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Thursday, December 3, 1983
Agrahayana 11, 1881 (Saka)

LOK SABHA DEBATES

Ninth Session
(Second Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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

LOK SABHA DEBATES

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LOK SABHA

Thursday, December 3, 1959/
Agrahayana 12, 1881 (Saka).

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in 'the Chair']

ORAL ANSWERS TO QUESTIONS

Railway Fare for Air-conditioned Class

*544. **Shri Ram Krishan Gupta:** Will the Minister of Railways be pleased to state:

(a) whether there is any discrimination in the Railway fare charged for Air-conditioned class from Members of Parliament and Government employees who are entitled to travel in 1st class or travelling allowance of 1st class;

(b) if so, the reasons therefor; and

(c) the action Government propose to take in the matter?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) No. The Railways make no such discrimination.

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

Shri Ram Krishan Gupta: Is it not a fact that the Government employees who are entitled to travel in first class can travel in air-conditioned class by paying 2 pice extra per mile?

Shri Shahnawaz Khan: Government officers have to pay exactly the same amount which any other passenger

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has to pay to the Railway. They have to pay the full difference.

Shri Raghunath Singh: May I know whether the air-conditioned trains are running at a profit or at a loss?

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

Shri Shahnawaz Khan: We are running them at a profit. In some cases where we find the percentage of accommodation is less than 40, we discontinue them.

Co-operative Sugar Factory in Orissa

*545. **Shri Panigrahi:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether any progress has been made so far in setting up the proposed co-operative sugar factory at Aska in Orissa;

(b) when the factory is expected to go into production; and

(c) whether the Orissa Government have made any representation to the Central Government in this respect?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes, Sir. The factory is to get the plant and machinery through the consortiums of sugar plant manufacturers. It has signed the agreement with the machinery manufacturers on 2nd September, 1959 for the supply of machinery.

(b) During the 1961-62 crushing season.

(c) Two representations were received from the Orissa Government in respect of this factory—one for allocation of machinery and the other for grant of Central assistance.

As regards plant and machinery, first priority was given to this factory in the second batch of 7 plants to be delivered by the consortiums. As regards Central assistance, a provision of Rs. 10 lakhs has been made in the current years' budget and the State Government advised to send specific proposals in this behalf.

Shri Panigrahi: May I know the year in which this sugar factory was sanctioned and also how many co-operative sugar factories have been established since then?

Shri B. S. Murthy: The total target for the Second Five Year Plan is 32 out of which 22 have been so far licensed. Orissa was given two but licence for this Aska Sugar Factory has been given.

Mr. Speaker: The hon. Member wanted to know how many have been installed?

Shri B. S. Murthy: I require notice.

Mr. Speaker: I thought the hon. Minister must have all this information.

The Minister of Community Development and Co-operation (Shri Dey): May I give the information? Actually, 22 licences have been issued during the Second Five Year Plan; and there were 16 licences issued during the First Five Year Plan. There are now 21 factories under production. The number of factories under erection is 6. The number of factories to obtain machinery from consortiums is 11.

Mr. Speaker: Out of 38, 21 are now under production.

An Hon. Member: It does not improve matters in any way.

Shri Panigrahi: May I know what amount of foreign exchange was required for this sugar factory in Orissa and what were the difficulties in not allotting it to this sugar factory when this was given priority?

Shri B. S. Murthy: Foreign exchange for the sugar factories has been

exhausted. Therefore, we have taken to the manufacture of this machinery through consortiums. That is why the delay has occurred.

Diesel and Electric Locomotives

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Shri R. C. Majhi:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Ram Krishan Gupta:
Shri S. M. Banerjee:
Shri D. C. Sharma:
*547. Shri Sarju Pandey:
Shrimati Maftida Ahmed:
Shri Daljit Singh:
Shri Goray:
Shri A. K. Gopalan:
Shri Kunhan:
Shrimati Renuka Ray:
Shri Tangamani:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 208 on the 7th August, 1959 and state:

(a) whether Government have since considered and scrutinised proposals received from the three firms for the manufacture of diesel locomotives;

(b) whether any proposal has been accepted;

(c) if so, the main features thereof; and

(d) the progress made in the direction of inviting global tenders for the supply of electric locomotives with their progressive manufacture at Chittaranjan?

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

(b) Yes; proposals from each of the three firms have been accepted.

(c) The main features involved in each of these schemes submitted by the firms involve the gradual build-up of indigenous capacity for manufacture of the vehicle portion and engines in the country.

(d) Global tenders, for the supply and progressive manufacture of 42 Nos. 25 kV, 50 cycles A.C. freight type locos in India in Chittaranjan Locomotive Works, have been invited in August last. The last date for receipt of tenders is 11th January, 1960.

Shri S. M. Banerjee: In reply to a previous question—and now also—the hon. Minister said that three firms—I believe the Telcos, the National Engineering Industries and Texmaco—have submitted proposals and they have been scrutinised. May I know whether orders are being placed on all the 3 concerns or on a particular concern and what the proposals are?

Shri Shahnawaz Khan: The orders are being placed on all the three firms—on Telco for metre gauge 1400 h.p.; National Engineering, 20 broad gauge, 2400 h.p.; and Texmaco, 20 broad gauge, 2800 h.p.

Shri S. M. Banerjee: I want to know the terms of agreement. What are the main features of the agreement and what is the cost?

Mr. Speaker: There may be many details in the agreement. What does he want?

Shri S. M. Banerjee: The price.

Shri Shahnawaz Khan: We have not worked out the exact price yet.

Shri S. M. Banerjee: You remember, Sir, in the Telcos we are already having arbitration. My fear is we may not enter into an agreement which again goes to arbitration.

Mr. Speaker: All that the hon. Member wants is that no agreement shall be entered into in an inchoate manner and later on fix the price. The price must be fixed first.

The Minister of Railways (Shri Jagjivan Ram): I may inform the House that we have grown wiser by the Telco agreement; and we are not likely to commit that mistake again.

Shri C. E. Pattabhi Raman: May I know the exact position regarding metre gauge locomotives?

Shri Shahnawaz Khan: I said the Telcos would be charged with the manufacture of 50 metre gauge engines.

Shri Jagjivan Ram: I may clarify further. Though we have scrutinised the offers of these three firms, no firm order has yet been placed with the firms. That is still under consideration.

Mr. Speaker: Will that be done only after the prices are fixed?

Shri Jagjivan Ram: All these details have to be worked out before a firm order is placed.

Shri Goray: May I know whether the Telcos have offered engines at the price of Rs. 7,50,000 each and the other two factories at Rs. 12 lakhs and Rs. 15 lakhs?

Shri Jagjivan Ram: It is not comparable. I am not talking of the present engines that Telcos are producing. The Telcos are prepared to take the manufacture of metre gauge engines whereas the other two firms are to be given broad gauge. So, the prices are not to be compared.

Shri Goray: I am not saying that they should be compared. I want to know whether these figures are correct because these have appeared in the Press. I want to draw your attention to this that while we are being given this information now, all has appeared in the Press a long time ago and the details have come.

Shri Jagjivan Ram: That we cannot help when we have to negotiate with so many firms. As I have said offers have been scrutinised; it has been discussed with them. But the final decision of placing orders on them—firm orders have not yet been formally placed—is still under the consideration of Government.

Raja Mahendra Pratap: Has the Government any proposals to utilise the technical institutions in India to manufacture parts of Diesel engines and engines in general? We have a technical institute at Brindaban and we can manufacture many of the parts. The energy of our students is wasted because they make only such things which are never used.

Shri Jagjivan Ram: Perhaps, the House is aware that the railways do not manufacture all their requirements themselves. We have a cell in the various railway administrations to advise the indigenous manufacturers and to see if the items which the railways are importing can be produced indigenously. So, the hon. Member may approach the railway concerned and he will be advised of the items that can be taken up by his institution.

Shri D. C. Sharma: What are the total requirements of electric locomotives upto the end of the Second Five Year Plan? Will these people be able to manufacture the required number?

Shri Shahnawaz Khan: I shall require a separate notice.

Shri Damani: May I know the number of locomotives for which a provisional order has been placed and the price they have asked for them? How do they compare with our imported prices?

Mr. Speaker: All that has been answered.

Shri Shahnawaz Khan: The hon. Minister has just now clarified that we have not yet placed any firm orders. These are our intentions. I would also like to add that the Telcos originally offered to manufacture the vehicle portion as well as the diesel engine portion in collaboration with two different firms from Germany—Krauss Maffei for the vehicle portion and Daimler Benz for the engine

portion. They have withdrawn their offer regarding the engine portion.

Shri Hem Barna: On a previous occasion it was said that Telco, Texmaco and National Engineering Industries have secured foreign collaboration? May I know what is the percentage of this foreign collaboration and what are the foreign countries that are involved in this deal?

Shri Shahnawaz Khan: The foreign exchange involved in the beginning would be something like 80 per cent. but gradually it will be brought down to 20 per cent. by the end of the Plan period. The countries concerned are Germany, America (Alco's) and Holland. There is one firm from Austria and another firm Davie Paxman of the United Kingdom.

Shri Goray: I would like to know whether Chittaranjan has made a success and if so why is it that all the three types of engines have been entrusted to the private sector and not to be public sector?

Shri Jagjivan Ram: Perhaps, on a former occasion I informed the House that the idea was to undertake the manufacture of electric loco-motives in Chittaranjan so that Chittaranjan will have the steam locomotives and electric locomotives and to give the diesel to the private sector where the diesel engines can be utilised for purposes other than the railways also. That was the main reason for that.

Saw Mill in Andaman Islands

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*543. { **Shri S. C. Samanta:**
Shri Subodh Hansda:
Pandit D. N. Tiwary:
Shri A. K. Gopalan:
Shri Vasudevan Nair:
Shri Amjad Ali:

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

(a) whether there is any proposal to close down the Circular Saw Mill in the Andaman Islands;

(b) if so, how many persons are likely to be rendered unemployed thereby;

(c) what steps are being taken to avert the loss that was incurred; and

(d) whether it is a fact that there is no market for Andaman teak in the world?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir, in due course.

(b) Nil.

(c) There is no loss involved.

(d) No. Andaman teak has not been put in the market as yet.

Shri S. C. Samanta: May I know whether it is a fact that unsold timber is deteriorating at Chatam mill under the Sun and rain as there is no overhead protection?

Dr. P. S. Deshmukh: There are a number of problems connected with the exploitation of timber from Andamans and what my hon. friend has stated may be a fact. There is the difficulty of transport, of finding proper people and so on. I propose to place a note on the Table of the House a little later because many hon. Members are concerned about what we are doing in the Andamans and I want to give exhaustive information about it.

Shri S. C. Samanta: May I know who is the technical head of this saw mill and also whether he is a technically qualified man?

Dr. P. S. Deshmukh: I am afraid I will have to ask for notice.

Shri Amjad Ali: May I know whether the transport bottleneck is the only impediment for finding out the market for the Andaman teak?

Dr. P. S. Deshmukh: Coupled with some other handicaps, this is one of the main handicaps.

श्री रघुनाथ सिंह: अभी माननीय मंत्री ने कहा कि अंडमान द्वीप से टीक बाजार को नहीं दी गई है। क्या इस बात को देखा गया है कि अंडमान की टीक बाजार के लायक है या नहीं?

डा० पं० शा० बेशमूख: अंडमान में टीक ज्यादा होता नहीं है और अभी कुछ साल हुए कि हम ने वहाँ पर टीक उगाना शुरू किया। यह न्यू प्लान्टेशन है। उस को ठीक ठीक बनने के लिए सत्तर या अस्सी साल लगते हैं। यही कारण है कि हम ने अभी बाजार में बेचना शुरू नहीं किया।

सेठ गोविन्द दास: अंडमान में जो जंगल है, उस में क्या पुराना सागवान बिल्कुल नहीं है, और अगर है, तो जब तक कि नए दरखत तैयार नहीं हो जाते हैं तब तक उन का क्या उपयोग हो सकता है, इस सम्बन्ध में कोई प्रयोग करने का विचार किया गया है वा नहीं?

डा० पं० शा० बेशमूख: फ़िलहाल वहाँ टीक है नहीं। जो हम ने नया लगाया है, वही है। पुराना नहीं है।

Shri S. C. Samanta: With reference to Part A of my question, the hon. Minister has said that in course of time it may be closed down. May I know whether the relevant information for the loss of the mill will be placed on the Table of the House?

Dr. P. S. Deshmukh: As I said, the mill is not actually working since 1957. Therefore, no question of loss arises. We have not completely dismantled this mill because occasionally, when there is a crisis or when there is more demand and so on, one mill cannot cope with the work and then we may be able to utilise it. Since the mill is closed, no question of loss arises. It is obsolete and out of date and uneconomic to work it. But it may become economical and possible to use it only when the mill which is work-

ing properly is not in a position to meet the demand.

Shri Thirumala Rao: I wanted an explanation about the no-loss-no-profit. What is the amount of outlay on this mill so far and what is the amount realised by the working of this mill?

Dr. P. S. Deshmukh: I would require notice for this. This is a very old saw mill. It is obsolete and not very useful.

Shri Kamal Singh: There are many varieties of very ornamental timber in the Andaman islands. May I know why steps are not being taken to popularise the use of this timber in the Indian markets?

Dr. P. S. Deshmukh: I think we have taken steps—may not be very satisfactory—to popularise this timber.

Shri S. C. Samanta: Is there no staff for maintaining this mill?

Dr. P. S. Deshmukh: No, Sir. Since this is closed, there is no staff for maintenance.

Dry Freeze B.C.G. Vaccine

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

Will the Minister of Health be pleased to state:

(a) whether there is any proposal to manufacture dry freeze B.C.G. Vaccine in our country;

(b) if so, the steps taken in this regard; and

(c) when it is expected to start its manufacture?

The Minister of Health (Shri Karmarkar): (a) Yes.

(b) The required information is given in the statement below.

(c) The manufacture of Dry Freeze B.C.G. Vaccine is expected to be started by the middle of 1960.

STATEMENT

(i) The primary drying unit for the manufacture of Dry Freeze B.C.G. Vaccine has been purchased and installed at the B.C.G. Vaccine Laboratory, Guindy, Madras.

(ii) The Secondary Drying Unit has also been received.

(iii) The hard glass ampoules for filling dry freeze B.C.G. Vaccine are being procured from Japan.

Shri S. C. Samanta: May I know the amount of vaccine that it at present imported for internal consumption?

Shri Karmarkar: I speak subject to correction but I am not aware of any vaccine being imported for internal consumption. The idea of the dry freeze is that it enables it to maintain its potency for a longer time and it can be used in the far interior areas. The vaccine is being manufactured at Guindy and I think we export some vaccine.

Shri S. C. Samanta: May I know whether the estimated amount of Rs. 3 lakhs is going to be spent within a specified period?

Shri Karmarkar: I have no information on the subject but the expenditure that has already been incurred in the purchase and installation of a primary drying unit is Rs. 1,35,400.

Shri Hem Barua: May I know whether this dry freeze B.C.G. vaccine is expected to counteract the unnatural action of the type that was discovered in case of five students at Daltanganj?

Shri Karmarkar: No, Sir. As I said earlier, the dry freeze vaccine can retain its potency for a long time. The present liquid vaccine cannot last for a long time. If vaccination has to take place in the interior areas it can

only be done through the use of dry freeze vaccine because it can retain its potency for a longer time. That is the purpose of manufacturing this dry freeze vaccine. It has nothing to do with toxic results or anything of that sort; any vaccine can become toxic.

Nationalisation of Sugar Industry

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 *550. { Shri Harish Chandra Mathur:
 Shri S. M. Banerjee:
 Shri Panigrahi:

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

(a) whether Government have considered the necessity and propriety of Nationalising Sugar Industry;

(b) whether Government of U.P. is taking any steps in that direction; and

(c) if so, whether it is with the concurrence of the Central Government?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Government do not consider it necessary or desirable to nationalise the sugar industry. Which industries should be in the public sector and which should be left for private enterprise was examined carefully in framing the Industrial Policy Resolution of 1956, according to which the sugar industry should be left to the private sector.

(b) The control of sugar industry vests in the Central Government under the Industries (Development and Regulation) Act, 1951. The Government of India are not aware that the Uttar Pradesh Government are considering any proposal for the nationalisation of the sugar industry. All that appears to have happened is that at the suggestion of one member it was agreed at a meeting of the Uttar Pradesh Planning Board that the question might be examined by a committee. The committee has however not yet been appointed.

(c) Does not arise.

Shri Harish Chandra Mathur: May I take it that the State Governments are not independent to take any action in this direction without the concurrence of the Central Government and that such a committee will serve no purpose if at all it is to be appointed?

Shri A. M. Thomas: No, Sir; as I have already said in my main answer, the control of sugar industry vests with the Central Government under the enactment of 1951, and according to the Industrial Policy Resolution of 1956 also the Central Government has certainly to be consulted.

Shri Harish Chandra Mathur: In view of the hon. Minister's conclusions that the scarcity in sugar market was only an artificial one created by the trade and manufacturing side, may I know what steps they propose to take for equitable distribution and to avoid such artificial scarcities being created?

The Minister of Food and Agriculture (Shri S. K. Patil): It is not exactly true that there was no shortage. There was a slight shortage; we have said it from time to time. But, so far as the distribution of sugar is concerned, it is entirely the responsibility of the States; they can do it in the best manner they can.

Shri Joachim Alva: May I know why Government did not, in the first instance, take over control of export of sugar merely by handing it over to the State Trading Corporation? That would have removed some of the evils of black-marketing.

Shri A. M. Thomas: As I have already stated on several occasions in this House, we do not intend to export any further quantity of sugar. Whatever we have exported has been done under the direction of the Central Government and it was entrusted with the export agency, namely, the Indian Sugar Mills Association. In the first place, the State Trading Corporation was not prepared to undertake this task.

श्री अजित सिंह : चीनी के दाम जो दिन-प्रति दिन बढ़ रहे हैं, उनको रोकने के लिए क्या कदम उठाए जा रहे हैं ?

श्री स० का० पाटिल : मैं समझता हूँ कि चीनी के दाम ज्यादा नहीं बढ़ेंगे। चीनी का उत्पादन फंड्रिज वगैरह में शुरू हो गया है और मैं समझता हूँ कि वह चीज नहीं रहेगी।

Sardar Iqbal Singh: May I know whether the Government has considered, if it cannot nationalise this already established sugar industry, the question of giving future licences only to co-operative factories?

Shri S. K. Patil: No. Of course, the policy decision, as my hon. colleague has explained it, has been taken; but nothing is final in this world, and if at any time it becomes necessary to revise that decision surely it can be done. But, for the time being that is the policy of the Government of India.

श्री रघुनाथ सिंह : माननीय मंत्री जी ने कहा कि है कि शूगर बांटने का काम स्टेट गवर्नमेंट्स का है। लेकिन जब हम लोग अपनी कंटीयुंसीज में जाते हैं तो वहाँ हमारे लोग हम से कहते हैं और हम को दोष देते हैं कि जब गवर्नमेंट शूगर देता है, तो इसका डिस्ट्रिब्यूशन ठीक क्यों नहीं होता है। मैं जानना चाहता हूँ कि इस समस्या को हल करने का क्या उपाय सोचा जा रहा है? We also want votes.

श्री स० का० पाटिल : गैम्बर्स का भी यह काम है और उनकी यह जिम्मेवारी है कि वे अपने कॉन्स्ट्रुक्शंस को कॉन्स्टीट्यूशन प्रच्छेदित तरह से समझाएँ और सारी चीजें बतलायें।

Shri Braj Raj Singh: The hon. Minister stated that the proposal for the nationalisation of the industry has not at all been considered due to the policy decision taken earlier. May I know whether the Government has any plan to enact a law by which these sugar factories may be given

over to the co-operatives of the cane growers if the co-operatives of the cane growers so desire?

Shri A. M. Thomas: It is well known that the expansion of the industry is now sought to be done mainly through the co-operative sector by the co-operatives formed by the sugarcane growers, and a major portion of the capital will be provided by the Central Government and the State Government.

Shri Braj Raj Singh: My question was about the existing sugar factories.

Mr. Speaker: He wants to know, so far as the existing factories are concerned, even if they are not to be nationalised, whether there is any proposal for their being given over to co-operatives of sugarcane growers.

Shri A. M. Thomas: If it can be done voluntarily as has been done in the case of one factory in Andhra Pradesh, we have no objection, but the Government has no intention to convert the existing undertakings into co-operative sugar factories.

Shri S. M. Banerjee: The hon. Minister said, in view of the Industrial Policy enunciated by the Government of India in 1956 there is no question of nationalising the sugar industry. May I know whether in view of the fact that we require large resources for the Third Five Year Plan the Government will reconsider this decision and nationalise the sugar industry whereby it can get fabulous profits through distribution?

Shri S. K. Patil: Government do not think that it will add to the resources of the Plan.

Some hon. Members rose—

Mr. Speaker: Order, order. We are going too far away from the scope of the Question Hour. Matters of policy ought not to be discussed here. It is unfortunate that I allowed such questions.

Mr. Speaker: He wants to know the difference between the two.

Shri A. M. Thomas: The price fixed for the purchase of 3½ lakh tons was £ 33 and for this one it is £ 32 per ton.

Shrimati Ila Palchoudhuri: May I know how much of this rice would be arranged to be carried by Indian ships and how much would be the freight involved in carrying 1,50,000 tons in 1959 and 3,50,000 tons in 1960?

Shri A. M. Thomas: I cannot give the break-up at present. Our attempt is always to use Indian ships as far as possible, but that is not possible on all occasions.

Shri Tyagi: Taking into account the rates at which we purchase rice from other countries, countries other than Burma, may I know how much is the loss that we incur every year in our deal with Burma?

Shri A. M. Thomas: We are not purchasing any rice from any other country now, except that we are going to have another 1,50,000 tons from America under P.L. 480.

Shri Tyagi: My enquiry was about the loss that we incur in this deal because the price we pay to Burma is exceptionally high. I want to know the difference between the average price and the price that we pay to Burma.

Shri A. M. Thomas: The rice which we import from Burma is sold through fair-price shops at the rate of Rs. 16 a maund.

Shri Tyagi: I am not talking about the selling price, I am talking about the price at which we buy.

With regard to buying, the landed cost will be about Rs. 18 to Rs. 19 per maund.

Mr. Speaker: That is not what he wants. In view of the other rice-growing areas in the world, the hon. Member wants to know the price at

which the quantity of rice is purchased.

Shri S. K. Patil: In the first place, it is not possible to buy rice anywhere and everywhere. So far as the figures are concerned, in respect of the difference in price between the American rice that we take and the Egyptian rice—apart from the possibility of taking rice from Egypt or anywhere—we shall give the information later. We have not got just now the difference in price.

श्रीमती सहोदरा बाई : मैं खाद्य मंत्री जी से यह पूछना चाहती हूँ कि बर्मा से जो चावल आता है वह मध्य प्रदेश को दिया जाता है या नहीं।

अध्यक्ष महोदय : यह अलग बात है।

श्री स० का० पाटिल : मध्य प्रदेश में इतना चावल है कि बर्मा के चावल को मध्य प्रदेश को देने की जरूरत नहीं है।

श्रीमती सहोदरा बाई : मध्य प्रदेश में चावल इतना मंहगा है कि अब भी लोगों को आसानी से नहीं मिलता है और आप कहते हैं कि सस्ता है।

Shri Ajit Singh Sarhad: While considering the desirability of having a long term agreement about the import of rice—over and above 350,000 tons for long period for what period do the Government envisage for dependence on rice from Burma instead of having self-sufficiency?

Shri S. K. Patil: India is not the only market for Burma. Burma sells rice to half a dozen countries, and therefore, they always weigh what is beneficial for them. Of course, it is our desire that some long term agreement should be arrived at. We have made such a request. That is being considered. We shall do our best to see that a long term agreement is made.

Shri Ajit Singh Sarhad: What period does the Government envisage for our

country becoming self-sufficient in this matter?

Shri S. K. Patil: That is also another consideration. But when we talk of a longer period, it is not longer than five years.

Shri Hem Barua: May I know whether it is a fact that another five year agreement between the two countries is being signed and, if so, whether the terms and conditions are the same as are obtaining in the five year agreement that is still under operation? Further, in regard to the purchase of 150,000 tons, may I know whether it is going to be in Indian currency or whether any foreign exchange is involved? At the same time, may I know whether Burma is going to make purchases of commodities from this country in view of this rice deal?

Shri A. M. Thomas: With regard to the second agreement my senior colleague has already answered. It is only under consideration. It is only at the proposal stage. With regard to the incurring of foreign exchange in connection with the supplementary agreement entered into for the import of one lakh odd tons, the idea is that we will not incur any additional foreign exchange. We will take into account the average of imports of Burma from India. If anything is done in addition, it is for that that we purchase rice.

Shri Hem Barua: Is it in Indian currency?

Shri A. M. Thomas: It would be in Indian currency in the sense that we will be paying in our own goods.

ब्रिटीश सड़क पर विश्वास-गृह

*५५२. श्री भक्त बर्शन : क्या परिवहन तथा संचार मंत्री १७ दिसम्बर, १९५८ के प्रस्तावित प्रश्न संख्या १७७२ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) ब्रिटीश व केदारनाथ को जाने

वाली सड़क पर विश्वास-गृह बनाने के कार्य में इस बीच क्या प्रगति हुई है;

(ख) इस कार्य के लिये अब तक भारत सरकार उत्तर प्रदेश सरकार को कितना अनुदान दे चुकी है;

(ग) इस कार्यक्रम के अन्तर्गत अब कितना कार्य शेष है; और

(घ) उसे पूरा करने के लिये क्या कदम उठाये जा रहे हैं?

परिवहन तथा संचार मंत्रालय में राज्य-मंत्री (श्री राज बहादुर) : (क) से (घ) . इस संबंध में सभा पटल पर एक विवरण रख दिया गया है। [रेसिए परिशिष्ट २, अनुबन्ध संख्या ५१]

श्री भक्त बर्शन : इस विवरण को देखने से पता चलता है कि सन् १९५७-५८ में १ लाख ४० उत्तर प्रदेश सरकार को दिये गये और सन् १९५८-५९ में केवल ३० हजार ५०० ४० रु. दिये गये। मैं जानना चाहता हूँ कि जिस धीमी चाल से काम हो रहा है उससे क्या दूसरी पंचवर्षीय योजना में यह काम समाप्त हो सकेगा?

श्री राज बहादुर : इस विवरण में यह संकेत कर दिया गया है कि जिन कामों का हवाला इस विवरण में दिया गया है वह इसी वित्तीय वर्ष में समाप्त हो जायेंगे। जो जो सुझाव वहाँ से आते हैं या स्कीम्स आती हैं, उनके अनुसार हम रुपया मंजूर करते हैं।

Shrimati Ila Palchoudhuri: It is said in the statement that the cabins have not been built because the workers do not have proper accommodation and food. Will the department of tourism see to it that the workers do have accommodation and food so that these log cabins can be built?

Shri Raj Bahadur: Many of these log cabins are proposed to be situated at places which are snow-bound for a number of months during the year. At those places it is not possible for

us to provide the necessary accommodation at that time, and that is why it has been stated in the statement that certain facilities and amenities necessary for the workers are not possible to be provided there.

सेठ गोविन्द दास : क्या मंत्री जी इस बात को जानते हैं कि उत्तरा खंड की यात्रा में जाने वाले वहाँ पर चार जगहों को जाते हैं : एक यमनोत्री, दूसरे गंगोत्री, तीसरे बद्रीनाथ और चौथे केदारनाथ, और चारों जगह ठहरने की व्यवस्था इतनी खराब है कि आज के समय में वहाँ पशु भी नहीं ठहर सकते ? ऐसी हालत में वहाँ पर जो काली कमली वालों का प्रबन्ध है और जो उनकी धर्मशालाएँ हैं, उन धर्मशालाओं को ठीक करने के लिये मैंने एक पत्र भी उत्तर प्रदेश की सरकार को और माननीय मंत्री जी को लिखा था कि वह भी एक पब्लिक ट्रस्ट है, क्या उसको इस तरह का अनुदान दिया जा सकता है ताकि थोड़े से में वह चोंचें ठीक हो सकें। क्या इस पर सरकार ने विचार किया है ?

श्री राज बहादुर : अतीत से ही यहाँ चारों तीर्थ स्थानों के असंख्य यात्रियों द्वारा सेवा होती रही है। वे वहाँ पहुँचते हैं। लेकिन जो मुझाव मन्त्रीय सदस्य ने दिया है कि जो काली कमली वाले बाबा की धर्मशालाएँ हैं उन को कोई सहायता दी जाये, ऐसा कोई मुझाव हमारे विभाग के पास आया हो, ऐसा मुझे स्मरण नहीं। अगर आया होगा तो अक्षय उस पर विचार किया जायेगा।

श्री पद्म बेब : चूंकि यह धार्मिक स्थान है जहाँ प्रायः यात्री लोग जाते हैं, सरकार की तरफ से जो रैस्ट हाउसेज की योजना है वह केवल बड़े लोगों के लिये है या और व्यक्तियों के लिये भी है ? क्या वहाँ ऐसा कोई प्रबन्ध है कि रात में वे लोग वहाँ पर ठहर सकें ?

श्री राज बहादुर : यह प्रश्न तो जो चिट्ठियाँ या लाग केबिन्स कहलाती हैं उनकी

व्यवस्था के सम्बन्ध में उठाया गया था। इन के प्रतिरिक्त विशेष स्थानों पर कुछ रैस्ट हाउसेज बनाये जाने हैं। मैं समझता हूँ कि वह सब के लिये हैं। लेकिन साधारण लोगों के लिये, जो कि रैस्ट हाउसेज में नहीं ठहरते हैं, चिट्ठियाँ अर्थात् लाग केबिन्स में ठहरने की व्यवस्था है।

श्रीमती सहोदरा बाई : बद्रीनारायण के रास्ते में या गंगोत्री के रास्ते में सरकार की तरफ से यात्रियों के लिये कोई धर्मशाला बनवाई गई है या नहीं ?

श्री राज बहादुर : यह जो लाग केबिन्स या चिट्ठियाँ हैं जिनको बनाने के लिए सहायता दी जा रही है सात स्थानों में बन चुकी है और छः स्थानों में इस वित्तीय वर्ष के अन्त तक बन जायेंगे। यह गवर्नमेंट की ओर से या गवर्नमेंट की ओर से मिली सहायता के द्वारा ही बन रहा है।

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूँ कि उत्तर प्रदेश की सरकार का इस सहायता में क्या हिस्सा था। साथ ही मैं यह भी जानना चाहता हूँ कि पिछले साल से पहले १ लाख रु० उसका दिया गया सेटर की तरफ से और पिछले साल सिर्फ ३० हजार रुपया उसे दिया गया, यानी कम कर दिया गया, तो इस का कारण क्या है। सरकार इस बात को जानती है कि ३० हजार रु० में एक धर्मशाला भी नहीं तैयार हो सकती।

श्री राज बहादुर : मैंने अभी निवेदन किया और फिर निवेदन कर दूँ कि यह लकड़ी की बनाई जा रही है और लकड़ा की ही बनाई जाती है तथा लाग केबिन्स के नाम से बोली जाती हैं जिनका हवाला विवरण में दिया गया है। इसके लिये १ लाख ६० सत् १६५७-५८ के लिये दिया गया था और ३० हजार रु० पिछले साल दिया गया था। मैं समझता हूँ कि जो भी प्रस्ताव वहाँ से आये हैं उनके बनाने के सम्बन्ध में, हमने उनको स्वीकार किया है और मैं सदन की जानकारी के लिये इतना और निवेदन कर दूँ कि जहाँ सारे पर्यटन विभाग के लिये

द्वितीय षष्ठवर्षीय योजना के लिये २ करोड़ के ऐलोकेशन को घटा कर १ करोड़ १० लाख कर दिया गया है वहाँ हमने इस १० लाख रु० में जो कि इस काम के लिये रक्खा गया था जरा भी कमी नहीं की है।

Shri C. B. Pattabhi Raman: Considering the number of pilgrims coming to these parts from all over India, are attempts being made to have at least more dharmasalas on the way to Badri, Kedar and Gangotri?

Shri Raj Bahadur: I did not catch the question.

Mr. Speaker: Are attempts being made to have more dharmasalas, etc?

Shri Raj Bahadur: Exactly.

Shri Thirumala Rao: Has the Minister visited Bardinath once at least?

Shri Raj Bahadur: I have visited Badrinath once. Apart from that, keeping in view the large number of people coming from all parts of the country to Badrinath for *yatra*, we have provided log cabins. There is provision for the construction of rest houses also in the Kailas-Manasarowar route, at Darachula, Khela, Sirka, Jipti, Malpa, Garbyang, Gunji and Kala Pani, etc. There is provision of Rs. 2.72 lakhs in Part I of the Plan for the construction of rest houses at these places.

सेठ गोविन्द दास : क्या सरकार यह जानती है कि जहाँ तक यमनोतरी और गंगोत्री के रास्ते का सम्बन्ध है, वहाँ ठहरने के स्थानों के सिवा सड़कों भी बहुत खराब हैं। केवल डेढ़ डेढ़ दो दो फुट की चौड़ी सड़कें हैं, जिनके एक ओर ऊँचे पहाड़ हैं और दूसरे ओर नीचे खन्दक। मैं जानना चाहता हूँ कि क्या सरकार ने उत्तर प्रदेश की सरकार से इस सम्बन्ध में बात करके कोई योजना बनायी है ताकि ठहरने के स्थानों में और सड़कों का ठीक प्रबन्ध हो सके ?

Shri Raj Bahadur: Confronted with these complaints, I and another U.P. Minister undertook the trip and tried to attend to these complaints. We have already made a grant of about Rs. 35 lakhs for the improvement of certain Sections of the road to Badrinath. We have made another grant now of about Rs. 8 lakhs for the further improvement of certain other sections which happen to be very dangerous and difficult portions on the route. I think many of the difficult precipices and bunds of the route will be improved and the gradient of the road will also be improved.

सेठ गोविन्द दास. क्या गंगोत्री और यमनोतरी के सम्बन्ध में कुछ न होगा ?

Shri Raj Bahadur: I think so far as Gangotri and Yamunotri are concerned, we have not done much about that particular route. It is more difficult than the Badrinath route. I have not seen that.

श्री मा० ला० वर्मा : क्या ठहरने के स्थानों के अलावा भोजनालयों का भी कोई इन्तिजाम किया जा रहा है ?

श्री राज बहादुर : भोजन की व्यवस्था तो दुकानदार करते हैं।

सेठ गोविन्द दास : बहुत महंगा बेचते हैं।

श्री राज बहादुर : जी हां, महंगा भी बेचते हैं और खराब भी, इस सम्बन्ध में मैंने उत्तर प्रदेश के मुख्य मन्त्री को अपनी रिपोर्ट भी दी है और कुछ सुझाव भी दिये हैं, और उन्होंने उत्तर दिया है कि वे हर एक बात पर अलग अलग ध्यान देंगे हैं। और मैं आशा करता हूँ कि वह इस बारे में शीघ्र व्यवस्था कर सकेंगे।

श्री भक्त वरदान : माननीय मन्त्री जी ने बतलाया कि उन्होंने विश्राम गृहों के लिये दस लाख रुपये की धनराशि रखी है। मैं जानना चाहता हूँ कि क्या उनको विश्वास है कि उत्तर प्रदेश की सरकार इस सारी धनराशि का ठीक उपयोग कर सकेंगी और सारा कार्य समय के अन्दर करवा सकेंगी ? और

क्या तीसरी पंचवर्षीय योजना में इस काम के लिये भी बड़ी बताराशि रखने पर विचार किया जा रहा है ?

श्री राज बहादुर : जहां तक हमारी चिन्ता का सम्बन्ध है वह इससे प्रकट है कि हमने इस अनुदान में कोई कमी नहीं की है। इसके अतिरिक्त जो भी सुझाव उत्तर प्रदेश सरकार की ओर से आते हैं हम उनको मंजूर कर रहे हैं। लेकिन इस सम्बन्ध में माननीय सदस्य को यह भी ध्यान रखना चाहिये कि इन स्थानों में साल में केवल ६ महीने ही काम हो सकता है और ६ महीने बर्फ और पानी के कारण काम नहीं हो सकता।

Shri Kamal Singh: Apart from the shortage of rest house accommodation on the route to Badrinath, is the hon. Minister aware that there is really a shortage of rest house accommodation in Badrinath itself and whether any steps have been taken to relieve that shortage?

Shri Raj Bahadur: We are very well aware that there is very acute shortage of rest houses. We are also aware that a large number of educated people go there, not only for pilgrimage but also for sight-seeing. Tourists go there for seeing the Himalayas and so on. That is why we are anxious to expedite the expansion and improvement of rest house accommodation on these routes as quickly as possible.

Mr. Speaker: He wants to know about Badrinath itself.

Shri Raj Bahadur: So far as the routes are concerned, the rest house accommodation is very insufficient and we are trying our best in collaboration with the U.P. Government to improve things. So far as Badrinath itself is concerned, the Badrinath town is administered by the Badrinath Temple Trust and the secretary looks after everything. The U.P. Government are very well aware of the conditions there and they will try to im-

prove it; essentially it lies within their jurisdiction.

Export of Locomotives, Wagons and Coaches

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*553. { Shri Ajit Singh Sarhadi:
Shrimati Parvathi Krishnan:
Shri Nagi Reddy:
Shri Warior:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 518 on the 17th August, 1959 and state:

(a) whether any avenue of export of locomotives, wagons and coaches has since been found to earn foreign exchange; and

(b) if so, where and to what extent?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Not so far.

(b) Does not arise.

Shri Ajit Singh Sarhadi: May I know what specific steps have been taken to find avenues of export?

Shri Shahnawaz Khan: We addressed a questionnaire to all our missions abroad. Also, a delegation of railway officers visited various countries in South-East Asia and they also tried to assess various avenues of export. But so far we have not been successful, although certain enquiries have been made by Thailand and Burma.

Shri Nagi Reddy: May I know whether any estimate has been made about the number of locomotives, wagons and coaches that will be available for export?

The Minister of Railways (Shri Jagjivan Ram): It is not a question of estimates being made. We have surplus of metre-gauge wagons and locomotives. If we can find markets, we are in a position to manufacture more and supply them to those markets.

Shri Bimal Ghose: May I know whether the difficulties are in regard to price or quality or both?

Shri Jagjivan Ram: There is no question of difficulty about prices, quality or both. Enquiries have been made and we have replied to those enquiries. As regards quality, we know that our locomotives are second to none. Regarding price, it will create additional employment opportunity in the country. So, I think there should be no difficulty about the price factor.

Shri Harish Chandra Mathur: Is the hon. Minister aware that even in the country, certain pressing demands for fresh train services have been refused due to lack of locomotives and coaches?

Shri Jagjivan Ram: Yes; it is a fact that we have shortage of coaches. But here we are talking about wagons and locomotives. We have a very acute shortage of coaches at present. Even if locomotives are available, if coaches are not available, new train services cannot be run.

Shri Hem Barua: On a previous occasion, it was said that possibilities of export are being explored with the Ministry of Commerce and Industry. May I know what has happened to that?

Shri Shahnawaz Khan: The position is the same. We continue to explore all possible avenues.

Shri Damani: May I know whether any country has approached us for importing our wagons and locomotives?

Shri Shahnawaz Khan: I am afraid the hon. Member has not listened to my previous reply attentively. I said, Burma and Thailand had made enquiries.

Rail Concession for Members of State Legislatures

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

(a) whether any and if so, which of the States have so far decided upon or have under consideration any proposal to bear expenses of railway fares for the journey of the Members of Legislatures undertaken to familiarise themselves with various nation-building schemes in different parts of the country;

(b) whether such States have urged upon the Central Government to grant some concessions for such journeys performed by the Legislators;

(c) if so, the nature of concessions sought; and

(d) the decision of Government in this regard?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). No request has been received from any State Govt. regarding rail concession for their Legislators to visit various national projects. It is also not known whether the State Govts. have under contemplation any such proposal. A request for rail concession to a party of Legislators of Bombay State was, however, received from one of the legislators on behalf of himself and some of his colleagues.

(c) Return journey tickets on payment of single journey fares.

(d) It was decided to allow the members of all State Legislatures to travel in I, II or III class on payment of 3-4th of the normal Tariff fare, when they travel in parties of not less than 20, for visiting places of national importance, subject to the condition that the concession is availed of by a State Legislator only once in a year.

Shri Shree Narayan Das: May I know whether the Government are aware that the West Bengal Legislative Assembly has passed a resolution to this effect and whether if any

approach is made on behalf of the State Government, Government would be in a position to consider it?

Shri Shah Nawaz Khan: U.P. and West Bengal State Governments have asked the Railway Ministry to provide free travel facilities to the legislators in their provinces, as is being done for the M.P.s. We have explained the position that it is not the Railway Ministry that does that, because we recover in full the amount from the Parliament Secretariat. We have suggested to the State Governments a certain method of coupons, whereby they can issue coupon-books and they can use the coupons, so that the Railway Ministry may be in a position to recover the fare from the State Governments. If they are agreeable to this, I am sure there will be no difficulty from our side.

Shri Shree Narayan Das: Since the Lok Sabha Secretariat has to pay a certain amount for the journeys by Members of Parliament, what is the formula that has been evolved? Or, is any effort being made to evolve a formula to calculate the amount that should be charged for travel by Members of Parliament?

Mr. Speaker: He said, the full amount is recovered from the Parliament Secretariat.

Shri Shree Narayan Das: It is not certain that the journeys performed by Members of Parliament are recorded. The vouchers given to Members of Parliament will have to be submitted to the clerk in charge at the gate, but they are not submitted. I want to know the present basis and whether any formula is evolved to ascertain the amount to be taken from the Lok Sabha Secretariat.

The Minister of Railways (Shri Jagjivan Ram): That is exactly the point why Governments of U.P. and West Bengal have approached the Railway Ministry that free travel facilities on the lines given to Members of Parliament may be provided to the members of the State Legislatures. We

have suggested to them that it becomes very embarrassing for the railway staff when an hon. Member of this House does not himself give the coupon. In the case of State Legislatures also, if the members do not give the coupons, the railway will lose revenue, as we are doing here in some cases, because there is no formula on the basis of which the amount is realised from the Lok Sabha Secretariat. My estimate is that we are losing some amount on this score. So, we have suggested to the State Governments that it will be desirable if the members of the State Legislatures are given coupons. When at a particular station they produce that coupon they will be given the ticket to the destination, and the amount will be collected on the basis of this coupon from the State Government concerned.

Mr. Speaker: I would only suggest that for one year the hon. Railway Minister may direct all his officials to strictly watch and then get coupons. If they do not give the coupons, they must be charged twice per year. And if that is done, the same amount, the average, may be recovered for four years. Later on that will be convenient.

Shri Jagjivan Ram: I am grateful to you for that suggestion, because it becomes a very delicate point.....

Mr. Speaker: For one year I am prepared to issue bulletin after bulletin to hon. Members that they ought not to fall foul on the railway staff or the executive staff. It is their fault if they do not give it. Insist on it for a year, and the other years we will proceed on the basis of a lumpsum.

Shri Sonavane: May I know whether the State Government have replied to the suggestion made by the Railway Ministry?

Shri Jagjivan Ram: The matter is under examination by the Railway Ministry and the Governments of Uttar Pradesh and West Bengal.

Shri S. C. Balakrishnan: May I know whether the coupon book given to the State Legislature members is only for the areas within the State concerned or for the whole of India?

Shri Jagjivan Ram: The suggestion from the State Government is for areas within the jurisdiction of the State concerned.

Shri Bimal Ghose: The West Bengal Government have given certain coupons to the members of their Legislature. Who will bear the cost? Will it be the West Bengal Government or the Railways?

Shri Jagjivan Ram: We do not bear any part of the cost in the cases of the Members of the Lok Sabha or the Rajya Sabha, and we are not called upon to bear any part of the cost in the case of the Members of the State Legislature.

Shri Bimal Ghose: The Deputy Minister has stated that certain assistance will be given.

Shri Jagjivan Ram: When the Legislators, in a batch of 20 visit some places of national importance or new projects, once a year, certain concession will be given.

श्री प्रम देव : जिन स्टेट्स में ट्रांसपोर्ट नेशनलाइज्ड है, क्या वहां पर भी इस माननीय सदन के सदस्यों को फ्री चलने की कोई व्यवस्था है ?

श्री जगजीवन राम : यह सवाल तो प्रापर क्वार्टर को पुट करना चाहिये, हम को नहीं ।

Shri Surendranath Dwivedy: The hon. Deputy Minister said that if a group of Members of the State Legislature visit some places, some concession will be given. Can the number be reduced to five, or the scheme extended to individual members of the State Assembly?

Shri Shah Nawaz Khan: No. Now the minimum number is 20. There is no intention of reducing that number.

Mr. Speaker: I am afraid then hon. Members will take only their family members.

Anti-Sea Erosion Work in Kerala

*555. **Shri Kodiyam:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the anti-sea erosion work in Kerala has been stopped due to lack of funds; and

(b) if so, what action has been taken by the Government to continue the work and complete it as scheduled?

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

(b). Does not arise.

Shri Kodiyam: What is the total amount so far spent on this work and how much of this amount has been given to the State by the Centre?

Shri Hathi: The total provision for the Second Plan is Rs. 185 lakhs, out of which Rs. 81.66 lakhs have been spent up to 1958-59.

Shri Kodiyam: My question has not been answered. What amount has been given by the Central Government to the Kerala State for this work?

Shri Hathi: As I said, Rs. 185 lakhs have been provided and Rs. 81.66 lakhs have been given.

Mr. Speaker: By the Centre?

Shri Hathi: Yes. It is adjusted with the actual expenditure. So, this amount has been paid.

Shri Maniyangadan: Am I to understand that the work is going on?

Shri Hathi: Yes.

Shri V. Eacharan: What is the total cost of the scheme?

Shri Hathi: It is rather a huge amount—Rs. 26 crores. For 200 miles

work has to be done. For the Second Plan Rs. 185 lakhs have been provided.

Shri Maniyangadan: Between Cochin and Alleppy there is a small area called Chellanam, where for a distance of $1\frac{1}{2}$ miles no work has been taken up. In other portions also no work is being done.

Shri Hathi: It would not perhaps be possible to give the details of each particular place—whether it is done or not done. The information so far received is that against a target of 19 miles about $10\frac{1}{2}$ miles have been completed.

Shri Kodyan: In view of the limited resources of the State, and also in view of the magnitude and urgency of this problem may I know whether Government are giving any special consideration to this problem so that this question can be tackled at least during the Third Plan period?

Shri Hathi: It cannot be completed within the five year period. It will take a longer time for its implementation. In 1956-57 they could spend only Rs. 8 lakhs. For 1957-58 the figure was Rs. 28 lakhs; for 1958-59 Rs. 45 lakhs. This year there is a provision of Rs. 54 lakhs. Next year, again, it will be Rs. 50 lakhs.

Shri Joachim Alva: Apart from sanctioning the money for this kind of work, has Government taken a serious view of this problem of sea erosion. In Bombay the problem has assumed such a grave proportion that they had to take some emergency steps. What steps are the Government taking in the matter now?

Shri Hathi: The Kerala Government has prepared a detailed scheme for this and that is why this has been included in the Second Plan.

Shri P. K. Deo: May I know whether cement tetrapods are used for this work as is done in the Marine Drive in Bombay?

Shri Hathi: I do not know what is being done in Kerala.

Shri Kodyan: May I know . . .

Mr. Speaker: I have allowed a number of questions. I am sorry, I cannot allow more.

Cowdung Gas Plants

*556. **Shri Jhulan Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the present position with regard to the utilisation of cowdung gas plant for production of power leaving the manurial quality and quantity of cowdung unaffected; and

(b) the extent to which the installation of the plant has been taken up by the people for the purpose for which it is intended?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). A statement is laid on the Table of the Sabha. [See Appendix II, annexure No. 52].

Shri Jhulan Sinha: In part (b) of the statement it is stated:

"About 15 plants are known to have been installed by the farmers themselves according to the design sent from the Indian Agricultural Research Institute."

In view of the extreme necessity for conservation of cow dung for manurial purposes and in view also of the fact that this plant was invented a number of years ago, is the Government satisfied with the progress made so far by the installation of these 15 plants round about Delhi? Will they be sufficient to meet the needs of the country?

Shri M. V. Krishnappa: The whole scheme of cow dung gas was in the stage of experiments all these years, and so we had to instal these plants round about the Pusa Institute in the

villages. Now it has reached a commercial stage, and so the Community Development Ministry want to instal it all over India. In each block they want to instal a gas plant. The Commerce and Industry Ministry and also various other non-official bodies have taken to it. It will take some time to collect figures for the whole of India. The progress is satisfactory.

Shri Panigrahi: May I know from the Minister for Community Development in how many development blocks this has been taken up so far?

Shri M. V. Krishnappa: We have written to the Community Development Ministry and they have stated that in most of the States they have decided to have it. They are collecting figures, and as soon as we get them we will place them on the Table of the House.

Shri Hem Barua: The statement says that about 30 demonstration plants have been installed in villages round about Delhi and in other parts of the country. May I know whether Government have by now assessed the popularity of these demonstration plants?

Shri M. V. Krishnappa: They are very popular. We are getting on an average per month 150 enquiries from all over the country. We are installing these in all the exhibitions. Farmers, are seeing them and they want to make use of them.

Telephone Connections

*559. { **Shri Amjad Ali:**
Shri B. C. Mullick:

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

(a) whether it is a fact that Government is proposing to double the number of telephonic connections by introducing 'Party line circuit' system at an early date;

(b) if so, when this system will be introduced in Delhi;

(c) the time it will take to be completed; and

(d) whether this system will be introduced in other cities?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) The party-line system enables two subscribers to be connected to one number provided that they can agree to use the line one at a time.

(b) It is at present in an experimental stage and for the time being Delhi is one of the fields of experiment.

(c) Does not arise.

(d) Yes if the experiment is successful and conditions in the localities are suitable.

Shri Amjad Ali: May we have an idea of how the party-line is going to work?

Dr. P. Subbarayan: Party-line service means two telephones on the same line. Both people cannot use it at the same time. If one uses it, the other cannot use. It is so phased that both can use it as time is available.

Shri Amjad Ali: With the same set of receivers?

Dr. P. Subbarayan: Not the same set of receivers. Each has a receiver of his own.

Shri Prabhat Kar: In case one man is speaking, may I know whether the other person also on the same line will be able to hear the talk that is going on between the other persons?

Dr. P. Subbarayan: I am afraid that cannot happen.

Mr. Speaker: The Question-hour is over.

**WRITTEN ANSWERS TO
QUESTIONS**

Air-conditioned Vestibuled Trains

*546. { **Pandit D. N. Tiwari:**
Shri M. L. Dwivedi:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that air-conditioned vestibuled bi-weekly trains are becoming less popular and are drawing less number of passengers than before;

(b) whether any investigation has been made into its causes; and

(c) the steps taken to minimise the losses?

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

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

गाज़ीपुर के पास गंगा नदी पर पुल

*५५७. **श्री सरजू पाण्डेय:** क्या रेलवे मंत्री २ सितम्बर, १९५९ के अतारंकित प्रश्न संख्या २०२६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) गाज़ीपुर के निकट गंगा नदी पर पुल बनाने के लिये स्थान निश्चित करने में इस बीच क्या प्रगति हुई है ;

(ख) क्या उक्त पुल की आवश्यकता के बारे में निश्चय करने और अन्य जानकारी एकत्र करने के लिये रेलवे बोर्ड के प्रधान ने स स्थान को देखा था ; और

(ग) यदि हां, तो इस विषय में क्या निश्चय किया गया है ?

रेलवे उपमंत्री (श्री सै० बॅ० रामास्वामी)

(क) इस मामले पर अभी विचार किया जा रहा है ।

(ख) जी नहीं ।

(ग) सवाल नहीं उठता ।

Kurduwadi-Miraj-Latur Railway Line

*558. { **Shri T. B. Vittal Rao:**
Shri Tangamani:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 440 on the 19th February, 1959 and state:

(a) whether a decision has since been taken regarding the conversion of Kurduwadi-Miraj-Latur N. G. Section;

(b) if so, whether it will be B. G. or M. G.; and

(c) when the work of conversion will actually commence?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a). No Sir. A decision can be taken only after the Survey Reports are received and examined by the Railway Board.

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

Loss of Foodgrains

*560. **Shri Pangarkar:** Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated annual loss of food-grains on account of wastage and dampness in Central godowns; and

(b) whether there is any scheme to remove the dampness in godowns?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a). The losses recorded during last 5 years in Central Government godowns, as a result of dryage, pest infestations, and wastage caused by dampness were as under:

1954	....	0.15 per cent.
1955	....	0.28 per cent
1956	....	0.13 per cent
1957	....	0.03 per cent
1958	....	0.028 per cent

(b) Godowns constructed by Government are damp-proof. In godowns taken on rent, special precautions are taken, such as provision of wooden dunnage, or extra layers of mat dunnage, so as to avoid damage due to dampness.

Speed of Trains

*561. **Shrimati Ba Paichoudhuri:** Will the Minister of Railways be pleased to state:

(a) Whether it is a fact that although there are greater facilities of double tracks on trunk routes, fewer halts, more rolling stock, larger staff, improvement in signalling and better type of locomotives than was the case about twenty years ago, generally speaking, the average speed of the fast daily railway trains has gone down considerably;

(b) if so, the reasons therefor; and

(c) the steps taken or proposed to be taken to improve the situation?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) Yes, Sir. The average speed of many Mail/Express trains running on the trunk routes has slightly decreased in 1959 as compared with that prior to 1939. However, in the case of some Mail/Express trains, the present average speed is higher than that prior to 1939.

(b) Provision of more time for temporary engineering restrictions and the increased number of trains due to heavy freight traffic.

(c) It will be feasible to improve the overall speed of Mail/Express trains only when the time provided for temporary engineering restrictions can be substantially reduced and adequate line capacity is developed to allow scope for running trains to faster schedules. The necessary engineering works are being expedited without causing undue delay or dislocation of traffic.

Hire Charge for Scooters in Delhi

*562. **Shri Amjad Ali:** Will the Minister of Transport and Communications be pleased to state:

(a) whether scooter drivers in Delhi charge rates according to their own calculations;

(b) whether it is a fact that most of the scooters ply without meters; and

(c) if so, the steps taken to have the meters fixed?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement giving the information required is given below.

STATEMENT

(a) and (b). Complaints have been received that some of the drivers of scooter-rickshaws refuse to carry passengers at the rates of hire approved by the State Transport Authority, Delhi, and that some of the scooter-rickshaws run even when their milo-meters are not in order.

(c) A provision is being made by the Delhi Administration in the Delhi Motor Vehicles Rules, 1940, to the effect that no scooter rickshaw shall be used in a public place unless it is fitted with a milo-meter or a fare-meter which is in proper working order. When this rule is enforced, the defaulters will be liable to prosecution.

Viking Aircrafts

*563. **Shri Mohammed Imam:** Will the Minister of Transport and Communications be pleased to state:

(a) how many Viking aircrafts were purchased by the Indian Airlines Corporation since 1952 to the end of 1958;

(b) the amount incurred on them;

(c) the reason for not putting them into service; and

(d) the loss incurred?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b).

12 Viking aircraft with spare engines were acquired by the Indian Airlines Corporation from the ex-Airlines on nationalization of the air transport industry in 1953, for which the ex-Airlines were paid a compensation of Rs. 31.42 lakhs.

(c) On introduction of Viscount aircraft on the trunk routes, the Viking aircraft were gradually withdrawn from service during the period October, 1957—April, 1958. It is not considered economical to operate these aircraft at present as it would involve certain expensive mandatory modifications.

(d) The position will be known only when all the Vikings have been disposed of.

Departmental Catering

*564. { Shri V. P. Nayar:
Shri Warlor:
Shri Kodyan:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 640 on the 21st August, 1959 and state:

(a) whether a copy of the report of the Officer on Special Duty appointed to enquire into the working of the Departmental Catering on Railways will be laid on the Table;

(b) the steps since taken so far by the Government of India to improve the condition of catering on Railways; and

(c) whether it is proposed to appoint a whole-time special officer for improving the catering service?

The Deputy Minister of Railways (Shri Shahnawas Khan): (a) to (c). A statement is laid on the Table of the Sabha. [See Appendix II, annexure No. 53.]

Kalinga Airlines

*565. Shrimati Benu Chakravarty: Will the Minister of Transport and Communications be pleased to refer to

the reply given to Starred Question No. 1332 on the 10th September, 1959 and state:

(a) what are the findings of the enquiry made into the crash of aircraft VT-DGP of Kalinga Airlines on the 3rd August, 1959; and

(b) whether it has been established that certain irregularities and violations of Indian Aircraft rules had taken place?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). The Accident Investigation report has been received and is under examination of Government.

Mechanised Farm by West Germany

*566. Shri S. M. Banerjee: Will the Minister of Food and Agriculture be pleased to state:

(a) whether West German Government has offered to set up in India a number of fully mechanised farms; and

(b) if so, the reaction of the Government thereto?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) No such offer has been received.

(b) Does not arise.

अनुसूचित जाति के रेलवे कर्मचारियों की पब्लिसिटी

*५६७ { श्री सिंहसिम सिंह:
श्री बजराम सिंह:
श्री हरकिशोर भायूर:
कुमारी मो० बेब कुमारी:

क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब है कि रेलवे मंत्रालय ने ह-कार्य मन्त्रालय द्वारा अनुसूचित जाति के लोगों की भर्ती के सम्बन्ध में जारी की गयी

एक अधिसूचना के आधार पर यह परिपत्र निकाला है कि अनुसूचित जाति के लोगों की भर्तियों के सम्बन्ध में जिस प्रक्रिया और नियमों का पालन किया जाता है उन्हीं का पालन इन लोगों की पदोन्नति के बारे में भी किया जाये ;

(ख) वर्ष १९५८-५९ में अनुसूचित जातियों और अनुसूचित आदिम जातियों के कितने रेलवे कर्मचारियों को इस परिपत्र के अनुसार पदोन्नति दी गई और क्या उनके सेवा काल और गुणों के आधार पर उपरोक्त परिपत्र के अभाव में भी उन्हें पदोन्नति प्राप्त हो सकती थी ।

(ग) क्या अनुसूचित जाति के कर्मचारियों को उपरोक्त पदोन्नतियों के समय उन्हें अन्य लोगों की अपेक्षा प्राथमिकता दी गई थी यद्यपि उनका सेवा काल और उनकी योग्यतायें अन्य लोगों की अपेक्षा कम थीं ;

(घ) क्या उक्त परिपत्र, जिसमें यह आदेश दिया गया है कि अनुसूचित जाति के कर्मचारियों का सेवा काल और उनकी योग्यतायें अन्य लोगों से कम होने पर भी उन्हें पदोन्नति दी जाये संविधान के विरुद्ध नहीं है ; और

(ङ) क्या गृह-कार्य मन्त्रालय का उपरोक्त परिपत्र और रेलवे मन्त्रालय के परिपत्र सभा की टेबल पर रखे जायेंगे ?

रेलवे उपमंत्री (श्री शाहनवाज खां) :

(क) जी हा, लेकिन सिर्फ वर्ग ४ से वर्ग ३ और वर्ग ३ से वर्ग २ में तरक्कियों के सम्बन्ध में जिन्हें सीधी भर्ती (Direct Recruitment) माना जाता है । साथ ही वर्ग ३ के सेलेक्शन पदों पर तरक्की के लिये भी ऐसा किया जाता है जिनके लिये निश्चित रूप से सेलेक्शन होता है और जिसमें निश्चित और या मौखिक परीक्षा (Written and/or Viva Voce Tests) परीक्षाम का ध्यान रखा जाता है ।

(ख) और (ग) . सवाल नहीं उठता क्योंकि आदेश अभी अप्रैल, १९५९ में जारी किये गये हैं ।

(घ) जी नहीं ।

(ङ) गृह-मन्त्रालय के आफिस मेमो-रेण्डम नं० ५/४/५५-एम० सी० टी०-१ तारीख ८-१-१९५७ और रेल मन्त्रालय के पत्र नं० ई० (एम० सी० टी०) ५७ सी० एम० १/२० तारीख २७-४-१९५९ की एक-एक प्रति सभा-पटल पर रख दी गयी है ।

[बिलिये परिशिष्ट २ अनुबन्ध संख्या ५४]

Study of C.D. System in Yugoslavia

*568. Shri Arjun Singh Bhadauria: Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether any team has recently been sent to Yugoslavia to study the Community Development system there; and

(b) if so, who are its members?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Two teams have been sent to Yugoslavia to study Co-operative Farming and Marketing and Local Self-Government respectively.

(b) A list of members is placed on the Table of the House. [See Appendix II, annexeure No. 55.]

Fire in the Frontier Mail

*569. { Shri Jadhav:
Shri B. C. Mullick:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1840 on the 15th April, 1959 and state:

(a) whether the investigation by the Railway Police and the Committee of Railway Officials about the fire in a

bogie of Frontier Mail has since been completed;

(b) the result of the inquiry; and

(c) the action taken against the persons responsible for it?

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

(b) and (c). The fire was accidental and no foul play was suspected.

Retrenchment of Bhakra Workers

*570. { **Shri Ram Krishan Gupta:**
Shri S. M. Banerjee:
Shri Panigrahi:
Shri Amjad Ali:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 665 on the 21st August, 1959 and state:

(a) the number of workers retrenched during 1959 from Bhakra Nangal Project who have since been offered alternative employment; and

(b) the number of those who are yet to be provided with jobs?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) 929.

(b) 97.

Buildings for C.H.S. Dispensaries

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

Will the Minister of Health be pleased to refer to the reply given to Starred Question No. 493 on the 17th August, 1959 and state:

(a) whether there is any programme for construction of special buildings for housing dispensaries under the Contributory Health Service Scheme in Delhi;

(b) if so, the number of dispensaries to be so housed; and

(c) at what places?

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

(b) and (c). It is proposed to construct buildings for the dispensaries at the following places:—

- (i) Lajpat Nagar,
- (ii) Chandni Chowk,
- (iii) Moti Bagh I.
- (iv) Pandara Road, and
- (v) Laxmibai Nagar (East Vinay Nagar).

Khajuriaghat-Siliguri Line

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

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 672 on the 21st August, 1959 and state:

(a) whether the field investigations of the proposed Khajuriaghat-Siliguri line have since been completed;

(b) if so, what is the estimated cost; and

(c) when the actual work will commence?

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

(b) Approximately Rs. 15.83 crores.

(c) The work has already commenced.

Vanaspati

*573. { **Shri Harish Chandra Mathur:**
Shri P. C. Borooah:

Will the Minister of Food and Agriculture be pleased to lay a statement showing:

(a) the rated capacity for production of Vanaspati and the out put during each of the last five years;

(b) whether there is any demand from the Industry for expansion; and

(c) if so, what is Government's reaction to it?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) A statement showing the rated capacity of the Vanaspati Industry and the production of Vanaspati during each of the last five years is given below.

(b) No, Sir.

(c) Does not arise.

Statement

(1000 tons)

Year	Rated capacity	Production
1954-55	533.6	225.5
1955-56	533.6	275.6
1956-57	533.6	263.8
1957-58	533.6	300.1
1958-59	533.6	299.1

C.H.S. Scheme Delhi

*574. { Shri Shree Narayan Das:
Dr. Ram Subhag Singh:

Will the Minister of Health be pleased to state:

(a) whether the Contributory Health Service Scheme in Delhi is proposed to be extended to cover the staff of the local administration and their families;

(b) if so, the present stage of the scheme;

(c) whether the financial aspect of the question has been considered; and

(d) if so, the extent to which the Central Government would contribute to the scheme?

The Minister of Health (Shri Kar-markar): (a) The proposal for the extension of the Contributory Health Service Scheme to the employees of

the Delhi Administration has been under consideration. The proposal has, however, been deferred for the present till the services to the existing population covered under the Scheme are further improved.

(b) to (d). Do not arise.

मिला-जुला भ्राटा

*५७५. श्री सरजू पाण्डेय : क्या खाद्य तथा कृषि मंत्री ७ अगस्त, १९५९ के तारकित प्रश्न संख्या २०७ के अनुपूरक प्रश्न के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि केन्द्रीय खाद्य प्रौद्योगिकीय अनुसंधान संस्था ने उत्तर प्रदेश को जो मिला-जुला भ्राटा दिया था उसे स्वीकार करने के सम्बन्ध में किये गये परीक्षणों का क्या परिणाम निकला ?

खाद्य तथा कृषि उपमंत्री (श्री डॉ० व० बामस) : उत्तर प्रदेश सरकार ने सूचना दी है कि उपभोक्ताओं को मिला-जुला भ्राटा पूर्णतः स्वीकार था ।

Training Facilities for Nigerian Students

*576. Shrimati Ila Palchoudhuri: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Railway Board have agreed to provide facilities for training in mechanical and civil engineering to a number of Nigerian students;

(b) if so, the number of students who will be trained; and

(c) the conditions under which they will be allowed to be trained?

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

(b) 4 each in Mechanical and Civil Engineering.

(c) The Nigerian Railway Corporation will pay travelling, maintenance

and training expenses for their nominees.

Compensation Scheme for Traffic Accidents in Delhi

- *577. { Shri B. C. Mullick:
Shri Subiman Ghose:
Shri Wadiwa:

Will the Minister of **Transport and Communications** be pleased to refer to the replies given to Starred Questions Nos. 2243 on the 6th May, 1959 and 935 on the 29th August, 1959 and state:

(a) what percentage of traffic accidents cases in Delhi during the last two financial years have since been paid compensation; and

(b) what firm steps Government propose to take to ensure that adequate compensation to all traffic accident victims is paid under this scheme by all offenders concerned?

The Minister of State in the Ministry of **Transport and Communications** (Shri Raj Bahadur): (a) 7.3 per cent.

(b) The Motor Accidents Claims Tribunals set up under Section 110(1) of the Motor Vehicles Act, 1939, have all the powers and functions of a Civil Court. All cases for compensation arising out of the use of motor vehicles in Delhi are, therefore, decided by the Motor Accidents Claims Tribunal on merits and in accordance with the procedure laid down in the Act and the rules framed thereunder.

Western Yamuna Canal in Delhi

- *578. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:
Shri Sarju Pandey:

Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Starred Question No. 206 on the 7th August, 1959 and state:

(a) whether the project report on the Western Yamuna Canal in Delhi

has since been received in the Central Water and Power Commission for technical scrutiny; and

(b) if so, the action taken thereon?

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

(b) Does not arise.

Chiplima Power House

- *579. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri R. C. Majhi:

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

(a) whether the construction of the Chiplima Power House Project has been completed;

(b) if so, whether it has started generating Power; and

(c) what will be the approximate amount of power that will be generated by this project?

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

(b) Does not arise.

(c) 72,000 KW.

Balari Bar Experiments

- *580. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri Ram Krishan Gupta:
Shri Sadhan Gupta:
Shri Muhammed Ellas:
Shrimati Renu
Chakravartty.

Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 634 on the 21st August, 1959 and state:

(a) whether the results of the model experiments of the Balari Bar on the

river Hooghly conducted by the Central Water Power Research Station Poona have been received by Government; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) No, Sir. The model experiments are still in progress.

(b) Does not arise.

Manufacture of Tokens for Making Telephone Calls

837. Shri Ram Krishan Gupta: Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 937 on the 17th August, 1959 and state whether the proposal for manufacture of tokens for making telephone calls has since been settled in consultation with the Ministry of Finance?

The Minister of Transport and Communications (Dr. P. Subbarayan): The matter is still under reference with the Ministry of Finance.

Primary Health Centres in Punjab

838. Shri Ram Krishan Gupta: Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 1231 on the 21st August, 1959 and state the names of the places where eight primary health centres in the Punjab will be opened?

The Minister of Health (Shri Karmarkar): The matter regarding the location of the eighth Primary Health Units/Rural Health Centres to be opened in the State of Punjab during 1959-60 is still under the consideration of the State Government.

Telephone Connections in Charkhi Dadri

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

(a) how many persons have applied for telephone connections in Charkhi Dadri (Punjab) till October, 1959;

(b) how many of them have been provided with telephones so far;

(c) how many applications are still pending; and

(d) the date by which all of them will be provided telephone connections?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) Fiftyone.

(b) Twenty-three.

(c) Twentyeight.

(d) Action is being taken to replace the existing 25 line exchange by a 100 line one and it will be possible to give the other connections as soon as this is done.

P. & T. Boards and Committees for Bombay State

840. Shri Pangarkar: Will the Minister of Transport and Communications be pleased to state:

(a) the number of Committees and Boards formed by the Posts and Telegraphs Department in Bombay State during the years 1957-58 and 1958-59; and

(b) the constitution of the Committees and Boards?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) No Committee or Advisory Board was formed by the P. & T. Department in Bombay State during the year 1957-58 and 1958-59. The following Advisory Committees formed prior to 1957-58 however continue to function in that State.

(i) One Regional P. & T. Advisory Committee.

(ii) 6 Telephone Advisory Committees at Ahmedabad, Bombay, Nagpur, Poona, Rajkot and Surat.

(b) (i). The Regional P. & T. Advisory Committee for Bombay State is constituted as under.

(1) Members of Parliament	Four
(2) Representatives of the State Government—official	One
(3) Representatives of the State Government—Non-official	Two
(4) Representatives of Trade and Commerce	Six
Total:	Thirteen

(b) As regards the Telephone Advisory Committee, there are Six Committees in Bombay.

A statement showing their location and membership is laid on the Table of the House. [See Appendix II, annexure No. 56.]

P. & T. Quarters at Aurangabad

841. **Shri Pangarkar:** Will the Minister of Transport and Communication be pleased to state:

(a) whether there is any proposal for the construction of quarters for Post and Telegraph employees at Aurangabad during 1959-60;

(b) if so, the number proposed to be constructed; and

(c) the amount likely to be spent on the same?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) There is no such proposal during 1959-60.

(b) Does not arise.

(c) Does not arise.

Cargo Handled by American Shipping Services

842. **Shri Pangarkar:** Will the Minister of Transport and Communication be pleased to state:

(a) what percentage of total Indian import and export cargo was handled by the American shipping services during the year 1958-59; and

(b) the amount of freight paid to American shipping services for the carriage of cargoes in that year?

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

(a) From figures collected from the major ports and certain minor ports

it appears that during 1958-59, American flag ships carried 2.5 per cent approximately of the total imports and exports of the country.

(b) According to the Reserve Bank of India a sum of Rs. 1,60,31,749/- was collected in India as freight by American shipping and air services during the year 1958-59. Separate figure of freight collected in India by American shipping services is not available. Nor is information available of freight collected abroad in foreign currency by American steamship/airline Companies on goods shipped to India on CIF basis and shipped from India on FOB basis.

Tobacco

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

(a) whether it is a fact that existing grades of Indian tobacco do not appeal to German taste; and

(b) whether any steps are being taken by the Government of India to improve the quality of tobacco to suit the German taste on the advice of German experts, who came here in September, 1959?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) It is not correct to say that the existing grades of Indian tobacco do not appeal to the German taste. But according to the German Expert, it is understood that medium quality grades of Indian tobacco of Virginia variety would be more suitable to German taste.

(b) The Government at the moment are awaiting the results of Mr. Kuenkel's experiments and the possible reaction of the German manufacturers to the tobacco that is being grown on a larger scale this year. Whatever measures are necessary will be taken by the Government to explore the German market and without prejudice to the current Agmark standards, which are well known and accepted in other international markets.

Deraiment on N.E.F. Railway

844. Shrimati Mafda Ahmed: Will the Minister of Railways be pleased to state:

(a) whether nine wagons of a goods train were derailed in a tunnel on the Lumding Badarpur branch line of the North Eastern Frontier Railway on the 7th November, 1959;

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

(c) the extent of damage to railway track, property and goods?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). Yes. On 7th November, 1959 at about 17.15 hours while No. 842 Down Goods was on run between Mailongdisa and Harangajao stations on the Lumding Badarpur branch of N.F. Railway, nine wagons of the train derailed inside a tunnel at mile No. 81 blocking the main running line. There were no casualties on account of the accident.

(c) Rs. 1,300 approximately.

Selection Posts on Railways

845. Shri Siddiah: Will the Minister of Railways be pleased to refer to the reply given to the Unstarred Question No. 88 on the 4th August, 1959 and state:

(a) the number of selection posts vacant in each Railway as on 1st July, 1959;

(b) the progress since made in filling up the vacancies; and

(c) the number of Scheduled Castes and Scheduled Tribes candidates who have been promoted to fill up those vacancies (cadrewise) so far?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) A statement is laid on the Table.

(b) and (c). Information is being collected and will be laid on the Table of the Sabha.

STATEMENT

Railways	No. of selection posts actually lying vacant as on 1-7-1959	No. of selection posts which had been provisionally filled by suitable unselected persons as on 1-7-1959
Central	25	264
Eastern	188	298
Northern	109	800
North-Eastern	48	150
Northeast-Frontier	36	21
Southern	79	424
South-Eastern	108	310
Western	..	254
	593	2521

Typhoid

846. Shri D. C. Sharma: Will the Minister of Health be pleased to state:

(a) whether Government of India have prepared any comprehensive scheme to combat typhoid; and

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

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

(b) Does not arise.

Export of Rice from Punjab

847. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) the actual quantity of rice exported from Punjab during the months of September, October and November, 1959; and

(b) the names of the States and the quantity exported to each State?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) and (b). The following quantities of rice were exported from Punjab on Government account during the months of September, October and November, 1959:—

(In tons)

September	579
October	5,755
November (up to 24th)	11,482
TOTAL:	17,816

The names of the States to which this rice was exported, and the quantity exported to each, are mentioned below:—

State	Quantity in Tons
Jammu and Kashmir	7,576
Bombay	8,658
Uttar Pradesh	22
West Bengal	264
Delhi	1,127
Himachal Pradesh	169

Figures of export of rice on trade account to the Union territories of Delhi and Himachal Pradesh which are included in the same rice zone as Punjab are not available.

Lac Production

848. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to state:

(a) whether there has been decline in the production of lac during the year 1959-60 as compared with production of lac during the year 1958-59; and

(b) if so, the reasons therefor?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No.

(b) Does not arise.

Milk Powder Factories

849. Shri D. C. Sharma: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 1245 on the 21st August, 1959 and state:

(a) the progress made so far in the establishment of Milk-Powder Factories; and

(b) when they are likely to start functioning?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b): The Joint F.A.O.—UNICEF Team, whose recommendations were detailed in the reply to the Unstarred Question No. 1245, did not recommend the establishment of milk powder factories but the setting up of milk supply schemes. On the basis of this recommendation, an allocation of \$590,000 (Rs. 28.10 lakhs) has been made for the dairy project for Bangalore by the UNICEF.

The Bangalore Dairy Project has been taken up by the Mysore Government and it is likely to come into Commission in 1961-62.

Motor Accidents in Himachal Pradesh

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

(a) the average number of persons who die in motor truck accidents every month in the Union Territory of Himachal Pradesh;

(b) the figures relating to last six months;

(c) the number of cyclists amongst those who died in such accidents; and

(d) the measures taken or proposed to be taken to prevent such accidents in future?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadar): (a) Only six persons died in motor truck accidents in

Himachal Pradesh from November, 1958 to October, 1959.

(b)— Month	Number of deaths in truck accidents
May, 1959 . . . . .	..
June, 1959	1
July, 1959 . . . . .	..
August, 1959 . . . . .	..
September, 1959 . . . . .	..
October, 1959 . . . . .	..
TOTAL	1

(c) Nil.

(d) The following steps have been taken to prevent road accidents in Himachal Pradesh:—

- (1) The surface and the gradient of the roads are being improved. The roads are being widened, wherever necessary, and parapets are also being put up.
- (2) All public service vehicles are required to be examined and declared fit by the Inspection Board twice annually, under Section 38 of the Motor Vehicles Act, 1939.
- (3) Maximum laden weight and seating capacity have been fixed and driving of a public service vehicle by a person having taken liquor or any intoxicant has been prohibited.
- (4) Steps have been taken to improve maintenance, servicing and repairs of all nationalised transport vehicles which are plying on the roads in Himachal Pradesh.

सफदरजंग अस्पताल, नई दिल्ली

६५१. श्री प्रकाश बीर शास्त्री : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सफदरजंग अस्पताल, नई दिल्ली में आडियोमीटर (कान की जांच करने का यन्त्र) एक वर्ष से काम नहीं कर रहा है ;

(ख) इसे अब तक ठीक न कराने के क्या कारण हैं ;

(ग) क्या यह सच है कि कान के आपरेशन के लिये रो गयों के नाम एक डेढ़ साल तक प्रतीक्षा सूची में रखे जाते हैं ; और

(घ) यदि हां, तो डाक्टरों की संख्या क्यों नहीं बढ़ाई जाती जिस से रोगियों को इलाज के लिये इतनी देर तक प्रतीक्षा न करनी पड़े ?

स्वास्थ्य मंत्री (श्री करमरकर) : (क) जी, हां ।

(ख) चूंकि सफदरजंग अस्पताल में आडियोमीटर खराब हो गया है अतः मेसर्स एम० शाह एण्ड क०, जिनसे यह मशीन ली गई थी, से बात चीत की गई । मालूम हुआ है कि यन्त्र निर्माताओं के जो एजेंट बम्बई में हैं वे विदेश स्थित निर्माताओं से इस विषय में बात चीत कर रहे हैं । इस सम्बन्ध में फर्म को कई बार याद दिलाई गई है लेकिन अभी तक यन्त्र की मरम्मत नहीं हो पाई है ।

(ग) जी, नहीं । यद्यपि सफदरजंग अस्पताल का कान, नाक, गला सर्जन जनवरी १९५९ से सेवा निवृत्त हो चुका है तथापि प्रसिस्टेंट सर्जन के स्तर का एक मेडिकल अफसर जिसके पास कान, नाक गले की अचिस्नातक योग्यताएं एवं इस कार्य का व्यवसायिक अनुभव है, कान, नाक, गला विभाग में काम कर रहा है और उस समय तक काम करता रहेगा जब तक संधीय लोक सेवा आयोग की सिफारिश पर कोई सीनियर विशेषज्ञ नियुक्त नहीं किया जाता । फिर भी सीनियर सर्जन की अनुपस्थिति में इस विभाग में आपरेशन का काम अनिवार्यतः सीमित किया गया है ।

(ब) पंचादायी स्वास्थ्य सेवा योजना के प्रबन्धीन डाक्टरों की संख्या बढ़ा दी गई है। संघीय लोक सेवा आयोग द्वारा नियुक्त किये जाने तक इन पदों की अस्थायी पूर्ति के लिये सीधी भर्ती की जा रही है।

Wild Life in Orissa

852. **Shri Panigrahi:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 1749 on the 23rd August, 1959 and state whether Government has been able to know the way in which the financial assistance given to Orissa for starting National Parks and Game Sanctuaries has been utilised by the Government of Orissa?

The Minister of Agriculture (Dr. P. S. Deshmukh): Information is being collected from the State Government and will be laid on the Table of the Sabha when received.

Expert Committee on Co-operative Credit

853. { **Shri Ram Krishan Gupta:**
Sardar Iqbal Singh:
Shri A. M. Tariq:
Shri Ajit Singh Sarhad:
Shri R. C. Majhi:
Shri Subodh Hansda:
Shri Oza:
Shri Damani:

Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether the Expert Committee on Co-operative Credit has submitted its report;

(b) if so, the main recommendations thereof; and

(c) the nature of steps taken to implement them?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) No, Sir.

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

Mental Health Services

854. { **Shri Ram Krishan Gupta:**
Shri Warior:
Shri D. C. Sharma:

Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 646 on the 12th August, 1959 and state:

(a) whether the Central Council of Health has considered the proposal to establish a Central Council of Mental Health with a view to develop mental health education in the country and for co-ordination of various activities of State Governments in the field of mental health services; and

(b) if so, the result thereof?

The Minister of Health (Shri Kar-markar): (a) and (b). The matter will be placed before the next meeting of the Central Council of Health.

Price of Sugar

855. { **Shri Ram Krishan Gupta:**
Shri Khushwaqt Rai:
Shri D. C. Sharma:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 916 on the 17th August, 1959 and state:

(a) whether Government have since received report from the Tariff Commission regarding price of sugar; and

(b) if so, the main recommendations contained therein?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) Yes, Sir.

(b) The report is under examination of the Government. A copy of it will be placed on the Table of the House when the recommendations of the Commission have been examined and decisions taken.

Model Town Planning Legislation

856. { **Shri Ram Krishan Gupta:**
Shri D. C. Sharma:

Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 1224 on the 21st August, 1959 and state the further progress made in the finalisation of Model 'Town Planning' legislation?

The Minister of Health (Shri Karmarkar): The comments received from the State Governments on the draft Model Town Planning legislation are being examined by the Central Regional and Urban Planning Organisation with a view to preparing a revised draft. The revised draft will be circulated to the State Governments for enacting suitable legislations in their respective jurisdictions with such modifications as they might consider necessary.

Shipping Repair Facilities

357. { **Shri Ram Krishan Gupta:**
Shri R. C. Majhi:
Shri Subodh Hansda:
Shri Narayanankutty Menon:

Will the Minister of Transport and Communications be pleased to refer to the reply given to Unstarred Question No. 1199 on the 21st August, 1959 and state:

(a) whether Government have since considered the report submitted by the Committee appointed to investigate into the existing shipping repair facilities; and

(b) if so, the result thereof?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The recommendations of the Committee are still under consideration of Government.

West German Agricultural Delegation

858. { **Shri Ram Krishan Gupta:**
Shri N. R. Muniswamy:

Will the Minister of Food and Agriculture be pleased to refer

to the reply given to Unstarred Question No. 2247 on the 7th September, 1959 and state:

(a) whether Government have since examined the reports received from the West German Agricultural Delegation which visited this country with a view to assisting India's agricultural development; and

(b) if so, with what results?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). The reports are still under examination of the Government of India.

National Harbour Board

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

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

(a) what are the main recommendations of the National Harbour Board which met at Madras on the 30th October, 1958;

(b) whether all the recommendations were accepted by Government, and

(c) if so, which of them have been implemented upto now?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement giving the main recommendations and the present position regarding their implementation is laid on the Table. [See Appendix II, annexure No. 57.]

Delay in Payments to Contractors

860. **Shri Surendranath Dwivedy:** Will the Minister of Railways be pleased to state:

(a) whether any complaints have been received from the contractors that delay in payments has adversely affected further construction work on the Western Railway;

(b) the number of works completed during the years 1951 to 1958 and the number of cases where payments have not been made so far;

(c) whether tenders are invited on yearly basis for maintenance works and the month of the year in which such tenders are called for;

(d) whether it is fact that tender for Zone No. 4 of Bulsar Sub-division of Bombay Division of the Western Railway had been invited four times; and

(e) if so, the reasons therefor?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) No complaints have been received from the contractors to the effect that delay in payment has adversely affected further construction works on the Western Railway.

(b) Number of works completed on the Western Railway during the years 1951 to 1958 is 19,358. Payments in 150 cases have not been made mainly because of failure on the part of contractors in not completing the work as per Railway's specifications or because of extravagant claims made by the contractors. Delay is due to the time taken in examining and finalising such claims.

(c) For maintenance works, tenders are invited on yearly basis. Tender notices are generally issued in the month of February or March every year.

(d) It is true that tenders for Zone No. 4 of Bulsar Sub-Division of the Bombay Division of the Western Railway were invited four times.

(e) This was done with a view to obtain more favourable rates as tenders received previously were very high, when compared with the accepted tender rates for the years 1956-57, 1957-58 and 1958-59.

Mettled Road for Buddhist Centres in Orissa

861. Shri B. C. Mullick: Will the Minister of Transport and Communications be pleased to state:

(a) whether Orissa Government have supplied the details asked for by the Government of India regarding the construction of metalled road from Salipur to the Buddhist Centres at Lalitgir, Ratnagir and Udayagir in the district of Cuttack; and

(b) if so, the action taken thereon?

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

(b) Grants-in-aid equal to 50 per cent. of the cost of improvement/construction of the following link roads subject to a maximum of Rs. 6.373 lakhs have been offered to the Government of Orissa, the balance being met by them from their allocations from the Central Road Fund:

Name of road	Estimated cost (Rs. lakhs)
(1) Salipur-Kuanpal Road	4.458
(2) Balichandrapur-Lalitgir Road	1.055
(3) Lalitgir-Gopalpur Road	1.743
(4) Gopalpur-Udayagir Road	2.394
(5) Benipur-Ratnagir Road	3.096
	12.746

These link roads, when completed, will connect Salipur with Lalitgir, Udaygir and Ratnagir.

नई दिल्ली में बाल बाटिका, तंरने का तालाब प्राधि

द६०. { श्री भक्त दर्शन :
श्री नवल प्र ाकर :
श्री दी० चं० शर्मा :

नया स्वास्थ्य मन्त्री १० सितम्बर, १९५९ के तारांकित प्रश्न संख्या १३१८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि नई दिल्ली नगरपालिका बिस (१) बाल

वाटिका, (२) तैरने के तालाब, और (३) खुली नाट्यशाला के निर्माण के बारे में विचार कर रही थी, उसके सिलसिले में स बीच क्या प्रगति हुई है ?

स्वास्थ्य मंत्री (श्री करधरकर) : नई दिल्ली नगरपालिका का म्युनिमिपल इंजीनियर प्रधान वास्तुकार (चीफ आर्किटेक्ट) द्वारा तैयार किये गये नकशों के अनुसार प्रस्तावित बाल-वाटिका और तैरने के तालाब के सम्बन्ध में विस्तृत प्राक्कलन (एस्टिमेट्स) तैयार कर रहा है। नगरपालिका द्वारा उन प्राक्कलनों (एस्टिमेट्स) के स्वीकृत होने के बाद आवश्यक निर्माण-कार्य शुरू किया जायेगा जैसा कि पहले बताया गया था, राष्ट्रीय युवक केन्द्र, जिसमें खुली नाट्यशाला भी सम्मिलित है, की स्थापना की योजना शिक्षा मन्त्रालय के विचाराधीन है। प्रस्तावित केन्द्र के नकशे तथा प्राक्कलन (डिजाइन्ड एण्ड एस्टिमेट्स) अभी तैयार किये जा रहे हैं।

Minor Accidents and Derailments

863. {
 Shri S. M. Banerjee:
 Shri Tangamani:
 Shri Panigrahi:
 Shrimati Ila Palchoudhuri:
 Shri D. C. Sharma:
 Shrimati Mafida Ahmed:

Will the Minister of Railways be pleased to state:

(a) whether cases of minor accidents and derailments relating to trains are more in 1959 as compared to 1958;

(b) if so, the number of such accidents and derailments during the period from the 1st January to the 30th October, 1959;

(c) the causes of the accidents and derailments; and

(d) the number of persons injured or killed as a result of these accidents and the number of railway employees among them?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) During the year 1959-60 upto September 1959, the number of train collisions and derailments was less compared to the corresponding period of last year.

(b) 48 cases of train collisions and 762 cases of train derailments took place during the period April, 1959 to September, 1959. October figures are not yet fully available.

(c) A cause-wise analysis of train accidents which occurred during the period April, 1959 to July, 1959 is given below:—

(i) Failure of Railway staff	299
(ii) Failure of other than Railway staff	2
(iii) Failure of Mechanical equipment	43
(iv) Failure of track	19
(v) Sabotage	2
(vi) Accidental	49
(vii) Cause could not be established	1
(viii) Cases not finalised	77
TOTAL	483

(d) Casualties (April to September, 1959)

	Killed		Injured	
	Grievous	Minor	Grievous	Minor
(i) Passenger	1	7	137	
(ii) Railway servant	12	19	120	
Others				

Loan from U.S. Development Loan Fund for Railways

864. {
 Shri P. C. Borooah:
 Shri Ram Krishan Gupta:
 Shri Padam Dev:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the United States Development Loan Fund has agreed to give a loan of \$30 million to the Indian Railways; and

(b) if so, the proposed ways and means of utilisation thereof?

The Deputy Minister for Railways (Shri Shah Nawaz Khan): (a) and (b). The matter is still under consideration and has not yet been finalised.

Manipur State Co-operative Bank

865. **Shri L. Achaw Singh:** Will the Minister of **Community Development and Co-operation** be pleased to state:

(a) whether the Manipur State Co-operative Bank has advanced any loan to Co-operative Credit Societies in Manipur during the last two years; and

(b) how many Co-operative Credit Societies have been set up in Manipur during the same period to utilise the credit facilities available?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes; to four agricultural credit societies.

(b) Information regarding the number of societies set up during the past two years is not readily available. However, 35 agricultural credit and multi-purpose societies and seven non-agricultural credit societies have been set up so far.

Manipur Apex Co-operative Marketing Society

866. **Shri L. Achaw Singh:** Will the Minister of **Community Development and Co-operation** be pleased to state:

(a) whether the accounts of the Manipur Apex Co-operative Marketing Society at Imphal for the year 1958-59 have been audited; and

(b) if so, the amount of profit accrued from its operations?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes, Sir.

(b) No profit; but there was a net loss of Rs. 2,351 (Two thousand three hundred and fifty-one only).

Airstrip at Bhuntar

867. **Shri D. C. Sharma:** Will the Minister of **Transport and Communications** be pleased to refer to the reply given to Starred Question No. 773 on the 25th August, 1959 and state the further progress made so far for the construction of an airstrip at Bhuntar in Kulu Valley as recommended by the Director General of Civil Aviation?

The Deputy Minister of Civil Aviation (Shri Moh'uddin): Certain improvements to the existing landing-ground have been carried out by the Punjab Government and a temporary shed has also been provided there. A Delhi-Chandigarh-Kulu air service was inaugurated on the 3rd October, 1959 on a twice weekly frequency and operated until 2nd November, 1959. The service will be resumed in April next.

In order to facilitate the operation of a seasonal air service, Air Traffic Control and Communication facilities were also provided on a temporary basis and a current weather observatory was opened at Bhuntar.

Locust Invasion

868. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the names of the States that had to face locust invasion during the period from August, 1959 to November, 1959; and

(b) the loss incurred thereby?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rajasthan.

(b) Nil.

Rural Electrification in Punjab

869. { **Shri Ajit Singh Sarhadi:**
Shri Hem Raj:
Shri Daljit Singh:
Shri D. C. Sharma:

Will the Minister of **Irrigation and Power** be pleased to refer to the reply

given to Unstarred Question No. 931 on the 17th August, 1959 and state:

(a) whether the Punjab Government has requested for financial aid for rural electrification scheme for the year 1959-60; and

(b) if so, the action taken thereon?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The State Government have submitted proposals for rural electrification, requiring an outlay of Rs. 1.30 crores. These proposals comprise 115 schemes of electrification under the Uhl and Bhakra-Nangal systems in the various districts of the State. Their requirement is proposed to be accommodated within the total Central assistance earmarked for the Punjab for the year 1959-60.

Andaman Forests

870. Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) at what rate the plywood, Gurjan, White Chuglam, Badam, Red Dhup, etc. in log form from the Andaman forests are sold in the Calcutta market;

(b) at what rate non-ply gurjan and other hard-wood, packing case and the matchwood are sold in the Calcutta market in log form;

(c) what are the royalties chargeable separately on plywood, non-plywood, hardwood, matchwood, for accounting purposes by the Forests Department;

(d) what are the freight and shipping charges per ton on logs and scantlings;

(e) what are the handling and depot charges on logs and scantlings at Calcutta; and

(f) at what rates the scantlings of hardwood, ornamental wood and packing cases are sold at Calcutta market?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The rates at

present fixed by the Government of India for plylogs supplied to plywood factories, are:—

	Rs. per ton
Gurjan	252
Badam, White Chuglam and Red Dhup	203

(b) The rates for non-ply logs which are sold by auction at Calcutta are:—

	Rs. per ton	Rs. per ton
Gurjan	207.50	to 255.00
Other Hardwood logs	125.00	to 217.50
Packing case logs	110.00	to 240.00
Match logs sold at fixed prices to match factories.	178 ex ship and 196.50 ex depot.	

(c) On timber extracted departmentally, royalty is taken into consideration at the same rate as is realised from the lessee of North Andamans, viz.

(i) Matchwoods	41% of the F.O.B. Prices.
(ii) Plywoods	45% Do.
(iii) Hardwood and ornamental woods	50% Do.

(d) The present freight rates from Andamans to Calcutta are:

Logs	Rs. 83/- per ton.
Scantlings	Rs. 60/- per ton.

In addition, shipping and stevedoring charges for logs and scantlings are Rs. 5 per ton approximately

(e) Logs	Rs. 18.50 per ton.
Scantlings	Rs. 20.00 per ton.

(f) The prices of sawn timber sold in Calcutta show a wide variation from Rs. 155 per ton for old miscellaneous hardwood short-lengths to Rs. 605 per ton in the case of Padauk scantlings. The prices vary with species, size and quality of timber and also on position with regard to supply and demand. The average price of sawn timber sold in Calcutta is in the region of Rs. 330 per ton.

Andaman Forests

871. Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that in clear-felling areas of the North Andamans Project the contractor, according to the Agreement, is bound to fell all trees above 4 feet girth;

(b) whether it is also a fact that in the absence of marking and numbering of such trees above 4 feet girth it has not been possible to check up whether all such trees have been felled by the contractor; and

(c) whether it is possible to prepare the Form No. 7 giving reliable information in the absence of such directly collected data?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir. Under the Agreement, the contractor is required to fell in clear felling areas according to the working plan, all trees with minimum girth of 4' at breast height (at height of 4' 6") except seed bearers.

(b) No. While the contractor's operations are in progress, departmental officers carry out inspections from time to time to ensure compliance with the Agreement regarding felling. Any exploitable commercial trees left unfelled are marked and the contractor is asked to exploit them. Completion report is only given when all commercial exploitable trees are moved by the Contractor.

(c) No. Form No. 7 is prepared only from data directly collected by the officers of the Andamans Administration after measurement and enumeration of logs.

Andaman Forests

872. Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) whether in view of clause 14 of North Andaman Agreement of

Licence with M/s. P. C. Ray etc. requiring that f.o.b. prices will be fixed from time to time in the light of the market conditions at Calcutta, by the Chief Commissioner such prices are fixed on the usual monthly auction-basis at Calcutta; and

(b) if so, whether Government will give the figures of the royalty fixed per ton separately for hardwoods and ornamental woods for each month for the years 1955-56, 1956-57, 1957-58 for logs (i) supplies to the Mayabunder saw-mill, and (ii) exported outside?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Prices of logs are determined in accordance with Clause 14(iii) (a) and (b) of the North Andamans Agreement of Licence. Royalties are fixed quarterly and not on monthly basis.

(b) A statement is laid on the Table of the House. [See Appendix II, annexure No. 58].

Timber from Andamans

873. Sardar A. S. Saigal: Will the Minister of Food and Agriculture be pleased to state:

(a) the price at which Lot No. 4 of Miscellaneous Hardwood scantlings totalling about 66 tons was auctioned by Andaman Government Timber Depot, Calcutta, on 5th May, 1958 and how does this compare with the price obtained at Port Blair for such timber;

(b) the amount of freight paid for the carriage of above timber from Port Blair to Calcutta; and

(c) the justification for shipping this consignment to Calcutta instead of selling it at Port Blair itself?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Rs. 3,200.

No comparison is possible with the price obtained at Port Blair because such timber is unsaleable at Port Blair.

(b) and (c). This lot represents left-over yard sweepings, broken pieces and residual timber out of shipments of sawn timber sent from Andamans to Calcutta. It is not, therefore, possible to give the actual freight paid on this lot.

Timber from Andamans

874. **Sardar A. S. Saigal**: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a lot of hardwood logs totalling 365 tons was sold in an auction on 5th May, 1958 by the Andaman Government Timber Depot, Calcutta, to M/s. P. C. Ray and Co. (I) Ltd. (lot No. 1 of Auction sale No. 103 of 5th May, 1958);

(b) if so, the amount (price) of auction sale;

(c) whether the party did not remove the timber and it was reaucted for Rs. 13,500 only;

(d) if so, what steps Government took to recover the resultant loss from the first purchaser; and

(e) what action Government have taken or propose to take to avoid such losses in future?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) The lot was sold in auction to M/s. G. R. Timber Syndicate and not to M/s. P. C. Ray and Co.

(b) Rs. 13,500.

(c) No, Sir.

(d) and (e). Do not arise.

Grand Trunk Road

875. **Shrimati Mafida Ahmed**: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Grand Trunk Road passing through

Chandernagar was closed temporarily during last September; and

(b) if so, the reason thereof?

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

(b) Does not arise.

Railway Uniforms Committee

876. { **Shri T. B. Vittal Rao**:
Shri Tangamani:
Shri Dharmalingam:
Shri D. C. Sharma:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1225 on the 21st August, 1959 and state:

(a) whether the consideration of the Report of the Railway Uniforms Committee has since been finalised;

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

(c) if the reply to part (a) above be in the negative, the reasons therefor?

The Deputy Minister of Railway (Shri Shahnawaz Khan): (a) to (c) The Report of the Railway Uniforms Committee is still under consideration and a decision is expected to be taken shortly.

Accidents in Delhi

877. **Shri Muhammed Elias**: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that a fatal accident took place in the last week of September, 1959 on Aurangzeb Road, New Delhi, in which a tonga driver was killed;

(b) if so, whether it is a fact that for hours together the dead body of the driver was lying on the road; and

(c) whether Government have investigated as to why the dead body was not removed earlier?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 59].

Wire for Telephone Connections

878. Shri M. R. Krishna: Will the Minister of Transport and Communications be pleased to state:

(a) the total requirement of telephone wire for providing telephone connections in the country at present; and

(b) the total amount of foreign exchange spent on its import annually?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) The normal requirement of this wire is about 1500—2000 tons per annum.

(b) Normally P. & T. department does not import iron wire, but when P. & T. demands cannot be met from indigenous sources, it imports G.I. wire through the Iron and Steel Controller, Calcutta. During 1959-60 foreign exchange involved in dollars is 138 900-00 (based on C.I.F. price).

Railway Bridges on N.E.F. Railway

879. Shri Bangshi Thakur: Will the Minister of Railways be pleased to state:

(a) whether the Government are aware that the condition of all the railway bridges situated in the hill section between Lumding and Badrapur of the N.E.F. Railway is such that at any moment serious accident, causing great damage to lives and properties, may happen; and

(b) if so, what steps are Government taking in this respect?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) No, Sir. The condition of all the railway bridges between Lumding and Badrapur on the Northeast Frontier Railway is not such that at any moment serious accident, causing great damage to lives and properties, may happen. The bridges are being maintained in good condition.

(b) Does not arise.

Kuth

880. Shri Hem Raj: Will the Minister of Food and Agriculture be pleased to state the steps taken to produce improved seeds of Kuth in different Research Breeding Stations in the country?

The Minister of Agriculture (Dr. P. S. Deshmukh): A scheme for investigating the possibilities of producing improved seeds of Kuth (*Sausurea lappa*) has been received from the Government of Punjab for financial assistance by the Indian Council of Agricultural Research. The cost of the Scheme is Rs. 80,250 spread over a period of six years. It has been examined by the Scientific Committees and the Advisory Board of the Council and will be put to its Governing Body for final sanction in December, 1959.

Development of Medicinal Herbs

881. Shri Hem Raj: Will the Minister of Food and Agriculture be pleased to state:

(a) the subsidy, loan or grants given to the different States for the development of medicinal herbs and plants during the years 1957-58, 1958-59 and 1959-60, so far;

(b) whether any sum has been asked for by the Punjab Government for the purpose during the above period; and

(c) if so, how much?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Central assistance by way of loan is admissible for such Schemes. A statement giving the loans provided to various States is laid on the Table. [See Appendix II, annexure No. 60].

(b) No.

(c) Does not arise.

Poultry Farms in Punjab

882. { Shri Ajit Singh Sarhadi:
Shri Daljit Singh:

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

(a) the number of Regional Poultry Farms at present in Punjab; and

(b) whether there is any proposal to establish Regional Poultry Farms during the year 1959-60 in Punjab?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) None.

(b) No. The Second Five Year Plan provides for the establishment of only five Regional Poultry Farms. These have been located in Himachal Pradesh, Bombay, Orissa, Mysore and Delhi. It is hoped to meet the requirements of Punjab in respect of breeding stock, hatching of eggs etc. from the Regional Farm at Delhi.

Landless Agricultural Labourers Colony in Tripura

883. **Shri Dasaratha Deb:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether the Chief Commissioner, Tripura has received any complaint against the Management of the Co-operative Society that started a landless agricultural labourers colony at Canki (Khowai), Tripura;

(b) if so, the nature of the complaint;

(c) whether any investigation has been made into these complaints; and

(d) if so, the result of such investigations?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) and (b). The Chief Commissioner did not receive any complaint against the management of the landless Agricultural Labourers' Co-operative Society at Canki. Some persons, however, filed joint representations to the Land Acquisition Collector against the proposal submitted by the S.D.O., Khowai for settling two blocks of land measuring altogether about 50 drones in favour of the Society, alleging that the Society people were attempting to dispossess them of their lands.

(c) and (d). A detailed and thorough enquiry into the matter revealed that 300 drones could be settled with the Society within the proposed boundary without in any way encroaching on jote lands or other lands reclaimed by the tribals. The allegations about forcible dispossession were found to be baseless. The land referred to, measuring 300 drones (approx.), has been settled with the said Society at an annual rent of 62 nP. per Kani for a period of three years.

New Railway Lines in West Bengal

884. **Shri Sadhan Gupta:** Will the Minister of Railways be pleased to state:

(a) whether the West Bengal Government have sent any proposals to the Railway Board for the construction of new railway lines in West Bengal;

(b) if so, the names of the lines suggested;

(c) if so, whether the said proposals and in particular the proposal to link Santragachi with Vishnupur have been agreed to; and

(d) if any of the proposals have not been agreed to, the reasons therefor?

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

(b) A Statement is given below.

(c) and (d). Out of the lines suggested by the West Bengal Government, the construction of Tildanga-Farakka and Khajuriaghat-Malda B.G. lines has been approved. Other proposals did not find a place in the programme of new lines for the 2nd Plan, approved by the Planning Commission. These have been noted for consideration in the Third Plan.

STATEMENT

Sl. No.	Name of Project	Gauge	Approx. mileage
1.	Khajuria-Malda-Ekhlaki-Hili	M.G.	87
(a)	Tildanga-Farakka	B.G.	3
(b)	Tildanga-Pakur	B.G.	10
(c)	Chilampur-Raiganj	M.G.	24
2.	Alipurduar-Belakoba	M.G.	65
3.	Santragachi-Vishnupur	B.G.	76
4.	Nalhati-Azimganj Extension	B.G.	3
5.	Machada-Tamluk-Contai-Digha	B.G.	70
6.	Lakshmikantapur-Kakdwip	B.G.	25
7.	Tarakeshwar-Vishnupur	B.G.	75

Irrigation and Power Works under the Bhakra Nangal Project

885. Shri D. C. Sharma: Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 667 on the 21st August, 1959 and state the latest position with regard to the irrigation and power works under the Bhakra Nangal Project?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement is laid on the Table of the House. [See Appendix II, annexure No. 61.]

Loan to Bihar

886. Dr. Ram Subhag Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any short term loan has been given to the Government of Bihar this year for increasing farm output; and

(b) if so, the nature and amount of that loan?

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

(b) A short-term loan of Rs. 70 lakhs has been sanctioned to the State Government during the current financial year for the purchase and distribution of fertilizers and seeds.

Warehousing Scheme

**887. { Dr. Ram Subhag Singh:
Shri Jhulan Sinha:**

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

(a) in how many States the Warehousing Scheme has been taken in hand; and

(b) the progress made in that regard?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): On the presumption that that reference is to warehouses under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, the position is indicated below:—

(a) The scheme has been taken on hand in all the States (except Jammu and Kashmir).

(b) Nineteen warehouses with a total capacity of 34,100 tons have been opened by the Central Warehousing Corporation and eighty warehouses with a total capacity of 50,000 tons have been opened by the State Warehousing Corporations so far.

Train Accident in Asansol Division

888. Shri Subiman Ghose: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that an accident occurred at mileage 344/2 between Chipadohar and Barwadih in Asansol Division of the Eastern Railway in the middle of August, 1959;

(b) if so, the date, time and nature of the accident;

(c) whether it is also a fact that the caution order passed by the Assistant Station Master, Barwadih, was withdrawn a few hours before the accident;

(d) if so, the date and time of the withdrawal of the caution order;

(e) whether any enquiry has been held into the matter;

(f) if so, whether the report has since been submitted; and

(g) the nature of the action taken in the matter?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) and (b). On 14-8-59 at about 2:12 hours while No. UP WDBM through Goods train was running between Chhipadohar and Barwadih stations on the Dhanbad Division of Eastern Railway, 22 wagons of the train got derailed.

(c) No.

(d) Does not arise.

(e) and (f). Yes.

(g) Action taken against the delinquent staff is being finalised by the Railway Administration.

Lockers at Stations

889. Shri Ajit Singh Sarhad: Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 1494 on the 25th August, 1959 and state:

(a) whether the scheme for providing the safety lockers at the Railway

Stations has since been implemented; and

(b) if so, the places where such safety lockers have been provided?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The scheme for providing Safe Deposit Lockers at certain large railway stations has been finalised and 30 Lockers are being procured from the manufacturers.

(b) Safe Deposit Lockers are to be provided at some of the large stations on different Railways. But their exact location has not yet been finalised.

Rural Water Supply Schemes

890. Shri Ram Krishan Gupta: Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government is considering a proposal to broaden the scope of the National Rural Water Supply and Sanitation Programme; and

(b) if so, the main proposals under consideration in this regard?

The Minister of Health (Shri Karmarkar): (a) Yes, Sir.

(b) At present, rural part of the Programme is confined to schemes for groups of villages with a common source of supply. The proposal under consideration is to broaden the scope of this Programme so as to cover schemes for protected water supply relating to individual villages.

Unplanned Growth of Imphal Town

891. Shri L. Achaw Singh: Will the Minister of Health be pleased to state:

(a) whether there is any proposal to regulate the unplanned growth of Imphal town; and

(b) whether there is any scheme for expansion of the town towards Lamphelpat?

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

(b) The Imphal Municipal Board has submitted to the Manipur Administration a scheme for expansion of the Imphal Municipal area by including places surrounding Lamphelpat on the east and the south and this scheme is being examined by the Manipur Administration.

**Post and Telegraph Circle,
West Bengal**

892. Shri Muhammed Elias: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that some candidates for appointment to the clerical and allied cadre in West Bengal Post and Telegraph Circle who were given training by the Department in 1958 have not yet been appointed as the local authority has since realised that their selection had not been proper; and

(b) if so, how the expenditure incurred for their training will be adjusted?

The Minister of Transport and Communications (Dr. P. Subbarayan):

(a) The answer is in the negative.

(b) Does not arise.

**Advance Pay to P. & T. Staff of Flood
Affected Areas**

893. Shri Muhammed Elias: Will the Minister of Transport and Communications be pleased to state:

(a) whether there is a proposal to sanction advance of pay to the affected Posts and Telegraphs Staff in the flood affected areas in West Bengal considering the recent floods as natural calamity; and

(b) if so, when the orders are likely to be issued?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a)

and (b). The matter is under consideration.

King Institute, Guindy

894. Shri Vasudevan Nair: Will the Minister of Health be pleased to state the items of research work that are in progress at the King Institute, Guindy, on bacterial vaccines?

The Minister of Health (Shri Karmarkar): 1. Study of the relative virulence of Inaba and Ogawa strains of cholera vibrios used in the manufacture of anti-cholera vaccine.

2. Testing and study of the strains of Inaba and Ogawa cholera vibrios used in the manufacture of vaccine at periodic intervals with regard to their suitability for inclusion in the preparation of vaccines.

3. Study of the problems arising out of the various manufacturing processes of the vaccines produced by the Institute so as to provide more economical and better yields.

Milk Yield from Goats

**895. { Shri Vasudevan Nair:
Shri Nagi Reddy:
Shri V. P. Nayar:**

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

(a) whether any positive steps have been taken to increase the milk yield from goats;

(b) if so, what are they; and

(c) what is the estimated increase in yield of goat milk since the commencement of the First Five Year Plan?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). This is primarily the responsibility of the State Governments. Certain States of their own have been carrying on the development of goats with a view to increase their milk yield. For

example, Betal goat breeding has been carried on in the States of Orissa and the Punjab. The Indian Council of Agricultural Research has, however, been helping the States in carrying out research for developing strains of high milk yielding goats from time to time. One such scheme worked at Government Livestock Farm, Hissar, Punjab for a number of years from 1939 to 1959 and has now been taken up by the Punjab Govt. with effect from 1st April, 1959. The I.C.A.R. has, recently, prepared a model scheme for research on the subject for being taken upon a regional basis in a few States by cross-breeding the local breeds with the Saanen breed, which is a high yielding Swiss breed of goats. The Council will meet 50 per cent of the recurring expenditure of the scheme and the remaining 50 per cent recurring expenditure and the entire non-recurring expenditure of the scheme will be borne by the State Government undertaking the experiments.

2. To begin with, the scheme has been sanctioned for a period of three years with effect from 1st April, 1959, in the State of Kerala where the supply of goat milk is of great importance, particularly in the coastal areas where no milch animals except goats exist. The scheme aims at improving the local breed of goats known as Tellicherry goat and involves a total cost of Rs. 1,50,610 (Recurring Rs. 70,910 and Non-recurring Rs. 79,700), Council's share being Rs. 35,460. The scheme has not been put into operation as the State Govt. has yet to select a suitable site for the location.

3. Another similar scheme has been recently received from the Govt. of Bombay. This scheme is for a period of 5 years and will involve a total cost of Rs. 4,55,310 (Recurring Rs. 2,75,760 and Non-recurring Rs. 1,79,550 the Council's shares being Rs. 1,37,880. The scheme is under consideration of the Council and if approved, will be sanctioned with effect from 1st April, 1960.

(c) There has been an increase of 22,13,719 maunds in the annual production of milk yield from goats in the country from the year 1951 to the year 1956, the annual production in the year 1951 being 1,28,30,216 maunds and in 1956 1,50,43,935 maunds. Information for the subsequent years has not yet been compiled.

Indian Pantrymen in S. S. "Strathaird"

896. **Shri Aurobindo Ghosal:** Will the Minister of Transport and Communications be pleased to state:

(a) whether the British Crew of passenger liner S. S. "Strathaird" bound for U.K. threatened to kill Indian pantrymen at Bombay Port;

(b) if so, whether any enquiry was made; and

(c) if so, what is the result of the enquiry? ..

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) to (c). No Sir, no such incident took place at the port of Bombay. Two incidents, however, took place on the 10th and 11th October, 1959 when the ship S.S. "Strathaird" was at sea. A scuffle took place between the Chief Pantryman and a member of the European crew of the ship. The Master of the vessel enquired into the matter and as a result discharged at Colombo two out of seven European ratings who were found to be responsible for the trouble. The Saloon Crew were assured thereafter that there was no fear of any further trouble and the ship sailed from Bombay with all the Indian Crew on board.

Multi-purpose Tribal Blocks

897. **Shri Sanganna:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether the recommendations made by the seminar on Multi-purpose Tribal Blocks in the month of May 1959 at Ranchi (Bihar) have

been taken into consideration by the Government of India; and

(b) if so, with what results?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes, Sir.

(b) The recommendations have been accepted by the Ministry and circulated to the State Governments and the Ministries concerned for taking necessary action to implement them.

Recruitment on S.E. Railway

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

(a) how many persons were appointed on the South-Eastern Railway during the years 1958-59 and 1959-60 so far, grade-wise;

(b) whether the reserved quota in services of Scheduled Castes and Scheduled Tribes was filled up; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) to (c). The information is being collected and will be laid on the Table of the Lok Sabha.

Recruitment of Scheduled Castes and Scheduled Tribes in Orissa Postal Circle

899. Shri Kumbhar: Will the Minister of Transport and Communications be pleased to state:

(a) how many persons were recruited grade-wise in the Orissa Postal circle division-wise during the years 1958-59 and 1959-60 so far;

(b) whether the reserved quota in services for Scheduled Castes and Scheduled Tribes was filled up; and

(c) if not, the reasons therefor?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) to (c). The information desired has been called for from the Director of Posts and Telegraphs, Orissa Circle, Cuttack, and will be laid on the Table of the Sabha when received.

Block Development Units

900. Shri Madhusudan Rao: Will the Minister of Community Development and Co-operation be pleased to state the number and names of the States in which the administration of Block Development Units has been handed over to the Panchayats?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): A Panchayat is the statutory administrative unit at the village level and not at the block level. So nowhere administration of Blocks has been handed over to the Panchayats.

Presumably the Hon'ble Member is referring to transfer of the control of Block administration to statutory bodies at the Block level as recommended by the Balwantrao Mehta Study Team.

Government of Andhra Pradesh and Rajasthan have done so, by creating statutory Panchayat Samitis at Block level.

Wild Life Conservation Scheme

901. Shri Vidya Charan Shukla: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 111 on the 11th February, 1959 and state what amount has been utilized so far, State-wise, out of the provision of Rs. 135 lakhs made by the Central Government during the Second Plan period for giving financial assistance to the State Governments for their wild life conservation and protection schemes?

The Minister of Agriculture (Dr. P. S. Deshmukh): According to information received from the States, during the first 3 years of the current Plan a sum of Rs. 48-544 lakhs was utilized by them for the preservation of wild life. A Statement in that regard is laid on the Table of the House. (See Appendix II, annexure No. 62). Information about the actual expenditure during the current year (1959-60) is not yet available.

Price of Sugar in Tripura

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

(a) the price at which sugar was sold in open market in Tripura during September and October, 1959;

(b) whether it was abnormally high;

(c) if so, the reasons thereof;

(d) the steps taken by Government to bring down the price in Tripura; and

(e) the effect of those steps?

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

(a) The entire quantity of sugar made available to Tripura was sold through fair price shops at fixed prices varying from Rs. 1'13 to Rs. 1'16 per seer. Some of this sugar may have found its way to the other shops and sold at higher prices, but it is reported that the quantity involved was small and that in fact there was no open market worth the name.

(b) to (e). Do not arise.

Fishery Tanks in Tripura

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

(a) the total number of fishery tanks at present under the control of Tripura Administration, division-wise;

(b) the income accrued from these tanks during the years 1955-56 to 1959-60 so far;

(c) the steps taken to improve the condition of these tanks; and

(d) whether Government proposes to hand over these tanks to Tripura Territorial Council?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) to (d). The required information is being collected and will be placed on the Table of the Sabha.

Co-operative Societies in Tripura

904. Shri Dasaratha Deb: Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether registration of new co-operative societies has been stopped in Tripura for the last six months;

(b) if so, the reasons thereof;

(c) the number of petitions for registration of co-operative societies in Tripura pending finalisation at present; and

(d) when these petitions are expected to be disposed of?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes, Sir.

(b) The Bombay Co-operative Societies Act of 1925 has been extended to this Territory w.e.f. 1st May, 1959, repealing the Tripura State Co-operative Societies Act, 1349 T.E. The draft rules framed under the Bombay Co-operative Societies Act were published in official Gazette inviting objections from general public. Pending finalisation of Rules, new Societies could not be registered.

(c) 4 (four).

(d) The Rules have since been finalised. All the four pending applications are expected to be disposed of shortly.

Food Advisory Committee of Tripura

905. Shri Dasartha Deb: Will the Minister of Food and Agriculture be pleased to state:

(a) when did the Food Advisory Committee for Tripura meet last;

(b) the decisions taken at that meeting; and

(c) how far these decisions have been implemented?

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): (a) On 31st January, 1960

(b) and (c). The main decisions and the action taken thereon by Government are:—

Decision *Action by Government*

- (i) Full use should be made of irrigation facilities available. A minor irrigation Division for the territory has been sanctioned.
- (ii) Publicity should be given to the Japanese method of paddy cultivation. An Executive Engineer has been already deputed by the C.W.P.C. and three Assistant Engineers will also be deputed shortly. This Division will undertake investigation of the minor irrigation schemes and execution of such of them as are found suitable will thereafter be taken up.
- (iii) A drive should be undertaken for utilization of compost resources. A leaflet in Bengali containing the detailed method of paddy cultivation has been prepared and distributed.
- (iv) More intensive use should be made of green manuring. An annual special training course for 100 village leaders in each block has been organized. One compost Inspector has been posted in each block for making intensive propaganda for fuller utilization of the compost resources.
- (v) Superphosphate should be distributed in larger quantities. Additional seeds for green manuring crops have been obtained and the green manuring programme has been intensified. An intensive drive for multiplication of "Dhaincha" seeds has also been undertaken this year.
- (vi) A special Kharif campaign should be undertaken. A special Kharif campaign was organized in February, 1959. A training program-

me was held at Lembucherra as suggested by the Advisory Committee. Regular inspections of the Demonstration Centres have also been organized.

Bridge at Vinay Nagar Railway Station

906. Shri Ram Garib: Will the Minister of Railways be pleased to state:

(a) whether the bridge under construction on the Vinay Nagar Railway Station will be an over-bridge or an under-bridge;

(b) whether it will be open for vehicular traffic or will be for pedestrians' use only; and

(c) how long it will take to complete the work?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) It will be an under-bridge.

(b) This bridge is intended for pedestrians, cyclists and light vehicular traffic but not for buses and trucks due to the headroom clearance being only 12'0".

(c) The work is expected to be completed by February, 1960.

परिवार नियोजन

६०७. श्री पद्म देव: क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे कि :

(क) हिमाचल प्रदेश में इस समय परिवार नियोजन केन्द्र कहाँ-कहाँ काम कर रहे हैं; और

(ख) इस योजना के अन्तर्गत कितने मामले वर्ष १९५८-५९ में दर्ज किये गये ?

स्वास्थ्य मंत्री (श्री करभरकर) : (क) हिमाचल प्रदेश के निम्नलिखित स्थानों में आ परिवार नियोजन केन्द्र काम कर रहे हैं :—

(१) हिमाचल प्रदेश अस्पताल, स्नौडन, शिमला ।

(२) सौलम, जिला महीसू ।

(३) सुन्दर नगर, जिला मण्डी ।

- (४) मण्डौ, जिला मण्डौ ।
 (५) चम्बा, जिला चम्बा ।
 (६) बिलासपुर, जिला बिलासपुर ।
 (७) नहान, जिला मिर्जापुर ।
 (८) पोंटा, जिला सिरमौर ।

(ख) जनवरी, मार्च और अप्रैल १९५६ को उपलब्ध सूचना के आश्रय पर यह अनुमान लगाया जाता है कि वर्ष १९५८-५९ के दौरान विभिन्न केन्द्रों में लगभग १७६४ व्यक्तियों को इस सम्बन्ध में सलाह दी गई ।

रोड़, (हिमाचल प्रदेश) में बिजली पैदा करने की योजना

६०८. श्री पद्म देव : क्या सिंचाई और बिजली मंत्रों १९ फरवरी, १९५६ के अतिरिक्त प्रश्न संख्या ५४५ के उत्तर के सम्बन्ध में यह बताने का कृपा करेंगे कि :

(क) क्या रोड़ (जिला महासू, हिमाचल प्रदेश) में बिजली पैदा करने का योजना को इस त्रैच अन्तिम रूप दे दिया गया है; और

(ख) यदि हां, तो इसे कब कार्यान्वित किया जायेगा ।

सिंचाई और बिजली उपमंत्री (श्री हाथी) : (क) तथा (ख) इस स्कीम को प्रथम चतुर्थीय योजना का अवधि में अन्तिम रूप दे दिया गया था । किन्तु अब इसे आगे चलाने का विचार नहीं है । इस क्षेत्र की बिजली आवश्यकताओं को भाखड़ा नंगल-परियोजना से बिजली खरीद कर पूरा किया जायेगा ।

World Agricultural Fair

909. Shri Madhusudan Rao: Will the Minister of Community Development and Co-operation be pleased to state:

286 (A) L.S.D.—4.

(a) whether Government have any plan to invite farmers from various Community Development Blocks in the country at the World Agricultural Fair to be held in December, 1959; and

(b) if so, how many such parties have been invited?

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): (a) Yes, Sir.

(b) About 20,000 farmers from various Community Development Blocks in the country are expected to visit the World Agriculture Fair. The number of farmers allotted to various States is as follows:

Uttar Pradesh	3,200
Bihar & Bombay	2,400 each.
Madhya Pradesh, Rajasthan Madras & Andhra Pradesh	1,600 each.
Mysore	1,000
Punjab, Orissa & West Bengal	800 each.
Kerala & Assam	600 each.
Jammu & Kashmir	400
Himachal Pradesh	150
Delhi, Tripura, NEFA, NHTA, Manipur, & Andaman Nicobar	50 each.

Accidents on Hill Section of N.F. Railway

910. Shri Dwarikanath Tewari: Will the Minister of Railways be pleased to state:

(a) how many accidents have occurred in the Hill Section between Lumding and Badarpur on N. F. Railway during last five years;

(b) the nature of accidents and the causes thereof; and

(c) the measures taken to avert such accidents?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) During the last 5 years (i.e. 1st January, 1955

o 15th November, 1959) 48 train accidents took place on Lumding-Badarpur Section of N.F. Railway.

(b) (i) Nature of Accidents	Total No.
Train Collisions	2
Train Derailments	46
TOTAL	48
(ii) Causes:	
Failure of Ry. Staff	14
Failure of Mechanical Equipment	20
Failure of Track	6
Accidental	3
Causes not finalised	5
	48

(c) Normal preventive measures continue to be taken by the Railway Administration to minimise the incidence of accidents.

Post Offices

911. Shri Madhusudan Rao: Will the Minister of Transport and Communications be pleased to state:

(a) the total number of new Post Offices opened during 1958-59 all over the country;

(b) the total amount spent thereon;

(c) the total number of Post Offices opened in Andhra Pradesh (District-wise) during 1958-59; and

(d) the total amount spent thereon?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 438.

(b) Rs. 4,51,225.

(c) A statement is laid on the Table of the Lok Sabha. [See Appendix II, Annexure No. 63.]

(d) Rs. 64,418.

New Telephone Connections in Andhra Pradesh

912. Shri Madhusudan Rao: Will the Minister of Transport and Communications be pleased to state:

(a) the number of new telephone connections given in Andhra Pradesh in 1958-59;

(b) the total amount spent in this connection; and

(c) the number of applications for new connections still pending?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) 2782.

(b) Rs. 25,76,822.

(c) 4227.

Night Air Mail Service

913. Shri Chandak: Will the Minister of Transport and Communications be pleased to state:

(a) whether the latest hours of posting letters for the Night Air Mail Service have been reduced by one hour in all the Post Offices in Bombay, Calcutta, Delhi and Madras; and

(b) if so, what is the reason for this change?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) The curtailment has generally been by half an hour except in the case of Delhi where it is by one hour.

(b) This change has been made on account of the earlier departure of the Night Air Mail Service by about 30 to 35 minutes.

Confirmation of Staff in Post Offices

914. Shri Jagdish Awasthi: Will the Minister of Transport and Communications be pleased to state:

(a) the period for which an official promoted to the Lower Selection Grade in Post Offices has to remain on probation before being confirmed in higher post;

(b) how many officials were officiating without break against regular vacancies or newly created posts in Lower Selection Grade in U.P. Postal Circle on 31st October, 1959;

(c) the number of officials who have completed their period of probation and have not yet been confirmed;

(d) the reasons therefore;

(e) whether it is a fact that several officials who had completed their probation period even retired from service without being confirmed; and

(f) if so, how they were compensated for the loss in gratuity and pension due to non-confirmation?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) One year, if a permanent post is available.

(b) to (f). The information is being collected and it will be placed on the Table of the House when available.

Bridge Engineering Works at Manmad

915. { **Shri Jadhav:**
Shri B. C. Mullick:

Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Bridge Engineering Workshop at Manmad is being remodelled;

(b) what is the number of workers in this workshop;

(c) whether any steps are being taken to have a trade apprentice school here for training skilled labour; and

(d) what type of residential quarters and for how many have been provided to the workers in this workshop?

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

(b) 896

(c) Steps are being taken to introduce the scheme of trade apprenticeship in this workshop to provide a nucleus for filling posts of skilled artisans.

(d) The following quarters have been provided for the workers:

K Type for Class IV Staff—156 Nos.

J Type for Class III staff—12 Nos.

Over-bridge at Manmad

916. { **Shri Jadhav:**
Shri B. C. Mullick:

Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1423 on the 20th March, 1959 and state:

(a) whether the approval of the Government of Bombay has been received to the plan and estimate of the Railway over-bridge at Manmad on the Central Railway; and

(b) if so, what steps have been taken to construct the bridge?

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

(b) Necessary sanction to undertake the work has been communicated recently to the Railway.

Telephone Connections in Delhi

917. **Shri A. M. Tariq:** Will the Minister of Transport and Communications be pleased to state:

(a) the number of applications for telephone connections already sanctioned by the Telephone Advisory Committee or the Posts and Telegraphs Department in Delhi and New Delhi, exchange-wise and pending for installation of telephone at present;

(b) the number of applicants from whom money for installation of the telephones has also been realised and telephones not installed as yet;

(c) the dates since when such cases are pending; and

(d) the reasons for realising the installation fees and not installing the telephone so far?

The Minister of Transport and Communications (Dr. P. Subbarayan): (a) The number of telephones sanctioned exchange-wise but not installed are as followed:

Tis Hazari	43
Shahdara	12
Secretariat	Nil
Connaught Place	Nil
Cantonment	Nil
Karol Bagh	Nil
(b) Tis Hazari	13
All other exchanges	Nil

(c) Since January, 1959.

(d) Due to technical difficulties and compliance with higher priority demands. Efforts are being made to provide these 13 connections.

Air Strip, Shillong

918. { **Shri P. C. Borooah:**
Shri Ram Krishan Gupta:

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

(a) whether there is a proposal to construct a small new air strip at Shillong for landing of light aircrafts; and

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

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). Yes, the N.E.F.A. Administration propose to construct a small air strip about 600 yds. long and 70 yds. wide at Shillong. The work is expected to be completed in about two months.

Pooling of Airline Routes

919. { **Shri Ram Krishan Gupta:**
Shri P. C. Borooah:

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

(a) whether the talks with BOAC chief on pooling airline routes have been concluded;

(b) if so, the result thereof; and

(c) at what stage is the proposal for the formation of a parallel partnership?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) The talks have not been concluded.

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

Train Accident

920. **Shri P. G. Deb:** Will the Minister of Railways be pleased to state:

(a) whether a railway accident took place near the Malkera station on the South Eastern Railway on the 18th November, 1959;

(b) if so, the details thereof; and

(c) the number of persons injured?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). At about 12.45 hours on 18th November, 1959 while 419 Adra-Gomoh Passenger train was on run between Malkera and Mohuda stations on the Adra-Gomoh section of South Eastern Railway, the engine of the train and the four bogies next to it got derailed. As a result, 10 persons were slightly injured.

12.00 hrs.

PROCEDURE RE: MOTIONS FOR ADJOURNMENT

Mr. Speaker: Papers to be laid on the Table. Shri Raj Bahadur.

Shri Hem Barua (Gauhati): May I make a submission, Sir? I could not understand this. I gave notice of an adjournment motion. It is said here in the note rejecting the adjournment motion that it is a continuing matter

and it has already been discussed during the current session. My own information is that this was never discussed during the current session. It is about the rejection of a protest by the Chinese Government. We lodged a protest about the capture of policemen in Ladakh who were subjected to interrogation....

Mr. Speaker: Order, order. The hon. Member wants an adjournment motion for every protest that is lodged, or according to him, what protest ought to be made. So far as the policemen are concerned, the dead bodies have been returned and the other people who had been in captivity have been sent back. From time to time hon. Ministers have been answering questions to the effect that they have not recovered all persons and the recovered persons will be interrogated later on. The protest is a part and parcel of the various things. We had an elaborate discussion for a couple of days here. Every day are we to adjourn the business of the House to find out whether they have received a protest or have lodged a protest? I am really surprised at this. I am not going to allow the hon. Member to raise it here.

Shri Hem Barua: May I humbly submit, I do not want the business of the House to be adjourned. I want information.

Mr. Speaker: I am not going to allow this.

Shri Hem Barua: Newspapers have carried this news. I do not want the House to be kept in the dark and the country too. I humbly submit.....

Mr. Speaker: This is not humble. On the other hand, unfortunately, this is going against the rules and etiquette of this House. I have said, No, to the adjournment motion of the hon. Member.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) rose—

Mr. Speaker: I may request the hon. Prime Minister; even if he is willing to give information it creates a bad precedent so far as I am concerned.

Shri Jawaharlal Nehru: My humble submission to you, Sir, is, among the many rather odd motions for adjournment tabled, this is particularly the oddest. It amazed me when I saw it. I want really your direction: not about this matter—your decision is over—but about the future. Most amazing adjournment motions are tabled from day to day, taking up the time of the House. Apparently, they are tabled knowing that they are not likely to be admitted, but in order to get some statement from me. The course for that is, I presume, the other way of asking for a statement. I shall keep the House informed of every important fact. I think the method of adjournment motion for this purpose, subject to your views, is not a desirable one.

Shri Vajpayee (Balrampur): May I make a submission? Regarding this matter, it has been reported in the Press that China has rejected our note of protest. If it is open to the External Affairs Ministry to disclose this fact to the members of the Press, they must come to the House.

Shri Hem Barua: We are keeping the Parliament in the dark and the country is kept in the dark.

Mr. Speaker: The hon. Prime Minister and the Leader of the House does not object to giving information. But, he only says that an adjournment motion is not the procedure to elicit information. There are many other methods.

Shri Vajpayee: I have given notice of a Short Notice Question.

Mr. Speaker: It is for me to allow or not to allow according to the importance of the matter.

All that I would like to impress on hon. Members is this. I rejected this

[Mr Speaker]

motion. I rejected it because there was a full dress debate and if anything follows, it is not to be taken up by way of an adjournment motion. They are choosing a wrong remedy. I would only appeal to the hon. the Leader of the House, if he is equally insistent, that he must help me. What I have been repeatedly saying is, with respect to an adjournment motion. If I do not give my consent, I would not allow it to be raised here. Somehow, in spite of my direction, hon. Members get up. Therefore, it is not in my hands. If hereafter, any hon. Member rises, I would request the hon. the Leader of the House to say that he must be expelled for a week. I have no objection. I was afraid, I am not getting that assistance and therefore I am keeping quiet. I am sending out to the best of my ability, any Member who contravenes this direction. I can send him away for a day. That I am doing.

Several Hon. Members rose—

Mr. Speaker: Order, order. Let hon. Members know definitely, if I refuse to give my consent, I have no objection to allowing them to see me or write to me and if I am satisfied that my order has to be revised, I will do so and I will bring it up the next day. With respect to some adjournment motions, they need not be in the form of an adjournment motion. I allow it as a calling attention notice and request the hon. Minister and fix up a day. With reference to cases which are on the margin, I bring the matter up here and request the hon. Minister to make a statement. After he makes a statement, when I find it reasonable, I say, under these circumstances or in view of the statement, it is not necessary to give my consent. In some other cases, where I find that the urgency is such and the importance is such, I allow the adjournment motion. This is what I have said repeatedly on the floor of the House. In spite of it, hon. Members, unfortunately—of course, adjournment motions are moved only by the Opposition—from

time to time get up and want to have a say here. Whatever I wanted to prevent, they do. This is unfortunate. They are contravening my direction from time to time. Therefore, hereafter,—now I have got the assistance of the hon. the Leader of the House—I will suspend them not for one day, but I will suspend for a week at a time if not for the whole session. This kind of disobedience will not be tolerated hereafter. (*Interruptions*). I am not going to hear.

Shri Surendranath Dwivedy (Kendrapara): Suspending a Member for a week..... (*Interruptions*).

Mr. Speaker: I am not going to hear. Papers to be laid on the Table. Shri Raj Bahadur.

Raja Mahendra Pratap (Mathura): I walk out of the House in protest.

12.08 hrs.

Raja Mahendra Pratap then left the House.

12.08 hrs.

PAPERS LAID ON THE TABLE

AMENDMENT TO DELHI MOTOR VEHICLES RULES

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to lay on the Table, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, a copy of Notification No. F. 12(80)/58-MT/Home, dated the 23rd July, 1959, published in Delhi Gazette, making certain amendments to the Delhi Motor Vehicles Rules, 1940. [Placed in Library, See No. LT-1744/59.]

**AMENDMENTS TO SUGAR CANE
(CONTROL) ORDER**

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table, under subsection (6) of Section 3 of the Essential Commodities Act, 1955, a copy of Notification No. G.S.R. 884, dated the 4th October, 1958, making certain further amendments to the Sugarcane (Control) Order, 1955. (Placed in the Library. See No. LT-1745/59.)

12.09 hrs.

MESSAGES FROM RAJYA SABHA

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

(i) "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 30th November, 1959, agreed without any amendment to the Arms Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 17th November, 1959."

(ii) "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 1st December, 1959, agreed without any amendment to the Haj Committee Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 24th November, 1959."

12.10 hrs.

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

ACQUISITION OF LAND IN DELHI

Mr. Speaker: Calling attention notice.

Shri Vajpayee (Balrampur): Under rule 197, I beg to call the attention of

the Minister of Health to the following matter of urgent public importance and I request that he may make a statement thereon:

"The acquisition of about Thirty-five thousand acres of land for the execution of the Master Plan for Greater Delhi."

Before you call upon the hon. Minister to make a statement, may I seek a clarification?

Mr. Speaker: I have clarified it a hundred times.

Shri Vajpayee: Not with regard to adjournment motions; with regard to this Calling attention notice. The other day, the hon. Minister informed the House that the Minister of Works, Housing and Supply will reply to this motion. But, in the papers I find that it is the Health Minister who is going to reply to this Calling attention motion. I would like to know who is responsible for the execution of the Master Plan in Delhi. Is it the Health Minister or the Minister of Works, Housing and Supply?

Mr. Speaker: We will ask both of them.

The Minister of Health (Shri Karmarkar): I am afraid it is a long statement. In view of the importance of the subject.....

Mr. Speaker: I am finding it difficult sometimes. As the hon. Member has brought to our notice, with respect to the Delhi Administration, sometimes, it is difficult for me to fix the responsibility upon one Minister or the other. The hon. Health Minister said the other day that he is not in charge of this subject and he is asked to answer these questions. He said so here. The other day the hon. Minister was not able to answer all the questions relating to this matter, and we naturally thought the hon. Minister of Works, Housing and Supply must also be here. I would like to know definitely with respect to the

[Mr Speaker]

Delhi Administration which Ministry is responsible for which work, otherwise it is rather difficult.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I appreciate what you have been good enough to say. There is that difficulty because the work is divided. Take this particular matter of town planning. That is directly under the charge of the Health Ministry, that particular thing, but if questions are asked about buildings being put up, it immediately goes to the W.H.S. Ministry. That is the difficulty. There are border line cases where doubts may arise, and they can be easily resolved. To some extent that happens always between two Ministries, but this particular matter is certainly under the charge of the Health Ministry, but the other Ministries concerned are the Works Ministry and the Home Ministry, and sometimes even the Prime Minister comes into the picture.

Mr. Speaker: The other day I suggested that subject to the convenience of the hon. Ministers and the direction by the hon. Prime Minister, at least a Deputy Minister of each Ministry might be present during the Question Hour. Though amongst themselves they have divided the portfolios, so far as the House is concerned, the Cabinet as a whole is responsible. Therefore, when a question is put and something naturally flows from it, instead of saying that it relates to some other Ministry, I would urge upon the Prime Minister to see if it is possible to have, as far as possible—I do not impose any obligation over it—at least one Minister relating to that matter to be here so that when such cross-questions arise, the matter may be explained to the House. He might consider this matter.

Shri Jawaharlal Nehru: If I may say so, I entirely agree with what you have been pleased to say. Nor-

mally, I think a Minister or a Deputy Minister of each Ministry should be present here during the Question Hour; more especially, when a question touches two or three Ministries, certainly, all the Ministries should be represented. But may I respectfully say that a matter of this kind is not a Cabinet matter at this stage, later it may come. Enquiries are being made, that does not come to the Cabinet at all, but certainly it will come up before the Cabinet when the papers are ready for it.

Mr. Speaker: How long is this statement?

Shri Karmarkar: It is only five pages, but in view of the importance of the matter I had to make it exhaustive.

Mr. Speaker: Five pages? I will circulate it to all hon. Members. It may be laid on the Table.

Shri Karmarkar: I lay the statement on the Table. [See Appendix II, annexure No. 64.]

12-15 hrs.

KERALA APPROPRIATION (No. 2)
BILL*

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): On behalf of 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 1959-50.

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.

Dr. B. Gopala Reddi: I †introduce the Bill.

12.16½ hrs.

SUGAR (SPECIAL EXCISE DUTY) BILL*

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): On behalf of Shri Morarji Desai, I beg to move for leave to introduce a Bill to provide for the imposition of a special duty of excise on certain sugar.

Mr. Speaker: Certain types of sugar or certain sugar?

Shri Panigrahi (Puri): What is this certain sugar?

Mr. Speaker: Hon. Members will look into the Bill, whatever mistake there may be, instead of correcting it here.

The question is:

"That leave be granted to introduce a Bill to provide for the imposition of a special duty of excise on certain sugar."

The motion was adopted.

Dr. B. Gopala Reddi: I †introduce the Bill.

12.16¾ hrs.

STATEMENT REGARDING SUGAR (SPECIAL EXCISE DUTY) ORDINANCE

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi): On behalf of Shri Morarji Desai, I beg to lay on the Table a copy of ex-

planatory statement giving reasons for immediate legislation by the Sugar (Special Excise Duty) Ordinance, 1959 as required under Rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [See Appendix II, annexure No. 65.]

12.17 hrs.

MOTOR VEHICLES (AMENDMENT) BILL*

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): I beg to move for leave to introduce a Bill further to amend the Motor Vehicles Act, 1939.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Motor Vehicles Act, 1939."

The motion was adopted.

Shri Raj Bahadur: I introduce the Bill.

12.17¼ hrs.

LEGAL PRACTITIONERS BILL—
Contd.

Mr. Speaker: The House will now take up further consideration of the motion moved by Shri A. K. Sen on the 2nd December, 1959, namely:

"That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Council and an All-India Bar, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely, Shri C. R. Pattabhi Raman, Shri M. Thirumala Rao, Shri Liladhar Kotoki, Shri Kailash Pati Sinha,

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 3-12-1959.

†Introduced with the recommendation of the President.

[Mr. Speaker]

Shri Mohammad Tahir, Shri Narendrabhai Nathwani, Shri K. G. Deshmukh, Shri M. Sri Ranga Rao, Shri C. D. Gautam, Shri Radha Charan Sharma, Shri P. Thanulingam Nadar, Shri T. Ganapathy, Shri K. R. Achar, Shri Hem Raj, Pandit Mukat Behari Lal Bhargava, Pandit Munishwar Dutt Upadhyay, Shri Raghbir Sahai, Shri Radha Mohan Singh, Shri Paresh Nath Kayal, Shri Ganpati Ram, Shri R. M. Hajar-navis, Shri S. C. Gupta, Shri T. C. N. Menon, Shri N. Siva Raj, Shri Khushwaqt Rai, Shri D. R. Chavan, Shri Ram Garib, Shri Braj Raj Singh, Dr. A. Krishnaswami, and Shri Asoke K. Sen,

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Mulchand Dube has taken five minutes already. The time allotted is three hours and the time taken is two hours and four minutes, leaving 56 minutes. So, we have only one hour more. How many hon. Members want to participate?

Some Hon. Members rose—

Mr. Speaker: Non-lawyers too? Seven. I will give them time at the rate of ten minutes each. I will extend this by half an hour. Let us see. Half an hour to one hour I can extend. I shall extend by half an hour and then the hon. Minister may reply. This half hour will be taken by hon. Members.

The Minister of Law (Shri A. K. Sen): Will you be good enough to extend by one hour, because I will be engaged a little while during the lunch recess?

Mr. Speaker: One hour is left, and I will add one more hour. We will conclude this by 2:15. How long does the hon. Minister want to take?

Shri A. K. Sen: Not more than ten to 15 minutes.

Mr. Speaker: I will call him at 2 O'clock.

12:20 hrs.

PROCEDURE RE: MOTIONS FOR
ADJOURNMENT—*contd.*

Shri Braj Raj Singh (Firozabad): May I make a small submission? You have been pleased to make certain observations with regard to meeting on the subject of giving consent to adjournment motions.

Mr. Speaker: I am not going to allow this.

Shri Braj Raj Singh: I wanted to make a submission.

Mr. Speaker: Order, order. What I say is this. On a prior occasion Shrimati Renu Chakravarty raised this matter and said that she wanted to exhaust the number of items or the reasons on which I am disallowing adjournment motions. She said they

were not exhaustive. I therefore invited hon. Members to send some representations, on the points they objected to or wanted to include. I have not received a single representation so far.

Shri Mahanty (Dhenkanal): I have sent a detailed representation to which I have received no reply.

Mr. Speaker: I do not remember.

Shrimati Renu Chakravartty (Basirhat): May I point out that on that occasion you had said that you would call another meeting and you told me specifically you hoped one of the leaders would attend from my party instead of me. That meeting has not taken place.

Mr. Speaker: I am not calling a meeting. I said also that hon. Members might send their representations before that meeting. Unless there are some suggestions, how are the other Members to know? Suddenly it ought not to be a surprise.

I have to do all this in less than five minutes. When I come to the House the adjournment motion is handed over to me. I do not want to put it off to some other day, and therefore, from the previous practice and the precedents I have culled out a number of conditions under which they may be rejected. I have printed them. Now hon. Members want to raise some objection, or at any rate to make some representation. Even now we can settle this matter before the end of this month. Today is the 3rd. Before the 15th if representations are sent to me, I will call a meeting of the leaders of the groups or such representatives as may come. Let us have a discussion. I do not want to do anything over the heads of hon. Members here. If Shri Mahanty has sent a representation, I will certainly look into it, and it will be brought up before that meeting. I shall trace the letter if it is there; if not, I shall inform him and he may send me a copy of the letter. It is open to any

hon. Member on either side to send me representations regarding this, and I shall call a meeting of the leaders of groups and they may bring such representatives as they think necessary to enable them to place the matter before me.

Shri Mahanty: May I make a submission? There is a certain amount of confusion amongst us regarding the adjournment motions.

Mr. Speaker: I have said I will remove it. I am not going to allow discussion now and interrupt the proceedings. Let us sit together and exchange views regarding this matter and come to a conclusion in the presence of all Members. If my room is not enough to accommodate all, I will have it arranged in a Committee Room. Let us have a thorough discussion. Why should there be any confusion in the mind of either myself or hon. Members here?

Shri S. M. Banerjee (Kanpur): Till such time, your latest decision should be kept in abeyance.

Mr. Speaker: No. My decision is my decision. I have not decided anything wrongly. I am not going to allow this indulgence to hon. Members to bring up anything which they consider as important, expecting me automatically almost like a rubber-stamp to bring it up before the House.

Shri Braj Raj Singh: Your direction is always there, and we always abide by your directions, but even then, a fore-warning like this may be a bit too harsh.

Mr. Speaker: I said also on a prior occasion that if hon. Members consider anything so important, they might have the signature of the Leaders of their groups for any adjournment motion. If they do so, then there is an authenticity. Otherwise, on the spur of the moment, every small thing becomes important and I have to take away the time

[Mr. Speaker]

of the House. If the Leaders are also associated with that, I have no objection; I shall bring it up before the House and ask the opinion of the hon. Ministers. Otherwise, normally, I shall exercise my discretion to bring it up or not to bring it up.

The whole thing will be thrashed out, and we shall discuss it later on, in about fifteen days' time. Let me have the suggestions first.

12.24 hrs.

LEGAL PRACTITIONERS BILL—
Contd.

Mr. Speaker: We shall now proceed with the further consideration of the motion to refer the Legal Practitioners Bill to a Joint Committee.

Shri Mulchand Dube may continue his speech.

Shri Mulchand Dube (Farrukhabad): The Law Commission has rightly observed that the standards in the Bar have fallen, and that there is some deterioration in the Bar. It has also suggested some remedies; and some remedies have also been provided in the Bill that is before the House. As far as I can see, the remedies that are provided in the Bill are not going to improve the standard of the Bar.

There is no doubt that there has been some improvement in the legal education in recent years. But we have also seen that the education as it was many years ago has produced very eminent members of the Bar and eminent jurists who have been able to hold their own against the best lawyers of the world.

12.24 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

Therefore, it is not the defect in the legal education that is really responsible for the deterioration in the Bar.

The reason has to be looked for elsewhere.

My submission is that a degree either in law or in arts is merely a preparatory degree which enables a man to continue his studies, if he wants to specialise in any particular subject. The same thing applies to law. The mere obtaining of a degree in law is not sufficient to make a lawyer of a man. Law, as it is said, is a jealous mistress and brooks of no rival. What is necessary is an intense study of the law after passing the law examination. It appears to me that this intense study of the law is lacking. The reason seems to me to be that the prizes offered by law are not so attractive as they used to be before.

We find, as I said yesterday, that in many cases, the avenues for the lawyers have been closed and are being closed. The question, therefore, is whether we do or we do not want lawyers in our democracy. If we do want lawyers, something has to be done for them also, and the avenues for them have not to be closed. What happens is that many of the laws that are enacted, and the rules prescribed thereunder, prohibit lawyers from appearing in cases relating to those laws. My submission is that although the Bill provides that lawyers should be allowed to appear and should be entitled to appear in all cases in which they are appearing at present and also before persons or tribunals who have a right to take evidence—this is good so far as it goes—yet, even so I think it is necessary that in order to protect interests of the citizens against the vagaries of the Government or the Government officers, lawyers should be allowed to appear before every officer or court, whether or not he or it is entitled to take evidence, whenever the rights of a citizen are to be determined. Supposing, a Secretary to the Board of Revenue has to determine the rights of a citizen according to certain laws, then the person affected should have

the right to engage a lawyer and have his case presented by him before that officer. My submission is that to confine them merely to the law courts and before persons who are entitled to take evidence is not sufficient. I think every individual should be free to engage a lawyer to present his case, wherever it might be. That is one aspect of the question.

My next point is this. The Bill provides for two classes of advocates, senior advocate and ordinary advocate. Some objection has been raised as to whether there should be two classes of advocates, senior advocate and ordinary advocate. I think the provision is good so far as it goes, because in England also it appears that there are King's Counsels or Queen's counsels and ordinary barristers-at-law. A person who has succeeded at the Bar in getting round him some practice should be enabled to be classed as a senior lawyer. This classification will also help the junior advocates, because the senior advocates, by the mere fact of their being seniors, will be debarred from taking up certain kinds of work, and, therefore, those kinds of work will have to go to the other advocates. To that extent, it also helps in the distribution of the work.

There is also another thing that I want to impress on the hon. Minister. He has prescribed a fee of Rs. 500 for enrolment as an advocate. Of course, this fee goes to the Bar Council, but even so, he has not made any provision for the amendment of the Stamp Act, where a fee of Rs 500 is prescribed for entry as an advocate. It used to be Rs. 500; it may now be Rs. 750 or thereabouts. If any person wants to get himself enrolled as an advocate in a State Bar Council, he will have to pay not only Rs. 500 to the Bar Council, but also about Rs. 500 or Rs. 750 or whatever the figure may be to Government by way of stamp duty. I think that has to be revised. The Stamp Act has to be amended so that the fee of Rs. 500

or Rs. 750 or whatever it may be is abolished, and the fee of Rs. 500 which is to be given to the Bar Council should also be reduced to Rs. 125 as was recommended by the Law Commission.

With these words, I support the Bill, and I do hope that the hon. Minister will take these facts into consideration and do whatever is necessary.

Shri Barman (Cooch-Bihar-Reserved—Sch. Castes): It is a very good measure which has been brought before this House for the implementation of the recommendations of the All India Bar Committee which were made in 1953, and of the recommendations made thereafter by the Law Commission.

The main features of the Bill are enumerated in the Statement of Objects and Reasons, but I shall touch only one of the main features, and that is the establishment of an integrated Bar Council for the whole of India.

In this connection, I have to invite the attention of the hon. Minister to the remarks made by the Law Commission when they suggested this measure. At page 560 of their report, in paragraph 14, the Law Commission has stated:

We would like, at this stage, to make a reference to a practice which we consider to be somewhat inconsistent with the idea of an integrated Bar with a common roll for the whole country."

It has given certain indications also that so far as the Calcutta High Court is concerned, there is an invidious distinction between the two classes of advocates, that is, those who have qualified in the English Bar and those who possess Indian qualifications. They have got separate libraries and also separate rooms. An advocate who is qualified here is not allowed entry into their chamber or even to the library that is maintained

[Shri Barman]

by them. That is not all. We have it on the authority of a very distinguished member of the Calcutta Bar that at the time the lunch takes place if there be any advocate who by chance may be within that chamber, he is asked to get out. On one occasion, a senior advocate of some other High court who was ignorant of this practice was sitting there when it was lunch hour. The doors were at once closed and nobody else was allowed inside. But that gentleman not knowing the practice was still sitting there. Then some of the advocates who were qualified in the English Bar—they are now called Counsels—were saying that there was some advocate who was not qualified to sit with them while they were at lunch. Somehow he got the hint and went out.

This was a practice which obtained while the Britishers were there. There were also English barristers at that time. Now so far as I know, there is no English barrister in the Calcutta High Court, but even now that practice persists. I should say this is a case of untouchability amongst the advocates, and this is an invidious distinction which should go.

There are three or four paragraphs in the Law Commission's Report dealing with this. I need not read them out. At the time the Britishers were here, in the beginning those who were qualified in the English Bar and practising here were called advocates and the others were called vakils. At that time, only advocates were entitled to practice in the Original Side of the High Court, not the vakils. Later on, somehow or other, when eminent luminaries like Rash Behari Ghose were there that distinction was somehow eliminated. Now, of course everyone is allowed also on the Original Side. According to a seniority which determines the precedence amongst advocates. Then everybody was called an advocate. Now the barristers call themselves as

counsels and this division still persists with another Chamber and another library for them, where advocates qualified under Indian conditions are not allowed.

This is evident from the Report itself. So I need not dilate much on that. But how the distinction can be removed is, of course, a matter for the hon. Minister to consider. When an integrated Bar Council is constituted, the question will have to be certainly considered. For the present, I would like the Joint Committee to consider if some amendment cannot be introduced into the Bill itself. To that end, I suggest that in clause 3(2), after line 23, a second proviso to the following effect may be inserted:

"Provided further that there shall be no discrimination in the matter of any privilege, amenity or facility in favour of any advocate or class of advocates on the basis of any qualification acquired in a foreign country".

If an amendment of this nature can be incorporated in the Bill itself, this distinction will automatically go. Otherwise, if we depend on the good sense of these high-caste advocates, I do not know how long it will take to eliminate this distinction. Therefore, I would suggest to the Joint Committee to give some thought to this matter so far as this invidious class or caste distinction goes, and see how it should be removed.

Shri V. P. Nayar (Quilon): I have pleasure in welcoming this Bill. It has been long overdue and it is very good that at least now we have it.

But I was thinking, especially as I used to hear from the hon. Law Minister sometime ago on his impressions about his foreign tour, that he was seriously thinking about bringing in certain provisions by which all the advocates, the entire fraternity.

would be assured of at least a minimum subsistence earning.

12.37 hrs.

[SHRI BARMAN in the Chair]

He gave us a talk the other day when he told us how the system was working in the Eastern European democracies. So I thought that at the time he brought forward a measure of this kind he would include certain provisions whereby it would be possible for all the advocates to get what is called a living wage. But to my regret I do not find any such provision at all in this Bill. I would very much request the Joint Committee and also the hon. Minister to find out how by changing the provisions in this Bill the professional work can be distributed to all the lawyers.

As you know, every lawyer is not fortunate. There are many of our brethren who do not have sufficient income from the profession. Many arguments may be advanced for it. It may be said that the profession is overcrowded and all that. But I feel that if there is a better distribution of the income from the profession, it could easily be seen that almost everyone will get enough to live on. We are thinking, and we are fast moving, as the Government say, towards a socialist pattern of society, but this particular field is left out. Therefore, I would urge upon the hon. Minister and also the Members of the Joint Committee to find out ways and means to distribute the income which accrues from this profession to all the advocates on a more or less equitable basis.

You know today some of the top lawyers get a fee of Rs. 1650 per appearance. I am told that recently when the Bank dispute was in the Supreme Court in what was known as the Bonus Cases, the Attorney-General was engaged on a daily fee of Rs. 8000. Nobody in India requires Rs. 8000. per day, and it could very well have been that some other

arrangement was there. I am not against the Attorney-General receiving that fee at all but it could have been distributed more properly.

As regards the provisions of the Bill, I find that just as doctors when they treat themselves or their near relative get confused, so our Law Minister and his deputy have also become a little confused about the provisions. If you go through the various clauses of the Bill, you will find certain words, for example, the words 'prescribed', 'provided' or 'notwithstanding' being repeated almost in every clause. It is quite natural also because they are in the habit of taking as much safeguards as possible. Barring that, there are certain other important points to be considered.

The Attorney-General and the Solicitor-General as also the various Advocates General have been given certain rights which are not given to the Advocates. I am not against that also. For example, there is the right of pre-audience, the Attorney-General followed by the Solicitor-General, then the Advocates-General, and between the Advocates-General whoever is senior will have the right of pre-audience. I am not against that. But this raises another important question which we must solve here and now.

The Attorney-General or the Solicitor-General or the Advocates-General, all of them, from the moment they are appointed have their practice at the Bar doubled or trebled. It is a fact; nobody can deny that. The Judges are also human and it is possible that even without the Judges or the Presiding Officers knowing about it, the influence is there. It is a felt in effect.

If you take the income-tax returns of any one of them, whether he is an Advocate-General or a Solicitor-General or a Government Pleader, you will find that the income which accrues to him from the profession

[Shri V. P. Nayar]

after he becomes a Law Officer of Government shows an increase. I submit it is time these Law Officers are made to function only exclusively for Government purposes. This is a suggestion I would very much like the Joint Committee to consider. Maybe it may be argued that we may not get the best talent in case we put such restrictions. I do not agree with that proposition at all because right in front of us there are two classic examples. The Law Minister was practising at Calcutta and he has chosen to come here and accept the Minister's job getting probably one-fifth of what he was making there. There is again my hon. friend, Shri Hajarnavis to whom it must have been a sacrifice to accept the post of a Deputy Minister. And, to some of us, it has really meant that by being Members of Parliament we have had to surrender a good portion of our income. That does not detract us from doing our duty. Therefore, to plead that, in case you limit the professional activities of the Solicitor-General, the Attorney-General or the Advocate-General or Government Pleader only to arguing cases on behalf of Government, the right men from the talented section of the lawyers will not accept the job, according to me, is not correct. I do not think very many Advocates at the top will be wanting in patriotism to accept such jobs.

Why I say this is because, as you know, such Law Officers have more private practice than Government practice. If you go to the High Court or the Supreme Court the right of pre-audience is not restricted only because they function as Attorney-General, Solicitor-General or Advocate-General but because of their personality which is created by the appointment. Every Presiding Officer is bound to hear them, at least in practice, with great respect. I presume this will not be contradicted by my hon. friend there. I am strengthened in what I say by an observation made, though not at the relevant

place, in the Report of the All-India Bar Committee. It has stated that as between Advocates on record or Attorneys and lawyers, there is a difference. The Report says:

"A busy advocate cannot possibly bestow the time and attention that are necessary for the efficient preparation of the case."

This is exactly the point. I submit that when the Attorney-General or the Solicitor-General or the Advocate-General is also allowed to take up private cases—whatever be his physical capacity to work—he cannot pay undivided attention to the cases either of the Government or of the private party. It is only for the sake of income that they go about which is not desirable. Therefore, I submit that in the provisions relating to practice of law in the courts there may be some amendment made by the Joint Committee whereby the Law Officers of Government like the Solicitor-General, the Attorney-General or the Advocate-General should be forbidden from taking up any work other than that of Government.

I am agreeable to raising their salary to the salary of the Chief Justice of the Supreme Court or even more. I am not worried about it; but once they are appointed their attention must be undivided for the conduct of Government cases. They should not have divided loyalties between Government work and private work. If it were so I am perfectly agreeable to giving the right of pre-audience in the order in which it is given. Without this, I submit, such rights should not be conferred. In saying so, I have nothing either against the Attorney-General or the Solicitor-General. What I have is only admiration for them and their ability. That apart, the appointment should not be taken advantage of by anybody. If the hon. Minister is eager to know it he can get it from the income-tax returns. I once again urge upon the Joint Committee to consider this.

Shri V. P. Nayar: But in practice, what do we find? Even a third-class magistrate can chastise a top lawyer in the country and go with immunity. Nobody will care for it just because we do not have in the bar associations that sort of a discussion. It must be encouraged by the Government.

There is again another thing about the dual system. We know that all advocates are not of the same calibre. Draftsmanship is so well for some while for others, they do not find themselves able to write a petition but they perform their advocacy very well. The 1953 report says that the opinion of lawyers in India on the question of merit or demerit of the dual system is sharply divided today as it was in 1924 when the Campion Committee made its report. I submit that it remains so even today. I cannot say one way or the other because I have heard from many people that it must exist and today it is in the Calcutta Bar and also in the Bombay Bar. What is the position in the Supreme Court? I do not find any provision whereby in the Supreme Court also it will continue. In the Supreme Court, they are not called attorneys but advocates on record. When all of them are made advocates, there is no distinction between advocates on record and other advocates. I submit that the advocates on record, functioning as such at present, will suffer because every one of our lawyers will not equally be good at argument. I cannot commit myself to any opinion but I submit that the Joint Committee should go deeply into this question before taking a final decision. If you can allow the system to continue in Calcutta and Bombay, I do not think there is any harm in allowing the system to continue. They make a distinction between senior advocate and junior advocate. Some of my young lawyer friends are as good as senior advocates in the country. I would refer to—Shri Pattabhi Raman knows—Mr. Mohan Kumaramangalam and Mr. A. S. R. Chari of Bombay for inst-

ance. They are in the early forties but they may not be considered to be senior advocates. It does not depend on age alone. It depends upon the number of years' practice and the number of cases. Why should there be a class distinction, as somebody pointed out? Why should there be senior advocates and other advocates? The senior advocate will get this advantage that in his letter head he can print 'senior advocate' with his other qualifications and the other advocates cannot print that. He can only print 'so and so, advocate'. Why should you create that distinction? There are many such small matters in this Bill to which I cannot refer as you have already warned me about the time.

Mr. Chairman: The hon. Members may give their suggestions in writing.

Shri V. P. Nayar: It is a question which affects our day-to-day life also. I would conclude my remarks by saying that the hon. Minister should particularly take note of my suggestion that a collegium of lawyers, as was in the contemplation of the Minister and over which he seems to be more concerned than any one of us should be provided. Secondly, Government's law officers should be strictly forbidden from taking up private briefs in which case alone they need be given these special rights because their attention must be undivided. Thirdly, the distinction among the lawyers and the untouchability which prevails in a very bad way even today must be taken away and the feudal relics which we find in the system must be completely wiped out. All the advocates should be assured, by some way or the other, of earning a livelihood and of distributing the income that accrues from this profession. With these words, I commend the motion.

Shri Supakar (Sambalpur): Mr. Chairman, unfortunately the time at my disposal is very short. I have many points to refer to but I shall confine my remarks to one or two

important aspects of this Bill. I shall first of all try to point out the constitutional aspect of these proposals and draw your attention to clause 19 of the Constitution. It says:

“All citizens shall have the right ... to practice any profession, or to carry on any occupation, trade of business.”

Sub-clause 6 of this article puts a restriction on sub-clause 1(g) which reads:

“Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and in particular.....”

You will find that a man who is practising, after enrolment, as an advocate, is governed by certain rules. A certain procedure is prescribed for taking disciplinary action against him. Chapter V of this Bill shows how a person may be deprived of his right to practice. Clause 33 of the Bill says:

“Where a State Bar Council has received a complaint or has otherwise reason to believe that any advocate on its roll has been guilty of professional or other misconduct, it shall refer the case for disposal to its disciplinary committee.”

But it has not defined the words ‘professional or other misconduct’. All that clause 45 says is:

“The All-India Bar Council may make rules for discharging its functions under this Act, and, in particular, such rules may prescribe the standards of professional conduct and etiquette to be observed by advocates.”

Clause 45 speaks of ‘professional conduct’ while clause 33 speaks of complaints regarding the ‘professional or other misconduct’.

Inasmuch as the law does not clearly specify what is professional misconduct and does not in so many words say under what condition a person may be debarred from practice either temporarily or permanently, I do not know whether this will not be an infringement of article 19 of the Constitution. I think the previous law, the Indian Bar Council Act, Act XXXVIII of 1926, did not in such categorical terms define the words ‘professional misconduct’ in the case of advocates enrolled in the State Bar Councils but all the same it provided that the final disciplinary action in the case of professional or other misconduct and the debarring of an advocate temporarily or permanently should ultimately rest with the Judges of the High Court, although the Bar Council was empowered to make preliminary investigations and make a report to the High Court Judges. Now that the Constitution under the Fundamental Right given in article 19 has given a better right to the citizens to practise any profession, unless the State makes a law clearly specifying the conditions under which a person would be liable to be debarred either temporarily or permanently from practising in a court, I think, Chapter V of the Bill or at least clause 45 of the Bill which seeks to give a general power or a blanket power, I should submit, to the Bar Council to take disciplinary action against advocates without specific legislation to that effect is rather *ultra vires*.

13 hrs.

The Deputy Minister of Law (Shri Hajarnavis): May I draw the attention of the hon. Member, Sir, to clause 7(b) of the Bill which says:

“The functions of the All-India Bar Council shall be—

(a) to prepare and maintain a common roll of advocates;

[Shri Hajarnavis.]

(b) to lay down standards of professional conduct and etiquette for advocates;"

The whole scheme of the Bill is that the State Government does not legislate for this honourable profession, but what exactly the conduct should be and what standards should be maintained has been left to their representatives. So they will lay down the standards of professional conduct. All that the clause to which the hon. Member has drawn attention lays down is merely the forum which shall decide what action is to be taken. The procedure to be followed is also to be laid down by the All-India Bar Council as mentioned in clause 6. The scheme of the Bill is that the profession will legislate for itself, will control itself, will govern itself.

Shri Supakar: That is exactly what I was submitting. I was expressing my doubts whether the Parliament could delegate its power of having a specific legislation on this point of the liability for misconduct of advocates to the All-India Bar Council. I am afraid, Sir, this may be construed as violating the provisions of the Constitution. I hope that the Select Committee will give due consideration to this aspect of the problem.

Another point which I wish to make is, though the professed aim of the Bill, as is stated in the Statement of Objects and Reasons, is the prescription of a uniform qualification for the admission of persons to be advocates and the establishment of an All-India Bar Council with a common roll of advocates, I submit, still it creates a class distinction in the case of senior and junior advocates. Also, the basis on which these senior and junior advocates are to be categorised is left very vague. I will draw your kind attention to clause 15 of the Bill which says:

"(1) There shall be two classes of advocates, namely, senior advocates and other advocates."

Sub-clause (2) of this clause is important. It says:

"(2) An advocate may, with his consent, be designated as senior advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability, experience and standing at the Bar he is deserving of such distinction."

I think, Sir, first of all, there should not be any class distinction as senior advocates and junior advocates. If at all the Select Committee thinks that such a class distinction is necessary or unavoidable, it should set up more definite standards of categorising an advocate as a senior advocate and should not leave it to a vague standard of judging from the ability, experience and standing of the advocate by the judges of the Supreme Court or High Court. There may also be a difference of opinion in such a judgment and, therefore, it is necessary that more specific standards should be laid down on this aspect also.

Now, Sir, about the standard of admission of persons entitled to be enrolled both in the State Bar Council and in the All-India Bar Council. You will find that provision has been made in clause 22 of the Bill where it is stated that a person who is to be admitted as an advocate on the roll of the High Court should fulfil certain conditions. It is said that he must be a citizen of India, he must have completed the age of 21 years, he must have a bachelor's degree in arts, science or commerce and also he must have obtained a bachelor's degree in law. After having attained all these qualifications, as is provided in sub-clause (d) of this clause 22, he must have undergone a prescribed course of training in law and passed the prescribed examination after such training. You know, Sir, at present, when a person has the qualifying degree of law he is entitled to be enrolled first

of all as a pleader, and if he has undergone a certain juniorship training, after some time he is entitled to be enrolled as an advocate. But here a more rigorous test is prescribed. After he has passed the degree examination in law he has further to undergo a course of training and pass a certain examination. What happens, I would ask the hon. Deputy Minister of Law, when a person who has passed the degree course in law somehow or other fails in the examination after the training course? In that case, the person is neither here nor there.

The argument may be that a degree course in law by a university does not give a person a sufficiently high standard of knowledge in law in order to entitle him to practice in a court of law. I would submit that the examination after the training course will not *suo moto* be a good qualification for him to entitle him to practice in a court of law because, as you know, it needs a good deal of practice in order to be a successful lawyer. I would rather prefer that the universities raise their standards for the examination rather than ask a person who has already got a bachelor's degree in law to sit for a second examination and take his chance.

Therefore, I would submit that it should be possible to raise the standards, if we set a high standard of examination, at the university level, in respect of law. It is good that the All-India Bar Council is going to set up a high standard, perhaps a uniform standard of university examination in law. So, it should be possible to set up uniform standards by raising the standard of examination for the degree courses in law at the universities. So, it should not be necessary or essential to have any examination after the prescribed course of training. I believe that the Joint Committee will consider the desirability of deleting sub-clause (1) (d) of clause 22.

I had many more points to say but since you have rung the bell I shall stop. I would request the Joint Committee to take into consideration the points that have been made by me.

Shri C. R. Pattabhi Raman: Mr. Chairman, the demand for a unified Bar has been a persistent demand, and this measure will not only fulfil the desires and ambitions of lawyers in India but will also lay the foundation for an independent and autonomous national Bar. It will bring into existence, as the Law Commission has pointed out, "an influential brotherhood of highly educated persons associated together in a common profession with common interests and common ideals".

Chief Justice Venderbilt has stated quite sometime ago that a lawyer had five functions to perform: counselling, advocacy, improving his profession, the courts and the law, leadership in moulding public opinion and the unselfish holding of public office. He further says:

"In a free society every lawyer has a responsibility, that of acting as an intelligent, unselfish leader of public opinion—I accent the qualities "intelligent" and unselfish—within his own particular sphere of influence. Finally, every great lawyer must be prepared, not necessarily to seek public office, but to answer the call for public service when it comes."

Therefore, it is not a day too soon that this very desirable measure has been brought forward here. I dare say that the Joint Select Committee will go through the various provisions and improve on them.

I wish to draw the attention of the House to one or two matters which I think are important at this stage. So far as the classification of advocates into senior and junior advocates is concerned, there seems to be some

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misapprehension. In fact, it is a very big decision that a young lawyer takes in England when applying for silk and becoming the King's or Queen's counsel. There are very many leading lawyers who do not take silk at all and there are many young lawyers who take silk and who suffer on account of that because it precludes them from doing certain types of work which will normally come to them. Therefore, this dichotomy is very necessary in India, because, we will then have a senior lawyer who would be freed from the architecture of the case; he will be freed from actually dealing with the clients, the office, stamps, affidavits, plaints, correspondence, etc. All these matters will be outside his purview, and I think this division is very necessary. The senior advocates throughout India will perform important functions besides being technicians and they will have to realise that unless they are able to bring up a second line in the Bar they will be failing in their duty. These provisions will enable most of them to bring up deserving juniors to the proper standard to take their place when the seniors make way for them either by retiring or entering public service.

This measure for having a unified Bar will also ensure for Indian citizens, wherever they are, expert advice which will be almost the same throughout India, and expert technical assistance in the courts will be available. Such uniform advice will not be available unless there is a unified Bar and an All-India Bar Council in charge of these matters.

The Law Commission have quite rightly referred in detail to legal education, and it is this aspect which I wish to bring to your notice now. There is a reference to it in the Bill before us. Really legal education today is very poor in India. It is admitted on all hands that it is so. In many places the law colleges have got only part-time professors and the

students who attend the classes are also part-time students. Many of our law colleges have got 300 or 400 students attending the first and second year classes and they are given very perfunctory education. They do not have expert lawyers or jurists for teaching them, except in very rare cases. That is a real tragedy. On the other hand, in England, they have various law schools formed at London, Oxford and Cambridge, and eminent men like Holdsworth, Cheshire and Berridale Keith right up to the north of England have taught the students. In America also, there are so many important and influential law schools at Harvard, Yale and in New York itself, and also at Columbia. Eminent lawyers and jurists preside over those schools. Some of them are not only leading lawyers but have been responsible for great books. They were great writers. That is why the Law Commission has rightly stated the need for higher standards. We here do not have many real treatises or works on jurisprudence or legal subjects. The reason is, either our lawyers are busy practising and get no time for writing books or jurists do not get sufficient emoluments so as to be able to turn our really good books on jurisprudence and other legal subjects. Therefore, it is very necessary that an all-India body should take up the question of legal education. It is a very urgent matter.

Actually, as has been pointed out in the Law Commission's report itself, law seems to be the last resort or refuge for our young men who, after trying other sources of avenue for employment, etc., take up the law course. They just take a law degree for the sake of a degree. Not that there should be any attempt at preventing such things. Let them by all means take degrees, but the people who qualify for the profession of law should have some sort of technical perfection, some sort of equipment. I am glad that there is a provision in this Bill to ensure that apart from

having university degrees, they will have to fulfil certain tests which the All-India Bar Council and the State Bar Councils, as the case may be, will be prescribing for them.

Though it is really not germane to the Bill before us I wish to refer to another aspect, namely, that all the provisions in the Bill, the profession of law, redressing of grievances, agitation for citizenship rights, etc., will become meaningless if the present rate of court-fees and the cost of litigation are maintained. In fact, you will be interested to know that on pages 487 to 490, the Law Commission itself has referred to this aspect of the matter, and I would like to draw the attention, not only of the House but of the whole country and the lawyers as well, to what the Law Commission has said in this connection.

The Law Commission has said:

"Our States provide hospitals which give free treatment to persons who are physically afflicted. But if a person is injured in the matter of his fundamental or other legal rights, we bar his approach to the Courts except on payment of a heavy fee."

It goes on to point out:

"But, if what the Courts administer be justice, is justice a thing which the Government ought to grudge to the people?"

One of the famous sayings in the Magna Carta was, "To no one will we sell justice". That was about 800 years ago in England. That is a just principle. But all over India today adjudication is available at a high price. You will find that in Madras, the rate is the highest. They charge 7½ per cent *ad valorem*. Supposing a person's or an institution's property involves a sum of Rs. 5 lakhs or Rs. 7 lakhs, he will have to pay a sum of Rs. 37,500 or Rs. 52,500 by way of stamps and court-fees. It is equally high in other States. Most of the

States are levelling up and catching up with Madras where we have an exorbitant court-fee. The States do not make any bones about it. They say, "we want revenue". The ministers in the States in charge of judicial administration always say they want revenue. This comes under civil administration and it brings revenue. Of course, let them by all means have some sort of revenue, but then, it is very high. They always club, with the administration of justice, i.e., civil justice, criminal justice, policing the State, etc. They mix all these things with magisterial cases and so on, where wrongs are righted, crimes are detected, security is assured, etc.; and try to show that they are not making so much money. It is really a crying shame that most of the States are making huge sums of money so far as the administration of civil justice is concerned. Though it is not germane to this Bill, I am pointing it out because it is very important.

I am very glad this legislation is coming and this must be the beginning of many more Bills similar to this. There must be one Bill regulating the cost of litigation all over India. Just as you are having a unified Bar and unified system of justice, you must have uniform court fees throughout India. It must bear some sort of proportion to the injury caused or the claim, if it is a civil matter and not what it is, viz., 7½ per cent *ad valorem*, which is outrageous. This is very much outside the scope of many poor people. They cannot go to court and most of them compromise because of the high cost of litigation, apart from paying fees to the lawyer. This is really a crying need and some reform is needed here.

I also feel that we must have a panel of lawyers, especially junior lawyers in each State—there are many brilliant young men—who must be engaged to appear for Central Government cases. Of course, the States have got their own Government Pleaders and Advocates-General. But the fact remains that so far as Central Government and tax cases are

[Shri C. R. Pattabhi Raman.]

concerned, they must not go by patronage. What happens now is that some gentleman secures the advising work for some all-India body and he clings to it for years together, like some sort of patrimony. Instead of that, a panel of young lawyers will be able to deal with most of the Central Government cases in the States.

We are going to do away with the various and diverse types of lawyers. When this is done and a common roll comes into existence, it will also be necessary to give a status—to the statutory lawyers—to the lawyers who will come into being as a result of the unification of the Bar. Once they are recognised as Advocates, naturally from the day on which they started practice, they must have seniority; according to the date on which they got qualified. Even if they are pleaders or if they go by any other name, those people must have a standing according to the date on which they started practice.

So far as the other points raised by some hon. Members are concerned, I may assure them that there has been a strong feeling with regard to the various classifications. A Supreme Court lawyer has got the right to practise everywhere, act and plead. Actually it has been pointed out in the Law Commission's report itself that a Supreme Court lawyer can actually act in Calcutta today. But, he is not so popular and nobody is engaging him to act there. It is a question of time. There are some people who are barristers, but they practise really as advocates. I am very proud of the great traditions of the Bar in India. Sir Tej Bahadur Sapru was not a barrister; he was a giant amongst the leaders of the Bar. There are so many names I can give from South India . . .

Shri Hajarnavis: Sir, C. P. Ramaswami Iyer is one of them.

Shri C. R. Pattabhi Raman: You are entitled to say that. There have been

so many great leaders of the Bar and I am very proud of them. I, for one, will be the last man to think that the education given abroad is superior to the education given here. But at the same time, I have to point out that the legal education given in India today is perfunctory and poor. That must be immediately improved. The law colleges should not be like pinjrapoles—part-time students with printed notes, part-time teachers, shouting to the students, "If you want to go away, you can go away" and all that. That is very wrong. We must have proper legal education. The technique of the lawyer must be improved.

I hope this measure is only the beginning of many more such Bills to come. With these words, I support the Bill.

श्री राम कृष्ण गुप्त (महेन्द्रगढ़) :

मि० चैयारमन, सर, मौजूदा लीगल प्रैक्टिशनर्स बिल के जरिये, जो कि सिलेक्ट कमेटी को रेफर किया गया है, आल इंडिया बार कौंसिल और स्टेट कौंसिल्स सेंट-अप की जा रही हैं। यह बहुत खुशी की बात है। जैसा कि मुझ से पहले बहुत से आनरेबल मेम्बरज ने चर्चा की है, इस की बहुत ज्यादा जरूरत थी। इस के लिए आल इंडिया बार कमेटी भी मुरारर की गई थी। उस ने भी अपनी रिपोर्ट में इस बात के लिए जोर दिया था। पिछले दिनों ला कमीशन ने जो अपनी रिपोर्ट दी, उस में भी इस की जरूरत को महसूस किया गया था। इस बिल के जरिये जो इन कौंसिल्स को सेंट-अप किया जा रहा है, उस के बारे में मैं दो तीन बातें हाउस के सामने रखना चाहता हूँ।

इस बिल को देखने से यह पता लगता है कि आल इंडिया बार कौंसिल और स्टेट कौंसिल्स को सेंट अप करने का सब से बड़ा मकसद यह है कि तत्कम वेक में एडवोकेट्स की एडमिशन के सिस्टम को यूनिफार्म किया

जाय, जिस से कि बार का स्टैंडर्ड ऊंचा हो। यह बहुत खुशी की बात है, लेकिन इस के बारे में मेरी तजवीज यह है कि जब तक हम तमाम देश में लीगल एजुकेशन के स्टैंडर्ड को भी उस के साथ साथ यूनिफार्म और ऊंचा नहीं करेंगे, हम इस में कामयाब नहीं हो सकेंगे। मेरी राय यह है कि उस के लिए लीगल एजुकेशन के स्टैंडर्ड को भी तमाम देश में यूनिफार्म करना निहायत जरूरी है। आज हम क्या देखते हैं कि बहुत से ऐसे ला कालेज हैं, जिन में तीन साल का कोर्स है, और बहुत से ऐसे कालेज हैं, जिन में दो साल का कोर्स है। यही नहीं, कई कालेज ऐसे हैं, जहां कि इवनिंग क्लासिज लगती है। इस के साथ साथ बहुत से कालेज ऐसे हैं, जहां एम० ए० के साथ ला की एजुकेशन की भी इजाजत है। मुझे पूरी उम्मीद है कि ज्वॉयंट सिलेक्ट कमेटी इन तमाम बातों की तरफ पूरा ध्यान देगी।

बिल की क्लॉज ६ में कहा गया है कि प्राल इंडिया बार कौंसिल के फ्रंक्शन में से एक फ्रंक्शन यह भी है—

"to lay down standards of legal education in consultation with the Universities in India imparting such education;"

इस बारे में मेरी अगल यही है कि सब से पहले यह कोशिश करनी चाहिए कि जिस से तमाम देश में लीगल एजुकेशन का एक यूनिफार्म स्टैंडर्ड हो, वना एडवोकेट्स के लिए जो यूनिफार्म मैथड बनाया जा रहा है, वह कामयाब नहीं हो सकेगा—वह फेल हो जायगा।

दूसरी बात जो मैं हाउस के सामने पेश करना चाहता हूँ—और मुझे पूरा विश्वास है कि सिलेक्ट कमेटी इस बात पर भी गौर करेगी—वह यह है कि ला की एजुकेशन के बाद दूसरा सवाल हमारे जजिज वगैरह की एपायंटमेंट का है। ला कमिशन की रिपोर्ट में भी इस बाब का जिक्र किया गया है। मैं

यह बात खास तौर पर इस लिए कह रहा हूँ कि बिल में जो फ्रंक्शन दिए गए हैं, उन में इस बात का कोई जिक्र नहीं है। मैं चाहता हूँ कि स्वाह वह किसी भी स्टेट पर हो, किसी भी तरीके से हो, इस बात के लिए कोशिश करना चाहिए। एक जजिज वगैरह के एपायंटमेंट में प्राल इंडिया बार कौंसिल की राय जरूर ली जाये। यह बहुत जरूरी है, क्योंकि एक देश के इन्साफ को ठीक तरह से चलाने के लिए, वहां की डेपॉजिटिव गवर्नमेंट को कामधार्बी से चलाने के लिए एक मजबूत इंडिपेंडेंट जूडिशल सिस्टम का होना निहायत जरूरी है और कोई जूडिशल सिस्टम मजबूत और इंडिपेंडेंट नहीं हो सकता, जब तक कि उस की बार को कॉन्फिडेंस में नहीं लिया जायगा, खास तौर पर जजिज वगैरह की एपायंटमेंट के लिए। मुझे पूरा विश्वास है कि इस बात की तरफ भी ध्यान दिया जायगा।

हमारे देश में आज जो लीगल सिस्टम है, वह बहुत सड़गा है। गरीब आदमियों को इन्साफ बनने के लिए बहुत ज्यादा कोशिश करना पड़ता है और बहुत ज्यादा पैसा खर्च करना पड़ता है। मुझे पूरा विश्वास है कि बार कौंसिल के सेंट अप होने से इस बारे में भी जरूर मदद मिलेगी और इस तरफ भी ध्यान दिया जायगा, ताकि गरीब लोगों को फ्री लीगल एड मिल सके और उन को अदालतों में इन्साफ मिल सके।

मैं ये तमाम बातें इस लिए कह रहा हूँ कि बार एक अटोरिनिमस बॉडी हो। इस रिपोर्ट में इस का जिक्र किया गया है और कहा गया है कि उस के फ्रंक्शन वाइड होने चाहिए, क्योंकि जैसा कि ला कमिशन की रिपोर्ट में सफा ५८० पर कहा गया है:—

"A uniform Bar of India can be a powerful influence for welding the country together and for combating all sectional, regional and communal trends. It can largely mould public opinion in matters relating to legislation and the administration of justice."

[श्री राय कृष्ण गुप्त]

इस लिए आप खुद अन्दाजा लगा सकते हैं कि बार कौंसिल का कितनी ज्यादा अहमियत है। उस की अहमियत इस लिए है कि वह देश में एक अच्छा मजबूत एडमिनिस्ट्रेशन कायम करने में मदद देती है। उस की इस लिए भी जरूरत है कि वह देश में सैकशनल, रिजनल और कम्पूनल ट्रेडज का मुकाबला करती है और उन को खत्म करने में मदद देती है। लेकिन ये तमाम बातें तब ही हो सकती हैं, जब कि बार कौंसिल को ज्यादा पावर दे दी जायेगी, उन को ज्यादा भ्रूतिवार दिए जायेंगे और उन के फ्रेशन्ज का और ज्यादा बढ़ाया जायगा। यह बात मैंने इस लिए कही है कि इस बिल में बार कौंसिल के जो फ्रेशन्ज बतलाए गए हैं, उन में से बहुत से वहाँ हैं और उन में हम अन्दाजा नहीं लगा सकते कि उन की पावर कितनी होगी। मुझ से पहले मेरे दोस्त श्री सूपकार ने भी ध्यान दिलाया है। मुझे पूरा विश्वास है कि इस तरफ भी पूरा ध्यान दिया जायगा और इन कौंसिल के फ्रेशन्ज और पावर को और ज्यादा बढ़ाया जायगा, ताकि वे इन तमाम कामों में पूरी मदद दे सकें।

इस एकट में जो पांच मी रूपए की फीस रखी गई है, वह बहुत ज्यादा है। मुझ से पहले और भी कई दोस्तों ने इस तरफ ध्यान दिलाया है। मैं समझता हूँ कि इस हाउस की यह यूनिमस राय है कि इस को रेड्यूस-कम-किया जाय। अगर ज्यादा नहीं, तो कम से कम इस को आधा जरूर किया जाय। आज हम देखते हैं कि जितनी डिस्पैरिटी आफ इनकम इस लीगल प्रोफेशन में है, शायद और किसी प्रोफेशन में नहीं है। इस तरफ भी मेरे और दोस्तों से ध्यान दिलाया है। आप को ऐसे बहुत से एडवोकेट्स नजर आयेंगे, जिन की आमदनी तीस, चालीस हजार रूपए से ज्यादा है, लेकिन ज्यादा तादाद ऐसे एडवोकेट्स की है जिन को

बहुत कम काम मिलता है और जो बेकार हैं।

इन तमाम बातों की तरफ हमें ध्यान देना चाहिए। मुझे पूरा विश्वास है कि फीस को भी कम किया जायगा और इस किस्म का इन्तजाम किया जायगा कि जिन जूनियर एडवोकेट्स को काम नहीं मिलता है, उन को ज्यादा से ज्यादा काम मिल सके। इस के बारे में मैं दो तीन तजवीजों हाउस के सामने रखना चाहता हूँ। एक तरीका यह हो सकता है कि, जैसा कि मेरे दोस्त मि० नायर ने कहा है, जो सरकारी वकील किए जाते हैं, उन में उन की सर्विसिज को ज्यादा से ज्यादा यूटिलाइज किया जाय। मुझे पूरा विश्वास है कि इस तरफ पूरी कोशिश की जायगी। आज मीनियर और जूनियर एडवोकेट्स के दरमियान बड़ी डिस्टिंक्शन है। मीनियर एडवोकेट के लिए यह लाजिमी होना चाहिए कि वह कम से कम दो एडवोकेट्स को जरूर अपने साथ रखे, उन को काम दे, ट्रेनिंग दे, जिस से उन को आसानी से काम मिल सके। मैं आशा करता हूँ कि ज्वायंट सिलेक्ट कमेटी इन तमाम तजवीजों पर अच्छी तरह से गौर कर लेगी और जहाँ तक आल-इंडिया बार काउंसिल बनाये जाने का ताल्लुक है, जो कि सेंट-अप की जा रही है, जहाँ तक उसके फंक्शंस का ताल्लुक है, उनको और उसकी पावर्स को और ज्यादा बढ़ाया जाए, जिसकी बहुत ज्यादा जरूरत है।

एक आखिरी बात मैं टाउटिज्म के बारे में कहना चाहता हूँ। इसका ब्रिक ला-कमिशन की रिपोर्ट में भी किया गया है। यह ठीक है और मैं इस बात को महसूस करता हूँ कि यह लीगल प्रोफेशन के अन्दर एक डिविल है और इस डिविल का खत्म किया जाना बहुत जरूरी है। इस रिपोर्ट में कहा गया है:—

"Toutism is an evil which affects the due administration of justice."

लेकिन मैं यह भी कहना चाहता हूँ कि बहुत से ऐसे केस भी देखने में आते हैं जिन में की एडवोकेट्स को खामखाह बदनाम करने की कोशिश की जाती है। उनके खिलाफ, मैलीशस, मूठी एप्लीकेशंस दी जाती हैं। इस बारे में मेरी यह अपील है कि सी० पी० सी० का जो संशोधन ३५ (ए) है उसके अन्दर यह है कि जो किसी के खिलाफ मैलीशस प्रावेगंडा या कोई इम किस्म का काम करता है, उससे कम्पेंसेटरी एनाउंस लिया जा सकता है, उसी तरह से इम किस्म की बात एडवोकेट्स के बारे में भी होनी चाहिए। अगर एक तरफ हम चाहते हैं कि टाउटिज्म को खत्म करे तो दूसरी तरफ यह देवना भी जरूरी है कि जो बार के खिलाफ, जो एडवोकेट्स के खिलाफ मैलीशस प्रावेगंडा किया जाता है उसको भी रोका जाए। इसका कारण यह भी है, जैसा मैंने पहले कहा है, कि यह जो बार है, यह एक ऐसी संस्था है जो कि देश के अन्दर एक अच्छा डेमोक्रेटिक एडमिनिस्ट्रेशन कायम करने में मदद देती है और जब उससे इस बारे में राय मशविरा किया जाता है और उससे एक्स्पेक्ट किया जाता है कि वह राय दे कि किस तरह से जूडिशरी को इंडिपेंडेंट रखा जाए, तो अगर उसके खिलाफ इस किस्म का मैलीशस प्रावेगंडा करने की इजाजत दे दी जाए, तो आप अंदाजा लगा सकते हैं कि वह अपने काम को किस तरह से पूरा कर सकती है। मुझे पूरी तरह विश्वास है कि सिलेक्ट कमेटी इस पर भी अच्छी तरह से विचार करेगी और इस बिल को इस तरह से एमेंड करेगी जिससे कि एडवोकेट्स के खिलाफ, शकीलों के खिलाफ जो मैलीशस प्रावेगंडा किया जाता है, उसको रोका जा सके।

इन शब्दों के साथ मैं इस बिल की ताईद करता हूँ और चाहता हूँ कि इसको ज्वार्यंट सिलेक्ट कमेटी को रेफर कर दिया जाए।

Shri D. C. Sharma (Gurdaspur): I thank you for giving me, a non-lawyer, a chance to speak on a Bill which concerns mostly our lawyer friends.

I have listened to some of the speeches and some of the quotations which have been read out concerning this Bill, and I have felt as if by enacting the Legal Practitioners Bill we are going to bring into birth a new heaven and a new earth in India. I have no such hopes about this Bill, and I do not want my friends to expect so much from this Bill so that they may not feel disappointed after working it for about a year or two. It is just a legal measure of the normal type, of the ordinary kind, which we are in the habit of enacting in order to regulate certain professions, certain trades.

13.39 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Such measures have been brought into being so many times. Therefore, there is nothing extraordinary about it. At the same time, I feel that this measure has not fully utilized, adequately made use of, the various law reports that have been published. It has not benefited by the recommendations that they have made. It has not profited by the suggestions that they have offered. It has not made full use of the conclusions at which they have arrived at in order to make the legal profession more sound than it is today.

I have gone through this Bill and I find that it consists of pious wishes, pious hopes, vague phrases, vague generalisations. Some of the most important things that could be defined, have not been defined. Perhaps, they will be defined by delegation to the Committee that frames rules. I think this is a Bill which has no guts, it cannot stand on its own legs. I am sorry to say, I have read it thrice to find in it something on which a layman like myself can lay hold. But, I have found that it is like a sermon given to the legal profession, given to the general public without coming to brasstacks. I am sorry to say that this Bill suffers from a sense of unpracticality, a sense of divorce from the real conditions of the legal profession, a sense of isolation from what is happening in the judiciary and

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in the legal profession all over this country.

A friend of mine was just now saying that this Bill will unify India. I have never seen a more preposterous claim made by any Bill than this that it is going to unify the whole country, that it will put an end to all sectional and parochial feelings. If that is the case, then, it should be hailed as a new messiah, a new prophet of unity. I think there is nothing of the kind in this Bill. What is this Bill going to do? This Bill is going to deprive the legal profession of whatever independence of action they have now, whatever independence of judgment they have now, whatever independent role they are able to play in free India. I am proud of the legal profession of India. They played a noble part in the struggle for freedom of this country. But, I am sorry to say that the legal profession has not kept up its standards in free India. I think by the constitution of this All India Bar Council, they are going to do something to deprive the legal profession of that kind of zest for independence which they used to have before.

Let me see what is going to be the State Bar Council: two Judges of the High Court to be nominated by the Chief Justice of the High Court; then the Advocate General; then some persons elected.

Shri Braj Raj Singh (Firozabad): Not here.

Shri D. C. Sharma: I would say that, when you form a Council to deal with teachers, you do not bring in the Inspectors, you do not bring in the Minister of Education or the Deputy Minister of Education. You want these teachers to function on their own without interference of any authority, official or of any other kind. Here, we are going to have an All India Bar Council which will be working under the shadow of the Judges of the High Court and the Advocate General. We would call it an autonomous body. I

do not know what the word autonomous means. Certainly, I have been taught not to interpret autonomous in this way. I would have very much liked that the All India Bar Council or the State Bar Council should have consisted entirely of members of the legal profession. If other persons can look after themselves, why can not these lawyers look after themselves? We have the trade union movement. We say, you should not have anybody from outside to run your trade union movement. Here, the legal luminaries of my country are being asked to become members of a Council of which the invisible authority will belong to the Judges. I think the word autonomy could not have been more abused than this. I would therefore request the hon. Minister who is a very eminent lawyer to see to it that this All India Bar Council or the State Bar Council should consist entirely of lawyers and those lawyers should be such as enjoy the confidence of their profession. It should be a professional body and not a body which is neither fish, nor fowl, nor flesh, which is partly a judicial body, partly a professional body, partly this and partly that. I would like that this body should be not a poly-coloured or many coloured body, but a one-coloured body. That is what I want it to be.

Shri V. P. Nayyar: It will be a motley crowd.

Shri D. C. Sharma: You want the judicial element in it also. I would respectfully say, if you should have the judicial element, if you should have the professional element, why you do not have the educationists, who are responsible for turning out these graduates of law. My hon. friends here refer to tripartite agreements and tripartite committees. I think, so far as law is concerned, there should be a tripartite committee which consists of educationists who are responsible for legal education, lawyers who practise law and Judges who dispense justice. I would therefore say that, if you are

not going to give autonomy to these lawyers,—perhaps you are not thinking of it—the Bar Councils should be formed in this way.

I judge everything in this world, in free India, whatever it is, by its public usefulness, by its service to the nation, by its service to the poor. In every corporation that we form, in every council that we set up, I think one of the things to be taken into account should be the quantum of public service that this council is going to give.

Shri Hajarnavis: Even speeches of Members of Parliament?

Shri D. C. Sharma: My speeches in Parliament are very good, but one should have a receptive mind. Unfortunately, the draftsman prepares the Bill and you bring the Bill.

Shri Khushwaqt Rai (Kheri): Do you mean to say that the Law Minister is not receptive?

Shri D. C. Sharma: You are a good man and you love to listen to us and you always listen to the suggestions that we are making. I was asking respectfully, have the standards of professional conduct not been laid down here or in no other country in the world? I belong to the teaching profession and I am proud of that. I know the teachers' standards of conduct are to be found in my own country and in other countries also. Why should you not have told us what these standards of professional conduct are going to be. My hon. friend over there was talking about professional etiquette. I do not think it will hurt anybody if you call a Judge "my Lord" or something like that. I do not know by what other form he is going to call them, but I think these things should not have been left vague. They should have been defined more or less so that we know what we are driving at. Now it is going to be left to the Bar Council as if during the last 150 years of legal practitioners in this country; perhaps more or perhaps less, this profession has had no code of conduct or anything of the kind.

Of course I do not want to talk about toutism. People think that toutism is something which is very bad, and I agree with them, but I am afraid to say that toutism is very hard to eradicate like cancer. It is the cancer of the legal profession, and we have not yet been able to find any specific for this cancer. But I would like that legal education should be entrusted to the All-India Bar Council more than anything else. That point has been raised by several friends here. Legal education has different standards in different States, different syllabi in different States; it has different teachers with different qualifications in different States. I wish that legal education in India does not remain as diversified as it is today, and that some kind of uniformity is introduced into it. The Members of the Law Commission asked a gentleman who had passed the LL.B. Examination in the first division as to what books he had read. He had read only guide books, but he had passed in the first division in the examination.

Shri V. P. Nayar: Salmond on jurisprudence and Vincent on torts are certainly prescribed for all.

Shri D. C. Sharma: You are right, but you belong neither to the category of those who are taught, nor the category of those who teach. You are a category by yourself.

I was submitting there should be a commission or a committee to go into the problem of legal education all over the country. We have had commissions to deal with university education and secondary education, and I do not see any reason why there should not be a commission to deal with this very urgent problem, and the sooner it is done the better.

Again I was submitting that this All-India Bar Council should not only be a professional body. It is a good thing it is going to be a professional body, but it should also, as has been suggested by some Members, have as

[Shri D. C. Sharma.]

its function to deal with the problem of free legal aid to the poor. Unfortunately the legal profession is thought to be a profession which is very money-minded. That is wrong I think, and I do not subscribe to that view, but that is the general impression prevailing, and this All-India Bar Council should do something to erase that impression from the public. And that can be done only if it is one of the functions of this Council to devise ways and means of giving free legal aid to the poor.

So far as the standing committees are concerned, I would say that the All-India Bar Council should have a standing committee called the States Standing Committee to deal with problems which come from the States; otherwise, the problems of the States will not be dealt with as effectively as possible. These three standing committees are all right, but I think there should be another standing committee to deal with the problems of the States because they will have to deal with these problems very often.

Of course I agree with friends who have said that this distinction between senior and junior advocates is arbitrary and is not in conformity with the democratic set-up of our country. I do not know how they are going to select these senior advocates. Are they going to select them on the strength of seniority? Our Prime Minister has said that we do not want to have promotion by seniority and that we want merit. Are they going to select them on merit? I think this kind of division is going to perpetuate a kind of legal casteism. While we are trying to eradicate other kinds of casteism, this All-India Bar Council will create a new kind of casteism. It will stratify the legal profession into various kinds of groups which will not be very helpful for the proper functioning of the profession.

As I said in the beginning, I wish we had been given a glimpse of what is meant by all these vague expressions

such as "professional conduct", "disciplinary committee" and all that kind of thing. What are they going to do? Something should have been said about these things to make this Bill really a live thing. Unfortunately that has not been done. But I hope the Joint Committee will not send this Bill back to the House simply crossing the "t's" and dotting the "i's", making only a few verbal changes here and there. I hope it will clarify professional conduct, etiquette, the disciplinary committee's functions etc. If that is done, I think this Bill will be of help in stepping up the standards of our legal practitioners, but if that is not done I think not much will be gained by passing this Bill.

श्री प्र० ना० सिंह (चन्दौली) :

सभापति महोदय, किसी नए लोकतंत्र को पुष्ट करने के लिए, इंटेलिजेंट और कांग्रेस बार की आवश्यकता होती है। हमारे देश में लीगल प्रोफेशन को व्यवस्थित रूप देने के लिए जो बिल सदन के सामने पेश किया गया है और जिसको सिलेक्ट कमेटी को भेजने का प्रस्ताव किया गया है, उसमें से दो बातें निकलती हैं।

पहली बात तो यह है कि बार के यूनिफिकेशन का जो प्रश्न है वह प्रश्न हल हो जाएगा। इसके साथ ही साथ एक मिनमम क्वालिफिकेशन एडवोकेटशिप के रजिस्ट्रेशन के लिए इस बिल के यहां से पास होने के बाद और फिर सिलेक्ट कमेटी से वापस आने के बाद पास होने के बाद तय हो जाएगी। लेकिन मैं महसूस करता हूँ कि इसके साथ साथ लीगल सिस्टम को ठीक तरह से व्यवस्थित करने के लिए जिन बातों की आवश्यकता थी, उनको इस विधेयक में नहीं रखा गया है, उनकी इस विधेयक में कमी दिखाई पड़ रही है और मैं सिलेक्ट कमेटी का ध्यान उनकी ओर दिलाना चाहता हूँ और आशा करता हूँ कि वह इन पर विचार करेगी और इनकी व्यवस्था भी इस बिल में कर देगी।

पहली बात तो मैं एटार्नी जनरल, सालिसिटर जनरल और एडवोकेट जनरल की प्राइवेट प्रेक्टिस के बारे में कहना चाहता हूँ। इस प्राइवेट प्रेक्टिस पर कोई भी किसी भी प्रकार की बन्दिश इस विधेयक द्वारा नहीं लगाई जा रही है। मैं कहना चाहता हूँ कि एटार्नी जनरल, सालिसिटर जनरल और एडवोकेट जनरल की एक खास पोजिशन है और उस खास पोजिशन के होते हुए जब वे प्राइवेट प्रेक्टिस के लिए इनगेज किए जाते हैं तो उससे एक बहुत बड़ी दिक्कत लीगल प्रोफेशन के सामने आ खड़ी हो जाती है। इसका मुझे खुद का तजुर्बा है। उत्तर प्रदेश के बारे में मुझे अच्छी तरह से मालूम है। वहाँ के एडवोकेट जनरल कितने ही परसनल मामलों में चीफ़ मिनिस्टर और होम मिनिस्टर के लिए एपीयर हुए हैं। यही बात दूसरे सूबों में भी होती होगी, ऐसा मैं समझता हूँ। जैसा मैं अपने सूबे में देखता हूँ इलेक्शन पेटिशन से ले करके और इलेक्शन कमिशन में डिसकवालिफिकेशन आफ दी मैग्बराशिप आफ दी होम मिनिस्टर आफ यू० पी० सभी में एडवोकेट जनरल जो हैं, वह एपीयर हो रहे हैं, इस वास्ते जब हम इस लीगल प्रोफेशन को अच्छा बनाने जा रहे हैं, तो फिर जो ला-आफिसर्स हमारे हैं, एटार्नी जनरल, सालिसिटर जनरल और एडवोकेट जनरल, उनको गवर्नमेंट के कार्यों को छोड़ करके प्राइवेट प्रेक्टिस करने की छूट देना किसी तरह से भी उचित नहीं होगा। उनकी जो भी तनक्वाह आप तय करें और उसके लिए जो भी आधार रखें लेकिन यह आप अवश्य कह कि उनको प्राइवेट प्रेक्टिस करने का, प्राइवेट मामलों में एपीयर होने का अधिकार नहीं होगा। इसको करने के दो कारण हैं। एक तो यह है कि वे लोग निजी फायदा उठाते हैं और दूसरा यह कि लीगल प्रोफेशन में उनको आपने बहुत ही एमीनेंस दे रखी है जिसके कारण उनका प्राइवेट केसिस में आना ठीक नहीं है। प्री-आडियंस का हक पहले आपने

एटार्नी-जनरल को, फिर सालिसिटर जनरल को और उसके बाद एडवोकेट जनरल को दिया है, जोकि उनकी पोजिशन को एक सुप्रीम पोजिशन बना देता है और फिर भी जब उनको आप प्राइवेट प्रेक्टिस करने का अधिकार देते हैं तो ऐसी हालत में जो दूसरे प्रेक्टिशनर्स हैं, जो सीनियर एडवोकेट्स हैं, जो अच्छे और ब्रिलियंट एडवोकेट्स हैं उनके सामने आप एक दिक्कत की स्थिति पैदा कर देते हैं। इस वास्ते मैं समझना हूँ कि लीगल प्रोफेशन को ठीक तरह से आगे ले जाने के लिए यह आवश्यक है कि बार के जो ला-आफिसर्स हैं, उनका प्राइवेट प्रेक्टिस पर बँन लगना चाहिए और मैं सिलैक्ट कमेटी से प्रार्थना करता हूँ कि वह इस पर गौर करे और इसमें कोई न कोई इस तरह की प्राविजन जोड़े जिससे इस पर बन्दिश लगाई जा सके। चूँकि उनके लिए प्री-आडियंस की बात इसमें कह दी गई है, इस वास्ते जब यह बिल सिलैक्ट कमेटी के सामने जायेंगा तो उसको इस बात का मौका मिलेगा कि वह देखे कि उन पर किसी तरह की बन्दिश लगाने की जरूरत है या नहीं।

14 hrs.

दूसरी बात मैं सीनियर एडवोकेट्स और जूनियर एडवोकेट्स के बारे में कहना चाहता हूँ। मुझे इसमें कोई एतराज नहीं है कि सीनियर एडवोकेट्स और अदर-एडवोकेट्स हों और उनमें काम का एलोकेशन हो जायें और पता लग जायें कि सीनियर एडवोकेट्स कौन कौन से काम करेंगे और अदर एडवोकेट्स कौन कौन से काम करेंगे। लेकिन अगर आप सीनियर एडवोकेट्स को केवल सिलेक्शन के आधार पर ही रखना चाहते हैं तो, मैं यह मानते हुए भी कि जो न्यायमूर्ति लोग होंगे, जो जज लोग होंगे, जोकि अपनी तरफ से इंटरनली कोई गलती नहीं करेंगे, फिर भी हो सकता है कि उनसे कोई गलती हो जय चूँकि वे भी मनुष्य हैं, कोई देवता नहीं हैं,

[श्री प्रा० ना० सिंह]

एरर आफ जजमेंट हो सकता है, यह ठीक नहीं होगा। सैकशन १५ के सब-सैकशन २ में यह कहा गया है :—

“An advocate may, with his consent, be designated as senior advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability, experience and standing at the Bar he is deserving of such distinction.”.

जब आप यह कहते हैं कि उसकी कंसेंट के बिना उसको सीनियर एडवोकेट नहीं बनाया जायगा और जब आप उसको उसकी कंसेंट के साथ ही सीनियर एडवोकेट बनाना चाहते हैं और एडवोकेट्स के ऊपर ही छोड़ देते हैं कि कौन सीनियर एडवोकेट बनना चाहते हैं और कौन अदर एडवोकेट होना चाहते हैं तो आप क्यों कोई इस तरह की बात करना चाहते हैं जिससे कि बाद में कोई कमी निकले या कोई गलती हो जाय और कुछ लोगों के साथ ज्यादा हो जाय। जब आप उनकी कंसेंट के साथ उनको सीनियर एडवोकेट बनाते हैं तो ऐसी हालत में आप उनके ऊपर ही छोड़ दें कि कौन अपने आप को सीनियर एडवोकेट एनरोल कराना चाहता है और कौन अपने को अदर-एडवोकेट के रूप में रखना चाहता है। जो सीनियर एडवोकेट्स होंगे वे एक टाइप का काम करेंगे और अदर टाइप आफ एडवोकेट्स दूसरी तरह का काम करेंगे। लेकिन आप यह बन्दिश जरूर लगा दें और सेलेक्ट कमेटी इस पर गौर करे, कि दोनों तरह के एडवोकेट्स, सीनियर एडवोकेट्स एंड अदर टाइप आफ एडवोकेट्स, किसी न किसी एडवोकेट्स की तरह से अपने को रजिस्टर जरूर कराये। उनके लिए अपना रजिस्ट्रेशन कराना जरूरी होगा। यदि आप इस को केवल जजेज की कंसेंट के ऊपर छोड़ देते हैं तो इस का महत्व नहीं रह सकता। इस लिये मुझे कहना है कि आप दोनों तरह के एडवोकेट्स को रखें। सीनियर एडवोकेट्स एंड अदर टाइप आफ

एडवोकेट्स दोनों रखें और जो भी जिस तरह से अपना रजिस्ट्रेशन कराना चाहता हो उस में कराने का हक दें। आप सीनियर एडवोकेट्स एंड अदर टाइप आफ एडवोकेट्स दोनों के कामों का आलोकेशन कर दें। इस से सारा मसला हल हो जायेगा।

दूसरी बात मैं जस्टिस के सिलसिले में कहना चाहता हूँ। जस्टिस अर्थात् न्याय का सिलसिला आज हमारे देश में बहुत खर्चीला होता जा रहा है और आप उस न्याय को ठीक तरह से दे सकें और एडवोकेट्स के द्वारा उस के मिलने में सहायता मिल सके, ऐसी कोई व्यवस्था इस में नहीं दिखाई देती है। आज जो लीगल प्रैक्शनर्स हैं उन में से कोई ४ हजार ६० फीस मांगता है कोई ५ हजार और कोई ७ हजार। सुप्रीम कोर्ट में गरीब लोगों का आना मुश्किल हो गया है। मैं कहना चाहता हूँ कि जब हम समाजवादी राज्य की कल्पना रखते हैं, हम ने समाजवादी राज्य का आधार मानने का निर्णय किया है, तो हम सभी को सोशल जस्टिस दे सकें, सामाजिक न्याय दे सकें। इस के लिये आप को ऐसा आधार बनाना पड़ेगा जिस में न्याय का दरवाजा सभी के लिए सुलभ हो सके और अच्छे से अच्छा एडवोकेट सब के लिए मिल सके। जिस तरह से सोशलिस्ट स्टेट में सरकारी नौकरों की सैलरीज पर ध्यान गया उसी तरह से वकीलों की आमदनी के ऊपर भी ध्यान जाना चाहिये, उनकी इनकम पर भी कोई न कोई बन्दिश लगानी होगी। न्याय को सुलभ करने के लिए ५०० रु० या १ हजार ६० की, जो भी मैक्सिमम लिमिट आप उचित समझें, आपको बन्दिश लगानी चाहिये। ज्वाइंट कमेटी को सीनियर एडवोकेट्स और जूनियर एडवोकेट्स के लिए भी यह फिक्स करना चाहिये कि किसी खास केस में क्या मैक्सिमम रेम्यूनरेशन हो सकता है। हम ऐसा देख रहे हैं कि हमारे देश में न्याय दिन-ब-दिन महंगा होता चला जा रहा है। एक तरफ सरकार को रेवेन्यू की जरूरत है

क्योंकि पंचसाला योजनायें बनानी हैं इसलिए इन पंच साला योजनाओं के नाम में धाम चाहे जो कुछ कर दें, हम कुछ नहीं कह सकते, लेकिन दूसरी तरफ धाम अपने कोर्टस के एक्स्पेंस की नहीं देखते। वह दि-ब-दिन बढ़ते चले जा रहे हैं, एडवोकेटस या जो लीगल प्रोफेशन के लोग हैं उन के रेम्यूनरेशन बढ़ते जा रहे हैं। नतीजा यह हो रहा है कि जो साधारण मनुष्य है, जो धाम तौर से एक एक्वेज धादमी है उसे न्याय मिलना सरल नहीं रह गया है। इस के सम्बन्ध में ज्वॉयंट सिलेक्ट कमेटी को विचार करना चाहिये कि किसी सीनियर एडवोकेट का धीर किसी जूनियर एडवोकेट का मैक्सिमम रेम्यूनरेशन क्या हो सकता है। यह फिक्स हो जाना चाहिये क्योंकि बिना इस के फिक्स किये हुए हम देखते हैं कि धाज मनमाने तरीके से एक रोज की हियरिंग के लिए या एक छोटी सी ऐप्लिकेशन के लिए एक घंटे के लिए बड़े होने के लिये, मामूली से मामूली काम के लिए, ऊंचे से ऊंचे रेम्यूनरेशन चार्ज किये जा रहे हैं।

साथ ही साथ मुझे यह भी कहना है कि जिस वक्त धाम बार कौंसिल पर लीगल प्रोफेशन की दूसरी जिम्मेदारियां डाल रहे हैं धाम को झाल इंडिया बार कौंसिल धीर स्टेट बार कौंसिल पर यह जिम्मेदारी मी डालनी चाहिये कि जिन लोगों के पास साधन नहीं हैं अपने लिये लीगल एड लेने के, धीर उन के लिए लीगल एड लेना जरूरी है, तो उस के लिए उन कौंसिल को कुछ न कुछ प्रबन्ध करना चाहिये। बार कौंसिल के समान इस का कोई न कोई प्राविजन होना चाहिए। इस के लिए चाहे गवर्नमेंट खुद ही अपनी तरफ से कुछ खपया एडवोकेट कर दे या फंड के रूप में दे दे जिस में कि झाल इंडिया बार कौंसिल धीर स्टेट बार कौंसिल इस बात की कौंसिल कर सकें कि जो साधनबिहीन लोग हैं उन को लीगल एड पहुंचाने का कोई रास्ता निकल धामे। मैं ज्वॉयंट कमेटी के सामने धीर मंत्री जी के सामने

इस बात को रखना चाहता हूं कि वह बहुत गम्भीर प्रश्न है क्योंकि देश के हर एक धादमी को जस्टिस मिलनी चाहिए। धाज देश में बहुत से ऐसे लोग हैं जिन को दोनों बक्त भर पेट भोजन नहीं मिलता है। मैं सुप्रीम कोर्ट धीर हाई कोर्ट की बात नहीं कर रहा हूं, मुफसिल कोर्टस की बात कर रहा हूं जहां पर दो दो, चार चार बीघे जमीनों वाले किसानों को जबदस्ती बेदखल किया जा रहा है, उन की अपनी जमीनों से निकाला जा रहा है। जब उन के लिये खाने का ठिकाना नहीं है तो वह कैसे इतना खर्च कर के अपने लिये जस्टिस प्राप्त कर सकते हैं। अगर धाम को हर धादमी तक ठीक तरह से जस्टिस को पहुंचाना है तो कोई न कोई व्यवस्था झाल इंडिया बार कौंसिल के सामने धीर स्टेट बार कौंसिल के सामने होनी चाहिये जिस में कि न्याय के हासिल करने में बार कौंसिल के द्वारा साधनबिहीन लोगों को मदद कराई जा सके।

इसके साथ साथ मैं यह भी कहना चाहता हूं कि इस विषयक में एडवोकेटस के एनरोलमेंट के लिए ५०० रु० फीस रखी गई है। यह ५०० रु० की फीस शायद यह समझ कर रखी गई है कि सब एडवोकेटस ५०० रु० देने के लायक हों। मैं समझता हूं कि अपनी जगह पर यह ठीक बात नहीं है। ज्वॉयंट कमेटी इस बात पर विचार करे कि गवर्नमेंट की तरफ से उन लोगों को कर्ज की व्यवस्था हो। अगर कोई एडवोकेट कर्ज लेना चाहे तो गवर्नमेंट उस को यह खपया दे दे धीर बाद में उन से वसूल कर ले। धाम देखेंगे कि धाज देश में हजारों लोग ऐसे हैं जो किसी तरह से पढ़ रहे हैं, ला मेजुएटस हो रहे हैं, उन की इच्छा है कि वे स्वतंत्र पेशे में लगे, इस देश की राजनीति में, इस देश के सामाजिक आन्दोलन में, धार्मिक आन्दोलन में, इस देश के दूसरे मामलों में भाग ले सकें, लेकिन गरीबी के कारण पिछड़े रहे हैं। धाज बेलोग धामे धाना चाहते हैं। यदि धाम इस के लिये ५०० रु० फीस रखेंगे तो बहुत सम्भव है कि बड़े बरों से धाने वाले लोग इस को दे सकें, लेकिन जो एक

[बी. प्र. ना. सिंह]

हरिजन घर से भाते हैं, पिछड़ी जातियों के घर से भाते हैं, गरीब परिवार से भाते हैं, दो चार या दस बीघा जमीनें रखने वाले किसान के घर से भाते हैं, उन के लिये ५०० रु० देना कठिन होगा। अगर इस के लिये आप २७ या ३७ रु० रखते तो शायद इतना जमा करना उन के लिए सम्भव हो जाता पर ५०० रु० जमा करना उन के लिए मुश्किल है। यहाँ पर मैं आज जो कह रहा हूँ उस पर ज्वारेंट कमेटी को विचार करना चाहिये। आज लीगल प्रोफेशन के लिये आप को ऐसा प्रबन्ध करना चाहिए कि उस में कोई न कोई इस तरह की व्यवस्था हो जिस से इस प्रोफेशन में आने वाले को शुरू में कुछ सहायता हो सके भले ही बाद में वह उस से वसूल कर लिया जाय, जिस में कि वह लाइब्रेरी चादि ठीक कर सकें और एडवोकेट को जो रुपया देना होता है फीस के रूप में उसे भी जमा कर सके और अपने प्रोफेशन में अपने को हर्टग्लिश करने की कोशिश कर सके।

आज देश में ला प्रेजुएट्स की जो पढ़ाई लिखाई चल रही है उस में भी दिन ब दिन स्तर गिरता जा रहा है। इसका नतीजा यह हो रहा है कि हमारा लीगल प्रोफेशन उन्नति की तरफ नहीं जा रहा है, जौ लोकतंत्रात्मक ढांचे में उस की स्थिति होनी चाहिये उस की ओर वह नहीं जा रहा है। ऐसी हालत में जो लीगल प्रोफेशन की पढ़ाई लिखाई है उस की ओर भी ज्वारेंट कमेटी का ध्यान जाना चाहिये। जब हम लीगल प्रैक्टिशनर्स ऐक्ट पास करने जा रहे हैं तो यह बात सामने होनी चाहिये कि हम अपने लीगल प्रोफेशन को अधिक से अधिक ऐसा बानायें जो हमारी नई कंडिशनस को सूट करे। इस लिये लय की पढ़ाई जो है उस के सम्बन्ध में हम इस बात पर गौर करें कि हमारे एडवोकेट्स के अन्दर ऐसी योग्यता आ सके जिस में वह इस प्रोफेशन को ठीक तरह से चला सकें।

अन्त में मैं यह कहना चाहता हूँ कि ज्वारेंट कमेटी को यह चाहिये कि लीगल प्रैक्टिशनर्स बिल के सम्बन्ध में कोई आखिरी फैसला करने से पहले कम से कम जो हमारे देश में लीगल प्रोफेशन में लगे हुए लोग हैं उन को राय ले। अगर उन से राय ली जायेगी तो मैं समझता हूँ कि ज्यादा अच्छी तरह से हम इस कानून को बना सकेंगे। मैं समझता हूँ कि यह जो बिल ज्वारेंट सिलेक्ट कमेटी के सामने जा रहा है यह ध्यान रखना जायेगा और हमें यह आशा करनी चाहिये कि जिस सिलसिले को हमारी ला मिनिस्ट्री ने लीगल प्रोफेशन की उन्नति के लिये शुरू किया है, उस के द्वारा इस देश के अन्दर न्याय को पूरी तरह से प्रतिष्ठित करने के लिये सब लोगों से, विशेषकर इस प्रोफेशन के लोगों से जरूर राय ली जायेगी।

Shri Hajarnavis: I express on behalf of Government deep gratitude to hon. Members for the almost unanimous support which we have received to the Motion to refer this Bill to a Joint Committee, but for one illustrious exception.

The reason why Members of this House who are also members of the profession of law, have welcomed this Bill is that though members of this profession are probably the most numerous in this country, more than in any other profession, we were divided into various Bar Councils, State-wise or even in smaller units, and there was an urge felt all over the country that when we were administering the same system of laws, when the pattern of legal education is the same and when the traditions being followed all over the country are the same, there ought to be a common body to set up common standards and also to safeguard the interests of this profession. It was inevitable under these circumstances that the pattern of the body intended to be set up should be in consonance with the high and noble traditions of this profession. We help the courts

and the society to maintain the laws. If it is so, it was meet and proper that we should ourselves make laws regarding the profession and we also set up our own body which shall administer the rules that we have made for ourselves. Therefore, as in other professions—but much more so in our case—it was necessary that the body that we wanted to set up for the profession should be composed of the representatives of our own profession, to whom shall be committed in the widest amplitude the power to make rules for their own conduct.

I am not quite sure if Professor D. C. Sharma was right in saying that here we have given vague powers. Any limitation of the power to be conferred on this body would, I am quite sure, be regarded with resentment by the profession as a sign that the Government did not regard this profession as capable of governing itself.

The main features of the Bill, as I said, are these: Firstly, we achieve an object which was set before us as an ideal for a long time but which was not possible unless the law itself was amended, namely, the creation of a common Bar, the members of which will have the same rights all over the country, that is to say, they will be able to appear in all courts in India. Then within the limits of the States, there shall be State Bars and State Bar Councils. That has been done. That having been done and the status of the lawyers practising being prescribed, all that we do then is to have the State-wise body and also have a common central body supervising and controlling the profession for all the country. Therefore, most of the matters like professional conduct, professional etiquette, what shall be the qualifications for admission, what shall be the procedure in the case of disciplinary action etc. shall be dealt with by that body itself.

At this stage, I have very little to reply to except one or two points. On these also, I may not make any definite statement because I will not antici-

ciate what the decision of the Joint Committee would be. In this matter, we shall be guided by the advice of the Members of the Committee who are also distinguished members of the profession, as to what changes ought to be made.

But one or two things require explanation. Some Members of the House have welcomed the proposed division of Counsel into Senior Counsel and Junior Counsel. Some have not regarded it with favour. There may be two opinions on this question. But I do not think that the criticism that is made against the proposal was based upon an appreciation of the nature of this distinction.

We take this division from the English Bar, where, as Shri C. R. Pattabhi Raman said, there is the practice of taking 'silk' as it is called. After you become a Queen's Counsel you are debarred from accepting certain work which must be confined to the juniors. It is a risk. This 'taking silk' is one of the most important decisions that a rising barrister can take in his life. He makes an application for silk to the Lord Chancellor and it is within the complete discretion of the Lord Chancellor either to give him silk or to refuse it.

I recall an instance where one of the most distinguished judges of King's Bench, Mr. Justice MacCardie had made an application to the Lord Chancellor. That application was not granted for a long time; its disposal was delayed. He withdrew the application and continued and yet after a short time he was raised to the Bench. The House will see that, in England, it is completely within the discretion of the Lord Chancellor to accept an application for silk or not.

Following that model—and I do not think we can follow any other model—we have provided in the Bill that this power shall be exercised by the Court. I agree, as my hon. friend said, that there is always the theoretical possibility of a wrong decision being made.

[Shri Hajarnavis.]

I understand the word 'wrong' in this context as meaning a decision with which one may not agree. But when we have committed to the judgment of the courts questions of the gravest importance, whether a man shall be punished with the death penalty or not or what does a particular provision of the Constitution mean, and also when important questions involving large properties are finally decided by the courts, I do not think we can have any other authority which shall have the same ability and facility of judging whether a man should or should not be granted that status. They have an intimate knowledge of the lawyer because he appears before them every day. But, in any case, that matter goes before the Joint Committee who will deal with this question.

Then, as I said, a man who becomes a senior counsel deliberately deprives himself of a certain kind of practice which he must leave to the juniors. He cannot undertake drafting. He cannot take instructions directly from the client. He cannot appear without a junior. I agree that if we make a rule that the senior shall not appear without a junior it may be circumvented by having one's own relation as a junior. But probably we can devise safeguards to see that the rule is effective.

Shri V. P. Nayar: Even income-tax is evaded by accepting fees in cash.

The Minister of Law (Shri A. K. Sen): Many have come to difficulty.

Shri Narayanankutty Menon (Mukandapuram): It is the fundamental right to avoid tax.

Shri Hajarnavis: That proposal goes before the Joint Committee. As I said, in this matter as in all other matters we shall be guided by the advice of the Joint Committee.

Nearly all the hon. Members have expressed their concern about the mounting costs of litigation. Here

again the responsibility, probably, lies on the profession itself. And, if that burden lies on the profession may I suggest that one of the first things that the newly set up body may address itself to would be to find means and device methods by which the costs can be reduced. If Government try to do it they would, probably, have not the means to do it unless there is complete cooperation of the profession itself. The matter then had best be left to the profession itself.

Shri Nayar suggested a kind of *Collegium* of lawyers. I think that is a matter which is outside this particular Bill which merely tries to regulate the admission and continuance of members of the Bar and does not deal with the fees that they are to get or with their relations with clients.....

Shri V. P. Nayar: Can't you define the functions?

Shri Hajarnavis: Nor can we in this Bill deal with what the Attorney-General should do or should not do or the Advocate-General should do or should not do. In any case, this is a matter which can be considered at the stage of the Joint Committee. But what the terms of engagement between a lawyer and his client should be—and Government would in this case be in the position of a client—is surely outside the scope of this Bill.

Shri V. P. Nayar: But can we not have a proviso to the relevant clause and say that, just as every Advocate is entitled to practice in any court in India, so and so being a Government Advocate shall not practice.....?

Shri A. K. Sen: If the particular Government allows him to do so, what have we got to do?

Shri V. P. Nayar: That is why we want Central legislation. It is possible. I will give you a suitable draft which will fit in with the scheme provided you have the will to consider it.

Shri A. K. Sen: But where do the Attorney-General or Advocate-General come in private cases.....

Shri V. P. Nayar: I have said that a perusal of the income-tax returns of every Advocate-General or Attorney-General or Solicitor-General would reveal that subsequent to their elevation to these posts they are having much better practice. Can the hon. Minister deny that?

Shri Narayanankutty Menon: We leave it to the hon. Law Minister to guess what difference it makes if the Attorney-General or the Solicitor-General appears for a private client in the High Court or the Supreme Court.

Shri A. K. Sen: I think we are not paying any compliment to the Court. I am inclined to think that it makes not even the slightest difference as to who appears.

Shri Hajarnavis: The question of the high fees charged by some Advocates has been raised. If I may say so, Advocates or even other professional people charge high fees not because they are greedy but they only want to protect themselves against heavy over-work. The same man rendering the same service and having the same intelligence and equipment raises the fee because he is very much in demand. Surely, every member of the profession knows that there is an equally qualified and equally competent junior who would be agreeable to take the fee which is being offered. But if the client insists that he must have a fashionable lawyer, let him pay for it. There is no dearth of adequately competent lawyers. The clients can surely go to the juniors.

It was said that a lawyer must accept a brief at a certain fee. Then we can imagine that some lawyers would be buried under the briefs that are offered to them. They would not be able to handle them. Most of the counsel who make large incomes pay nearly 14 annas in the rupee as income-

tax out of the incomes they have made.

It gives them no pleasure to work. (Interruptions).

Shri V. P. Nayar: They do not get it in cheques.

Mr. Chairman: Let that point not be settled here, now.

Shri V. P. Nayar: The hon. Law Minister knows it much better than I do.

Shri A. K. Sen: The hon. Member is enlightening me; I do not know.

Shri V. P. Nayar: You were in active practice.

Shri Hajarnavis: Last but not least, I think it would be discourteous if I do not deal with Professor Sharma's objection.

Shri V. P. Nayar: That, indeed, will be, even in his absence. He is not here.

Shri Hajarnavis: I would content myself by saying at this stage that he should have pondered over the fact that agreement has been reached by lawyers without reference to any party loyalties. Therefore, this is something acceptable to the whole House. Since he is not here, I will not make any further remarks.

[MR. DEPUTY-SPEAKER (in the Chair).]

With these words, I commend my motion to the House.

14.31 hrs.

Mr. Deputy-Speaker: The question is:

"That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Council and an All-India Bar, be

[Mr. Deputy-Speaker]

referred to a Joint Committee of the Houses, consisting of 45 members, 30 from this House, namely, Shri C. R. Pattabhi Raman, Shri M. Thirumala Rao, Shri Liladhar Kotoki, Shri Kailash Pati Sinha, Shri Mohammad Tahir, Shri Narendrabhai Nathwani, Shri K. G. Deshmukh, Shri M. Sri Ranga Rao, Shri C. D. Gautam, Shri Radha Charan Sharma, Shri P. Thamulingam Nadar, Shri T. Ganapathy, Shri K. R. Achar, Shri Hem Raj, Pandit Mukat Behari Lal Bhargava, Pandit Munishwar Dutt Upadhyay, Shri Raghurib Sahai, Shri Radha Mohan Singh, Shri Paresb Nath Kayal, Shri Ganpati Ram, Shri R. M. Hajarnavis, Shri S. C. Gupta, Shri T. C. N. Menon, Shri N. Siva Raj, Shri Khushwaqt Rai, Shri D. R. Chavan, Shri Ram Garib, Shri Braj Raj Singh, Dr. A. Krishna-swami, and Shri Asoke Sen.

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

14-32 hrs.

DOWRY PROHIBITION BILL

The Deputy Minister of Law (Shri Hajarnavis): Sir, I beg to move:

"That the Bill to prohibit the giving or taking of dowry, as reported by the Joint Committee, be taken into consideration."

Sir, the Bill as it has emerged from the Joint Committee is not significantly changed in the operative part.

Whereas originally the Government had taken power to apply it piecemeal to different States, the Committee suggested that it should be brought into force simultaneously in all the States. That is the change made in clause 1.

With regard to clause 2, we had some discussion whether we had covered all cases or prevented effectively the giving of dowry. The case which some hon. Members had in mind when they introduced this phrase 'whether directly or indirectly' was this. Assuming that the dowry is settled, instead of being paid to the bridegroom or to anyone on his behalf, it may be paid by the bride's party to the bride herself. Would this be covered by the definition or not? The Bill as it originally read: 'any other person on behalf of such party', I thought this expression would include the 'bride herself' as it is said 'any other person'. But in order to leave no room for doubt the Committee felt that these words should be introduced: 'whether directly or indirectly'.

In clause 3, the change that we have made is that we have said that both the punishment of imprisonment and fine may be inflicted. The original Bill proposed that it should be either imprisonment or fine. We have now said that both the punishments are to be inflicted.

There are certain drafting amendments in clause 6 and the amendment

in clause 7 is again a verbal amendment. The presidency magistrates were not previously mentioned; now they are mentioned.

The original proposal that the State Government should frame rules and that they would go before the State Legislature has been changed. The Committee felt that the rules should be framed by the Central Government and that they should be uniformly applied throughout India. Therefore, power is now given to the Central Government.

Then, I come to the most important change which the Committee had made. It is with respect to the limit of Rs. 2,000 which was contained in the original Bill. In the original Bill clause 2, defining dowry, read:

"In this Act, "dowry" means any property or valuable security given or agreed to be given, to one party to a marriage or to any other person on behalf of such party by the other party to the marriage or by any other person on behalf of such other party, either at the marriage or before or after the marriage, as consideration for the betrothal or marriage of the said parties, but does not include any presents made at the time of marriage to either party to the marriage in the form of ornaments, clothes and other articles not exceeding Rs. 2,000 in value in the aggregate".

You will see that we had excluded this out of clause 2. Assuming that the present made at the time of marriage in the form of ornaments, clothes and other articles of worth, is dowry, yet if the limit of Rs. 2,000 is not reached, then it shall be regarded as being taken out of the definition. That is to say, it was not dowry. In plain language, dowry, upto the limit of Rs. 2,000 was permissible provided it was given in the form of ornaments, clothes and other things. That was permissible under

the Bill as it was originally introduced in this House. But the Joint Committee had removed this exception so that even if the present is worth Re. 1 and is made in consideration of marriage, an offence is committed and a person is liable to be punished with imprisonment and fine. These are the changes which have been made by the Joint Committee. It is, again I say, a matter of social legislation and we are entirely in the hands of the House and we shall carry out whatever mandate the House gives us without regarding it as a party issue.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to prohibit the giving or taking of dowry as reported by the Joint Committee, be taken into consideration."

Shri Nathwani (Sorath): Sir, may I ask for a clarification? If consideration is given for the betrothal but the marriage has not taken place, would that amount to an offence under this Bill?

Shri Hajarnavis: The hon. Member, if I may say so, is more competent on the question of interpretation than myself. If I may hazard an opinion, I think it is covered.

Shri Nathwani: I have some doubt.

Mr. Deputy-Speaker: The hon. Member can have his turn and then express his doubts.

Shri Hajarnavis: I think it is covered because the words used are: 'either at the marriage or before or after the marriage'. So, it is my personal opinion that it comes within this definition.

Mr. Deputy-Speaker: We have got five hours in all for this Bill. Should we divide it between the general discussion and the clause-by-clause consideration?

Shri Nanshir Bharucha (East Khandesh): Four hours and two hours.

Pandit, Thakar Das Bhargava (Hissar): Three hours and two hours. There are many amendments, Sir, which are of substance.

Mr. Deputy-Speaker: We might keep it at three hours and two hours. We have got only five hours; four and two will make six.

An Hon. Member: He has also included the one hour which is in your discretion.

Shri V. P. Nayar: (Quilon): Now a days we have got a right to anticipate your discretion.

Mr. Deputy-Speaker: It would not remain a discretion if it is to be counted as a matter of course.

Shri Narayanankutty Menon (Mukandapuram): Mr. Deputy-Speaker, Sir, we welcome the principle underlying the legislation even though we are not quite sure, when we pass this Bill, whether the pernicious system with all its social evils and implications could be avoided by the mere passage of this legislation. When a support is given to this type of legislation it cannot be with a wish and absolute confidence that we will be able to overcome the obstacles that are found in the society, which have crept into the social thinking for many many years and which are really the inheritance of the past. One can support this Bill only in one sense, as sometime back Swami Vivekananda said: "I am a socialist not because I think socialism is a perfect system, but I think half a loaf of bread is far better than no loaf at all." Otherwise, looking into the provisions of the Bill itself will convince anyone that apart from the laudable sentiments that are underlined in the form of a statute in each clause, we will not be able to accomplish much by the enforcement of this Bill itself.

The root problem of all the social evils, Sir, as the House will understand, in the Indian society had a direct bearing to the economic cir-

cumstances that prevailed in each period and only when economic and social environmental changes did happen on the horizon of society the social habits also automatically began to change even though with much difficulty.

We feel today that the system of dowry, from the experience of many, is a pernicious system. Because of the existence of this system a lot of troubles and also heart-rending episodes appeared in each and every family. Still the question of giving and taking dowry is taken as a matter of fact and as granted in every society, in spite of the fact that everybody could speak that the system of dowry is pernicious and is an anti-social evil.

Without going into the intricate details of the definition of "dowry" and also the various ways by which the Bill provides to prevent the system of dowry, I would first make an honest appeal to the Government that the Government should not be satisfied that they have introduced and passed a legislation whereby dowry could be prevented, but along with that unless the Government realise the responsibility that the mere passage and enforcement even of this legislation will not even touch the fringe of the problem, the real trouble and also the real problem lies in the economic circumstances, it will not be possible for us to say that we have achieved something very great towards social legislation.

When the Bill was introduced and also when the Bill was generally discussed in the House—even now—from some quarters some criticism was made. I read recently one of the Bombay journals writing about the Joint Committee. The journal characterised the Bill as has been recommended by the Joint Committee under the headline "Social reforms running amuck". Quite a reasonable type of criticism you will find when you read the whole article and what are the difficulties which the parents

will have to confront with when this legislation is imposed. For example, those critics point out that when the Joint Committee took away the exception of Rs. 2000 in ornaments and other materials, if a father-in-law gives a coat to his son-in-law at the time of his daughter's marriage that father-in-law could be hauled up before a court of law and the Magistrate because of the other clauses will be left with no alternative but to pass a sentence of imprisonment on the father-in-law. Likewise, many a difficulty and also outrage upon the well settled conscience of certain sections of society may come because of the passing of this legislation.

The only answer could be that a society and also a nation transforms itself with tremendous speed into a new era and a new type of society, and in such a transition period such a sort of anachronism, difficulties and even outrages upon the conscience are inevitable. When our country is passing through such a stage both on the economic and political and also social field such revolutionary changes will certainly come, and unless the people are moulded in such a way as to accommodate those changes and take the shock of those changes it will not be possible to answer those criticisms.

When this piece of legislation is criticised as being revolutionary, being too impractical, almost impossible to be implemented, a question naturally arises whether the fundamental question of dowry being a pernicious social evil remains there. And, what do you suggest today to get rid of this system, this really social evil? No satisfactory answer comes, apart from the criticism that sentiments expressed in the garb of legislation will not meet the problem. But, as long as no reasonable answer comes from those quarters, how to prevent this evil? Let us be satisfied with at least this legislation which is one step forward, which expresses the earnest desire of the country to check this pernicious system.

Along with that, apart from the Parliament passing this Act, there is a responsibility on the political parties in this country and also the social organisations in this country to mould public opinion; to educate the public about this evil and how we are going to overcome this evil. The public must be told why we have got to overcome this evil and how we have to do it.

Today we are really in the transformation period and we have to cope with certain difficulties and also inconveniences. Unless these organisations take upon their shoulders this responsibility of educating the public and preparing them to accommodate these difficulties it will be impossible, either by the Presidency Magistrate or the First Class Magistrate or even the Police, to implement this piece of legislation and it will be a mockery that the sovereign Parliament has passed a piece of legislation which has gone into the statute-book and the system of dowry still remains, dowry continues to be given and continues to be taken.

I am reminded, Sir, of a Bill that was introduced in the Kerala Legislature prohibiting dowry almost on the same grounds. The social system in that State is a bit different because no sanctity is attached to dowry. For long long years there is no historical tradition nor religious sanction behind giving of dowry or stridhan. It is merely a question of property succession and the law of succession for a large number of years was moulded in such a way in a particular community that the women of that particular community did not have the right of succession and they had only the right of getting dowry when they got married. Mainly headed by the Congress party in that legislature, almost a tirade was started against the Dowry Prohibition Bill and it was said that it was an attempt at unwarranted interference in the family life and also the personal freedom of the people of that State. When in

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one part of the country today responsible organisations take up a stand and say that the prevention of the evil of dowry is an unwarranted interference in the personal affairs of the people, how can this Government say that "we are passing a legislation and we are going to prevent the social evil throughout India"?

I would request the Minister to realise that this will be an impossibility. Do not let the Bill boil down to mockery by just making it remain on the Statute Book alone. The measure, if passed, must be implemented, and it should not be said, tomorrow and for long years to come, that this evil of dowry continues as a social practice with almost public sanction.

We have passed many pieces of social legislation and we have congratulated ourselves on the fact that we have been marching fast and forward. Let me refer to the attempt that has been made, by legislation, almost to banish prostitution from this country. It will do good for the hon. Minister to review how far we have been successful in that measure. I am pointing out this particular factor because legislation alone will not solve these social problems. These social problems have got a background. Hundreds and hundreds of years ago our people inherited certain conceptions about social behaviour, and unless we take a strident step and point out the economic disadvantages of the social evils and make a change in the social and economic environment simultaneously with this measure, social legislation will certainly remain on the Statute Book only and there will be no effect.

Today in Calcutta the provisions of the Immoral Traffic Act have been severely enforced but not one prostitute has been removed from the streets of Calcutta. This evil continues in Calcutta and also in Bombay and other big cities.

An Hon. Member: Underground.

Shri Narayanankutty Menon: As hon. Member says, it is correct to say that in some places this practice has gone underground. But in some places it still continues as a challenge to the Statute Book and the police. Why does it happen? The hon. Minister will understand that large numbers of prostitutes in big cities earn their livelihood through this profession alone. But he will realise that all of a sudden the law swoops on them, and the police prohibits the practice and imposes a blanket ban on this profession without making any changes in society whereby those people could live and make a decent livelihood. It may be quite agreed that it is impossible for us to enforce this piece of legislation. Therefore, it should be the earnest attempt of the Government to see that when this Bill is passed social and economic changes are also brought about in its wake simultaneously, so that this legislation will be effective and have a tendency to prick. Unless such changes are accompanied, this measure will not be a success at all.

Then again, I have got my serious doubts about the intentions of the Central Government. Maybe the Bill will be passed here and after it is passed by the other House it may get the assent of the President and then a notification will be issued by the Central Government. The Bill then becomes law. But I do not think that the Law Minister intends to enforce this Bill, because unless this Bill is accompanied by far-reaching changes in the law of succession, in many States it will be impossible to enforce this measure at all. There will be complete anarchy as far as the right to property is concerned in respect of many communities. For instance, when such a Bill was introduced in the State of Kerala, I pointed out to the Law Minister there that the Christian community there has got a separate law of succession. Suppose today, this Bill is passed and is enforced by a notification by the

Central Government, what will happen to the large number of Christian families in the Kerala State. In Kerala, the giving and taking of dowry, if prohibited, will result in difficulties. When a girl is given in marriage, according to the Succession Act, that girl has no right of succession to the family properties, and therefore, ultimately, the family property will be the exclusive privilege of the male members of the family.

Shri Maniyangadan (Kottayam): Only for *stridhan* there is a bar. Otherwise, there is no bar. The provision in the Christian Succession Act is that if *stridhan* is paid at the time of marriage, the girl will have no right over the maternal property.

Shri Narayanankutty Menon: I did not use the word *stridhan*.

Shri Maniyangadan: I was speaking about the provisions in the Christian Succession Act.

Shri V. P. Nayar: What is the difference between the two?

Shri Maniyangadan: I am on the question of difference, but I wanted to point out.....

Shri Narayanankutty Menon: There is no difference at all.

Shri Maniyangadan: Under the present law, dowry should not be paid. My hon. friend said that if a girl in the Christian family gets married, she will have no right over the property and she gets no dowry because of the Act. I was disputing that and I am saying that it is not correct. The Christian Succession Act provides that if dowry or *stridhan* is paid—I am not disputing about the word dowry or *stridhan*, whatever it be—then the girl becomes disentitled to the property of her father.

Shri Narayanankutty Menon: If you analyse the law of succession also, you will find the real difficulties in

regard to this measure. When the debate took place in the Kerala Assembly when the Dowry Prohibition Bill was introduced, simultaneously, an amendment to the Christian Succession Act was also introduced. It was almost agreed on all sides that unless the law relating to succession, as far as Christians were concerned, was amended, the Dowry Prohibition would hit the Christian community in a different way. Therefore, simultaneously when the Bill is introduced there should be changes made in the law of succession also, because apart from the Christian community, there will be other communities also which will be affected by this change. So, when the Government wants to enforce this measure, unless the law of succession is also changed, this measure will have far-reaching repercussions among many a community. As long as the law of succession remains unchanged, the passing of this Bill will have far-reaching consequences. I think the Government do not intend to make amendments to the law of succession. But this Bill could have been moulded in a different way. Each State Government may be given the power to notify the date of coming into force of this measure. In that case, the States could take the circumstances into consideration and decide as to the date on which the Bill should become law.

Apart from all these difficulties, I beg to point out only two important provisions of this Bill which require change. One is, the offences under this Bill could have been easily made cognizable. The other day, when a private Member's Bill was discussed in the House, the hon. Home Minister accepted the fact that in cases of social legislation, if it is left to the parties to go to court and file a complaint, there would be a great danger of collusion. The private Member's Bill was accepted by the hon. Home Minister. I fail to understand what the Government's difficulty will be, in this case, to accept an

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amendment, namely, any offence committed under this Act shall be made a cognizable offence.

One of the Members of the Joint Committee has suggested, even anticipating a criticism, that the party shall not be thrown open to harassment by petty police officials and in a Minute of Dissent has pointed out that provision may be made to the effect that only an officer above the rank of District Superintendent of Police shall take cognizance of this offence and shall file a complaint.

Mr. Deputy-Speaker: Is the hon. Member likely to finish within two or three minutes?

Shri Narayanankutty Menon: About five to seven minutes.

Mr. Deputy-Speaker: There are a large number of Members who want to speak.

Shri Harish Chandra Mathur (Pali): Why not tomorrow?

15 hrs.

Shri Narayanankutty Menon: I will take five minutes tomorrow.

Mr. Deputy-Speaker: Within 5 minutes he will have to condense his remarks tomorrow.

Shri Narayanankutty Menon: Yes, Sir; I will take only 5 minutes.

15-01 hrs.

MOTION RE: SETTING UP OF P. & T. BOARD

Shri V. P. Nayar (Quilon): I want to raise a point of order.

Mr. Deputy-Speaker: There is no motion before the House now.

Shri V. P. Nayar: If the point of order is held in my favour, the motion need not be moved.

Mr. Deputy-Speaker: Unless the House is in possession of the motion, there is no point of order.

Shri Harish Chandra Mathur (Pali): I beg to move:

"That this House takes note of the statement regarding the setting up of P. & T. Board made by the Minister of Transport and Communications in the House on the 11th September, 1959".

Shri V. P. Nayar: Can I raise the point of order now? The motion has been formally made.

Mr. Deputy-Speaker: That will be accompanied by a speech and the motion will be placed before the House. Then he can raise his point of order.

Shri Harish Chandra Mathur: Mr. Deputy-Speaker, Sir, I hope you and the Members of the House are aware that there has been a persistent demand both on the floor of this House as well as outside for a complete re-organisation of the administrative machinery of the P. & T. Department. For a long time—for almost thirty years—this point has been agitated. In fact, two points have been made out. One was for the formation of an autonomous board for various reasons. Another point, which has always been raised, is about the separation of the posts from the telegraphs. At long last, it fell to the lot of my hon. friend to come to this House and lay a statement declaring the formation of this autonomous board, or what he calls an autonomous board.

The Minister of Transport and Communications (Dr. P. Subbarayan): If I may interrupt the hon. Member, I never called it an autonomous board. To make the working of the system easy, this Board has been constituted.

Shri Harish Chandra Mathur: I said "so-called autonomous board" because it is neither an autonomous

board nor anything else, to which we can give any recognition. As a matter of fact, the board was already there.

Shri V. P. Nayar: If he has not called it so, you cannot call it "so-called".

Shri Harish Chandra Mathur: What has happened is, there was already a board functioning and certain more powers are supposed to be delegated to that board, so that it may be more effective and possibly deliver the goods.

As we all know, the functioning of this Ministry has come in for very severe criticism, because the developmental needs and the growth of the Ministry are such that it requires a much more effective machinery. It has been recognised, accepted and considered also by the Ministry that the present set-up is not adequate to meet the demands placed on this Ministry. We must also realise that it is only this Ministry which comes directly in contact with the people, more than any other Ministry including the railways. We travel sometimes, but every day we write and receive letters, make trunk calls and send telegrams every day. So, it comes very much in contact with the people and there has been a persistent complaint about the deterioration in the standards in the working of this department.

Ever since the second war, the performance of this Ministry has gone down and it had almost touched the lowest ebb. To make the administrative apparatus more effective and in response to the demand which has been made all the time, the hon. Minister laid a statement on the Table of the House indicating how he is going to make it more effective. What is the arrangement? They are just giving certain powers to the board which is already existing. But let us not forget that the Ministry not only exists as it is, but even the general secretariat continues to function as it is today. It is entirely different in the

Railway Board, which example has been quoted.

As a matter of fact, both the predecessors to the hon. Minister, who have spoken on this subject, have all the time stressed that they wanted to do something on the lines of the Railway Board. I do not suggest for a moment that they should have a separate budget. But as you know, in the Railway Board, there is no separate secretariat in the Ministry. But here something entirely different is being done. The Secretary, the Joint Secretary and the entire paraphernalia is going to continue and stand between the Minister and the newly-constituted board. I have not been able to understand the justification now for the secretariat to sit like a dead-weight over this newly-formed board. Why do they want to stand between the Minister and the board? I have absolutely not been able to understand how is it that the Chairman of the newly-formed board could not also function almost as the Secretary of the Ministry as is being done in the Railway Board. The entire paraphernalia is to continue.

I am stressing this point not only for the sake of economy. Of course, we cannot afford to be extravagant with the poor tax-payer's money, as we propose to do in this matter. But apart from that, the point involved is the effectiveness. The board will not have that free air; the crippling effect of the Secretary would be there. All that the board does will have to pass through the Secretary. I have not been able to see any justification whatsoever for the retention of the entire secretariat as it is. I wish that this P. & T. Board, as it is newly constituted, should form part and parcel of the Ministry itself, as in the case of the Railway Board.

I repeat I do not want the budget to be separate. That is an entirely separate question. This newly-constituted board should form part and parcel of the Ministry. No one should stand between the Minister and the board; they should come in direct con-

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tact and confluence and try to make this board as effective as it possibly could be. I hope the Minister will not stand on false prestige. It is only to help him and to make the organisation more effective that I suggest this, more than for the sake of economy, though of course, we will be saving a considerable amount also. That is the first point I wish to stress, viz., the newly-constituted board should form part and parcel of the Ministry and nobody should stand between this board and the Minister.

My next point is this. Everyone wants decentralisation, but only up to his own level and not below him. He does not want to part with his own power, but he wants the man at the top to hand over the power. Here the Secretary wants that the powers of the Minister should be decentralised and given to him, but he does not want to part with the power. As a result, the P. & T. Board will be as ineffective as it has been till now. Down below, I further suggest that the powers of the Director General of Posts & Telegraphs should also be decentralised.

I have suggested as part (1) that at stage 1, there should be no Secretary at. We should do away with the Secretary, Joint Secretary, Deputy Secretary and the entire paraphernalia of Under Secretaries and Section Officers. It will mean a tremendous lot of saving. I wish that we could utilize the amount so saved on our field staff, on our other programmes which will be much more helpful. Otherwise, these people will only sit between the Minister and the Board, creating more work for themselves and raising objections as they want to justify their existence. Unless we do something about it, I think the Board will not be effective.

Then, at stage No. 2, Posts should be entirely separated from Telegraphs and Telephones. There should be two independent boards—there is the least doubt about it—and they should come into being immediately. This demand

has been there for a long time, and there are various reasons for this. The telephones and telegraphs were together, because at the earlier stages, we had much lesser work. Now, if we look at the figures we will find it has grown in a colossal manner. The telephone system is entirely different. I do not know what is the relationship between the telephone system and the postal system. There is no reason why they should be under one man. I stress this more particularly because we are making rapid technological advance all over, and if our systems of telegraphs and telephones are to keep pace with the technological advance, a separate board must exist.

There is another unfortunate tendency, I must say. The administrative officers always want to sit over the technical staff. They would not permit the technical staff to have that freedom and to have that joy of functioning in a free manner and going ahead with their technological advances. If the telephone and telegraph side is separated from the postal side, it would be the technological people, an engineer, who would be the Chairman of that Board. The Chairman of the other Board could be a member of this Board for the sake of co-ordination; I do not mind that; though I would say that the hon. Minister himself should be the real co-ordinating authority. But I would not object to the Chairman of another Board being a member here, just as we have got in the air side. We have got the A7 India International and the Air Lines Corporation. They are entirely separate; though there was much greater reason for having one single board, as they are doing absolutely the same type of work. Here the work is of an entirely different nature; still we have got one combined Board. This is a most unfortunate tendency, which is almost a hang over from the colonial system, where they wanted the administrative staff to sit over the engineering staff, to sit over the technological staff, not to let them

have freedom to make progress and go step in step with the technological advances which are being made in the country. It will definitely have a crippling effect, and so I do wish that separate Board would be formed so that our telephone system and our tele-communication system make rapid progress.

Apart from these reasons, there are other reasons why there should be two separate Boards. The postal zones which we have framed have got very different ingredients for their constitution. The telephone or tele-communication zone will be entirely different. A. present, because they are just under one man, and for various other reasons, they want to keep the same zone for both the systems. Calcutta itself might be a zone for the tele-communication system. But it is entirely different for the postal system.

There is yet another thing. One branch takes advantage of the weaker side; in other words, one branch's weakness are covered by the strength of the other side, and the other side is being pulled back. Some branch is making greater progress, and that is covered by the weakness of the other side. Postal side is not making the same progress, as it is not working on a commercial basis. But the income made from the other group is just shown as the sum total and a very erroneous picture is presented to the House.

Having said this, I wish to draw your particular attention to very serious implications which have possibly promoted the hon. Minister to come forward with this arrangement. Why is it that the Department and the Ministry at present constituted, cannot be very effective? What has happened? What are the inhibitory factors? The inhibitory factors, I understand, are two—the Home Ministry on the one hand, and the Finance Ministry on the other. What they want to do now is only, as a matter of fact, try to avoid references to the Home Ministry, and references to

the Finance Ministry, so that people sitting round the table could go into the matters and take their decisions without these cross references. Otherwise, the files are kept going for a long time, they are pending with the Home Ministry, where certain objections are raised, or they are pending with the Finance Ministry, where also some other objections are raised, and nothing is put through. This influence of the Home Ministry and the Finance Ministry had its own value and support in a different regime. But now almost all the departments are doing development work, and every developmental work is being obsessed with these handicaps. They want to run away from those inhibitory factors, and that is one of the reasons why they want this sort of thing. I wish not only my hon. friend but the entire Cabinet take note of these inhibitory factors and revise their procedures and systems so that these things do not compel the Ministries to run away from them.

Another very sad thing is that the Housing Ministry is very much in contact with all the Ministries and so their construction programmes are considerably delayed. I think my friend also made a reference—a very uncharitable remark, though it was true—against the working of the Housing Ministry, regarding the construction programme of his own Ministry. I think those remarks and observations were very uncharitable, but they were fully justified, unfortunately. Because, I find this Ministry has been surrendering more than 50 per cent. of its budget provisions on the construction programme because it could not utilize them. Therefore, I would like to be assured whether this Board will have their own construction branch or not. It is a very sad commentary on the Housing Ministry, and something should be done about it. I know the other Ministries have also the same complaint. I know that a particular Ministry—I would not hesitate to name it; the Commerce and Industry Ministry—which could not fulfil its programme of construction of industrial estates,

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simply because of the great bottleneck created by the Works and Housing Ministry. They wanted to have about 100 industrial estates in this country. But it is again the Works and Housing Ministry which is responsible for this great bottleneck. The Ministry of my hon. friend has also suffered from those bottlenecks. But these are grave issues which confront the entire country and the entire Cabinet should take action on them. It is not a solution if a particular department, which has the semblance of a commercial-cum-utility department, just runs away from these two Ministries. As a matter of fact, they have done nothing beyond that. That is my complaint. They have done absolutely nothing beyond running away from these three Ministries. This is the sum and total of the constitution of the Board. My friend will say that he has delegated more powers to this Board. I think that is an absolutely ineffective argument. I know in various States now, the departmental heads have been delegated much wider powers. I know particularly in my State of Rajasthan. The departmental heads who had their powers limited up to an expenditure of Rs. 25,000 or 50,000 now have powers delegated to them—to a single individual—right up to the budget limit. I do not think my hon. friend has done anything more. He cannot delegate more powers to spend, more than the budget limit. The Budget is sanctioned by Parliament. This Board, even sitting together, cannot spend more than the Budget limit. Therefore, delegation of a little more power from the Ministry to the Board is absolutely meaningless. Without the constitution of the Board, without doing anything, powers can be delegated. Powers have been delegated, as a matter of fact, to individual heads of departments. The constitution of this Board has done nothing beyond that. That is what I am submitting.

Another point that I wish to make out is, this document which was laid on the Table of the House....

Mr. Deputy-Speaker I am sure the hon. Member would be able to finish by twenty-five minutes past three.

Shri Harish Chandra Mathur: Yes, Sir. I will finish in five or seven minutes, at any rate before 3-30.

As soon as this document was laid on the Table of the House on 11th September—as it was being read—it struck me. I have never seen such a sort of phraseology as has appeared in this valuable document. As I have already stated, I have not been able to appreciate how and why the Secretary should sit in judgment over the collective wisdom of the Board. Here, in this particular statement laid on the Table of the House by my friend, the Secretary has been projected twice. This Parliament does not recognise the Secretary. Parliament recognises only the Minister. This document has twice made mention of the Secretary. Anything that is coming from the Board will pass through the Secretary. I think my hon. friend....

Dr. P. Subbarayan: If I may interrupt, there is nothing wrong in mentioning the Secretary because through the Secretary the Minister works, because he is an adviser, if I may say so.

Shri Harish Chandra Mathur: It is understood. Why is it necessary to mention it here? It is for the Minister to make whatever arrangement he likes. Do I understand that the Secretary enjoys any statutory right to being mentioned in the document? Am I to understand that the hon. Minister has got to see through the eyes of the Secretary? Do I understand that the hon. Minister has got to talk to the Board only through the Secretary? Do I understand that the hon. Minister....

Dr. P. Subbarayan: I am afraid my hon. friend is assuming too much.

Shri Harish Chandra Mathur: This is a colossal thing....

Shri V. P. Nayyar: Is there any statute about mentioning the Secretary?

Shri Harish Chandra Mathur: This is a colossal thing. This phraseology indicates nothing but the working behind the entire system. Then, again, I repeat, it is because of the unnecessary importance which the Secretary wants to assume to himself that this entire scheme has been sabotaged. That is my contention.

Dr. P. Subbarayan: I would like to tell my hon. friend that if any attack is to be made, let it be on me. The Secretary is not before Parliament to answer for himself.

Shri Harish Chandra Mathur: I hope the hon. Minister understands that the attack is on him.

Some Hon. Members: On him?

Shri Harish Chandra Mathur: It is entirely on him, because he has produced this document and he has not seen it.

Dr. P. Subbarayan: I have certainly seen it.

Shri Harish Chandra Mathur: He has not been able to appreciate that he has walked into the trap which had been set for him. Why do my hon. friends want that I go directly for a fling at him?

Mr. Deputy-Speaker: I would not allow that. He cannot go directly on him.

Shri Harish Chandra Mathur: He is such a nice amiable person. I cannot attack the Minister more than I have done already.

Shri D. C. Sharma: Do I understand that when he mentioned the Secretary, he meant the Minister?

Shri Harish Chandra Mathur: That is the unfortunate naked truth. If the document, as it stands, is to be effective, I say, the hon. Minister will

not have a chance even of meeting the Board directly. Why can't he, I do not know. I think this document does not make mention of that. It mentions that everything coming from below will pass through the Secretary. May I know also if it is true that everything passing from the Minister to the Board will also pass through the Secretary? I do not know whether our Ministers initiate any policy or not or whether there is anything that passes from the Minister or not.

Shri Braj Raj Singh (Firozabad): Nothing.

Shri Harish Chandra Mathur: Ministers are supposed to initiate things. Ministers are supposed to make their own decisions. I know the very valuable role which a Secretary has to play. I do not denounce that. I do not say anything about it. I do not say anything about the work of the Secretary in various other matters where there is a department functioning. I understand the importance of the Secretary. I have been myself in a very small way a Secretary for about ten years, or 12 years. I know what a Secretary is. When the Secretary is there, the departmental head is absolutely a second fiddle. If there is a strong Secretary, he has absolutely to go according to the dictations from the Secretary. At least, I have played that role.

Mr. Deputy-Speaker: That is the difficulty.

Shri Harish Chandra Mathur: My hon. friends do not realise that. I know what a Secretary is. That is why I am giving information to the Minister what a Secretary is.

Shri Hem Barua (Gauhati): If all Secretaries are like him, there will be a lot of trouble. Everybody becomes a fiddle.

Mr. Deputy-Speaker: That is because he has been the Secretary. Therefore, he does not like any Secretary to function.

Shri Harish Chandra Mathur: Knowing what a Secretary is, I want him to be in the proper place. I want him to have an important place in other matters.

What I want is this. Whatever steps my hon. friend takes, he should make the Board effective. He has not got any appreciation of the deterioration which has taken place in this department. I, therefore, suggest that a strong Committee should be appointed to go into the working of this department, find out what is the state of affairs today and report it to the Minister and the Parliament. As a matter of fact, I wrote a similar letter much earlier to my hon. friend's predecessor to which I have not received any answer. I think it is very necessary that the entire matter should be gone into and this House given an assurance as to how they are going to improve this state of affairs. I know that this Board may be able to build houses or do this and that. But, the public is much more concerned, and we are concerned with the welfare of the staff and their effective working otherwise. We are much more concerned about the complaints which the general public have against the working of this department. I would like to know whether the hon. Minister has full appreciation as to what he is going to do about it.

Last one word and I have finished. My hon. friend in this statement on page 3 has told us that this Board is to be constituted before Parliament meets or at least during the course of the session. Where do we stand today? The second point that I would like to know is, what are the agreements to which he has arrived at with the Home Ministry as well as the Finance Ministry and what authority and power is being delegated to this Board by these two Ministries, so that we could know the second part of it, whether the Board would be half as effective as has been made in this document. I hope the hon. Minister will throw some light on that.

Mr. Deputy-Speaker: Motion moved:

"That this House takes note of the statement regarding the setting up of P. & T. Board made by the Minister of Transport and Communications in the House on the 11th September, 1959."

Shri V. P. Nayar: I wanted to raise a point that this motion according to me, although admitted, was not proper and should have been considered to be out of order, because, a motion, to be admitted under rule 180, presupposes that it must be qualified for admission under rule 186. The first condition is that it shall raise substantially one definite issue. As the motion stands, I could not find any issue, although after hearing the speech of the hon. Member, I could see there were some intangible issues. Then, it must be related to a matter of recent occurrence. This occurred three or four months ago, and I would not place it as recent. So, I thought of raising it, but now that a speech has been made, I do not insist on it.

Mr. Deputy-Speaker: I think he realises and is conscious of his own weakness, and so he does not insist on it.

Shri V. P. Nayar: There is no purpose now. I tried to have the point raised, but ...

Mr. Deputy-Speaker: The statement was made recently by the Minister. It is of recent occurrence. It is the statement that has to be discussed. That is clear under rule 184, and then it is just the same as the discussion we had under rule 342; because there is no voting, we have now adopted this method now, saying "takes note of". We have taken up that form. otherwise it is the same. Rule 342 reads:

"A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House ..."

So, a statement also can be taken into consideration. We can take note of that, and we have taken it already. The motion in regard to the accident on the hoist chamber of Bhakra-Nangal was exactly in the same form: "That this House takes note of the statement made by the Minister of Irrigation and Power".

Shri V. P. Nayar: There the accident had happened, here the Board is to be appointed.

Mr. Deputy-Speaker: Does not matter. I see no force in that. Now we might proceed further.

The hon. Mover has taken half an hour. He will require five minutes in the end as well. Perhaps that much has to be given to the Minister also. How much time would the hon. Minister require?

Dr. P. Subbarayan: I would require at least 20 minutes.

Mr. Deputy-Speaker: That means we have one hour with us. I have got ten names, and perhaps some others also might stand up.

Shri Narayanankutty Menon: (Mukandapuram): We have not given any names.

Mr. Deputy-Speaker: But I have put down his name also without getting his chit.

Shri S. M. Banerjee (Kanpur): I only want five minutes.

An Hon. Member: Five minutes each.

Mr. Deputy-Speaker: If the hon. Members agree, that would be all right. Then I can accommodate all of them. **Shri Hem Barua.**

Shri Hem Barua: There was a persistent demand made on the floor of the House as also by the National

Federation of Posts & Telegraph Workers for a separate P & T Board. There exists a P & T Board with limited powers and the new Board is supposed to get more or enhanced powers. So, the difference between the old and the new Boards is only this much. But when the demand was made on the floor of the House that was because of certain administrative experiences and administrative reasons, because whenever even a pot of ink had to be purchased, it had to be referred to higher authorities, and because of red-tape it took a lot of time.

The P & T and the Railways are the two departments under the Government that are known as commercial-cum-public utility services. At the same time the administrative defects or difficulties that are to be found in these two departments are mountainous, if I may say so. This is my experience because I am connected with some of the unions of the Railways and the P & T as well. The demand for the Board was therefore made to make a solution of problems easier and quicker.

The Board that they visualised was an autonomous Board, not the Board that emerges out of this statement. Somehow or other it is a very pale-faced Board in spite of the fact that the new Minister pays a compliment to his predecessor, **Shri S. K. Patil** who is supposed to have imparted his usual vigour, clarity and dynamism to him. Dynamism is missing in this P & T Board that has been proposed in spite of the fact that **Shri Patil** is supposed to have injected his dynamism into it, and his vigour too.

The demand was to separate the Budget of the P & T Department, but there is no such separation. Therefore this does not occupy the same position as that of the Railway Board. The demand was for a Board occupying the same position as the Railway Board, and that can be possible only by the separation of the Budget, but

[Shri Hem Barua.]

for reasons better known to the Minister, that has not been possible and he has said so.

This is not decentralisation of power. This is simply trying to gear up the administrative machinery to a different tune, and for that the Director of P & T is made the Chairman of the Board, and there are six other members, most of them Secretaries of different departments. At the same time, there is one big hurdle. The collective wisdom of this Board can be overruled by the Secretary of the Finance Ministry who has been kept there as a checkpost. If he does not agree with the collective decision of the Board, he can take the matter directly to the Government. Here lies the rub. What is the purpose of having a Board like this, a sort of lily-livered Board over which not the Director of P & T presides, but the Secretary of the Finance Ministry presides?

Shri Harish Chandra Mathur: Not Secretary, Joint Secretary.

Shri Hem Barua: Joint Secretary.

The Board is empowered to evolve policies and that would lessen the function or the responsibility of the Ministry as a whole. That is welcome, but when they evolve a policy if there is some disagreement, then the policy matter has to be referred to the Secretary of the Ministry and it must have the approval of the Ministry. In that sense it does not enjoy any power. It becomes only a rubber-stamp and a post office, and the decisions of this Board are also conveyed to the Ministry through the Secretary for approval. Unless and until the approval comes, it does not operate in the right spirit, or it does not operate at all.

In financial matters also, it can spend money according to the Budget provisions. That the Ministry has been doing. Whenever it goes beyond

that, it has to approach the Ministry and through this Ministry the Finance Ministry. If the purpose of this Board is to curtail the powers so far enjoyed by the Home Ministry and the Finance Ministry on the Ministry of Communications, then that very purpose is being defeated because of these unwholesome provisions. On the other hand, had it been an autonomous body, with a separate Budget of course, it would have done away with the secretariat set-up, but here that set-up continues, it is not done away with. That is why I say this Board, however welcome it might be, does not enjoy real power, real autonomy. It only becomes a rubber-stamp or a post office which we can very well avoid and allow the responsibilities to be exercised by the Ministry as they were being exercised before rather than have a Board of this sort.

Shri Narayanankutty Menon: I think that no useful purpose will be served by this discussion because in the original statement made by the Minister not even an iota of indication was given as to the powers of this Board, and after making that statement the constitution of the Board has not taken place, and even now we are not sure what the real powers to be enjoyed by this Board in the whole administrative set-up of the P & T Department will be.

If the hon. Minister had made a statement about the progress and also the powers to be conferred upon this Board, and given us an outline or a framework of the new set-up of the administration of the P & T Department and the implications of the formation of this Board it would have been far better, and the Government could have got the suggestions from the hon. Members of this House and be benefited by them. But in the kind of discussion that we are having, even if certain suggestions are made, we cannot know where exactly they can be fitted in, whether after all

they can be accommodated or incorporation in the functions of the Board. Therefore, there is a little bit of difficulty in having a full-fledged discussion on the formation of the P & T Board. But, still, with the experience of the working of this department in its various ramifications, stretching its tentacles to almost every part of the country, I really feel that there is something seriously wrong, and that a sort of cancerous disease has caught hold of this department almost down to a post office and a postal employee. We are not sure whether that disease is due to the lack of co-operation or co-ordination between the different Ministries, because we do not quite know. If that disease is due to want of co-ordination and co-operation between the various Ministries, and if that co-operation and co-ordination could be obtained by the formation of this board, certainly, we shall have to welcome this, and we shall be the first to welcome this.

We should like to know from the hon. Minister the exact role that will be played by this P & T Board in the whole administrative set-up now, and how, according to his own vision of the future administrative machinery, this board will function. Unless we get a clear-cut idea about the functions of this board and the extent of co-ordination and co-operation that it will have from the different Ministries, certainly, it will not be possible for this House to express its opinion about the future of this board. But, anyway, the decision has been taken to form this board. If this really means that a new set-up will arise in the P & T Department, then it will find at least a partial remedy to the evils that are existing today, and to that extent, the formation of this board is to be welcomed.

The P & T Department, just like the railways, is one of the biggest employer Ministries in this country. I am saying this because, apart from the various administrative burdens

such as the maintenance of the lines of transportation and communication in this country, it has got the added burden of looking after about a quarter million employees under it. I am specifically pointing to the fact that the neglect of the whole department is due to the neglect of that particular branch; whether it be lack of co-ordination between the different levels of administrative set-up or anything else, it ultimately boils down to this fact that there is a disgruntled staff throughout.

For instance, because of the lack of decentralisation, because of the existence of bureaucracy at every level, any communication that it addressed to the Director-General of Posts and Telegraphs regarding the service conditions of an employee or regarding the disciplinary action taken against an employee, goes from one particular place and returns back after years and years, after having passed through the hands of a hundred individuals who exercise their own whims and fancies on that communication. I am submitting this because I have got my own experience in this regard. The result is that whatever policy might be thought of by the Minister, that policy is not put into effect ultimately, and the poor employee suffers.

I may point out for the benefit of the hon. Minister how this bureaucratic set-up has been functioning right from the beginning to the end, and how people are affected by it. There are about half a dozen women working in the telephone exchange in my State. They were temporary in the beginning. Even though they were temporary, under the rules, after working for a week, they were given a day off; ultimately, after six months, they were told that they did not have any continuous service, because one day had been given as off to them, and, therefore, they were going to be discharged from service. The interpretation given by the department was that under the rules fram-

[Shri Narayanankutty Menon.]

ed by Government one day had to be given as off to these girls after they had worked for one week, compulsorily; and because of the obligation of the department to give one day off to them, they were told that they were not in continuous service. Ultimately, the matter had to be taken up with the authorities, and only after a year's correspondence could something be done in their case.

Let me give another example now, and that is with regard to the need for building quarters for the P & T employees. I know myself that so far as the Kerala State is concerned, many years before, decisions were taken to build quarters for the P & T employees. Every time the P & T officers come and assure the employees that next week or next month the work would start, but for the last ten years, these quarters have not been coming up. No positive explanation has been given by anybody so far as to why these quarters have not been coming up. The only positive explanation is that there is lack of co-ordination between this Directorate and the works, Housing and Supply Ministry.

These are some of the examples which show that because of the ramification of this department and because of the existence of bureaucracy, nothing could be done properly. If the hon. Minister would realise these implications of the existence of this bureaucratic set-up, and would think it fit to vest this board with suitable powers whereby the entire chain could be broken at least at one level, so that things could be done easily, then it would be a welcome feature.

At this juncture, we only hope that this P. & T. Board with undefined powers at present may not be another elusive freak in the galaxy of bureaucracy that is existing in this country, and that really this P. & T. Board will contribute in some measure to the amelioration of the defects existing today in the P. & T. administration.

Mr. Deputy-Speaker: Shri Bhakt Darshan.

Shri Braj Raj Singh: Before Shri Bhakt Darshan begins, may I know from the hon. Minister whether this Board has been constituted yet or not, because it was promised in the statement that it would be considered?

Dr. P. Subbarayan: For the information of the House, I would like to say that the board is not yet constituted; it will come into being about the 14th or 15th of December, 1959.

Shri Hem Barua: It is in embryo now.

Shri Harish Chandra Mathur: The hon. Member may express his views now, so that the hon. Minister may take into account those views also.

श्री भक्त दर्शन (गढ़वाल) : उपाध्यक्ष महोदय, दो वर्ष से भी अधिक का समय हुआ जब कि माननीय लाल बहादुर शास्त्री ने इस सम्बन्ध में घोषणा की थी और आज हम उस पर विचार कर रहे हैं।

Dr. P. Subbarayan: I would like to request the hon. Member to talk in English, because I do not understand Hindi, and the hon. Member does know English.

Shri Bhakt Darshan: I shall deliver my speech in Hindi, and then give the important points in English.

Mr. Deputy-Speaker: But I may not give double time to the hon. Member.

Shri Bhakt Darshan: I do not want double the time. I shall finish within the time allotted to me.

Shri Narayanankutty Menon: The hon. Member may speak in Hindi and give the points in English.

Shri Bhakt Darshan: Let me be bilingual today.

माननीय शास्त्री जी ने दो साल पहले जो घोषणा की थी, उस के बारे में जो हमारी आशाएँ थीं, उन के अनुकूल यह बोर्ड नहीं बन रहा है। मैं यहाँ पर उस झगड़े में नहीं पड़ना चाहता हूँ, जिस के बारे में हमारे मित्र श्री माथुर ने अभी यह प्रश्न उठाया था कि इस सम्बन्ध में सैक्रेटरी या सचिव की क्या पोजीशन रहेगी। इस के बारे में मैं यह निवेदन करना चाहता हूँ कि या तो डायरेक्टर जनरल को, जो कि इस बोर्ड के चैयरमैन होंगे, सैक्रेटरी की पार्वज दे दी जायें और रेलवे बोर्ड के चैयरमैन की तरह वह विभाग के एक्स-ग्रान्फिशियो सैक्रेटरी हों, या इस डिपार्टमेंट के सैक्रेटरी को इस बोर्ड का चैयरमैन बना दिया जाये। यदि इस सम्बन्ध में इस तरह की व्यवस्था की जाये, तो बड़ी सहूलियत होगी।

My submission is that either the Director-General, Posts and Telegraphs should be given the powers of a full-fledged Secretary, or the Secretary to the Ministry of Communications should be the *ex-officio* chairman of this Board. That will solve the problem

इस बोर्ड के एक तो चैयरमैन होंगे और छः सदस्य होंगे। जैसा कि श्री माथुर ने सुझाया है, प्रति-वर्ष करोड़ों रुपए भवनों के निर्माण के लिए रख दिए जाते हैं, लेकिन वे लैप्स हो जाते हैं। इस सम्बन्ध में दो ही रास्ते हो सकते हैं। या तो पी० एण्ड टी० डिपार्टमेंट का एक सैपरेट इंजीनियरिंग डिपार्टमेंट हो और उस का हेड इस बोर्ड का एक एक्स-ग्रान्फिशियो मेम्बर हो। दूसरा साल्यूशन यह है कि जिस तरह इस बोर्ड का एक फाइनेंस मेम्बर रखा जा रहा है, जो कि एडमिनिस्ट्रेशन कंट्रोल के लिये तो फिनांस मिनिस्ट्री के अन्तर्गत होगा, लेकिन इस बोर्ड का मेम्बर भी होगा, उसी तरह सी०पी० इन्स्यू०डी० से एडीशनल चीफ इंजीनियर के पद का एक व्यक्ति ले कर इस बोर्ड का मेम्बर बनाया जाय, ताकि सब समस्याएँ आमने-सामने बैठ कर हल की जा सकें।

My suggestion is that either the P. & T. Department should have a separate engineering department of its own, and its head should be an *ex-officio* member of this Board, or, failing that, the C.P.W.D. should be asked to nominate a member of the rank not less than that of an Additional Chief Engineer, so that all these matters may be thrashed out inside the Board itself, and the construction work may be expedited.

माथुर साहब ने यह भी कहा कि डाक विभाग के लिए एक अलग बोर्ड बना दिया जाये और तार और टेलीफोन विभागों के लिए अलग-अलग बोर्ड बना दिए जायें। मैं इस सुझाव का विरोध करता हूँ। मैं समझता हूँ कि जब पूरे डाक-तार विभाग के लिए ही बोर्ड नहीं बन पाया है, तो इस विभाग की दो शाखाओं के लिए अलग-अलग बोर्ड बनाना कैसे सम्भव है। फिर ये जो विभाग हैं, हालांकि उन में काफी अन्तर पड़ चुका है और काफी तरक्की हो चुकी है, लेकिन फिर भी उनका एक दूसरे के साथ चोली-दामन का साथ है। जो एक्सप्रेस डिलीवरी लेंटर्ज आते हैं, उन को तार के हरकारों के द्वारा बांटा जाता है; इसी प्रकार मनीआर्डर भी कभी-कभी तार के द्वारा भेजे जाते हैं। फिर समझ में नहीं आता कि उन का विभाजन किस प्रकार से किया जायेगा। अगर उन के अलग स्वतंत्र बोर्ड बना भी दिए जाते हैं, तो उन में ऐसी एनार्की फैल जायेगी कि इन्तजाम करना मुश्किल हो जायेगा।

What I mean to say is that I am opposed to the suggestion made by Shri Harish Chandra Mathur that there should be two separate Boards, one for the postal side and another for telephones and tele-communications, because the relationship between these two wings is so integrated that they cannot be separated.

अन्त में मैं यह कहना चाहता हूँ कि एक वर्ष पहले मैंने यह सुझाव रखा था कि पी० एण्ड टी० बोर्ड बनने वाला है, तब इस क्वेश्चन

[श्री भक्त दास]

में नए सिरे से विचार किया जाय कि हैड-क्वार्टर्स में तो डायरेक्टर जनरल आफ पोस्ट्स एण्ड टेलीग्राफ्स का पद है, लेकिन सर्कल के हैड पोस्ट-मास्टर-जनरल कहलाते हैं। देखने में इस का मतलब यह निकलता है कि वे पोस्टल माइड को ही देखते हैं, जब कि तथ्य यह है कि वे तार, टेलीफोन और वायरलेस जैसे विषयों को भी देखते हैं। मैं कई बार पहले भी सुझाव देता रहा हूँ पोस्ट-मास्टर जनरल का पद बदल दिया जाय। जब कि हैडक्वार्टर्स में डायरेक्टर-जनरल आफ पोस्ट्स एण्ड टेलीग्राफ्स होता है, तो सर्कल में डायरेक्टर आफ पोस्ट्स एण्ड टेलीग्राफ्स हों और पोस्टल माइड में टेलीग्राफ्स आदि शाखाओं का काम करने वाले अफिसरों को डिप्टी डायरेक्टर, पोस्ट्स और डिप्टी डायरेक्टर टेलीग्राफ्स बना दिया जाये।

In England, the post of the Postmaster General is a Cabinet post. We have inherited that tradition from the British rulers. But now it is an anachronism. At the head at the Centre, we have the Director General of Posts and Telegraphs; but in the Circles, we have got Postmasters General. Why not have the same nomenclature? At the Centre, we have got the Director General; so we should have Directors of Posts and Telegraphs in the Circles. They may have deputies to look after the different sides.

में इतना ही कहना चाहता हूँ और मैं आशा करता हूँ कि माननीय मंत्री जी इस बारे में विचार करेंगे।

Shri D. C. Sharma (Gurdaspur): I welcome the formation of this Board.

Shri Braj Raj Singh: It has not yet been formed.

An Hon. Member: He welcomes the idea.

Shri D. C. Sharma: I hope that this Board will fulfil all the expectations that we cherish of it.

The speeches that have been made on the floor of this House today make me think that we are crying before the milk has been spilt, and I do not see any point in that. I think we should first of all see how this Board functions and then we can pass judgment upon it. But I think it is a definite improvement on what has been happening before.

The P & T Directorate may have been there, but it had very limited powers. Now I find that the powers have been enhanced—on the administrative side, on the developmental side, on the financial side and so on. I think this is something that is going to do good to the Ministry of Communications and the Posts and Telegraphs and Telephone Departments.

It has been said that the performance of this department is not as good as before. It may be true; it may not be true. But I must say that this Board, which is going to be a kind of arms and brains trust of this Ministry, will try to see that the performance is better than before.

A point was made that the postal side should be separated from the telegraph and telephone side. The hon. Member who made the point argued on the score of economy. He said that we must economise. Then he said that there should be two Boards. I think the Posts, Telegraphs and Telephones constitute one organic body and there is organic connection between the three. I do not see why they should be separated from each other. I think there should only be one Board to deal with them.

Now how does democracy function? People speak against bureaucracy. But has the world found any substitute for it, in any part of the world, in any country under any form of government? No, bureaucracy must be there. You may call it by any other name, but it must be there.

I think that this Board is going to have a kind of cross-section of the administration of this Ministry. That cross-section is going to look to the overall needs of this Ministry. Therefore, I think that this is going to be the advantage of all of us.

Now, a point has been made that this Board should have an engineer to look after the building and other kinds of things. There is a member for tele-communication, planning, development and workshops in it. I hope the developmental side is also included in planning. So that point is also met.

I feel that this Board should have been a statutory Board. But then the finances should have been separated from the general finance. That could not be done. It could have been a kind of directorate, but a directorate does not give as good a performance as a Board can. Therefore, this Board, which is the result of the deliberations of three Ministers. Shri Lal Bahadur Shastri, Shri S. K. Patil and Dr. P. Subbarayan, which has received the stamp of approval of these three Ministers, should be given a hearty blessing so that it can do what we expect it to do.

Another point I want to make, and it is this. This Board should present a report to Parliament every year. I do not know whether it is permissible under the statute or not. But I believe that a separate report of the working of this Board should be presented to Parliament every year so that Parliament can know what work it has done and what advance it has made so far as all these things go.

Now, people have been speaking about the relative position of the Secretary and the Minister. I think this is not a very material point, because it has been said in the statement that the policy-making will be done by the Minister. As long as policy matters remain in the hands of the Minister, I think this Parlia-

ment should feel satisfied. Of course, so far as the implementation of policies is concerned, it is going to be a new kind of experiment. I hope that this new kind of experiment will succeed.

I therefore think that when a new baby is born, we should all assemble to bless it and not assemble to predict anything evil about it. So far as this new baby is concerned, it may not be as good a baby as people wanted, but all the same, we should wish it well so that it is able to satisfy all those demands which we have made upon it.

Shri S. C. Samanta (Tamluk): Mr. Deputy-Speaker, Sir, at last in the form of a reconstituted Board, Government have heard and reacted to the grievances put forward since 1924. I welcome the Board. At the same time, I would place before the Minister, the grievances that we put forward since 1924 and recently, in 1953-54-55 at least in the form of a Private Member's Resolution moved by me. While that Resolution was being discussed, the Minister, Shri Raj Bahadur told us that they would not be able to separate the budget in line with the railways; there were difficulties in the way. But he assured us that they had a depreciation reserved fund as the railways had and they would try to have a development fund also.

I would like to know from the hon. Minister whether he is going to form a development fund for this department and also whether a revenue reserve fund is going to be formed in line with that on the Railways. We would have been glad if it had been an autonomous body with the Minister as Chairman just like the Railways.

An Hon. Member: The Minister is not the Chairman. He has only the overall control.

Shri S. C. Samanta: Within the short time at my disposal I would

[Shri S. C. Samanta.]

like to remind the new Minister about the accommodation problem which we were speaking so much. I would like to know whether it would be solved by the constitution of this Board. We were given to understand that there was some sort of arrangement with the C.P.W.D. May I know whether any progress has been made from 1955 till now? If no progress has been made, the Ministry should move the Government that the entire building work should be taken in hand by this Board so that the staff who are congested in offices will not die of T.B. and for want of accommodation there will not be grievances amongst them

Another thing I would suggest is this. Railways have established schools and hostels for the children of their employees. I would request the hon. Minister to see that at least some hostels for the children of the employees are established in b towns so that the employees remaining undisturbed about the education of their children can go on with the work of the department.

I do not know what powers will be given to this Board. I think the hon. Minister will try to give them such powers that they will be able to fulfil some of the wishes which we have.

With these words I welcome the constitution of the Board.

Shri N. R. Muniswamy (Vellore): Mr. Deputy-Speaker, Sir, I must congratulate at the outset Shri Mathur for having initiated this debate with a view to pin-point some of the aspects to which we may draw the attention of the Minister at the time of the constitution of the Board. This Board is long awaited and it is coming very shortly. I propose to make certain observations for him to take into consideration and to implement.

Many of the points which have been raised by the previous speakers have been based on certain conjectures

and probable contingencies that might arise at the time of the functioning of the Board. I may add something more to what has already been mentioned.

I would like to know whether the policy control and administration will be by one and the same Board or whether policy will be separated from technical control. I mean to suggest that the Board should have such members that one section will deal with policy and administration and another section will with technical matters and control. If at the time of the constitution of this Board there are no specific duties assigned to the members it is just possible that the importance of the technical aspects may be lost.

As regards finance and accounting organisation it should also be separated. We know that the Railway Board is functioning in a different way. We may not be able to have the P. & T. Board just like the Railway Board. It will be have a separate existence of its own; nor could we apply the same methods that are being adopted by the Railway Board for various reasons. One of the reasons assigned by the Ministry was that they did not have a separate budget. If that was so, it was said that it would be of a different type altogether.

It would be better if accounting is separated from audit. Audit and accounting must be separated; otherwise it will create confusion. We may have a financial adviser or we may call him a financial commissioner. He is one of the members of such boards normally. He must have certain autonomy and power. His advice on financial matters must be given greater weight than the advice of others on the board. The Comptroller and Auditor-General has been insisting upon the separation of accounts and audit. If both are in one and the same organisation, there will be another Auditor-General. So,

it is better to have two different organisations.

You will have to see if extra expenditure is incurred by the constitution of this Board. If so what is the corresponding economy or efficiency that may possibly be achieved by this? We are not having any data to know the extra expenditure that might be involved. But I take it for granted that the present board as it is constituted at present will be given a different nomenclature and that there may possibly be no extra expenditure. All the same I would ask for an assurance from the hon. Minister that it involves no extra expenditure and that it would function in a proper and efficient way. Therefore, I would suggest that while constituting the Board we must have an eye on the efficiency and corresponding economy also. Efficiency must be given the first place. If the cost increased, it must be commensurate with the efficiency that we attempt to achieve by the constitution of this Board.

I do not know whether it will have a category of its own, just as the Railway Board does not come under the Central Secretariat Service. I want to know from the hon. Minister whether it will be brought under the Central Secretariat or it is a category by itself. On this occasion, I would request the Minister to reply to my points about the policy and administration, separation of audit and accounts and also whether the efficiency will at least be commensurate with the expenditure.

Mr. Deputy-Speaker: Shri Braj Raj Singh.

श्री ब्रजराज, सिंधु उपाध्यक्ष महादय, मैं दो तीन बातें . . .

Dr. P. Subbarayan: May I request my hon. friend to follow the same principle as my hon. friend Shri Bhakt Darshan?

Shri Braj Raj Singh: I am sorry, Sir, I will not be able to comply with the wishes of Dr. Subbarayan not for the reason that I would not be able to explain things to him in the language in which he is conversant but for the reason that he being a Minister of the Cabinet rank should at least try to understand the language which is supposed to be the national language. . . . (Interruptions.)

Shri N. R. Muniswamy: Official language.

Shri Braj Raj Singh: . . . official language of India. If not, he will at least keep by his side someone who will be able to explain matters to him. . . . (Interruptions.)

Mr. Deputy-Speaker: After he has spoken for five minutes, he will go to the Minister and explain to him what he has said.

Shri Thanu Pillai (Tirunelveli): Sir, I would like to point out that an hon. Member giving this sort of direction to the Minister is not very desirable.

Shri Braj Raj Singh: I am not giving any direction.

Mr. Deputy-Speaker: Every hon. Member can express his desire.

Shri Braj Raj Singh: I am only expressing my desire.

Mr. Deputy-Speaker: The hon. Member should not waste his time on this now.

पंडित ब्रज नारायण ब्रजेश (दिवपुरी) :
भाप ने इस को डाइरेक्टिव बना दिया, यह
डाइरेक्टिव तो नहीं है।

Shri Braj Raj Singh: If some of my hon. friends take it ill, Sir, I only want to say two or three things to the hon. Minister in the language in

[Shri Braj Raj Singh]

which he is conversant. When the hon. Minister knew that the Board was not constituted, he could have at least requested the Speaker not to have this discussion today and the discussion could have been held after the Board was constituted. There is no purpose in having this discussion when the Board itself has not been constituted. He has given the information that the Board is going to be constituted on the 14th or 15th of December. That, perhaps, may or may not materialise. His previous statement was: "I am hoping that probably before but in any case during the time of the next session of Parliament the Board shall have started to function". I hope that this statement of the hon. Minister will not meet with the same fate as the one which was made by him on the 11th September.

Sir, I am not enamoured of the pattern of the Railway Board. I have often called the Railway Board the "white elephant", in the sense that by creating separate statutory autonomous boards we are simply going to increase the expenditure on the public exchequer. Therefore, the main thing should be that the expenditure should not increase. I would request the hon. Minister to see that by the constitution of this Board the expenditure is not increased.

The main thing should be to see that service to the people is given satisfactorily. One complaint about this department has been that although before the coming in of independence this department was quite efficient after independence it has just become rotten like other departments. The complaint sometimes is that corruption or rottenness in this department is much more than even in other departments.

Sir, there is nothing special to be discussed in this. I would like the hon. Minister to specifically say whether the Board is now going to be establish-

ed on the 14th or 15th of December. Also, when the Board is constituted, I would like him to see that the expenditure does not increase and service to the people is given in the manner in which they hope from this department.

Shri Aurobindo Ghosal (Uluberia): Mr. Deputy-Speaker, Sir, though it is very premature to say anything on the working of the P. & T. Board as it is still in its embryonic stage, still, as it has been raised by my hon. friend, Shri Mathur, I would like to say something about it.

We have known so far that the Board will be formed with seven members, with the D.G., P. & T., as its Chairman and six other members in charge of six subjects. It has also been stated that the D.G., P. & T., will be empowered, will be given more powers from the Ministry of Transport and Communications and from the Home Ministry and Finance Member more powers from the Finance Ministry. It has also been announced by the hon. Minister that it will not be an autonomous body like the Railway Board with a separate budget.

I am not ready to give my blessings nor can I condemn a baby which is yet to be born. Still, Sir, we shall hope that the members of the P. & T. Board, who will be working there not as members with inherent powers of the Board but with the powers borrowed or taken from different ministries will not work as check-post of the different ministries but will work with one purpose of developing and running the P. & T. Department efficiently.

In this connection I would like to offer one suggestion. The Government have already accepted the principle of workers' participation in management. If that principle is accepted and if the workers are allowed to go into the committee of

management, why cannot an employee of the P. & T. Department be taken on the Board? The employees of the department are organisationally and educationally more efficient and intelligent. Therefore, I would request the hon. Member to seriously consider this aspect. The P. & T. Board has not yet been formed, and so, I would request him to consider this suggestion seriously. The Board is going to be a very important Board for the developmental work and also it will have to maintain good relations with the employees. So, I would request the hon. Minister to consider this aspect, namely, of taking one representative from among the employees from the department into the Board.

Shri A. C. Guha: (Barasat): Mr. Deputy-Speaker, Sir, I am yet to be convinced about the utility of the formation of this Board. There is no parallel between this Board which is to be created and the Railway Board. The Railway Board has got its own finances. This Board will have no finance of its own and it will have to depend on general finances. So, the difficulty,—which they are feeling now—about the allocation and sanctioning will more or less continue. But particularly now, when the system of having an internal financial adviser has been introduced, there should not be much necessity in the matter of inter-departmental sanction between this Ministry and the Finance Ministry. Any how the Board is not likely to improve the position.

Mention has been made about the delay in the construction programme. I think that is not a malady which is special to this department. That has been the position in all the departments. Near about half the money allotted every year for construction purposes is being refunded and not utilised because the C.P.W.D. cannot cope with the work entrusted to them. Even now I think it is the intention of Government that the construction side will be left to the

C.P.W.D. So, there would not be any improvement in this respect unless the Board decides to have its own construction side with engineers and other staff all over the country. Other departments may have their construction programme limited only to cities, but this department will have its construction programme spread all over the country down to the remotest villages.

While referring to the construction side, I would request the Minister to go to Calcutta and visit the post offices there. I am not quite sure about my figures, but I think about 25 per cent of the total revenue of the Posts and Telegraph Department is derived from West Bengal Circle. Yet, the working conditions in the post offices in Calcutta particularly are awfully bad. I would humbly request the hon. Minister to go and see the conditions in which postal officials are working in Calcutta.

I am not referring to the residential accommodation of the staff to which my hon. friend Shri S. C. Samanta has referred, but I think that is also a matter to which the department should give serious attention. Unless they can provide tolerable living accommodation to the officers and staff employed in the department, it would be rather futile for the department to expect that the employees would give a proper output on their part.

It has been stated that in regard to matters covered by internal finance the decision of the Ministry of Communication will be final, but in regard to other matters, if the Financial Adviser so desires, a reference would be made to the Ministry of Finance. This is also the procedure in the Railway Board, but the difference between the two is, whereas the Railway Board has got its own finances, here the finances would be derived from the Finance Ministry. So, here the interference of the Finance Ministry is likely to be more fre-

[Shri A. C. Guha]

quent than in the case of the Railway Board and the Financial Adviser may refer to the Finance Ministry much more matters than the Member (Finance) in the Railway Board does. There is hardly a case in a year where the Member (Finance) refers to the Finance Ministry, but the number of such cases may be more here.

Then, as Shri Mathur said, I cannot understand the purpose of maintaining a separate secretariat. The Minister has not given us any idea as to the increase in the total expenditure of the Communications Department, particularly the P. & T. section, on account of the formation of this board. I think the House should be given some idea about the increase in the expenditure due to the formation of this board.

It has been stated that the formation of the board would help sitting round and coming to decisions without sending the file from one table to another. Even now there is the Director-General and the members of the Directorate can sit round and decide things promptly. So, simply the formation of the board will not improve matters, unless the whole department is re-orientated, with the spirit of services to the people and the Minister takes keener interest in the proper allocation and utilisation of money and proper discharge of work by the different members, either of the board or the directorate.

Finally, I would request the Minister to consider whether there would be any necessity at all to continue the entire paraphernalia of the secretariat—the Secretary, the Joint Secretary, etc.—even after the formation of the P. & T. Board.

Shri Thanu Pillai: In this debate, we are dealing with something which is not yet formed and observations are made. We are not discussing something which has been done by

the board, but hon. Members offer remarks on something to be done by the board. It is not a new department which is being created; it is only re-aligning, renaming or recasting some of the functions of the officials and co-ordinating them. My interest in participating in this debate is to make use of this opportunity to bring home to the new board that is coming up the very many hopes and wishes of the public and our bitter experiences with the department as it functions today.

This department is an empire by itself, next only to the railways, employing a large number of people, engaged in the service of the people. People come more in contact with this service than the railway service. Not all people travel, but more people receive and post letters. There was a time when I used to say that if a worker's statue should be erected, a postman's statue will be the right type of statue, because he is a very humble man, who cannot commit mistakes and who cannot be corrupt, because there is not much power in him. But even that man has become corrupt. Hon. Members might have heard that many letters are torn and for currency notes sent by mothers to the students studying in other places. The money order goes from the father, but the currency notes go from the mother, without the father knowing it. It is a mistake that these people commit in sending currency notes, but by this mistake, not only do they violate the rules, but they also spoil the good postman into something bad. That apart, there is a feeling that the P. & T. Department is earning. Their employees say "We are earning so much. Why not give us more? We will be satisfied". But if we look into the accounts of the Postal Department, they are running at a loss. Perhaps, it is with that motive that the telephones and telegraphs people say that there must be two boards. One section feels that it is the sacra-

ing section and the other section feels that it is the consuming section. But, to us, all sections put together are a utility service.

Now, coming to the telephone department, as a subscriber, I have got bitter experience. Hon. Ministers will not know it, because their Private Secretaries would book their calls, and they would get priority. When I tried to book a call from 2 o'clock to 6 o'clock in the night there was no proper response. Even when we dial 991 and ask "What happened to the call?" there is no response. And the answers are very impertinent and indiffer-

An Hon. Member: Everywhere?

Shri Thanu Pillai: Yes, in Delhi and everywhere. In my home town that question brings the answer "The linesmen that are appointed are not trained men and I am not responsible". The Supervisor says "What I can do, Mr.? The linesman is promoted, not for his efficiency, but for his influence. What can I do?" What can I do? I can only bang the telephone and keep quiet. In the papers they say that here in Delhi the position has considerably improved, it is very good and all right. If you dial a number, to get an answer from the operator it takes a long time. The D.G.P. & T. told me that it will be done in half a minute. Today for five minutes, for full five minutes, I did not get an answer. I again dialled the number and after some time they gave some other reference. If I ask for Tirunelveli, they ask "Trichinopoly?" If I ask them to book a call to Colombo, they ask me "Where is Colombo?" This is the type of operators that we have.

If they want the public to give support to their cause, there should be response from that side also. The hon. Member, Shri Samanta, was speaking about the construction of

houses and other things. Well, the response should come from the other side also. The Government should be a model employer, but the Government servants should also be model employees. But that is not so. Unfortunately, co-operation is lacking from the other side. Also, they are often misled. The P. & T. staff, not in Delhi but in village side are much better paid than people who are doing more arduous work there. Still, they have got the grievance that they are not given adequate pay. A strike threat in 1957 brought them Rs. 5 and another Rs. 5 now. At the same time, the State Government servants are living in the same old condition.

There is going to be a great trouble in this country because of our handling of the pay structure and all that. Of course, there will be other occasions for me to speak on that, not now.

I would only say to the new board that is constituted that we expect from them some superior services. The members of the Board and the Minister should be the guardians of the members of the staff, no doubt. They should be their guardians, and these people should not be left at the hands of the agitators. But, at the same time, they should be our guardians also; we who pay them the price for the services should be treated with cordiality, with respect and regard by the members of the staff. They are onerous duties, but they are nothing new.

We expect that the new Board will have a new impact and it will have the courage to say that its staff must be paid well and that they must be given facilities and all that. At the same time, it must also say "No" where "No" is required. They should not be shivering in their sleeves for fear of agitations. Now, there is one bang at the table on the opposite side and there comes the shivering on this side. It is not to my liking very much.

[Shri Thanu Pillai]

(Interruptions). We are not weaklings here. If the challenge comes, we hope to meet the challenge and we will acquit ourselves very well. I would only request to the hon. Minister to take courage and maintain it.

Shri S. M. Banerjee: Mr. Deputy-Speaker, I personally feel that this discussion would have been more fruitful had the hon. Minister made a statement on the floor of the House giving details of the P. & T. Board. However, since the discussion is taking place, I have something to say about this Board.

Shri Braj Raj Singh: The Board has not yet been constituted.

Shri S. M. Banerjee: The Board is going to be constituted on the 15th. It would be better if we discuss certain things which the hon. Minister could keep in his mind and see that this Board functions efficiently.

As far as I know this Board is being formed to have efficient functioning of the P. & T. department. Let me say only one thing that the Ministry will have to consider this matter also very seriously that with efficiency, it should also function economically. Because, my fear is only this that this Board may not be used only as a plank for further promotions. Because, that is the history of many Boards and many corporations and other places. That is the slogan raised by some of the members of the private sector outside this House. They always feel that anything that is nationalised, any Board which is formed, any Corporation which is formed gives birth to scandalous things. My fear is only this. I would request the hon. Minister to kindly see and keep in his mind some of the bitter experiences of the Railway Board also,

before he decides finally and firmly about this particular Board.

Some of the points raised by my hon. friend Shri Harish Chandra Matnur are worth considering. I also felt, when I read the statement which was laid on the Table of the House, why the Secretary should always come in the picture. The Secretary is the pivot of a Ministry. I understand that and appreciate his work. But, should he interfere with the day to day work of the Board? In that case, the members of the Board will be in a difficult position and they may not be able to give their best and it will also result in some gross utterances which might result in something bad for the Board.

The second point is this. I do not share the views of my hon. friend who preceded me. I do not know why he is so allergic towards the employees.

Shri Thanu Pillai: Personal experience.

Shri S. M. Banerjee: It may be his experience was sad. But, it is not so sad in the case of other Members. It may be that he did not get any connection for 36 hours or 48 hours. My bills can be checked here in the Lok Sabha. At least I have paid Rs. 234 in a particular month. Even this month I have paid Rs. 36 for trunk calls. I do not know how I get a trunk call so swiftly. I do not mention my name or express my sympathy towards the employees on the telephone. But, still I get. The whole thing is this. This department may have its failings. It has its deficiencies. But, I might mention for the information of the House that my experience and my association for the last so many years with the P. & T. employees has only revealed one thing to me that this is a department where right from the peon to the top

man, is working efficiently and honestly.

Dr. P. Subbarayan: Thank you.

Shri S. M. Banerjee: Supposing I become a peon, if I am a dishonest man, who cares for a letter? I may put the entire bundle in a well. It is not registered; it is not bearing. I have seen postmen, old, ailing postmen, on a salary of Rs. 30 or 35, moving throughout the whole place, walking and delivering letters and going to a thousand places. Here, in North Avenue, I have seen, some telegrams are sent, S. M. Banerjee, M.P., New Delhi, or Mr. So and so M.P. He can ask for the correct address. People have no business to send telegrams like this. After all, Members of Parliament are not the only privileged people in this country. They could have asked for the correct address. The postman comes to the Lok Sabha, he goes to the Enquiry Office, gets the address and delivers it. Let us not condemn those employees only because they want more pay. That is not correct. In that case we will be discouraging these persons who will be working with better efficiency when the Board is formed.

This National Federation of P. & T. Employees was formed by the merger of nine all-India unions. Shri Jagjivan Ram who was the Minister of Transport and Communications at that time realigned it and this particular Federation was formed. So, there is no fear in the mind of the hon. Minister or any official of the Ministry that the representatives of this Federation will not work in the interests of the Government. I say this because their constitution was approved by Government, the Federation has been recognised by Government, and they have come out with an open declaration that they solidly stand by the hon. Minister or the Ministry or the P. & T. Board, they have welcomed it. So it is high time that a representative of theirs is included in the Board, so that if there is any feeling that the workers are not working efficiently

and that is giving a bad name to the Board, the Board can pull up that Member representing the workers. As one representing the workers, it will be his moral responsibility to see that the persons whom he represents do not get a bad name for him, or for the Federation or for others.

Shri Guha has mentioned about Calcutta. I come from Kanpur. A decision has been taken to have a new post office in Kanpur. The entire building is cracking. I wrote a letter to Shri S. K. Patil when he was the Minister of Communications. Any day this building may fall down. I would request the hon. Minister to see the condition of this building and start the work soon. A new building must be given in Kanpur because the life of this old building is almost finished.

With these words I welcome this P. & T. Board, but I would again impress on the hon. Minister to see that this does not become a plank for further promotion. This should be really a Board which works efficiently in the interests of the people and the Government. I assure him on behalf of the employees whom I have the privilege to represent that they will give their best for this country and also for this Board. I assure the hon. Minister of their efficient working. If they have failed in any way till now, they will not fail in future, but they should be given proper representation. I hope the hon. Minister will kindly consider this.

Dr. P. Subbarayan: I am very glad that Shri Harish Chandra Mathur has raised this debate because this has made clear some of the points which have been working in the minds of persons like him. Let me first set his mind at rest that the P. & T. Board is going to have a great amount of autonomy. If the Secretary was mentioned, it is merely for the reason of stating that in matters of policy the P. & T. Board's decision will go through the Secretary to the Minister. That is the only way the Secretary

[Dr. P. Subbarayan]

functions, because as long as there is a Secretary in the Ministry of Communications, he ought to know what the policy is and what decision the Government have come to, and unless he is aware of it, he will not be able to advise the Minister. It is for the Minister to accept the advice or not, but at the same time I do not think hon. Members can discount the position of a Secretary to the Government of India as long as the Secretary exists.

The Railway Board functions in a different way altogether. The Chairman of the Railway Board is also the Secretary of the Ministry of Railways. That is not the case here, because, as I explained at the time I made the announcement, we cannot have a separate budget as the Railways have, and we cannot separate the P. & T. budget from the general budget. And as long as there is this financial control, we shall have to go up to the Finance Ministry in matters where the Finance Ministry thinks that the powers that have been given to the board have been exceeded.

Shri Hem Barua: What are the impediments that stand in the way?

Shri Harish Chandra Mathur: My submission was this. Why can the chairman of this board not be the Secretary to the Ministry itself? I do not want that there should be a separate budget. But why this paraphernalia? My point was entirely different.

Dr. P. Subbarayan: At present, there are so many matters connected with the Ministry of Communications, and not merely posts and telegraphs. I think that for the present at least my hon. friend should allow the secretary to function as he does now. If, in the course of the working of the new P. & T. Board, we find that it may be possible to do without a secretary, that might be considered. I do not give any promise. Let not my

hon. friend take it as a promise and then trot it out the next day and say 'You said so, but you have not done it'. Therefore, I am not giving any promise whatever.

Shri Harish Chandra Mathur: We want to know the reasons for it.

Dr. P. Subbarayan: The reason for retaining is that the work is new, and we want the present system to continue till we can get the experience of the working of the new P. & T. Board.

Shri Hem Barua: What are the difficulties that stand in the way of the separation of the budget?

Dr. P. Subbarayan: The separation of the budget is not entirely my business. My hon. friend will understand that Government works as a whole, and it is for the Government to come to a decision; and for the present at least, there is to be no separate budget for the P. & T. Department.

Shri A. C. Guha: That is understood that there cannot be a separate budget.

Shri Harish Chandra Mathur: I quite understand that there cannot be a separate budget.

Dr. P. Subbarayan: Hon. Members on this side, I am glad to see, agree to the proposition as I have put it.

Some hon. Members were mentioning that the Posts were losing as against the Telegraphs and Telecommunications. But the figures as I have them are as follows: the Posts have made a profit of Rs. 130 lakhs last year; the Telephones no doubt made a very big profit of Rs. 523 lakhs; the Telegraphs, on the other hand, lost Rs. 6 lakhs, and the Radio Rs. 5.5 lakhs. So, altogether, last year, the profit to Government through the working of the department was Rs. 642 lakhs. It may not be as much this year; it may be something nearer Rs. 5 crores than Rs. 642

lakhs. Therefore, I do not think the hon. Member was correct when he said that the Posts were working at a loss.

Shri Harish Chandra Mathur: I never mentioned anything of that kind.

Dr. P. Subbarayan: My hon. friend said that a division should be made. But it was some other Member who said that the Posts were working at a loss; it may not be Shri Harish Chandra Mathur; I am sorry if I had said that it was Shri Harish Chandra Mathur who said that.

You will see how the autonomy of the new P. & T. Board will work from the fact that up to Rs. 50 lakhs, they are allowed to sanction works etc. under the new rules, of course, subject to the proviso.....

Shri A. C. Guha: How much can the Director-General, Posts and Telegraphs, spend now?

Dr. P. Subbarayan: The Director-General cannot spend at all beyond Rs. 5 lakhs; up to Rs. 5 lakhs. he can spend; he has to go up to Government for amounts beyond that. Now, the board is vested with the power of spending upto Rs. 50 lakhs, with the proviso, of course, that if the Financial Commissioner differs that this expenditure is not justified, then it will be put up through the secretary, because it will become a policy matter; it will be out up through the Secretary to the Ministry of Communications to the Minister of Communications whose decision should be final, it is said, but if the Financial Commissioner thinks it ought to go up to the Minister of Finance for his concurrence, it will be done. That is how it will work.

So, to a certain extent, autonomy is being placed in the hands of the new board.

Shri Harish Chandra Mathur: I may mention that this is merely a delegation of power. I had anticipated this argument. I said that this kind of

delegation of power has been made even to departmental heads to go right up to the budget limit. Where is the autonomy of the board? This is sheer delegation of power. I said that in Rajasthan the departmental heads who did not have half the power have been delegated all the powers. But where is the autonomy? What are we doing about it?

Dr. P. Subbarayan: No doubt, my hon. friend may think that it is sheer delegation of power, but when so much financial power is placed in the hands of the board, it is a real delegation of power and not an imaginary delegation of power as my hon. friend seems to take for granted.

16.45 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

Shri Hem Barua: If the Member, Finance, disagree with the collective wisdom of the Board, the autonomy of the Board evaporates.

Dr. P. Subbarayan: It does in that sense, because the Member, Finance, is supposed to be the eyes and ears of the Finance Ministry in order to check wasteful expenditure; otherwise, there need not be a Finance Ministry at all. Everybody can function by himself. That is the reason why this control is given to the Finance Ministry. It does not exercise it unreasonably at all. As the hon. Member would realise, if it were unreasonable, then the whole gamut of Government could not function. I think the Finance Ministry has really been the watch-dog; at the same time, the people there are reasonable beings and they want the Government to function in a proper manner and they do not want to interfere when interference is not necessary.

Shri Hem Barua: Hoping too much.

Dr. P. Subbarayan: What does he mean by 'too much'? I am only explaining the working of Government;

[Dr. P. Subbarayan]

if my hon. friend were here in my place, perhaps he would not think that it is too much.

As I said, the Director-General of Posts and Telegraphs would operate directly to the Minister in some cases; he would not come through the Secretary, and the Minister's order would be final. I can assure hon. Members that if the Minister feels that the decision of the P. & T. Board is correct, he is not going to interfere in the everyday work of the Board. If he did that, I am sure the position of any Minister would become impossible. But at the same time, hon. Members should realise that I am the only person responsible to Parliament as far as the working of this department is concerned. So unless I am in touch with what is happening day to day in the Board, I will not be able to tell hon. Members what is really happening.

Shri Harish Chandra Mathur: We do not want to cut him out; we want to cut out the Secretary. We want him to be in touch with the Board.

Dr. P. Subbarayan: As I said, in some matters, there would be direct contact between the DG and the Minister concerned. But I do feel that in policy matters, as long as the Secretary exists, he should come through the Secretary, Communications, to the Minister concerned. It does not mean that the Secretary, Communications, is going to interfere with the day to day administration of the Board. The Secretary himself knows his job and will not do anything of the kind.

Mr. Chairman: Is the Director-General also of the status of a Secretary to the Ministry?

Dr. P. Subbarayan: He has not the status of a Secretary at present.

Shri A. C. Guha: He has the status of a Joint Secretary.

Board

Dr. P. Subbarayan: Yes. My hon. friend is partly right. He has the status of an Additional Secretary. The Secretary, Communications, is still the Secretary of the department concerned.

Shri Harish Chandra Mathur: That is the difficulty.

Shri Hem Barua: I want a clarification. Has the Board the power to evolve policies?

Mr. Chairman: That is what I asked him—how he could go straight to the Minister.

Dr. P. Subbarayan: The Board can evolve policies subject to their being approved by the Minister. Therefore, it is only the Minister who comes between the Board and its policies and not anybody else. However, the method by which the DG can approach the Minister is different in one case as against the other. That is the only difference.

Shri Hem Barua: After the Board evolves policies, are these to be referred to the Minister for approval?

Dr. P. Subbarayan: Certainly. Otherwise, where is my responsibility to the hon. Member?

Shri Hem Barua: They want it to be a rubber-stamp affair.

Dr. P. Subbarayan: I am grateful to Shri Braj Raj Singh because when I asked him to speak in a language I understand, he obliged me. I am also grateful to my hon. friend, Shri Bhakt Darshan, who was kind enough to summarise what he had said at the end of every point he made in a language I could understand. I could understand their wanting to talk in their own language. I would like to ask where they themselves would stand if I prefer to talk in Tamil, because I would like to use my own language, if possible. But I am

not going to do that because English still remains the official language of the Union and will remain so till 1965. Therefore, I am not in any danger in that matter.

Shri Hem Barua: There is no question of danger. (Interruption).

Dr. P. Subbarayan: My friend Shri Mathur reminds me that the Prime Minister has said that it will continue to be a subsidiary language for a long long time to come. I am very glad indeed because that should be the position; and I am glad the Prime Minister has assented to that proposition. But still I understand hon. Members wanting to talk in their own language.

Shri Braj Raj Singh: Not own language; that is not the position. We would like every national of India to talk in his own language and there was some agency by which it could be translated to others.

Dr. P. Subbarayan: I quite understand the position of Shri Braj Raj Singh with which I do not agree. Otherwise, I would not have written that dissenting note to the Report of the Language Commission.

Shri Hem Barua: Language has nothing to do with the Board.

Dr. P. Subbarayan: I am glad for the discussion that has taken place and for the question hon. Members have asked about the formation of this Board. I think it is only after the Board works for 5 or 6 months that we will know the effect of what is happening.

There are complaints about telephone operators not acting promptly. I myself have had that personal experience sometimes. (Interruption).

Mr. Chairman: I think that was before he became the Minister.

Dr. P. Subbarayan: Even after I became Minister because I do not want to impose myself as a Minister.

I only give the number. Then I know what happens. Of course, if I said I was the Minister I would have, perhaps, met with better treatment.

I have impressed upon the officers concerned to quicken up the procedures. I can assure you that the officers concerned are also trying their best to see that better services are rendered especially when we are making a profit on the telephones. I should think as a commercial concern we ought to keep those who use the telephones contented so that the revenue may increase from day to day. Therefore a little courtesy is called for on the part of the telephone operators and I am sure they will give it. The human element often falls. Sometimes perhaps when you are woken up at 2 o'clock in the morning one is not pleasant. One has got to do it because it is his duty; but he feels rather annoyed when he is woken up at such an early hour in the morning. Therefore, if he is a bit impatient we should also forgive that impatience and understand the limitations under which he works.

I hope, as I have said, with the functioning of the Board we shall see what happens. If there are any corrections to be made hon. Members like Shri Mathur are not going to keep quiet. They will come again with a resolution like this; and we will certainly try and correct the defect. I do hope that the Board will function in such a manner as to satisfy the public at large.

One word and that is about the representative of the worker on the Board. I do not think the time has come for a representative of the worker to be on the Board as yet. We shall see how it works. What help can the worker give to the Board because it is a technical matter which wants a certain amount of faculty which I think hon. Members who represent the workers themselves will admit the worker does not possess today. Therefore there is no question of the workers' representative.

An Hon. Member: If the Joint Secretary possesses it....

Dr. P. Subbarayan: I thank my friend Shri Sharma for the defence he made of the new P. & T. Board.

Shri Bhakt Darshan: The hon. Minister has not elucidated the point as to how this Board will be instrumental in accelerating the construction programme of the department.

Dr. P. Subbarayan: As I have said that is a matter which has got to be discussed and conclusions arrived at. I did not want to touch that subject because it is a matter which concerns the Works, Housing and Supply Ministry. If my hon. friend Shri Bhakt Darshan had given a warning about this matter I would have asked my colleague, the Works, Housing and Supply Minister, to be present. Therefore, I would not like to deal with it at the present time.

Shri Harish Chandra Mathur: The hon. Minister found only a lonely exception in this House in Shri D. C. Sharma to support him and to deserve his thanks.

Dr. P. Subbarayan: I do not want to make any exception. Although my friend Shri Guha supported me and also my friend Shri Mathur, I mentioned Shri Sharma specially because he welcomed the formation of the Board wholeheartedly. That is the only reason.

Shri Harish Chandra Mathur: If my friend takes Shri Guha's speech as a support, I think I will have very little to add. The most important point which I raised at the outset was about the superfluity of the Secretariat which was being maintained. My friend Shri Guha at least supported me in this very important respect which I placed before the House. The present set-up, I stated with all the emphasis at my command, will not be conducive to the effective working of the P. & T. Board which is in the offing. In spite of all that

has been said that this discussion is a little premature, I venture to submit that we had in this statement itself a broad outline of the proposed Board and my intention in raising this discussion was to enable the Minister to hear the views of the House about the broad features which he has stated, and to see whether he was proceeding on the correct lines. I thought that he would benefit from the views that were expressed in this House and revise his decision which, as I expressed at the outset, is not going to give results as we expect from this Board. I submit again that the continuance of the Secretariat would be the greatest road-block, a block on the road to progress. My friend has not been able to advance one single argument why he wanted to retain the Secretariat. It was only a sort of a fear complex. We should have a little more courage and insight. While talking of dynamism, he was terribly afraid as to what was going to happen. The Chairman of the P. & T. Board is neither here nor there. He continues to be the Director General. What is the Director General? He is a departmental head and he continues to be a departmental head. He continues to be the Chairman also. It is neither a horse nor an ass and I do not know what this Board is going to produce.... (Inter-ruptions).

Shri Hem Barua: It will produce a mule.

Shri Harish Chandra Mathur: He should give second thought to this matter. Let him remove this obsession from his mind and these fetters from the working of this Board.

Shri Bhakt Darshan: Is this expression 'horse or an ass' parliamentary?

Mr. Chairman: I do not know if he used the word 'ass'. I heard him saying 'horse' and stop.

Dr. P. Subbarayan: I would like to remind Shri Mathur of the English

expression: 'fish, flesh nor good red herring'.

Shri Harish Chandra Mathur: Without advancing any argument about the separation of the P. & T., he said that the funds or profits of one should not be utilised for the other. My argument was on entirely different grounds. It is just one of the smallest arguments. Why should not they be separated? He has not even touched it. I see there is great force in my argument. I value very much the views of Shri Bhakt Darshan who takes a lot of interest in the working of this department, and whom I credit with certain knowledge. He mentioned that it is one organic whole. May I remind my hon. friend that it is not at all an organic whole? It appears to us as an organic whole because they have been functioning together for some time under different conditions. The conditions are completely changed. I wish my hon. friend to understand how they are functioning all the world over. I think, except, possibly, the United Kingdom, they are absolutely separate. They ought to be separate, particularly if you want to make technological advance, if you want to give a sort of feeling to the engineer that he is being trusted, that he can have the joy of going ahead. I think that is very necessary. No argument has been advanced, as a matter of fact, and my point has not been met in the least.

Again, when I spoke about the secretariat, about this inherent defect at that time, in the heat of the moment, I just mentioned my own personal experience. I wish you to remember and recollect what happened in the L.I.C. affair. The Secretary had no position so far as the autonomous L.I.C. Board was concerned. But remember, Sir, what tremendous influence the Secretary had over the functioning of the Board, what tremendous influence the Secretary had over the Chairman and Managing Director. Now, here is a Secretary

who is directly dealing with the Board; everything goes through him. Do you think that this Board can have freedom in any sense of the term? Even where the Secretary had nothing to do with the Board, where the Board was autonomous, the Secretary exercised tremendous influence, and the example of the L.I.C. is before us.

Sir, we will be saving a considerable lot in economy. Apart from that economy, I said, this Board will be much more effective and important for the purpose. If you read the points which I had raised, what I wanted to discuss on the floor of the House, I had clearly mentioned how we could make this Board more effective. It is, as my hon. friend read it, I could say, as clear as anything to anybody who knows a little about the administration, that this Board will be crippled. I wish my hon. friend gives second thought to this matter.

He was absolutely new when he took up. He had no time to consider the whole matter and this whole thing was hustled through. I do not say that he was taken unawares; absolutely, he did not give thought or consideration. This matter must have gone to the Cabinet, as he himself mentioned. But I wanted to raise this point, particularly, before the Board was constituted, so that my hon. friend may give a second thought to the matter, take the matter to the Cabinet and rectify it in time.

My hon. friend further underlined this idea when he said that in the United Kingdom the Postmaster-General was a man of the Cabinet rank. Look here, what great importance is attached to it. All that I want is—the Postmaster-General may not be a man of the Cabinet rank—that he should be under direct communication with the Minister and nobody should stand in between him and the Minister.

Dr. P. Subbarayan: If I may interrupt the hon. Member for a minute,

[Dr. P. Subbarayan]

the Postmaster-General is not the Director-General of Posts and Telegraphs; he is a politician, a member of the Cabinet who deals with posts and telegraphs.

Shri Harish Chandra Mathur: That is the position of my hon. friend, the Minister. As a matter of fact, Sir, at this stage my hon. friend was feeling a little embarrassed. He has not been able to reply to any of the points raised. He has not been able to say what are the powers which are going to be conferred by the Home Ministry, what is his arrangement with the Finance Ministry, what are his arrangements with the other Ministry and so on. He has also not been able to say anything about the construction programme about which so much stress has been made by me and also others. He should have come prepared. He is not in a position to say

anything. Therefore, there is no use in my going into this.

Again, while concluding, I just want to emphasise the fundamental issues regarding the constitution of this Board and I hope my hon. friend will take good note of them.

Mr. Chairman: The question is:

"That this House takes note of the statement regarding the setting up of P. & T. Board made by the Minister of Transport and Communications in the House on the 11th September, 1959."

The motion was adapted.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, December 4, 1959/Agrahayana 13, 1881 (Saka).

[Thursday, December 3, 1959/Agrihayana 12, 1881 (Saka)]

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**PAPERS LAID ON THE
TABLE**

- (1) A copy of Notification No. F.12(80)/58-MT/Home dated the 23rd July, 1959, published in Delhi Gazette, under sub-section (3) of Section 133 of the Motor Vehicles Act, 1939, making certain amendments to the Delhi Motor Vehicles Rules, 1940.
- (2) A copy of Notification No. G.S.R. 884 dated the 4th October, 1958, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, making certain further amendments to the Sugar-cane (Control) Order, 1955.

**MESSAGES FROM RAJYA
SABHA**

Secretary reported the following messages from Rajya Sabha :

- (i) That at its sitting held on the 30th November, 1959, Rajya Sabha had agreed without any amendment to the Arms

**MESSAGES FROM RAJYA
SABHA—contd.**

- Bill, 1959, passed by Lok Sabha on the 17th November, 1959.
- (ii) That at its sitting held on the 1st December, 1959, Rajya Sabha had agreed without any amendment to the Haj Committee Bill, 1959, passed by Lok Sabha on the 24th November, 1959.

**CALLING ATTENTION TO
MATTER OF URGENT
PUBLIC IMPORTANCE**

3171-74

Shri Vajpayee called the attention of the Minister of Health to the acquisition of about thirty-five thousand acres of land of the execution of the Master Plan for the Greater Delhi.

The Minister of Health (Shri Karmarkar) laid on the Table a statement in regard thereto.

BILLS INTRODUCED . 3174-75, 3176

- (1) The Kerala Appropriation (No. 2) Bill, 1959.
- (2) The Sugar (Special Excise Duty) Bill, 1959.
- (3) The Motor Vehicles (Amendment) Bill, 1959.

**STATEMENT RE: SUGAR
(SPECIAL EXCISE DUTY)
ORDINANCE**

3175

The Minister of Revenue and Civil Expenditure (Dr. B. Gopala Reddi) laid on the Table a statement explaining the circumstances which necessitated immediate legislation by the Sugar (Special Excise Duty) Ordinance, 1959.

**BILL REFERRED TO JOINT
COMMITTEE**

3176-78,
3181-323

Further discussion on the motion to refer the Legal Practitioners Bill, 1959 to a Joint Committee was concluded and the motion was adopted.

COLUMNS

MOTION RE: SETTING
UP OF P. & T. BOARD
—contd.BILL UNDER CON-
SIDERATION

3234—45

COLUMNS

The Deputy Minister of Law (Shri Hajarnavis) moved that the Dowry Prohibition Bill, as reported by the Joint Committee be taken into consideration. The discussion was not concluded.

MOTION RE: SETTING
UP OF P. & T. BOARD 3245—3302

Shri Harish Chandra Mathur moved that the House take note of the statement regarding the setting up of P. & T. Board made by the Minister of Transport and Communications on 11th

September, 1959. After some discussion the motion was adopted.

AGENDA FOR FRIDAY,
DECEMBER, 4, 1959
AGRAHAYANA 13, 1887
(SAKA)—

Consideration and passing of (1) the Kerala Appropriation (No. 2) Bill, 1959; (2) the Dowry Prohibition Bill, as reported by the Joint Committee and also consideration of Shri D. C. Sharma's resolution re: Reorganisation of the country's administration and other private Members' resolutions.