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Wednesday, December 2, 1959  
Agrahayana 11, 1881 (Saka)

# LOK SABHA DEBATES

Ninth Session  
(Second Lok Sabha)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

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(i—v)

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

2813

2814

### LOK SABHA

Wednesday, December 2, 1959/Agrahayana 11, 1881 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Export of Handloom Goods

+  
\*490. { Shri Panigrahi:  
Shri Kodyan:  
Shri Madhusudan Rao:

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

(a) whether orders from the U.S.A. for supply of handloom goods have been secured by the Five-men Delegation which went to U.S.A. in July, 1959;

(b) if so, the amount of order secured; and

(c) whether handloom products of the various States will be included in this export or it will be confined to certain regions only?

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

(a) Yes, Sir.

(b) Rupees 1.45 crores.

(c) Orders have been booked for the varieties of handloom fabrics in demand.

Shri Panigrahi: May I know what are the different agencies which secure and canalise orders for the export of handloom goods from this country?

Shri Satish Chandra: This relates to a Delegation which went to the 285 (A) L.S.D.—1.

Chicago Exhibition. It consisted of a representative of the handloom export organisation, representatives of two or three private entrepreneurs, and the Adviser to the Handloom Board. Orders of the value of Rs. 1.45 crores were booked at the Exhibition.

Shri Panigrahi: May I know what are the varieties of handloom goods which have been ordered for, and whether they will be secured from all the States in India?

Shri Satish Chandra: A large number of orders are for Madras handkerchiefs which are produced in the State of Madras. Apart from that, orders have been secured for small quantities of Tusser silk and other silks. A big order to the tune of about \$500,000 has been secured for furnishing fabrics. This will be supplied by a firm in Ghaziabad, near Delhi.

Shri C. E. Pattabhi Raman: What steps are being taken to grade these products to see that they conform to the samples?

Shri Satish Chandra: Adequate care is taken for the purpose. The Handloom Export Organisation has appointed inspectors and no consignments go out till they have been inspected before shipment.

सेठ गोविन्द दास : प्रमी तक इसके सिवाय जो प्रमी नया आर्डर मिला है हथकरघे के माल का, उसके सिवाय क्या इसके पहले भी कुछ हथकरघे का माल वहां पर जा रहा था और अगर जा रहा था तो वह कितना था और वहां के सिवाय और हथकरघे का माल कहां कहां जा रहा है ?

श्री सतीश चन्द्र : युनाइटेड स्टेट्स आफ अमरीका में सन् १९५८ में करीब १३ लाख

रुपये का हथकरघे का कपड़ा गया । यह एक आर्डर शिकागो नुमाइश में डेढ़ करोड़ का मिला । इसके अलावा हमारा कपड़ा ज्यादातर वेस्ट अफ्रीकन कंट्रीज, साउथ ऐशियन कंट्रीज और वेस्ट ऐशियन कंट्रीज में जाता है ।

**श्री गोविन्द दास :** कितने मूल्य का कपड़ा बाहर गया ?

**श्री सतीश चन्द्र :** पिछले साल करीब ५ करोड़ २३ लाख रुपये के कपड़े का निर्यात हुआ ।

**Shrimati Ua Palchoudhuri:** Since orders for furnishing fabrics have been received from America, have Government taken any steps to see that the Khadi Commission and other organisations are informed as to the kind of thing that is wanted in America?

**श्री सतीश चन्द्र :** खादी बोर्ड की तरफ से अभी कोई काम एक्सपोर्ट की कोमिशन नहीं हुई है लेकिन कुछ कपड़ा प्राइवेट ट्रेड द्वारा यहां से गया । वहां के रिप्रेजेंटेटिव्स आते हैं और वे करीब खते हैं लेकिन वह कोई बहुत बड़ा निर्यात नहीं है ।

**Shri Raghunath Singh:** May I know whether the demand for handloom cloth is increasing in South East Asia or not?

**Shri Satish Chandra:** I could not give the figures separately for each country just now. If the hon. Member wants to know about a particular country, I could let him know.

**श्री बाणपेयी :** क्या इस प्रतिनिधि-मंडल ने कपड़े के निर्यात को बढ़ाने के सम्बन्ध में कोई निश्चित सिफारिश की है और उनके सम्बन्ध में सरकार क्या करे, इस बारे में भी कोई सुझाव दिया है ?

**श्री सतीश चन्द्र :** मैं समझता हूँ कि कुछ गलतफहमी माननीय सदस्य को हो रही है । एक नुमाइश हुई अमरीका में

उसमें हिन्दुस्तान ने हिस्सा लिया । उसमें हैं कलूम एक्सपोर्ट ऑर्गेनाइजेशन की तरफ से तमाम देश भर के अलग अलग प्रायों में जो कपड़ा बनता है और जिसके कि विक्रय की अमरीका में संभावना थी उसके नमूने भेज गये और उसकी बदौलत यह डेढ़ करोड़ रुपये का आर्डर हमको शिकागो में मिला ।

**Shri Raghubir Sahal:** Has any complaint been received from any of these countries to which this handloom cloth was supplied? If so, what is the nature of the complaint?

**Shri Satish Chandra:** The very fact that the usual export of Rs. 13 lakh worth of goods to U.S.A. has been stepped up to Rs. 1.50 crores indicates that there are no complaints as to the handloom cloth exported.

**Shri Panigrahi:** May I know whether the Handloom Board proposes to look into the question and see that whenever any delegation goes to any other exhibition, it will try to sell all varieties of handloom products available in India? Or will it be only boosting one particular product and securing orders for it?

**Shri Satish Chandra:** Handloom fabrics from every part of the country, from each production centre, were exhibited at the Exhibition. It is for the buyer to choose and place orders.

#### Indian Trade Delegation to West European Countries

+

Shri Ram Krishan Gupta:  
Shri Shree Narayan Das:  
Shri Ajit Singh Sarhadi:  
Sardar Iqbal Singh:  
Shri A. M. Tariq:  
Pandit D. N. Tiwari:  
Dr. Ram Subhag Singh:  
Shri Sarju Pandey:  
Shri Damani:  
Shri Ora:  
\*481. Shri Khimji:  
Shri Parulekar:  
Shri Nagi Boddhy:



Shri Nopakar:  
 Shri Rameshwar Tandia:  
 Shri Ramakrishna Reddy:  
 Shri Amjad Ali:  
 Shrimati Ha Palchoudhuri:  
 Shri Kamal Singh:  
 Shri Ignace Beck:  
 Shri Daljit Singh:  
 Shri Vidya Charan Shukla:  
 Shri D. C. Sharma:  
 Shri P. G. Deb:

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

(a) whether it is a fact that a Trade Delegation led by Shri K. B. Lall was sent to West European countries;

(b) whether the Delegation held discussions with the European Common Market Countries regarding restrictions on our trade in these countries;

(c) whether any new trade arrangements have been arrived at as a result thereof;

(d) the principal recommendations of the Trade Delegation; and

(e) the action taken by Government thereon?

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

(c) The texts of the trade arrangements entered into with the Governments of Italy, France, Switzerland and the Federal Republic of Germany and of a Press Statement issued by the Government of Belgium are placed on the Table of the House. [See Appendix II, annexure No. 41].

(d) and (e). The Delegation's formal report is awaited.

Shri Ram Krishan Gupta: From the statement, I find that there is a proposal to set up a joint Commission of the representatives of India and France. May I know whether such a Commission has been set up so far?

Shri Satish Chandra: The word 'Commission' has been used for the meetings between representatives of the two Governments to discuss

matters which may impede trade between the two countries. Such a Commission has been provided not only in the case of France, but in the case of West Germany, Italy and other countries. From the papers I have placed on the Table of the House, it will be clear that this Commission will function in almost every country visited by the delegation. This is not a fixed Commission. That meeting in which the representatives of the Government of India and the other country concerned will participate will be termed as the meeting of the Commission.

Shri D. C. Sharma: May I know in what way relaxation of restrictions has been made in the trade between India and the countries which this Delegation visited?

Shri Satish Chandra: It has been provided for in the trade arrangements that steps will be taken to gradually remove the restrictions, the quantitative restrictions as well as some fiscal burdens which are imposed on our products in those countries. Those things will be discussed in the meetings of the Commission.

Shri Ajit Singh Sarhadi: From the statement, it seems that the decrease in the exports from India is due to the lack of contacts between the countries concerned. Is the formation of the Commission the only way which Government have found to increase contacts, or is there some other way also to do so by having some offices opened in those countries?

Shri Satish Chandra: Obviously, the purpose of the Commission is not to establish contacts between importers and exporters in the two countries. The Commission has been set up for another purpose. Steps are being taken to promote contacts between the Indian exporters and importers and the trading organisations and industrial enterprises in the countries of western Europe through other means.

For example, recently, we have set up an India Trade Centre at Frank-

furt. Our trade representatives in those countries are becoming more active. Arrangements are being devised to have link deals between the traders and industrial enterprises of those countries and our country so that trade can flow in both sides.

**Shrimati Ila Palchoudhuri:** The statement is a very big statement. There are all sorts of things provided. But the question I wish to ask is this. Has there been any attempt to promote marketing intelligence between the countries and also for providing training for Indian executives in business administration and relevant fields of activity, particularly in West Germany?

**Shri Satish Chandra:** Yes, Sir. If the hon. Member sees the statement she will find that West Germany has agreed to provide facilities for the training of Indians in business administration in that country. Appropriate steps will be taken later on.

**Shri Hem Barua:** May I know whether it is a fact that the balance of payment with West Germany is heavily against us; and, if so, whether any steps have been taken so far to balance it in our favour or to equalise it?

**Shri Satish Chandra:** The very purpose of this delegation was to bring to the notice of the Governments concerned the serious imbalance in our trade with those countries and to take steps to rectify this deficiency.

**Shri Rameshwar Tantia:** Is the Government considering sending out such delegations to other countries also for trade talks?

**Shri Satish Chandra:** Delegations go from time to time. Proposals are considered when the time is mature for it.

**Shri Ramanathan Chettiar:** May I know whether our membership of the GATT will affect the trade with the countries mentioned in the statement?

**Shri Satish Chandra:** Most of the countries to which this delegation went are also members of the GATT. What we have been telling some of them—not all of them—is that the quantitative restrictions placed by them for the protection of their own industries are not quite in keeping with the GATT arrangement. Steps are being taken to rectify the situation.

**Shri Oza:** May I know whether the non-official members of the delegation have availed themselves of the opportunity to increase their export trade?

**Shri Satish Chandra:** The non-official members of the delegation were associated mainly for discussions with the Chambers of Commerce of those countries. There were meetings between the foreign Chambers and the President of the Federation of Chambers of Commerce and the Secretary of the Chambers of Commerce in India who were members of this delegation. And, in almost every country visited by the delegation, discussions were arranged with their counterparts in those countries with a view to find out if trade could be promoted further.

#### Workers' Education Programme

\*492. **Shri Keshava:** Will the Minister of Labour and Employment be pleased to state:

(a) how far activity connected with the Workers' Education Programme has progressed; and

(b) how many worker-teachers are trained in a batch?

**The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra):**

(a) One batch of Teacher Administrators consisting of 58 persons was trained at Bombay during 1958. The second batch of 53 started its training at Calcutta on the 9th November, 1959. Ten Workers' Education Cen-

have been established. Four Centres have also started unit level programmes for the rank and file of the workers.

(b) The prescribed quota is 25 but in actual practice the number varies.

**Shri Keshava:** May I know how the selection is made and if labour representative associations have a part to play therein? What is the period of training?

**Shri L. N. Mishra:** As a matter of fact there are three kinds of trainees. First there are the Teacher Administrators, then teacher-workers and thirdly the workers. We have got a panel of selection and we make selection through the direct process and also nomination by trade union organisations—there are three or four Central trade union organisations. After training they go to the factories and start the centres and the workers are trained. The duration of training for teacher Administrators is 6 months; for worker-teachers 3 months and for workers 4 months.

**सेठ गोविन्द दास :** जो यह कार्यक्रम है इसमें क्या इस बात का भी ध्यान रखा जाता है कि जो शिक्षक यहां बनाये जायें उनको भारतीय भाषायें भी भावें? जो शिक्षा देने का यह काम करते हैं इसमें शिक्षा का माध्यम कौनसा रहता है ?

**श्री ल० ना० मिश्र :** यह क्याल रखा जाता है कि स्थानीय भाषा में शिक्षा दी जाये, यह सही भी है। अभी मद्रास में कुछ लोग गये थे पर वे स्थानीय भाषा नहीं जानते थे इसलिये वापस चले आये। इसलिये ध्यान रखा जाता है कि स्थानीय भाषा में शिक्षा दी जाये।

**Shri Aurobindo Ghosal:** May I know the industries in which this education has started and whether the education is of a general nature or of that industry also?

**Shri L. N. Mishra:** There is no question of a particular industry. Trade union workers are trained to give them better knowledge of the trade union movement and to make them better workers for the trade union organisations and for themselves.

**श्री रामसिंह भाई वर्मा :** क्या माननीय मंत्री जी यह बताने का कष्ट करेंगे कि जो वर्कर-टीचर्स तैयार किये जाते हैं उन्हें मानसिक तालीम के साथ-साथ कोई शारीरिक तालीम भी दी जाती है ?

**श्री ल० ना० मिश्र :** एक सिलेबस है, और मेरे क्याल से उनको मानसिक तालीम के साथ कुछ शारीरिक तालीम देने का भी प्रबन्ध होगा।

**Shri Keshava:** May I know how many of these are to be started and how many of them are in Mysore?

**Shri L. N. Mishra:** There are 10 centres working already. Six are proposed to be started, and in Mysore we have one at Bangalore already.

**Shri Thimmaiah:** May I know if every worker has compulsorily to receive this worker's education? If not, what is the advantage of this education?

**Shri L. N. Mishra:** There is no element of compulsion; and the workers are expected to join this training. They will have better education and they will know their job better.

**Shri Keshava:** May I know how the cost of this scheme is provided for? Is it by the Central Government or by the State Government or by some other bodies?

**Shri L. N. Mishra:** There is a plan provision of Rs. 60 lakhs for this purpose and the Union Government will spend it.

### Disputes in Banking Industry

\*493. { Shri Ram Krishan Gupta:  
Shri P. C. Boroach:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1453 on the 24th August, 1959 and state:

(a) whether Government have received the views of the employers for resolving the disputes in the banking industry;

(b) if so, what are their views; and

(c) what further steps have been taken or are proposed to be taken to resolve the disputes?

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

(b) The employers are of the view that a National Tribunal may be set up for settlement of the disputes.

(c) The question of the method to be adopted for the settlement of dispute is under consideration.

Shri Ram Krishan Gupta: May I know the main grounds of dispute?

Shri Abid Ali: Emoluments and other service conditions.

Shri S. M. Banerjee: May I know whether the employers have rejected bipartite or tripartite agreements? If so, what alternatives have been suggested by them to resolve disputes?

Shri Abid Ali: The nature of the demands was such that bipartite agreement was not possible. An indication is given in the main reply as to what is proposed to be done.

Shri S. M. Banerjee: In reply to a previous question the hon. Minister said that a tripartite conference was held on the 8th August, 1959 which was of an exploratory nature. May

I know whether any tripartite conference is likely to be held along with the representatives of the employees and the employer?

The Minister of Labour and Employment and Planning (Shri Nanda): I do not think any useful purpose will be served at this stage by having another conference. The differences between the parties were very wide and we are thinking of taking the next step ourselves.

### Unemployed Graduate Engineers

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\*494. { Shri Ram Krishan Gupta:  
Sardar Iqbal Singh:  
Shri Ajit Singh Sarbadi:  
Shri A. M. Tariq:-  
Shri Hem Bansa:  
Shri Ramakrishna Reddy:  
Shrimati Parvathi Krishnan:  
Shri Warrior:

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

(a) whether it is a fact that the Employment Exchange in Delhi has on its live registers the names of about 200 Graduate Engineers who are still unemployed and are looking for gainful work;

(b) if so, the period for which these Graduates have remained registered with the Exchange;

(c) the nature of steps taken to find employment for them; and

(d) how many of them have secured 1st Class in their examinations?

The Deputy Minister of Labour (Shri Abid Ali): (a) 202 engineering graduates were on the Live Register on the 25th November, 1959.

(b) 95, for less than 4 months, 70, for 4 to 8 months, and 37, for 8 to 12 months.

(c) They are being sponsored against various vacancies.

(d) 96.

**Shri Hem Krishan Gupta:** May I know the period for which they had not been provided with work and whether their names are on the register with the Exchange?

**Shri Abid Ali:** I have answered that in part (b), so far those who are on the live registers are concerned.

**Shri Ajit Singh Sarhadi:** May I ask if the Government has considered any proposal to evolve a way where by there would be the earliest absorption of graduate-engineers and to give incentive so that more people can go for engineering course?

**Shri Abid Ali:** Yes, Sir, the Commerce and Industry Ministry has taken up this question already.

**Shri Hem Barua:** May I know whether it is a fact that out of these 202 engineers, 11 have previous experience and one of them is trained in a foreign university and has an experience of 22 years and they are ready to work anywhere in India on an emolument of Rs. 250—350? In the face of these things, how is it that these highly qualified and experienced people are being cold-storaged in the employment exchange live register?

**Shri Abid Ali:** Maybe, the available vacancies are not suitable to these candidates or those candidates may not be suitable for the vacancies which are available.

**Shri Hem Barua:** May I know whether the Government has made any survey or assessment or is it just a reply to evade the situation?

**The Minister of Labour and Employment and Planning (Shri Nanda):** The position broadly is that over a period of the last five years, the number of engineers in the live register has not increased at all. Therefore, it is clear that the situation has not been worsening. A very large majority are people who have freshly passed out. I find from the figures here that nearly half the number do not appear when they are asked to

turn up for interviews. That means very soon they have obtained positions on their own. There may be a few cases where there may be some personal factors.

**Shrimati Renu Chakravartty:** May I know whether the Government is aware that this situation is arising in the case of most of the university graduates and also whether it is proposed to plan out and give suggestions to the universities as to the exact type of engineers for which there is a shortage and for which the students should try to enter courses?

**Shri Nanda:** It is a very important part of man-power planning and we have been engaged in this. Something of this kind has already been done to some extent and more precise planning is being attempted.

**Shri Hem Barua:** How many of these engineers in the live register of the Delhi employment exchange have previous experience?

**Shri Abid Ali:** This particular information is not available but I may submit that generally most of these candidates who are registered at the employment exchanges are believed to be otherwise employed. This registration is for the purpose of bettering their opportunities.

**Dr. Melkote:** Out of these how many are retired engineers?

**Shri Abid Ali:** It is presumed that they reside in Delhi.

**Mr. Speaker:** No, no. Are there retired engineers in this list?

**Shri Nanda:** That information is not available at the moment... (Interruptions.)

**सेठ मोहिन्द दास :** क्या यह बात सही नहीं है कि माननीय मंत्री जी और उनके उपमंत्री जी अनेक भाषणों में इस बात को कह चुके हैं कि हमारे अनेक काम इस लिये नहीं हो रहे हैं कि हमको योग्य इंजीनियर प्राप्त नहीं हैं और ऐसी हालत में क्या सरकार

इस बात की धोरे में जांच कर रही है कि चाकिर जब कि हमारे कामों में इतने इन्जीनियरों की जरूरत है, तो यह इन्जीनियर किस तरह बिना काम के रहे और इनका उपयोग क्यों नहीं किया गया ?

श्री मन्दा : जो कुछ थोड़े से ऐसे इन्जीनियर हैं, जिनको काम अभी तक नहीं मिला, उनकी संख्या तो बहुत थोड़ी है। उनमें से एक एक इन्जीनियर के बारे में हम बोल सकते हैं कि क्या बहज थी, लेकिन जिन देशों में फुल एम्प्लायमेंट है, बल्कि जितनी जगहें हैं, उन से बहुत कम एंबेलेबल धादमी हैं, वहां भी एम्प्लायमेंट एक्सचेंज में कुछ न कुछ नाम ऐसे होते हैं, जिनके पास एम्प्लायमेंट नहीं होती है। वे एक जगह से दूसरी जगह जाते रहते हैं। उसको फिक्शनल एम्प्लायमेंट कहते हैं।

#### Refugees from East Pakistan

\*495. { <sup>+</sup>Shri S. C. Samanta:  
Shri Subodh Hanada:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 170 on the 6th August, 1959 and state:

(a) whether the influx of refugees from East Pakistan is still on the increase;

(b) how many have come since May, 1959; and

(c) whether any report as to how they are being rehabilitated by the West Bengal Government, has been received?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). There has been a slight increase in the migration of persons from East Pakistan. The figures are given in a statement placed on the Table of the House. [See Appendix II, annexure No. 42.]

(c) In accordance with the declared policy of the Government of India,

persons migrating to India since 1st April, 1958, are not eligible to any rehabilitation assistance. In deserving cases, State Governments can give ad hoc assistance.

Shri S. C. Samanta: In the last session we were informed that the refugees who came to India alleged some harassment to them. May I know what sort of harassment has been reported by them which compelled them to come?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is rather difficult to give a precise answer to this question. Living conditions become hard and they do not get adequate help from the police when they get into difficulties. That type of thing has been happening. They are much less than they used to be.

Shri A. C. Guha: Has there been any report that most of these families have been compelled to come because of lack of proper means of livelihood and lack of proper trade facilities?

Shri Jawaharlal Nehru: It is very likely that people who have no means of livelihood, in the hope of better conditions, may come.

Shri Hem Barua: May I know whether it is a fact that some of the refugees who have migrated from East Pakistan are facing unnecessary difficulties in the matter of getting themselves registered as Indian citizens and if so, what steps have been taken by the Central Government? Has the Central Government advised the State Governments into which these people come to liberalise the attitude?

Shri Jawaharlal Nehru: It is a question which requires an enquiry but it has no relation to this. There are certain rules governing this and I do not precisely remember what those rules are. Nobody wants to put difficulties in their way but obviously the rules should be complied with.

**Shri Bena Barua:** But some of the refugees from East Pakistan in the Goalpara district of Assam are facing these hurdles and they have not succeeded in registering themselves as Indian citizens.

**Shri Jawaharlal Nehru:** If the hon. Members gives particulars about some particular cases, they can be enquired into.

**सेठ गोबिन्द दास :** क्या प्रधान मंत्री जी को यह बात मालूम है कि जहां तक पूर्वी शरणार्थियों का संबंध है, वहां तक हावड़ा स्टेशन और सियालदह स्टेशन पर इनकी बारह बारह और पन्द्रह पन्द्रह हजार की भीड़ रहती है और ऐसे शरणार्थियों के पुनर्वास की कोई व्यवस्था अभी हुई है या नहीं हुई है ? साथ ही क्या प्रधान मंत्री जी को मालूम है कि मध्य प्रदेश में, और खास कर जबलपुर में, जो पूर्वी शरणार्थी गये हैं, उनके भी पुनर्वास की अभी कोई ठीक व्यवस्था नहीं हो पाई है ?

**श्री जवाहरलाल नेहरू :** माननीय सदस्य ने जो हावड़ा स्टेशन के बारे में कहा, वह शायद सियालदह स्टेशन में था ।

**सेठ गोबिन्द दास :** हावड़ा और सियालदह ।

**श्री जवाहरलाल नेहरू :** मैं नहीं जानता कि इस वक्त क्या हालत है, लेकिन एक दफ़ा वहां जांच पड़ताल हुई थी, सेन्सस किया गया था और मालूम हुआ था कि अक्सर लोग, जो स्टेशन पर थे, रेफ्यूजी थे ही नहीं ।

**सेठ गोबिन्द दास :** मैंने जबलपुर के बारे में भी पूछा है कि वहां इनके पुनर्वास के लिए ठीक व्यवस्था नहीं है ।

**Shri S. C. Samanta:** May I know whether the figures given in the statement include those who have stealthily crossed the border?

**Shri Ramanathan Chettiar:** May I know....

**Mr. Speaker:** The hon. Member from Madras need not worry. I have called the next question.

#### Bio-gas Delegation from Hungary

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\*496. { **Shri S. C. Samanta:**  
**Shri Subodh Hansda:**  
**Shri E. C. Majhi:**  
**Shri Ram Krishan Gupta:**  
**Shri Padam Dev:**  
**Shri Oza:**

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

(a) whether it is a fact that a Bio-gas Delegation from Hungary visited India at the invitation of Government;

(b) if so, the important points of discussions held with them; and

(c) whether they have submitted any report to Government?

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

(b) Utilisation of Bagasse, agricultural and cattle wastages and sewage for manufacture of fuel gas and organic manures.

(c) Yes, Sir.

**Shri S. C. Samanta:** May I know when the Delegation came and how long did it remain in India.

**Shri Satish Chandra:** It remained in India from 14th August to 23rd September.

**Shri S. C. Samanta:** May I know whether Indian scientists accompanied it in its survey?

**Shri Satish Chandra:** There was a team of nine Indian experts and they had talks with the members of this Delegation. One of the accompanied the Delegation during its tour of the country.

### Industrial Estates

497. { Shri E. C. Majhi:  
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Shri Subodh Hanada:

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

(a) how many Industrial Estates out of the total target fixed therefor have been completed up-to-date; and

(b) whether the Industrial Estates to be set up in rural areas and in pilot community project areas have been completed?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). 100 Industrial Estates are proposed to be set up in the country during the 2nd Plan period, including 9 estates in the Pilot Project Areas and 20 in the Community Development Blocks. Out of these 38 Estates have been completed so far, including five estates in Pilot Project Areas and three in community Development Blocks. A list of Industrial Estates so far completed is placed on the Table. [See Appendix II, annexure No. 43.]

19 more industrial estates are under construction and for 22 estates, land has been acquired and the tenders for construction of factory sheds have been issued. Five estates have yet to be accorded sanction.

All the sheds would be completed by the end of the Second Five Year Plan.

**Shri E. C. Majhi:** May I know how many of the industrial estates so far completed have been occupied?

**Shri Manubhai Shah:** Nearly 500 factories have occupied the sheds employing about 6,000 workers and producing goods worth about Rs. 8 crores per annum.

**Shri Panigrahi:** May I know whether the Government has enquired into the working of any of these industrial estates; if so, whether the Government has come to know that in many States the industrial estates are not

working properly and they are not utilised? May I also know, if the answer is in the affirmative, what steps Government is taking to see that the industrial estates are fully utilised?

**Shri Manubhai Shah:** All the industrial estates are being fully utilised. I have personally seen most of the estates. Not only they are utilised, there is such a heavy rush of demand for factory occupation that people are applying for more and more construction. There may be few cases here and there where there is a time-lag between an occupant having been allotted a shed and his not having occupied it with his machinery.

**Shri Panigrahi:** May I know whether it is a fact that an Adviser of the Planning Commission—Shri Shivarman, visited the State of Orissa and came to the conclusion that some of the industrial estates he visited did not work?

**Shri Manubhai Shah:** This particular Officer of the Planning Commission did visit Cuttack. His observation was not on the estate but on, what is called, the pilot project of the Orissa Government in which, looking to the peculiar circumstances of backwardness of Orissa, they gave about 95 per cent. of loan assistance or share capital assistance against 5 per cent. of participation by the entrepreneur. There can be two opinions. As far as the Central Government is concerned, it is backing up the Orissa scheme.

**Shri M. R. Krishna:** May I know whether there was any representation from the industrial estates Hyderabad, regarding the high rents charged in these estates while the business was very slack?

**Shri Manubhai Shah:** This is a complaint received from many places, but, in the nature of things, it being a commercial enterprise we have got to charge the rent from the date a particular shed is allotted to a party.



We are, therefore, asking them to all up the sheds as quickly as possible so that the rent for idle period is minimised to the maximum possible extent.

**Pandit J. P. Jyotishi:** May I know how many industrial estates have been completed in Madhya Pradesh and what are the industries that are working in them?

**Shri Manubhai Shah:** That would be, Sir, going into much greater details; I can supply the information if separate notice is given.

**Shrimati Ila Palchondhuri:** The hon. Minister was pleased to say that all the industrial estates have been occupied. Does he have information about Kalyani where much land and buildings yet lie unoccupied and the industrial estate there is working to no effect?

**Shri Manubhai Shah:** As far as the information from the States with the Central Government is concerned, Kalyani is not one of the estates which has been fully completed. The original question put by the hon. Member was about the number of estates completed out of the target of 100. Those 36 estates of which Kalyani is one and of which I have placed a list on the Table have been completed and nearly 500 factory sheds have been occupied, but full completion of the estates will take some time. Even in the estates which are completed it does not mean that they are yet hundred per cent. complete; more and more sheds are being constructed.

कैलाश और मानसरोवर जाने वाले  
भारतीय तीर्थयात्री

\*४६८. श्री अक्षय वर्मा : क्या  
प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष कितने भारतीय तीर्थयात्रियों ने तिब्बत स्थित कैलाश तथा मानसरोवर की यात्रा की ;

(ख) उपरोक्त तीर्थयात्रियों में से कितने यात्रियों ने उत्तरी सीमा पर स्थित दरों में से प्रत्येक को पात्र कर तिब्बत के क्षेत्र में प्रवेश किया ;

(ग) उन्हें इस वर्ष किन-किन कठिनाइयों का सामना करना पड़ा; और

(घ) इन कठिनाईयों को दायरे में लाने करने के लिये क्या कार्यवाही की जा रही है ?

वैदेशिक कार्य मंत्री के समा सचिव  
(श्री साबत भली खाँ) : (क) और (ख) :  
इस साल प्रस्तुत के अन्त तक २३८  
भारतीय तीर्थयात्री निम्नलिखित दरों में  
हो कर कैलाश और मानसरोवर गये :—

अलमोड़ा— नीपू दर्रा . १२८  
दरमा दर्रा . १०  
किगरी बिगरी दर्रा . ५६

गढ़वाल— नीती दर्रा . ३६  
मान दर्रा . ४

देहरी गढ़वाल—सेलू खागा दर्रा . १

(ग) और (घ) सवारी, ठहरने की जगहों और कड़ी तालाशी की ग्राम कठिनाइयों के अलावा तीर्थयात्रियों को कोई अन्य विशेष कठिनाइयाँ नहीं उठानी पड़ी ।

लेकिन एक मामले में एक तीर्थयात्री—  
श्री ब्रह्मचारी आत्म चैतन्य—को परेशान किया गया । तीर्थयात्री से जो व्यवहार किया गया उसके खिलाफ भारत सरकार ने कड़ा विरोध-पत्र भेजा है । दूसरे श्वेत पत्र में प्रकाशित पत्र-व्यवहार से यह मासूम हो सकेगा कि भारत सरकार ने हमारे तीर्थयात्रियों की कठिनाइयों की ओर चीन सरकार का ध्यान आकर्षित किया है और आशा की है कि चीन सरकार इस मामले पर उचित ध्यान देगी ।

बहुदूरान, इतना कहा जा सकता है कि त्हासा-तिब्बत चीनी अधिकारियों ने हर्ष

अगस्त, ५६ व आगाह किया था कि अशांत परिस्थिति को देखते हुए तीर्थयात्रा को इच्छा करने वालों को इस साल तीर्थयात्रा पर जाने से यथासंभव रोका जाय। इसलिये सभी जांब-बीकियों को इसके अनुसार आगाह कर दिया गया था।

**Some Hon. Members:** The answer may be read in English also.

**Mr. Speaker:** The English version may also be read.

**Shri Sadat Ali Khan:** (a) and (b). Till the end of October this year, 238 Indian pilgrims proceeded to Kailash and Mansarovar through the following passes:

Almora	Lipu Pass	128
	Darwa Pass	10
	Kingri Bingri Pass	56
Garhwal	Niti Pass	39
	Mana Pass	4
Tehri-Garhwal	Jhelu Khaga pass	1

(c) and (d). Except for the general difficulties of transport, rest house facilities and exacting search, no special difficulties were experienced by the pilgrims.

However, in one case, that of Shri Braham Chari Atam Chaitanaya, the pilgrim was subjected to harassment. The Government of India have strongly protested against the treatment meted out to him. As will be seen from the correspondence released in the Second White Paper, the Government of India have drawn the attention of the Chinese Government to the difficulties of our Pilgrims and hope that the Chinese Government will pay due attention to the matter.

It may however be mentioned that the Chinese authorities in Lhasa warned us in August, 1959 that in view of the disturbed condition intending pilgrims should be discouraged to undertake pilgrimage this year. All Check-

posts were therefore warned accordingly.

**श्री भक्त बर्षन :** सरकार की धोर से बताया गया कि अगस्त, १९५६ में कैलाश जाने वाले तीर्थयात्रियों को यह चेतावनी दी गई थी कि तिब्बत की अशांत स्थिति की वजह से वे वहां न जाने पायें : मैं जानना चाहता हूँ कि इस सलाह की वजह से कितने भारतीय तीर्थयात्री वहां नहीं जाने पाय ?

**प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) :** किसी को हम ने रोका नहीं था इसलिये हमने इस की गिनती नहीं की। जो लोग अपने घर से जाने के लिये नहीं निकले उन के बारे में बताना मुश्किल है।

**श्री भक्त बर्षन :** सन् १९५४ में तिब्बत के सम्बन्ध में जो मुझाहदा किया गया था उसमें चीन सरकार ने यह आश्वासन दिया था कि विभ्राम गूहों यानी रेस्ट हाउसेज और सड़कों आदि का सुधार किया जायगा। मैं जानना चाहता हूँ कि इस आश्वासन के अनुसार चीन की सरकार ने अब तक क्या क्या कार्रवाई की ?

**श्री सादत अली खाँ :** मालूम हुआ है कि सन् १९५८ से अब तक चीनी सरकार ने वहां दो प्रारामघर बनाये हैं, मगर और कोई खास बात तो हुई नहीं।

**सेठ गोबिन्द दास :** क्या माननीय मंत्री जी को यह बात मालूम है कि हमारी रामायण, महाभारत में और कालीदास के कुमारसम्भेव में मानसरोवर और कैलाश का जो वर्णन आया है उस से यह ज्ञात होता है कि पहले यह हिस्से भारत में ही थे ? अब जब कि हमारी सीमा का बिबाध उठा हुआ है और चीन कई हमारे स्थानों की मांग कर रहा है, तो क्या भारत सरकार भी "मानसरोवर और कैलाश भारत के हिस्से

हैं" यह कह कर इस प्रश्न को उठाने वाली है ?

श्री जवाहरलाल नेहरू : इस मामले में तो बहुत राय हैं। यह भी राय है कि उस समय जो कलाज और मानसरोवर थे वह में भारत पहुँचे तक नहीं थे, उस के बाद आये हैं।

**Shri C. D. Pande:** May I know whether the Government is aware that, apart from the harassment, the pilgrims were not allowed to take medicines, binoculars and other things which are necessary for them? Is it a fact that they were not allowed to exchange Indian currency as Indian currency was banned and purchases were only allowed to be done through Chinese dollars?

**Shri Jawaharlal Nehru:** The question of Indian currency, of course, has arisen all over Tibet. I do not think, at least we do not know, whether any pilgrim suffered from that. What they have been suffering much from is the lack of accommodation and medical facilities. As for this gentleman, the Swami who has been referred to, who was harassed, he got into trouble specially because he carried some homoeopathic little phials which the Chinese thought were poison. Indeed, in the White Paper, hon. Member may see, they have protested that he was carrying poison.

श्रीमती सहोदरा बाई राय : क्या मंत्री जी यह बतलाने की कृपा करेंगे कि यात्रियों के लिये मानसरोवर जान के लिये क्या कोई नया रास्ता बना रहे हैं ?

श्री जवाहरलाल नेहरू : पगना मौजद है अभी।

श्री अजराम सिंह : क्या मंत्री महोदय यह बतलाने की कृपा करेंगे कि इससे पहले साल उन स्थानों पर कितने यात्री शत्रा के लिये गये थे और यह भी कि जो विरोध

पत्र चीन सरकार को हमारी ओर से भेजा गया यात्रियों की तंगी के बारे में उसका कोई उत्तर आया है और नहीं आया है तो अब उसके सम्बन्ध में सरकार क्या करने जा रही है ?

श्री जवाहरलाल नेहरू : पहले साल की तो मेरे पास फीगर्स नहीं हैं लेकिन इससे यादा जाते थे इसमें कोई शक नहीं है और पत्र का उत्तर जहाँ तक मुझे मालूम है नहीं आया है। तिब्बत के सम्बन्ध में जितने भी पत्र आये थे वे सब व्हाइट पेपर में दे दिये गये हैं।

#### Hospital at Kanpur under the Employees' State Insurance Scheme

\*499. { **Shri S. M. Banerjee:**  
**Shri Panigrahi:**

Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1179 on the 20th August, 1959 and state:

(a) whether the foundation-stone of the hospital to be established at Kanpur under the Employees' State Insurance Scheme has been laid; and

(b) if not, the reasons therefor?

**The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra):**  
(a) No.

(b) The preliminaries have now been completed and construction is expected to start soon.

**Shri S. M. Banerjee:** On a previous occasion, in reply to a similar question, the hon. Deputy Minister said that plans and estimates had been finalised and that the construction was expected to start shortly. The only difference in the answer given now is, "shortly" has been substituted by "soon". I want to know whether the land has been acquired, the nature

of the delay that is holding up this construction work and when the work is likely to start.

**The Minister of Labour and Employment and Planning (Shri Nanda):** I was very recently at Kanpur myself, and I have seen the plot and also the plan. Everything is ready and I am informed that by February the construction will actually be started.

**Shri S. M. Banerjee:** May I know the number of beds sanctioned for this hospital and whether the hospital will also include beds for T.B. patients?

**Shri L. N. Mishra:** It is a 112 bed hospital. Most probably it will have facilities for maternity ward and T.B. also.

**Dr. Melkote:** Is it or is it not a fact that the construction of such hospitals in other States is lagging behind?

**Shri L. N. Mishra:** The construction has not been very quick but every effort is being taken to expedite the construction.

#### Delhi Municipal Corporation Delegation's Visit to Moscow

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\*599. { **Shri Vajpayee:**  
**Shri P. C. Borooah:**  
**Shri A. K. Gopalan:**  
**Shri Vasudevam Nair:**  
**Shri Madhusudan Rao:**

Will the **Prime Minister** be pleased to state:

(a) whether Government's attention has been drawn to statements made by members of the Delhi Municipal Corporation Delegation which recently visited the U.S.S.R. and some other European countries that they were not treated properly by Indian diplomatic officials in Moscow;

(b) whether they have made any formal complaint in this regard; and

(c) the steps taken by Government in this regard?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) Yes.

(b) Shri Sham Nath, one of the members of the Delegation drew the attention of the Prime Minister to this.

(c) The Government of India have enquired into the matter and learn that the facts are as follows:

The Ambassador of India in the U.S.S.R. received the Delegation at the airport on arrival, and also met them later at the Embassy. He arranged a dinner for them on their return to Moscow from Leningrad and Sochi, but this had, unfortunately, to be cancelled as both the Ambassador and his wife were taken ill. The visit of the Delegation coincided with important financial and economic negotiations which were being carried on at that time with the Soviet Government. These negotiations kept the Counsellor and the Commercial Secretary of the Embassy occupied and made it difficult for them to assist in looking after the Delegation as they would have liked.

**श्री वाजपेयी :** क्या यह सच है कि दिनर के कंसिलेशन की सूचना प्रतिनिधिमंडल के सदस्यों को नहीं दी गई और उमका तलीजा यह हुआ कि वे रात भर भूले रहे ?

**श्री जवाहरलाल नेहरू :** अगर अध्यक्ष महोदय, आप इजाजत दें तो मैं कहूँ कि मैं ने इस बारे में काफी जांच की है और मेरी मेयर में भी बातचीत हुई। मेयर साहब ने मुझ से कहा कि उन्हें कोई शिकायत नहीं है, जरा गलतफहमी हो गई थी कुछ वक्त बगैरह की वैसे उनको कोई शिकायत नहीं है। उसके बारे में मेरे पास पूरी रिपोर्ट आई है। अब जब वे बीमार पड़ जायें, तो बीमारी कोई वक्त देल कर नहीं आई थी शायद। वह तो बात था गई और मजबूरी हो गई। अब यह मुमकिन है कि सूचना देर में पहुंची हो और मुझे धफसोस है कि इसके कारण किन्हीं को एक रोज बगैर जाने के रहना पड़ा हो।

**श्री वाक्यदेवी :** क्या विदेश मंत्रालय ने विदेशों में जो हमारे बूटाबास हैं उनको इस सम्बन्ध में कोई सूचना या निर्देश दिये हैं कि वे भारत से जाने वाले प्रतिनिधि मंडलों के सम्बन्ध में किस तरह का व्यवहार करें ?

**श्री जवाहरलाल नेहरू :** जी हाँ इसकी बहुत काफी सूचनाएं दी गई हैं। इस मामले में खास उनको लिखा गया था हाजिर्कि जो हमारा; कारपोरेशन की तरफ से लोग गये थे, मेबर और अन्य लोग, उनका सारा प्रबन्ध लेनिनग्राड की वहां की शहर की कारपोरेशन ने किया था और उनके वे मेहमान थे और तमाम इंतजाम कर रहे थे लेकिन जो कुछ हम मदद दे सकते थे, वह हमने दी थी। आपने जो सूचना और निदेश के लिए पूछा वह तो पूरे दिये गये हैं। लेकिन एक दिक्कत प्रक्सर होती है, मास्को की मैं नहीं जानता लेकिन और शहरों की बाबत कह सकता हूँ। जो साहब यहां हिन्दुस्तान से जाते हैं वे चाहते हैं कि उनके लिए हर वक्त एक मोटर तैयार रखी रहे। अब इतनी मोटरें वहां उनके पास है नहीं और जाहिर है कि इस तरह तो बहुत मोटरें रखनी पड़ जायेंगी। वाशिंगटन और लन्दन वरह शहरों में जहां कि प्रक्सर लोग जाते हैं यह दिक्कत होती है और मैं नहीं समझता कि वहां महज इसलिए मोटरें ज्यादा रखी जायें कि जो लोग वहां पर जाय उनको वे दे दी जायें।

#### Unauthorised Textile Powerlooms

\*501. **Shri Rameshwar Tantia:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any survey was made for unauthorised textile powerlooms in the country; and

(b) if so, what further steps are being taken in the matter?

**The Minister of Commerce (Shri Kanungo):** (a) and (b). The survey of unauthorised powerlooms is still in progress.

**Shri Rameshwar Tantia:** May I know if it is a fact that under the same roof, by putting up mattress partitions, the bigger units are divided into smaller ones to save the payment of excise duty? If so, is it not a fact that this is an unhealthy competition between the textile looms and the handlooms and may I know whether Government are taking steps to restrict this procedure?

**Shri Kanungo:** The census of unauthorised powerlooms is designed to have full control over the situation. When the census is completed, we will have a knowledge as to how many looms are there and what is the number of looms in each establishment. After the census is completed, we will be in a position to judge the facts.

**Shri Ramanathan Chettiar:** May I know how long will it take to get this survey completed?

**Shri Kanungo:** Some of the States have completed it and others are in the process of completing it. I hope in the course of a few months it will be completed.

**श्री राजकिशोर भाई वर्मा :** क्या मंत्री महोदय के ध्यान में यह बात आई है कि कुछ मिलों ने अपना स्पिनिंग संकलन बन्द करके पावर लूम से काम चलाना शुरू कर दिया है और इसके कारण सूत की कमी होने में क-डे का प्रोडक्शन कम होता है और बेकारी बढ़ी है ?

**श्री कानूनगो :** ऐसा एक दो केस में हुआ है जहां कि कोई घाग से जल गया या कोई एक्सीडेंट हो गया नहीं तो आम तौर पर नहीं हुआ है।

**श्री रघुनाथ सिंह :** बनारस कौटन मिल जहां कि स्पिनिंग और वीविंग दोनों का काम होता था तो क्या कारण है कि केवल वीविंग के बास्ते उनको इजाजत दी गई ताकि उनको एक्साइज ड्यूटी सेव हो सके। उसमें तो कोई

भाग नहीं लगी थी या कोई खास बात नहीं हुई थी ?

श्री काननगो : वहां पर कोर्ट की मंशा मर्यादिक काम चल रहा है और यह जो आइसस दिया गया था यह कोर्ट के हुक्म के अलाविक दिया गया था ।

श्री रघुनाथ सिंह : कोर्ट के हुक्म पर आपने नहीं दिया है । ऐसा कोई हुक्म नहीं था ।

श्री काननगो : जी कोर्ट के हुक्म पर ही दिया गया है ।

#### Central Training Institute for Instructors

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\*502. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri N. R. Muniswamy:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No. 436 on the 14th August, 1959 and state:

(a) the location of the Central Training Institute for Instructors;

(b) the nature of the training intended to be imparted and the method of recruitment; and

(c) whether a quota for training will be fixed for each State?

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

(b) Training is imparted in principles and practice of Teaching, besides upgrading their skill in the trade concerned.

Trainees are deputed by Government establishments and industrial concerns. Remaining vacancies are allotted to private candidates possessing Trade Certificates.

(c) No.

Shri Ajit Singh Sarhadi: May I know whether it is a fact that 14

foreign experts will be the instructors here and, if so, may I know from what countries are they taken to help us in this institute?

Shri Abid Ali: 14 foreign experts are being sent from the Fund Organisation for the purpose that I have mentioned.

Shri Ajit Singh Sarhadi: From which countries are they coming?

Shri Abid Ali: They will be selected by the Fund Organisation. It would be difficult for me to say at this stage from which countries they will be coming.

Shri Ajit Singh Sarhadi: It has been learnt that there will be accommodation for 400 trainees. May I know if there is any prospect of increasing this number in the institute?

Shri Abid Ali: Not in this institute.

सेठ गोविन्द दास : इसके लोकेशन की बाबत आपने क्या कह मने सुना नहीं ?

श्री आबिद अली : हावड़ा ।

#### Manufacture of Sugar Machinery

\*503. Shri Anirudh Sinha: Will the Minister of Commerce and Industry be pleased to state:

(a) the progress made so far in the manufacture of sugar machinery in the country;

(b) the amount of foreign exchange released during 1958-59 for import of component parts for fabrication of sugar machinery;

(c) the total value of sugar machinery produced in the country during 1958-59; and

(d) the extent to which it satisfies the needs of the country?

The Minister of Industry (Shri Manabhai Shah): (a) and (c). Considerable progress has been made in the manufacture of sugar mill machi-

nery in the country. In terms of value, the production has increased from Rs. 32 lakhs in 1956 to Rs. 162 lakhs in 1957 and Rs. 200 lakhs in 1958. In 1959, it might reach over Rs. 3 crores.

(b) Rs. 64.3 lakhs.

(d) It is expected that after 1961-62, by which time the existing manufacturers are expected to achieve full production, the industry will be in a position to supply 14 complete sugar plants per annum. This will meet the needs of the country excepting in regard to Turbo-Alternators and mill engines.

**Shri Anirudh Sinha:** May I know the number and names of the firms which have been licensed for the manufacture of sugar machinery?

**Shri Manubhai Shah:** There are about 20 firms. If you will give me permission, I will read out those names.

**Mr. Speaker:** No, not necessary.

### सम्बन्धित स्कूटर

\*५०४. **श्री सुशोबकत राय :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में सम्बन्धित स्कूटरों की बहुत मांग है किन्तु उनकी उपलब्धि प्रायः नहीं के बराबर है;

(ख) क्या यह भी सच है कि इस समय सम्बन्धित के लिए बुक किये गये ग्राइंडर की पूर्ति साधारणतया ड्राई साल में होती है; और

(ग) यदि हाँ, तो इस विषय में क्या कार्यवाही करने का विचार है ?

**उद्योग मंत्री (श्री मनुभाई शाह) :**  
(क) से (ग). एक विवरण सभा की मेज पर रखा जाता है ।

### विबरण

स्कूटरों के प्रासानी से मिलने में कुछ कठिनाइयाँ दिल्ली में ही नहीं, देश भर में हो रही हैं क्योंकि पुर्जों आदि आयात करने के लिये विदेशी मुद्रा की कमी है ।

285 (A) L.S.D.—3.

स्कूटरों का उत्पादन बढ़ाने के उद्देश्य से पिछली लाइसेंस श्रमधि से इस उद्योग के लिये विदेशी मुद्रा का कोटा बढ़ा दिया गया है । वेस्पा स्कूटर बनाने की एक और योजना भी मंजूर की जा चुकी है । इन स्कूटरों का उत्पादन १९६० के प्रारंभ में शुरू हो जाने की संभावना है ।

**श्री बाजपेयी :** क्या इस बात का अनुमान लगाया गया है कि हमें प्रति वर्ष कितने इस प्रकार के स्कूटरों की आवश्यकता होगी और कितने समय में यह आवश्यकता हम पूरी कर सकेंगे ?

**श्री मनुभाई शाह :** वैसे तो मन्दाजा ऐसा है कि कम से कम ६००० स्कूटरों की जरूरत रहेगी लेकिन चूंकि आजकल इसकी बहुत ज्यादा डिमांड बढ़ रही है इसलिए टारजेट को रिवाइज करके १५००० कर दिया गया है । इसकी जो लाइसेंस कैपसिटी है वह १८००० की है । हम समझते हैं कि अगले दो तीन साल के अन्दर यह पूरी हो जाएगी ।

**श्री बजराम सिंह :** क्या स्कूटरों की जो डिमांड दिल्ली के बाहर और शहरों में बढ़ रही है उसको ध्यान में रखते हुए यह मन्दाजा लगाया गया है या सिर्फ दिल्ली के आधार पर ही यह मन्दाजा लगाया गया है ?

**श्री मनुभाई शाह :** सारे हिन्दुस्तान में इस चीज की डिमांड बहुत बढ़ रही है और इसलिए हमने टारजेट रिवाइज कर दिया है और कैपसिटी भी बढ़ा दी गयी है ।

**Shri Joachim Alva:** Government controls the foreign exchange in regard to scooters; it controls even the number of units. I do not know the reason why they do not control the price of the scooters, which is pretty high indeed.

**Shri Manubhai Shah:** The price has also been more or less controlled. It is true that because the demand has

outripped the production there has been a little bit of imbalance in that. But, as soon as production increases, I think it will come down.

**Shri S. A. Mehdi:** In view of the shortage of these scooters, may I know whether the Government will allow more factories to produce it?

**Shri Manubhai Shah:** The difficulties of foreign exchange even with regard to the two factories have been enormous. So, it will not perhaps be appropriate, at the present moment, to increase those difficulties, till the indigenous content of these scooters reach a high percentage.

**श्री रामसिंह भाई वर्मा :** क्या स्कूटर का मांग को पूरा करने के साथ प्रावश्यकता के अनुसार वितरण करने का भी कोई मापदंड रखा जाएगा?

**श्री मनुभाई शाह :** फिलहाल ऐसी कोई जरूरत नहीं समझी गयी है। वितरण और राशिनॉग में जाने से दिक्कत बढ़ेगी। इसलिए सब से अच्छा उपाय यही सोचा गया है कि जल्दी से जल्दी प्रोडक्शन को बढ़ाया जाए जिससे सब का मांग पूरी हो सके।

**Shri Sonavane:** What is the time lag between the application for a scooter from a dealer and the supply of that to that person?

**Shri Manubhai Shah:** It depends upon the different cities. In some cities like Delhi, as one hon. Member has rightly pointed out, the demand is excessively heavy, because a large number of Government officers and others are wanting to have this type of scooters. In other cities the demand is not so heavy. So, it varies from place to place. But it is true that nowadays it takes 3—6 months or more to have a scooter.

**Shrimati Ba Palchoudhuri:** In the statement it is mentioned:

"another scheme for the manufacture of Vespa Scooters has since been approved."

Will the same company that is now manufacturing scooters be allowed the manufacture of Vespa scooters or some other firm will be given this?

**Shri Manubhai Shah:** This licence is given to another party.

**Shri A. M. Tariq:** May I know whether Government is aware of the fact that some scooter dealers are taking advances for booking much more than their quota? For instance, in Delhi a firm has booked this year up to 400 scooters, when according to the quota they will get only 300 scooters. What action is taken to stop this kind of blackmarketing?

**Shri Manubhai Shah:** Last time also I assured the hon. Member that instructions have been issued to the particular dealer not to charge or collect any advance for more than what he could supply. He might book ten per cent extra so that in case any party does not take delivery, the other parties are not debarred from getting delivery of that. But he will not be allowed to take advance for a very large number.

#### Civic Services in Refugee Colonies

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\*505. { **Shri D. C. Sharma:**  
**Shri Mohan Swarup:**

Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 163 on the 6th August, 1959 and state:

(a) the latest position in regard to the proposal for the transfer of the civic services in the displaced persons' colonies in Delhi to the Delhi Municipal Corporation; and

(b) the decision since taken in respect of the Defence Colony?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Sanction for the payment of Rs. 20.88 lacs to the Delhi Municipal Corporation for the maintenance and improvement of civic services in the displaced persons' colonies in Delhi has



since been issued. According to the agreement the services will not be taken over by the Corporation.

(b) Proposals in the matter are still awaited from the Delhi Municipal Corporation. The water supply and sewerage systems in the colony are however already under the control of the Corporation.

**Shri D. C. Sharma:** What are the subjects that are going to be transferred to the Delhi Municipal Corporation, so far as civic amenities are concerned, when, as stated in the reply, water supply and sewerage systems are already under their control?

**Shri P. S. Naskar:** The entire control of the civic amenities like sewerage, water supply, roads and the rest.

**Shri D. C. Sharma:** May I know whether the Ministry has made any *ad hoc* grant to the Delhi Corporation, or is the Ministry going to give a recurring grant for the maintenance of those amenities?

**Shri P. S. Naskar:** As I have stated in my original answer, the payment to be made to the Delhi Municipal Corporation will be Rs. 20.88 lakhs.

**Shri D. C. Sharma:** May I know whether this will apply to undeveloped colonies or only developed colonies of the refugees? If this applies only to the developed colonies, what will be the state of affairs, so far as the undeveloped colonies are concerned?

**Shri P. S. Naskar:** The position is this. In certain colonies, according to the Corporation, the civic amenities were not up to the standard. So, they informed the Ministry that if the civic amenities are brought in those colonies up to the standard, then the Corporation will take over the maintenance of civic amenities. So, this amount is being given to the Corporation for bringing the civic amenities up to the

standard prescribed by the Corporation.

**Shri Ajit Singh Sarhadi:** May I know the number of developed colonies that are still to be given over to the Delhi Administration, and the amount that would be given for improving the amenities there?

**Shri P. S. Naskar:** It is Rs. 20 lakhs.

**Shri Vajpayee:** May I know whether this amount will be paid in instalment or in a lump sum?

**Shri P. S. Naskar:** It will be paid in three equal instalments at an interval of four months from the date of payment of the first instalment.

#### Motor Parts

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\*508. { Shrimati Mafida Ahmed:  
Shri N. M. Deb:

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

(a) whether it is a fact that negotiations have been finalised with a Welsh firm for manufacturing Motor parts in India; and

(b) if so, the details thereof?

**The Minister of Industry (Shri Manabhai Shah):** (a) and (b). It is not clear which particular negotiations the Hon'ble Member has in mind. So far as Government are aware, a firm in Madras has recently entered into a technical collaboration agreement with a Welsh firm for the manufacture of Tie Rod Ends for automobiles.

सेठ गोविन्द दास : जहाँ तक इन मोटर के हिस्सों का सम्बन्ध है, हमारे देश में अब तक कितने हिस्से बनने लगे हैं, कितने रुपए के हिस्से अभी हम बाहर से मंगाने हैं और यह कब तक प्राणा की जा सकती है कि हमको इन हिस्सों को बाहर से मंगाने को आवश्यकता नहीं पड़ेगी ?

श्री मनुभाई साहू : जहाँ तक बड़ी मोटरों और ट्रकों के हिस्सों का सवाल है कई एक माडलों के ७०-७५ परसेंट तक इंडियनिस कंटेन्ट में पहुँच गए हैं, कई एक दूसरे माडलों में ५०-५५ परसेंट तक पहुँच गए हैं। जहाँ तक एंजिलियरी इंडस्ट्रीज का ताल्लुक है उसका उत्पादन पिछले तीन साल में बहुत ज्यादा बढ़ा है। सन् १९५६ में उनका जो उत्पादन २ करोड़ का था वह आज १५-१६ करोड़ का हो गया है। फिर भी हमको अभी १०-१२ करोड़ का बाहर से आयात करना पड़ता है। इसकी कोशिश की जा रही है कि अगले दो तीन साल में सारी एंजिलियरी इंडस्ट्रीज को जितना हो सकता है कवर कर दिया जाए।

**Shri Joachim Alva:** We have four firms here and now for nearly 10 to 12 years they are engaged in production of motor parts. At the same time, we find we have to import 70 to 80 per cent of the component parts from outside. I want to know why we are importing those parts from foreign manufacturers, when we can very well manufacture them here. The Ministry should have been more vigilant in the matter.

**Shri Manubhai Shah:** I was only referring to the parts which the hon. Lady Member mentioned. If the whole question has again to be gone into, I may assure the House that all steps have been taken and the indigenous content is progressing quite satisfactorily. Further steps will be taken as soon as the report of the committee is available.

### Trade Marks

\*509. **Shri Kumbhar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it has come to the notice of Government that the names and photos of Indian Gods and Goddesses and national leaders are used on business labels;

(b) whether these business labels—Trade Marks—were registered by Government; and

(c) whether a business label such as "Gandhi Sarap" or "Gandhi Biri" can be registered?

**The Minister of Commerce (Shri Kanungo):** (a) Yes, Sir.

(b) Yes, Sir, except the names and pictorial representations of Mahatma Gandhi and the Prime Minister of India.

(c) No, Sir.

**Shri Kumbhar:** May I know whether the Government has found the pictorial business label of P. Nehru Pati manufactured in Banaras?

**Shri Kanungo:** They are not registered. Un-registered marks are not controlled under any law.

**Mr. Speaker:** The Question-hour is over.

### WRITTEN ANSWERS TO QUESTIONS

#### Buildings for Indian Bureau of Mines at Nagpur

\*506. **Shri T. B. Vittal Rao:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the construction of buildings at Nagpur to house the laboratories of Indian Bureau of Mines at present in Calcutta has been completed;

(b) if so, when the Bureau will be shifted to Nagpur; and

(c) the total amount spent so far for the construction of these buildings?

**The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda):** (a) and (b). The laboratory of the Indian Bureau of Mines is located in Delhi and not in Calcutta.

The Bureau has already been shifted to Nagpur excepting the workshop and Stores Divisions from Calcutta and Laboratory Division from Delhi, for which new construction is in progress. These will also be shifted in about 4 months' time according to a phased programme depending upon the completion of different portions of the new construction.

(c) Expenditure incurred upto October, 1959 on the new constructions is Rs. 5,81,081.

### पूर्वी पाकिस्तान के विस्थापित परिवारों का स्थानान्तरण

\*५०७. श्री विभूति मिश्र : क्या पुनर्वास तथा अल्पसंख्यक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पूर्वी पाकिस्तान के लगभग दो सौ विस्थापित परिवारों को कुमारबाग (चम्पारन-बिहार) से मध्य प्रदेश के रायपुर जिले में भेजा गया था ;

(ख) यदि हां, तो क्या यह सच है कि इनमें से १२५ परिवार ३० सितम्बर, १९५९ को वापस लौट आये हैं ; और

(ग) यदि हां, तो उनके वापस लौट आने के क्या कारण हैं ?

पुनर्वास उपमंत्री (श्री पू० झ० नास्कर) : (क) बिहार के बेतिया कैम्प से ११८ परिवारों को मध्य-प्रदेश के रायपुर में बसाने के लिये भेजा गया था ।

(ख) सितम्बर, १९५९ में ७३ परिवार छोटी छोटी टोलियों में बेतिया लौट आये । परन्तु उन में से ६६ परिवार २३-१०-५९ को रायपुर वापिस आ गये ।

(ग) इन लोगों को माहीगिरी योजना के अधीन बसाया जाना था । इनमें से कई परिवारों को गलती से महागीर घोषित किया गया था, इसलिये ये बोग माहीगिरी योजना के

आधान नहीं बस सकते थे । दूसरों को प्रारम्भ से माहीगिरी का काम अर्द्ध रोज़ देने वाला नहीं लगा और उन्होंने योजना में स्वकृत समय में अधिक समय के लिये निर्वाह भत्ते दिये जाने की मांग की । इन परिवारों का जांच का गया है और व्यवसाय के अनुसार इन का चुनाव किया गया है । इन लोगों को सुविधा पूर्वक बसाने के लिये अधिक निर्वाह भत्तों की स्वकृति दी गयी है ।

### Import Policy for Art Silk

\*510. { Shri M. B. Thakore:  
Shri Oza:  
Shri K. U. Parmar:

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

(a) whether it is a fact that import policy for art silk for the actual users is not announced simultaneously with other items while announcing the import policy and is announced separately and that too after a lapse of time; and

(b) whether it is not advisable to announce the import policy for Art Silk for actual users simultaneously with other items?

The Minister of Commerce (Shri Kanungo): (a) and (b). Yes, Sir.

The import policy for art silk yarn for the period October 1959-March 1960 has been announced in the current Red Book. The basis of licensing to actual users is under consideration with reference to various factors such as local availability, availability from free resources and availability against rupee payments.

It is hoped to announce the basis of licensing for actual users shortly.

### Cable Building Factory in Kerala

\*511. Shri Kodiyam: Will the Minister of Commerce and Industry be pleased to state at what stage is at present the proposal to start cable building factory at Thrippunithura in Kerala?

**The Minister of Industry (Shri Manubhai Shah):** A licence was granted on 27th June, 1957, to Messrs. Traco Enterprises Private Limited, Ernakulam, under the Industries (Development and Regulation) Act, 1951, for the establishment of a new industrial undertaking at Thripunithura Village, Ernakulam District, Kerala State for the manufacture of VIR cables. A technical collaboration agreement between the firm and the Furukawa Electric Company of Japan was approved by Government in June, 1958 and approval for the issue of Capital of Rs. 40 lakhs including Rs. 18 lakhs to the foreign collaborator was communicated in October, 1958; Rs. 10 lakhs investment has also been proposed by the Government of Kerala. The firm have been given an extension upto June, 1960 for taking effective steps and to establish the new undertaking within this period. They have also been advised that no further extension will be granted.

#### Indian Consul General at Lhasa

\*512. { Dr. Ram Subhag Singh:  
Shri Surendra Mahanty:  
Shri Rameshwar Tanti:

Will the Prime Minister be pleased to state whether it is a fact that the Chinese soldiers had opened the diplomatic bags of the Indian Consul General at Lhasa while he was on his way to Yatung despite the fact that they knew his identity?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** No Sir. This is not a fact.

#### Blue-Water Gas Making Plant

\*513. **Shrimati Ila Palchoudhuri:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a plant for producing blue-water gas for the Heavy Electricals Limited as also for domestic purposes is to be set up at Bhopal;

(b) if so, its capacity;

(c) the approximate expenditure to be incurred thereon; and

(d) when is the plant likely to be ready?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (d). Heavy Electricals Limited, Bhopal are setting up a plant at Bhopal for the manufacture of blue-water gas for their own purposes; the plant will comprise two units having a capacity of not less than 800,000 cubic feet per day of 475 British Thermal Unit gas; the value of the contract is Rs. 16.67 lakhs and the plant is expected to be ready by December, 1960.

#### Sindri Fertilizers Factory

\*514. **Shri Aurobindo Ghosal:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the commissioning of the expansion plants completed in October, 1958 in the Sindri Fertilizer Factory was delayed; and

(b) if so, the reasons therefor?

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

(b) Delay was caused by the fact that the coke oven gas which was to be fed into the expansion plant was discovered to have too high a naphthalene content and arrangements had to be made to reduce it before the plant could be commissioned.

#### Radio Broadcasts on Agriculture

\*515. **Shri Bishwanath Roy:** Will the Minister of Information and Broadcasting be pleased to state whether any scheme is under consideration of the Government for popularising improved methods of cultivation on scientific lines among the agriculturists through radio broadcasts?

**The Minister of Information and Broadcasting (Dr. Keekar):** A

countrywide scheme of Radio Rural Forums was launched by the All India Radio on 17th November, 1959. Under this scheme special programmes on various aspects of rural life and problems with special emphasis on improved agricultural and animal husbandry practices will be broadcast at a fixed time every Tuesday evening. To begin with 864 Radio Rural Forums or clubs each consisting of 15 to 20 persons have been formed mainly in the Community Development Blocks in the various States. The villagers constituting the forums will listen to the broadcasts through community receivers and will have discussions among themselves on the subject of broadcasts. The results of the discussions and questions and other points raised during the discussions at the Forum will then be forwarded to the nearest A.I.R. Station, which will contact the Departments concerned and broadcast replies or clarifications in the subsequent week's broadcast. Thus the broadcasts will serve the purpose of stimulating discussions as well as answering individual or general queries and advising upon local difficulties. In this way it is hoped that the scheme will help to popularise improved methods of cultivation on scientific lines among the agriculturists.

#### **Study Team on Building Technique**

\*516. { Shri S. A. Mehdi:  
Shri Ajit Singh Sarhadi:

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

(a) whether a study team has been sent to Japan, Italy and U.S.A. to study the technique of factory buildings lay-out and construction;

(b) if so, who is bearing the cost of this trip; and

(c) what is the total amount sanctioned for this delegation?

**The Minister of Industry (Shri Manubhai Shah):** (a) Yes, Sir.

(b) The cost will be borne by the Technical Cooperation Mission of the Government of the U.S.A., except for the local costs which will be met by the National Productivity Council.

(c) The question of sanctioning any amount by the Government of India for this specific purpose, does not arise.

#### **Kothagudium Power Houses**

\*517. **Shri Madhusudan Rao:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Short Notice Question No. 13 on the 7th September, 1959 and state:

(a) whether Government have deputed an officer to enquire into the affairs of Kothagudium Power Houses; and

(b) if so, what are his findings?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) An officer was deputed to enquire into certain complaints made by one of the Unions functioning in the Singareni Collieries.

(b) His final report is awaited.

#### **International Maritime Consultative Organisation**

\*518. **Shri Arjun Singh Bhaduria:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that India's vote was suspended in the Maritime Body of the United Nations (IMCO) this year; and

(b) if so, what is the exact position now?

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

(a) At the first session of the Assembly of the Inter-Governmental Maritime Consultative Organisation in January 1959, the Indian representative was permitted to participate in the proceedings of the Assembly without the right to vote, pending the circulation among the members of

**IMCO of India's Instrument of Acceptance of the Convention.**

(b) The matter has been taken up in the United Nations General Assembly, where the Sixth Committee has passed a resolution by 65 votes to one with one abstention, requesting the Secretary-General to inform IMCO that the Indian declaration contained in their Instrument of Acceptance was a declaration of policy and not a reservation. The resolution expressed the hope that, in the light of this, an appropriate solution to regularise the position of India may be reached at an early date by the IMCO Assembly. After this resolution is passed by the plenary session of the General Assembly, it will be considered at the next meeting of IMCO.

#### **Firing by Pakistanis**

\*519. **Shri P. C. Borooah:** Will the Prime Minister be pleased to state:

(a) whether twelve Pakistanis crossed the cease-fire line near Deva on the 29th September, 1959:

(b) whether they fired on the Indians there;

(c) if so, the details of the incident; and

(d) the action taken in the matter?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) to (c). On September 29, 1959 at 0700 hrs. two Pakistan-occupied Kashmir troops clad in khaki uniforms along with ten other Pakistan-occupied Kashmir persons came across the cease-fire line into our area and forcibly took away two bullocks belonging to a villager of Deva who was ploughing his land. On being chased by our civilians and subsequently by our patrol, they opened fire and managed to escape.

(d) A cease-fire violation complaint was lodged with the U.N. Chief Military Observer who after investigations has held that the case does not justify a violation.

#### **Indian Delegation to Cairo Film Festival**

\*520. **Dr. Samantshar:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the Film Federation of India has lodged a protest with the Government on the question of selection of films for the ensuing Cairo Film Festival;

(b) which are the films finally selected for the said festival;

(c) if so, the basis on which the films have been selected; and

(d) if the answer to part (c) above be in the negative, when the final selection would be made and on what basis?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) to (d). Generally the Film Federation of India is asked to suggest a panel of names for selection of suitable films for festivals. However, in this case as the Federation's recommendations did not arrive in time, in spite of letters and repeated reminders, a provisional list was drawn up so that if no definite panel of films is received, some suitable films could be sent to the festival. The Federation people took exception to this procedure and have now sent their recommendations which are being considered in consultation with the Indian Embassy in Cairo. The step taken of preparing an advance list was however inevitable as we did not want to be too late for the Festival in case of non-receipt of names from the Federation.

The final selection is taking place in consultation with the Embassy and will be published after a decision is taken. Films are selected keeping in view the technical standard, the suitability of its theme and also its suitability for the country in which it is going to be shown.

**Price of Yarn**

\*521. **Shri K. S. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the price of yarn has gone up recently; and

(b) if so, the steps taken by the Government to supply yarn to handloom weavers at reasonable prices?

**The Minister of Commerce (Shri Kanungo):** (a) Yes, Sir.

(b) An important step taken to ensure adequate supply of yarn to the handloom industry at economic prices is the encouragement given for the establishment of cooperative spinning mills the production of which will be available to the handloom weavers who will be members of the cooperative.

**Automatic Textile Looms**

\*522. **Shri Achar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any of the British firms such as the British Northrop Limited, have approached Government for licences to produce automatic textile looms;

(b) if so, whether Government have decided the question of granting such licences; and

(c) if so, on what terms?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). No. British firm has directly approached Government for licence to manufacture automatic looms. One Indian firm namely, M/s Central India Machinery Manufacturing Company, Gwalior, who are already engaged in the production of automatic looms, submitted a proposal to Government for entering into a technical collaboration agreement with M/s British Northrop Ltd., U.K., for the manufacture of Northrop type of automatic looms. The proposal for collaboration provides for the following ser-

VICES to be rendered by the U.K. firm, in return for a lumpsum payment and royalty:—

(i) M/s Northrop giving an exclusive right to the Indian Company to manufacture and sell Northrop type of automatic looms; and

(ii) Technical assistance to the Indian Company for the manufacture of the Northrop type of looms as well as for improving the standard and quality of the automatic looms now manufactured by the Indian Company on their own.

The collaboration proposal is under consideration of Government.

**U.N. Disarmament Commission**

\*523. **Shri Kasiwal:** Will the Prime Minister be pleased to state whether India and Yugoslavia have tabled a draft resolution in the U.N. General Assembly that the Disarmament Commission should continue to be composed of all 82 members of the United Nations?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** Yes, Sir. India and Yugoslavia jointly sponsored a resolution, which was passed unanimously in the General Assembly on 19-11-1959, by which the Disarmament Commission shall continue to be composed of all members of the U.N.

**Rent Arrears in Delhi**

\*524. **Shri Ram Krishan Gupta:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that a huge amount of rent arrears is outstanding against refugee stall holders and other allottees of pool and non-pool properties in Delhi;

(b) if so, the approximate amount to be realised; and

(c) the nature of steps taken or proposed to be taken to realise it?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a). Yes. This Ministry, however, is not concerned with non-pool properties.

(b). About Rs. 3.15 crores on account of pool properties.

(c). (i) Strengthening the machinery for recovery, (ii) employment of coercive measures, (iii) allowing recovery in instalments or by association of claims of others in order to make it easier for the defaulters to pay the arrears, and (iv) constant vigilance to prevent arrears from increasing.

#### Second Industrial Estate in Delhi

\*525. { Sardar Iqbal Singh:  
Shri Ram Krishan Gupta:  
Shri A. M. Tariq:  
Shri Ajit Singh Sarhadi:  
Shri Pramathanath  
Banerjee:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 590 on the 11th August, 1959 and state:

(a) whether Government have decided to set up a Second Industrial Estate across Jumna in Delhi;

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

(c) the nature of steps taken so far in this regard?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Government have not decided to set up another Industrial Estate in Delhi. It is understood that the Delhi Administration have under examination a scheme of putting up another Industrial Estate but the scheme has not yet been received by Government of India.

#### Central Labour Institute

\*526. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri R. C. Majhi:

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

(a) whether the construction of building for the Central Labour Institute, Bombay, has started; and

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

The Deputy Minister of Labour (Shri Abid Ali): (a). Not yet.

(b). Does not arise.

#### Machinery Manufacturers Corporation, Calcutta

\*527. { Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 748 on the 24th August, 1959 and state whether any settlement between the workers and the management of the Machinery Manufacturers Corporation, Calcutta, has since been made?

The Minister of Industry (Shri Manubhai Shah): The situation that arose on account of the strike by the workers of the Machinery Manufacturers Corporation was discussed between the management and the representatives of the workers, and a settlement was reached between the parties in pursuance of which the strike was called off with effect from the 22nd October, 1959.

#### तिब्बती मुस्लिम हज यात्री

\*५२८. श्री जगत दहॉन : क्या प्रधानमंत्री ११ अगस्त, १९५९ के तारकित प्रश्न संख्या २९७ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि बम्बई में जो इकसठ



तिम्बती मुस्लिम हज यात्री रोक दिये गये थे उनके बारे में की गई जांच का क्या परिणाम निकला ?

बैदेशिक-कार्य मंत्री के सहा-सचिव (श्री साबित अली खां) : पूछताछ अभी पूरी नहीं हुई है।

#### Textile Industry in U.P.

\*529. **Shri Ajit Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 479 on the 14th August, 1959 regarding the representation made by the U.P. Cotton Textile Mill Owners' Committee asking for certain concessions to the cotton textile industry in U. P. and state the nature of decision since taken thereon by Government?

**The Minister of Commerce (Shri Kanungo):** A statement is laid on the Table of the House. [See Appendix II; annexure No. 44].

#### Goa

\*530. { **Shri Shree Narayan Das:**  
**Shri Bibhuti Mishra:**

Will the Prime Minister be pleased to state:

(a) whether Government have reviewed the working and effect of their policy of economic and other restrictions applied to Goa;

(b) if so, the results of such review;

(c) whether the question of withdrawing and liberalising any of them has been considered; and

(d) if so, the decision taken or proposed to be taken in this regard?

**The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan):** (a) to (d). Government have had under close and constant watch the results of their

policy, both economic and political, in regard to the Portuguese possessions in India. It is not proposed to make any changes in the existing policy, at least for the present.

#### Port Development for Export of Iron Ore

\*531. **Shri Panigrahi:**

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

(a) whether from 1958 and 1959 the ports of Cuddalore, Cochin, Mangalore, Hanspur, Belikens, Karwar and Krishnapattam have been made operative for Iron ore alone by State Trading Corporation;

(b) whether State Trading Corporation have got sanction for Rs. 300 crores to develop these seven ports; and

(c) if so, the reasons for excluding Paradip port in Orissa?

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

(b). No, Sir.

(c). Paradip port is not excluded for purposes of export of iron ore.

#### Evacuee Deposits

\*532. **Shri D. C. Sharma:** With the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 617 on the 20th August, 1959 and state the further progress made in regard to the transfer of evacuee deposits in Criminal Courts between India and Pakistan?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** There has been no further progress.

### Railway Concession for Accredited Photographers

\*533. Shri Rameshwar Tantia: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that press photographers holding accreditation cards are denied railway concession which is enjoyed by accredited correspondents; and

(b) if so, the reasons therefor?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Railway concession is at present available to accredited Press Correspondents. The rules for accreditation of Press Photographers have recently been finalised and, as soon as they are enforced, the question of extending the concession to accredited photographers will be taken up with the Railway Board.

### Sagar Darshan Yatra

\*534. { Shri Aurebindo Ghosal:  
Shri Vajpayee:  
Shri U. L. Patil:  
Shri K. U. Parmar:  
Shri P. R. Patel:

Will the Prime Minister be pleased to state:

(a) what is the amount of foreign exchange granted to those who went abroad in "Sagar Darshan Yatra" sponsored by the A.I.C.C. Youth Department; and

(b) whether the passports given to them were granted on individual merits?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The individual participants were not granted anything more than the normal allowance of Rs. 75 per head. The sponsors were, however, granted an additional Rs. 12,000 in foreign exchange to cover the cost of transport and other miscellaneous expenses in the foreign countries visited.

(b) The participants applied for passports individually in the normal way, but as the entire party was to travel in a single chartered vessel in which they were also to return to India, Government authorised the issue, to the participants, of passports restricted to Ceylon, Singapore and Malaya.

### Paper Mills at Rajahmundry

\*535. Shri Madhusudan Rao: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 8 on the 3rd August, 1959 and state:

(a) whether Government have since procured the services of experts from the German Democratic Republic for an on-the-spot study of the plans for Andhra Paper Mills at Rajahmundry; and

(b) if so, what are the recommendations of the experts in this regard?

The Minister of Industry (Shri Mannbhai Shah): (a) and (b). No, Sir. As reported the State Government is finalising negotiations with French and/or Japanese suppliers of machinery as East German prices were rather high.

### Houses for Workers

\*536. Shri S. M. Banerjee: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether there is any proposal to enact legislation compelling employers to build houses for their workers; and

(b) if so, whether a final decision to this effect was taken at the Conference of the Housing Ministers?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). The matter of enacting suitable legislation for compelling industrial employers to build houses for their workers was last discussed at the 4th Housing Ministers' Conference held at Hyderabad

from the 5th to the 7th November, 1959, which recommended as follows:

"The Conference notes with regret that notwithstanding the liberalisations made in the Scheme last year, there has not been an appreciable improvement in the employers' sector to build houses for the workers. The seriousness of the problem, therefore, persists and it is necessary to consider specific measures, including legislative compulsion, to meet the situation. The Conference also recommends that the matter may be considered in all its aspects by the Government of India, in consultation with the State Governments and representatives of the All India organisations of industrial employers and workers to formulate concrete proposals in this regard."

The recommendation is under the consideration of Government.

#### U.N. Broadcasts from A.I.R.

\*537. **Shrimati Ila Palchoudhuri:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether there is any arrangement between the Government of India and the United Nations for relaying U.N. broadcasts from the All India Radio; and

(b) if so, the details thereof?

The Minister for Information and Broadcasting (Dr. Keskar): (a) and (b). There is no direct relay of U.N. programmes, but some programmes received by radio link or in the form of recordings from the United Nations Radio are broadcast periodically from Delhi, Calcutta, Bombay and Madras Stations of All India Radio and relayed also by other interested stations. All India Radio also produces and broadcasts weekly features and short documentaries in Hindi based upon scripts received from the U.N. Radio.

#### President Eisenhower's Visit to India

\*538. { Shri Vajpayee:  
Shri U. L. Patil:  
Shri Ram Krishan Gupta:  
Shri N. E. Munkswamy:

Will the Prime Minister be pleased to state:

(a) whether the programme for the visit of President Eisenhower in India next month has been finalised; and

(b) if so, the details thereof?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Not completely.

(b) Arrangements finalised so far are that the President of U.S.A. will arrive in Delhi in December on the 9th evening and will leave on the 14th. While in India he will inaugurate the American Pavilion in the World Agriculture Fair, Delhi, and pay a visit to Agra. Details of the programme, which will include a Civic Reception and the conferment of a Doctorate by the University of Delhi, are in the course of preparation.

#### Export of Manganese Ore

\*539. { Shri Ram Krishan Gupta:  
Shri Basumatari:  
Shri Shree Narayan Das:  
Shri Rajagopala Rao:  
Shrimati Ila Palchoudhuri:  
Shri Ajit Singh Sarhad:  
Sardar Iqbal Singh:  
Dr. Ram Subhag Singh:  
Shri Muhammed Elias:  
Shri Aurobindo Ghosal:

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

(a) whether Government have examined further the measures for increasing export of manganese ore in consultation with the interested parties; and

(b) if so, the result thereof?

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

(a) Yes, Sir.

(b) The declining trend in exports appears to have been arrested.

**Standardisation of Woollen Products**

\*540. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri R. C. Majhi:

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

(a) whether Government propose to standardise the production of woollen manufactures in India; and

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

**The Minister of Commerce (Shri Kanungo):** (a) No such proposal is under consideration of the Government of India.

(b) Does not arise.

**दिल्ली में जनता होटल**

\*५४१. { श्री भक्त दर्शन :  
श्री नवल प्रभाकर :  
श्री बी० चं० शर्मा :  
श्री सूर्य प्रसाद :

क्या निर्माण, छावास और सम्भरण मंत्री १४ अगस्त, १९५९ के तारंकित प्रश्न संख्या ७७१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि दिल्ली में एक जनता होटल के निर्माण के बारे में इस बीच क्या प्रगति हुई है ?

निर्माण, छावास और सम्भरण उपमंत्री (श्री अनिल कुं० चन्दा) : केन्द्रीय सरकारी निर्माण विभाग द्वारा प्रारम्भिक नक्शे बनाये जा चुके हैं, जिन पर अब सम्बन्धित अधिकारियों के सलाह लेकर विचार किया जायेगा।

**Trade with Pakistan**

\*542. { Shri Ajit Singh Sarhadi:  
Shri E. C. Majhi:  
Shri Subodh Hansda:  
Shri Ram Krishan Gupta:  
Shri Pangarkar:  
Shri D. C. Sharma:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 462 on the 14th August, 1959 and state whether there has been any increase in trade with Pakistan as a result of the recent review of the Indo-Pakistan Trade Agreement?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** As the Indo-Pakistan Trade Agreement Review Conference was held towards the end of July, 1959 and as trade statistics are available only upto end of August, 1959, it is rather too early to assess the effects of the Review Conference on our trade with Pakistan.

**Exhibition of Exportable Goods**

\*543. Shri Rameshwar Tantia: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government have decided to set up small permanent exhibition of India's exportable goods in important cities of India and abroad; and

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

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) Showrooms which serve as exhibition centres for India's exportable goods already exist at several places in foreign countries. The proposal to set up a Permanent Exhibition at Delhi is under consideration. It is not proposed to set up any other permanent exhibition.

(b) Trade centres give visual commercial publicity to Indian products by rotational displays and help in

disseminating information required by traders abroad.

#### Import of Capital Goods

**774. Shri Ram Krishan Gupta:** Will the Minister of Commerce and Industry be pleased to state the total value and nature of capital goods imported by arranging suitable deferred payment terms by importers or by covering their value by a fresh long term equity or loan investment during 1959 so far?

**The Minister of Industry (Shri Manubhai Shah):** A statement is placed on the Table. [See Appendix II, annexure No. 45.]

#### Manufacture of Hand-made Paper

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

(a) whether any financial assistance has been extended to individuals or societies in Bombay State for the manufacture of hand-made paper; and

(b) if so, the amount of financial assistance given during the year 1958-59 and 1959-60 so far and the production targets achieved?

**The Minister of Industry (Shri Manubhai Shah):** (a) Yes, Sir.

(b). The amount of financial assistance given during 1958-59 and 1959-60 and the value of production are as follows:

(Figures in Lakhs of Rs.)

Year	Grant	Loan	Value of production
1958-59	2.77	2.57	7.82
1959-60 (Upto 31-10-59)	0.89	1.50	4.35
<b>TOTAL</b>	<b>3.66</b>	<b>4.07</b>	<b>12.17</b>

#### Production of Radio Sets

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

(a) the number of radio sets produced in India from 1st August to 31st October, 1959; and

(b) whether any of these have been exported to foreign countries?

**The Minister of Industry (Shri Manubhai Shah):** (a) The total number of radio sets produced by the firms borne on the list of the Development Wing during the period 1st August to 31st October, 1959 is approximately 59,000.

(b) Nine complete radio receiver sets worth Rs. 3,000 were exported during the month of August, 1959. Export figures beyond August, 1959 are not yet available.

#### Industrial Development of U.P.

**777. Shri Kalika Singh:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1133 on the 20th August, 1959 and state:

(a) the total amount spent by the Central Government in the Industrial Development of Uttar Pradesh during the First and the Second Five Year Plan periods so far separately; and

(b) the per capita expenditure incurred by Central Government on various States and Union territories during the First and the Second Five Year Plan periods so far separately?

**The Minister of Industry (Shri Manubhai Shah):** (a) An amount of Rs. 3.13 crores and Rs. 13.55 crores has been spent by the Central Government on the industrial development of Uttar Pradesh during the First and Second Five Year Plan (1956-59) periods respectively.

(b) No precise information is available.

### Second Five Year Plan

778. Shri D. C. Sharma: Will the Minister of Planning be pleased to state:

(a) whether pruning of the Second Five Year Plan has affected Delhi; and

(b) if so, the particular projects which are likely to be affected?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). Projects of States and Union Territories are being dealt with on a year to year basis as resources are determined.

#### गुवार गम के कारखाने

७७६. { श्री बाजपेयी :  
श्री प्रकाश बीर शास्त्री :

क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जून, १९५६ को देश में गुवार गम के कितने कारखाने थे और वे कहाँ-कहाँ स्थित हैं ;

(ख) वर्ष १९५७, १९५८ और १९५९ में अब तक कितने मन गुवार से गम बनाया गया ;

(ग) यह गुवार गम किन-किन देशों को भेजा गया और उक्त अवधि में प्रत्येक देश को कितना गम भेजा गया ;

(घ) क्या गुवार गम के नये कारखाने खोलने की अनुमति के लिए अजिया सरकार के विचारधीन हैं ; और

(ङ) गत चार वर्षों में पहली नवम्बर को गुवार और गुवार गम के वर्ष-वार क्या क्या भाव थे ?

उद्योग मंत्री (श्री धनुसाई साहू) :

(क) गुवार गम के देश में दो स्वीकृत निर्माता हैं, एक भिवानी में और एक बम्बई में। इनके अलावा कुछ छोटे कारखाने हैं जिनकी ठीक ठीक संख्या बात नहीं है।

(ख) अनुमान है कि १९५७, १९५८ और १९५९ (जनवरी से अगस्त तक) में गम बनाने के लिये क्रमशः लगभग २,१०० टन, १५,००० टन और १०,००० टन (घाट महीनों के लिए) गुवार प्रयोग की गयी।

(ग) भारतीय व्यापारिक बर्गीकरण में "गुवार गम" को अलग से नहीं दिखाया जाता और इसलिए इसके आंकड़े उपलब्ध नहीं हैं। लेकिन इन वर्षों में निम्न परिमाण में गुवार गम का जहाजों पर लदान किया गया :—

वर्ष १९५७

(१८-४-५७ से आगे) ७०८८ टन (माल किन-किन देशों को गया, इसके अलग-अलग आंकड़े उपलब्ध नहीं हैं)

वर्ष १९५८

४०८६ टन (विवरण नीचे दिया गया है)

वर्ष १९५९

(३१-१०-५९ तक) ७३६५ टन (जिसका विवरण नीचे दिया गया है)

देश	१९५८	१९५९
सं० रा० अमेरिका	२,६०३	३,९६४
इटली	६५२	१,३५६
ब्रिटेन	४२६	२३६
हालैण्ड	१३५	५६७
स्टिजरलैण्ड	२०	१५१
यूनान	१२५	५४
प० जर्मनी	—	५
स्पेन	१२५	९९९
योग	४,०८६	७,३६५

(घ) इस समय कोई नहीं।

(क) भारत सरकार मुंबार गम के भावों के बाकड़े नहीं रखती है। लेकिन सागत, बीया, भाड़ा सहित जिस मूल्य पर मुंबार गम स० रा० अमेरिका की निर्यात किया गया, वह १९५६, १९५७, १९५८ तथा १९५९ में क्रमशः ७६० ह० ८८० ह०, ६८० ह० और ८६० ह० प्रति टन है।

#### Slum Clearance in Delhi

780. Shri D. C. Sharma: Will the Minister of Works, Housing and Supply be pleased to state the total amount likely to be sanctioned during the remaining period of the Second Five Year Plan to Delhi for slum clearance work?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The Municipal Corporation of Delhi, who are now responsible for the execution of Slum Clearance work in Delhi have asked for an amount of Rs. 193.55 lakhs during 1960-61. This request is under consideration. The current year's budget provision for this purpose is Rs. 147 lakhs.

#### Unemployment in Orissa

781. Shri Panigrahi: Will the Minister of Labour and Employment be pleased to state:

(a) the comparative figures of the registered unemployed persons during the period from January to October, 1959 in Orissa;

(b) the number of unemployed graduates, intermediates, and matriculates registered during the same period; and

(c) the facilities available for training in technical and vocational subjects to fulfil the needs for skilled personnel and to solve the unemployment problem in Orissa?

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

Month	No. of applicants on Live Register as at the end of the month.
1959	
January . . . . .	21,279
March . . . . .	19,329
June . . . . .	22,126
September . . . . .	20,154
October . . . . .	19,756

No. of applicants on Live Register at the end of

(b) Category

	March 1959	June 1958	Sept. 1959
Graduates . . . . .	295	562	478
Intermediates . . . . .	232	392	439
Matriculates . . . . .	2,548	3,172	3,602
Others . . . . .	16,254	18,000	15,635
TOTAL . . . . .	19,329	22,126	20,154

(c). There are 6 Industrial Training Institutes/Centres in the State of Orissa for which 48 seats in Non-Engineering trades and 1,084 seats in Engineering trades have been sanctioned, under the Training Schemes for Craftsmen, under the D.G.R.&E. Scheme.

#### Unemployed Graduate Engineers

782. Shri D. C. Sharma: Will the Minister of Labour and Employment be pleased to state:

(a) the number of persons (skilled, semi-skilled and unskilled) registered with the Employment Exchanges in Punjab up-to-date;

(b) how many of them have been employed in the Government of India

undertakings like Railways etc. during the period from March, 1957 to October, 1959; and

(c) the number of persons employed in private industries and contractors' services?

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

Category	No. of applicants on Live Register at end of October 59
Skilled and semi-skilled . . . . .	3,553
Unskilled . . . . .	27,620
Others . . . . .	29,708
<b>TOTAL . . . . .</b>	<b>60,881</b>

(b) and (c). the information is given below:

	No. of applicants placed during March, 1957 to October, 1959
Central Government establishments . . . . .	25,435
Private establishments . . . . .	1,583
Other establishments . . . . .	45,126
<b>TOTAL . . . . .</b>	<b>72,144</b>

#### All India Working Class Family Budget Survey

**783. Shri D. C. Sharma:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1138 on the 20th August, 1959 and state the further progress made in the work of National Sample Survey in connection with the All India Working Class Family Budget Survey?

**The Deputy Minister of Labour (Shri Abid Ali):** The Survey was completed in September, 1959 and the data is being tabulated.

#### Indians in Burma

**784. Shri D. C. Sharma:** Will the Prime Minister be pleased to state the number of Indian nationals, affected by the Burmese Land Nationalisation Act who have been paid compensation during the period from August to November, 1959?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The desired information is being collected and will be placed on the Table of the House when received.

#### Reconstitution of Education Panel

**785. Shri D. C. Sharma:** Will the Minister of Planning be pleased to state at what stage is the question of reconstitution of the existing Education Panel with a view to associate Members of Parliament with it?

**The Deputy Minister of Planning (Shri S. N. Mishra):** The matter is still under consideration.

#### Government Quarters in Devnagar

**786. Shri S. M. Banerjee:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that certain amount is paid to the Delhi Municipal Corporation as house-tax or otherwise on account of Government Quarters in Devnagar, Delhi;

(b) if so, the amount paid since 1955 (year-wise);

(c) whether it is a fact that the roads in front of these quarters are in a dilapidated condition and have not been repaired for the last ten years; and

(d) if so, the action Government propose to take in the matter?



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

(a) Yes.

(b) 1955	Rs. 17,960/13/-
1956	Rs. 17,960/13/-
1957	Rs. 17,960/80 nP.
1958	Rs. 17,960/80 nP.

(c) and (d). Roads in this area are in the charge of the Delhi Municipal Corporation, who are responsible for their maintenance. They repair the roads whenever necessary and these are reported to be in a fairly good condition.

**दिल्ली में मकान बनवाना**

७८७. { श्री म० ला० द्विवेदी :  
श्री डा० ना० तिबारी :

क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले ग्यारह वर्षों में सितम्बर, १९५८ तक दिल्ली में मकान बनवाने में सरकार का कुल कितना खर्चा हुआ ;

(ख) क्या इन मकानों के नक्शों, निर्माण की श्रवण, लागत और इनके उपयोग के बारे में एक विवरण मन्त्रालय पर रखा जायेगा ;

(ग) उक्त मकानों की अनुमानित और वास्तविक लागत में कितना अन्तर है और उसके क्या कारण हैं ; और

(घ) दिल्ली में भविष्य में मकान बनाने की योजनाओं की क्या रूप रेखा है और उनकी अनुमानित लागत कितनी है ?

निर्माण, आवास और संभरण मंत्री (श्री क० च० रेड्डी) : (क) से (ग). निर्माण, आवास तथा संभरण मंत्रालय केवल सामान्य समूह (General Pool) में आने वाले कार्यालय तथा निवास स्थानों के निर्माण-कार्यों से सम्बन्धित है। दूसरे मंत्रालय जैसे रेलवे और रक्षा, आदि, तथा परिचालित

(Statutory) और स्वायत्तशासी (Autonomous) निगम अपने निर्माण कार्यों की व्यवस्था स्वयं करते हैं। पिछले ग्यारह वर्षों के लम्बे अरसे में सामान्य समूह में बनाये गये भवनों की मांगी गई पूर्ण सूचना को एकत्रित करने में बहुत अधिक समय तथा श्रम लगेगा। ऐसा आभास होता है कि सूचना की उपयोगिता एकत्रित करने में लगने वाले समय तथा श्रम की तुलना में कम है। इसका स्पष्टीकरण १३ फरवरी, १९५९ को इस सदन में श्री मोहम्मद इमाम द्वारा पूछे गये अतारांकित प्रश्न संख्या २७३ के उत्तर में कर दिया गया था।

(घ) निर्माण के लिये मंजूर किये जा चुके निवास तथा कार्यालय भवनों के अतिरिक्त मौजूदा मांग के आधार पर विभिन्न श्रेणियों के कर्मचारियों की ८० प्रतिशत मांग को पूरा करने के लिये १,४८४ लाख रुपये की अनुमानित लागत के, १५,८६२ अतिरिक्त निवास स्थानों तथा ७३० लाख रुपये की अनुमानित लागत के, १४ ५९ लाख वर्ग फुट के कार्यालय स्थानों को बनाना पड़ेगा।

**टेलीविजन सेट का निर्माण**

७८८. श्री प्रकाश बीर शास्त्री : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) आकाशवाणी ने नई दिल्ली में टेलीविजन के लिये किस कम्पनी की पद्धति अपनाई है ;

(ख) क्या किसी विशेष कम्पनी की टेलीविजन पद्धति अपनाने से जनता को केवल उस कम्पनी द्वारा तैयार किये गये टेलीविजन सेट खरीदने पड़ेंगे ;

(ग) यदि हां, तो क्या भारत में टेलीविजन पद्धति का मान निर्धारित नहीं किया जा सकता जिससे जनता सब कम्पनियों के सेट काम में ला सके ; और

(ब) क्या सरकार सस्ते टेलीविजन सेट बनाने की कोई योजना बना रही है ?

**सूचना और प्रसारण मंत्री (डा० केलकर) :** (क) प्रयोगात्मक टेलीविजन सर्विस के लिए किसी खास कम्पनी की पद्धति को अपनाया नहीं गया। जो पद्धति जारी की गई है वह अन्तर्राष्ट्रीय रेडियो कन्वन्टिव कमेटी के माप दण्ड पर आधारित है।

(ख) और (ग) जनता के लिए यह आवश्यक नहीं होगा कि वह किसी खास कम्पनी के सेट ही खरीदें। ऊपर निर्दिष्ट अन्तर्राष्ट्रीय स्टैंडर्ड के अनुसार बने हुए किनी भी सेट को वह खरीद सकें हैं।

(घ) किलहाल सरकार का कोई इरादा नहीं है कि सस्ते टेलीविजन सेट तैयार किए जाएं। इस वक़्त के टेलीविजन प्रयोग के लिए सामूहिक केन्द्रों में ही प्रयोग दिखलाने की व्यवस्था है और इस काम के लिए कुछ सेट दान के तौर पर मिलें हैं।

**Boarding House in Delhi**

789. { Shri Ram Krishan Gupta:  
Shri Bhakt Darshan:

Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Unstarred Question No. 1689 on the 28th August, 1959 and state:

(a) whether the matter regarding the purchase of the house allotted to Shri J. E. da Fonesca for running a boarding house has been finalised;

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

(c) the details of negotiations concluded regarding the continuance of the lease on mutually acceptable terms?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy) :** (a) and (b). The matter has not yet been finalised.

(c). Negotiations regarding the continuance of the lease have not yet been concluded.

**Security Deposits from Cement Stockists**

790. **Shri Ram Krishan Gupta:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1013 on the 1st September, 1959 and state the highest, and the lowest amount taken as security from the stockists appointed by the following selling agents showing the total amount thus recovered from them by the agents (agent-wise):

- I. M/s. Dalmia Dadri Cement Ltd., Dalmia Dadri.
- II. M/s. Ashoka Marketing Ltd., Calcutta.
- III. M/s. Ashoka Marketing Ltd., New Delhi.
- IV. M/s. Cement Distributors Private Ltd., New Delhi?

**The Minister of Industry (Shri Manubhai Shah) :** When the State Trading Corporation took over the responsibility for purchase, sale and distribution of cement in the country in July, 1956, Government of India decided that such purchase, sale and distribution of cement would be arranged by the Corporation, as far as possible through the existing selling agencies of the cement producers. The Corporation have accordingly entered into agreements with the Selling Agents for handling the distribution of cement; but the Selling Agents are free to decide the terms on which they should be appointed Cement Stockists, keeping in mind the objective of achieving the best results. Responsibility in respect of stockists, is entirely that of the Selling Agents and, therefore, the Corporation or Government do not deal with the arrangements made by them regarding security deposits, etc. In these circumstances the Government of India have no information in this matter.

**Bonus to Colliery Workers**

791. **Shri Ram Krishan Gupta:** Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No. 1690 on the 28th August, 1959 and state:

(a) whether the results of the pilot inquiry at Jharia Coalfields have been analysed; and

(b) if so, at what stage is the question of paying bonus to the colliery workers?

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

(b) On the basis of the results of the pilot survey all details in respect of the main survey were finalised. The main survey was launched on the 7th September 1959. Non-maintenance of proper and complete records by the employers and difficulties of movement in the coalfields are impeding the progress of the survey. Every effort is however being made to make available the results of the survey by February, 1960. It will then be examined whether weekly/monthly payment of bonus to coal miners will be better than the present quarterly payment.

**Loans to Displaced Persons**

792. { **Shri Ram Krishan Gupta:**  
**Shri Ajit Singh Sarhadi:**  
**Sardar Iqbal Singh:**

Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether there is any proposal to remit displaced persons' loans and convert them into grants; and

(b) if so, the details thereof?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) There is no such proposal at present. In the past however certain small loans and food loans were remitted by converting them into grants.

(b) Does not arise.

**Machinery Manufacturing Plant at Durgapur**

793. **Shri Ram Krishan Gupta:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 275 on the 6th August, 1959 and state the progress made so far in setting up a plant to manufacture cement machinery, mining machinery, water tube boilers and pressure vessels at Durgapur?

**The Minister of Industry (Shri Manubhai Shah):** The Company has started construction of quarters. Arrangements have also been made for the supply of water and power. The import of capital equipment is being arranged by the Company.

**Employees' State Insurance Scheme**

794. { **Shri Ram Krishan Gupta:**  
**Shri Kunhan:**  
**Shri T. B. Vittal Rao:**

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No. 1050 on the 1st September, 1959 and state:

(a) whether the one-Man Committee appointed to review the working of the Employees' State Insurance Scheme has submitted its report;

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

(c) the action taken to implement them?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) to (c). The report has not yet been submitted to Government.

**U.S. Trade Mission**

795. { **Shri Ram Krishan Gupta:**  
**Shri Vidya Charan Shukla:**  
**Shri D. C. Sharma:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question

No. 1139 on the 20th August, 1959 and state:

(a) whether Government have examined the report of the U.S. Trade Mission which visited India during October-December, 1958; and

(b) if so, the result thereof?

**The Minister of Industry (Shri Manabhai Shah):** (a) Yes, Sir.

(b) The recommendations contained in the report are being implemented by the Organisations concerned with the development of handicrafts and handloom fabrics, to the extent possible.

#### Barter Trade with U.S.A.

796. { **Shri Ram Krishan Gupta:**  
**Shri Paulgrah:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 169 on the 6th August, 1959 and state:

(a) whether the negotiations with the U.S.A. regarding quantity of commodities to be exported to and imported from the U.S.A. under the Barter Deal have been concluded; and

(b) if so, the result thereof?

**The Minister of Commerce (Shri Kanungo):** (a) Negotiations are still in progress.

(b) Does not arise.

#### U.N. General Assembly Agenda

797. **Shri Ram Krishan Gupta:** Will the Prime Minister be pleased to state the nature and details of the items submitted by the Government of India for inclusion in the Agenda of the 14th Session of the General Assembly?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The Government of India

proposed the following four items for inclusion in the agenda of the current session of the U.N. General Assembly:—

1. Question of the Representation of China in the United Nations;
2. Treatment of people of Indian origin in the Union of South Africa;
3. Suspension of nuclear and thermo-nuclear tests; and
4. Reservations to multilateral Conventions: the Convention on Intergovernmental Maritime Consultative Organisation.

In addition, the Government of India co-sponsored two other items:

- (1) Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa; and
- (2) Question of Algeria.

All the above items, except the item relating to the representation of China, have been included in the agenda.

#### State Trading Corporation

798. **Shri Ram Krishan Gupta:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1688 on the 28th August, 1959 and state at what stage is the proposal for amending the Articles of Association of the State Trading Corporation of India Ltd.?

**The Minister of Commerce (Shri Kanungo):** The matter is still under consideration.

#### Radio Stations in State Capitals

799. { **Shri Ram Krishan Gupta:**  
**Sardar Iqbal Singh:**  
**Shri Ajit Singh Sarhadi:**

Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of the capitals of States in India where Radio stations have not been established so far; and

(b) the nature of steps taken or proposed to be taken to establish them?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). Radio Stations have been established at all the State capitals except at Shillong, Bhubaneshwar and Chandigarh, the Capitals of Assam, Orissa and the Punjab. The three States are, however, served by the stations at Gauhati, Cuttuck and Jullundur respectively. At Shillong and Chandigarh, auxiliary studios have also been provided. In view of the fact that these States have already been provided with satisfactory broadcasts facilities, it is not proposed to modify the set up already established. Excepting Bhubaneshwar, the reasons for not establishing the Radio Station in the other two Capitals is their unfavourably location and difficult communication.

#### Autumn Leipzig Fair

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

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

(a) whether East Germany has placed large orders for Indian goods displayed at the autumn Leipzig fair held this year; and

(b) if so, the main goods for which orders have been placed?

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

(a). Yes, Sir.

(b). According to information received from the Leipzig Fair Agency, Bombay, the commodity-wise break up

of the business concluded is as follows:

Name of the Commodity	Value (in lakhs)
1. Shoes . . . . .	63.0
2. Jute goods . . . . .	15.4
3. Tea . . . . .	10.8
4. Cashew . . . . .	8.0
5. Coir fibre and yarn Coir goods . . . . .	7.2
6. Goat hair-skins . . . . .	5.1
7. Crushed bones . . . . .	4.5
8. Towellings . . . . .	2.0
9. Handicrafts . . . . .	1.7
TOTAL . . . . .	117.7 (lakhs)

It has also been reported by the Agency that further transactions in respect of raw cotton and cotton and woollen textiles are being negotiated by Indian exporters.

#### Cottage and Small Scale Industries in Punjab

**301. Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any team has been sent to the Gurdaspur District at the instance of the Punjab Government to survey the possibilities of expanding the Cottage and Small Scale Industries in this region;

(b) if so, whether it has submitted its report; and

(c) whether a copy thereof will be laid on the Table

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). No team to survey the possibilities of expanding the Cottage and Small Scale Industries was sent to Gurdaspur District at the instance of the Punjab Government. In May, 1950, the then Community Projects Administration requested for surveys to be made of the Industrial Development potentialities of certain pilot project areas one of which was Batala in Gurdaspur District. A survey was made by the staff of the Small Industries Services Institute.

A report of the survey made was published in August, 1958. Copies of the survey report have been made available to the Lok Sabha Library.

### Heavy Industries in Punjab

302. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:

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

(a) whether the heavy industries in both sectors originally scheduled in the Second Plan period for Punjab would be installed in the rest of the Plan period; and

(b) if not, the reasons thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The position is as detailed below:—

### 1. PUBLIC SECTOR

#### (a) Central Sector

The Nangal Fertilizers and Heavy Water Project which has been included in the Second Five Year Plan is expected to go into production during the Second Plan period.

#### (b) State Sector

Five Co-operative Sugar Factories have been included in the State Second Five Year Plan. Two Co-operative Sugar Factories have been licensed under the Industries (Development & Regulation) Act, 1951, but it is likely that these may not start production during the remaining period of Second Five Year Plan but would come into production early in the Third Plan.

### II. PRIVATE SECTOR

The establishment of industries in this sector is dependent on the initiative and enterprise of the entrepreneurs. Undertakings which have been

licensed under the Industries (Development & Regulation) Act are however in various stages of implementation and it is likely that many of them will be completed during the remaining period of the Second Plan.

### Glass and Ceramic Goods

303. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:

Will the Minister of Commerce and Industry be pleased to state whether there has been any increase in the manufacture of glass and ceramic goods in the country during 1958-59 and the current financial year so far?

The Minister of Industry (Shri Manubhai Shah): Yes, Sir. There has been substantial increase in the manufacture of glass and ceramic goods in the country during the past few years. A statement showing the actual production of various items of glass and glassware and ceramic goods since 1957 is placed on the Table. [See Appendix II, annexure No. 46.]

### Export of Sewing Machines

304. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri Bishwanath Roy:

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

(a) the efforts made to increase the export of Sewing Machines during the last year; and

(b) the extent to which there has been any increase in the export thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The measures taken to increase exports of Sewing Machines include:

(i) arrangements for the supply of raw materials to manufacturers—exporters under an export promotion scheme operated through the Engineering Export Promotion Council;

- (ii) provision for drawbacks of duty on parts and raw materials imported and excise duty on indigenous parts and components;
- (iii) 'Railway priority' for the movement of exportable goods, including sewing machines, from the factories to the ports;
- (iv) facilities to the exporters for establishing direct contacts with importers by including them as members of Trade delegations and study teams sent out by the Export Promotion Council and through the agency of the Council's foreign offices at Rangoon and Mombasa;
- (v) publicity and propaganda, display of sewing machines in exhibitions and fairs and show-rooms. The Council are offering assistance to manufacturer—exporters for running a 'sewing class' at Mombasa;
- (vi) survey of foreign markets by Indian Trade representatives and the Council's foreign Offices;
- (vii) facilities for the supply of iron and steel on priority basis and at concessional prices;
- (viii) replenishment of iron and steel used by the manufacturer—exporters from out of their stocks for export purposes.

(b) The value of exports of Sewing Machines in the first nine months of 1959 exceeded the exports during the year 1958 by Rs. 2,51,582.

#### Export of Bicycles

286. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri Bishwanath Roy:

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

(a) the efforts made or proposed to be made to increase the export of bicycles during 1958-59 and 1959-60 so far; and

(b) the extent to which there has been increase in the export of bicycles during the above period?

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

(a) The more important measures taken in 1958-59 and in 1959-60 so far to promote export of bicycles are:—

- (i) Introduction of an "Export Pool Scheme" by the Cycle Manufacturers Association of India for bridging the gap between the prices at which cycles are being sold within the country and the comparatively lower export prices;
- (ii) Provision for drawbacks of import duty on raw materials and parts imported and excise duty on indigenous parts and components;
- (iii) Reduction in railway freight in the movement of cycles from factories to ports of export, by fifty percent;
- (iv) Railway priority for the movement of exportable goods, including cycles, from the factory to the ports;
- (v) Facilities for the import of raw-materials, and parts as well as for other consumable stores, tools or machine parts (not involving expansion or a fresh installation) required by the manufacturer for use in his factory or factories producing engineering goods against definite export targets;
- (vi) Facilities such as publicity and propaganda, survey of foreign markets and the like arranged for by the Engineering Export Promotion Council, direct contacts with Importers and the organisations representing them through the Council's field

offices and by the Trade Delegations sent out by the Council, display in the showrooms maintained by the Councils and by the Indian Trade Representatives abroad;

(vii) Facilities under the Export Promotion Scheme for the grant of import licences to certain exporters of cycles to Burma and Egypt even against payment in Rupees under special arrangements (such facilities are not normally available where exports are made against rupee payment);

(viii) Arrangements for the supply of iron and steel (imported as well as indigenous) on priority basis as well as at concessional prices to manufacturer—exporters of engineering goods;

(ix) Arrangements for the replenishment of raw materials (including iron and steel) used by manufacturers — exporters of engineering goods from their own stocks.

(b) The number of bicycles exported in the first five months of 1959-60 exceeded the exports during the whole year 1958-59 by Rs. 5,210.

#### Slum Clearance in Punjab

306. { Shri Ajit Singh Sarhadi:  
Shri D. C. Sharma:

Will the Minister of Works, Housing and Supply be pleased to state the allotment made by Government for slum clearance for Punjab State for 1959-60?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): A sum of Rs. 2.10 lakhs (Rs. 1.40 lakhs as loan and Rs. 0.70 lakh as subsidy) has been allocated to Punjab State as Central assistance for Slum Clearance during 1959-60?

#### Development of Khadi Industry in Punjab

307. Shri Ajit Singh Sarhadi: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 677 on the 23rd February, 1959 and state the nature of the scheme for which amount had been sanctioned by the Khadi and Village Industries Commission to the Khadi and Village Industries Board of Punjab during 1958-59?

The Minister of Industry (Shri Manubhai Shah): Financial assistance was given by the Khadi and Village Industries Commission to the Khadi and Industries Board of Punjab during 1958-59 for the development of khadi (including ambar charkha programme) and the following village industries:—

Processing of cereals and pulses.  
Village Oil.  
Handmade Paper.  
Palm Gur.  
Soap-making.  
Gur and Khandsari  
Village Pottery.  
Village Leather.  
Fibre.

#### Export of Feature Films

308. { Shri D. C. Sharma:  
Shri P. C. Borooah:

Will the Minister of Information and Broadcasting be pleased to state:

(a) the steps taken so far to increase export of Indian films; and

(b) the foreign exchange earned by export of films in 1959 so far?

The Minister of Information and Broadcasting (Dr. Keskar): (a) The following are steps taken to stimulate the export of Indian films:

(1) Our missions abroad have been addressed for information about the marketability of Indian films.



- (ii) Import licences have been given to the film industry for putting up machinery for sub-titling of films.
- (iii) Licence is given to the exporters for the import/release of raw film for export prints under the export promotion scheme.
- (iv) India participates in important International Film Festivals from time to time by entering films and sending delegations where necessary.
- (v) Festivals of Indian films are organised in foreign countries as practicable. Selected films are also screened at Exhibitions and Trade Fairs organised or participated in by India abroad.
- (vi) Exchange of films is made in accordance with Trade and Cultural Agreements concluded with foreign countries.
- (vii) Instructions have been issued to our Missions abroad to look for honorary correspondents to report on the reception of Indian films in their respective territories.
- (viii) Arrangements are being made for the supply of articles through the Trade Missions for publication in foreign journals dealing with different aspects of our film industry.
- (iv) A Souvenir on the film industry is under preparation. It will be distributed through our Missions and at International Film Festivals.
- (x) Selected Indian films are exhibited by our Missions abroad on a non-commercial basis according to availability of films.
- (xi) Agreements have been concluded with some Indian and

foreign concerns for the commercial distribution of Films Division's documentaries abroad.

(b) Rs. 1,23,11,000 from January to September, 1959.

#### **Pneumoconiosis in Coal Mines**

809. **Shri T. B. Vittal Rao:** Will the Minister of Labour and Employment be pleased to state:

- (a) whether the survey of the incidence of pneumoconiosis in coal mines has since been completed;
- (b) if so, whether the report has been received; and
- (c) if not, when is it likely to be received?

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

(b) Does not arise.

(c) By the end of September, 1960.

#### **Displaced Persons in Ulhasnagar Colony (Bombay)**

810. { **Shri Kodiyan:**  
**Shri Parulekar:**

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

- (a) the number of displaced persons settled in Ulhasnagar Colony (Bombay);
- (b) whether any demand has been made to set up industries for the employment of displaced persons there;
- (c) if so, whether any scheme has been prepared; and
- (d) the details of the scheme?

**The Minister of Industry (Shri Manubhai Shah):** (a) 1,05,000 Sir.

(b) The Government of India has since 1954 been offering facilities and concessions to industrialists for setting up new industries in the townships and

colonies for Displaced Persons. Specific schemes are submitted by industrialists to State Governments who refer them to the Government of India for sanction.

(c) Out of 63 schemes relating to the Ulhasnagar Colony, received by the Government of India 8 have been sanctioned and 3 are under consideration. The rest have either not been found technically sound or been dropped by the parties themselves. In addition, the Bombay Government has sanctioned 41 schemes, involving allotment of land on concessional terms to large industrial units and grant of loans, together with or without allotment of land, to small industrial units.

(d) A statement giving a list of the schemes sanctioned and under consideration is placed on the Table. [See Appendix II, annexure No. 47.]

#### Newsprint Import

811. **Shri N. R. Muniswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total amount of newsprint imported during the period from April to September, 1959 as compared to the requirements of India in this regard; and

(b) if the requirements exceeded the imports, how the balance was met?

**The Minister of Industry (Shri Manubhai Shah):** (a) and (b). The quantity of newsprint actually imported during April-August, 1959, period was 31,865 tons. The import figures for September, 1959 is not yet available.

The estimated annual requirements of newsprint for newspapers is about 75,000 tons per annum and the excess requirements are met by supplies from NEPA Mills.

#### Institute of Nuclear Research, Hyderabad

812. **Shri D. C. Sharma:** Will the Prime Minister be pleased to refer to

the reply given to Starred Question No. 437 on the 14th August, 1959 regarding integrating the activities of the proposed Institute of Nuclear Physics, Hyderabad and state how the matter stands at present?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** The assurance from the Osmania University regarding integrating the activities of the proposed Institute of Nuclear Research, Hyderabad has not yet been received.

#### Import of Pashmina Wool from Tibet

813. **Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state the quantity of Pashmina wool imported from Tibet during the current year so far?

**The Minister of Commerce (Shri Kanungo):** Information is being collected and will be placed on the Table of the House.

#### Khadi 'Hundis'

814. **Shri Hem Raj:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Khadi 'Hundis' sold in one year can be cashed at any time during the same year;

(b) whether it is also a fact that the Khadi Gramodyog Bhavan at Regal, New Delhi, refused to cash them from 15th October to 15th November, 1959; and

(c) if so, the reasons therefor?

**The Minister of Industry (Shri Manubhai Shah):** (a) Yes, Sir. Khadi Hundis are valid for one year from the date of issue.

(b) No, Sir.

(c) Does not arise.

**Premo Pipe Factory, Kerala**

815. **Shri K. S. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Premo Pipe Factory in Quilon, Kerala State, has been closed temporarily; and

(b) if so, the reasons therefor?

The Minister of Industry (**Shri Manubhai Shah**): (a) and (b). The State Government have reported that the factory is temporarily closed. The Premo Pipe Factory was started in November, 1956 under the auspices and proprietorship of the Indo-Norwegian Project, Neendakara, Quilon, to manufacture and supply the full length of pipes, required for the Quilon Water Supply Scheme, from Sasthamkottah to Quilon according to the terms of the Indo-Norwegian Project Agreement. This factory was functioning only as temporary establishment by the Indo-Norwegian Foundation for Quilon Water Supply Scheme. The Government of Kerala have since acquired the patent right for the production of pipes so as to make use of Premo Pipes in other schemes. This factory was taken over by Kerala Government on 1-9-1959. It has been reported by that Government that the factory has been closed temporarily due to dearth of raw materials, a larger part of which has to be imported.

**Air-conditioning Equipment in Krishni Bhavan**

816. **Shri V. P. Nayar:** Will the Minister of Works, Housing and Supply be pleased to state the total cost of air-conditioning equipment installed in Krishni Bhavan in New Delhi?

The Minister of Works, Housing and Supply (**Shri K. C. Reddy**): About Rs. 8 lakhs.

**Ever Bright Steel**

817. { **Shri V. P. Nayar:**  
**Shri Warrior:**  
**Shri Kodiyann:**

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

(a) whether Government intend to totally prevent or at least sizeably reduce the consumption of ever bright steel for the manufacture of cooking utensils; and

(b) what is the total quantity of ever bright steel consumed for this purpose as against yearly imports of this material?

The Minister of Industry (**Shri Manubhai Shah**): (a) The consumption of ever bright steel for the manufacture of cooking utensils is already sizeably reduced. The Stainless Steel utensil industry is at present working only upto about 20 per cent. of its assessed capacity.

(b) Out of about 2,000 tons of stainless steel imported annually at present, approximately 700 tons is consumed by the utensils making industry.

**Radio Sets in Punjab**

818. **Shri Daljit Singh:** Will the Minister of Information and Broadcasting be pleased to state the number of radio sets given so far to the State of Punjab under the Community Listening Scheme of the Central Government?

The Minister of Information and Broadcasting (**Dr. Keskar**): 6,216 community receiving sets have been supplied to the Punjab State up to the 31st October, 1959.

**Manipuri Families to India from Burma**

819. **Shri L. Achaw Singh:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that a number of Manipuri families have fled to the Indian side in Moreh and Mangsha because of the refusal of the

Burmese Government to grant them Burmese citizenship;

(b) if so, the number of such families; and

(c) steps taken to rehabilitate them in India?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) to (c). The Government of India have no information on the subject. Information has been called for and will be placed on the Table of the House when received.

**Pay-Scale and Allowances of Government Employees in N.H.T.A.**

**820. Shri L. Achaw Singh:** Will the Prime Minister be pleased to state:

(a) whether the pay-scale and allowances of the Government employees in N.H.T.A. are the same as in Assam; and

(b) if not, the nature of difference in their scale of pay and allowances?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) and (b). The pay scales and allowances of Government employees in the N.H.T.A. are on the same pattern as obtained for similar categories under the Assam Government except that the following additional allowances have been sanctioned for the staff in N.H.T.A. considering the difficult conditions of living in that area:

- (i) Special Pay of 33 1/3 per cent. of basic pay subject to certain minima and maxima.
- (ii) Non-practising allowance of Rs. 100 per month to doctors as private practice is not allowed.
- (iii) Free simply furnished residential accommodation.
- (iv) Winter Allowance for five months each year at 10 per cent. of pay to officers and staff drawing pay not exceeding Rs. 500 at certain places.

**Export of Medicinal and Pharmaceutical Products**

**821. Shri Amjad Ali:** Will the Minister of Commerce and Industry be pleased to state the steps that are being taken to increase the export of medicinal and pharmaceutical products?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** The following steps have been taken to increase the exports of medicinal and pharmaceutical products:—

- (i) An Export Promotion Council for chemicals and allied products, including drugs and pharmaceuticals has been set up.
- (ii) A trade delegation sponsored by the Council visited West Asian countries, Egypt and East African countries in November-December, 1950.
- (iii) An Indian Pharmaceutical and Chemical Products Exhibition was held at Cairo to coincide with the visit of the delegation to that city.
- (iv) A comprehensive report on the trade delegation's visit; and market survey reports on pharmaceuticals in Egypt and schedules of import duties in Iran, Ethiopia, Ceylon, Thailand, Phillipines, Malaya etc. have been published by the Council.
- (v) Arrangements have been made for the collection and circulation of tenders, answering of trade enquiries, establishing trade contacts with importers and their organisation through the agency of the Indian Trade Representatives abroad.
- (vi) Indigenous raw materials manufactured by some of the members of the Council are made available to other members who manufacture and export finished products with

such materials at concessional prices.

- (ii) Facilities are provided for the supply, by import or from indigenous sources, of raw materials to manufacturers who undertake to export medicinal and pharmaceutical products against specific targets.
- (viii) Drawback of import duty and excise duty is allowed in respect of some items i.e., cough syrups. The possibility of extending the concession to other items is under consideration.

#### Zinc Sheets

822. { Shri Warior:  
Shri Kadiyan:  
Shri V. P. Nayari:

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

- (a) the estimated annual requirement of zinc sheets for actual users in the country;
- (b) the percentage of requirement met by import;
- (c) the production of zinc sheets during the years 1955-56, 1956-57, 1957-58 and 1958-59; and
- (d) the total import of zinc sheets during the above period, year-wise?

The Minister of Industry (Shri Manubhai Shah): Information is not available for zinc sheets separately. Particulars of the combined requirements, and percentages met by imports in respect of zinc sheets/strips are as follows:—

- (a) The present annual requirement of zinc sheets/strips is estimated at about 3,000 tons.
- (b) At present about 9 per cent. of the requirement of zinc sheets/strips is met by imports.

(c) Production figures of zinc sheets/strips are available in the "Monthly Statistics of the Production of Selected Industries of India" published by the Cabinet Secretariat, Central Statistical Organisation.

(d) Figures of total import of zinc sheets/strips are available in the "Monthly Statistics of the Foreign Trade of India", a publication of the Department of Commercial Intelligence and Statistics, Government of India, Calcutta.

#### Aluminium

823. Pandit J. P. Jyotishi: Will the Minister of Commerce and Industry be pleased to state:

- (a) whether it is a fact that Katni in Madhya Pradesh and the area surrounding it is full of bauxite; and
- (b) if so, whether Government is contemplating to establish an aluminium factory at Katni?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). There is a good quantity of bauxite deposits in Katni area. There is no concrete proposal at present for setting up an aluminium factory at Katni.

#### Heavy Electrical Equipment Factory at Bhopal

824. Pandit J. P. Jyotishi: Will the Minister of Commerce and Industry be pleased to lay a statement showing:

- (a) the progress in the construction and installation of the Heavy Electrical Equipment Factory at Bhopal;
- (b) the amount spent so far on (i) machine and plant, (ii) buildings and roads for the factory itself and (iii) residential colony;
- (c) the amount to be spent for the completion of the work on the above noted items;
- (d) whether the work is proceeding according to schedule from both money and time points of view; and

(e) when would the factory go into full production?

The Minister of Industry (Shri **Muniraj Shah**): (a) to (e). A statement is laid on the Table. [See Appendix II, annexure No. 48.]

**Employees' State Insurance Corporation**

825. **Shrimati Ha Falchoudhuri**: Will the Minister of Labour and Employment be pleased to state the total amount of cash benefit paid to workers in India by the Employees' State Insurance Corporation (State-wise) during the quarter ended the 30th September, 1959, as compared to the corresponding quarter in 1958?

The Deputy Minister of Labour (Shri **Abid Ali**):

Particulars are given below:—

State	Quarter ended 30-9-58	Quarter ended 30-9-59
	Rs.	Rs.
Andhra Pradesh	1,36,651	1,61,487
Assam	"	4,750
Bihar	3,519	45,559
Bombay	25,48,214	27,93,088
Delhi	2,38,610	2,80,378
Kerala	1,54,597	2,26,784
Madhya Pradesh	3,25,527	3,30,335
Madras	7,38,656	8,56,233
Mysore	1,119	2,73,521
Punjab	54,996	68,405
Rajasthan	42,127	49,709
Uttar Pradesh	4,25,941	4,11,104
West Bengal	11,16,191	10,83,844
<b>TOTAL</b>	<b>57,86,148</b>	<b>65,85,197</b>

\*Scheme implemented on 29-9-58.

**A.I.R. Station at Cuttack**

826. **Shri Sanganna**: Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Unstarred Question No. 3014 on the

14th April, 1959 in respect of All India Radio Station at Cuttack and state:

(a) whether the programmes on a regular basis have since been directed to the Adivasi areas; and

(b) if not, the reasons therefor?

The Minister of Information and Broadcasting (Dr **Keskar**): (a) and (b). A fifteen-minute programme of tribal music has been started from November last and is broadcast every Saturday.

**Village Housing Project Scheme**

827. **Shri Ram Krishan Gupta**: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether there is a proposal to reduce the ceiling of loan admissible under the Village Housing Project Scheme; and

(b) if so, to what extent?

The Deputy Minister of Works, Housing and Supply (Shri **Anil K. Chanda**): (a) and (b). A suggestion has been made that the ceiling of loan assistance be reduced from the existing figure of Rs. 1500 to Rs. 750 per house, except in the case of villages located within five miles of the periphery of growing and congested towns and cities, in respect of which the ceiling may be fixed at Rs. 1250 per house. This suggestion has been made in view of the desirability of correlating the amount of the loan to the repaying capacity of the average villager, and of using the limited funds available, to grant loans to as large a number of villagers as possible.

The fourth Housing Ministers' Conference recently held at Hyderabad, which considered this question, however, recommended that the maximum amount of loan admissible under the Scheme should be Rs. 2,500 or 50 per cent. of the estimated cost of the house, whichever is less. This recommendation is under consideration.

**Displaced Persons in Tripura**

**828. Shri Dasaratha Deb:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the total number of displaced persons at Dharamnagar, Tripura, who have settled in Khas land and applied to Tripura Administration for bandobast of that land; and

(b) the steps taken to rehabilitate such displaced persons in these Khas plots and land?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) 28.

(b) 24 cases have already been sanctioned for settlement and the rest are under consideration by the Tripura Administration.

**Indians kidnapped by Pak. Army**

**829. { Shrimati Mafta Ahmed:  
Shri P. C. Borooah:**

Will the Prime Minister be pleased to state:

(a) whether it is a fact that four Indians were taken away by Pakistani army men from Khudipara in Berubari Mouza on the 6th November, 1959; and

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

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). One Head Constable and two constables of the East Pakistan police entered Khudipara on 6th November, searched 13 houses and took notes about the jute and galvanised iron sheets in possession of some of the villagers. About 125 Pakistani nationals accompanied them. The Pakistan Police Party arrested four Indian nationals and took away one cycle to the Pakistan Border Out-Post at Khalpara. All the four persons including the cycle were, however, released later the same day. The Head Constable of the East Pakistan Police also explained to the local

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Indian police that his action was due to his misconception about the actual position of the village.

The Indian Deputy Commissioner, Jalpaiguri, has taken up the matter with his Pakistani opposite number. Police patrolling in the area has also been intensified.

**Import of Chemicals**

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

(a) whether licences for the import of silver-vitellin, silver-protorgol and silver-nitrate have been issued for the year 1959-60;

(b) if so, the country or countries from which these chemicals are to be imported;

(c) the total quantity for which licences have been issued and the quantity imported so far;

(d) whether these chemicals are being manufactured in India; and

(e) if so, the reasons for their import involving foreign exchange?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) Licences are issued on currency area basis. Licences for silver-nitrate have been issued on soft currency area and those for silver-vitellin and silver-protorgol (Argenti-Protenium) on general and soft currency areas.

(c) Licences are issued on value basis. The value of licences so far issued is as follows:—

Silver-nitrate	Rs. 2,20,000
Argenti-Protenium.	Rs. 56,000.

Information regarding licences issued for silver-nitrate from 1-10-1959 and of imports made against the above licences is not available.

(d) and (e). These items are understood to be manufactured in the country in small quantities which are inadequate to meet the country's requirements. Hence import is allowed

only for the shortfall of the requirements.

उत्तर प्रदेश में मजदूरों के लिये बनाये गये मकान

८३१. श्री बाजपेयी : क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश में सहायता प्राप्त औद्योगिक गृह-निर्माण योजना के अन्तर्गत औद्योगिक मजदूरों के रहने के लिये बनाये गये मकानों का किराया बढ़ा दिया गया है ;

(ख) यदि हां, तो किराये में कितनी वृद्धि हुई है और उसके क्या कारण हैं ;

(ग) क्या यह भी सच है कि कुछ मकानों में केन्द्रीय और राज्य सरकार के कर्मचारी रह रहे हैं ; और

(घ) यदि हां, तो उन्हें किन शर्तों पर ये मकान दिये गये हैं ?

निर्माण, आवास तथा संभरण उपमंत्री (श्री अनिल कुं० चन्दा) : (क) और (ख) उत्तर प्रदेश सरकार ने इस योजना के अन्तर्गत उनके द्वारा बनाये गये मकानों में रहने वाले केवल उन औद्योगिक श्रमिकों से आधिक किराया लेने का फैसला किया है जो घटे हुए किराये देने के अधिकारी नहीं हैं।

(ग) और (घ) ३० जून, १९५६ को केन्द्रीय और राज्य सरकार के कर्मचारियों के अधिकार में घटे हुए किराये वाले ४,६८० मकान थे। उत्तर प्रदेश सरकार ने सूचित नहीं किया है कि किन परिस्थितियों तथा शर्तों पर यह मकान किराये पर दिये गये थे, परन्तु ऐसा मासूम हुआ है कि प्रारम्भ में मकानों को घटे हुए किराये पर दिया गया था।

**Low Income Group House Building Societies**

832. Shri Ram Garib: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether any Low Income Group House Building Societies have been registered in Delhi in the past two years; and

(b) if so, which are the bona fide societies out of them which have requested the Chief Commissioner for acquisition of land?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Ninety Co-operative House Building Societies were registered in Delhi during the last two years. There is no definite information with the Delhi Administration about the income of the individual members of the Societies.

(b) The following fourteen Co-operative Societies have applied to the Chief Commissioner, Delhi, for acquisition of land:—

1. The South Patel Nagar Extension Co-operative House Building Society Ltd.
2. The Swatantra Bharat Co-operative House Building Society Ltd.
3. The Rattan and Good Friends Co-operative House Building Society Ltd.
4. The State Bank of India Staff Co-operative House Building Society Ltd.
5. The Nev Chetan Co-operative House Building Society Ltd.
6. The Northern Railway Accounts Employees' Co-operative House Building Society Ltd.
7. The Secular State Co-operative House Building Society Ltd.
8. The Gobind Co-operative Housing Society Ltd.
9. The Reserve Bank of India Staff Co-operative Housing Society Ltd.
10. The Ministry of Works, Housing and Supply Co-operative Housing Society Ltd.



11. The Vishal Delhi Co-operative House Building Society Ltd.
12. The Low Paid Slum Dwellers' Co-operative House Building Society Ltd.
13. The Kingsway Co-operative House Building Society Ltd.
14. The Dehati Co-operative House Building Society Ltd.

#### Ambar Charkhas in Punjab

833. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Ambar Charkhas distributed in Punjab State during 1959-60 so far;

(b) the number of Charkhas which are in operation;

(c) the total quantity of yarn produced therefrom; and

(d) the steps taken to improve the quality of yarn to be used in handloom?

The Minister of Industry (Shri Manubhai Shah): (a) 1253; upto September, 1959.

(b) About 12 to 14 thousand.

(c) Approximately 44,000 lbs. during 1959-60 (upto September).

(d) The following steps have been taken by the Khadi and Village Industries Commission to improve the quality of yarn:—

- (i) Financial assistance is being given for refresher courses to trained spinners, and for starting "Sutar Ghars" to provide follow-up service to spinners.
- (ii) Supervisory staff has been appointed for follow-up services.
- (iii) Institutions have been instructed to exercise greater care in selecting spinners for training in Ambar Charkha.

#### कोयला खानिकों के लिये मकान

८३४. श्री सिंहासन सिंह : क्या अन्न और योजना मंत्री यह बताने की कृपा करेंगे कि टाटा की बेगुनिया कोयला खान में कितने मजदूर काम कर रहे हैं, उनके लिए कितने मकान हैं और उनके लिए पानी का क्या प्रबंध किया गया है ?

अन्न उपमंत्री (श्री आशिष शर्मा) : सूचना प्राप्त नहीं है ।

#### Tea Auctions at Calcutta

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

(a) whether it is a fact that the weekly tea auctions of the 16th November, 1959 at Calcutta had to be postponed;

(b) if so, the reasons therefor; and

(c) the extent of damage it has caused to Tea Export Promotion?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) At present teas sold in Calcutta auctions which are sent to other States or exported do not pay West Bengal sales tax. With the promulgation of the Bengal Finance (Sales Tax) (Amendment) Act, 1959 with effect from the 28th October, 1959, it appeared to the trade that teas sold in Calcutta auctions meant for export or sale in the course of inter-State trade or stock transfers from West Bengal's territories to other States, would come within the purview of 5 per cent sales tax. Due to this uncertainty in the trade circles, the tea auctions of the 16th November, 1959 were postponed. The auctions were, however, resumed on the 23rd November, 1959 after the State Government agreed to exempt from sales tax with effect from the date of promulgation of the new Act, all sales of tea in the Calcutta auctions.

(c) It is yet early to assess the correct position but it is understood that no significant damage has been done to our exports due to the postponement of the auction of 16th November, 1959.

#### Import of Milk Powder and Baby Food

336. Shri Chandak: Will the Minister of Commerce and Industry be pleased to state:

(a) how much (i) skimmed milk powder, (ii) whole milk powder and (iii) baby food were imported in 1957-58 and 1958-59;

(b) what were the C.I.F. prices of each item;

(c) how much Indian and Foreign currencies were spent in importing each item in these two years; and

(d) how much foreign currency has been provided for in the April-September, 1959 and October 1959-March, 1960 period for importing each item;

(e) whether any of these items has been imported or is going to be imported on any other account besides these allocations; and

(f) if so, the details thereof?

The Minister of Commerce (Shri Kanungo): (a) and (b). A statement is laid on the Table. [See Appendix II, annexure No. 49.]

	Indian currency Rs.	Foreign currency Rs.
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#### Skimmed milk powder

1957-58	57,65,619	4,96,01,381
1958-59	75,22,627	3,60,74,373

In other items, no Indian currency was involved.

(d) The information cannot be divulged in the public interest.

(e) and (f). Skimmed milk powder has been imported from U.S.A. under PL. 480.

#### STATEMENT CORRECTING THE REPLY TO U/S.Q. NO. 820, DATED 3-12-1958

The Minister of Works, Housing and Supply (Shri K. C. Reddy): It had been stated by me in the written reply to the Unstarred Question No. 820 by S/S H. N. Mukerjee and Muhammed Elias on 3-12-1958 that the amount spent on the printing of Government publications etc. in privately owned presses during the years 1955-56 and 1956-57 was Rs. 1,22,72,159.25 and Rs. 1,73,79,488.47 respectively. I regret to say that there had been some error in compiling these figures due to the fact that some subordinate offices sent their figures direct to the Chief Controller of Printing and Stationery while their Administrative Ministries/Departments also included these figures in the consolidated figures furnished by them. The correct figures for these two years as also for the year 1957-58 for which I had given an assurance to supply the information to the Lok Sabha after some time, are as under:—

1955-56	Rs. 55,34,365.43.
1956-57	Rs. 74,35,474.94.
1957-58	Rs. 89,42,588.14.

12 hrs.

#### PAPERS LAID ON THE TABLE NOTIFICATIONS ISSUED UNDER MINES ACT

The Deputy Minister of Labour (Shri Abid Ali): Sir, I beg to lay on the Table, under sub-section (7) of Section 59 of the Mines Act, 1952, a copy of each of the following Notifications:—

- (i) G.S.R. No. 1250 dated the 14th November, 1959 making certain amendment to the Mysore Gold Mines Rules, 1953. [Placed in Library. See No. LT-1729/59].
- (ii) G.S.R. No. 1251 dated the 14th November, 1959 containing the Mines Creche Rules, 1959. [Placed in Library. See No. LT-1742/59].

**DR SUPPLEMENTARY GRANTS (GENERAL)**

**The Minister of Finance (Shri (Morarji Desai):** I beg to present a statement showing Supplementary Demands for Grants in respect of the Budget (General), for 1959-60.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**FIFTY-SECOND REPORT**

**Sardar Hukam Singh (Bhatinda):** I beg to present the Fifty-second Report of the Committee on Private Members' Bills and Resolutions.

**STATEMENT CLARIFYING INFORMATION PREVIOUSLY GIVEN RE. REPORTS OF THE REGISTRAR OF NEWSPAPERS**

**The Minister of Information and Broadcasting (Dr. Keskar):** In the debate on the Annual Report of the Registrar of Newspapers on November 24, there was a reference to the question of authentication of titles and allowing similar or same titles to those of existing papers. In this connection, I would like to add a further clarification to what I had said in the course of the debate so that the factual position, as it is today, might be fully known to the House and no misunderstanding takes place.

According to the proviso to Section 6 of the Press and Registration of Books Act, it is possible for the Magistrate to allow the same title to a new newspaper provided the proprietor remains the same and he (that is, the proprietor) has no objection. This might not apply to a similar title, i.e. a title slightly different from the one which is already in use but which by its similarity suggests the existing paper. Where the proprietorship is not the same, it is necessary for the Magistrate to satisfy himself whether the proposed title is not the same or similar to that of an existing newspaper.

There was only one exception to this and that was the case of the Delhi 'Hindusthan Standards'. The workers employed in the 'Hindusthan Standard' published from Delhi had represented to the Registrar and the District Magistrate that in view of their agreement with the original owners concerning the rights, etc. and in view of its being carried on by the workers themselves the title Delhi Hindusthan Standard might be permitted. This was allowed, therefore, as a special case. However, it was later on felt that, the implications of any further permission of this sort being many, such exceptions might not be recommended hereafter.

Since then, the provisions of the Act regarding authentication of titles which were considered to be the same as, or similar to, existing newspapers have been strictly enforced. This was considered necessary in view of the Wage Committee's recommendations regarding chains, groups, etc. In the case of an Allahabad paper, a request for the same or a similar title was not allowed.

There is, however, the rather difficult question of how the provision relating to similarity of titles can be enforced in the case of an existing simultaneous publication which splits up into independent units. In such a case, the printer and publisher being the same, there is continuity and under the law it is not necessary for person concerned to file a fresh declaration. In these circumstances, the question of allowing a title does not arise. Even if a fresh declaration were to be filed because of a change of printer or publisher, the publication cannot be treated as a new paper but would have to be regarded as an existing and continuing newspaper. Government are at present examining this aspect of the question.

श्री भक्त दर्शन (गढ़वाल) : श्रीमान्,  
में इस बारे में एक प्रश्न पूछना चाहता हूँ।  
माननीय मंत्री जी ने इस बात को स्वीकार

[श्री अरुण वर्मा]

किया कि "दिल्ली हिन्दुस्थान स्टैंडर्ड" को जो इजाजत दी गई, वह एक गलती थी। मतः क्या उस गलती को सुधारने के लिए कोई कदम उठाने का विचार किया जा रहा है ?

डा० क्लेसकर : परमिशन दी गई, उस को गलती तो मैं ने नहीं कहा। मैं ने कहा कि वह एक अपवाद है !

12:05 hrs.

TRIPURA LAND REVENUE AND LAND REFORMS BILL\*

The Minister of State in the Ministry of Home Affairs (Shri Datar): On behalf of Shri G. B. Pant, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to consolidate and amend the law relating to land revenue in the Union territory of Tripura and to provide for the acquisition of estates and for certain other measures of land reform."

The motion was adopted.

Shri Datar: I introduce the Bill.

12:06 hrs.

KERALA STATE LEGISLATURE (DELEGATION OF POWERS) BILL  
—contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved

\*Published in the Gazette of India dated 2-12-59.

†Introduced with the recommendation of the President.

by Shri B. N. Datar on the 27th November, 1959, namely:—

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws be taken into consideration."

With the extension of time by half an hour, the total time allotted was 2 hours 30 minutes out of which only 22 minutes remain. It is agreed that half an hour should be set apart for clause by clause consideration. Shri V. P. Nayar was in possession of the House. He has already taken 8 minutes. I will give him four minutes more. The hon. Member is capable of condensing all his remarks within that time.

Shri V. P. Nayar (Quilon): That is true, Sir. But, I have more points of a fundamental nature to raise.

Mr. Speaker: All right; he will take 7 more minutes.

Shri V. P. Nayar: Sir, yesterday as the House rose, I was trying to establish that neither the Mover nor any of the supporters had established any case as regards the necessity for the Bill.

If you read the Statement of Objects and Reasons, as also the speech which the hon. Minister made at the time of moving the Bill, you will find that this is nothing but a subterfuge. The hon. Minister has not cared to take the House into confidence. He has not placed all his cards on the Table.

12:08 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

In arguing out his case, he has conveniently forgotten that some Members in this House have some sense left in them. If you read the Statement of Objects and Reasons, you will find that the hon. Minister states, "Such legislative measures as may be

necessary for the State can be taken up". I would ask him to state what are such legislative measures. Can't he tell the House that there are the measures which are necessary? You will remember that the President took over the administration of Kerala some four months ago. For all these four months, it has never been found necessary. If it was found necessary, the way was open to the hon. Minister to introduce a Bill.

He talks much about Parliament having no time. I would ask in all humility whether the hon. Minister, before he brought forward this measure, ever cared to consult either the Speaker or the Business Advisory Committee. How can he say that Parliament will have no time when we are here. The Minister says that because Parliament will have no time, he wants us to delegate the powers to the President. This is something which is very serious. I think the hon. Minister had no business to write like that in the Statement of Objects and Reasons. I can understand if he had taken the view of the Speaker or the view of the Business Advisory Committee and found it that there was no possibility to get some two hours or three hours for such Bills. Not having done so, coming to the House and saying that it will not be possible for Parliament to discuss them, according to me, should be taken very serious note of.

What is his contention? What is the point on which he wants us to give powers? He says, it would appear that the proper course is for Parliament to delegate this power. Surprisingly, we find there is a departure from what was followed last time when the State of Travancore-Cochin had President's Rule. Then we found that only Members from the Kerala State as it was later on constituted—because the States Reorganisation Committee had decided and the new State had not been formed—those members who represented the seats

from the State of Travancore-Cochin and the remaining seats of Kerala alone constituted the Advisory Committee. What is the necessity to enlarge this committee to 35? The hon. Minister himself contradicts what he had said earlier. As he was speaking, he said:

"Because all these questions that arise are not necessarily confined in their import only to Kerala. There are broader questions, question about land legislation....."

—he has let the cat out of the bag; land legislation is what he wants to amend—

".....questions about a number of other matters, where the other Members of Parliament would like to interest themselves and to tender proper advice to the President."

In all humility I ask; if the hon. Minister thinks that the other sections of the House will be interested, how is it that the Speaker can nominate 35 people and they and they alone can have interest? That is exactly the reason why I want such matters to be discussed in the House. To that he is not agreeable.

Whatever he may say, the reason, the design, the malicious intention, is obvious, because last time when the administration of the State of Travancore-Cochin was taken over, the representatives from that State gave the Congress Party here a majority. What is the position today? Out of 18 Members, every one knows ten people belong to the Communist Party. Therefore he has found out a very ingenious argument that other sections of the House are also possibly interested and therefore we must enlarge the committee. I can see no other reason except the fact that today if the membership of the consultative committee is confined to Members from Kerala, there will be a

[Shri V. P. Nayar]

clear majority for the Communist Party and it would be rather awkward, and when the majority decision of the consultative committee is taken, the President may not like to depart from it. What does the President do? The hon. Prime Minister has stated once or twice before that although the President acts, he does not act on his individual responsibility; he acts on the advice of the Home Minister. If that is so, what is the necessity for all this? This is not the procedure.

If the Bills were properly introduced and if during the course of the session it is not found possible to take them up for discussion, one could have understood the hon. Minister coming on the last day and getting such a Bill passed. Here, four months they have waited in vain; for four months they have had nothing to report to Parliament about the necessity to amend any existing law. For four months they never thought of one single piece of legislation, which was necessary for the State of Kerala in the interests of the entire country as is now sought to be made out, to be brought before us, and now he says there are only two months. The session will go up to the 20th or 22nd of this month. Afterwards, within a period of two months there will be elections. Within these two months unless the President modifies certain enactments he would have us believe that the heavens would fall on the State of Kerala. Nothing of the kind at all. Where is the necessity for this within these two months when for four months they did not find the necessity, and even when they bring this legislation today, not a single specific instance about the necessity to change any provision of any enactment has been brought before us, and he wants blanket powers to be given. I object to it; not merely do I object to it, I strongly protest against such behaviour on the part of Government, because we are not here to be told that for four months they have

conveniently slept over the matter and today they have suddenly woken up and found that some measure of emergency may arise in the future and the President must be armed with this power.

The reason is very obvious. We all know that the Government of India wants to tinker with some of the Bills which have been passed by the Kerala legislature. It is obvious also because, though inadvertently, the hon. Minister has specifically referred only to land legislation. He has not referred to the Court Fees Act, he has not referred to the Agricultural Indebtedness Relief Act, no other Bill has been referred to. He has referred specifically to the question of land legislation, and we know what the policies of the Government will be.

But I give this warning, that if the land legislation is touched, the millions of people of Kerala will not tolerate it. We will have our Government soon, and we will certainly take the earliest opportunity to undo harm that may be done if it is the intention of the hon. Minister to bring forward any amendment which the people will not take to.

The hon. Member from there said that Bills have been passed with a narrow majority, but is it envisaged in any provision that a Bill, in order to get the assent of the President, should have such and such a majority? It is only in the case of an amendment of the Constitution that such a thing is provided. Any Bill which has a majority of a House which is constituted according to law must naturally go to the President and the President must assent. But here these are Bills which were passed long before the hon. Member and friends over here thought of the Vimochana Samiti. These were Bills before the President, and at the time the Proclamation was discussed and

immediately before the Home Minister made his reply, I had specifically pointed out that because article 201 had not been included, it would create some trouble, and then the Home Minister, not Shri Datar, but Shri Pant himself, gave me the assurance that the matter would be looked into and if necessary—the words are—“a supplementary Proclamation will be issued”. Where is the supplementary Proclamation? Without issuing that supplementary Proclamation, and after having held up all the Bills pending before the President, now to come before the House and say that this is necessary is, according to me, showing the maximum quantum of discourtesy to this House, and I think all sections will join with me in requesting the hon. Minister not to pursue this Bill.

I am also surprised at the lot of misplaced enthusiasm which has been manifested by friends of the Praja Socialist Party on whatever happened in Kerala, and at not one of them getting up today to oppose this abnoxious legislation.

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Except the two hon. Members opposite, all others have supported the provisions of this Bill.

**Shri Narayanankutty Menon (Mukandapuram):** I am sorry you are wrong. Three.

**Shri Datar:** All right, let it be three.

**Mr. Deputy-Speaker:** When only a few Members have spoken this argument should not be used, because then I shall have to see that I accommodate larger number of Members. When he said two had opposed it, the voice came that three had opposed and two supported it.

**Shri Narayanankutty Menon:** So, the Bill goes.

**Mr. Deputy-Speaker:** When there is limited time, this cannot be a test, because if others had been accommodated, we do not know what would have happened.

**Shri Datar:** Two points were mainly raised by the hon. Members. One was that the principle of provincial autonomy was being wrongly interfered with, and the second was that article 201 of the Constitution has been purposely abrogated and is not sought to be revived for ulterior purposes. My hon. friend Shri Menon went to the extent of saying that it was a sinister move.

I may point out that all along, on the numerous occasions whenever the President had to take over, article 201 had been abrogated. It is not only now that it is not being sought to be revived, but it is a natural corollary to the dissolution of a State Legislative Assembly. Under the circumstances, nothing new has been done so far as the present Bill is concerned.

**Shri V. P. Nayar:** May I ask why the Home Minister then said a supplementary Proclamation might be issued if it was found necessary?

**Shri Datar:** If the hon. Member will have some patience, I shall reply to all the questions.

**Shri V. P. Nayar:** I have ample patience.

**Shri Datar:** I did not interfere with him. Let him kindly follow what I say. I shall try to reply to all the points that my hon. friend has raised. (Interruptions).

**Mr. Deputy-Speaker:** Should I ask him to sit down now?

**Shri Narayanankutty Menon:** He takes it in a very bad spirit, this interference.

**Mr. Deputy-Speaker:** No no. That is not good spirit that has been coming from here.

Shri Datar: I wish to point out that on all the previous occasions like the present one, article 201 was abrogated when the President took over the administration of a State, and that was in consonance with the principle that when a Legislative Assembly is dissolved, naturally there can be no question of retaining the powers under article 201 to the President. That was the reason why in this particular case also when the Proclamation was issued naturally article 201 could not remain in operation.

My hon. friend contended that the Home Minister stated that this question would be considered. I reiterate what he stated. He pointed out that if it became necessary, the question of issuing a supplementary Proclamation would be looked into not that he stated that article 201 would necessarily be revived. Let the matter be understood very clearly.

We found that there were certain Bills which had been received from the former Ministry in Kerala; three Bills had already been received, and subsequently, one more Bill also was received after the Proclamation. Within a few days after the Proclamation, the question came up before Parliament. We had to consider the question whether it would be merely sufficient to revive article 201 and consider the question of granting consent or withholding consent. Under article 201, the President is not bound to give his assent, as my hon. friend pointed out; under this article, it is open to the President either to grant assent or to refer the Bill back to the State legislature. So, it is not that as a matter of course, the President is bound to give his assent whenever the Bills are referred to him by the Governor of a State.

Here, in this case, further events had happened and that should be taken into account. When the President took over the administration of the Kerala State, he became, on be-

half of Parliament, responsible for the whole administration of the Kerala State. Under these circumstances, the powers as well as the responsibilities of the President are far larger than would be the case if only article 201 is to be considered.

Shri A. K. Gopalan (Kasargod): On a point of clarification....

Shri Datar: Any clarifications might be asked for afterwards. First, let me finish my speech.

I was pointing out that a number of Bills had been received. The Speaker has already ruled that it is not necessary to go into the merits of the various Bills at this stage, because it would be open to the President to place certain Bills before the consultative committee that has been provided for in this Bill. Therefore, I shall not be going into the details or the merits of the various Bills to which my hon. friends have drawn pointed attention. May I, however, point out in a general way that in respect of one, certain definite proposals had been made by the Planning Commission, and they were not carried out? In respect of another Bill, the Reserve Bank of India who had to be consulted had made certain suggestions, which also will have to be considered with the respect that it deserves. Under these circumstances, when the President himself was the administering authority on behalf of the Kerala State, then he had to look at those Bills from a larger angle of vision, and, therefore, it was considered that instead of having the powers revived under article 201, it would be better to have a proper scrutiny of all these Bills, because now, the President was seized of the power of the whole administration, and the Parliament had the legislative authority in this respect. Then, it was considered that besides these four Bills that were there, there might be other Bills also.

Last time, we found, as I mentioned in my opening speech, that it was very



difficult to get time for the passing of certain Bills; with the greatest difficulty, we could carry through two Bills in both the Houses of Parliament. Under these circumstances, is a matter which is to be fully noted, that Parliament might find it very difficult to deal with individual pieces of legislation, so far as a particular State is concerned. That is the reason why the present Bill has been brought forward. May I assure the hon. Members of this House that the provisions of all the Bills will be looked into very carefully, and only when it is found that any changes are necessary, will the Bills with the changes introduced therein be placed before consultative committee.

My hon. friend opposite was not happy at the fact that the Members from other States also would be on this consultative committee. May I point out here that Kerala is now under the President's rule, and it is the responsibility of the whole Parliament and not merely the hon. Members from Kerala, to see to it that the administration is carried on properly, and to see to it that proper legislation is passed?

Shri V. P. Nayar: My hon. friend made a mistake then in 1956.

Shri Datar: May I further point out that on a number of previous occasions, except one or two, this had been the practice that was followed, namely to have Members from other States also on the consultative committee.

My hon. friend on this side of the House contended, and he took rather a technical view, that the formation of a consultative committee was unconstitutional. I may point out that it is not unconstitutional at all. In fact, when the Constitution does not say anything particularly, it was open to the President or the Government not to have asked for the formation of a consultative committee, but Government are anxious to interest the Mem-

bers of Parliament in the various pieces of legislation that they desire to carry through. So, I may inform my hon. friend that this is a practice which is not against the provisions of the Constitution, and that practice is being followed almost in every case, it has been followed in the present case also, namely the practice of having not only a consultative committee, but a consultative committee having all the Kerala Members in both Houses of Parliament on it, plus some hon. Members from the other States also. That is because, as I have stated, certain Bills are of a very important character, and we have to take into account the views of the Planning Commission, and the views of the Reserve Bank, amongst others. It was only under these circumstances that it was considered proper that on the consultative committee that has been provided for there ought to be Members from other States as well. Let not the hon. Members from Kerala think that they alone are interested in the welfare of the Kerala State. All of us, at the all-India level, and all the hon. Members of this House are interested as vitally in the development and welfare of the Kerala State, as those to whom my hon. friend Shri V. P. Nayar has made a reference.

Therefore, I may point out that what has been done is that a perfectly proper procedure has been followed by us. Therefore, so far as this Bill is concerned, we need not go into the larger questions, because this has now been hallowed by convention. Parliament has given such powers to the President on previous occasions, and we have maintained to a large extent the desire of the President to have a proper consultation with the hon. Members; that is possible through the consultative committee.

Lastly, we have further made a provision that after the President issues his Acts, wherever he considers necessary, after consulting the consultative committee, they will have to be placed before Parliament; and if Parliament

[Shri Datar]

makes any changes, then, naturally, the President will accept those changes.

Then, my hon. friend made certain observations which were needlessly vehement, though they had absolutely nothing to do either with the merits of this case or relevancy to this particular Bill. May I point out that the authority of the State Legislature will not be taken away at all? Under the Constitution, you will see that whenever the President passes any Act for that particular area, it remains in force only for one year after the President's powers have been withdrawn. When the new legislature of the Kerala State comes into being, it would be perfectly open to them to pass such pieces of legislation as they are concerned with. But, so far as the present position is concerned, it is our duty not merely to consider the present Bills that we have, but also to conceive of possibilities that other matters of an urgent nature calling for emergent legislation might arise. The President's rule will have to go on for some months more. We are anxious to have elections as early as possible, but there is no knowing that the need for an emergent legislation may or may not arise there, because the administration is there, and certain questions may arise. Therefore, general powers have been taken, not special powers for these Bills only.

My hon. friends are obsessed may I say, with the idea that this Bill has been brought forward solely for the purpose of dealing with. ....

**Shri Narayanankutty Menon:** May I ask for clarification of one position? The hon. Minister stated that 'We are anxious to have elections as far as possible'. ....

**Shri Datar:** No, I said 'as early as possible'.

**Shri Narayanankutty Menon:** No, the hon. Minister said 'as far as possible'.

**Shri Datar:** I said 'as early as possible'.

**Shri Narayanankutty Menon:** Let the hon. Minister accept the correction.

**Shri Datar:** As early as possible. Elections are going to be held as early as possible.

**Shri V. P. Nayar:** Now we accept the correction.

**Shri Datar:** In fact, they are anxious to postpone it by at least some months. Some hon. Members of Parliament saw me when I was at Trivandrum and they desired that the elections should not be held—as now scheduled. In fact, they were anxious to postpone it for at least a month or two. So the desire for postponement is on their part, whatever the reason may be—I am not here concerned with the reason. We are anxious to hold the elections as early as possible, and I repeat that the elections will be held as early as possible. But still inasmuch as the President's administration is there, certain questions are likely to arise which would call for immediate legislation. That is the reason why this Bill has been brought forward.

**Shri Narayanankutty Menon:** We can assure the hon. Minister that we are not anxious to postpone the elections. If we had been anxious to postpone the elections, we would have voted yesterday against the Constitution (Eighth Amendment) Bill and postponed the elections for six months.

**Shri Datar:** I would not say anything about what happened yesterday. We know what the hon. Member and his friends did. We know how they voted. I am not here to enter into that question because it is irrelevant to my purpose. Let him only consider what they did and whether the purpose they had in view was accomplished. Let them consider it in cooler moments. That is all I can say.

So far as the present Bill is concerned, we are anxious to consider not only these four Bills but other matters also, if and when they arise during the President's administration. It is for these reasons that this particular Bill has been brought forward. Let not hon. Members think that there is anything either sinister or ulterior about this. It is a perfectly normal and natural form of procedure. We did not bring forward such a Bill during last Session because we were considering as to what should be done.

After all, as the House is aware, after the President took over, we had to bring conditions down to normalcy. That has to be noted. Here hon. Members have pointed out how conditions were improving. At the other end, we had to take every step to see that the conditions improved. Here we had to consult a number of concerned Ministries. We had to consult the Planning Commission, the Reserve Bank of India and others. That was the reason why no steps could be taken during the last session of Parliament for action on the lines that has now been proposed in this Bill.

I would again submit that this Bill is brought forward only with the desire to facilitate the passing of necessary legislation as early as possible after consulting the Consultative Committee.

**Shri A. K. Gopalan:** Under article 201 of the Constitution, has the President got any right to make changes in the Bill?

**Shri Datar:** All these questions will be considered by the President.

**Shri A. K. Gopalan:** I want to know whether under article 201 the President has got the right to make changes and alterations in the Bill himself or whether he has got the right only to make some recommendations.

**Shri Datar:** That is a question of interpretation of the Constitution.

**Shri A. K. Gopalan:** What is the hon. Minister's interpretation of it?

**Shri Datar:** We have certain powers under article 201...

**Mr. Deputy-Speaker:** He should not ask for interpretation. He should put his own construction, whatever he feels.

**Shri A. K. Gopalan:** What is the construction that the hon. Minister puts on the article?

**Mr. Deputy-Speaker:** It cannot be of any material assistance or advantage to the hon. Member, even if he gives it.

**Shri A. K. Gopalan:** According to me, under article 201, the President has no right to make changes in the Bill.

**Mr. Deputy-Speaker:** He can hold his view.

**Shri V. P. Nayar:** There cannot be any other view.

**Mr. Deputy-Speaker:** There are always two views.

**Shri V. P. Nayar:** It cannot be. Article 201 is so specific.

**Mr. Deputy-Speaker:** Then why should he ask the hon. Minister?

**Shri V. P. Nayar:** Because he is avoiding the issue.

**Mr. Deputy-Speaker:** If he is sure that it is specific, then no question arises.

**Shri V. P. Nayar:** He avoids it.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws be taken into consideration".

The motion was adopted.

**Mr. Deputy-Speaker:** Clause 2 has no amendments.

The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 3—** (Conferment on the President of the power of the State Legislature to make laws)

**Shri B. C. Kamble (Kopargaon):** I rise to a point of order. I raised it at the consideration stage, but the Speaker was pleased to say that unless I wanted to oppose the motion for consideration of the Bill, I could raise it at the time the relevant clause was under consideration.

There are two points. One is that the provision contained in sub-clause (2) of clause 3 goes beyond the authority of the Proclamation. Here power is to be delegated. That is all right. But the Parliament can delegate the power which it has. Parliament cannot delegate a power which it has not, that is to say, Parliament cannot make a law when it is not in session. Parliament cannot enact when it is not in session. Therefore, the power to delegate the power to make any laws when Parliament is not in session is not within the competence of this House. Therefore, I am raising this in the form of a point of order.

**Mr. Deputy-Speaker:** The power of Parliament to enact legislation is there even when it is not in session. The power is there. Whether it can be exercised during that time on account of its not being in session, is a different thing. But the power is not taken away by the Constitution or any other thing, when it is not in session. It can make laws at any moment. The duration or interval between two sessions cannot deprive Parliament of this power.

**Shri B. C. Kamble:** My point is: When it is not in session, can Parliament make any law? My submission is that only when Parliament assembles and sits and there is a session, then alone can Parliament make a law; otherwise, Parliament cannot make a law. I am not saying with regard to the interval; there may be interval or there may not be interval. Parliament may go on sitting continuously. That is quite a different thing. But Parliament can make laws only when it is in session.

**Mr. Deputy-Speaker:** When the hon. Member is asleep, he loses the power of writing. But that does not mean that after he gets up, he cannot write.

**Shri B. C. Kamble:** That is not it. Can Parliament make a law when Parliament is not in session? That is my point.

**Shri Narayanankutty Menon:** The point is clear.

**Mr. Deputy-Speaker:** Let him conclude.

**Shri B. C. Kamble:** I submit that Parliament cannot confer power upon the President or delegate power to the President to make laws when Parliament is not in session. Therefore, only when Parliament is in session, during that period, the President can through that authority make any laws as suggested in the Bill. I have tabled an amendment to the effect that only when Parliament is in session, the President should be authorised to make laws. My amendment No. is 13. It says:

"for 'whether Parliament is or is not in session' substitute 'when Parliament is in session'.

This is one point of order.

Another point which I want to raise has really already been stated. But I would make a further submission. A Proclamation is issued in two contingencies or for two purposes. One is if there is a failure of the machinery. The second is, maintenance of

the form of the Constitution. Under article 357, under which this Bill has come before this House, there is a specific procedure prescribed whereby Parliament can delegate the power to the President or authorise the President to delegate the power to some other authority or that authority may delegate that power which is conferred on or delegated to it, to some other authority. These are the things envisaged. That is to say, during the Proclamation a particular procedure has been prescribed under article 357. This article forbids any other procedure, namely even the constitution of a Committee, may be of the Members of this House, may be of any other House. Therefore the procedure which is prescribed under this particular article must alone be followed.

Now a Proclamation is issued and the Ministry is dismissed. Why? Because of two reasons. One is there is failure of the machinery and the other is that the form of the Constitution should be maintained. It is a serious matter. You have got to maintain the form. You cannot say that there has been a practice. The practice was against this very article.

I submit that if there had been a practice or precedent, it was against the article—357. Therefore, I have tabled an amendment to that effect. The form should be maintained. The procedure followed should be to authorise the President to delegate, subject to such conditions as he may think fit to impose, the power so conferred to any other authority to be specified by him in that behalf. Therefore, it is mandatory and obligatory on the Government and they cannot go against the provisions of this article.

These are the points on which I expect your ruling.

**Shri Narayanankutty Menon:** I will speak strictly on the point of order and not on the merits of the

Bill. I think that point of order cannot stand as far as the interpretation of that article is concerned because the legislative power of the Parliament is there when it is sitting and when it is not sitting the legislative power is in the form of the power of the President to issue Ordinances. Therefore, no specific authorisation is necessary so far as the President is concerned.

**Mr. Deputy-Speaker:** The power is there; but it cannot be exercised.

**Shri Narayanankutty Menon:** It can be exercised by means of an Ordinance. There is no necessity in this Bill to confer a separate power on the President when Parliament is not sitting.

**Shri B. C. Kamble:** I invite your attention specifically to article 357(c). There is specific mention of 'when the Parliament is not in session'. It reads:

"For the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament."

That is to say, the only contingency expected by the framers of the Constitution during the period when the Parliament is not in session is with regard to the sanctioning of expenditure. So far as that provision is concerned only that power could be exercised. That appears to be the intention of the framers of the Constitution.

**Pandit Thakur Das Bhargava (Hissar):** I am rather surprised at the point of order raised by my hon. friend. According to article 356, the result of the Proclamation is to declare:

"that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;"

(Pandit Thakur Das Bhargava)

So, Parliament is substituted for the State Legislature so far as legislative authority is concerned. You will find from article 357, that—

“Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent—

(a) for Parliament to confer on the President the power of the Legislature of the State to make laws,....”

If the Parliament confers that power of the State Legislature on the President to make laws, then the question is whether that Legislature itself could make laws whether the Parliament is in session or not. Suppose the Parliament is not in session. The Legislature of the State has the power. It can make laws. That power is conferred on the President. The question whether Parliament is in session or not does not arise.

My hon. friend has referred to article 357(c) and says that the power of the President during the period when Parliament is not in session will be only to sanction expenditure from the Consolidated Fund of the State. It is not specifically said so.

My submission is that the entire powers of the State Legislature are given to Parliament and the Parliament is asked to give that power to the President. Then the President can certainly make laws whether Parliament is in session or not. So this point does not arise. We give the entire powers to the President and therefore he is competent to make any law if he feels so. Therefore, to my mind, the two points of order raised by my hon. friend are of no validity at all.

Shri C. E. Pattabhi Raman (Kumbakonam): May I point out that the

inherent powers of Parliament are always there. We are now dealing with the emergency provisions. Clause (1) of article 357 very clearly says:

“Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent—

(a) for Parliament to confer on the President the power of the Legislature of the State to make laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose...”

I will leave it there. And then, it says—

“(b) for Parliament, or for the President or other authority in whom such power to make laws is vested under sub-clause (a), to make laws conferring powers and imposing duties....”  
and, thirdly,

“for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the State pending the sanction of such expenditure by Parliament.”

Then, clause (2), it says:

“Any law made in exercise of the power of the Legislature of the State by Parliament or the President or other authority referred to in sub-clause (a) of clause (1) which Parliament or the President or such authority would not, but for the issue of a Proclamation under article 356 have been competent to make shall, to the extent of the incompetency, cease to have effect.”

It is the inherent power and article 357 provides for it.

**Shri Datar:** May I point out that there is no substance in the points of order raised by my hon. friend. Under article 356(b) what happens is this. When a Proclamation is issued the President declares that the power of the Legislature of the State shall be exercisable by or under the authority of Parliament. Then, subsequently, the Proclamation is approved by Parliament. When this Proclamation was approved by Parliament during the last session it meant that the authority of the State vested in Parliament. Now, Parliament can legislate at any time it pleases. It would not be correct for my hon. friend to state that Parliament's powers are only during the session of Parliament. The powers are there for all time and it would be open to Parliament to meet if necessary in a special session and pass any legislation. Under these circumstances what is relevant in this particular case is article 357 (i) (a).

My hon. friend made some confusion between administrative powers of the President and the expenditure to be incurred by him from the Consolidated Fund to which 357(c) refers. That is, naturally, a different matter.

Here, in this Bill, we are considering the question of conferring on the President the legislative powers of the State which are vested in Parliament. Under article 357 (i) (a) it is clear that it shall be competent for Parliament to confer on the President the power of the Legislature of the State to make laws. This is what is being done; and for this purpose this Bill is being brought forward.

**Mr. Deputy-Speaker:** I need not go into great details about this. It has been made clear that we are not conferring powers on the President to make laws and he can delegate that power to whatever authority he likes with certain conditions also if he thinks fit.

Two questions have been raised by the hon. Member. One is that

Parliament itself has not got that power to legislate when it is not in session and, therefore, it cannot delegate that power.

I interrupted him at that time also and said I cannot agree with this, that when the Parliament is not in session the powers that it has are taken away from it. It has got those powers; only it cannot exercise them because it is not in session. But rather it becomes all the more necessary. Because of its not being in session and it cannot exercise its powers, therefore, it wants to delegate them to some authority so that they might be exercised during that period when Parliament itself cannot exercise it. It is not that the powers are taken away. The Parliament can exercise these legislative powers any time it likes. Therefore, I cannot agree with him so far as the first point is concerned.

**Shri B. C. Kamble:** May I say one word? Suppose the powers are not delegated to the President and that the powers of the Kerala State Legislature are to be exercised by this Parliament. If the Parliament is not in session, can it make any law?

**Mr. Deputy-Speaker:** It can always make laws. If it considers that a legislation is urgent and necessary and if it is not in session, a special session can be convened. Because it does not want to do that and it does not like to come in session at that moment for a particular urgent legislation, it has given powers to the President so that during that period he may exercise those powers. It is very clear to me at least and I do not think there is any ambiguity or confusion about it.

The second point the hon. Member raised is this. The Parliament may have adopted that practice and constituted advisory bodies to advise the President to enact legislation. But it has no authority and it is *ultra vires*. Even if it has been done in the past, that does not mean that there is

[Mr. Deputy-Speaker]

any sanctity about it. We should decide independently. That is what he says. This House has taken decisions so many times and it thinks that it is according to the Constitution. It has not been set aside by any competent court. The Chair has always left this question to the vote of the House. The Members should have the constitutionality of a particular thing also in their view when they exercise their votes and the House has exercised that vote on this particular question two or three times, I suppose, and has given its opinion. Even otherwise, I feel that the phraseology that is in this article makes it very clear that the President has got ample authority, when this authority is delegated to him, to exercise it under any conditions. Whenever he thinks it fit he will take that advice but how he acts when that advice is given is a different matter altogether. I think there is no force so far as these two points of order are concerned. Now, we can proceed with the further amendments.

**Shri Narayanankutty Menon:** Sir, I move amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, and 11.

**Mr. Deputy-Speaker:** I am doubtful about amendment No. 3, whether it would really be in order. Would he kindly explain, when he makes his speech, how this would be in order?

**Shri Narayanankutty Menon:** I am not likely to argue it; I am likely to agree with you as far as admissibility of that particular amendment is concerned.

**Shri V. Eacharan** (Palghat): Amendment Nos. 4 and 5 are not in your name.

**Shri Narayanankutty Menon:** I move my amendments Nos. 3, and 6 to 11.

**Mr. Deputy-Speaker:** Is 13 also moved?

**Shri B. C. Kamble:** In view of your ruling, I am not moving 13 or 14.

**Mr. Deputy-Speaker:** So, the amendments to be moved are only 3, 6, 7, 8, 9, 10 and 11.

**Shri Narayanankutty Menon:** I beg to move

Page 1,—

after line 11, add—

"Provided that the President shall exercise only such powers as are conferred upon him under article 201 of the Constitution in respect of Bills passed by the dissolved Kerala State Legislative Assembly and reserved by the Governor of that State for the assent of the President"

(3).

Page 1, line 16,—

omit "whenever he considers it practicable to do so". (6).

Page 1, line 18,—

for "thirty" substitute "eighteen". (7).

Page 2, line 3,—

for "fifteen" substitute "nine". (8).

Page 2,—

after line 6, add—

"Provided further that any recommendation made by a majority of members of the said committee shall be binding on the President." (9).

Page 2,—

after line 16, add—

"Provided that the President shall get the opinion of the committee mentioned in sub-clause (2) for any such modifications, before an amending Act is enacted by the President." (10).

Page 2,—

omit lines 17 and 18. (11).

In reply to the first reading on this Bill, the hon. Minister did not give



any satisfactory explanation as to why he could not bring forward an amendment to the original Resolution passed by this House on the 20th of August, 1959 restoring the powers of the President under article 201. Yesterday, I have pointed out that it is about 1½-2 years since certain Bills had been reserved for the assent of the President and till now it seems the Government had not made up its mind as to what amendments are to be introduced to these Bills. He is not even prepared to tell the House as to which are the Bills which require certain amendments, what are the amendments and why the amendments are necessary. Therefore, in principle, we wish to move all these amendments to restrict his powers in the way it is laid down in the Constitution. My amendment No. 3 is only to provide for this. Article 357 says certain restrictions are possible when delegating these powers. The paramount power is exercised by Parliament; it is given power to delegate that power to the President. Yesterday, Shri Naldurgkar was speaking. When a sovereign power is given to the principal and the principal is given the power to delegate these powers with or without restriction, it is the inherent power of the principal to have certain restrictions placed if he so chooses. I maintain that Parliament as the sovereign authority has got the power to restrict the power given to the President. We are not faced with a fait accompli. It is not that the Parliament has got to delegate the powers in toto or not at all. So, when this House, as the principal in this delegation, delegates its powers, it can always place a restriction in the usage of that power saying that the President shall exercise that power only in such and such way.

**Mr. Deputy-Speaker:** If he intended like that, he ought to have put these conditions.

**Shri Narayanankutty Menon:** Instead of repeating the powers described under article 201, I have simply mentioned article No. 201. The only intention is that in the use of

the delegated power, the President is restricted in such a manner as mentioned by me; he can exercise the powers that are conferred upon him under article 201.

Certain Bills have been sent to the President for assent. A very disturbing news has appeared in the Press and I wish that the hon. Member who is absent today could contradict it. A delegation of the Travancore-Cochin bankers headed by one of my hon. friends sitting opposite, in the Congress Party, coming from Kerala saw the Finance Minister and the Finance Minister assured him that the interest of the banks will be looked after and necessary amendments in the Bill will be introduced.

**Shri Maniyangadan (Kottayam):** Is he any of the Members sitting here now?

**Shri Narayanankutty Menon:** I will name the hon. Member. It is Shri George Thomas Kottukapally. I wish he could deny that news which appeared in Kerala and in Delhi also. The Travancore-Cochin Bankers' Association is,—it is well-known—against the provisions of the Agricultural Debt Relief Act as amended by that legislation. When Shri Maniyangadan spoke, he said that he did not know what changes the President would make. There is one particular clause which gives benefit to the debtors of the banks. The benefit of the Bill is given up to a sum of Rs. 15,000. We fail to understand what amendment could the President make to that Bill without destroying the benefits to those who are debtors to the banks there.

13 hrs.

Sir, our only object in moving this amendment is this. We stand on behalf of the large number of debtors in the State of Kerala who owe money to the bankers who are members of the Travancore-Cochin Banking Association. We feel that if eight instalments are given to these debtors to pay back to the bankers, the bankers will not lose anything and at the same time, these thousands of debtors who owe money to the bankers and who are just on

[Shri Narayanankutty Menon]  
the point of being evicted out of their lands will get some time to pay back their debts. Therefore, we stand principle that the President should not exercise the powers except as has been prescribed in article 201 of the Constitution.

Regarding the other amendments, amendments Nos. 6 to 11, I shall put forward my arguments together in order to save time.

**Mr. Deputy-Speaker:** I would like the hon. Member to make it more clear whether the Parliament can put any restrictions on the President so far as article 357 is concerned?

**Shri Narayanankutty Menon:** My submission is that article 357 is a provision whereby the Parliament is given authority to delegate its power. The Parliament is a sovereign body. As long as no qualifications or restrictions are placed in article 357 itself, this sovereign body has got exceptional power to delegate its power to some other body or individual. That authority of delegation is not qualified or restricted by any other usage in article 357. I, therefore, maintain as a principle under the common law and constitutional law that it can always impose restrictions and always prescribe or limit the manner in which the power should be exercised by the agent.

As I said, Sir, I shall put forward my arguments for all the other amendments together. My hon. friend pointed out that the entire Parliament is interested in the welfare of the people of the State of Kerala. I am thankful. We are aware that hon. Members from all sections in the House are very much interested in the welfare of the people of Kerala. The people of Kerala have got a very good taste of that interest in their welfare from 31st July, 1959 onwards. I do not want to go into the details. My only point was this, that I fully agree with hon. Members from all parties in this House and from all States that if they come in an advisory committee

they can make very good contributions and that will only be contributory to the welfare of the people of the State.

But I stand on one principle which I have enunciated yesterday. Even though the Parliament is a sovereign body its powers are restricted under the Constitution regarding certain subjects where exclusive power of legislation is given to the representatives of a particular State. That is the essence of the principle of provincial autonomy. It is also agreed that if the President has to intervene in a State in case of an emergency that period will have to be treated as a period of emergency and no decision will be taken by the President which would have far-reaching repercussions on the subjects that are mentioned in the Schedule giving the list of subjects which are exclusively State subjects.

My hon. friend pointed out that even if the President exercises this power and makes some amendments after one year of the President's Rule that power lapses. I agree. We are not afraid that you are going to make laws perpetually for Kerala. It is impossible. If there would have been any power on earth which enabled you to make a law which would just bind the people of Kerala in perpetuity you would have made it very easily. But you have no such powers to make such laws. Here, in this case, when you are making a law and that law will be in force for one year after the President's Rule lapses in Kerala, you can do irreparable damage to the people of Kerala.

I will point out one instance. Take for example the Agriculture Debt Relief Bill. Today many suits are pending. The suits of debtors in ordinary cases except in the case of debts of bankers have been stayed by the court because of the original Act. When this Bill was passed the bankers very well knew that it would go to the Central Government and the Central Government would take some time even if the Communist Party continued to be in

power for a long time. They, therefore, took advantage of this and in 99 per cent of the cases they have filed suits for eviction and fore-closure of mortgages to the banks. At this moment, Sir, thousands of families are on the point of eviction. In the Finance Minister's statement the other day it was said that they will bring amendments. If amendments are not brought and the measures are delayed these families will be thrown on the public road. If, therefore, by the amendments made by the President in exercise of his powers the benefits that are given to the debtors are taken away that would do an irreparable damage and even if our party is returned to power it will not be possible to amend this damage because all the families evicted today because of their debts to the bankers will remain on the public roads and the Legislature will be completely powerless to give retrospective effect to the legislation.

I, therefore, submit that the argument that it is only for one year and then the thing will come to Parliament will not stand because the Parliament will be powerless. There is provision in the Act whereby it gives complete moratorium to whatever the President has done irrespective of the fact that the Parliament can change that law and there is also the Kerala Legislature. Irreparable damage can, therefore, be done which neither this House nor the State Legislature can mend. Therefore, we oppose this.

One point more, and that is regarding the constitution of the committee. Even in constituting a committee which is advisory in character they are not prepared to say in the Bill that in all cases at least consultation will be there, because a clause is added that wherever the President considers it possible he may do it. It may be possible for the President and it may also be not convenient for him to consult this committee. We do not want that clause. Make it binding on the President, that the President before enacting any new legis-

lation or amending any existing legislation should consult the committee. Make it incumbent and mandatory upon the President that he shall consult the consultative committee.

**Mr. Deputy-Speaker:** I think the same intention must be there, though it is not expressed in these terms. The intention must be that in all cases where legislation is going to be enacted the committee would be consulted.

**Pandit Thakur Das Bhargava:** In fact, such an amendment was moved on a previous occasion and ultimately the Government said that in all cases, except in cases where it is not practicable, they will consult the committee.

**Shri Narayanankutty Menon:** My only desire is that what happened in the previous case, that convention should be applied in this case also. That is the only motive of this amendment. It may not be possible. It is not the case of the President issuing an Ordinance. Make this consultation mandatory upon the President because there is no urgency.

Regarding the constitution of the committee we have nothing against hon. Members coming from other States. Practice and convention was mentioned. Last time when the President's Rule was introduced in Kerala a committee was constituted in which no Member outside Kerala was included except the hon. Minister. Why? It is clear that then the Congress had a brute majority as far as Members from Kerala were concerned and, therefore, this necessity of having Members from other States and thus exercising the sovereign authority of Parliament and responsibility did not arise at that time. This time it is very well understood that if only Members from Kerala are taken the Communist Party has got an absolute majority in this committee and it will be a little embarrassing, even though decisions and recommendations are not mandatory, for the President to reject the recommendations made by

[Shri Narayanankutty Menon] this committee. Therefore, with a very ulterior motive that the political and policy decisions of the Congress should be imposed on the people of Kerala, which did not elect a majority of Members from the Congress either to the Parliament or to the State Legislature, this Bill has been brought. We, therefore, oppose this and commend to the Government that it is not a question of provincialism, it is not a question of parochialism, it is a question of upholding the principle of provincial autonomy and leaving to the representatives of Kerala to mind their own business and take decision on subjects specifically put in the Schedule of the Constitution relating to State subjects. I do not find any objection to that. I agree with the hon. Minister that conventions form part and parcel of the Constitution and they should be upheld. Here, last time, the committee was constituted of Members from Kerala alone. Our only desire is, do as you have done last time. What is the harm in it?

Therefore, if the hon. Minister is prepared to accept two of my propositions I will withdraw all my other amendments. The first proposal is that the committee should be composed of members of Parliament from Kerala alone. The second proposal is that the recommendations of the Committee should be binding upon the President. If these two are accepted by the hon. Minister, we are prepared to accept the legislation in full subject to these two amendments. I would say the hon. Minister owes a duty not only to this House but also to the people of Kerala to tell them what is the difficulty in accepting these two propositions. Leave the matter to the Members of Kerala. The President would then be advised and then the President can legislate. In the absence of cogent, coherent and reasonable explanation to this we can come to only one conclusion. That the Parliament and the party in power today want to use the brute majority that they have got here to override the desires of the people of Kerala and

see that certain amendments to serve the interests of the really publicly advertised vested interests in Kerala like the bankers and the landlords should be imposed upon the heads of the people of Kerala. That is the only conclusion we can come to.

Reference was made by the hon. Home Minister yesterday that certain representations have been made. One of the representations is from the Travancore-Cochin Bankers' Association. Certainly the Congress party cannot ignore them because the Congress party, if they want to have a liberation struggle by having the election, cannot ignore that association. The Travancore-Cochin Bankers' Association cannot, therefore, be ignored by them. The second representation is from the Kerala Landlords' Association which consists of about 325 members. They have made a representation. The Congress Party cannot ignore them because what has been jettisoned from the general furore is this type of people, the bankers and the landlords. How could the Congress afford to ignore them?

My only point is, in order to cater to the interests of the landlords of Kerala—320 in number,—in order to cater to the interests of a few bankers of Travancore-Cochin let not the Government just use their majority in this House and the extraordinary power that they have got through the President's proclamation to override the interests of the people of Kerala. Let the Government accept these two reasonable amendments. Let them form a committee consisting of members from Kerala alone and let them make the recommendations of the committee binding on the President. Then we will be with the Government.

As my hon. friend Shri Maniyangadan said, we are for giving powers to the President for legislation on these matters, and the legislation is urgent. All these four Bills should be assented to immediately because irreparable damage has been done. Therefore, I support the hon. Home Minister subject to this, namely, he must be

prepared to accept these two amendments. If he accepts them we are with the hon. Home Minister in passing this legislation.

**Mr. Deputy-Speaker:** The hon. Minister.

**Pandit Thakur Das Bhargava**  
rose—

**Mr. Deputy-Speaker:** We have very little time. Anyway, Pandit Thakur Das Bhargava may speak; I request him to be very brief.

**Pandit Thakur Das Bhargava:** I am very sorry that I have to oppose the amendments of my hon. friend. In the first place, he has imposed two conditions. One of the conditions is that only the members from Kerala should be associated with the consultative committee. But he has himself said that he is not opposed to the inclusion of other States. But he has made this condition, which means that the legislative assembly which has been dissolved as a result of the proclamation should be revived in the shape of these persons belonging to his party. After all, according to the proclamation, the entire Parliament is seized of the power which that legislative assembly had. Now, my hon. friend wants to take away the power of Parliament as well as the right of the other members of States. What he affirms in principle, he denies in practice.

When Parliament is today the real authority in the land so far as legislation is concerned, I think these two amendments take away the power of Parliament as well as the power of the members from other States. I think it is very unjust and it is very wrong. At the same time, it shows that the hon. Members on that side have got no confidence in Parliament as a whole or in the members from other States.

**Shri V. P. Nayar:** We object to what the hon. Member is saying. It was our case that the whole Parliament should discuss it and that

power should not be delegated.

**Pandit Thakur Das Bhargava:** They want to go against the Constitution. When article 357 has been enacted in the Constitution, how can they say that the power should not be vested in the President? We have to see to the provisions of the Constitution. What they suggest really goes to the root of the matter and it is not justified.

**Mr. Deputy-Speaker:** When it is argued that the Government is going to pass it by a brute majority of its own party, then, because of that, the hon. Member is opposing that stand.

**Shri V. P. Nayar:** It would appear that we are not keen at all in having the matters relating to legislation discussed in this House. Our main case was that the whole Parliament should discuss it.

**Mr. Deputy-Speaker:** That has been argued.

**Pandit Thakur Das Bhargava:** The result of the proclamation is that all the legislative powers have been vested in Parliament. Those powers which had been vested in the legislature have been taken over by Parliament. They want to see that this is not done! On the contrary, they want to see that instead of Parliament doing it, only a few members belonging to the Communist party should deal with the matter and should have the right to say whether the Bills are right or wrong.

The second condition that my hon. friend has imposed is this: the decision of the consultative committee should be binding upon the Government. They do not want an advisory body. They want that the decision of the committee, which should consist only of members from Kerala, should be binding on the Government. I think that is a very grotesque and ludicrous position.

**Shri V. P. Nayar:** It was like that in 1956. The hon. Members on the

[Shri V. P. Nayar]

other side did not raise any objection then.

**Mr. Deputy-Speaker:** But the decisions were not binding.

**Pandit Thakur Das Bhargava:** The decision was never binding even then. Even at that time, an effort was made by this House to see that the President did not get all the powers. The provisions contained in the Bill on that occasion were enacted at my instance. So far as Punjab was concerned, when those powers were taken away and were sought to be vested in the President, I pleaded that certain powers should continue to vest in Parliament. Therefore, we are not here giving all the powers to the President. We then wanted that the Parliament should discharge its duty. It was in accordance with our wish that the powers were conferred.

I cannot understand my hon. friend is blowing hot and cold at the same time. First of all, hon. Members from the other side say that previously this was not done and so this does not follow any precedent. Now, my hon. friend himself said that there was a precedent for Kerala and that that precedent should be repeated here. In my submission, the right course is this. Even after the President has enacted a measure, even then, the Members of Parliament have got the power, under sub-clause (4) of clause 3 of the Bill, to make any modifications that they like.

Then again, my hon. friend raised another point. He said that in these three or four Bills that are now awaiting the assent of the President, some provisions have been made which, according to him, are meant for the benefit of certain classes in Kerala and that they should remain in the Bills. In this way, he went to the length of saying that article 201 should continue to be applied. I cannot understand this. When the powers of the legislature are taken away, and

when the Parliament enacts a certain law for the State, and when it goes to the President, and powers have been given to the President under the proclamation, how is it possible to revive the old thing? It cannot be revived.

At the same time, it is idle to say that when a law has not been made in the State, the Parliament is not called upon to make a law for that State. Again, even if a law is there, Parliament can repeal that law. At the same time, when making a law for the State, Parliament is fully seized of the entire circumstances and also seized of the power of the legislature there. How can it be suggested that the legislative measures which are to be assented to by the President, and which have not yet become law, should remain sacrosanct, as it were, and the subject-matter of these measures cannot be touched? It is true that the State Legislature has made certain laws but the Bills have not been assented to by the President. If it comes within the jurisdiction of Parliament, and if Parliament confers the powers on the President, the President shall enact a law, but the whole thing is subject to any modification and change that the Parliament may make. The entire thing will come before us. We shall see what is proper. So, I cannot understand why and how they have the temerity to insist here that only such portions of the measure, as are consistent with what has already been enacted by the legislature, should be given assent to. That means to say that the Parliament has not got the power which indeed has been given to it under article 356! I say that this is not fair. It is not right to say that, and it is not right to raise such an objection and say that the power of Parliament also is to be taken away in that way. They cannot insist that what has been done by the legislature, whether it is right or wrong, should be adopted as it is and be incorporated in the form of an Act.

Sir, I oppose all these amendments.

**Shri Maniyangadan:** My hon. friend was saying that under article 357, the powers to be delegated to the President by the present Bill should be limited and they should be so limited as to be in accord with article 201. I cannot understand that. The present Bill is intended to delegate some powers to President; and article 201 vests some powers in the President. It is not those powers which are intended now to be vested in the President. Only those powers which are vested in Parliament by the proclamation are now sought to be vested in President; that is to say, the legislative powers of the Kerala State are now vested in Parliament. For the sake of expediency and other reasons already stated, it is now proposed that those powers, that is, powers of legislation, are to be transferred or delegated to the President. There is no meaning in saying that it should be limited to article 201, which deals with the powers of the President to give assent to Bills. If he finds that some Bills should not be given assent to, there is a prescribed procedure and ultimately it comes to the legislative powers, and those legislative powers are now delegated. There is no meaning in continuing article 357 in the Constitution if the arguments advanced by the other side are accepted.

Another point made by them was the sinister motive of the Congress party...

**Shri Narayanankutty Menon:** The restriction applies only to the Bills that are reserved. Regarding future Bills, Parliament is not limited by my amendment.

**Shri Maniyangadan:** As my time is limited, I will not go into that. They said that we have the sinister motive to utilize the brute majority. But, if the Kerala members alone are included, they will have a brute

majority. So, what they want is that their brute majority in Parliament should be utilized against the interests of the people. I repeat, against the interests of the people

Then they were saying that several representations have been made and that it was reported in the papers that one MP was leading a delegation of bankers. I have no knowledge of it and hitherto no such delegation has come to Delhi, led by a Member of Parliament. I do not know whether any delegations have come at all. Of course, several representations have been made. Then, as I said yesterday: why should one be afraid of a delegation of bankers? The Congress party, if I have understood the policies of the party correctly, will pay heed to representations made by any section of the people, whether it be of bankers, or labourers, or any other section of the people, unlike the Communist Party which will pay attention to only what has been said by people of their own following. That is not the policy of the Congress, and I think the policy that we are now adopting is the correct policy. We must pay heed to representations made by all the sections of the people, they must be attended to and the best policy adopted. If any delegation comes of bankers, or debtors, or planters, that must be given the respect that is due to it, and the policy to be adopted should be in the best interests of the country at large.

As regards the bankers' representation, the Home Minister was good enough to say that certain objections have been raised by the Reserve Bank. It is not the interests of a few bankers that are affected by this measure. The banking industry in Kerala is doing a lot of service to the country and if there is an objection from the Reserve Bank, having in view the other factors, it should be paid heed to. My submission is that it will vitally affect the interests of the country at large and not of a few bankers. So, if any objections are made and the Government is

[Shri Maniyangadan]

paying attention to them as a matter of policy, it should not be said that a few bankers' interests are to be safeguarded and that is why the Government is now going out of its way to bring forward this Bill. This is in the interests of the country, the economic situation of the country. It should be noted that a large section of the people will be affected if the banking industry in Kerala is destroyed.

I do not know what the amendments are, and whether they will be to the Agrarian Relations Act or the Debtors' Act. Also, the amendments proposed by the President may or may not be accepted; I do not know. It will come to the committee, and we can discuss it. If the opinion of the committee is not heeded to by the President and he passes a legislation, then again there is a provision made in the Bill to amend it by proper means. The President's Act will not be in force for more than a year after the State Legislature comes into being. Also, after the election the State Legislature can bring in proper amendments, if they want to. So, there is nothing wrong in this legislation.

Out of the 45 members of the committee, 30 will be nominated by the Speaker from this House, and 15 will be nominated by the Chairman of the Rajya Sabha. My friends on the other side were saying that some sinister motives are behind it, it will not be done properly, the brute majority of the Congress party will be brought in and all that. I do not know whether the Speaker will be acting with any sinister motive. The Speaker will, with due regard to the interests of the House and having regard to the parties and groups represented here, nominate 30 members, out of which 18 members will be from Kerala. It is too much to say that there is some sinister motive behind this provision in the Bill. The Speaker in his discretion, having due

regard to the interests of the country . . .

**Shri Narayanankutty Menon:** We did not mean anything against the Speaker, because the powers of the Speaker are barred.

**Shri Maniyangadan:** They did not mean, but ultimately that is the result. They say that they did not mean it; but they never say what they mean. That is the unfortunate thing. Now I do not want to go into details.

**Shri Datar:** I should like to be brief, because some of the points have already been answered by other hon. Members. But I should like to draw your attention to article 357 of the Constitution, and if it is properly interpreted, it will show—I am reading the article now—

“Where by a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament . . .”

This has been done already. Therefore, all the powers of the local legislature, the totality of all the powers, have now been vesting in Parliament. Now, what has been vested is to be further given over, or delegated, to the President, and therefore, we say:

“it shall be competent—

(a) for Parliament to confer on the President the power of the Legislature of the State to make laws . . .”

Thus, it will be found that whatever authority Parliament has derived by the proclamation has to be further delegated to the President, without circumscribing the powers in any way. Now, before the Constituent Assembly there was the question as to whether any conditions should be imposed at



all. I would request hon. Members to read the article further, where it says:

"and to authorise the President to delegate, subject to such conditions as he may think fit to impose, the power so conferred to any other authority to be specified by him in that behalf;"

Thus, we come to the position that all the powers of the State Legislature have to be vested in Parliament, and all these powers of the Legislature, if it so pleases the Parliament, shall be delegated to the President. It is only when there is a further delegation by the President to somebody else that certain conditions can be put in. Therefore, I would submit, so far as the power of delegation to the President is concerned, it cannot be circumscribed by any conditions; the totality of powers have to be transferred, or delegated, to the President. Now, if this is taken into account, I am afraid my hon. friend's amendment No. 3 is not at all in order, because what he says there is:

"Provided that the President shall exercise only such powers as are conferred upon him under article 201 . . . ."

That means, the totality of powers is going to be reduced to only such powers as the President ordinarily has under article 201. Article 201 is an entirely different article, which contemplates different circumstances. As I have already pointed out, this Bill has not been brought forward only for the purpose of dealing with those four Bills. This will apply to any Bill that the President may think it necessary to consider and enact into a President's Act. Therefore, my submission is that this amendment No. 3 is not in accordance with what I have read to you from article 357(1)(a).

So far as the other amendments are concerned, there are two points. One point is that the membership of the consultative committee has to be, according to them, confined only to

the Members of Parliament from Kerala in the two Houses. That is not the proper course. Especially, when Parliament has been invested with authority, the Committee ought to have full representative capacity and that capacity has to go to the President. Further, he desired that the powers of the President should be circumscribed by the majority vote of the Consultative Committee. So far as this is concerned, it defeats the very purpose for which the Consultative Committee is appointed. The Committee has to be consulted and ultimately, it is not merely the privilege of the President, but the obligation of the President to Parliament to make such Acts as he considers proper.

Lastly, on two or three occasions, even when the Travancore-Cochin Administration was taken, there were certain members from other States who were on the Consultative Committee—not only from Travancore-Cochin but from other States.

**Shri Narayanankutty Menon:** All from Kerala.

**Shri Datar:** In two other States, the same principle was followed. Therefore, what has now been done is, all the Members from Kerala have to be taken; they are not to be excluded. In addition, I say that Parliament has also to be reflected in this Committee and certain other Members from other States have to be taken. Therefore, I would not accept any of the points that the hon. Member has made in this respect.

**Mr. Deputy-Speaker:** I am of the view that amendment No. 3 is not in order. The hon. Member who moved it takes shelter under article 201. But, article 201 only applies in normal circumstances when no Proclamation has been issued and the State legislature is functioning normally. Then it is that a Bill is sent on and the procedural restrictions are there that the Bill might be scrutinised and the procedure laid down in article 201 might be followed. **Shri Narayanankutty**

[Mr. Deputy-Speaker]

Menon argued that he does not mean that article 201 should be restored even in these circumstances. He says that this is a sovereign Parliament and because it has authority to delegate powers to the President, the sovereign authority can do it wholly or in part and it might impose certain restrictions also when it is delegating it. That is what I could understand.

As has been just now argued by the Home Minister, if we look to the wording of the article 357(1)(a) it says that it shall be competent for Parliament to confer on the President the power of the legislature of the State to make laws. This is what has to be delegated and not particularly any function, one or two, to scrutinise one law or the other. We are going to delegate the power of the legislature of the State. Therefore, in my opinion, it would not be possible for us to put any restriction or to say that these conditions that are laid down in article 201 would also be in force when we are delegating this power. I cannot agree with the hon. Member and therefore, I think, amendment No. 3 would be out of order. There are the other amendments Nos. 6, 7, 8, 9, 10 and 11. I will put them to the vote of the House.

**Shri Narayanankutty Menon:** Putting all the amendments together, Sir?

**Mr. Deputy-Speaker:** If he wants that they should be put separately, I have no objection. As he desires; I have no objection.

**Shri Narayanankutty Menon:** Yes; all together.

**Mr. Deputy-Speaker:** Or if he wants any particular amendment to be put separately, I have no objection.

**Shri Narayanankutty Menon:** The only practical difficulty is that that amendment cannot be separately pressed for division.

**Mr. Deputy-Speaker:** He can say which amendment he wants to be put separately. I will put it separately.

**Shri Narayanankutty Menon:** I wish amendment No. 10 be put separately.

**Mr. Deputy-Speaker:** I shall now put amendments Nos. 6, 7, 8, 9 and 11.

*The amendments Nos. 6, 7, 8, 9 and 11 were put and negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 2,—

after line 16, add—

"Provided that the President shall get the opinion of the committee mentioned in sub-clause (2) for any such modifications, before an amending Act is enacted by the President." (10).

**Mr. Deputy-Speaker:** The 'Noes' have it.

**Shri Narayanankutty Menon:** The 'Ayes' have it. Two 'Noes' and Three 'Ayes'.

**Mr. Deputy-Speaker:** Always there is such a difference. I will put it at 2-30. We shall now take up the next item. Unless this is disposed of, we cannot proceed.

13.34 hrs.

\*DEMANDS FOR SUPPLEMENTARY GRANTS (KERALA), 1959-60

**Mr. Deputy-Speaker:** There are thirteen Supplementary demands in all, three of them namely 15, 40 and 42 are Charged and ten are votable. There are nine cut motions three of which are out of order which we will consider just now.

\*Moved with the recommendation of the President.

**Shri Narayanankutty Menon** (Mukandapuram): You said three are out of order. What are they?

**Mr. Deputy-Speaker:** We will consider when they come.

**Shri Narayanankutty Menon:** We may know because you have mentioned this.

**Mr. Deputy-Speaker:** Three are out of order. Unless Members move them, how can we decide that? These demands are before the House. Hon. Members have given cut motions.

**Shri Narayanankutty Menon:** I move cut motion No. 1 to Demand No. XIV, No. 2 to Demand No. XV, No. 4 to Demand No. XXVI, No. 5 to Demand No. XXXI, No. 6 to Demand No. XXXI, and No. 7 to Demand No. XXXV.

**Shri M. K. Kumaran** (Chirayinkil): I move cut motion No. 3 to Demand No. XV, and No. 8 to Demand No. XXXV.

**Shri Narayanankutty Menon:** There is one more, Sir. I move cut motion No. 9 to Demand No. XIV.

**Mr. Deputy-Speaker:** The time that we have fixed is one hour.

#### DEMAND NO. II—LAND REVENUE

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 3,99,200 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Land Revenue'".

#### DEMAND NO. XIV—JAILS

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 6,69,000 be granted to the President out of the Consolidated Fund of the State of

Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Jails'".

#### DEMAND NO. XV—POLICE

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 1,97,100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Police'".

#### DEMAND NO. XVIII—MEDICAL

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 28,900 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Medical'".

#### DEMAND NO. XIX—PUBLIC HEALTH

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 99,500 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Public Health'".

#### DEMAND NO. XXVI—CIVIL WORKS

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 95,500 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges

[Mr. Deputy-Speaker] which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Civil Works'.

**DEMAND NO. XXXI—TRANSPORT SCHEMES**

**Mr. Deputy-Speaker:** Motion moved.

"That a supplementary sum not exceeding Rs. 10,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Transport Schemes'."

**DEMAND NO. XXXIV—CAPITAL OUTLAY ON IRRIGATION (NON-COMMERCIAL)**

**Mr. Deputy-Speaker:** Motion moved.

"That a supplementary sum not exceeding Rs. 50,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Irrigation (Non-Commercial)'."

**DEMAND NO. XXXV—CAPITAL OUTLAY ON PUBLIC HEALTH**

**Mr. Deputy-Speaker:** Motion moved.

"That a supplementary sum not exceeding Rs. 2,28,100 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Public Health'."

**DEMAND NO. XXXVIII—CAPITAL OUTLAY ON CIVIL WORKS**

**Mr. Deputy-Speaker:** Motion moved:

"That a supplementary sum not exceeding Rs. 1,50,000 be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in the course of

payment during the year ending the 31st day of March, 1960, in respect of 'Capital Outlay on Civil Works'."

*Questions of release of large number of prisoners and withdrawal of cases by the Kerala Government since 1st August, 1959*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,69,000 in respect of 'Jails' be reduced by Rs. 100."

*Failure to give reference in recruitment to dismissed Malabar Special Policemen*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 1,97,100 in respect of Police be reduced by Rs. 100."

*Inordinate delay in the completion of the Alwaye Bridge on the National Highway*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 95,500 in respect of "Civil Works" be reduced by Rs. 100."

*Government's action in reorganising the Transport Board and terminating the nomination of Worker's representative*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 10,000 in respect of "Transport Schemes" be reduced by Rs. 100."

*Reduction in the rate and quantum of bonus for 1958-59 to Transport employees*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 10,000 in respect of "Transport Schemes" be reduced by Rs. 100."

*Inadequate water supply in Ernakulam, Mattanchery and the Vypeen and other Islands*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,28,100 in respect of 'Capital Outlay on Public Health' be reduced by Rs. 100".

*Deployment of the Special Armed Police Force in support of the Local Police*

**Shri Kumaran:** I beg to move:

"That the demand for a supplementary Grant of a sum not exceeding Rs. 1,97,100 in respect of 'Police' be reduced by Rs. 100."

*Inadequacy of the amount allotted*

**Shri Kumaran:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 2,28,100 in respect of 'Capital Outlay on Public Health' be reduced by Rs. 100."

*Action of the Governor in staying the execution of death sentence of a convicted person on 11.11.59 whose applications for commutation of death sentence have been rejected by the President and the Governor.*

**Shri Narayanankutty Menon:** I beg to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,69,000 in respect of 'Jail' be reduced by Rs. 100."

**Mr. Deputy-Speaker:** All the Demands and cut motions are now before the House.

**Shri Narayanankutty Menon:** I wish to move these cut motions which are self-explanatory. I am sorry that this procedure is adopted that the Home Minister who is directly res-

ponsible for the administration of the State of Kerala uses to be chronically absent whenever any Supplementary demands for Kerala are raised. You will realise, Sir, that there is no Assembly in Kerala and this Parliament happens to be the only forum to voice the grievances of the people of Kerala at a time when an Emergency Proclamation and the President's Rule is there. It is only proper not only to maintain decorum, but also for practical purposes that the Home Minister should be present in the House when the Supplementary Demands are discussed.

**Mr. Deputy-Speaker:** I should also think that the Home Minister should be present.

**The Minister of Revenue and Civil Expenditure (Dr. Gopala Reddi):** Shri Datar is coming.

**Mr. Deputy-Speaker:** He ought to.

**Shri Narayanankutty Menon:** To Demand No. 14, my objection is this. The demand is for about Rs. 6 lakhs for administration of Jails of the State of Kerala. When we are discussing this demand, we will have to raise before this House certain atrocious acts that have been done by the Kerala administration in respect of Jails in the last 3 or 4 months. For two and a half years, this House was echoing with the cry from almost all sections of this House that the Communist party when it came into power in the Kerala State released a large number of prisoners and that the spasmodic release of these prisoners endangered the law and order situation in the State. The Governor of Kerala, who is directly in charge of the administration today, sent a report to the President that the main basic reason for difficulty in the maintenance of law and order was that the Communist Government released a large number of prisoners. I am terribly surprised to find the very

[Shri Narayanankutty Menon]

same Governor, who maintained that this indiscriminate release of prisoners will certainly demoralise the police and also the confidence of the people, immediately he took power on behalf of the President, released about more than 6000 persons from-jail. that too, 6000 prisoners belonging to one political opinion who had declared armed war against the Government both literally and practically.

**Shri Maniyanadan:** Not belonging to one party.

**Shri Narayanankutty Menon:** That party happens to be the same today, a party whose motive, theory and philosophy is to defeat the Communist Government and establish the rule of these people who have moved the Bill that we have just now before us. Last time in answer to a question it was said that a very large number of prisoners was released.

1344 hrs.

[SHRI C. R. PATTABHI RAMAN *in the Chair*]

You would like to know what the charge is against these persons. I wish to point out that in one case the prisoners were charged by the police with pulling down the national flag from the Trivandrum Collectorate in the presence of the police and then hoisting the PSP flag.

**Shri Maniyanadan:** No such case was there.

**Shri Narayanankutty Menon:** The Governor has withdrawn that case.

**Shri Maniyanadan:** There was no case that the national flag was pulled down. The party flag was hoisted, but the national flag was not pulled down.

**Shri Narayanankutty Menon:** I will agree the hon. Minister says in his reply that there was no case like that.

If it is not an act of treason, if it is not an act of war against the Government established by law, what else can you call it? And these prisoners who had done this and trespassed into the collectorate have been released.

The other set of crimes is waylaying buses, the public transport system, setting fire to buses and destruction of public property, admittedly according to the Governor's regime, amounting to Rs. 2½ lakhs. Six thousand of them have been released.

Is there any philosophy behind this? Is this Governor honest enough to be prepared to apply equal standards to all political parties? What is the explanation for the Governor to release all these prisoners on a single day?

Secondly, the Governor in his report mentioned that immediately the Communist Party came into power, they committed an atrocious act. It got all-India publicity and publicity in this House also. It was the case of Vasu Pillai who was sentenced to death, whose mercy petition was rejected by the Governor and the President. Later on the elected Ministry advised the Governor to commute the sentence. The Governor mentioned it in his report. Really it was an atrocious act! But three months afterwards, when the entire power had been consolidated in the hands of the Governor, a thing which had not happened in the State of Punjab happened in Kerala. A person was sentenced to death by the Quilon Sessions Court, and the sentence was confirmed by the High Court, his appeal to the Supreme Court was rejected, his mercy petition to the Governor and to the President was rejected, and the date for executing the sentence of death was fixed for the 16th November, on the day Parliament was to assemble here. On the 11th November, the Vice-President of the Quilon District Congress Committee, who happens to be a lawyer also, drafted a petition and went and saw the Governor in Raj

Bhavan. The Governor who had rejected the mercy petition of the individual who happened an accused convicted in a case of communal riot,—he had killed a man who happened to belong to another religion who had changed his religion—without even calling for the previous records, issued a stay order, staying the execution of the death sentence of this particular gentleman. Where is the Constitution now, which, according to the Governor and also the Home Minister, was violated by the Communist Government? The Governor who could not accept the advice of the elected Ministry to commute the death sentence of a particular individual—the President had to intervene at that time, and the Governor made it a charge against the Communist Ministry at that time—now accepted the advice given not by an elected man, but one man belonging to the Congress and stayed the death sentence of the particular individual. Is there any Constitution, is there any maintenance of law in the State of Kerala today?

After some time the papers took this case up. People were shocked to find that the man was to die on the 16th, but a stay order had been issued. Large headlines began to appear in the papers, and in answer to a question at a press conference, the Adviser to the Governor of the State of Kerala in the Republic of India in the year 1959 said that the Governor committed a mistake because he did not refer to the back files. I agree, quite a reasonable explanation. When a Vice-President of the District Congress Committee goes over to the Governor of Kerala, he does not look into the previous records, he need not, but when the elected Chief Minister advised the Governor to commute the death sentence of an individual, it was a constitutional prevarication, he could not do it, and he could make an issue of it before Parliament and the country. That is the way the Governor has administered the jail administration.

285 (Ai) L.S.D.—6.

**Mr. Chairman:** I take it the hon Member is now speaking on Demand No. 14. That is about jails. I have been listening to him. He can refer to page 7. It refers to various items, contingencies, expenditure and all that. I did not want to stop him in the beginning, but what he is now stating is not strictly relevant. He can question the expenditure and the various items in the Supplementary Grants. He may confine himself to Demand No. 14. I think he has said enough.

**Shri Narayanankutty Menon:** The execution of the sentence of death is the responsibility of the I.G. of Prisons to whom the grant is to be made, and specifically it is mentioned there that this money is required for the upkeep of the prisoners who have been released during the agitation period. The additional grant was required because special jails had to be put up to keep the prisoners who had been arrested during the period previous to the Proclamation. So, I am saying that if the Governor thought that the prisoners were to be released immediately after the agitation was over, certainly this money should not be granted at all, because there is no point in arresting and putting them in jail if they are to be delivered *en masse* on a particular day. There is no point in spending this money. Why were they arrested? You could have granted a blanket immunity, a moratorium on the crimes they have committed.

**Shri V. Eacharan (Palghat):** It was the Communists who spent this money at that time to maintain law and order.

**Shri Narayanankutty Menon:** Then there is nothing to prevent Parliament discussing it. If discussion cannot take place as to how the money was spent, why it was spent . . .

**Shri Achar (Mangalore):** I would like to raise a point of order. Practically he is attacking the Governor. Otherwise, I would not have raised

[Shri Achar]

this question. He said the Vice-President of the District Congress Committee went and saw the Governor and got things done. Certainly it is making an allegation against the Governor.

**Shri Narayanankutty Menon:** It was agreed at the press conference, it is not a secret.

**Shri Achar:** I would submit that under the Constitution, the Governor and President are not liable to be criticised like that. It is practically attributing motives to say that because a particular gentleman drafted a representation and saw the Governor, the thing was done. It is as good as alleging or almost attributing a motive to the Governor. I would submit it will not be in order, and I would also submit it ought to be expunged.

**Mr. Chairman:** We are really on Demand No. 14 and in regard to that jail delivery is far fetched. We are now concerned with jail administration and the various items mentioned therein.

**Shri Narayanankutty Menon:** You please see the foot-note. It is specifically mentioned that this money is meant for special jails for the very same prisoners about whom I am speaking.

**Mr. Chairman:** He is not suggesting that there is only one man in the special jail?

**Shri Narayanankutty Menon:** I was speaking not about this death sentence, but about the release of prisoners.

**Mr. Chairman:** Certainly I would rule this out if he is going to discuss the Governor as such. Any person, even the Governor, no doubt, can be referred to, but the Governor is not here to defend himself. We are to

protect him to the extent possible. Really I cannot see the relevance, as far as Demand No. 14 is concerned of the action of the Governor in staying the execution of a death sentence. It may come under the administration of justice, but certainly it will not come under jails.

**Shri Narayanankutty Menon:** Immediately the mercy petition is rejected by the President, it is the sole responsibility of the Inspector-General of Prisons, because it is not under the administration of justice, but it is under prisons that the execution is to take place.

**Mr. Chairman:** Order, order. It is not a prison order. He is not confirming or reversing an order of a jailor.

**Shri Narayanankutty Menon:** I agree. The only point was regarding the jail delivery, the atrocious way in which the jail deliveries were effected of all the six thousand prisoners and the committing of a particular act which is unconstitutional according to the newspapers, in respect of which it was admitted by the Adviser that the Governor did a wrongful act. I was not mentioning about the Governor in person. My hon. friend Shri Achar's objection is quite valid if the Governor has been acting as the Head of the State. Today, he is in charge of the administration as an agent of the President, and any act done by the President today is an executive act, not the act of the Head of the State. We are discussing here in these supplementary Demands the executive administration of that particular State. Therefore, any reference to the Governor in this discussion will not mean a reference to the Governor as the Head of the State, but to the administration of the State of Kerala where the Governor is acting in his capacity as the agent of the President.



I now come to Demand No. XV regarding the Malabar Special Police. This money is required for recruitment of additional Malabar Special Police, which was decided upon by the previous Ministry. In 1946, long before the Congress came into power here, a contingent of the Malabar Special Police went on strike. The president of the Malabar Special Police Association, at that time, happened to be the ex-President of the KPCC, Shri Damodara Menon. It is there also on record; it is there in the parliamentary records here. There was some discontent, and there was some sort of strike, pay strike or hunger strike or something of that kind on one day. Then, the Madras Government intervened, and Shri Damodara Menon advised these people to withdraw the strike, and the strike was withdrawn.

Shri Kuttikrishnan Nair (Kozhikode): That is wrong.

Shri Narayanankutty Menon: It is there in the parliamentary records; it has been stated in answer to the allegations made by Dr. K. B. Menon. The entire records have been given to the Speaker, and they form part and parcel of the records of Parliament; it has been stated there that a representation was made by Shri K. A. Damodara Menon at that time that their case should be leniently considered. About twelve years had passed since then. The Kerala Government passed an order that merely because all those people had been sent away because of that particular incident, there was no serious ground why they should not be re-recruited. Therefore, the Kerala Government passed an order that those people who had been sent away without any facility should be given preference in the matter of recruitment to the Malabar Special Police. Immediately that Government was dismissed, the policy was changed. And a decision was taken to recruit fresh individuals.

My first objection is not regarding the merits of the issue, but regarding the question whether a policy decision taken by a Government should be changed in this manner. From the foot-note to the Supplementary Demand, we find that from Andhra Pradesh, about 237 people are willing to come, and the Andhra Pradesh Government are prepared to give them. Therefore, where is the urgency to reverse a policy decision that had been taken by Government, during this interim period? Why should Government not wait till the new legislature comes into existence, and a new government comes into power, and leave it to them to reverse the policy decision?

Sir, I am going to the fundamental question. It was stated by the Prime Minister the other day that the Central Government would not take any policy decisions in this regard. My only submission is that there is no urgency to reverse that order. The Andhra Pradesh contingent is coming, and the Malayalee personnel are there, and Government could very well be satisfied with that. If they want to recruit now, let them implement the previous Government's order. I submit that a reversal of the policy decision that was taken by the Government by the Governor's administration now is an interference with the rights of the State; and the Governor should not have done that.

My next point is regarding a particular item that relates to the construction of the national highway.

Mr. Chairman: I suppose the hon. Member is referring to the Alwaye Bridge?

Shri Narayanankutty Menon: Yes. There is a lot of complaint about it. Now, a supplementary Demand is being asked for additional staff. I quite agree that recruitment of additional staff may be an ameliorating factor in finishing the work earlier. But what is the chronic problem, as far

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as the Kerala State is concerned? The national highway is complete anywhere, but minus the bridges; everywhere, you find so many bridges construction has started on these bridges, but the bridges have got only two legs to stand upon, but no head.

**Shri Kuttikrishnan Nair:** Because of the Communist rule.

**Shri Narayanankutty Menon:** I shall answer my hon. friend who says 'because of the Communist rule'.

Because of the Communist rule, the construction of the national highway was completed. For three years, the Central Government had not taken any steps to give the required iron and cement quota to the State. The Adviser said in a press conference that even though the President's rule had come, yet it was impossible for them to get the iron and cement quota for bridges.

**Shri Kuttikrishnan Nair:** It was sold in the blackmarket.

**Shri Narayanankutty Menon:** My hon. friend says that it was sold in the blackmarket. But the big ceilings of the bridges were never brought to the Kerala State, though the quota had been given by the Central Government two years back.

The Adviser told me personally and also said in the press conference that a competition was going on between the agents of the States both at Jamshedpur and at Calcutta, where the Chief Secretaries and Additional Secretaries wait in a queue to get the quota implemented, because whichever State has got more influence in Jamshedpur and Calcutta gets the quota first, irrespective of the fact whether the project has started or not.

**Shri Kuttikrishnan Nair:** Because the communists built their houses with these things.

**Shri Narayanankutty Menon:** Communists have built their houses with the very big iron bars which are required for the Alwaye bridge!

If my hon. friend is really interested in accusing the communists, let him do so, because he can make any wild allegation, but let him feel that he belongs to the State of Kerala. It is a disgrace to the State of Kerala that for three years, the bridge has not been constructed. The communist party came into power about two and a half years ago. But the construction of this bridge had started in 1955. Does it mean that the Congressmen built all this with the preliminary iron quota that was given? It is not a question of Congressmen corrupting them; it is not a question of Communists corrupting them. It is the Central Government which is neglecting the works there, and I hope that at least now, under the presidential administration, where there is a merger of the powers of the State and those of the Central Government, the Central Government will be pleased, at least in the interests of the election.....

**Shri Achar:** Only one hour has been allotted for the whole discussion on all the Demands.

**Shri Maniyangadan (Kottayam):** Some of us on this side also must be given a chance.

**Shri Narayanankutty Menon:** I shall finish in two or three minutes.

**Mr. Chairman:** It so happens that the hon. Member has moved four or five cut motions.

**Shri Narayanankutty Menon:** I am surprised that Shri Achar should raise this kind of objection. Really, one hour was not enough; I did not make any submission, because there was no representative of ours on the Business Advisory Committee; I thought I could make this submission before the Speaker. Even with this, we shall, however, remain satisfied.

**Shri Achar:** I have no objection if the time is extended.

**Shri Narayanankutty Menon:** I am surprised that Shri Achar who always complains that the time allotted for each and every discussion is not sufficient, should find fault with me.

**Shri Achar:** I say that the time may be extended, but it is not that only hon. Members on the other side should be accommodated; in that case, there will be no time left for the others.

**Shri Narayanankutty Menon:** The whole question boils down to this. The construction of this national highway was going on even before the Communist Government came into power; I am not saying that it was only during the tenure of the Communist Government that this was going on, or it was because of the Communist Government that it was going on.

**Shri Kuttikrishnan Nair:** It took longer during that period.

**Shri Narayanankutty Menon:** But this construction work started long before that. The chronic problem there at that time was that there was nobody to look after that. The chronic problem was that when the Second Five Year Plan was formulated, there was nobody to look after the interests of the Kerala State, because, for God's sake, provincial autonomy was a nightmare to the Kerala Government, since the President's rule was there at that time. Now, again, when the Third Five Year Plan is going to be formulated, the people of Kerala are not going to be consulted, because, the President's rule is there once again. Therefore, the difficulty has been there from the very beginning. I am only submitting that whatever happened has happened. Now, when there is a merger of the functions of the Central Government and those of the Kerala Government, let the Central Government see to it that some more quota of iron is given,

especially, for the completion of the Always bridge, for which purpose Government now want to recruit more men. I am only submitting that recruitment of more men will not satisfy the needs of the Kerala bridges, because the Kerala bridges are not going to be made by human beings, but with iron bars, which have got to be obtained from Jamshedpur and Calcutta. The Central Government must see that the necessary iron should come from Jamshedpur and Calcutta. Shri P. V. R. Rao, the Adviser, said in a press conference....

**Mr. Chairman:** The hon. Member has referred to that already.

**Shri Narayanankutty Menon:** He had happened to be the Chief Secretary of the Mysore Government before, and he openly explained his difficulties, because he had been going to Jamshedpur and Calcutta and standing in the queue on behalf of the Mysore Government; now, the very same gentleman will have to go and stand in a queue on behalf of the Kerala Government. Therefore, this conflict and competition are there. I hope the Home Minister and the Finance Minister will see that this money is spent, and people are recruited, and at the same time, the materials required for the completion of the bridge are also given, so that the bridges might be completed in time.

Now, I come to the Demand relating to transport. In regard to transport also, very serious changes have been introduced. The first change is this. The bonus that was paid to the transport workers this time was less than what was paid to them last time. Is that progress from year to year that less bonus should be paid to the transport workers every year? There is no reasonable explanation given by the Governor's administration as to why less bonus was paid to the transport workers.

Secondly, the transport board was constituted in a particular way by the

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Kerala Government. Again, we find a reversal of the policy decision. Immediately, the Governor took charge of the administration, he almost changed the organisational structure of the board. He sent back the transport commissioner and instead had a transport director; and he changed the secretary also. All are agreed on that. But there was a workers' nominee on the board. Of course, all are agreed that the Governor should order election of the workers' representative. We welcome that. But the Governor changed the number of workers' representatives from one to two. We agree to that, because we want that more and more representatives of the workers should come in. But the Governor did a very subtle thing. He said that though the workers' representatives would be two in number, yet, they would have only one vote. That basically means that if there is a union there with ten members, and there is another union with 2,900 members, then the union with ten members would also get a representative on the transport board. We agree on the principle of workers' representation, fundamentally, because all over India, we have been demanding this type of thing, that is, proportional representation, but consistently the Government of India have taken the stand that the majority union should get the representation and not the minority union. But in the case of this particular affair, I do not know how the Central Government's policy or the President's policy has been to reverse the previous policy; I do not know how they took this decision.

14 hrs.

I submit that all the points that I have mentioned should be taken into consideration. I earnestly make an appeal to the Government: in cases where irreparable damage will not be committed, the Central Government should not reverse the policy, because elections are only two months away. They should respect the Constitution, they should respect the wishes of the

people of Kerala; they should confine themselves only to administrative expedients and conduct the elections. If that is done, there will be no room for complaint.

Shri Maniyangadan: I generally cannot agree with the last statement of my hon. friend who preceded me that during the President's regime, the policies should not be changed. My submission is that there were policies which were declared by the people of Kerala to be fundamentally opposed to their interests, fundamentally opposed to the principles of the Constitution and to democracy. They have necessarily to be changed in the interest of the people; in the interest of the country and in the interest of democracy.

My hon. friend was speaking about jail releases. It comes with ill grace from a representative of the Communist Party to complain against the release of certain prisoners who were convicted for picketing government offices in the agitation against the Government—for the removal of the Government of the State. They were convicted for five days, ten days and so on. On the day the President's Proclamation was issued, automatically these prisoners should have been released. My hon. friend made a statement that all of them were released in a day. That is not a fact. Even these cases were separately gone into by the Government and the prisoners were released, I think, within 10 or 15 days.

Mr. Chairman: I do not think the hon. Member need labour that point. I have ruled that out already. He might go to the next point.

Shri Maniyangadan: I think you ruled out statements regarding stay of the death sentence.

Mr. Chairman: I ruled out references to the commutation of death sentences.

**Shri Maniyangadan:** I was only referring to jail releases. With regard to the commutation of the death sentence, I do not know the facts. I can only say that there is no Vice-President of the Quilon District Congress Committee. My hon. friend was saying that some Vice-President of some Congress Committee had made some representation. But there is no such Vice-President of the Committee. Of course, my hon. friends opposite are prepared to make any statement. I may remind the House of his statement regarding setting fire to a temple which he made in the last session. No such temple in Kerala was set on fire. They can make any statement. What can we do about it?

**Shri Narayanankutty Menon:** If my hon. friend wants a discussion on that, I am prepared to prove it.

**Shri Maniyangadan:** As regards jail release, even now there are hundreds of persons in jail in Kerala convicted for various offences during the struggle. My submission is that there is a general demand that they should be released. Certain cases were charged against people immediately after firings in certain areas just to avoid an inquiry into the firing on the ground of the matter being *sub judice*. False charges had been filed against persons in many cases. My submission is that these cases have to be withdrawn. There are several cases against students. What the Government have done during the President's regime was to look into almost all the cases. Some cases in which there was no violence involved have been withdrawn. Still there are cases pending before courts where no violence is involved. For example, there are cases pending under Section 107 of the Criminal Procedure Code. Why should these cases be kept pending?

In this connection, I may refer to the policy of the Government of my hon. friend's Party. In answer to an interpellation in the Assembly on the

subject of release of political prisoners, the Law Minister said:

"In a rough and popular way, it would not be difficult to define political offences. For instance, if a man were killed in a riot, or in the attempt to excite a tumult or popular insurrection, that probably would be regarded as a political offence. Any offence committed in the course of a political commotion is an offence of a political character, and even this definition was rejected as too narrow by courts which have always construed these words according to the circumstances existing at the time when they have to be considered. Even the English courts have given a wider and more generous meaning to the phrase 'political prisoner' than was formerly given. Any person who had committed an offence incidental to and forming part of political disturbances was a political offender, according to weighty authority. On the basis of the aforesaid principles, cases were examined and releases ordered, not rigidly nor relaxing unduly."

That was the principle adopted by the former Communist Government. That principle is not accepted by the Government. Whatever happened as a result of tumult, whether there was violence or commotion or anything of the sort, anybody who was involved in a case, any person against whom cases were pending or any persons who were convicted, are not released without any consideration for justice. On the other hand, cases where violence was not involved are alone withdrawn. Persons convicted in cases where the charge-sheet did not contain reference to even an iota of violence alone were released. My submission is that this is not the policy adopted by the former Government. Here there is a change of policy, and a change of policy for the better.

[Shri Maniyangadan]

My submission is that there are still cases pending. They should be withdrawn. I would also submit that an inquiry should be conducted into the firings.

Shri V. P. Nayar: Under what head is the hon. Member making that submission?

Shri Maniyangadan: Police.

Shri V. P. Nayar (Quilon): On a point of order. This only refers to the Malabar Special Police.

Mr. Chairman: He is finishing his point and going to the next one.

Shri Maniyangadan: I only want that the rest of the cases should be withdrawn, cases relating to that period in which there was no act of violence involved. I do not want cases involving violence to be withdrawn; I do not want that persons convicted in such cases should be released.

Shri Narayanankutty Menon: Does he want an inquiry into the firings?

Mr. Chairman: Order, order. Let him continue.

Shri Narayanankutty Menon: He is saying something which is not in order.

Mr. Chairman: He can ignore that. We are here only concerned with the Supplementary Demands for Grants.

Shri Maniyangadan: My hon. friend has raised a question about the M.S.P. I am surprised to know that the Communist Party has fallen in love with the M.S.P. now. When they came into power, they had occasion to take into the M.S.P. some persons who were discharged as early as 1946 for serious offences. Of course, some of them were actively working for the Communist Party in Malabar. When the occasion arose, they had been taken into the police fold. They have fallen

in love with the M.S.P., about which their leader, Shri A. K. Gopalan, said some years back in this House—

'If at all, at any time, we come into power, we will dig a big pit and bury it deep.'

Shri Narayanankutty Menon: No, no. They will change their attitude.

Shri Maniyangadan: Shri A. K. Gopalan said this during the course of the discussion on the amendment to the Preventive Detention Act.

Shri V. P. Nayar: Let him read it; we cannot trust his memory.

Shri Maniyangadan: Now they have changed their attitude. The reason is that they have had occasion to see that some of their party workers were taken back into the police fold.

I may submit in this connection that 646 people were discharged or dismissed—a few resigned—from the M.S.P. in 1946. It was as a result of the police strike there. Now in March 1958, after several months after coming into power, the Communist Government there passed an order for reinstating these people. The order was passed in March 1958. I am informed that the police authorities in Kerala very seriously objected to this. On account of their objection, that order of March 1958 could not be implemented up to June 1959, by the Ministry. Why was it so? My submission is that the authorities objected to it on various grounds. If those people who were dismissed from service on account of strike were taken back the morale of the police force would be lost and there would be no discipline in the police force. On that ground the authorities objected and the Government could not implement their own order. Of course, the President's rule came in later. All these factors have to be taken into consideration. They can correct it if not implement the order passed by the

previous Ministry. Otherwise, it will lead to a lot of demoralisation.

I do not want to go into details regarding the M.S.P. and the atrocities they have committed. Now, there is a change; I do not know whether it is a welcome change or not. They may change again.

As regards other matters referred to I do not want to take up the time of the House.

**Shri Narayanankutty Menon:** Falling in love is a welcome change.

**Mr. Chairman:** The hon. Minister.

**Shri V. P. Nayar:** Sir, all of us want to speak; one hour has been allotted.

**Mr. Chairman:** We started at 1.33. We have got about 17 or 18 minutes. I think you will yourself have the advantage of the Government reply.

**Shri V. P. Nayar:** Let the Government reply after all of us have spoken.

**Mr. Chairman:** Order, order. Shri Kumaran, I think, has given notice of some cut motions.

**Shri M. K. Kumaran:** Yes, Sir, Nos. 8 and 8 on Demands Nos. XV and XXXV.

**Shri V. P. Nayar:** The time may please be extended by half an hour.

**Shri Narayanankutty Menon:** May I submit.....

**Mr. Chairman:** Order, order. Shri Kumaran.

**Shri M. K. Kumaran:** On Demand No. XV I will confine my remarks to only one point, namely, the great misuse of the S.A. Police force for terrorising the people and suppressing the right of political activities of people in certain parts of Kerala.

The Special Armed Police Force is intended to deal with law and order

problems. But, in certain parts, especially in my constituency, in Kottarakkara taluk, it is used by the local police authorities for terrorising people and also to make it impossible for the communist party to carry on its political activities.

In an area called Kadakkal in the Kottarakkara taluk I found an atmosphere of terror created by the local police with the support of the S.A.P., the local sub-inspector and the circle inspector are using them for carrying terror into the hearts of the people there. I heard so many stories of the atrocities committed by the police and I saw some of the victims of their brutal attacks and torture. The communist workers and sympathisers are implicated in false cases. They are rounded up and beaten in the lock-ups. The local police officers go to the villages at night with the Special Armed Police force and arrest people indiscriminately. This has become almost a daily occurrence in this area.

**Mr. Chairman:** What are you quoting? I do not catch the reference.

**Shri V. P. Nayar:** He is only referring to his notes.

**Shri M. K. Kumaran:** I may be permitted to point out another instance to show how the police authorities are dealing with the communists there. One Bhaskaran and two of his friends were attacked by an armed gang of rowdies with deadly weapons at a place called Mylam near Kottarakkara town. The Police went there and Bhaskaran who had received not less than half a dozen serious injuries on his head, instead of being taken to the hospital, was taken into custody, taken to the police lock-up and very severely man-handled by the police sub-inspector himself. When I saw him the next day in the hospital at Kottarakkara he told me about his torture in the lock-up climaxing in a ceremonial removal of his moustache by the sub-inspector.

**Mr. Chairman:** Is there any case?

**Shri M. K. Kumaran:** Yes; I would have congratulated the Police officer for his enthusiasm for social service if he had done it in the usual and civilised way instead of in this brutal manner. It is in support of such monsters and sadists that Special Armed Police is placed in the Kottarakkara taluk.

I would request the Government to see that such things do not happen and that such police officers are pulled up. I discussed the matter with the I.G. of Police and he wanted me to give in writing the complaint. I have done so; but, so far, he has done nothing and things are going on like that.

**Mr. Chairman:** There is a cut motion with regard to Health, I think.

**Shri M. K. Kumaran:** Yes; I would like to say a few words about that. It is gratifying to note that Government consider this to be an urgent work. The estimated cost of the scheme is Rs. 2,27,200; but this Supplementary Demand covers only half of that. It is only Rs. 1,50,000. It is said to be the sum required for the current financial year. This means that the urgent water supply scheme will not be completed during this financial year. As far as I know there is no reason why it should be postponed to the next year. It should be taken up fully this year and completed because it is a very urgent matter. This may be completed this financial year itself allotting more funds.

**Mr. Chairman:** Shri Kuttikrishnan Nair. I request the hon. Member to be very brief.

**Shri Kuttikrishnan Nair:** Sir, I will take only four minutes.

**Mr. Chairman:** comment was made by my hon. friend regarding the Supplementary Demands. It is a legacy inherited by Government from the communist party. Large amounts were spent by them and, as a consequence of that, this has to be brought here.

He has referred to the prisoners. I thought he would at least discriminate between those whom the communists released, those who committed rape, murder and loot, and those who had gone to jail for the sake of preserving democracy, for the sake of the liquidation of the communist method of liquidating the other parties.

Regarding the M.S.P. the principle was accepted to increase the number. In the recruitment some of those communists who were previously dismissed in 1948 or 47 were recruited. They have not been dismissed; they are still there and they are doing havoc. Unfortunately, they are committing havoc on the communist followers at Kottarakkara.

This M.S.P. belongs to Malabar and they have all been transferred by the communists to Travancore on account of the difference between the Travancoreans and Malabaris which is being used to crush the opponents of their Government. Of course, violence begets violence and this is the result of the legacy inherited from the communist party rule. Shri Menon was saying that there were bridges without heads. That is our legacy from the 2½ years' communist rule. It is that which has produced these pillars without head. That is only in the Malabar district. In Travancore, all the bridges are well-preserved and well-constructed. Unfortunately, people living in the northern part of Kerala have been ignored and there you will find the only bridges without heads, which he portrays.

About transport also, you may remember that a Bill was introduced—Labour Relations Bill—by the Communist Party. All the rights of the workers were sacrificed and Government was given discretion. The Labour Conciliation Officer was to decide which party was to be represented as representing the union which had a majority in the factory. In pursuance of that, they wanted to liquidate the others in transport. There are two big wings. One of course is under the



communist control and the other under the control of some other political party. Whenever they want—the Communist Party wants—to allege something, they say, they damn and they call everybody as a Congressman. Shri Narayanankutty Menon said that one Congress Vice-President was interfering and he advised the Governor and all that. Most probably, he may not know the Constitution of the Congress organisation; he may know only the Constitution of the Communist Party. That is the reason why he made that statement. He is not a Congressman. The convict is not a Congressman nor the person who appeared for him. He was a lawyer and in his lawyer's capacity he appeared for him.

**Shri V. P. Nayar:** What is his name?

**Shri Kuttikrishnan Nair:** If he approaches me outside, I will tell him because I do not want to waste the time of the House.

**Shri V. P. Nayar:** Is he not Mr. Nainar? I put it to you. You can deny. Is he not a member of the K.P.C.C. executive?

**Shri Maniyangadan:** There is no such Nainar in the K.P.C.C. executive. My friends are prepared to say anything. What can we do? Sometime, they say it was the Vice-President. Now, they say he is a member of the K.P.C.C. executive.... (Interruptions.) I know that.

**Shri Kuttikrishnan Nair:** Whatever it is, I strongly deny that he is a Congressman. Such things are made use of by the Communist Party to discredit the Congressman. We have some difficulty. They can say anything. We believe in truth. They are taking advantage of the fact that we cannot utter falsehood like them to suit each occasion. We can only deny such allegations which are not based on truth. I have nothing more to add, Sir, except to say that it is only for propaganda purposes that they are

blaming the Congressmen and the Governor in this matter.

**Shri Datar:** Mr. Chairman.....

**Shri V. P. Nayar:** We will not get any opportunity?

**Mr. Chairman:** I heard two speakers on this side and two on the other side. We have passed the hour. I stretched it by 10—12 minutes.

**Shri Narayanankutty Menon:** When the Business Advisory Committee Report came, I pointed out that one hour was inadequate and the time might be extended.

**Shri V. P. Nayar:** After all, only two or three Members want to speak. We will not take more than five minutes. It is a very important matter. Supplementary Grants are asked for for something which has happened and you should not confine it to two speakers. After all, you have the discretion to extend the time by half an hour. But we want only five minutes.

**Mr. Chairman:** I gave Shri Narayanankutty Menon nearly 22 minutes because he had so many amendments in his name. Shri Kumaran also spoke. I do not want to appear to stifle at all. On the other hand, these two speakers from this side did not take more than ten minutes.

**Shri V. P. Nayar:** I will not take more than five minutes. There will be no other opportunity.

**Mr. Chairman:** I will give him an opportunity.

**Shri V. P. Nayar:** After the Minister has spoken?

**Mr. Chairman:** That does not arise at all.... (Interruptions.) I am sorry I have called Shri Datar.

**Shri Datar:** Mr. Chairman, a number of hon. Members opposite have raised

[Shri Datar]

some points which are not relevant and do not come within the purview of the Supplementary Demands.

Shri V. P. Nayar: I object to that statement. It is an aspersion on us and on the Chair that you did not point out the irrelevancy.... (Inter-rup.tions.)

Shri Datar: My friend is needlessly impatient. All the same, I should like to reply to as many of them as possible. I do not want to withhold any information. I shall take up item No. 14, which deals with jails. So far as these jails are concerned, we have asked for moneys in respect of certain new jails opened by the former Government. This may kindly be noted. You are aware of the agitation that went on for sometime before the President took over the administration. Then the Communist Ministry found it difficult to lodge all these prisoners, as the jails were over-crowded. The Collectors were authorised by the Government to open temporary jails which were as many as 55 in number and an expenditure of Rs. 5 lakhs had to be incurred on them. Even after the Communist Government ceased to be in power, this expenditure had been incurred and that is the most important point so far as the jail administration is concerned. We have to come here as the expenditure had already been incurred.

About the national highways, my friend contended that the progress was slow. It was slow during their period of administration. The exact position is this. The total provision according to the communication received from the Government of India was Rs. 242.34 lakhs and the principal road naturally was the West Coast Road for which Rs. 227.15 lakhs were reserved. Out of this provision is made in the current budget for Rs. 29 lakhs for original works relating to the highways. Provision for the West Coast Road original works during the current year is Rs. 30.35 lakhs. I would not read the whole thing but I would only point out that

during the former Ministry's period, that Government did not approach the Government of India because the work was slow and they had certain difficulties. I have no desire to comment on it. It was considered not appropriate by my hon. friend's Party Government to approach the Government of India with a request for the formation of a separate division till the performance of the territorial division in respect of the works relating to the national highways and the West Coast Road along with the other works was watched for a sufficiently long time. This 'watching for a sufficiently long time' the responsible not only for the delay but also for their omission to approach the Government of India in time. The creation of new divisions was taken in hand and now two more divisions have been sanctioned. A decision was taken by the present Administration in September 1959. That is so far as the roads are concerned.

Now, a number of persons had been arrested. Some of them had been arrested for petty cases and I shall give the figures which will show that the present Administration had not taken any particular steps on any particular ground. What has been done is perfectly in the normal course of events. Government have ordered the withdrawal of 2628 cases charged in connection with the recent anti-Government agitation involving 5957 persons. Of the 2628 cases, 2407 cases involving 3218 persons were petty cases. Of the remaining 221 crime cases involving 2739 persons, 97 cases involved picketting of public offices, transport offices and schools without any damage or violence. 85 cases have been charged for trespassing schools and public offences combined with picketting. These cases also involve no violence. The remaining 39 cases withdrawn were charged on leaders of political parties and newspapers for statements made or published by them. It will thus be seen that no case involving

damage to property or violence has been withdrawn. About 874 such cases involving 21858 persons are still pending, as on 19th November, 1966. Thus you will find that there is no substance in the allegation that was made here.

So far as the Malabar Police is concerned I may give a few facts. I may point out what the former Communist Government did or did not do in this respect. In 1946, when Malabar was under the undivided Madras Government there was an extensive strike by the Malabar Special Police and 646 persons either resigned or were discharged or dismissed. No action was taken for a number of years. Eleven years later, in 1957, a representation was made on behalf of them for reinstatement. In March 1966, the Communist Government passed orders that 50 per cent of the future vacancies in Armed Reserves Units including Malabar Special Police should be reserved for recruitment of such of them out of these 646 persons who were under 48 years of age. This was the order passed by the then Government. Other persons were to be absorbed as peons. Though the previous Ministry was in office for over 15 months after this order was passed, this order was not given any effect to. During the 15 months after this order was passed not a single person was, in fact, re-employed in pursuance of the order. I should not like to point out certain matters of a confidential nature, but I may here point out, generally, that even the then Government, though they had taken a decision that reinstatement should be offered, found it difficult because if those who had been discharged or dismissed were to be reinstated, you will kindly see what the effect would have been, what amount of demoralisation this step would have brought about on the police as a whole. I would not like to point out further circumstances but I would make it very clear that the Communist Government which was in power did not take any step for 15 months and not a single man

was employed or offered employment.

14.24 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Shri Narayanankutty Menon: Sir, it is unfair to say like that. In the order it was mentioned that they should be absorbed as and when vacancies arose.

Shri Datar: Opportunities were there.

Shri Narayanankutty Menon: No.

Shri Datar: Opportunities were there but they were not availed of. The reason is quite clear. I sympathise with the then Communist Ministry because though they had taken an earlier decision in this respect it was very difficult to carry it out and that was the reason why they could not give effect to the order, they could not appoint even a single person which they surely could have done. In view of this fact, after the President took over, the President had to take a decision and that decision was in conformity with the non-implementation of the Government's order passed 15 months ago. If dismissed persons were to be taken as a matter of course in Government service different questions would have arisen and a lot of demoralisation would have been there. That was the reason why what the Government did was in accordance with the policy of non-implementation of this order passed by the Government 15 months ago. It is not necessary, Sir, to deal with this matter any further.

The last point is in connection with the mercy petition. So far as reference to the mercy petition is concerned, I do maintain that it has nothing to do with jails. So far as this particular person under the sentence of death is concerned all that was done, under the circumstances which I shall presently point out, has nothing to do with the administration of jails. What had happened was this. I would not

[Shri Datar]

give further reference to the facts of this case. There was a charge of murder against a person and that man was sentenced to death by the Sessions Judge. The death sentence was confirmed by the High Court. On an earlier occasion the Governor rejected the mercy petition. The President also rejected the petition for mercy. After all this had happened some leading persons, not necessarily of a particular community, some leading persons representing Hindus, Muslims and Christians belonging to the locality where the murder had taken place, led by one advocate submitted a petition to the Government.

**Shri Narayanankutty Menon:** What is the name of that advocate?

**Shri Datar:** Shri Nagappan Nair (*Interruption*). It is entirely wrong to suspect that he represented a particular community. It was a representation by many communities, not confined to a particular community. The insinuation or the implication was that the member (*Interruption*).

**Mr. Deputy-Speaker:** Order, order. The hon. Minister has to give the information that he has in his possession.

**Shri V. P. Nayar:** He was a Congress candidate from Trivandrum No. 2 Constituency.

**Shri Datar:** The implication was that the representation had come from the community to which the person under sentence of death belonged. I may point out that the deputation consisted of all the major communities of that locality. Therefore, the Governor—as you are aware, some time had passed and the Governor was not aware that he had rejected a mercy petition—stayed execution for the time being. All that he did was only to stay execution for the time being. In that particular mercy petition which was presented nothing had been stated about the decision already taken by either the

Kerala Governor or the President of the Indian Union. Under those circumstances, all that the Governor did was only to stay the execution for a few days. Immediately after the stay order was passed he called for further information and found that there was no ground at all, the representation had not mentioned that the President and the Governor had both rejected a mercy petition. Therefore, the Governor immediately took action and he vacated the stay order within just a few days. On 24th November, 1959 the stay order has been completely vacated and now the law will have its own course so far as that matter is concerned.

Under those circumstances, Sir, I fail to understand why the Governor's name should be brought in this respect and why he should be charged with having done some acts which are, according to them, either partial or biased. It is entirely wrong to say that. What he did was perfectly in the usual course and, therefore, nothing that he did could be called in question, because immediately, within just a few days, he has vacated the stay order.

**Shri Narayanankutty Menon:** Do you maintain that the Governor acted within the law?

**Shri Datar:** The Governor only stayed the execution, there is no dispute about that at all. He did not know that an earlier petition had been rejected when, rightly or perhaps wrongly, that particular representation did not mention this fact. Naturally, when so many people, a representative deputation had gone to him he issued an interim order. It was not a final order, and the execution order stands. I do not see, therefore, how the Governor has acted wrongly, how he has violated any order either of the President or somebody else. I would, therefore, submit that he acted perfectly and in the regular manner.

Lastly, Sir, in respect of all these cut motions, I would only submit that there is absolutely no substance in them.

**Mr. Deputy-Speaker:** Am I required to put any cut motion separately?

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

**Mr. Deputy Speaker:** I shall put all the cut motions together except No. 9 which is out of order.

All the cut motions were put and negatived.

**Mr. Deputy-Speaker:** The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of the State of Kerala to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960 in respect of the following Demands entered in the second column thereof:

Demands Nos. II, XIV, XV, XVIII, XIX, XXVI, XXXI, XXXIV, XXXV, XXXVIII."

The motion was adopted.

**Division No. 5]**

emerjee, Shri S. M.  
 hakravarty, Shrimati Reau  
 lopalan, Shri A. K.  
 Kar, Shri Prabh  
 Kodiyon, Shri

Kumaran Shri M. K.  
 Meters, Shri  
 Menon, Shri Narayanankutty  
 Mukerjee, Shri H. N.  
 Nayar, Shri V. P.

Abdu' Lateef, Shri  
 Achir, Shri  
 Agarwal, Shri Masakbhai  
 Arumugam, Shri R. S.  
 Arumugham, Shri S. R.  
 Bahmiki, Shri  
 Banerjee, Shri P.E.  
 Basappa, Shri P.L.  
 Basappa, Shri

Besumsteri, Shri  
 Bhakt Dasran, Shri  
 Bhargava, Pandit Thakur Das  
 Bhaskar, Shri  
 Bhogji Bhai, Shri  
 Bist, Shri J. B. S.  
 Brahaswar Prasad, Shri  
 Chandak, Shri

Fanigrahi, Shri  
 Parvathi Krishnan, Shrimati  
 Reddy, Shri Nagi  
 Sardar, Shri Bholi

**NOES**

Chettier, Shri Ramanathan  
 Choudi Lal, Shri  
 Dasappa, Shri  
 Datar, Shri  
 Deb, Shri N. M.  
 Desai, Shri Morarji  
 Dube, Shri Mulchand  
 FACHIN, Shri

14.40 hrs.

**KERALA STATE LEGISLATURE  
 (DELEGATION OF POWERS)  
 BILL—contd.**

**Mr. Deputy-Speaker:** Now, we take up amendment No. 10 to clause 3 of the Kerala State Legislature (Delegation of Powers) Bill. This amendment has to be voted upon now.

The question is:

Page 2,—

after line 16, add—

"Provided that the President shall get the opinion of the committee mentioned in sub-clause (2) for any such modifications, before an amending Act is enacted by the President." (10).

Hon. Members should get ready. I am calling a division by the automatic machine.

The Lok Sabha divided.

**Shri Brajeswar Prasad (Gaya):** I wanted to press the 'Noes' button, but by mistake I pressed the 'Ayes' button.

**Mr. Deputy-Speaker:** What is the hon. Member's division number?

**Shri Brajeswar Prasad:** 317.

**Mr. Deputy-Speaker:** All right. The result is as follows:

Ayes 14; Noes 101.

Gonapathy, Shri  
 Gupta, Shri Ram Krishna  
 Hajarnavis, Shri  
 Jia-Chandrasek, Shri  
 Kedaris, Shri C. M.  
 Khawaja, Shri Jamil  
 Khedkar, Dr. G. B.  
 Kirtalya, Shri  
 Krishna, Shri M. R.  
 Masida Ahmed, Shrimati  
 Mithotra, Shri Indir J.  
 Maniyargadan, Shri  
 Masuriya Din, Shri  
 Mathur Shri Harish Chandra  
 Matin, Qazi  
 Mehta, Shrimati Krishna  
 Melkote, Dr.  
 Misra, Shri R. D.  
 Misra, Shri R. R.  
 Mohiteen, Shri Gulam  
 Morsaka, Shri  
 Murmu, Shri Priki  
 Neir, Shri Kuttikrishnan  
 Nellikoya, Shri  
 Narsirdin, Shri  
 Narayanasamy, Shri R.

Nathwani, Shri  
 Negi, Shri Net Ram  
 Oza, Shri  
 Pahadia, Shri  
 Palchoudhuri, Shrimati Ha  
 Pangarkar, Shri  
 Parmar, Shri Deen Bandhu  
 Patel, Shri N. N.  
 Patel, Shri Rameshwar  
 Pattabhi Raman, Shri C. R.  
 Prabhakar, Shri Naval  
 Raghbir Sahai, Shri  
 Raj Bahadur, Shri  
 Rau Garib, Shri  
 Ram Shankar Lal, Shri  
 Ramaswamy, Shri K. S.  
 Ramaswamy, Shri P.  
 Ramani, Shri S. N.  
 Rane, Shri  
 Rangaroo, Shri  
 Rao, Shri Thirumala  
 Reddy, Shri Viswanath  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Sabu, Shri Rameshwar  
 Saigal, Sardar A. S.

Seshadi, Shri Aft Singh  
 Setyabhaara Devi, Shrimati  
 Sen, Shri A. K.  
 Shankaraya Shri  
 Sharma, Shri D. C.  
 Sharma, Shri R. C.  
 Shree Nara, an Das, Shri  
 Siddanajappa, Shri  
 Siddiah, Shri  
 Singh, Shri Birbal  
 Singh, Shri H. P.  
 Singi, Shri K. N.  
 Sinha, Shri Aniradha  
 Sinha, Shri Satyendra Narayan  
 Somani, Shri  
 Subramanyam, Shri T.  
 Suresh Prasad, Shri  
 Tariq, Shri A. M.  
 Thirumiah, Shri  
 Tula Ram, Shri  
 Wike, Shri  
 Upadhyay, Pandit Munishwar  
 Datt.  
 Vyas, Shri R. C.  
 Wazlik, Shri Balkrishna

The motion was negatived.

Mr. Deputy-Speaker: The question is:

... t clause 3 stand part of the

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the long Title were added to the Bill.

Shri Datar: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed".

Shri A. K. Gopalan: Mr. Deputy-Speaker, Sir, I want to oppose the Bill. I want only a few minutes because I want only to show how the assent has to be restricted under articles 200 and 201 and also to show that the object of the Bill is to make certain changes. There are two parts, that is to say, there are two responsibilities given to the Presi-

dent. One is to give assent to the Bills that are already there and the other is to make new legislation. As far as new legislation is concerned, certainly, there is no question of any emergency. As far as the assent is concerned, it has been said that it is only an interpretation and that the Governor or the President has got power to make certain changes. I want to say that according to article 200 and article 201, first, the Governor has got the right to give assent to the Bill or send it back. The proviso to article 200 says:

"...the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom."

He can do it only on one condition. The condition is:

"Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in

the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill."

**Mr. Deputy-Speaker:** I do not want to interrupt the hon. Member, but I may point out that all these aspects have already been pointed out.

**Shri A. K. Gopalan:** What I want to say is this. The Kerala Government that was functioning there had a certain policy which was different from the policy of the Congress which is the ruling party in other States. It has been said during the course of speeches here that the Planning Commission wants to make certain recommendations. Is it because that the Planning Commission wants to make a change that the President now wants to make some changes in the Bills that are awaiting his assent? That is what I want to know. If that is so, then it is certainly an attack on provincial autonomy. Even if recommendations are made by the Governor or the President, the State Government has got the power to accept the amendment or reject the amendment or again send back the Bill. It is only in cases where the Bill goes against the Constitution—it is only in one case—that there can be any change made. What was clear from the speech made by the Home Minister is this. The Bills have been lying with them for two years without any consideration as to whether any one of them could be given assent to or not. After that period, instead of resorting to the powers given under article 201, delegation of power is being given. In the speeches it is definitely said that the object is to make certain changes. The nature of the changes is also very clear from the speeches made. The bankers have made representations and the landlords have made some representations, and those changes are sought to be made. It is certainly because of this that the Kerala Government made this legislation. They did not want to see that the

bankers are helped against those debtors who are there. So, if today a legislation is made and it is not sent to the State Government, after understanding what is the policy of the State Government, it means that the object of this delegation of power is certainly to attack the right of the State Assembly and to see that whatever policies they followed, or wanted to follow, as far as the Agrarian Relations Bill and the Debt Relief Bill are concerned, are set at naught. This Government does not want to see that those policies are there and they want to attack those legislations.

Of course, the President can give assent or withhold assents. But, then, the President has to send it back to the State Legislature and they can say either "we accept it" or "we do not accept it". A State legislature has passed certain legislation, and that legislature is not there now. So, if it is felt necessary to make some changes, and not to give assent to it, then I say: wait for the elections; after the elections, the State legislature can have its say, and they can accept the recommendation or reject the recommendation. That is all what we want.

There is absolutely no emergency. Even if there is an emergency, it is now for the Government to decide when the elections are to be held. If there is any emergency, they can have the elections by January or even earlier. So, it is not a question of emergency. In the name of emergency certain powers are taken by the Government, and the object of that is to by-pass article 201. As far as provincial autonomy is concerned, it is a stab in the back. Provincial autonomy and the right of the State Assembly are thrown to the winds.

Kindly read articles 200 and 201. It is not my interpretation. If I can understand English correctly, it is definitely stated that the Governor can give assent to the Bills, and there is only one clause in which it is

[Shri A. K. Gopalan]

stated that if it goes against the Constitution, or the powers of the High Court, it shall be reserved for the consideration of the President. If any such changes are made, we have no objection to their being reserved for the consideration of the President, because nobody can go against the Constitution. If it is not against the Constitution and if the State Assembly is interested in making certain changes in the law to help the labour against the landlord, or debtors against the bankers, the President should give assent to those Bills. He should not withhold assent to those Bills. There is no point in now coming and saying that "some emergency may come; give us all the powers so that we can make any change in the laws that we consider necessary". The Planning Commission may make recommendations. But are they binding on the State Legislature?

The State legislature has made certain legislation according to its own desire, in the interests of the people. The Planning Commission may make recommendations, but they may reject them. Now, without knowing whether the State Legislature will accept them or reject, arbitrarily this is being done, and some changes are being made by the President, saying there is an emergency. Even if this Bill is passed and they want certain changes to be made in the Bills, certainly the assent should not be withheld. Let it be sent to the legislature and let the opinion of the State Legislature taken. If that is not done, certainly it is attacking provincial autonomy and provincial autonomy will then become a mockery. When the State Legislature has passed something and you want to change it, you do not ask them whether they will accept the amendment.

So, I oppose this Bill. I have understood from the speeches that the object of this Bill is to make certain changes that the Congress party think the Communist Party in Kerala will not accept. So, in the interim period

they want to impose it on the people of Kerala, and also on the Legislature that was functioning there before it was dismissed. I say: if you want to make certain changes, wait for some time; or else, give assent to those Bills immediately, and respect the opinion of the State Assembly. It is for this reason that I oppose this Bill.

Shri Datar: I have already replied to all the points that my hon. friend has raised. Only incidentally he stated that some of the Bills passed by the State Legislature were pending before the President for one year, or a year and a half. That is entirely wrong. May I point out here that only when one Bill was received last year we immediately pointed out to them that that particular Bill has a bearing upon another Bill which they were considering? And we stated that as soon as the latter Bill was received by the President, both the Bills will be duly considered. That is exactly what has happened, and there is no delay, much less inordinate delay, so far as the examination of these Bills by the President is concerned.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed"

*The motion was adopted.*

Shri A. K. Gopalan: We do not want to take part in the proceedings, because we know that it is an undemocratic procedure which has been adopted. So, we are withdrawing from the House.

(Shri A. K. Gopalan and certain other hon. Members then left the House)

14.57 hrs.

#### LEGAL PRACTITIONERS BILL.

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, I beg to move that the Bill to amend and consolidate the law relating to legal prac-



attorneys 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—the names of members I am submitting in a separate sheet of paper—and 15 from the Rajya Sabha.

**Shri Braj Raj Singh:** The names are to be read out.

**Mr. Deputy-Speaker:** Yes, at least once they should be read out.

**Shri A. K. Sen:** All right. I will read the names also. I move:

"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 Kotaki, Shri Kailash Pati Sinha, Shri Mohammad Tahir, Shri Narindrabhai 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 Parvesh Nath Kaval, Shri Ganapati 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. Krishnaswami, and Shri Asoke K. Sen, and 15 members from Rajya Sabha:**

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 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."

This Bill has been framed and introduced principally as a result of the recommendations made by the All India Bar Committee, which was presided over by the late Chief Justice, and whose report was submitted to the Government as late back as 1953. The principal terms of reference for this All India Bar Committee were *inter alia* as follows:

(a) The desirability and feasibility of a completely unified bar for the whole of India;

(b) The continuance or abolition of different processes of legal practitioners like advocates of the Supreme Court, advocates of the various High Courts, district court pleaders, Mukht-iars (who are, as you know, entitled only to practise in the criminal court), revenue judges, income tax practitioners etc.;

(c) The desirability and feasibility of establishing a single Bar Council (i) for the whole of India, and (ii) for each State;

(d) The establishment of a separate Bar Council for the Supreme Court;

(e) The consolidation and revision of the various enactments, Central and States, relating to legal practitioners; and lastly, all other connected matters.

[Shri A. K. Sen]

15 hrs.

The All India Bar Committee recommended that a unified bar for the whole of India was absolutely essential. Before the Constitution, we had, as hon. Members are aware, separate Bar Councils for each State and advocates were enrolled by each State High Court. Apart from the advocates on the roll of the High Courts, there used to be different types of legal practitioners known as pleaders, who were not entitled to appear or plead in the High Courts, Mukhtiaris who were entitled to practise only in certain criminal matters, before criminal courts only, the Income-tax practitioners and the like. We had also the Supreme Court bar as a result of a separate statute which entitled the Supreme Court to enrol advocates, senior and junior and which also provided that a Supreme Court advocate was entitled to practise in any court in India. Therefore, we had different categories of advocates and legal practitioners of whom only the Supreme Court advocates were entitled to practise in every court. An advocate of one State could not practise and could not appear or plead in another High Court except with permission, and naturally, other categories were enjoying only limited rights of practice.

These different types of legal practitioners were really born as a result of our past history. Hon. Members are aware that originally there were only three High Courts in the three Presidency towns of Calcutta, Bombay and Madras. They are the oldest. Later on, other High Courts were created by special Charter like the Allahabad High Court, Patna High Court, the High Court of Punjab and so on. Even in the original three High Courts of Calcutta, Bombay and Madras, there were two wings, the appellate side and the original side. On the original side of the High Courts, except in Madras which introduced a different system later on,—originally it was the same—only advocates who were enrolled as advocates of the original side, mem-

bers of the English bar, the Irish bar and the Scottish bar as also the advocates enrolled as original side advocates by special examination were only entitled to plead. They were not entitled to act and the acting part of it was entrusted to solicitors. In Madras, in the last century, the system of solicitors was abolished. But, in Calcutta and Bombay, they continue even to-day. The appellate side advocates were not entitled to practise on the original side. Later on, both in Bombay as also in Calcutta, an advocate enrolled was entitled simultaneously to practise on the original side as also on the appellate side, though, of course the necessity has been felt for a long time that the advocates who are enrolled in Bombay and Calcutta and who are entitled to practise on both sides should have some basic training in particular branches of commercial law, company law and so on, which form the main core of litigation on the original sides of these High Courts.

Unfortunately, our University curriculum does not provide for any training whatsoever with regard to company law, tax laws and other branches of modern laws with which we are vitally concerned today. From time to time, expert committees and others have opined that the standard of legal education for advocates and their training must be raised so that a good bar is formed everywhere. But, as I am saying, these different categories had been born as a result of our past history. Apart from the appellate side and the original side advocates, we had the District courts in which only ordinary pleaders generally practised, pleaders who were not entitled to practise on the appellate side or the original side of these High Courts. The system of pleaders also obtains in other States where High Courts were created later on. The Mukhtiaris were there for a very long time. They rendered very cheap, and in many cases, good service to persons involved in petty criminal cases.

Such a classification and diversification of legal practitioners is completely

out of tune with our concept of a unified country, a unified legal system, governed by the same Constitution, dispensing the same laws all over the country, and courts functioning under the same system. As a result of it, there has been a demand not only on behalf of the bar, but also on behalf of the public that there should be one unified bar throughout the country. We had one legal system serving one common system of courts, and governed by the same standards of qualifications and subject to the same standards of professional conduct and discipline. Therefore, the Government of India set up this Expert Committee with the late Chief Justice as its Chairman and that Committee reported that an All India Bar should be created as quickly as possible with one All India Bar Council, with branches in different States, so that we start as quickly as possible with the work of consolidating the entire legal system of the country and also in bringing into existence one roll of advocates all over the country, subject, as I said, to the same standards of conduct and discipline and also enjoying the same qualifications, the same equipment, without these different categories, enjoying different types of qualifications and subject to different standards.

Naturally, the question arises why effect was not given to the All India Bar Committee's recommendation, though the report was submitted as early as 1953. The reason is that the views of the State Governments had to be ascertained and in the mean time, the Law Commission was set up, also charged with more or less making recommendation on more or less identical subjects. It was thought desirable to await the recommendations of the Law Commission before a Bill of this nature was introduced in Parliament. The Law Commission endorsed more or less the recommendations of the All India Bar Committee and recommended that there should be one All India Bar, with the same qualifications and standards and the setting of an All India Bar Council. The report, as hon. Members know, was submitted last October and

immediately we engaged ourselves in drafting this legislation which is now before you.

The broad features of this Bill are more or less matters which are not controversial. All sections of this House and the public are agreed upon the creation of an All-India Bar. The mechanics of it may be a question of different views, but we have thought it desirable to set up an All-India Bar Council with two Judges of the Supreme Court, three from the Supreme Court Bar, one from each State Bar, and for each State having a separate Bar Council having two Judges and also representatives of the advocates of that particular State. They will be charged not only with maintaining a common roll of advocates, but also taking disciplinary measures against advocates on the rolls for professional misbehaviour and also laying down the requisite qualifications and standards which would entitle a person to be enrolled as an all-India advocate. We have preferred ourselves not to lay down the qualifications of advocates, for we, think it is best to leave it not in a statutory form, but in a flexible form, in the hands of representatives of the Bar who would be forming the All-India Bar Council. We have no doubt that they will address themselves immediately to this question of a good qualification which alone would entitle a person to be enrolled as an all-India advocate and also prescribing other conditions which should govern the enrolment, maintenance and discipline of all-India advocates.

We have retained in Bombay and Calcutta the solicitors. Both the All-India Bar Committee and the Law Commission have recommended that they have served a useful purpose, especially in view of the type and pattern of litigation obtaining on the original side in the two High Courts. As the hon. Members are aware, in the original side of these two High Courts, litigation is mostly commercial, company tax and so on. Litigants are principally the big firms, trading concerns, who do not move about in the

[Shri A. K. Sen]

court premises like the ordinary litigants, running after their individual advocates, but prefer to send all their files and work to firms who are expert in the job, who do everything for them and attend to legal matters outside the court also. It is a matter of evidence and also knowledge that the entire commercial community of both these cities expressed their opinion in favour of the retention of the system of solicitors, for even after the passing of the Supreme Court Advocates Act which entitles Supreme Court advocates to practise both as solicitors and also advocates in these two High Courts—the Supreme Court advocates have started practising in both these High Courts—the litigants have preferred to go to the solicitors rather than to the Supreme Court advocates who both plead and act.

The following passage occurs in the report of the Law Commission on this subject:

"It is remarkable testimony to the popularity and efficiency of the system (that means the dual system) that though the door has been open to the litigating public on the Original Sides of the High Courts in Calcutta and Bombay to employ advocates of the Supreme Court who are entitled to appear on the Original Side without being instructed by an attorney under the decision of the Supreme Court in *Aswini Kumar Ghose v. Arabinda Bose* (A.I.R. 1952, SC. 369) it has not chosen to employ them to any noticeable extent and has continued to entrust its cases to attorneys and counsel under the dual system. It is difficult to appreciate the reasoning which calls for the abolition of a system proved and admitted to be efficient at a time when the public and those in authority are clamouring for an improved and more efficient system of administration of justice. It may, in this connection, be noted that a considerable section of

public opinion in the United States where this system does not prevail has asked for its introduction."

Even in places where this does not obtain, as in the United States, there is virtually a bifurcation of the work because people who do the actual out of court work, preparing briefs, taking instructions, attending to various things, are hardly the people who actually go and plead in court. The two sets are always different.

I have personally grown up as an advocate under the dual system and I have seen it working myself. I have not the least doubt that it is an extremely efficient system. Advocates who have to take instructions from clients, take payment from clients, maintain their own bills, print their own papers, prepare their own briefs, attend to processes, attend to court offices for various matters which have to be gone through before a case comes up actually in a court for being argued, have hardly the time, efficiency or ability to put up a really good pleading when the case is actually argued in court. Even on the appellate side, hon. Members who are lawyers know that the seniors hardly do the work which the juniors do, which is mainly the job which a solicitor does on the original side. It does create a very clean bar and an efficient system of pleading and arguing in the courts.

The common accusation against this system is that it increases the cost of litigation. Actual investigation reveals that with the system of taxation of costs in which the minimum is fixed; for the same type of litigation the costs on the original side under the dual system, unless fancy counsel are briefed, as they can be briefed anywhere, are hardly more expensive.

Apart from this question, the most important question is that we have no right to throw out of their profession people who have been there and who have been practising as solicitors. It is for the High Courts to frame their

rules if they so think that this system should be abolished, so that there would be no more admission of attorneys, because the attorneys practise not under any law but the latest pattern enables the High Courts to frame rules for the enrolment and admission of attorneys. Therefore, they are functioning not under any statute, but under rules framed by these two High Courts, and it will be for them to decide, not for us, at what time, if any, this system would not be regarded as of any further use and should be allowed to be discontinued. Therefore, we have left it to the High Courts and not taken upon ourselves to prohibit the practice of attorneys straightaway, especially when the litigant public in these two High Courts on the original side, the Chambers of Commerce and the other litigants, have consistently and uniformly voiced the feeling that it is best to have a system of attorneys prevailing on the original side of these two High Courts.

This is the main structure of the Bill, and I think it will be a great day for the legal system and the courts in India, and also for the future growth and development of our legal system, that we have a unified Bar for the whole of India. I have no doubt that with the creation of this All-India Bar and the setting up of the All India Bar Council, the standard, efficiency and the serviceability of the legal profession and their utility to the litigant public would be considerably improved and enhanced. It will be a most powerful influence in welding the whole country into one unified legal system, and also a powerful influence in cementing further the bond of unity which must go on increasing every day if this country is to become a great country and help the people in rising over the petty divisions which unfortunately from time to time blind our vision to a greater and unified India. This is a great step forward, a necessary step flowing from the duties cast upon us by the Constitution itself, and it is long overdue, and I have no doubt

that hon. Members will welcome it from all sides. Thank you.

**Mr. Deputy-Speaker:** Motion moved:

"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, Shri Mohammad Tahir, Shri Narendra-bhai 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 Mukut Behari Lal Bhargava, Pandit Munishwar Dutt Upadhyay, Shri Raghurib Sahai, Shri Radha Mohan Singh, Shri Paresh 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. 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

[Mr. Deputy-Speaker]

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 Aurobindo Ghosal (Uluberia):** Before I go into the details of this Bill, I should like to give a synopsis of the present conditions of the lawyers who are practising at the lower level. I apprehend that the hon. Law Minister may not be aware of their conditions, for, he built up his practice on the briefs of these poor unfortunate lawyers.

**Shri A. K. Sen:** I have also appeared at Shri Aurobindo Ghosal's court.

**Shri Aurobindo Ghosal:** A well-organised, efficient, impartial and strong judicial administration postulates a properly equipped, efficient and independent Bar.

As in the other spheres of life, there has been a fall in the standards at the Bar. There is no doubt about that. And it is also true that a number of persons with inferior intellect have overcrowded the bottom. Those students who have barely graduated themselves from the law colleges, and who find no other alternative avocation rush into these law courts with their immature legal knowledge. If any probe is made, we shall find that there is a large incidence of mal-employment and under-employment existing in this sphere. This influx of ordinary students into the Bar is due to the easy-going law course and also the least financial liability. The students of better calibre generally rush to the lucrative professions like the engineering and medical professions.

At the present moment, the people have neither the time nor the financial resources to fall back upon for the long period of waiting and the strenuous work that are required for the legal profession, or that a lawyer is

required to do. Legal education nowadays is considered as a side-study, and as a side-occupation. Also, the studying of law is considered in our country as an off-time study. Naturally, the legal education as it is received nowadays, is not thorough and is also very much defective.

Secondly, the probation period is also equally ineffective. It does not help the new entrants to equip themselves with the practical knowledge that a lawyer should have. Neither does the senior lawyer take any interest in their work nor does the probationer—lawyer takes any interest in getting himself trained. The probationer's duty nowadays is only to sign in the registers maintained in the office of the district judge, and to pass one year to qualify for practice in the court. After a year, when a probationer becomes a full-fledged lawyer with incomplete and immature theoretical and practical knowledge of the legal profession, he not only becomes the victim of the court clerks and touts, but his failure in the professional life also becomes predestined. And that is the present tragedy of the legal profession.

So, my first point is that the Bar Council which is going to be set up should see that law becomes a subject for whole-time study like other sciences. I would request the Joint Committee to see that suitable provisions are made in that regard.

At the time of the British rule, there was invidious distinction between the different categories of lawyers. The main difference was between barristers and non-barristers. Besides, there were other differences also, such as between advocates and pleaders, pleaders and vakils, vakils and *mukhtars* and so on.

The All-India Bar Committee which was formed about seven years ago recommended that these kinds of distinctions between the different categories of legal practitioners should be

done away with, and that all these different categories should be integrated into one category, namely the category of advocates. They also recommended the stopping of the recruitment of Mukhtars in the legal profession. Both these recommendations have been endorsed later on by the Law Commission also. Yet, in spite of that, mukhtars have been recruited like anything; especially in my State of West Bengal, I know they have been recruited in large numbers; that is also an indication of the diversion of the unemployed youth to a so-called employment.

In this Bill, after amalgamating the legal practitioners of all categories into one, they have been divided again into two categories, namely senior advocates and junior advocates. I find some inherent difficulties in this division.

Firstly, what will be the criterion for ascertaining the seniority? Will it be age, period of practice or ability? It may be that a legal practitioner of very young age may be very promising, whereas a legal practitioner who is older may be lagging behind. Moreover, what would be the criterion for ascertaining ability at the Bar? We know that besides legal knowledge and erudition . . .

**Shri D. C. Sharma (Gurdaspur):** There are only two divisions of lawyers, the lucky lawyers and the unlucky lawyers.

**Shri Aurobindo Ghosal:** We know that besides legal knowledge and education, other qualities are also necessary before a person can become a successful lawyer. There are many lawyers found in many courts with brilliant academic career and legal acumen who are not successful in their career at the Bar, because they are lacking in the other qualities which are required to make them successful lawyers. What would be the consideration in their case?

Secondly, this division into two groups may be possible in the Supreme

Court and also in the High Courts. But I doubt whether it would be at all possible in the district courts and in the mofussil courts. Who will be there to categories them? I would request the Joint Committee to look into this matter.

Now, I come to the dual system as it exists in the Calcutta and Bombay High Courts, on the original and the appellate sides. The Law Minister has just made a plea for retaining it by saying that the barristers have acquired a better knowledge of these commercial cases. But I should like to remind him that there are eminent advocates like Shri Atul Gupta and Dr. Radha Binod Pal, who are no less famous legal practitioners than many barristers. So, the plea is not tenable, that is, the plea for retaining this division between the original and appellate sides.

Previously, the original side was mainly preserved for the barristers. Now, they are allowing some of the advocates also to practice on that side. This is a very obnoxious system which should be immediately abolished. The Chaminer Committee considered it in 1923, but could not come to any decision, because they were divided. But I do not know why both the All India Bar Committee and the Law Commission had a very soft corner for retaining this system. This is nothing but the superiority complex of the practitioners on the original side. This sort of colour bar is so intense that even now, the Chamber of the Barristers of the Calcutta High Court is banned for the other advocates or lawyers; they cannot enter the chamber. This kind of thing does not exist in any other High Court in India. Even advocates like Shri M. C. Setalvad have no power to enter the Chamber of the Barristers of the Calcutta High Court after 1.30 P.M. I will cite an example. The Advocate General of Madhya Pradesh was sitting in the Bar Chamber of the Barristers of the Calcutta High Court at 1.30 P.M. when the doors were to be closed for the lunch of the Barristers.

[Shri Aurobindo Ghosal]

Then they shouted saying that an advocate was sitting there; naturally, they could not take their lunch. Therefore, he had to come away from there.

I do not know if our Law Minister, being a member of that self-same Bar, will denounce it. I think it should be made clear to the Calcutta Barristers that this pernicious system will not be tolerated, that this South African colour bar will not be tolerated in free India. This is nothing but disgraceful. I would like the Joint Committee to look into this matter and do the needful.

So long as the Original Side is retained, its vicious and exploiting attorney-ship system shall also continue. I do not understand why the Government are maintaining this system. This is nothing but a system of exploitation of the poor litigants, because the Solicitor's charges are too high. Government have got to forgo on the Original Side the court fees for the benefit of these solicitors. These solicitors charge for cases on minutes even when intimating the dates of the cases. In our State, there is a proverb that if a dove favours anybody and flies to his house, he is sure to be doomed. The attorneys are the doves in our State. If they favour anybody, he is sure to be ruined, as these attorneys never allow their clients to compromise any case till their clients are financially finished. I would like to draw the attention of the Joint Committee to this problem and this pernicious system.

Lastly, I will deal with the question of enrolment fee. In the Bill, it has been made Rs. 500. The All India Bar Committee suggested that it should be Rs. 500 which may be paid at a time in lump sum or in instalments of Rs. 50 per year. The Law Commission has also considered this matter. The Commission thought that this fee was excessive and said that it should be fixed at Rs. 125. The enrolment fee is demanded neither in any other State in India nor in any other country. This has been very elaborately discussed in

the 14th Report of the Law Commission, Vol. I, page 578. Moreover, there is a practical difficulty. I can tell you that this stipulation will cause hardship to rural lawyers of the lower Bar, because Rs. 500 means their income for five months. I know the appalling condition of the lawyers who are working there. Nowadays, they accept a vakalath even for four annas. Such is the extent of poverty of mofussil lawyers of the lower strata.

So my suggestion is that all the existing lawyers should be allowed to be enrolled as advocates without any fee automatically by operation of the law, as the pleaders have already paid their annual licence fee, or a fixed amount of Rs. 125, as suggested by the Law Commission, may be fixed, or at least the system of paying by instalments of Rs. 50 per year, if the enrolment fee is fixed at Rs. 500, may be adopted. I would request the Joint Committee to consider this matter very seriously and not to put a burden on the slender shoulders of these poor lawyers of the mofussil area.

I want to refer to the question of the Bar library. The hon. Law Minister has visited many libraries and he would have seen how these libraries are poorly equipped with books. Naturally some help should be given from the All India Bar Council so that the Bar libraries can be well equipped with the books and the necessary law journals and necessary accommodation.

Regarding the fixation of maximum and minimum fees, at present suspicion and distrust exist between the senior lawyer and the junior lawyer. A senior lawyer does not engage a junior lawyer suspecting that his clients may be taken away by the junior. The junior lawyer hesitates to take his clients to the senior lawyers thinking that they will not come back to him for a second time. This sort of suspicion and distrust now exists at the lower levels. The juniors are exploited by the seniors. So, I think an



attempt should be made to fix the minimum and the maximum fees.

Of course, our Law Minister tried it in the Calcutta High Court to fix the maximum fee of lawyers and they also agreed. But, what is the result of that now? The fee of the lawyers has not been reduced. If they are charging Rs. 800 they are taking only Rs. 200 in cheque and the rest Rs. 600 in cash. That has been the change. The fee has not been reduced. So, I would request the hon. Minister to see that maximum and minimum are fixed so that conditions may be improved.

I would request the Joint Committee to take into consideration all these things and try to give serious thought to them for the development of the condition and for forging a link between the two categories of lawyers, those in the mofussil courts and those in the Supreme Court. If that attempt is made then this Act will be effective; otherwise, in spite of the Act, the conditions which exist now will continue.

**Shri Ajit Singh Sarhadi (Ludhiana):** Mr. Deputy-Speaker, Sir, I congratulate the hon. Minister for sponsoring this Bill which meets a long standing demand for having a unified and integrated All-India Bar Council with a common role of Advocates with the right to practice in every court. He has done signal service not only to the legal profession but to the people of the country also, for an All-India Bar Council would not only contribute to some extent to the welding of the country but also contribute a great deal to the emotional integration which is so much necessary.

I also feel that the formation of the All-India Bar Council would also contribute to increase the influence of the lawyers in public life which is so essential and which was so high at one time and which, unfortunately, has waned to a very great extent. I feel that an All-India Bar Council would also be very helpful in increasing the efficiency and integrity of the legal profession.

But I particularly welcome one thing in this Bill which is very good. That pertains to the functions of the All India Bar Council. It is provided therein that the All India Bar Council would lay down the standards of legal education in the country in consultation with the universities of India, imparting such education. As has already been pointed out by the hon. speaker who preceded me, the standard of legal education in the country has been rather low. In fact, I would put it that there has been no education in the sense of a study of law as a science or any other branch of learning. In fact till now, what has been done is the teaching of elementary principles of law to the students, making them understand some provisions which would enable him to enter the legal profession. In every country, with the present day international relations and with it the necessity of having profound knowledge of law, there has got to be jurists and experts in the different branches of law. Therefore, I particularly welcome the provision giving power to the All India Bar Council to lay down the standard of education.

Of course the Bill is going to the Joint Committee and ours are only suggestions for its consideration. While it decides these things, it must have a far sighted view of this issue. I agree with the provision for the constitution of a legal education committee consisting of 12 members, wherein two shall be Judges of the Supreme Court, five shall be persons elected by the Council from among the members and five co-opted by the members referred to in sub-clauses (1) and (2). I am sure the All India Bar Council will in co-operation with the universities, be able to lay down a certain standard for all the universities. But it would be very difficult unless something more is done. I do not want to recapitulate what has been said by the Law Commission in relation to the educational standards in the country. But I must say this.

[Shri Ajit Singh Sarhadil]

Unless this legal education committee takes unto itself definitely the conducting of the examinations in all the universities and also the appointment of the examiners as such, it would be very difficult to raise the standard of legal education. I would draw the attention of the House to what the Law Commission has said about the examinations in law. It is an unfortunate commentry. But the House is aware that it has strongly condemned the standard of the examinations and the nepotism that prevails there. Therefore, when it is provided in clause 7 that the All India Bar Council shall lay down the standards of legal education in consultation with the universities which impart such education, there it also should be provided, that Bar Council alone should appoint the examiners in all the universities and only those law graduates who pass such examinations should be enrolled as members of the integrated bar. Unless it is done, it would be very difficult.

Secondly, the standard of legal education would not be raised in the country unless we have whole-time colleges and whole-time professors. I agree that in the matter of legal education, you will have to seek the help of the professional lawyers also, who are experts in certain branches of law for giving certain lectures in the colleges and universities on certain legal subjects. It would certainly be part-time service of the lawyers to teach law in certain classes where they are experts. But, Sir, it would also be necessary, as has been recommended by the Law Commission, if we want to have a proper and sound foundation or basis of the legal education, that there should be whole-time teachers and whole-time colleges for the study of legal subjects. Sir, I have had the privilege of being a lecturer in evening law college for some time for many years, therefore, I am speaking from experience. My respectful submission

is that it is very necessary that there should be whole-time teachers.

If you want to have whole-time teachers and if you want to enlarge the ambit of legal education by having research there, then also you must seek the co-operation of those teachers of law and their advice in the Bar Council. I am glad that there is a provision here that the Legal Education Committee shall consist of 12 members of which two shall be judges, five shall be persons elected by the Council and five persons shall be co-opted. I would say that this clause of having co-option is a very healthy clause. I would only, here, suggest to the Joint Committee for its consideration that it should be laid down in the Bill that some of the members co-opted will be from the teaching profession in order to have a proper advice in the matter of legal education. If the co-operation of the teaching profession is taken in this Legal Education Committee it would go a great way in not only raising the prestige of teachers, which we need very much nowadays, but it would also be helpful in having a proper committee which will be in charge of the legal education. This part of the Bill, therefore, I submit, under which the All India Bar Council is taking up the legal education in hand, is particularly welcome.

The second point to which I would like to draw the attention of the House is about the constitution of the All India Bar Council. I have got nothing much to say so far as the constitution of the All India Bar Council is concerned, but I have certainly to say something about the State Bar Council. I am very glad that an amendment has been brought to the original Bar Council Act of 1926 whereby now the High Court Advocates who would be in the State Bar Council would be judges who had been advocates. That is very welcome. That was what the Bar

Committee, I believe, had recommended and what the Law Commission has emphasised. But, in this connection I have to make one submission. I have got the greatest respect for the judges. I am sure the judges do co-operate and their advice is always sought. There is one thing that you have to take into consideration in this connection, and that is the advice of the Law Commission. The Law Commission has laid emphasis on the autonomy of the Bar Council.

I am coming to the State Bar Councils. The Bill provides that there shall be two judges who will be nominated. We have had the experience of the Bar Councils and the Law Commission also observed at page 576 of the Fourteenth Report thus:

"It may be pointed out that, notwithstanding the provision in section 4(1) (b) of the Bar Councils Act, in some of the States, the High Court has not chosen to nominate Judges as members of the Bar Council. In spite of the absence of Judges on these Councils, so far as we are aware, there has been no complaint about the satisfactory functioning of these Bar Council."

"It would, therefore, appear that the time has arrived for making these professional bodies entirely autonomous. If, however, Judges have to form part of the composition of these bodies, they should be Advocate-Judges".

So far as the question of having advocate-judges is concerned, the Bill has gone to some extent in making a provision that henceforth the nominees of the high court shall be advocate-judges. That is good. But I beg of the Joint Committee to consider this recommendation of the Law Commission and see whether with the presence of two judges, the Council will remain autonomous. It is possible it may, but I think that

is a very important matter to consider. In this matter, I consider that the Joint Committee would be well advised to take the evidence of the leading members of the Bar in the different high courts, freely and frankly, and take their opinions, and then come to the conclusion. It is possible that after taking the evidence, after hearing them and after consulting them, freely and frankly, it may come to the conclusion that the autonomy of the State Bar Councils can be better maintained in the absence of any nominee from the Bench. In respect of this point, I feel that the Joint Committee will be well advised to devote its attention.

There is another aspect to which I would like to draw the attention of the House. That pertains to toutism, an evil which has been prevalent for long and which unfortunately is a thing which must be eliminated at any cost.

**Shri D. C. Sharma:** You cannot eradicate it.

**Shri Braj Raj Singh (Ferozabad):** Shri D. C. Sharma seems to be very much aware of it!

**Shri Ajit Singh Sarhadi:** Unfortunately, Punjab has come very much into the picture in the Law Commission's report, and this practice, in the opinion of the Law Commission, seems to be very much prevalent in Punjab. Speaking as a representative from Punjab I am really sorry about it. Therefore, I certainly emphasise that no effort should be spared to eradicate this practice. Of course, in Punjab, as the hon. House is aware, steps are being taken to eliminate this evil. The Chief Justice of the Punjab High Court who took up office only recently, in his address to the members of the Bar and the Bench, was pleased to remark that he would take all necessary steps to see that this practice is eliminated, because it is a slur on the Bar. I

{Shri Ajit Singh Sarhadi}

concede that it is the Bar alone that can eliminate it. It is the Bar that is responsible for it, and the burden of removing it lies on the Bar. I do say that if we can have any legislation to this effect—and this is the most opportune time when legislatures can take up this question on hand—why not take it, particularly when the Law Commission itself has recommended this. I will draw your attention to what the Law Commission has stated at page 580:

“‘Touting’ is an evil which affects the due administration of justice. This view has been accepted by the law regarding it as a crime [section 36(6) of the Legal Practitioners Act]. There is no reason, therefore, why both the persons participating in the commission of the crime, viz., the proclaimed tout as well as the concerned legal practitioner should not be punishable under the law.”

Of course, misconduct is one of the points. I would say that this is the best opportune moment to take it up. I think the Joint Committee would take it up. It is a matter for the Joint Committee to consider whether it should not be made an offence so that it should have a deterrent effect. This is another suggestion by me, and I hope the Joint Committee will give consideration to this.

There are one or two other points to which I would like to draw the attention of the House, and through the House to the Joint Committee. You will find that the State Bar Councils may make rules to carry out the purposes of this chapter. Now, one of the functions of the State Bar Council is the management and investment of the funds of the Bar Council. That is item (o) of clause 14(2). This clause, in the same shape, appears when there is reference to the State Bar Council. This line has been bodily taken from the State Bar

Councils Act of 1926. Many of the State Bar Councils—I know that is so in Punjab—feel handicapped because they are not sure whether the term “management and investment” also includes “expenditure”. Many of the State Bar Councils have got a lot of accumulated funds which they could not spend for libraries and that sort of thing, because they feel that the term “management and investment” does not include “expenditure”. Of course, I know in Bombay the State Bar Council is spending it for facilities pertaining to legal education. So, this clause needs clarification, authorising the State Bar Council to expand the fund in their hands for matters pertaining to legal education.

Another matter is legal aid to the poor. It should be the function of the All India Bar Council and the State Bar Councils to give legal aid to the poor. So, that has also to be brought in.

Then, I will certainly support the hon. Member who preceded me that the fee that they have fixed, Rs. 500, is far too high. I wonder what can be the reasons in overriding the recommendations of the Law Commission which definitely recommended that the fee should be Rs. 125, of which Rs. 100 should go to the State Bar Council and Rs. 25 to the Central Council. The fee of Rs. 500, with the present unemployment that prevails among the juniors in the bar, with the conditions that they are in, is rather on the high side. I am sure this will be looked into and the fee will be reduced to the level recommended by the Law Commission.

With these words, I certainly support the Bill and its reference to the Joint Committee.

16 hrs.

Shri Shankaraiya (Mysore): Mr. Deputy-Speaker, I support this Bill. This Bill which is trying to bring a unified, integrated Bar Council, not only for the whole of India, but also

for the different States, is a welcome measure. This ought to have been done very long ago. The Law Commission has made its report and on the reports of the Law Committee and the Law Commission, this Bill has been brought.

Of course, it is a healthy feature. It empowers the Bar Councils to discharge their duties more efficiently and it brings a sense of unity and also strength to the members of the bar. But, in certain provisions, I find that this object cannot be fully achieved unless some more provisions are put in and some amendments are introduced, as the clauses that have now been provided will not be helpful or go a long way to achieve the objective. For example, Bar councils have been established and the present Bar councils have also been functioning and zealously guarding the rights of the members of the bar. In clauses 6 and 7, the functions of the Bar Council have been enunciated to prepare and maintain a common roll of advocates; to lay down standards of professional conduct and etiquette for advocates, and so on. I would like to say at this juncture that the main function of the Bar Council, apart from these things, is to safeguard the rights of the bar. I shall give one instance; I do not want to go into details. Generally, the members of the bar will come into conflict with the Bench. Sometimes I wish to make it clear that I am not casting any aspersion against any particular Judge or Judges or judiciary. I have the greatest regard for our judiciary. They have been discharging their duties very efficiently and independently also. But, there have been instances where the Bar association as a whole has differed from the Bench and the Bar members have been treated in a discourteous manner. In a manner that has been not befitting for a member to continue in that profession. If the local Bar Associations are vigilant, enough, they will safeguard the rights. But, there are members of the bar who will not be

able to assert themselves. In such cases, the Bar Council or the Bar Associations will have to come and safeguard their interests. The local Bar associations have several times taken this matter and referred the matter to the High Courts about the misbehaviour of some of the Judges. In this Bill no provision has been made particularly with regard to this aspect as to how the Bar Council should maintain this dignity, and prevent members of the bar from being ill-treated or being treated in a discriminatory or discourteous manner. That is my point. Unless a specific provision is made both in clauses 6 and 7, the functions of the Bar Council will not be complete. It must be specifically stated there. It may be argued that the duty of the Bar Council is that. Unless it is specifically mentioned, it will not be possible for the Bar Councils to feel that they are armed with this right and that they can safeguard their own interests. Particularly when Judges of the High Court and the Supreme Court are nominated *ex-officio* members of this All India Bar Council and the State Councils, naturally, there will be, whatever it might be, a tendency that the members will not be able to express their views freely. There are members who express themselves freely and independently also and get into the bad books of some of the presiding Judges, but the general tendency is to have an easy go-over, to nod to the wishes of the presiding Judges or High Court Judges and thereby the interests of the members of the Bar and the profession will have not been properly safeguarded.

When two Judges of the Supreme Court and two Judges of the High Court who have been advocates are members of this Bar Council, naturally there will be this defect.

There is another defect also. The matter of electing the Chairman and Vice-Chairman is left to the rules to be framed. What happens is, the Supreme Court and High Courts Judges will have some inclination and

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they will naturally become the Chairman and Vice-President. There is this tendency. That is why I suggest that instead of leaving it as is done in clause 3(3) and giving scope for them to be Chairman and Vice-Chairman, there should be a specific prohibition of these people becoming the Chairman and Vice-Chairman. I have no objection to their continuing in the Bar Councils and, trying to bring about a balance between the Bench and the Bar, to help in bringing about a healthy atmosphere between the Bench and the Bar, but they should not be Chairman and Vice-Chairman, because it will not have a salutary effect and the members will not be able to express themselves freely, however much they may be independent.

Similarly, the Advocate-General of the State and the Advocate-General and the Solicitor-General of India should also be barred from standing for election as Chairman and Vice-Chairman, and a specific provision should be made in clauses 6 and 7 to say that the main function of the Bar Council should be to safeguard the interests of the members of the Bar and their rights and privileges as against the Bench.

I agree with my hon. friend Shri Sarhadi that a uniform standard, higher standard of education in the legal profession is necessary. This can be done by enhancing the standard of education and the method of imparting education and tuition. No doubt the duty is cast on the Bar Councils, but there are different universities each having its own standard. Some have a two years course, some have a three years course, and in some post-graduates and intermediate students are also admitted for the law course within the three years course. There is this difference.

As regards enrolment, it has now been prescribed that only advocates are going to be allowed to practise, that non-law graduates will be pro-

hibited from becoming practitioners. There is another clause according to which those who are practising now to enrol themselves as advocates within one year. I am going to state subsequently what discrimination there will be in this connection.

Now, my point is that in order to achieve a higher standard of advocacy and legal efficiency for the advantage of the clients, the standard must be uniform. In the case of every university the standard and the curriculum should be uniform. Now there are universities and colleges where this is treated as a post-graduate course with only one or two hours of tuition. There are other colleges which are considered residential courses where full course of training is given as full time instruction or tuition. There are also deficiencies in the system of legal education that prevails in the various States, which turns out these law graduates. These anomalies and differences should be removed, and a uniform education of a high standard should be imparted in all the States. This could be done only by introducing a common curriculum of study and holding a common examination throughout India, with the examination papers being set by one particular institution for all the colleges in India, and the results being declared on an all-India basis. At present, the percentage of candidates declared to have passed in the examinations varies from State to State and from university to university. There is considerable divergence between the results declared by the different universities; some declare about fifty to seventy per cent of the candidates as having passed, whereas some others, where the efficiency is greater and also the standard of examination and testing is very rigorous, declare only about 30 to 35 per cent of the candidates as having passed in the examination. This kind of discrimination will ultimately be to the disadvantage of the clients, for, they may go and have the services of those

who have not had the sufficient amount of training.

This could be avoided by having a common standard and a common curriculum of study throughout the whole country for all the universities, and a common examination by the Bar Council, and also by insisting on a common standard of tuition and efficiency for all the members of the Bar.

My next point is in regard to recognition of universities, which has been provided for in clause 7(g). It reads thus :

“to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities;”.

I submit that mere inspection of universities will not be enough. In order to ensure a high standard of education, it is necessary that the staff must be of a superior calibre; the library facilities must be enhanced; the standard of examination must be common throughout the whole of India, and the results of the examination should also be declared on an all-India basis instead of on a university basis. Though the candidates may be declared as bachelors of a particular university yet, the examination should be conducted on an all-India basis in a uniform manner.

I now come to the question of senior and junior advocates, which is dealt with in clause 15. This is a very controversial question. I feel that we are going a step backward in this respect. Under the present system, this kind of division between senior and junior advocates exists only in the Supreme Court. In order that a person may become a senior advocate, he has to pay Rs. 500; in order that a person may become a junior advocate, he has to pay Rs. 250. The senior advocate is prohibited or restricted in his practice, according to certain rules, that is, from putting affidavits and other things. That is the common practice now. Now, this

system is sought to be introduced in the High Courts also. While the bigger cases are to be dealt with by the senior advocates, the others are to be dealt with by the junior advocates.

As regards the method of selection for enrolment as a senior advocate, the provision in this Bill seems to me to be most unfair. It is left to the whims and fancies of the High Courts and the Supreme Court to classify one as a senior and not to classify another as a senior.

Now, in a particular State, there are persons who are practising in the different district courts or session courts. The High Court will not be able to have first-hand knowledge about them. So, they will be at a disadvantage, as compared with those who have been practising at the High Court frequently, who will consequently have been an additional advantage. Of course, the persons who are practising in the mufussil courts come rarely to the High Courts for just one or two cases, but by hearing them in just one or two cases, the judges will not be able to form an opinion. Therefore this would give room for a sort of discrimination. Instead of allowing this sort of discrimination by the High Court on Supreme Court Judges classifying them as senior and junior, I would rather insist on retention of the present provision of having some amount of money being collected or something else devised provided. If a junior is willing to become a senior advocate, let him be asked to pay something more and let him be allowed to enrol as a senior advocate. Let him by all means be allowed to have the advantage or disadvantage of being treated as a senior.

As regards the relationship between the senior and the junior, my hon. friend has already touched on it and I do not want to say anything more. There may be very few cases of friction between the two; generally the relationship between the senior and the junior will be very cordial, and they get on very well. Of course, there may be some instances.

[Shri Shankaralya]

There is that fear also that generally a senior will take a junior only when he has got confidence in him and in particular cases. Therefore, instead of allowing the Judges to classify them as seniors and juniors, a fixed amount, say of Rs. 500 or whatever it is, may be asked to be paid, and the discrimination removed.

Then I come to clause 22, whereby the present non-graduate members might be asked to enrol themselves as advocates within one year from the commencement of the Act. If they happen to do so, the additional liability that has been put on them while enrolling themselves as advocates is the payment of Rs. 500. Hitherto, they were not subjected to this restriction. Now in order to continue in the profession, they must within one year of the commencement of the Act enrol themselves as advocates and pay Rs. 500. If they do not, they will be debarred from practising. This is a very unhealthy or unwelcome provision. True, they may have the chance of going to the High Court for practising, but in the Division or District, they have got every right to practise. They have worked there for a number of years, and taking in consideration the proportion of advocates and non-advocates who have not paid this amount of Rs. 500 and enrolled themselves as advocates, the number of the latter is greater. Unnecessarily we are asking them to pay Rs. 500, and if they do not enrol themselves within one year, they will be out of the profession. By this we will be removing their means of livelihood.

When I heard the Law Minister regarding solicitors, he was saying that theirs was a good institution and he did not know why it should be abolished. I ask: why should these people be thrown out of the profession? Why not apply the same analogy to these people? I do not want this concession to be extended to persons who come hereafter. But at least for those who have been working as pleaders, this concession should

be given. They should be allowed to continue to practise in the respective districts without enrolling themselves as advocates and without paying Rs 500. Otherwise, I think this discrimination will offend the provisions of the Constitution because 'they will be thrown out of their profession and means of living. Such an eventuality will work very hard on these people.

**The Deputy Minister of Law (Shri Hajarnavis):** Will the hon. Member refer to clause 49?

**Shri Narayanankutty Menon:** Under the Bill, they are allowed to practise.

**Shri Shankaralya:** But with the consent of the court. Otherwise, they cannot.

**Shri Narayanankutty Menon (Mukandapuram):** It is only formal.

**Shri Shankaralya:** Unless they enrol themselves as advocates within one year, they will not be allowed to practise. They will be thrown out of work and the profession.

Clause 49 is subject to clause 22. I have studied it carefully.

So I say that they should not be thrown out. Whatever rights they have got, they should be allowed to enjoy them during the period of their lifetime. I agree that no more new entrants may be allowed to come in enrolling themselves as pleaders. But the present members who have been working and practising for 15, 20 and 30 years should not be thrown out or asked within one year to pay Rs. 500 for nothing at all at this juncture.

**Shri Hajarnavis:** Why does the hon. Member think that clause 49 is subject to clause 22?

**Mr. Deputy-Speaker:** Has the hon. Member concluded?

**Shri Shankaralya:** Yes, Sir. I would suggest one more thing.



Mr. Deputy-Speaker: After telling me that he has concluded he is going on.

Shri Shankaraiya: Only a few sentences, Sir.

Now, contempt proceedings are being held by the court itself. The Bar Council has absolutely no powers. Of course, the presiding judge will be conducting the proceedings and sometimes the High Court also. Though this is a matter pertaining to contempt of court, I think the Bar Council should have a say in the matter. Irrespective of the person that is being proceeded against, the Bar Council should also be heard and then the court should come to a decision.

With this suggestion I bring my remarks to a close.

Shri P. R. Patel (Mehsana): Mr. Deputy-Speaker, Sir, I welcome the Bill and congratulate the hon. Minister for bringing it. I would like to offer some suggestions.

My first suggestion is this. We have accepted socialism and we have said that our march is towards socialism. Whatever Acts we pass must be in tune with our ideals. So, I would desire that in this Bill there must be a provision that no Advocate shall charge more than Rs. 100 as fees per day. I think, looking to the poverty of the country, Rs. 100 is not low. If you put in a clause in the Bill I think we shall be able to give the service of the best lawyers to the litigants at a cheap cost.

What is happening today? Because a man has to come to the Supreme Court, when he goes to a senior Advocate the fees that is demanded is not less than Rs. 1,500 a day. Is it in tune with our ideal of socialism, I ask? So, I would suggest that in this Bill there must be a provision that if an Advocate charges more than Rs. 100 a day he shall be debarred or struck off from the rolls of Advocates.

I think there must be some check to it.

Shri Narayanankutty Menon: Supposing an Advocate does not get even one rupee who is to be checked off?

Shri P. R. Patel: I know of some cases where, in order to save income-tax, they give receipts for Rs. 200 and charge more. After all, so many things do happen. There must be a check for it. For a whole brief the maximum should be Rs. 500. It is not less. I hope the hon. Minister in charge of the Bill will consider this matter.

My second point is this. Whatever legislation we pass, we must bear in mind that in this country more than 80 per cent of the population live from hand to mouth. Most of them, for one reason or the other, have to go to courts to get redress for their grievances. When they go they must feel that they shall get impartial justice; they must feel that they shall get fair justice; and, at the same time, they must also feel that they will get justice at reasonable cost.

Mr. Deputy-Speaker: If those 80 per cent want redress, do the other 20 per cent create grievances?

Shri P. R. Patel: I am submitting that on the one hand our State Governments are increasing the court fees. I know the Bombay Government has increased the court fees in this year by more than 33 per cent and in some cases even 100 per cent.

Shri C. B. Pattabhi Raman (Kumbakonam): It is *ad valorem* in many cases.

Shri P. R. Patel: I will tell you of one instance. Till now, an eight annas stamp was required for *vakalat-nama*. Now, they have changed that and they have said that it must be Rs. 2. There are so many other cases. I think the Law Minister should consider this when we desire that justice should be given at a reasonable cost.

[Shri P. R. Patel]

Thirdly, I would suggest that toutism is a great disease in this profession. Touts sometimes do more harm than good to the clients. I know some persons have been attending the court every day. They sit before the eyes of the Court, presiding judge or the magistrate. Anyhow, they collect some money and they also get some part of the fees paid to an their advocate. Even though there is legislation to check this, we have failed to check this and some drastic action is necessary. In this Bill, if a provision is made that a pleader who pays anything to a tout or to any person for getting a case, he should be disqualified to work as an advocate, it would be better. I think some drastic action is necessary. Otherwise, this disease will not disappear.

Fourthly, I come to the language. Clients generally attend the courts and they do not understand what the advocates do or how they put their case. They are not able to follow the advocates because they have to address the Court in English. I can understand this so far as the Supreme Court or the High Court is concerned.

**Mr. Deputy-Speaker:** That would not be within the province of this Bill.

**Shri P. R. Patel:** It is not in the province. I am submitting that so far as the district courts are concerned, it would be good if the client understands whatever the advocate says on his behalf.

Fifthly, I want to say this about the fees for enrolment. I do not know whether the idea is to collect more money. But if our idea is that there must be a Bar Council which should have some control over the moneys of the advocate, then naturally money is not the criterion. Rs. 500 even in these days, for a person coming out from the college and joining the profession is a rather big amount. I would submit that the hon. Minister may consider this. The fees may be put at Rs. 100 or Rs. 125. I think

our aim is to get all advocates enrolled. Our aim is not to collect more amount. I think if the fee is lessened and put at Rs. 125 it would be a proper thing.

I would suggest one thing more. Today we have got different types of pleaders. We have got the Mukhtars we have got District Court pleaders, High Court pleaders and advocates or pleaders who have got some university degrees. All these people practice in different courts. Some lawyers who have got the LL.B. Degree or even a higher degree practice in the District Court. And, today's practice is that if a lawyer is confined to a District Court then he has got to pay only Rs. 50 for his sanad. If after he has put so many years he is at all to be enrolled, say, on the Bar Council of the High Court, I do not understand why he should be asked to pay more. I think whatever he has paid is all right. The only question should be whether he is qualified to be on the Bar of the High Court and whether he has got sufficient qualifications. If he is not able to pay or he does not pay should not be a disqualification; otherwise money will be the qualification and not education or ability.

Regarding the question of senior and junior advocates, I would submit that it should not be left to the discretion of the High Court or the Supreme Court. Let us say that if an advocate has put in ten years or fifteen years, and, if he desires he may be put on the roll of the senior advocates because there will be certain obligations and certain benefits. If you leave the matter to the discretion of the High Court, it rather gives chances to so many other things. I am of the opinion that it should not be left to the discretion of the High Court.

There is one other small point. These Bar Councils have the privilege to recognise certain universities. I think this is too much. Charters are given by

the State Government or by the Central Government. After a university is given a charter to give education in law, I think there should be no other authority which would say that it would not recognise the degrees conferred by that university; otherwise there is no sense in allowing universities to impart law education. I think, therefore, that that clause also requires some consideration.

Lastly, under this law there would be a Bar Council for Bombay. Very shortly we are going to have bifurcation of Bombay, and again we shall have to come with an amendment. I would suggest that this matter also may be thought out and the clause may be amended in such a way that if there be bifurcation of any State, in that case, if the High Court is given to any State then there will be a Bar Council, so that we may not have to come back to this House and automatically there will be a High Court, a Bar Council and other things.

**Shri Satyendra Narayan Sinha** (Aurangabad-Bihar): Mr. Deputy-Speaker, Sir, the Law Minister rightly observed that this is a measure which will receive welcome from every section of the House. The demand for a unified Bar is an old one. You might recollect that as far back as 1923 a committee was appointed under the chairmanship of Shri Edward Chamier, ex-Chief Justice of Patna High Court to go into this question. At that moment, the committee did not consider it feasible to have a unified Bar, but as a result of its recommendation, the Indian Bar Councils Act was put on the Statute-Book in 1926. But the question of pleaders, vakils, revenue agents and Mukhtars, was left out of consideration and the unification was not brought about. But the demand persisted. Formerly, it arose as a result of resentment against the artificial distinction between barristers and non-barristers. Later on, with the advent of Independence, it acquired a new significance and a new orientation,

and in 1953 the All-India Bar Committee was appointed to go into the question. It recommended the constitution of an All-India Bar Council and State Bar Councils. The Law Minister explained to us that the delay in giving effect to the recommendations made by that committee lay in the fact that the Law Commission which had been subsequently appointed was also given a term of reference on this subject. The Government were awaiting the report of the Law Commission and the Law Commission has also recommended the same now. So, the measure which is before the House is in effect going to give effect to the recommendations of the All-India Bar Committee as well as to the recommendations of the Law Commission. It is going to achieve a long-cherished ideal of a unified Bar. The Law Minister has rightly said that it is going to bring about not only the unification of the Bar but will also go a long way in promoting the integration of the country as a whole, and will bring about a unified legal system.

Apart from that, I feel that if we are going to have one unified Bar, it is going to strengthen the Bar, enhance the prestige of the Bar and, as has been said, it will go a long way in making for efficiency of the Bar and therefore, for strengthening the Bench also. We have often heard that the quality, both of the Bar and the Bench, has lately deteriorated, and rightly, emphasis has been laid in this measure on the need for laying down uniform standards of education, and the Bar Councils have been entrusted with the task of laying down uniform syllabi for the entire country in respect of law graduates.

I welcome the unification of the Bar from another point of view also. So far, the recruitment of judges has been confined to the State Bars only. Now, it is going to open a larger field. The field is now being opened to the advocates who are practising in the Supreme Court. If there is a unified Bar, the choice before the Government and the Chief Justice of

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the Supreme Court will be much wider, and those advocates who are practising in the Supreme Court will also have a chance of being considered for appointment to the Bench of the High Courts as well as that of the Supreme Court. From that point of view also I welcome this measure, and I do hope that the advocates of the Supreme Court also will be recruited to the Bench of High courts and that of the Supreme Court, and that there will be no parochial considerations standing in the way of such recruitment.

Since many hon. Members have already made their observations and as the Bill is going to the Joint Committee, I do not have much to say. But I wish to make a few observations or submissions underlining the remarks made by some of the previous speakers. Firstly, I would like to take up the question of the division of advocates as senior and junior advocates. I welcome this division particularly because it will give greater scope to the junior lawyers who are struggling at the Bar and do not have enough scope to make a living and get enough work. This has been welcomed by the Law Commission also. Even a small item of work intended for the juniors is also being done by the seniors. No stigma is attached to this practice of the seniors. So, if a rigid division is made, and certain obligations and disabilities are attached to the seniors that they cannot appear in court without being briefed by juniors and that they cannot do any work of a minor nature like drafting, pleading and doing other junior work, then it will give larger scope to the juniors to make their living and learn work as well.

But I have not been able to find myself in agreement with the provision in the Bill whereby the seniority is to be conferred as distinction by the High Court or the Supreme Court. I agree with my friend, Shri Patel, that this power, or right, to confer a dis-

inction of seniority, should not be given to the High Court or the Supreme Court, particularly because I feel that this will, in the ultimate analysis, sap the independence of the Bar, and the members of the Bar would try to please the judges of the High Court, or the Supreme Court, for this distinction. I would like that the option should remain with the lawyers themselves to choose to be enrolled as senior advocates or not. Because, we all know that if a lawyer becomes a senior and if he does not possess the necessary ability and has not acquired the necessary reputation and status, he would be practically starving if he is appointed a senior, because no client will engage him with a junior and pay the heavy fee which he does not deserve. Therefore, in the ultimate analysis, it will be the best thing to leave this option to the lawyers themselves. The only argument that has been advanced, or perhaps has weighed with the Government in incorporating this provision is to be found in the Report of the All India Bar Committee where the Committee has stated at page 26—I would like to quote two or three sentences:

“This division of the Supreme Court Advocates based only on a specified number of years' standing at the Bar has only resulted in the conferment of a title which is frequently reproduced ostentatiously on name plates and letterheads enabling some of the senior Advocates to demand a higher fee in the mofussil courts. The spectacle of a senior Advocate being under the aforesaid disabilities when he is in the Supreme Court but throwing them off as soon as he gets out of the precincts of the Court and competing with Pleaders in drafting and other junior work in the mofussil Courts cannot be ennobling.”

But this can be removed by attaching this disability to the senior even if he goes out of the precincts of the

Supreme Court. That is not a strong reason.

This particular right should not be given to the High Court, or the Supreme Court, to call upon a senior lawyer to place himself on the roll of the senior advocates. It should be left to the option of the lawyers themselves to decide whether to become seniors or not. If they have certain years of standing in the Bar, they should either choose to be enrolled as senior lawyers, or they may continue to be junior lawyers. This should be left to their option. I strongly plead with the Government, and with the Joint Committee, that they should remove this provision altogether and leave this option to the senior lawyers.

Then I will come to the question of the evil of toutism. My hon. friends, Shri Sarhadi and Shri Patel have also referred to this question. The Law Commission has also stated that the evil of toutism has been recognized as a crime under section 36 of the Legal Practitioners Act. I plead with the Joint Committee, as well as with the Government, that they should incorporate a specific provision in the Bill itself whereby they should provide for punishment both to the lawyer as well as to the tout participating in the crime, when it is a crime. It should not be left to the rule-making power of the State Councils. Because, this is an evil which requires prominent attention of all concerned. Unless we make a special provision in the Bill, it will just get lost. As has been remarked by many hon. Members here, this evil is widely rampant except in the State of Kerala where the percentage of literacy is very high and perhaps, there is greater decentralisation of courts. Not until the day we have greater decentralisation of courts and panchayat courts are functioning all over the country, this evil is going to disappear. Therefore, stringent measures have to be taken in the meantime and a specific provision should be incorporated in the Bill itself.

Then, I will come to the question of the dual system. I heard the learned Law Minister who defended the retention of the dual system in Calcutta and Bombay High Courts. He said that it has worked very well. It is true that the Law Commission as well as the All India Bar Committee have found that this system has worked very well and that it is very popular with the clients. But, my feeling is that this is against our policy of providing cheaper justice and speedier justice to the litigant public. I have remained unconvinced with the arguments of the Law Commission as well as the report of the All India Bar Committee that this does not involve a heavier cost. Actually, the comparative cost of a case in the appellate side as well as the original side cannot be taken for determining the relative degree of expenditure. The Law Commission should have taken the figures of a case which is conducted in the mofussil courts on the original side and of a case which is fought in the High Court on the Original side. Then, we could have a clear idea of the relative cost. I think that both the All India Bar Committee as well as the Law Commission have gone wrong. But, as my hon. friend the Law Minister said, we cannot altogether abolish all of a sudden this system and ask these solicitors who have been doing this job for such a long time, to go out of employment. As we are going to place a date by which all the lawyers, even mukhtars practising in the mofussil courts have to be enrolled as advocates, likewise, we can set forth a date, 2 years or 3 years in advance and call upon all solicitors to get themselves enrolled as advocates. There is a good and strong reason for abolishing it and adopting the practice which is prevalent in the Supreme Court. In the Supreme Court, we are going to adopt a system by which the advocates on record are permitted to act and they are virtually functioning as solicitors. For minor matters, they can put in appearance before the court. Likewise, we can adopt a system in the Calcutta and Bombay High Courts or elsewhere, because I was attracted by one observation of the Law Minister

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that this system has worked for the cleanliness of the profession. If that is so, we might adopt this system and introduce it in other High Courts where there will be advocates on record who will act and in minor matters, they can also put in appearance. Perhaps that would work for a cheaper cost to the litigant public.

That is all I have to submit and I hope the Joint Committee will take into consideration all these things.

**Shri T. Subrahmanyam (Bellary):** Mr. Deputy-Speaker, a strong and healthy Bar would be a very helpful factor in the proper governance of the country. Government consists of three functions, namely, executive, legislative and judicial. A proper equilibrium has to be worked out between these three divisions. A lawyer or an advocate can play a very helpful role in achieving this sort of equilibrium. Our Constitution enjoins fundamental rights which are also justiciable. Every citizen has got certain fundamental rights. Therefore, in this play of forces between the three functions of Government, and the rights of the citizen as against the Government, a good, strong Bar would be a very helpful factor, and in the present context of our country when we are trying to achieve national unity, this will be an additional powerful factor. Now each State has its own Bar and we have been divided by so many factors hitherto. Now, we are trying to achieve national unity and strengthen and reinforce it. I am strongly of opinion that this Bill is going to play a very significant role, and the establishment of an All-India Bar Council with a common roll of advocates who can practise in any court in India in any place will be a very good factor also. This integration of the Bar into a single class is going to help the advocates and also remove all the various complexes. This All-India Bar Council will determine the standards of professional conduct and etiquette for advocates. This is a very significant thing. Formerly, the profession

of advocates was playing a very important role in the public life of our country and our national life. Now, unfortunately it is not so, but I am confident that it will again play the same role in future. The establishment of the standards of professional conduct and etiquette of advocates by the All-India Bar Council prescribing these things, and at the same time the laying down of standards of legal education in consultation with the universities will also help us a great deal.

It is now proposed that the advocates should have a Bachelor's degree and also a degree in Law. With regard to the recognition of a university, the Bar Council will have the right to visit and inspect the universities. They must not only inspect the universities and lay down the standards, but I also suggest that at various levels they should give good equipment to the Bar associations in the mofussil. They must have good libraries, good literature and they must be otherwise equipped also.

It is proposed to have a division of advocates into senior and junior advocates. Opinion has been frankly expressed that this should not be dependant upon the will of the High Court or the Supreme Court, that it is not healthy. I share these fears, and I feel that it should be a self-regulatory process by which advocates automatically divide into seniors and juniors. It may depend, for instance, on their income which may be determined from their income-tax returns for the last five or six years. It should not be left to the High Courts or the Supreme Court. It must be a self-regulatory process, and the Bar Councils can be given instructions, or certain conventions can be established by which advocates can be classified into seniors and juniors.

I know the juniors are suffering quite a lot. There are some seniors who are very jealous, who would not give any work to the juniors. There are good, bad and indifferent people

in every kind of profession, and similarly in this profession also. Therefore, to safeguard the interests of the juniors I think there should be a convention and not a rigid pattern of a division into seniors and juniors dependant on the pleasure or the whims of the presiding Judges.

Opinion was expressed that the fee should not be Rs. 500 and that it should be Rs. 125. I share this view because we have advocates coming from various parts of the country, and to ask people who begin their life to pay Rs. 500 would be rather unkind, to say the least. Therefore, Rs. 125 may be fixed.

I do not want to make any more remarks. I am sure that this Bill, when enacted, is going to play a very significant part and that the lawyers will again play a more prominent part in our national life.

I support the Bill.

**Shri Mulchand Dube** (Farrukhabad): I congratulate the hon. Minister for bringing forward this Bill. It meets a long-felt demand on the part of the Bar for the establishment of a homogeneous and independent Bar, because an independent Bar is a *sine qua non* for a democracy. A democracy cannot go on unless there is an independent Bar. The Bar is the only body which can protect the rights of the citizens against the vagaries of the executive or the Government. And with the large volume of laws that we are enacting in Parliament as well as the large number of laws that are being enacted in the States, it becomes necessary that there should be some body which would be able to keep abreast of the laws as they are framed; and in the absence of an independent and competent Bar, there would be no such body which will be able to keep pace with the legislation that is being enacted.

I do not agree with Government in this matter that under many of the

laws, the lawyers should be debarred from appearing before not only tribunals but also public officers who are in charge and who deal with the rights of the citizens in various ways. My submission is that wherever the rights of a citizen are to be considered by an executive or a Government body, the lawyer should have the right to present the case of his client before the officer. That is one of the things that is necessary.

To take the last thing first, a great deal has been said about toutism. That thing is there today. I submit that it is only lawyers who can prevent this toutism; there is no other body which can do it. I am not quite sure whether the All India Bar Council or even the State Bar Councils will be able to deal with this evil of toutism. I do not know whether it is correct, but my hon. friend, the Law Minister, will be able to find it out. that in days gone by, say, about sixty years ago, there was a practice in our country, according to which, whenever a person wanted to file a suit, he had to deposit not only the court fees but also the lawyer's fees, so that whenever he engaged a lawyer, the lawyer would be entitled to draw his fees from the court. There would be no difficulty if this system is adopted; if the plaintiff or the defendant, whenever a lawyer is engaged by him, deposits the lawyer's fees in the court, then the evil of toutism could be diminished to a very considerable extent, if not altogether abolished. That is one of the ways of doing away with the evil of toutism.

**Mr. Deputy-Speaker:** Who would choose the lawyer, the party or the Government?

**Shri Mulchand Dube:** The party. The party chooses the lawyer; the fee is deposited in the court. As soon as the case is adjudicated upon, and the lawyer has done his work, at the end of the case, the lawyer draws his fees from the court.

**Mr. Deputy-Speaker:** The lawyer has no choice to fix the amount?

**Shri Mulchand Dube:** No. The fee that was taxable against the other side had to be deposited. If the lawyer could take any extra fee, apart from what was taxable against the other party, that was a different matter. I do not know whether that was done or not, because in those days, the question of charging high fees was an exception. Very high fees were not charged in those days, and people were satisfied with the fees that were taxable against the other side.

**Shri Narayanankutty Menon:** The taxable fee is only quite nominal, compared to the regular fees.

**Shri Mulchand Dube:** That is true. But that was one of the ways. I do not quite know, but I do expect that

the hon. Law Minister will take that into consideration, and by some method prevent this evil of toutism which is prevalent everywhere in some form or other. Then there is another point on which I want to dwell...

**Mr. Deputy-Speaker:** Is he going to finish within a minute or two?

**Shri Mulchand Dube:** I will take ten minutes more.

**Mr. Deputy-Speaker:** Then he might continue tomorrow.

17 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 3, 1959/Agrahayana 12, 1881 (Saka).*



[Wednesday, December 2, 1959/Agrahayana 11, 1881 (Saka)]

ORAL ANSWERS TO QUESTIONS		COLUMNS	WRITTEN ANSWERS TO QUESTIONS—contd.		COLUMNS
S.Q. No.	Subject		S.Q. No.	Subject	
490.	Export of Handloom goods	2813—16	513.	Blue-water gas making plant	2855—56
491.	Indian Trade Delegation to West European Countries	2816—20	514.	Sindri Fertilizers Factory	2856
492.	Workers' Education Programme	2820—22	515.	Radio broadcasts on agriculture	2856—57
493.	Disputes in Banking Industry	2823—24	516.	Study team on building technique	2857—58
494.	Unemployed Graduate Engineers	2824—27	517.	Kothagudium Power Houses	2858
495.	Refugees from West Pakistan	2827—30	518.	International Maritime Consultative Organisation	2858—59
496.	Bio-gas Delegation from Hungary	2830	519.	Firing by Pakistanis	2859
497.	Industrial Estates	2831—33	520.	Indian delegation to Cairo Film Festival	2860
498.	Indian pilgrims to Kailash and Mansarovar	2833—38	521.	Price of yarn	2861
499.	Hospital at Kanpur under the Employee's State Insurance Scheme	2838—39	522.	Automatic Textile looms	2861—62
500.	Delhi Municipal Corporation Delegation's visit to Moscow	2839—41	523.	U.N. disarmament Commission	2862
501.	Unauthorised Textile Power-looms	2841—43	524.	Rent arrears in Delhi	2862—63
502.	Central Training Institute for Instructors	2843—44	525.	Second Industrial Estate in Delhi	2863
503.	Manufacture of Sugar Machinery	2844—45	526.	Central Labour Institute	2864
504.	Lambretta Scooters	2845—48	527.	Machinery Manufacturers Corporation, Calcutta	2864
505.	Civic Services in Refugee Colonies	2848—50	528.	Tibetan Muslim Haj Pilgrims	2864—65
508.	Motor parts	2850—51	529.	Textile Industry in U.P.	2865
509.	Trade marks	2851—52	530.	Goa	2865—66
WRITTEN ANSWERS TO QUESTIONS		2852—2915	531.	Port development for export of iron ore	2866
S.Q. No.			532.	Evacuee deposits	2866
506.	Buildings for Indian Bureau of Mines at Nagpur	2852—53	533.	Railway concession for accredited photographers	2867
507.	Shifting of displaced families from East Pakistan	2853—54	534.	Sagar Darshan Yatra	2867—68
510.	Import Policy for Art Silk	2854	535.	Paper Mills at Rajahmundry	2868
511.	Cable Building Factory in Kerala	2854—55	536.	Houses for workers	2868—69
512.	Indian Consul General at Lhasa	2855	537.	U. N. Broadcasts from A.I.R.	2869
			538.	President Eisenhower's visit to India	2870
			539.	Export of manganese ore	2870—71
			640.	Standardisation of wool-len products	2871

**WRITTEN ANSWERS TO  
QUESTIONS—contd.**

S.Q. No.	Subject	COLUMNS
541.	Janata Hotel in Delhi	2871
542.	Trade with Pakistan	2872
543.	Exhibition of exportable goods	2872-73
<b>U.S.Q.</b>		
<b>No.</b>		
774.	Import of Capital goods	2873
775.	Manufacture of hand-made paper	2873
776.	Production of radio sets	2874
777.	Industrial development of U. P.	2874
778.	Second Five Year Plan	2875
779.	Guwar Gum Factories	2875-77
780.	Slum Clearance in Delhi	2877
781.	Unemployment in Orissa	2877-78
782.	Employment Exchange	2878-79
783.	All India Working Class Family Budget Survey	2879
784.	Indians in Burma	2880
785.	Reconstitution of Education Panel	2880
786.	Government Quarters in Devnagar	2880-81
787.	Construction of buildings in Delhi	2881-82
788.	Manufacture of T. V. Sets	2882-83
789.	Boarding House in Delhi	2883-84
790.	Security deposits from cement stockists	2884
791.	Bonus to colliery workers	2885
792.	Loans to displaced persons	2885
793.	Machinery manufacturing plant at Durgapur	2886
794.	Employees' State Insurance Scheme	2886
795.	U. S. Trade Mission	2886-87
796.	Barter Trade with U.S.A.	2887
797.	U.N. General Assembly Agenda	2887-88
798.	State Trading Corporation	2888
799.	Radio Stations in State Capitals	2888-89
800.	Autumn Leipzig Fair	2889-90
801.	Cottage and Small Scale Industries in Punjab	2890-91
802.	Heavy Industries in Punjab	2891-92

**WRITTEN ANSWERS TO  
QUESTIONS—contd.**

U.S.Q. No.	Subject	COLUMNS
803.	Glass and ceramic goods	2892
804.	Export of Sewing Machines	2892-93
805.	Export of bicycles	2893-95
806.	Slum Clearance in Punjab	2895
807.	Development of Khadi Industry in Punjab	2896
808.	Export of feature films	2896-98
809.	Pneumoconiosis in coal mines	2898
810.	Displaced persons in Ulhasnagar colony (Bombay)	2898-99
811.	Newsprint import	2899
812.	Institute of Nuclear Research, Hyderabad	2899-2900
813.	Import of Pashmina wool from Tibet	2900
814.	Khadi 'Hundies'	2900
815.	Premo pipe Factory, Kerala	2901
816.	Air-conditioning equipment in Krishi Bhavan	2901
817.	Ever Bright Steel	2902
818.	Radio sets in Punjab	2902
819.	Manipuri families to India from Burma	2902-03
820.	Pay-scale and Allowances of Government Employees in N. H. T. A.	2903
821.	Export of Medicinal and Pharmaceutical products.	2904-05
822.	Zinc sheets	2905-06
823.	Aluminium	2906
824.	Heavy Electrical Equipment Factory at Bhopal	2906-07
825.	Employees' State Insurance Corporation	2907
826.	A.I.R. Station at Cuttack	2907-08
827.	Village Housing Project Scheme	2908
828.	Displaced persons in Tripura	2909
829.	Indians kidnapped by Pak Army	2909-10
830.	Import of chemicals	2910-11
831.	Industrial Housing in Uttar Pradesh	2911
832.	Low Income Group House Building Societies	2911-13
833.	Ambar Charkhas in Punjab	2913

WRITTEN ANSWERS TO  
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
834.	Houses for coal miners	2914
835.	Tea auctions at Calcutta	2914-15
836.	Import of milk powder and baby food	2915

STATEMENT CORRECTING  
THE REPLY TO U.S.Q.  
No. 820 DATED 3-12-58

2916

PAPERS LAID ON THE  
TABLE

2916

A copy of each of the following Notifications under sub-section (7) of Section 59 of the Mines Act, 1952 :—

(i) G. S. R. No. 1250 dated the 14th November, 1959 making certain amendment to the Mysore Gold Mines Rules, 1953.

(ii) G.S.R. No. 1251 dated the 14th November, 1959 containing the Mines Creche Rules, 1959.

STATEMENT RE. DEMANDS FOR SUPPLEMENTARY GRANTS (GENERAL), 1959-60

2917

The Minister of Finance (Shri Morarji Desai) presented a statement showing Supplementary Demands for Grants in respect of the Budget (General) for 1959-60.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS PRESENTED

2917

Fifty-second Report was presented.

STATEMENT BY MINISTER

2917-19

The Minister of Information and Broadcasting (Dr. Keskar) made a statement clarifying the information

STATEMENT BY MINISTER—*contd.*

given by him on the 24th November, 1959 in the course of reply to the debate on the Reports of the Registrar of Newspapers for India for the years 1957 and 1958 regarding authentication of declarations.

BILL INTRODUCED

2919

The Tripura Land Revenue and Land Reforms Bill.

BILL PASSED

2919-64,  
3002-08

Further discussion on the motion to consider the Kerala State Legislature (Delegation of Powers) Bill concluded. After clause-by-clause consideration the Bill was passed.

DEMANDS FOR SUPPLEMENTARY GRANTS (KERALA), 1959-60

2964-3001

Discussion on Demands for Supplementary Grants in respect of Kerala State for 1959-60 commenced and concluded. The Demands were voted in full.

MOTION TO REFER BILL TO JOINT COMMITTEE UNDER CONSIDERATION

3008-56

The Minister of Law (Shri A. K. Sen) moved that the Legal Practitioners Bill be referred to a Joint Committee. The discussion was not concluded.

AGENDA FOR THURSDAY, DECEMBER 3, 1959/AGRAHAYANA 12, 1881 (SAKA)—

Further discussion and adoption of the motion for reference of the Legal Practitioners Bill to a Joint Committee, consideration and passing of the Dowry Prohibition Bill as reported by Joint Committee and also consideration of the motion re. setting up of P. & T. Board.