैं पेंशन के बारे में कहना चाहता हूँ। मेरे दोस्त ने यहां पर राष्ट्रपति जी की पेंशन का भी जिक्र किया है। इस के बारे में मैं यह अर्ज करना चाहता हूँ कि जहां तक साढ़े सात हजार रुपये साल पेंशन का सवाल है, यह एक अलग चीज है। इस को आप २६००० और २०००० से कम्पेयर न करें। किसी चीफ जस्टिस के लिये २६,००० रुपया काफी हो या नाकाफी हो, इस के बारे में मुझे कुछ नहीं कहना है। डिगनिटी के साथ वे रह सकते हैं या नहीं यह भी मुझे नहीं कहना है। लेकिन मैं पूछना चाहता हूँ कि हमारे मिनिस्टर्स को क्या मिलता है, स्पीकर और डिप्टी स्पीकर को क्या मिलता

है ? क्या वे किसी तरह से कोई कम इम्पार्टेंट काम करते हैं ? कितना भी इम्पार्टेंट काम ही वह तर्क तनक्वाह से जज नहीं होता है । हमारे सेक्रेट्रीज हमारे मिनिस्टर्स से ज्यादा तनक्वाह पाते हैं लेकिन इसके यह माने नहीं हैं कि हमारे मिनिस्टर्स उनसे कम इम्पार्टेंट काम करते हैं या उन से किसी कदर कम काम करते हैं या कम रिसर्पांसिबिलिटी का काम करते हैं । यह तनक्वाह का कोई क्राइटीरियन नहीं है ।

लेकिन ताहम एक बात में कहना चाहता हूँ । अगर सुप्रीम कोर्ट के जज को हम ६०० रुपया पेंशन दें और उससे कहें कि तुम इस में गुजारा करो, तो यह आयज नहीं होगा । हम अपनी सोसाइटी को जानते हैं । अगर उनको ६०० रुपया महीना दिया जाता है तो किस तरह से वे अपना गुजर बसर कर सकते हैं, किस तरह से अपने बाल बच्चों को पाल सकते हैं । सुप्रीम कोर्ट के सारे जजिज ऐसे नहीं हैं कि जिनके बीवी बच्चे न हों । उन का कुनवा भी है, खर्च भी उन के है, लायाबिलिटीज भी उन पर हैं । आप कम से कम उन को इस तरह से तो रखें कि वे अच्छी तरह से रह सकें । मैं जानता हूँ कि सुप्रीम कोर्ट के कितने ही जजिज बहुत ही सिम्पल हैं, बहुत ही काबिले इन्जत हैं और हमारे आइडियल्स के मुताबिक हैं । लेकिन ताहम वे कुनबेदार आदमी हैं, उनकी भी रिसर्पांसिबिलिटीज हैं, उन के भी खर्च हैं । इस वास्ते हमारा यह फ़र्ज है कि जब कोई सुप्रीम कोर्ट का जज रिटायर हो तो कम से कम उस को हम इस तरह से तो रहने का मौका दें जिस तरह से कि एक अच्छी मिडिल क्लास का आदमी रहता है । मैं पूछना चाहता हूँ कि आज ६०० रुपया माहवार के अन्दर वह किस तरह से रह सकता है । एक शख्स को जिसको कि आप एक बार इतना बड़ा रतबा देते हैं, इतनी बड़ी जगह पर लगाते हैं, जब वह रिटायर हो जाता है उसको इतनी पेंशन तो दें कि वह एक अच्छे मिडिल क्लास-मैन की तरह से रह सके ।

इस में २६,००० और २०,००० रुपये सालाना पेंशन की जो बात कही गई है उस के बरखिलाफ मुझे कुछ भर्ज नहीं करना है । लेकिन आपको उसके स्टैंडर्ड और रेपु-टेशन का भी खयाल करना होगा । आप को उस को इतनी कम पेंशन नहीं देनी चाहिये कि वह यह महसूस करे कि उस के साथ इंसाफ नहीं हुआ है और वह अपना गुजर नहीं कर सकता है । अगर आप इस बड़ी या पूरी पेंशन को एक दफा डिस्टर्ब कर देंगे तो मुझे नहीं मालूम कि हम कहां जायेंगे । इस वास्ते यह जो ७५०० की रकम रखी गई है, यह मुझे बहुत ही कम मालूम पड़ती है और मैं महसूस करता हूँ कि एक अच्छी मिडिल क्लास का आदमी ६०० रुपये माह-वार में गुजारा नहीं कर सकता है । सुप्रीम कोर्ट के जज के बारे में अगर आप इस को रखेंगे तो मैं समझता हूँ यह मुनासिब नहीं होगा । इस वास्ते मैं भर्ज करना चाहता हूँ कि जब मैंने सेक्रेटरी शोइयूल को पढ़ा तो देखा कि हम खास तौर से सेक्रेटरी शोइयूल से किसी हद तक बंधे हुए हैं । कांस्टिट्यूशन में लिखा हुआ है कि इतनी ही चीज हो सकती है । न हम उससे आगे जा सकते हैं और न पीछे जा सकते हैं, जब तक कि हम कांस्टिट्यूशन को ही तब्दल न करें । इस लाइट में हमें देखना है । इसके मुताबिक हमें देखना है कि यह चीज दुफ्त है या नहीं । इसलिये मेरी भदब से गुजारिश है कि जहां तक इस बिल का सवाल है, वह ऐसा है कि अगर आप इसे सेलेक्ट कमेटी में ले जायेंगे तो ज्यादा अच्छा होगा । आप मुझे माफ करेंगे अगर मैं यह भर्ज करूँ कि जो नाम श्री ऐन्थनी ने रक्ले हैं उनसे मैं किसी हद तक मुतफिक नहीं हूँ क्योंकि उस में प्रिपॉंडरेंस है एक तरफ के लोगों की । अगर आप चाहते हैं तो और नाम जोड़ें, लेकिन इस बिल को सेलेक्ट कमेटी में जरूर ले जायें और वह जो इस के मुस्तलिफ पहलू हैं, उन पर काफी गौर करें । कुछ हर्ज नहीं होगा अगर यह बिल आज पास नहीं होता, अगले सेशन में हो सकता है । हमारा मह

[पंडित ठाकुर दास भागवत]

प्रतिनिधाल है कि अगर कोई कंट्रोलिंग बिल आता है तो हम उसे सेलेक्ट कमेटी में ले जाते हैं और उस की छानबीन करते हैं। इससे हमारा किसी तरह का नुकसान नहीं होगा, बल्कि सुप्रीम कोर्ट और हाई कोर्ट के जजेज, मारे मुल्क के, महसूस करेंगे यहाँ पर जो काम किया जाता है, वह सोच विचार करके किया जाता है। जब इस में कंट्रोलिंग इश्यू है, तो हमें गुरेज नहीं करना चाहिये इसको सेलेक्ट कमेटी में ले जाने से। और सेलेक्ट कमेटी में ले जा कर इसके मुस्तलिफ पहलुओं पर गौर करके तब इस बिल को आइदा यहाँ ले आना चाहिये।

Some Hon. Members rose—

उपाध्यक्ष महोदय। बहुत से माननीय सदस्य बोलना चाहते हैं, लेकिन स्पीकर साहब ने तो सिर्फ इसके लिये डाई थंटे ही किये थे। तो क्या मैं अब मिनिस्टर साहब को बुला दूँ ?

Some Hon. Members: A time limit may be fixed.

Mr. Deputy-Speaker: Why should I fix another time limit when there is no time?

Shri Braj Raj Singh (Firozabad): We have been under the impression that the time would be extended.

Mr. Deputy-Speaker: That, the Speaker has done in deference to the wishes of the House. He had extended it by half an hour. The House agreed. It would be realised that it would be difficult for me to override that.

Shri Braj Raj Singh: The House can do it.

Mr. Deputy-Speaker: There are at least half a dozen Members. If I give ten minutes to each, it means one hour. Now, the hon. Minister, I will try to accommodate during the discussion of the clauses, some of the hon. Members who want to speak.

Shri Braj Raj Singh: He may accept the proposed motion for Select Committee. Then, the clauses may not come up.

Mr. Deputy-Speaker: That is good. No further speeches might be necessary.

Shri Braj Raj Singh: We will be debarred from expressing our views.

Mr. Deputy-Speaker: If he accepts that would be all right.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Deputy-Speaker, a number of points have been raised. The point to which I would first reply would be whether this Bill should be referred to a Select Committee or a Joint Committee. So far as reference to a Select Committee is concerned, a reference arises or would be proper where there are any controversial matters. So far as this Bill is concerned, in respect of a number of matters like leave and others, you will find that whatever had been decided by the Constitution.....

Mr. Deputy-Speaker: Hon. Members want more time to discuss. Yet, the hon. Minister says there is no controversy.

Shri Datar: That is what I am replying to. I am pointing out.....

Shri Braj Raj Singh: That is why we should be allowed to express our views.

Shri Datar: That controversy has been settled.

Shri V. P. Nayar: As many views as the number of Members who have taken part have been expressed. He says, there is no controversy.

Shri Datar: A controversy has been raised where there is no controversy

**Mr. Deputy-Speaker:** The hon. Minister says that the more Members we allow, the more the view points.

**Shri Braj Raj Singh:** It is not for the Minister to say.

**Mr. Deputy-Speaker:** We might not come to any agreement. Let us hear the hon. Minister.

**Shri Harish Chandra Mathur (Pali):** You will be satisfied only by listening to the other controversies.

**Shri Datar:** But I have already heard, and I was pointing out that we have liberalised the provisions regarding leave. So far as the pension question is concerned, we have made no departure at all.

Two other questions have been raised. One question was raised by Shri Anthony complaining that the present pay scales are not proper and they ought to be enhanced. He also felt that this question was beyond the purview of the present discussion because the pay scales were fixed by the Constituent Assembly after considering all the circumstances, and we find that they have been incorporated in the Constitution itself. As Pandit Thakur Das Bhargava, who was a Member of the Constituent Assembly, has pointed out, all the questions were considered and after considering the whole matter the Constituent Assembly came to certain decisions of which one related to the pay scales. The salary of the Supreme Court Judges is not a matter which is before us at all, and it can be referred to only indirectly.

I am coming back to the question of pension again because that was raised by my hon. friend Shri Anthony, and he stated that the pensions that we have given ought to be further increased, and he has pointed out certain grounds to which I shall reply almost immediately. But at present I am dealing with the question of reference to a Joint Committee.

As I have stated, the question of pay scales has nothing to do with the Bill. So far as leave is concerned, we have followed a liberalising policy, we are giving more benefits under the new rules. In regard to pensions, we are following the same practice. Under the circumstances, I fail to understand what controversy there is.

**Shri Sinhasan Singh rose—**

**Shri Datar:** Let the hon. Member wait for one minute.

Another question was raised, and there are certain amendments to that effect, viz., that the Supreme Court Judges, while they are in service or after retirement, should not be appointed to other posts, except posts which are judicial or quasi-judicial. Most of the hon. Members made certain observations regarding the desirability of not allowing retired Supreme Court Judges to accept any posts under the executive, especially political posts—that is how it was put.

This question also was discussed at great length by the Constituent Assembly. In the first place, a point was raised, while this question was going on before the Constituent Assembly, that they might be allowed to practice. That was negated. Next the question was raised whether a restriction or a prohibition should be placed on the Judges of the Supreme Court in the same way as the Members of the Public Service Commission were prohibited from accepting any office under Government. That was also discussed at great length, and that is why I am pointing out that all the arguments that were advanced today were advanced before the Constituent Assembly, and the Constituent Assembly came to the conclusion after going through the whole thing, that no such restrictions ought to be placed upon the retired Supreme Court Judges. Here, we are not considering the question of the High Court Judges, but so far as the Supreme Court Judges are concerned, this question was fully considered, and I did not

[Shri Datar]

find a single argument that was urged by hon. Members which was not considered by the Constituent Assembly. I have got here a long extract of the speeches made by the hon. Members and the reply by Dr. Ambedkar, and there he has pointed out how it would not be proper to place any such restrictions or bans upon the retired Supreme Court Judges for the reason that sometimes it becomes necessary and advisable to take their services for certain national purposes.

I was happy to find that most of the hon. Members stated that the Indian judiciary or the Supreme Court Judges are known for their independence, they are above corruption, they are above approach. I fully agree and pay my tribute of appreciation to the Supreme Court Judges because they have been carrying on their work very well, and the Supreme Court that was established under the Constitution has lived a life of great usefulness and has gathered a reputation which is worthy of any High Court or any Supreme Court in the whole world. After pointing this out, may I submit that the question of their pay should not be considered in the context of this independence? If the Judges are independent, above approach, absolutely impartial, then no question can arise so far as the payment of pensions is concerned. May I also point out that the salaries as well as the pensions that we have offered are fairly satisfactory. Take for instance the pay scales that were settled and accepted by the first Central Pay Commission. Immediately the pay was reduced for certain higher classes of officers. Take the I.C.S. and certain other services where the Central Pay Commission gave a report in 1947 and their pay scales were reduced by about 25 per cent. Even there also they have got a certain margin, but we have purposely given the Supreme Court and High Court Judges far better and more benevolent conditions than Government servants in other categories. The age of superannuation has been kept at 65 for the

Supreme Court and at 60 for the High Court Judges purposely, while in the case of the gazetted officers as you are aware, it is 55 and it is being retained all along. We also consider that they should be given very good pay, but I fail to understand why the question of pay should be brought in such a way as to place them above temptation. I cannot understand how such extremely high officers of integrity would fall a prey to temptations because they are offered certain other posts.

Secondly, as Shri Sinhasan Singh and others rightly pointed out, it is not a question of pay all along. After all, we are giving fair conditions. The figure of Rs. 7,500 is the minimum pension, not the maximum. The maximum pension is Rs. 26,000 per year for the Chief Justice of the Supreme Court when he retires, and Rs. 20,000 for an ordinary Judge of the Supreme Court.

Let us take into account the economic conditions of the country, and further the high tradition of public service that we have in India. If a Supreme Court Judge retires, of course he has to live a fairly satisfactory style of life, but after all, what is most important is not a very high standard of life, but simplicity; and simplicity coupled with high thinking is the ideal that India has been following all along. Therefore, I fail to understand how all these monetary considerations were brought in when a plea was made that the pension should be increased. In fact, this is the highest pension that we are giving. The other Government servants are getting almost less than half or just in the neighbourhood of half, as the highest.

Now, two grounds have been urged as to why they should be given more pensions. One of the grounds urged was that otherwise they are likely to fall a prey to temptation. This is an argument which I refuse to accept. I fully agree with my hon. friends that our judges are absolutely independent

judges. If the judges are independent, if they are known for their sturdy independence, why should we fear that they would, for example, ask for more? After all, India is a poor country. That has to be taken into account. And if India is a poor country, then this sum of Rs. 7,500 per year to Rs. 20,000 or Rs. 26,000 per year which we have given as pension—not the pay, you will kindly understand—is fairly by way of a good appreciation, and, therefore, there can be no question about it that they are already getting what is necessary, and we have given them more than what other Government servants are getting.

As my hon. friend Pandit Thakur Das Bhargava has pointed out, the whole argument for and against was considered in a proper and balanced manner, and then a certain arrangement was come to. Under these circumstances, I would point out that monetary considerations should not be raised here, and much less the question of temptation. The Judges are entitled to live a very good life, and a very high life, but that high life must be taken into account in the context of India's poor economic condition. We cannot forget that question. That should be taken into account. And I am confident that whatever has been done for the Supreme Court judges, and whatever we propose to do is not only fully in keeping with India's economic condition but is perhaps more; and the conditions that we have given them are quite satisfactory and are more than what any other country would have done in this respect.

This argument also applies so far as the other contentions that have been raised here are concerned, namely that High Court judges should have no temptations before them, and High Court judges should not look to the executive for certain advantages or for certain posts or assignments after retirement. Now, there are two considerations that have to be taken into account. So far as these judges are

concerned, they are judges known for their competency and more especially for their judicial decision. There are occasions in the life of the country, when we require judges, because a judicial outlook has to be brought to bear on certain questions that have to be decided. In fact, on a number of occasions, hon. Members from all sides of the House have said that a particular committee or a commission should be appointed with a High Court judge or a Supreme Court judge as the chairman.

**Shri Frank Anthony:** We have allowed for that. That is why I have said 'quasi-judicial'.

**Shri Datar:** If, for example, we require the services of a judicial officer or a retired judicial officer, that is a compliment to him, and may I tell you from the experience that I have of High Court judges, that my hon. friend Shri Frank Anthony's remarks were not correct at all.

**Shri Frank Anthony:** I know more about them than the hon. Minister.

**Shri Datar:** No High Court judge, and much less a Supreme Court judge, would hanker after any post or assignment. In fact, it is we who have to be after them; we request them to accept certain appointments and certain assignments, and it is a privilege for us to have their services. It is not a favour for them at all. In purporting to do justice to the judges, some of the hon. Members who used such arguments were unfair to the very judges in whose favour they purported to speak. Therefore, I would not deal with that at greater length. I would mention only one or two other points that hon. Members have raised in this respect.

So far as the leave rules are concerned, they are also fair. In this connection, may I point out that two months and a half is a fairly good period for the vacation?

**Shri V. P. Nayar:** Too long.

**Shri Datar:** It may be too long, according to my hon. friend.

We have given them certain kinds of leave; we have given them facility for leave on medical certificate, leave otherwise than on medical certificate, and in extraordinary circumstances if at all they have to go on leave they can go, and we have given them good terms also. When they go on full pay, we have given a fairly good pay also. Under these circumstances, I would submit that so far as this aspect of the question is concerned, we have erred more on the side of generosity than on the side of taking away what was given to them.

**Pandit Thakur Das Bhargava:** May I rise to a point of order, because the hon. Minister says that Government have been more generous? According to paragraph 9 (5) in Part D of the Second Schedule of the Constitution, our hands and feet are bound. That paragraph reads:

"The rights in respect of leave of absence (including leave allowances) and pension of the Judges...."

**Mr. Deputy-Speaker:** This argument is addressed only to those who say that something more should be given, not to the others.

**Pandit Thakur Das Bhargava:** I am submitting that we are not competent to give less, in the face of this provision. The Constitution has decided what will be the rules regarding leave of absence, and pensions. So, we can neither be generous nor be parsimonious.

**Shri Datar:** May I point out that we have been generous, so far as the leave rules are concerned?

**Pandit Thakur Das Bhargava:** Under the Constitution, we cannot be. That is exactly my point. That is exactly my submission. Will you kindly allow me to read the relevant paragraph?

**Mr. Deputy-Speaker:** If without being generous and without doing anything further, he only says that 'We have been generous', where is the harm?

**Pandit Thakur Das Bhargava:** But I want to place the proper perspective before the House. Everything was considered here, and then the provision was laid down in the Second Schedule. So, we cannot be generous. Of course, I agree with my hon. friend, and I want that he may be generous. But, at the same time, when the Constitution binds our hands, I do not know how we can be generous.

**Shri Datar:** It only says that we are not to do anything to their disadvantage. We can do something to their advantage. There is no difficulty at all.

**Pandit Thakur Das Bhargava:** That is not the point at dispute at all. I know that rule that we cannot vary any condition to the disadvantage of the person holding the post now. That is given in this Bill also. At the same paragraph 9 (5) of Part D of the Second Schedule runs thus:

"The rights in respect of leave of absence (including leave allowances) and pension of the Judges of the Supreme Court shall be governed by the provisions which, immediately before the commencement of this Constitution, were applicable to the judges of the Federal Court."

Now, the hon. Minister should have circulated to us the provisions which were applicable to the judges of the Federal Court before the commencement of the Constitution; and those conditions regarding leave of absence and pensions should have governed the judges of the Supreme Court also. Unless and until we get over that hurdle, I do not see how we can be

generous or even be frugal or parsimonious or take away those rights.

**Shri Datar:** So far as this point is concerned, there is no substance at all in it. What was done at the time of the Constitution was that until Parliament made a change, the rules that were then existent would continue.

**Pandit Thakur Das Bhargava:** Where is that stated?

**Shri Datar:** May I point out to my hon. friend the provision in article 125 (2) which reads thus:

"Every Judge shall be entitled to such privileges and such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament...."

This process of determination is now going on. So there is no substance in the point of order.

**Pandit Thakur Das Bhargava:** If that is the interpretation, then the question of change of pay is also relevant.

**Shri Datar:** One hon. Member wanted to know how provision was made for their contribution to the provident fund. Whenever any officer gets pension naturally, it is open to him to contribute to the provident fund, but the contribution is only unilateral; he himself contributes to it, and there is no contribution by Government at all. In fact, the amount is kept with us; some interest is paid, but after all, it is his own contribution and nothing more. Therefore, I submit that whatever has been done has been more in the interests of the Supreme Court judges than otherwise.

There is one other controversial question, so-called controversial question, that has been raised.

**Shri Frank Anthony:** May I rise to a point of order that the point of order

has not been clarified? The proviso to article 125 (2) says:

"Provided that neither the privileges nor the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment."

**Shri Datar:** We are not varying them.

**Shri Frank Anthony:** He was entitled to all the leave and privileges as were given to a Judge of the Federal Court. We do not know what those privileges were. Are the provisions we are making more advantageous provisions than the provisions concerning Federal Court Judges' privileges?

**Mr. Deputy-Speaker:** I do not quite appreciate the point raised. Article 125(2) says:

"Every Judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence or pension as may from time to time be determined by or under law made by Parliament...."

This is Parliament's sovereign right—

"and until so determined, to such privileges, allowances and rights as are specified in the Second Schedule".

This is the second provision. The first provision is that Parliament shall be supreme and competent to determine the privileges, pay and other things, by law whenever it wants to. According to the second provision, until they are so determined by Parliament, by law, they would be entitled to such privileges, allowances and rights as are specified in the Second Schedule. The Second Schedule applies to these rights, but Parliament may at any time it likes determine them. Therefore, we are taking up this legislation at this moment.

**Pandit Thakur Das Bhargava:** That is right, but so far as the provisions regarding the Federal Court Judges are concerned, they must be applicable. Anything more can be given, but anything less cannot be given because of the proviso to article 125 which says:

"Provided that neither the privileges nor the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment".

So they cannot be varied to the disadvantage of the present incumbents.

**Mr. Deputy-Speaker:** When a Judge is in service and so long as he is in service, that is the provision, that nothing shall be done to detract or take away anything during his life time; otherwise, he would not have that security. The intention was that when once he has been appointed, nothing would be done to take away or minimise any of the allowances that had been promised. That is how I read it.

**Pandit Thakur Das Bhargava:** But we should know what the privileges of the Federal Court Judges were, then compare them and see that they are not varied to the disadvantage of the present incumbents. This is the least we can do.

**Shri Datar:** May I refer you to clause 25 of the Bill? We have been very careful. Clause 25 reads:

"Nothing contained in this Act shall have effect so as to give to a Judge who is serving as such at the commencement of this Act less favourable terms in respect of his privileges and allowances or his right in respect of leave of absence (including leave allowances) or pension than those to which he would have been entitled, if this Act had not been passed".

**Mr. Deputy-Speaker:** That has been provided for.

**Shri Datar:** So I submit that on all the points, there is no need for reference to a Select Committee. I do not want to take any more time. All these questions were fully considered and right decisions arrived at in respect of all of them by the Constituent Assembly, and no new arguments have been advanced.

**Shri Braj Raj Singh:** How many years back?

**Shri Datar:** Conditions are the same so far as this is concerned.

**Shri Braj Raj Singh:** Conditions have changed.

**Shri Datar:** There are no changes.

**Shri Braj Raj Singh rose—**

**Mr. Deputy-Speaker:** I will give Shri Braj Raj Singh an opportunity to speak during the clause by clause stage.

**Shri Datar:** I therefore oppose the motion for reference to Select Committee and commend my motion for acceptance of the House.

**Mr. Deputy-Speaker:** I will first put the motion for reference to Select Committee.

The question is:

"That the Bill be referred to a Select Committee consisting of Shri B. N. Datar, Sardar Hukam Singh, Shri Naushir Bharucha, Shri Surendra Mahanty, Shri H. C. Heda, Shri Jaipal Singh, Shri Hem Barua, Shri M. R. Krishna, Shri Ramanathan Chettiar, Shrimati Sucheta Kripalani, Rani Manjula Devi, Shrimati Parvathi M. Krishnan, Shri Narendrabhal Nathwani, Shri A. E. T. Barrow and the Mover, with instructions to report by the first day of the next session".

Those in favour of this motion will kindly say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Deputy-Speaker: Those against will kindly say 'No'.

Several Hon. Members: No.

Mr. Deputy-Speaker: The 'Noes' have it. The 'Noes' have it.

Shri Frank Anthony: 'Ayes' have it. I want division.

Shri Nath Pai: All the Members who have spoken have supported it except the Minister.

Mr. Deputy-Speaker: Shall I go by the voice or by the speeches that were made?

[Division No. 7]

I shall now put the motion for reference of the Bill to a Select Committee moved by Shri Frank Anthony again. The question is:

"That the Bill be referred to a Select Committee consisting of Shri B. N. Datar, Sardar Hukam Singh, Shri Naushir Bharucha, Shri Surendra Mahanty, Shri H. C. Heda, Shri Jaipal Singh, Shri Hem Barua, Shri M. R. Krishna, Shri Ramanathan Chettiar, Shrimati Sucheta Kripalani, Pami Manjula Devi, Shrimati Parvathi M. Krishna, Shri Narendrabhai Nathwani, Shri A. E. T. Barrow and Shri Frank Anthony, with instructions to report by the first day of the next session".

The Lok Sabha divided: Ayes 40;  
 Noes 107.  
 14.47 hrs.

### AYES

Anthony, Shri Frank  
 Barrow, Shri  
 Beck, Shri Ignace  
 Bhanja Deo, Shri  
 Bhargava, Pandit Thakur Das  
 Bharucha, Shri Naushir  
 Braj Raj Singh, Shri  
 Deb, Shri P. G.  
 Dige, Shri  
 Galkwad, Shri B. K.  
 Gopalan, Shri A. K.  
 Goundar, Shri Shanmuga  
 Hynniewta, Shri

Jadhav, Shri  
 Kamble, Dr.  
 Kadiyan, Shri  
 Mahanty, Shri  
 Martin, Qazi  
 More, Shri  
 Mukerjee, Shri H. N.  
 Mullick, Shri B. C.  
 Nair, Shri Vasudevan  
 Nath Pai, Shri  
 Nayar, Shri V. P.  
 Parvathi Krishna, Shrimati  
 Patel, Shri P. R.

Patel, Shri Rajeshwar  
 Patil, Shri Balasahab  
 Pillai, Shri Anthony  
 Proddhan, Shri B. C.  
 Rao, Shri D. V.  
 Reddy, Shri Nagi  
 Sinha, Shri Satyendra Narayan  
 Sinhasan Singh, Shri  
 Siva Raj, Shri  
 Sonule, Shri H. N.  
 Sugandbi, Shri  
 Supakar, Shri  
 Tangamani, Shri  
 Valvi, Shri

### NOES

Achar, Shri  
 Agadi, Shri  
 Ambalam, Shri Subbiah  
 Anirudh Sinha, Shri  
 Arumugham, Shri R. S.  
 Arumugham, Shri S. R.  
 Bahadur Singh, Shri  
 Banerji, Shri P. B.  
 Bangshi Thakur, Shri  
 Barman, Shri  
 Besumatari, Shri  
 Bhogji Bhal, Shri  
 Bidari, Shri  
 Birbal Singh, Shri  
 Birendra Singhji, Shri

Chendak, Shri  
 Chaturvedi, Shri  
 Das, Shri K. K.  
 Das, Shri N. T.  
 Das, Shri Shree Narayan  
 Dasappa, Shri  
 Datar, Shri  
 Deb, Shri P. G.  
 Dube, Shri Mulchand  
 Dwivedi, Shri M. L.  
 Gandhi, Shri M. M.  
 Ganga Devi, Shrimati  
 Ganpati, Ram, Shri  
 Ghosh, Shri M. K.  
 Jain, Shri M. C.

Jyotishi, Pandit J. P.  
 Kotoki, Shri Lilladhar  
 Kesar Kumari, Shrimati  
 Keshava, Shri  
 Khedkar, Dr. G. B.  
 Krishna Chandra, Shri  
 Kureel, Shri B. N.  
 Lachhi Ram, Shri  
 Lahiri, Shri  
 Laxmi Bai, Shrimati  
 Maiti, Shri N.B.  
 Malaviya, Pandit Govind  
 Manaan, Shri  
 Mandal, Shri J.  
 Masuriya Din, Shri

Mishra, Shri J. R.  
Mishra, Shrimati  
Mishra, Shri B. D.  
Mishra, Shri R. D.  
Mishra, Shri R. R.  
Morarka, Shri  
Munisamy, Shri N. R.  
Murmu, Shri Paika  
Murti, Shri M. S.  
Murthukrishnan, Shri  
Nair, Shri C. K.  
Nair, Shri Kuttikrishnan  
Naldurgker, Shri  
Narasimhan, Shri  
Negi, Shri Nek Ram  
Padalu, Shri K. V.  
Padam Dev, Shri  
Pahadia, Shri  
Panna Lal, Shri  
Pillai, Shri Thanu  
Prabhakar, Shri Naval

Rajiah, Shri  
Ram Subhag Singh, Dr.  
Ramesh Chandra, Swami  
Rane, Shri  
Ranga Rao, Shri  
Rao, Shri Jagannatha  
Raut, Shri Bhole  
Rungtong Suisa, Shri  
Rup Narain, Shri  
Sahodrabai, Shrimati  
Sahu, Shri Bhagabat  
Sahu, Shri Rameshwar  
Salam, Shri Abdul  
Samsanta, Shri S. C.  
Sanganna, Shri  
Sardar, Shri Bholi  
Satyabhama Devi, Shrimati  
Satyanarayana, Shri  
Selku, Shri  
Sen, Shri P. G.  
Shah, Shrimati Jayaben

Sharma, Shri D. C.  
Siddasanajappa, Shri  
Siddiq, Shri  
Singh, Shri D. N.  
Singh, Shri H. P.  
Singh, Shri M. N.  
Sinha, Shri B. P.  
Snatak, Shri Nardeo  
Subbarayan, Dr. P.  
Sunder Lal, Shri  
Tahir, Shri Mohammed  
Tariq, Shri A. M.  
Tewari, Shri Dwarikanath  
Thirumala Rao, Shri  
Tula Ram, Shri  
Uike, Shri  
Umrao Singh, Shri  
Upadhyaya Pandit Munishwar Dutt  
Vedakumari, Kumari M.  
Vyas, Shri Radhikal

*The motion was negatived*

**An Hon. Member:** Morally the 'Ayes' have it.

**Mr. Deputy-Speaker:** I shall now put the original motion.

*Clause 3 was added to the Bill.*

The question is:

"That the Bill to regulate certain conditions of service of the Judges of the Supreme Court be taken into consideration".

*The motion was adopted.*

**Mr. Deputy-Speaker:** Now we shall proceed with the clause by clause discussion.

**Shri V. P. Nayar:** And now the exodus!

**Mr. Deputy-Speaker:** The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill*

**Mr. Deputy-Speaker:** The question is:

"That clause 3 stand part of the Bill."

*The motion was adopted.*

**Clause 4—**(Leave account showing amount of leave due.

**Pandit Thakur Das Bhargava:** I want to speak on clause 4. As I pointed out to you, Sir, reading rule 9(5) of the Second Schedule along with article 125 of the Constitution, I feel that the right course for us is to find out first of all what the rules in regard to leave of absence and pensions were in respect of the Federal Court Judges before the commencement of this Constitution. According to me, unless and until article 125 a change is made we are bound hand and foot by the provisions of the Second Schedule, rule 9(5). According to the proviso to article 125, we are not competent to change those rules if they are to the detriment of those persons who were actually governed by rule 9(5) of the Second Schedule. Up to the present day, I believe, every Supreme Court Judge is, so far as the question of leave of absence and pension is concerned, bound by the rules which were applicable to the judges of the Federal Court at the commencement of the Constitution.

Now, with a view to see that the proviso to article 125 is fully given effect to, I am bound to see whether the provisions made in this Bill are the same or better or worse off. If they are better, I have nothing to say. But, if they are worse off, then, I can certainly say that we cannot change the rules relating to leave and pension so that they are less favourable than what they were to the Judges of the Federal Court before the commencement of this Constitution. This necessitates that we should be furnished with the material about the Federal Court Judges which existed then. In the absence of such material before us, I am sorry I am not in a position to give my vote in favour of clause 4. I cannot do so unless I have compared those rules with the present ones and find that in these rules we have not made any change which is to the detriment of the present incumbents of the Supreme Court judgeship.

I would, therefore, request that before you put the question, you will be pleased to direct the Home Minister to furnish us with the provisions of law relating to the Judges of the Federal Court just before the commencement of this Constitution. Unless that is done we will be giving a blind vote. I would, therefore, request you to direct the Home Minister to give us those provisions so that we may be able to find out whether these provisions have changed them for the worse or for the better.

**Shri Datar:** On this point, may I point out, Sir, that before the Supreme Court was established, we had the Federal Court. In my opening speech I pointed out that an Order was issued by the British Administration in 1937 and that Order dealt with all the circumstances till the Supreme Court was established. So far as that Order is concerned, it is available in the Parliament Library. It was open to the hon. Member to have looked into that.

Secondly, in the Statement of Objects and Reasons, we have definitely stated that the conditions which are now offered are more liberal than the conditions that were there under the Federal Court Order of 1937.

**Pandit Thakur Das Bhargava:** I know the opinion of the hon. Minister. I want that I should be able to compare. That is the difficulty. I do not say his opinion is wrong.

**Mr. Deputy-Speaker:** The hon. Minister advises the hon. Member to go to the Library. Then, what can I do?

The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That clauses 5 to 21 stand part of the Bill."

*The motion was adopted.*

*Clauses 5 to 21 were added to the Bill.*

*New Clause 21-A.*

**Mr. Deputy-Speaker:** New clause 21-A; is it going to be moved?

**Shri Frank Anthony:** Yes, Sir. I want to move it.

**Shri M. C. Jain (Kaithal):** Sir, this new clause is out of order because....

**Mr. Deputy-Speaker:** Let us know what it is.

**Shri Datar:** Let him move it first.

**Shri Frank Anthony:** Sir, I move:

Page 6,—

after line 39, insert—

"21A. The pension payable to a Judge of the Supreme Court shall not be subject to Income-tax."

**Mr. Deputy-Speaker:** Now, the hon. Member may raise his point of order.

**Shri M. C. Jain:** Sir, in the papers which have been circulated, new clause 21A is—

“No person who has held office as a Judge of the Supreme Court shall accept any appointment, either private or official, except an appointment by the State of a judicial or quasi-judicial character.”

I am referring to this clause and that is what I want to object to.

**Mr. Deputy-Speaker:** There are two amendments, amendments Nos. 4 and 5 regarding clause 21A.

**Shri M. C. Jain:** I say the clause I was reading is out of order.

**Mr. Deputy-Speaker:** One amendment is No. 4 and the other is No. 5. Mr. Anthony had only moved No. 4. Has the hon. Member to say anything about this?

**Shri M. C. Jain:** No, Sir.

**Shri Frank Anthony:** Sir, I want to make just a few observations. One or two of my hon. friends on this side who agreed with me that the Bill must be referred to a Select Committee, however, do not feel that there was any need for any kind of concession being given to the Supreme Court Judges in the matter of pension. I am not going to reply to that except to say that it is all very well for politicians who are inclined to sermonise and to adopt an attitude as if everyone in this country is or should be a *sanyasi*. I refuse to accept that principle. It is a normal human feature that a person will....

**Mr. Deputy-Speaker:** Nobody is asked to become a *sanyasi*. It is only suggested that they might have a dhoti and kurta; not all other paraphernalia but simplicity.

**Shri Frank Anthony:** Perhaps so. I was not talking in terms of clothing or the lack of clothing. But my hon. friend suggested that I was placing undue emphasis on mercenary motives.

May I say with a great deal of respect that this undue emphasis on self-sacrifice and service is, so far as an average politician is concerned, a pose which is almost indistinguishable from hypocrisy. The main fact is this that one of the buffers against corruption—it is not the only consideration—is to pay people adequately.

One of the main disquieting facts about our whole administrative fabric today is that every aspect of the administration is being increasingly corroded by corruption. What is the main reason? The main reason is the increasing pressure of the increasing cost of living. That is why in every aspect of the administration corruption is rampant and increasingly rampant. I only suggested that in this context let us do all we can to give our people the maximum amount, particularly by way of pension, so that they won't be tempted to look forward to accept appointments.

My amendment does not seek to increase the amount of pension. I say that if Government insists on giving what I call a niggardly scale, at least let Government make this concession that it will accept that because of the special circumstances attaching to the position that these people occupy and the fact that we feel in no circumstances should they accept any kind of Government patronage except appointment of a judicial or a quasi-judicial character.....

15 hrs.

**Mr. Deputy-Speaker:** Have any other pensions been free from income-tax?

**Shri Frank Anthony:** I am suggesting that because these people occupy a unique position, we treat them uniquely.

**Mr. Deputy-Speaker:** But that would be a departure from the general principle and we may find ourselves in difficulties. These questions would be raised. If he had brought a direct increase in the pension, that would certainly have been considered but this would be a departure.

**Shri Frank Anthony:** They would not then do that also. We cannot give them Rs. 3,000; that would also have been a departure because it means that they would be entitled to Rs. 3,000 pension when their salary is Rs. 4,000. That again would not be according to the normal pensionary valuation.

**Pandit Thakur Das Bhargava:** We had passed the President's Salary Act or some thing like that and we put in there that the President's salary will be subject to income-tax. It is a general rule. We cannot depart from that rule in the case of the Supreme Court Judges or any Judges. They are all citizens of India and so they must be subject to this tax.

**Mr. Deputy-Speaker:** The hon. Member, Shri Frank Anthony, wants some increase.

**Pandit Thakur Das Bhargava:** I am in favour of increasing the minimum pension but I cannot shut my eyes to what we have already done. I do not want to treat them as separate from the other citizens of India. When we considered the Bill which I referred to, the Government brought the Bill and it was said that the President's salary will not be subject to any income-tax but Parliament did not agree and put in that clause that it shall be subject to income-tax; they have said so far as the President is concerned. So, I do not think that we are justified in making a special law in regard to the Supreme Court Judges.

**Mr. Deputy-Speaker:** The hon. Minister wants to reply?

**Shri Datar:** Sir, you have already replied practically to the contention

raised by my hon. friend as also Pandit Thakur Das Bhargava. This would create a very awkward situation. As Pandit Thakur Das Bhargava has pointed out, it would be like giving a preferential treatment which even Shri Frank Anthony would not like.

**Mr. Deputy-Speaker:** So, I shall now put amendment No. 4 to the vote of the House.

The question is:

Page 6,—

after line 39, insert—

"21A. The pension payable to a Judge of the Supreme Court shall not be subject to Income-tax."

*The motion was negatived.*

**Shri Frank Anthony:** Sir, I have got another amendment—No. 5. I beg to move:

Page 6,—

after line 39, insert—

"21A. No person who has held office as a Judge of the Supreme Court shall accept any appointment, either private or official, except an appointment by the State of a judicial or quasi-judicial character."

Sir, may I say with very great respect that after hearing what the hon. Minister has said, I was reminded of the maxim that those whom the Gods wish to destroy, they make mad first. Every hon. Member belonging to every Party in this House and more especially hon. Members of the ruling Party underline the need for a special provision any they put it differently; all agree that we should not give the appearance of corrupting the judiciary. My hon. friend said that deliberately but he seems to misinterpret or misunderstand what has been said. Nobody has said that so far as the Supreme Court Judges are concerned there is any suggestion of corruption nor was it the suggestion that there

[Shri Frank Anthony]

was lack of independence. But I did say and I repeat that in many of our High Courts, there is an increasing public criticism of this increasing erosion of the independence of the High Courts. My hon. friend, Pandit Thakur Das Bhargava, supported me. But apart from this feeling that the independence of the judiciary vis-a-vis the High Courts is being gradually undermined there is the fact that gratuitously our Government is exposing the whole judiciary, including the members of the Supreme Court, to public criticism. That is my grievance. The Judges may, as I say, be persons of the most unquestionable integrity; at no time is it remotely questioned or said that political patronage in the future enters into their considerations. But the moment judgments are given—I say this with regret and sadness—people are openly criticising the judgments of the Supreme Court. It is not because the Judges are in any way open to be influenced, not because the Judges are accessible but merely because of this pernicious convention that the Judges of the Supreme Court may at some future time be given political preference. I am grieved at this but it is happening. How is the Minister going to check this increasing public criticism of the fact that because the Government chooses to enable the Judges of the Supreme Court as also the Judges of the High Court to accept political patronage or Government preferment,—how are you going to prevent the public litigant or even members of the Bar from pointing out a finger at your Supreme Court Judges and saying this although it is wrong and even immoral—because a Judge is hoping to get a judgeship or an ambassadorial appointment, this judgement seems to lean towards the executive? How do you answer it? You are giving a complete handle to the public. I am not talking in terms of the Judges; they may be absolute saints; probably they are. But how do you stop members of the bar and the litigant public from saying this sort of a judgment was given because

the Judge is hoping to get some kind of a patronage later? Every hon. Member of this House has, without qualification, condemned this convention because you have exposed gratuitously every part of your judiciary to public criticism. I would ask the hon. Minister to consider this matter.

He has said that this has been decided under the Constitution. But what is so sacrosanct about the Constitution? In what part of your Constitution have you said that there shall be no embargo? It is not in the Fundamental Rights. The hon. Minister, as a member of the Government, has chosen in seven years to tamper with the Fundamental Rights seven times. When the experience of the Government shows that the Fundamental Rights could be tampered with, what is there so inviolable about some other part of the Constitution, when your actual working and actual experience shows otherwise? I ask the hon. Minister to go and talk privately to almost any member of the Supreme Court or to talk to the senior members of the High Court Bars. Let him ask them privately as to what is happening with regard to the public opinion in the High Courts. I may say that every one of them will tell him that so far as the High Courts are concerned, the public confidence and the public respect for the High Court is being gradually undermined. What is the good of closing the eyes to the facts. What do you think we can do so long as these things are allowed to continue? Nothing at all. We are grieved at this growing tendency every where. Speak to any of them. They will tell you from their private experience as to what is actually happening. I just do not understand this attitude on the part of the Government. We are trying to stop something which is going to destroy this country. But yet the Minister refuses to see; he has his eyes to see and know but they are blind and will not see. Let him consult his own colleagues about this matter and his own Party people also.

**Mr. Deputy-Speaker:** He wants to raise a point of order.

**Shri M. C. Jain:** Sir, in principle I support the point which has been made through this amendment by Shri Frank Anthony but I think the amendment is out of order according to the Constitution. We have brought forward this Bill under the powers given to us under article 125(2) which says:

"Every Judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament...."

That is to say, we can only provide regulations with regard to the privileges and allowances and pensions, etc. So, in this Bill we cannot provide anything else than these which come under article 125 (2).

Moreover, this Bill is only to provide conditions of service and not conditions of appointment. This amendment is, I feel, as a condition of appointment of Supreme Court Judges. Therefore, this is outside the scope of this Bill.

So far as the principle underlying this amendment is concerned, I entirely agree with the statement made by my hon. friend. We are trying to establish a parliamentary democracy in our country.

**Shri Braj Raj Singh:** Is the hon. Member speaking on his point of order, Sir?

**Mr. Deputy-Speaker:** If the hon. Member has finished with his point of order, let that be decided first.

**Shri M. C. Jain:** Our democracy....

**Mr. Deputy-Speaker:** Is it the explanation of his point of order? Is it in support of his point of order that he wants to speak?

**Shri Frank Anthony:** He is supporting the amendment.

**Mr. Deputy-Speaker:** Has he finished with the point of order that he wanted to raise?

**Shri M. C. Jain:** So far as the constitutional aspect of it is concerned, Sir, I have made my submission.

**Pandit Thakur Das Bhargava:** I would like to say a word, Sir, on this point of order. My hon. friend has raised the point of order basing it on article 125 where it is said:

"Every Judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament . . ."

May I respectfully ask whether it is one of the rights that a Supreme Court Judge be appointed as an Ambassador or a Governor?

**An Hon. Member:** Fundamental Right.

**Pandit Thakur Das Bhargava:** Whose Fundamental Right is it? My humble submission is, article 125 specifically says that in respect of leave of absence, pension etc. the privileges shall be determined by or under law made by Parliament. This was left open at that time. Every other thing not covered by the then existing service conditions, privileges and allowances in respect of Federal Court Judges was left open to be determined by Parliament when it chose to do so. Today we are doing it. That is why we also say that a condition of service shall be that after retirement a Judge will not be able to hold any other post. Therefore, it cannot be out of order. It is perfectly within the competence of Parliament to make a law under article 125. Article 125 is itself a warrant for this kind of amendment, what to say that this bars it. Therefore, my humble submission is that the amendment is in order.

**Pandit G. B. Pant:** Sir, the Bill provides that no Judge of the Supreme Court will practise in any court in India after retirement. It would not besit the dignity of a Judge to appear before any such court in our own country, but I do not understand why a Judge who has served the country gallantly, truly and justly for the best part of his life should be deprived of the opportunity.....

**Shri Braj Raj Singh:** Is the hon. Minister speaking on the point of order?

**Mr. Deputy-Speaker:** A point of order was raised; perhaps the hon. Minister came a little later. I will first give my ruling on that.

I do not think that there is any bar to the incorporation of this provision. I agree with Pandit Thakur Das Bhargava that this also would be one of the conditions of service. Whenever a Judge is appointed he has to see what conditions are being offered to him, and he should come in with open eyes. After all, if you say that he cannot accept any other appointment it will not be outside those conditions. It is perfectly legitimate to lay down that no person who has held office as a Judge of the Supreme Court shall accept any appointment, either private or official, except an appointment by the State of a judicial or quasi-judicial character. This would be included in those conditions of service. There is nothing overriding in the Constitution or any other law. Therefore, I do not think the point of order has any validity.

**श्री ब्रजराज सिंह :** उपाध्यक्ष महोदय, मैं श्री फ्रेक एन्वनी के संशोधन के समर्थन में खड़ा हुआ हूँ। मैं इसलिये उसका समर्थन करता हूँ कि जहाँ तक सुप्रीम कोर्ट के जजेज का सवाल है देश के नागरिकों के दिलों और दिमागों के अन्दर यह भावना रहनी चाहिये कि वे सिर्फ निष्पक्ष ही नहीं हैं बल्कि नागरिकों को भी यह सचता है कि वे निष्पक्ष हैं और निष्पक्षता

को दृढ़ रखने के लिये वह बहुत ही आवश्यक है कि जब वे सुप्रीम कोर्ट की जजशिप से रिटायर हो जायें तो जैसे कि भारतीय संविधान में कहा गया है कि वे देश में कहीं भी किसी प्रदासत में वकालत नहीं कर सकेंगे उसी तरह से यह भी साफ चीज रहनी चाहिये कि सरकार की तरफ से और राज्य की तरफ से उन्हें किसी तरह की कोई नियुक्ति नहीं दी जायेगी। जब उनके दिमाग में इस तरह की भावना रहती है कि सुप्रीम कोर्ट की जजशिप से रिटायर होने के बाद सरकार उनको किसी उच्च सरकारी पद पर नियुक्त कर सकती है तो इंसानी कमजोरी के नाते वह आशंका हो सकती है कि वे उस निष्पक्षता और दृढ़ता का परिचय न दें जोकि उनसे अपेक्षित है। मैं यह नहीं कहना चाहता हूँ कि इस तरीके से उनकी निष्पक्षता खत्म हो जायेगी, यह मेरे कहने का उद्देश्य नहीं है लेकिन हमें यह भी देखना है कि भले ही इससे चाहे उनकी निष्पक्षता खत्म न हो लेकिन इससे नागरिकों के दिमागों में कोई इस तरह की भावना घर न कर जाय कि इससे उनकी निष्पक्षता खत्म हो सकती है। यह चीज बहुत खतरनाक है और यह देश के भविष्य के लिये और उसकी उन्नति के हक में बहुत खतरनाक है।

सुप्रीम कोर्ट जजेज की बात तो भलग है लेकिन जहाँ तक दूसरे कुछ लोगों का सवाल है, अभी राज्य की तरफ से इस तरह के प्रलोभन दिये जाते हैं और उन प्रलोभनों की वजह से कभी कभी बड़ा अन्याय हो जाया करता है।

एक केस देखने में आया जिसमें एलेक्शन ट्राइब्यूनल ने एक जजमेंट दिया और उसके दूसरे ही दिन उनका एपायंटमेंट हो गया। वह वहाँ से रिटायर हो गये थे। रिटायर होने वाले दिन उन्होंने जजमेंट दिया है और उसके दूसरे दिन सरकार की तरफ से उनकी नियुक्ति कर दी गई। मैं यह वहीं कहना चाहता कि उन्होंने जो जजमेंट दिया

यह किस तरह का था लेकिन जिस दिन उन्होंने जजमेंट दिया रिटायर होने की बजह से उसके दूसरे दिन सरकार की तरफ से उनकी नियुक्ति हो जाय, इससे नागरिकों के दिमाग में एक झंका पैदा हो सकती है कि उसमें कोई गड़बड़ी रही होगी और उसमें भ्रष्टाचार कोई ऐसी बात रही होगी जो कि उचित नहीं थी। तो इसलिये यह बहुत ही आवश्यक है कि जो देश की सबसे बड़ी जड़ीशियरी है, जो देश का सब से बड़ा न्यायालय है, जिसका कि सिर्फ यही कार्य नहीं है कि वह नागरिक और नागरिक के बीच न्याय करे, बल्कि जिसके ऊपर हमारे संविधान की रक्षा करने की जिम्मेदारी है, उस जूडीशियरी के सदस्यों के दिमाग में ऐसी बात न आने पावे। और उनके दिमाग में चाहे यह बात भ्रावे या न भ्रावे लेकिन यह भी आवश्यक है कि देश में किसी नागरिक के मन में यह बात न आ सके कि अगर कोई जज किसी खास मामले में खास प्रकार का दृष्टिकोण अपनायेगा तो उसको राजदूत नियुक्त कर दिया जायेगा या और कुछ कर दिया जायेगा। इसलिये मैं निवेदन करूंगा कि फ्रैंक एन्वनी महोदय का जो संशोधन है उस पर सरकार गम्भीरतापूर्वक विचार करे और उसे स्वीकार कर ले। उसे स्वीकार करके हम संविधान की इस भावना के अनुसार ही कार्य करेंगे कि सुप्रीम कोर्ट का जज वकालत न करे। देश में टैलेंट की कमी नहीं है, देश में योग्य व्यक्तियों की कमी नहीं है। लोगों को अपने लिये एक क्षेत्र चुन लेना चाहिये। जो लोग जूडीशियरी में जाते हैं वे हाई कोर्ट और सुप्रीम कोर्ट के जज हो सकते हैं। और उससे भ्रष्टाचार ग्रहण करने के बाद भी जहां सरकार किसी विशेष कार्य के लिये उनकी सेवाओं की आवश्यकता समझे तो उनको सुप्रीम कोर्ट में बुला सकती है या किसी क्वासी जूडीशियल तरीके के ट्राइब्यूनल में उनको नियुक्त कर सकती है और इस प्रकार उनको ले सकती है। लेकिन यदि उनको किसी राजनीतिक पद पर या किसी दूसरे पद पर नियुक्त किया जायेगा तो

इससे देश में एक अंतरनाक भावना पैदा हो सकती है।

इसलिये मैं निवेदन करता हूँ कि सरकार इस संशोधन पर गम्भीरतापूर्वक विचार करे और उसे भ्रष्टाचार स्वीकार कर ले।

**Pandit G. B. Pant:** Sir, I was not present here when the point of order was raised; so I was referring to the merits of the amendment when I discovered my mistake. The position seems to me to be a simple one. The Judges of the Supreme Court are, and should undoubtedly be, men of great distinction who have risen to the highest rungs in the judicial ladder. They should be deemed to be men of probity, integrity, character and ability. Now, should the country be deprived of the services and of the contribution that such eminent men can make to its development and welfare after their retirement if they are in a position to do so? Every person who is in service, a District Magistrate, a District Judge, a Sub-Judge and a Puisne Judge, has the liberty to do what he likes after his retirement. It seems to me somewhat tragic that there should be such sort of suspicion about the character of our people.

**Shri Frank Anthony:** The Minister was not here when we spoke. We may assume that they are all saints. But you are giving the public the opportunity of thinking that those people can be influenced by prospects of preferment and nobody can stop them.

**Pandit G. B. Pant:** If it is accepted by all that so far as their character, their ability, and their capacity to resist temptations are concerned there is no difference of opinion in this House, then I welcome this assurance. Then, what is the basis for this invidious discrimination to be made against these people? If their attitude cannot be open to suspicion in anyway, then, why should they or the country suffer? I personally feel....

**Shri Frank Anthony:** If the public, the people are not allowed?

**Pandit G. B. Pant:** I do not understand, when the term 'people' is used, when the representatives of the people are all satisfied that these men are men of character, just in their attitude, fair and impartial in their dealings and capable of resisting all sorts of enticements from every quarter, why should the people suspect anyone?

**Shri Frank Anthony:** They are suspecting.

**Pandit G. B. Pant:** I hope they are guided by their representatives and they share their feelings. Otherwise, they would not be representing them but perhaps misrepresenting them which I would not assume under any circumstances. So, what I say is this. There are rights, and freedoms which every citizen, howsoever handicapped he may be in other ways, is entitled to enjoy. Would it be fair to deprive the Judges of the Supreme Court of such freedom and of exercising their option after their retirement? Are they less reliable than a district magistrate, than a deputy commissioner, than a sub-judge or a munsiff?

**An Hon. Member:** They are more eminent.

**Pandit G. B. Pant:** Everyone has to deal with things that are of great moment. A sub-judge disposes of cases of unlimited valuation; a case worth a crore of rupees may be disposed of by a sub-judge. So, everyone who is in the judicial line has to weigh the scales and do justice. In fact, I go further. I submit that even those who are in the executive act justly and have to act justly not on the basis of any evidence that is recorded but in spite of many odds that they may have to face. Otherwise, if we were not to rely on the character of our people, then, the whole structure of ours would be a very feeble one and the foundations would be very shaky.

I might remind Shri Frank Anthony that this question was raised in the Constituent Assembly too. So far as I remember, he did not support any proposal of this type. I wonder if he has grown wiser since.

**Shri Frank Anthony:** Very much; more experienced.

**Pandit G. B. Pant:** Very much. Well, I wish then that the wisdom earned in earlier years was not spoiled by the advance of age.

**Shri Frank Anthony:** May I inform the Home Minister that every Member of the Congress Party has supported me on this. They also have grown wise in the interval—every Member.

**Mr. Deputy-Speaker:** They might be converted after the speech of the Home Minister.

**Pandit G. B. Pant:** I do not dispute that. Shri Frank Anthony is a very eloquent speaker and can present a case in a very cogent and convincing way, and that is why he succeeds in courts so often. So, if the hon. Members have been impressed by what he may have said, that is not news to me. That is what I would expect.

So far as the simple facts of the case go, it would hardly be in consonance with the dignity of the Judges of the Supreme Court to have a rule like that. If you cannot depend even on their discretion that they will do what is right and refrain from doing what is wrong, then who else in the country can be trusted? Is everyone to be bound by laws and rules as to what he should do and what he should not do? And these esteemed and estimable men....

**Shri Sinhasan Singh:** There are similar rules for the Comptroller and Auditor-General and the members of the Public Service Commission.

**Pandit G. B. Pant:** Exactly, that question was argued in the Constituent Assembly, and it was then said that so far as the Public Service Commission is concerned, they have agreed to be in close contact with the Government, and all their dealings are with Government and every case that goes to them concerns the Government. But so far as the judiciary is concerned, the Government is not a direct party. It is only very rarely that a case goes to the judiciary. So, there is an obvious difference between the two, and the Constituent Assembly, after weighing these two problems, came to the conclusion that while such a restriction would be advisable in the case of the members of the Public Service Commission, it would not be desirable, advisable or proper in the case of judges. So, where the judges of the Supreme Court are concerned, it becomes all the more undesirable; I would not use a stronger expression. So, my submission is that I would like our people to be more sturdy in their faith in themselves and in the character of their people. The suspicion of the olden days should be shed off. We must remember that we live in a free country and if we cannot trust even the best of our people here, then the

very base of democracy will be badly shaken. So, I hope that this amendment will not be pressed.

**Shri Frank Anthony:** I am pressing it.

**Mr. Deputy-Speaker:** The question is:

Page 6,—  
after line 39, insert—

“21A. No person who has held office as a Judge of the Supreme Court shall accept any appointment, either private or official, except an appointment by the State of a judicial or quasi-judicial character.”

*The Lok Sabha divided:*

श्रीमती जयाबेन शाह (गिरनार): यह बत्ती जलती नहीं है।

**Shri Kalika Singh (Azamgarh):** I also forgot to press the button.

**Mr. Deputy-Speaker:** I will add two more. The result of the division is:

Ayes 31; Noes 109.

**Division No. 8]**

**AYES**

[15.31 hrs.

Anthony, Shri Frank  
Banerji, Shri P. B.  
Bhargava, Pandit Thakur Das  
Bharucha, Shri Naushir  
Braj Raj Singh, Shri  
Dige, Shri  
Ghosal, Shri Aurobindo  
Gopalan, Shri A. K.  
Goundar, Shri Shanmuga  
Jadhav, Shri

Kodiyan, Shri  
Mahanty, Shri  
Majhi, Shri R. C.  
Matera, Shri  
Matin Qazi  
More, Shri  
Mukerjee, Shri H. N.  
Mullick, Shri B. C.  
Nair, Shri Vasudevan  
Nath Pai, Shri

Nayar, Shri V. P.  
Patel, Shri Rajeshwar  
Patil, Shri Nana  
Rao, Shri D. V.  
Reddy, Shri Nagi  
Salunke, Shri Balasahob  
Shastri, Shri Prakash V.  
Sinha, Shri Satyendra Narayan  
Sonule, Shri H. N.  
Tangamani, Shri  
Vajvi, Shri

**NOES**

Achar, Shri  
Agadi, Shri  
Ambalam, Shri Subbiah  
Anirudh Sinha, Shri  
Arumugham, Shri R. S.  
Arumugham, Shri S. R.  
Behadur Singh, Shri  
Banerji, Dr. R.

Banerji, Shri P. B.  
Bangshi Thakur, Shri  
Barman, Shri  
Basappa, Shri  
Bhakt Darshan, Shri  
Bhogji Bhai, Shri  
Bidari, Shri  
Birbal Singh, Shri

Birendra Singhji, Shri  
Bose, Shri  
Daljit Singh, Shri  
Das, Shri K. K.  
Das, Shri N. T.  
Das, Shri Shree Narayan  
Dasappa, Shri  
Datar, Shri

Dube, Shri Mukhand  
 Bhayyapurmal, Shri  
 Gendhi, Shri M. M.  
 Ganpati Ram, Shri  
 Ghose, Shri A. V.  
 Ghosh, Shri M. K.  
 Gounder, Shri K. Periaswami  
 Guha, Shri A. C.  
 Heda, Shri  
 Jena, Shri K. C.  
 Joshi, Shri A. C.  
 Joshi, Shrimati Subhadra  
 Jyotshi, Pandit J. P.  
 Kalika Singh, Shri  
 Kotaki, Shri Likadhar  
 Keshava, Shri  
 Khan, Shri Sadath Ali  
 Lachhi Ram, Shri  
 Lahiri, Shri  
 Laskar, Shri N. C.  
 Mafta Ahmed, Shrimati  
 Maiti, Shri N. B.  
 Mandai, Shri J.  
 Masuriya Din, Shri  
 Mathur, Shri Harish Chandra  
 Mathur, Shri M. D.  
 Mehta, Shri J. R.  
 Mishra, Shri Bibbuti

Mishra, Shri B. D.  
 Misra, Shri R. D.  
 Misra, Shri R. R.  
 Morarka, Shri  
 Murmu, Shri Paika  
 Muthukrishnan, Shri  
 Naidu, Shri Govindrarajulu  
 Nair, Shri C. K.  
 Naldurgker, Shri  
 Narayanasamy, Shri R.  
 Padam Dev, Shri  
 Pabodie, Shri  
 Patel, Sushri Maniben  
 Pillai, Shri Thanu  
 Prabhakar, Shri Naval  
 Pragi Lal, Ch.  
 Ram Subhag Singh, Dr.  
 Ramanand Shastri, Swami  
 Ranbir Singh, Ch.  
 Rane, Shri  
 Range, Shri  
 Rangarao, Shri  
 Rao, Shri Jaganatha  
 Reut, Shri Bhola  
 Rungeung Suisse, Shri  
 Rup Narain, Shri  
 Sahu, Shri Bhagabat  
 Sahu, Shri Rameshwar

Saman ta, Shri S. C.  
 Samantinkar, Dr.  
 Sanganna, Shri  
 Satyabhama Devi Shrimati  
 Seiku, Shri  
 Sen, Shri P. G.  
 Shah, Shrimati Jayaben  
 Shankaraiya, Shri  
 Sharma, Shri D. C.  
 Siddanajappa, Shri  
 Siddiah, Shri  
 Singh, Shri D. N.  
 Singh, Shri M. N.  
 Sinha, Shri B. P.  
 Sinha, Shri Gajendra Prasad  
 Siva, Dr. Gangadhara  
 Snatak, Shri Nardeo  
 Subbarayan Dr. P.  
 Sunder Lal, Shri  
 Tahir, Shri Mohammed  
 Tantis, Shri Rameshwar  
 Tariq, Shri A. M.  
 Tewari, Shri Dwarikanath  
 Tiwary, Pandit D. N.  
 Ulke, Shri  
 Umrao Singh, Shri  
 Vedakumari, Kumari M.  
 Vyas, Shri Radheal  
 Wilson, Shri J. N.

*The motion was negatived*

**Mr. Deputy-Speaker:** The question is:

"That clause 22 stand part of the Bill."

*The motion was adopted.*

*Clause 22 was added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That clause 23 stand part of the Bill."

*The motion was adopted.*

*Clause 23 was added to the Bill.*

**Clause 24—(Power to make rules)**

**Shri Braj Raj Singh:** I beg to move: Page 7, omit lines 30 to 32.

मैं चाहता हूँ कि सब-क्लाज (डी) और (ई) को हटा दिया जाये, जो कि इस प्रकार हैं—

"(d) use of official residence by a Judge:

(e) facilities for medical treatment and other conditions of service of a Judge".

मैं यह संशोधन इसलिये रख रहा हूँ कि इन दो विषयों के बारे में नियम बनाने का कोई प्रश्न न उठे। जहाँ तक वेतन का खवाल है, संविधान ने एक दर निश्चित कर दी है और उसी के अनुसार उन साहबान को वेतन मिलता है। अब हम उनको और विशेष सुविधायें देने की सोच रहे हैं। मैं जजों को विशेष सुविधायें दिये जाने को कोई बुरी बात नहीं समझता हूँ, लेकिन मैं यह अर्थ करना चाहता हूँ कि विशेष सुविधायें देने की बात मिनिस्ट्रों से शुरू हुई है और बढ़ती चली जा रही है। यदि हम जजों की विशेष सुविधायों को खत्म कर सकें, तो हो सकता है कि

यह बात उलट कर मिनिस्ट्रों की तरफ भी धाये और उन की विशेष सुविधायें भी खत्म हों। मैं चाहता हूँ कि सरकारी अधिकारियों या जन-सेवकों को जो कुछ भी वेतन दिया जाये, वह जनता को मालूम हो। उस को अच्छी तरह से ज्ञात हो कि प्रमुख व्यक्ति को इतना वेतन दिया जाता है। आज स्थिति यह है कि यह दिखाया जाता है कि किसी मिनिस्टर को वेतन दिया जाता है दो हजार, लेकिन उसको जो विशेष सुविधायें दी जाती हैं, वे कभी कभी जा कर दस हजार की बढ जाती हैं। मैं यह नहीं कहता कि सुप्रीम कोर्ट के जजों की विशेष सुविधायें भी इतनी बढ जायेंगी, लेकिन भविष्य के लिये यह एक बुरा उदाहरण होगा। इसलिये मैं इसका विरोध करता हूँ। आज सरकार के किसी मिनिस्टर के मकान का किराया ३७०० रुपया होता है, फरनीचर का किराया १७५० पया होता है, लेकिन उसका वेतन २२००, २२५० पये होता है। लेकिन जो उनके रेजिडेंस के लिये मकान हैं, जो फरनिचर है, उस का किराया करीब करीब जाकर पांच हजार से ऊपर बैठता है। और भी इस तरह के लोग हैं जिन के जितने वेतन हैं उससे कहीं ज्यादा उनके मकान तथा फरनिचर का किराया हो जाता है, वह ज्यादा बैठता है। इसलिये इस तरह की बातों को अगर हम बढ़ायेंगे तो उसका नतीजा यह होगा कि जो जनता है देश की, जो वाकई मूलक की मालिक है, मूलक की स्वामी है, जिसके नाम पर हम सब राज करते हैं, सरकार राज करती है, जिसके प्रतिनिधि यहां आकर बैठते हैं, जिसके नाम पर सुप्रीम कोर्ट के जो जजिज हैं वे भी कानूनों का पालन करते हैं और कानूनों को इंटरप्रेट करते हैं, उसके साथ हम ईसाफ नहीं करेंगे। यदि उसको यह मालूम न पड़े कि हमारे खजाने में से कितना रुपया और किस काम के लिये जा रहा है, तो उसमें बड़े भय की बात है, बुराई की बात है। इसलिये मैं चाहता हूँ कि अगर आप यह महसूस करते हैं कि हमारे

विधान में सुप्रीम कोर्ट के जजिज के लिये जितना वेतन निश्चित किया गया है, वह वर्तमान परिस्थितियों में कम है, तो आप विधान का संशोधन करें और उनको आप ज्यादा वेतन दें। लेकिन इस तरह उनको रेजिडेंस की पूरी सुविधायें और फ्री सुविधायें और साथ ही साथ मेडिकल ट्रीटमेंट की मुफ्त सुविधायें देना ठीक नहीं होगा। इसी तरह से आप उनके लिये और सुविधायें देते हैं और खर्चा बढ़ाते हैं और मैं समझता हूँ यह बुरी बात है। ऐसा करके भागे के लिये हम दूसरे लोगों के लिये इन सुविधाओं की मांग करने का दरवाजा खोल रहे हैं, जो ठीक नहीं है। मैं तो कहूंगा कि इन सुविधाओं को त्यागने की जो शुरुआत है वह मिनिस्टर्स से ही आज ही होनी चाहिये। कुछ अर्सा हुआ यह कहा गया है कि हम १५०० के बजाय १२५० लेंगे लेकिन साथ ही साथ यह भी कह दिया गया था कि यह इनकम-टैक्स फ्री होगी। अभी यहां पर कहा गया है कि सुप्रीम कोर्ट के जजों की जो पेंशन है वह इनकम-टैक्स से फ्री नहीं होनी चाहिये। मैं इस बात से सहमत हूँ। इनकम-टैक्स में छूट की बात किसी की धामदनी में भी नहीं होनी चाहिये।

जो मैं इसका विरोध कर रहा हूँ इसका अर्थ यह नहीं है कि मुझे उनके खिलाफ कोई शिकायत है। मैं नहीं चाहता कि उनके ही वेतन कम हों और दूसरों के वेतन कम न हों। मैं चाहूंगा कि सरकार की तरफ से स्वयं इसका उदाहरण पेश हो। हम समाजवादी समाज की रचना करने जा रहे हैं। उसके वास्ते सब से पहले सरकार को भागे घाना है। इस वास्ते इस अवसर पर जब कि सुप्रीम कोर्ट के जजिज के लिये जो फ्री रेजिडेंस की तथा अन्य सुविधाओं की बात की जा रही है, सरकार उदाहरण पेश करे कि किसी को भी इस तरह की मुफ्त सुविधायें प्राप्त नहीं होंगी और जिनको पहले से ही प्राप्त हैं उनकी छिन जायेंगी।

[श्री ब्रज राज सिंह]

इस तरह की जो घोषणा हो वह साफ तौर से हो। ऐसा न हो कि तनक्वाह को तो कम करके दो हजार या डेढ़ हजार या एक हजार कर दिया जाये और पांच हजार दूसरी प्रकार की सुविधाओं के रूप में प्राप्त कर लिया जाये।

इसलिये मैं चाहता हूँ कि (बी) और (ई) को इसमें से निकाल दिया जाये।

**Shri Dasappa:** I am afraid this amendment, even if accepted, is wholly infructuous and would serve no purpose at all, because this clause 24 relates to the power to make rules to carry out the purposes of the Act and even if the whole of sub-clause (2) is omitted, nothing would be lost, because sub-clause (1) of clause 24 gives ample powers to the Government to make rules to carry out the purposes of the Act. In the first place, the mere omission of sub-clauses (c), (d) or (e) is not going to take away the power or right of the Government to frame rules consistent with this Act. Secondly, if the rules are not desirable or acceptable in themselves, it is certainly open to the Parliament to bring in such amendments as they choose, because under sub-clause (3) they will have to be laid before Parliament and Parliament is at liberty to amend them if they so choose. So, in either case, it serves no purpose.

**Pandit G. B. Pant:** The position seems to me to be plain enough so far as the provision in the Bill is concerned. It only seeks to regularise the present practice. At present, under the order that is applicable to the judges of the Supreme Court, as given in the Second Schedule, every judge of the Supreme Court is entitled to the use of an official residence without payment of rent. So the Constitution contains this provision and nothing which is inconsistent with that can be passed here. But, not only is it necessary that there should be such a provision, but I feel that so

far as possible official residence should be provided also for others in a place like Delhi where there is such a scarcity of accommodation. It would relieve the pressure if official residences could be provided for public servants. So far as Ministers are concerned, well, whatever they get, it is by way of the enjoyment of the benefits and amenities conferred on them by this House. They cannot have anything which is not passed by this House itself. So, while some of my friends may feel somewhat annoyed, I would not say frustrated.

**Shri Nath Pal:** We are not annoyed; we are amused.

**Pandit G. B. Pant:** You did not say anything.

**Shri Braj Raj Singh:** So you want to divide?

**Pandit G. B. Pant:** I do not know. Well, we need not enter into any conflict. I think some have views which are more balanced and some have more of enthusiasm in them. So, there are emotional qualities and there are also rational qualities, and these by themselves divide people into two groups. But I am not concerned with it here.

So far as this particular provision goes, it is a simple one; medical facilities are provided for everyone. We think it necessary that the Supreme Court Judges should have that privilege, if you call it so, which others enjoy. Even if these clauses were omitted, that will make no difference whatsoever, because these sub-clauses are subject to sub-clause (1). So long as sub-clause (1) is there, there will be no bar to any sort of rules being framed by Government which could come within the purview of sub-clause (1). Sub-clause (2) only seeks to elucidate the general principle which has been laid down in sub-clause (1). So, I do not think there is much force in the amendment.

**Mr. Deputy-Speaker:** I do not think Shri Braj Raj Singh will press his amendment. After all, clause 24 will not confer any substantial right.

Bill

**Shri Braj Raj Singh:** No, I do not want to press it.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

"That clause 24 stand part of Bill".

*The motion was adopted.*

*Clause 24 was added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That clause 25 stand part of the Bill".

*The motion was adopted.*

*Clause 25 was added to the Bill.*

*The Schedule (Pension of Judges)*

**Shri Braj Raj Singh:** I beg to move.

Page 9, line 31,—

for "Rs. 20,000" substitute  
"Rs. 10,000".

मुझे इस संशोधन के विषय में ज्यादा कुछ नहीं कहना है। सिर्फ इतना कहना चाहता हूँ कि आज मुल्क की जो परिस्थिति है, उसे देखते हुए २०,००० के बजाय १०,००० रक्खा जाय तो वह हमारी परम्परा के अनुसार ज्यादा अच्छा होगा।

**Mr. Deputy-Speaker:** Has the hon. Minister anything to say about it?

**Pandit G. B. Pant:** No.

**Mr. Deputy-Speaker:** The question is:

Page 9, line 31,—

for "Rs. 20,000" substitute  
"Rs. 10,000".

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Schedule do stand part of the Bill".

*The motion was adopted.*

*The Schedule was added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That clause 1, Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

*Clause 1, Enacting Formula and the Title were added to the Bill.*

**Pandit G. B. Pant:** I move:

"That the Bill be passed".

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

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BUSINESS OF THE HOUSE

15.48 hrs.

**Shri Braj Raj Singh (Firozabad):** Before the next business is taken up, may I submit that we have got only one hour and some minutes today and two and a half hours on Saturday for official business. There is a motion which has got to be passed before the close of this session. If this Bill is taken up and then the motion, the time allotted for non-official business on Saturday will be encroached upon. So, I submit that if we now take up the motion and hold this over for the next session, there will be no harm.

**Mr. Deputy-Speaker:** I do not think I have competence to do that.

**The Minister of Home Affairs (Pandit G. B. Pant):** This Bill has to be passed and then it has to be submitted to the Upper House so that it may be finalised before they disperse.

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15.49 hrs.

## HIGH COURT JUDGES (CONDITIONS OF SERVICE) BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:\*

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

Sir, you are aware that before the Constitution we had an order passed by the then British Government in 1937 which governs the conditions of service of the High Court judges. Thereafter, the Constitution was passed and under the Constitution certain rules were framed and laid down in the Constitution itself. When we first made provision with regard to Part A States, naturally some provision was made also for Part B States. Thereafter, an order was issued regarding Part B States also in 1953. In 1954, a detailed enactment was passed by Parliament. It was then known as High Court Judges (Part A States) Act.

That governed only the High Courts in the Part A States until the Part A States remained as such. Thereafter as the House is aware the States Re-organisation Act was passed and all the distinctions between Part A States and Part B States were removed. By an adaptation, this Act, viz., the Act of 1954, governed all the High Courts on and from 1st November, 1956. Thereafter it was considered that certain amendments should be made specially so far as the judges in the former Part B States were concerned inasmuch as the order passed in 1953 had lapsed on the 1st November, 1956, because Part B States themselves ceased to exist. Therefore, certain changes had to be made in the law and that is one of the main purposes for which the present

amending Bill has been brought forward.

One more point in this connection may be noted and that is that this Act would come into force as from the 1st November, 1956. So far as Part B States High Court judges are concerned, a very large number of them were appointed to the new High Courts because under the States Re-organisation Act, the former Part B High Courts were technically abolished and the new High Courts were established in these States. Now in all the 14 States we have got High Courts of the same category which are now governed by the Act of 1954.

15.52 hrs.

[SHRI BARMAN in the Chair]

But some difficulties remained especially so far as the conditions of service and question of pension were concerned in respect of the judges who were formerly judges of Part B States High Courts and who continued to be judges in the various High Courts after the States' Re-organisation. As I pointed out, they had certain leave to their credit under the old rules. The question of pension also was to be considered and, as I pointed out, the Part A States High Court Judges Act of 1954 could not apply to them. Therefore, certain changes had to be made and that is one of the principal objects for which this particular Bill has been brought forward.

As I stated the question of their pension had to be taken into account and while the question of pension was being taken into account their service in the former Part B States High Courts had to be considered as to whether the whole period was to be included or whether something else should be done. Similarly, there was a certain amount of leave to their credit. What was to happen to that leave after they became judges of the present High Courts in the various

\*Moved with the recommendation of the President.

States? These were the two principal questions which we had to consider.

Then, incidentally, other difficulties were also felt. For example, under the Constitution, as it existed before the change came over on the 1st November, 1956, there were *ad hoc* judges also but now under the Constitution, as it is amended, we have got acting judges and we have got additional judges. So, with regard to them also certain provisions have got to be made. Therefore, all these questions were considered and the present Bill has been brought forward.

So far as the first question is concerned, viz., the question of leave and pension, regarding both these points Government took into account whatever had happened and after full consideration they came to the conclusion that in the case of those High Court judges who are now in the High Courts in the various States but who were formerly in a Part B State High Court all the actual service that they had rendered should be taken into account and should be added on to the actual service that they have been rendering since the 1st November, 1956. So, this is the first thing that has been provided for in this Bill so that there would be a continuity and all the amount of their service could be taken into account for pension or the former period of service could be added on to the latter period of service so as to qualify them for pension whenever they retire from service.

Secondly, as I have pointed out, provision has also been made so far as the unexpired or the unenjoyed period of leave is concerned, as, it might be noted, certain principles had been laid down in the principal Act of 1954 according to which the High Court judges are entitled to a certain period of leave. Now that also has to be added on, i.e., whatever leave accrued to them by putting in certain periods of service will be taken into account, as in the High Court Judges Act of 1954 a provision had been made for calculating the total amount of leave

to which they would be entitled or which they would earn and the amount of leave that they would take. In other words, as I pointed out yesterday, in this Act a provision has been made for having, what is known as, a leave account and in the leave account on the credit side will be mentioned that period according to the principles laid down, which I mentioned only yesterday because they have been taken from the principal Act of 1954. All the amount of leave that would be to their credit will be reckoned in terms of half allowances leave. That is what has been laid down. Then they would be entitled to separate periods of leave.

Now, the leave would be of three kinds. One would be leave on medical certificate. Naturally that also has to be provided for. Then there would be leave other than on medical certificate. So far as these two kinds of leave are concerned, they are entitled to take or enjoy periods of leave subject to the credit that they have in the leave account. Now, in this case, there is also extraordinary leave that they are entitled to. In respect of all these periods of leave, which have been prescribed, the maximum amount of leave that could be taken was laid down, viz., six months. Now, the question was whether the six months' leave could be taken all at once or whether it could be taken in smaller periods subject to the maximum of six months. That was the question which required some consideration.

Under the Act of 1954, the whole leave had to be taken once and the maximum amount of leave was six months. That was considered a hardship because sometimes a particular High Court judge who wants to go on leave may not like to have the whole leave at one time as his need might be for a shorter period. Therefore, it has been considered and a similar provision has been included in the Supreme Court Judges Act, i.e., in respect of these periods of leave when the maximum has been laid down as

[Shri Datar]

six months, it is open to the judges to take leave for a shorter period, but subject to the principle that the aggregate amount of leave would be only six months and not more. So, that also has been made clear.

Then, as I have pointed out, other points have also been made clear in this case and it has been pointed out that so far as pension is concerned, the same principles have to be taken into account.

Now, one question also arises. There were Chief Justices of former Part B States High Courts. We have laid it down that the amount of leave that they have to their credit or the amount of actual service that they put in should be taken into account when, for example, they come under the new Act, subject to the rule that naturally they would be governed by the provisions of the present Bill. That also has been laid down here.

In respect of vacations, there is a provision here though the exact term or period or periods of vacation need not be incorporated in the Act itself. In keeping with the dignity of the High Court, it would be better if, for example, provisions are made regarding the exact amount of vacation in the Rules. Naturally, these rules have to come into force only after the President has expressed his approval. Therefore, provision has been made to that effect also.

16 hrs.

These are the main provisions. It will be seen that this is only an amending Act, not an Act containing all the necessary provisions so far as Judges are concerned. We have got the principal Act of 1954. We have made only such changes as are absolutely essential. I, therefore, feel that the provisions are of such non-controversial nature and they will appeal to the hon. Members of this House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

Shri Nath Pai (Rajapur): Sir, this morning, I availed myself of the opportunity to express some of the anxieties that have been exercising our mind. We then thought that the Home Ministry, loaded as it is with two eminent jurists of the country, would really give serious consideration to the fears that we are led to entertain in the light of certain developments in the country. We did not find that we had succeeded in producing such an effect upon them. Whereas one would not like to quarrel with the provisions of the Act to which he has just now referred, I without wanting in any way to inflict for a second time, the views to which I gave expression this morning, at this stage again, would very earnestly like to plead with the Government that, even if they cannot incorporate in the body of the amending Act, at least in practice, they should try to follow the principles which I think, on other occasions, they themselves try to uphold.

These principles have been, I beg leave of the House for appearing to repeat slightly, that the executive shall do everything in its power to refrain from using such honours as it can confer in the exercise of its executive power, from bestowing them upon the members of the judiciary. The patent plea that they have raised times without number is that we did not have qualified personnel except the Judge whom they happened to promote. No one is going to accept this plea as a serious defence of their act. I am not going to attribute motives to the act of the Government. But, the Home Minister said that we were challenging the integrity of the Judges. Nothing is farther from our minds than to challenge it.

An Hon. Member: From their mind too.

Shri Nath Pai: I am very happy to have that assurance. I wish it came from the Treasury Benches.

But, I am afraid, while they are protesting like this, the steps they are taking may lead to that integrity, perhaps indirectly, perhaps unconsciously, perhaps inadvertently, but definitely being undermined. We have instances of the executive showing a tendency to confer favours of an executive nature upon members of the judiciary. We will never tire of making our strongest protest against this tendency. They should be the one people who should not have the possibility of rising to a post which comes to them by way of a favour conferred by the executive. The only post to which a Judge should expect to rise as a matter of his own right, based on his merit, is a higher post in the judiciary, a quasi judicial post, on a judicial commission, but no other post, as is the growing tendency. I should have liked to hear from him to allay our fears by way of clarification, a statement showing how many such posts have been filled during the past ten years at the instance or at the behest of our executive. I should still like him in his reply to tell us how many Judges of the High Courts have been promoted to posts of Governors, to ambassadorial posts and to other executive posts. If, in the case of the Union Public Service Commission, the Constitution lays it down categorically that after being a member of the Union Public Service Commission, they will be not eligible for certain posts within the purview and bounty of the executive, why are we not extending it to the judiciary? I know the House has rejected an amendment which has sought to be made applicable to Judges of the Supreme Court. I am pleading that, whatever be the law,—we may not be able to incorporate into the Act today—at least the executive shall zealously guard this principle in practice and see to it that this bounty is not exercised in this form.

This morning, I made two references to the appointment of Judges as Ambassadors, appointment of Judges as Governors. This practice, it seems, the Government is intent on following. Whatever the motive in doing this, the only patent argument that the Government has put forward, when challenged by the press and the public in justification of it, the only excuse that the Government has raised so far is the excuse that the person concerned was eminently suited. Is there such a dearth of competent persons in this country that we are to look for the jobs of Governors only to the Bench? Are we just so niggard in the production of talent in this country that the executive has, times without number, to depend entirely for replenishing our diplomatic corps through the supply that the Bench can make? Now and then, the reply given is, this was an exceptional case. I should very humbly plead with him, it is the exception that is very important. Once you make this little loophole, we do not know, the sinister camel of general practice may find its way. It is against this that once again, at this late stage, I would like to plead with the Minister who will be piloting the Bill, that he gives a categorical assurance to the House that the executive shall not use such honours as it has in its bounty to confer them on the members of the judiciary, that Judges shall not, in any case, be appointed as Ambassadors. Not because they are not qualified. Many of them are qualified. Justice Chagla is most eminently qualified. I now mention it because we are dealing with High Court Judges this time. I repeat, so far as his qualifications are concerned, so far as his deserving the job is concerned, I think there cannot be two opinions in this country, either this side or that. He is eminently suited for discharging the duties which he is called upon as our envoy to the United States. But, what about other people who may be tempted, and then, how do we know what has qualified them? One does not know, a Judge may be tempted. He may be one. But how

[Shri Nath Pai]

much harm will be done to our whole system? One may be tempted, if only I behave, I may get such an honour. I am not accusing the particular Judge who has been appointed. He has a flawless record of great and distinguished service in our judiciary. But, if Judges begin to note that they can be promoted like that, we do not know what course justice may take in our courts. I, therefore, plead with him that neither the post of a Governor, nor the post of an Ambassador nor any such executive post within his bounty shall be available to a Judge. Make any liberal provisions as you are seeking to make today regarding leave. No one will quarrel with that. That, I repeat, is the safest investment we have. Therefore, I sought the indulgence of the House to slightly appear repetitive because it is our earnest hope that jurists as they are, they would also share our concern to maintain the independence of our judiciary.

Shri Vasudevan Nair (Thiruvella):  
 Sir, I too agree that it is a non-controversial Bill. This Bill mainly deals with the conditions of service of High Court Judges, especially those who were taken into the High Courts after the reorganisation of the States. I will come to that point because I think, there is a patent injustice done to the Judges selected from the old Part B State High Courts to the reorganised High Courts of our States today. But, before taking up that point, let me make some general observations.

I was very careful in listening to some of the speeches made on the occasion of the debate on the Supreme Court Judges (Conditions of Service) Bill. Now, I was listening to my hon. friend Shri Nath Pai. I am afraid, we are talking too much about remuneration, conditions of service etc. I am quite sure nobody will blame us, blame the Treasury Benches too, that our Judges are not getting a good salary, that their service conditions

are not good. Nobody can blame the Government for that, that is my view. The hon. Minister has made that very clear in his reply to the previous debate. Our High Court Judges, our Supreme Court Judges and our Judges in the lower courts are, according to me, getting substantially good salaries. Their service conditions are tolerably good. I cannot agree with my hon. friend Shri Anthony that we are not able to get eminent people as Judges because in the bar they are getting huge amounts and if they take up the post of a Judge they are deprived of that privilege of earning money. That is another question. We should view the entire question from a different angle. I feel the approach to this question made by Shri Anthony and some other hon. Members is basically fallacious. You cannot satisfy anybody by paying him a fabulous amount. Man cannot be satisfied like that. If you do not view the task of a Judge from a different angle, as one of service to humanity, as one of service to the country, then we cannot have a judiciary, we cannot have courts which can do justice to our people, to our country.

Our Supreme Court Judges are getting something like Rs. 60,000 per year apart from the allowances, apart from other amenities, apart from free housing etc. Compare it with the most advanced country in the world. Take the U.S.A. I hear the Judges in that country get something like Rs. 1,25,000. Of course, it is almost double the amount that our Judges are getting, but look at the difference in the per capita income between India and the U.S.A. It is something like 1:200. I believe, taking into consideration our difficulties, the backwardness of the country and the low pay given to large numbers of our employees, we are paying a substantially good salary to our Judges, and I believe you can never satisfy people like that by paying and paying.

There is a mad race after money. I am not blaming our Judges, but in our society today there is almost a mad race after money, and I am afraid it is seen too much in the higher circles than in the lower circles. That has become a disease in society today. I am not boasting, but we should consider the fact that in this very country today there are Ministers who are satisfied with Rs. 350 a month. If a Chief Minister can carry on his duties with dignity on Rs. 350 a month, I cannot understand why people talk so much about raising the salaries of Judges who draw salaries ranging from Rs. 3,000 to Rs. 5,000. A Minister may get Rs. 350, but I do not think any harm is done to the dignity of his office, to his integrity; nothing happens.

So, it should be approached as a question of service to the country, service to the people. The judiciary should be seen as part and parcel of our society. We are immersed in a big job; that consciousness should be injected into the judiciary too. That is my point.

In the speeches that were made in this House unfortunately that approach was not made, and I should say in the selection of Judges that approach is not made by the Government too. Of course, we are running after legal pundits. I do not object to that. Our Judges should be very good at law, but they should be human beings I should say. They should have an understanding of what is going on in this country today, the momentous changes that are taking place in this country, the different phase that we are passing through. That kind of understanding should be in them. I am afraid that is not seen today.

I can substantiate that by the functioning of many of our High Courts,—I am not speaking about any particular High Court—and by the functioning of the Supreme Court also to a certain extent. For example, in this very House several times we have

drawn attention to the fact that in the cases relating to labour disputes the Supreme Court is very often taking a stand which people consider to be reactionary. They fail to understand the new spirit that has come to stay in the country. I do not want to deal with that point very much now. So, the point is that in the selection of Judges, this attitude or this approach should be there, and we should try to inspire our Judges too with the new ideals that are before us, with the new task which is before us.

Now I wish to dilate on another point. In this Bill there are some provisions with regard to the conditions of service of additional Judges and acting Judges. The number of Judges in our High Courts has increased. Of late, in almost every High Court more Judges have been appointed. Still what is the position with regard to the disposal of cases? I am afraid in almost all the High Courts there are a number of cases sleeping in the files. It takes not months but years for the High Courts to dispose of very urgent, very important cases. Stay orders are issued, but the case is not disposed of for two or three years. I know of cases like that.

**Shri V. P. Nayar (Quilon):** Five or six.

**Shri Vasudevan Nair:** Even for five or six years. The stay is there for years together. Why this delay? I believe in the Law Ministers' Conference held last year the main discussion centred round this topic of delay in the disposal of cases. I would like the hon. Minister to explain what steps have been taken after the Law Ministers' Conference to expedite the disposal of cases, what concrete suggestions were sent out to the High Courts by the Law Ministry or the Home Ministry to expedite the disposal of cases. It is really a deplorable situation that exists in almost every High Court.

[Shri Vasudevan Nair]

I know a particular High Court where the Judges decided to work for more hours a day. Instead of from 11 A.M. to 5 P.M. they decided to work from 10-30 A.M. to 5 P.M. The poor clerks and other officers in the High Court had naturally to come to the Court at least by 10-15 A.M. If the Judges are coming at 10.30 then naturally the office should function at 10.15 at least. Till now the Judges have not begun to function at 10.30. The order is there on paper, and the officers and the clerks and other people are coming at 10.15 or 10 in the morning, but the Judges still come at 11. This change in the working hours was made in order to expedite the disposal of cases. Still, the position remains as before. I feel there is no use in appointing Judges after judges and spending money on additional judges, acting judges and what not, if the position is to remain the same as before. There should be some substantial improvement. I hope the Ministers would not wait for the coming conference again to make speeches on this issue. We are hearing so many speeches. Our Prime Minister himself spoke in that conference, and he said that our judges were living in ivory towers, divorced from practical life, practical experience etc. There is no use making speeches like that, unless you are able to turn the corner, unless you are able to do something concrete. I would like the Minister to explain the present position as to what steps they have taken.

The third point to which I wish to refer is the question of the judges who were taken into the reorganised High Courts, on the reorganisation of the States. As a matter of fact, I think the most important provision in this Bill is on that question. Government will be doing an injustice to a large number of judges, if they are pressing the clause as it is put down in this Bill.

There was the High Court of the Travancore-Cochin State, which was a part B State. Now, we have got the

High Court of Kerala which is a Part A State, or rather, which is now on a par with the former Part A States. Almost all the judges in the Part B State High Court have now been taken in into the Kerala High Court. But certain other judges have come from Madras High Court. I would like to know what the position is with regard to the service of those judges who were serving in the erstwhile Travancore-Cochin High Court *vis-à-vis* the service of those judges who have come from Madras. In some cases, the judges from the former Part B State of Travancore-Cochin might have put in more service than the judges coming from the Madras High Court. But according to the provision in this Bill, I am afraid those judges will be junior to those who have come from the Madras High Court.

Similarly, there is the former Part B State of Hyderabad where also there was a High Court. As a result of integration, there is now the High Court of Andhra Pradesh. There too, this question has arisen, I learn, in an acute form. If the Minister is going to push forward this Bill as it is, I am quite sure he is doing injustice to those judges. After all, what is the difference between the judgment pronounced by a previous Part B State High Court and that pronounced by a Part A State High Court? I believe we are giving the same value to the interpretation of law by the High Court of a previous Part B State as to that by the High Court of a Part A State. Or, I would like to know whether there is any difference in weight attached to the interpretation of law or the judgments pronounced by the Part B State High Court and those by the Part A State High Courts. Or else, why is there this difference in the calculation of the service of the judges who served in the old Part B State High Courts and those who served in the Part A State High Courts. I would like the Minister to remedy this situation and to take away that part of the provision, and

allow the judges of the previous Part B State High Courts also to count their previous service on the question of promotion, if any, or transfer to other States. I hope the Minister will give consideration to this aspect.

**Shri Heda (Nizamabad):** So far as the general problem, namely the salary and other conditions of service of the High Court Judges, is concerned, there is general agreement in the House that the salary should be adequate, and they should be able to live comfortably. Of course, a dissenting note was struck by the previous speaker, who said that the present salaries were quite fat ones, and he made a comparison with an altogether different category, namely Ministers and said that there were people who lived quite well with Rs. 350 p.m. I think the comparison was uncalled for. The two categories live in entirely different worlds, and the motive forces for these two categories are quite different. I do not know to what State the hon. Member was referring to . . .

**Shri Vasudevan Nair:** The Kerala State.

**Shri Heda:** It may be that a particular category might have taken this step for some other purposes, not that more than Rs. 350 is a big sum or a fat salary; it might be to gather public sentiment or to win what is generally termed as popularity.

The point is that so far as Ministers are concerned, the salary forms a very small part, because there are other amenities that they get, such as travelling allowance and other things. I have no firsthand knowledge of the State which the hon. Member was naming now.

**Shri Vasudevan Nair:** I am giving facts.

**Shri Heda:** I think there is no particular difference. Ministers from other States have visited my State, and I do not find any difference either in their dress or in their way of life,

or in their place of habitation, and so on; I do not find any difference also between these Ministers and even the Central Ministers who come to my State. So, a little difference in salary might not go very far, and, therefore, let us not bank upon it.

The other point that was referred to was that in other countries, the salaries might be a little more; but the *per capita* income is also much more. Therefore, the salaries that we are paying are more than adequate. It is true that the *per capita* income in our country is much less; we belong to a poor country, and poverty itself has its own demands. When somebody is in a good position, he gets quite a lot of his nephews, nieces and in-laws, and so on, and because of our traditional joint family system or natural affection many times we have to support our near relations who are not so well-placed. However, that is a small point.

Besides, there are also the general welfare activities undertaken by other countries in the West. And however much we may like such activities to be undertaken by Government in our country, there is great disparity still, in regard to medical aid, general housing condition, communication facilities, facilities for education and so on. There are so many things which make a vital difference. If we take into consideration all these things, I think the salaries that we are paying are quite adequate and not fat.

There is one other point which the previous speaker has touched, and which I also would like to touch. He comes from Travancore or Cochin. Similarly, I also happen to come from a former Part B State, the Hyderabad State, which was the biggest Part B State. It was provided in the States Reorganisation Bill that consequent on reorganisation of States, the High Courts of the Part B States would be abolished. And there were reasons for it, and we could appreciate the reasons. There were so many Part

[Shri Heda]

B States, and there was such a big variety, small ones and big ones, States with very good administrative standards, and States with very low standards and so on. There was such a big disparity between a judge in a big disparity between a judge in another Part B State, varying in general standards, and with varying salaries and so on. Therefore, it was not possible, nor was it desirable, to accept all the judges of the Part B States on a par with or equal to the judges in what were at that time the Part A States. But I think the Government were wise and they made a judicious provision. The provision was that though the High Courts of Part B States were abolished under section 50(1) of the States Reorganisation Act, under sub-section (3) of the same section, the President was empowered to appoint as Judges or continue as Judges of the successor High Courts such of the Judges whom he chooses and who are recommended by the Supreme Court. This was a very judicious provision and at least so far as the former Hyderabad State was concerned—I do not know about other States—this was used. In fact, it delighted our hearts, because the High Court of the former Hyderabad State was well known for the merit of the Judges, the standard that it maintained and the quality of work it produced. So when before the abolition of the Hyderabad High Court, the Judges of that Court were appointed as Judges of the High Courts of either Andhra Pradesh or Bombay or Mysore, we felt that justice was done. But then a lacuna arose in calculating their service or seniority. I do not know what constitutional provision or what intelligent interpretation of any rule was made use of. I have tried to understand this problem and, unless one says that what I say is incorrect, no rules provide that, once the service of a Judge is a continuing service and he has been appointed as a Judge before the High Court to which he belonged was abolished, it is a fresh appointment. It is not a fresh appointment; it is not a re-appointment.

Therefore, his seniority should have been calculated from the date of his appointment in the High Court of the former 'B' State. This has not been done, and I think it is a grave injustice.

I am raising this not because I know most of the Judges but because most of the Judges—rather all of them—had been held in great respect. Even in those black days when a communal army was ruling over Hyderabad State, the behaviour of the Judges, irrespective of their caste, was exemplary. They tried to help the establishment of liberties and tried to uphold the dignity and impartiality of the High Court.

Therefore, I would ask the Minister why this departure was made in the case of certain Part B States, how the appointment of Judges of these Courts in the successor High Courts before the abolition of the former High Courts was taken as fresh appointment or reappointment, and why their seniority has been moved down as if they were appointed yesterday. Justice demands that they should be dealt with on par with others. I hope that this aspect would be sympathetically considered by the hon Minister

श्री० रणवीर सिंह (रोहतक) : सभापति महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। मैं समझता हूँ कि बिल बहुत मीठा मादा है और इसमें कोई आपत्ति वाली बात नहीं है।

आज सभी आदमी और सभी माननीय सदस्य यह मानते हैं कि हाई कोर्ट्स में काम काफ़ी बढ़ गया है और इमालिये और अधिक जजेज के लगाने की ज़रूरत होती है और जब उनको लगाने की आवश्यकता है तो उनकी जो सविस हैं, वह क्यों न गिनी जाय और जिस तरह मेहेडा साहब ने कहा कि श्री० क्लास स्टेट्स के जो जजेज थे, उनकी भी नौकरी या उनका जो पीरियड

है वह गिनती न किया जाय, मैं तो ऐसा न करने के लिये कोई कारण नहीं देखता।

जहाँ तक इस बिल का वास्ता है वह बड़ा सादा और साफ़ है लेकिन कई एक बातें इसमें कही गई या पिछले विधेयक के सम्बन्ध में कही गई। मैं समझता हूँ कि उसके अन्दर बहुत सारी बातें तो ऐसी हैं जिन पर कि बहुत ज्यादा ध्यान नहीं देना चाहिये।

श्री ब्रजराज सिंह ने जिक्र किया और गो कि उन्होंने उस जज का नाम नहीं लिया लेकिन जिस जज की तरफ़ यह इशारा करना चाहते थे उसको मैं समझ गया। मैं उनको बताना चाहता हूँ कि जो एपायन्टमेंट हुई है वह भी वही हुई है जो कि एन्वनी साहब का संशोधन था . . . . .

**Shri Satyendra Narayan Sinha** (Aurangabad-Bihar): Is he speaking on the previous Bill?

**Sh. Ranbir Singh:** I am speaking on this Bill and I have an absolute right to refer to any other provision which is relevant to this Bill.

तो मैं निवेदन कर रहा था कि मैंने उस वक्त बतलाने की कोशिश की थी कि वह एक ऐसी बात कही गई जो कि ठीक बात नहीं थी और मैं समझता हूँ कि मैं उस बात का यहां पर जिक्र कर दूँ कि जो उनका रेफ़रेंस था वह सही नहीं है क्योंकि अगर किसी जज को लगाया भी था या लगाया गया होगा तो वह गालिबन् उस चीज़ के लिये लगाया गया जिसको कि उनका संशोधन भी मानता था यानी ऐसी जगह पर जहाँ कि एक जुडिशियल या सैमी जुडिशियल एपायन्टमेंट हो वह किया जा सकता है। अब जहाँ तक गवर्नमेंट में या किसी दूसरी जगह उनको लगाने पर पाबन्दी रखने का सवाल है, मैं समझता हूँ कि बहुत सारे भाई ऐसे भी होंगे जो कि

इस बात से सहमत होंगे कि इस तरह की उन पर पाबन्दी लगाना ग़लत होगा।

आज केरल एक स्टेट है उसके अन्दर अमतीर पर कुछ ऐंगो देखा गया कि वहाँ पर जो पार्टी पोजीशन है उसमें केवल एक प्राच का ही फ़र्क रहना है और अगर वहाँ केरल के अन्दर किसी जज को गवर्नरनर लगाया जाय तो मैं समझता हूँ कि जो बज़ारत के मूख़ालिफ़ होंगे वे भी यह मानेंगे कि यह सही है। अब अगर हमको ऐसी जगह कहीं किसी जज को लगाने की ज़रूरत महसूस हो या कुछ ऐसी वजूहात हो सकती है जिनकी कि वजह से जज को लगाया जाना ज़रूरी हो तो फिर उसके ऊपर यह पाबन्दी क्यों लगाई जाय? इस तरीक़े से खुद उन्होंने माना और नाथ पाई साहब ने इसको माना कि द्यागला साहब का वहाँ पर लगाना बहुत सही बात है लेकिन फिर भी वह चाहते हैं कि इस किस्म की पाबन्दी ज़रूर लगा दी जाय। अब अगर ऐसे मौकों पर लगाना सही है तो पाबन्दी लगाने में उनकी क्या मंशा है? मैं समझता हूँ कि जहाँ तक मुर्माकिन हो सरकार यह कोशिश करे कि जजों को जुडिशियल और सैमी जुडिशियल जगहों के अलावा अन्य जगहों पर रिटायर होने के बाद न लगाया जाय, लेकिन मेरी समझ में पाबन्दी लगाना सही बात नहीं है।

मेरे कई दोस्तों का यह सवाल है कि तन-ख्वाह के साथ एक व्यक्ति के काम करने की शक्ति के ऊपर असर पड़ता है या उसकी इंटेंसिटी पर असर पड़ता है। यह बात ठीक नहीं है। यह बात तो बिल्कुल साफ़ है कि हम को जज लगाते वक्त इस बात का ध्यान रखना होगा कि देश की कैसी हालत है, देश के बदले हुए हालात को मद्देनजर रखते हुए जजेज को लगाने में देश का भला

[श्री० रणवीर सिंह]

होगा। इस बारे में मैं किसी जज के ऊपर या किसी अदालत के बारे में कोई खास जिक्र नहीं करना चाहता और न ही मेरी मंशा कोई डाउट करने की है। लेकिन मैं इस सदन को याद दिलाना चाहता हूँ कि इस देश के अन्दर जब संविधान बना और जब विधान की उन धाराओं पर जो कि अदालतों, हाई-कोर्ट्स और सुप्रीम कोर्ट से सम्बन्धित थीं, विचार चल रहा था तो उस समय उनके बारे में जो राजस्व की गई वह बहुत एक दूसरे से मुस्तलिफ थी। एक तरफ तो हमारे ला मिनिस्टर साहब थे और दूसरे जो बड़े बड़े कानूनी विशेषज्ञ वहाँ पर थे, उन्होंने राय देकर कुछ कानून बनवाये। मेरा मतलब लैंड रिफॉर्म कानून से है। हमने देखा कि इस लैंड रिफॉर्म के कानून को एफैक्टिव बनाने के लिए उनको इसको कांस्टीट्यूशन का हिस्सा बनाना पड़ा। वह ठीक है कि वह लोग बहुत बड़े वकील हैं और अदालतों में रैबी करके कई कई हजार रुपया कमाते हैं और वे शायद कानून के विशेषज्ञ भी हैं, यह बात ठीक है लेकिन यहाँ पर तो सवाल सिर्फ इतना है कि वे कानूनी विशेषज्ञ अपनी योग्यता का इस्तेमाल देश के बनाने के लिए इस्तेमाल करना चाहते हैं या देश की तरक्की की राह में कुछ रोक लगाने के लिए इस्तेमाल करना चाहते हैं ?

मैं हेडा साहब से कुछ थोड़ा सा तो मुत्ताफिक हो सकता हूँ कि शायद एक चीफ मिनिस्टर और एक जज के फ्रक है लेकिन मैं आपको बतलाना चाहता हूँ कि हम अपने देश के राष्ट्रपति को जब वह रिटायर हो तो उसको १८ हजार देते हैं लेकिन हम एक जज को रिटायर होने पर राष्ट्रपति से भी ज्यादा देना चाहते हैं और ऐसा करना कहा तक उचित होगा ? हमको अपने देश की जैसी उसकी वर्तमान हालत और आर्थिक दशा है उसके अनुसार हमें उनकी पेंशन निश्चित करनी होगी और यह बात भी याद

रहनी चाहिये कि आज पब्लिक सेक्टर के जमाने में कोई बहुत बड़ी चढ़ी रकम रखना अनुचित होगा।

अब आखिर सदन के मेम्बर्स जिनको कि केवल ४०० रुपये तनखाह मिलती है और जिनको कि रिटायर होने के बाद में कोई पेंशन नहीं मिलेगी आखिर वे भी तो इस देश के अन्दर रह कर गुजर करेंगे और कोई गुजर का अपने लिए रास्ता निकालेंगे। मेरी तो समझ में यह नहीं आया कि कोई एक खास तनखाह या एक खास पेंशन की व्यवस्था करने से किसी आदमी की एफिशिएंसी या उसकी इंटेंसिटी में कोई खास फर्क पड़ता है।

बात सच यह है कि इसमें लाखों रुपये की बात आती है। कई दफा आदमी करोड़ों की बात सोचता है और किन्तु ही आदमी इस देश के अन्दर ऐसे है जो कि दस साल के अन्दर करोड़पति बन गये हैं। अब यह तो जाहिर है कि कोई जज करोड़पति नहीं बन सकता और क्या वह उस करोड़पति का मुकाबला कर सकेगा अगर हम उसको लाखों भी दें ? क्या उस हालत में उसकी इंटेंसिटी में आर ईमानदारी में कोई फर्क आयेगा ? हमको मानना होगा कि रुपये के साथ ईमानदारी नहीं चलती है। ईमानदारी, ईमानदारी की जगह है चाहें आप तनखाह कम दीजिये या फालतू दीजिये, भत्ता कम दीजिये या ज्यादा दीजिये, पेंशन कम दीजिये या ज्यादा दीजिये। ईमानदारी की माप इन चीजों के साथ नहीं चल सकती। ईमानदारी की माप तो उसके अपने दिल से और आत्मा से होती है। वह तो एक आत्मा की चीज है और वह आत्मा के विश्वास से चलती है या देश के हालात से चलती है। इसलिये मैं समझता हूँ कि यहाँ पर इस वर्तमान बिल के सम्बन्ध में और पिछले विधेयक के सम्बन्ध में जो जजों की तनखाहों, भत्तों और पेंशन की रकमों को अधिक करने का

सुझाव दिया गया है, वह सही नहीं है और आज इस देश की जैसी आर्थिक अवस्था है उसमें अगर इनको बढ़ाने के बजाय कुछ घटाने की बात की जाय, तो मैं समझता हूँ कि वह ज्यादा माकूल और सही होगा।

**Mr. Chairman:** Shri Achar. The hon. Member may be brief and need not repeat what others have said.

**Shri Achar (Mangalore):** Sir, I will be very brief.

**Mr. Chairman:** What I say is this. Only two hours have been allotted to this Bill. At least the consideration motion should be passed today.

**Shri Achar:** Sir, I welcome this measure so far as it concerns questions regarding the problems relating to the reorganisation of States. Before the reorganisation of the States we had several High Courts and the salary and pension conditions were different and several problems had arisen on account of that. I find that the provisions in this Bill are quite satisfactory. And, so far as that is concerned, I welcome this measure.

But I have grave doubts as to the adequacy of the conditions and the remuneration that is provided for the High Court judges. Of course, before we, arguments were addressed stating that we are in a socialistic State and generally, pay must be reduced and so, why not the pay of the High Court Judges also? Not only that. I find from the Kerala State one hon. Member even went to the extent of stating that the Chief Minister is getting only Rs. 350/- or so. I do not know what exactly his suggestion is—whether he wants the salaries of these Judges must also be reduced like that. I am afraid the comparison is rather odious. The position of the Minister or other politicians stands on an entirely different footing. It may be that a particular party is more anxious to get popular and it may be willing to work without any remuneration. In a neighbouring State, though the salary of the Minister is only Rs. 350, I am reliably informed that the remuneration the

Ministers got in other methods is much more than the salary. In fact one of the papers published facts stating that the present Ministers who are getting only Rs. 350/- as salary get, as a matter of fact, much more than what the previous Ministers of the other parties were getting. (An Hon. Member: How?) I was saying that the Ministers and the Judges could not be put on the same footing . . . (Interruptions.)

**An Hon. Member:** There is nobody there; that bench is empty.

**Shri Achar:** I am sorry that nobody is there. I thought they were there then I will leave the point there. My grave doubt is with regard to the adequacy of even the remuneration as provided in the Bill. It is not merely from the point of view of comparison with the remuneration of the others that we should view this. We have to consider it from the point of view of efficiency. Are we getting the best men from the profession? In fact, in the course of the debate today it was argued, quite correctly, that our best men, our best lawyers who are practising there are unwilling to accept the jobs on the remuneration offered to them. We know the best of them are not coming forward. It is very good to say that you must make sacrifice and serve the country. But are we a nation of *sanyasis* as Shri Anthony put it? Who is prepared to be a *sanyasi*? If we want the best of men in the legal profession, we must offer them sufficient remuneration. That is the point to be considered more than anything else.

From my neighbouring State, from the Communist Party, we hear that there is a lot of delay. I know there is a lot of delay. Many suggestions were given. But we know that the addition of Judges does not improve matters very much. Whatever may be the position in the original courts, whether it is the munsif court, sub-court or district court, there is the excuse . . .

**Mr. Chairman:** That point is not covered in this Bill and those points

[Mr. Chairman]

which were raised were already referred to by him.

**Shri Achar:** I will finish in some three minutes or so. I was submitting that expeditious disposal of cases depends upon the efficiency of the persons appointed. Efficient members of the bar know how they can dispose of the cases. An efficient man is able to dispose of ten or fifteen cases. It is not enough to have more Judges. It depends upon the efficiency also. From the point of view of the efficiency of the judiciary, it is necessary to attract the best men in the profession. Now, what is the position? Let us take the income. What is the income of the people at the top and compare it with what we are offering. It is not even one-fourth. The salary of a High Court Judge is not even one-fourth of the earning of a top man in the bar.

**Shri Harish Chandra Mathur (Pali):** What should be the salary? What do you suggest?

**Shri Achar:** That point is not here; I would certainly say that elsewhere. So far as the High Court Judges are concerned, it is not merely the salary that we have to take into consideration; there is also the question of prestige and there may also be people who are at their old age and who may be willing to come forward. All the same, we should not grudge paying them an adequate salary. I wanted to point out this aspect of the question, especially when it was pointed out that Ministers of a particular State were getting only Rs. 350. It may be that we may not be able to pay adequate probably, it may not be necessary also as some men may be coming forward because of the status given to High Court Judges and may be willing to work on a salary much less than what the people at the top are getting. All the same, if we grudge to pay them a proper salary and give them proper conditions of service, I am afraid efficient men will not be coming forward. From that point of view also I felt that the provisions in the Bill may not be quite adequate.

**Shri Satyendra Narayan Sinha:** Sir, the limited objects of the Bill are two-fold—one is to include the service rendered by the acting Judges and additional Judges in the service rendered by them as High Court Judges for calculating their pensions, and, secondly, to take into consideration the service of Part B State Judges for computing their pensions as High Court Judges. These are the two objects of the Bill, and I am not going to take up the general question which has been raised by many hon. friends because it is not germane to the issue under consideration.

A point has been raised by my hon. friend there from Kerala and also by my hon. friend, Shri Heda, that when you are going to consider the Judges of Part B States as full-fledged Judges of the new reorganised High Court and you are going to treat them as continuing Judges, the question of seniority assumes a serious proportion and you cannot lightly ignore it. If you are going to treat them as continuing Judges, the service rendered by them as Part B State Judges has got to be taken into consideration in determining their seniority as Judges of this High Court. This becomes, therefore, very important from that point of view.

My own feeling is that Government is wrong here in treating the service rendered by them as Judges of Part B States equal to the service rendered by them as Judges of the present High Court for purposes of calculation of their pension, as also length of service as Judges of this High Court, because as Judges of Part B States they would not have been getting more than Rs. 2000 at the most, and more or less they were holding posts almost equal to District Judges in Part A States. I am not disparaging them; that is not my intention. My only point is that they were almost on par with District Judges in Part A States, and when on the reorganisation of High Courts in those States their position was suddenly elevated to the judgeship of full-fledged Part A

states, to that extent it should be considered as a promotion in their cases.

**Shri Achar:** These Courts became very much bigger when more areas were added to their States.

**Shri Satyendra Narayan Sinha:** I am coming to that. When District Judges, Munsiffs and others are elevated to the Bench their previous service is not counted towards seniority as High Court Judges or towards their pension. In the same way, service rendered as Judges of Part B States should not be treated as on par with the service rendered as judges of the Part A States. They could have been given credit for the service rendered as judges of Part B States on the basis of, say, 50.50. Their length of service there divided by two should be considered to be the service rendered by them as Judges of the present High Courts in order to determine their pension. Perhaps that will remove the serious anomaly that has arisen today. I hope the hon. Minister will take this into consideration while replying to the debate, and I believe he will move an amendment to this effect, so that this anomaly is removed. That is all I have to say.

**Mr. Chairman:** I just want to ascertain whether the House is going to sit longer?

**Some Hon. Members:** No, no.

**Mr. Chairman:** In that case, I will call the hon. Minister.

**Shri Harish Chandra Mathur:** I would like to speak and take about ten minutes.

**Mr. Chairman:** But that would be past the time.

**Shri Harish Chandra Mathur:** We have got another half an hour the day after tomorrow for this Bill. I think a point has been raised which affects us directly.

**Mr. Chairman:** Very well. Shri Harish Chandra Mathur.

**Shri Harish Chandra Mathur:** I think the hon. Member who has just spoken before I rose has done less than justice to the Judges from Part B States. I think by no criterion and by no standard that such an attitude could be adopted. If the suggestion as made by the hon. Member were to be accepted, I think you will create such an anomaly which will be almost ridiculous.

In the first instance, I do not think that we should mix up the question of seniority with the question of reckoning the period for the sake of pension and leave. Even in respect of the question of seniority, I think the Government will have to give it proper consideration and reach a decision. I am absolutely one with the two hon. Members who had already spoken and made a grievance and had made a complaint that the Judges of Part B States have not been fairly treated. The argument advanced by my hon. friends that these honourable Judges were not getting the salary which their brothers elsewhere were getting is absolutely not relevant to the issue, and I cannot understand how, if they are found fit to be on the Bench of the High Court of a Part A State, they should be considered as having been promoted. I would like to know from the hon. Minister, and would like him to explain to us whether he considers the appointment of these Judges as a new appointment and as an appointment on promotion.

So far as I know it was not taken or accepted that all the Judges who were in Part B States and functioning as such were to be taken over to the Bench of Part A States irrespective of their merit. If I am not wrongly informed, the Chief Justice of the Supreme Court went round almost all the States, discussing with the Chief Justices of the High Courts of the various States, and there was almost a screening which was done, and it

[Shri Harish Chandra Mathur]

was only after that screening that they came to a definite conclusion that a particular gentleman sitting on the Bench was absolutely worthy of that seat and that he could be taken over. Even after putting the honourable judges to that position, and even after the scrutiny and the screening, if you want just to differentiate between a judge and a judge, I do not know where we stand. I think it was a very uncharitable view which has been taken.

I think my hon. friend should have stopped there. But he goes a step further and suggests that certain modifications should be made even in reckoning the privileges for leave, services and all that. I see no justification for such a view, and I hope the hon. Minister when speaks on this point will give a reassuring answer and will not give any credence to a

solitary view which has been expressed on the floor of the House.

17 hrs.

Apart from this, I may also be permitted to make another submission.

Mr. Chairman: How much time does the hon. Member require?

Shri Harish Chandra Mathur:  
Another 5 or 7 minutes.

Mr. Chairman: The hon. Member may continue on the next day. The House will stand adjourned till Saturday.

17.0½ hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Saturday, the 27th September, 1958.*

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[Thursday, 25th September, 1958]

## ORAL ANSWERS TO QUESTIONS:

U. S. Q. Subject	COLUMNS
No.	
1584 Mrs. Joshi in Goa Jail . . .	8511-13
1585 Prices of cloth . . .	8514-16
1586 Decentralisation of Administration . . .	8516-18
1587 Indian nationals in Ceylon . . .	8519
1633 Repatriates from Ceylon . . .	8519-23
1588 Naga hostiles . . .	8524-25
589 Raw materials for Industries . . .	8525-29
1590 Wage Board for Cotton Textile Industry . . .	8529-32
1592 Non-ferrous metals . . .	8533-35
1593 Verification of claims . . .	8535-36
1594 Conference on Refugee Rehabilitation . . .	8536-38
1595 Cardamom Board . . .	8538-40
1596 Raw Film Factory . . .	8540-42
1598 Tyre manufacturing companies . . .	8542-44
1600 Supply of water in the Bapu Park . . .	8544-45

S.N.Q.  
No.

15 Closing down of ferry services by Bombay Steam Navigation Company, limited . . .	8545-48
16 Vacation of residential buildings in Jharia . . .	8548-50

## WRITTEN ANSWERS TO QUESTIONS: 8550-8653

S.Q. No.	
1591 Production of cement . . .	8550-51
1597 Import of automobile tyres . . .	8551
1599 Land for rehabilitation . . .	8551-52
1601 Faridabad Township . . .	8552-53
1602 Displaced persons in Tihar Colony . . .	8553
1603 Decline in Textile exports . . .	8553-54
1604 Jungpura Bridge . . .	8554-55
1605 Supply of arms by U.S.A. to Pakistan . . .	8555
1606 Paper mills in Madhya Pradesh . . .	8555-56
1606-A Export of iron ore . . .	

## WRITTEN ANSWERS TO QUESTIONS—contd.

U. S. Q. Subject	COLUMNS
No.	
1607 Khadi Weavers in Jajastha . . .	8557-58
1608 Allotment of Raw Films . . .	8558
1609 Hindustan Motors Limited, Calcutta . . .	8558-59
1610 Tea garden labour . . .	8559-60
1611 Bicycle factories in Ludhiana (Punjab) . . .	8560-61
1612 Import of tobacco . . .	8561
1613 Films Divisions . . .	8562
1614 Shortage of X-Ray Films . . .	8562
1615 "India 1958 Exhibition" . . .	8563
1616 Industrialisation in Kerala State . . .	8563-64
1617 Installation of statutes . . .	8564-65
1617-A Manufacture of gliders . . .	8565
1618 Closure of tea estates in Assam . . .	8565-66
1619 Handloom Industry . . .	8566
1620 Import of fumigants . . .	8566-67
1521 Strike of Workers of Sec-thurama Mica Mining Company . . .	8567
1622 Geneva Atomic Conference . . .	8567-68
1623 Report of Sholapur Spinning and Weaving Mill, Ltd. . . .	8568
1624 Khadi Gramodyog Bhawan, New Delhi . . .	8569
1625 Tiruvannoor Cotton Mill (Kerala) . . .	8569-70
1626 Transport congestion . . .	8570
1627 Raw Film Factory . . .	8571
1628 Naga hostiles . . .	8571-72
1629 Non-ferrous metals . . .	8572
1630 Nangal Fertilizers and Chemicals (Private) Ltd. . . .	8573
1631 Export of alcohol . . .	8573
1632 Cement . . .	8574
1634 Tea propaganda abroad . . .	8574-75
1635 Tin plate requirements . . .	8575-76
1636 Rationalisation in textile mills, Kanpur . . .	8576
1636A State Trading Corporation of India (Private) Ltd. . . .	8576-77
1637 Works Committees . . .	8577

WRITTEN ANSWERS TO  
QUESTIONS—contd.

U. S. Q. Subject No.	COLUMNS
1637A State Trading Corporation of India (Private) Ltd. . . . .	8577-78
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**PAPERS LAID ON THE TABLE . . . . .**

8653

The following papers were laid on the Table,—

- (1) A copy of the Report of the Administrative Vigilance Division for the period 1st April, 1957 to 31st March, 1958.
- (2) A copy of Notification No. G. S. R. 797 dated the 13th September, 1958, under subsection (3) of Section 25 of the Rubber Act, 1947, making certain further amendments to the Rubber Rules, 1955.
- (3) A copy of each of the following Reports, under subsection (1) of Section 19 of the Coir Industry Act, 1953 :—
  - (i) Annual Report on the working of the Coir board for the year 1957-58 .
  - (ii) Report on the working of the Coir Board for the half-year ending the 31st March, 1958

**ARREST OF MEMBER**

8654

The Speaker informed Lok Sabha that he had received a wireless message dated the 24th September, 1958 from the District Magistrate, Pillibhit intimating the arrest of Shri Mohan Swarup under section 143 of I.P.C. on 24-9-1958 for leading a food agitation procession in contravention of the City magistrate's Orders

**REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS—PRESENTED**

8654

Twenty-eighth Report was presented .

**REPORT OF COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE—PRESENTED.**

8655

Ninth Report was presented.

**CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE .**

8655-56

Shri Tayappa Hari Sonavane called the attention of the Minister of Commerce and Industry to the fall in textile production in the country due to closure of the Sholapur Spinning and Weaving Mills Ltd.

The Deputy Minister of Commerce and Industry (Shri Satish Chandra) made a statement in regard thereto.

**STATEMENTS BY MINISTERS.**

8656-58

(i) The Deputy Minister of Defence (Shri Raghuramaiah) laid on the Table a statement regarding the Annual Report and Audited Accounts of the Bharat Electronic (Private) Ltd.

(ii) The Deputy Minister of Rehabilitation (Shri P.S. Naskar) made statement correcting the statement laid on the Table on the 1st September, 1958 in reply to Starred Question No. 764 by Shri Radha Raman and Shrimati Renu Chakravarty regarding Evacuee Property in Delhi . . . . .

**BILL INTRODUCED . . . . .**

8659-60

The Appropriation (No. 4) Bill, 1958

## BILLS PASSED . . . 8659—8756

(i) The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi) moved that the Appropriation (No 4) Bill, 1958 be taken into consideration. The motion was adopted. After clause-by-clause consideration the Bill was passed.

(ii) Further discussion on the motion to consider the Supreme Court Judges (Conditions of Service) Bill, 1958 and the amendment for reference of the Bill to a Select Committee continued. The amendment was negatived and the motion for consideration was adopted. After clause-by-clause consideration the Bill was passed.

## BILL UNDER CONSIDERATION . . .

8759—86

The Minister of State in the Ministry of Home Affairs (Shri Datar) moved that the High Court Judges (Conditions of Service) Amendment Bill, 1958 be taken into consideration. The discussion was not concluded.

AGENDA FOR SATURDAY,  
27TH SEPTEMBER, 1958 —

Further discussion on Shri Maharaj's Resolution re : appointment of a Boundary Commission to adjudicate upon boundary disputes between Orissa and Bihar and Madhya Pradesh; and consideration of other Private Members' Resolutions.

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