

# LOK SABHA DEBATES

(Second Series)

VOLUME XXXIV 1959

[August 31 to September 12, 1959/Bhadra 9 to 21, 1881 (Saka)]



**EIGHTH SESSION, 1959/1881 (Saka)**

*(Vol. XXXIV contains Nos. 21—31)*

LOK SABHA SECRETARIAT  
NEW DELHI

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N.B. The Sign + marked above a name of a Member on Questions, which were orally answered, indicated that the Question was actually asked on the floor of the House by that Member.

## LOK SABHA DEBATES

5223

### LOK SABHA

Monday, August 31, 1960/Bhadra 9,  
1881 (Saka)

*The Lok Sabha met at Eleven of the  
Clock*

[Mr. SPEAKER in the Chair]

#### ORAL ANSWERS TO QUESTIONS

##### Sahitya Akademi Literary Conferences

\*562. Shri Radha Raman: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Sahitya Akademi has decided or has under consideration any scheme to hold literary conferences in different parts of the country.

(b) if so, the objectives of such a proposal; and

(c) what is the precise nature of plan and programme drawn up?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das): (a) The Sahitya Akademi has accepted in principle the idea of holding literary conferences in different parts of the country.

(b) To develop general all-India consciousness.

(c) No definite scheme has been evolved so far.

Shri Radha Raman: The hon. Minister has just said that the idea has been accepted. When will the first conference be held, what will be the principle on which litterateurs or literary men of different languages in the country will be invited and on what terms?

199(A1) LSD—1

5224

Dr. M. M. Das: I think the question is premature as no detailed scheme has been drawn up by the Sahitya Akademi yet

Shri Radha Raman: Will this conference be confined to literary men of one language only or will it include literary men of different languages in the country?

Dr. M. M. Das: I think the answer that I have already given applies to this question also.

श्री म० ला० द्विवेदी मैं यह जानना चाहता हूँ कि यह योजना सबसे पहले कब तैयार की गई थी ? कितने दिन हो गये उसको मोचे हुए घौर इतनी देर तक यह कार्यान्वित नहीं हुई इसका क्या कारण है ?

Dr. M. M. Das: At the last meeting of the Executive Board of the Sahitya Akademi which was held last January, a suggestion was made by the Minister of Scientific Research and Cultural Affairs for arranging tours of small parties of writers representing different age groups to different parts of India in order to encourage the development of a general all-India consciousness. The Executive Board approved this suggestion and authorised the Secretary to prepare a plan in those terms after inviting the suggestions of the members of the Executive Board. It was also suggested that while preparing the above plan, the Secretary might also consider organising literary conferences in different parts of the country. The Sahitya Akademi has accepted in principle the idea of holding literary conferences in different parts of the country, but no detailed plan has yet been drawn up.

**Shri F. C. Boreeah:** May I know whether the spoken languages—other than the regional languages—will find a place in the literary conferences?

**Dr. M. M. Das:** The hon. Member is aware that the Sahitya Akademi is an autonomous organisation and when they have not yet formulated any detailed scheme, it is not possible for us to give the details which he wants.

**श्री रघुनाथ सिंह** इस बात को देखने हुए कि काशी जो है वह भारतीय साहित्य का हृदय स्थान है और संस्कृत और हिन्दी सभी भाषाओं के लोग वहाँ बसते हैं, क्या इस प्रकार के सम्मेलन का आयोजन वहाँ पर किया जायगा ?

**Dr. M. M. Das:** There is no doubt that Banaras is a great seat of learning so far as our country is concerned, but the detailed scheme is yet to come.

**Shri Radha Raman:** May I know whether Government are contemplating some other steps than the holding of literary conferences to invite the litterateurs of the country and enlist their co-operation in the production of literature appropriate to the present times?

**Dr. M. M. Das:** So far as my information goes, the Sahitya Akademi have not before them any such proposals.

#### Neyveli Fertiliser Plant

+

\*963. { **Shri S. C. Samanta:**  
**Shri Subodh Hanada:**  
**Shri Pangarkar:**  
**Shri Morarka:**

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1967 on the 21st April, 1959 and state—

(a) whether the tenders received in response to the global enquiry issued by the Neyveli Lignite Corporation for a fertiliser plant have been scrutinised and final decision taken:

(b) if so, whether orders for the supply of machinery and equipment have been placed; and

(c) what is the estimated cost of machinery and equipment?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b). The Neyveli Lignite Corporation are examining the tenders and it will take some weeks before a final decision on these tenders is taken.

(c) Does not arise.

**Shri S. C. Samanta:** May I know how many tenders were received, and whether it would be possible to take up the lowest tender for acceptance?

**Sardar Swaran Singh:** Several tenders were received—I do not know the exact number—and I am sure the tender which is technically acceptable and where the delivery period is appropriate would be recommended for acceptance by the Corporation.

**Shri S. C. Samanta:** Investigations were also carried on about water treatment, corrosion and storage of urea. May I know how far they have proceeded?

**Sardar Swaran Singh:** It is still in the process of investigation.

**श्री ज० ला० द्विवेदी** मैं यह जानना चाहता हूँ कि इस कारखाने के लिये लिग्नाइट कहाँ कहाँ से लायेगा और क्या काश्मीर से भी लिग्नाइट कुछ सख्या में मंगाया गया है ? यदि हाँ, तो वहाँ से कितना मिलेगा ?

**सरदार स्वर्ण सिंह** नेवेली का फासला तो काश्मीर से हजारों मील है

**श्री ज० ला० द्विवेदी :** कल रेडियो में प्कहा गया था ।

**सरदार स्वर्ण सिंह** इतनी दूर काश्मीर से नेवेली तक पहुँचने में बहुत ज्यादा खर्चा होगा और नेवेली में खुद अच्छे किसम का लिग्नाइट मौजूद है और उसलिये वहाँ का लिग्नाइट उसमें इस्तेमाल होगा ।

**Shri Tangamani:** In reply to the previous question, it was stated that the provisional estimate of the cost would be about Rs. 21 crores and the project was to be completed by 1961. May I know how much of the equipment and machinery will be delivered or will be taken delivery of this year, namely, 1959-60, if the target is to be fulfilled?

**Sardar Swaran Singh:** I think the estimate of cost would be about Rs. 25 crores—I could not give a firm figure regarding it. It is likely to go into production by the end of 1962. I do not think that any equipment would move physically in the course of the current year.

**Shri Ramanathan Chettiar:** May I know whether in view of the delay in having this examined, what steps the Corporation and Government will take to expedite examination of the tenders that have been received so far, in order to place orders and start the work?

**Sardar Swaran Singh:** Several technical aspects of a complicated chemical plant were involved. That entailed a good deal of detailed examination. But I am assured that the Corporation are in the final stages of that scrutiny and it should not now take long before orders are formally placed.

**Shri A. C. Guha:** May I know if this Rs. 25 crore-unit will be a separate company or will be a subsidiary of the Lignite Corporation?

**Sardar Swaran Singh:** It is neither subsidiary nor separate, but the Lignite Corporation themselves are doing it.

**Shri A. C. Guha:** Under the same management?

**Sardar Swaran Singh:** Of course, the same Corporation.

**Shri N. E. Muniswamy:** What are the payment terms included in the tender and who are the persons going to participate in this?

**Sardar Swaran Singh:** There are several deferred term provisions that are contained in the various tenders. Only when the final tender is accepted will it be possible to indicate the firm picture of these deferred term payments.

**Shri Hem Barua:** In reply to an earlier question on the 21st April, 4½ months ago, the hon. Minister was pleased to say that the tenders were being examined. May I know how long it will take to examine these tenders?

**Sardar Swaran Singh:** The examination takes pretty long because a lot of clarifications are required from the various tenderers to bring them to a comparable picture. Each one claims, for instance, that a particular part of his plant is larger and, therefore, the efficiency would be better. So, a common denominator has to be devised which means further clarifications from the various tenderers so that the quotations are comparable. Therefore, it takes time. Now, I think, it won't take any long time.

**Shri N. E. Muniswamy:** Sir, the tests....

**Mr. Speaker:** How long am I to allow supplementaries on a single question? (*Interruption*). A number of Members who have not much interest have put questions.

**Shri N. E. Muniswamy:** What is the outcome of the tests that are being conducted in the project laboratory in regard to problems of water treatment, corrosion and also the storage of urea?

**Sardar Swaran Singh:** They are all encouraging.

**Shri Nagi Eddy:** What are the types of fertilizers to be produced and what is the capacity of the plant?

**Sardar Swaran Singh:** Urea is the only fertilizer that is going to be produced.

**Shri Hem Barua:** Nothing else\*

**Sardar Swaran Singh:** I think the nitrogen fertilizer is the main thing that is being produced there.

**Shri Nagi Reddy:** What is the capacity?

**Sardar Swaran Singh:** I am afraid I have not got the figure at the tip of my fingers.

**Shifting of Villages from Jamuna Banks**

+

\*964. { **Shri D. C. Sharma:**  
**Shri Vajpayee:**  
**Shri Dasaratha Deb:**

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 928 on the 5th March, 1959 and state:

(a) the further progress made towards the rehabilitation of the people of the villages which have been shifted from the banks of the Jamuna to higher level areas; and

(b) the amount spent so far on this account?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) After preparation of layout plans of all the new sites and demarcation of plots and blocks, allotment of plots was made to the villagers concerned. All the allottees have accepted the allotment of plots except those belonging to one village who questioned the suitability of the new site. Further expert advice obtained has, however, confirmed the suitability of this site. In regard to Development work in Dhaka-Dhirpur village (in the urban area), the levelling operations and laying of storm water drainage have been completed. Roads are under construction. Over 800 forms of agreement for lease and perpetual lease relating to the plots allotted to the villagers have been registered. The villagers who applied for loans for construction of houses have been granted loans subject to the condition that they furnish leave deeds and surties for the repayment of loans. First instalment of the sanctioned

loans has been released to 15 applicants.

(b) Rs. 3.45 lakhs approximately.

**Shri D. C. Sharma:** May I know how many applications for loans are still pending with the Ministry and how long will the Ministry take to expedite them?

**Shri Datar:** 800 forms have been sent and one-third of the forms have been received back with details, and others are in the process of being submitted.

**Shri D. C. Sharma:** How many years will it take to implement this scheme in toto?

**Shri Datar:** It ought not to take much time because sites have been given and Government are prepared to give loans for the construction of houses. It is for the people concerned to take active steps now.

**Shri D. C. Sharma:** May I know if the Ministry has similar plans for other villages lying on the banks of the Jamuna which are subject to floods every now and then, almost every year?

**Shri Datar:** This question relates to 12 villages which had been inundated and there was considerable damage. Therefore, the information I have given relates to these 12 villages.

**International Students House, Delhi**

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\*965 { **Shri S. C. Samanta:**  
**Shri Subodh Hanada:**

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the construction of the International Students House, Delhi has since started; and

(b) if so, the progress made upto-date?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das):** (a) No, Sir

(b) Does not arise.

**Shri S. C. Samanta:** May I know the reason why construction is delayed and also whether a plan of the building has been prepared, the capacity—of accommodation—and cost?

**Dr. M. M. Das:** The reasons are—firstly, the Government imposed a ban upon the construction of buildings in year 1957-58. This ban has been removed only a few months back.

The second reason is that there were some defects in the constitution of the Society. Now, a new revised constitution has been suggested and steps are being taken to take the matter up with the Registrar of Societies.

The plan has been prepared by the C.P.W.D. and approved by the Delhi International Housing Society. The present accommodation of the building is for 55 persons.

**Shri S. C. Samanta:** May I know whether, in the meantime, any alternate arrangement for the accommodation of these foreign students has been made in Delhi or in any other place?

**Dr. M. M. Das:** Yes, Sir; the Indian Council for Cultural Relations have rented 2 houses in Delhi, one in Calcutta and another in Madras to provide hostel accommodation to foreign students.

**Dr. Ram Subhag Singh:** Who were the sponsors of this? So far as I know the sponsors were very closely connected with the Ministry. If so, why has this plan been so much delayed?

**Dr. M. M. Das:** I have said the Government of India imposed a ban upon the construction of buildings due to financial stringency. And the second reason was that there was some defect in the constitution of the society. The present Society which

has been recommended will consist of the following:

The Vice-Chancellor of the Delhi University; *ex-officio* Chairman;

four representatives of the Government of India;

one representative of the University Grants Commission;

one representative each of the Faculties of the Delhi University, subject to a maximum of three;

one representative of UNESCO;

four persons nominated by the Government of India;

two persons nominated by the Government of India in their personal capacity; and

one representative of the Indian Council of Cultural Relations.

**Shri Heda:** In view of the fact that the various institutions which these international students join have got their own hostels, may I know why a separate building segregating the international students in one place is thought of?

**Dr. M. M. Das:** The hon. Member is not quite correct. Hotel accommodation for students in Delhi is not satisfactory and there is always a demand for more accommodation. Moreover, these hostels are necessary for providing accommodation to the foreign students as well as Indian students and also for cultural contact among the students of various countries including India. These hostels will accommodate not only foreign students but also Indian students.

**Shri P. C. Borooah:** Under whose management will these international houses be run?

**Dr. M. M. Das:** A society has been registered—the International Students Housing Society of Delhi—for that.



**Women in Army Medical Corps**

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\*966. { Shri R. C. Majhi:  
Shri Subodh Hansda:  
Shri S. C. Samanta:

Will the Minister of Defence be pleased to state:

(a) whether women in medical services are eligible for Permanent Commissions in the Army Medical Corps;

(b) if so, since when their eligibility is recognised; and

(c) the number of such officers at present in the Indian Army Medical Corps?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir.

(b) From the 1st November, 1958

(c) The number of women officers holding Permanent Regular Commissions in the Army Medical Corps is four at present.

Shri S. C. Samanta: May I know whether any relaxation is shown in the case of these women medical officers?

The Minister of Defence (Shri Krishna Menon): Not at all, Sir. They are equal in the eyes of the law. They get all the privileges and they take all the responsibilities. But they would not be expected to carry lethal arms with them as other members of the service.

Mr. Speaker: There won't be any discrimination between them and the others. There is only this difference that they will not carry lethal arms with them.

Shri Krishna Menon: Except for self-protection

Shri Achar: May I know whether they are liable to be sent on active service during any military action?

Shri Krishna Menon: Yes, Sir

Shri P. C. Boseah: May I know if there will be any reservation for them?

Shri Krishna Menon: No, Sir; but we shall be able to take as many women as apply and are qualified.

**Utilisation of Scrap Iron**

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\*967. { Shri S. C. Samanta:  
Shri Barman:  
Shri Subodh Hansda:

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

(a) what steps Government are taking to encourage the utilisation of scrap iron in our country,

(b) whether any steel is produced from this; and

(c) if so, the total quantity of steel produced at present?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b) The Hon'ble Members presumably have in mind steel scrap which can be melted. For the utilisation of such scrap, there are already some electric furnaces in the country. It is proposed to permit 25 more electric furnaces in various regions to utilise scrap available locally

(c) About 81,500 tons of steel were produced in electric furnaces during the year 1958. In the first quarter of 1959 about 26,500 tons were produced.

Shri S. C. Samanta: May I know whether the export of scrap is carried on at present?

Sardar Swaran Singh: Yes, Sir. Scrap which cannot be used by the electric furnaces inside the country is exported.

Shri S. C. Samanta: May I know whether the abundant quantity of scraps that are lying with the railways are going to be utilised by this Ministry or by the Railway Ministry?

Sardar Swaran Singh: The scrap which is declared by the Railways has been used and is proposed to be used both by the Railways as well as by the other electric furnaces and re-rollers.

**Shri M. R. Thakore:** May I know the total production of scrap iron from 1950 to 1959 and its value?

**Sardar Swaran Singh:** If the hon. Member tables a separate question, I shall be able to collect these figures.

**Shri Nagi Reddy:** May I know whether the Government has tried to find out the total available quantity of scrap from the different departments of the Government?

**Sardar Swaran Singh:** The total scrap arisings have been estimated, the figures from various sources must have been taken into consideration but I cannot give the department or sector-wise arisings.

**Shri Nagi Reddy:** What is the total quantity of scrap iron?

**Sardar Swaran Singh:** It is estimated that by the end of the Second Plan period the total arisings of scrap would be about six lakh tons a year.

**Shri Simhasan Singh:** May I know whether the export of scrap iron to Japan has been banned now?

**Sardar Swaran Singh:** It is being exported to Japan and to other countries.

**Shri Raghunath Singh:** May I know whether the export of scrap iron is increasing or decreasing at present?

**Sardar Swaran Singh:** The total quantity of scrap that was exported recently was somewhat lower than the total exports about three years ago.

**Shri Viswanatha Reddy:** How does the price of steel ingots manufactured in the small furnaces compare with those produced in the big factories?

**Sardar Swaran Singh:** Obviously, the cost of production in these smaller ones is somewhat higher but the intention is that in the interest of regional development these small-scale electric furnaces should be permitted to be installed so that some of the local requirements may be met. Se-

condly, certain special categories of steel are also proposed to be manufactured in some of these electric furnaces.

**Shri Tangamani:** The hon. Minister has told us that 25 more electric furnaces are going to be set up. May I know whether there will be regional considerations and whether all these furnaces will be set up in areas like Andhra, Kerala, Tamil Nad, etc. where there are no steel plants, minor or major?

**Sardar Swaran Singh:** As the hon. Members are aware, these are all being set up in the private sector. If sufficient interest is shown in those areas and if there are sufficient arising of steel scraps, these factors will be taken into consideration.

**Shri Tangamani:** How much of the six lakh tons of scrap iron is being utilised now?

**Sardar Swaran Singh:** To refresh the memory of the hon. Member, I have said that by the end of the Second Plan period the estimate is that about six lakh tons of scrap would be available. Scrap is scrap after all and it is very difficult to give any firm figure but it will certainly be very much lower at the moment because in another eighteen months, the availability of steel in the country will be much larger and larger utilisation will mean larger scrap arisings. So far as the internal utilisation is concerned, it is expected that somewhere in the neighbourhood of three lakh tons would be required inside the country if this scheme of the establishment of electric furnaces goes through.

**Shri S. C. Samanta:** May I know whether any conditions have been put to Japan while we export scrap to that country?

**Sardar Swaran Singh:** The obvious condition appears to be that they pay us the price.

**Shri S. C. Samanta:** Over and above, is there any condition that they supply us some steel?

**Sardar Swaran Singh:** That is not necessary and we do not want to tie this up with any such condition because it is an obvious sale and so far as the steel market is concerned, Japan does not hold a monopoly. We have got the whole world from which we can purchase steel and we would like to obtain steel from a country where the terms are competitive.

**Purchase of Ammunition**

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\*968. { **Shri Ram Krishan Gupta:**  
**Shri Vidya Charan Shukla:**  
**Shri M. E. Krishna:**  
**Shri Supakar:**  
**Shrimati Maftda Ahmed:**

Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 1047 on the 10th March, 1959 and state:

(a) whether the Committee appointed to enquire further into the purchase of ammunition from a European firm in 1952 has submitted its report,

(b) if so, the findings thereof; and

(c) the action taken thereon?

**The Deputy Minister of Defence (Sardar Majithia):** (a) No, Sir

(b) and (c) Do not arise

**Shri Ram Krishan Gupta:** In answer to a previous question, the hon. Deputy Minister has stated that the Committee has been asked to submit the report by April, 1959. May I know the reasons for so much delay?

**Sardar Majithia:** The health of the Chairman.

**Dr. Ram Subhag Singh:** This Committee was appointed long ago and this relates to a deal which was effected in 1952 and this is not a single instance of a deal of a similar nature of the Defence Ministry. May I know why this inordinate delay is being made by the Ministry?

**Shri Majithia:** As I have said, this Ministry has got no control over the health of certain members and therefore, we cannot ask them to work

**Dr. Ram Subhag Singh:** May I know whether the Ministry will see to it that some healthy people are appointed on such committees and the Ministry also enters into some healthy deals?

**Mr. Speaker:** If owing to reasons of health of a particular member the committee could not proceed with its work, hon. Members want to know why another member could not be fixed up to act or proceed with that work (Interruptions.)

**Sardar Majithia:** It was our Deputy Law Minister who was appointed Chairman of this Committee. Unfortunately, he has not been keeping good health

**An Hon. Member:** He was in the House (Interruptions)

**Mr. Speaker:** The hon. Minister must anticipate questions from this side. If any member or even a Minister should fall ill, they say it is necessary that some other person should take up the work (Interruptions)

**Dr. Ram Subhag Singh:** They are not taking the House into confidence.

**The Minister of Defence (Shri Krishna Menon):** The reason for not appointing a committee or someone else is that the second part of its work is in continuation of its earlier work. There has been no delay. The Deputy Law Minister has come back and he is doing his best to expedite the work (Interruptions)

**An Hon. Member:** We do not hear him

**Mr. Speaker:** He has come back and he will take up the work.

**Shri Ranga:** Is there any time-limit? (Interruptions)

**Shri Supakar:** In the meantime, has anything been done to the ammunition itself?

**Mr. Speaker:** What does it mean?

**Shri Supakar:** These were purchased in 1952 I want to know whether they are lying without any use They cost about Rs 90 lakhs

**Shri Krishna Menon:** I am not prepared to subscribe to all these All these matters are under enquiry It should not be right for me to say that it is so or it is not so at this stage

**Dr. Ram Subhag Singh:** Sir, you should protect the interest of the nation because the attitude of the Defence Ministry has already been noticed in connection with what is happening on our borders If the Defence Ministry goes on entering into such deals, there will be no end to our troubles

**Shri Krishna Menon:** This matter perusted for many years We have been trying to put it right These ammunitions were bought in 1952 or so (Interruptions)

**An Hon. Member:** This is not a single instance

**Shri Krishna Menon:** These ammunitions were bought in 1952 or so in the earlier stages of production

There is some question (Interruption)

**Mr. Speaker:** Order, order If hon Members, all of them, talk silently, how can they hear?

**Shri Krishna Menon.** There is some question whether the specifications that were given by the technical people were adequate, another question whether those specifications have been fulfilled, and a third question whether the quantum of ammunition supplied is totally usable or unusable and so on All this is before the Committee for enquiry We have had a previous Committee on which our own technicians including the highest level scientific advisers have differed Therefore, naturally it is a matter

under enquiry How can I say anything now?

**Shri Mahanty:** May we know since when this enquiry has been pending and how long it is going to take to come to a conclusion?

**Mr. Speaker:** It has already been stated that it has been pending since 1952

**Shri Mahanty.** Why has it taken this enormously long time? (Interruption).

**Mr. Speaker:** For how long has the enquiry been pending?

**Shri Krishna Menon:** The last Committee was appointed somewhere about six months ago I don't think it is too long The Deputy Minister had a serious illness We were most anxious to expedite the matter

**Shri Hem Barua:** May I know whether the Swiss firm, Oerlikons, that is involved in this ammunition scandal running to the tune of Rs 90 lakhs, is working in any capacity under the Defence Ministry at present?

**Mr. Speaker.** The hon Member wants to know whether the services of this company are being requisitioned or are being used even now for this purpose Why should hon Members use the word "scandal"?

**Shri Hem Barua.** This is a scandal, Sir because lakhs of rupees are involved

**Shri Krishna Menon.** Sir, the Ministry holds no brief for these people, but they are highly reputable very big manufacturers I believe, I am subject to correction they are the people who designed the Ambernath Factory. We have had no trouble anywhere else, so far as I know, but certainly in the placings of any other requirement this will be taken into consideration unless they make good whatever loss we suffer or we have suffered in this

**Shri Hem Barua:** In view of the ammunition deal with that particular firm that is being employed by the

Defence Ministry in some other capacity, may I know whether this Ministry is taking it up with that firm or going to cancel the contract and all that with them?

**Shri Krishna Menon:** If I know the results of the enquiry, why should there be an enquiry at all? I have to wait and see what they say. This is a highly technical matter.

**Shri Hem Barua:** May I know why a second enquiry committee was appointed and why Government did not take any action on the report of the first committee?

**Shri Krishna Menon:** The first committee could not produce a unanimous report. Having in view the concern of the Government, on the one hand, and the concern of the House and, what is more, when there is a doubt of this kind, it should be cleared and we appointed a second committee. The majority view of the first committee was not satisfactory.

**Shri Hem Barua:** May I know whether the terms of reference of the second committee are different from the terms of reference that were given to the first committee?

**Shri Krishna Menon:** This is going far away from the field. The second committee has got wider terms of enquiry but I have not got them here.

#### Iron Ore in Kiriburu

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\*909. { **Shri Panigrahi.**  
**Shri Subodh Hansda:**  
**Shri S. C. Samanta:**

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

(a) whether the National Mineral Development Corporation has been able to assess the quantity and behaviour of the iron ore deposits in Kiriburu mines in Orissa.

(b) whether the Consultants have commenced preliminary work connected with this project; and

(c) if so, the total amount of money which the National Mineral Development Corporation have spent so far on this Project?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) and (b) Yes, Sir

(c) Rs 4.3 lakhs upto 31-7-1959.

**Shri Panigrahi:** May I know the total estimated quantity of iron ore reserve in these Kiriburu mines?

**Sardar Swaran Singh:** So far the total reserves that have been estimated in the northern block are of the order of 158 million tons with an average Fe content of 62 per cent.

**Shri Panigrahi:** May I know whether the experiment for calculating the total reserve in the entire area is being continued?

**Sardar Swaran Singh:** Prospecting is still continuing.

**Shri Panigrahi:** The Indian Bureau of Mines are working there. The Japanese Consultants are also given the task of working these mines. May I know what are the specific functions of the Indian Bureau of Mines and the Japanese Consultants there?

**Sardar Swaran Singh:** So far as the Indian Bureau of Mines are concerned, they have undertaken what may be described as prospecting and proving of iron ore, viz., the total quantities and the like. So far as the Consultants are concerned, their main duty is to give the designs of the mining and all that. Ultimately, about the question as to what has to be done physically upon those drawings etc. it will be the responsibility of the Consultants.

**Shri Panigrahi:** May I know whether it is a fact that the Government of India have secured the services of mining engineer under the Colombo Plan to prepare the detailed estimates of the total reserves and also the machinery which will be required for working out these mines; if so, may I know what will be the work of the Japanese Consultants?

**Sardar Swaran Singh:** I am not aware of the Colombo Plan Adviser, but even if an Adviser of that type were there he would give a broad advice and the actual consultancy work is much more detailed. No Adviser howsoever eminent he may be can undertake the Consultant's responsibility which is of a much more detailed character.

**Shri S. C. Samanta:** May I know the depth of the drilling in those mines?

**Sardar Swaran Singh:** It varies from place to place.

#### Recruitment of Fresh Staff

\*970. **Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government have issued any directive to ban or restrict the recruitment of fresh staff;

(b) if so, the reasons therefor, and

(c) the nature of the directive?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) to (c). A statement is placed on the Table of the House.

#### STATEMENT

There are general instructions that the Ministries should devote urgent and continuous attention to the maintenance of efficiency and economy in the administration and avoid, as far as possible, the creation of new posts or the filling of existing vacancies. There are also specific orders under which fresh recruitment to certain categories of posts in Class III and Class IV has been restricted or banned. These orders are summarised below

#### Recruitment to Class III posts

Under the orders in force since January 1958, fresh recruitment to Class III posts of Lower Division Clerks, Upper Division Clerks, Stenotypists, Stenographers and Statistical Assistants, Stenographers and Statistical Assistants in the Ministries and At-

tached Offices is not permitted save in exceptional circumstances. However, surplus staff belonging to these categories in any Ministry or Attached Office may be transferred to other Ministries or Attached Offices where there is a deficiency. There is no ban on the recruitment of Class III staff in the subordinate offices.

#### Recruitment to Class IV Posts

In January, 1958, an absolute ban was placed on fresh recruitment from the open market to posts of Peons or Chaprasis in the Ministries and Attached Offices. Vacancies in the existing sanctioned strength were however, permitted to be filled by the transfer of surplus staff from one Ministry to another. The ban on fresh recruitment did not apply to other categories of Class IV staff such as Record Sorters, Daftries, Sweepers, Jamadars, Malis, Bhustis, etc. The ban on fresh recruitment was also not made applicable to offices classed as 'subordinate'.

**Shri Harish Chandra Mathur:** May I know what was the average intake of those categories which have been restricted, and what is the estimated economy effected since these instructions were issued?

**Shri Datar:** I have not got those detailed figures. We have issued rules that as far as possible except with the previous concurrence of the Home Ministry no new posts should be created and only in exceptional cases will relaxations be allowed.

**Shri Ramanathan Chettiar:** Is it a fact that the Home Ministry has issued directions to all the Ministries of the Government of India that 10 per cent cut in regard to staff has to be effected?

**Shri Datar:** That appears to be a recent matter, apart from that a general question has been asked here.

**Shri Harish Chandra Mathur:** I respectfully beg to submit, Sir, that I have not asked for any details. I at least expect that an answer is made to the question which I put. I asked,

what is the average annual intake of each category which has been restricted I never asked whether they will save Rs 200, Rs 300 or Rs. 500. I do not want all those details. I want to know what is the effect of all these orders, and what is the economy that has been effected.

**Shri Datar:** These orders are being issued from 1956 onwards. It is too early to say how many posts have been entirely newly created or how many have been abolished.

**श्री भक्त वरुण :** क्या मनी महोदय का ध्यान में यह बात आई है कि जब से ये आदेश जारी किये गये हैं तब से चौथी श्रेणी के कर्मचारियों की संख्या तो बड़ी कम कर दी गई है या उनकी भर्ती रोक दी गई है और बड़े बड़े पदों पर नियुक्तियां की जा रही हैं ?

**Shri Datar:** This is not correct at all. So far as Class IV servants are concerned, the orders are that those who are already there should be retained but no addition should be made to that and if, for example, they are not required in one Ministry or Department they are transferred to others.

**Shri Ranga:** Is it a fact that within the last three years Government have appointed as many as 60,000 new people in all the central services and it has been estimated by one of the committees whose report was published, I think, in the papers that the additional cost incurred by Government is more than the additional revenue they derive from the new taxes imposed?

**Shri Datar:** I am not aware of the particular recommendations, but may I tell the hon. Members that always an attempt is being made in every Ministry—we have got bodies dealing with this question—to economise, on the one hand, and creating new posts only when they are necessary.

**Shri Ranga:** Have Government noted the recommendation by that Committee that no further recruitment to the central services should be made

during the pendency of the Second Five Year Plan?

**Shri Datar:** Sometimes, new appointments will have to be made. In view of the expanding activities of the Government, new appointments will have to be made. In order that there should be no arbitrary increase certain rules have been made. It has been said that those rules should be followed and no new appointments made, but where there are special circumstances the rules will be relaxed.

**Shri Harish Chandra Mathur:** The hon. Minister's reply refers to action taken in 1958. May I know whether during this year they have taken any fresh note or assessment of the situation, whether they have given any thought to the matter and issued any instructions?

**Shri Datar:** Government are thinking of the matter at all times. Whenever it becomes necessary, and indeed often times, we receive recommendations for relaxation of the rules and only in exceptional cases it is granted.

#### Expansion of Refinery by Burmah-Shell

972. { **Shri Osman Ali Khan:**  
**Shrimati Masida Ahmed:**  
**Shri Wodeyar:**  
**Shri A. K. Gopalan:**  
**Shri Tangamani:**  
**Shri Viswanatha Reddy:**

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

(a) whether the Burmah-Shell have made an offer to the Union Government about the expansion of their refinery at Trombay in Bombay.

(b) whether this expansion offer would result in substantial saving of foreign exchange.

(c) if so, what is the amount, and

(d) whether Government have taken a decision on this offer?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) Not yet, Sir.

(b) to (d). Do not arise

**Shrimati Maftda Ahmed:** May I know Sir, whether the expansion proposal was a condition attached with their offer to forgo the duty protection?

**Sardar Swaran Singh:** Obviously not, because the duty has already been surrendered. I have already said that no proposal has come. So, the two things cannot be linked.

**Shri Viswanatha Reddy:** We understand that the pattern of production of petroleum products in the refineries today is such that the middle distillates are scarce and the higher distillates, such as petroleum, are in greater abundance. So, may I know whether the Burmah-Shell Oil Company, in their expansion programme, have suggested anything in order to correct this disparity?

**Sardar Swaran Singh:** I would request the hon. Member to await that proposal. If and when it comes and if and when there is any proposal, surely we will ensure that it does not add to the imbalance that unfortunately exists today in the pattern of production.

**Shri Tangamani:** May I know whether the Government, in considering any further offer by the Burmah-Shell, take into account our proposed refinery in the State sector whose capacity will be over two million tons so that it is not affected by the new proposal which may be for increasing the production from 2.3 million tons to four million tons?

**Sardar Swaran Singh:** So far as our public sector refineries are concerned we have taken a firm decision that they will be put up according to the capacities which have been indicated in this hon. House from time to time. The existence of those refineries and their capacity will be a very relevant factor in considering any proposal that is put forward.

**Shri Hem Barua:** May I know whether it is a fact that the Burmah

Shell has proposed, as part of its expansion programme, the institution of a plant that will have a capacity to produce one lakh tons of basic lubricating oil? Is there such a proposal?

**Sardar Swaran Singh:** It might be in their portfolio but it has not yet seen the light of day.

**Shri Hem Barua:** Have they requested the Government?

**Sardar Swaran Singh:** No I have already said that no formal,—not even an informal—proposal has yet been placed before the Government either with regard to the quantum of expansion or the pattern of production.

**Shri Ramanathan Chettiar:** Has the Burmah-Shell Company put up a proposal for a lubricating plant?

**Sardar Swaran Singh:** None, separate from what I have already said.

**Shrimati Maftda Ahmed:** In view of the fact that these companies are entirely dependent on imported crude oil, may I know whether the Government have asked them to postpone their expansion programme till the indigenous crude oil supply is available to cater their needs?

**Sardar Swaran Singh:** No, Sir. We have not asked them either to postpone or to hasten anything. But we have asked them to examine, and after that examination, if and when a proposal is put forward before the Government, we will give very careful thought to all aspects.

दिल्ली में गन्ध-निवेश

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\*१७४. { श्री जगत बरुन :  
          { श्री बाबुदेवी :

क्या गन्ध-कार्य में यह बनाने की कृपा करेगे कि

(ब) क्या यह सच है कि सरकार ने दिल्ली में सुराधान की बुराई को रोकने के लिये कुछ नये पग उठाये हैं, और



(क) यदि हां, तो उसका व्योरा क्या है ?

गृह-कार्य मंत्रालय में राज्य मंत्री  
(श्री दत्तार) : (क) जी हां ।

(ख) मागी गई सूचना का एक विवरण समाप्त पर रख दिया है ।

#### विवरण

(१) विदेशी शराब को निजि रूप में रखने और उसकी खुदरा बिक्री की मात्रा बाड़ी, बिस्की, रम और जिन की ३ क्वार्टे बोटलों में घटाकर २ क्वार्टे बोटल और बीयर और साइडर की १२ क्वार्टे बोटलों में घटाकर ८ कर दी गई है ।

(२) देसी शराब की ड्यूटी में पाच नये पैसे प्रति-गैलन की वृद्धि कर दी गई है ।

(३) देसी बीयर क कर-निर्धारण शुल्क (Assessment fee) में भी पाच नये पैसे प्रति-गैलन की वृद्धि कर दी गई है ।

श्री जयलक्ष्मी कल्याण श्यामल के ध्यान में यह बात आई है कि जब तक इस सम्बन्ध में जो कदम उठाये गये हैं उन के बावजूद दिल्ली में पिछले वर्षों में शराब की खपत बढ़ती रही है ? मन् १९५७ में जब कि ३,८९,०६१ गैलन की खपत हुई जब मन् १९५८ में ३,६०,१३१ गैलन की खपत हुई । मैं जानना चाहता हूँ कि क्या मंत्रालय इस सम्बन्ध में कुछ और कड़े कदम उठाने का विचार रखता है ?

Shri Datar: The hon. Member's information is wrong. I may point out that there has been a decrease in the consumption of liquor. It has fallen from 1,18,703 gallons to 63,297

gallons. I may also add that, in regard to the contents, it contains less of intoxicating portions.

Shri A. M. Tariq: The hon. Minister has been pleased to say that the consumption in terms of gallons has come down. But the taxes and the rates on whisky are very high. May I know whether it is a fact that whisky is being supplied in some hotels in Delhi in daylight and without any proper check?

Shri Datar: To some extent it is true that the taxes have been increased, but the Government have taken a number of steps so far as the question of restriction is concerned.

Dr. Sushila Nayar: Do the figures given by the hon. Minister relate to all types of liquor, and do they include the country liquor and foreign-imported liquor? Or, do they relate to any particular type of liquor?

Shri Datar: They relate both to country liquor as well as foreign liquor

Shri C. D. Pande: May I know whether, in revising the rules regarding prohibition, the Government will also take care and consider the anomalous position in certain respects where a certain person is allowed to take any quantity into his room but is not allowed at all in the dining hall? This creates a lot of inconvenience to the foreign tourists because they are used to take wine with their meals.

Shri Datar: Subject to the general policy of the Government, whenever there are any anomalies, they will surely be corrected.

\* Raja Mahendra Pratap: Can our Government make a census of all those people in Delhi who are addicted to drinking?

Shri Datar: It would be very difficult to make such a census because very few people will come forward and register themselves as addicts.

**Shri Subhasan Singh:** May I know whether the Government has taken into consideration the report of the Prohibition Committee and, if so, may I know to what extent the consumption has gone down in India after that report was published?

**Shri Datar:** That report is before the Government. Government are trying best in the Delhi area to introduce a number of restrictions. But so far as the general introduction of prohibition is concerned, there are certain inherent difficulties. Roundabout Delhi there are areas in Rajasthan, Uttar Pradesh and Punjab where we have not got any dry area at all. Therefore, unless common action is taken by the State Governments and Delhi, it would be very difficult to introduce complete prohibition.

श्री चक्रवर्ती : क्या गवर्नमेंट के ध्यान में यह बात आई है कि स्वयम् भारत सरकार के वहुत से बड़े बड़े अधिकारी क्लबों में जा कर के शराब पीने का प्रोत्साहन दे रहे हैं जिस का जनता पर बड़ा बुरा प्रभाव पड़ रहा है ? इसलिये क्या इन सम्बन्ध में कुछ कड़े नियम बनाये जायेंगे और उन का मरनी के माथ पालन किया जायेगा ?

**Shri Datar:** I am not aware that Government officers go to clubs and encourage drinking. They may be going to clubs but not encourage drinking. (Interruption).

**Mr. Speaker:** This is a very inconvenient question. It is not expected that the hon. Minister will go to every club and find out. But he will certainly take note of the information that is given and make enquiries. Next question.

#### Defence Laboratory at Mussoorie

\*975. **Shri Raghunath Singh:** Will the Minister of Defence be pleased to state:

(a) whether a defence laboratory is proposed to be opened at Mussoorie (U.P.); and

(b) if so, when the scheme will be finalised?

**The Minister of Defence (Shri Krishna Menon):** (a) and (b). An establishment at Landour has become necessary to carry out certain special investigations, which is part of the work done in the Defence Science Laboratory at Delhi. The scientific staff, about 10 in number, would be posted in the next few months.

**Shri Raghunath Singh:** May I know the expenditure on this establishment?

**Shri Krishna Menon:** It is an establishment for carrying out certain special investigations. Regarding expenditure, it is part of the Delhi Defence Science Laboratory.

#### Vacation of Buildings occupied by Madras Police Force in Kerala

\*976. { **Shri Tangamani:**  
**Shri A. K. Gopalan:**

Will the Minister of Defence be pleased to state:

(a) whether the Government of India have demanded the return from the Government of Kerala the buildings occupied by the Madras Special Police at Malapuram West Hill and Cannanore which were given rent free to the Madras Government;

(b) whether Government of India had offered to sell these buildings to the Government of Madras some time before the States reorganisation;

(c) whether Government of India have made any such offer to the Government of Kerala after States reorganisation; and

(d) what are the reasons for withdrawing the Malapuram West Hill and Cannanore buildings from the occupation of Kerala Government?

**The Minister of Defence (Shri Krishna Menon):** (a) The Government of India have asked for return of the buildings at Malapuram and West Hill. The buildings at Cannanore were not occupied by the Kerala Government.

(b) and (e). An offer was made in respect of buildings at Malapuram and West Hill which at that time was possible.

(d) It is not available now for pressing Defence requirements.

**Shri Tangamani:** May I know whether some officers in the Ministry recently visited Malapuram and West Hill and if so, whether they have submitted any report about these two areas?

**Shri Krishna Menon:** There are no reports, but the officers no doubt visit these places, because the establishments are maintained by the Military Engineering Service

**Dr. Ram Subhag Singh:** May I know whether the M.E.S. road in Cannanore which passes through the main town is in a dilapidated condition and has not been repaired for a long time?

**Shri Krishna Menon:** It was, I do not think it is any more

**Dr. Ram Subhag Singh:** Yes, it is just now in that condition. If he wants, he can go and see it

**Shri Krishna Menon:** I have seen it myself; it is quite correct to say that it was in a bad condition. There were disputes between the Cannanore Municipality and ourselves as to who should pay. Now it is being put right

**Shri Tangamani:** May I know whether there is any special reason why this offer made to the Madras Government for building houses for M.S.P. was subsequently withdrawn?

**Shri Krishna Menon:** Those offers were made soon after independence when the key location plans were not known or were not what they are at present. They have been lying with the Madras Government for many years. If they had taken advantage of it we would have lost the buildings and we would have to build and make arrangements otherwise. But from the defence point of view, happily they did not take it and they are now required for urgent defence requirements

**Shri Tangamani:** May I know whether the then Kerala Government had requested the Central Government for loans for building houses, in case M.S.P. are vacated from Malapuram and West Hill, and if so, what is the reaction of the Government?

**Shri Krishna Menon:** The then Kerala Government was not within the competence of the Defence Ministry

**Shri Tangamani:** These buildings are occupied by the M.S.P. and they belong to the Defence Ministry. They were offered to the Madras Government and the offer was subsequently withdrawn. My question is, if these buildings were vacated, did they ask for loans for putting up buildings for housing the M.S.P. policemen who will be vacated from Malapuram and West Hill?

**Shri Krishna Menon:** Not to my knowledge.

#### Income-tax Appellate Tribunals

\*979. **Dr. Ram Subhag Singh:** Will the Minister of Law be pleased to state:

(a) whether it is a fact that the abolition of Income Tax Appellate Tribunals has been recommended by the Law Commission;

(b) what is the substitute suggested for the same; and

(c) whether Government have considered that recommendation and finalized their decision?

**The Minister of Law (Shri A. K. Sen):** (a) to (c) The Law Commission has submitted its Report on the Indian Income-tax Act, 1922, which is now under the consideration of the Ministry of Finance. Pending a decision on the Report, it will not be in the public interest to disclose the contents thereof.

**Mechanisation of Barsua Mine**

\*980. Shri Supakar: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the mechanisation of Barsua mines for supply of iron ore to the Rourkela Steel Plant has been completed;

(b) whether the operation of the mines by mechanical process has started; and

(c) if so, since when?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (c). Work on the mechanisation of Barsua Mines is under way. A major portion of the mining equipment has arrived at site and erection work is in progress. The mines are expected to be ready for operation by January, 1960.

**Leakage of Information from Manipur Secretariat**

\*982. Shri L. Achaw Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that there has been leakage of information from the Manipur Secretariat;

(b) whether any detailed enquiry was made into the matter; and

(c) the nature of security measures adopted in the Secretariat thereafter?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) There has been some leakage of information from the Manipur Secretariat.

(b) Yes

(c) Security arrangements on the lines of those in force in the Central Government Secretariat have been introduced with effect from the 6th July, 1959. Under these arrangements visitors to the Manipur Secretariat have to produce identity cards issued by the Administration or those issued by the Parliament of India in the case of Members of Parliament, failing which, the visitors have to obtain

entry permits from the Reception Office located in the premises of the Manipur Secretariat.

Shri L. Achaw Singh: It has been stated that some enquiry has been made into the leakage of information. May I know what are the details of that enquiry?

Shri Datar: About four cases were detected and action has been taken by the Government against them.

**Medical Mission to Laccadive Islands**

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\*984. { Shrimati Masida Ahmed:  
Shri Muhammed Elias:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that two doctors sent on a mission of mercy to the leprosy infested Laccadive Islands have been stranded on an island far away from their destination; and

(b) if so, what measures have been taken by Government to rescue those officers?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Two doctors, appointed as Medical Officers in charge of the Government dispensaries in Ameni and Kiltan Islands, reached Androth island in May, 1959, but could not proceed to their destinations due to the stoppage of normal communications on account of the onset of the monsoon.

(b) A naval ship was sent to Androth island on the 7th July 1959 to pick up the two doctors and transport them to their respective destinations. However, the doctors could not board the ship due to bad weather and the rough sea.

Shri Muhammed Elias: It has been reported in the Press that there is no proper communication between these 21 islands and the mainland. May I know whether communications are being kept between these islands and the mainland?

**Shrimati Alva:** During the monsoon, no communication is possible. Apart from the Laccadive and Minicoy islands, even the coastal towns are cut off by sea; ships are stopped for four months. Therefore the two doctors who were sent were land-locked in Androth and they will have to move out only about the 15th September when the fury of the monsoon ceases.

**Shri Hem Barua:** May I know whether Government propose to purchase a passenger cum cargo ship, so that it might operate regular services between the mainland and the Laccadives and the other islands? If so, may I know how far this programme has been implemented?

**Shrimati Alva:** We have chartered a ship for the present which plies every 15 or 20 days in fair weather months. About the acquiring of ships, it is constantly under examination. It is not very easy to acquire it.

#### **Rajkumari Sports Coaching Scheme**

\*985. **Shri Viswanatha Reddy:** Will the Minister of Education be pleased to state

(a) whether another scheme in place of Rajkumari Sports Coaching Scheme has been drawn up, and

(b) if so, the main features thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b) The scheme has not yet been finalised. A committee constituted by the All India Council of Sports to work out the details of a broad-based National Sports Coaching Scheme which will replace the Rajkumari Sports Coaching Scheme has submitted its report. The report is still under consideration by the Council.

**Shri Viswanatha Reddy:** May I know whether it has been suggested to this committee to recommend or to consider a separate scheme for the purpose of coaching youngmen in the universities? Apart from the other

athletic associations, to coach the students in the universities particularly, is there any particular scheme recommended by this committee?

**Dr. K. L. Shrimali:** This report makes two recommendations, one with regard to the establishment of a Central Institute of Coaching and second with regard to the national coaching scheme. The coaching in the universities and colleges will be covered by both these institutions.

**Shri Viswanatha Reddy:** What are the special features of this new scheme, apart from what was contained in the Rajkumari scheme?

**Dr. K. L. Shrimali:** As far as the Central Institute of Coaching is concerned, the Rajkumari Coaching Scheme has no central coaching institute. This is an entirely new recommendation. The National Coaching Scheme is more comprehensive than the Rajkumari Coaching Scheme. For the benefit of Members, I shall place a copy of this report in the Library.

**Shri Barrow:** On the basis of training them young and early, is there any provision made for coaching in schools?

**Dr. K. L. Shrimali:** Yes Sir, that is another recommendation of this committee.

**Dr. Ram Subhag Singh:** The standard of Indian sports has gradually deteriorated in the past two or three years. May I know what efforts Government propose to make to raise that standard through the coaching schemes and other schemes?

**Dr. K. L. Shrimali:** As the House is aware, sometime back we had appointed a committee to go into this whole question with regard to raising of standards of sports and the Government have accepted the recommendations of this committee. The Sports Council has been reconstituted and now we are on the way of implementing the recommendations of that committee. We have written to the State Governments to provide

playgrounds for school children and college students, so that they might train these young sportsmen at an early age. The other recommendations with regard to the Central Institute of Coaching and the national coaching scheme are all under consideration and this report with regard to the coaching institute and the Central Institute of Coaching will come up for consideration by the Sports Council in the next meeting on the 8th September, 1959

**Shri N. R. Muniswamy:** What are the special drawbacks of the Rajkumari Coaching Scheme which is sought to be replaced by the fresh scheme?

**Mr. Speaker:** Copies of both these schemes may be placed in the Library

**Dr. K. L. Shrimali:** Yes

**Mr. Speaker:** The hon Members can compare this to themselves

**Shri Hem Barua:** May I know whether it is a fact that Government propose to spend Rs 2 crores on the development of sports during the remaining period of the Second Plan? If so, how much of it is going to be utilized by the National Coaching Scheme and how much of it is going to be made available to the State Governments for the development of sports?

**Dr. K. L. Shrimali:** A major part of this amount will go to the State Governments for schools and colleges, that is to say, nearly about 75 per cent

**Shri Hem Barua:** May I know whether the State Governments were contacted and their opinions obtained about their interest in sports and how they are going to implement the schemes, so far as educational institutions are concerned?

**Dr. K. L. Shrimali:** A Committee, which was appointed with the Maharaja of Patiala, did issue a questionnaire and all those who were interested in sports were contacted and it was after necessary enquiry that this committee submitted its report

## WRITTEN ANSWERS TO QUESTIONS

### Service Conditions in Ordnance Factories

\*961. **Shri Rajendra Singh:** Will the Minister of Defence be pleased to state:

(a) whether any difficulties are being experienced in recruiting adequately qualified persons in senior ranks in Ordnance Factories due to unattractiveness of existing pay-scales; and

(b) what steps have been taken to improve the service conditions for making it attractive?

**The Minister of Defence (Shri Krishna Menon):** (a) Yes, Sir

(b) The revision of pay scales and other conditions of service will have to await the Pay Commission's recommendations. Recently we have extended pension benefits to these officers who were hitherto on the Contributory Provident Fund system

### Admission Forms in Universities

\*971. **Shri Bibhuti Mishra:** Will the Minister of Education be pleased to state

(a) whether Government are aware that in the Forms for Admission to various Universities a column regarding religion is required to be filled up,

(b) if so, have Government taken any steps to ban it, and

(c) the result thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) to (c). While information in regard to the practice which is being followed in all the Universities in India is not available, the Government of India do not consider that calling of such information contravenes the provisions of the Constitution.

### Specialised Vehicles for I.A.F.

\*972. Shri Keshava: Will the Minister of Defence be pleased to state:

(a) whether Government have stopped placing orders abroad for specialised vehicles for the Indian Air Force; and

(b) if so, how is it proposed to satisfy the need for such specialised items?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). There have been no occasions in the recent past to place any orders abroad for specialised vehicles for the I.A.F. We propose to meet their requirements for new vehicles from indigenous production. Meanwhile we are reconditioning old vehicles and developing other types.

### Condemned Vehicles

\*977. Shri M. R. Krishna: Will the Minister of Defence be pleased to state:

(a) what steps have been taken to reduce the numbers of condemned vehicles every year;

(b) what is the total number of vehicles which have been made over to the Disposals Directorate but which have now been withdrawn for major repairs; and

(c) what is the number of vehicles declared completely as scrap and whether they have been sold?

The Minister of Defence (Shri Krishna Menon): (a) There are definite instructions for efficient and proper maintenance of vehicles at all levels. Periodical inspections by technical experts are carried out. The vehicles which have served a long life and which are considered as beyond economical repair are declared to disposals. Almost all the vehicles declared to disposals were pre-1948 vehicles of war-time origin, which had outlived their life, or were non-standard or obsolete.

(b) None of the vehicles declared to the Disposals Directorate was withdrawn for major repairs.

(c) No vehicle is declared to disposals as scrap. They are declared as vehicles and classified as repairable or beyond economical repair and are sold in the condition they are. The prices obtained for these vehicles are much higher than their scrap value. 29,534 vehicles which were obsolete or non-standard or beyond economical repair were declared to disposals during 1-4-1953 to 31-3-1959. Out of these, 29,435 were sold during this period.

### Common Financial Year

\*978. Shri Damani: Will the Minister of Finance be pleased to state:

(a) whether Government have taken any decision on the recommendation of the Estimates Committee that all public enterprises should have a common financial year; and

(b) if so, the nature thereof?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Yes.

(b) Steps are being taken to bring the financial year of all public enterprises in line with the financial year of the Government of India except in the case of Export Risk Insurance Corporation and certain financial institutions like the Reserve Bank of India, the State Bank of India, the Life Insurance Corporation of India, the Industrial Finance Corporation and the Rehabilitation Finance Administration which stand on a different footing, and are governed by special regulations and enactments.

### Training of Primary School Teachers

\*981. Shrimati Ha Palchoudhuri: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Government of India have formulated a scheme for country-wide training of Primary School Teachers;

(b) if so, brief details of the Scheme; and

(c) the approximate total expenditure which will be incurred in its implementation?

The Minister of Education (Dr. K. L. Shrimall): (a) Yes, Sir.

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

**STATEMENT**

(b) The brief details of the Scheme are as follows:

(i) The objective of this scheme is to help in the production in time of an adequate number of trained teachers for appointment during the 3rd Five Year Plan to provide universal free and compulsory education for children between 6—11 years

(ii) During 1959-60 and 1960-61 this will carry 100 per cent financial assistance from the Government of India on approved expenditure

(iii) It should be endeavoured, in the first instance, to increase the intake capacity of existing training institutions wherever possible and necessary. If this increase in output is not likely to suffice the requirement of additional teachers during the 3rd Plan, new training institutions should be established.

(iv) The new institutions to be set up together with the increase in the output of existing institutions should be able to cover about half the number of additional teachers that will be required for the expansion programme during the 3rd Plan.

(v) It should be endeavoured through this scheme to train as many women teachers as possible.

(vi) In order to pay special attention to the quality and contents of this training, the following points have been emphasized:

(a) This training should be envisaged as training in Basic Education,

(b) The normal qualification for admission into these institutions should be matriculation or post-basic or higher secondary, although it may be found necessary for some time to make some relaxation in this regard in the case of women teachers or in some special areas.

(c) The duration of training should be two years as far as practicable.

(c) About Rs 8 crores during 1959—61, so far as it can be estimated at present.

**Crop Compensation for Panagarh Base**

\*983. Shri H. N. Mukerjee: Will the Minister of Defence be pleased to state:

(a) whether any complaints have been received regarding non-payment for several years of crop compensation due on cultivated lands acquired by the Reserve Base at Panagarh, West Bengal, and

(b) whether the arrears due, if any, will be cleared soon and future payments regularly made?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes, Sir, regarding delay in payment of recurring compensation in respect of about 334 acres of land held under requisition by the Defence authorities.

(b) Yes, Sir. The latest report indicates that the Collector's assessment of compensation payable upto the end of 1958-59 has been sanctioned by the competent authorities. It is expected payments will be made shortly by the Collector.

**उत्तर प्रदेश में लेन का सर्वेक्षण**

\*१७६. श्री जगत वर्मान : क्या इत्याद, जाल और ईकन मंत्री ११ अगस्त, १९५६ के



सारांकित प्रश्न संख्या १७६४ के सम्बन्ध में यह बताने की कृपा करेंगे कि उत्तर प्रदेश के विभिन्न भागों में तेल की खोज के लिये सर्वेक्षण कार्य में इस बीच क्या प्रगति हुई है ?

ज्ञान और तेल मंत्री (श्री केशव देव बालाजी) : उत्तर प्रदेश में तीन भूगर्भीय दल काम कर रहे हैं। १९५८-५९ के क्षेत्र में काम करने के मौसम में इन पार्टियों ने ३३९ वर्ग मील का भूगर्भीय मानचित्रण और देहरादून, गढ़वाल और सहारनपुर के जिलों में स्वालिक की पहाड़ियों के साथ २५ लाईन मीलों के सारेक्षण (Traverses) का काम किया। एक भूकम्पीय और एक आकर्षण व चुम्बकीय पार्टियों ने आगामी सर्वेक्षण किया। इन दोनों पार्टियों ने १९५८-५९ में क्षेत्र में काम करने के समय २८५ भूकम्पीय पार्वं लाईन मील पर काम किया और २०६४ वर्ग मील के क्षेत्रफल का आकर्षण व चुम्बकीय प्रेक्षण किया। ये पार्टियाँ मुख्यालय को वापिस आ गई हैं और वे क्षेत्र में से प्राप्त दत्ता (Data) की गणना तथा व्याख्या करने में लगी हुई हैं।

हिन्दी में पारिभाषिक शब्दावली

\*६८७. { श्री क० मे० मालवीय :  
श्री म० ला० द्विवेदी :  
श्री पहाड़िया :  
पंडित ज्वा० प्र० ज्योतिषी :  
श्री भक्त वर्मान :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) विश्वविद्यालय शिक्षा के लिये उपयोगी उन पुस्तकों के नाम क्या हैं जिनके तैयार करने में शिक्षा मंत्रालय ने हिन्दी में बनाई गई पारिभाषिक शब्दावली का जनवरी, १९५८ से प्रयोग किया है;

(ख) क्या मंत्रालय ने इस काम के लिये कोई योजना बनाई है; और

(ग) यदि हाँ, तो उसकी मोटी रूप रेखा क्या है ?

शिक्षा मंत्री (डा० श्रीवास्ती) : (क) शिक्षा मंत्रालय ने विश्वविद्यालय शिक्षा के लिये कोई ऐसी पुस्तक तैयार नहीं की है जिसमें मंत्रालय द्वारा तैयार की गयी शब्दावली का उपयोग किया गया हो।

(ख) जी, नहीं।

(ग) प्रश्न नहीं उठता।

सरदार पटेल का स्मारक

\*६८८. श्री प्रकाश वीर शास्त्री : क्या वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) स्वर्गीय सरदार वल्लभ भाई पटेल की स्मृति को चिरस्थायी बनाने के लिये क्या कोई योजना बनाई गई है; और

(ख) यदि हाँ, तो उसका व्यौरा क्या है?

वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री (श्री तुमाबूम कबिर) : (क) इस बारे में कोई सरकारी कार्रवाई नहीं की गई है।

(ख) सवाल नहीं उठता।

Teachers in Training Colleges

\*989. Shri Subbiah Ambalam:  
Shri K. S. Ramaswamy:

Will the Minister of Education be pleased to state:

(a) whether the revision of scales of pay of teachers in affiliated colleges, as recommended by the University Grants Commission, is not applicable to lecturers and professors in Teachers' Training Colleges which are also affiliated colleges of universities; and

(b) if so, what steps are being taken by Government to remove this discrimination?

The Minister of Education (Dr. K. L. Shrimall): (a) The scales of pay of teachers in affiliated colleges, as recommended by the University Grants Commission, are also applicable to teachers in Training Colleges which are affiliated to the universities. The Commission, however, does not assist Government colleges.

(b) Does not arise.

#### School Text Books in Himachal Pradesh

\*990. Shri Padam Dev: Will the Minister of Education be pleased to state:

(a) whether it is a fact that decision regarding text books to be prescribed for study for school students in Himachal Pradesh was taken in March and the books are not available to students even now; and

(b) the steps Government propose to take in the matter?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b). A statement is laid on the Table of the House

#### STATEMENT

No new text books were prescribed by the Himachal Pradesh Administration for the current academic year. The books which were in use for the last four or five years are being continued. There has, however, been a shortage of history books for middle classes and Hindi books for Primary classes, but most of the students have been able to get second hand copies. The main reason for this shortage is the enhanced prices demanded by the publishers and thus was not acceded to by the Himachal Pradesh Administration. The Administration has, however, been asked to negotiate with the publishers to ensure adequate supply of books at reasonable prices.

#### Location of Steel Plant in Madras

\*991. { Shri S. E. Arumugham:  
Shri Ganapathy:  
Shri Tangamani:  
Shri Subbiah Ambalam:

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

(a) whether the resolution passed by the Chamber of Commerce of Southern Zone to locate a steel plant in the Southern States at its conference held in Madras on the 24th July, 1959 has been received by the Central Government; and

(b) if so, what action has been taken or is proposed to be taken on the above resolution?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). No, Sir. However, an iron and steel plant based on the ores of Salem can be considered if coke from Neyveli Lignite proves suitable for smelting these ores.

#### दिल्ली के बेसिक स्कूलों के अध्यापकों द्वारा हड़ताल की वजहों

\*११२. { श्री अक्षय वर्मा :  
श्री स० म० बनर्जी :  
श्री प्रकाश शीर झास्त्री :  
श्री प्र० चं० बरवा :  
श्री प्र० गं० देव :  
श्री अ० क० गोपात्मन :  
श्री कुन्हन :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली नगर नियम द्वारा संचालित बेसिक स्कूलों के अध्यापकों ने शिक्षा निदेशक, दिल्ली और दिल्ली नियम के शिक्षा अधिकारी के कार्यालयों के समक्ष २० अगस्त, १९५९ को भूख हड़ताल करने का निश्चय किया है; और

(ख) यदि हाँ, तो क्या सभ्यताओं की मांगों और उन पर सरकार द्वारा की गई कार्यवाही का एक विवरण सभा-पटल पर रखा जायेगा ?

शिवदा नैजी (डा० बीजावली) : (क) जी, हाँ। यह हड़ताल जो २० अगस्त को शुरू हुई थी २५ अगस्त के तीसरे पहर समाप्त कर दी गयी थी।

(ख) इस हड़ताल का आयोजन दिल्ली राज्य शिक्षक संघ ने किया था और सरकार के धाने कोई विशेष मांगे पेश नहीं की थी। हड़ताल समाप्त होने पर बाद में चौदह मांगें प्राप्त हुई थी। सरकार द्वारा इन मांगों की जांच हो जाने पर एक विवरण लोक सभा-पटल पर रखा दिया जायेगा।

#### Coal Deposits in W. Bengal

\*993. { Shri S. C. Samanta:  
Shri Subodh Hansda:  
Shri Subiman Ghose:  
Shri Raghunath Singh:  
Shri K. C. Majhi:

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

(a) what steps have been taken to exploit the new seams of coal found in the district of Bankura and Ondal areas in West Bengal:

(b) whether further geological survey was conducted in those areas; and

(c) if so, with what results?

The Minister of Steel, Mines and Fuel (Bardar Swaran Singh): (a) and (b). No steps have so far been taken to exploit these new seams of coal, as the coal found in Bankura District is of poor quality and the exploratory work regarding Ondal area is still in progress.

(c) Does not arise.

#### Naga Hostiles

\*994. { Shri D. C. Sharma:  
Shri L. Achaw Singh:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 3345 on the 21st April, 1959 and state the further progress made in combing out the hostile Naga gangs from their hideouts on Manipur border?

The Minister of Home Affairs (Shri G. B. Pant): Combing out operations are being continued. A large number of Naga hostiles have been arrested, and arms and ammunition seized.

#### Children's Museum

\*995. { Shri E. C. Majhi:  
Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri Ram Krishan Gupta:  
Shri Pangarkar:  
Shri D. C. Sharma:

Will the Minister of Education be pleased to state:

(a) whether the plan and the estimate of the Children's Museum have been prepared;

(b) whether these have been considered and approved by the Government;

(c) if so, whether the construction of the building has started and the progress made up-to-date; and

(d) the names of the countries wherefrom experts have been invited to help in the project?

The Minister of Education (Dr. K. L. Shrivastava): (a) Yes, Sir.

(b) They are under consideration.

(c) The construction has not yet started.

(d) The question of inviting a foreign expert is only under consideration.

**Ban on Sale of Narcotics**

\*996. { **Shri Radha Ramani:**  
**Shri Ram Krishan Gupta:**  
**Shri A. M. Tariq:**

Will the Minister of Finance be pleased to state:

(a) whether Government have taken any decision to ban total sale of narcotics in the Union Territory of Delhi; and

(b) if so, what will be its implications in terms of financial loss to Government?

The Deputy Minister of Finance (Shri B. E. Bhagat): (a) Sale of charas and ganja is prohibited. The question of prohibition of bhang is under consideration. Sale of other narcotics is restricted to those who require them on medical grounds only.

(b) Prohibition of non-medical consumption of opium has resulted in a loss of revenue of Rs 7 lakhs per annum. If sale of bhang is prohibited, it would cause a further loss of Rs 2 lakhs per annum.

**Central Pool of Engineering Specialists**

\*997 Shri Ram Krishan Gupta: Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No 927 on the 5th March, 1959 and state at what stage the question of setting up of a central pool of engineering specialists stands at present?

The Minister of Home Affairs (Shri G. B. Pant): A scheme for the constitution of the pool has been drafted and is being finalised in consultation with the concerned Ministries. It will thereafter be referred to the State Governments for their comments.

**Transfer of High Court Judges**

\*998. Shri Raghunath Singh: Will the Minister of Home Affairs be pleased to state:

(a) how many High Court Judges were transferred from one State to

another during the last six months; and

(b) whether the system of such transfer is proving a success?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) One.

(b) No system of transfers is in force. A transfer is made when there are special circumstances requiring such action.

**Unauthorized Colonies**

\*999 Shri Vajpayee: Will the Minister of Home Affairs be pleased to state.

(a) whether it is a fact that despite the penal provisions in the Delhi Municipal Corporation Act, the planning of unauthorised colonies in Delhi is going on at a rapid pace,

(b) if so, the steps taken against the so called colonisers who still continue to invite the public to purchase plots in their unauthorised colonies, and

(c) the number of unauthorised colonisers against whom action has been taken so far?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) It is a fact that some colonisers are still making efforts to sell out plots without having their lay-out plans approved by the Delhi Municipal Corporation.

(b) Unauthorised colonisers are being prosecuted.

(c) Nine.

**Oil in Surat**

\*1000. { **Dr. Ram Subhag Singh:**  
**Shri Hem Raj:**  
**Shri A. K. Gopalan:**  
**Shri Tangamani:**  
**Shri Bishwanath Roy:**  
**Shri Ajit Singh Sarhadi:**

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

(a) whether it is a fact that gas and oil have been found in Maharaj

Village in Surat District of Bombay State;

(b) if so, whether the samples of gas and oil found there have been analysed; and

(c) the result of this analysis?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Only gas was encountered while drilling near the village Mahe, District Surat Bombay State.

(b) The samples of gas could not be collected due to high pressure and blow out.

(c) Does not arise

#### Iron ore Mines in Sukinda

\*1001. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the Orissa Mining Corporation has been granted any lease of iron ore bearing areas in the Daitari hills in Sukinda (Orissa).

(b) if so, the total area given under lease; and

(c) whether any survey has been carried out by Orissa Mining Corporation?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) No, Sir

(b) Does not arise

(c) No, Sir

#### Three-Year Degree Course

\*1002. { Shri Harish Chandra Mathur:  
Shri Rami Reddy:

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No 448 on the 10th August, 1959 and state:

(a) what is the up-to-date expenditure by (i) Central and (ii) State Governments on the implementation of educational reforms in respect of introduction of Higher Secondary and three-year degree courses;

(b) what is the impact of these changes on examination results; and

(c) whether Government have any corrective measure in view to improve the position?

The Minister of Education (Dr. K. L. Shrimall): (a) to (c). A statement is laid on the Table of the Sabha.

#### STATEMENT

(a) (i) For the upgrading of High Schools into Higher Secondary Schools, the expenditure sanctioned by the Central Government up-to the end of 1958-59 amounted to about Rs. 45 lakhs, the expenditure on the introduction of the Three-Year Degree Course was Rs 94 lakhs.

(ii) The expenditure upto 1958-59 incurred by the States on the upgrading of High Schools into Higher Secondary Schools amounted to Rs. 30 lakhs approximately. The States expenditure on the introduction of the Three-Year Degree Course is not available. Under the scheme, the State Governments and non-Government Colleges are, however, expected to provide an amount equal to the amount sanctioned by the Central Government.

Figures of expenditure for the financial year 1959-60 are not available, except for the Centre's assistance given so far towards the Three-Year Degree Course which comes to about Rs 18 lakhs.

(b) and (c) The Scheme has been introduced very recently and it is too early to make any assessment of the impact of the scheme on the examination results. However, the matter is receiving attention.

#### बीजाना साक्षर का स्वरूप

\*१००३. श्री प्रकाश वीर जारकी  
क्या बीजाना जमुनाखाल और सांखरीक-कान्ठ  
में भी यह बताने की कृपा करें कि :

(क) क्या बीजाना साक्षर बरतून की  
स्मृति में भारत में हस्तान के हस्तान के दिने

एक संस्था की स्थापना के लिये सरकार ने कोई अनुदान स्वीकृत किया है, भवना इस सम्बन्ध में कोई प्रार्थना-पत्र प्राप्त हुआ है; और

(ख) यदि हाँ, तो इस काम के लिये कितनी धन-राशि स्वीकार की गई है ?

वैज्ञानिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री (श्री हुमायून् कबीर) : (क) और (ख). कोई अनुदान मजूर नहीं किये गये हैं लेकिन अबुल कलाम आजाद ओरियंटल रिसर्च इंस्टीट्यूट, हैदराबाद से अनुदान के लिये प्रार्थना-पत्र आया है। प्रार्थना-पत्र पर विचार हो रहा है।

#### Film Projectors

\*1004. **Shri Subodh Hansda:** Will the Minister of Education be pleased to state:

(a) the progress so far made in the production of 35mm filmstrip Projectors by the Ordnance Factory at Dehra Dun; and

(b) whether a final decision has been taken by Government for the supply of these projectors to educational institutions at concessional rates?

The Minister of Education (Dr. K. L. Shrivastava): (a) Of the programme of 500 projectors for the first year, about 200 have so far been produced;

(b) This is still under consideration.

#### Bharat Electronics Ltd

\*1005. **Shri Tangamani:** Will the Minister of Defence be pleased to state:

(a) whether targets have been fixed for production of electronic equipment for the year 1959-60 for the Bharat Electronics Ltd., Bangalore;

(b) if so, the number and value thereof;

(c) what is the production target for the first 4 months of the year 1959-60;

(d) whether there is any shortfall; and

(e) if so, the steps taken to rectify the same?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) A production programme of the value of Rs. 100.70 lakhs has been planned for 1959-60. As some of the equipment to be produced is for the Defence Services, it will not be in the public interest to disclose the details of them.

(c) to (e) A statement will be laid on the Table of the Lok Sabha before the end of the Session.

#### Planetarium

\*1006. **Shri D. C. Sharma:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 1856 on the 16th April, 1959 and state the nature of further steps taken to build a structure where the planetarium can be put up for viewing by the public?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The Plans of the Planetarium building are being submitted to the Delhi Corporation and it is expected that the Planetarium will start functioning in the new building during the coming cold weather.

#### Popularization of Hindi

\*1007. **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No 1696 on the 7th April, 1959 and state:

(a) whether a decision has since been taken to make prizes for learning of Hindi by Government employees more attractive and popular; and

(b) if so, the steps taken or proposed to be taken to implement it?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) and (b). No new decision has been taken. The matter will be considered in the light of decisions taken on the report of the Committee of Parliament on Official Language.

#### Small Savings

\*1000. { Shri Harish Chandra Mathur.  
Shri Pangarkar:

Will the Minister of Finance be pleased to state:

(a) what are the collections on account of Small Savings during the last 4 months,

(b) what is the extent of withdrawals during the same period,

(c) what are the causes for shortfall as compared to the target fixed, if any; and

(d) further steps taken to intensify the drive for Small Savings Collections?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Rs. 90.53 crores (gross) approximately.

(b) Rs 78.97 crores approximately

(c) No targets have been fixed but the budget for the year assumes a net credit of Rs 85 crores

(d) Amongst the measures recently taken, mention may be made of Cumulative Time Deposit Scheme, Pay Roll Savings Scheme, revision of the procedure of issue of identity slips, removal of limit of investment by Provident Funds in Treasury Savings Deposit Certificates, decentralisation of the procedure of appointment of agent organisations, sale of Treasury Savings Deposit Certificates through scheduled banks, co-operative banks and co-operative societies etc.

#### Najafgarh Nullah, Delhi

\*1000. Shri Vajpayee: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the services of the Army Engineers were

requisitioned to deepen and widen the Najafgarh Nullah in Delhi;

(b) if so, the circumstances leading to the requisitioning of army;

(c) whether it is a fact that the work of deepening and widening the nullah was originally entrusted to the Bharat Sewak Samaj; and

(d) whether it is also a fact that the Samaj failed to complete the work within the period specified?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) to (d) A part of the work of deepening and widening the Najafgarh Nullah was awarded by the Central Public Works Department to the Bharat Sewak Samaj. As the Samaj were not able to complete the work in time, they made a request to the Ministry of Defence for Army assistance. For the timely completion of this important work so as to ensure a regular flow of water in the Nullah during the Monsoons, it was agreed to extend Army assistance to the Samaj on terms of payment agreed with them.

#### Victoria Memorial, Calcutta

\*1000. { Shri Harish Chandra Mathur:  
Shri R. C. Majhi:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state.

(a) whether there is any proposal from the Trustees for the improvement of the Victoria Memorial, Calcutta;

(b) if so, the nature of improvement proposed; and

(c) whether this has been accepted by Government?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Provision of lights, an overhead tank and a tube-well; and pay;

ment of a tank in the Memorial grounds.

(c) The proposals are under consideration.

#### Hostels for Students in Punjab

1800. { Shri Ram Krishan Gupta:  
Shri D. C. Sharma:

Will the Minister of Education be pleased to state:

(a) the expenditure likely to be incurred by the Government of India on the construction of hostels for students in Punjab during the remaining period of the Second Five Year Plan; and

(b) the expenditure so far incurred on this item by the Government of India during the Second Five Year Plan period?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b). Information is being collected and will be laid on the Table of the Sabha in due course.

#### Foreign Scholarships for Punjab Students

1810. Shri Ram Krishan Gupta: Will the Minister of Education be pleased to state the number of students from the Punjab State, who were awarded scholarships by the Government of India for study abroad during 1957-58 and 1958-59?

The Minister of Education (Dr. K. L. Shrimall): None, Sir.

#### Lok Sahayak Sena, Punjab

1811. Shri Ram Krishan Gupta: Will the Minister of Defence be pleased to state:

(a) the location and number of camps established under Section 4 of the Lok Sahayak Sena Act, 1956 in Punjab since 1st July, 1959; and

(b) the number of volunteers enrolled in different District Camps of Punjab State?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Three camps as under have been held in the Punjab after 1st July 1959:

Camp	Dates	No. of volunteers enrolled
1. Kairon (Amritsar)	10th Aug. to 8th Sep. 59.	300
2. Gohans (Rohtak)	17th Aug. to 15th Sep. 59.	525
3. Bagapurana (Ferozepore).	20th Aug. to 18th Sep. 59.	Information not yet available.

During 1959-60, 19 L.S.S. camps are scheduled to be held in the Punjab, of which 5 were completed prior to the 1st July 1959.

#### Ships for Indian Navy

1812. Shri Ram Krishan Gupta: Will the Minister of Defence be pleased to state the number of new ships purchased for Indian Navy from foreign countries (country-wise) during 1959 so far?

The Minister of Defence (Shri Krishna Menon): Two Anti-Submarine Frigates I.N. Ships 'KIRPAN' and 'KUTHAR' have been purchased for the Indian Navy from the U.K. during 1959 so far.

#### Girls' Education in Punjab

1813. Shri Ram Krishan Gupta: Will the Minister of Education be pleased to state:

(a) the amount allocated for the year 1959-60 to the Government of Punjab for the education of girls; and

(b) the amount asked for by the Punjab Government?

The Minister of Education (Dr. K. L. Shrimall): (a) The Punjab Government have included an amount of Rs. 19.21 lakhs for schemes relating to girls' education in their programme for 1959-60.



(b) The outlay on these schemes proposed in the Draft Plan was Rs. 22.23 lakhs.

**Co-operative Research Associations**

1814. Shri Ram Krishan Gupta: Will the Minister of Scientific Research and Cultural Affairs be pleased to state the total amount of grants and other financial assistance given so far to the Co-operative Research Associations?

The Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The information is being collected and will be laid on the Table of the House

**Indian Economic Service and Indian Statistical Service**

1815. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 157 on the 12th February, 1959 and state the progress made so far with regard to the setting up of the Indian Economic Service and the Indian Statistical Service?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The advice of the Union Public Service Commission on the draft schemes for the two Services has been received only recently and further details relating to the constitution of the Services are being worked out

**Department of Nuclear Physics in Universities**

1816. Shri D. C. Sharma: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) the names of the universities in which department of Nuclear Physics has been established so far, and

(b) the amount of grants given by Central Government for the purpose, University-wise?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Andhra University

(b) Nil

**Sweepers and Scavengers in Cantonment Boards**

1817. Shri D. C. Sharma: Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No 3507 on the 24th April, 1959 and state:

(a) the further progress made in improving the living conditions of the sweepers and scavengers in the cantonments in the country, and

(b) the further progress made in the construction of houses for them upto the 31st July, 1959?

The Deputy Minister of Defence (Sardar Majithia): (a) During 1959-60, till now, construction of 149 quarters at an estimated cost of Rs 3,80,698 has been sanctioned

(b) Tenders for the work have been invited by the Cantonment Boards concerned and work will commence shortly

**Labour and Social Service Camps in Punjab**

1831. Shri D. C. Sharma: Will the Minister of Education be pleased to state

(a) the number of labour and social service camps opened in Punjab during 1959 (upto the 31st July, 1959) for students and the youth with the assistance of the Central Government;

(b) the expenditure incurred on such camps, and

(c) the number of camps proposed to be opened during the remaining period of 1959?

The Minister of Education (Dr. K. L. Shrivastava): (a) Fifty-five Camps

(b) Rs 1,24,671.83

(c) Information regarding the total number of camps which might be held during the remaining period of 1959 has not yet been received from the organizations concerned. 42 camps are however scheduled to be held upto 30th September, 1959

Note: \*The figure given for expenditure is liable to revision on settlement of audited accounts.

**Expenditure Tax and Wealth Tax  
Bombay State**

1819. Shri Pangarkar: Will the Minister of Finance be pleased to state the number of assesses of expenditure tax and wealth tax in the five districts of Marathwada region of Bombay during 1958-59 (District-wise)?

The Minister of Finance (Shri Morarji Desai): The number of assesses as on 31st March, 1959 is given below:

Districts	Expen- diture-tax	Wealth- tax
1 Nanded	1	15
2. Parbhani	3	17
3 Aurangabad	1	101
4 Bhur		18
5 Latur (Osmana- bad)	1	19
<b>TOTAL</b>	<b>6</b>	<b>170</b>

**Taxes from Bombay State**

1820. Shri Pangarkar: Will the Minister of Finance be pleased to state the amount of money collected by the Government of India by way of taxes and other revenue measures in the Bombay State during 1958-59?

The Minister of Finance (Shri Morarji Desai): Rs 271 68 crores

The above does not include receipts under the various major heads in the group "Civil Administration, Currency, Mint, Civil Works etc", as these are receipts not on account of any revenue measures adopted but on account of services rendered and supplies made

**Income tax, Bombay State**

1821. Shri Pangarkar: Will the Minister of Finance be pleased to state the amount of income-tax assessed and collected in the Marathwada region of Bombay during the year 1958-59 (District-wise)?

The Minister of Finance (Shri Morarji Desai): The information is as under:

District	Amount of Income- tax assessed	Amount of Income- tax collected
(Rs in Lakhs)		
Aurangabad	7 69	5 90
Bhur	1 05	70
Nanded	2 75	1 71
Parbhani	3 03	1 72
Latur (Osmana- bad).	4 13	2 24
<b>TOTAL</b>	<b>18 65</b>	<b>12 27</b>

**Cases Pending in High Courts**

1822 Shri Hem Raj. Will the Minister of Home Affairs be pleased to state

(a) the number of old cases pending in the various High Courts on the 1st January, 1959 for 8 to 10 years, 4 to 5 years and 3 to 4 years, State-wise,

(b) the number of such pending cases disposed of upto the 31st July, 1959, and

(c) the reasons for the delay in the disposal of cases which are still pending?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c) The information is being collected and will be laid on the Table of the Lok Sabha

**Development of Dharmanagar Town**

1823 Shri Dasaratha Deb. Will the Minister of Home Affairs be pleased to state

(a) whether it is a fact that Dharmanagar Town Welfare Committee, Tripura was given some money by the Tripura Administration for the development of Dharmanagar Town,

(b) if so, whether the money has been fully utilised; and

(c) if not, whether the unutilised amount has been refunded to the Administration?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes. A sum of Rs. 2,000 was advanced to the Committee to supplement their efforts for improvement of the road in front of market in Dharmanagar Town.

(b) No.

(c) No. The matter is being looked into.

#### Education Survey in Tripura

1824. Shri Dasaratha Deb: Will the Minister of Education be pleased to state:

(a) whether any Educational Survey was carried out by the Tripura Administration;

(b) if so, when the survey was completed;

(c) whether any report of this survey has been made available to the Territorial Council of Tripura; and

(d) if not, the reasons therefor?

The Minister of Education (Dr. K. L. Shrimall): (a) Yes, Sir.

(b) October, 1958.

(c) Yes, Sir.

(d) Does not arise.

#### Indian Style Wrestling

1825. Shrimati Parvathi Krishnan: Will the Minister of Education be pleased to state:

(a) whether it is a fact that in March, 1959 All India Indian Style Wrestling was organised in Delhi;

(b) if so, who were the organisers;

(c) whether there was any trouble in the Willingdon Pavilion on the 16th March, 1959; and

(d) if so, the details thereof?

The Minister of Education (Dr. K. L. Shrimall): (a) Yes.

(b) Delhi State Indian Style Wrestling Association on behalf of the National Federation (Indian Style Wrestling Federation).

(c) Yes.

(d) There was a dispute over a decision given in the light heavy-weight bout (the sixth) by the Referee. The wrestler who was declared the loser on points refused to leave the arena and an unruly crowd closed in on the arena and started demonstrating vociferously. The Jury on appeal reversed the decision and declared a draw but this did not stop the shouting and the demonstrations. The remaining four bouts scheduled for the day had to be cancelled and the proceedings closed prematurely.

#### Mineral Survey of Andhra Pradesh

1826. Shri M. V. Krishna Rao: Will the Minister of Steel, Mines and Fuel be pleased to state the results of the mineral survey that was conducted in Andhra Pradesh during 1958-59?

The Minister of Mines and Oil (Shri K. D. Malaviya): The results of mineral survey conducted by the Geological Survey of India in Andhra Pradesh during 1958-59 are as follows:

Coal.—As a result of exploratory drilling at Thotapalle an 18" thick coal seam besides many thin seams of carbonaceous shales have been encountered. Drilling is in progress.

Consequent to a reconnaissance survey being carried out in the Singareni Coalfields, in the Godavari Valley, it is now proposed to commence drilling in this area.

Gold.—The old gold working in the Ramagiri schist belt were examined. It was considered necessary as a result thereof to put down exploratory boreholes to assess the potentialities of the auriferous veins.

**Gypsum.**—A preliminary investigation of the gypsum occurrences at Venadu and Misuru areas in Sulurpet Taluk, Nellore district was carried out. The estimated reserves of mineable gypsum in the area are considered to be of the order of 224,000 tons

**Iron.**—Investigation of the iron ore deposits around Cheruvupuram, Motla Timmapuram of Khammam district and Nilancha of Warangal district was carried out. The ores occur as beds on the tops of the hill ranges and consists of pockets of high grade hematite.

Iron ore occurrences north and south of Pandium and in the Bayyaram hill and north of it were also examined. The Pandium iron-ore occurrences are associated with brecciated quartzitic material. The grade of ore is found to be generally less than 40 per cent iron. The Bayyaram and other occurrences north of it are associated with ferruginous grits and conglomerates.

**Mica.**—The mica quarries near Kapalbandom in the district of Khammam were examined. Mica here is mostly associated with quartz vein traversing the quartz muscovite gneiss, which is a variation of the garnetiferous biotite gneisses.

#### Privy Purses of Ex-Rulers

1827. **Shri N. M. Deb:** Will the Minister of Home Affairs be pleased to state whether any of the Indian Rulers has voluntarily surrendered his privy purse so far?

The Minister of State in the Ministry of Home Affairs (Shri Datar): No

#### Smugglers

1828. **Shri Sadhu Ram:** Will the Minister of Finance be pleased to state:

(a) the number of smugglers who have been arrested during this year and

(b) in how many cases the smugglers were arrested after an encounter with the police?

The Minister of Finance (Shri Mararji Desai): (a) 232 during the first six months of the year 1959

(b) 32 during the first six months of the year 1959

#### Youth Welfare, Orissa

1829. **Shri Panigrahi:** Will the Minister of Education be pleased to state:

(a) whether the Orissa Government have submitted any proposal for youth welfare grant to State Youth Welfare Board in 1959-60,

(b) whether this is a centrally sponsored scheme, and

(c) if so, what is the Centre's share of expenditure for implementation of these schemes in Orissa in 1959-60 period?

The Minister of Education (Dr. K. L. Shrimall): (a) No, Sir

(b) Yes, Sir

(c) The Government of India meets 50 per cent of the administrative expenditure for setting up a Board, but no State-wise allocation of funds has been made.

#### Nationalisation of Text Books in Orissa

1830. **Shri Panigrahi:** Will the Minister of Education be pleased to state:

(a) whether any financial assistance has been given to Orissa for nationalisation of text books and

(b) if so, the amount which has been given so far for this purpose?

The Minister of Education Dr. K. L. Shrimall): (a) No, Sir

(b) Does not arise

#### Educated Unemployment in Orissa

1831. **Shri Panigrahi:** Will the Minister of Education be pleased to state

(a) whether any financial assistance has been given to Orissa during

1959-60 so far for providing relief to educated unemployed and expansion of primary education in the State;

(b) if so, the amount given; and

(c) the progress made in this respect so far?

**The Minister of Education (Dr. K. L. Shrimali):** (a) to (c). A statement is laid on the table of the Sabha.

#### STATEMENT

(a) and (b). According to the new procedure introduced since 1958-59 regarding payment of Central assistance to State Governments separate sanctions for individual schemes are not issued in advance. Instead, lump sum "ways and means advances" to the extent of  $\frac{3}{4}$  of the admissible Central assistance for all sectors of development are released in regular monthly instalments. The amount of Central grants that will be admissible to any State Government for any category of schemes will be calculated during the 4th Quarter of the year on receipt of actual progress achieved during the first three quarters and estimates for the 4th quarter and the 'payment sanction' will be issued on receipt of this information. It is, therefore, not possible at this stage to state the amount of financial assistance which will be given to Orissa Government during 1959-60.

(c) During 1959-60, 2,000 teachers, 40 Inspecting Officers and 218 quarters for women teachers have been allotted to Orissa Government.

#### Pay of Headmasters of High Schools in Orissa

**1832. Shri Panigrahi:** Will the Minister of Education be pleased to state:

(a) whether any financial assistance is proposed to be given to Orissa in 1959-60 for increase in pay of Headmasters of 'A' and 'B' type high schools in Orissa; and

(b) If so, the amount of such assistance?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir.

(b) Rs. 14,646.

#### Central and Territorial Taxes in Himachal Pradesh

**1833. Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) whether there was any fall in the collection of Central as well as territorial taxes in Himachal Pradesh during 1958-59; and

(b) if so, the reasons therefor?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):**

(a) No, except under the head State Excise wines and spirits.

(b) The shortfalls were due to gradual prohibition policy.

#### Hindustan Aircraft Ltd.

**1834. Shri Ram Krishan Gupta:** Will the Minister of Defence be pleased to state:

(a) whether Government have considered the desirability of introducing a scheme for the participation of labour in the management of the Hindustan Aircraft Company at Bangalore; and

(b) if so, with what results?

**The Minister of Defence (Shri Krishna Menon):** (a) and (b). Hindustan Aircraft Limited, Bangalore, have already taken steps to encourage workers to participate in various Schemes in the factory. The following Committees consisting of representatives of the management and labour have been constituted in the factory:—

1. Works Committee.
2. Transportation Advisory Committee.
3. Canteen Managing Committee.
4. Labour Welfare Fund Committee.

5. H.A.L. Benevolent Fund Committee.
6. H.A.L. Colony Committee.
7. H.A.L. Housing Committee.
8. Joint Consultative Committee for Hindustan Aircraft Food Grains Depot.
9. H.A.L. Colony Medical Advisory Committee.

The results of labour participation in the management of the above committees are being watched.

#### District Jail at Tihar (Delhi)

1835. { Shri Shree Narayan Das:  
Shri Radha Raman:

Will the Minister of Home Affairs be pleased to state:

(a) whether the District Jail at Tihar (Delhi) has been completed;

(b) if so, the number of prisoners that can be accommodated there;

(c) the present population in that jail; and

(d) the nature of special amenities provided or proposed to be provided there to the prisoners and to the staff?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) The District Jail at Tihar has been practically completed.

(b) Accommodation has so far been built for 1273 prisoners.

(c) 1869 (on 31st July 1959).

(d) Special amenities provided are:—

(i) Special attention has been paid to sanitation in cells;

(ii) The Kitchens have electric fans and are fly proof;

(iii) Latrines have been provided with flush system and bath rooms with showers;

(iv) A sound proof room has been provided for interviews;

(v) Fans have been provided in the women's ward, B Class Juvenile and Political wards;

(vi) Provision has been made for play-grounds and for games like Volleyball, Basketball, Football and Kabaddi;

(vii) Adult education is imparted by employment of convict teachers at Rs. 5 p.m. with an extra remission for imparting education;

(viii) A released prisoner home has been provided outside of the jail walls where a prisoner can stay for the night before going to his home after release;

(ix) A canteen to cater to the needs of the visitors, prisoners and the staff is functioning near the main gate of the jail;

(x) A school for the children of the staff and a hospital for the staff have been provided in the jail premises;

(xi) A recreation room for the staff members has been built in the jail premises.

Special amenities proposed to be provided are:—

(i) An open air theatre with a stadium is under construction;

(ii) Installation of fans in cells and barracks of the jail.

#### Commonwealth Economic Consultative Committee

1836. { Shri Shree Narayan Das:  
Shri Radha Raman:

Will the Minister of Finance be pleased to state:

(a) whether the Indian delegates who participated in the meeting of the Commonwealth Economic Consultative Committee held in London recently have submitted any report after their return from there;

(b) if so, the important points made out in the report; and

(c) the subjects that were discussed by the Committee?

The Minister of Finance (Shri Morarji Desai): (a) to (c). India participated in the meeting of the Commonwealth Economic Consultative Council held in London in May, 1959. The meeting was only a preliminary one to review matters of common interest to Commonwealth countries as a prelude to the forthcoming September Meeting of Commonwealth Finance Ministers. The convention in regard to the deliberations of such preliminary meetings has been that the matters discussed are not unilaterally divulged by any member of the Commonwealth and it would, therefore, be embarrassing if the Government of India were to indicate the details of the subjects discussed or the outcome of the May, 1959 meeting.

#### Women's Education in Punjab

1837. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) the amount earmarked for scholarships to women students which will be given to Punjab State without demanding any matching contribution during 1959-60;

(b) the amounts given to the Government of Punjab for this purpose so far during the same period; and

(c) upto which class will free education be provided to women students in schools in Punjab under this scheme?

The Minister of Education (Dr. K. L. Sharma): (a) This depends upon the proposals of the Government of Punjab which are still awaited.

(b) to (c). Does not arise in view of reply to (a).

#### Crimes in Delhi

1838. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the number of crimes registered in Delhi during 1959, (upto the 30th June, 1959) under the following categories, month-wise:—

- (i) Murder;
- (ii) Assault on women;
- (iii) Unnatural offences;
- (iv) dacoity;
- (v) robbery;
- (vi) theft;
- (vii) cheating; and
- (viii) other crimes;

(b) the number of cases under each head in part (a) above which remained undetected and the reason therefor;

(c) the number of cases sent up for trial and the convictions secured; and

(d) the number of cases, in which strictures were passed against police by the judiciary and the action taken thereon?

The Minister of Home Affairs (Shri G. B. Pant): (a) to (c) A statement is laid on the Table of the House [See Appendix III, annexure No 67].

(d) Nil

#### Pakistani Nationals Crossing into Kashmir

1839. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) the number of Pakistani nationals who infiltrated into Kashmir State from the Pakistan-occupied part of the State during 1959 (upto the 30th June); and

(b) the steps proposed to be taken to minimise chances of such illegal entry of Pakistani nationals?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) 95 Pakistan nationals and persons from Pakistan-occupied Kashmir.

(b) The Jammu and Kashmir Government have strengthened their security measures

**Defence Requirements Fulfilled by the Hindustan Shipyard**

1840. **Shri D. S. Sharma:** Will the Minister of Defence be pleased to state:

(a) the extent to which the defence requirements in respect of ships are met by the production in the Hindustan Shipyard,

(b) the total cost of the various types of ships imported during 1958 and 1959 (so far); and

(c) when the country would become self-sufficient in this regard?

**The Minister of Defence (Shri Krishna Menon):** (a) At present 2 ships—the Mooring Vessel "DHRU-VAK" and the Survey Ship "DAR-SHAK" are being built by the Hindustan Shipyard (P) Ltd, for the Indian Navy.

(b) It is not in accordance with established practice to disclose particulars regarding the cost of various types of Naval purchased from abroad.

(c) It will take considerable time to become self-sufficient. Whereas the construction of the hull of certain types of Naval craft etc. may be possible in a few years, the manufacture of some main and a lot of auxiliary machinery and equipment will not be possible for some time to come and these will have to be imported till then. However, the possibilities of construction are under review and active consideration.

**Steel Plants**

1841. { **Shri D. C. Sharma:**  
**Shri Vidya Charan Shukla:**  
**Shri Mahanty:**

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1543 on the 30th March, 1959 and state:

(a) the further progress made so far in setting up of the three steel plants;

(b) the total amount spent so far; and

(c) the final date by which they will go into full production?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) to (c) A statement is laid on the Table of the House

**STATEMENT**

(a) Since the statement made by me in reply to Starred Question No. 1543 on 30th March, 1959 the construction of the three steel works has been proceeding satisfactorily according to plan

In Rourkela, the first open hearth furnace went into operation on 30th April, 1959 and the second open hearth early in August, 1959. The third open hearth furnace is ready for commissioning and the construction of the fourth is nearing completion. One L.D. converter is practically ready and the remaining two will be completed soon. Production is expected to start by November, 1959. The pace of construction is good in the rolling mills also. The blooming and slabbing mill and the plate mill can be expected to go into production before the end of the year. The second blast furnace is nearly complete and will also go into production in a few months.

In Bhilai, the second coke oven battery was heated up on the 15th of August, 1959. The second blast furnace is nearly ready and will go into production in two or three months' time. Good progress has been made



in the steel melting shops and the rolling mills. Two open hearth furnaces, the blooming mill and the billet mill can be expected to be commissioned before the end of the year.

In Durgapur, the first battery of cokeovens was lighted up on the 24th of August, 1959. The first blast furnace is nearing completion and is expected to be commissioned in November, 1959. Work in the rest of the plant is proceeding according to schedule and the production and rolling of steel is expected to start by April/May next year.

(b) The expenditure on the three steelworks and their ancillaries upto the end of 1958-59 was as follows:

Rourkela	Rs. 145 crores
Bhilai	Rs. 120 ..
Durgapur	Rs. 100 ..

(c) All the departments of the Rourkela Steel Plant are expected to be completed by April, 1961. The Bhilai Steel Plant is expected to be completed in all respects by the end of the year 1960. The entire plant at Durgapur is expected to be completed by July, 1961. It is difficult to estimate when the full production would be attained, but about 80 per cent. of the capacity of each of the mills is expected to be reached in about six to eight months of the commissioning of each unit.

#### Science Fairs

1842. Shri D. C. Sharma: Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 2212 on the 4th May, 1959 and state:

(a) the steps, if any, taken to organise Science Fairs in the country to make the students Science minded, on the recommendations of the Third All India Science Teachers' Conference held in New Delhi; and

(b) the places where such fairs have been organised?

The Minister of Education (Dr. K. L. Shrinani): (a) and (b). The proposal will be considered by the Science Committee of the All India Council for Secondary Education.

#### Investment of U.K. Private Capital

1843. Shri D. C. Sharma: Will the Minister of Finance be pleased to state:

(a) the quantum of United Kingdom private capital invested in India since 1947; and

(b) what is the trend of investment at present?

The Minister of Finance (Shri Morarji Desai): (a) The total quantum of U.K. Private capital invested in India as on the dates mentioned below were as follows:

	Rs. crores
30th June, 1948	206.0
31st Dec., 1953	337.7
31st Dec., 1955	390.7
31st Dec., 1956	406.4
31st Dec., 1957	412.7

Complete information about U.K. investments prior to 30th June, 1948 and subsequent to 31st December, 1957 is not available.

(b) As will be apparent, the total investment from the U.K. has been steadily increasing though the U.K.'s share of the total net capital inflow has been declining in recent years, having regard to the capital that has come from other countries such as the U.S.A.

#### Trained Social Workers

1844. { Shri R. C. Majhi:  
Shri Subodh Hansda:

Will the Minister of Home Affairs be pleased to state:

(a) whether an assessment has been made of the total requirement of the trained social workers including tribal welfare officers for India

menting the schemes for welfare of Backward Classes in various States and Union Territories; and

(b) whether any time has been fixed to train all these workers?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Some State Government and Union Administrations have assessed their requirements of trained social workers.

(b) No time-limit has been fixed for the purpose, though efforts are being made by the concerned State Governments and Union Administrations to train the workers within the minimum time possible.

#### Small Savings

1845, Shri Ram Krishan Gupta: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the women of Punjab have earned the first place for their State in the Women's Section in Small Savings, and

(b) if so, the total amount contributed by them so far?

The Minister of Finance (Shri Morarji Desai): (a) If the Honourable member is referring to the year 1958-59, the answer is 'no'

(b) Does not arise

#### Self-Sufficiency in Warships and Tankers

1846 Shri Ram Krishan Gupta: Will the Minister of Defence be pleased to state:

(a) when India is likely to become self-sufficient in the matter of warships and tankers; and

(b) the nature of steps taken in this direction?

The Minister of Defence (Shri Krishna Menon): (a) (i) Warships.—It will take some time to become self-sufficient in the construction of warships. Whereas the construction of

the hull of certain types may become possible in a few years, the manufacture of the main and a lot of auxiliary machinery and equipment will possibly take some time and these parts will have to be imported till then.

(ii) Tankers.—It would be possible for the Hindustan Shipyard (Private) Ltd. to build Tankers for the Navy upto 13,00 tons Dead-weight. It would, however, be necessary for the present for the shipyard to obtain detailed drawings and main and auxiliary machinery for the construction of tankers from abroad

(b) Government will endeavour as far as practicable to undertake Naval construction.

In this regard:

(i) construction of seaward patrol craft is in progress in two ship-building yards at Calcutta.

(ii) Hindustan Shipyard (Private) Ltd. Visakhapatnam, who have capacity for constructing bigger ships, have been entrusted with the construction of a Survey Vessel "DARSHAK" and a Mooring Vessel "DHRUVAK".

(iii) arrangements for the construction of Inshore Minesweepers are also being made.

(iv) the Naval Dockyard in Bombay, when it has progressed, will greatly assist in diminishing our dependence on foreign sources, although it is not a Ship-building Yard as such. Extensions of it may result in capacity for building of 3-4000 ton craft and of much equipment.

Self-sufficiency in construction of warships will be attained as and when the auxiliary industries in the country are advanced enough to feed the construction yards with the equipment required for such ships.

**Credit Facilities from France**

1847. **Shri Ram Krishan Gupta:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the French Government have offered credit facilities to the Government of India to the extent of Rs. 25 crores;

(b) if so, the details of the facilities offered; and

(c) whether the offer has been accepted?

The Minister of Finance (Shri Merarji Desai): (a) to (c). A copy of the Economic and Technical Co-operation Agreement between the Government of the French Republic and the Government of the Republic of India concluded on 23rd January, 1958 was placed on the Table of the House on 13th February, 1958. Under this Agreement, the Government of the French Republic had agreed to facilitate the financing of the manufacture, and of the delivery of, capital goods for which orders were placed by Indian purchasers with the prior approval of the Government of India, on French suppliers up to a total amount of 25 billion francs. The questions of renewing this Agreement and the continuance of similar financing facilities for a further period, are now under the consideration of the two Governments.

**Personnel for Educational Development**

1848. **Shri Ram Krishan Gupta:** Will the Minister of Education be pleased to state:

(a) whether the assessment of the requirements of personnel for educational development upto the end of Third Five Year Plan period has been made;

(b) if so, the details of the requirements; and

(c) the nature of the steps taken or proposed to be taken to meet these requirements?

The Minister of Education (Dr. K. L. Shrimall): (a) to (c). A statement giving the available information is laid on the Table. [See Appendix III, annexure No. 68.]

**Handicraft Schemes for Prisoners in Delhi Jail**

1849. **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to state

(a) whether the new handicrafts scheme to enable the inmates of Delhi Jail to earn wages while undergoing imprisonment has been finalised; and

(b) if so, the details of the scheme?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes. The revised scheme has been in operation since the 2nd March, 1959.

(b) The main features of the scheme are:

- (1) all prisoners sentenced to rigorous imprisonment and who are working in the jail factory can earn wages,
- (2) wages are calculated on piece-work basis,
- (3) one rupee or 4/5ths of the total daily earning whichever is more is deducted as contribution towards the maintenance of the prisoners; and
- (4) a prisoner can spend 50 per cent. of the wages earned by him on amenities such as purchases from the jail canteen. The balance is retained for payment to him on release so as to help in his re-settlement.

**Escape of Pakistani from Delhi Jail**

1850. **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No 162 on the 12th February, 1959 and state

(a) whether the investigations into the escape of a Pakistani national from Delhi Jail have been completed, and

(b) if so, the result thereof?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) and (b) The case has been investigated and filed as untraced.

**Central and Territorial Taxes in Delhi**

1851. **Shri Ram Krishan Gupta:** Will the Minister of Finance be pleased to state the total amount of collections of Central and territorial taxes in Delhi during 1958-59?

**The Minister of Finance (Shri Morarji Desai):** Rs. 18,99,30,000

**Admission into Technical Institutions**

1852 **Shri Ram Krishan Gupta:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No 1454 on the 23rd March 1959 and state

(a) whether Government have collected information regarding the alleged admission of students of inferior calibre to technical institutes under political pressure, and

(b) if so, the nature of the information collected?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das):** (a) Yes, Sir

(b) The information collected through the Regional Offices of this Ministry is given in the statement laid on the Table [See Appendix III, annexure No. 69.]

The position regarding the quality of admissions made to the Engineer-

ing and Technological Degree Institutions for the year 1958-59 is summarised below-

Total admissions made in 1958-59	10377	Percentage of total admissions
(i) No. of students admitted with 60% marks or above at the qualifying examination	5602	53.98
(ii) No of students admitted with 50-60% marks at the qualifying examination	3197	30.80
(iii) No of students admitted, with less than 50% marks at the qualifying examination		
(a) Open seats	903	8.70
(b) Seats reserved for Scheduled castes, scheduled Tribes and Backward classes	385	3.71
(c) Seats reserved for other categories	34	0.32
(iv) No of students admitted with break up on marks basis not available	256	2.49
<b>TOTAL</b>	<b>10377</b>	<b>100.00</b>

**Minerals in Chitradurga**

1853 **Shri Shivananjappa:** Will the Minister of Steel, Mines and Fuel be pleased to state

(a) whether it is a fact that foreign experts recently visited Chitradurga in Mysore State for locating mineral deposits and found existence of the same in large quantity; and

(b) if so, what steps the Government of India have taken to unearth these mineral deposits?

**The Minister of Mines and Oil (Shri K D Malaviya):** (a) and (b). A foreign expert visited the Ingaldhal Pyrite deposits in Chitradurga Dis-

tract. The discovery was made by the State Government who are still conducting detailed work at present.

**Limestone and Lignite Deposits in Nander District**

1854. Shri Pangarkar: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that deposits of limestone and lignite are available in the Nander District of Bombay; and

(b) if so, whether Government have undertaken a survey of this area?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). As a result of survey undertaken by the Geological Survey of India in parts of Mudhol and Bhokar taluks Nander district, small quantities of limestone have been recorded but no occurrences of lignite have been reported so far.

**Hand Carts and Wheel Barrows to Municipal Scavengers in Orissa**

1855. Shri Panigrahi: Will the Minister of Home Affairs be pleased to state: .

(a) whether any financial assistance has been given to Orissa in 1958-59 for providing the municipal scavengers with hand carts and wheel barrows; and

(b) if so, how much?

The Deputy Minister of Home Affairs (Shri K. M. Aiyar): (a) No, Sir

(b) Does not arise.

**Jet Aircraft Auxiliary Air Force**

1856. Shri Ram Krishan Gupta: Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 1313 on the 28th March, 1958 and state:

(a) whether the scheme for imparting training in Jet aircrafts to the Auxiliary Air Force has been finalised and implemented; and

(b) if so, the main features of the scheme?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir. Jet training has been started in No. 81 (Delhi) Auxiliary Air Force Squadron.

(b) After completing two years' training on piston-engine aircraft the Auxiliary Air Force pilots will be given conversion training on jet aircraft during the third year. They will carry out elementary squadron training on jets during the fourth year; and undergo advanced squadron training during the fifth year.

**Recovery of Indian Currency from Steamer**

1857. { Shri S. M. Banerjee:  
Shri Raghunath Singh:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Bombay Customs authorities recovered on the 5th June, 1959 from the steamer "Dumra" (Persian Gulf bound steamer) Indian currency, gold and opium; and

(b) if so, how many persons have been arrested?

The Minister of Finance (Shri Morarji Desai): (a) and (b). Indian currency worth Rs 17,500 was recovered, from a hiding place near the engine room, as a result of the rummage of the vessel s.s. 'Dumra' on 5th June, 1959. The currency was unclaimed and as such no arrest could be made.

Opium weighing about 1½ lbs. and valued at approximately Rs. 250 was recovered on 6th June, 1959 from the baggage of a passenger travelling by the same vessel. Two persons were arrested in this connection.

No gold was seized from the vessel.

### निर्वाचनों में हिन्दी का प्रयोग

१८५८. श्री प्रकाश वीर शास्त्री :  
क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) समस्त निर्वाचन व्यवस्था में हिन्दी का प्रयोग किस हद तक किया जाता है;

(ख) अब तक कितनी निर्वाचन संहितायें हिन्दी में प्रकाशित की गई हैं और निर्वाचन कार्यालय में कितने कर्मचारी हिन्दी में काम कर रहे हैं; और

(ग) नई मतदान प्रणाली के अन्तर्गत उम्मीदवारों के नाम आदि देवनागरी वर्णमाला के क्रम में होंगे अथवा रोमन क्रम में ?

**विधि उपमंत्री (श्री हज नवीस) :**  
इस प्रश्न के क्रमशः (क) और (ख) भागों में पाये जाने वाले "समस्त निर्वाचन व्यवस्था" और "निर्वाचन कार्यालय में कितने कर्मचारी हिन्दी में काम कर रहे हैं" इन शब्दों का अभिप्राय स्पष्ट नहीं है। राज्यों की विभिन्न प्रकार की निर्वाचन व्यवस्था में सरकारी काम को चलाने के लिए कहां तक हिन्दी अपनाई जा रही है या उस व्यवस्था में हिन्दी में काम करने के लिये रखे गये कर्मचारियों की ठीक संख्या कितनी है, इस बारे में सरकार के पास कोई जानकारी नहीं है। लेकिन निर्वाचन आयोग ने यह हिदायत पहले ही दे दी है कि चुनाव लड़ने वाले उम्मीदवारों की सूची बनाने और प्रकाशित करने के लिये वह वर्णमाला क्रम अपनाया जाये जो उस राज्य में या उस इलाके की प्रादेशिक लिपि का है जिसमें निर्वाचन क्षेत्र या उसका कोई बड़ा हिस्सा है। इसी प्रकार मतपत्रों में उम्मीदवारों के नाम उसी ही क्रम में रखे जाने चाहिए जिसमें कि वह चुनाव लड़ने वाले उम्मीदवारों को सूचों में दिये हुए हैं। बिहार, मध्य प्रदेश, राजस्थान और उत्तर प्रदेश राज्यों तथा हिमाचल प्रदेश संघ राज्यक्षेत्र में हुए उप-चुनावों में निश्चान

लगाने की नई मतदान पद्धति अपनायी गई थी। इस में चुनाव लड़ने वाले उम्मीदवारों और मतदान पत्रों को सूचों द्वारा करने में देवनागरी लिपि को वर्णमाला का क्रम अपनाया गया।

"निर्वाचन संहिताएं" पद का क्या तात्पर्य है यह स्पष्ट नहीं है। विधि मंत्रालय ने केवल मैट्रुल आरू इलेक्शन ला प्रकाशित किया था। उसका हिन्दी अनुवाद किया गया था और वह जनता को प्राप्य था। इसके अलावा जिन राज्यों में आम तौर पर हिन्दी बोली जाती है उनके लिये "मतदाताओं को हिदायतें" नामक रैफ्लिट निर्वाचन आयोग ने हिन्दी में प्रकाशित करने और बांटने का प्रबन्ध किया था।

निर्वाचन आयोग के कार्यालय में दो व्यक्ति केवल हिन्दी में काम करने के लिए रखे हुए हैं।

### Housing for Malabar Special Police

1859. { Shri Tangamani;  
Shri A. K. Gopalan:

Will the Minister of Defence be pleased to state:

(a) whether the Government of Kerala have asked for special loans for housing the Malabar Special Police in the event of their being compelled to vacate the barracks in Malapuram, West Hill and Cannanore;

(b) whether any Army, Navy or Air Force Officers inspected these buildings recently; and

(c) whether they have submitted any report to the Government of India about these buildings?

**The Minister of Defence (Shri Krishna Menon):** (a) No request for loan has been made to the Defence Ministry.

(b) and (c). It will not be in the public interest to disclose the information.

### अधिकारियों के लिये राशन

१८६०. श्री सुजनन्त राव : क्या प्रतिरक्षा मंत्री यह बताने को कृपा करेंगे कि :

(क) क्या यह सब है कि सद्यस्म सेना में अधिकारियों का राशन बढ़ा दिया गया है और जवानों तथा निम्न श्रेणियों के अधिकारियों का उतना ही रखा गया है; और

(ख) यदि हाँ, तो राशन बढ़ाने के क्या कारण हैं ?

प्रतिरक्षा मंत्री (श्री कृष्ण मेनन) :

(क) तथा (ख). स्थिति इस प्रकार है कि जहाँ अबर श्रेणी सैनिक राशन के अधिकारी हैं, आफ़िउर नहीं। आफ़िउरों को केवल जम्मु तथा काश्मीर और उत्तर पूर्वीय तोना एरेंजों में राशन ही जातो है। स्वतंत्रता से पहले रजमेव और ऐसे क्षेत्रों में जहाँ रियायतें स्वीकृत हैं, उन्हें बिटिस क्षेत्रों के दर पर निःशुल्क राशन ही जातो था। इसलिये स्वतन्त्रता से पहले उन्हें यहाँ से अबर श्रेणी सैनिकों से विभिन्न राशन मिलतो था। १९४७ में जम्मु तथा काश्मीर में भारद्वाज आरम्भ होने पर आफ़िउरों को अबर श्रेणी सैनिकों के लिये लागू दर पर निःशुल्क राशन दो गई था। चूंकि जम्मु तथा काश्मीर में सेनाएं टिकी रहें, आफ़िउरों ने विकार्यत को कि उन्हें उन का खान पान की आवश्यकताओं के अनुसार निःशुल्क राशन मिलना चाहिए क्योंकि यद्यपि कहने को उन्हें मुफ्त राशन मिलतो है, उन्हें अपनी राशन को अनुपूर्ति के लिए दो से डार्ले रुपये रोजाना अधिक खर्च करना पड़ता है और इस कारण उन्हें मुफ्त में अनावश्यक अधिक खर्च उठाना पड़ता है। साथ ही हिन्दू चीनी, कोरिया और मिस्र में बेटी गई अन्तर्राष्ट्रीय आपात सेनाओं के साथ जाने वाले आफ़िउरों को राशन के दर भी भारत में रजमेव के दरों से कहीं अधिक थे। इन सभी परिस्थितियों को सामने रख कर, सेनाओं के, चिकित्सा से सम्बन्ध रखने वाले अधिकारियों को सलाह से, आफ़िउरों को राशन के दरों में संशोधन करना बाध्यता समझा

गया। यह संशोधित दर एक अक्टूबर १९६० से लागू किने गये।

### Joists and Rounds

1861. Shri Subiman Ghose: Will the Minister of Steel, Mines and Fuel be buildings; and

(a) whether joists and rounds are available in India for construction of building; and

(b) if so, at what price and where?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b) Yes, Sir These items can be obtained at statutory controlled prices against quota certificates or permits issued by the appropriate authorities.

### जामिया मिलिया इस्लामिया, दिल्ली

१८६२. श्री प्रकाश और काली : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले दस वर्षों में जामिया मिलिया इस्लामिया, दिल्ली को कुल कितना अनुदान दिया गया;

(ख) क्या इसी प्रकार की अन्य संस्थाओं के लिये भी अधिक मात्रा में अनुदान दिया जाता है, और

(ग) यदि हाँ, तो उनके नाम क्या हैं, और गत दस वर्षों में उनको कितना अनुदान दिया गया ?

शिक्षा मंत्री (डा० जी.वाली) : (क)

१५,७४,००६ रुपये।

(ख) जी, हाँ।

(ग)

पिछले दस वर्षों में  
संस्था का नाम  
की परी अनुदान  
की राशन

१. विन्धन-नारदी . ८१,८३,७१८ रुपये

२. मुहम्मद फौजड़ी . ७,१०,००० ..

३. बनारसी विद्यार्थी . ५,२२,१४० ..

**सैनिक जातियाँ**

१८६१. श्री डायर : क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में कौन-कौन सी सैनिक जातियाँ हैं; और

(ख) क्या सरकार आदिवासीयों की भील जाति को सैनिक जाति मानती है ?

**प्रतिरक्षा उपमंत्री (सरदार भलीलिया) :**

(क) भारतीयों को नरनों के लिए लड़ाका और गैर-लड़ाका जातियों में वर्गीकरण करना १९४४ से बन्द है। इसलिये लड़ाका जातियों के नाम देना सम्भव नहीं है।

(ख) प्रश्न नहीं उठता।

**माड़ का किला तथा बाग की मुद्यायें**

१८६४. श्री डायर क्या सैनिकिक अनुसन्धान और सांस्कृतिक-कार्य तथा यह बताने का कृपा करेंगे कि

(क) वर्ष १९५८-५९ में मध्य प्रदेश के बार जिले में माड़ के किले और बाग की मुद्यायों की मरम्मत पर खर्च-खर्च कितना व्यय हुआ, और

(ख) १९५९-६० के दौरान इन भारकों की मरम्मत के लिये खर्च-खर्च कितनी बन्दराशि निवृत्त की गई है ?

**सैनिकिक अनुसन्धान और सांस्कृतिक-कार्य मंत्री (श्री हुवाकू कविर) :** (क) वर्ष १९५८-५९ में माड़ के किले के मीनर के सुरक्षित मोन्सूने-टों की मरम्मत पर ४१,७३० रुपये और बाग की मुद्यायों की मरम्मत पर २१,८०९ रुपये खर्च किये गये हैं।

(ख) कुल: ४१,९६० रुपये और १२,२२५ रुपये।

**Jhumias**

1865. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) the number of landless tribal jhumias served with notices in 1958-59, prohibiting jhuming in Khas land in Tripura,

(b) the number of jhumias arrested during this period for jhuming in Khas land, and

(c) whether rehabilitation was offered to these jhumias before prohibiting jhum cultivation?

The Minister of State in the Ministry of Home Affairs (Shri Dajar): (a) to (c) No notices were served by the Tripura Administration on landless tribal jhumias in 1958-59 prohibiting jhuming in Khas land and no jhumia was arrested during the year for jhuming in such land. The Administration did, however, issue orders in February, 1958, prohibiting jhuming within a distance of half a mile on either side of navigable rivers or PWD roads or in the vicinity of a tank the water of which is utilised either for purposes of drinking or irrigation. These orders were violated in a large number of cases and, therefore, cases against 333 tribals were instituted in different courts during 1958-59.

It is open to the jhumias to take advantage of the Jhumia Settlement Scheme or to be absorbed as forest villagers in reserve forests. Tribals can also cut jhum in taungya system.

**Reclamation of Waste Land in Tripura**

1866. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) whether any survey has been made of the reclaimable waste land available in Tripura including Rama Sarma area.

(b) if so, the result of that survey; and



(c) if reply to part (a) be in the negative, when Government propose to take up this survey?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) There has been no general survey of reclaimable waste land in Tripura. An area of 2563.49 acres of waste land was, however, surveyed in Rama Sarma Valley of Amarapur Sub-Division in 1957-58.

(b) An area of 2456.25 acres of land was found to be cultivable waste land.

(c) a cadastral survey of Tripura has already been taken up and is expected to be completed by 1964. The total area of reclaimable waste land will be known only when the survey has been completed.

#### Merit Promotion for Scientific Workers

1967 Shri L. Achaw Singh: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether the merit promotion system has been adopted for all scientific workers in the employment of Government, and

(b) if so, the steps taken to overcome the difficulty of assessing merit impartially?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Merit Promotion System has been adopted only in the case of scientific workers employed in the Indian Agricultural Research Institute, the Council of Scientific and Industrial Research and gazetted officers of the Defence Research and Development Organisation.

(b) Departmental Promotion Committees are proposed to be set up in Indian Agricultural Research Institute, and in the Defence Research and Development Organisation. Rules for assessment of merit are under preparation in the Council of Scientific and Industrial Research.

#### Manipur College of Dance, Imphal

1968. Shri L. Achaw Singh: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 2035 on the 18th December, 1958 and state the total amount so far provided by Sangeet Natak Akademi for hostel accommodation for students of the Manipur College of Dance at Imphal?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): The Sangeet Natak Akademi has a provision of Rs. 50,000 during the current financial year for the construction of the College building which includes hostel accommodation.

#### Increase in Staff of Central Ministries

1969 Shri Pahadia: Will the Minister of Home Affairs be pleased to state

(a) whether there has been a large increase in the staff of Central Ministries during the last two years; and

(b) if so the total number of staff increased during the above period?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b) Information is being collected and will be placed on the Table of the House as soon as it is compiled.

#### Field Parties of Survey of India

1970. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the total number of field parties of Survey of India engaged in survey work,

(b) the respective field headquarters of each party during 1958-59; and

(c) the respective places of activities of each party?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) 29.

(b) and (c). Information is given in the statement laid on the Table. [See Appendix III, annexure No. 70].

**Survey of India Employees**

1871. **Shri S. M. Banerjee:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the Ministry of External Affairs have prescribed rates of special daily allowance for journey in foreign countries like Nepal and Pakistan;

(b) whether the said special daily allowance was also made available to the employees of the Survey of India working in those countries; and

(c) if not, the reasons therefor?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr M. M. Das): (a) Yes, Sir

(b) No, Sir.

(c) Because of certain other concessions that are specially allowed to the employees of the Survey of India e.g free tentage for living purposes, daily allowance at full rates throughout the field season which may extend to six months or more etc

**Census of Pakistani Nationals in West Bengal**

1872. **Shri Aurobindo Ghosal:** Will the Minister of Home Affairs be pleased to state:

(a) whether any census was taken of Pakistani nationals residing in West Bengal;

(b) if so, when; and

(c) their number?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as possible

**Use of I.A.F. Planes**

1873. **Shri Morarka:** Will the Minister of Defence be pleased to state:

(a) the rank and status of persons who are entitled to the use of I.A.F. planes for their travelling;

(b) the total number of persons who had actually used these I.A.F. planes during the years 1957-58 and 1958-59; and

(c) the total amount of the expenditure incurred on these trips?

The Minister of Defence (Shri Krishna Menon): (a) The President, The Vice President; The Prime Minister; The Home Minister, The Defence Minister, Deputy Ministers of Defence; The Chiefs of Staff; Senior Service and Civilian Officers who are connected with the Defence Organisation,

Cabinet Ministers other than those mentioned above but in their case full charter rates are recovered from their departmental budgets

(b) and (c) The required information is not readily available. The collection and compilation of the requisite details will involve an amount of time and labour which will not be commensurate with the value of the information asked for

**Steel Import Licences**

1874. **Shri Morarka:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the supplementary to Starred Question No 1230 of 13th March, 1959 regarding import of steel and lay a statement showing;

(a) the aggregate amount for which import licences were given to the following parties (figures to be given separately) during the period January 1955 to June, 1957:

- (1) M/s Aminchand Pavarelal
- (2) " Mahindra and Mahindra
- (3) " Khemchand Rajkumar
- (4) " B. R Herman and Mohatia
- (5) " Bharat Overseas Ltd.
- (6) " Khandelwal Bros. Ltd.;

(b) what is the imported price on private account and that given on the basis of tender;

(c) the amount of subsidy given to the above parties (figures to be given separately) so far, for the above period; and

(d) what is the total amount of subsidy bills which still remain to be settled?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). A statement is laid on the Table of the House. [See Appendix III, annexure No. 71].

#### Regulations for Dress in Clubs and Hotels

1875. Shri M. M. Gandhi: Will the Minister of Home Affairs be pleased to state:

(a) whether clubs and hotels have any authority to prescribe their own regulations for dress to be worn by members or guests; and

(b) if so, whether they are authorised to discard the 'National Dress' from their dinner regulations?

The Minister of Home Affairs (Shri G. B. Pant): (a) Neither the Constitution nor any Central law prevents a club or a hotel from prescribing its own regulations for dress to be worn by members or guests

(b) No national dress as such has been prescribed. But as a matter of general practice, hotels (as distinct from clubs which are private places) admit persons in Indian dress

#### Smuggling of Foreign Tiles

1876. Shri M. M. Gandhi: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a party tried to smuggle foreign tiles shipped from London to Colombo, and from Colombo to Mangalore and from Mangalore to Bombay;

(b) if so, whether it is a fact that in the same shipment foreign tiles were found to be covered with Mangalore tiles;

(c) whether it is also a fact that the said shipment was confiscated and auctioned by the Bombay Customs Authorities; and

(d) if so, at what price it was auctioned?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir.

(b) No, Sir.

(c) Yes, Sir.

(d) The consignment was sold at Rs. 8,38,500.

#### Amendments of Sixth Schedule of Indian Constitution

1877. { Shrimati Masida Ahmed:  
Shrimati Manjula Devi:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have received any recommendation from the Advisory Council for autonomous districts of Assam for amendments to the Sixth Schedule of the Indian Constitution;

(b) if so, the nature of the recommendations received; and

(c) the Government's reaction thereto?

The Deputy Minister of Home Affairs (Shrimati Aiva): (a) Yes.

(b) The recommendations are generally in the direction of conferring greater autonomy on the District Councils of the autonomous districts.

(c) The whole question is under examination.

मृत "सेक्टर" के परिवार को क्षतिपूर्ति

१९७८. श्री जगत रत्न: क्या वरिष्ठ  
मंत्री २२ जून, १९२२ के वसतिगृह  
प्रश्न संख्या ३७२७ के उत्तर के संदर्भ में यह  
बताने की कृपा करें कि कोटवा-दुर्ग-  
वसतिगृह

जासहींग-मेहुमा सड़क के निर्माण में जिस "सेपर" की मल्यु हो गई थी उस के परिवार को पेन्शन प्रवना कोई अन्य सहायता देने के द्वारे में इस बीच क्या प्रगति हुई है ?

प्रतिरक्षा उपबंधी (सरदार सुरजीत सिंह बखीसिया): कोर्ट आफ इन्वशरी प्रादि आवश्यक प्रारम्भिक कार्यवाहिया पूर्ण हो चुकी है और नियमों के अधीन कुटुम्ब पेन्शन की स्वीकृति के लिये, जकरा दस्तावेज १७ प्रगम्न, १९५९ का कंट्रोलर आफ डिफेंस एकाउन्टन (पेन्सन्स) प्रलाहवाव को भेज दो गई है, क्योंकि प्रवर श्रेणी सेनिकों की पेन्शन की स्वीकृति का उमे हो अधिकार है ।

२. इन बीच में सेपर को विरवा को निम्न राशिया प्रदान का गई है —

(१) रजिमेंट निधि मे ६-८-६९ को १५० रु० का राशि ।

(२) २०-७-५९ को ९३३ रुपये की राशि जो भुनपू' सेपर को तत्काल के हिसाब में जमा बा ।

#### राजनैतिक पोड़ित सहायता समिति

१८७९. श्री जगत वर्मन : क्या गृह-कार्य मंत्री ५ मार्च, १९५९ के प्राराकित प्रश्न मख्या १४७६ के उत्तर के सम्बन्ध मे यह बनाने की कृता करये कि दिल्ली की राजनैतिक पोड़ित सहायता समिति द्वारा धिये गये मुजाब को कार्यान्वित करने मे इन बीच क्या प्रगति हुई है ?

गृह-कार्य मंत्री (श्री जी० ड० फत) : दिल्ली को राजनैतिक पोड़ित सहायता समिति राजनैतिक पोड़ितों को सहायता देने के बारे में समय समय पर मुजाब देता रही है । समिति द्वारा राजनैतिक पोड़ितों के आधिगी को क्षिमा की सुविधाये देने और उन्हें लघु उद्योग तथा व्यापार शुरू करने के लिये कार्य देने के बारे में की गई बहुत सी सिफारिशें सरकार ने स्वीकार की और उन पर कार्यवाही की गई । राजनैतिक

पोड़ितों को उन का देश मेवा के लिये प्रजाज-पत्र देने का सहाय प्रती विचारवाचन है ।

#### Pay Commission

1880. Shri S. A. Mehdi: Will the Minister of Finance be pleased to state the total expenditure incurred on the establishment of the Pay Commission since its inception till the 31st July, 1959?

The Minister of Finance (Shri Morarji Desai): The total expenditure incurred on the Pay Commission since its inception till the 31st July, 1959 is Rs 9,49,270

#### Inedible Oil

1881. { Shri P. K. Das:  
Shri B. C. Prodhan:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) how much inedible oil is produced in the country and what are their uses, and

(b) whether any research has been made for putting them to better use?

The Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Approximately 1,84,000 tons The inedible oil is used for

- (i) Soap making
- (ii) Manufacture of paints and varnishes
- (iii) Lubricants
- (iv) Leather tanning

(b) Yes, Sir

#### Transfusion Gelatin

1882. { Shri P. K. Das:  
Shri B. C. Prodhan:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state.

(a) whether any research is being carried on Transfusion Gelatin;

(b) how this product compares with blood plasma;

(c) whether tests have been carried on human beings; and

(d) if so, the result thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir. The work is being carried out at the National Chemical Laboratory, Poona.

(b) The product has not been compared with blood plasma.

(c) and (d). The product has been tested on human beings so far in about fifteen cases. The results indicate no adverse effects due to the administration of the product. It showed promise as a plasma expander in tests with haemorrhaged dogs. Extensive trials are required to assess the efficiency of the product.

**Pension for the Families of Deceased Armed Forces Personnel**

1882. Shri Hem Raj: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that when an officer of the Armed Forces dies on duty or on leave, his family gets the family pension irrespective of the fact whether the death is or is not attributable to the military service;

(b) whether it is also a fact that the same benefit is not allowed to the families of Junior Commissioned Officers, Non-Commissioned Officers and other ranks when their deaths are caused in the same circumstances; and

(c) if so, the reasons therefor?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). In the matter of special family pensionary awards, which are admissible when death is due to service, no distinction is made between officers and personnel below officer rank in regard to the criteria underlying entitlement, though the rates of award etc. vary. When death is not due to service, there is a difference. The widow of a commissioned officer, who had, before

death, rendered 10 years' service or over, gets a life pension, if she is in pecuniary need. The widow of a J.C.O. or a soldier in similar circumstances, however, gets a pension for a limited period, or a gratuity.

(c) The above difference is related to differences in the nature of engagement and other terms of service, between officers and personnel below officer rank.

**Rashtriya Panchang**

1884. Shri C. K. Bhattacharyya: Will the Minister of Home Affairs be pleased to state:

(a) whether the holiday list of the Government of India is based on the "Rashtriya Panchang"; and

(b) what are the States where the "Rashtriya Panchang" is being followed in preparing the list of holidays?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes.

(b) (i) Andhra Pradesh, Bihar, Jammu & Kashmir, Madhya Pradesh and Madras and the Union Territories of Delhi, Himachal Pradesh, Laccadive, Minicoy & Amindivi Islands and Tripura are fully following the "Rashtriya Panchang" in preparing the list of holidays.

(ii) Bombay, Kerala and Madras are following the "Rashtriya Panchang" except when the dates are inconsistent with the prevailing custom of the community concerned with the religious festival.

(iii) Information is still awaited from the Governments of Assam and Mysore and the Union Territory of Andaman & Nicobar Islands.

**बैंगुलनों, काचों और निचनों के हिन्दी संस्करण**

1885. {
- की सं० से० मानवीय :
  - की सं० सा० हिन्दी :
  - की पहचान :
  - के उच्चा० प्र० उच्चारण :
  - की उच्चा० कर्ण :

क्या शिक्षा मंत्रालय यह बताने की कृपा करें कि जिन मंत्रालयों सम्बन्धी पारिभाषिक

शब्दावली बनाई जा चुकी है, उन में से प्रत्येक के दैनिक उपयोग में आने वाली जर्जेजी की सामग्रियों के, जैसे मैन्युअलों, फार्मों, नियमों आदि, कुल भित्तने पृष्ठों का अनुवाद जनवरी, १९५८ से अब तक किया जा चुका है

**शिक्षा मंत्री (डा० श्रीवास्तवी) :** जनवरी, १९५८ से शिक्षा मंत्रालय ने विभिन्न मंत्रालयों के मैन्युअलों, फार्मों, नियमों आदि के १,६१९ पृष्ठों का अनुवाद किया है और वह इस प्रकार है.—

- |   |     |
|---|-----|
| (१) गृह मंत्रालय  | २०७ |
| (२) रक्षा मंत्रालय  | ७   |
| (३) डाक-नार का महानिदेशालय  | ६५  |
| (४) पुनर्स्थापन और रोजगार का महानिदेशालय                                  | २३० |
| (५) परमाणु ऊर्जा विभाग  | ६४  |
| (६) निर्माण, आवास और मशरूफ मंत्रालय                                       | ११३ |
| (७) केन्द्रीय उत्पादनकर विभाग का दफ्तर (केन्द्रिय गारम्व बाई के अन्तर्गत) | ५   |
| (८) शिक्षा मंत्रालय   | ८५८ |

इन के प्रतिरिक्त विभिन्न मंत्रालय भी व्यक्तिगत रूप में अनुवाद कार्य में लगे हुए हैं ।

**मंत्रालयों में हिन्दी अनुवादक**

१८८६. { श्री क० जे० आर्यवीर्य :  
 श्री ज० लाल शिरोधी :  
 श्री पहाड़िया :  
 श्री जे० प्र० ज्योतिषी :  
 श्री अक्षय वर्मा :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिन्दी अनुवाद अथवा शब्दावली-निर्माण का काम करने वाले कर्मचारी सभी मंत्रालयों में अस्थायी हैं और पदोन्नति के नाम से वंचित हैं,

(ख) क्या उन्हें सेवा की वही शर्तें दिवाने के लिये, जो कि अन्य सरकारी कर्मचारियों को प्राप्त हैं, कोई कार्यवाही की जा रही है

(ग) यदि हा, तो वह क्या है, और

(घ) यदि नहीं, तो इस का क्या कारण है ?

गृह-कार्य मंत्रालय में राख्य मंत्री (श्री बातार) . (क) कुछ स्थायी हैं और कुछ अस्थायी हैं ।

(ख) उन की सेवा की वही शर्तें हैं जो अन्य सरकारी कर्मचारियों की हैं ।

(ग) और (घ) प्रश्न नहीं उठें ।

**भिलाई इस्पात कारखाने में अनुसूचित जातियों और अनुसूचित आदिम जातियों के कर्मचारी**

१८८७. श्री बांधवे : क्या इस्पात कारखाने और ईश्वर मशीन यह बताने की कृपा करेंगे कि : भिलाई इस्पात, कारखाने के नियमित स्थापना कार्यालयों में, प्रथम, द्वितीय, तृतीय और चतुर्थ श्रेणी में अब तक अनुसूचित जातियों और अनुसूचित आदिम जातियों के भित्तने व्यक्ति नियुक्त किये गये हैं ?

इस्पात, कारखाने और ईश्वर मंत्री (सरदार स्वर्ण सिंह) : हिन्दुस्तान स्टील लिमिटेड ने सूचित किया है कि : भिलाई इस्पात कारखाने के नियमित स्थापना कार्यालयों में अनुसूचित

जातिवों और अनुसूचित आदिम जातिवों  
को संख्या निम्नलिखित है -

श्रेणी	अनुसूचित जातियाँ	अनुसूचित आदिम जातियाँ
प्रथम श्रेणी	१	..
द्वितीय श्रेणी	..	..
तृतीय श्रेणी	६७	३३
चतुर्थ श्रेणी	२६४	२६

#### Missing Persons in Delhi and New Delhi

1888 Shri Ram Garib: Will the Minister of Home Affairs be pleased to state:

(a) whether there are any persons who were reported to be missing from Delhi and New Delhi in May, 1958 and have still not been traced,

(b) if so, the particulars thereof and the circumstances in which each one of them was reported missing;

(c) the steps Government have taken to trace them out in Delhi and New Delhi and in the District to which they belong; and

(d) the outcome thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) Two persons reported missing in May 1958 have not yet been traced

(b) In one case a young man left his home for his office on the 12th May, 1958 at 8-15 A.M. and never returned. His clothes were found at the Okhla Head at 7-30 P.M. the same day. It is suspected that he committed suicide by drowning but his dead body has not been traced

In the other case, an old man left his house in the early hours on the morning of 13th May, 1958 and was reported missing. It appears that he was of unsound mind

(c) and (d). Enquiries and searches were made. Names and descriptions of the missing persons were also published in the Delhi Crime News Bulletin as well as in the Delhi Criminal

Intelligence Gazette, but no clue of the missing persons has been found.

#### Shipping Services to Andamans

1889. Shri Tangamani: Will the Minister of Home Affairs be pleased to state:

(a) whether any representations have been made about inadequate passenger shipping services to Andamans,

(b) whether any new services are proposed to be introduced between Madras and Port Blair, and

(c) whether it is a fact that the Eastern Shipping Corporation has proposed to buy a passenger ship for plying in this area?

The Deputy Minister of Home Affairs (Shrimati Mitra): (a) No Sir;

(b) No Sir,

(c) No Sir

#### Untouchability Offences Act, 1955

1890 Shri Sadhu Ram: Will the Minister of Home Affairs be pleased to state

(a) the total number of persons prosecuted throughout the country under the Untouchability (Offences) Act, 1955 during the year 1958-59, and

(b) the number of persons, convicted and acquitted in these casts?

The Minister of Home Affairs (Shri G. B. Pant): (a) 871 persons were prosecuted during 1958 for offences against the Untouchability (Offences) Act, 1955

(b) 112 persons were convicted and 201 acquitted. Cases against 311 were pending while cases against 241 were compounded

#### Scheduled Caste and Scheduled Tribe Agriculturists in Punjab

1891. Shri Sadhu Ram: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstar-

red Question No. 1650 on the 10th March, 1959 and state:

(a) the actual amount spent on Scheduled Casts and Scheduled Tribe agriculturists in Punjab State during 1958-59; and

(b) the number of agriculturists benefited thereby?

The Deputy Minister of Home Affairs (Shrimati Aiva): (a) and (b) The required information is being collected from the State Government and will be laid on the Table of the House as soon as it is received

**Kendriya Hindi Shikshaka Mahavidyalaya, Agra**

1892 Shri Sadhu Ram: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No 482 on the 10th August, 1959 and state

(a) the number of persons to be taught annually at the Kendriya Hindi Shikshaka Mahavidyalaya, Agra; and

(b) what is the estimated annual expenditure?

The Minister of Education (Dr K. L. Shrimall): (a) and (b) The Akhil Bharatiya Hindi Mahavidyalaya, Agra, which is being re-organised to form the new Kendriya Hindi Shikshaka Mahavidyalaya Agra, at present, trains about 60 teachers at a time. The exact number of teachers to be trained by the new Mahavidyalaya will be decided upon by the Kendriya Hindi Shikshaka Mandal, which will manage the affairs of the Mahavidyalaya. The annual expenditure of the Mahavidyalaya will depend upon the number of teachers to be trained and other activities of the Mahavidyalaya.

**नये प्रशिक्षण स्कूल**

१८६३. श्री अ० डी० निम्न क्या जिला मधी यह बताने की कृपा करेंगे कि

(क) क्या केन्द्रीय शिक्षा मंत्रालय ने प्रत्येक राज्य में जूनियर हाई स्कूल परीक्षा

उत्तीर्ण छात्रों के लिये अपनी निधि में ३६ नये प्रशिक्षण (नार्मल) स्कूल खोलने का निश्चय किया है, और

(ख) यदि हा, तो ये स्कूल उत्तर प्रदेश में कहा-कहा और कब तक खोले जायेंगे ?

शिक्षा मंत्री (डा० श्रीमाली): (क) राज्यों की अपनी आवश्यकता के अनुसार, प्रत्येक राज्य के लिये कुछ नयी उपमन्त्रालय अध्यापक प्रशिक्षण मस्थानों नियत की गयी हैं और १९५९-६१ में इन का स्वयं केन्द्रीय सरकार उठायेगी।

(ख) इस का निर्णय उत्तर प्रदेश सरकार करेगी।

**हिमाचल प्रदेश में शिक्षकों का प्रशिक्षण**

१८६४. श्री पद्म देव : क्या जिला मधी यह बताने की कृपा करेंगे कि

(क) क्या यह सच है कि हिमाचल प्रदेश की शिक्षकों की प्रशिक्षण मस्थानों में प्रशिक्षण पाने वाले उम्मीदवारों में परीक्षाफल परीक्षा के नई महीने बाद घोषित किया जाता है,

(ख) क्या यह भी सच है कि उत्तीर्ण स्नानकों को प्रमाणपत्र देने में बहुत विलम्ब होता है, और

(ग) यदि हा तो इस सम्बन्ध में क्या कार्यवाही की गई है ?

शिक्षा मंत्री (डा० श्रीमाली): (क) यह सच है कि पिछले दो वर्षों में परीक्षाफल निकालने में कुछ देर हुई थी परन्तु इस का मुख्य कारण यह था कि समूहों की कमी और दूर के इलाकों में रहने वाले परीक्षाको से एक सूची न मिलना।

(ख) प्रशासन विभागीय परीक्षाओं लेता है और प्रमाण पत्र नहीं देता।

(ग) जहाँ तक प्रश्न के भाग (क) का संबंध है, अतिरिक्त समूहों की नियुक्ति



घौर परीक्षकों को शक सूची समय पर भेजने के अनुदेश जारी करने के कारण, इस वर्ष स्थिति काफी सुधर गई है।

**तारपीन के तेल का कारखाना, नाहन**

१८६५. श्री पद्म देव क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि—

(क) क्या यह सब है कि नाहन (हिमाचल प्रदेश) के तारपीन के तेल के कारखानों में एक मशीन बेकार पड़ा है।

(ख) क्या यह सब है कि यह मशीन दूसरी पंच-वर्षीय योजना के अन्तर्गत चम्पा जिले में झाड़पुर के निकट स्थापित किये जाने वाले दूसरे तारपीन के तेल के कारखाने में लगाई जायेगी, और

(ग) यदि हां, तो इस कार्य के सम्पादन में कितना समय लगेगा ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बस्तार)। (क) नाहन के तारपीन के तेल के कारखाने में एक बायनर के अलावा कोई नई मशीन बेकार नहीं पड़ी है।

(ख) ऐसा कोई मवाल विचाराधीन नहीं है। हिमाचल प्रदेश प्रशासन बायनर को बेचने के लिये कुछ फर्मों में निम्न पदां कर रहा है।

(ग) सोदा तब हो जाने पर बायनर बेच दिया जायेगा।

#### Industrial Disputes

1896. Shri Tangamani: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 577 on the 20th February, 1959 and state:

(a) how many out of 172 industrial cases pending before the Supreme Court on the 1st February, 1959 have since been disposed of; and

(b) the steps taken for early disposal of such cases?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the Lok Sabha.

#### Divorce Cases

1897. Shri S. A. Mehdi: Will the Minister of Law be pleased to state:

(a) how many cases of divorce under Special Marriage Act were instituted all over India during 1958; and

(b) the number of cases State-wise?

The Deputy Minister of Law (Shri R. M. Hajarnavis): (a) and (b). The information is not available with the Government as the State Governments are solely responsible for the administration of the Special Marriage Act, 1954. The requisite information is, however, being collected.

#### Territorial Councils

1898. Shri S. A. Mehdi: Will the Minister of Home Affairs be pleased to state

(a) how many meetings of the Territorial Councils of the Union territories were held in 1959; and

(b) the important decisions taken by each Territorial Council?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). A statement is laid on the Table [See Appendix III, annexure No. 72]

#### Purchase of Stores for Bhilai Steel Plant

1899. Shri Daljit Singh: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the present procedure for purchase of stores, both in India and from abroad for Bhilai Steel Plant,

(b) whether this procedure is satisfactory; and

(c) if not, whether Government propose to review it?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) Hindustan Steel Limited report that the present procedure for purchase of stores both in India and from abroad for the Bhilai Steel Project follows generally the procedure adopted by the Director General, Supplies and Disposals. Certain powers for purchase have been delegated to the various officers of the Project.

Purchases are made on the basis of open tender or limited tender depending on the value and nature of stores and the urgency of the requirements. In case of proprietary articles, orders are placed directly with the Indian importers or indigenous manufacturers as the case may be. The project is on the rolls of the D.G.S. & D. as direct Demanding Officers. The facility of rate contract is availed of to the maximum possible extent. Bhilai Steel Project has no running contract directly with the manufacturers for any of the stores.

For imported items, tenders are invited from Indian importers or agents of foreign manufacturers. In selected cases of imported items, the assistance of the India Stores Department, London, is sought both in regard to locating supplies as also inspection. In regard to purchases from U.S.S.R., proposals are received from the Project, and the contracts are entered into with the respective Soviet organisations by the Head Office of the Company, with the approval of the Committee of Directors.

When the stores are required urgently, local purchase action on limited scale for meeting immediate needs is resorted to so that work does not suffer.

Under Article 98(a) of the Articles of Association of the Company, all proposals involving an expenditure over Rs. 40 lakhs, are to be submitted to Government for approval.

For economical purchase of large quantities of raw materials and other stores common for all the three Projects in the operation stage, it has been

decided recently to establish a Central Purchase Organisation at Calcutta. The nucleus of this Organisation has already been formed.

Regarding inspection, where orders are placed as Direct Demanding Officers, and also in certain special cases, the Inspecting Officers of the Project arrange inspection both at Bhilai and at the suppliers' premises, if required.

(b) Yes, Sir.

(c) Question does not arise.

#### **Assistants' Grade Examination, 1959**

**1900. Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) the number of candidates who appeared in the Assistants' Grade Examination held by the U.P.S.C. in May, 1959; and

(b) when the result is likely to be declared?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** (a) 15,682.

(b) The result is likely to be declared in October, 1959.

#### **PAPERS LAID ON THE TABLE**

##### **AMENDMENT TO CENTRAL SALES TAX (REGISTRATION AND TURNOVER) RULES**

**The Minister of Finance (Shri Morarji Desai):** I beg to lay on the Table, under sub-section (5) of section 13 of the Central Sales Tax Act, 1956, a copy of Notification No. G.S.R. 936 dated the 15th August, 1959, making certain further amendment to the Central Sales Tax (Registration and Turnover) Rules, 1957. [Placed in Library, See No. LT-1578/59].

##### **NOTIFICATIONS ISSUED UNDER SUPREME COURT JUDGES (CONDITIONS OF SERVICE) ACT**

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I beg to lay on the Table, under sub-section (3) of section 24 of the Supreme Court Judges (Conditions of

[Shri Datar]

Service) Act, 1958, a copy each of the following rules:—

- (i) The Supreme Court Judges (Travelling Allowance) Rules, 1959, published in Notification No. G.S.R. 844 dated the 25th July, 1959.
- (ii) The Supreme Court Judges Rules, 1959, published in Notification No. 935 dated the 15th August, 1959. [Placed in Library, See No LT-1579/59].

**BOMBAY SECONDARY SCHOOL CERTIFICATE EXAMINATION BOARD (RECONSTITUTION) ORDER**

Shri Datar: I beg to lay on the Table, under sub-section (5) of section 4 of the Inter-State Corporations Act, 1957, a copy of the Bombay Secondary School Certificate Examination Board (Reconstitution) Order, 1959, published in Notification No. G S R 913 dated the 8th August, 1959 [Placed in Library, See No LT-1580/59].

**NOTIFICATIONS ISSUED UNDER ALL INDIA SERVICES ACT**

Shri Datar: I beg to lay on the Table, under sub-section (2) of section 3 of the All India Services Act, 1951, a copy of each of the following Notifications:

- (i) G.S.R No 957 dated the 22nd August, 1959, making certain amendments to the All India Services (Death-cum-Retirement Benefits) Rules, 1958
- (ii) G.S.R. No. 958 dated the 22nd August, 1959, making certain amendment to the All India Services (Conduct) Rules, 1954. [Placed in Library, See No. LT-1581/59]

**TRAVANCORE-COCHIN VEHICLES TAXATION (AMENDMENT AND VALIDATION) ORDINANCE**

Shri Datar: I beg to lay on the Table under provisions of Articles 213(2)(a) of the Constitution read with clause (c)(v) of the proclamation dated the 31st July, 1959, issued

by the President in relation to the State of Kerala, a copy of the Travancore-Cochin Vehicles Taxation (Amendment and Validation) Ordinance, 1959 (No. 4 of 1959) promulgated by the Governor of Kerala on the 9th July, 1959. [Placed in Library, See No LT-1582/59].

**AMENDMENT TO MEDICINAL AND TOILET PREPARATIONS (EXCISE DUTIES) RULES**

The Deputy Minister of Finance (Shri B. R. Bhagat): I beg to lay on the Table, under sub-section (4) of section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, a copy of Notification No. G.S.R. 938 dated the 15th August, 1959, making certain further amendment to the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956 [Placed in Library, See No LT-1583/59]

**PRESIDENT'S ASSENT TO BILLS**

Secretary: Sir, I lay on the Table the following two Bills, passed by the Houses of Parliament during the current Session, and assented to by the President, since a report was last made to the House on the 3rd August, 1959 —

- 1 The Pharmacy (Amendment) Bill, 1959
- 2 The International Monetary Fund and Bank (Amendment) Bill, 1959

**MESSAGE FROM RAJYA SABHA**

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

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 28th August, 1959, agreed without any amendment to

the Kerala Local Authorities Laws (Amendment) Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 25th August, 1959."

#### PRESENTATION OF PETITION

**Shri Osman Ali Khan (Kurnool):** I beg to present a petition signed by a petitioner regarding renewal of broadcast receiver licences for villages.

#### RE: WITHDRAWAL OF A MEMBER FROM THE HOUSE

**Shri Braj Raj Singh (Firozabad):** The other day you were pleased to order four hon. Members out of the House. I feel that it was a great injustice done to us. So, I just want to say that until that wrong is undone, I will protest against this issue and I shall walk out from this House, at least for five minutes, daily. Now, as a protest I walk out

**Mr. Speaker:** The hon. Member is continuously committing a contempt of this House and contempt of the authority of the Speaker. What he did the other day was that he just sent me a letter saying that he wanted to refer to the adjournment motion here. I had disallowed the adjournment motion relating to firing in a certain State on the ground of its being purely a State subject. He wanted to raise it here and I said, "No, you ought not to do so." He was still persistent in trying to raise it. So, I asked him to withdraw from the House for the rest of the day. Then another hon. Member got up; still another hon. Member got up, yet another—four hon. Members got up to raise the matter and I asked them to withdraw. Today he has sent me a letter stating that on that day they did not want to raise that matter in the House but only wanted to tell me that they were going out in protest. Even that is bad. If they walk out from the House, they are entitled to come back, but if I ask them to withdraw, they are not entitled to come back. He has now said that they wanted to walk out from

the House themselves and subsequently I asked them, or ordered them, to withdraw. He wrote to me that he would raise this matter today. I sent word to him that I will go into the facts, as I do not know what the facts are, and I will bring it up tomorrow. In the meanwhile, the hon. Member says that until I pass an order, withdrawing my earlier order, he will go on walking out from the House day to day.

**Shri Braj Raj Singh:** Unless I get a redress, I shall continue to walk out.

**Mr. Speaker:** Order, order. The House must know what exactly the hon. Member is doing. I told him just now that I will take it up tomorrow. What is this hurry about?

**Shri Braj Raj Singh:** I am prepared....

**Mr. Speaker:** Then why should he say, "I will walk out today"? And he has not walked out. He is sitting here

**Shri Braj Raj Singh:** No. On that day, on my back you passed an order. So, I wanted to hear.

**Mr. Speaker:** This kind of impatience on the part of a representative of 7½ lakh people is not right. All that I said was that what is going to be done today will be done tomorrow. I said I will look into the facts. Anyhow, the hon. Member seems to be too anxious to hear me and get a redress. I shall read out what exactly has happened that day. It reads:

"**Shri Braj Raj Singh:** Sir, a principle is involved in this.

**Mr. Speaker:** Order, order. I will call upon Shri Braj Raj Singh to keep out of the House for the day

**Shri Braj Raj Singh:** I am walking out in protest."

"In protest against what?" I would ask him. He wanted to raise this point saying that with respect to the adjournment motion relating to the firing on some students in Allahabad,

[Mr. Speaker]

my refusal to give consent was not right and, therefore, there was a principle involved in it. I said that when once I had given a ruling, the hon. Members have to abide by it. Of course, they can send representations. I have been saying this from time to time. I am always willing to hear them and if I am convinced that my order has to be reviewed, I will certainly do so and will bring the matter up the next day. But the hon. Member is so impatient. He said that he wanted to raise a question of principle on the firing. When I said "No", he persisted in raising the matter and I thereupon asked him to withdraw.

Now he makes a statement saying that he himself wanted to walk out on account of the firing that took place and that by asking him to withdraw I have prevented him from attending the House for the rest of the day. This is very wrong. And if the hon. Member persists, I will have to take more severe disciplinary action against him and charge him for contempt of the House and contempt of the authority of the Speaker. He ought not to behave like this. I once again warn him that if he still persists, I may have to take very serious action against him. I have been very indulgent to him. Though he belongs to a party of only four members here, there is not a single occasion when I have not allowed him to speak. In those matters I have given him absolute liberty. But this hon. Member has been abusing my indulgence in this House. I have noticed it from time to time and I am not going to tolerate it.

**Shri Braj Raj Singh:** Sir, may I....

**Mr. Speaker:** Order, order. I am not going to allow him to speak.

**Shri Braj Raj Singh:** Then I walk out.

*(Shri Braj Raj Singh then left the House.)*

## GENEVA CONVENTIONS BILL\*

**The Deputy Minister of Defence (Sardar Majithia):** I beg to move for leave to introduce a Bill to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to enable effect to be given to certain international Conventions done at Geneva on the twelfth day of August, 1949, to which India is a party, and for purposes connected therewith."

*The motion was adopted.*

**Sardar Majithia:** I introduce the Bill.

## KERALA APPROPRIATION BILL\*, 1959-60

**The Minister of Finance (Shri Morarji Desai):** 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 the State of Kerala for the services of the financial year 1959-60.

**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 the State of Kerala for the services of the financial year 1959-60."

*The motion was adopted.*

**Shri Morarji Desai:** I introduce the Bill.

\*Published in the Gazette of India Extraordinary Part II—Section 2, dated 31st August 1959.

†Introduced with the recommendation of the President.

12.10 hrs.

GOVERNMENT SAVINGS BANKS  
(AMENDMENT) BILL

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** Sir, I beg to move that the Bill further to amend the Government Savings Banks Act, 1873, be taken into consideration.

The Government Savings Banks Act regulates the administration of the Post Office Savings Banks and the payment of deposits in the Government Savings Banks. Section 4 of the Act provides that if the depositor dies and probate of his will or letters of administration of his estate or a succession certificate is not produced within three months of his death the payment of the deposit if it does not exceed Rs. 5,000 can be made by the prescribed authority to any person who may appear to him to be entitled to receive it or to administer the estate. For deposits exceeding Rs. 5,000 therefore payment can be made only on the production of the probate or letters of administration or succession certificate.

Suggestions have been made from time to time that production of these documents involves considerable delay, expense and inconvenience to the heirs of the deceased depositors in receiving the amount due to them and that with a view to avoid these difficulties depositors may be allowed a right to nominate a person or persons who could receive the amounts in the event of the death of the depositor without the production of legal documents. These suggestions have been accepted and the Bill before the House accordingly seeks to provide the facility of nomination and confers upon the nominee the title to receive, upon the death of the depositor, the deposits due to the deceased to the exclusion of all other persons.

Section 5 of the Act further takes care of this fact that it should ensure that this title does not affect in any way the right of third parties to recover from the nominee under the normal processes of law the monies

due to them from the deceased depositor.

As recommended by the Committee on subordinate legislation, provision has also been made for laying the rules framed under this Act on the Table of both Houses of Parliament.

Apart from certain consequential amendments, a few minor amendments, which have been found necessary due to the changed circumstances, have also been included.

Sir, I move.

**Mr. Speaker:** Motion moved:

“That the Bill further to amend the Government Savings Banks Act, 1873, be taken into consideration.”

**Shri Prabhat Kar (Hooghly):** Sir, I welcome the provisions of the Bill. I only want to know one thing and that is this. Under section 4A, sub-section (4) it has been stated that—

“If a depositor dies and there is no nomination in force at the time of his death and probate of his will or letters of administration of his estate or a succession certificate granted under the Indian Succession Act, 1925, is not within three months..... then—

(a) if the deposit does not exceed five thousand rupees, the Secretary may pay the same to any person.....”.

I want to know, when you are prepared to make the payment to any person appearing to the Secretary to be entitled to receive it, why for three months you ask for the probate or succession certificate. In the statement of objects it is stated that “suggestions have been made from time to time that as the production of legal proof of succession involves considerable delay and expense”. I am on this particular word ‘expense’. When this involves expense and when you are agreeable to relax this condition after three months, that means that you do not want the people to spend for this

[Shri Prabhat Kar]

small amount, then, why should you wait for three months? You have said that if it is not within three months of the death of the depositor and if the deposit does not exceed Rs 5,000, the Secretary may pay the same. Why do you not allow this facility from the very beginning instead of after this three months' time has elapsed? When you are agreeable to relax it after the passage of three months, everyone will be entitled to it and accordingly the Secretary will pay. No one will go and obtain probate or succession certificate and they will not be asked to spend. I do not know the exact reason why you will be waiting for three months for the production of probate or succession certificate when you are relaxing this particular condition after the expiry of three months.

I would also like to know whether this nomination will be registered and whether any stamp will be required for the registration of this nomination with the Savings Banks authorities or whether it will just be in a prescribed form and no expense will have to be incurred by the depositor for registering the nomination.

I welcome this Bill. I would like to have clarification of these two points. With these words, I support the Bill.

**Shri Nanshir Bharucha (East Khandesh)** Mr Speaker, Sir, I welcome the principle incorporated in the Bill but I am afraid that there might be some constitutional difficulty in connection with it. I would therefore like to invite the attention of the hon. Finance Minister to that aspect of the Bill as well.

The House is aware that under article 269 of the Constitution duties in respect of succession to property and estate duty are divisible among the States. The Bill excludes a sum of Rs 5,000 from the purview of such duties thereby lessening the share of such duties receivable by the States. Therefore under article 274 prior recommendation of the President is

necessary before this Bill can be taken into consideration by this House. If we come to the end of the Bill we find that recommendation under article 117 only has been obtained and not under article 274 as well. To my mind that represents a serious flaw and I would like the hon. Minister to make it clear as to why in the case of this Bill which takes away a share of the succession duty from the States and thereby infringes the provisions of article 269 recommendation of the President under article 274 in addition was not obtained. I, therefore, think the Bill, as it stands, is unconstitutional and perhaps might create difficulties.

As I said, I am in favour of the provisions contained in the Bill. I am not opposed to the Bill itself. I am only pointing out the constitutional flaw in it. The scheme of the Bill is that where there is a valid nominee or the nominee is a minor then in that case his guardian will get the amount of deposit payable to the nominee. If the depositor dies without valid nomination or the nominee pre-deceases the depositor then if the sum is under Rs 5,000 the Secretary may pay the deposit to any person who appears to him as entitled to receive this amount. In this connection I would invite the hon. Finance Minister's attention to one point namely, that often nominations are made and they become stale and therefore it is necessary to have some sort of a provision that such nominations shall be renewable at the end of three or five years. Often, it happens that an account is opened, deposits are made and the nominee is appointed, but though the nominee is alive the intention of the depositor in the meantime has changed and the nomination has become stale on account of the circumstances arising thereafter but the depositor does not take care to have the nomination duly changed. Therefore I suggest that some sort of provision should be incorporated in the Bill which will require renewal of these nominations, say, every three years or five years if

necessary. That would also help in checking various nominations which have become invalid by reason of the death of the nominees.

Also under clause 15, Government is assuming powers for making rules Under clause 15(2) (d), the rules may provide for "the persons to whom and the manner in which deposits may be paid;". It may often happen that administrative practice in the matter of payment of deposits will vary with the different States I would, therefore, suggest that rules should be incorporated laying down uniformity in the matter of payment of deposits in such cases, the question of identification of the party arises I would, therefore, request the Government to include in the rules specific provisions that when a nominee or person entitled to claim is identified either by a Member of the Legislature or Parliament or a gazetted officer or such other few persons as the Government thinks fit, merely on the affidavit of such a person, without any additional formality, the amount of deposit should be paid This Bill is particularly welcome because small depositors die and it becomes extremely difficult, even in cities like Bombay, to obtain the Administrator General's certificate Usually, these people have no other estate except personal belongings and, therefore, this Bill is particularly welcome

I hope this Bill will be looked into properly, particularly as I have drawn the attention of the hon Minister that the recommendation under article 274, which is additionally required, has not been obtained and that constitutional defect might receive the attention of the hon Minister.

श्री रघुनाथ सिंह (वागणमी) इस विषयक का हम स्वागत करने हैं क्योंकि इस विषयक के कारण हम समय जो बटन में प्रभुविचारों हैं उन का हल हो जायेगा।

पहली प्रभुविधा तो इस समय यह है कि जिस धादमी को दो नौ रुपया भी जमा

होता है तो उस को निकलवाने के लिये निकालने वाले को सक्सेशन सरटिफिकेट लेने में ३३ रुपये न भाने खर्च हो जाते हैं।

इस के अलावा एक बात का हमें और मुझाव देना है। मान लीजिये कि डाकखाने में एक खाता दो धादमियों के नाम से है और उन का २० या २५ हजार रुपया जमा है और वह दोनों धादमी कोडिपाजिटर हैं यानी उन में से हर धादमी को रुपया निकालने का अधिकार है। लेकिन आज कल होना यह है कि उन में से अगर कोई एक धादमी रुपया निकालना चाहता है तो उस में नीचे दिया हुआ सरटिफिकेट लिया जाता है —

The other co-depositor is alive and sane.

मेरा मुझाव है कि यह प्रिक्टिस समाप्त होनी चाहिये। जब दो कोडिपाजिटर होते हैं तो उन में से किसी को भी रुपया निकालने का अधिकार होता है। इस लिये कोडिपाजिटर के लिये सक्सेशन सरटिफिकेट की या किसी और दूसरे प्रकार के सरटिफिकेट की आवश्यकता नहीं होनी चाहिये। तो मैं चाहता हूँ कि किसी कल टाग या किसी और प्रकार में ऐसा नियम कर दिया जाना चाहिये कि कोडिपाजिटर को रुपया निकालने बकन इस प्रकार का सरटिफिकेट देने की आवश्यकता नहीं होनी चाहिये कि दूसरा कोडिपाजिटर जिन्दा है, पागल नहीं है अच्छी हालत में और स्वस्थ है। डाकखाने वाले उन में अभी इस प्रकार का सरटिफिकेट बिदडाखल फार्म के नीचे लेते हैं। जब दो धादमियों के नाम में खाता है और खाने में यह अधिकार दिया जाता है कि उन में से कोई भी धादमी रुपया निकाल सकता है तो फिर ऐसी अवस्था में सरटिफिकेट की आवश्यकता नहीं होनी चाहिये। इसलिये मेरा मिर्क इनना ही मुझाव है कि डाकखाने में सेविन्स बैंक में या और स्थानों पर जहाँ कोडिपाजिटरों के नाम में रुपया जमा हो, इस प्रकार का सरटिफिकेट न लिया जाय और साथ ही साथ ऐसे खातों में सक्सेशन



[श्री रघुनाथ सिंह]

सरटिफिकेट की भी आवश्यकता नहीं होनी चाहिये। अगर एक भ्रादमी भी उन में से चाहे तो सारा रुपया निकाल सकता है।

जो कोडिपाजिटर के खाते होते हैं वे ज्यादातर पति-मन्त्री या पिता और पुत्र के नाम में होते हैं। तो हम में हमारा इतना ही निवेदन है कि ऐसी अवस्था में किमी प्रकार के सरटिफिकेट की आवश्यकता नहीं होनी चाहिये और यह गारंटी जो हर बार डाकखानों और बैंकों में रुपया निकालते वक्त सी जाती है इस सिस्टम को ट्राप कर देना चाहिये।

श्री क० सा० इबेबी (हमीरपुर)  
अध्यक्ष महोदय, इस विषय का मैं स्वागत करता हूँ। इस में जो सुविधा प्रदान की गयी है उस से बड़ा लाभ होगा।

मैं इस विषय पर अधिक चर्चा नहीं करना चाहता क्योंकि जो सुविधाये दी गयी है उन का उल्लेख तो इस बिल में ही और माननीय मंत्री महोदय ने भी इस में उद्देश्यों में उन को काफी स्पष्ट कर दिया है। लेकिन सभी रुपया जमा कराने वालों को कुछ कठिनाइयां होती हैं जिन की तरफ इस बिल में ध्यान नहीं दिया गया है और इस कारण लोगों को बड़ी बड़ी विपत्तियां का सामना करना पड़ता है। मैं चाहता था कि इम्बिल को बनाने के पहले माननीय मंत्री इन कठिनाइयों पर भी गौर कर लें जिन का सामना घाज लोगों को करना पड़ता है। उन कठिनाइयों के हल का समावेश इस बिल में होना आवश्यक है। इसलिये इन चीजों का मैं उम्बिल में सम्बन्ध में उल्लेख किये देता हूँ और मुझे विश्वास है कि इन सुविधाओं को दूर करने के लिये माननीय मंत्री महोदय जल्दी ही विचार करेंगे और इस के लिये यहाँ पर दूसरा विधेयक प्रस्तुत करेंगे।

उदाहरण के लिये जो लोग डाकखानों में रुपया जमा करने हैं उन को पहली कठिनाई तो यह होती है कि जब वे रुपया वापस लेने

जाते हैं तो डाकखाने वाले एक ऐसे भ्रादमी को चाहते हैं जो डाकखाने वालों को भी जानता हो और रुपया जमा करने वाले को भी जानता हो। देहातियों के लिये ऐसा हमेशा सम्भव नहीं हो पाता कि उनकी इन तरह का भ्रादमी उम्र समय मिल जाये कि जो डाकखाने वालों को भी जानता हो और उन देहातियों को भी जानता हो। ऐसी अवस्था में डाकखाने वाले उन लोगों को रुपया देने से इंकार कर देते हैं। लेकिन यदि डाकखाने वालों को रुपया दो रुपया दे दिया जाता है तो तुरन्त ही बहा एक ऐसा भ्रादमी मिल जाता है जो दोनों को जानता होता है और रुपया दे दिया जाता है। इस का नतीजा यह होता है कि जो लोग रुपया जमा करने हैं उन को ब्याज तो मिलना ही नहीं और मूल धन में से भी कुछ रुपया इस प्रकार खर्च हो जाता है। ऐसी अवस्था में लोगों को यह स्थान हाता है कि हम का ब्याज नहीं मिलना और इस प्रकार रुपया जमा करने में कोई लाभ नहीं होता। साथ ही रुपया निकालने में कठिनाई और हानी है। जब कि दूसरी जगह रुपया लगाने में लाभ हो सकता है। ना जल्द इस बात की है कि उम्र में मुधार किया जाना चाहिये ताकि लोगों को अपना रुपया निकालने में कठिनाई न हो। अगर रुपया जमा कराने वालों को एक प्राइवेटिटी कार्ड दे दिया जाये ताकि वे उम्र के आधार पर अपना रुपया वापस निकाल सकें तो मैं समझता हूँ कि यह कठिनाई दूर हो सकती है।

दूसरी कठिनाई इस सम्बन्ध में यह है कि केन्द्रीय सरकार द्वारा राज्य सरकारों को एक निश्चित धनराशि जमा करने का आदेश या सुझाव दिया जाता है और एक अनुमान बना लिया जाता है कि अल्प बचत योजना में सारे हिन्दुस्तान से इतना रुपया जमा होना चाहिये। राज्य सरकारें अपने अपने अधिकारियों को, क्लर्कों और तह-

सीलदारों को आदेश जारी करती है कि उनको अपने अपने जिले या तहसील से इतनी राशि अल्प बचत योजना के अन्तर्गत जमा करनी है। इसमें कठिनाई यह होती है कि ये अधिकारी जनता से ठीक तरह से अपील तो करते नहीं और न जनता को समझाते हैं कि इस बचत का उद्देश्य क्या है और इससे उनको स्वयं और राष्ट्र की क्या लाभ होगा। वह इसके लिये सहल तरीका अपना लेते हैं और वह तरीका यह है कि जब कोई आदमी बन्दूक का लाइसेंस लेने के लिये या किसी दूसरे काम से उनके पास आता है तो वे उसे कहते हैं कि तुम दो सौ रुपया या तीन सौ रुपया या कोई खास रकम अल्प बचत योजना में जमा करो। और चूंकि उस आदमी का काम अटका होता है वह उतना रुपया जमा कर देता है। इसमें यह दिक्कत पैदा होती है कि जनता यह समझती है कि यह कोई बड़ा भारी बन्धन है और इसलिये जनता को इससे घृणा हो जाती है। इस प्रकार जनता जो रुपया जमा करती है उसकी सूचना सरकार को दे दी जाती है कि इतना रुपया जमा हो गया लेकिन दो चार महीने बाद ही लोग डाकखानों से वह रकम निकाल लेते हैं और उससे हमें कोई लाभ नहीं हो पाता। केवल कागजों में यह दिखा दिया जाता है कि इतनी धनराशि जमा हो गयी लेकिन वास्तव में हमको उसका कोई लाभ नहीं हो पाता। इसके अलावा और भी दुर्गुण हमारी अल्प बचत योजनाओं में प्रविष्ट कर गए हैं। इसका मुख्य कारण यह है कि अल्प बचत करने वाले लोग जानते हैं कि इस धनराशि के जमा करने से उन्हें अपने इलाके में, या अपने राज्य में कोई लाभ सीधे मिलने वाला नहीं है—उलटे तो मिल जायेगा, क्योंकि आखिरकार हमारी पंचवर्षीय योजनायें जो हैं, वे सारे देश के लिये हैं और इस रकम को देश में कहीं न कहीं लगाया ही जायेगा और उससे बड़े बड़े लाभ होंगे। लेकिन कोई ऐसी भी व्यवस्था होनी चाहिये थी कि इस रकम का पचास या पचत्तर प्रतिशत—या किसी

अनुपात में निश्चित की गई धनराशि—उस इलाके में ही इस्तमाल किया जाये। यदि किसी इलाके में लोग इस प्रकार रुपया इकट्ठा करें, तो स रुपए को वे उस योजना या कार्य में उपयोग कर सकें, जो कि वे अपने इलाके के लिये अच्छा समझें। इससे लोगों को प्रेरणा मिलेगी और उत्साह होगा कि रुपया जमा करने से उन को व्याज तो मिलेगा ही, उन का धन तो सुरक्षित रहे। ही, साथ ही साथ उन के क्षेत्र में वे काम हो सकेंगे, वे योजनायें क्रियान्वित हो सकेंगी, जो कि पंचवर्षीय योजना में शामिल नहीं हो पातीं। उन कामों की उस क्षेत्र में अत्यन्त आवश्यकता होती है और लोग उन को करना चाहते हैं। मैं चाहता हूँ कि इस प्रकार की व्यवस्था की जाय और इस तरह के दुर्गुणों को दूर किया जाय।

आवश्यकता इस बात की है कि इस सम्बन्ध में देश भर में बड़े पैमाने पर जनता में प्रचार किया जाये। इस बारे में जो पत्र छपवाए जाते हैं, वे अधिकतर अंग्रेजी में होते हैं और जो देशी भाषाओं में होते भी हैं, वे जनता तक नहीं पहुंच पाते हैं। इसलिये जनता को इस बात की पूरी जानकारी नहीं है कि इस योजना का उद्देश्य क्या है। पिछली बड़ी लड़ाई के दौरान में, जबकि हमारे यहां विदेशी शासन था, लड़ाई के लिये बाण्डूज खरीदे जाते थे और जबर्दस्ती दिए जाते थे। चूंकि विदेशी शासन था, इसलिये लोग ले लेते थे। लेकिन आज भी जन-साधारण में और विशेष कर देहाती-ग्रामीण क्षेत्रों में यह धारणा फैला हुई है कि ये भी उसी किस्म के बाण्डूज हैं और इनका रुपया वसूल करने में हम को बड़ी परेशानी उठानी पड़ेगी। इस प्रकार के उपाय सोचे जाने चाहियें और ऐसे कदम उठाए जाने चाहियें, जिससे यह योजना प्रचलित हो सके और जनता में लोकप्रिय हो सके और जनता में वह भावना पैदा की जाये कि इस प्रकार की अल्प बचत योजना में योगदान देना राष्ट्र के कामों में सहायता करना है और इसका बड़ा महत्व है।

[श्री म० ला० द्विवेदी]

मैं इस सम्बन्ध में एक और बात कहना चाहता हूँ कि जबर्दस्ती सेविंग्स की रकम को वसूल करने की बात को बन्द कर देना चाहिये। अगर उस को बन्द नहीं किया जाता है, तो हम लोगों में अल्प-बचत योजना के प्रति उत्साह नहीं पैदा कर सकते।

**एक मातनीय सदस्य :** हर जगह तो ऐसा नहीं होता है।

**श्री म० ला० द्विवेदी :** मैं जिस क्षेत्र से आता हूँ, वहाँ की बात मैं कह सकता हूँ। मैंने अभी लाइसेंस की बात कही है। जब कोई बन्दूक का लाइसेंस बनवाने जाता है, तो उस को कहा जाता है कि तीन सौ रुपया जमा करो, तो लाइसेंस मिलेगा, नहीं तो नहीं मिलेगा। इस प्रकार तीन सौ रुपया जमा करना पड़ता है। यह निश्चित बात है इस बारे में जांच की जा सकती है।

बुंदेलखण्ड में अल्प-बचत योजना के काबले में एक योजना निकाली गई है बाल-बचत योजना। उन्होंने क्या किया है कि को-ऑपरेटिव सोसायटियों में—सहकारी समितियों में—एक पास-बुक बनाने की योजना बना दी है और हर एक ग्रामीण आदमी बच्चे के नाम से पांच रुपया महीने या साल जमा करता है। लोग वह रुपया खुशी से जमा करते हैं। अभी तक हमारे जिले में उत्तर प्रदेश सरकार की ओर से नई किस्म की खाद खरीदने के लिये १०० रुपए का ऋण या तकावी दी जाती है और उस तकावी के लिये एक लाख रुपए फ्री जिले के हिसाब से दिये जाते हैं। लेकिन अब खाद का इस्तेमाल बढ़ रहा है और खाद का इस्तेमाल करने वाले किसानों की संख्या बढ़ती जा रही है। ऐसी स्थिति में किसानों के लिये अधिक ऋण की रकम उपलब्ध करने की आवश्यकता है, लेकिन राज्य सरकार से एक लाख रुपया ही मिलता है। इसलिये बाल-

बचत योजना के अन्तर्गत रुपया उपलब्ध करने का प्रयत्न किया गया है। सहकारी समितियों की साख बढ़ाई गई और अब उनको रिजर्व बैंक और दूसरे स्रोतों से रुपया मिल जाता है। पहले उन की एक लाख रुपए की साख थी और अब दो ढाई लाख की साख हो गई है और लोगों को रुपया मिल जाता है। साथ ही १०० रुपए की सीमा को बढ़ा कर १२० रुपया कर दिया गया है, जिससे किसान खाद के अलावा बैल और कृषि के औजार भी खरीद सकते हैं। बाल-बचत योजना का धन उसी स्थान के लिये उपलब्ध हो जाता है, जिससे वे लोग लाभ उठा सकते हैं। इस समय यह योजना सिर्फ बुंदेलखण्ड में ही प्रचलित है—देश के दूसरे भागों में प्रचलित नहीं है। इससे वहाँ के लोगों में उत्साह बढ़ा है। साथ ही साथ वह रकम जल्दी नहीं निकाली जा सकती, क्योंकि वह रकम बच्चों के नाम पर जमा की जाती है और उस को दस पंद्रह साल के लिये जमा करने की बात की जाती है, ताकि आगे चल कर बच्चों को फ़ायदा हो, वे पढ़ सकें और भविष्य में उनका फ़ायदा हो सके। जैसा कि मैंने अभी कहा है, यह योजना बुंदेलखण्ड में चल रही है और सरकार ने उस को मान्यता दी है। मैं समझता हूँ कि सारे देश में इस योजना को अपनाया चाहिये।

सेविंग सर्टिफिकेट्स के बारे में जो कठिनाइयाँ हैं, उन को दूर किया जा सकता है। ये चन्द सुझाव हैं, जिन पर मंत्री जी को गौर करना चाहिये। अगर वह इन पर गौर करेंगे, तो इस अल्प-बचत योजना के नाम पर बहुत भारी रकम आने लगेगी और उन से पंच-वर्षीय योजनाओं में सहायता पहुंचाने में हम सफल हो सकेंगे।

इन चन्द शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और स्वागत करता हूँ।

**Shri Raghbir Sahai (Budaun):** I welcome this Bill because it contains a very salutary provision for nomi-

nation by a depositor in the savings bank. Everybody is agreed on this point that the savings bank is a very popular organisation and it is being patronised not only by the rich but also by the poor.

But the main complaint against the savings bank organisation is that numerous difficulties are placed in the way of the depositors in withdrawing their money. My hon. friend has just now referred to this difficulty, and I entirely agree with him that these difficulties in withdrawing the money from the savings bank should be minimised to the least possible extent.

My hon. friend has suggested that an identity card or identification card may be given to every depositor. I do not quite agree with him in regard to that.

**Shri M. L. Dwivedi:** With a photo graph.

**Shri Raghbir Sahni:** because in the rural areas these identity or identification card, may be easily lost. And most of our people do not know how to keep and preserve these papers. But in order to avoid that difficulty I would make this suggestion.

श्री म० ल० द्विवेदी प्रथम महोदय  
 मैं इस सम्बन्ध में एक बात कहना चाहता हूँ  
 कि वे अपने खेतों के पट्टे सुरक्षित रख सकते हैं  
 और बड़े बड़े कागजात सुरक्षित रख सकते हैं  
 तो वे आईडेंटिफिकेशन कार्ड कैसे खो देंगे।

**Shri Raghbir Sahni:** That is my view. In this connection, I would offer a suggestion. Government are already pledged to starting more of savings banks in the rural areas but I am sorry that that suggestion has not been acted upon. I remember that there was a serious suggestion on the part of Government that at least at the headquarters of the community development blocks, there should be a savings bank where

people could easily deposit their money, but I am sorry to say that even that suggestion has not been acted upon. If savings bank facility is given to very many villages, then, I think this difficulty in regard to withdrawal would be solved by itself.

The present provision to which the Deputy Minister has drawn our attention, namely section 4, is really a very irksome provision, namely that in cases where the deposit exceeds Rs. 5,000 and the depositor dies, then it is made obligatory that either a probate of the will should be produced or a succession certificate or letters of administration should be produced. They all take a good deal of time, and that involves expenditure also.

I remember that twenty-five years back, I drew the attention of our respected Home Minister who was then a Member of the Central Legislative Assembly towards this difficulty. I had a particular case in my mind where a husband had deposited more than Rs. 5,000 in the name of his wife, and the wife died leaving two daughters, that money from the savings bank could not be withdrawn because of this irksome provision. And I know that the husband had to file a civil suit for declaration in which the daughters were made a party, and for the decision of that case several months were taken and a lot of money had to be spent. Now I see that that provision is being replaced by this salutary provision.

I also find that in the case of insurance policies this system is being recognised. As soon as a man takes the policy the right of nomination is being given to him and he assigns his policy in the name either of his son or wife and that endorsement is made on the back of the policy. I would like to propose to the hon. Minister that wherever the first deposit is made in the savings bank, in the application form the depositor should propose who his nominee would be,

[Shri Raghbir Sahai]

of course with a right that he could vary that nomination at any time. If in the first application the name of the nominee is mentioned, that name could be mentioned in the savings bank book also, and he or anybody concerned would remember as to who the nominee is. He has got perfect right to vary that nomination at any time. If he varies that nomination either in favour of a person or more than one person, well, intimation could be given to the post office and to the district judge also and, if necessary, that nomination could be registered.

A difficulty was pointed out by a friend sitting opposite that this provision of three months should be dispensed with. I find that this provision exists in the old section which is going to be substituted by this new section and that three months provision is not laid down here. So that kind of objection is not at all necessary and it does not require any rectification.

On the whole it is a very welcome Bill and I support it.

श्री जलधर मुखे (फर्रुखाबाद) : अध्यक्ष महोदय, मैं इस बिल का स्वागत करता हूँ। मुझे केवल एक ही आपत्ति इस बिल के बारे में मालूम देती है और वह यह है कि तीन महीने की जो मियाद रखी गई है प्रोवेट आफ हिज बिल के लिये या लैटर्स आफ एडमिनिस्ट्रेशन या सफरीफन सर्टिफिकेट के लिये, मैं समझता हूँ कि इस धर्मे में इन तीनों में से कोई भी नहीं मिल सकती है। जब कभी दरखास्त दी जाती है तो उसकी डिस्पोजल में छः महीने लम्ब जाते हैं, किसी की डिस्पोजल में एक साल लम्ब जाता है। अगर आप का कमीशन की रिपोर्ट को देखें तो पता लगेगा कि जहाँ तक डिनेस का तात्पर्य है बहुत ज्यादा धर्रा लम्ब जाता है। तीन महीने के बाद अगर वह धर्रा दे दिया गया सेक्रेटरी को कि बिल को ठीक समझे वेमेंट कर दे,

इससे जो राइटफुल धोर है, उसको बड़ी दिक्कत हो जाएगी। इस बाबत जहाँ तक इस तीन महीने की बात का तात्पर्य है, इसको जकर ही कम से कम छः महीने कर दिया जाना चाहिये। छः महीने के धर्रा अगर वह कोई चीज न ला सके तो उनको धर्रा देना हो कि मामूली सा हिस्सा करके जो धारणी इसके मुस्तहक पाया जाए, उसको दे दिया जाए।

बाकी धोर जो दिक्कत मेरे मित्रों ने बयान की है, उनसे मैं किसी कदर सहमत हूँ। धार्रेंटिटी कार्ड की बात तो जरा मुश्किल मालूम होती है। नामिनेशन का जहाँ तक सवाल है, उसको बेरी करने का धर्रा देना ही चाहिये। लेकिन मुझे सब से अधिक आपत्ति जिस बात पर है वह यह है कि जहाँ तक तीन महीने की बात का तात्पर्य है, उसको कम से कम छः महीने जकर कर दिया जाना चाहिये और मैं समझता हूँ कि मिनिस्टर साहब इस बात पर जकर गौर करेंगे।

Shri Achar (Mangalore): I would like to make only one or two sub-missions, especially with regard to sub-clause (4) of clause 7 which reads :

"If a person dies and is at the time of his death the holder of a savings certificate and there is no nomination in force at the time of his death and probate of his will or letters of administration of his estate or a succession certificate granted under the Indian Succession Act, 1925, is not within three months of the death of the holder produced to the prescribed authority...."

So far as the provision about nomination is concerned everybody welcomes it, and in fact it has been the grievance of the public that people.....

**Shri D. C. Sharma (Gurdaspur):** Which Bill are we discussing? I think the gentleman who preceded the speaker was talking about savings banks, and the hon. Member is talking about savings certificates. Which Bill are we discussing? All the Bills together?

**Shrimati Tarakeshwari Sinha:** The Savings Banks Bill. Perhaps Mr. Achar can speak on the second Bill.

**Mr. Speaker:** The same thing happens in all the Bills.

**Shri Achar:** I do not know whether I made any mistake.

**Mr. Speaker:** Though it will not be recorded under the relevant Bill, all hon. Members, I assume, are speaking on all the Bills together.

**Shri Achar:** Thank you very much.

**Mr. Speaker:** Therefore, they need not get up in the other case.

**Shri Achar:** Sir, the point is this, that so far as the nomination is concerned, it is most welcome. Because, one complaint has been that Government collects money easily but while repaying there are all sorts of difficulties. That has been the general complaint. In fact, that has been the grievance of the people for several years, and I am really very happy to find the hon. Minister coming up with this Bill, providing for the nomination of a person to receive back the amount after the death of the depositor. So far as that is concerned there is absolutely no controversy about it; everybody has supported it. I also very willingly welcome that part of the Bill.

The only point that I want to make is this. The clause says that if the succession certificate is not produced within three months, then the authority can proceed. I would submit even that the three months period should be removed; I will go to the extent of saying that the provision of

three months' time is superfluous and, if I may say so, it is absolutely useless. As a lawyer of considerable experience I may submit that no succession certificate or probate or letters of administration could be obtained within three months in any court practically. If there is a will and the will is questioned, it is not three months but one year or three years. We know that.

**An Hon. Member:** It may be there in a nomination.

**Shri Achar:** So far as nomination is concerned, we are not at all concerned. We are dealing with a case where there is no nomination. That is also the clause to which I referred. If there is a nominee, there is an end of the matter. A very convenient arrangement has been provided for, and it can be paid to the nominee. But if there is no nomination, then the authority is asked to wait for three months and then proceed. What is the purpose of asking them to wait for three months? The object of the Bill evidently is to allow the person to produce the probate or letters of administration or succession certificate. Within three months it is almost impossible, I would say, impractical—there is no doubt about it—to get a succession certificate from any court, let alone a High Court on the original side; even from a district court or munsiff's court it is not possible. That has been my experience in the past forty years.

So I say that the provision of three months is practically useless. Immediately it could be allowed. If you want really to provide any time, at least make it six months. I could not send in an amendment, but from the practical point of view I am submitting this. As soon as an application is filed, even to have the notice served it takes considerable time. Under the ordinary position of the Hindu family law or any other

[Shri Achar]

law, within fifteen days of the death of the person an application cannot be filed. After that within three months it is not possible to obtain a succession certificate even if it is uncontested. If it is contested, it takes six months to one year. So, what is the good of providing three months?

I would like to point out another aspect of the question. After the Estate Duty came into force, I would say it is impossible to get a succession certificate within even six or nine months. We must get a clearance certificate from the Income-tax Officer who is also the Estate Duty Officer. He has to make inquiries about the person and send a certificate to the applicant. That has to be produced in the district court or High Court. This is almost impossible within the period stipulated. From that point of view, I want to submit that this period of three months mentioned here should be removed or should be made six months or one year. Otherwise, as it is, it is useless.

The next point, I want to deal with and say a word on, is about the constitutional question that my hon. friend, Shri Naushir Bharucha, raised. I really see absolutely no point in it. If I understood him correctly, he said that the States were entitled to a portion of the income derived from this tax—succession duty and probate duty. But what is the purpose of the succession certificate? It is only to give protection to the debtor, by paying to the person who has got the succession certificate or probate. The person who pays gets protection and the succession certificate or probate is against his own word. It is an absolute discharge. So this is a provision to protect the debtor. In this case of national debts, the Government happens to be the debtor. So the Government wants protection and an absolute discharge. For that purpose, a succession certificate can

be insisted upon or one can give it up. If there is actually income accruing to you on account of the succession certificate, probate or letters of administration, the States are entitled to claim half—whatever is provided under the Constitution. It can be allowed under law. One can pay even without any certificate. It is his risk. So far as the Government is concerned, the law provides it and it enables the Government to pay the amount. It is an absolute discharge. Nobody is coming in the way of paying any tax which is collected Constitutionally, there could be no objection. One is entitled to it. But one can also take the risk, and because my hon. friend is paying after taking the necessary protection, I do not think there is any constitutional question involved in this.

श्री श्रीनारायण दास (बरनवा) :  
अध्यक्ष महोदय, इस विषयक में तजुर्बों के प्राधार पर जिन बातों का समावेश किया गया है, उनका पूरी तरह से मैं मनमर्षन करता हूँ। लेकिन इस मीके से लाभ उठा कर मैं यह कहना चाहता हूँ कि अल्प वयस योजना को धागे बढ़ाने की जब-जब बात की जाती है और उसके निम्ने कोशिश की जाती है तब तब बराबर यह विचार प्रकट किया जाता रहा है कि पोस्ट ऑफिस सेविंग्स बैंक की जो लादाव है, वह अभी बहुत ही कम है और उसको बढ़ाया जाए। बराबर इस बात की माग की जाती रही है और कहा जाता रहा है कि पोस्टल डिपार्टमेंट को कि पोस्ट ऑफिस सेविंग्स बैंक का जाल बिछाया जाए, वी अभी तक जैसा कि हमारा तजुर्बा है, उसके प्राधार पर हम कह सकते हैं कि उनकी लादाव बहुत ही कम बढ़ी है। साल गौर पर देहली जेजों में जब जब पोस्टल विभाग के साथ स्थानीय जनता इस तरह के लिए कोशिश करती है कि सेविंग्स बैंक की लादाव बढ़ाई जाए वा जो बीजूता पोस्ट ऑफिस

हैं और जिस में सेविंग्स बैंक एकाउण्ट नहीं रहा जा सकता है, उनमें पोस्टल सेविंग्स बैंक में खर्चा जमा कराने की लोगों को झूट होनी चाहिये, उनमें इस तरह से एकाउंट खोलने की इजाजत होनी चाहिये, तो पोस्टल विभाग इस में उतनी मुकदमी नहीं दिखाता है, वितनी कि उसे दिखानी चाहिये। न मालूम जो हमारा वित्त विभाग है वह पोस्टल विभाग से इस सम्बन्ध में कोई विचार विमर्श भी करता है या नहीं करता है। लेकिन जब जब अल्प बचत योजना के सम्बन्ध में विचार किया जाता है तब तब कहा जाता है कि जहाँ तक होना ज्यादा से ज्यादा सुविधा देनाती लोगों में पोस्ट ऑफिस सेविंग्स बैंक खोल करके दी जाएगी। लेकिन जहाँ तक मुझे मालूम है मैं कह सकता हूँ कि गाँवों के अन्दर पोस्ट ऑफिस तो खूब नए हैं रजिस्ट्रारों वगैरह भी वहाँ की जा सकती हैं, लेकिन पोस्ट ऑफिस सेविंग्स बैंक एकाउण्ट वहाँ नहीं खोलें जा सकते हैं। अगर वहाँ पर वे एकाउण्ट खोल बिये जायें तो लोगों को अपना खर्चा पैसा जो अल्प बचत से उनके पास जमा होगा जमा करवाने में आसानी हो सकेगी और अल्प बचत योजना को भी बढ़ावा मिल सकेगा। ध्यान देवने में आता है कि इस दस और पन्द्रह पन्द्रह मील की दूरी पर लोगों को पोस्ट ऑफिस सेविंग्स बैंक की सुविधा को प्राप्त करने के लिए जाना पड़ता है।

बिहार सर्किल की जो एडवाइसरी कमेटी है, उसका मैं भी मيم्बर हूँ और बराबर इस बात पर खोर देता रहा हूँ कि गाँवों में सेविंग्स बैंक पोस्ट ऑफिस खोलने चाहिये लेकिन पी० एच० जी० के ऑफिस का जो बकिंग है और जिस तरह से इन्वीटर लोग काम करते हैं, उससे पता चलता है कि मैं भी पोस्ट ऑफिस को सेविंग्स बैंक पोस्ट ऑफिस करने में बहुत ज्यादा हिचकिचातो हूँ। इसलिए मैं मन्सूख करना चाहता हूँ कि इस बात की जांच होनी चाहिये कि पिछले तीन चार बरस से अब से अल्प बचत

योजना पर विशेष रूप से खोर दिया जा रहा है, पोस्टल विभाग ने कितने साधारण पोस्ट ऑफिस को सेविंग्स बैंक पोस्ट ऑफिस में तबदील किया है और अगर आपने ऐसा किया तो सारी स्थिति आपके धामने या जाएगी। मैं समझता हूँ कि वहाँ जहाँ भी व्यापारिक केन्द्र है या जहाँ जहाँ गाँवों में लोग बनीमानी हैं, सम्भव हैं वहाँ पर अगर पोस्ट ऑफिस सेविंग बैंक खोल दिये जायें तो वहाँ पर काफी खर्चा इकट्ठा हो सकता है। लेकिन जहाँ तक मेरी जानकारी है, अभी तक वित्त विभाग ने मिनिस्ट्री ऑफ कम्युनिकेशन्स पर इस बात के लिये खोर ही नहीं दिया कि इनकी तादाद अधिकारिक होनी चाहिये।

श्रीमती तारकेश्वरी सिन्हा : बहुत दिया है।

श्री श्रीनारायण दास : बहुत दिया है तो इसका परिणाम क्या निकला है। मैं नमसलता हूँ कि अगर आपने पिछले वर्ष के बॉकडे डी देखें तो आपको पता चल जाएगा कि खोर देने के बावजूद भी उतनी क्षति इस दिशा में नहीं हुई है वितनी होनी चाहिये थी। इस बजह से अल्प बचत योजना में वित्तना खर्चा प्राप्त करने की आप आशा करते थे, उतना प्राप्त नहीं हुआ है और इसके लिये बहुधापर बक था कि सेविंग्स बैंक की सुविधा गाँवों में अधिकारिक पहुँचाई जाती।

जहाँ तक इस बिल के प्राविजनस का तात्पर्य है, तथा जो डिपॉजिटर्स को सुविधाये प्रदान की जा रही हैं, वे स्वागत करने योग्य हैं और मैं इस बिल का समर्थन करता हूँ।

Mr. Speaker: I take it that all the three Bills are being discussed together.

Shri D. C. Sharma: Anyway, I am going to speak only on the Government Savings Banks (Amendment) Bill for the time being. I cannot



{Shri D. C. Sharma}

take in too many things at one and the same time.

Mr. Speaker: All involve the same principle.

Shri D. C. Sharma: It has become a habit with our Government to discuss problems and to solve problems in very small and easy instalments. I think this is not a very good habit for any Government, and I will submit respectfully, it is not a very desirable habit for the Government of India

There are so many difficulties experienced by depositors. There are so many difficulties experienced by persons who want to withdraw their deposits, and there are so many problems connected with increasing the saving potential of our country. All these problems are there. They are discussed everywhere. The Government have done only one thing, they have brought forward a Bill which has a bearing only on one aspect of that problem. I would not say that that aspect is very unimportant, but I would certainly say that that aspect is not so important as other aspects. I think the Government should try to make a survey of the whole problem of savings, especially as it affects the 'minor' persons in a village, the semi-literate persons and the semi-illiterate persons. I think no country can be developed unless the habit of saving becomes universally diffused. I want to ask the Finance Minister what efforts have been made to make this habit of saving as broadly diffused as possible. What has been done to promote savings among the illiterate population of the villages? What has been done to promote saving in all the States? To bring forward a Bill which touches only one aspect— one small aspect—of this problem does not do much credit. Therefore, the first problem that has to be discussed is this; What has been done towards this end?

Now, not many things have been done.

12 hrs.

The second thing is that savings should be done not on an administrative basis but on an economic basis. I will explain my point very clearly. It has been remarked by an hon. Member that sometimes people go to Government for something and they are asked to put in a deposit. Unless that is done a licence, or a permit or something else is not granted to them. Administrative practices are mixed up with economic practices and administrative practices are being made use of for promoting deposits.

Deposit is an essentially economic thing. Since these things are being done people are getting less interested in savings. That is to say, savings which should be voluntary are being made in some States, a compulsory matter by some of our administrators, I think this aspect is a vital aspect and this should also be looked into by Government.

The third thing is that facilities for saving should be made as widely available as possible, and my hon. friends have referred to post office savings bank. I know the number of post office savings banks has gone up. But I would also say that these post offices are not enough. We have so many extra-departmental post offices; they have no provision for this. We have so many branch offices which have no such facility. We have some sub-offices which have this provision. The number of sub-offices which provide this kind of facility is not very much when we take into account the size of our country.

Shri Raghbir Sahai (Hudan): It is very small.

Shri D. C. Sharma: I think it is very small as my hon. friend says. I think something should be done to in-

crease the facilities for the general public so far as their desire to deposit is concerned.

It is true that some people save for their heirs and descendants. It is true that some people want to save for their children, their sons and daughters and all that. The economic condition of our life is such to so say that it is very difficult to take a long-range view of savings. I admire the man who says that he is saving something for his daughter or son. He is lucky. I think persons who draw salaries are not able to do so. They may have some insurance or provident fund. They cannot save otherwise. Therefore, this saving is meant to be essentially a provision for illness, a provision for old age, a provision for disability, a provision for unforeseen and emergent difficulties. This saving is going to be a provision for that kind of thing. When it is going to be such, bringing forward this Bill which is going to help you when you die is utterly wrong.

Government should also bring a Bill which will help people as long as they live. I think here the emphasis is on the wrong thing. Therefore, I would say that though this provision is welcome, I would also say that the Ministry of Finance should bring forward a Bill which takes into account all the difficulties experienced by depositors, and after taking them into account tries to solve them.

Of course, my hon. friends have said that this three months provision is not very adequate. I agree with them. I am not a lawyer. Some of my friends are lawyers. But I know everyone of us has to go to courts one day or the other. I know also how dilatory are the processes of law. Three months is equal to three hours in terms of the law court calendar. What could be done in 3 hours at their places will be done in 3 months in law courts.

**The Minister of Finance (Shri Morarji Deesai):** May I explain this matter so that his energy may be

saved? This three months is provided in order that within three months it cannot be paid. But, if a succession certificate is not obtained within 3 months, the person who wants to obtain can say that he has applied for it and he has not yet received it and it should not be paid to anybody else. There is no question of paying it within 3 months. If a succession certificate is not obtained by a person within three months, it is just possible that the officer can pay it to him if he is satisfied that he is the proper person. It is with that purpose that this has been done. If a year is provided, the intention would be defeated.

**Shri D. C. Sharma:** After the explanation given by the hon. Minister I think there should be some peace of mind on this provision. All the same I would say that this should have been made more explicit. Excuse my saying that—there seems to be some defect in drafting because everyone has understood it in the way in which I have referred to it. So, I would say that the Ministry of Finance should take an overall view of this problem. Before the Third Five Year Plan is drawn up it should so solve this problem that we are able to promote the savings habit amongst the millions of our people in such a way that it can become helpful to us in our development plans for our country.

**Shrimati Tarkeshwari Shaha:** Mr. Speaker, Sir, I am very grateful to the House for giving general support to this Bill. Only two or three main points have been raised. The Finance Minister has replied to one of the points that were raised by the hon. Members that it is only for safeguarding the interests of individuals who are supposed to get the nomination that this time limit has been kept at 3 months because they should not suffer. The Statement of Objects and Reasons of this Bill itself says that this has been done, that this change has been brought about

[Shrimati Tarkeshwari Sinha]

because a lot of delay and expenses were involved

Some of the hon Members have referred to delay and expenses in going to law courts etc I do not think there is that difficulty here because the purpose of nomination is to facilitate matters, in order that they may not go to law courts, in order that they may not have to pay fees at least so far as getting proof or succession certificates is concerned, the principle of nomination has been adopted in this Bill Therefore, so far as that is concerned, the burden is reduced

Many hon Members have expressed the view that three months is too short a period. Many people have this apprehension that the only delays occur so far as the withdrawal of the money is concerned. That is one of the complaints that is usually received. In order to remove that complaint we have put in this period of three months. My senior colleague has already explained this. It will remove difficulties. In case of difficulty the safeguard is there. Even if one does not get the succession certificate or other papers in time, he may write to the post office, he can send a post card and say that it may take some time to get the succession certificate and that it should not be paid to anybody else. If he gets it within three months, he can get the money. Even if he does not get that certificate, he can write to the post office and say that he is not able to secure it in time and that the post office should wait. The Secretary can show this concession to the individual who gives him the information in time. So, I do not think there need be any apprehension so far as that is concerned.

Shri Achar, May I just ask one thing? What I tried to make out was that even this 3 months should be removed because when there is no nomination why should they wait for

three months. Succession certificate cannot be produced within three months. Of course somebody may say that he has acquired a right. I say this 3 months itself can be removed.

Shrimati Tarkeshwari Sinha: That is why we say that this extension of time will delay matters. In many cases that would give a latitude to the people and they will feel lazy to apply. We do not want to give that latitude to an individual who is lazy and who does not want to take proper action in time and I do not think it is going to cause any difficulty.

The second point was raised by Shri Bharucha. The hon Member, Shri Achar, explained that point. There is not much sense in what he says because it does not involve any adjustment or any change in the taxation. Under article 117(1), we have already taken the sanction of the President as we should have done and I do not think there is any point in that.

Mr. Speaker, I think Shri Bharucha was sensible always.

Shri Morarji Desai: This time he has made a mistake.

Shri Navaahtr Bharucha: The Minister has not understood the point I made. What I have said was that under article 269, if there is any share of Succession Duty going to the State, we cannot amend it unless the recommendation of the President is obtained under article 274. When we specify the Rs 5,000 limit which can be handed over to any party without duty being collected, my submission was that it amounted to variation of the Succession Duty which goes to the States and article 274 comes into play.

Shrimati Tarkeshwari Sinha: It has no application here because there is no change. In fact we have taken the original wording verbally.

Mr. Speaker: I do not know the facts. What the hon. Member says is that under this Bill Rs. 5,000 is exempt from succession certificate. For getting it he need not pay stamp duty. So, to that extent you are preventing the collection of stamp duty which has to go to the State under article 274. So, any variation in that duty or any fee that goes to the State must be only with the consent of the President. That is what he has said. Is it that Rs. 5,000 limit of exemption has been fixed which was not exempted till now?

Shri Merarji Desai: Three months are given for obtaining a certificate

Mr. Speaker: What he says is that if hitherto a succession certificate was necessary for all moneys to be drawn, is it varied now?

Shrimati Tarkeshwari Sinha: We are not varying anything

Mr. Speaker: So, only time is granted?

Shrimati Tarkeshwari Sinha: Yes, Sir.

Shri Naushir Bharucha: If the original Act is defective, should this Bill also be defective?

Shrimati Tarkeshwari Sinha: You will see, Sir, that there is absolutely no change in clause 4. So, article 274 is not relevant here

Shri Achar: The Government is the debtor here. A debtor may insist or may not insist; it is for his benefit

Mr. Speaker: He was under the impression that a succession certificate could be demanded for any amount under the Act

Shrimati Tarkeshwari Sinha: Even in the original Act, the amount of Rs. 5,000 has been exempted

Shri Naushir Bharucha: I am aware of the fact that the original Act does provide that. Irrespective of that fact, the point is that if you do any-

thing by inserting a proviso, it tends to reduce the duty.

Mr. Speaker: How is it reduced?

Shri Naushir Bharucha: It is reduced by the exemption. It may be contended that the exemption existed before. It is immaterial whether the reduction is as compared to the other or not. The reduction in itself is there

Mr. Speaker: No new exemption is given; no new reduction is made

Shri Naushir Bharucha: I am not talking of any new reduction

Shri Merarji Desai: There is no variation made here

Shri Naushir Bharucha: The hon. Minister may even argue that more duty may come in as the letter of the Bill stands at present. But it does exempt a particular amount from stamp duty. If it is, it is immaterial whether there is a variation or not as compared to the original Act

Shri Mulchand Dube (Farrukhabad): It is always open to a debtor to pay his debt without the production of a succession certificate. So far as this Bill is concerned, there is absolutely no change

Mr. Speaker: Article 274 refers to the Bill or amendment which varies any tax. There is no variation of any tax and no additional exemption. I do not think there is any point in this. All that I meant was that the hon. lady Minister need not say that there was no sense in what he has said. That is all that I meant and nothing more than that

Shrimati Tarkeshwari Sinha: Another hon. Member raised a point about the identity slips. A system of identification by authority slips issued by the post office is already in vogue. The slips can be purchased from the post office for one rupee each. They are intended for identification for all postal purposes. So, that difficulty has been very much minimised. There

[Shrimati Tarkeshwari Sinha]

are also agents to identify the persons who have invested money and they do identify the person who has invested the money

So far as compulsion is concerned, we have been very clear that we do not want to exercise any compulsion in this movement. It is purely voluntary. By propaganda and education, we educate the people about the desirability of small savings and it is bearing fruits. He has given certain examples. I am not aware of those examples and I cannot throw any light on them. But we have issued directives and requested the State Governments also on this matter

The hon. Member Shri Raghuraj Sahai has said that there are difficulties as there are not many post-offices. It is a matter which cannot easily be solved. So many new post-offices are being opened. It requires money and so many other things. We cannot say that we are going to open post-offices in all the places where they are needed. We have to proceed as quickly as possible with the amount available

Shri Raghuraj Sahai: May I point out ...

Shrimati Tarkeshwari Sinha: I am going to reply to that point. Why should you interrupt me in this manner?

Mr. Speaker: Hon. Members had their own say

Shrimati Tarkeshwari Sinha: All these post-offices cannot be created in a day or two. Again for the opening of the savings bank accounts in the post-offices, there are so many things to be done. If we open savings bank accounts, we have to provide guards and give other facilities for caring for the money deposited. We are trying to do this with as many post-offices as possible. We feel that we have achieved some results. If we

get any notice that a certain important post office is facing some difficulties and a lot of money is likely to be deposited there, we try with the Communications Ministry and get that post office opened there. We are always conscious and vigilant about that

Then, so far as the general provisions regarding withdrawals from post-offices are concerned, we know that there are certain difficulties still. We are conscious of this fact, and I would just like to assure this House that we shall try to accept as many suggestions for the improvement in the matter of withdrawals as possible. I welcome all those suggestions made by hon. Members. If they have any other suggestions to offer they can send those suggestions and we shall be grateful for those suggestions for improving the system

With these words, Sir, I move that the Bill be taken into consideration

Mr. Speaker: The question is

"That the Bill further to amend the Government Savings Banks Act, 1873, be taken into consideration"

*The motion was adopted*

Mr. Speaker: There are no amendments. I shall put all the clauses etc. together. The question is

"That clauses 2 to 9, Clause 1, the Enacting Formula and the Title stand part of the Bill"

*The motion was adopted*

*Clauses 2 to 9, Clause 1, the Enacting Formula and the Title were added to the Bill*

Shrimati Tarkeshwari Sinha: Sir, I beg to move

"That the Bill be passed"

Mr. Speaker: The question is

"That the Bill be passed."

*The motion was adopted.*

11.55 hrs.

**GOVERNMENT SAVINGS CERTIFICATES BILL**

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): Sir, I beg to move:

"That the Bill to make certain provisions in respect of Government Savings Certificates be taken into consideration."

The Post Office National Savings Certificates Ordinance, 1944, which remains in force by virtue of India and Burma Emergency Powers Ordinance, regulates the sale and discharge of National Savings Certificates issued through Post Offices. Under section 4 of the Ordinance, payment on death of holders of Savings Certificates is made in accordance with the provisions of the Government Savings Bank Act, 1873. Consequently, for Certificates exceeding Rs. 5,000 payment can be made only on the production of letters of administration, probate or succession certificate. For the reasons explained in the case of Government Savings Banks (Amendment) Bill, it has been decided to allow the holders of Savings Certificates also the right to nominate a person or persons to receive the amounts due to the holders in the event of their death without the production of legal documents. In seeking to amend the Ordinance for this purpose, opportunity has been taken to replace it by an Act of Parliament.

The provision for nomination follows generally the lines adopted in the case of Government Savings Banks (Amendment) Bill. In the event of the death of the holders, the nominees become entitled to be paid the sum due on the Savings Certificate to the exclusion of all other persons, but as provided in sub-clauses (2) and (3) of clause 8, this would not in any way interfere with the rights of third parties to recover from the nominees any dues against the deceased holders under the normal processes of law.

The certificates to which the Ordinance applies are at present being issued and discharged only through Post Offices. It is, however, becoming increasingly necessary that facilities should be provided for the sale of Certificates through agencies other than the Post Office. The Bill as framed will now enable the Government to prescribe suitable authorities for the sale and discharge of these Certificates. In other respects the Bill follows generally the provisions of the Ordinance. Unlike the Ordinance, where payment on the death of the holder was linked with the provision of the Government Savings Bank Act, the Bill has been made self-contained. Provision has also been made for laying the rules framed under Act on the Table of both Houses of Parliament as recommended by the Committee on Subordinate Legislation

Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to make certain provisions in respect of Government Savings Certificates, be taken into consideration."

Shri Prabhat Kar (Hooghly): Sir, I welcome this Bill, but I would like to draw the attention of the hon. Minister to Clause 5, sub-clause (b) (ii). In the case of payment of the sum for the time being due on a savings certificate held by or on behalf of a minor, sub-clause (b) (ii) says:

"(ii) if no such person has been specified to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor."

Now, the payment of the sum due on savings certificates purchased in the name of a minor will be paid to any guardian appointed by the court. That is all right. If there is no such guardian appointed by the court and

[Shri Prabhat Kar]

neither parent is alive it is said that the payment may be made to any other guardian. Here, Sir, I would like Government to take caution, because when the certificates are purchased in the name of a minor and if there is no guardian appointed by the court and the parents are not alive there is every possible chance of this money being misused. The certificate will become payable after the expiry of a specified period. If even after that period the person remains a minor and, as I said earlier, there is no guardian appointed by the court, I would like the provisions to be made that the payment should be made only after the minor has attained majority, because, otherwise, when there is no appointment of a guardian by the court there is every likelihood of this money being misused.

The words here are "to any other guardian" As we all know, in the case of minor there is always fight for guardianship, particularly in the case of a minor where some certificates in his name are being kept by the Government. If there is no appointment by the court, it will be difficult for the Government to make payment to the proper guardian and there will also be the possibility of this money being misused.

I would, therefore, suggest to the hon. Minister to consider this question. In case there is no appointment by the court and neither parent is alive, in that case the provision should be withhold the payment until the minor has attained majority.

With this suggestion Sir, I support this Bill.

Shrimati Tarkeshwari Sinha: Sir, the payment has to be made only after the person who is paying the amount is satisfied about the person who is to receive the payment. So far as this is concerned, very few difficulties will arise. This clause provides for almost

all the cases: where the minor/herself asks for the payment, where the guardians or any guardian appointed by the court or any other guardian, who is asking as guardian of the minor, ask for the payment. I would like to invite the attention of the hon. Member to line 25 which says: "where neither parent is alive, to any other guardian of the minor" This will be done only after satisfying whether that guardian is the real guardian of the minor. I do not think any cases of harassment will arise.

Shri Prabhat Kar: There is no question of harassment. There is a possibility of this money being misused by the so-called guardian and the purpose for which the savings certificate was purchased in the name of the minor may not be served, because here you have said

" if the application for the savings certificate was made by any person other than the minor,—

(ii) if no such person has been specified, to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor "

In the last line you say "any other guardian of the minor" Knowing fully well the fight that goes on today between guardians about the ownership of the money belonging to a minor, and in view of the fact that the minor will remain a minor, no guardian will be appointed by the court and neither parent will be alive, the Government should provide here that in such cases the money will be paid to the minor when he or she attains majority, instead of paying to

any guardian whenever there is no appointment made by the competent court. There is no question of harassment; the question is whether the money will be lost and the minor will not get any benefit.

**Shrimati Tarkeshwari Sinha:** I do not agree that the minor will not get the benefit if the money is paid to the guardian or any other person. Very few cases will come where any such payment will be required to be made to any other guardian if the parents are not alive or where a guardian has not been fixed by the court. Such cases will be very few. But even then, why should he take it for granted that payments will not be made properly or on proper grounds?

So far as the question that there might be certain cases where the money may not be spent for the purpose for which it was invested is concerned—this question has been raised by the hon. Member—I might say that the certificate does not provide that money should be invested in education or it should be spent for the marriage of a particular person or that it should be spent on some specific purpose. It does not provide for any such thing. It is a general certificate which the minor is entitled to receive. So, the Government cannot guarantee that the money should be spent for any such purpose. Government cannot guarantee any money which was supposed to be for payment to a child by a guardian or whatever person he may be. We cannot guarantee that the money may be spent on a specific thing. The money may or may not be spent for the purpose for which it was intended to be spent. But how can we guarantee that?

So, I do not think there is any difficulty so far as these matters are concerned. Nobody had raised any other point. Therefore, I take it that the House has given its general support to the provisions of the Bill. I commend the Bill for the consideration of the House.

**Mr. Speaker:** The question is:

“That the Bill to make certain provisions in respect of Government Savings Certificates, be taken into consideration.”

*The motion was adopted.*

**Mr. Speaker:** There are no amendments to any of the clauses. The question is:

“That clause 2 stand part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

### Clause 3

**Shri Mulchand Dube** (Farrukhabad): I want to say a few words about clause 3.

**Mr. Speaker:** Very well. There is enough time. Hon. Members can speak at length if they like! We will have to start the next item at 3 o'clock. So, if the hon. Members are willing, we can take up the half-an-hour discussion as soon as discussion on this Bill is over. It is left to the House to decide.

**Shri Mulchand Dube:** I will not take more than a minute or two.

**Mr. Speaker:** If the House is willing, we can take up the half-an-hour discussion after this Bill is over. Anyhow, hon. Members are at liberty to speak at length.

**Shri Mulchand Dube:** Clause 3 of the Bill provides that the transfer of a savings certificate cannot be made except with the previous consent in writing of the prescribed authority. The words “prescribed authority” are not defined in the Bill and we do not know who the prescribed authority will be in this matter. It may be that the prescribed authority resides somewhere in Delhi, Calcutta or Bombay, and the person living in the mofussil may have to transfer his savings certificate. Before he is able to get the consent in writing of the prescribed



[Shri Mulchand Dube]

authority he may pass away. So, this clause has to be taken away and the person should be left free to transfer his savings certificate by a mere endorsement. I think the hon. Minister will take this into consideration because there is considerable difficulty in obtaining the previous consent of the prescribed authority when "prescribed authority" is not defined. It used to be only the postmaster or any other person at the office of issue, and even now, what is being done is, apart from the post office there will be other agencies who issue certificates. Who knows, who the agencies will be and who the prescribed authority will be. These authorities are still to be determined. Therefore, my submission is that this aspect should be made clear and the transfers should not be restricted in the manner that they are now restricted.

Shrimati Tarkeshwari Sinha: The hon. Member himself has raised the point which I was going to answer. We have provided that transfers will be valid only if they have been made with the previous consent in writing of the prescribed authority. A person might have bought his certificate from Calcutta. If he wants to encash it or wants to get his money back, we must have at least some authority which knows that the certificate was actually transferred and that we have got the authority to give the money back. We do not want anything to happen which may create difficulty for the person who has to cash the certificate. That is why, as a legal check, we have provided a clause here prescribing the "prescribed authority."

In this Bill, the very purpose is to provide for the sale of the certificate through other agencies than the post office. It has been mentioned here what the other agencies will be. If they are provided by the Act and if they can sell the certificates, they become the prescribed authority. So, I do not think that this clause needs any change.

13.35 hrs

[Mr. DEPUTY-SPEAKER in the Chair]

The Minister of Finance (Shri Morarji Desai): There is a specific reason why this authority is prescribed. There is a limit beyond which certificates cannot be purchased. If transfers are allowed without any check, this limit may be exceeded and transfers may be made, and the Government will have no means of knowing whether the limit has been exceeded or not because they are free of income-tax and then advantage can be taken out of it. Therefore, this has got to be done, but it will be seen that the authority prescribed will not be a difficult authority to obtain so that the party will not be put into a very great difficulty.

Mr. Deputy-Speaker: That was the difficulty which was mentioned.

Shri Morarji Desai: We shall try to see that that is removed.

Mr. Deputy Speaker: The question is

"That clause 3 stand part of the Bill"

*The motion was adopted.*

*Clause 3 was added to the Bill*

*Clauses 4 to 13, clause 1, the Enacting Formula and the Title were added to the Bill*

Shrimati Tarkeshwari Sinha: I beg to move

"That the Bill be passed"

Shri Naushir Bharucha (East Khanshpur). I would like to make one or two observations. The purpose of this Bill is to facilitate the payment made by depositors either to the nominee or to anybody who appears to be entitled to receive it. There is another aspect to this question, apart from the question of the depositor dying, and that fact has been brought to my notice on several occasions. Often, what happens is, after

a number of years, when the depositor himself comes to get payment for the certificate, the dispute arises as to whether the signature of the depositor is really his. It is a very serious difficulty which frequently arises and as a result of which people are discouraged from investing in this certificate. I would like to ask the Government, what procedure is being adopted now that we are out to facilitate the payment of claims under these certificates.

What happens is that a signature is taken, and then for years to come no fresh signatures are required, and when the party himself comes to claim the amount, he is told, "this is not your signature", because the signature of the person after the lapse of so many years is bound to differ from the one he made years ago. This is so particularly in the case of semi-literate people and this difficulty is very great in their case. Often they are required to produce evidence, identification, etc., and the authorities concerned insist upon such a degree of proof that it becomes humanly impossible for the man to recover payment. I would, therefore, like to ask the Government whether they are going to make any changes in respect of the payment of claims to such a person who claims payment after a long lapse of time, and when the authority says that the signature is not his. I want to point out that this is a genuine difficulty which is repeatedly occurring. While we welcome all these efforts of the Government—

**Mr. Deputy-Speaker:** What would he suggest?

**Shri Naushir Bharucha:** That is exactly what I am saying. A specimen signature must be insisted upon every three years by the post office

**Shri Mararji Desai:** That will be considered.

**Shri Naushir Bharucha:** Because you are aware that in certain companies where parties hold shares, they repeatedly send cards saying "Please

send your fresh specimen signature". If some such thing is done, I think perhaps this advantage of these certificates will be taken in a large measure.

**Mr. Deputy-Speaker:** That suggestion will be considered.

**Shri Prabhat Kar:** Regarding clause 5, I do not know whether I have been able to make myself understood by the hon Deputy Minister. What I wanted was just a change in the last wording of the clause, viz, "to any other guardian of the minor". The hon Deputy Minister did not accept it. In case a demand is made by any other guardian of the minor, I would like to know whether the necessary steps would be taken to ensure that the money for which the certificates are purchased by the guardian of the minor passes into proper hands, so that the minor derives the benefit of the savings certificates and not anybody else. As I was telling, when there is no guardian appointed by the court, there will be the possibility of all sorts of other guardians coming and claiming the minor's money. I would therefore request Government to take specific care to see that that money will be spent for the benefit of the minor, in whose name the savings certificates were purchased.

**Shrimati Tarakeshwari Sinha:** The law has provided enough remedies if somebody wants to act in a manner in which he is not really meant to act. If somebody tries to dodge the law by taking possession of money which was meant for the minor, the law has provided other channels. Why should we provide everything here? I cannot understand it.

**Mr. Deputy-Speaker:** The question

"That the Bill be passed".

*The motion was adopted.*

13.43 hrs.

**PUBLIC DEBT (AMENDMENT)  
BILL**

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** I beg to move:

“That the Bill further to amend the Public Debt Act, 1944, be taken into consideration.”

The Public Debt Act, 1944, regulates the administration by the Reserve Bank of India of the public debt of the Central and State Governments and securities issued by them. It also governs the sale and discharge, through the Reserve Bank of India, of the 10-year Treasury Savings Deposit Certificates and 15-year Annuity Certificates issued by the Central Government.

As hon. Members are aware, this House has already agreed to allow the right of nomination to the depositors in Post Office Savings Bank and holders of Savings Certificates. It is necessary, therefore, to extend similar facilities in respect of 10-year Treasury Savings Deposit Certificates and 15-year Annuity Certificates by amending the Public Debt Act, 1944, in its application to these certificates. The nominees would thereby acquire the title to receive the payments due on these certificates, in the event of the death of the holders, to the exclusion of all other persons, without the production of legal documents. This is, however, an enabling provision for the payment to be made to the nominees against a valid discharge and is not intended to affect adversely the right or claim of third parties for recovery from the nominees of any amounts due from the deceased holders. Provision for this purpose has been made in sub-section (5) of the new section 9C.

Sir, I move.

**Shri Naushir Bharucha (East Khandesh):** Last time when I raised the point that probably this infringes

the right of State Governments to succession duty, I was told that it does not make any alteration in relation to the existing Act.

In the Statement of Objects and Reasons, it is said:

“Section 7 of the Public Debt Act, 1944 provides that if the face-value of Government securities belonging to a deceased holder exceeds Rs. 5,000, the executors or administrators of the deceased holder and the holder of a succession certificate shall be the only persons who may be recognised by the Reserve Bank as having any title to the securities.”

So, the position is under section 7, if the amount exceeds Rs. 5,000, then they insist that the party claiming the amount shall pay proper succession duty to the State and get the necessary certificate. It is further stated here;

“Suggestions have been made from time to time that as the production of legal proof of succession involves considerable delay and expense, the holders of Ten-Year Treasury Savings Deposit Certificates and 15-Year Annuity Certificates may be allowed the right to nominate a person or persons to whom the amount due on the certificates could be paid in the event of the death of the holders without the production of succession certificate or other proof of title.”

In other words, now a new principle is being introduced in the Bill under which the obligation to pay succession duty to the State is being dispensed with. Article 269 of the Constitution says:

“(1) The following duties and taxes shall be levied and collected by the Government of India but shall be assigned to the States in the manner provided in clause

(2), namely:—

- (a) duties in respect of succession to property other than agricultural land;
- (b) estate duty in respect of property other than agricultural land."

Article 274 says:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested..." etc.

So, the first question would be whether succession duties are duties in which the States are interested or not. Under article 269, they are interested.

The second point would be whether this Bill varies it or not. As the Statement of Objects and Reasons points out, formerly for sums above Rs. 5,000 they used to insist on succession certificates. Now they want to dispense with it, as a result of which the States would lose the succession duty, which would be otherwise payable. So, this Bill would require recommendation of the President under article 274 in addition to article 117. This is a point which requires to be clarified.

Shri Prabhat Kar (Hooghly): I just want to know whether, while nominating any person, any stamp or registration will be required for the nomination.

Shrimati Tarakeshwari Sinha: Not necessary. No registration is required for this.

The Minister of Law (Shri A. K. Sen): Regarding the point raised by Shri Bharucha, first of all, from the Statement of Objects and Reasons, you will find that what is dispensed with is the production of succession certificate in certain cases. It is not changing any duty levied under the appropriate law. In the Seventh Schedule, item 88 in List I deals with duties in respect of succession to pro-

perty other than agricultural land. I am assuming for the moment that it is a duty in which the States are interested. Now, what is dispensed with is not the duty; what is dispensed with is the production of succession certificate before the Public Debt Office in certain circumstances. That is quite within the power of Parliament under the Concurrent List, item 8.

Mr. Deputy-Speaker: What Shri Bharucha says is that it would be hit by article 110(1)(a) which relates to imposition and abolition. In that connection he means to say that certain sums were being charged and credited to Government revenues, because there was this provision of succession certificate. Now we are dispensing with that. So, Government treasury would lose that amount which it was receiving. Therefore, he feels that in such a case a certificate by the President was needed. That is his argument.

Shri A. K. Sen: Not under article 110, if I have understood him correctly.

Shri Naushir Bharucha: May I make it clear? This is a money Bill, that is not disputed. So, it is coming under article 110. Therefore, they have obtained a recommendation under article 117. In addition to that, what I would point out is that succession duties, under article 269, go to the State. Then under article 274:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested, or which varies the meaning of the expression... shall be introduced or moved in either House of Parliament except on the recommendation of the President."

Now the question is whether this is not a "tax or duty in which States are interested".

Mr. Deputy-Speaker: In effect, it might be. But the Bill does not specifically say that.

**Shri Nausahir Bharucha:** By introducing a new device, namely, of nominees, you cannot take away from the purview of the Succession Act certain types of assets which otherwise would require a succession duty. That is what I want to point out. Therefore, what you are really doing is changing the Schedule of duties though you have not mentioned it in so many words. You are really amending the Schedule so that duty shall not be payable on ten-year treasury savings deposit certificates and 15-year annuity certificates. It is just like introducing a clause that the succession duty shall not be payable in cases of ten-year treasury savings deposit certificates and 15-year annuity certificates. The fact that you are resorting to the device of nominees does not thereby lessen the substance of what you intend to do, namely, exemption of certain assets from the imposition of succession duties. Therefore, the States' share would certainly be varied. Article 274 only says:

"No Bill or amendment which imposes or varies any tax or duty in which States are interested "

The question is whether as a result of this measure the States' share is varied or not. It need not say that in so many words. In essence it does it.

**Shri Achar (Mangalore):** May I point out that the Speaker has given a ruling a little bit earlier exactly on the same point?

**Mr. Deputy-Speaker:** That was different. Now, according to the hon. Member, the existing Act provides certain revenues to the States. Now you are introducing a new amendment the result of which will affect the share of the States.

**Shri A. K. Sen:** You will find from the Constitution that the subject "succession" comes in item 5 of the Concurrent List. So, succession is a subject on which both the Centre and the States can enact. Here, we are not even changing the law of succes-

sion. We are only saying that the Public Debt Office would not insist upon the production of succession certificates in certain cases where the nomination has already been made in the life-time of the holder of the Government security.

**Mr. Deputy-Speaker:** Shri Bharucha argues that if the present law had continued and the Public Debt Department had insisted on the production of the succession certificate, then there would have accrued certain sums of fees to the Government. By amending the Act now we are dispensing with the necessity of production of that succession certificate.

**Shri A. K. Sen:** It might be.

**Mr. Deputy-Speaker:** Those sums that would have gone to the treasury before the amendment of the law would not be accruing to the Government in future.

**Shri A. K. Sen:** That is so.

**Mr. Deputy-Speaker:** The only question is whether it would be hit by the words in article 274.

**Shri A. K. Sen:** It is not mentioned here at all.

**Mr. Deputy-Speaker:** The wording is:

"No Bill or amendment which imposes or varies any tax or duty in which the States are interested . . ."

The argument of Shri Bharucha is that it varies the tax. Am I interpreting him correctly?

**Shri Nausahir Bharucha:** Yes.

**Mr. Deputy-Speaker:** "varying" according to the dictionary meaning, so far as I can recollect, is making a difference in the quantum or the amount that is there. It may have indirectly the effect of bringing in less revenues. But, so far as the provisions of the Bill are concerned, how

can we judge whether they vary the tax or not? Only the provisions of the Bill are to be seen. Now, so far as we can see the provisions of the Bill, they do not provide for any variation, so far as that tax is concerned. So, in my opinion, that would not be correct.

Now the question is:

"That the Bill further to amend the Public Debt Act be taken into consideration."

*The motion was adopted.*

Mr. Deputy-Speaker: Now we come to clause-by-clause consideration. I shall put all the clauses together.

The question is:

"That clauses 2, 3, 1, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

Clauses 2, 3, 1, the Enacting Formula and the Title were added to the Bill.

Shrimati Tarkeshwari Sinha: I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

*The motion was adopted.*

13.55 hrs.

**MOTION RE: FOURTEENTH REPORT OF THE LAW COMMISSION—contd.**

Mr. Deputy-Speaker: Now the House will take up further consideration of the following motion moved by Shri Ram Krishan Gupta on the 27th August, 1950, namely:

"That this House takes note of the Fourteenth Report of the Law Commission on the Reform of

Judicial Administration (Volumes I and II) laid on the Table of the House on the 25th February, 1950."

Along with that, the House will also consider the amendment moved by Shri Nemi Chandra Kasliwal on the 27th August, 1950.

Shri Nausbir Bbarucha (East Khandesh): Mr. Deputy-Speaker, on the last occasion I paid my humble tributes to the labours of the Law Commission for producing a voluminous and useful report which, as I said, even if it is partially implemented, would go a long way in putting our system of judicial administration on sounder footing. There are so many issues involved in the Law Commission's Report that a cursory list which I have prepared has got at least 42 points. So, it is hardly possible for me within the time which you, Sir, were pleased to allot to me, to deal with more than 4 or 5 of what I consider to be the most important issues.

One issue dealing with the appointment of High Court Judges, to which several previous Members have made reference, is an issue which I think this House should consider in greater detail. And my excuse for reverting to that point is that I consider the whole subject so very important that it goes to the very basis of our democratic existence and unless the difficulties pointed out by the Law Commission in the report are dealt with satisfactorily, I am of the opinion that our judiciary is bound to suffer deterioration. As this House is aware, article 217 provides for the appointment of High Court judges, after consultation with the Chief Justice of India and the Governor of the State and Chief Justice of the High Court. The Commission points out that in actual practice this is reduced to a conference between the Chief Minister and the Chief Justice of the High Court.

{Shri Naushir Bharucha}

14 hrs.

Often it happens that the Chief Minister and the Chief Justice do not see eye to eye and therefore a wrangle—rather an unseemly wrangle—ensues. It often happens that the Chief Minister of the State sends in a rival nomination to the nomination forwarded by the Chief Justice. In the course of this report, particularly from page 71 onwards, very clear and specific charges have been levelled by the Law Commission against the Executive, particularly against the Chief Ministers of the States. I would therefore request the hon. Law Minister to give this House a very categorical assurance in this respect that these incidents would not recur in future.

I am aware of the fact that the hon. Law Minister by his traditions and training certainly believes in the rule of law and he will be the last man to do anything which would undermine the foundations of democracy. But the charges made by the Law Commission against the executive are very specific, very clear and very disturbing. May I invite the attention of the House to Volume I, page 71, paragraph II of the Law Commission's Report, where they have made these observations—

"The person recommended by the Chief Minister may be, and occasionally is, selected in preference to the person recommended by the Chief Justice."

Then, again it has been pointed out that—

"the Chief Minister thinks that it is his privilege to distribute patronage".

By appointment of High Court judges and therefore a wrangle ensues. The Law Commission further goes on to say—

"This unedifying prospect has brought about some demoralisation in the minds of the Chief Justices . . ."

demoralisation has been brought about because the Chief Justice feels that when he insists upon a suitable person being selected on merit other considerations enter and the Chief Minister ultimately wins. Therefore in this wrangle a Chief Justice prefers to concur with the Chief Minister rather than have a show-down with him.

Then, it further observes:—

"This unedifying prospect has brought about some demoralisation in the minds of the Chief Justices . . . The inevitable result has been that the . . . appointments are not always made on merit but on extraneous considerations of community, caste, political affiliations . . ."

It has also pointed out further on page 73:—

"Also political considerations, and worse,"

that is, factors and influences worse than political considerations,

"are creeping in and Chief Justices are finding it increasingly difficult to resist this sort of pressure"

The clear charge against the Government is—I do not mean this Government but the State Government—that increasing pressure is being brought upon Chief Justices to consent to the nominations of the Chief Ministers.

Then, it has further pointed out—

" . . . the independence of the

judiciary will have disappeared and the High Courts will be filled with Judges who owe their appointments to politicians."

This is a very disturbing state of affairs. As I said, we do not hold either the hon. Law Minister or the hon. Deputy Law Minister responsible for this, but the Centre certainly owes it as a duty to see that in the States the appointments of judges of the High Court are not interfered with by the Chief Ministers. I am coming to that point presently.

When we discussed the Kerala issue, to my mind the basic question was that the Kerala Government went wrong in interfering with the judiciary. They undermined the position of the judiciary and their sense of security and independence. Today if this state of affairs, complained of by the Law Commission, is permitted then I feel a day may come when we shall thoroughly undermine the independence of our judiciary. If the independence of judiciary is undermined, you, Sir, who know better in this matter than I or anyone else can do, will appreciate the fact that democracy has got no meaning left. I therefore request the hon. Law Minister to look into these things carefully and give an assurance to this House that he will take up this matter with the Chief Ministers of the States.

On a previous occasion when this issue was raised the hon. Law Minister gave a statement to this House saying that during particular years a certain number of appointments were made to the High Courts. He said that each and everyone of these there was concurrence of the Chief Justice of that particular State, excepting one in which, he said, the Chief Justice and the....

**Mr. Deputy-Speaker:** The hon. Home Minister had made that statement, I suppose, and not the hon. Law Minister.

**Shri Naushir Bharucha:** My impression is that it was the hon. Law Minister.

**Pandit K. C. Sharma (Hapur):** The hon. Home Minister.

**Shri Naushir Bharucha:** I stand corrected. But the point that the Law Commission makes is not that. It is true that the concurrence of the Chief Justice of the High Court is being obtained. But it is being obtained almost under duress. So much terrific pressure is brought upon them. They say that political considerations and worse are creeping in as a result of which the Chief Justice of High Courts are compelled to surrender their judgment.

**Mr. Deputy-Speaker:** But it was said that the concurrence of the Chief Justice of the Supreme Court also was necessary and in every case he had concurred in that, so far as I know.

**Shri Naushir Bharucha:** That is exactly that point. The Law Commission also says that. But the Law Commission's grievance is that so much terrific pressure is brought upon the Chief Justice that they have either to enter in a wrangle with the Chief Minister or break on the point and have a show-down or succumb to that. That is the point that I am making and that is the point that the Law Commission has made. Therefore I come to this suggestion. I am of the opinion that the time has come when this House should seriously consider a change in the policy with regard to the appointment of High Court Judges. I am of the opinion that the State executive should be precluded from having any voice in the selection of High Court judges. I do not understand why a Chief Minister, who essentially is a person belonging to a political party and whose views consciously or un-consciously are coloured by party politics, should have a say in the matter of selection of judges where the calibre is better known to the High Court judges, the Chief Justices of those States or to the Chief Justice of India. It is very necessary, if we desire to maintain the independence of the judiciary and if in future we desire to do away with this type of wrangle, that the appointments must be kept absolutely, above board.



[Shri Naushir Bharucha]

I was shocked to know that the Law Commission has made this further comment—

"This indeed is a dismal picture and would seem to show that the atmosphere of communalism, regionalism and political patronage have in a considerable measure influenced appointments to the High Court judiciary..... Within a few years of Independence, however, the judgeship of High Courts seems to have become a post to be worked and canvassed for."

They have meant clearly 'touting' This sorry state of affairs has got to be checked and remedied. I appeal to the hon. Law Minister to see either by legislation or otherwise that the States executive do not have any voice in the selection of High Court judges. This is essentially a matter to be decided by the High Court and the Supreme Court, if necessary, in consultation with the Governor and the Chief Ministers must keep completely out of this

I come to the second important point, namely, the recommendation made by the Law Commission regarding the creation of a Ministry of Justice. I think a time has come to consider this question seriously. Our judicial administration and our governmental set up is such as not to induce to better co-ordination. The responsibility is divided between the Home Department and the Law Department. Today, so far as I am aware, the Law Department is virtually acting as an adviser of the Government and as draftsman of the Government. Apart from that, the main responsibilities are being discharged by the Home Ministry. We claim that there should be a complete separation of the judiciary from the executive and I think Shri Kamble pointed out that it is necessary that there should be bifurcation at the very top. I am of the opinion and fully concur with the

recommendation of the Law Commission that responsibility of Co-ordinating law and order as well as for Co-ordinating organisational matters in States must rest with a new Ministry—a Ministry of Justice at the Centre. Such a Ministry of Justice can act as a store-house of information and a clearing house of ideas. It can also lay down standards in the matter of judicial administration and can ensure that the various High Courts in the various States possess adequate and competent personnel. It can also pursue the question of separation of judiciary from the executive in the various States.

If a Ministry of Justice were created, a great deal of improvement can be brought about because, today, by reason of the fact that our Constitution has provided that law and order are State subjects, a great deal of freedom has been left to the States in the administration of justice. A haphazard growth has taken place and there is very little co-ordination between State and State. The creation of a Ministry of Justice, therefore, would be a very welcome suggestion

Just now, I observed that the executive should have no hand in the appointment of the judiciary. I go a step further and I would like to express my concurrence with the recommendation of the Law Commission when they refer to the appointment of the other judicial officers. The Law Commission recommends that the power of appointing District judges by promotion of judicial officers and their postings and transfers, etc. should be vested in the High Court. I fully agree with this. It is possible for Government to browbeat the judiciary by transfers or denying them promotions. When we discussed the Kerala situation, one of the things that transpired in the course of the discussion was that when certain magistrates declined to

give permission for withdrawal of cases, against communist accused, were transferred and the police officers who did not toe the line of the Home department, were transferred. In order to remove all such doubts in the future and to make the judiciary thoroughly independent, I fully welcome and endorse the recommendation made by the Law Commission that the power of appointing District judges by promotion of judiciary officers and their postings and transfers should exclusively vest in the High Court and the Home department should have no say whatsoever in this matter.

There is another point to which reference has been made, namely, delay in the disposal of cases. This House has repeatedly discussed this issue and this issue is as old as law itself. Delays of law are proverbial. But, in the present case, it would appear that there is considerable increase in the quantum of work owing to the extraordinary pace of legislative output. Inadequacy of staff, judiciary and ministerial is another cause. Where arrears have grown and where there is delay in the disposal of cases, in spite of repeated requests, State Governments have declined the most reasonable requests of courts for the supply of additional judges or ministerial staff. It would, therefore, appear that it is very necessary that judicial administration should not be looked upon as a revenue earning department and adequate strength should be provided of Judges

There is another thing, the cumbersome procedure that is followed. When I speak on this point, I speak with three decades experience of law courts. The procedure is so cumbersome that needless precipe and affidavits are required. Affidavits of documents are very common. I do not understand why should affidavits at all be required and why a list should not be furnished instead of affidavit. Why should a precipe be required after the filing of a suit asking the Registrar or the other

officer to prepare summons? It should be automatically prepared. I see no reason why a precipe should be required asking the bailiff to serve. It should be done automatically. The procedure is cumbersome. Though the Law Commission has felt that procedure is not responsible, I am of the view from practical experience that the procedure can largely be simplified.

Speaking about Bombay, on the civil side, we have got the Small cause court, the City Civil Court and the High Court. The City Civil court was created to facilitate the disposal of cases. But, the procedure is very cumbersome and that adds to the delay. I would suggest that the procedure could be simplified by increasing the pecuniary jurisdiction of the Small Cause court to Rs 10,000, abolishing the City Civil court and transferring the remaining cases to the High Court. The procedure there also should be considerably simplified.

The last point that I desire to raise is that the voluminous reports which the Law Commission has placed before the House deserves the serious attention of the House. As recommended therein, I hope the Government will appoint a Special officer for implementing these recommendations. Too many reports in the past have been shelved. I hope the Law Commission's Report will not meet that fate.

Shri Harish Chandra Mathur (Pali) Mr. Deputy-Speaker, we have before us two bulky volumes, a very comprehensive report from the Law Commission on the first item of the terms of reference. If you refer to the terms of reference—it is para 3 to which this report refers. It is said

"The terms of reference to the Commission will be—

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firstly, to review the system of judicial administration in all its aspects and suggest ways and means for improving it and making it speedy and less expensive;”.

With all my respect and the deference to the great lawyers and the hon. Judges who have served on this Law Commission, I venture to submit that I feel a little bit disappointed, because I do not see, except streamlining the present set up of administration, whether the report goes to the root of the matter. We want speedy and less expensive administration. We wanted a change, if necessary, in the system of administration. But, it appears to me that the hon. Members, who are brought up and bred in the present system have not been able to get out of the groove. They have only suggested a streamlining of the present administration. It is there I express my disappointment so far as this report is concerned.

Having said that, so far as the recommendations are concerned, I further venture to submit that the main recommendations are as old as judicial administration itself. When I say this, I do not mean to detract from the value of the recommendations. But, I only wish to underline and emphasise the fact that in spite of our knowing that these reforms are called for for a long time, they have not been implemented. Knowing that there should be separation of the judiciary, knowing that there should be independence of the judiciary, we have not been able to streamline our administration. It is, therefore, absolutely necessary that special attention should be paid now to the recommendations made by the Law Commission. If we are to be assured that the recommendations of the Law Commission which are numerous—some of them could be implemented straightaway and some of them could be implemented, if pursued, in a few months time—are not again to be

pigeonholed, it is extremely necessary that this particular aspect is given proper emphasis and we have a separate Ministry for judicial administration. I wish to emphasise this. Let us realise that the Home Ministry—we have nothing to say against this individual or that: is absolutely humbug..... It is quite clear that the control over the judiciary by the Home Ministry is just a hang over of the past which has no meaning in the present context. Therefore, for both the reasons, for the independence of the judiciary and for having a psychological effect on the country and for expeditious implementation of these recommendations, it is necessary that a separate Ministry, recommended by the Law Commission, is formed.

Not only that. A Special officer should be appointed. Even if a separate Ministry is formed, it is extremely necessary that a Special Officer is appointed. The appointment of a Special officer becomes all the more necessary if it is going to continue with the Home Ministry which is heavily burdened with all the various problems of the country. I would like to make a further suggestion in this matter, that the Special Officer should be of a high status. He should be a man head and shoulders above the Secretaries in the Ministries. I must say it would be better to have a serving High Court Judge to be appointed to see that these recommendations are implemented. Further, I would very much stress that every six months a report should be submitted by this officer to this Parliament as to what steps have been taken in implementation of the recommendations made by the Law Commission. Only if this suggestion is accepted, only if such an officer is appointed, and only if such six-monthly reports are submitted can we expect that something will be done.

Now, passing on to the next point about the appointment of the judges,

particularly regarding the appointment of the Chief Justice, a recommendation has been made that it should not go absolutely by seniority, but there should be an element of selection. With all the respect, again, for the members of the Law Commission, I stoutly and strongly oppose this recommendation. It is one of the recommendations which will do the greatest damage to the independence of the judiciary. The appointment of the Chief Justice should be absolutely by seniority, and there should be no wrangling in the selection of a judge for appointment as the Chief Justice. Even when you make appointments to the Supreme Court, you must take into consideration all the various elements. Until and unless a judge who is the senior-most himself declines to take over the responsibility of the Chief Justice, he should never be superseded, and nobody from outside should be taken and superimposed as the Chief Justice. Otherwise, it will do very great damage.

I can say that I know of a case even during these eleven years when one of the most eminent judges of the Supreme Court would have been superseded and would not have been appointed as the Chief Justice, if this provision had been there. But I must pay my tribute to the judges of the Supreme Court, for all the judges of the Supreme Court said that they would not like to have this sort of procedure, and that the seniormost person should be appointed. The man who was being promoted from down below to be appointed as the Chief Justice refused to take up the appointment; and the judge who was due for appointment as the Chief Justice, though he was offered the Governor's post, this, that and the other, declined to take up those posts.

It is, therefore, in that context that I very strongly oppose this recommendation of the Law Commission regarding the appointment of the

Chief Justice on the basis of selection.

Regarding the appointment of the High Court judges, though so much has been said on the floor of the House, and the Commission have made such trenchant criticism in their report, yet I do not see how this trenchant criticism stands supported by facts and figures. The Home Minister told us the other day that since independence, 17 Supreme Court judges had been appointed, and all of them had been appointed on the recommendation of the Chief Justice; about 170 High Court judges had been appointed, and with the solitary exception of one, all the other High Court judges had been appointed with the concurrent recommendation of the Chief Justice of the High Courts as well as the Chief Justice of the Supreme Court.

An Hon. Member: Except in one case.

Shri Harish Chandra Mathur: My hon. friend Shri Naushir Bharucha has argued that well, the facts are so, but still they have made such a recommendation because the Chief Justices at the State level and the Chief Justice at the all-India level all yielded to the pressure of the executive. It is most surprising, and I think there cannot be a greater reflection, not against the executive, but against judiciary, that these people to whom we give such a high place as the Chief Justice of the High Court or the Chief Justice of the Supreme Court have yielded to pressure from the executive. When we have provided in our Constitution all the safeguards necessary for them, what is there for the judges to fear? Still, if they yielded to pressure, it is much better not to trust these judges, and it would be equally good to trust the executive. If these judges who have been given a high place, who are above criticism, who have been given all the security and who are above everything—and we have given them a special place—yield to

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indirect pressure from the executive, which can do no harm to them, then, certainly, it is a great reflection. I think this matter demands further examination.

Shri Naushir Bharucha: Please allow me to correct my hon friend. My hon. friend has said that it reflects on the judges. At page 72 of their report, all that the Law Commission have said is this:

"The voice of the Chief Justice is not half as effective as it was in the past. Indeed, instances are known where the recommendation of the Chief Justice has been ignored and overruled and that of the Chief Minister has prevailed. This unedifying prospect has brought about some demoralisation in the minds of the Chief Justices and therefore, before making their recommendations they ascertain the views of the Chief Minister so as to be sure that the recommendation to be made by him, the Chief Justice, will eventually go through, and he will be spared the discomfiture and loss of prestige in having his nomination unceremoniously turned down."

So, it is only a question of the judges being gentlemanly. That is all.

Shri Harish Chandra Mathur: If that is the explanation, then what Shri Naushir Bharucha calls as gentlemanliness, I call as yielding to pressure. That is the only difference between us two. And I do not expect this from the Chief Justices of the various High Courts, and particularly, the Chief Justice of the Supreme Court.

Shri Satyendra Narayan Sinha (Aurangabad—Bihar): They are not human beings? Does the hon Member mean to say that?

Shri Harish Chandra Mathur: If they are human beings, and if they

ought to yield to these pressures, then how can you trust them better than anybody else?

Shri Naushir Bharucha: They did not want to enter into an arena and fight out the matter with the Chief Minister. They were too gentlemanly for that.

Shri Harish Chandra Mathur: What is the sense in it? They are as good human beings as the Law Minister or anybody else.

I shall rather move on to the next point, and that is about the separation of the judiciary. I feel very strongly about this matter. You will remember that questions have been asked about the progress that has been made regarding the implementation of this, and we find that Rajasthan happens to be one of those States where it has not been implemented. I do not know how it happens, but if we take a general note, we find that it so happens that most of the States in the south have separated the judiciary from the executive, and most of the States in the north have not done it. I do not know how this strange phenomenon has happened.

Shri Naushir Bharucha: Moghul influence?

Shri Harish Chandra Mathur: Even U.P. has separated the judiciary only in certain districts, in most other districts, it has not been separated. But so far as Rajasthan is concerned, it is really unfortunate that we have gone a step backward. Even whatever separation was there in the pre-Independence days has gone away with the integration of the States, and now all the magistracy is under the executive. It must be borne in mind that nearly ninety per cent of the people have got to deal with the magistracy at the lower level, and if the lower level is under the direct influence of the executive, then separation at the higher level has very little meaning. Therefore, it is an-

tremely necessary that such an officer should be appointed here, who will pursue and see that this separation is brought about as quickly as possible.

Lastly, I shall deal with the question of the Benches. This point was referred to by my hon. friend Shri Kasliwal. He has tabled an amendment to it. I really congratulate him for his eloquence. I sympathise with him for his injured feelings. But I certainly cannot compliment him for digging out the issue out of the grave. He has done no good to anybody. I am afraid he has done a great harm and a great injury to his own State of Rajasthan. Now, it is not merely on the recommendation of the Law Commission that this step has been taken. I think if the facts are examined, it will be found that the case that was assiduously built up here would collapse like a house of cards under the weight of the simple facts which I shall state before you.

It was when the integration of the States was brought about, that the Central Government had appointed a committee to look into the question as to what offices and what institutions should be located where. I think the name of that committee was Patel Committee or something like that. That committee reported that there was nothing very much to choose between Jodhpur and Jaipur so far as the location of the capital was concerned. They have stated it clearly in the report, which is available in the Library, and anybody can go and see it. Then, they said that for certain reasons they would like that Jaipur became the capital of Rajasthan.

We never raised a voice against it, we did not say a word against it. As a matter of fact, I might submit this to you, though it may be used against me in the elections anywhere, and I am prepared to say it from the floor of this House again; you may have a look at the evidence which I gave; I have said, nothing doing about the capital of Rajasthan, it must con-

tinue at Jaipur; we have hardly settled there; it would be waste of public money if the capital is shifted; it would be unsettling the whole thing; therefore, the capital must continue there. I have gone and given this evidence before the Rau Committee which was lately appointed; I was with them for about an hour.

\* This Patel Committee recommended that the integrated seat of the High Court should be at Jodhpur; they further recommended that certain important departments like the office of the Comptroller and Auditor-General should be located there; they further recommended that the university should be located there. It was only in the course of the integration that the Benches were located at Bikaner, Kotah, Udaipur and Jaipur. I would like to ask my hon. friend Shri Kasliwal as to what the difference in the status of all these four Benches was. Was there any difference between the status of these four Benches? The Bikaner Bench was wound up; the thing was transferred. Kotah was wound up, and Jaipur, which was on the same footing with the other three, continued, not because of merit but because of certain political pressures; later on, in spite of the decision of the 'Capital' Committee, because of certain political pressures, because of certain machinations—I will not go into the details of the politics of Rajasthan here—because of these considerations, it continued there. And the Home Minister, even in spite of all this, while laying the foundation stone of the High Court building to house the Bench there used a word, to which, I think I objected when my hon. friend was asking, because even at that stage, the Home Minister felt that something wrong was being done but he would not like to override certain considerations which were there.

Then again after that, another independent body was appointed to go into the whole matter, because when Ajmer was integrated, we wanted to settle things. Though my hon. friend,

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Shri Kasliwal, mentioned here that the Rau Committee had nothing to do with it, it was referred to it. I ask him: why not go and read the report which is published in the Gazette? A definite reference was made to that Committee about the location of the various departments, the High Court and the capital. I appeared before that Committee. That Committee toured all over Rajasthan and reported. It was stated that it was wrong not to have implemented that decision, that the High Court should be definitely be there not only on administrative grounds but in the very best interest of the judiciary itself. The Bar of Jodhpur is superb. They said that all buildings are there and nothing has got to be added. For various other considerations also, they said that it would be a sheer injustice not to put the High Court there. The Rau Committee made a clear-cut recommendation. In spite of that recommendation, we said: 'All right; let the Home Minister decide in his wisdom what has to be done'. And the Home Minister with the full concurrence of everybody in Rajasthan decided that the integrated High Court should be located at Jodhpur. It was not only the Congress Party, the ruling Party, which was agreeable to it. The Congress Party passed a resolution. The Assembly said that and here in the Home Minister's house all the various representatives from Rajasthan met. The President of the Bar Association of Bikaner said that they wanted the integrated High Court there. He was not for a Jodhpur Division or Udaipur Division or Ajmer Division. It was not only the MLAs who were there. The representatives of Ajmer Division were there and they spoke before the Home Minister—the Home Minister will bear testimony to it. Everything was done like that. So there was no necessity of raising the question now.

So it is only such wrong attitude which my friends take which creates a very unhealthy atmosphere in the

whole State. It is only such attitude which is responsible for bringing out such feelings as 'Eastern Rajasthan' and 'Western Rajasthan' and giving rise to a demand for the bifurcation of Rajasthan. I wish my hon. friend would be well advised to chew only that much which he can bite. Let him bite only as much as he can chew. He has got the capital. He has got the legislature. So let these regional feelings not be aroused unnecessarily.

Even apart from the Law Commission's Report, the location of the High Court at Jodhpur is absolutely on merit, and the different grounds and different circumstances and the facts which have been given here against it will not stand scrutiny. I rely entirely on the facts available in the Parliament Library and elsewhere.

Shri Raghbir Sahai (Budaun): I join my hon. friends who have paid an eloquent tribute to the distinguished members of the Law Commission who have produced such an admirable Report. It would be very difficult in the time at my disposal to deal with each and every aspect of this Report. But with your permission, I would confine my remarks mainly to three points namely, the village panchayat courts, perjury and corruption.

So far as the village panchayat courts are concerned, it is, no doubt, well known that they are performing a very useful role, because they are deciding so many petty cases of civil, criminal and revenue nature in the villages so very cheaply and expeditiously. We also know that a lot of these cases had been taken away from the files of the district courts, either criminal or civil or revenue. But the main point that has to be considered in this connection is, what is the quality of justice that these courts administer. It is quite well-known that in many cases which are decided by these village courts, they are actuated—I mean the panches—by group, class factional and other

considerations. Herein comes the difficulty in regard to the justice administered by them. So far as I understand and so far as the Law Commission has dealt with this point, the main function of these panchayat courts is to arrive at an amicable settlement in the cases that are disposed of by them. If this main consideration had been kept in mind by the panchayat courts, nothing would be open to criticism. But I find that in very many cases that are actually decided by these courts, the quality of justice is not what it should be.

I was looking into the figures that were supplied by the Law Commission with regard to the States of Uttar Pradesh. It has given the number of cases decided by these panchayat courts in U.P. from 15th August 1949 to 31st March 1956. The total number is over 19 lakhs, out of which over one lakh were transferred to other courts from these village panchayat courts. Something like two lakhs of cases were decided *ex parte*, and about three lakhs of these cases were dismissed for default. But nearly six lakhs of these cases were decided after regular hearing. As I said, herein comes the difficulty in regard to the quality of justice administered by these courts because they perhaps begin to think that they have to decide these cases by recording evidence, by hearing the parties, by allowing cross-examination and by delivering judgments. As the Law Commission has pointed out, if the emphasis was laid on the fact that the main function of these village courts was to decide cases by arriving at amicable settlement, I think everything would be satisfactory.

In this connection, we will also have to take into consideration the way in which these panches are selected. The Law Commission has emphasised that they should be selected by a prescribed, competent authority from amongst a panel of elected panches on the basis of their qualifications of literacy and their reputation for impartiality.

I am sorry that these two weighty considerations are not being given effect to and are not considered at the time of selection of these panches. If these two main considerations were given effect to, then the quality of justice, to which I have just referred, is bound to improve.

Then there is another consideration, with regard to the jurisdiction of these panchayat courts. Apart from the useful role that these panchayat courts are performing, we have to take into consideration their limitations.

The Law Commission has definitely come to the decision that in no case their pecuniary jurisdiction should go beyond Rs. 250 and in no case the power of inflicting fine should go beyond Rs. 50. But I can give instances of certain States, of which U.P. is one, where the pecuniary jurisdiction, by a simple executive order, has been raised to the extent of Rs. 500. Such things have been characterised by the Law Commission as unwise.

We know, especially those lawyer Members of this August Assembly know, that in conferring small-court powers on Munsifs and Sub-judges, their experience and competence were always taken into consideration and the small-court powers were not conferred on them all at once. So, at least in determining their pecuniary jurisdiction in revenue and civil cases and also their power of inflicting fines, all these considerations should be kept in mind.

The Law Commission has also laid down that the work of the village panchayats should be watched very closely from day to day. They have recommended that a special officer should be appointed to do this duty; in case one special officer was not enough, more than one special officer should be appointed. This has been lacking, I think, almost in every State.

Another salutary principle that has been laid down by the Law Commission



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sion is that in those cases where panches have been accused of gross partiality and misconduct or they were otherwise proved to be corrupt, then the District Judge should be empowered to remove them. That power should also be taken into consideration and should be given to the District Judges. If these points that have been mentioned by the Law Commission were taken into consideration and given effect to the work of the village panchayats could be all the more improved in quality.

Now, I would come to the other point, perjury. In this connection the Law Commission has been pleased to remark:

"It has been stated that perjury of late has increased greatly. The sanctity of oath has almost disappeared and persons seem prepared to make false statements on oath in courts of law. The law, however, is very rarely invoked for the purpose of punishing the perjurer."

Proceeding further, the Commission says:

"Steps have to be taken to control this growing evil which tends, more and more, to bring the administration of justice into disrepute."

After having recorded these findings, the Law Commission suggested a change in the present Criminal Procedure Code. According to the present provisions of the Criminal Procedure Code, if a trying court comes to the conclusion that a witness has committed perjury it shall record that finding in the course of its judgment and that judgment would be sent to another court which would try the perjurer and would inflict punishment.

The Law Commission has suggested a change in the present law and the

change is that the very court where the second contradictory statement has been made should be empowered to try that person and to inflict a punishment or imprisonment up to 6 months. I quite understand that by adopting this procedure some delay would be avoided.

But, in this connection the Law Commission itself says that laying down a minimum punishment or making it severe does not result in reducing the incidence of a particular kind of crime. I quite agree with that. Therefore, even by adopting the amendment that the Law Commission has suggested the evil of perjury is not going to be put down. I suggest that some more positive step should have been suggested and taken to put down this growing evil of perjury. It shows that the remedy for this growing evil lies not in the enactment of this kind of legislation only but somewhere else.

In this connection, with your permission, I would like to draw the attention of this House to a Bill that I moved in regard to putting down this evil of perjury.

**Shri Braj Raj Singh (Ferozabad):**  
You withdrew it.

**Shri Raghbir Sahai:** Thereby I suggested an amendment of the Criminal Procedure Code, section 342.....

**Shri Braj Raj Singh:** What happened to it then?

**Shri Raghbir Sahai:** I am coming to that. The provision runs:

"The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court and the jury (if any) may draw such inference from such refusal or answers as it thinks just."

My submission then was—and my submission still is—that if you want

to root out perjury, if you want to control this growing evil, there should be at least no statutory permission to make a false statement and that by keeping this provision as it is you are in a way giving encouragement to the speaking of falsehood. That should have been removed.

My Bill was sent all over the country; it was circulated for eliciting public opinion. I am glad to say that the consensus of opinion—the majority of the opinions that were received—was in favour of the Bill. But, unfortunately, some of the States were opposed to it and that was the position taken up by the hon. Minister of Home Affairs then. As the State Governments were opposing, therefore, the Bill was not acceptable to him.

This is a growing evil and this is a point which should not be ignored. Therefore, at least that Bill of mine, the opinions that had been collected from all over the country and the proceedings of the Parliament should have been transmitted to the Law Commission so that they may study the whole thing and either accept the suggestions that I made or may make some alternative suggestions to root out this growing evil.

My last point would be the removal of corruption from law courts. Everybody knows that corruption is as much prevalent in our law courts and within the precincts of the law courts as is perjury. In this connection the Law Commission says:

"The court over which a judicial officer presides suffers in the public eye if the administrative set-up of the court is corrupt. This undoubtedly reflects discredit on the judicial officer concerned. It is, therefore, of the utmost importance that a judicial officer should examine the administrative sections from time to time and control the staff."

I think everybody here will agree that there is common talk all over in the streets and everywhere that corruption is prevalent in law courts. Take the *peskhar*, the *ahalmad* or the clerk or even the peon, everybody is given to taking bribes and illegal gratifications.

• Mr. Deputy-Speaker: The hon. Member should conclude his remarks.

Shri Raghunbhir Sahai: I am closing my remarks within a few minutes, Sir.

This is a growing evil and should be checked. It is the duty of the officers in charge of these courts to check it. There are the District Magistrates under whom so many courts work; there are the Additional District Magistrates under whom so many courts work and there are District Judges under whom so many courts work. They are cognisant of it but it is due to their connivance and due to their abetment that these things take place. I wish that emphasis should be laid on these high-placed dignitaries to see that corruption does not take place under their very nose. It is also the duty of the lawyers' associations and other non-officials to create public opinion so that this evil may be rooted out from our public life.

Shri N. R. Manisamy (Vellore): Mr. Deputy-Speaker, I am afraid I have to sing a different song.

Mr. Deputy-Speaker: That may be pleasant at least.

Shri N. R. Manisamy: I want to refer only to one point and be done with it. The first of the terms of reference given to the Commission reads:

"firstly, to review the system of judicial administration in all its aspects and suggest ways and means for improving it and making it speedy and less expensive;"

[Shri N. R. Muniswamy]

The Commission has taken upon itself the responsibility of amplifying this:

"With regard to the first term of reference, the Commission's inquiry into the system of judicial administration will be comprehensive and thorough, including in its scope. . . recruitment of the judiciary . . ."

Strictly speaking, the ambit or the scope of the terms of reference does not deal with the recruitment of personnel. It is left to the President or the Governor. Article 217 says

"Every Judge of a High Court shall be appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State. . ."

The Governor does not act *suo motu*. After all, he is a figure-head of the State and he has to act only in consultation with the Council of Ministers and they in their wisdom choose a particular individual. The Governor of his own cannot offer any opinion as regards any individual because he is not aware of what is going on in the High Court except through his Council of Ministers. He has necessarily to seek the assistance of the Ministers and take their recommendation. Whenever it is said 'after consultation with the Governor' it necessarily means that the Chief Minister comes into the picture. The whole burden is thrown on the Chief Minister and he uses some political influence and doles out the patronage. Ordinarily that person is chosen by the President because the Governor is consulted and his views are given consideration.

So far as the appointment of the Judges is concerned, it is purely a personnel aspect which does not come under the terms of reference. They are asked to see whether there is unnecessary delay, whether there is any extra expenditure for the liti-

grant, etc. They are asked to suggest ways and means to see how a particular litigation can be speedily ended and how it could cost him less. It is from that angle that they should review the system of judicial administration. But they have amplified the terms of reference to include recruitment of judiciary also. With due deference to their wisdom, I dare say that it does not come within the terms of reference. Of course it is a question of interpretation and so far as I could see my interpretation is that it does not fall within this. So, that recommendation seems to be extraneous, it does not come within the purview of the terms of reference and as such no serious consideration need be given to this aspect though many hon friends have stated that much should be done about this.

I know a particular gentleman when I was practising in the Madras High Court and his name has been recommended from England and he was chosen as a Judge. As a matter of fact, he was not having any case on the original or appellate side. He was having only matrimonial suits and he will be appearing in the original side once in a month or twice. All of us were surprised when he was appointed as a High Court Judge. But after the appointment, he has done his best and his performance was appreciated as one of the best. Likewise, there may be a person who has put forth ten years of practice as an advocate

Mr Deputy-Speaker: Should they find out persons who have appeared once or twice a month?

Shri N. R. Muniswamy: I meant to say that though his appearance in the court was rather rare, he had enough legal acumen. After all, he is an Englishman and he is not here. I refer to Justice Mockett. Many of his judgments have been upheld in the Privy Council.

I am told that the rule says that if a person has got ten years stand-

ing as an advocate, he can be recruited as a High Court Judge. What is the nature of the work that he is having? In what courts is he practising? Is it in the District Court? Is it on the original side or the appellate side? These things should be looked into. If a man is enrolled as an advocate when he is 20 years old he may begin practice in taluk or division centres. That man's name may be recommended by the Chief Minister to the High Court as being a fit person for the post of a Judge. He will be hardly 30 or 32 years old. In exceptional cases certain persons may have very keen intellect. It is possible that they have not practised in district court or the High Court and they may be recruited in that case, the reference that has been made by the previous speakers has got weight. I would again say that this subject of recruitment of the judiciary does not come within their purview and so we shall not give thought to that.

With regard to the speedy disposal of cases, the executive issues directions to the criminal courts that they should dispose of the cases within two months or three months. But the civil cases take a longer time. More often it is said that delays occur inevitably. Still they could be avoided if some thought could be given to the disposal of cases. The advocates themselves who appear on either side are to be held responsible for this. They manoeuvre to get adjournments in such a way that the judges have no other alternative except to grant the adjournment. So, the fault also lies on the advocates who appear to take longer time for reasons best known to them. On certain occasions I have known that for their own personal reasons, they ask for an adjournment so that the period is lengthened for another 2-3 months or they ask for adjournments because they have not been fully paid. There will be many other reasons, but still there should be a time-limit. Whether it be in criminal cases or in civil cases, if a time-limit is put in I am

sure these unnecessary delays would be avoided.

15 hrs.

So far as the question of expenditure is concerned, though there are certain provisions in the Civil Procedure Code that people can put in their claims and get relief by filing a proper suit, I find that even those provisions have not been well thought out and there are still some lacunae by which many persons who really need certain relief from the court are not being given such relief. I would request the Government to consider this aspect as to how to minimise the time-limit and also expenditure.

Sir, many of the recommendations given here are very formal recommendations. Everybody knows that these things are to be remedied, but so far as Government are concerned I do not know how they are going to deal with these recommendations. I hope at least the important recommendations will be taken in hand and action taken to remedy the defects.

श्री सुब्रह्मण्य राय (बेरी) उपाध्यक्ष  
महोदय, धर्मो एक माननीय सदस्य द्वारा यह कहा गया है कि जहाँ तक जजों की नियुक्ति का मामला है उस पर कोई राय देने का अधिकार इस कमीशन को था ही नहीं। इस सम्बन्ध में दलील यह दी गई है कि जाट्स आफ रेफरेंस से उनमें सिर्फ यह था कि

"To review the system of judicial administration in all its aspects"

मेरे यह पूछना चाहता हूँ माननीय सदस्य में कि ज्यूडिशियल एडमिनिस्ट्रेशन को इन आल एम्प्लॉयमेंट रिब्यू करने का उनको अधिकार हो और यह देखने का अधिकार हो कि ज्यूडिशियरी इम्पेडेड हो या न हो लेकिन इस बात पर गौर करने का अधिकार न हो कि उन जजिब की नियुक्ति किस प्रकार होती है, तो यह बात मेरी समझ में नहीं आती है कि किस तरह से

[श्री: खुशवक्त राय]

यह चीज उसके टर्मस आफ रेफेंस में नहीं आती है। मैं समझता हूँ कि ज्यूडिशरी के इंडिपेंडेंट रहने की बात और जिन कारणों से वह इंडिपेंडेंट नहीं रह सकती है, उन पर विचार करने का पूरा अख्यार ला कमीशन को था।

एक माननीय सदस्य ने अभी थोड़ी देर पहले कहा है कि इस कमीशन ने कुछ राय जरूर जाहिर कर दी है इस बारे में कि ज्यूडिशरी इंडिपेंडेंट नहीं है। जहां तक इस प्रस्ताव के प्रस्तावक महोदय का सम्बन्ध है, उन्होंने अपने भाषण के दौरान यह कहा था परन्तु इन सदस्य ने कहा कि ला कमीशन ने कोई तथ्य नहीं दिये हैं जिन से यह मालूम पड़े कि नियुक्तियां सही ढंग से नहीं होती हैं। मेरा नम्र निवेदन यह है कि यदि आप देखें तो आपको पता चलेगा कि हाईकोर्ट्स के जजिज ने अपनी शहादत में इसके बारे में क्या कहा है। एक जज महोदय का कहना है :—

“If the State Ministry continues to have a powerful voice in the matter, in my opinion, in ten years' time, or so, when the last of judges appointed under the old system will have disappeared, the independence of the judiciary will have disappeared and the High Courts will be filled with judges who owe their appointments to the politicians.”

मैं यह कहना चाहता हूँ कि इस से बड़ा तथ्य और कौन सा हो सकता था कि जिस के ऊपर हम राय कायम करते। अगर एक जज यह बात कहता है कि जिस तरीके से आज के दिन जजिज की नियुक्ति होती है, उसी तरीके से अगर वह जारी रही तो दस बरस के बाद कोई भी स्वतंत्र जज नहीं रह जायगा। मैं समझता हूँ कि यह एक ऐसा तथ्य है और इस पर से जो निष्कर्ष निकाला गया है, उस पर हमें ध्यानपूर्वक विचार

करना चाहिये और इस कथन का आदर होनी चाहिये। हमारा देश प्रजातन्त्रात्मक देश है और उस में अगर हमारी जो ज्यूडिशरी है, हमारी जो न्यायपालिका है, वह स्वतंत्र नहीं रहती है तो मैं समझता हूँ कि हमारी स्वतंत्रता भी कायम नहीं रह सकती है। प्रजातन्त्रात्मक राज्य की सब से बड़ी जरूरत इस बात की है कि ज्यूडिशरी इंडिपेंडेंट हो, स्वतंत्र हो, उस के ऊपर हर व्यक्ति का विश्वास हो। अगर मेरे खिलाफ कोई मुकदमा हो और मैं ज्यूडिशल कोर्ट्स का दरवाजा खटखटाऊं तो अगर मुझे यह मालूम हो जाय कि चीक में अपोजीशन का मैम्बर हूँ, इस वास्ते मुझे न्याय नहीं मिलेगा, तो मेरा विश्वास उस पर से उठ जायगा और अगर ऐसी स्थिति आती है इस देश में तो वह हमारे लिये और हमारे देश के लिये बड़े दुर्भाग्य की बात होगी।

पिछली मर्तबा इस सदन में जब उन की मिनिस्ट्री की डिमांड्स पर बहस हुई थी, तो इस बारे में कुछ बातें विधि मंत्री ने कही थीं। मैं समझता हूँ कि उन्हें इस सदन को विश्वास दिलाना चाहिये कि इस तरीके से आगे नियुक्तियां नहीं होंगी। पिछली बातों को आप छोड़ दें, मगर आगे के लिये ऐसे कदम उठायें कि जिन से इस तरह से नियुक्तियां न हो सकें और अगर ऐसी नियुक्तियां आप करते हैं तो आप की न्यायपालिका पर से, ज्यूडिशरी पर से, सब मानिये, लोगों का विश्वास घटता जायगा।

सब से बड़ी बात जो हमारे संविधान में दी हुई है वह फंडामेंटल राइट्स की है। हमें कुछ फंडामेंटल राइट्स दिये गये हैं और उन फंडामेंटल राइट्स की यह ज्यूडिशरी चौकीदार है इस को यह देखना है और हर वक्त देखना है कि इन फंडामेंटल राइट्स का कहीं इनफ्रिजमेंट तो नहीं होता है और अगर होता है तो उस का यह कर्तव्य हो जाता है कि वह उस इनफ्रिजमेंट को दूर करने का प्रयत्न करे।

एक बात यह भी है कि ज्यूडिशरी के प्रति जो आदर और सम्मान की भावना होनी चाहिये, जो आदर और सम्मान उस को मिलना चाहिये वह नहीं मिलता है। आप जानते हैं कि जब हाई कोर्ट्स और सुप्रीम कोर्ट के सामने बहुत से ऐसे मामले आते हैं कि जिन में जो लैजिस्लेटिव एक्शन होता है, एडमिनिस्ट्रेटिव एक्शन होता है, एग्जीक्यूटिव एक्शन होता है तो उन के बारे में एतराजात होते हैं और उन में रिट्स के द्वारा उन पर विचार होता है और उन को दृष्ट कराने की कोशिश की जाती है तो यह ऐसी चीज बन जाती है जोकि एग्जीक्यूटिव को पसन्द नहीं आती है और यही कारण है कि हमारी एग्जीक्यूटिव की तरफ से जो आदर और सम्मान हमारी ज्यूडिशरी को मिलना चाहिये वह नहीं मिलता है। आप देखें तो आप को पता चलेगा कि ला कमिशन ने इस बात पर बड़ा जोर दिया है कि ज्यूडिशरी के लिये आदर और सम्मान घट रहा है और इस का कारण यह बताया है :—

“Because views were expressed by important persons which created an impression in the public mind that judges, law courts and lawyers were superfluous institutions which hindered the progress of the social welfare State.”

मैं कहना चाहता हूँ कि सोशल वेलफेयर स्टेट के लिये इन जजिज की, इन ला कोर्ट्स की और इन वकीलों की बहुत सख्त जरूरत है। आप कानून के बाहर जा कर कोई बात नहीं कर सकते हैं। जो संविधान है वह यह कहता है कि आप बिना कानून के कोई बात नहीं कर सकते हैं और अगर आप कानूनी बात करते हैं तो उस के बारे में न ला कोर्ट, न जजिज और न ही वकील कोई बाधा पहुंचा सकते हैं। मगर जब आप कानून से कोई बात नहीं करेंगे तो बाधा पहुंचाई जायगी। इस वास्ते यह बहुत आवश्यक है कि न्याय-पालिका का जो आदर और सम्मान पहले होता था, वही आदर और सम्मान उसे

प्रदान करें। अक्सर ऐसा देखने में आया है कि जो बड़े बड़े नेतागण हैं वे ज्यूडिशरी के बारे में ऐसी बातें कह देते हैं जोकि उन को नहीं कहनी चाहियें। मुझे याद है कि विवियन बोस की रिपोर्ट जब छपी थी तो हमारे प्रधान मंत्री ने कुछ बातें उस के बारे में कह दी थीं जोकि नहीं कहनी चाहियें थीं। अब कलकत्ता बार लायब्रेरी ने उस के बारे में उन का ध्यान आकर्षित किया तब उन्होंने कहा कि मुझे से गलती हो गई है। मेरी यह प्रार्थना है कि ऐसी गलती करने में पहले ही सब को यह सोच लेना चाहिये कि कहीं व कोई ऐसी बात तो नहीं कह रहे हैं कि जिसे बाद में उन्हें वापिस लेना पड़े या जो ज्यूडिशरी की शान के खिलाफ जाती हो।

मैं दो तीन बातें और कहना चाहता हूँ एक बड़ी सिफारिश जो ला कमिशन ने की है उस की तरफ मैं आप का ध्यान आकर्षित करना चाहता हूँ। कोर्ट फ्रीस के बारे में उस न लिखा है कि इसी मुल्क में यह पड़ती है। इस के बारे में जो कुछ कहा गया है वह सब पढ़ कर मैं आप का वक्त लेना नहीं चाहता हूँ लेकिन संक्षेप में उन का कहना यह है :—

“India is, as far as we know, the only country under a modern system of government which deters a person who has been deprived of his property or whose legal rights have been infringed from seeking redress by imposing a tax on the remedy he seeks.”

मैं यह कहना चाहता हूँ कि न्याय पर आप को कर्मित नहीं लेनी चाहिये। किसी आदमी को चोट लग जाती है तो आप की पुलिस फौरन उस में कार्रवाई करती है। काग्नि-जेनल अफेय होता है तो उस का काग्निजेनल लेती है, वहीं तो उस आदमी को अख्तियार है कि वह अदालत में जा कर कार्रवाई करे। जब किसी के चोट लग जाती है तो उस के लिये आप ने अस्पताल खोले हुए हैं। मैं प्रार्थना

[श्री खुशवस्त राय]

चाहता हूँ कि अगर मेरी जायदाद को या जो हमारा कानूनी अधिकार है, उस को कोई आघात पहुंचता है और उस के लिये हम कोई चाराजोई करना चाहते हैं, तो इस के लिये मेरे ऊपर क्यों टैक्स लगाया जाता है? आप वेल्फेअर स्टेट की बात करते हैं। वेल्फेअर स्टेट न्याय मुफ्त मिलना चाहिये। मेरी यह राय है और सुझाव है कि यह बात स्टेट गवर्नमेंट से कही जानी चाहिये क्योंकि कोर्ट फीस तो वे ही लेते हैं : उन को सुझाव दिया जाना चाहिये कि धीरे धीरे वे कोर्ट फीस के मामले को हटायें। यहां ला कमिशन ने भी कहा है। यह चीज एक दम से तो हो नहीं सकती है, पर इस के बारे में कदम उठाये जाने चाहिये। मैं आप के जरिये से विधि मंत्रों से कहना चाहता हूँ कि उन को इस बात पर विचार करना चाहिये।

इस सम्बन्ध में एक बात और कहना चाहता हूँ कि जो हमारी राज्य सरकारें हैं उन में एक होड़ मी लगी हुई है कि कौन ज्यादा कोर्ट फीस लेता है। आप देखिये कि एक राज्य में एक कोर्ट फीस है तो दूसरे राज्य में दूसरी कोर्ट फीस है। मैं बतलाना चाहता हूँ कि इस तरह से डिस्क्रीमिनेशन होता है। मान लीजिये कि मेरा कोई मामला है। अगर मैं उस को राजस्थान में उठाऊं तो हो सकता है कि १००० रु० पड़े, लेकिन अगर मैं उस को ही उत्तर प्रदेश में उठाऊं तो सम्भव है कि उस के लिये १२०० रु० पड़ें। यह जो डिस्क्रीमिनेशन होता है इस को बन्द होना चाहिये।

**श्री जयपाल सिंह :** (रांची—पश्चिम—रक्षित—अनुसूचित आदिम जातिया) : बिहार में सब से कम है।

**श्री खुशवस्त राय :** हां सकता है वहां सब से कम हो।

दूसरी बात जिस पर मैं जोर देना चाहता हूँ वह लीगल एड टू पुअर के बारे में है।

जो गरीब लोग हैं उन को कानूनी सहायता मिले। पिछली बार जब विधि मंत्रालय की डिमांड्स पर बहस हो रही थी तब भी मैंने यह बात कही थी, और विधि मंत्रों ने कई एक कांफरेंस बुलाई और उन में यह बात तय हुई पर अभी तक इस पर कोई अमल नहीं किया गया। मैं कहना चाहता हूँ कि इस बात की तुरन्त ही करना चाहिये। बहुत से लोग ऐसे होते हैं जो गरीब होते हैं, जिन के पास पैसा नहीं होता है, जोकि आसानी से वकील की फीस नहीं दे सकते हैं, उन के लिये बड़ी मुश्किल पड़ती है। इस के सम्बन्ध में मैं सिर्फ दो बातें कहूंगा। जहां तक सुप्रीम कोर्ट और हाई कोर्ट की बात है, जहां तक उन के रिट जूरिस्टिक्शन की बात है, वहां आप ऐसा प्रबन्ध कर दें कि जो गरीब आदमी हैं जिन के राइट्स इंफ्रिज हुए हैं उन को कानूनी सहायता सरकार की ओर से मिले।

ला कमिशन ने जो यह सिफारिश की है कि बेंच जगह जगह पर न बँटें, जहां तक मैं समझता हूँ यह मानने योग्य चीज नहीं है। आप उत्तर प्रदेश को देखिये, इलाहाबाद में हाई कोर्ट है और लखनऊ में उसकी बेंच है। लखनऊ की बेंच बहुत अच्छा काम करती है, उस से लोगों को इतनी अधिक मुविधा मिलती है कि जिस का कोई ठिकाना नहीं है। इस तरह की बेंचों के लिये जो सिफारिश की गई है कि उन को खत्म कर देना चाहिये, मैं इस से मतभेद प्रकट करता हूँ। उन्होंने ने कुछ ऐसी छोटी छोटी बातें इस के लिये कह दी हैं जिनकी मेरी समझ में नहीं आई। उन्होंने कहा कि अगर इस तरह से जगह जगह पर बेंचें होंगी तो वहां पर न वकील मिलेंगे और न अच्छी लायब्रेरी ही मिलेगी। मैं कहता हूँ कि जो प्यासा होता है वह कुएं के पास जाता है। जब वहां पर कुआं पहुंच जायेगा तो प्यासा अपने ही आप वहां पहुंच जायेगा। वकील भी पहुंच जायेंगे। लायब्रेरी भी हो जायेगी।

जहाँ तक लखनऊ बेंच का सवाल है, मैं जानता हूँ कि वह इलाहाबाद हाई कोर्ट के मुकाबले में कहीं बेटर इक्विपड नायब्रेरी रखती है।

मेरे पास अब समय नहीं है, इसलिये मैं इतना ही कह कर बैठ जाऊंगा।

**उपाध्यक्ष महोदय :** अब मैं मेम्बर साहबान से कहूंगा कि वह दस दस मिनट के अन्दर ही अपना भाषण समाप्त करें।

**श्री दी० चं० शर्मा (गुरदासपुर) :** दस दस नहीं, पंद्रह पंद्रह मिनट दे दें।

**उपाध्यक्ष महोदय :** अगर मैं पंद्रहपंद्रह मिनट दूंगा तो फिर आप की बारी नहीं आयेगी।

**Shri J. R. Mehta (Jodhpur):** I propose to confine myself primarily to one issue, namely, the issue of a unified high court *versus* the so-called divided high court, and I should like in this connection to deal particularly with the controversy that has been raised in regard to the high court of Rajasthan.

I felt rather unhappy with my hon. friend, Shri Kasliwal, who by his amendment, sought to raise what I consider this a hornet's nest. I did not expect this from him as I have always given him credit for sobriety. I think he put the matter in such a manner that he has provoked me, a rather silent Member of this House, to rise to my feet.

This House will recall the rather unseemly agitation which was witnessed in Jaipur on the controversy over unified high court after the abolition of the bench from that place a year or so ago, with all its concomitants—hartals, stone-throwing, arson and damage to life and property. More than that, we witnessed a very unusual and unprecedented scene of members of the bar, as a body, taking to breaking of the law and defiance of the law,—people who are generally expected to defend, support and pro-

tect the law. My hon. friend Shri Kasliwal was out of that controversy at least to this extent that he did not court arrest like his other friends, the members of the bar, and I wonder whether he is trying to make amends for that omission by availing himself of this opportunity of moving this amendment.

It is not for me to go into much details as to the merits or demerits of the general question as to whether we should have a unified high court or not. Wisdom demands that we should leave such complicated and ticklish matters to the judgment of those who are competent to give judgment on such questions.

**An Hon. Member:** Who are they?

**Shri J. R. Mehta:** I think in this matter only those people who have an intimate knowledge and practice of the administration of justice are competent to give an opinion. Such a body of persons has given an opinion in favour of the unified high court and I think if we lightly disagree with the unanimous recommendations of that body we only delude ourselves. I think that in such matters, as Shri Datar put it the other day, we have to be guided by expert opinion and we have this expert opinion before us.

In this connection, I will take note of only one argument which has been put forward as a reason for, and in favour of, the establishment of benches, that is, we should decentralise justice so as to bring it within the reach of the common man. That is the main argument put forward. Now, the tragedy of the situation is that we live in a world of slogans and catchwords, and we are apt to be misled by these things. Decentralisation or devolution of power may be good, but I submit that it has its own limitations and that there are certain spheres or institutions which will not admit of breaking up and decentralisation without detriment to this very purpose, utility or dignity.



[Shri J. R. Mehta]

Take the UPSC, for instance, or even the Supreme Court. I wonder whether they will not lose in efficiency or dignity or prestige if they are broken up and decentralised. I would respectfully submit that all this applies to the high courts also. I mean no offence to anybody, but I would say that those who talk of breaking up the High Court in order to achieve or on the plea of decentralisation do not realise what the functions of the High Court are or what is the nature of the justice administered by the High Courts. Constituted as we are, we cannot avoid very complicated and ticklish questions of law and hon. Members can visualise whether such questions can be properly dealt with if we break up the High Courts, which will mean two or three judges sitting at each place, with no competent or fully developed bar, as there is at present.

Coming to the question of Rajasthan, my task has been lightened a great deal by my hon. friend, Shri Harish Chandra Mathur. He has dealt with it in his own inimitable and forceful manner. But I think I owe it to my constituency to say a few words on this subject. I want to stress that in this matter, we are likely to be misled by these catchy slogans of decentralisation and devolution of power. I should like this august House to bear in mind that so far as Rajasthan is concerned, this will have to be viewed from the point of view of integration of Rajasthan. As the House is aware, 22 or 23 princely States were brought together into the State of Rajasthan. Each princely State had its own capital, High Court, so many other institutions, etc. Above all, each had its own ideas of prestige, dignity and self-importance. It was not an easy question to sacrifice and restraint each unit had to exercise in order to make this dream of a bigger Rajasthan a reality. It was not an easy question to integrate the princely States of Rajasthan. Sardar Patel, of revered

memory, to whom we owe this great and noble task, first appointed a committee known as the Patel Committee—it was not Sardar Patel, but another Patel who was its chairman—which produced a lengthy report. That committee came to this conclusion. There was not much to choose between Jodhpur and Jaipur. Since they advised that the capital should be located at Jaipur, they said Jodhpur should be fully compensated and they recommended that Jodhpur should have a unified High Court, the headquarters of the military, a university, the office of the Accountant General, the office of the customs and excise department and one or two more departments.

I am sorry to say that except for the unified High Court which Jodhpur has got now, no other recommendation of that committee has been implemented. Yet, the Jodhpur people had not the audacity to raise any agitations about it. In fact they had the Accountant General's office there, but that has also been shifted slowly and slowly and it has now disappeared from Jodhpur. So, Jodhpur has not had a fair deal. Now most of the Patel Committee's recommendations were reinforced by a committee lately appointed, as a result of the integration of Ajmer with Rajasthan, viz. the Rao Committee. That Committee also went into this question and suggested unanimously that Jodhpur should have a unified High Court.

Formerly in many of the princely States there were High Courts. All of them disappeared, but to begin with, it was decided that four of them should function temporarily until the arrears were disposed of. These four States are Udaipur, Bikaner, Kotah and Jaipur. When the arrears were cleared, three of them were disbanded, but the Jaipur bench somehow or other continued. As rightly pointed out by Shri Mathur, there were political considerations. I will not go into the details, but somehow or other, it continued. But it was a

temporary bench and from year to year, it was given a lease of life by an order of the Chief Justice. Under the Rajasthan High Court ordinance, to create a permanent bench, an order of the Rajpramukh was necessary, which was never given. After the States Reorganisation Act, an order of the President was necessary in order to create a permanent bench. That was not given. So, it was all along a temporary bench and I think Shri Kasliwal was wrong when he said it was a permanent bench; it was not so.

In these circumstances, I do not think Jaipur people should have a grievance that their bench has been taken away from them. I would just ask, if Shri Kasliwal's suggestion is to be considered, then is there any reason why, for instance, the cases of Udaipur, Bikaner or Kotah, which had full-fledged High Courts, should not be considered. So, to put this question this way is to show that the whole proposition is absurd. I would respectfully submit that if under the name of decentralisation of authority or devolution of power, you break the High Court and take it into the district and have three or four benches, it is a misnomer to call it a High Court. It will be changed into a puisne court and it will lose all its dignity and prestige.

There is one funny thing which I might mention here, which will interest the House. When this Rao Committee met, the bar association of Jaipur as a whole insisted that there should be a unified High Court for Rajasthan. Probably in their heart of hearts, they hoped that if there is a unified High Court, it would be at Jaipur. But there is a unified High Court and if it has gone to Jodhpur, they have only to thank themselves; they should not assume an air of injured innocence and complain about it.

श्री बजरज सिंह (किरोजाबाद) :  
उपाध्यक्ष महोदय, विधि आयोग की विद्वत्ता-

पूर्व रिपोर्ट की कुछ बातों से मैं अपने को सहमत नहीं पाता हूँ, खास कर बेंचों के संबंध में। बेंचों के सम्बन्ध में उन की सिफारिश पर जो चर्चा हुई है उस में राजस्थान के कई माननीय सदस्यों ने अपने को इस पर केन्द्रित कर दिया है कि जयपुर में बेंच रहे या हाई कोर्ट रहे या कि जोधपुर में वह रहे। सौभाग्य से न मुझे वहाँ की किसी कांस्टिट्यूटिंग की चिन्ता है और न मैं राजस्थान में रहने वाला कोई नागरिक हूँ। इसलिये मैं इस को दूसरे ही दृष्टिकोण से देखना चाहता हूँ।

अभी मेरे पूर्व वक्ता महोदय ने यह फरमाया कि अपने क्षेत्र के साथ न्याय करने के लिये सम्भवतः उन्हें कहना पड़े कि जोधपुर में हाई कोर्ट की सीट न रहे। इस तरह की दलील देना कि इसलिये हाई कोर्ट का स्थान कहाँ रहे, यह कोई मुनासिब दलील नहीं है। मेरे मित्र श्री माथुर ने जो दलीलें पेश कीं उन से यह साबित करने की कोशिश की कि कई कमेटियों की राय थी कि जयपुर में बेंच रहना उचित नहीं है, लेकिन मैं इस मसले को दूसरे दृष्टिकोण से देखना चाहता हूँ। ला कमिशन ने तो यह सिफारिश की है कि एक प्रदेश में एक ही हाई कोर्ट रहे, उस की बेंचें न रहें। यदि हम इस सिद्धान्त को स्वीकार कर लेते हैं तो हमें यह स्वीकार करना पड़ेगा कि उत्तर प्रदेश जैसे एक प्रदेश में, जहाँ की आबादी ७ करोड़ होने को है और उसके साथ केरल जैसे प्रदेश में, जिस की आबादी सिर्फ डेढ़ करोड़ है, दोनों में ही कोई बेंच नहीं रह सकेगी। भले ही उत्तर प्रदेश की आबादी वहाँ से कितनी ही अधिक हो। उत्तर प्रदेश आबादी के हिसाब से बड़ा और राजस्थान क्षेत्रफल के हिसाब से बड़ा है, फिर भी इन सूबों में, चाहे वे आबादी के लिहाज से बड़े हों, चाहे क्षेत्रफल के हिसाब से, एक छोटे से छोटे प्रदेश के अनुसार ही हाई कोर्ट रखना होगा। मैं निवेदन करना चाहता हूँ कि यदि हम जनता के बड़े से बड़े भाग को न्याय देना चाहते हैं और सने

[श्री बजराम सिंह]

मूल्य पर देना चाहते हैं तो हम इस तरह का कोई सिद्धान्त स्वीकार नहीं कर सकते। जहाँ आवश्यक हो वहाँ सिर्फ एक ही हाई कोर्ट रहे, लेकिन जहाँ आवश्यक हो वहाँ एक से ज्यादा हो सकते हैं, इस सिद्धान्त को स्वीकार किया जाना चाहिये। इस सन्दर्भ में जयपुर में क्या घान्दोलन हुआ, इसे मैं इस के अन्दर नहीं लाना चाहता। कहा जाता है कि यह राजनीतिक प्रश्न था। लेकिन जो जयपुर में बेंच नहीं रखना चाहते हैं, सिर्फ जोयपुर में बेंच रखना चाहते हैं, मुझे लगता है कि वह भी सिर्फ राजनीति की बात कहते हैं। श्री माधुर ने कहा कि कांग्रेस पार्टी के राजस्थान प्रेसबली के सदस्यो, पार्लियामेंट के सदस्यो और दूसरे लोगों से राय ली गई। मैं पूछना चाहूंगा कि क्या इस राय लेने में राजनीति नहीं थी? और, राजनीतिक प्रश्न को न ला कर मैं कहना चाहूंगा कि सिर्फ एक यह दलील कि अगर बेंच विभिन्न स्थानों में रहनी हैं

Shri Harish Chandra Mathur: What I said was that absolutely independent bodies have gone into this matter and this is the opinion of those independent bodies. It was reinforced by others concerned. Even the Jaipur Bench, as my friend pointed out, pleaded for an integrated High Court. The only difference was that they wanted it in Jaipur. Now I am saying this because you referred to it.

श्री बजराम सिंह मैं केवल जयपुर की बेंच के सम्बन्ध में अपने को मीमित नहीं रखना चाहता हूँ। इसलिये मैं इस बात को नहीं कह रहा हूँ। लेकिन जहाँ तक मसाला इन कमेटीजों का उठा, वे मुख्य रूप से इसलिये बनाई गई हैं कि सब राज्यों का एकीकरण हुआ है, कई राज्य इकट्ठे किये गये हैं, और उन राज्यों के विभिन्न हिस्सों को देखते हुए हर राज्य चाहेंगा कि हमारे यहाँ केन्द्रीय

स्थान रहे, प्रेसबली रहे, सरकार की भी सीट रहे, हाई कोर्ट रहे, ग्रेज्यू कोर्ट रहे, प्रकाउण्टेंट जनरल का दफ्तर रहे।

Shri Harish Chandra Mathur (Pali): My hon. friend does not come from Rajasthan and is not interested in Rajasthan. A member of this Committee was a High Court judge from Madras who had no constituency in Rajasthan and was therefore, I hope, independent as my hon. friend. Another member was the Chief Justice of Rajasthan who was also a member of the Law Commission.

श्री बजराम सिंह मैं श्री माधुर को बतला दूँ कि वे यह मान कर कि जो कमेटी के मेम्बर थे, उन की कोई कास्टिट्यूएन्सी वहाँ नहीं थी, इसलिये वे किमी प्रभाव में प्रभावित नहीं हुए, सम्भवतः प्रत्यक्ष रूप में यह कहना चाहते हैं कि इस तरह के मेम्बरों को प्रभावित किया जा सकता है, जबकि हम सभी मानते हैं कि हाई कोर्ट के जज हो या सुप्रीम कोर्ट के जज हो, उन्हें प्रभावित करना घासान काम नहीं है और ऐसा नहीं किया जाना चाहिये क्योंकि यह तो हमारे देश के जनतंत्र के लिये एक घाशा की किरक है। और, मैं तो सिर्फ यह निवेदन करना चाहता हूँ—इस दलील से नहीं, बल्कि यह कि सिर्फ इस बिना पर कि वहाँ प्रच्छेद वकील नहीं मिल सकेंगे, वहाँ प्रच्छेदी लाइब्रेरी नहीं होगी, कहीं पर कोई बेंच न रखी जाय, यह उचित दलील नहीं है।

जिस तरीके में राजस्थान में पहले चार बेंच थीं, कोटा, जयपुर, उदयपुर और बीकानेर में थी और यदि आप इन चार स्थानों पर बेंच रखते हैं तो हम अपने इस विद्यालय का प्रतिपादन कर सकेंगे कि ग्वाव का भी प्रशासन की तरह विकेन्द्रीकरण होना चाहिये।

अपनी हमारे श्री ज० रा० मेहता ने कहा कि जो न्याय को विकेंद्रित करने की बात करते हैं वे समझते नहीं हैं कि हाई कोर्ट्स का कार्यक्षेत्र क्या है। हाईकोर्ट्स का एक बहुत सीमित कार्यक्षेत्र है फिर भी जहाँ मौखिक अधिकारों को प्रतिष्ठापित करने का सवाल आता है तो वहाँ पर हाई कोर्ट्स में हर एक व्यक्ति जाने की सोच सकता है। मैं उस तफ़्तील में नहीं जाना चाहूँगा जिस में कि मेरे मित्र श्री कामजीबाल हाउस को ले गये लेकिन मैं भी इस बात में महमन हूँ और चाहता हूँ कि जयपुर में बेंच हो। अब जोधपुर में हाईकोर्ट बन जाने से जयपुर डिवीजन और कोटा डिवीजन यह जो राजस्थान के हिस्से हैं और उन में राजस्थान की दो तिहाई आबादी रहती है उन की मुविधा का भी हमें न्यायल रचना चाहिये और वहाँ पर बेंच कायम करनी चाहिये। मैं तो कहूँगा कि यह केवल राजस्थान का ही प्रश्न नहीं है बल्कि दूसरे सूबों का भी प्रश्न है। अब घाघ उत्तरप्रदेश को ही ले ले जाँचिए एक बहुत बड़ा प्रान्त है और साथ ही बहुत बड़ी आबादी वाला प्रान्त है। अब उत्तर प्रदेश में दलाहाबाद में हाईकोर्ट है और लखनऊ में बेंच है लेकिन पश्चिमी उत्तर प्रदेश का एक बहुत बड़ा हिस्सा ऐसा है जिस को कि इमाहाबाद जाने में बहुत कठिनाई पड़ती है। इसलिये मैं तो कहूँगा कि बेंच कायम करने के प्रश्न को इस गौर पर टाँच देना कि कहीं पर कोई बेंच हो ही नहीं सकती चाहे वह ७ करोड़ की आबादी वाला सूबा हो और दुनिया के अन्य बहुत सी स्टेट्स से अक्षफल में बड़ा हो और चाहे वह डेढ़ करोड़ की आबादी वाला सूबा हो, न्याय के विकेंद्रीकरण का जो मिश्रण है उस के बिनाक प्राचरण करना है। इसलिये मैं सा कमिशन की इस सिफारिश को उचित नहीं समझता हूँ और मैं ऐसा महसूस करता हूँ कि न्याय के विकेंद्रीकरण के लिये यह आवश्यक है कि न सिर्फ हाई कोर्ट्स की घलन घलन बेंचें हो बल्कि सुप्रीम कोर्ट्स की भी बेंच होनी चाहिये। अब जाहिर

है कि दक्षिण भारत के लोगों को यहाँ दिल्ली में सुप्रीम कोर्ट के मामले घाने में और अपने किसी अधिकार को प्राप्त करने में काफी खर्च और दिक्कत उठानी पड़ती होगी और मैं समझना हूँ कि दक्षिण में आवश्यक रूप से सुप्रीम कोर्ट की एक बेंच होनी चाहिये। ऐसी तरह में हमारे देश के जो दूरदर्नी प्रान्त हैं जैसे बंगाल और आसाम, वहाँ भी बेंच होनी चाहिये। हम न्याय को विकेंद्रित कर के जनता का अधिक में अधिक भ्रमा कर सकते हैं।

मैं सा कमिशन ने अपनी रिपोर्ट में भाषा के सम्बन्ध में जो सिफारिश की है उस से अपनी अमहमति प्रकट करना चाहता हूँ। भाषा के सम्बन्ध में सा कमिशन ने अपनी रिपोर्ट में कहा है कि २५ साल तक कम संकम हूँ अपना कामकाज अघेजी में चलाना होगा और मुझे यह कहना पड़ता है कि आज देश में जो एक विचारधारा बल रही है चाहे वह प्रशासन के क्षेत्र में हो और चाहे वह न्याय के क्षेत्र में हो, इस तरह की एक विचारधारा बल रही है कि हमें हमेशा के लिये अघेजी का मुलाम बनना पड़ेगा। मैं अघेजी भाषा में कोई बंधनसय नहीं रखता हूँ। मैं मानता हूँ कि अघेजी भाषा के ज्ञान में हम अपने लिये दुनिया के विभिन्न ज्ञान के दरवाजे खोलते हैं लेकिन उसी के साथ साथ मैं यह भी कहना चाहता हूँ कि भाषा और मता का महत्त्व हमेशा करता है। जो मनाशील देस होता है उस की भाषा का एक विशेष महत्त्व हो जाता है और अघेजी का जो एक विशेष महत्त्व है वह उस के कल के इतिहास की वजह से था। इसलिये मैं यह कहना चाहूँगा कि हमें आज की बहली हुई परिस्थितियों में जितनी जल्दी हो सके उतनी जल्दी भाषा को विकसित करने का प्रयत्न करना चाहिये। अब अघेजी को बरकरार रखने के लिये यह कहना कि बूकि उन में कानूनी शब्द व टर्म्स नहीं होंगे इसलिये हम अघेजी भाषा को २५ साल तक नारे रहेंगे, मैं कहना चाहूँगा कि यह उचित बात नहीं

## [श्री राजराज सिंह]

है। यह इलीज दे कर अंग्रेजी को लादे रहने की बकायत करना तो मेरी समझ में उसी तरह है जैसे कि एक बच्चे को यह कहा जाय कि तुम पहले तैरना सीख लो तब उस के बाद तुम्हें पानी में छोड़ा जायगा। इस के तो साफ मानें यह हुए कि आप उस बच्चे को तैरना ही नहीं देना चाहते। बच्चे को अगर आप तैरना मिलावना चाहते हैं तो आप को उसे पहले पानी में छोड़ना पड़ेगा और फिर एक दो डबकियां खाकर और हाथ पंर चला कर वह तैरना सीख जायगा यह बात भाषा के सम्बन्ध में भी लागू होती है। चाहे वह हिन्दी के प्रयोग का मवाल हो अथवा प्रादेशिक भाषाओं के प्रयोग का मवाल हो। जब तक हम सरकारी क्षेत्र में चाहे वह न्याय का क्षेत्र हो, चाहे वह प्रशासन का क्षेत्र हो और चाहे वह राजनीति का क्षेत्र हो, उन में हम अपनी हिन्दी भाषा को या प्रादेशिक भाषाओं को काम में नहीं लाने हैं तब तक वह भाषायें अंग्रेजी की जगह नहीं ले पायेंगी। इस तरह ही दलीलें दिये जाने रहना कि हिन्दी अथवा प्रादेशिक भाषाओं में कानूनी शब्द इत्यादि नहीं हैं उचित नहीं है। अब अंग्रेजी के बड़े नाम शब्दों में तो उपयोग शब्द है लेकिन हिन्दी जिस में कि ६ लाख शब्द हैं उन में उपयोग शब्द नहीं हैं, यह उन का कथन कुछ गलत नीचे नहीं उतरता। अब मैं इस बहस में तो नहीं पडना चाहता कि अंग्रेजी समृद्ध भाषा नहीं है या हिन्दी समृद्ध भाषा नहीं है लेकिन मैं इनका जिक्र करना चाहूंगा कि जहां तक न्याय का सम्बन्ध है हमें न्याय ऐसी भाषा में देना चाहिये जिस को कि ज्यादा में ज्यादा लोग पढ़ सकें और समझ सकें और जिस में कि न्याय अधिक से अधिक लोगों को मिल सके। जहां मैं यह चाहता हू कि केन्द्रीय स्तर पर और सुप्रीम कोर्ट में हिन्दी में न्याय दिया जाय वहां विभिन्न प्रान्तों के हाईकोर्ट में वहां की प्रादेशिक भाषाओं में काम हो और उन को जल्दी से जल्दी इन्तेमान में लाने की कोशिश

की जाय। सुप्रीम कोर्ट में हिन्दी में जोकि हमारे देश की राष्ट्रभाषा घोषित की जा चुकी है उस में जल्दी से जल्दी काम करने की कोशिश की जाय। मैं चाहता हू कि इस दिशा में जो प्रयास में यह प्रयत्न किया जाय और साल दो साल में या अधिक से अधिक सन् १९६५ के पहले पहले सुप्रीम कोर्ट में हिन्दी में साग काम होने लगे और हाईकोर्ट में वहां की प्रादेशिक भाषाओं द्वारा कामकाज चलने लगे। मैं चाहता हू कि इस तरह की विफारिश हो और भाषा के सम्बन्ध में जो ला कमिशन की विफारिश है उस को न माना जाय।

एक बात और कह कर मैं समाप्त कर दूंगा। जहां तक न्यायपालिका और कार्यपालिका के अलग-अलग का तात्त्विक है उस के अलग करने के लिये तो हम बहुत दिन से कहने चले आ रहे हैं लेकिन अभी तक मेमोरेशन आफ जूडिशिएरी एंड एग्जीक्यूटिव नहीं हो पाया है। अब उत्तर प्रदेश के लिये कहा जाता है कि वहां पर न्यायपालिका को कार्यपालिका में अलग कर दिया गया है लेकिन क्या वास्तव में वहां यह दोनों अलग है? वहां जो जूडिशिएल मजिस्ट्रेट्स तैनात किये गये हैं वे त्रिनाथीण के मातहत काम कर रहे हैं और आप समझ सकते हैं कि इस के रहते वे कैसे बिलकुल निष्पक्ष हो कर और बगैर किसी के प्रसर में आप स्वतंत्र रूप से लोगों को न्याय दे सकते हैं? इसलिये जब तक न्यायपालिका और कार्यपालिका का अलग-अलग नहीं होगा तब तक कार्यपालिका का हमेशा उस पर प्रभाव पड़ेगा और जाहिर है कि उस के रहते जनता को निष्पक्ष और अच्छा न्याय नहीं मिल सकेगा इसलिये जहां तक कि ला कमिशन में इन के अलग-अलग के लिये विफारिश की है मैं उस का मैं हृदय से स्वागत करता हूँ और आशा करता हूँ कि सरकार इस को जल्द से जल्द मान कर क्रियान्वित करेगी।

आखिरी बात बार और एडवोकेट्स के इन्डोरमेंट के सम्बन्ध में मुझे यह कहनी

है कि ऐडवोकेट्स नियुक्त किये जाने के लिये कोई फीस नहीं ली जानी चाहिये और एक एडवोकेट को यह अधिकार होना चाहिये कि वह किसी भी हाई कोर्ट में जा सके और ऐपीयर हो सके, सुप्रीम कोर्ट में जा सके और उन पर कोई प्रतिबन्ध नहीं होना चाहिये कि वह एक हाई कोर्ट से दूसरे हाई कोर्ट में नहीं जा सकेंगे। या इतने साल की प्रैक्टिस के बाद जा सकेंगे। अब यह कहना कि काफी प्रैक्टिस न होने से उन में योग्यता नहीं होगी कुछ जचना नहीं क्योंकि त्रिन में योग्यता नहीं होगी वे जाहिर है कि वहां नहीं जा सकेंगे और वे ही जा सकेंगे जिनमें कि योग्यता होगी।

**Shri Kalika Singh (Azamgarh):**  
Mr Deputy-Speaker, Sir, I have only a few points to make out. First of all I will take the recommendation of the Law Commission about the High Courts. When the Report is read, it appears that it is in defence of the judiciary. There are eleven members on the Commission. There are advocates and judges too. When the Report is read as a whole it appears that everything that has been said there is in defence of the judiciary. The terms of reference of the Commission were, firstly, to review the system of judicial administration in all its aspects and suggest ways and means for improving it and making it speedy and less expensive. It was assumed, while appointing the Commission, that there were drawbacks and the judiciary required improvement. It was assumed that there was delay in the disposal of cases and that speedy disposal was necessary. It was also assumed that the judiciary is expensive and therefore it has to be made less expensive. These are the only three things that ought to have been made the subject matter of the Report.

The second term of reference was to examine the Central Acts of general application and importance and recommend the lines on which they should be amended, revised, consoli-

dated or otherwise brought up-to-date.

Taking up the High Courts, I will first of all say that the main aim of the Commission appears to be that they want the salary of the judges to be increased to Rs. 6,000. I do not think that that ought to have been made a very important point in the Report of the Commission. It appears that an opportunity has been taken by the High Court judges to emphasise on the Government that their salary is inadequate and that the remuneration paid to them is not proper. Therefore now that they have got an opportunity to recommend, the Commission have recommended the increase in salary on the main ground that the value of money has gone down.

**Shri Satyendra Narayan Sinha (Aurangabad—Bihar):** They have not recommended an increase in the salary of the High Court judges. That was a demand of the Bombay Bar, that is, that the salary should be raised to Rs 6,000.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** What they have recommended, if I mistake not, is an increase in pension.

**Shri Harish Chandra Mathur:** They have referred only to pension.

**Shri Kalika Singh:** On page 81, they have said

"The salary of a High Court Judge was fixed at Rs 4,000 about a hundred years ago when the value of money was far higher than at present. Notwithstanding the fall in the value of money and the heavy rise in taxation, the salary of judges was reduced by the Constitution to Rs 3,500. A leading member of the Bombay Bar pleading for an increase in the Judge's salary to Rs 6,000 stated as follows "

If we read the Report further on, it appears that there is an argument that the salary is low.

Mr. Deputy-Speaker: If he had just read as to how the paragraph started, he would have known that it says that there is a feeling among the members of the Bar that the salaries are low. It says:

"There is undoubtedly a feeling among the members of the Bar that the present salary of High Court Judges is too low to attract the members of the Bar in the front rank to judgeships."

Shri Kalika Singh: That is a way of arguing about. They only put it into the mouth of an advocate that he said like this. That is my impression.

The second thing, as I just now said, is that it was assumed while appointing the Law Commission that there was delay in the disposal of cases. On reading the Report, it appears that many excuses have been found out. The main excuse found out is that the volume of work in the High Courts has increased because of certain factors. One thing on which the main emphasis has been laid down there is that the increase in the work of the High Courts is due to so many writs having been filed under the Constitution. Thus, the volume of work has increased a lot and, therefore, they have suggested certain things. If the High Courts also feel that the volume of work has increased there because of so many writs that had been filed and had to be disposed of, then I will suggest that our Constitution already provides that Parliament may, by law, confer the jurisdiction of writs on courts other than High Courts. There are a large number of petty cases where persons are arrested, and, are just fined or Panchayat cases or cases which can be specified as petty in nature both on the criminal side and on the civil side and even on the revenue side. Therefore, my suggestion is that if all such petty cases are specified and jurisdiction is conferred on district judges, or if zones are created of two or three districts and there is a zonal judge of those districts, then if that jurisdiction of granting writs etc is conferred on the zonal judges, I think

that would be a good solution. That will also provide a very cheap remedy for persons who are very poor and who cannot go to the High Court. It is very strange that even in Panchayat cases, where the jurisdiction is mostly below Rs 100 although in Uttar Pradesh now the Panchayat jurisdiction has been raised to Rs. 500, if a person is aggrieved over a Panchayat judgment, only if he goes to the High Court, files a writ and spends thousands and thousands of rupees, he gets a remedy under the Constitution. I think that is a very suitable case where the Parliament may, by law, confer the jurisdiction on courts other than the High Courts. I mean to say that it can be conferred on the district judges, or we may create zonal judges on whom that jurisdiction may be conferred. That is a very important point which may be considered.

About the vacations, I will say that Parliament passed two laws, namely, the Supreme Court Judges (Conditions of Service) Act and the High Court Judges (Conditions of Service) Act. It was suggested then that the vacations are too long. Now, we find here in the Report that the judges argued that the vacations are not too long, and that there are too few holidays. In the olden days, there were English judges in all the High Courts and they had long vacations only to allow them to sail for England and come back. Therefore, they had three months' vacation. Today when there is no English judge on our Benches even then they want a vacation of three months. It is mostly 2½ months. Sometimes, it is three months. Even here in the Report, it is argued that the vacation is not too long. I will say that a judge has to keep abreast with law from day to day and sitting in vacation for three months, I think he will be out of touch with law. Therefore, a vacation for three months is not at all justified. If in the district courts, the munsifs and judges get a vacation of only one month, in the High Courts also they should have a vacation for one month. The High Courts judges

also get Saturdays. That also is a holiday there. I think that also should not be allowed. I have learnt that a letter was addressed to all the High Courts asking them as to what the opinion of the judges was regarding vacation. I do not know as to what their reaction is. But I think we should request the judges themselves that in the interest of justice and the country at large and in the public interest they should try to reduce their vacation and holidays

About the subordinate judiciary, the main thing, as my hon. friend, Shri Raghuraj Sahai, said is corruption. The prevalent corruption there is so much that that comes in the forefront whenever we go in the public. I do not say that corruption is only in giving tips and money and this and that. The litigant, when he sits in the verandah or in the court room, is treated as a very subordinate human being. The courts sit there just as lords. A Munsiff gets Rs 250. He is appointed on Rs. 250. He gets certificates from us. We know that he was a cringing sort of a person just a few days before. When he is appointed a Munsiff on Rs 250, the first jurisdiction that is conferred on him is to decide the fate of 4 to 5 lakh persons. That is the ordinary jurisdiction of a Munsiff's court. His jurisdiction is so big that in the very first month, if in that very district the district magistrate were to be dismissed from service and if he valued the suit for Rs 200, that Munsiff will have to decide whether the dismissal of the district magistrate in his district was right or wrong. Therefore, I say that conferring jurisdiction on the ground of valuation in big suits and big matters, on such small officers who have been just appointed fresh, is a wrong policy. It is only because of this that, even though they get very small salaries, the moment they sit on their chair, they feel that they are so big that they can treat all the litigants who come to their courts with contempt. That is one thing that should be taken into consideration.

In this connection, I may say a word about the Contempt of Courts Act

I do not think any other country in the world, has the Contempt of Courts Act. Here in India, we have got it. The Indian Penal Code already provides the remedy. If there is contempt of court, the court can file a criminal complaint in the court. Why should there be the Contempt of Courts Act in India? That should also be repealed. I appeal to the Minister of Law to consider this point also as to why there should be special protection given to the Judges in regard to contempt of courts.

Shri S. L. Saksena (Maharajan)  
Mr Deputy-Speaker, I am very glad that the Law Commission has done its work with so much of conscientiousness and has made recommendations which do credit to them and to the country as a whole. I am in agreement with most of their recommendations excepting one or two.

The one important recommendation on which I differ is about language and it is the most important. I do think that this craze for English should now go and we must have our national language as the language of the Supreme Court and the regional languages as the languages of the High Courts. How long shall we say that these languages cannot be fit for writing judgments, etc. If we continued to do that, we will never fit them to do so. In other countries, when we go and talk in English, we are looked down upon and they feel as if we have no language of our own. Therefore, the worship of English is something which is most degrading. We must see that as soon as possible, the High Courts and the Supreme Court function in the regional languages and the national language.

The second recommendation on which I differ is the prohibiting of the creation of Benches of High Courts. In my own State U.P., one High Court will not be sufficient. By experience we know that One Bench at Lucknow has been reduced. I think the demand of the Bar and the people of Rajasthan should be accepted and a Bench should be provided there.



[Shri S. L. Saksena]

About the other recommendations of the Commission, I am in full agreement, particularly with some of them which are rather bold. About the Supreme Court Judges and High Court Judges, they say:

"The Judges of the Supreme Court should be barred from accepting any employment under the Union or a State after retirement, other than employment as an *ad hoc* Judge of the Supreme Court under article 128 of the Constitution."

About High Court Judges also, they say the same thing:

"The Constitution should be amended to bar a Judge of a High Court from accepting any employment other than as a Judge of the Supreme Court after retirement either under the Union or the State."

When High Court Judges and Supreme Court Judges can look upon higher posts like Ambassadorships or Governorships, they naturally look to their relations with the executive. If the executive has the power to appoint them as Ambassadors, they may wish to be popular with them and not give judgments and interpret the laws independently. Therefore, I think it is very important henceforth that no Judge of the Supreme Court or the High Courts should be offered appointment to act as a Governor or an Ambassador or to any other post after retirement. They must think that the Supreme Court or the High Court Judgeship is the highest office that they can occupy and that that is the highest position of respect. Thereby, the confidence of the people in them will also be increased because then we can know that Judges cannot act with ulterior motives.

15.56 hrs.

[SHRI JAIPAL SINGH *in the Chair.*]

In their appointment also, my hon. friends have said already that appointments of Judges have been mostly on party considerations. This is something which is very serious for our country. I think the recommen-

dations of the Law Commission in this respect are very bold and very conscientious and they should be accepted. They have said very well that it should be the Supreme Court Chief Justice whose recommendations should be ultimately binding. The executive should not have the right to propose names for Judgeship of the Supreme Court or the High Courts. The Executive should be authorised only to give opinions about their suitability or not. They may ask him to submit other names. Ultimately, the Chief Justice of the Supreme Court and the High Courts should be the final authority in selecting Judges. This is another very important thing.

Delay in disposal of cases is another very crying scandal of our judicial system. I know of cases in the Allahabad High Court which are 10 or 12 years old. There are several cases and they are not yet decided. The litigants sometimes die before their cases are decided. This is most unfortunate. Justice delayed is justice denied and this state of affairs must be remedied: first of all, by appointing more Judges, secondly by cutting the vacation and by making the working days six in a week. Without these, the arrears cannot be cleared.

Justice is very dear. The practice seems to be for every State to make law courts to be a source of revenue. I think free justice should be the ideal of a State. For that purpose, court fees should be nominal. Service of lawyers should also be available free of charge to the poor litigants. The Government should also fix ceilings on fees. Sometimes the fees are so high that litigation ruins any estate or any family.

It has been stated in this report that many labour cases are on the files of the Supreme Court. As a worker and representative of labour, I do feel that when the mill-owners take the cases to the Supreme Court, the labourers are ruined. First of all, there is the Board, then the Industrial tribunal, then the Appellate tribunal, then the High Court and

then the Supreme Court. The result is the case is prolonged for 5 or 6 years and labour cannot bear this delay and the cost of litigation. Of course, the mill-owner can spend money from the mill and he can go on. This must stop. The labourers must have the same rights as ordinary litigants to go to the courts. That is not the case. They have first to apply to the regional board. The Government has the right to send the case up or not. This is very bad. Many people cannot go because the State Government does not want to send up those cases. They favour some institutions and others are not allowed. Every labourer should have a similar right to go to the courts as an ordinary man has to go to any court, civil or criminal.

16 hrs.

Then, there must be a special Bench of the Labour Appellate Tribunal, which has been abolished, in my opinion, wrongly now; and all the labour cases should be decided by that Bench. The standard of judges of the Labour Appellate Tribunal should be similar to that of the other judges of the High Court and the Supreme Court, so that they may administer justice well, and the labourers will have the same confidence in their judgment as in that of the Supreme Court.

Therefore, I suggest that every labourer like every citizen should have the right to go to a labour court. There should be a special Bench of the High Court or the Supreme Court, and they must deal with all labour cases, and the ordinary courts should not be tied down by cases from the labour courts. That will make justice cheap to the labourers, and will also reduce the work of the High Courts and the Supreme Court.

The last point that I would like to deal with is in regard to corruption. Perhaps, people do not know how deep it has gone. In fact, it is almost destroying the confidence of the people in the courts. I think this should be put down with very strong hands; even mere suspicion should be sufficient to disqualify a judge or a

lawyer from being there. This is very important. I hope the Ministry will take this into consideration and see that cases of corruption are not dealt with leniently but very firmly so that nobody may dare to indulge in it.

**Shri Satyendra Narayan Sinha:** I am not going to be as technical as my hon. friend, Shri N. R. Muniswamy, in challenging the recommendations of the Law Commission on the ground that they have exceeded their terms of reference, in so far as their recommendations concern the recruitment to the High Courts and the Supreme Court. I feel that they were quite competent to review the whole thing and make their recommendations.

I listened with very great interest to the speech of my hon. friend, Shri Harish Chandra Mathur on this subject. I am in agreement with him when he says that if the recommendation of the Law Commission with regard to the appointment of the Chief Justice of the Supreme Court is accepted *in toto*, and a convention is firmly established that a person from outside will be appointed, that will create a feeling of uneasiness in the mind of the seniormost puisne judge who naturally looks up to the highest office in the judiciary, and perhaps, he might start canvassing. So far as that remark is concerned, I am in agreement with him, and I feel that there is a danger in adopting that recommendation of the Law Commission *in toto*. But when I read the report myself, I found that that recommendation was not in these terms—that the post of the Chief Justice should be filled up by recruiting from the Bar or from the Chief Justices of the High Court and by ignoring the claims of the seniormost puisne judge. On the contrary, they have said that whenever the seniormost puisne judge is not found suitable and does not possess the requisite qualifications, Government could go outside the precincts of the Supreme Court and make recruitment from the Bar or from the Chief Justices of the High Court. So far as this recommendation is concerned, I do not see any difficulty in accepting

[Shri Satyendra Narayan Sinha]

it, and I feel that that danger is unnecessarily exaggerated.

When I heard my hon. friend on the point of appointment of High Court judges and the system that prevails today, and then his strong criticism that it reflects upon the Chief Justice of the High Court if he yielded to the pressure of the Minister, I was really surprised. For, on the one hand, he feels that the seniormost puisne judge of the Supreme Court is liable to take to canvassing, if his claim is likely to be passed over; on the other hand, he expects the Chief Justice of the High Court to be as firm as to ignore all the considerations of losing of face or of discomfiture in the event of his recommendation being ignored by Government. They are also human beings, as I said earlier in an interjection. And I do submit that the general impression is that in the ultimate analysis of things, the appointment of High Court judges is such that the judges are tending to become the nominees of the State Chief Ministers, not even the State Government. This is the general impression. To the extent that this impression persists in the public mind; I beg to submit, the respect and confidence that we have in the judiciary in the States is suffering a slump; and, therefore, it is necessary that Government should take note of what the Law Commission has said on this point.

However vehement and loud Government might have been in their repudiation and denial of what the Law Commission has said on this point, I still beg to submit with all the emphasis that I have, that this is the general feeling today. Instances have also come to our notice where there has been a real difference between the recommendation of the Chief Justice and the recommendation of the Chief Minister, and ultimately the views of the Chief Justice have been passed over or ignored.

Then, the Law Commission has been very sensible in making a recommendation that the Chief Minister's voice should be there. They should be able

to say whether a particular man is suitable for being appointed as a judge or not, from another angle, that is, from the point of view of integrity, desirability and other standards; but the decision on whether he possesses merit, ability and legal equipment is within the competence of the Chief Justice of the High Court; he is the person to decide this question, and in my opinion, his nomination should generally be given proper weight. They did not say that the Governor should be completely excluded from this orbit. All that the Law Commission says is that the concurrence of the Chief Justice of India should be there. That is the simple amendment that they are asking for, and I do not see why Government should find any difficulty in accepting this recommendation, because this will create a very healthy atmosphere in the country, and the Chief Justice of India who is supposed to know the leading Members of the Bar and the High Court judges will have an effective voice in this matter; and then, the general impression that is getting saturated in the public mind will also disappear and get dissolved. Therefore, I do submit that Government should not find any difficulty in accepting this recommendation of the Law Commission.

Then, I come to the appointment of the Chief Justice of the High Courts. Here also, the recommendation is very good. The Law Commission has said that it is better to have the Chief Justice of a High Court brought from outside; they do not say that the claims of the seniormost puisne judge in a particular High Court should be ignored; if he is found suitable for being appointed as the Chief Justice, he may be appointed as such in another State. If that is done, then the impressions that are created about a particular judge, due to his association with a particular State for a long time, will also not have any existence. If he goes to another State with a fresh mind, he is able to look at a thing from an absolutely dispassionate point of view; and whatever we hear

and whatever impressions are currently circulating against a High Court judge will also disappear altogether. That is my submission on this issue.

Now, I come to the recommendation of the Law Commission with regard to the reorganisation of the Ministry. I personally feel that it is an anachronism that the Home Ministry is in charge of the working of the criminal law as well as the appointment of the High Court judges. When we know that it is the practice of the Government to have one of the most leading members of the Bar as our Law Minister, and he is supposed to know most of the leading Members of the Bar in the country, he should be placed in charge of the working of the criminal law and also the appointment of the High Court judges. The Home Ministry should only be asked to tell us on the basis of the confidential reports that they receive as to the desirability of a particular person being appointed as a judge, not that they should have anything to say with regard to his ability or legal equipment. Therefore, the sooner this recommendation is given effect to, the better will it be for us.

With regard to delay in the disposal of cases, the Law Commission has made a very exhaustive recommendation on this subject. They have reviewed the whole thing and made recommendation on every point. But from my personal experience, I can tell you that it is necessary that the persons who are called upon to preside over the judiciary in different spheres should have a certain awareness in their mind with regard to the duties that they are called upon to fulfil or discharge, and they should also be cognizant of the convenience of the public and always be feeling the need to administer justice in a manner that the public is satisfied with the way the administration of justice is done. That should be the duty of the superior courts to create the awareness.

I have found that in respect to some suits or appeals, when there may be

an interlocutory matter and injunction is granted and there is need for the whole matter to be disposed of within a particular period, it appears that the judges go to sleep and the matter remains hanging fire for months. And by the time the case is disposed of, the whole thing becomes infructuous. Such a state of affairs should not be allowed to persist in our law courts, and it is the duty of the High Courts and the district judges who are called upon to preside and administer justice that they should look to these things. This is just an instance of the lack of awareness.

Mr. Chairman: The hon. Member from Gurdaspur. After him, I will call the hon. Member from Farrukhabad.

Shri D. C. Sharma: Mr. Chairman, Sir, the hon. Members who have preceded me have talked about very weighty matters connected with the judicial reports, but I want to focus the attention of the House on legal education.

For a long time, I have been connected with a University and, I have had some experience of the way in which legal education is being conducted. I agree entirely with the finding of the Commission that legal education is deteriorating all along the line. This applies to all parts of India. If our legal education is not of the right standard, I think the legal profession would go down. And if the legal profession goes down, the judiciary would go down and all our legal apparatus would suffer all along the line.

I would, therefore, say that legal education should be placed on a highly professional basis. It should be treated on a par with medical education and engineering education. Medical education is guided and supervised by an All-India Medical Council. The curricula of studies of the medical colleges, the appointment of teachers of the medical colleges, the standards of examination, all these have got to be approved by the Medical Council,

(Shri D. C. Sharma)

Similar is the case with engineering education. We have recently started an engineering college at Ludhiana, and I know on the governing body of that college, there is a representative of the All India Technical Education Council. They want that the standard should be kept very high, and, therefore, they see to it that proper things are done in the way of appointments, curricula, etc. But legal education is an education which is neither legal nor education. I should say....

Shri Supakar (Sambalpur): Is it illegal education?

Shri D. C. Sharma: I wish it were illegal education, because that would be some kind of education! But it is a legal education. I would submit respectfully that legal education in many parts of the country has become a kind of a by-product of general liberal education. It has become a kind of an addition or appendix to general education.

I suggest that legal education should be divided into three parts. There are some persons who want to have legal education as a part of their culture. There are some persons who want it as a part of their general liberal education. And there are some persons who want to have it because they want to practise law. Now, what we are doing is that we are hanging all by the same rope, we are lumping all these three categories of students together and we are putting them in the law college. Therefore our law colleges are a mixture of the fits, unfits and misfits on the legal side. I would therefore submit that for the proper education of the future young men of our country we must try to have legal education along these three lines. I would strongly suggest that in no case, in no University, in no State should a student be allowed to do his M.A. and LL.B. together. That should be stopped forthwith. And legal education should be made something which comes after a person has graduated.

Again, I would say that so far as the curricula of the law colleges are concerned, they are in a state of mess. For instance, if a student wants to study politics he begins politics with Aristotle and he studies all the great mass of political science. Of course to recent works he comes, and he specialises. I have looked into some of the syllabuses of these courses and I have found that in these courses you get neither a sound grounding in theory nor a good grounding in what will be helpful to you when you practise, nor a good basic knowledge of other things. This legal education is neither theoretically sound nor practically sound.

There was a time when in the Punjab we tried that every graduate of law should serve with a lawyer for some time before he went to practise in a court of law. But that thing became quite useless, because a lawyer would sign a certificate that a person served with him in his chamber for so much time. Therefore the whole thing had to be given up.

Legal education should be like teachers' education. It should be like a training college, like an M.A. course plus a teachers' training college. That is to say, there should be a knowledge of theory and there should also be some practice. And I support the contention put forward by the Commission that the person should go and work in the chamber of the lawyer for at least one year, keep a diary and make a note of what work he has been entrusted with and also give an account of what he has done, and after that has been done he should be asked to practise.

If you go to a law college you will find that you have got lectures there. I do not want to enter into the quality of those lectures. We have lectures. In an arts college or science college you have lectures, but you have also what are called extra-curricular activities. Some persons call them co-curricular activities. In

these law colleges there are sometimes moot courts and mock trials and tutorial classes, but mostly they are only in name. They are not given as much attention as they deserve.

Therefore I would say that legal education should be made sound in three ways. In the first place, the theory part of it should be made as broad as possible. Secondly, the co-curricular part of it should be made as wide as possible. And thirdly, the practical part of it should be made as useful as possible.

I would also say that so far as law examinations are concerned, they require to be looked into. I do not want to say more about that but only this that so far as law examinations are concerned, all the examiners should be external examiners. If, for instance, the examination is held in Punjab, you should take most of the examiners or all the examiners from some State other than Punjab. I think that will level up the standards of legal education in our country.

Another point that I want to make is this. In free India we are making a big drive so far as research is concerned. I find that in science and in arts, there is a big movement for doing research. But I want to ask in how many law colleges is research being done. I think there are some Universities which have the degree of LL.M., but there are very few of them. Therefore, we should try to give our legal education this kind of research bias. We are talking about international law, this kind of law and that kind of law. But we are not preparing our younger generation for tackling those problems.

At the same time, I would suggest very humbly that these lawyers have got, what I may call, a high unemployment potential. Most of them go to the law colleges because they have not much else to do. I would request the Home Minister to take note of it, that for practising lawyers Government should create new avenues of employment. If we should have

new avenues of unemployment, then at least throw open to them some proportion of the jobs which they can claim as their right on account of their knowledge and experience. I know a few jobs are given to them, but they are as nothing compared to the vast army of lawyers that we have in this country.

Therefore, the profession of law should be such as can lead to certain good employment also in the case of those who do not want to practice but who have the necessary legal equipment which can be useful to the country.

**Mr. Chairman:** Now I call upon the hon. Member for Farrukhabad. Then I will call the hon. Member for Darbhanga. Between them they must finish by 4.40 when I propose to call the Minister of State in the Ministry of Home Affairs.

**Shri Mulchand Dube (Farrukhabad):** How much time shall I have?

**Mr. Chairman:** The usual time.

**Shri Mulchand Dube:** Mr. Chairman, in a Welfare State, the citizen has certain rights and he is entitled to the safeguarding of those rights to him. I however regret to have to say that the Law Commission has not paid adequate attention to the protection of those rights.

It appears from the Report that about 249 laws were enacted from 1933 to 1940 and in the same period of seven years from 1950 to 1957 about 580 laws have been enacted in this Parliament. I have not been able to find whether it has given the number of laws enacted in the various States in the country. However, I found in a journal of the Law Society that from 1953 to 1957 about 2511 laws have been enacted. If we come to calculate it at the same rate it appears that in the seven years there would be about 5000 laws in the various States also. To these laws there are also rules and regulations framed by Government, so that this enormous

[Shri Mulchand Dube]

amount of legislation is an inroad on the freedom of the individual. The question is whether there is any adequate protection for the rights of the individuals. So far as the Law Commission's Report is concerned, my submission is that there is none

So far as the rules and regulations are concerned, they are, most of them administered by administrative tribunals. Now, lawyers are not allowed in these tribunals. I submit it is absolutely impossible for any person to keep pace with this enormous volume of law, unless he is well versed in laws or unless he has made a study of them. I submit even Judges will find it impossible to keep pace with the legislation that is going on. If we do not allow lawyers to appear before the administrative tribunals, the result will be that the rights of the individual may not be safeguarded, as they should be under the Constitution.

Apart from this, so far as the law courts are concerned, if a man is allowed to go to the law courts to establish his rights, the same difficulty arises. For instance, to begin with, he has to pay an enormous amount as court-fees. Poor people will not be able to afford the payment of the court fees. When the court-fee is paid, other expenses follow. Apart from these expenses, there are the delays of the law. An ordinary litigation takes 7 to 8 years.

If this is the state of affairs prevailing in this country, then there is no hope. It appears to me that the members of the Law Commission who were trained in law and who had been dealing with law for a considerable time and who, in the practice of this law, had been following certain procedures adopted from the United Kingdom did not find it possible to change it. I am quite prepared to understand it. Probably, it is right that in the ancient system that prevailed in this country for

thousands and thousands of years there was some system and that system if adapted to modern conditions would have done very well. But, some how or other, in the report I find that the members of the Law Commission have not been able to find any coherent or consistent system of law under which society in this country was governed. It cannot be doubted that we had an ordered society, a society which was good enough and perhaps better than one can find in many other countries. If this was the state of affairs, I submit that it is simply regrettable that the Law Commission should not have been able to find something from the ancient books or from ancient laws that prevailed in this country.

Be that as it may, they have not suggested any remedy for the evil that is prevailing. In the absence of such a remedy, my submission is that if nothing else can be done, at least this should be done that the orders of the Administrative Tribunal should be made appealable to the High Court or the Supreme Court as the case may be and the Administrative Tribunals should also be asked to give reasons for the orders they pass. This is so far as the Administrative Tribunals go.

But, so far as the law courts are concerned, my submission is that an attempt should be made to see that every case that comes before a court could be sent to arbitrators as far as possible. If it is not found practicable, there may be at least a panel of lawyers or other gentlemen who are prepared to do arbitration work to be appointed in every court or tahsil so that in every case that comes before a court the parties may be given the option to take it to the arbitrators. If it goes to the arbitrators the chances are that it will be quickly decided even though in some cases justice may not be done.

But what is the idea of justice? A man who tries to have justice loses

even the thing he is fighting for and he has to wait for 7 or 8 years before he can get any justice. My submission is that instead he may as well dispense with justice, and get something which he seeks within the shortest possible time. My submission is that the court of arbitrators will be the only solution for the evils from which we are suffering.

That is all I have to say

Mr. Chairman: The hon Member from Darbhanga

Shri Mulchand Dube. One point more, Sir

Mr. Chairman: Order, order, the hon Member from Darbhanga

श्री श्रीनारायण दास (दरभंगा)  
सभापति महोदय, हम सभी ला कमिशन के बहुत ही कृतज्ञ हैं, जिस के माननीय सदस्यों ने बड़ी मेहनत कर के न्याय पद्धति के सम्बन्ध में एक रिपोर्ट हमारे सामने उपस्थित की है। हमारे यहाँ जो न्याय पद्धति अभी जारी है उस के सम्बन्ध में जो टीका-टिप्पणी होती है, उस का समावेश सरकार ने अपने प्रस्ताव में कर दिया था और अभी कई माननीय सदस्यों ने उस की तरफ ध्यान खींचा है कि यह प्रणाली खर्चीली है और यह प्रणाली ऐसी है, जिस में न्याय बहुत दूर में मिलता है। जहाँ तक मैं ला कमिशन की रिपोर्ट का पढ़ सका हूँ और उन की सिफारिश को देख सका हूँ। मुझे ऐसा लगता है कि उन से न तो हमारी न्याय-प्रणाली कम खर्चीली होगी और न ही न्याय का निपटारा जल्दी हो सकेगा। यद्यपि ला कमिशन ने न्याय प्रणाली में बहुत सुधार सुझाए हैं, जिनमें किसी न किसी प्रकार से कुछ सुधार की भांश की जा सकती है, लेकिन मैं अभी भी इस बात का महसूस करता हूँ कि हमारे देश की जो न्याय प्रणाली है, वह जनता की आवश्यकताओं को ध्यान में रख कर नहीं बनाई गई है और अब तक जितना ला कमिशन की नियुक्ति का समय समय पर हुई है उन के

सुझावों का समावेश हम अपनी न्याय-पद्धति—अपनी कोर्टों की व्यवस्था—में कर पाये हैं, लेकिन फिर भी हमारा उद्देश्य पूरा नहीं हुआ है और वांछित सुधार नहीं हो पाये हैं। हिन्दुस्तान की जनता समझती है कि आज की न्याय-पद्धति में न्याय धनियों को ही मिल सकता है—गरीबों को न्याय नहीं मिलता है। इस का कारण यह नहीं है कि हमारे जो न्याय करने वाले हैं, वे कुछ पक्षपात करते हैं, लेकिन जो पद्धति हम ने अपने देश में बनाई है और अभी तक जारी रखी है, उस में हर जगह मुकदमों में खर्च की जरूरत है। हम ने अपने सामने हिन्दुस्तान में एक कल्याणकारी राज्य की स्थापना का आदर्श रखा है, लेकिन अभी तक हमारे देश में सड़कें में ७५ और ८० आदमी ऐसे हैं, जोकि अपने पेट को ठीक तरह में नहीं भर सकते हैं। उन के प्रति अगर समाज के किसी अंग के द्वारा धन्याय किया जाय, तो सम्भव तो बिल्कुल की कचहरी तक भी नहीं पहुँच सकते हैं और अगर किसी तरह पहुँचने की हिम्मत भी करते हैं, तो मुकदमों के एडवॉकेटों के कारण—बड़े बड़े तारीखें पढ़ने के कारण उन को बड़ी परेशानी का सामना करना पड़ता है। अपने मुकदमों के लिये उन को पंद्रह पंद्रह दिन तक आना पड़ता है। सभापति महोदय, आप इस बात का अनुमान लगा सकते हैं कि खेत में काम करने वाला अजबूर कितने दिन तारीख पर अदालत में हाज़िर हो सकता है। इस का परिणाम यह है कि उस के प्रति जो भी धन्याय समाज के किसी अंग के द्वारा होता है आज की कोर्टों की व्यवस्था में वह उस का निराकरण नहीं करा सकता है उस के सम्बन्ध में कोई न्यायोचित निर्णय नहीं करा सकता है। मैं कोई बकीस नहीं हूँ, लेकिन देहात में काम करने वाला एक कार्यकर्ता जरूर हूँ। मैं जनता की भावना को जानता हूँ। जब उन्हें किसी मामले में—बढ़ गलत हो या सही—किसी मोके पर मुद्दों या मुद्दालयों के रूप में अदालत में जाना होता है, तो वे चबरा उठते



[श्री श्रीनारायण दास]

हैं, वे थरा उठते हैं। वे समझते हैं कि क्या बला हमारे सिर पर आ पड़ी। जो मोटी पुस्तक हमारे सामने रखी गई है, उस में दी गई सिफारिशों को मैं ने बड़े गौर से पढ़ा है। मैं वहीं समझता कि किन सुधारों से हमारे गरीबों को कुछ राहत मिल सकेगी—चाहे वह ज़िले की कचहरी के स्तर पर हो, चाहे सूबे की अदालत के स्तर पर और चाहे सुप्रीम कोर्ट के स्तर पर हो। आज हमारे वकील भाइयों को फ्रीसें दिनों-दिन बढ़ती जा रही हैं। तो फिर किस तरह हमारे गरीबों को न्याय सस्ता और शीघ्र मिल सकेगा? इस लिये मुझे अफसोस के साथ कहना पड़ता है कि जहां तक इस पद्धति को कम खर्चीली बनाने का ताल्लुक है, उस में हमारे ला कमीशन के माननीय सदस्यों को कुछ भी सफलता नहीं मिली है। धनी और गरीब का भेद-भाव जब तक कचहरियों में नहीं मिटाया जाता, जिस तरह धनी रुपया खर्च कर के न्याय पा सकता है, जब तक गरीब भी न्याय नहीं पा सकता, तब तक हमारी न्याय पद्धति न्याय-पद्धति नहीं है, उस को न्याय-पद्धति का ढको-सला ही कहा जायगा।

हमारे आयोग ने कहा है कि जो पद्धति हम ने अंग्रेजों से ले कर अपने देश में चलाई है, वह बहुत असंतोषजनक नहीं रही है। मैं नहीं जानता कि हमारी पद्धति संतोषजनक है या असंतोषजनक, इसका काइटेरियन, इस की कसौटी क्या हो सकती है। इस की कसौटी यह हो सकती है कि हमारे न्यायालयों के सामने मुकदमे करने वाले कितने गरीब आये और कितने धनी आये, यह देखा जाये। कितने ही गरीब ऐसे हैं, जिन के साथ अन्याय होता है, लेकिन वे उस का निराकरण नहीं कर पाते, क्योंकि उन के पास पैसा नहीं है। यह ठीक है कि हमारे ला कमीशन के माननीय सदस्य बड़े विद्वान हैं, बड़े मेहनती हैं और उन्होंने बड़ा परिश्रम किया है, लेकिन जैसा कि अभी माननीय सदस्य ने कहा है, उन का यह भी कर्तव्य था कि यदि वे कोई मौलिक सुधार न

करें, तो कम से कम पद्धति को कम खर्चीली बनाने का मोटा उपाय तो बतायें।

ज्यादा वक्त नहीं है, लेकिन फिर भी मैं एक बात की तरफ आप का ध्यान खींचना चाहता हूं। ला कमीशन ने उस तरफ कुछ ध्यान दिया है और वह है लीगल एड की बात। जब से हमें स्वराज्य मिला है, इस सदन में गरीबों को मुकदमे के सिलसिले में खर्च या कुछ सुविधा देने या वकीलों की सहायता देने का सवाल उठाया जाता रहा है और हमारे माननीय मंत्री जी ने—कभी ला मिनिस्टर ने और कभी होम मिनिस्टर ने—कहा कि इस पर विचार किया जा रहा है, फलां स्टेट से स्कीम मांगी गई है, केरल से मांगी गई है, बिहार से मांगी गई है, अभी स्कीम नहीं आई है, वगैरह। मालूम नहीं कि गरीबों को फायदा पहुंचाने सम्बन्धी स्कीम कब तक आयगी और कहां तक लागू की जायगी। इस रिपोर्ट में इस सम्बन्ध में कुछ सुझाव दिये गये हैं, लेकिन प्रश्न यह है कि इतने बड़े देश में, जहां ज्यादा आदमी गरीब हैं, गरीबों को न्याय के सिलसिले में सहायता पहुंचाने के लिए, उन को लीगल एड उपलब्ध करने के लिये जितने रुपये की जरूरत है, हमारी सरकार क्या उतने रुपये की मुहैया कर सकेगी या नहीं। अगर इस बारे में कोई कदम न उठाया गया, तो हमारे गरीब वहीं के वहीं रह जायेंगे, जहां कि वे सदियों से रह रहे हैं। इसलिये मैं माननीय विधि मंत्री से कहुंगा कि अगर इस न्याय-पद्धति को कम खर्चीली नहीं बनाया जा सकता है, तो कम से कम हर जगह—हर जिले में, हर तहसील में—लीगल एड की समितियां बनाई जायें, जिन के द्वारा वकीलों और दूसरे लोगों की सहायता को जाये। सेंट्रल बजट में से उन को रुपया दिया जाये, ताकि गरीब लोग जब मुद्दे या मुद्दालेह की हैसियत से कचहरी पहुंचें, तो उन को इस खर्चीली न्याय-पद्धति में कुछ न्याय मिल सके। लीगल एड सोसायटी के बारे में केन्द्रीय

सरकार को शीघ्र के शीघ्र कदम उठाना चाहिए। उस ने अब तक इस सम्बन्ध में जो नीति रखी है, वह बहुत उपेक्षा की नीति है। जो न्याय-पद्धति हमारे देश में प्रचलित है, वह इतनी खर्चीली है कि गरीब उस में न्याय नहीं पा सकता है। सरकार ने सींगल एंड सोसायटीज की तरफ कदम नहीं उठाया है। सरकार की तरफ से यह कहा जा सकता है कि यह केन्द्रीय विषय नहीं है, यह राज्य का विषय है और राज्य सरकारों को स्वतंत्रता है कि वे सींगल एंड सोसायटी बनायें। लेकिन मैं समझता हूँ कि आज के जमाने में, जब कि केन्द्रीय सरकार धीरे धीरे अधिकारों को लेती जा रही है, यह कहना कि यह कार्य राज्य सरकारें चलायें, उचित नहीं है। केन्द्रीय सरकार और राज्य सरकार दोनों की इस बारे में जवाबदेही है कि इस मौजूदा पद्धति को ताकत खर्चीली नहीं बनाया जाता है और ऐसी व्यवस्था नहीं की जाती है कि जल्दी न्याय मिले इसलिये जल्द से जल्द ऊपर से लेकर नीचे तक सींगल एंड सोसायटीज स्थापित की जानी चाहिए। मसिधान की दफा १३६ और २२६ में सुप्रीम कोर्ट और हाई कोर्ट को अपील और रिट आदि जारी करने का अधिकार दिया गया है। लेकिन जरा स्पष्ट कीजिये कि अगर गांव के रहने वाले किसी साधारण आवामी के रियासत अधिकारों में यदि हस्तक्षेप होना हो, तो वह किस तरह दिल्ली जैसे खर्चीले शहर में आ कर, बड़े बड़े वकीलों का बड़ी बड़ी फीस दे कर सुप्रीम कोर्ट का दरवाजा बटखटाकर इस रिट का फायदा उठा सकता है? इसलिये अगर हर जगह सींगल एंड सोसायटीज हो जायें, तो ऐसे लोगों को कुछ महारा मिल सकता है।

एक बात की तरफ और मैं ध्यान खींचना चाहता हूँ। न्याय दिलाने के सम्बन्ध में पुलिस एक मुख्य कड़ी है। अगर कोई अपराध होता है, तो उस की जांच करने के लिये जिनमें अधिकार हैं, वे पुलिस के हैं, लेकिन हमारे देश में इस तरह की पुलिस है—मैं सब के बारे में नहीं कहना चाहता हूँ लेकिन जिस तरह की पुलिस

की व्यवस्था अभी तक हमारे देश में है, उसमें ठीक ठीक सही सही हालात का पता लगाने में इतना बिगम्ब हटा है, इतनी देरी होती है कि कुछ कहना ही नहीं। इसके साथ ही साथ कोरप्शन, भ्रष्टाचार भी होता है। जब कभी कोई अपराध होता है तो न्याय पाने के लिये सबसे पहले पुलिस को सुझ करना पड़ता है और भाप जानते ही हैं कि पुलिस को सुझ करना कितना कठिन काम है। पुलिस की रिपोर्ट ठीक न हो तो न्याय नहीं मिल सकता है। जो गरीब हो है वह उम्मीदें पर निर्भर करता है, इस वास्ते पुलिस की रिपोर्ट का ठीक होना बहुत आवश्यक होता है। मैं मानता हूँ कि मैजिस्ट्रेट को अधिकार है कि पुलिस की इन्क्वायरी के बाद भी फिर से इन्क्वायरी करा से और दूसरी बातें भी हैं, लेकिन फिर भी इतनी दिक्कतें रास्ते में आती हैं कि उनको पार नहीं किया जा सकता है। इसलिये ला कमीशन ने जो एक सुझाव दिया है कि इन्वेस्टिगेशन करने के लिये जो पुलिस हो वह दूसरी पुलिस हो और साधारण पुलिस दूसरी हो, एक अच्छा सुझाव है और मैं इसका स्वागत करता हूँ।

इसके साथ ही साथ एक और भी सुझाव दिया गया है, जिसको मैं अच्छा समझता हूँ। हमारे प्रान्त में तो यह चीज है नहीं और दूसरी जगहों पर हो तो मुझे पता नहीं है। वह सुझाव यह दिया गया है कि एक डायरेक्टर आफ प्रोसीक्यूशन होना चाहिये। अभी जो पब्लिक प्रोसीक्यूटर होते हैं, वे नीचे के दर्जे में जो इन्स्पेक्टर आफ पुलिस हैं, वही प्रोसीक्यूशन का काम भी करते हैं। मैं समझता हूँ कि सभी देहातों के अन्दर, सभी जिलों के अन्दर, सभी तहसीलों के अन्दर अगर एक स्वतन्त्र विभाग, पब्लिक प्रोसीक्यूशन के लिये बनाया जाए और उसका इंचार्ज डायरेक्टर आफ प्रोसीक्यूशन हो जो कि पुलिस के बाहर का आवामी हो, तो ज्यादा फायदा हो सकता है।

कोर्ट फीस के बारे में बहुत से माननीय सदस्यों ने अपने विचार प्रकट किये हैं।

[श्री श्रीनारायणदास]

मैं समझता हूँ कि न्याय पाने की जो वर्तमान पद्धति है, वह सरकार के लिये भी और मुकदमा लड़ने वाले के लिये भी खर्चीली है। मैं मानता हूँ कि तनख्वाह बढ़ाने की बात चलती है, कोर्ट फीस हटाने की मांग चलती है, लेकिन फिर भी सरकार की चाहिये कि वह साधारण टैक्सों से इकट्ठे किए हुए पैसे से ही न्याय पद्धति का इन्तिजाम करे। न्याय को जनता तक पहुंचाने के लिये, फीस लेना उचित नहीं है, न्याय संगत नहीं है, यह सबसे प्राइमरी अन्याय है, जो हो रहा है और यह दूर होना चाहिये।

इन शब्दों के साथ मैं आशा करता हूँ कि जो राज्य सरकारें हैं, जो केन्द्रीय सरकार है तथा सुप्रीम कोर्ट व हाईकोर्ट्स हैं, जिनसे सम्बन्ध रखने वाली ला कमीशन की सिफारिशें हैं, व सब इन सिफारिशों को कार्यान्वित करने के लिये जल्दी कोशिश करेंगी।

16.42 hrs.

#### BUSINESS OF THE HOUSE

**Mr. Chairman:** Before I call upon the Minister of State to intervene in the debate, I permit the Minister of Parliamentary Affairs to make an announcement.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Singh):** Sir, I have a little announcement to make with your permission.

As you are aware, the consideration of the Andhra Pradesh and Madras (Adjustment of Boundaries) Bill has been postponed to the next week at the request of certain sections of the House. It is proposed to take in its place the Arms Bill as reported by the Joint Committee. The Bill will be taken up tomorrow after discussion and voting of Demands for Excess Grants (Delhi) and Demands for Excess Grants (Himachal Pradesh). The Business Advisory Com-

mittee has already allotted five hours for this Bill.

I have also to announce another change, namely, that discussion on the motion of Shri Harish Chandra Mathur regarding the Vivian Bose Board of Inquiry and the allied documents originally announced for Friday, September 4, will now be held on Monday, September, 7, and the House will discuss the report of the Commissioner for Linguistic Minorities on Friday, September 4.

These change, as you are aware, have been made to accommodate they wishes of large sections of this House.

**Shri Nagi Reddy (Anantapur):** What is the time allotted for the discussion of these reports? (*Interruption*).

**Mr. Chairman:** No further explanation is necessary. The Minister of Parliamentary Affairs has made his announcement.

16.43 hrs.

MOTION RE: FOURTEENTH REPORT OF THE LAW COMMISSION  
—contd.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Mr. Chairman, Sir, a number of points have been raised in the course of the debate today and also on the last occasion in relation to the Law Commission's recommendations as well as suggestions. I should like to deal with a few of them because they are more or less concerned with the Ministry of Home Affairs.

In the first place, a reference was made by one or two hon. Members to the comments or the complaints made by the Law Commission in regard to the appointment of judges in the high

courts as also in the Supreme Court. This question was debated at great length while the Demands of the Ministries of Law and Home Affairs were under consideration during the last budget session, and a detailed reply was given thereto both by the Minister of Law and the Minister of Home Affairs. I would not like to repeat all those arguments but I would merely submit to this House that so far as those remarks were concerned the circumstances were not found to be such as they were made out to be, and almost all the appointments had been made with the full concurrence of the Chief Justice of India. Wherever there was some difference, that difference was only with regard to the recommendations made by the Chief Justices of the high courts or the Chief Ministers as the case may be.

**Pandit D. N. Tiwary (Kesaria):** In the report of the Law Commission, it is said that extra-influences are brought upon the Chief Justices of high courts in regard to the appointment of judges. What about that?

**Shri Datar:** May I point out that the same thing was.....

**Mr. Chairman:** I think that hon. Members will do well to permit the hon. Minister to proceed, and that the hon. Minister could deal with such points at the end. Otherwise, there will be too much of interruption.

16.45 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

**Shri Datar:** May I point out that the question that was considered was both in respect of appointment of judges to the Supreme Court and of judges to the High Courts? So, I would not deal with that question, because it was satisfactorily dealt with and a full and effective answer was given here to the various complaints and observations made in the Law Commission's report.

The next question is whether there is any need for what has been called

a Ministry of Justice at the Centre. Certain points have been made in the Law Commission's report and we have to consider a number of other circumstances in this respect. So far as justice is concerned, largely it is within the State sector, except so far as the Supreme Court and the High Courts are concerned. It is for the State Governments to consider these matters in the first instance. As I have stated, the question is whether there is any need for a separate Ministry of Justice at all at the Centre. The actual administration of justice, as you are aware, vests in the Supreme Court, various High Courts and a hierarchy of courts. So far as we are concerned, we deal with certain matters regarding appointments or matters which are of an administrative nature.

The Law Commission themselves have pointed out how in India conditions are different. We are in a federal constitution and the administration of justice is within the State sphere. The second point they have pointed out is, generally our administration of law or justice has been based upon the system that prevails in the U.K. Even in U.K. certain opinions were expressed that there ought to be a Ministry of Justice. The Law Commission have pointed out on page 1225 of their report as follows:

"We may in this connection refer to the fact that the creation of such a Ministry of Justice has been advocated in England where eminent lawyers have expressed themselves against the condition of affairs under which the responsibility for the administration of justice is divided between the Lord Chancellor and the Home Secretary though the conditions there are not so confused and illogical as here."

We have to consider to what extent they are illogical or confused, as the Law Commission have pointed out. Whether they are confused or illogical at all is a question which has to be fully considered and we have not

[Shri Datar]

got very great elucidation so far as this question is concerned in the Law Commission's report. They say further:

"No doubt this reform has not been given effect to in England for various reasons, some of which " etc.

I will not deal with them. So, this question requires a full examination and it will not be possible at this stage to point out what the final policy decision of the Government will be in this respect

I next come to the question of the establishment of benches in various High Courts. We have got the well-considered views of the Law Commission in this matter. They produced a special report and pointed out that in India so far as the High Courts are concerned, there ought to be only one principal seat of the High Court and there should be neither permanent nor temporary benches. That was the view expressed by the Law Commission on the ground that if there are going to be various benches—there are some such cases even now—then there would be a lowering of standards on various grounds. And one of the grounds which has to be referred to in this connection is that the Chief Justice, who has to control all the administration of law in that particular High Court, will be staying in one place and, therefore, there will be no effective control or supervision by the Chief Justice of the particular High Court. They have pointed out a number of other cases also. Therefore, as I submitted on an earlier occasion in connection with a private Member's Bill, this Report of the Law Commission is entitled to the greatest weight and generally, subject to certain realities of the situation, the policy of the Government would be to follow the recommendations of the Law Commission in this respect.

Shri Kashiwal: It is only from now on.....

Shri Datar: If the hon. Member had waited, I would have clarified the position. It is true that there are certain benches in about 4 or 5 States. But they have arisen on account of historical considerations, and therefore we have to consider as to what should be done, so far as these benches are concerned. Now that, as I have pointed out, is the general policy of the Government, which is in keeping with the Law Commission's report. We have also to consider how long such benches ought to remain. That is a question on which it is not necessary at present to pronounce any opinion. But may I point out again that they arose on account of historical circumstances? In fact, as the Rao Committee pointed out, there were five High Courts in the Rajasthan State, when it was integrated into one. There was also the Judicial Commissioner, so far as Ajmer was concerned. Then, when all these States were integrated, naturally it would have been very hard to immediately have only one High Court and not to have any benches at all. That is the reason why even in respect of Rajasthan a gradual policy was followed. In respect of other States also, may I point out that only on account of certain conditions then obtaining were the benches allowed? Take the case of the Bombay High Court. In the reorganised Bombay State we naturally have the Bombay High Court. But Nagpur had a High Court when it was in the former Madhya Pradesh and, therefore, it was considered proper

Shri Braj Raj Singh (Firozabad):  
May I know

Shri Datar: You should allow me to complete. The time at my disposal is very little. Also, I have to cover a number of matters. Therefore, I would request the hon. Member not to ask any questions now. He can ask any number of questions afterwards.

In Rajkot there was a High Court for Saurashtra State. So far as U.P. is concerned, at Lucknow we had a chief court formerly and after independence we have now got the Allahabad High Court and a permanent bench at Lucknow. Similarly, in the South, as I have already pointed out, according to a decision between the parties, and according to the terms of the integration, the High Court's principal seat was on<sup>ly</sup> at Ernakulam. It was only subsequently that bench was established, a temporary bench, at Trivandrum. Therefore, in all these cases we have to consider the question first from the point of view of the efficiency of the High Court, or of keeping the efficiency of the High Court administration at as high a level as possible.

So far as Rajasthan is concerned, let us take into account one more circumstance. In respect of Rajasthan there was a special committee. After the integration of Rajasthan as a part B State and Ajmer as a part C State, a question arose as to what should be done so far as a number of matters of common interest were concerned. That, including the question of the High Court and the High Court Bench, if any, was at the instance of the Rajasthan Government referred to a special committee presided over by a hon. Judge of a High Court. That committee went into the whole question. I need not deal with the other questions. But they considered this question from two points of view. One was to where the principal seat of the High Court should be. They considered the claims of Jodhpur. They considered the claims of Ajmer. They considered the case of Jaipur also because it was stated that if only one principal seat was to be there why should it not be at Jaipur. After considering all the circumstances, the points of principle and questions of administrative matters, they came to the conclusion that there ought to be the principal seat only at Jodhpur. So far as Jaipur was concerned, they have pointed out in their report very

properly that the Jaipur Bench cannot be considered as a temporary bench, much less what can be called a permanent bench under section 51(2) and 51(3) of the States Reorganisation Act.

I would point out as to how the position was extremely anomalous so far as the Jaipur Bench was concerned. In paragraph 117 of the Rao Committee's Report it has been pointed out how the position was not like any ordinary temporary bench or a permanent bench. I would read that.

"It may be pointed out in this connection that it may not be accurate to describe the judges sitting at Jaipur as a Bench."

This question should also be understood.

"The expression may not convey to one's mind a correct picture of what is actually happening. At present the Rajasthan High Court consists of seven judges and it is said that one more judge is to be appointed soon. The strength will then be eight. Actually four judges sit at Jaipur and three judges at Jodhpur, the principal seat of the High Court. The Chief Justice....."

This may kindly be noted.

"The Chief Justice goes for one week in the month to Jaipur and sits there for disposal of cases either alone or in a Bench. It is really a division of the High Court into two unequal parts...."

That should be noted. It is not merely a temporary bench.

"It is really a division of the High Court into two unequal parts with a common Chief Justice and the small part of it functioning at Jodhpur."

You will agree, Sir, that if we take a detached view, the position so far as the High Court in Rajasthan is concerned, was far from satisfactory.

[Shri Datar]

It was almost anomalous. Therefore the whole question was gone into as to where the seat of the Rajasthan High Court should be. This question was considered even though at the time when the States Reorganisation Act came into force, naturally Jodhpur was declared as the principal seat of the Rajasthan High Court. Still, the pros and cons of the question as to whether Jaipur or Ajmer or Jodhpur should be the principal seat of the High Court was fully considered and after considering all the aspects of the matter the Rao Committee came to the conclusion that in the first place the principal seat should be at Jodhpur; secondly that there should be no Bench at Jaipur at all. So far as Ajmer was concerned, the question was not pursued because Ajmer was not found to be a suitable place from the criteria that were laid down in this respect. After considering all these circumstances it was found necessary or rather inevitable to abolish what is popularly called the Bench at Jaipur. Under these circumstances I would request my hon. friends to know the correct and realistic position in this respect and not to allow this question to be always raked up because whenever such attempts are made naturally they lead to a position of uncertainty and to a position of suspense. Therefore let things remain as they are so far as Jaipur is concerned. I would not like to deal further with this question.

17 hrs.

In respect of separation of judiciary from the executive, may I point out that there has been complete separation in respect of three States? In respect of the fourth, by this time I am confident that the Government of Bombay will have introduced complete separation in what are known as Vidarbha and Marathwada areas, so that we can take it that there are four States in India where there has been complete separation.

Shri Feroze Gandhi (Rai Bareilly):  
Bombay and Maharashtra are to be separated.

Shri Datar: I am dealing with the question of the separation of judiciary in the State as it exists today.

I was pointing out that at least in respect of four States which are fairly big ones, Bombay, Andhra Pradesh, Kerala and Madras, we have got complete separation of the judiciary from the executive. In the case of 7 States, it has been introduced partially. Gradually, as experience is gained, the question of the extension of separation of judiciary from the executive is being undertaken. After all, we have to take this circumstance into account that this is a question which has to be dealt with by the State Governments. My hon. friend Shri Shree Narayan Das spoke almost on the footing that we had a unitary form of Government with Parliament exercising absolute authority in respect of all the States. My simple answer is that we have a federal structure of the Constitution and the State Governments are competent in a number of matters to deal with them as they like. This is a matter in which all we can do is to persuade them as early as possible to give effect to one of the Directive principles of the Constitution that there ought to be complete separation of the judiciary from the executive. That point is being pursued.

Mr. Deputy-Speaker: Would the hon. Minister like to finish today?

Shri Datar: I should like to continue tomorrow. The Law Minister is going to reply.

Mr. Deputy-Speaker: Then, we take up the Half-an-hour discussion.

Shri Ram Krishna Gupta (Mahendragarh): I wish to make some submissions, Sir.

Mr. Deputy-Speaker: Does he want to speak before the Minister has concluded?

**Scheduled Castes,  
Scheduled Tribes  
and other Back-  
ward Classes**

**\*SCHOLARSHIPS TO SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES.**

**Shri Tangamani (Madurai):** Sir, on the 13th of this month, . . .

**Mr. Deputy-Speaker:** One second. I have received intimation from certain Members that they want to participate in this. Under Rule 55, Members who have intimated earlier their intention to participate, can only put questions. There are no speeches that can be made by other Members. I will request Shri Tangamani to conclude within 10 minutes so that the hon. Minister may have 10 minutes to reply and ten minutes may be left for other hon. Members.

**Shri Tangamani:** As I was saying, on the 13th of this month, a question was tabled by a large number of Members and this was answered in this House as Starred Question No. 381. The main purport of the question and the supplementaries was this. Decentralisation has taken place on the question of award of scholarships for 1959-60. We wanted to know what has been the guiding principle and what is the nature of the control, and on what basis the allocations would be made. The hon. Minister replied that decentralisation has taken place after discussion with the Chief Ministers of the various States and also consultation with the Scholarship Board and that proper consultation has taken place before this decentralisation was brought about. He also told us that decentralisation was necessary for prompt disbursement and to avoid duplication.

I do not want to go into details. If only we go through the supplementaries that were put on that particular date, it will be seen that there was really apprehension on the part of the Members that in spite of this decentralisation, disbursement has not taken place. Even the *ad hoc* payment for renewal has not taken place to this day. Several other points also were raised. I would confine myself to four

or five aspects of this question arising from decentralisation of the whole question of scholarships to the Scheduled Castes, Scheduled Tribes and other backward classes.

My first point is this. Maulana Abul Kalam Azad, in January 1955, addressing the Central Advisory Board for Education said:

"When I took over charge in 1947, the total amount utilised for all scholarships was Rs. 3.5 lakhs. It was my constant aim to increase the provision year by year."

Then he goes on to say how the allotment has increased to Rs. 107 lakhs in the year 1954-55." If we go through the figures also, we find that in 1952-53, the allotment was Rs. 17½ lakhs originally, but later on it was increased to Rs. 30 lakhs; in 1953-54, the allotment which was Rs. 40 lakhs was raised to Rs. 62 lakhs; in 1954-55, the allotment which was Rs. 75 lakhs was raised to Rs. 107 lakhs, in 1955-56, the allotment which was Rs. 130 lakhs was raised to Rs. 150 lakhs; in 1956-57, the allotment which was Rs. 150 lakhs was raised to Rs. 186 lakhs; in 1957-58, the allotment which was Rs. 200 lakhs was raised to slightly over Rs. 200 lakhs; in 1958-59 and 1959-60, it remains in the neighbourhood of Rs. 2.25 crores.

So, my first submission, without elaborating this point, is that there has been need for increasing this allotment; even after the allotment has been originally made, in the course of the year, it has had to be raised. So, my submission is that the sum of Rs. 2.25 crores which has been allotted for this year will not be sufficient to meet the demands, because there have been ever so many applicants, and more than 40,000 scholarships will have to be given. So, some provision may be made whereby this allotment may be increased at least to Rs. 3 crores.

Now, arising from this, there is one submission that I would like to make. The Madras State Government have

\*Half-an-hour discussion.



[Shri Tangamani]

got a programme by which scholarship is given. There is a separate allotment for scholarships to the Scheduled Castes and Scheduled Tribes, and a separate allotment for scholarships to the other backward classes. But here in this scheme, we have got all these things combined into one. So, we cannot choose the one in favour of the other. I find that in the year 1956-57, the budgetary provision was allotted as follows: 45 per cent. for Scheduled Castes—subsequently, we find that it was increased to 47 per cent, 15 per cent for the Scheduled Tribes,—we found that the disbursement went only up to 9 per cent, and 40 per cent for the other backward classes, which was later on increased to 44 per cent.

So, my submission is that there must be a demarcation. We must set apart so much for the Scheduled Castes and Scheduled Tribes and so much for the other backward classes. That will be the ideal thing to do, failing that, we must have a suitable percentage for the Scheduled Castes and Scheduled Tribes and the other backward classes. From the various figures, I find that the scholarships to be given to the members of the Scheduled Tribes does not go above 9 per cent; so, 10 per cent will be a proper percentage for the Scheduled Tribes, the remaining 90 per cent may be divided equally or in any other proportion, I am not particular about the proportion, but we must know how much will be allotted to the Scheduled Castes and how much will be allotted to the other backward classes.

My next point is in regard to the question of transfer of surplus from one State to another. Now, we find that in each year, a certain amount is allotted to each State, but a surplus is left in some States. How is that surplus going to be spent? That is an important thing. If there is a surplus, my submission is that it may be divided equally amongst all the States.

My third point will be in regard to renewal cases. Cases of renewal must

be disposed of as speedily as possible. Tomorrow will be the 1st of September, and one term would have been completed, but my information is if I am not wrong, that even the *ad hoc* payment in these cases of renewal have not been made to the State. At least when the Centre was disbursing this, a section of the students who had this scholarship and who had applied for renewal were able to get it. But here I find that delay is still continuing.

The next point on which I want a reply from the hon. Minister is this. There should not be a cut in the facilities. I shall explain what I mean. Now, the State Governments have got certain schemes for scholarships, whether they be for the Scheduled Castes or for the other backward classes. Now the scholarship amount for an engineering college student may be Rs. 600, the same scholarship while given by the Central Government may be Rs. 800. When the thing is taken over by the State Government, the amount should not be reduced to Rs. 600. Whatever the student was getting as a scholarship-holder directly from the Central Government must continue.

Now, in the States they have got this poverty test or the means test, but here we had the means test, and I believe that has been abolished.

I know in Madras State, means is Rs. 150 per mensem. If that is going to be applied we may find that certain students who would have normally got this renewal are not benefited as a result of this. So my submission is that this particular aspect should be borne in mind and the rights and benefits which were being enjoyed by the scholarship holders should not be taken back.

My next point would be this. If on the basis of population or of the previous year's allotment payment is made, we may find that in certain States it may be in deficit. I can speak from experience of the Madras

State, Madras State, on the basis of last year, would be getting only Rs. 22 lakhs. From the applications now coming, taking deserving cases on the basis of the merit consideration which we have imposed, Madras State will require at least Rs. 40 lakhs. At the same time we must see that this is not made part of the State's scholarships and both these things are combined

Even to this day we do not know who is the officer in charge of each State Government. The hon. Minister stated that it is for the State to decide. The students do not know whom to address for getting scholarships, to whom to send their applications. That will have to be clarified. Otherwise, even by 1st September which is the last date fixed by the Madras State for receiving applications, the deserving cases may not have sent their applications in time

Lastly, I would like to know whether any discussions have taken place with the State Government since this question was answered and whether any clear-cut directive, on the basis of some of the suggestions which I have made now and on the basis of some suggestions which were invited in the House, have been made to the various State Governments

And in conclusion I would request the hon. Minister that this booklet, "Progress of Scholarships for Scheduled Castes and Scheduled Tribes and other Backward Classes" which was published in 1957 may be brought up-to-date containing the scheme as it applies now to the various States after the decentralisation.

Shri Basumatari (Goalpara-Reserve-od-Sch. Tribes): The other day the hon. Speaker suggested to the Minister that he should consult the M.P.'s about this matter. I want to know whether it was done or not. That is one thing.

Another thing is this. Shri Tangamani suggested that ten per cent should

be cut out from the share of the tribal people. The tribal people are so backward that if ten per cent is cut as has been suggested by Shri Tangamani, then...

Shri Tangamani: I did not say it should be cut. I said that the tribal people should get, but from the statistics, we find that only ten per cent of the total goes to them.

Mr. Deputy-Speaker: All right.

Shri Basumatari: In the case of the Scheduled Castes and Scheduled Tribes it should not be disturbed.

Another thing I want to know from the hon. Minister is whether M.P.s will be included in the Scholarship Board at the Centre. If they are not included and if there is some anomaly or irregularity done there, we cannot raise our voice here. The M.P.s from Scheduled Castes and Scheduled tribes are very few; from each State there are only one or two, and I think there should be no difficulty in having them included in Scholarship Board in each State.

Shri Tangamani also said that the amount should be retained or maintained as it was in the Centre.

The other thing which I would like to suggest is that rules should be so laid down in this respect that nobody can play on the politics. The State Governments sometimes misuse the money and divert the money from one side to the other, from the Tribal side to another side. Rules should be laid down so strictly wherein that cannot be done. This should be looked into.

श्री जि० बंडल (अगरिया) : यह जो छात्रवृत्ति का विकेंद्रीकरण किया गया है इसका परिणाम यह हुआ है कि अगर एक राज्य का विद्यार्थी दूसरे राज्य में पढ़ता है तो उसको कठिनाई होती है। जब केंद्र से छात्रवृत्ति मिलती थी तो राष्ट्र के नाम पर दी जाती थी। अब अगर एक राज्य का

[श्री शि. मन्डल]

विद्यार्थी किसी दूसरे राज्य में पढ़ता है तो स्टेट गवर्नमेंट को कठिनाई हो जाएगी। इसके बारे में मैं मंत्री जी से एक स्पष्टीकरण चाहता हूँ।

दूसरी बात मैं फण्ड के अलॉटमेंट के बारे में कहना चाहता हूँ। यह अलॉटमेंट जनसंख्या के आधार पर किया जाता है। जहाँ तक हरिजनो और आदिवासियों का संबंध है उनकी संख्या तो जनगणना में निश्चित रूप से मालूम कर ली गयी थी। लेकिन जहाँ तक बैंकवर्ड क्लासेज का संबंध है उनका नाम कास्ट हिन्दूज के साथ लिखा गया था। उनकी संख्या अलग नहीं दी गयी है। इसलिए किसी किसी राज्य को बड़ी कठिनाई का सामना करना पड़ रहा है। और इसी कारण बिहार में गत वर्ष बहुत कम छात्रवृत्ति मिली। चूँकि मैं छात्रवृत्ति समिति का सदस्य था इसलिये मैं जानता हूँ कि बिहार में बैंकवर्ड क्लासेज की संख्या २ करोड़ से ज्यादा है। मैंने पिछले १९३९ की सर्वेक्षणकारी के आकड़े देखे हैं। उनके अनुसार इनकी संख्या आज बिहार में २ करोड़ से ऊपर है। लेकिन सिर्फ ६३ लाख की आबादी पर ही अलॉटमेंट गत वर्ष हुआ था। मैं माननीय मंत्री जी से जानना चाहता हूँ कि वह इस विषय में भ्रम दूर करना चाहते हैं।

तीसरी चीज यह है कि, जैसा मेरे दोस्त ने भी कहा, जब केन्द्र से छात्रवृत्ति मिलती थी जो न्यायसंगत तरीके से मिलती थी। लेकिन मेरी यह जानकारी है कि राज्यों में यह काम उतना अच्छे ढंग से नहीं हो रहा है। बिकेन्द्रीकरण निश्चयतः बड़ी अच्छी चीज है यह मैं जानता हूँ, लेकिन इस मामले में केन्द्र को भी सफल रहना चाहिए ताकि जो केन्द्रीय फण्ड अलॉट हो उसका राज्य सरकारें ठीक से उपयोग करें। मैं चाहता हूँ कि मन्त्री महोदय राज्य सरकारों को यह आह्वान करें कि राज्यों में जो छात्रवृत्ति समितियाँ बनायीं

जाएँ उनमें राज्य सरकारें संसद सदस्य को भी प्रभाव रखें।

Shri S. C. Samanta (Tamluk): Is it not a fact that when this scholarship was being dealt with by the Centre, individual students were receiving money on an all-India basis on the same standard? Now that the population basis has been accepted, is it not a fact that when the number of scholars is greater in a State and the population less, then the amount of scholarship per individual will go down? Will this not come about? Is it not a fact that the Central Government were advancing money to different colleges? Now no amount has been sanctioned or sent up till now to colleges. It was intimated to the students who were expected to get the scholarships that they will not be charged for tuition fees and other things but their scholarship will be adjusted against the same. I would request the hon. Minister to clarify the position so that the students in the States will be relieved.

Shri N. R. Munniamy (Vellore): I may be permitted to ask two questions. The first is: how is this allotment to be apportioned between the three categories—Scheduled Castes, Scheduled Tribes and other backward classes? Is it on the basis of population or is it that ad hoc amounts have been allotted for these three categories? The other question is this. Will the rules and regulations that have been framed here by the Central Government while awarding scholarships be maintained by the State Governments also or will they have their own rules and regulations, apart from what the Central Government have already framed? In the latter case, would they give a clean go-by to the Central rules and evolve their own rules?

Shri Basumatari: May I ask only one question?

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ward Classes

**Mr. Deputy-Speaker:** He has already asked.

**Shri Siddiah (Mysore—Reserved Sch. Castes):** While discussing the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, both the Deputy Minister, Shrimati Alva, and the Minister of State, Shri Datar, had assured us that every student belonging to Scheduled Castes and Scheduled Tribes would be awarded scholarship this year also. I want to know whether that assurance will be implemented this year

**Shri Famigrahi (Puri):** I want to ask whether because the scheme of decentralisation has not been sufficiently publicized by the State Governments, the Minister is going to consider extending the last date for receipt of applications by Scheduled Caste and other students

Secondly, whether those students who have not received their scholarships from January 1958 to June 1959 will get their scholarships from the Central Board here or from the State Boards there?

Thirdly, whether cases of discrimination between these scholarship holders have come to the notice of the hon Minister?

**Shri Ayyakannu (Nagapattinam—Reserved—Sch. Castes):** Sir, the Central Government has fixed Rs 400 as the income of the parent per month for eligibility for scholarships. But some States have fixed Rs 100 and some other States Rs 150 per month. So, I would like to know whether the Centre would advise the States to accept this formula of Rs 400 income or would allow the States to have their own limits of income

**श्री कल्याण चण्कर (बादाय दिल्ली, रजिस्ट्रार-अनुसूचित जातियाँ):** बहुत से लोग संसद् सभकों के पास हस्ताक्षर लेन चाते हैं उनके लिए कि वे किस जाति से सम्बन्ध रखते हैं जब होता यह है कि कुछ लोग सुनार का काम

करते हैं लेकिन जाति से वे सुनार नहीं होते, कोई लोग जाति से ब्राह्मण होते हैं लेकिन काम दरजी का करते हैं। वह कहते हैं कि हम दरजी हैं। ऐसी परिस्थिति में हमको क्या करना चाहिये। यह मेहरबानी करके बता दीजिए।

**Shri Basumatari:** I want to know whether all these Scheduled Caste and Scheduled Tribe scholarship holders are exempted from payment of college fees; and, if so, which are the States where they are exempted

**श्री ए० सा० बाकपाल (बीकानेर-रजिस्ट्रार अनुसूचित जातियाँ):** संबिधान में यह गारण्टी दी गयी है कि दस वर्षों में हरिजनों को शैक्षणिक दृष्टि से समान स्तर पर लाया जाएगा। लेकिन हम में से जितने लोग छात्रवृत्ति के लिये फार्म भरते हैं उनमें से बहुत कम लोगो को छात्रवृत्ति दी जाती है। २५ परसेंट से भी कम को मिलती है। कह दिया जाता है कि हमारे पास इतना ही बजट है। मैं जानना चाहता हू कि इस स्थिति में प्राय हरिजनों की स्थिति को कैसे सुधार सकेंगे।

**The Minister of Education (Dr. K. L. Shrimati):** Quite a number of questions have been raised and I shall try to satisfy the hon Members as far as possible. My friend, Shri Tangamani raised the question with regard to the need for increasing the allotment. He is quite right that during the past several years we have been continuously increasing the allotment for the scholarship fund for the Scheduled Castes, the Scheduled Tribes and the Backward Classes. I am very happy that this was being done because but for this a large number of students who would not have ordinarily got access to colleges would not have taken advantage of higher education. It was a matter of great satisfaction to the Government that there had been continuous increases as regards the allocation of funds.

The position now is that last year we raised the fund to Rs. 225 lakhs.

[Dr. K. L. Shrimall]

I think Shri Tangamani is quite right that unless we increase this allocation all the eligible students of the Scheduled Castes and Scheduled Tribes would not get scholarships. I did not know whether additional funds would be available. We are approaching the Finance Ministry and requesting them to let us have an additional Rs. 25 lakhs. If we get that amount, then, it is possible that we may be able to give scholarships to all Scheduled Caste and Scheduled Tribe students.

The general policy that we have laid down before the States is that no Scheduled Caste student should be denied scholarship. In our opinion they are the most backward classes so far as education and economic conditions are concerned. Therefore, we have said that for some time to come all the eligible Scheduled Caste and Scheduled Tribe students should get scholarship. We have also written to the State Governments that they may supplement their funds with the grants which they get from the Central Government and as far as possible give scholarships to all Scheduled Caste students because so far as I remember Sir, the hon. Minister assured us that all students from Scheduled Castes and Scheduled Tribes will get scholarship.

Shri Basumatari: On a point of clarification, I want to know the eligible students

Dr. K. L. Shrimall: Those who passed the examination are eligible; as far as the Scheduled Castes are concerned that is the principle we have followed. If the State Governments cannot supplement the grants which they get from the Central Government and the Central Government cannot give additional funds for this purpose, it is obvious that some kind of a selection will have to be made among the Scheduled Caste students. We would very much like that all eligible Scheduled Castes and Tribes students get the scholarship but it will depend

upon the availability of funds, both with the Centre as well as the States.

Shri Tangamani raised a question with regard to the demarcation of funds for three categories. There is a demarcation of funds but there is certain elasticity also. Since it has been our policy that all the Scheduled Castes and Tribes should get the scholarship, there has sometimes been a shift and as far as the backward classes are concerned, amounts are allocated on the basis of population. In the past our policy was to give scholarship to all the Scheduled Castes and Tribes students who are eligible. Shri Tangamani also suggested that the cases of renewals should be disposed of as quickly as possible. We have released 25 per cent of the expenditure incurred on each State or Union administration in the last fiscal year. We have asked the State Governments to renew scholarships as quickly as possible.

A question was raised whether a uniform policy would be followed by the State Governments. The policy will be laid down by the Central Government in this matter. In fact a directive has been given to the State Governments and as far as possible a uniform policy will be followed by them. Certain difficulties were pointed out in the implementation of the scheme by the State Governments recently when this scheme was decentralised. The House is aware that at first we accepted the principle that funds should be allocated on the basis of population. The Government of Uttar Pradesh and some other hon. Members of Parliament also, made representations to the Government that this might cause some hardship to those States where the number of eligible students was much larger. We are re-examining that position again and the matter will have to be considered by the Cabinet. If they approve, then, for two years, we might accept the arrangement which we had in the past, that is, distribution of funds to

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the State Governments on the basis of which we have been awarding scholarships to the three categories in the past. This will not cause any kind of hardship to those State Governments which have a larger number of eligible students. It is possible that the whole position may have to be reviewed after a couple of years.

**Shri D. C. Sharma** (Gurdaspur):  
Why not review it every year?

**Dr. K. L. Shrimall:** Well, Sir, the question was raised whether we have given sufficient publicity to the whole scheme of decentralisation. I would like to inform that apart from the information which we gave to the State Governments, we also have informed the Members of Parliament,

Press Notifications have been issued and we have asked the State Governments to publicise the scheme as far as possible.

These are the main questions that were raised by hon. Members. If there are any questions which are left out I would be glad to answer them.

**Some Hon. Members** rose—

**Mr. Deputy-Speaker:** The discussion is over.

17.32. hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 1st September, 1959/Bhadra 10, 1881 (Saka).*

Monday, August 31st 1959 Bhadra 9, 1881 (Saka)

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(1) A copy of Notification No. G.S.R. 936 dated the 15th August, 1959 under sub-section (2) of Section 13 of the Central Sales Tax Act, 1956, making certain further amendment to the Central Sales Tax (Registration and Turnover) Rules, 1957.

(2) A copy of each of the following rules under sub-section (3) of Section 24 of the Supreme Court Judges (Conditions of Service) Act, 1958:

(a) The Supreme Court Judges (Travelling Allowance) Rules, 1959 published in Notification No. G.S.R. 844 dated the 25th July, 1959.

(b) The Supreme Court Judges Rules, 1959 published in Notification No. 935 dated the 15th August, 1959.

(3) A copy of the Bombay Secondary School Certificate Examination Board (Reconstitution) Order, 1959, published in Notification No. G.S.R. 913 dated the 8th August, 1959, under sub-section (5) of Section 4 of the Inter-State Corporation Act, 1957.

(4) A copy of each of the following Notifications under sub-section (2) of

## COLUMNS

## COLUMNS

PAPERS LAID ON THE  
TABLE—contd.

Section 3 of the All India Services Act, 1951 :

- (i) G.S.R. No. 957 dated the 22nd August, 1959 making certain amendments to the All India Services (Death-cum-Retirement Benefits) Rules, 1958.
- (ii) G.S.R. No. 958 dated the 22nd August, 1959 making certain amendment to the All India Services (Conduct) Rules, 1954
- (5) A copy of the Travancore-Cochin Vehicles Taxation (Amendment and Validation) Ordinance, 1959 (No. 4 of 1959) promulgated by the Governor of Kerala on the 9th July, 1959, under provisions of Article 213 (2) (a) of the Constitution read with clause (c) (v) of the proclamation dated the 31st July, 1959, issued by the President in relation to the State of Kerala.
- (6) A copy of Notification No. G.S.R. 938 dated the 15th August, 1959, under sub-section (4) of section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, making certain further amendments to the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956

PRESIDENT'S ASSENT TO  
BILLS

5334

Secretary laid on the Table the following Bills passed by the Houses of Parliament during the current Session and assented to by the President since the last report made to the House on the 3rd August, 1959 :

- (1) The Pharmacy (Amendment) Bill, 1959.
- (2) The International Monetary Fund and Bank (Amendment) Bill, 1959.

MESSAGE FROM RAJYA  
SABHA

5334-35

Secretary reported a message from Rajya Sabha that at its sitting held on the 28th August, 1959, Rajya Sabha had agreed without any amendment to the Kerala Local Authorities Laws (Amendment) Bill, 1959 passed by Lok Sabha on the 25th August, 1959.

## PETITION PRESENTED

5335

Shri Osman Ali Khan presented a petition signed by a petitioner regarding renewal of broadcast receiver licenses for villages.

## BILLS INTRODUCED

5338

- (1) The Geneva Conventions Bill, 1959.
- (2) The Kerala Appropriation Bill, 1959.

## BILLS PASSED

5339-87

- (1) The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Government Savings Banks (Amendment) Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.
- (2) The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Government Savings Certificate Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.
- (3) The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha) moved for the consideration of the Public Debt (Amendment) Bill. The motion was adopted. After clause-by-clause consideration the Bill was passed.

## COLUMNS

**MOTION RE: FOURTEENTH REPORT OF THE LAW COMMISSION** 5387—5470

Further discussion on the motion re: Fourteenth Report of the Law Commission continued. The discussion was not concluded.

**HALF-AN-HOUR DISCUSSION** 5471—94

Shri Tangamani raised a half-an-hour discussion on points arising out of the answer given on the 13th August, 1959 to Starred Question No. 28, regarding Post-Metric Scholarships to Scheduled Castes, Scheduled Tribes and other Backward Classes.

The Minister of Education (Dr. K. L. Shrivast) replied to the debate

## COLUMNS

**GENDA FOR TUESDAY, 1 SEPTEMBER, 1, 1959 BHADRA 10, 1881 (Saka)**

Statement by the Prime Minister on the reported resignation of the Chief of Staff, Indian Army in response to a motion for adjournment, further discussion on the motion re: Fourteenth Report of the Law Commission, discussion on Demands for Excess Grants in respect of Government of Delhi for 1956-57, Demands for Excess Grants in respect of Government of Himachal Pradesh for 1956-57, consideration and passing of the Arms Bill as reported by the Joint Committee and discussion on the Motion re Annual Report of Hindustan Shipyard (Private) Ltd.