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Tuesday, December 1, 1959  
Agrahayana 10, 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

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## LOK SABHA

Tuesday, December 1, 1959/Agrahayana 10, 1881 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Advanced Management Institute

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\*443. { Shri Ram Krishan Gupta:  
Shri Ajit Singh Sarhadi:  
Shri Pangarkar:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 555 on the 11th August, 1959 and state at what stage is the proposal for the establishment of an Advanced Management Institute?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): An All-India Management Association has been set up with effect from the 21st February, 1957.

Shri Ram Krishan Gupta: May I know what is the scope of the training in this Institute?

Shri Humayun Kabir: It is not an institution for training. It is an All India organisation whose membership is open to founder members of the existing Management associations in the different industrial and commercial centres.

281(A) L.S.D.—1.

## Indebtedness of Adivasis

+  
\*444. { Shri Panigrahi:  
Shri Sanganna:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 572 on the 19th August, 1959 and state:

(a) whether the Central Government have asked the State Governments to expedite their assessment of the three-year old debts of the Adivasis and intimate the same to the Central Government;

(b) if so, whether any intimation has been received from any of the State Governments so far; and

(c) if not, the reasons for delay?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) and (c). A statement showing the position intimated by the State Governments is given below.

### STATEMENT

The Government of Punjab have recently carried out a Socio-Economic Survey with special reference to indebtedness, made in Lahaul area and the Report of the Survey is under their examination. The Governments of Bombay, Bihar, Madhya Pradesh and Madras are having surveys made to assess the extent of problem of indebtedness amongst the Scheduled Tribes in their States. The Governments of Assam and Orissa and Himachal Pradesh Administration are also collecting the necessary data. The Government of West Bengal do not

consider such a survey necessary. The Government of Andhra Pradesh have not found it possible to undertake the survey with their present machinery. The Government of Kerala do not consider such a survey necessary as instances of exploitation of Scheduled Tribes by moneylenders are few in the State. The problem does not exist in Manipur and Andaman and Nicobar Islands.

**Shri Panigrahi:** In the meantime, may I know whether the different State Governments have asked for any central loan assistance to pay off the debts which the Adivasis have incurred during the last three or four years in their respective States?

**Shrimati Alva:** I do not think the States have asked. All the facts are given in the statement. It is obvious that they have not yet come to any conclusion themselves.

**Shri Panigrahi:** May I know whether the Commissioner for Scheduled Castes and Tribes has independently made any enquiry with regard to the position of indebtedness among the Adivasis?

**Shrimati Alva:** Not very fully.

**Shri P. G. Deb:** May I know whether the Government will make some arrangements so as to enable the Adivasis to be well protected from being exploited by the village moneylenders?

**Shrimati Alva:** This is for that very purpose.

**Shri Sanganna:** May I know whether the indebtedness relates to private loans or Government loans as well?

**Shrimati Alva:** This is really to keep them out of the clutches of the moneylenders.

**Shri B. K. Gaikwad:** There are taccavi loans of Government as well as there are private loans. What

kind of debts have been included in this?

**Shrimati Alva:** This does not apply to taccavi loans or loans advanced for certain purposes by the Government for the economic and social development of the Scheduled Tribes. This is really to keep them out of the clutches of the moneylenders, who charge exorbitant interest.

#### Purchase of Ammunition

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\*446. { **Shri Ajit Singh Sarhadi:**  
**Shri Ram Krishan Gupta:**  
**Sardar Iqbal Singh:**  
**Shri Sunakar:**  
**Shri Vidya Charan Shukla:**

Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 968 on the 31st August, 1959 and state:

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

(b) if so, the findings thereof; and

(c) the action taken thereon?

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

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

**Shri Ajit Singh Sarhadi:** Is it not a fact that in answer to previous questions it had been stated that some enquiry committee had been appointed to enquire into this deal?

**Sardar Majithia:** Yes; that is true. That is what I have stated. The report has not been received as yet. They are still carrying on the work. Parts (b) and (c) do not arise.

**Shri Ajit Singh Sarhadi:** It was stated that the report would be received by 1st April, 1959. As the Chairman has been ill so long and there has been all this inordinate delay, may I know why another enquiry committee has not been appointed?



**Sardar Majithia:** It is no use going over the past matter. The Chairman is now regularly sitting practically four hours every day and it is expected that he will be able to complete his work soon.

**Shri Ajit Singh Sarhadi:** It is pending from 1952.

**Sardar Majithia:** Ammunition was purchased in 1952. The enquiry did not start then. The first enquiry was made in 1958 when it was brought to light. As stated in my previous answers, we were not satisfied with that. That is why we appointed this enquiry committee.

**Shri Ram Krishan Gupta:** This purchase was made in 1952. May I know whether, in view of this fact, any departmental action has been taken against any officer so far?

**Sardar Majithia:** That question will only arise after we get the report of the enquiry committee and after going through that.

**Shri Supakar:** The ammunition was purchased in 1952. Since then, there have been two enquiries and the final report is still to come. The final enquiry is pending for more than nine months now. May I know what has in the meantime happened to the ammunition which is worth Rs. 90 lakhs and may I know whether the Government are going to take any steps regarding this ammunition even if the final report of the enquiry is not received for some time to come?

**Sardar Majithia:** As regards what is going to happen to this ammunition, it is expected that it will be made good and it may not be a complete loss. As regards any action against any officers or others concerned, that can only crop up after the committee has submitted its report.

**Shri Supakar:** My question is not answered. May I know whether any action is going to be taken regarding the ammunition and if so, what action is going to be taken?

**Sardar Majithia:** That is all covered, as I said, by the terms of the enquiry committee. After they have submitted the report, whatever action is necessary will be taken.

**Shri Joachim Alva:** Our Ordnance factories have almost quadrupled their production during the last four years in terms of crores of rupees. May I know why we are not producing every variety of ammunition and stop these imports?

**Sardar Majithia:** That hardly arises out of this question. If I get notice of that, I will certainly reply.

#### Coal Washeries at Bhajudih and Patherdih

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\*447. { Shri R. C. Majhi:  
Shri Subodh Hansda:  
Shri S. C. Samanta:

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

(a) whether it is a fact that there is considerable delay in the installation of a coal washery at Bhajudih and Patherdih;

(b) if so, the reason therefor; and

(c) the progress made in the setting up of the two coal washeries?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) No, Sir.

(b) Does not arise.

(c) A statement is laid on the Table of the House. [See Appendix II, annexure No. 29.]

**Shri R. C. Majhi:** May I know when the washery at Bhajudih is expected to be commissioned?

**Sardar Swaran Singh:** If the hon. Member has seen the statement, it is fairly lengthy and everything is given there. The present stage is also given. That is, tenders have been received and an expert committee is examining the recommendations. It is too early for me to give the date of commissioning.

**Shri R. C. Majhi:** What is the estimated cost of this washery?

**Sardar Swaran Singh:** The estimated cost would depend upon the tender that is accepted. It has gone beyond the estimate. There are actual quotations.

**Shri Subodh Hansda:** As the three steel projects in the public sector have been commissioned for the production of steel, may I know whether there is great shortage of metallurgical coal in our country and if so, whether that has not affected the production of steel in our country?

**Sardar Swaran Singh:** Let us hope not, because the setting up of the washeries is to meet the requirements of the steel plants.

**Shri S. C. Samanta:** May I know whether these two washeries will be able to supply the entire requirements of the three steel plants, or we have to establish another?

**Sardar Swaran Singh:** We may have to establish other washeries also—maybe, perhaps more than one. It is hoped that by the establishment of these washeries, a good part of the requirements of coal would be met by the washed coal. Then there are other coals which can be used even without washing.

#### Engineering Colleges

- +
- \*448. { **Shri Subodh Hansda:**  
**Shri S. C. Samanta:**  
**Shri R. C. Majhi:**  
**Shri D. C. Sharma:**  
**Dr. Ram Subhag Singh:**  
**Shri Ajit Singh Sarhadi:**  
**Shri Madhusudan Rao:**

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 419 on the 13th August, 1959 and state:

(a) the further progress since made in implementing the scheme for the establishment of the eight Centrally

sponsored Engineering Colleges in the country; and

(b) when each College is expected to start functioning?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) (i) Sites have been selected for the Colleges in Warangal, Srinagar, Mangalore, Nagpur, Durgapur and Jamshedpur.

(ii) Planning Officers have been appointed for the Colleges in Durgapur and Jamshedpur.

(iii) The Board of Governors for the Warangal College has been fully constituted. Appointment of Chairman of the regular Board of Governors has been made for the Colleges in Srinagar, Mangalore, Bhopal and Jamshedpur and steps are being taken to constitute the Boards.

(iv) Staff required for the first year of the courses has been appointed in the Warangal College, on deputation basis.

(b) Regional Engineering College, Warangal, has already started functioning.

Efforts are being made by the State Governments concerned to start the other Colleges in 1960.

**Shri Subodh Hansda:** As the engineering colleges are going to be established in different parts of the country, I think these are not of an all-India character. If it is so, may I know whether there is any restriction on the admission of students from different States?

**Shri Humayun Kabir:** They are all-India institutions in one sense, and the agreement to which we have come is that 50 per cent. of the seats will be reserved for students of the State, about 30 per cent. will be open to students of the region, and 20 per cent. will be available to students from the whole of India.

**Shri S. C. Samanta:** May I know whether there will be any speciality

In these colleges in comparison with the existing engineering institutions?

**Shri Humayun Kabir:** The only specialities I can think of at the moment are two: firstly, that they will have this all-India character, and secondly, they will start from the beginning of the five-year integrated course which we expect will be accepted by all the engineering colleges in due course.

**Shri Thimmaiah:** May I know whether, before opening these colleges, arrangements had been made to get the required members of the teaching staff because there is a dearth of technical teachers in the country?

**Shri Humayun Kabir:** One reason why the colleges are still not functioning is precisely this.

**Shri Ajit Singh Sarhadi:** In view of the fact that there is no college between Allahabad and Srinagar, and the domicile restrictions are being maintained in these eight colleges and only a limited number of seats is being given to the rest, is there any proposal to have a college between Allahabad and Srinagar either at Delhi or some other place?

**Shri Humayun Kabir:** There are many engineering colleges between Allahabad and Srinagar. In any case, Delhi will have its own college of engineering and technology.

**Shri D. C. Sharma:** What is the total number of engineers that these colleges will produce when they function at full strength?

**Shri Humayun Kabir:** Admission per year will be 250 in each college.

#### Payment of Brokerage by L.I.C.

\*449. **Shri Harish Chandra Mathur:** Will the Minister of Finance be pleased to state:

(a) what amount, if any, was paid as brokerage and to whom in connection with the shares purchased by the Life Insurance Corporation from Mundhra concerns;

(b) what practice regarding the payment of brokerage had been adopted by the Life Insurance Corporation; and

(c) what is the total amount of brokerage paid so far by the Life Insurance Corporation?

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** (a) to (c). A statement is given below.

#### STATEMENT

(a) The Life Insurance Corporation made these purchases directly from Shri Mundhra. It did not pay any brokerage in respect thereof either to Shri Mundhra or to any body else.

(b) and (c). The general stock exchange practice is for brokers to quote the net price inclusive of their brokerage where the transaction is a purchase, and the net price after deduction of brokerage where it is a sale. In consonance with this, the Life Insurance Corporation pays in respect of purchases the net purchase price inclusive of brokerage and, in respect of sales realises the net sale price which is quoted after deduction of brokerage. The Corporation, therefore is not in a position to indicate total brokerage paid by it on transactions of purchase or sale effected through the brokerage. Where the Corporation purchases Government Securities from the Reserve Bank of India, some brokerage is paid because the Bank quotes prices exclusive of brokerage.

The amount of total brokerage paid in respect of Government Securities purchased from the Reserve Bank of India is being collected and will be laid on the Table of the House as soon as available.

**Shri Harish Chandra Mathur:** May I know if it is not a fact that these purchases are confined only to a few brokers?

**Shrimati Tarkeshwari Sinha:** No, Sir, not confined to a few brokers as such, but we do purchase from some reliable brokers.

**Some Hon. Members:** She may repeat. We could not hear.

**Mr. Speaker:** I myself was not able to follow the answer.

**Shrimati Tarkeshwari Sinha:** As far as the Mundhra shares are concerned, they were purchased directly; so the question of brokers does not arise. So far as other cases are concerned, we have reliable brokers who sell and purchase these shares for the Life Insurance Corporation. It is not confined to a few individuals.

**Shri Morarka:** May I know the total amount of brokerage paid by this Corporation to the various brokers?

**Shrimati Tarkeshwari Sinha:** It is not the general practice to quote separately the price paid or realised in the market and the brokerage charged by the brokers because the net purchase price includes the brokerage, and when a sale is made they deduct the brokerage from the selling price. So, it is not the practice to quote them separately. It is very difficult to give the figures.

**Shri Narayanankutty Menon:** Part (c) of the question was not answered.

**Shri Morarka:** It is true that the price quoted is the net price, but still the purchaser and the seller know the amount of brokerage that they pay on each transaction. In view of this, I would like to know whether the Corporation at all knows what brokerage they are paying on the purchase and sale, or whether they do not know it at all.

**Shrimati Tarkeshwari Sinha:** We are not in a position to give the separate figures.

**Mr. Speaker:** What is the answer to part (c) of the question?

**Shrimati Tarkeshwari Sinha:** A statement has been given in answer to (a), (b) and (c).

**Shri Ramanathan Chettiar:** From the answer of the hon. Deputy Minister it is learnt that no brokerage was

paid on shares of Mundhra, but what is the actual brokerage that was paid for purchase of shares of certain companies by the Life Insurance Corporation which were controlled by the Mundhra group?

**The Minister of Finance (Shri Morarji Desai):** In respect of the purchase of shares controlled by the Mundhra group, there was no brokerage paid because they were purchased directly from Shri Mundhra.

**Shri Harish Chandra Mathur:** May I know if the hon. Minister can tell us who are these brokers who are mostly in business with the Life Insurance Corporation?

**Shrimati Tarkeshwari Sinha:** I have not got the list at present with me.

#### भारतीय पर्वतारोहण संस्थान

\*४५१. { श्री भक्त वसंत :  
श्री राम सुभग सिंह :  
श्री रामजी वर्मा :

क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य में यह बनाने की दृष्टि करेंगे कि :

(क) भारतीय पर्वतारोहण संस्थान की स्थापना में हम बीच क्या प्रगति हुई है :

इसके द्वारा प्रथम किमी भी अन्य भारतीय संस्था द्वारा एक्स्पेड या नेपाल स्थित हिमालय की किमी अन्य चोटी के अभियान की क्या कोई योजना बनाई गई है ; और

(ग) यदि हां, तो इस कार्य के लिये क्या सहायता दी जा रही है या दी जायेगी ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री ( श्री हुसायन् कबिर ) : (क) पिछले साल भारतीय शू. शीव-अभियान की स्थापना के लिये ने पर्वतारोहण और उससे संबद्ध क्रियाकलापों का संगठन करने,

बढ़ावा देने और आचार बनाने के लिये भारतीय पर्वतारोहण संस्थान बनाने का फैसला किया था। जहाँ तक हमें मालूम है, मामला इस से धागे नहीं बढ़ा।

(ख) भारतीय माऊंट एवरेस्ट अभियान की स्थान्तरिण कमेटी १९६० में माऊंट एवरेस्ट की चढ़ाई के लिये एक अभियान का संगठन कर रही है।

(ग) सरकार ने लगभग छः लाख अनुदान देना मंजूर किया है जिसमें से २,४६,१८५ रुपये का अनुदान दिया जा चुका है।

श्री भक्त बर्षन : श्रीमन्, मैं यह जानना चाहता हूँ कि जब कि दो, तीन वर्ष से इसके बारे में विचार किया जा रहा है तो इस भारतीय पर्वतारोहण संस्थान की स्थापना में इतनी देरी क्यों हो रही है ?

श्री हुमायून् कबिर : इसका जवाब तो बही लोग दे सकते हैं लेकिन काम चल रहा है। ज्यू प्रोप के एक्सपेरिडेशन का जो काम था वह कामयाब हुआ है और श्रमियों जो प्रीलिमिनेरी काम हुआ है वह देख कर उम्मीद है कि शायदा साल हमें फिर इसमें कामयाबी होगी।

श्री भक्त बर्षन : श्रीमन्, क्या प्रशासन के ध्यान में यह बात आई है कि डिफेन्स मिनिस्ट्री के बहुत से मैनिकों ने इस बार हिमालय की बहुत सी ऊँची चोटियों पर चढ़ने में सफलता प्राप्त की है जैसे कि हाल में वायुसेना की एक टुकड़ी ने चौखम्बा पर विजय प्राप्त की है तो मैं जानना चाहता हूँ कि क्या उन लोगों का भी सहयोग इस कार्य में लिया जा रहा है ?

श्री हुमायून् कबिर : जी हाँ, इसमें सब का सहयोग लिया जायगा।

#### Production of Steel in Ordnance Factories

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\*452. { Shri S. M. Banerjee:  
Shri Panigrahi:

Will the Minister of Defence be pleased to state:

(a) to what extent production of steel has increased in Ordnance Factories in 1959 as compared with earlier years;

(b) whether the production is adequate to meet the manufacturing capacity of various articles in Ordnance Factories; and

(c) if not, how this shortage is likely to be met?

The Deputy Minister of Defence (Sardar Majithia): (a) During the first 8 months of the calendar year 1959, total production of steel ingots was 23,000 tons which is about 10 per cent higher than the production during the corresponding period of 1958.

(b) No, Sir. The quantum of ingots produced is sufficient to use the existing rolling capacity, particularly for small sections, it is not sufficient to meet the Ordnance Factories requirements especially in view of necessary requirements.

(c) Proposals for balancing and modernising the capacity of Ordnance Factories for steel making are under consideration.

Shri S. M. Banerjee: May I know whether the open hearth steel melting plant at Kanpur is also going to be expanded to meet the growing needs of the ordnance factories?

Sardar Majithia: So far as the Kanpur one is concerned, when we install this 30-ton open hearth furnace there, it necessarily will increase the capacity.

Shri S. M. Banerjee: Recently, the hon. Defence Minister inaugurated one of the steel melting furnaces at Ishopur, the capacity of which is 60 tons of high alloy steel a day. May I know when the production is likely to begin in this particular plant?

The Minister of Defence (Shri Krishna Menon): It is in production.

Shri M. E. Krishna: May I know the total amount expected to be spent in the ordnance factories to meet the steel requirements of the ordnance factories?

**Sardar Majitha:** So far as that is concerned, as I have said already, the question of modernising the plant is already under consideration, and when we go through all that, we would be in a position to know what the actual cost will be.

**Shri C. D. Pande:** May I know whether it is the same variety of steel as is produced in steel factories or it is something special which is required by the ordnance factories?

**Shri Krishna Menon:** Steel that we can normally obtain from elsewhere is not generally produced here. Reference has been made just now to the steel melting plant at Ishapur. This refers to specialised alloy steel. There are about 115 varieties of that.

**Shri Panigrahi:** May I know the annual requirements of the ordnance factories in regard to this variety of steel, of which they are falling short?

**Shri Krishna Menon:** So far as the factories are concerned, it is difficult to give in general the requirements of steel. It depends upon what steel is required, and for what purpose. If the hon. Member requires any information, he may put down a specific question, and we shall answer it.

#### Sale of Tea Estates in India

\*453. **Shri Rameshwar Tantia:** Will the Minister of Finance be pleased to state:

(a) whether some tea estates in India have been sold by the Europeans this year;

(b) whether prior permission was obtained from the Government for such sales; and

(c) the amount being transferred from India?

**The Minister of Finance (Shri Morarji Desai):** (a) Yes, Sir.

(b) The prior permission of the Reserve Bank is required for the

remittance of the sale proceeds, not for the sales themselves and such permission was obtained.

(c) During the period, 1st January, 1959 to 30th September, 1959, remittances amounting to Rs. 34.60 lakhs were made to the U.K. on account of such sales.

**Shri Rameshwar Tantia:** Is it a fact that the sellers of these gardens are mostly those who are having new plantations in East Africa, which will be a menace to the Indian tea industry, and if so, may I know whether Government will make a law whereby permission for such sales will be restricted?

**Shri Morarji Desai:** That is an impossible proposition.

**Shri Rameshwar Tantia:** Suppose the price of a block of tea gardens, which is in sterling, is less, and it is sold at a higher price; then, may I know whether income-tax is charged on that, before the amount is transferred?

**Shri Morarji Desai:** Income-tax is charged wherever it is liable to be charged; nobody is allowed to escape income-tax.

**श्री भवत वर्मान :** मैं यह जानना चाहता हूँ कि जब कि भारत सरकार की यह नीति है कि इन चाय बागानों पर भारतीय मालिकों का अधिकार हो सके, तो वह कौन से उपाय किए जा रहे हैं कि जल्दी से जल्दी भारतीय लोगों का उन पर अधिकार हो जाए?

**श्री मोरारजी देसाई :** उपाय करना इतना घासना नहीं है।

**Shrimati Renu Chakravartty:** May I know whether the entire sale proceeds are allowed to be repatriated or whether there is any percentage which they have to keep in India?

**Shri Morarji Desai:** There is no percentage prescribed which is to be kept in India; they are entitled to repatriate.

**Naga Hostiles in Manipur**

\*454. { Shri D. C. Sharma:  
Shri L. Achaw Singh:  
Shri Pangarkar:  
Shri Rameshwar Tantia:

Will the Minister of Home Affairs be pleased to state:

(a) whether armed encounters took place in the Tamenglong sub-division of Manipur between the Naga hostiles and the Manipur Police;

(b) if so, the number of encounters that took place during 1959 so far;

(c) the number of hostiles arrested and detained during the last 3 months; and

(d) the number of hostiles who surrendered to the police during the last 3 months?

The Minister of Home Affairs (Shri G. B. Pant). (a) and (b). There have been 11 such incidents from January to October, 1959.

(c) and (d). 29 persons have been arrested and one person surrendered to the police.

Shri D. C. Sharma: May I know whether Government have any.....

Mr. Speaker: The hon. Member must speak a little louder. He must be given a front seat. We find it difficult to hear him from his present seat.

Shri D. C. Sharma: You always say like that, but you never give me one. You only make me live on hope.

An Hon. Member: Raising him up.

Shri D. C. Sharma: May I know whether Government have any idea of the approximate number of hostiles that are still at large, and what Government are going to do to see that they do not have anti-social objectives?

Shri G. B. Pant: This Tamenglong area is being combed, so that forces are reaching in the entire area in order to see whether anyone is there who

can sit in ambush or otherwise cause such incidents.

Shri D. C. Sharma: May I know how these incidents compare with the incidents that took place in the corresponding period in the year 1958? Is there any decline or is there any increase?

Shri G. B. Pant: I cannot say exactly whether the number of incidents in 1958 is less or more. But so far as these incidents go, thirteen hostiles were killed, a number were arrested, a has already been told, and 19 rifles and three stenguns and a lot of ammunition were captured and seized.

Shri Panigrahi: May I know the total number of Naga hostiles who are still under detention, and how many of them have escaped so far?

Shri G. B. Pant: I cannot give the exact number in detention. I am not in a position to do that. The main question is confined to Tamenglong, and to the incidents in Tamenglong. It has nothing to do with the entire Naga area.

Shri Narasimhan: May I know the casualties on our side in these operations?

Shri G. B. Pant: In one case, to which I have already referred previously, there was an ambush in which five policemen were killed, and one revolver and three rifles were seized by the hostiles.

श्री अचल सिंह : क्या गृह-मंत्री जी यह बताने का कष्ट करेंगे कि जो नंगा हीस्टाइल्स हैं उन पर कब तक कामयाबी प्राप्त हो जाएगी ?

श्री गो० ब० पन्त : कामयाबी तो होती जा रही है, पहले से हालत बहुत सुधर गयी है। उनकी तादाद अब बहुत कम है बमुकामले पहले के, संकड़ों आदिमी मुखालिफों को छोड़ कर जो शान्ति चाहते हैं उनके साथ घा गए हैं।

**Shrimati Masida Ahmed:** May I know whether any assessment has been made of the losses caused by the hostile Naga activities in Manipur during 1956-57?

**Shri G. F. Pant:** There have been a few incidents in Manipur, but I do not think much loss has been caused in Manipur area itself.

**Shri L. Achaw Singh:** May I know why a posse of the Assam Rifles and the Eastern Frontier Rifles, which had been posted on the borders of Manipur and the Naga Hills Tuensang area to check infiltration of Nagas, has been withdrawn?

**Shri G. B. Pant:** I do not think that any forces have been withdrawn. There may have been rearrangement of the forces. Some may have been deployed here and there. But I do not think they have been withdrawn.

**Shri S. M. Banerjee:** May I know whether it is within the knowledge of Government that Shri Phizo, the Naga leader, has come back to his original place?

**Shri D. C. Sharma:** How does the hon. Member know about it?

**Shri S. M. Banerjee:** Because the news has appeared in newspapers. The hon. Member also must have read it.

**Shri G. B. Pant:** Government have no specific accurate knowledge about this.

**Shrimati Masida Ahmed rose—**

**Mr. Speaker:** I have allowed a number of questions. Next question.

अध्यापिकायें

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\*४५५. { श्री प्रकाश बीर शास्त्र :  
श्री नरदेव स्नातक :  
श्री केशव :  
श्री जी० व० ठाकुर :  
श्री न० रा० मुनिस्वामी :  
डा० राम सुमन सिंह :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत में प्रारम्भिक शिक्षा देने में स्त्रियाँ कहाँ तक उपयोगी सिद्ध हुई हैं ;

(ख) क्या सरकार को ये सुझाव दिये गये हैं कि पाँचवें दर्जे तक शिक्षा देने के लिये केवल स्त्रियों को ही लगाया जाये ; और

(ग) शिक्षा के क्षेत्र में इस समय कुल कितनी स्त्रियाँ लगी हुई हैं ?

शिक्षा मंत्री (डा० का० ला० भीमाली) :

(क) निश्चित रूप से तो कुछ कहा नहीं जा सकता, फिर भी ऐसा सोचना युक्तिसंगत है कि ग्राम तौर पर इस स्तर के लिए अध्यापिकाएँ अधिक उपयोगी होती हैं।

(ख) जी हाँ, जहाँ तक पूर्व-प्राथमिक और प्राथमिक स्तरों का सम्बन्ध है।

(ग) १९५६-५७ में १,९६,३६५।

{Dr. K. L. Shrimali (a) While no definite statement can be made, there is reason to believe that generally speaking, women teachers are more useful at this stage.

(b). Yes, Sir, in so far as pre-primary and primary schools are concerned.

(c) 1,96,365 in 1956-57.]

श्री प्रकाश बीर शास्त्री : श्रीमान्, क्या मैं जान सकता हूँ कि जो अध्यापिकाएँ अध्यापन का कार्य कर रही हैं विशेषकर गाँवों में, क्या उन को निकासी की सुविधायें देने के लिए सरकार की ओर से कुछ विशेष सुविधायें दी जा रही हैं ?

डा० का० ला० भीमाली : जी हाँ, हम ने राज्य सरकारों को लिखा है कि उस



के लिए केन्द्रीय सरकार से कुछ ग्रांट्स दी जावेंगी।

**श्री प्रकाश कीर शास्त्री :** मैं यह जानना चाहता हूँ कि पुरुष-प्रध्यापकों को प्रवकाश देने के सम्बन्ध में जो नियम है, क्या स्त्री-प्रध्यापकों को प्रवकाश देने के सम्बन्ध में कुछ फनसेशन दिया गया है ?

**डा० का० ला० श्रीमाली :** मैं निश्चित रूप से तो नहीं कह सकता, लेकिन कुछ राज्य इस के लिए विशेष प्रबन्ध है, लेकिन इस समय मेरे पास पूरी जानकारी नहीं है।

**Shri Palaniandy:** Since the housing problem in the villages is very difficult, may I know whether Government have come forward to give any subsidy or loan to the State Governments to have housing arrangements in the villages for the women teachers?

**Dr. K. L. Shrimali:** I have already said that Government have a scheme under which grants are being given to the State Governments for putting up women teachers' quarters in villages.

**Shrimati Renu Chakravartty:** Does the Central grant require a matching grant by the State Government? Or is it an outright grant from the Central Government?

**Dr. K. L. Shrimali:** Formerly we said we would give 75 per cent assistance and there should be 25 per cent matching grant from the State Government. But since the State Governments were finding it difficult to provide the matching funds, we have told them that they could utilise our share, if they could not provide their matching contribution.

**Shri Thimmalah:** As there is a large number of lady teachers required under the future Plans, may I know if any arrangements have been made by the State Governments for training these lady teachers?

**Dr. K. L. Shrimali:** Yes, various measures have been taken. One of the important schemes that we have undertaken is that we have given cent per cent grants to the State Governments for setting up teacher training institutions. We have also written to the State Governments that as far as possible in all our schemes, they should take as many women teachers as possible.

**International Students House, Delhi**

\*456. **Shri D. C. Sharma:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 965 on the 31st August, 1959 and state:

(a) what further progress has been made up-to-date in the construction of the International Students House, Delhi; and

(b) when it is likely to be completed?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Administrative approval for the construction of the first phase of the building to house fifty-five persons has been issued.

(b) It is expected that the construction of the first phase will start during the current year and may take about eighteen months to complete.

**Shri D. C. Sharma:** May I know if for the construction of this House any foreign assistance has been sought and received? If so, what is the amount received?

**Shri Humayun Kabir:** So far, no foreign assistance has been sought or received.

**Shri Radha Raman:** What will be the maximum capacity of this International Students House? Also, will the foreign students who have come from other countries and who are at present having their studies in Delhi University—all have accommodation for them in that House?

**Shri Humayun Kabir:** Ultimately this International Students House will have accommodation for 300 students and about 20 professors. It is our intention that there will always be a certain proportion of Indian students and professors also there. The number of foreign students in Delhi at present is about 300.

**Shri D. C. Sharma:** May I know if the expenses of these foreign students are not such as to prohibit the admission of Indian students into that House?

**Shri Humayun Kabir:** No. It is expected that Indian students will also participate in the life of this hostel.

#### National Flag

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\*457. { **Shri Amjad Ali:**  
          **Shri C. K. Bhattacharya:**

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that on the 23rd September, 1959 three persons pulled down the National Flag from the flag mast building in Berhampore, West Bengal, and hoisted in its place the Communist Flag;

(b) whether they belong to the Revolutionary Socialist Party; and

(c) whether any step has been taken against them?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) On the 23rd September, 1959 three persons pulled down the National Flag from the Collectorate Building in Berhampore and hoisted the flag of the Revolutionary Socialist Party in its place.

(b) Yes.

(c) Cases have been registered against the three persons and the matter is now *sub-judice*.

**श्री अजयत बर्हान :** मैं यह जानना चाहता हूँ कि जब एक पार्टी का झंडा झवालत में

चढ़ाया जा रहा था, तो वहाँ पुलिस और मैजिस्ट्रेट क्या कर रहे थे ?

**श्री ए० व० पन्त :** पुलिस और मैजिस्ट्रेट ने उन को पकड़ लिया और उन पर मुकदमा चला ।

**Shri Jeachim Alva:** Is there any provision of law to penalise disrespect to the National Flag either by spitting on it or by trampling it under foot? If there is no such provision, will the Home Ministry contemplate having such a provision?

**Shri G. B. Pant:** Action is being taken in the case. So there is apparently some provision which justifies such action.

**Shri Sinhasan Singh:** Under what provision of law are those persons being prosecuted? A similar case occurred in Gorakhpur, but the authorities have failed to find a provision of law to deal such cases of dishonouring of the National Flag.

**Shri G. B. Pant:** In this case, action has been taken under section 11 of the West Bengal Security Act and also under section 448 of the Indian Penal Code.

**Shri Narayanankutty Menon:** May I know whether it is a fact that the Central Government ordered the withdrawal of a case in which certain PSP members stood accused of hoisting the PSP flag after pulling down the National Flag from the Trivandrum Collectorate?

**Shri G. B. Pant:** The Central Government have not ordered any such withdrawal.

**Shri V. P. Nayar:** Why?

**Shri Sinhasan Singh:** Are Government considering the question of having a special enactment for the purpose of seeing that all cases of dishonouring of the National Flag are made punishable?

**Shri G. B. Pant:** I think action can be taken even under the existing law.

**Enumeration of Voters in Ranni  
Constituency (Kerala)**

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\*458. { Shri Narayanankutty  
Menon:  
Shri Punnoose:  
Shri Kodiyam:

Will the Minister of Law be pleased to state:

(a) whether a large number of voters were left out in the Ranni Constituency in the Kerala State in the recent enumeration;

(b) if so, what are the reasons for the same; and

(c) whether these voters were transferred to another constituency by means of a press note?

**The Deputy Minister of Law (Shri Hajarnavis):** (a) to (c). As a result of the recent survey and re-fixation of the boundary line between the districts of Kottayam and Quilon by the Survey and Land Records Department of the Kerala State, several forest areas hitherto wrongly treated as part of Quilon district, were actually found to be within the limits of Kottayam district. The Revenue Department accordingly issued a public notice stating that the seven areas mentioned therein would be treated as part of the Kottayam district for all administrative purposes. In view of this correct demarcation of the boundary line, 2,978 voters residing in the affected areas which were formerly treated as part of the Ranni constituency in Quilon district, had to be registered as voters of Kanjirapally constituency of Kottayam district and orders were issued accordingly. This was done with the concurrence of the Election Commission. Apart from this, the Election Commission has no information regarding any large number of voters in the Ranni constituency having been left out in the recent enumeration.

**Shri Narayanankutty Menon:** May I know whether it is not a fact that the last Delimitation Commission included this particular area in the

Ranni constituency? If so, what powers has the Election Commission to put it into a different constituency by means of a notification?

**Shri Hajarnavis:** I think the Delimitation Committee had included his in a particular division. The Election Commission put it in the area in which it was actually found.....

**Shri Narayanankutty Menon:** Sir, I could not hear the answer.

**Mr. Speaker:** Will the hon. Minister repeat the answer?

**Shri Hajarnavis:** If it was the order of the Delimitation Commission that this should form part a revenue division it is not wrong to put it in the correct revenue division

**Shri Narayanankutty Menon:** My question was different. Is it not a fact that the Delimitation Commission last time included this particular area in the Ranni constituency? If it is a fact, has the Election Commission got any powers to change the decision of the Delimitation Commission?

**Shri Hajarnavis:** If it was found to be a part of the Kottayam district really, then, it is carrying out the order of the Delimitation Commission.

**Mr. Speaker:** Why all this? Why not the hon. Minister say, the Delimitation Commission ordered this and we are carrying out what the Delimitation Commission said. What did the Delimitation Commission do this time, whatever it might have done last time?

**Shri Hajarnavis:** The order of the Delimitation Commission is not before me. But, assuming what the hon. Members said to be correct, if it formed really a part of the Kottayam district, then, surely, it is correct to place the electors in the Kottayam district.

**Mr. Speaker:** The hon. Member must find out what the difficulty of the hon. Minister is.

**Shri V. P. Nayar:** Sir, I was an associate member of the Delimitation

Committee which demarcated the constituencies. It has never been the practice of any Delimitation Commission anywhere to delimit constituencies on the basis merely of revenue districts. As far as I understand it, every Assembly constituency was particularly demarcated mentioning the villages in each and no power on earth has the right to change it.

**Mr. Speaker:** The Minister says that he has not got the exact order of the Delimitation Committee. He says that in the absence of such an order before him, the Election Commission has only carried out the orders of the Delimitation Committee. If necessary, hon. Members may put a separate question and I will ask him to answer it.

**Shri Narayanankutty Menon:** Will the hon. Minister be pleased to look into the direction given by the last Delimitation Commission? If according to the last Delimitation Commission it was part of the constituency of Ranni, will he state whether the Election Commission will be directed to include it in the Ranni constituency?

**Mr. Speaker:** I cannot allow any hon. Minister now to make a statement or give an assurance that he will do this or that. I am finding that such assurance as are given on the spur of the moment could not be carried out. Therefore, the Question Hour shall not be utilised for eliciting any such assurance from any hon. Minister. Hon. Ministers will guard themselves against making this kind of haphazard assurances which they are not able to implement later on.

**Shri Maniyangadan:** May I know whether this particular area is part of the Kottayam district and whether the Ranni constituency is composed of villages within the Quilon district? Is it not a fact that the mistake was only rectified subsequently?

**Shri Hajarnavis:** That is so; that is the correct position.

**Shri V. P. Nayar:** At the time the last Delimitation Committee gave details of the various constituencies the revenue divisions were different. Subsequently, after the Delimitation Committee Award there have been some adjustments on the basis of certain villages—a regrouping of certain villages. But we contend that once a Delimitation Committee has demarcated a particular constituency and set the limits, no authority has any power to revise that. And this is precisely what has been done in this case. When a Delimitation Committee has set the limits for a particular Assembly constituency, no matter where that portion of the constituency comes, whether it comes into another district or not, nobody has the authority or power to revise it. I understand....

**Shri Maniyangadan:** May I know whether this particular area happens to be in the Kottayam district?

**Mr. Speaker:** Let us not argue this matter. All that I understood from the hon. Minister is that the Election Commission has only done what the Delimitation Committee has ordered. He will verify it.

**Shri Narayanankutty Menon:** On a point of clarification. May I know whether it is not a fact that this particular portion was included in the Ranni constituency at the time of the last General Election?

**Shri Hajarnavis:** That is so. When actually it was demarcated it has been discovered that this should have formed part of the Kottayam district rather than of Quilon district.

**Mr. Speaker:** The hon. Minister will look into the facts.

**Shri V. P. Nayar:** Will he report to the House?

**Mr. Speaker:** There is no such practice of reporting to the House. Hon. Members can again put a question later.

**Shri V. P. Nayar:** The right of 2,000 votes is affected. There is no Government there for them to represent. It is not possible for us to know that he has done this. We must be told that this has been done.

**Mr. Speaker:** I shall allow a question.

**Shri Hajarnavis:** Instead of voting in one constituency they will vote in another constituency.

**Shri V. P. Nayar:** I have been twice a member of the...

**Mr. Speaker:** Unless I call a particular hon. Member or Minister no hon. Member ought to make a statement in the House. We are proceeding so rapidly each one allowing the other to go on without caring to catch my eye.

**Shri Narayanankutty Menon:** From the answers given here alone it is *prima facie* known that it is an illegality. Once the Delimitation Committee has given this to a constituency nobody can change it.

**Mr. Speaker:** Order, order. We are not arguing any case during the Question Hour. The hon. Members are entitled to elicit answers. The hon. Minister has said that he has not seen the Delimitation Committee's order. If the hon. Member puts a question I will allow that question within this session.

**Shri V. P. Nayar:** There may not be 14 days' notice.

**Mr. Speaker:** Ten days are enough; 14 days are not necessary

राज्यों को लो. की छड़ों का बिबा जाना

\*४५६. श्री विभूति मिश्र : क्या इस्पात, ज्ञान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार भवन निर्माण के काम आने वाली लोहे की छड़ें किन्-किन राज्य सरकारों की देती है;

(ख) केन्द्रीय सरकार किस आधार पर लोहे की छड़ों का वितरण करती है; और

(ग) क्या केन्द्रीय सरकार नगरों और ग्रामों की आवश्यकताओं को ध्यान में रखते हुये विभिन्न राज्यों को कोटा देती है?

इस्पात, ज्ञान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) सब राज्य सरकारों को ।

(ख) वितरण, भाग और उपलब्धि पर आधारित रहता है ।

(ग) जी हाँ ।

श्री विभूति मिश्र : क्या माननीय मंत्री महोदय ने दरियाफ्त किया है कि ये जो छड़ें हैं, जो मकान बनाने के काम में आती हैं, ये किसानों को मिलती हैं या नहीं मिलती हैं?

सरदार स्वर्ण सिंह : राज्य सरकारें आम तौर पर देखती हैं कि देहातों में ये मिलती हैं या नहीं मिलती हैं। यह मैं मानता हूँ कि पिछले दिनों में कुछ इसकी तंगी रही है मगर मैं समझता हूँ कि अगले पांच छः महीने में यह तकलीफ हट जाएगी ।

श्री विभूति मिश्र : मैं जानना चाहता हूँ कि पिछले दो साल में बिहार सरकार को हमारी केन्द्रीय सरकार ने मकान बनाने की लोहे की छड़ें कितनी दी हैं ?

सरदार स्वर्ण सिंह : मेरे पास उसकी ठीक तादाद तो इस वक्त नहीं है लेकिन अगर नोटिस दिया जाए तो यह चीज बताई जा सकती है ।

सेठ अचल सिंह : क्या माननीय मंत्री महोदय को मालूम है कि आगरे में आयरन

बार्स इस वकत कंट्रोल रेट से घाट दस रुपये मन ज्यादा पर बिक रही हैं, यदि हां तो इसको रोकने के लिए क्या कार्यवाही की जा रही है ?

**सरदार स्वर्ण सिंह :** नहीं मेरा स्थान है कि संसदन के बाद जब प्रायः वापिस जाएंगे तो धीरे ही तसवीर होगी ।

**श्री सायीबाला :** मैं जानना चाहता हूँ कि क्या मंत्री महोदय के पास इस किसम की शिकायत आई है कि ये जो लोहे की छहें हैं, ये जरूरतमन्द लोगों को बहुत कम मिल पाती हैं और जो बेजरूरतमन्द लोग होते हैं, वे ज्यादा से ज्यादा ले जाते हैं ।

**सरदार स्वर्ण सिंह :** ऐसी शिकायतें आम तौर पर राज्य सरकारों के पास आती हैं ।

**Shri S. M. Banerjee:** May I know the total demand of U.P. and to what extent it has been met in 1958-59?

**Mr. Speaker:** Hon. Members cannot go on asking about all the 14 States in the country.

**Pandit D. N. Tiwari:** May I know what percentage of the demands of the States are allotted and supplied?

**Mr. Speaker:** Those are all details which hon. Members can elicit by way of an unstarred question.

**Shri Thimmalah:** I want to know whether the India Government has issued any specific instructions to the State Governments for making these iron and steel materials easily available to the agriculturists, because the agriculturists are complaining that they are not getting iron materials and, therefore, they are not producing more food and all that. That is a common complaint.

**Sardar Swaran Singh:** It is true that there have been complaints. But no specific instructions need be issued by the Central Government because

State Governments are equally solicitous to remove whatever difficulties might be faced by the agriculturists.

**श्री विष्णुति मिश्र :** मैं जानना चाहता हूँ कि क्या सरकार ने इस की कोई कीमत निश्चित की है कि इतने रुपये में हम होलसेलर्स को देंगे और होलसेलर्स रिटेलर्स को इतनी कीमत पर बेचें ।

**सरदार स्वर्ण सिंह :** जी हां, यह सब चीजें मुकर्रर हो चुकी हैं ।

Issue of Licences to Paint Firms

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\*468. { Shri Morarka:  
Shri Madhusudan Rao:

Will the Minister of Home Affairs be pleased to state:

(a) whether investigations in the fraudulent issue of import licences to Messrs. Fedco Private Ltd., Bombay and Messrs. Wakefield Paints Ltd., Bombay have been completed;

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

(c) when the investigation was started and when it was completed; and

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

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) and (d). The results of the investigations are under examination.

(c) The investigation was started on 28th October, 1958 and has just been completed.

**Shri Morarka:** May I know whether any arrest has been made in this connection?

**Shri G. B. Pant:** I cannot say if any arrest has been made. Perhaps some people, even if arrested, may

have been released on bail but I have no definite information.

**Shri Morarka:** May I know whether there is any charge against any Government officer and also whether any Government officer has been suspended in this case?

**Shri G. B. Pant:** I understand from the report that I have received that one Government officer of an inferior grade is involved in this matter but I do not know whether any definite finding has been reported to the Ministry concerned or not because the investigation has just been completed.

**Shri Morarka:** May I know whether this case has been registered in the court and whether prosecution has been launched?

**Shri G. B. Pant:** It is likely to be launched shortly.

#### Neyveli Thermal Power Station

\*462. { <sup>+</sup> Shri Oza:  
Shri Subbiah Ambalam:

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

(a) whether delivery of equipment, plant and machinery for constructing the thermal power station at Neyveli, by M/s. Technoexport, Moscow, has commenced; and

(b) if so, the extent of the supply so far effected?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) No.

(b) Does not arise.

#### Coal Open Cast Mine

\*463. { <sup>+</sup> Shri Nagi Roddy:  
Shrimati Parvathi Krishnan:  
Shri Warrior:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 413 on the 13th August, 1959 and state:

(a) whether the project report of the Coal Open Cast Mine to be built in Madhya Pradesh has been received from M/s. Technoexport Moscow; and

(b) the number of Indian engineers who were associated in the preparation of the report?

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

(b) Four.

#### Gas Turbine Project

\*464. **Shri Narasimhan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state whether Second Tata Committee have met and made its final recommendation on the location of the Gas Turbine Project?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** Not yet, Sir.

**Shri Narasimhan:** When was the idea of having research on this subject first mooted?

**Shri Humayun Kabir:** The idea was first mooted in 1953 but the committee to which it was referred advised against any research in this country and it was only about one year that the original proposals were revised.

**Shri Narasimhan:** When was it re-mitted to the Second Tata Committee?

**Shri Humayun Kabir:** It was re-mitted to this Committee again on 31st March, 1959.

**Shri Narasimhan:** Why is it that the matter is kept pending for so many years?

**Shri Humayun Kabir:** I have just now informed the hon. Member that though there was a suggestion in 1953, the expert committee advised against any such research in view of the fact that almost astronomical figures of money are required. This was being done in other countries and

so the Committee recommended against any development research in this country. We revised it only this year.

### Naga Hostiles

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\*466. { Shrimati Mafida Ahmed:  
Shri Rameshwar Tantia:  
Shri S. M. Banerjee:

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that nine army officials were killed by the hostile Nagas in the second week of October, 1959 at Chakasang in Kohima area; and

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

**The Minister of Defence (Shri Krishna Menon):** (a) and (b). Yes, Sir. On the 14th October, 1959 at about 7.30 a.m., an Army convoy consisting of five jeeps, was ambushed by approximately 200 armed hostiles on the Sathazumi-Kilami road (18 and 24 miles North East of Kohima respectively). As a result, one Army Medical Officer and eight other ranks were killed and eighteen other ranks were wounded.

**Shrimati Mafida Ahmed:** In view of the incident and the reply given just now by the hon. Minister, it is evident that our Army men were overpowered by the hostiles. May I know whether our Army men were equipped with necessary arms or they were only a shadow of an Army?....  
(Interruptions).

**Shri Krishna Menon:** The Army men are always equipped as best as possible.

**Shrimati Mafida Ahmed:** In view of the fact that the Chinese incursions at our border is coincidence of the Naga hostilities within the Indian Union, may I know whether the Government is alive to these trends of events?

**Shri Krishna Menon:** There is no evidence of this connection in this particular incident. Naturally, the Government is alive to all the developments that take place in the frontier.

**Shri Hem Barua:** May I know whether it is a fact that the Naga hostiles who are granted amnesty are in active co-operation with the underground hostiles and they are giving all information about the movement of our troops, of our Army?

**Shri Krishna Menon:** We have no such information but I will enquire into this.

**Shri Hem Barua:** Is it a fact that Phizo is directing all these hostile activities against our Army from his hide-out in an un-administered area in the Indo-Burma frontier? If so, what steps do the Government propose to take to nail down Phizo so that these things may not occur again?

**Shri Krishna Menon:** It is a question of operational activity. I am sure he would not expect me to answer it.

**Shri L. Achaw Singh:** May I know whether any one who is involved in this incident had been apprehended or arrested?

**Shri Krishna Menon:** As a precautionary measure, the Deputy Commissioner, Kohima enforced curfew. We have no information that the people concerned have been apprehended. The question of apprehension does not arise. If they are found, they will be shot.

**Shri Hem Barua:** May I know whether this convoy that was overpowered by the 200 armed Nagas was sufficiently equipped with arms and ammunition to face any situation?

**Shri Krishna Menon:** Yes, Sir but that is the nature of the terrain in that territory. It is possible for our troops to be overpowered on account of the nature of the terrain in



the jungle. That is in keeping with all the casualties that we have suffered.

**Shri Hem Barua:** As the Naga hostiles have a particular *modus operandi* may I know whether the Government have tried to discover or find out this *modus operandi* and face the situation?

**Mr. Speaker:** How else will they do? What is the meaning of this question? The Government will certainly try to do that. Next question.

**Pipe Factory at Chavara (Kerala)**

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\*466. { **Shri Nagi Reddy:**  
 { **Shri Ramam:**  
 { **Shri V. P. Nayar:**

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the pipe factory at Chavara handed over to the Kerala State Government by the Norwegian Project Administration has been recommissioned;

(b) what were the arrangements made for payment of wages to the workers during the period of closure;

(c) whether there are any plans to enlarge the production of the factory?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) No.

(b) It was decided to retrench all the staff and the workmen of the factory except a skeleton staff to attend to the upkeep of the machinery and buildings of the factory: and to pay the retrenched staff their retrenchment benefits according to rules.

(c) The question of enlarging the production of the factory can be considered only after the factory restarts its work.

**Shri V. P. Nayar:** May I know the date on which the factory was closed?

**Shri G. B. Pant:** The factory was closed, I think, sometime in the month of September.

**Shri V. P. Nayar:** What was the number of labourers regularly employed in that factory subsequent to this closure?

**Shri G. B. Pant:** The number of workmen there is not known to me. But that was a temporary factory consisting of temporary establishment under the Indo-Norwegian project for manufacturing premo pipes of a special type for special purpose and when that was achieved the factory had no specific work to do and the raw material also was not available. Ultimately in a conference which was attended by the officers of the Public Health Engineering Department of the factory, the President of the Factory Workers' Union and the President of the AITUC, it was decided that in view of the indefinite closure of the factory all the staff and workmen of the factory except a skeleton staff to attend to the upkeep of machinery and buildings of the factory should be retrenched, and that the staff and workmen so retrenched should be paid their retrenchment benefit. This decision was taken in consultation with the representatives of the AITUC and Public Health Engineering Department.

**Shri V. P. Nayar:** Is it a fact that this factory was specially set up for the purpose of supplying the requirements of pipes for the water-supply scheme to benefit the entire coastal tract of Quilon district; if so, may I know whether it is not a fact that the work is now held up for want of this material?

**Shri G. B. Pant:** I understand that 5,400 premo units of 28" diameter have been manufactured, and at present perhaps that is the number that is needed.

**Shri V. P. Nayar:** Is the hon. Minister aware that this factory was only making water mains and it was not making any other pipes required for the scheme with the result that the scheme cannot be pushed through now?

**Shri G. B. Pant:** If more pipes are needed and they are not available, of course, the work will be held up. But the arrangement was reached in consultation with the representatives of the AITUC and the Public Health Engineering Department. I assume that they have taken every aspect into consideration.

**Shri V. P. Nayar:** May I know whether the Government has enquired into the possibility of developing the factory to supply the pipe requirements of various other schemes not merely in the State of Kerala but other States, because this pipe is something new in the field of water-supply?

**Shri G. B. Pant:** Government would like to restart the factory whenever there is demand for such pipes and the raw material is available.

#### WRITTEN ANSWERS TO QUESTIONS

##### Transportation of Oil

\*445. **Shri Shree Narayan Das:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether alternative practical methods of transporting crude oil, refined oil or motor spirit from the place of production or importing port to suitable destination have been studied with a view to find out the economics of cost involved in different methods;

(b) if so, the results of such a study;

(c) whether any team of experts had proceeded to foreign countries for such study;

(d) whether the team has submitted any report; and

(e) if so, the important features of such report?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** (a) Alternative practical methods of transportation, namely, by river, by rail and by pipeline have been studied only in respect of crude oil from Nahorkatiya oil-fields to the proposed Refineries at

Gauhati and Barauni. Regarding transport of refined products, a detailed comparative study has yet to be undertaken.

(b) The results of the study with regard to Nahorkatiya crude indicate that transport by pipeline is the most suitable, reliable and economical.

(c) No, Sir.

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

##### चीन का आधुनिक इतिहास

\*४५०. श्री कुमुदवन्त राय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली विश्वविद्यालय में इतिहास के अध्यापक श्री कुम्रांग चाऊ शियांग ने दिल्ली में 'माडर्न हिस्ट्री आफ चाइना' नामक एक पुस्तक प्रकाशित की है; और

(ख) क्या यह भी सच है कि इस पुस्तक में जो नक्शे दिये गये हैं; वे वैसे ही हैं जैसे कि चीन व रूस में प्रकाशित हुए हैं?

गृह-कार्य मंत्री (श्री गो० बा० पन्त) :

(क) श्री चाऊ शियांग कुम्रांग दिल्ली में प्रकाशित 'माडर्न हिस्ट्री आफ चाइना' नामक पुस्तक के लेखक हैं। वे दिल्ली विश्वविद्यालय में १९५१ से १९५४ तक हिन्दी अध्यापन के अस्थायी अंशकालिक (Part-time) लेक्चरर थे।

(ख) किताब के शीर्षक पृष्ठ और उसके अन्दर लगाये गये नक्शे कुछ उन्हीं नक्शों की प्रतियां हैं जो चीन में १९५४ से प्रकाशित हुये हैं। इनमें और रूस के नक्शों में कुछ फरक है।

##### Cost of Production of Coal

\*461. { **Shri T. B. Vittal Rao:**  
**Shri Tangamani:**

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 263 on the 10th August, 1959 and state:

(a) whether Coal Price Revision Committee have since submitted their supplementary report on the cost of production of coal in Andhra Pradesh and Assam;

(b) if so, whether Government have examined the same; and

(c) the nature of decision arrived at?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The Committee has not yet submitted its supplementary report.

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

बनारस हिन्दू विश्वविद्यालय की लेखा-परीक्षा रिपोर्ट

\*४६५. डा० राम सुभग सिंह : क्या शिक्षा मंत्री २० फरवरी, १९५६ के तारांकित प्रश्न संख्या ४८८ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि क्या सरकार द्वारा बनारस हिन्दू विश्वविद्यालय की वर्ष १९५७-५८ की लेखा-परीक्षा रिपोर्ट के प्राकृतिक रूप की एक प्रति सभा-घटल पर रखे जाने की भाशा है ?

शिक्षा मंत्री (डा० ज्ञानोबा श्रीवास्तव): केन्द्रीय विश्वविद्यालयों की लेखा परीक्षा रिपोर्टों को संसद् में रखने और साथ ही इसके बारे में केन्द्रीय विश्वविद्यालयों के अधिनियमों में सांविधिक व्यवस्था करने का प्रश्न अभी भी विचाराधीन है। इसमें काशी हिन्दू विश्वविद्यालय की लेखा परीक्षा रिपोर्ट भी शामिल है। इस सम्बन्ध में जो निर्णय होगा उसकी सूचना सभा को यथासमय दे दी जायेगी।

#### Bombay Family Pension Fund

\*467. Shri Goray: Will the Minister of Finance be pleased to state:

(a) the date on which the Life Insurance Corporation took over the Bombay Family Pension Fund of the Government servants, Bombay, with all its assets and liabilities;

(b) the amount of the Fund in Reserve with the Government of India; and

(c) whether it is a fact that the pensioners have to continue to pay monthly instalments till their death?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) 1st September, 1958.

(b) The balance in respect of the Fund held by the Accountant General, Bombay, was Rs. 24,26,785.06 nP. as on 31st December, 1958.

(c) No, Sir.

#### Matching Grants

\*469. { Shri Aurobindo Ghosal:  
Dr. Gangadhara Siva:  
Dr. Ram Subhag Singh:

Will the Minister of Finance be pleased to state:

(a) whether Government have decided to abandon the system of "matching grants"; and

(b) if so, from which date?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). In pursuance of the recommendations of the Finance Commission, the Government of India decided that, for the remaining period of the Second Plan, no new schemes should ordinarily be formulated involving the provision of matching grants from State revenues. Where the Plan itself makes provision for matching grants for specific schemes, they could continue. Orders were issued on the 3rd January, 1958.

#### Stipends to Displaced Students

\*470. Shri Bimal Ghose: Will the Minister of Education be pleased to state:

(a) whether a change in the procedure for the distribution of stipends to displaced students has been introduced in the middle of the session this year;

(b) if so, the reasons therefor;

(c) whether this change has caused great inconvenience and hardship to many displaced students and to schools located in refugee colonies and areas; and

(d) if so, what action Government have taken or propose to take to remove such hardship?

The Minister of Education (Dr. K. L. Shrimall): (a) to (d). A statement is given below.

#### STATEMENT

(a) No change has been made by the Government of India in the procedure. The Government of West Bengal have, however, made some changes in the conditions of award of stipends to displaced students (from East Pakistan).

(b) Due to funds being allotted on a tapering basis.

(c) Since the qualifying standard has had to be raised, some students may have suffered.

(d) The State Government does not propose to take any action.

#### Manganese Mines

\*471. Shri Vidya Charan Shukla: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the number of manganese mines, employing on an average less than 200 workers at a time, which were closed down during the year 1958; and

(b) how many of these mines have since been reopened as a result of the steps taken by Government to stimulate exports?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) A total of 150 mines were closed down during 1958. Information is not available how many out of these were employing less than 200 workers at a time.

(b) 14 mines out of those closed down have been reopened in 1958. Information is not available whether these have been reopened as a result of steps taken by Government to stimulate export.

#### Displaced Persons from East Pakistan

\*472. Shrimati Renu Chakravarty: Will the Minister of Home Affairs be pleased to state:

(a) whether it has been brought to his notice that a large number of East Pakistan refugees in Goalpara District, Assam, have not become citizens of India although they fulfil all the conditions of citizenship;

(b) whether they are mainly in rural areas and find it difficult to come to sub-divisional headquarters for filing application for citizenship; and

(c) whether Government propose to carry out a survey in the area and make arrangements for them to apply easily for citizenship from the rural areas?

The Minister of Home Affairs (Shri G. B. Pant): (a) Enquiries made by Government have revealed that there may be some refugees who have not yet applied for registration as Indian citizens; but their number is not likely to be large.

(b) They are mainly in rural areas but they cannot have any difficulty in filing applications as four of the seven registering authorities of the district are stationed in rural areas.

(c) In view of answers to (a) and (b), Government do not consider that a survey in the area is necessary.

#### Text Books in Kerala Educational Institutions

\*473. { Shri Vajpayee:  
Shri U. L. Patil:

Will the Minister of Education be pleased to state:

(a) whether a syllabus committee has been appointed to suggest modi-

sifications in the existing text books for educational institutions in Kerala; and

(b) if so, its personnel and terms of reference?

**The Minister of Education (Dr. K. L. Shrimani):** (a) and (b). The necessary information is being collected from the Kerala Government and on receipt will be laid on the Table of the House.

#### Small and Medium Scale Industries

\*474. { **Shri Ram Krishan Gupta:**  
**Shri Ajit Singh Sarhadi:**  
**Sardar Iqbal Singh:**  
**Shri Harish Chandra Mathur**  
**Shri L. Achaw Singh:**  
**Shri Damani:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Government are considering certain proposals to liberalise assistance to Small and Medium Scale Industries; and

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

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

(b) A scheme for guaranteeing bank advances to small scale industrial undertakings has been prepared by the Reserve Bank of India, in consultation with the Central Government, and is now being finalised. The question of liberalising the conditions on which banks may be refinanced, in respect of term loans granted by them to medium-sized industry, is also under consideration.

#### Polytechnics in Orissa

\*475. **Shri Panigrahi:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the Orissa Government have requested the Central Govern-

ment to start two polytechnic institutes in the remaining years of the Second Plan period; and

(b) if so, whether the Central Government have accepted this proposal of the State Government?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) and (b). The Government of India had proposed that a Centrally Sponsored polytechnic with an annual intake of 180 students be established in Orissa during the Second Plan period but the Orissa Government proposed instead the establishment of one polytechnic in 1960 and a second in 1961 with an annual intake of 60 each. The proposal was not accepted as it is uneconomical to establish polytechnics with such less intake and a scheme is now under consideration for the establishment of a polytechnic with an annual intake of 120.

#### Court Fees

{ **Shri Harish Chandra**  
**Mathur:**  
\*476. { **Shri Nek Ram Negi:**  
**Shri Inder J. Malhotra:**

Will the Minister of Home Affairs be pleased to state:

(a) whether Government of India have initiated any discussions with State Governments regarding Law Commission's recommendations in respect of reduction or abolition of court fees;

(b) if so, with what result; and

(c) to what extent the rates of court fees have been enhanced since Independence?

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

(a) The matter is proposed to be discussed in a conference of the Union and State Law Ministers.

(b) Does not arise at this stage.

(c) There is no enhancement of court fee rates in the case of documents presented or to be presented

before Central Government Officers serving in the States. In so far as the Union territories are concerned, the rates in Tripura have been reduced. A statement in respect of other Union territories is laid on the Table of the House. [See Appendix II, annexure No. 30.]

आगरे में केन्द्रीय हिन्दी शिक्षक महाविद्यालय

\*४७७.

{ श्री अक्षय वर्मान :  
श्री नवल प्रभाकर :

क्या शिक्षा मंत्री १० अगस्त, १९५९ के अतिरिक्त प्रश्न संख्या ४८२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि आगरे में केन्द्रीय हिन्दी शिक्षक महाविद्यालय की स्थापना के सम्बन्ध में और क्या प्रगति हुई है ?

शिक्षामंत्री (डा का० सा० श्रीमाली) : मंडल का निर्माण हो चुका है और इस के सम्बन्ध में एक अधिसूचना जारी की जा चुकी है।

Volunteer Corps in States

{ श्री S. M. Banerjee :  
श्री P. C. Borooah :  
श्री Goray :  
\*४७८. { श्री D. C. Sharma :  
श्री Bishwanath Roy :  
श्री Ramakrishna Reddy :

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Central Government have asked the State Governments to organise volunteers to assist in emergencies;

(b) if so, the reaction of the State Governments; and

(c) whether such volunteer Corps have been organised by any State?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) It is generally favourable.

(c) Yes, statutory voluntary organisations already existed in the States

of Bombay, Madhya Pradesh, West Bengal, Uttar Pradesh and Bihar and has recently been set up in the Union Territory of Delhi.

Training of Primary School Teachers

{ श्री D. C. Sharma :  
श्री Panigrahi :  
\*४७९. { श्री R. C. Majhi :  
श्री Subodh Hansda :  
श्री Pangarkar :

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 931 on the 31st August, 1959 and state the progress so far made in the execution of the Scheme for country-wide training of primary school teachers?

The Minister of Education (Dr. K. L. Shrivastava): A statement is laid on the Table of the House. [See Appendix II, annexure No. 31.]

Purchase of Aero Engines by I.A.F.

\*४८०. श्री Morarka: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that 226 aero-engines were purchased by the Indian Air Force during 1949 to 1952 for Rs. 138 lakhs for which an expenditure of about Rs. 27 lakhs was incurred on overhaul and re-overhaul;

(b) whether the said aircrafts have since been withdrawn from service; and

(c) what were the reasons which weighed with Government to withdraw them from service, after spending so much on their purchase and overhauling?

The Deputy Minister of Defence (Sardar Majithia): (a) It is not a fact that 226 aero-engines were purchased by the Indian Air Force during 1949-52 at a cost of Rs. 138 lakhs. The amount represents the cost of Tempest aircraft (including engines) purchased from U.K. during 1948 to 1952. They did service with the Air Force

from 1948 to 1954 when jet aircraft were commissioned to replace them in I.A.F. Squadrons.

(b) and (c). All usable aircraft in the Air Force are kept in the reserve. Modern aircraft have replaced the older types in use earlier in the regular Squadrons.

#### Appointment of Judges on Enquiry Bodies

\*481. { Dr. Ram Subhag Singh:  
Shri Achar:  
Shri Vidya Charan Shukla:

Will the Minister of Home Affairs be pleased to state:

(a) whether the attention of Government has been drawn to a press statement of Shri S. R. Das, former Chief Justice of India, published soon after his retirement regarding the appointment of judges on enquiry bodies; and

(b) if so, what are the views of the Government in the matter?

The Minister of Home Affairs (Shri G. B. Pant): (a) Government's attention has been drawn to a report in the Statesman dated 2nd October, 1959 in which a staff reporter of that paper has given a version of what he understood to have been said by the former Chief Justice of India while he was speaking on the eve of the departure for Calcutta.

(b) Supreme Court Judges are requested to make enquiries after consultation with the Chief Justice of India. Each such case has to be considered on its merits.

#### Children's Book Trust

\*482. { Shri Rameshwar Tanti:  
Shri D. C. Sharma:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Children's Book Trust has not been

able to publish standard illustrated books for children so far; and

(b) if so, the reasons for the delay?

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

(b) The Trust has not yet been able to set up the Press and start work.

#### Museums in Madhya Pradesh

\*483. Shri Vidya Charan Shukla: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether consideration of the matter of Central assistance to the State Governments who had formulated schemes for development of museums within their jurisdiction, has been finalized; and

(b) if so, the nature of decision taken with particular reference to Madhya Pradesh.

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a). Yes, Sir.

(b). A sum of Rs. 28,500 has been sanctioned during the current financial year for development of Museums at Indore and Raipur.

#### Export of Pig Iron

\*484. { Shri Panigrahi:  
Shri Bibhuti Mishra:  
Shri Oza:  
Dr. Ram Subhag Singh:

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

(a) whether any quantity of pig iron produced in Bhilai and Rourkela has actually been exported to any country; and

(b) if so, the countries to which it has been exported?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) and (b). Yes, Sir. A quantity of 13,000

tons of pig iron produced by Bhilai Steel Project has been exported to Japan.

#### Durgapur Steel Plant

\*485. { Shri Ram Krishan Gupta:  
Shri P. C. Barooah:  
Shri D. C. Sharma:  
Shri Supakar:

Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1216 on the 8th September, 1959 and state:

(a) whether the Committee appointed to investigate into the matter of defective pile foundations put at the Durgapur Steel Plant has submitted its report and

(b) if so, the findings of the Committee?

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

(b) The findings of the Committee are being examined by the Hindustan Steel Limited.

#### Assistance to Mining Entrepreneurs

\*486. Shri Harish Chandra Mathur: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) what assistance, financial and technical, has been rendered by Government in the development of mines other than coal and iron ore, particularly to the small entrepreneur;

(b) what machinery and provision exist for the purpose; and

(c) what is being done to co-ordinate mineral development with allied industries?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). No financial assistance has so far been given directly by the Central Government. The State Government of Orissa intends to form co-operative societies for helping small mine-owners and for this purpose a provision of Rs. 13.5 lakhs is available during

the current plan. The State Government of Rajasthan has a provision of Rs. 14.25 lakhs for purchase of equipment for being loaned to small quarry owners during the Second Plan. The State Government of Punjab have also for similar purposes provided Rs. 1.5 lakhs.

(c) With a view to feed the demand of raw materials for industries, the Government of India and the State Governments have expanded their activities in connection with exploration programmes. The Indian Bureau of Mines through its methods of control and conservation assists in better mining and scientific production from the mines. All attempts are being made to keep up as far as practicable with the demand.

#### दिल्ली में कुत्रिम नमोमंडल

{ श्री भक्त वर्मान :  
\*४८७. { श्री नवल प्रभाकर :  
{ श्री बी० चं० शर्मा :

क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री ३१ अगस्त, १९५९ के तारंकित प्रश्न संख्या १००६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि दिल्ली में उस भवन के निर्माण के संबंध में अब तक क्या प्रगति हुई है जहाँ कुत्रिम नमोमंडल जनता द्वारा देखे जाने के लिये रखा जा सकेगा ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री (श्री हुमायूँ कबिर) : प्रश्नकारों के द्वारा पलेनेटेरियम की इमारत बनाने के टेंडर मांगे गये हैं। टेंडर की प्राथिरी तारीख १८ दिसम्बर, १९५९ है।

#### Collection of Income-Tax

{ Shri S. M. Banerjee:  
\*488. { Shri Panigrahi:  
{ Shri Rameshwar Tantia:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a large portion of arrears of income-tax has been realised;



(b) if so, the total amount realised up to the 31st October 1959; and

(c) the amount still to be realised?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). Out of effective arrears of Rs. 152.36 crores as on 1st April 1959, a sum of Rs. 23.34 crores was realised during the period from 1st April, 1959 to 31st October, 1959.

(c). The effective arrears outstanding on 1st October 1959 were Rs. 129.41 crores out of the demand made before 31st March, 1959, and Rs. 17.58 crores out of demand raised in the current financial year.

#### Engineering College in Delhi

\*489. { Shri D. C. Sharma:  
Shri Ram Krishan Gupta:  
Shri S. A. Mehdi:  
Shri Arjun Singh Bhaduria:  
Dr. Ram Subhag Singh:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 385 on the 13th August, 1959 and state:

(a) whether the detailed estimates of costs of the Engineering College in Delhi have been worked out;

(b) if so, what are they;

(c) details of the assistance to be given by the British Government; and

(d) nature of progress made so far in setting up this college?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). Yes, Sir. The estimates are as follows:

Non-recurring	Rs. in lakhs
Cost of land and buildings (both instructional and residential)	261.86
Equipment and furniture	103.41
	365.27
Recurring (Ultimate)	34.53
per annum to be reached in 1964-65	

(c). Equipment worth ₹250,000 will be supplied for the College, in addition to the services of nine Professors and one Director of Practical Training and Placement as well as two Supervisors for the Mechanical and Electrical Workshops.

(d). Steps are being taken to register the College as a Society and to constitute its Board of Governors. Additional land is being acquired and proposals have been invited for the design of buildings.

#### इस्पात के कारखाने

७०१. श्री प्रकाश बीर शास्त्री : क्या इस्पात, खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसे कारखानों की संख्या कितनी है जिनके नाम संघ सरकार की इस्पात बनाने वाले कारखानों की त्रैमासिक सूची में दर्ज हैं;

(ख) इन कारखानों को गत पांच वर्षों में एस० पी० आई०, पी० आई० डी० के कोटे से तथा वाणिज्यिक रूप से आयात किये गये इस्पात में से कितने टन इस्पात दिया गया ; और

(ग) ऐसे कारखानों की संख्या कितनी है जिन्हें राज्यों के उद्योग संचालकों की सिफारिश पर इस्पात दिया जाता है तथा जिनके नाम राज्य की सूची में दर्ज हैं ?

इस्पात, खान और ईंधन मंत्री (सरदार स्वर्ण सिंह) : (क) ऐसा प्रतीत होता है कि माननीय सदस्य का अभिप्राय इस्पात बनाने वाले कारखानों से है। यदि ऐसा है तो उत्तर ६१० है।

(ख) केन्द्रीय एस० पी० आई० और पी० आई० डी० कोटा इस प्रकार दिया गया :-

(टनों में)

वर्ष	एस० पी० आई	पी० आई० डी०
१९५८-५९	४३३,४१०	१६३,४३३
१९५९-६०	२२५,०००	६८,२००
(अप्रैल से सितम्बर, ५९ तक)		

पिछले वर्षों के ब्रांकडे उपलब्ध नहीं है। एस० पी० आई० कारखानों की संघीय सूची में बाणिज्यिक रूप से आयात किये गये इस्पात के ब्रांकडे प्रलग से उपलब्ध नहीं हैं।

(ग) क्यों कि राज्य सूची की विभिन्न इकाइयों को, इस्पात का वितरण राज्य सरकारों द्वारा किया जाता है अतः यह सूचना उपलब्ध नहीं है।

#### Copper Deposits in Bombay

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

(a) whether any steps have been taken by Government to exploit the copper ore deposits in Bombay State; and

(b) if so, the details thereof?

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

(b) Does not arise.

#### Mineral Survey in Bombay

703. **Shri Pangarkar:** Will the Minister of Steel, Mines and Fuel be pleased to state the results of the mineral survey that was conducted in Bombay State during 1958-59?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** Reports on the mineral investigations conducted by the Geological Survey of India in Bombay State during 1958-59 are now under preparation. A brief summary of all the reports will be incorporated in the 'Annual Records' and the 'Memoirs' of the Geological Survey of India which will be published in due course. Copies of such publications are invariably sent to the Parliament Library in due course.

#### Exhibition of Indian Art

704. **Shri Pangarkar:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that many countries have approached India for the exhibition of Indian Art in their countries; and

(b) if so, the names of those countries.

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) If the reference is to the Exhibition of "5000 Years of Indian Art" held in West Germany this year, the reply is in the affirmative.

(b) Attention in this connection is invited to Starred Question No. 143 asked in the Lok Sabha on the 5th August, 1959 and the reply given thereto.

#### Cycle Thefts in Delhi

705. **Shri Ramji Verma:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that over 600 bicycles were stolen in the first eight months of this year in Delhi;

(b) if so, how many of the stolen cycles were recovered; and

(c) the steps Government propose to take to check such thefts?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) and (b). One thousand and one hundred and seventy four cycles were stolen during the first eight months of the current year of which 176 cycles have been recovered.

(c) Police men are posted on duty at places where large number of cycles are kept and surprise checking of cycles is carried out at important crossings. The Public are also advised through cinema slides to lock their cycles.

#### Women's Education in Assam

706. **Shrimati Mafida Ahmed:** Will the Minister of Education be pleased to state:

(a) the amount allotted by Central Government during 1959-60 to the Government of Assam for education of girls; and

(b) whether the State Government had sought any amount for the purpose?

**The Minister of Education (Dr. K. L. Shrimall):** (a) and (b). An allotment of Rs. 2 lakhs was made under the Centrally sponsored scheme for expansion of girls' education and training of women teachers at the elementary stage. The State Government have not so far submitted detailed proposals for this purpose.

#### Corruption Cases in Orissa

**707. Shri Kumbhar:** Will the Minister of Finance be pleased to state:

(a) the number of Income-tax officials involved in corruption cases during 1957-58, 1958-59 and 1959-60 so far in Orissa, District-wise; and

(b) the nature of action taken against them?

**The Minister of Finance (Shri Morarji Desai):** (a). Nil.

(b). Does not arise.

#### Manufacture of Drilling Equipment

**708. Shri Ram Krishan Gupta:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 889 on the 22nd August, 1959 and state at what stage is the question of manufacturing drilling equipment in India?

**The Minister of Mines and Oil (Shri K. D. Malaviya):** The manufacture of drilling equipment in India is under active consideration.

#### Scheduled Castes and Scheduled Tribes in Punjab

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

(a) the total amount sanctioned by the Central Government for the welfare of Scheduled Castes and Scheduled Tribes in Punjab during 1958-59; and

(b) how much amount out of it has been actually spent?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) and (b). A statement is given below.

#### STATEMENT

(Rs. in lakhs)

	Scheduled Tribes			Scheduled Castes		
	State Sector	Central Sector	Total	State Sector	Central Sector	Total
Amount Sanctioned.	1.740	5.750	7.490	*7.470	7.426	*14.896
Amount Spent	1.490	5.240	6.730	*6.120	9.786	*15.906

\*The figures in respect of State Sector include amounts for Other Backward Classes also. Since the schemes for the Welfare of Scheduled Castes and Other Backward Classes are being implemented jointly, separate figures in respect of Scheduled Castes are not available.

#### I.P.S. Cadre

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

(a) whether the present strength of I.P.S. Cadre is considered sufficient for the Third Five Year Plan; and

(b) if not, the steps which Government propose to take to gear up this Service?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) and (b). The State Governments have been requested to examine the manpower requirements of I.P.S. officers for the Third Plan period and the question will be considered at the time of the preparation of the Third Five Year Plan.

### Sanchi Monuments

711. **Shri D. C. Sharma:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 1418 on the 5th March, 1959 and state:

(a) what further amount has been spent for the maintenance of Sanchi Monuments during 1958-59; and

(b) the allocation made for the purpose during 1959-60?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) Rs. 53,801 from 1st February, 1959.

(b) Rs. 32,810.

### Salary Scales of Elementary School Teachers

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

(a) the total grant sanctioned by the Centre to each State Government for increasing the salary scales of elementary school teachers during 1958-59; and

(b) whether all the States have utilised the grants in full?

**The Minister of Education (Dr. K. L. Shrimani):** (a) and (b). All the State Governments, except the Government of Jammu and Kashmir, have revised the salary scales of primary school teachers.

Information regarding the grant sanctioned to and utilised by each State Government during 1958-59 is not available, because since that year the Central grant is being released as lumpsum advance on the basis of groups of schemes rather than individual schemes. The scheme for the improvement of salary scales of primary school teachers is included in the Elementary Education group.

### Assistant Commissioners for Scheduled Castes and Scheduled Tribes in States

713. **Shri Siddiah:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 2143 on the 3rd September, 1959 and state:

(a) whether applications have been called for by the Union Public Service Commission to fill up the vacancies of Assistant Commissioners for Scheduled Castes and Scheduled Tribes;

(b) if so, the number of applications received from each State and Union Territory; and

(c) by what time the Union Public Service Commission will finalise the selection?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) Yes.

(b) Information is not yet available as the Commission's recommendations have not been received.

(c) It is expected that they will finalise their recommendation by the end of December, 1959.

### Recruitment through U.P.S.C.

714. **Shri Siddiah:** Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 438 on the 10th August, 1959 and state whether the information in regard to the recruitment of different categories through the Union Public Service Commission in 1958 has since been collected?

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** The required information will be laid on the Table of the House shortly.

### House Loans to Scheduled Castes in Gurdaspur District

715. **Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to state the number of Scheduled Castes who were granted "House Loan" in Gurdaspur District (Punjab) during 1958-59?

**The Deputy Minister of Home Affairs (Shrimati Alva):** The required information is being collected from the State Government and will be laid on the Table of the House as soon as received.

#### Financial Resources of Delhi Municipal Corporation

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

(a) whether any progress has been made in the submission of the report by the Special Officer appointed to assess the financial resources of the Delhi Municipal Corporation;

(b) if so, the details thereof;

(c) whether Government have considered the aforesaid report; and

(d) if so, the suggestions in that report that have been accepted by Government?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) to (d). The report of the Special Officer has been received towards the end of October, 1959, and is under examination of the Government.

#### Education in the Andaman Islands

**717. Shri D. C. Sharma:** Will the Minister of Education be pleased to state the steps taken by Government during 1958-59 for the development of education in the Union Territory of the Andaman Islands?

**The Minister of Education (Dr. K. L. Shrivastava):** A statement is laid on the Table of the House. [See Appendix II, annexure No. 32.]

#### Indigenous Method of Iron Extraction

**718. Shri M. K. Ghosh:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether Government are aware of the fact that the indigenous method of iron extraction is still being carried

on in some parts of India, particularly in the Koraput District (Orissa) and low carbon steel is directly extracted from the ore;

(b) the names of the villages where such extraction is still being carried on along with the number of families and furnaces engaged in such operations in Koraput District;

(c) whether any royalty is charged by the Forest Department for charcoal they use for such operation; and

(d) if so, the rate of royalty?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) Iron is produced on cottage industry basis in certain ore-bearing areas of Orissa and Madhya Pradesh.

(b) Information is not available.

(c) and (d). No information is available. This is a matter within the jurisdiction of the State Government.

#### अलीगढ़ मुस्लिम विश्वविद्यालय

७१६. श्री प्रकाश बीर झास्त्री: क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) अलीगढ़ मुस्लिम विश्वविद्यालय में गत दस वर्षों से हो रही वित्तीय अनियमितताओं के बारे में सरकार ने अब तक क्या कार्यवाही की है ;

(ख) ये वित्तीय अनियमिततायें कितनी राशि की हैं और उसके बारे में लेखा-परीक्षक ने क्या रिपोर्ट दी है ;

(ग) क्या यह सच है कि कुछ उत्तरदायी व्यक्ति विश्वविद्यालय का घन लेकर पाकिस्तान चले गये हैं और यदि हां, तो उनके नाम क्या हैं और वे कितना घन ले गये हैं ; और

(घ) क्या यह भी सच है कि विश्व-विद्यालय का घन लेकर पाकिस्तान जाने का जिन व्यक्तियों के विरुद्ध आरोप लगाया गया

है, जैसा कि लेखा-परीक्षा रिपोर्ट में कहा गया है, वे अब भी भारत में रह रहे हैं और उनके विरुद्ध कोई कार्यवाही नहीं की गई है ?

सिखा मंत्री (डा० बीमाली) : (क) से (ब). विवरण समा पटल पर रख दिया जाता है। [विक्रमे परिकल्प २, अनुसूच्य संख्या ३३]

#### Hyderabad Money in Westminster Bank, London

720. { Shri Ram Krishan Gupta:  
Shri Padam Dev:  
Shri Vidya Charan Shukla:

Will the Minister of Home Affairs be pleased to refer to the reply given to unstarred question No. 2349 on the 8th September, 1959, and state at what stage is the question of recovery of one million sterling lying with the Westminster Bank in London belonging to erstwhile Hyderabad State?

The Minister of Home Affairs (Shri G. B. Pant): The case is at the same stage as it was when a reply was given on 8th September, 1959, to Unstarred Question No. 2349.

#### Freight Adjustment Accounts from TISCO

721. Shri Ram Krishan Gupta: Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1096 on the 3rd September, 1959 and state:

(a) whether Government have examined the proposal for settlement of freight adjustment account received from M/s. Tata Iron & Steel Co.;

(b) if so, the results thereof;

(c) whether the manner of adjustment has been decided; and

(d) the nature of steps taken so far for the realisation of amount due to Steel Equalisation Fund from the main producers of steel?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). The proposal for settlement of freight adjustment received from M/s. Tata Iron & Steel Co. is under examination of the Government. A decision in the matter will be taken shortly.

#### Grants for Cultural activities in Orissa

722. Shri Panigrahi: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 2659 on the 11th September, 1959 and state:

(a) the name of the institution in Orissa which was given a grant of Rs. 3,000 for promotion of cultural activities in Orissa during 1958-59;

(b) whether any such grants have been given to Orissa in 1959-60;

(c) if so, the amount thereof; and

(d) the principles which determine the quantum of such grants made for promotion of cultural activities?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Orissa branch of P.E.N., Bhubaneswar.

(b) and (c). No grant has been sanctioned to any such institution in Orissa during 1959-60 so far. However the State Government have been authorised to incur during 1959-60 an expenditure not exceeding Rs. 36,000 on the 'development of Modern Indian Languages' and Rs. 60,000 on the 'Development of Museums'.

(d) The sanction of a grant depends on the nature of the request as well as on the merits of each case.

#### देहाती बीमा योजना

७२३. श्री बीनारामदास दास : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) बिहार राज्य के किन-किन क्षेत्रों में देहाती बीमा योजना का काम अधिक

उत्साह के साथ करने का विचार है ;

(ख) इस दिशा में अब तक क्या प्रगति हुई है ;

(ग) क्या इस सम्बन्ध में कोई लक्ष्य निर्धारित किया गया है ; और

(घ) यदि हां, तो उसका व्यौरा ?

बिल्ल मंत्र (जी मोरार जी वेसाई) :

(क) (१) एकंगर सराय

(२) राजनीर

(३) मोकामा

(४) बिहार शरीफ

(५) भस्थवान

(६) नूरसराय

(७) सरमेरा

(८) फनवा

(९) बख्तियारपुर

(ख) योजना पर अभी तक प्रमन नहीं किया गया है ।

(ग) जी नहीं । क्षेत्रों की क्षमता के सम्बन्ध में पूरी तरह से छानबीन करने के बाद लक्ष्य निर्धारित किया जायेगा ।

(घ) यह सवाल पैदा नहीं होता ।

#### India Office Library

Pandit D. N. Tiwary;  
Shri M. L. Dwivedi;  
Shri Prakash Vir Shastri;  
Shri Shree Narayan Das;  
Shri Ram Krishan Gupta;  
Shri Goray;  
Shri C. K. Bhattacharya;  
742. Shri Ajit Singh Sarhadi;  
Shri Kodliyan;  
Shri D. C. Sharma;  
Shri Hem Barua;  
Shri Bibbuti Mishra;  
Dr. Ram Subhag Singh;  
Shri Rameshwar Tantia;  
Shri N. M. Deb;  
Shri Warior;

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

281 (A) LSD—3

(a) whether it is a fact that both India and Pakistan presented a joint note to the Government of the United Kingdom on or about the 11th September, 1959 about India Office Library; and

(b) if so, the reactions of the British Government thereto?

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

(b) A reply from the British Government is awaited.

#### Development of Oriya Language

725. Shri Panigrahi: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the Orissa Government has forwarded any proposal to the Central Government in 1959-60 for grants for development of Oriya language; and

(b) if so, the nature of proposals submitted?

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

(b) Publication of encyclopaedias and book-lets on modern scientific topics, editing and publication of the Mahabharata and translation into Oriya and publication of the one-volume Encyclopaedia and one-volume History of India proposed to be published in English by the Government of India.

#### National Flag

726. Shri Ram Krishan Gupta: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1060 on the 18th August, 1959, and state:

(a) whether Government have prepared a code for the proper use of the National Flag;

(b) if so, the details thereof; and

(c) when it will be introduced?

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

(a) to (c). The code for the proper use of the National Flag, is under preparation and is likely to be finalised shortly.

#### **Survey of Forms of Drama**

**727. Shri Ram Krishan Gupta:** Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 2108 on the 3rd September, 1959 and state the nature of progress made so far in completion of the preliminary survey of various forms of Drama in different parts of the country?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** The Sangeet Natak Akademi is conducting the work of survey in various forms of drama in different parts of the country through cultural organisations in the respective areas. The progress made in some of the projects of survey is:—

(a) Survey of Dramatic material for Indian Theatre Fact Book:

The Survey project being carried out by the Bharatiya Natya Sangh has been completed in respect of the following seven regions. (1) Gujerat, (2) Saurashtra, (3) Kutch, (4) Rajasthan, (5) Maharashtra, (6) Vidarbha and (7) Madhya Pradesh.

The Survey will now be extended to cover other remaining regions of the country.

(b) Project for acquisition of scripts, tapes, photographs and films of drama forms:

The project, also being carried out by the Bharatiya Natya Sangh, is in its initial stages.

(c) Survey of Cultural life of tribes of Madhya Pradesh:

The Survey report available in two published volumes has been conducted by the Bharatiya Lok-Kala Mandal, Udaipur.

(d) Survey of dramatic activities in Hyderabad—1894—1957.

The survey was entrusted to the Kala Mandal, Hyderabad. The first part of the comprehensive report covering the period 1894—1957 is now available in the published form.

(e) Survey of forms of theatre in Bihar:

This has been entrusted to the State Akademi, Bihar. Preliminary work has been done. The survey has been divided into two parts and the report is likely to be available at the end of the year.

(f) Survey in fields of dance, drama and music in Madras:

The work has been entrusted to the Madras State Sangeet Natak Sangam. The Survey is likely to be completed within six months.

(g) Survey of drama in Orissa:

Preliminary work has begun.

(h) Research of old and traditional Assamese dramatic forms:

The Assam State Akademi intends conducting a comprehensive survey and a report is awaited.

#### **Ex-Servicemen's Colony in Dandakaranya**

**728. { Shri Ram Krishan Gupta:  
Sardar Iqbal Singh:**

Will the Minister of Defence be pleased to state:

(a) whether there is any proposal to establish an ex-servicemen's colony in Dandakaranya; and



(b) if so, at what stage the proposal is?

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

(b) The Dandakaranya Development Authority has been requested for the allotment of a large block of land in Dandakaranya area for establishing land colonies for the resettlement of ex-servicemen.

#### Reorganisation of Forest Department of the Andamans

729. { Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 2080 on the 28th April, 1959 regarding reorganisation of Forest Department of the Andamans and state:

(a) whether investigations by the Special Police Establishment in regard to items Nos. 1, 5, 9 and 12 of the statement appended to the last answer have since been completed;

(b) if so, the decision taken thereon; and

(c) who has been held responsible for the loss incurred?

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

(b) and (c). The final report of investigation has been passed on to the Government of Andhra Pradesh for necessary action as the officer is under the disciplinary control of that Government. The matter is pending with the Government of Andhra Pradesh.

#### Post Graduate Courses in Technology and Engineering

730. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri R. C. Majhi:  
Shri Sarju Pandey:

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

(a) whether it is a fact that the All India Council of Technical Education has decided for the appointment of a Commission for the assessment and development of post-graduate courses in Technology and Engineering in the country;

(b) whether this Commission has been appointed by the Government;

(c) if so, the names of the members of this Commission; and

(d) how long it will take to complete the work?

**The Deputy Minister of Scientific Research and Cultural Affairs. (Dr. M. M. Das):** (a) and (b). The All India Council for Technical Education recommended the appointment of a Commission. Having regard to the terms of reference of the body recommended, the Government decided to appoint a Committee which has since been constituted.

(c). The names of the members of the Committee are as follows:

1. Prof. M. S. Thacker, Secretary, Ministry of Scientific Research and Cultural Affairs and Director General of Council of Scientific & Industrial Research. Chairman
2. Dr. A. N. Khosla, Vice Chancellor, Roorkee University. Member
3. Dr. D. S. Kothari, Prof. of Physics, Delhi University and Scientific Adviser to the Minister of Defence. Member
4. Dr. K. S. Krishnan, Director, National Physical Laboratory, New Delhi. Member
5. Dr. H.L.Roy, Amritus Professor, College of Engineering and Technology, Jadavpur University. Member
6. Prof. B. Sengupta, Director, Indian Institute of Technology, Madras. Member
7. Dr. P. R. Ramkrishnan, M.P. Principal, Combarore Institute of Technology, Combarore. Member
8. Dr. S. Bhagavanthan, Director, Indian Institute of Science, Bangalore. Member

9. Shri G. K. Chandiramani Member  
Joint Educational Adviser to  
the Government of India,  
Ministry of Scientific  
Research and Cultural Affairs.
10. Dr. P. K. Kelkar, Deputy Member  
Director, Indian Institute of Secretary  
Technology. Bombay.
- (d) The Committee is expected to complete  
its work by June, 1960.

#### Multipurpose, Tribal Blocks

731. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri E. C. Majhi:  
Shri Hem Raj:  
Shri Sanganna:

Will the Minister of Home Affairs  
be pleased to state:

(a) whether the Evaluation Committee set up to evaluate the progress of the Multipurpose Tribal Blocks in all the States has started its work; and

(b) whether any time has been fixed for the submission of its report?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir.

(b) Yes, Sir. 31st January, 1960.

#### Document Purchase Committee

732. { Shri Subodh Hansda:  
Shri S. C. Samanta:  
Shri Rameshwar Tantia:  
Shri Arjun Singh Bhadauria:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that a Document Purchase Committee has been appointed by Government;

(b) if so, whether this Committee has been given any power for scrutiny or it is only advisory in character;

(c) the number of Documents purchased upto date since its formation; and

(d) the names of the parties from whom these have been purchased?

The Minister of Education (Dr. K. L. Shrivastava): (a) Yes. But it is designated as the Historical Manuscripts Purchase Committee.

(b) It has the power of scrutiny.

(c) 225 including 14 manuscripts.

(d) 1. Shri S. A. Asghar Bilgrami of Hyderabad.

2. Shri K. G. Husain of Ajmer.

3. Shri Mehr Jaisi of Jais (Distt. Rae Bareilly).

4. Smt. Afsari Begum of Delhi.

5. Messrs. Amrit Book Co., New Delhi.

6. Shri Ram Dutt of Alwar.

7. Shri M. Gesudraz Khan of Aurangabad.

8. Shri Majid Sultan of Hyderabad (A.P.).

9. Shri Mahmud Agha of Allahabad.

10. Shri Balram Prasad Saxena of Lucknow.

11. Shri Ambika Prasad Saxena of Lucknow.

12. Shri Brij Ballabh Sharma of Bijnore.

#### Central Government Employees

733. Shri Harish Chandra Mathur: Will the Minister of Finance be pleased to state:

(a) what was the total number of Central Government employees under each of the major categories and what was the actual expenditure on them during each of the last 5 years; and

(b) what is the present position?

The Minister of Finance (Shri Morarji Desai): (a) and (b). (i) A statement showing the total number of civilian employees under Central

**Government (excluding the Railways and the Indian Missions abroad) under broad categories, for the period 1955 to 1959 is laid on the Table. [See Appendix II, annexure No. 34.]**

(ii) A statement showing the strength of the staff employed in the Railway Board, the Indian Government Railways and the miscellaneous Railway Offices for the years 1954 to 1958 is laid on the Table. [See Appendix II, annexure No. 34.]

(iii) A statement showing the number of employees in the Indian Missions and Posts abroad under the Ministry of External Affairs, during the years 1955 to 1959 is laid on the Table. [See Appendix II, annexure No. 34.]

(iv) A statement showing the total expenditure incurred on the salaries and wages of the Central Government establishment (excluding Railways and Defence) for the period from 1956-57 to 1959-60 is laid on the Table. [See Appendix II, annexure No. 34.]

(v) A statement showing the cost of staff employed under the Railways for the years 1953-54 to 1957-58 is laid on the Table. [See Appendix II, annexure No. 34.]

(vi) A statement showing the cost of the Civilian personnel paid from the Defence Services Estimates for the years 1955-56 to 1959-60, is laid on the Table. [See Appendix II, annexure No. 34.]

#### Stipends to Delhi Students

**734. Shri Goray:** Will the Minister of Education be pleased to state:

(a) whether it has come to the notice of Government that some stipends awarded by the Education Directorate did not reach the stipend-holders in Delhi;

(b) if so, how many such cases have come to notice; and

(c) has any enquiry been made and what action has been taken in the matter?

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

(b) 20.

(c) Yes, Sir. Steps have been taken to release the scholarships without delay.

#### शारीरिक शिक्षा, मनोरंजन तथा युवक कल्याण

७३५. { श्री भक्त वंश :  
श्री पांगरकर :  
श्रीमती इला पालसोबरी :

क्या शिक्षा मंत्री २७ अगस्त, १९५६ के अंतरांकित प्रश्न संख्या १६०८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) शारीरिक शिक्षा, मनोरंजन तथा युवक कल्याण की सभी योजनाओं के सम्बन्ध के लिये नियुक्त समिति के कार्य में अब तक क्या प्रगति हुई है; और

(ख) यह समिति अपना कार्य संभवतः कब तक समाप्त कर लेगी ?

**शिक्षा मंत्री (डा० श्रीमाली) :** (क) और (ख) यह समिति २६-५-५६ को बनी थी और क्रमशः २०-७-५६, १२-६-५६ और १६-११-५६ को इसकी तीन बैठकें हुईं। समिति ने अपनी जांच की कार्यविधि पर बहम करने के बाद, सभी हाई स्कूलों, उच्च माध्यमिक स्कूलों, व्यावसायिक और तकनीकी स्कूलों और कालेजों के मुख्याध्यापकों/प्रिंसिपलों को एक विस्तृत प्रस्तावली भेजने का निर्णय किया। समिति ने इस प्रस्तावली का अनुमोदन कर दिया है और शीघ्र ही इसे भेज दिया जायेगा। इस समिति का जितना काम है उसे देखते हुए, मांटा अनुमान है कि समिति अपना काम पूरा करने में छः महीने और लेगी।

### Investment in Industrial Projects in Public Sector

736. { Shri Ram Krishan Gupta:  
Shri Padam Dev:

Will the Minister of Finance be pleased to state:

(a) the total amount of sum invested in the various Industrial projects in the public sector during the second Five Year Plan period upto 30th September, 1959; and

(b) the total amount to be invested during the remaining period of second Five Year Plan?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

### Welfare Schemes

737. { Shri Ram Krishan Gupta:  
Shri Padam Dev:

Will the Minister of Education be pleased to state:

(a) whether the working of various welfare schemes launched by the Central Social Welfare Board have been revised; and

(b) if so, the result thereof?

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

(b) Does not arise.

### Service Regulations in Manipur Territorial Council

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

(a) whether it is a fact that Manipur Territorial Council have framed service regulations for its employees; and

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

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). Under the provisions of Section 32(4) of the Territorial Councils Act, 1956, the Manipur Territorial Council has to make regulations for governing the conditions of service of its staff. It has been ascertained that these regulations are at present under preparation.

### Article 311 of the Constitution

739. Shri Ajit Singh Sarhadi: Will the Minister of Home Affairs be pleased to state:

(a) the total number of Central Government employees who went to High Court against the breach of the Article 311 of the Constitution of India in the year 1957-58; and

(b) the number of cases where the High Courts issued writs?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the Table of the House.

### Families Settled in the Andaman and Nicobar Islands

740. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri Prakash Vir Shastri:

Will the Minister of Home Affairs be pleased to state:

(a) the total number of families settled in the Andaman and Nicobar Islands so far; and

(b) the States to which they belong?

The Minister of Home Affairs (Shri G. B. Pant): (a) 2,643.

(b) West Bengal (displaced persons from East Bengal), Bihar, Madras and Kerala. Some families of evacuees from Burma and some families from the former French possession of Mahe have also been settled in these Islands.

**Income Tax Act**

741. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri D. C. Sharma:

Will the Minister of Law be pleased to refer to the reply given to Unstarred Question No. 735 on the 13th August, 1959 and state:

(a) whether the report of Law Commission in regard to Income Tax Act has been considered;

(b) if so, the decision of the Government of India thereon; and

(c) the steps intended to be taken in regard to implementation thereof?

The Deputy Minister of Law (Shri Hajarnavis): (a) to (c). The report of the Law Commission on the Income-tax Act is still under consideration in the Ministry of Finance (Department of Revenue). Since the Law Commission submitted its report, a Committee under the Chairmanship of Shri Mahavir Tyagi was appointed to enquire into the administration of all direct taxes. The Committee is expected to submit its report shortly. As some of the recommendations of the Committee are likely to relate to matters which have been dealt with by the Law Commission, Government have decided to consider the two reports together.

**Negotiable Instruments Act**

742. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri D. C. Sharma:

Will the Minister of Law be pleased to state:

(a) whether the report of Law Commission in regard to the Negotiable Instruments Act has been considered; and

(b) if so, the decision of the Government thereon?

The Deputy Minister of Law (Shri Hajarnavis): (a) Yes.

(b) A Bill for implementing the recommendations contained in the Report is in the process of drafting.

**Specific Relief Act**

743. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri D. C. Sharma:

Will the Minister of Law be pleased to refer to the reply given to Unstarred Question No. 735 on the 13th August, 1959 and state the progress made so far in the drafting and sponsoring the Bill regarding Specific Relief Act?

The Deputy Minister of Law (Shri Hajarnavis): A draft Bill has been circulated to the State Governments on the 7th November, 1959 for their views thereon.

**Development of Regional Language of Punjab**

744. { Shri Ajit Singh Sarhadi:  
Shri Ram Krishan Gupta:  
Shri D. C. Sharma:

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

(a) whether any assistance has been sought by the Punjab Government for the development of Punjab regional language during 1959-60; and

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

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

(b) No amount has been sanctioned so far. The Government of Punjab have been asked to furnish details about their scheme, which are awaited.

**Requirements of Coke**

745. { Shrimati Parvathi Krishnan:  
Shri Nagi Reddy:  
Shri Warior:

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

(a) the estimate of annual requirements of coke for industrial purposes; and

(b) The total availability in both in the country?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The annual demand for hard coke has been estimated during 1959 and the next few years as follows:

	tons
1959 . . . . .	9,62,700
1960 . . . . .	10,74,600
1961 . . . . .	12,46,200
1962 . . . . .	14,18,000

The above figures do not include the requirements of steel plants as they produce their own coke.

(b). The total availability in both bye-product and bee-hive varieties has been estimated as follows:

Year	Availability		
	Bye-product (tons)	Bee-hive (tons)	Total (tons)
1959 . . . . .	10,26,500	3,50,000	13,76,500
1960 . . . . .	10,07,500	3,50,000	13,57,500
1961 . . . . .	11,07,500	3,50,000	14,57,500
1962 . . . . .	10,77,500	3,50,000	14,27,500

**Arrest of a Subedar of Assam Regiment**

746. Shrimati Mañda Ahmed: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a Subedar of Assam Regiment was arrested by land customs authorities at Imphal on the 21st August, 1959 with 30 gold bars valued at Rs. 58,000; and

(b) if so, the action taken against him?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir.

(b) The gold has been confiscated and a personal penalty of Rs. 5,000 has been imposed on the Subedar. Further appropriate action against him is also being considered.

**Scheduled Castes Appointed in Government Hotels**

747. Shri Kumbhar: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that scheduled castes are selected and appointed as cooks, bearers and servers in canteens, restaurants, tea stalls and hotels managed by the Central Government;

(b) if so, the number of Scheduled Castes so far appointed; and

(c) if not, the reasons therefor?

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

(a) Yes.

(b) 14.

(c) Does not arise.

**Relief to Political Sufferers**

748. Shri Jhulan Sinha: Will the Minister of Home Affairs be pleased to state with reference to the reply given to Starred Question No. 269 on the 10th August, 1959 and state the total amount given out of the discretionary fund at his disposal to political sufferers in "cases of hardships" in the States and the Union Territories since the start of the First Five Year Plan (State-wise)?

The Minister of Home Affairs (Shri G. B. Pant): A statement giving the required information is laid on the Table of the House. [See Appendix II, annexure No. 35.]

**Training of Foreign Teachers**

749. Shri Hem Barua: Will the Minister of Education be pleased to state:

(a) whether it is a fact that facilities for training are provided to

teachers from foreign countries, particularly of Asia and Africa; and

(b) if so, what is the number of such teachers studying or undergoing training and their subjects of study or training?

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

(b) Eighty-nine.

#### Subjects of study/training

- (i) *Humanities and Fine Arts*:— Education; Oriental Research; International Studies; Psychology; Political Economy; Indology; Sanskrit; Commerce; Hindi; Law; English; and Fine Arts.
- (ii) *Scientific/Technological*:— Science; Nuclear Physics; Medicine; Agriculture; Veterinary Science; Engineering; Technology; Teaching and Crafts; and allied subjects.

#### Tours by Ministers

**750. Dr. Ram Subhag Singh:** Will the Minister of Home Affairs be pleased to state the total amount of money spent on tours undertaken by Ministers and Deputy Ministers of the Government of India in 1958-59?

**The Minister of Home Affairs (Shri G. B. Pant):** Rs. 6,49,114.

#### Removal of Untouchability

**751. Shri Kumbhar:** Will the Minister of Home Affairs be pleased to state:

(a) the financial help given to various non-official agencies of Union Administrations during the years 1958-59 and 1959-60 so far for removal of untouchability; and

(b) the amount spent by them in their respective Union territories during 1958-59 and 1959-60 so far?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) and (b). A statement is given below.

#### STATEMENT

Name of the Union Administration	Financial help given to various non-official agencies of Union Administrations for removal of untouchability during		Amount spent by them in their respective Union territories during	
	1958-59	1959-60	1958-59	1959-60 (upto 30-9-1959)
1. Delhi	Nil	Nil	Nil	Nil
2. Manipur	Nil	Nil	Nil	Nil
3. Tripura	Nil	Nil	Nil	Nil
4. Himachal Pradesh	8,200	5,000	8,200	Not available

#### Income-tax Department

**752. Shri C. K. Bhattacharya:** Will the Minister of Finance be pleased to state:

(a) whether there is any training system for the lower staff of the Income-tax Department before being actually appointed to regular work; and

(b) if not, the reasons therefor?

**The Minister of Finance (Shri Morarji Desai):** (a) There is a programme of training for directly recruited Inspectors and Upper Division Clerks before being actually appointed to regular work. The question of introducing a training programme for Lower Division Clerks is under consideration.

(b) Does not arise in view of (a) above.

**Indian School of Mines and Applied Geology, Dhanbad**

**753. Shri Snpakar:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) what amount of money has been spent on the expansion of the Indian School of Mines and Applied Geology at Dhanbad since the beginning of the Second Five Year Plan period;

(b) whether it is a fact that no construction work has been undertaken during the last two years, resulting in want of accommodation for students of the School; and

(c) if so, the reasons for delay in the construction of the new buildings?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) Rs. 24.20 lakhs

(b) No, Sir.

Nearly 5½ lakhs of rupees have been spent on various works during the period from 1st April, 1958 to 31st October, 1959.

(c) Does not arise.

**Republic Day**

**754. Shri Hem Raj:** Will the Minister of Defence be pleased to state:

(a) whether it is proposed to reduce the Republic Day Expenditure in 1960; and

(b) if so, to what extent and on what items?

**The Minister of Defence (Shri Krishna Menon):** (a) and (b). The pattern of Republic Day Celebrations proposed for 1960 is roughly the same

as in previous years. The major part of the expenditure is on:

- (i) transportation of troops and equipment;
- (ii) barricading and seating arrangements;
- (iii) temporary camps for Army, Naval and Air Force personnel who come from out-stations, L.S.S. and N.C.C. Contingents and Folk Dance parties.

There is not very much scope for reduction in the above items of expenditure. However, every possible effort will be made to economise.

**Civilian Articles Produced in Ordnance Factories**

**755. Shri Chuni Lal:** Will the Minister of Defence be pleased to state:

(a) the articles of civilian use that are being manufactured in the Ordnance Factories and how these articles compare with those which are available in the market, in price and quality;

(b) whether 35 mm and 16 mm. Film Projectors are still being manufactured; and

(c) if not, why the manufacture of these items has been discontinued?

**The Minister of Defence (Shri Krishna Menon):** (a) A wide range of civilian goods are produced in the Ordnance Factories. A list of some of the important civil trade items produced in the factories is laid on the Table of the House. [See Appendix II, annexure No. 36]. In addition, substantial quantities of chemicals, spring steels, non-ferrous semi-fabricated materials, complicated machine parts involving castings, forgings and machinings have also been produced by the Factories for public and private industries on demand.



These compare favourably in price and quality with similar articles available in the market.

(b) and (c). The question of bulk manufacture of these projectors in the Ordnance Factories is still under examination. Only one prototype of 35 mm. projector has been completed. The second one is in advanced stage of manufacture. It is proposed to take up bulk production of 16 mm. projector in the first instance after a design is finalised as there is a greater demand for this type.

#### **Drinking Water Wells and Houses for Scheduled Castes**

**756. Shri B. K. Gaikwad:** Will the Minister of Home Affairs be pleased to state:

(a) the number of drinking water wells constructed for the Scheduled Caste people in non-municipal areas in the then Part 'B' and 'C' States to which the Centre had given aid during the First Plan period; and

(b) the number of houses constructed for the Scheduled Caste people in non-municipal areas in the then Part 'B' and 'C' States to which the Centre had given aid during the First Plan period?

**The Deputy Minister of Home Affairs (Shrimati Alva):** (a) and (b). During the First Plan period grants-in-aid to State Governments were given for implementation of welfare schemes of backward Classes generally in non-municipal areas. The information asked for is contained in Statement No. 3 Appendix XXVII and Statement No. 3 Appendix XXVIII of Part II of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1956-57.

#### **Department of Archaeology**

**757. Shri Narasimhan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Government are aware of the criticism of the Department of

Archaeology in the "Report on the work of the Archaeological Survey of India" by Sir Leonard Woolley, who was invited by the Government of India in 1939 to review the work of the Department;

(b) What is the machinery employed by the Government to see that the 1939 conditions do not recur and to see to the efficient working of the department in view of this criticism and of the tremendous increase in the budget allotment within recent years; and

(c) whether Government are considering the desirability of having another enquiry now into the working of the Department since the above enquiry by Sir Leonard Woolley was conducted nearly twenty years ago especially when the department have taken over structural conservation completely?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) Yes Sir. Sir Leonard Woolley in his report in 1939 criticized the excavation technique and policy followed by the Archaeological Survey of India but praised its conservation work.

(b) The present officers of the Union Department of Archaeology are fully trained in the modern methods of excavation technique. So, there is no chance of the conditions of 1939 being repeated.

(c) No, Sir.

#### **Sports in Punjab**

**758. Shri Daljit Singh:** Will the Minister of Education be pleased to state:

(a) the amount of grant allotted to the Punjab Government for the encouragement of Sports during the Second Five Year Plan period so far; and

(b) the details of the amount spent year-wise on various schemes?

**The Minister of Education (Dr. K. L. Shrimall):** (a) and (b). A sum of Rs. 80,500 has been allotted to the Punjab Government in November, 1959 for disbursement to educational institutions of the standard of High Schools (Higher Secondary Schools and above, for the acquisition of play-fields. Since the grant was sanctioned only on 23rd November, 1959 details of the amount spent out of it have not yet been received.

#### Polo Club in Manipur

**759. Shri L. Achaw Singh:** Will the Minister of Education be pleased to state:

(a) whether any grant-in-aid has been given by the Manipur Administration to any Polo Club or Association during 1958-59; and

(b) if so, the amount given and the name of the recipient?

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

(b) Rs. 5,000 to Shri Maibam Iboton Singh, Honorary Secretary, All Manipur Polo Club, Imphal.

#### Delhi Police Stations

**760. Shri Hem Barua:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Police Station in Kamla Market and Police outposts at Nareina Phatak, Chanakyapuri are housed in tents;

(b) whether it is also a fact that there is no provision for electricity, water and bath-rooms; and

(c) what steps are being taken to house them in pucca buildings and provide ordinary facilities?

**The Minister of Home Affairs (Shri G. B. Pant):** (a) The Police Station, Kamla Market and the Police Post at Nareina Phatak are temporarily

housed in tents. The Police Post Chanakyapuri is housed in a pucca building.

(b) The Kamla Market Police Station and the Chanakyapuri Police Post have electricity, both-rooms and water. The Nareina Phatak Police Post does not yet have these facilities.

(c) Action is being taken to acquire land and construct buildings which will have the necessary facilities.

#### Training in Co-operatives

**761. Shri Aurobindo Ghosal:** Will the Minister of Education be pleased to state:

(a) whether the training in co-operatives is imparted in any university; and

(b) if so, in which universities and what is the standard?

**The Minister of Education (Dr. K. L. Shrimall):** (a) and (b). A statement is given below.

#### STATEMENT

So far as the Government are aware, Co-operative Training is not at present a separate subject of study in any University except the University of Andhra, but it forms part of courses in Agriculture and Economics at Intermediate and Bachelor's and Master's degree stages in the following Universities:

- (1) Agra
- (2) Aligarh
- (3) Allahabad
- (4) Annamalai
- (5) Bombay
- (6) Gauhati
- (7) Gujarat
- (8) Karnatak
- (9) Madras
- (10) Mysore
- (11) M. S. University of Baroda
- (12) Nagpur :

- (13) Ormania  
 (14) Punjab  
 (15) Poona  
 (16) Rajasthan  
 (17) Saugar  
 (18) S.N.D.T. Women's  
 (19) Kerala  
 (20) Sri Venkateswara  
 (21) Utkal.

It is understood that the University of Andhra has instituted a special course in Co-operation from the current academic year.

#### Stock of Steel

762. **Shri M. B. Thakore:** Will the Minister of Steel, Mines and Fuel be pleased to lay a statement on the Table showing the position of stocks of steel held by:

- (i) Railways;  
 (ii) Irrigation projects; and  
 (iii) Government industrial projects in the public sector as on 1st January, 1956, 1957, 1958 and 1959;

and the percentages of capacity to which Industries using steel in the public sector have been working?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** The information is being collected and will be laid on the Table of the House.

#### Open Hearth and Electric Furnaces

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

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

(a) the total number of (melting scrap consuming) open hearth and electric furnaces in the country with their total rated capacity and present total effective capacity; and

(b) whether these furnaces are planned to augment their rated capacities?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) There are 12 electric furnaces and 1 open hearth furnace in the country making steel from melting scrap. The rated capacity of all the furnaces together is about 78 tons per heat and the total effective capacity about 98,000 tons per annum.

(b) Yes, Sir.

#### Steel

764. { **Shri M. B. Thakore:**  
 { **Shri Oza:**

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

(a) the rates at which the tenders for various categories and sizes of steel were decided after the beginning of American steel strike and the rates for the identical categories and sizes which were prevalent before the American steel strike;

(b) whether a copy of the complete statement of account of the Steel Equalisation Fund will be laid on the Table;

(c) the number of factories using sheet steel as primary raw material;

(d) the percentage of capacity claimed by the processing factories to which these factories have been working due to lack of sheet steel; and

(e) what steps Government have taken so far to enable these factories to work to the full capacity claimed by these factories?

**The Minister of Steel, Mines and Fuel (Sardar Swaran Singh):** (a) A statement is laid on the Table of the House. [See Appendix II, annexure No. 37].

(b) A statement of accounts as on 30th September, 1959 is laid on the

Table. [See Appendix II, annexure No. 37].

(c) There are 436 factories who receive Sheets from the Central Steel Processing Industries quota. The information regarding the factories who are getting sheets from the State Steel Processing Industries quota is not available.

(d) The percentages of allocation of sheets to capacities of factories vary from factory to factory, depending on the essentiality of the items manufactured.

(e) The indigenous capacity for manufacture of sheets is being increased. Import is also being resorted to within the limitations of foreign exchange availability.

#### Cultural Centres in Orissa

765. **Shri Kumbhar**: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any financial help has been given to the Orissa State Government for construction of cultural centres;

(b) if so, the location of the Centres, District-wise; and

(c) the amount allotted to each centre?

**The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das)**: (a) Not so far.

(b) The State Government has proposed Junagarh (Kalahandi District), Athamallik (Chenkahal District) Kalyanpur (Cuttack District), Bolrani (Ganjam District) and Bharat Trilochanpur (Balasore District).

(c) This has not been settled yet.

#### Eastern Zonal Council

766. **Shri Surendranath Dwivedy**: Will the Minister of Home Affairs be pleased to state:

(a) how many sittings of the Eastern Zonal Council have been held since its inauguration;

(b) when was the last meeting held and where; and

(c) whether the question of amalgamation of Seraikalla and Kharswan areas of Bihar into Orissa was raised in the last meeting?

**The Minister of Home Affairs (Shri G. B. Pant)**: (a) Four sittings of the Eastern Zonal Council have been held since its inauguration.

(b) The last meeting was held at Bhubaneswar on the 12th November, 1959.

(c) No.

#### Recognition of Hindi Examinations

767. **Shri Vidya Charan Shukla**: Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1692 on the 7th April, 1959 and state the details of action taken on the report of the Reviewing Committee in the light of the observations made by the Hindi Shiksha Samiti at its meeting held on the 3rd March, 1959?

**The Minister of Education (Dr. K. L. Shrivastava)**: The recommendations made by the Hindi Shiksha Samiti in its meeting held on the 3rd March, 1959 on the report of the Reviewing Committee have been accepted by this Ministry, and a Press Note in the matter will be issued shortly.

#### बाराबत्ती में माधो राव का घरना

७६८. डा० राम सुभग सिंह : क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सब है कि बाराबत्ती में स्थित श्री माधो राव का घरना जीर्ण स्थिति में है; और

(ख) यदि हाँ, तो क्या उसकी मरम्मत के लिये कोई उपाय किये जा रहे हैं ?

वैसासिक अनुसंधान और सांस्कृतिक-  
 श्रम श्रेणी (श्री कृष्णावतु कविर) : (क) और  
 (ख) जी, नहीं। सास बरारा प्रखड़ी हालत  
 में है लेकिन मीनार की हालत ठीक नहीं है  
 और उसकी जरूरी भरम्भत कराने का  
 इरादा है।

**Armed Forces Personnel in N.E.F.A.  
 and Naga Area**

769. **Shri Rameshwar Tantia:** Will the Minister of Defence be pleased to state the steps taken by Government to provide recreational facilities to armed forces personnel stationed in NEFA and Naga areas?

**The Minister of Defence (Shri Krishna Menon):** The general orders laying down scales of amenity grants for troops (JCOs and ORs) are applicable to the troops serving in NEFA and Naga areas also. These general orders provide for:

(a) a per capita grant of Rs. 2 per annum in two equal instalments to units for the provision of sports gear, indoor games, literature, radios, gramophones, gramophone records, musical instruments and anything else that conduces to the well being and morale of the soldiers, which is not supplied by Government and which the soldiers themselves cannot provide.

(b) Additional per capita grants at varying rates to small independent units depending upon their strength; and

(c) A literature grant of 25 naye paise per capita per annum payable in two equal instalments for the purchase of suitable reading material from the open market, the rate being higher in the case of units with small authorised strength.

Certain reserve amounts are also sanctioned and operated at the Army Headquarters and Command levels to cover expenditure in special cases and for special purposes such as additional gramophone records, recreational

literature in Indian languages and miscellaneous amenity stores.

2. So far as troops serving in NHTA are concerned, arrangements are also in hand for the provision of 200 radio sets. Besides, the Armed Forces Welfare Women's Organisation also occasionally sends gifts such as books, magazines, cigarettes, pickles and such other items.

**Steel**

770. **Shri Rameshwar Tantia:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that availability of steel of all types was less in 1958 than in earlier years; and

(b) if so, the reason for the same?

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

(b) This was mainly due to smaller imports on account of shortage of foreign exchange.

**सरकारी कार्यालयों में अनुवादक**

७७१. श्री क० भे० मालवीय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत सरकार के विभिन्न कार्यालयों में हिन्दी अनुवाद, जम्दावली और हिन्दी सम्पादन कार्य करने वाले कर्मचारियों की कुल संख्या कितनी है ;

(द) प्रत्येक मंत्रालय में इन कर्मचारियों के पद, वेतन-क्रम और कर्तव्य क्या हैं; और

(ग) ये पद कब से चले आ रहे हैं ?

गृह-कार्य मंत्री (श्री गो० ब० पन्त) :  
 (क) से (ग) तक दिल्ली स्थित दफ्तरों के बारे में प्राप्त सूचना का एक विवरण सभा

पटल पर रक्ष दिया जाता है। [पुस्तकालय में रक्ष दिया गया, रेकॉर्ड-संख्या एल० टी० १७४३।५६]

### Proof and Experimental Centre, Chandipur

772. Shri B. C. Mullick: Will the Minister of Defence be pleased to state:

(a) the total acreage of cultivable land lying under the possession of Proof and Experimental Centre at Chandipur in the district of Bangalore;

(b) how many acres of land has been leased out to the people for the year 1959-60;

(c) whether it is a fact that the paddy crops from this area have been completely damaged on account of recent cyclone and saline inundation; and

(d) if so, whether any steps have been taken to exempt the peasants from the payment of money for the year 1959-60?

The Minister of Defence (Shri Krishna Menon): (a) and (b). About 1187 acres, the whole of which is at present under cultivation by private lessees.

(c) and (d). Government of India have no information about the damage caused to the crops. Nevertheless, since the State Government assess the rent every year on the basis of yield per acre and collect it on behalf of the Ministry of Defence, suitable reduction in rent will, no doubt be made.

### Gauhati Refinery

773. Shrimati Mafta Ahmed: Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given

to Starred Question No. 92 on the 18th November, 1959 and state:

(a) whether it is a fact that the subsoil at the site of the Gauhati Refinery has been found to be soft for installation of the machinery; and

(b) the details in this regard?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). During the investigations peats were found at some places of the site. As a result, the Refinery layout had to be reorientated to avoid as much as possible of the peaty area, and wherever it occurred it is proposed to strengthen the location by pile driving.

12 hrs.

### MOTIONS FOR ADJOURNMENT

#### ALLEGED WRONGFUL ARREST AND IN-CHARGE OF CERTAIN PERSONS IN TRIVANDRUM

Mr. Speaker: I have received notice of an adjournment motion from Shri V. P. Nayar saying that somebody was prevented from voting.

Shri V. P. Nayar (Quilon): Not voting, S r.

Mr. Speaker: What is it then?

Shri V. P. Nayar: I have received two telegrams from Shri Easwara Iyer who apart from being a Member of this House representing the Trivandrum City also happens to be one of the leading lawyers of the city and an advocate of the Supreme Court. From his telegrams I understand that 41 Communist Party workers were arrested and then taken before a First-class Magistrate. With your permission, Sir, I will read the two telegrams so that the whole thing will

be clear. The first telegram reads like this:

"REFERENCE LAW AND ORDER SITUATION TRIVANDRUM GOONDAS ATTACKING PARTY WORKERS AND PERSONS ENGAGED FILING CLAIMS AND OBJECTIONS BEFORE REVISING AUTHORITY STOP POLICE PROCEEDING AGAINST COMMUNIST PARTY PERSONS ONLY STOP PRAY TAKE NECESSARY ACTION...EASWARAN".

The second telegram reads:

"REFERENCE MY TELEGRAM TODAY 41 ACCUSED PARTY PEOPLE IN CC 391/1959 OF TRIVANDRUM FIRST ADDITIONAL SECOND CLASS MAGISTRATE COURT DISCHARGED TODAY BY COURT...EASWARAN".

According to the rules under the Representation of the People Act it is incumbent on anybody whose name has been omitted or anybody who suspects that a wrong name has been included to file his objection or his claim before the 30th day. My information is that on the 30th day when people went there to present their claims or objections they were removed under the pretext that they were involved in some crime 41 of them were taken into police custody and when they were produced before the court the court could not proceed with the case and they were discharged. If these telegrams were from an ordinary political worker I could have understood it, but when Shri Easwara Iyer uses the word 'discharged' he uses the word in the strictest legal sense. Sir, when can a Magistrate discharge an accused? You know, Sir, that no.....

**Mr. Speaker:** Order, order. We need not argue this matter here. The only point is.....

**Shri V. P. Nayar:** Sir, I may submit that because of the use of the

word "discharge" it is obvious that the Magistrate before whom these 41 persons were produced was convinced that the charge was groundless. It is only on that ground that the Magistrate could have discharged the accused. By that time the whole day was wasted and these 41 persons were prevented from getting themselves registered. My hon. friend, Shri Narayanankutty Menon says he has information that they were kept in custody for four days and ultimately when they were taken to the court they were discharged because the Magistrate *prima facie* found that the charge was groundless. I could have understood any other procedure—if they were discharged under section 209. It is not possible because evidence could have been adduced. The word "discharged", therefore, must mean that they were discharged because the Magistrate was led to conclude that the charge was groundless. In this case, if 41 persons were taken when they went before the revising authority to file their claims and objections, how can there be free and fair elections? 41 is not a small number in a small town.

**Shri Narayanankutty Menon (Mukandapuram):** Sir, I would like to add one thing. On the 27th when they were before the Returning Officer to file their objections they were arrested and taken into custody. On the 28th they were produced before a Magistrate without a charge-sheet. Yesterday they were again produced before the Magistrate with a charge-sheet and he immediately ordered that they be discharged as *prima facie* there was no case. Therefore, they were deprived of their right to get themselves enrolled as voters in their constituency because of the illegal custody. The police issued a statement that these people were guilty of rioting and arms had been recovered from them. On the 29th when they were produced before the Magistrate they were discharged because *prima facie* there was no case. It is, therefore, obvious that the whole attempt was to deprive them the chance of

[Shri Narayanankutty Menon]

enrolling themselves as voters in their constituency.

**The Minister of Home Affairs (Shri G. B. Pant):** Sir, there had been some petty incidents there and some persons who were supposed to be sympathisers, whether of Communist or of other political parties, have been involved in them. Cases have been registered by the police. The police have been on the alert right through so that full freedom might be enjoyed by all concerned, and it is possible that the police might have arrested some persons who were sympathisers of the Communist Party. They have also arrested or they have at least registered cases against others also. If the police do not take action in such cases, there is greater danger of people being prevented from going to the registering officers and getting their names registered. The mere fact that in a particular case some persons were arrested and they were discharged does not prove anything. Well, of course, there are cases often prosecuted which end in discharge or acquittal, but that does not suggest anything and I do not think that can be a matter for an adjournment motion.

I do wish that no wrong action be ever taken against anybody, and also that full opportunity should be given to everyone to get himself registered or to file an objection or an application for getting himself registered. If any further instructions are needed, I shall do so.

**Shri Narayanankutty Menon:** There is one wrong statement. The hon. Minister said that the police might have arrested people from other parties also.

**Mr. Speaker:** No; he said that they might have discharged others also.

**Shri Narayanankutty Menon:** There is a statement exhibited in the news column here, a statement by the District Superintendent of Police that

there was rioting there by the Communists, 41 persons have been arrested and arms have been recovered. He has said that no other cases have been charged in that connection.

**Shri V. P. Nayar:** While that is the position according to the police, and the Magistrate does not find it even necessary to adduce evidence and he discharges the accused immediately they are produced, I would like to have one clarification from the hon. Home Minister. If these 41 persons have been denied the opportunity to file their claims or objections as stipulated under a particular rule of the Representation of the People Act, what is the remedy open to them? They were in custody during that period. It has been found that they were not guilty at all, there was no charge and the charge framed was groundless.

**Shri G. B. Pant:** I think if they are unduly prevented from filing their objections or their petitions, then the time should be extended in their case.

**Mr. Speaker:** In view of the statement from both sides, and particularly the statement from the hon. Minister, I do not think it is necessary to admit this adjournment motion.

12.10 hrs.

EXPLOSION ON AMRITSAR-PATHANKOT RAILWAY TRACK

**Mr. Speaker:** I have received notice of another adjournment motion from Shri Vajpayee regarding an explosion on the Amritsar-Pathankot railway line on the 29th November, 1959.

**Shri D. C. Sharma (Gurdaspur):** I have also given notice of a calling the attentive motion about this matter.

**Shri S. M. Banerjee (Kanpur):** This matter was referred to yesterday.



**Mr. Speaker:** The hon. Member who has tabled this adjournment motion says that the accident has resulted in the track being blown up, the Amritsar-Pathankot passenger train engine suffering damage and the dislocation of passenger and goods traffic on the route. Already, a calling attention notice received on the same subject has been referred to the Ministry concerned. Shri D. C. Sharma informs us that he has tabled a short notice question also. Is the hon. Minister in a position to reply now?

**Shri Ram Krishan Gupta (Mahendragarh):** I have also given notice of a short notice question on this subject. No statement should be allowed to be made on this motion because we will be deprived of chances for raising short notice questions.

**Shri Vajpayee (Balrampur):** It is open to the Congress Members to move an adjournment motion.

**Mr. Speaker:** Shri Shahnawaz Khan.

**Shri Feroze Gandhi (Rae Bareli):** The Minister is not in his seat.

**The Deputy Minister of Railways (Shri Shahnawaz Khan):** We have not got very detailed information available with us. But this much I can say. From the information received at 21.35 hrs. on the 29th of November, 1959, 6 ABP was held up at mile No. 59/17-18 due to explosion of a bomb between Jakolari and Sarna. No one was injured or killed but the track was badly damaged. There was slight damage to the engine. Civil and police officers, Gurdaspur and Pathankot, were advised and they inspected the site at about 23 hours. After inspection, SP Gurdaspur permitted 6 ABP to proceed to Pathankot which suffered

3 hours and 40 minutes' detention and arrived at Pathankot at 1.50 hours. Further traffic over the affected portion has been stopped till repairs are completed after making a search of the track and the area in day-time. One ABP was cancelled between Pathankot and Amritsar and also 57 Down between Gurdaspur and Pathankot. Passengers of 57 Down proceeded by bus. AEN and ATS, Amritsar, are at site.

**Shri D. C. Sharma:** This is the second incident that has taken place on the same line.

**Shri Shahnawaz Khan:** I have not yet finished. ASO (Spl. Int.) of the headquarters office has left yesterday for the scene to make further enquiries. AIG/GRP and the civil and police officers, Gurdaspur and Pathankot, have inspected the site. AIG/GRP, Punjab, is making enquiries on the spot and further details are awaited.

**Shri Vajpayee:** A similar explosion occurred on the same section on the 16th January this year. It appears that Government have failed to take necessary precautionary measures to safeguard the track. It is a serious matter and in view of the national crisis that we are facing, the railway lines ought to be properly guarded, and the House should be given an opportunity to discuss this question.

**Mr. Speaker:** Are not adequate steps being taken to guard the railway lines?

**Shri Shahnawaz Khan:** Every possible step is being taken. A very thorough enquiry was held on the last occasion and the conclusion was that the accident was a result of a definite act of sabotage from somebody outside our borders.

**Shri Braj Raj Singh (Ferozabad):** Then that becomes more serious.

**Shri Shah Nawas Khan:** We have introduced continuous patrolling of the line. The G.R.P. and the R.P.F. are patrolling the line and all necessary precautions are being taken.

**Mr. Speaker:** When an accident took place in January, it was said that it was the result of a sabotage. This accident is not said to be in any way connected with the other incident. The hon. Minister has made some enquiries, and he is awaiting some further information. As soon as he gets some more information, he will place it before the House, and if any such need arises from the facts elicited, I shall certainly consider the desirability of having a discussion on this matter, if necessary. At present, I am not called upon to give my consent to this adjournment motion.

12.18 hrs.

RE: EXPLOSION IN ASANSOL.

**Shri S. M. Banerjee (Kanpur):** Yesterday, I gave notice of an adjournment motion about the explosion in Asansol, and it was brought up in the House. There was also reference as to whether it was a Central subject or not. The subject was raised in the West Bengal Legislative Assembly, and the Chief Minister of West Bengal has said that it being a Central subject, he has already written to the Central Government. The death-toll in this accident now stands at 46.

**Shri Braj Raj Singh (Ferozabad):** More may die in view of the serious injuries caused.

**Mr. Speaker:** When this matter was brought up yesterday, the hon. Deputy Minister said that full information was not yet available. To the best of his

recollection, no permit was given, and it seems to have been a case of unauthorised storing of ammunition. Therefore, the explosion must have occurred. It is also open to the State Government to give permits upto 50. I do not know all the units there, and they may be of a smaller account. Now, the Chief Minister of West Bengal seems to have stated that this is a Central subject and so on. In view of the large casualties that have resulted, may I know what exactly the hon. Minister has to say in this matter?

**Shri Narayanankutty Menon (Mukandapuram):** Licensing is subject to the Central Government's inspection and comes within the duties of the Inspector of Explosives. It is not the absolute power of the State Government.

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** I have not received any detailed report from the Inspector of Explosives who has proceeded to the spot. The Chief Inspector of Explosives who is at Nagpur has also been asked to go to the spot. We are awaiting a report from these authorities. According to the Explosives Act, the District Magistrate also has to make a preliminary enquiry when an accident like this takes place. We have not received any detailed report till now. We are awaiting a report. As soon as I get a report, I would be able to make a statement on the matter giving the reasons for this accident and other particulars.

**Shri Braj Raj Singh:** In such matters, there must be quick action. At present, 46 people have died, and more may die because serious injuries have been caused. They have not yet received a report. They must be very quick in these matters.

**Shri K. C. Reddy:** I quite agree that this has been a very serious accident,

and quite a number of people have died, and several have been injured. I would like to take this opportunity of conveying to the members of the bereaved families our condolences. We are doing everything possible to expedite the report. As soon as the report is made available to us, I will make a statement.

**Shri Hem Barua (Gauhati):** The Chief Minister of West Bengal has written about it to the Central Government saying that it is a Central subject. May I know what the Central Government has got from the Chief Minister of West Bengal?

**Mr. Speaker:** The hon. Minister says he is making enquiries and is trying to expedite the report.

**Shri Narayanankutty Menon:** When a serious accident like this happens, it is not that we are much worried about the accident alone. What we are worried about is the mechanism and the functioning of the Central Government. The Chief Inspector of Explosives is functioning from Nagpur, and the Government are taking all possible steps. What we want is an assurance from the Minister that the machinery of the Central Government and of the Inspector of Explosives is tightened up so that this sort of unlicensed ammunition and explosives will not be permitted hereafter. That is the preventive aspect of it. We are stressing today the preventive aspect.

**Shri K. C. Reddy:** It is these aspects about which we have no definite information. It is not definitely known whether there were unauthorised licensees or whether there were unauthorised persons who were storing these goods. It is not known whether the District Magistrate issued licences or whether the Inspector of Explosives issue licences. All these facts are yet to be ascertained. We are awaiting the report.

**Shri Hem Barua:** I want to know specifically what the Chief Minister of West Bengal has written to the Central Government on this matter.

**Mr. Speaker:** After the accident, they are making enquiries.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** It is obvious that there has been a very serious accident or incident, whatever it was, involving so many deaths. It is totally immaterial, so far as this House is concerned, whether it is the Central Government's responsibility or the State Government's responsibility. This House is interested in knowing all the facts, and it is right that we place them even if it falls within the purview of the State Government, and it is not only the facts of this case, but also the facts in regard to the other questions that have been raised by some hon. Members as to who issued the licence, how this kind of thing can be prevented, etc. I am sure at the present moment, it is pretty difficult to discuss it when all the facts are not before us. Those facts should be obtained as rapidly as possible after full enquiry.

**Mr. Speaker:** Yes, in two or three days.

**Shri H. N. Mukerjee (Calcutta-Central):** In the West Bengal Assembly, an adjournment motion was brought in in order to secure from the West Bengal Government particulars about what exactly has been done, or is proposed to be done, and in answer to that motion, the Chief Minister said that he had informed the Central Government about it, because it falls, for some reason, within the jurisdiction of the Central Government. We come to the Central Government and ask for particulars as to what exactly has been done about it and we are told that the Chief Inspector of Explosives is at Nagpur or somewhere, and certain things, mysterious things, are being

[Shri H. N. Mukerjee]

done about which we are not to be taken into confidence. This is a very undesirable state of affairs. The Prime Minister is very keen on informing us about this matter, and I am very happy about it. He said that it is immaterial whether it was within the ambit of the West Bengal Government or the Central Government, but let us find out with more expedition as to what has happened.

**Shri Jawaharlal Nehru:** We admit that it must be done with full speed and full competence and even if the West Bengal Government is holding an enquiry the Central Government should also do it.

**Mr. Speaker:** Even though it will take some time, I hope the hon. Minister will make a statement before the end of this week.

**Shri Jawaharlal Nehru:** It is not a question of time. It should be done as soon as possible. An enquiry is being made, and as soon as it is completed, it should be made available.

12.22 hrs.

STATEMENT RE: CHINGHAI-TIBET  
HIGHWAY

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** On the 27th of November, the hon. Member, Shri Goray, tabled an adjournment motion in the House, based on the newspaper report about the Chinghai-Tibet highway. In that newspaper report, it was suggested that this was across Indian territory. I stated in the House that, according to my information, this did not pass through Indian territory, that it was an entirely different route and had

nothing to do with the other route which might be in the people's minds, which goes across the Aksai-Chin area. In fact, the Chinghai-Tibet highway goes through the north east of Tibet. We have enquired about this matter further, and what I have stated in this House has been confirmed. The Chinghai highway is nowhere near Indian territory.

12.24 hrs.

PAPERS LAID ON THE TABLE

ACTION TAKEN BY GOVERNMENT ON  
ASSURANCES

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to lay on the Table a copy of each of the following statements showing the action taken by the Government on various assurances, promises and undertakings given by the Ministers during the various sessions of Second Lok Sabha:

- (i) Supplementary Statement No. II—Eighth Session, 1959. (See Appendix II, annexure No. 38.)
- (ii) Supplementary Statement No. IX—Seventh Session, 1959. (See Appendix II, annexure No. 39.)
- (iii) Supplementary Statement No. XV—Fifth Session, 1958. (See Appendix II, annexure No. 40.)

AMENDMENTS TO INDIAN POLICE SERVICE  
(PAY) RULES

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I beg to lay on the Table under sub-section

(2) of section 3 of the All India Services Act, 1951, a copy of Notification No. G.S.R. 1212, dated the 7th November, 1959, making certain further amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954. [Placed in Library. See No. LT-1738/59.]

#### HIMACHAL PRADESH HINDU MARRIAGE REGISTRATION RULES

**The Deputy Minister of Law (Shri Hajarnavis):** I beg to lay on the Table under sub-section (3) of section 8 of the Hindu Marriage Act, 1955, a copy of the Notification No. LR.1-77/55, dated the 25th July, 1959 containing the Himachal Pradesh Hindu Marriage Registration Rules, 1959, published in Himachal Pradesh Gazette. [Placed in Library. See No. LT-1739/59.]

#### AMENDMENTS TO CENTRAL EXCISE RULES

**The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha):** I beg to lay on the Table under section 36 of the Central Excises and Salt Act, 1944, a copy of Notification No. G.S.R. 207, dated the 1st April, 1958, making certain further amendment to the Central Excise Rules, 1944. [Placed in Library. See No. LT-1740/59.]

#### REPORT OF LIFE INSURANCE CORPORATION OF INDIA

**Shrimati Tarkeshwari Sinha:** I beg to lay on the Table under section 29 of the Life Insurance Corporation Act, 1956, a copy of the Report of the Life Insurance Corporation of India for the year ended 31st December, 1958 along with the Audited Accounts. [Placed in Library. See No. LT-1741/59.]

12.26 hrs.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

##### COLLAPSE OF ROOF INSIDE SRIPUR COLLIERY

**Shri N. E. Muniswamy (Vellore):** Under rule 197, I beg to call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and I request that he may make a statement thereon:—

“Reported death of 7 persons due to collapse of roof inside Sripur Colliery on 19th November, 1959.”

**The Deputy Minister of Labour (Shri Abid Ali):** As the hon. Members are already aware, the regrettable accident took place in Sripur Colliery at 4 A.M. on the 19th November, 1959. The mine is situated in the Burdwan District of West Bengal.

From the preliminary report received, it appears that while some workers were loading coal on a belt conveyor and some timber mazdoors were putting roof supports, a mass of roof coal measuring 25' x 12' x 3', approximately thirty tons, fell from a height of 8 feet from the junction of two galleries, killing seven loaders instantaneously. Three persons received minor injuries, and one serious injuries.

Rescue measures were undertaken immediately and the bodies of the unfortunate persons, buried under the debris, were removed after clearing the fall.

About 3,800 persons are employed in the colliery and the accident has not resulted in any unemployment. The officers of the Mines Department are inquiring into the accident. Further details will be placed on the Table of the Sabha in due course.

12.28 hrs.

**CONSTITUTION (EIGHTH AMENDMENT) BILL—contd.**

**Mr. Speaker:** The House will now proceed with the consideration of the following motion moved by Shri Govind Ballabh Pant on the 30th November, 1959, namely:

"That the Bill further to amend the Constitution of India, be taken into consideration."

I have received notice of a privilege motion from Shri B. C. Kamble where he says that the vote on the motion must have been recorded yesterday itself and, therefore, an irregularity has been committed, which is a breach of privilege. I do not agree that it is a breach of privilege at all, and that is why I have not given him consent to raise it. But I would like him to state here whether any irregularity has been committed.

Shri Dwivedy has also written to me that he wishes to seek some clarification regarding voting before we put the Constitution (Eighth Amendment) Bill again to the vote. Now Shri Kamble.

**Shri B. C. Kamble (Kopargaon):** My point is, very briefly, under rule 367 when once you are pleased to direct that a division should take place and the 'Ayes' should go to the right lobby and 'Noes' to the left lobby, and the voting commences, then, under the rule, it is not permissible at all for you to rule that the voting should be suspended, or the decision should be postponed. I will read out the relevant portion—I hope I am not repeating and taking much time. The rule says:

"If the opinion so declared is again challenged, he".

Here "he" refers to the Speaker.

". . . he shall direct the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall call out his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member."

Here the word used is "shall"; that is to say, the Division Clerk "shall" call out the name, the member "shall" call out his Division Number. Further, the rule says:

"After voting in the Lobbies is completed".

That is to say, this process cannot be prevented; the process of voting cannot be prevented. That is prescribed in the rule itself. It further says:

"After voting in the Lobbies is completed, the Division Clerks shall hand over the Division Lists to the Secretary, who shall count the votes and present the totals of 'Ayes' and 'Noes' to the Speaker."

Therefore, it is mandatory upon the Division Clerk to hand over the Division Lists to the Secretary, and similarly upon the Secretary to count the votes and present the totals to you, and thereafter your duty follows; and that duty is:

"The result of a division shall be announced by the Speaker and shall not be challenged".

Therefore, when you receive the list, it is your duty towards this House that you shall announce the result, and further no member shall challenge it. That is the position.

Another point that I would like to make is this. It is possible that there is an error in the case of a division. If there is such an error, that error should be rectified. What is the position under such circumstances? Now I am reading from the Fifteenth Edition of *May's Parliamentary Practice*, page 410. The caption given is "Irregularity vitiating the Division". At page 404, at the end, there is a small paragraph which says:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered . . . ."

So far as this is concerned, this is all right.

" . . . . put the question again . . . ."

**Mr. Speaker:** ". . . . interrupt the process of division as soon as the irregularity is discovered . . . ."

What is the number of the page?

**Shri B. C. Kamble:** The number of the page is 410.

**Mr. Speaker:** Fifteenth Edition of *May*?

**Shri B. C. Kamble:** Yes, Sir. (*Inter-ruption*). Hon. Members will please here me. It says:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered, put the question again and proceed to take a division *de novo*."

That is to say, the process must follow then and there. It is true that we interrupt the process of division, but then another division will be called and completed. This is the position . . . . (*Interruption*).

**An Hon. Member:** Where is it said?

**Mr. Speaker:** Let him go on.

**Shri B. C. Kamble:** Now I am referring to page 111 of the same edition. According to what is stated there—and that is my point—there has been contempt of the House so far as yesterday's last portion of the proceedings is concerned . . . .

**Mr. Speaker:** What is the number of the page?

**Shri B. C. Kamble:** Page 111. In the middle of the page the caption is "Disobedience to Rules or Orders of either House" and it reads as follows:

"Disobedience to the orders of either House, whether such orders are of general application or require a particular individual to do or abstain from doing a particular act, or contravention of any rules of either House, is a contempt of that House."

That is to say, it is the duty of the Division Clerk to come the moment you declare a division. If there is a failure of doing that particular duty, it is no use arguing that the Tellers were not there or that the Division Officers or the Division Clerks were not there. The hon. Member, Shri Feroze Gandhi stated that there was some confusion. It was also stated that hon. Members were not familiar with the procedure and that there was no arrangement. With regard to that I submit that it was known that this is a Bill to amend the Constitution. It was also known that a division of a particular type will be necessary. It was further known that the hon. Home Minister was pleased to say that all the proceedings would be completed only yesterday. When hon. Members requested you and you, in turn, requested the hon. Home Minister to reply tomorrow, he said that he would like to finish this job only yesterday. That is to say, everything was completely known to you, to this House, to the hon. Members, to the hon. Home Minister and to the Division Clerks in the Secretariat, with regard to this particular kind of arrangement to be made. Therefore

[Shri B. C. Kamble]

my submission is that under these circumstances there has been a contempt of the House and you, Sir, as the custodian of the privileges of the House, will be pleased to uphold this particular point.

One minute more and I will finish. Finally, what I have to say is that apart from the merits or the demerits of this Bill or apart from the passing or not passing of this Bill, I would like to suggest that certain other way may be found. But then the reputation of this House must be maintained and yesterday's result should be declared or the Bill should be deemed to have been rejected by this House.

Shri Surendranath Dwivedy (Kendrapara): Sir, my intention is not to obstruct the passage of the Bill, which I want to be passed, nor is it to question your ruling. But, as has been pointed out by my hon. friend, certain irregularities have been committed and I want your guidance before you take to voting.

First of all I will refer to the automatic voting. The Rules provide a certain procedure. Before you ordered automatic voting you explained the process as to how voting was to be done. You made it quite clear. You said:

"If, in spite of my suggestion hon. Members say, 'My vote has not been recorded since I find something wrong in the machinery' and so on, I am not going to allow them to correct the mistake".

Then, this Rule makes it obligatory on you that as soon as the result of voting appears on the indicator boards, the result of the Division shall be announced and that it shall be challenged. You did not announce the result, but the result was known to everybody. There were only 242 votes in favour of the motion, that is, 11 short of the required number. Then before the result was announced an hon. Member got up and said, "My

button is not working." Then a hon. Minister got up and said, "Mine seems to have worked wrongly. I pressed 'Aye' button but I am shown as abstaining." Some other hon. Members also rose. This was quite contrary to what you yourself had stated.

Then, I think, because you wanted to be fair on the point since it is a very important Bill, you again said that we should go into the lobbies and record our votes. When hon. Members went into the lobbies—the procedure has been very clearly explained by my hon. friend, Shri Kamble—what happened is again objectionable. I have to say that the results were never announced although hon. Members had voted. It was avoided. I do not know why? The result was not announced and there was a lot of confusion instead. You took into account some objection raised by Shri Feroze Gandhi. But the rules in this regard are very clear. According to Rule 371, no objection can be raised to a point like this unless it is on the ground of personal, pecuniary or direct interest. Except on these grounds no objection can be raised.

Mr. Speaker: What is the Rule?

Shri Surendranath Dwivedy: Rule 371 of the Rules of Procedure and Conduct of Business in Lok Sabha.

He raised questions of a general nature, namely, that hon. Members have not been able to vote, that they have forgotten the procedure and that this has been done after two years. He raised all these matters. He did not make a point that he had not been able to record his vote. If he or any other hon. Member had said that, you were perfectly within your rights to ask those votes to be recorded in favour or against or in any way they preferred it to be recorded. That was not done. I want that this impression should not be carried outside that because there was a particular difficulty and that the required number of hon. Members were not present and thus the Bill was not going to be passed so some such



method was adopted and the situation was saved for the time being. I do not want that the reputation of the House should be interpreted in this way. Repeated demands were made even after Shri Feroze Gandhi had said that. There was an hon. Member, who said, "I request you to announce the result." When he advocated for postponement till today, there was again objection that it should not be postponed till today. We postponed it, but I think it was irregular, in the sense, as has been stated by Shri Kamble, that it had been repeatedly stated here that all stages of this Bill would be passed in the course of the day. That was very clear. I do not think you ever announced, as Speaker, that the voting would take place at 5 o'clock, which Shri Feroze Gandhi mentioned. There was nothing like that. In fact, it was stated that the first stage of the Bill would be over by 4.45 P.M. But the discussion continued and it was allowed to continue. The House agreed with you that we sit for a longer time to dispose of the matter. So there was no question of surprisingly or unexpectedly voting taking place. It was a failure on the part of the ruling party to take steps to make adequate number of hon. Members present in the House for the purpose of voting. In order to avoid this, I think, some such procedure was adopted, which to me seems completely irregular and unconstitutional and thus not in order. Therefore when you ask us to go to vote again, let us know what procedure you are going to follow. Let us have a clarification from you.

**Shri Feroze Gandhi (Rai Bareilly):** Sir, since my name has been mentioned, I wish to say something. The only point that I raised yesterday was that when you called for the physical division—I think I have been here longer than Shri Dwivedy and Shri Kamble. . . (Interruption).

**Mr. Speaker:** If he is stating a fact and if he has been here longer, how can one challenge it?

**Shri Surendranath Dwivedy:** I have been a Member of Parliament also since 1952 . . . (Interruption).

**Shri Feroze Gandhi:** Do not be so sensitive.

Sir, what actually happened in the lobbies was that I went to a table which was marked 'Ayes'. I enquired of the person who was there and I was told, "No, you go to some other place. It is for 'Noes'." At that very table I found several hon. Members, who had already declared their votes before me, whilst I was standing there . . . (Interruption). Shrimati Chakravartty, I am not concerned with why this did not happen or why this did happen. I am only telling exactly what was taking place in the lobby. At some of the tables, I found that of the two sheets containing division numbers, whereas one was correct, the other was wrong. It was impossible for the Members to find out at which particular table they had to record their votes. (Interruptions).

**Mr. Speaker:** Order, order.

**Shri Feroze Gandhi:** When I made this suggestion yesterday, I pointed out that this had happened in the lobby. It is very surprising that neither Shri Surendranath Dwivedy nor Shri B. C. Kamble nor anybody in the House objected to what I said.

**Some Hon. Members:** No, no. (Interruptions).

**Mr. Speaker:** Order, order.

**Shri Feroze Gandhi:** Not a single Member in this House objected to what I had said concerning the facts that took place in the lobby. If what I had said was wrong, that was the time to have got up and objected. (Interruptions).

**Mr. Speaker:** Order, order.

**Shri Braj Raj Singh (Ferozabad):** May I submit, Sir, . . .

**Mr. Speaker:** Order, order. Is he going to create confusion here? I am really seeing this persistent effort.

[Mr. Speaker]

When I make an observation, hon. Members are a little offended. When hon. Members both Shri B. C. Kamble and Shri Surendranath Dwivedy spoke—they are not the Leaders of their Groups; but I do not make any distinction between the Leader and any Member—I allowed them to go on uninterrupted. No hon. Member from this side, whether a Minister or an ordinary Member, ever raised any objection or even interrupted. In answer to this, I have called on Shri Feroze Gandhi, to say what he wants to say. Why should there be such interruptions? I am not prepared to allow this kind of things. We want an orderly process. We are now saying that what happened yesterday was irregular. Shall we commit another irregularity today? I am really surprised. I would appeal to hon. Members, particularly Leaders of the Groups to see that their followers do not interrupt in any manner when another Member in this House is speaking. I will allow fair opportunity to every Member to have his full say. When it is replied to, this kind of interruption creates the impression that they do not want to hear any reply in justification of the manner in which proceedings took place yesterday. Is it proper?

An Hon. Member: They also interrupt.

Mr. Speaker: No, no. The hon. Member is going on interrupting. I am really surprised. He has not adjusted himself to this House.

Acharya Kripalani (Sitamarhi): May I submit, Sir, if in the proceedings there is a contradiction of the statement that has been made, I think the Member is entitled to say, there is a contradiction of what the hon. Member is saying and what is in the report. I think you should allow him.

Shri Feroze Gandhi: Could you read out the portion which contradicts what I said?

Mr. Speaker: Order, order. Acharya Kripalani has said calmly.

Do you mean to say that I would have disallowed Shri Surendranath Dwivedy if, at the end of what Feroze Gandhi had said, he had said that this is not borne out by the record? I would certainly allow that.

Acharya Kripalani: That is what he said.

Mr. Speaker: While he was speaking, he went on interrupting. I am appealing to the Leaders. Would they advise the Members to interrupt and say, you are wrong. That is rather strange.

Shri Feroze Gandhi: Mr. Speaker, I insist that Shri Surendranath Dwivedy read out from the record, who objected to the facts when I said that this thing happened. Who objected to what I said in so far as it concerned facts? Kindly read it out. This is a big irregularity that is committed. Acharya Kripalani is the leader of the Party to which Shri Surendranath Dwivedy belongs. He said that his follower wanted to read out facts. Why does he not read it out?

Mr. Speaker: Leave it to me.

Shri H. N. Mukerjee (Calcutta—tral): Mr. Speaker, I do not understand why tempers are ruffled because we are discussing a matter which affects all sides of the House, all parties. As far as the substance of the motion of yesterday was concerned, many of us supported the motion and we voted for it twice over. It is not in regard to matter of form that any kind of acrimony might be raised. Acrimony could arise only on points of substance. We are concerned with a matter of form which is involved here.

I beg of you to let me say that it is very important that we observe the forms which have been evolved as a result of long experience. I say this perhaps in an unaccustomed fashion. We have been told ever so often that perhaps we on our side are more prone to breaking the rules which are

the result of long experience. I would beg of you to remember this that after all, these rules are very important and we should not deviate from them.

My submission is, with all respect, that yesterday certain things happened which really amounted to a deviation from the rules. You called for a Division because, this being a Bill to amend the Constitution, a Division was necessary. The automatic process worked, and as far as we can say, that worked perfectly well and the calculation appeared there. When the calculation appeared there was necessarily even on our side, a certain perturbation because the 'Ayes' did not seem to have the requisite majority. May be that was at the back of your mind and at the back of the mind of the House when you asked for another Division, because, you suspected that, may be, the mechanical process had been at fault and you wanted us to go into the lobby and vote in the old fashion. I have had experience of the old days when we did not have this mechanical device and we used to go into the lobby and vote. Yesterday, I certainly admit what Shri Feroze Gandhi says that there was a great deal of confusion. But, even in the early days, there used to be a great deal of confusion when on one side there was a concentration of votes. If the 'Ayes' have too many on their side and the 'Noes' have too few, naturally, there has to be a certain amount of physical crowding. There was that crowding. We all felt uncomfortable for a time. It is also a fact to which I can vouch with my own experience that after an initial period of discomfort, we all succeeded in recording our votes. If we had not succeeded in recording our votes, as soon as we came back to the House, we would have conveyed to you the fact of our inability to record our vote. As far as I know, nobody conveyed to you the idea that because of conditions there, they had been physically prevented from recording their vote. The

Division was taken in the lobbies in accordance with whatever rules have been made in your pleasure. After that, under the rules, it is obligatory on you to declare the result as it is conveyed to you by the Officers of the House. The Officers of the House, for some unaccountable reason, did not appear to come here to convey to you the result. You were not pleased to announce the result. You said that Division would take place tomorrow. I feel that there has been a very definite deviation from the rules in this regard.

I suggest for your consideration very seriously that since these rules should not be violated with impunity, it is necessary that the Leader of the House preferably with your permission moves for a suspension of the rules in regard to the manner of taking Division and after having suspended the rules in your discretion, you may have another, so to speak, assessment of the desire of the House in regard to the motion. Without that kind of suspension of the Rules of the House, we cannot ride rough shod over the rules as we appear to have done. I say with great respect, I do think that the rules have been violated yesterday. We should be very careful about it. That is why I suggest, in order to maintain decorum and propriety in regard to this matter which is very important, there may be a motion preferably by the Leader of the House for suspension of the rules concerned and then we can proceed in the proper fashion towards registering our verdict in regard to the Home Minister's motion.

**Shri Frank Anthony** (Nominated—Anglo-Indians): Sir, I was going to make a submission that it is for you to interpret rule 367 (3) (a) and (b) whether it is not obligatory on the Speaker to declare the result of the Division as soon as it appears on the Indicator Board. I was going to make the submission that has already been made by Shri H. N. Mukerjee that if you are pleased to interpret that rule as mandatory, perhaps, the best way

[Shri Frank Anthony]

out would be for any Member with the consent of the Speaker, under Rule 388 to move that the Rule be suspended because of the admitted confusion at the time and the difficulties that have been experienced.

**Shri Khadlikar (Ahmednagar):** Yesterday many of us felt that the procedure followed causing a little confusion in the House was a dubious procedure. It is my personal experience also and I support Shri Feroze Gandhi because I could not find where I was to say "Yes" or "No". That was the difficulty. There was a good deal of confusion.

My hon. friend Shri Kamble has tabled a motion of privilege.

**An Hon. Member:** Did you vote or not?

**Shri Khadlikar:** I did vote, but there was confusion too. That is a fact that must be admitted.

**An Hon. Member:** But you could vote.

**Shri Khadlikar:** So, what Shri Feroze Gandhi says is correct. (*Interruptions*).

**Mr. Speaker:** Am I to adjourn the House again on account of confusion? Hon. Members must be allowed to say what they want to say. I have been repeatedly requesting hon. Members to observe silence in the House when another hon. Member is speaking.

**Shri Khadlikar:** My hon. friend Shri Kamble moved the motion of privilege because, according to him, a contempt was committed. But we are the masters of the procedure of the House under the Constitution, and we are to regulate it. If at all a contempt is committed and if there is a remedy to rectify the situation, resort should be had to that in order to keep up the prestige of the House. If an irregularity at a particular moment is committed, no action should be taken in haste or out of prestige, because it would bring down the dignity of this House in the eyes of the people. And, after all, when you read *May's Par-*

*liamentary Practice* or this procedure, you find it is a game; if you lose a catch, you lose the game. You just cannot amend the rule to give you a second chance.

Therefore, I entirely agree with Shri Mukerjee's suggestion that in order to regularise the procedure, the rule should be suspended, and a *de novo* consideration of the Bill should take place. That is the only way out of it. A privilege motion is not a way out of it because if at all any irregularity has taken place, we are here to regularise it. Let us admit that some irregularity has crept into the procedure that was followed yesterday. Therefore, I would entirely agree and appeal to the Prime Minister to follow a procedure to regularise the irregularity that occurred in confusion yesterday.

With these words, I support the suggestion of Shri Mukerjee.

**Shri Braj Raj Singh:** I want to bring to your notice rule 158 of the *Rules of Procedure*. It is under the Chapter "Bills seeking to amend the Constitution".

In this rule it has been provided:

"Voting shall be by division whenever a motion has to be carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting."

My point is this, that saying that the Members were not clear that a division was to take place, or that a division was to take place at a particular time, is not correct. It is mandatory under the rule. Voting in the circumstances, when the Constitution is to be amended, has to take place by way of division. So, saying that the physical count in the lobbies, due to utter confusion, could not take place, I think is not correct, because there was no specific complaint yesterday by any Member that he could not record his vote.

So, my submission is this. Because the matter is quite serious, we are

bound to amend the Constitution, and the whole House, except perhaps friends of the Republican Party, were of the opinion that the Bill should be passed, and I am sure all of them voted for the passing of the Bill. Even then we could not collect 253 Members to get the Bill passed. So, in a situation like this we must be very careful, because when the Constitution has to be amended, the whips of the Congress Party must be alert, they must collect the requisite number beforehand.

In the circumstances, we must suspend the rule and rectify the position.

**Shri Siva Raj** (Chingleput—Reserv-  
ed—Sch. Castes): I entirely agree with the point of view which was stressed before you by the previous speakers, more especially by Shri Kamble, Shri Surendranath Dwivedy and Shri H. N. Mukerjee. But on a question of fact, I want to state one or two things.

The time for Shri Feroze Gandhi to have suggested the postponement of voting was when you called for the first division. At that time he was quiet, but after seeing the indicator, he became wise, and wise after the event. Then he started the theory that Members, thinking that the voting would come at a particular time, waited for it, and that having not come, they had gone away. Then you thought that the machine failed, that the men would not fail. So, you ordered going into the lobby. What happened? Again my hon. friend comes to the House and says not merely the machine failed, the Members also failed. It was very shocking to hear especially when my young friend, Shri Pattabhi Raman, son of a very brilliant man in India said, "I do not know how to vote". The curious part of it is that he is a Member of the Panel of Chairmen. It is very astounding what arguments people can trot out in an emergency.

That apart, I also join with my friend in my appeal to you to see that you uphold the dignity and the prestige of this House. Whatever ruling you may give we are prepared to abide by it.

I once again appeal to you to see that whatever happens, the dignity of this House is maintained. Does not matter whether the Government is in power, or is not in power. I do not think it is our duty to come and help a Government which should not be helped.

**Shri Mahanty** (Dhenkanal): I am afraid the issues have been thoroughly confused. I would like first to extricate the issues from this debris of confusion. The points are the following:

(1) Whether the voidance of the result of voting of yesterday is regular; if so, under what rule? I am afraid there is no rule which can declare the result of a particular division void.

(2) Whether another voting can be taken today on a particular issue over which the House had divided yesterday. If this point is held, then it will be for the House to be convinced under what circumstances the result of the division has been declared null and void.

(3) Whether the Speaker can waive the rules at this stage. You can kindly see rule 368. There is a certain procedure for the suspension of rules. A Member has to move that the rule, in regard to a particular motion, be suspended, and then if the House is so disposed, after you take the sense of the House, only then the suspension of the rule can be permitted. But I am afraid this suspension of rules cannot hold good in respect of a Bill seeking to amend the Constitution. You will find that in respect of

\*Expunged as ordered by the Chair.

[Shri Mahanty]

Bills seeking to amend the Constitution, the Rules of Procedure have enumerated their own rules. They are almost mandatory and obligatory in character. There must be a division, and it must be carried by two-thirds majority present and voting. Therefore, according to my limited understanding of the Rules of Procedure, at this stage, the rules cannot be suspended.

13 hrs.

The fourth point, which is more important, is this. Yesterday, as I find from the proceedings, you have ultimately held:

"I feel that a snap vote ought not to decide this matter."

I venture to think that this cannot be termed as a snap vote; it is a cold-blooded pre-meditated division. Whatever Shri Feroze Gandhi or Shri C. R. Pattabhi Raman might have stated, ultimately what holds good is your conclusion, which is:

"Under the circumstances, I feel that a snap vote ought not to decide this matter."

The last issue is this. After all the word 'snap' is well defined in any dictionary. 'Snap' means 'accidental', 'for which no provision had been made', or 'which came unawares'. But here is a cold-blooded pre-meditated division for which the House was ready, for which you had also directed us that we must stay on till all the proceedings were finished.

Shri Joachim Alva (Kanara): May I ask for your ruling on this? The phrase 'cold-blooded pre-meditated division' is a reflection on the House.

Shri Mahanty: I do not know how 'cold-blooded' means an aspersion. Certainly, he is very much warm-blooded. What I am submitting is this. Your ruling was that it was a snap vote, and that this should not be decided on a snap vote. Even though I have not the temerity to question your ruling, most humbly I would

like to point out that it was not a snap vote.

My last point is this. Shri Feroze Gandhi asked 'Did anybody controvert it?'. I do not mean to say that whatever he says is so sacrosanct unless it goes controverted.

Shri Feroze Gandhi: Let my hon. friend read it out.

Shri Mahanty: I am reading it out. Please see page 3778 of the uncorrected debates.

"Shri Feroze Gandhi: I have not finished yet..." etc. etc.

Shri Feroze Gandhi: There should be no 'etc. etc.'. The hon. Member may read it out completely.

Shri Mahanty: I am reading it. This is what he stated:

"Another thing is that the division was announced for five o'clock. It has taken place at 5.20 P.M. I think it is unfair to hon. Members to say that the division will be held at five o'clock and then to have it at 5.20 P.M. Therefore, I proposes that the voting should take place some time tomorrow.

Some Hon. Members: No";

Shri Feroze Gandhi: I am saying that with regard to the voting.

Shri Mahanty: Let him not interrupt me. (Interruptions)

Mr. Speaker: Order, order.

Shri Mahanty: I am not yielding.

If Shri Feroze Gandhi, being a senior Member, and having had the privilege of being a Member of this House for the last eight or ten years, symbolises Shri Surendranath Dwivedy, or as a matter of fact, anybody else, as the entire House, then, I am out of court. He asked 'Did anybody controvert it?' Here, you will find . . .

**Shri Feroze Gandhi:** Did anybody controvert what happened in the Lobby? (Interruptions).

**Mr. Speaker:** I have been repeatedly asking hon. Members to keep quiet and not to interrupt, while another hon. Member is speaking. That applies to both sides of the House.

**Shri Mahanty:** Then, again, to continue with the quotation, this is what I find in the uncorrected debates:

"Some Hon. Members: No."

According to my understanding of the language, this is the most emphatic refusal or controverting, if that was needed at all. Then, this is what I find:

"Shri Feroze Gandhi: The voting can take place any time tomorrow.

**Shri C. R. Pattabhi Raman (Kumbakonam):** There seems to be a lot of confusion with regard to the marking on paper. You will see that presently . . .".

I do not know he could anticipate that.

". . . . I am doing it for the first time after I came to this House. So, I suggest that this may be taken up first thing tomorrow morning.

**An Hon. Member:** Sir, I request you to announce the result.

**Shri B. K. Gaikwad:** It should not be postponed till tomorrow."

Therefore, even this objection could not have been upheld under any rules of procedure. The first thing that I would like to know is under what rule it has been upheld. This kind of objection cannot be upheld by the Chair. I venture to submit that there is no rule of procedure under which such personal objections can be upheld. If somebody did not know how to mark the paper, well, under the rules, he could have been in his seat, and he could have asked the Secretary, and the papers would have been

brought to him, and he would have marked on the paper; he need not have run to the Lobby. That is what has been provided for in the Rules of Procedure.

Therefore, I submit that there was no rule under which these objections of a personal nature could have been upheld. Further, there is nothing in these proceedings to show that these objections have been upheld. You have declared the result of yesterday's division as void, not on account of these personal objections, but on account of the fact, that, according to you, this was a snap vote. I submit that this was not a snap vote.

These issues which I have raised are very important, not from the point of view of this particular Bill, but from the point of view of procedure, and I believe, under your guidance, the Chair will not give an imprimatur to a kind of a convention which will be ultimately bad, bad for the House, bad for the Lok Sabha, and bad for the dignity of Parliament as well.

**Mr. Speaker:** Now, the Law Minister.

**Shri C. R. Pattabhi Raman (Kumbakonam)** rose—

**Mr. Speaker:** I have called the Law Minister now.

**The Minister of Law (Shri A. K. Sen):** We are not really dealing with the merits of the unfortunate occasion which gave rise to all that happened yesterday, and resulted in your decision. We are really concerned with the legality or the regularity of the proceedings. Yesterday, you gave your decision; your decision cannot be challenged. That is my submission. But since you have been good enough to allow the liberty to the hon. Members to deal with the validity of your decision, I shall certainly reply to some of the criticisms which have been offered from the other side of the House.

[Shri A. K. Sen]

My submission is that all the rules do not exhaust every possible situation, a situation like what took place yesterday . . . (Laughter). No. That is such a trite saying that it needs no repetition. The position is that the rules provide for a division either by means of this electrical apparatus or by physical division according to the old rules which are still embodied in our rules of procedure. If the mechanism fails, as it did yesterday . . .

Some Hon. Members: It did not.

Shri A. K. Sen: Let us not question your decision. You held, and no objection at that time was raised that the mechanism had failed, and, therefore, division was ordered, and division was taking place. But in the process of the division, before the counting was completed and before the results could have been conveyed to you, some hon. Members pointed out to you the utter confusion which was prevailing, and the breakdown virtually of the mechanism of physical division.

Shri Feroze Gandhi: Nobody contradicted that.

Shri A. K. Sen: I am coming to that. In fact, at that stage, nobody contradicted that position. In fact, when you found, as a matter of fact—whether your finding was correct or not, whether somebody else could have come to the same conclusion or not is not the question; the question is that you found—on the representations made to you during the process of voting that there was utter confusion and breakdown of the physical division, and, therefore, you decided that it should be postponed till today. I do not see any reason why notwithstanding your decision that the system had broken down you should be still obliged to announce the result of the voting. The obligation comes only when the system works and the results are conveyed to you by the tellers. The language of the rule is—if I might read it out

once again, it has been quoted already by the hon. Member who has given notice of this motion—

"367B. (2) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table when the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker."

Now this stage had not arisen. This obligation on the Division Clerk will only arise if the mechanism works, not before the working is completed (Interruptions). I will give examples which are quite convincing. Suppose a fire breaks out actually at the time of the voting in the Lobby and it is brought to your notice. I have no doubt that the Speaker has the authority to suspend the voting. Your obligation never arises until the results are conveyed to you by the Division clerks. Therefore, there was no obligation.

I may read out the residual clause which governs your powers as also the business of the House, rule No. 389:

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct".

You have directed that as a result of this confusion, the Division could not proceed and, therefore, you have directed it to be held today.

If I have understood the hon. Members who have criticised your decision yesterday, the burden of their criticism is that your decision that the mechanism had broken down was not justified. But that, I submit, is absolutely irrelevant. It is for you to decide whether the mechanism has failed or not. You have, rightly or wrongly, decided so. Therefore, the result must follow—having decided that the mechanism has failed—that the voting must proceed today.



Name Hon. Members rose—

Mr. Speaker: I have heard sufficiently with regard to this matter.

Acharya Kripalani: May I say a word? I am surprised that my hon. and learned friend, the Law Minister, has laid down a proposition which will be very dangerous. He says that no rules can exhaust possible situations (Interruptions).

Shri A. K. Sen: I did not say that. I said no rules can meet all possible situations.

Acharya Kripalani: It is a very strange proposition. If this proposition gets currency, anything might be done. Further, Sir, nobody has questioned your decision. The hon. Members want that you reconsider your decision in accordance with the rules of procedure laid down. I think this is a very fair proposition. It will be confusing the issue to say that anybody has questioned your ruling. That question does not arise. In reconsidering your decision, I will only submit one thing: please remember the impression that will be left upon the public outside about the sanctity of the vote in this House.

Mr. Speaker: I am extremely grateful to hon. Members for having put both sides of the question. I consider it a very serious matter. I will not do anything which will prejudice the decisions of this House or the integrity of the Chair or of the House or in any contingency override the Rules. If necessary, the rules may be modified or suspended but not broken. I am alive to that.

Now, hon. Members will bear with me in patience. I shall state the facts and say how I came to that conclusion. I must give credit to both sides of the House, that they were anxious to dispose of this matter yesterday. When a suggestion was made to the hon. the Home Minister that the voting or, at any rate, the conclusion of this debate on the Bill

might be postponed to this day, the hon. Home Minister was the first to say that it must be disposed of yesterday itself. Therefore, it is not that somehow or other this should be dragged on for any advantage or any consideration. Of course, there was a desire among Members that this need not be proceeded with in a hush; it might be more leisurely disposed of today. Now, we tried our best to see that it was disposed of yesterday.

Ordinarily, we have been adopting the automatic system of voting here. When I told the House that I would not entertain any complaints to the effect that the machine had broken down or hon. Members had carelessly pressed the wrong button or did not press the button at all, it was more of a warning. Actually, under the Rules, it is not competent for me to say, if an hon. Member says that the mechanism did not work, that notwithstanding that, I will not allow his vote to be recorded. The relevant Rule says:

"A Member who is not able to cast his vote by pressing the button provided for the purposes due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced".

I wanted to give the warning lest a number of hon. Members should rise in their seats and say that the mechanism did not work, that they did not press the buttons with both hands and so on. The House will recollect that till now, repeatedly, I have been allowing hon. Members from one side or the other to make representations to the effect that they did not press the button correctly or that the vote was not correctly recorded and so on. I wanted to avoid a similar situation here, and to get through the business. What happened was this: I shall read out from

[Mr. Speaker].  
the relevant portion of the proceedings of yesterday.

"Mr. Speaker: Order, order Hon. Members will resume their seats. One hon. Member said that his machine there did not work at all. Who are the other hon. Members who have a similar complaint?"

"Dr. P. S. Deshmukh: Mine seems to have worked wrongly. I pressed 'Aye' button but I am shown as abstaining"....

That was what the recorder had shown. The hon. Minister is certain that he pressed the button rightly. It may be wrong. Then six hon. Members rose. Therefore, I said:

"I order a division by going into the lobbies where this mistake cannot be committed".

No objection was taken to this.

Then, until I actually announce the result of the Division, the Division is not completed and the House has not decided one way or the other. That is, the result has to be declared, just as no election is complete until the result of the election is declared. Before the announcement of the result of the election, nobody can be deemed to have won the election or lost it. Likewise, until the result of the Division is declared by me, the Division is not complete and the result not known. That stage had not come.

What happened in this particular case was this. I was watching from here. We have established here six 'Ayes' Lobbies and two 'Noes' Lobbies. Hon. Members will see notices being put up in the Lobbies saying that Division Numbers such and such to such and such shall go into one particular Lobby, Division Numbers such and such to such and such shall go into another Lobby and so on. As soon as I enquired about the voting, the Secretary came and told me that it was not anticipated and, therefore, the clerks had not gone

there. There are eight clerks in the different booths set up in the Lobbies. Now, it took some time. There was confusion. Members who had gone to one Lobby, not finding anyone there, rushed to another Lobby. I was seeing for some time as to what exactly was happening.

This is a serious matter. I did not want any mistake to be committed. Further, this was a peculiar situation. Unlike in previous votings where large sections of the Opposition opposed and went to the 'Noes' Lobby, Shri Surendranath Dwivedy and others, who are not accustomed to go into the 'Ayes' Lobby had come into the 'Ayes' Lobby. Shri Surendranath Dwivedy himself said there was confusion. He agreed with Shri Feroze Gandhi.

Shri Surendranath Dwivedy: I did not say that. Shri Khadiikar said that, but he voted all right, sir.

Mr. Speaker: I am sorry. He voted all right. I referred to what Shri Khadiikar said. He said there was confusion and delay in making arrangements at the various booths. It was in order to avoid any such difficulty and irregularity that I took that decision. Amendment of the Constitution can be made, according to the Constitution, only if there is a vote in favour of it by a majority of the total membership of the House and also a two-thirds majority of the Members present and voting. Therefore, even if all say 'Aye' or 'No', it is the duty of the Chair to count whether the amendment is carried or rejected by a majority of the total membership of the House and a majority of two-thirds of the number of Members present and voting. Then only I can declare the result. I have to be satisfied that the constitutional provision is observed in regard to voting on this matter, that is to say, if it is passed, it is passed by a majority of the total membership of the House and by a majority of two-thirds of the number of Members present and voting.

**Shri Surendrasath Dwivedy:** Suppose it is lost. Suppose there was not the requisite number.

**Mr. Speaker:** Therefore, counting is necessary.

**An Hon. Member:** If it is lost?

**Mr. Speaker:** Even if it is lost, I must count before I declare it is lost. It is not merely on voices that I can dispose of it. Actual counting is necessary in this matter.

And, when the mechanism was not properly working and some complaint was made, instead of allowing each hon. Member to get up and say that he voted this way or that way I wanted to be on surer ground. Unfortunately, this mechanism of division also failed. The clerks could not be there in time and then there was a rush. The Opposition had also to vote for the 'Ayes'. This matter was brought to my notice. It is not only a question of a snap vote. Shri Pattabhi Raman said that there was confusion.

**Acharya Kripalani:** Confusion could have been cleared away.

**Mr. Speaker:** Shri Pattabhi Raman said:

"There seems to be a lot of confusion with regard to the marking on paper. You will see that presently. I am doing it for the first time after I came to this House. So I suggest that this may be taken up first thing tomorrow morning."

**Acharya Kripalani:** If there is confusion in the House you will restore order.

**Mr. Speaker:** I do restore order. Shri Feroze Gandhi said that there was not only confusion but one other thing also about 5 o'clock and all that. Under these circumstances, what is

to be considered is this; whether I have got the right at that stage to adjourn the House either under the rules or under the general practice as enunciated in *May's Parliamentary Practice* which has been referred to also. Of course, there are the residuary powers under rule 389.

The second thing is, assuming that I have got jurisdiction or power, whether I have exercised it properly or not and whether an irregularity has been committed.

So far as the first portion is concerned, whether it is right or not, let us remember what exactly has happened. It is only after the lists are brought to me that I have to declare the result. As soon as I order division, hon. Members have to go to the one side or the other. If a Member presents himself before the Clerk, he has to record 'Yes' or 'No'. All that is right. But I can do so only after it is completed. Before lists were brought here and while Members were going to the one side or the other, some hon. Members raised this question. At that stage it was brought to my notice that there seemed to be a lot of confusion.

I took all matters into consideration, not merely the snap vote. The last sentence always refers to something. In view of all this confusion and the desire on my part to avoid any confusion so that we may know how many have voted for and how many against, I was obliged to adjourn. That was what happened. What was referred to by Shri Kamble is far from saying anything against the procedure that was adopted. This supports the procedure that has been adopted.

On page 410 of *May's Parliamentary Practice*, it is said:

"When an irregularity occurs in a division the usual practice is for the Chair to interrupt the process of division as soon as the irregularity is discovered, put the

[Mr. Speaker]

question again and proceed to take a division *de novo*."

Therefore, at that stage, before the results were in my hands, while yet the Members were going into the lobbies and before all of them had cast their votes, there was a lot of confusion here. I heard from the Secretary, that the clerks could not come there in time. (Interruption). Therefore, I felt there was confusion in this matter. I wanted confusion to be avoided and, therefore, I ordered fresh division. But even then there was this difficulty and, therefore, I rightly exercised my right.

The next question that was raised was that I should have called a division once again there and then.

Acharya Kripalani: Yes.

Mr. Speaker: It is not said, there and then. It is only *de novo*. It is not said that immediately I must do that with closed doors. Even if I call a fresh division I will have to throw the doors open and invite other Members. Under those circumstances the division we had yesterday would be as good or as bad as a division I call today. 'Immediately' is not borne out by any authority.

We are bound to refer to *May's Parliamentary Practice* to give us guidance wherever there is no specific rule. I am aware that in our own Rules we have got rule 389. I can invoke the residuary clause wherever there is no specific rule. Where there is no specific rule I am bound to exercise my discretion in the best interests. I am supported in my view by *May's Parliamentary Practice*.

The hon. Law Minister referred to a particular case. Certainly, that is another point. Even after I call a division hon. Members may come and say that they began to fight or some-

thing wrong occurred and it is impossible to vote. Only this morning Shri Nayar, one of our Members, brought it to our notice that in the matter of filing objections some people were arrested and, therefore, he wanted an assurance from the hon. Home Minister that they will have another opportunity—not immediately, that very evening. Even there, that very day was not pressed. The hon. Home Minister said that he will give them ample opportunities to file those objections.

Therefore, under those conditions to see that no irregularity was committed, I said this will take place 'tomorrow'. The circumstances and what has happened have amply justified the course that we have taken. Now, in calmer moments hon. Members will go to the lobbies when I call the division and record their votes calmly and take as much time as they like. Then I will declare the result.

Shri B. C. Kamble: May I say this?

Mr. Speaker: There is no right of reply.

Shri Siva Raj: We walk out as a protest.

Shri D. A. Katti (Chikodi): This is a black day in the history of Parliament and it is murder of democracy.

Mr. Speaker: The question is:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Let the lobbies be cleared.

12.28 hrs.

(At this stage Shri Siva Raj, Shri B. K. Gaikwad, Shri D. A. Katti, Shri Manay, Shri H. N. Sonale, Shri Nana Patil and Shri B. C. Kamble left the House.)

The Lok Sabha divided.

Division No. 1]

AYES

[13-30 hrs.

Abdul Latif, Shri  
Achar, Shri  
Achint Ram, Shri  
Agerwal, Shri Manakbhai  
Ajit Singh, Shri  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anthony, Shri Frank  
Arumugam, Shri R. S.  
Arumugham, Shri S. R.  
Ayyakkannu, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Banerjee, Shri S. M.  
Banerji, Shri P. B.  
Bangshi Thakur, Shri  
Barman, Shri  
Barrow, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Basumateri, Shri  
Beck, Shri Ignace  
Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhanja Deo, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhatkar, Shri  
Bhogji Bhai, Shri  
Bisot, Shri J. B. S.  
Brahm Prekash, Ch.  
Brajewar Prasad, Shri  
Chakravarty, Shrimati Renu  
Chanda, Shri Anil K.  
Chandak, Shri  
Chandra Shankar, Shri  
Chandramani Kalo, Shri  
Chaturvedi, Shri  
Chavda, Shri  
Chettiar, Shri Ramanathan  
Chuni Lal, Shri  
Das, Shri K. K.  
Das, Dr. M. M.  
Das, Shri N. T.  
Dasappa, Shri  
Datar, Shri  
Deb, Shri N. M.  
Deb, Shri P. G.  
Deb, Shri Dasanatha  
Debn, Shri Maraji  
Dandod, Shri  
Dube, Shri Mulchand  
Dwivedi, Shri M. L.  
Bacharan, Shri V.  
Ganapathy, Shri  
Gandhi, Shri Perasa  
Ganga Devi, Shrimati  
Ganpati Ram, Shri

Gautam, Shri C. D.  
Ghosal, Shri Anrobindo  
Ghosh, Shri N. R.  
Gopalan, Shri A. K.  
Govind Das, Seth  
Gruha, Shri A. C.  
Gupta, Shri C. L.  
Gupta, Shri Ram Krishan  
Hajarnava, Shri  
Harvani, Shri Anar  
Hansda, Shri Subodh  
Hathi, Shri  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Jaggiwan Ram, Shri  
Jain, Shri A. P.  
Jain, Shri M. C.  
Jangde, Shri  
Jena, Shri K. C.  
Jhunjhunwala, Shri  
Jinachandran, Shri  
Jogendra Sen, Shri  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Pandit J. P.  
Kanakasbai, Shri  
Kanunoo, Shri  
Karmarkar, Shri  
Kasiwal, Shri  
Koyal, Shri P. N.  
Kedaria, Shri C. M.  
Kesar Kumari, Shrimati  
Keshava, Shri  
Keskar, Dr.  
Khadilkar, Shri  
Khadiwala, Shri  
Khan, Shri Sadath Ali  
Khat, Shri Shah Nawaz  
Khawaja, Shri Jamal  
Kistaiya, Shri  
Kodiyan, Shri  
Kotaki, Shri Liladhar  
Kottukapally, Shri  
Kripalani, Shrimati Sucheta  
Krishna, Shri M. R.  
Krishna Chandra, Shri  
Krishnappe, Shri M. V.  
Krishnaswami, Dr.  
Kumaran, Shri M. K.  
Kumbhar, Shri  
Kunhan, Shri  
Kureel, Shri B. N.  
Lackhi Ram, Shri  
Laskar, Shri N. C.  
Mahade Ahmed, Shrimati  
Mahanty, Shri  
Mahadeo Prasad, Shri  
Majhi, Shri R. C.  
Majithia, Sardar

Maleviya, Pandit Govind  
Malhotra, Shri Inder J.  
Malviya, Shri K. D.  
Malliah, Shri U. S.  
Malviya, Shri K. B.  
Malviya, Shri Motlal  
Mandal, Dr. Pashupati  
Maniyangadan, Shri  
Masuriya Din, Shri  
Mathur, Shri Hariash Chandra  
Mathur, Shri M. D.  
Matin, Qazi  
Mehdi, Shri S. A.  
Mehta, Shri B. G.  
Mehta, Shrimati Kriahna  
Melkote, Dr.  
Menon, Shri Krishna  
Menon, Shri Narayanankutty  
Minimata, Shrimati  
Mishra, Shri Bibhuti  
Mishra, Shri L. N.  
Mishra, Shri S. N.  
Mishra, Shri R. D.  
Mista, Shri R. R.  
Mohideen, Shri Gulem  
Mohiuddin, Shri  
Morarka, Shri  
Mukerjee, Shri H. N.  
Mullick, Shri B. C.  
Muniswamy, Shri N. R.  
Murthy, Shri B. S.  
Nadar, Shri Thanulingam  
Nair, Shri C. K.  
Nair, Shri Kutukrishnan  
Naldurgkar, Shri  
Nanda, Shri  
Naniappa, Shri  
Naraindin, Shri  
Narasimhan, Shri  
Narayanansamy, Shri R.  
Naskar, Shri P. S.  
Nathwani, Shri  
Nayar, Shri V. P.  
Negi, Shri Nek Ram  
Nehru, Shri Jawaharlar  
Nehru, Shrimati Uma  
Newari, Shri  
Oza, Shri  
Padam Dev, Shri  
Pahadia, Shri  
Palaniyandy, Shri  
Palchoudhuri, Shri  
Pande, Shri C. D.  
Pandey, Shri Satju  
Pangarkar, Shri  
Pangtahi, Shri  
Panna Lal, Shri  
Parmar, Shri Deen Bandhu  
Parrathi, Shri Krishnan  
Patel, Shri N. N.

Patel, Shri P. R.	Sankarapandian, Shri	Sinha, Shri K. P.
Patel, Shri Rajeshwar	Sarkadi, Shri Aftt Singh	Sinha, Shri Satya Narayan
Patil, Shri R. D.	Satish Chandra, Shri	Sinha, Shri Satyendra Narayan
Patil, Shri S. K.	Satyabhama Devi, Shrimati	Sinha, Shrimati Tarakeswari
Pattabhi Raman, Shri C. R.	Selku, Shri	Sinhaem Singh, Shri
Pillai, Shri Thanu	Sen, Shri A. K.	Sinatek, Shri Nardeo
Prabbakar, Shri Naval	Sen, Shri P. G.	Somani, Shri
Pragi Lal, Shri	Shah, Shri Manabendra	Srivastava, Shri
Prodhan, Shri B. C.	Shankar Deo, Shri	Soren, Shri
Radhia Raman, Shri	Shankaraiya, Shri	Subbarayan, Dr. P.
Raghubir Sahai, Shri	Sharma, Pandit K. C.	Subramanyam, Shri T.
Rahman, Shri M. H.	Sharma, Shri D. C.	Sultan, Shrimati Malmoona
Rai, Shrimati Sahodrabai	Sharma, Shri R. C.	Supakar, Shri
Rai Bahadur, Shri	Shastri, Swarni Ramanand	Sumat Prasad, Shri
Ram Carib, Shri	Shobha Ram, Shri	Sunder Lal Shri
Ram Saran, Shri	Siddananiappa, Shri	Surya Prasad, Shri
Ram Shankar Lal, Shri	Siddiah, Shri	Syed Mahmud, Dr.
Ramaswamy, Shri S. V.	Singh, Ch. Badan	Tantia, Shri Rameshwar
Ramaswamy, Shri K. S.	Singh, Ch. Ranbir	Tariq, Shri A. M.
Ramsul, Shri S. N.	Singh, Sardar Hukam	Tewari, Shri Dwarikanath
Ramdhani Das, Shri	Singh, Sardar Iqbal	Thakore, Shri M. B.
Rane, Shri	Singh, Sardar Jogendra	Thimrasiah, Shri
Ranga, Shri	Singh, Sardar Swaran	Thomas, Shri A. M.
Rangarao, Shri	Singh, Seth Achal	Tiwari, Pandit Babu Lal
Rao, Shri Thurumala	Singh, Shri Babunath	Tiwari, Shri R. S.
Raut, Shri Bhole	Singh, Shri Bahadur	Tiwary, Pandit, D. N.
Reddy, Shri K. C.	Singh, Shri Birtal	Tula Ram, Shri
Reddy, Shri Nagi	Singh, Shri Braj Raj	Uike, Shri
Reddy, Shri Viswanatha	Singh, Shri Daljit	Upadhyay, Pandit Munishwar
Roy, Shri Bishwanath	Singh, Shri Dinrao	Dutt
Rup Narain, Shri	Singh, Shri H. P.	Upadhyaya, Shri Shiva Datt
Sachu Ram, Shri	Singh, Shri K. N.	Varma, Shri B. B.
Sahu, Shri Rameshwar	Singh, Shri L. Achaw	Varma, Shri M. L.
Saigal, Sardar A. S.	Singh, Shri M. N.	Varma, Shri Ramungh Bhai
Samanta, Shri S. C.	Singhu, Shri Karni	Viswanath Prasad, Shri
Semantinar, Dr.	Sinha, Shri Anirudh	Vyas, Shri Radhical
Samoaniam, Shri	Sinha, Shri B. P.	Wasnik, Shri Balkrishna
Senganna, Shri	Sinha, Shri Jublan	Yajnik, Shri

## NOES

Chavan, Shri D. R.	Katti, Shri D. A.	Siva Rai, Shri
Gokwad, Shri B. K.	Manay, Shri	Sonule, Shri H. N.
Kamble, Shri B. C.	Parmar, Shri K. U.	Suganchi, Shri

Mr. Speaker: The result of the division is:

*Ayes* : 291

*Noes* : 9.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

Clause 2—(Amendment of Article 333)

Mr. Speaker: We shall now proceed with the clause-by-clause consideration of the Bill. Usually we do not take any votes during the lunch hour. Therefore, we shall take votes on all the clauses at 15.30 hours; I hope it will be convenient to Members. In the meanwhile we shall get along with the clauses. Let us take clause 2 now. Are there any amendments?

**Shri Narayanankutty Menon (Mukundapuram):** Sir, I beg to move:

Page 1,—

after line 10, add—

“Provided that such nomination shall only be made in pursuance of the recommendation made by the leader of the majority party, if any, or that of the biggest single party in the assembly.” (16)

**Shri Kodiyan (Quilon-Reserved-Sch. Castes):** Sir, I beg to move:

Page 1,—

After line 11, add—

“Explanation.—The Governor in making the nomination shall act on the aid and advice of the Council of Ministers appointed immediately after the elections to the Legislative Assembly.” (17)

**Shri Narayanankutty Menon:** Sir, my amendment to this clause is regarding the powers given to the Governor for nominating representatives of the Anglo-Indian community to the Assembly. On principle, Sir, we are opposed to the power of nomination being given to the Governor, but because the Bill is so worded and because there are practical difficulties in providing separate constituencies for the Anglo-Indian community, while accepting the principle that the Anglo-Indian community should be given a representation in the Assemblies of West Bengal and Kerala, we take objection to the rule that the Governor should be given unfettered powers to determine who is to be the representative nominated from the Anglo-Indian community.

Ordinarily, Sir, the powers given under our Constitution to both the Governors and the President are so restricted and limited that they act always and exercise the powers given to them under advice of the Ministries either in the States or in the Centre. But in this peculiar situation there is a peculiarity because the nomination is to be effected by the Governor at a time when there may not be any Cabinet existing in one of the States. A similar situation arose in Kerala State immediately after the last elections. After the results of the general elections were announced and before the Governor constituted the State legislature the Governor there made a nomination of a particular member to be representing the Anglo-Indian Community. At that time there was no Cabinet and it was the President's rule. The Governor was, therefore, exercising his powers unfettered.

As was the position in our State, we find that Governors as a rule do not belong to that particular State and they exercise certain functions when the President's rule is there. At that time we could not understand, when the Governor chooses a particular individual to be the representative of the Anglo-Indian Community of that State, under whose advice and on what information the Governor would pick out a particular representative. It so happens that in these particular States where the party positions are so precarious and a particular party is voted to power with a one-man majority, it is possible for the Governor to nullify that electoral majority by nominating a particular individual of his own choice if he acts without the advice of any responsible person.

My amendment seeks to prevent the Governor from acting in an arbitrary manner and without the proper advice of an elected representative. Therefore, my amendment provides

[Shri Narayanankutty Menon]

that the discretion given to the Governor to nominate a representative of a particular community should be governed by the advice of the leader of the majority party returned in the general elections. If that one safeguard is provided, the Governor will not be able to nullify the elected majority of a particular party as it has happened in the Kerala State.

Yesterday it was pointed out by Shri Frank Anthony and later on by the hon. Minister that there is no danger as far as nomination is concerned. It may be because the Central Government nominated my hon. friends here and they belong to the Opposition, but in the Kerala Legislature it happened in a different way. Immediately the Governor made the nomination he announced his intention to join the Congress Party and on every legislation that was brought before the Assembly there he voted with the Congress Party and against the Government. I am not saying that if it is the desire of the community that their representative should belong to the Congress Party he should not be nominated; certainly he should be nominated. But the Governor did not make any attempt in the Kerala State to find out public opinion or the real representatives of that community there, or to find out whether this particular gentleman represented that community. Therefore, there was that danger of putting up a person, as a sort of a balance, on the party which did not enjoy a legislative majority. Therefore, I submit that even though I am not agreeable to the principle of nomination because there are procedural difficulties, as has been put forward by the Home Minister, in the way of finding out separate constituencies—while completely supporting the position that there should be representation for the Anglo-Indian community—I press my amendment to the effect that the Governor should always act under the advice of the ministry, if there is a ministry, or of the leader of the group or the party

which has been returned in the general election.

I would also add this. It might not be the intention of the Government to introduce this Bill with the idea that the power of nomination should be arbitrarily given. The only excuse given yesterday by the hon. Minister was the procedural difficulty. I cannot understand that there will be a procedural difficulty for specifically providing that the Governor should act under the advice of the representatives of the people who are elected and that the Governor should not take the advice of anybody else.

Furthermore, as it has been stressed in this House, while we have got a written Constitution, it does not provide for certain cases of emergencies. So, our Constitution can be enriched only by a convention that we are able to follow today, in the formative stages of the administration under the new Constitution. The principle of nomination of representatives of the people is not unknown to the primary principle of the Constitution since we find a provision for reservation of seats under article 334 of the Constitution. Therefore, while giving power to the Head of the State which is completely abrogatory of the other provisions of the Constitution, let us build up a certain convention today, that that power will be exercised only after getting the advice of the representatives of the people. I think it fit that the amendment should be moved because originally it was understood that the Head of the State will act only on the advice of his ministry. Because there was a peculiar and extraordinary situation that arose, where the Governor, in haste and without waiting for a few more days for the ministry to be formed in the State, acted in a very arbitrary manner, where there was nobody in the State to advise him, it should not be said that such a procedure should be followed. Then, it was thought that it was not possible that any proper advice regarding the representatives of the community



could be obtained in an impartial manner by the Governor. It was wrong on the part of the Governor to build up a convention wherein an impression could be created in the country that he was acting arbitrarily in that manner. It is to prevent the arbitrary feature in the exercise of his power that the Constitution has given certain provisions, and it is because of that that I am moving this amendment.

I hope that the hon. Minister will accept my amendment and thus fetter the discretion of the Governor so that the principle of the Constitution regarding the elected representatives will be restored, subject to the procedural difficulty of finding out a separate constituency for the Anglo-Indian community.

**Shri Kadiyan:** Under our Constitution the Governors are empowered to nominate representatives of the Anglo-Indian community to all legislative assemblies of the States. As my hon. friend Shri Narayanankutty Menon has pointed out, although under the Constitution the Governor has the authority, it is generally the practice that Governors act according to the advice of his council of ministers. Whether it be the Governor or the President, the Governor and the President always under the advice of their councils of ministers immediately under them.

Now, it has become a democratic convention in our country that always, in all matters relating to the State's administration, the advice given by the council of ministers is given due consideration by the Governor or the Head of the State. Unless this particular proviso is added to this clause in the amending Bill, I am afraid that the violation of this democratic convention will again be repeated in other States also. It is with this object that I moved my amendment. My amendment makes it mandatory or obligatory on the part of the Governors to adhere strictly to the advice given by the

council of ministers. The nomination of a representative of the Anglo-Indian community can wait till a ministry is formed after the elections. When an election is held and the result of that election is proclaimed, then the Governor remains the sole representative of the President. After the election, it is my contention that the Governor has to act according to the verdict of the people and according to the desire or advice given by the majority party. If it is not possible to accept the advice of the majority party after the election, my contention is that the nomination can wait till a ministry is formed. Therefore, I think an amendment is absolutely necessary and I hope the hon. Minister will accept my amendment.

**Shri Frank Anthony:** Mr. Speaker, I feel that I am bound to oppose this amendment for several reasons. I agree that it is more or less an explicit constitutional convention for the Governor to act on the advice of his ministers, but I believe that so far as this special provision is concerned, when it was put into the Constitution, special notice was taken of the fact that while the Governor will normally and ordinarily act as the Constitutional head when he is charged with the responsibility of a particular kind relating to a particular community, he would act also as the custodian of the interests of that community.

My hon. friend who moved this amendment said that the choice of the nominee should rest in the final analysis with the ministry in power. I completely repudiate that thesis. This provision that has been given to the Anglo-Indian community has not been given for the benefit of the party in power. I myself have had an unfortunate experience in one or two States where I have had to underline the fact that the ministry in power there is not to nominate a person whom it thinks will carry its particular political complexion. The nomination is not given for the benefit of this party or that party and not for

[Shri Frank Anthony]

the benefit of the ruling party. Nomination is ostensibly given for the benefit of the Anglo-Indian community.

My hon. friend Shri Narayanan-kutty Menon said that the person who was nominated did not possess a representative capacity in Kerala State. I repudiate that statement also. The gentleman who was nominated was recommended by the only organisation in this country which has a real representative capacity so far as the Anglo-Indian community is concerned. And I must say this: that by and large, Governments in all the States and also at the Centre have accepted the advice of this representative organisation in this particular matter.

Then I envisage a real danger if this amendment is accepted. It is this. If, as in Kerala, there is a particular party which enjoys an extremely precarious majority, it will deliberately ignore the needs of the community; it will deliberately ignore the representative character of people who are recommended for nomination and it will pick up from here or there—they will probably go off the highways and by-ways—merely to put in people whom they know they can depend upon for the purpose of keeping their precarious majority intact. I feel that for this reason, if this provision is to have any real meaning, then it should be retained in its present form so that the Governor, if he finds that there is a deliberate attempt on the part of a ministry to put in a person who has no representative capacity whatsoever, then, certainly as the custodian of the interests of a particular minority, he will put in a person who fulfils a representative capacity.

Mr. Speaker: Shri Kamble.

Shri Surendranath Dwivedy (Kendrapara): I have got my amendment No. 27.

Mr. Speaker: That is to clause 3 and not clause 2. We are on clause

2. I will call him when that clause is taken up.

Shri B. C. Kamble: With regard to the amendments to clause 2, I would like to make a few observations. My first point is with regard to the Governor. I request the hon. Home Minister to clarify the position. What is the position of a Governor? In that connection, I would like to read out the provisions of sub-clause (2) of article 163, where it is stated:

"If any question arises whether any matter is or is not a matter as respect which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion."

14 hrs.

Therefore, I am of the opinion that the Governor must have his discretion, and that discretion he must always use as he deems fit. I am not of the opinion that the Governor should be merely a rubber stamp and that he should always act in accordance with the directions as may be given by the Council of Ministers. The Governor has his own constitutional position. I am quite sure that under the Constitution if any Governor were of the sort as is prepared to act on his own, there is nothing in the Constitution, or in the structure of Government, either at the Centre or at the States, which will prevent him from acting as he deems fit. But, then, the Union Government has not made the position clear with regard to the authority that the Governor has been enjoying. We hope the Union Government is considering the question of framing certain rules with regard to the authority of the Governor. The Home Ministry should frame them quickly so that many of the things could be avoided. That is my first observation with regard to the Governor.

Then I have two other things to say. The hon. Home Minister has been

pleased to come forward with clause (2) to make certain provision with regard to a community. I am not here to oppose it, but what I want to ask is this. Is the Home Minister prepared to extend this principle to other communities which are deserving communities? Once a principle in regard to a provision for a community is accepted, there should not be discrimination with regard to other communities. Therefore, I am pleading with the Home Minister, and also before this House that once a principle has been accepted, then if there are other deserving communities, the same principle should be applied and the same protection should be given to those communities also.

Here I would like to point out something to Shri Frank Anthony, and that is this: should we stand for nomination? At the Round Table Conference, it was unanimously accepted that there should not be any nomination at all. Therefore, if we are to work democratically, then we should deprecate nomination; we should not uphold nomination. I would ask my hon. friend, Shri Frank Anthony: why is he shy of asking for representation as Anglo-Indian community? Why is he satisfied with mere nomination? He is making a compromise. If he comes forward to make a representation that Anglo-Indians need be represented in different legislatures, including this Parliament, he has a legitimate right to say so. But now he is satisfied with the nomination. I am completely against nomination. If the Anglo-Indian community has any grievance, it should place its demand before the States, or should come before this House.

Then I come to my third observation. Is it not in the interests of the different communities which are being discriminated against that they should be brought together under one piece of legislation? Here I may point out to another provision in the Constitution, which relates to the financial aid that is given to the Anglo-Indian community, which is embodied in article 337.

What is going to happen to the particular provision, under which aid will be given for a period of ten years? Is Government going to extend it also by bringing forward another amendment? Otherwise, the aid must stop. If the Government is proposing to amend the Constitution later on, after two years, then the Government should have given proper consideration to all these things whether that has to be extended or not. Financial aid is a narrow thing and representation is a bigger thing. When you consider the bigger thing, how can you leave a narrow thing? Therefore, the whole position ought to have been considered and then this piece of legislation should have been brought forward. I had written to the hon. Home Minister and brought certain points to his notice. Therefore, I would submit that even if it is too late now and that piece of legislation has to be passed thereafter, it is advisable for mutual respect that if there are different communities for whom certain protections, safeguards are necessary, they should be brought together and certain device found out whereby all this is done. These are the observations that I have to make.

**Shri Achar (Mangalore):** I would like to make only one submission. It is very necessary that constitutional conventions should be built up in this country. From that point of view, we have to remember that the Anglo-Indian community is given representation because they occupy a peculiar position; not because they are a minority. That aspect has already been argued and mentioned by others. That is why this constitutional provision has been made, though we are opposed to any kind of nomination. So, we have to consider that aspect of the position, the peculiar position of their special condition.

The next point that we have to consider is this: what is the best method of protecting their interest? What is the best convention that we have to build up while having these nominations? The best convention we would have to build up will be the feeling in

[Shri Achar]

the community, the public opinion in the community as to whom they would like to have. Of course, it is not by regular election or anything of that kind. I am sure it will not be difficult for the President, or for the Governor, to find out whom exactly they would like to have. There may be controversies and in all cases, there may not be unanimity. But I feel it will not be difficult, whether it be the Governor or the President, to find out what exactly the public opinion in that particular community is. Party questions need not come in this Bill. If we consider that particular aspect of building up conventions, public opinion of that particular community should have the final voice in the matter. I am only suggesting that a convention should be built up in that matter. That is why I am opposing the amendment of Shri Narayanankutty Menon. It should be provided in the Bill itself.

It is a usual democratic convention that the party in power should have the discretion to advise the Governor or the President. In a democracy, it is a well-known fact that the party in power enjoys that right. There is no doubt about it. But it is also unusual that such a provision is not made in any Constitution, or the orders anywhere; no convention provides like that.

14.10 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

So, I submit, so far as nomination is concerned, it must be left to the absolute discretion of the Governor or the President. That does not mean that he should set aside the opinion of the party or Ministry in power. I would submit that we can even trust the parties.

That is why I said that a convention is necessary. Even, supposing a particular party is in power and the community as such is not in favour of that party, I would submit and go to the extent of saying that the party in power must respect the feeling of the community and accept the persons

whom they would like to have as their representatives. We are having an instance here in the Parliament itself now. We find that we have got one of the ablest Members of our House, Shri Anthony. I did not know him personally previously. I have come to know him only for the last two or three years that I have been here. We have got the ablest man, but at the same time I find that he is not in the party. Though the Congress Party is in power, they have nominated him.

That is the point that I wanted to make. I feel that the House as well as the Ministry and everybody else must try to build up this convention of having the real leader of the community as a Member, whether it is in the Parliament or whether it is in any of the local assemblies as in Kerala. I would submit that it would be improper to have a provision in the Bill itself that it must be under the advice of the party in power.

Shri Surendranath Dwivedy: May I seek one clarification? I have given notice of an amendment to clause 3 to which you will come later. But I have a difficulty about which I want your guidance. I had also given notice of an amendment to clause 2 for the omission of that clause. But that amendment was not accepted. It was said that we cannot give notice of an amendment seeking to omit a clause. Now, if clause 2 is accepted by the House, what happens to my amendment to clause 3?

Mr. Deputy-Speaker: He can vote against it. It may not be accepted.

Shri Surendranath Dwivedy: Of course, I have a right to vote as I like. But what happens if that clause is adopted?

Mr. Deputy-Speaker: He would have the same advantage and purpose served if he votes against it. It may not be accepted. There will be no question of deletion then. The same purpose will be served. But if it is accepted then perhaps he has to suffer,

**Pandit Thakur Das Bhargava (Hissar):** I may submit that my hon. friend's amendment is that Anglo-Indians may not be given any nomination at all. He feels that they may not be given any separate representation in this matter. Now if clause 2 is passed, I am afraid that amendment to clause 3 will not be allowed. So, he should be allowed to put in an amendment here. If he is allowed to put in an amendment here then of course he will have the right to move it. Otherwise it means that he cannot move this amendment.

**Mr. Deputy-Speaker:** But his amendment is that the clause be deleted.

**Pandit Thakur Das Bhargava:** Not the whole clause, but a part of it. It relates to two things.

**Mr. Deputy-Speaker:** That is what he told me just now.

**Pandit Thakur Das Bhargava:** This clause refers to two things.

**Mr. Deputy-Speaker:** What is the number of his amendment?

**Shri Surendranath Dwivedy:** No. 27.

**Shri Supakar (Sambalpur):** Part can be omitted.

**Pandit Thakur Das Bhargava:** In that case he will be debarred from moving that amendment because we have taken a decision on clause 2.

**Mr. Deputy-Speaker:** No. 27 is to clause 3. What is the number of the amendment to clause 2?

**Shri Surendranath Dwivedy:** It is not here. I had given notice of an amendment seeking omission of the clause which was not accepted by the office.

**Mr. Deputy-Speaker:** The notice of amendment that he gave sought that that clause be omitted. So it was rightly rejected because he could have the same purpose served by voting against it. There are no such amendments, namely, that the clause be omitted. Therefore the Office must have got the orders of the hon.

Speaker and that must have been rejected. That has rightly been done. If he had asked for the deletion of some part of that, then certainly there would not have been any objection. How can I help him now?

**Pandit Thakur Das Bhargava:** The substance of the point to which he wants to call your attention is this. He is of the view that Anglo-Indians should not be given this right at all. That he wants to secure by deletion of some portion of Article 334. As a matter of fact, if we pass clause 2, he would be debarred from moving any such amendment because then we give the power to the Governor to nominate. Then the right is there. Otherwise the Governor cannot nominate.

**Mr. Deputy-Speaker:** But Panditji would realise my difficulty that the only amendment he gave notice of to clause 2 was that that clause be omitted. That could not be admitted. Now he feels a difficulty that he will not be able to move the amendment that he desires to clause 3. Now if he wants to move another amendment to clause 2, unless the Government is prepared to accept it I cannot waive the notice. Therefore there would be that difficulty. Therefore I cannot allow him to move another amendment to clause 2 now, at this moment, unless that amendment be acceptable to the Government.

**Pandit Thakur Das Bhargava:** Then it can be remedied only by this. If he is of the view that Anglo-Indians should not be given any right at all, this is the proper clause on which he can be allowed to speak. Otherwise he will not be allowed to speak and he will not be allowed to move his amendment.

**Mr. Deputy-Speaker:** Nobody has said that he will not be allowed to speak. How does Panditji say that? Who said that?

**Pandit Thakur Das Bhargava:** He stood up and wanted to move his

[Pandit Thakur Das Bhargava] amendment. From that I understood that he wanted to speak. He was asked to wait till clause 3 was taken up.

**Mr. Deputy-Speaker:** That is not the correct interpretation. Nobody denies him the right to speak. Nobody says that.

**Shri Thimmalah (Kolar—Reserved Sch. Castes):** I want to know whether both clause 2 and clause 3 have been taken up together.

**Mr. Deputy-Speaker:** Clause 2 under discussion. As soon as this discussion is finished, we will take up clause 3.

**Shri Surendranath Dwivedy:** I was thinking that I would rather speak on clause 3 because I had my amendment to that clause. But since I find....

**Mr. Deputy-Speaker:** Panditji thought that you were being denied the right of speaking.

**Pandit Thakur Das Bhargava:** He stood up. He wanted to move that amendment.

**Shri Surendranath Dwivedy:** About speaking, nobody denied me that right. I never said that I was denied that. I thought that I would put forward my point of view while moving my amendment to clause 3. Therefore I was not participating in this debate on clause 2. Now I want to speak.

I have heard the hon. Home Minister's reply at the consideration stage and I must say that I am not convinced at all. Of course, he did not defend that nomination is a sound principle and that it fits in well in a democratic constitution. He is not quite happy about it. But he explained that because the Constituent Assembly in its wisdom had thought of such provisions, he did not want to make a departure from that. At the same time he said, "What have I done? Even if we nominate, we are presenting two Members to the

Opposition." I do not think this is a viewpoint which can be accepted. It is not a question of whether the Opposition gets two additional Members or the Congress Party gets them. It is a question of principle, namely, whether after working our Constitution for ten or twelve years now we still feel that nomination is a desirable principle to be perpetuated. That is the question at issue.

At the same time what I feel is that the Anglo-Indians, who have such able persons like my hon. friend, Shri Frank Anthony and others, do not need any protection. If really they want to serve their community, and not only the community but the Indian nation as a whole, they must seek suffrage from the community as a whole. They should not depend on the mercy and charity of the majority party, whichever will be ruling over this country, to nominate them by some backward procedure to the representative bodies like this and pollute them to that extent.

Therefore if we abolish this system of nomination, they would be compelled not only not to look to the sweet will and mercy of the ruling party, but will go forward to meet and try to integrate themselves in every section of the community so that ultimately they become one amongst the entire community which we really desire that they should become and that their should be no discriminatory behaviour. They should also not feel that the other communities are not looking to their interest. That is the main point which I want to stress. I still feel that the hon. Home Minister will see wisdom and will not introduce this nomination system.

पंडित ठाकुर दास भार्गव : जनाब डिप्टी स्पीकर साहब, होम मिनिस्टर साहब ने फरमाया कि क्या हर्ज है अगर नाबि-  
नेशन के जरिये कुछ एंग्लो इंडियन इस  
हाउस में श्री सेजिस्ट्रेटिव एसेम्बली

में प्रायें और जब दस वर्षों तक उनको यह हक मिला है तो प्रायें भी इस के न मिलने से उन में भारी डिस्कॉन्ट होगा, जैसे कि हमारी शेडयूल्ड कास्ट्स और शेडयूल्ड ट्राइब्स में भी होगा अगर उनके रिजर्वेशन को कंटिन्यू नहीं किया गया। मैं इस प्रार्थना का जवाब देने के लिये तैयार नहीं हूँ क्योंकि मैं समझता हूँ कि दस वर्ष तक जब उनको यह हक दिया गया और फ्राइन्दा नहीं दिया गया तो उनमें डिस्कॉन्ट जरूर होगा। लेकिन क्या यह बाजिब है कि डिस्कॉन्ट के प्रार्थना को इतनी वक्त दी जाये कि हम अपने उसूल को छोड़ दें? जनाब को इसकी हिस्ट्री याद है, आप को मालूम है कि किस तरह से नामिनेशन का हक मंजूर किया गया और एंग्लो इंडियन्स को यह हक दिया गया ताकि दश म एकता बनी रहे। बिना इसके दिये हुए सेपरेट एलेक्टोरेट का डर था। डर था कि एंग्लो इंडियन्स और बाकी माइनारिटीज सेपरेट एलेक्टोरेट मांगेंगे और इस पर बड़ी जोर शोर की बहस हुई कि उनको सेपरेट एलेक्टोरेट दिया जाये। चुनावें जो माइनारिटी कमेट्री यो उसमें यह मांग की गई कि माइनारिटीज जितनी हैं उनको रिजर्वेशन दिया जाये और इसको उसने माना। जब हम माइनारिटी कमेट्री में बहस करने के वास्ते प्राये तो सबसे पहला नम्बर एंग्लो इंडियन्स का प्राया। बाकी का नम्बर बाद में प्राया। मैं भ्रज करना चाहता हूँ कि कास्टिट्यूट एसेम्बली में और उसके बाद में भी मैं प्रिसिपल के ऊपर सेपरेट एलेक्टोरेट के सक्त खिलाफ था। चुनावें जिस बत में नामिनेट किया गया, मैंने कहा कि मेरा डिसेंट दर्ज किया जाये। मैं नहीं चाहता कि हिन्दुस्तान में किसी कम्प्यूनिटी को रिजर्वेशन दिया जाये। अगर हम हिन्दुस्तान में एक नेशन बनाना चाहते हैं तो हमें किसी किस्म का कम्प्यूनल रिजर्वेशन नहीं देना चाहिये। लेकिन मुझे बतलाया गया कि हम पहले फेसला कर चुके हैं और नये मेम्बर के घाने से किसी तरह का हक कमेट्री को नहीं है

कि वह उसे रिजर्वेशन कर सके। लेकिन जिस रोज एंग्लो इंडियन्स के वास्ते यह फेसला किया गया कि उनको नामिनेशन दिया जाये, उसी रोज मैंने नोट आफ डिसेंट दिया कि उनको हर्गिज यह हक नहीं दिया जाना चाहिये क्योंकि उनको यह हक देने से एक और दिक्कत आती थी। अगर उनको पापुलेशन के बेसिस पर यहां लाया जाये तो उनकी पापुलेशन इतनी घीड़ी है कि उन्हें कहीं पर एक जगह भी नहीं दी जा सकती। चुनावें जब मैं माइनारिटी कमेट्री में प्राया तो वहाँ भी मैंने यही ब्राब्लेक्शन किया कि अगर एंग्लो इंडियन्स को नामिनेशन दिया गया तो बाकी जो कम्प्यूनिटीज हैं, उनको क्या दिया जायेगा, और देश के अन्दर क्या हाल होगा? मेरी बड़ी खुशकिस्मती यह थी कि जिस वक्त मैंने इस नोट आफ डिसेंट पर जोर दिया तो हमारे पंत जी वहाँ तशरीफ रखते थे। उन्होंने इस मामले को लिया वर्ना में क्या कर सकता था? मैं तो एक स्माल फ्राई था, मुझे कौन मुनता। लेकिन पंत जी के इस मामले को लेने से यह चीज ऐसी बन गई कि पापुलेशन बेसिस हटा दिया गया। पंत जी और दूसरे बुजुर्गों की यह तजवीज थी कि नामिनेशन दे दिया जाये। जब उनको इस बेसिस पर रिप्रेजेन्टेशन दे दिया गया तो उनके बाद दूसरी माइनारिटी कम्प्यूनिटीज का नम्बर प्राया जिनको कि रिप्रेजेन्टेशन दिया जाना था। आज भी मेरी जब मैं क्रिश्चियन कम्प्यूनिटी का रिप्रेजेन्टेशन मौजूद है जिसमें उन्होंने लिख कर भेजा है कि अगर एंग्लो इंडियन्स को यह हक दिया जाता है तो हमें भी दिया जाये। हमारे पास कोई वजह नहीं है कि हम किसी तरह से क्रिश्चियन्स को एंग्लो इंडियन्स से डिफरेंशिएट करें। क्रिश्चियन्स की तादाद बहुत ज्यादा है। आज अगर मैं ऐयनी साहब की सविसेज को रिकॉउंट करूँ तो वह बहुत ज्यादा है लेकिन क्रिश्चियन्स की सविसेज को अगर देखा जाये तो वह भी किसी तरह से कम नहीं है। हमारे श्री एच० सी० मुर्जी साहब जो

[श्री ठाकुर दास भागवत]

माइनारिटी क्वेश्चन के प्रोजेक्ट से उन्होंने कहा कि क्रिश्चियन यह चीज नहीं चाहते। काफी झगड़ा हुआ लेकिन उनका राय प्रिबल की। उसके बाद सिख कम्प्यू नोटो आई। उन्होंने भी कहा कि हम उस सूत्र में रिजर्वेशन लेंगे जो भा. मा. मुसलमानों को देंगे, नहीं तो हम नहीं चाहते। जब मुसलमानों का सवाल आया तो उनको राय थी कि सेपरेट एजेन्टोरेट हो जाय, फिर यह हुआ कि रिजर्वेशन हो जाये लेकिन भाहिस्ता-भाहिस्ता उन्होंने रियलाइज कर लिया कि अगर हम हिन्दुस्तान को एक करना चाहते हैं तो यह चीज उसके हक में नहीं होगी। इसलिये वह फैसला किया गया कि रिजर्वेशन किसी को न मिले। सेंडपूल्ड कास्टस और शेडपूल्ड ट्राइब्ज को यह हक माइनारिटी के तौर पर नहीं मिला बल्कि चूकि वह हिन्दू कम्प्यूनिटी का एक ऐसा हिस्सा थे, उनके ऊपर वह समझते थे, हर तरह से जुन्म हुआ है, इसलिये वह दिया गया। अगर ऐंग्लो इंडियन बाद में भीरों के साथ आते तो उनको हगिज यह हक नहीं मिलता। लेकिन चूकि उनके बार फैला स से सम्बल हुआ इस लिये उनके लिये ना भनान की बात मान ली गई। उस वक्त यह सच्चा गया कि अगर एक आदमी पायुलेशन के बेसिस पर नहीं भी आता तो इतने बड़े हाउस में, पांच सी मेम्बरों की पार्लियामेंट में क्या हुआ पड़ जायेगा? इसलिये उसूनी तौर पर इसको नहीं देखा गया। मैं प्रज करना चाहता हूँ कि यह दुस्त है कि किनी भी जगह इस तरह का उमूल कायम नहीं किया जाता कि महज इस बिना पर एक कम्प्यूनिटी को कोई राइट दिया जाये। इनाल यही था कि उस वक्त गलती हुई या रों कटिये कि चूकि सबसे पहले फैसला हो गया इसलिये हम उससे पीछे नहीं जाना चाहते। जब यह कहा गया तो मैंने साई माफ रितीरु किया कि चलो सेपरेट एजेन्टोरेट तो नहीं आया और इती पर इकतफा हुआ।

उस वक्त ऐंग्ली साहब भी स्पीच मैंने सुनी थी, ऐंग्ली साहब मुझे माफ करेगे क्योंकि वह कोई पर्सनल मामला नहीं है इसलिये मैं उस ही तरह तबज्जह दिलाता हूँ, जिस रोज यह तय किया गया उस रोज ऐंग्ली साहब ने कांस का और सब का शकिया भवा किया और कहा कि हम कोशिश करेगे कि हम बड़ी कम्पनिटी के साथ इंटेग्रेट हो सकें क्योंकि हम जानते हैं कि इस किस्म का राइट जो भीरों को न दिया जाये और हमको दिया जाये यह एक बड़ा भीरी इन्वोलेशन है, ऐसा फर्क है जिसे कंट्री कमी भी अदात नहीं करेगा। भाज जो क्रिश्चियन कम्पनिटी है उसका रिप्रेजेंटेशन हर मेम्बर के पास आया है और गवर्नमेंट के पास भी भेजा गया है कि उनको भी यह राइट दिया जाये। मैं इन दोनों चीजों में फर्क नहीं देख सकता। अगर ऐंग्लो इंडियन्स को यह राइट मिलता है तो हम न क्रिश्चियन्स को, न मुसलमानों को और न किनी दूसरे को ही इसको देने से इन्कार कर सकते हैं। खुमून बैकवर्ड कम्पनिटी को तो हगिज नहीं कर सकते। कोई बजह नहीं है कि उन्हें या ऐंग्लो इंडियन्स को यह हक दिया जाये लेकिन चूकि वह दिया जा चुका और दस बरस पूरे होने वाले हैं वह रहें, पर उनका एक्सटेंड किया जाना हगिज वाजिब नहीं है। यह डर क्या है कि ऐंग्ली साहब क्या कहेंगे? दूसरे क्या कहेंगे। सारे मुल्क का लास है इस से, नेशन का लास है। अगर हमारे ऐंग्ली साहब जनरल सीट से भायें तो मुझे उम्मीद है कि वह चुन कर आ जायेंगे। जिस वक्त सन् १९५८ में इस चीज को पास किया गया, उस वक्त भी मैंने कहा था कि अगर मि० ऐंग्ली जनरल सीट से बड़े हों तो वह अपनी भरिट्स पर ही यहाँ आ सकते हैं। अगर कोई भी भरिट्स से यहाँ आ सकता है तो वह ऐंग्ली साहब जरूर हैं। अगर वह यहाँ आकर सारे देश का रिप्रेजेंटेशन करते तो पोलीशन दूसरी बनती। हम चाहते हैं कि इस नेशन का एक टुकड़ा हो कर ऐंग्ली इंडियन्स को भलाहवा रहने की इजाजत न दी जाये।



यह एक्सक्लूजन का सेन्स, यह सेपरेशन का सेन्स जो सेपरेट नामिनेशन से पैदा हो जाता है वह इस राइट को न रखने से खत्म हो जायेगा। यह देश के इंटेरेस्ट में नहीं है कि उन्हें हमेशा के वास्ते यह खयाल पैदा हो जाय कि हम भलाहदा रहेंगे। इस सेपरेट कांशसनेस को हटाया जाना चाहिये।

धन भी हम क्या देखते हैं ? अकेले ऐंथो साहब ही नहीं, कितने ऐसे ऐंथो इंडियन्स ऐंथे हैं जो खूब धृच्छी तरह से हमारी खबान जानते हैं, यहां काबिले इज्जत है, हम उनकी इज्जत करते हैं। कोई बजह नहीं है कि वह लोग जनरल सीट से यहां पर काम-याब न हो सकें। नूत्रे माफ करे मैंने सिल साहबान के वास्ते भी कहा था कि उनको सेपरेट एलेक्टोरेट मत दो क्योंकि यह लोग जनरल सीट्स से ही काफी बड़ी नादाद में घा जायेंगे और मैं खुश हूँ कि यह बात सही साबित हुई पंजाब के घन्दर। मारे साहबान जानते हैं कि जनरल एलेक्टोरेट मारे कंट्री के काज को एडवान्स करता है। नामिनेशन उस काज को एडवान्स नहीं करता। जो लोग नामिनेशन से यहां आयेंगे वह समझेंगे कि वह तिक्र अपने लोगों के लिये ही जिम्मेदार हैं, दूसरों के लिये जिम्मेदार नहीं हैं। इस लिये मैं कहना चाहता हूँ कि सेपरेट एलेक्टोरेट का तरीका ऐसा तरीका है जो कि बिल्कुल गलत है, उगूलन गलत है। पहले भी हमारे बुगुगों ने और लीडर्स ने इसे कंडेम किया था और मैं बड़ा खुश हुआ था कि सेपरेट एलेक्टोरेट खत्म हो गया लेकिन उस वकत हमने वह महसूस नहीं किया कि सेपरेट रिजर्वेशन भी जो है वह सेपरेट एलेक्टोरेट का बल्का है या छोटा भाई है क्योंकि उसी सोर्स से निकलता है। उसके बैकग्राउंड में भी वही उमूल है जो सेपरेट एलेक्टोरेट के घन्दर होता है। दस बरस के बाद जो सिबुर्शन घाई है वह दरअसल ऐसी है जिसमें मुझे यह बात नजर नहीं आती कि लोग यह सोचें कि अगर सेइपल्ड कास्ट्स

और ऐंथो इंडियन्स को यह हक न दिया जाय तो वह नाराज होंगे। प्राज हमको इसका खयाल नहीं करना चाहिये। प्राप जो भी राइट देते हैं जब उसको डिस्कॉन्टि-न्यू करेगे तो जिन पर उसका असर पड़ेगा वह नाराज होंगे ही। यह अगर मुनासिब चीज है तो उनकी नाराजगी का सवाल नहीं उठना चाहिये। जब हमने राज्य सभा के लिये नामिनेशन का सवाल रखा तो उसके लिये भी लोगों ने ऐतराज किया था, लेकिन वह नामिनेशन पास हुआ। पर जहां तक ऐंथो इंडियन्स का सवाल है उनको किसी तरह का सेपरेट रिजर्वेशन देने की बात मेरी समझ में नहीं आती। प्रबल तो यह उमूल ही गलत है कि किसी कम्प्यूनिटी का रिजर्वेशन दिया जाय और यह उमूल तो बिल्कुल ही गलत है कि वह नामिनेशन से हो।

**The Minister of Home Affairs (Shri G. B. Pant):** May I just remind you and the hon. Member that only one hour was allotted for this clause by clause discussion and I think that one hour has perhaps already expired. I do not know how long I will be tied up so far as the clauses are concerned.

**Mr. Deputy-Speaker:** I think Pandit Thakur Das Bhargava will have to conclude.

**पंडित ठाकुर दास भार्गव :** मैं प्रान-रेबल मिनिस्टर साहब के हुकम की बड़ी परवाह करता हूँ। मैं समझता हूँ कि उनका प्राबजेक्शन जायज है। मैं इससे ज्यादा प्रज नहीं करना चाहता। जो दो चार बातें रह गई हैं वह इतनी जरूरी नहीं हैं कि उनके लिये मैं खासतौर पर टाइम लूँ। बूक मिनिस्टर साहब चाहते हैं कि यह बिल एक घंटे में खत्म हो जाये इस लिये मैं अपनी बात खत्म करता हूँ।

**श्री श्री० श्री० पन्त :** मैं इसलिये नहीं कह रहा हूँ कि प्राप खत्म कर दे। यह बात नहीं है।

**Shri Thimmalah:** Clauses 2 and 3 may be taken together.

**Mr. Deputy-Speaker:** We have already finished clause 2.

**Shri Barrow (Nominated-Anglo-Indians):** Mr. Deputy-Speaker, I want to emphasize at the very beginning that we, as a community, accept without any reservation, that our final destiny lies in integration with the general society in this country. I also want to repudiate the suggestion that has been made that we want to continue as a separate entity or that there is some sort of schizophrenia so far as the community is concerned. I would like to say this too. It is said that the continuation of these safeguards is based on the discontent that might be expressed either by the community or by the leaders of the community, but I am certain that the Home Minister is too strong a person to be intimidated by any discontent. The Home Minister in his wisdom has always helped us. He understands the position of the community, and he realises that this process of adjustment will take a little time. What is 20 years,—it is but a moment in the life of a community. Even in the life of an individual, majority is reached at 21. As I emphasized at the beginning, we stand by this creed that our future lies only in integration, and during this period which we are given, we are going all out to adjust ourselves. Ten years, we feel, has not been sufficient, and the Government in wisdom and generosity have decided to give us ten years more.

I do not want to go into what happened in the Constituent Assembly. I was not a Member, but I know my history. There also it was the special needs of the community which weighed. Our present Home Minister was there also, and he realising the needs of the community, helped to get the community special provisions in the constitution. He was the chairman of the sub-committee which evolved these safeguards.

I do not know Shri Surendranath Dwivedy has a sense of humour, but I know the Home Minister has a sense of humour and if he said that two Members of the Anglo-Indian community were a gift to the Opposition, he said that it lightly. It is not to be used as a basic argument.

Sir, I just want to reply to one or two references that have been made by my hon. friend from Mysore about how these representations or nominations are made. The nominations are made through an organisation which is perhaps uniquely representative of the community. We have about 50 per cent of the members of the community as members and supporters of our organisation. We have a ballot which is carried out by post. The results of the ballot are sent to the different Governments showing which people are really representative of the community, and by and large we are glad that the State Governments and the Central Government have always acted on the advice and the recommendations made through our organisation.

I think the Home Minister and the Government are generous in giving us this extra period to adjust ourselves, and I wish to express my thanks.

**Shri G. B. Pant:** The amendment of Shri Menon as also his speech concede the advisability and perhaps the need of continuing the nomination of Anglo-Indians. So far as the question of nomination as such is concerned, he had no quarrel. Shri Dwivedy is against nomination on principle. Well, I must say that I appreciate what he has said and also what Pandit Thakur Das Bhargava has said.

Nomination should not be, ordinarily, the method of representation of any class or any community. We stand for a classless society, and it would be desirable that so far as possible, no distinctions, whether of caste or class or creed, come to influence the election of members to, or the composition of, the legislatures. In theory that is perfectly all right, but in affairs of life we have often to compromise out

of regard for the situation and the circumstances in which we find ourselves, in the hope that what we are doing will lead us on to the goal which we have defined and declared for ourselves. So, it was in that hope that this clause about nomination of Anglo-Indians was introduced in the Constitution.

Well, we are not introducing a new clause today. The structure of the Constitution remains as it was, it is not being changed in any respect. There are only a few clauses with regard to which the period that has been initially prescribed by the Constitution is now being enlarged. That is the only change that is being made. So, no fundamental questions of principle arise in the case. The only thing that one can say is that we do not need this long period, but we are not introducing a new principle today. Whether it be a sound principle, or whether it be a principle which does not commend itself to some of the hon. Members, it is a principle which was introduced and acted upon at the instance of and with the approval of the Constituent Assembly.

So, I would also like to invite the attention of the hon. Members to the language of this clause, the original clause. It says:

"Notwithstanding anything in article 170, the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate such number of members of the community to the Assembly as he considers appropriate."

There is no compulsion. The Governor may, in certain circumstances, nominate, but if those circumstances do not exist, he need not. It does not in any way debar the members of the Anglo-Indian community from seeking election to Parliament or the Assembly from the general electorate. The position is only this. Suppose they stand for such elections and are defeated,

or the circumstances are such that while they do not stand for election, they are in such a position in a State that the Governor considers that it is desirable that presentation should be given to Anglo-Indians through nomination, he might do so. So, there is no compulsion with regard to nomination, and, as I believe hon. Members know, there are a number of States even now where no nominations are being made of Anglo-Indians at all. But I would like them to look at all these things, while bearing the basic principles in mind, from the correct perspective and with a due sense of proportion. If any one is nominated from a community who has a certain position in the country, I do not think it is going to affect the composition of the legislature very seriously. The arguments that others might make a similar demand have, I think, no validity at the present stage because we are not taking a new step.

I would request you to look at the clause we have incorporated in this Bill. This is a restrictive clause. This is not going to enlarge the field of nomination, but it is going to restrict it. Under the existing provision in the Constitution, the Governor is free to nominate any number of members of the Anglo-Indian community to any Assembly. We have introduced this just to restrict that power, and have laid down that except in Bengal, where the number may be one or two, in no other State should the number be more than one. So, this clause is a restrictive clause. It does not in any way give to the community larger representation than has been given so far. We introduced it in order to restrict it, and I hope by the time the extended period comes to an end, the need even for this will cease. But, need we now make such a serious grievance over it that though we are restricting the numbers, and though we have introduced this amendment only with that object in view, yet even this much should not be tolerated? I would appeal to Shri Surendranath Dwivedy and others who hold that view to take a more sympathetic and considerate view of the matter.

[Shri G. B. Pant]

Coming to Shri Narayanankutty Menon's amendment, I am not sure if it is really in order and consistent with the rest of the Constitution, because the Constitution lays down certain methods for the working of the Assemblies, the Parliament, the Governor and the President. You cannot make any provision with respect to any particular matter, unless it is in accord with the rest of the Constitution; and if it is not in accord, then it is inconsistent; if it is in accord, then it is already there. Either it is surplus and superfluous or it is already covered by the Constitution as it exists. So, there can be no need for such an amendment, and I personally think that it is perhaps not even quite consistent with the rest of the Constitution. I do not thereby mean that such nominations need necessarily be made, without consulting the majority party in the Legislature. That is now my intention, and I would not make any such suggestion. But such a provision would not be in accord with the entire structure. As I said, it is at the best unnecessary and, at the worst inadmissible.

Then, he has, I think, not taken into account one other factor. If we look at article 331, we find that it says:

"Notwithstanding anything in article 81, the President may, if he is of opinion that the Anglo-Indian community is not adequately represented in the House of the People, nominate not more than two members of that community to the House of the People."

Now, article 331 remains as it is. No amendment has been proposed here to the effect that the President should make such nominations in consultation with the majority party in Parliament. You cannot have two rules, one concerning the President, and another concerning the Governors. There can be only uniformity in these matters; and throughout the Constitution, the principles have been uniformly adopted. They are equally applicable to the legislatures, whether at the Centre or in the States.

So, I say that even if Shri Narayanankutty Menon's amendment were adopted, it would be inconsistent also with the provision made in article 331, with regard to the powers that are exercisable by the President. As to how these powers should be exercised, I think that will be determined by the jurisdiction which has been conferred by the Constitution itself, and no special provision of this type can be made which either will be inconsistent or derogatory to the main scheme or which will be altogether superfluous. So, as there is no difference, so far as the question of nomination is concerned, I hope Shri Narayanankutty Menon will withdraw his amendment.

He referred to a nomination made in Kerala. I may just tell him, and I think he is aware of it, that that nomination, like nomination in other States, was made in consultation with the representative organisation of Anglo-Indians. When I said that we had made a present of two Members to the Opposition, I did not mean that we had made these nominations in order to add to the strength, deliberately, of the Opposition, but, certainly, that indicated that we have not been influenced by any party considerations in giving our advice to the President regarding these nominations. We have been guided only by one factor, and that is that the representation of the Anglo-Indian community through nomination should really reflect the opinion of the Anglo-Indian community. That has been the only guiding principle. And we have adopted that.

As Shri Narayanankutty Menon is presumably aware, other suggestions were made by Congressmen in Kerala, but we did not accept any of them ourselves. We were guided only by the advice that was given by the representative organisation, as we have been guided in other matters. So, I think he need not have any apprehensions that any step will be taken with a view to buttress our own party by adding one more member. After all, that is not the intention. So far, we have not acted in that manner. That is all that I have to say.

**Shri Narayanankutty Menon:** On a point of clarification. I confess that I do not in any way compare to the hon. Home Minister either in forensic ability or judicial experience. So, I could not understand the inconsistencies then. But I would only ask for one clarification, as far as my amendment is concerned, namely whether this particular power conferred upon the governor, in consonance with the powers conferred by this Constitution and the conventions established in regard to the Heads of States, is to be exercised by the Governor in his personal capacity or it will be subject to the advice of his Cabinet.

**Mr. Deputy-Speaker:** He has answered that. If it is contained in the Constitution, then, whatever it is, that will prevail; now, it depends upon the interpretation. So far as I could follow, that was what he said.

**Shri Narayanankutty Menon:** I could not get a chance to reply to that. So, I was only pointing out that if it is superfluous, it does not matter, but the point is whether this is inconsistent with questions of policy contained in other articles of the Constitution.

**Mr. Deputy-Speaker:** That is a question of interpretation of the Constitution.

**Shri Narayanankutty Menon:** I am only asking for the hon. Home Minister's interpretation, and I am prepared to accept that.

**Mr. Deputy-Speaker:** The hon. Member may accept, but the courts might not accept.

**Shri Narayanankutty Menon:** As far as my amendment is concerned, I shall be satisfied with the hon. Minister's interpretation, because it is a question of policy which the Home Minister is going to lay down.

**Mr. Deputy-Speaker:** I would not ask the Home Minister to give his interpretation of the Constitution. If he wants to answer the hon. Member, he may do so.

**Shri Narayanankutty Menon:** As far as the courts are concerned, this is not justiciable, that is, whether a particular power given to the President or the Governor has to be exercised on the advice of the Cabinet.

**Mr. Deputy-Speaker:** The interpretation that the hon. Member may get from the hon. Minister or from any other Member would not be binding on the courts.

**Shri Narayanankutty Menon:** It is a question of policy which is to be laid down by the Home Minister.

**Mr. Deputy-Speaker:** The question of policy would be a different thing now.

Now, I shall put the amendments Nos. 16 and 17 to vote. Those in favour may say 'Aye'.

**Some Hon. Members:** 'Aye'.

**Mr. Deputy-Speaker:** Those against may say 'No'.

**Several Hon. Members:** 'No'.

**Mr. Deputy-Speaker:** So, the 'Noes' "Ayes" have it.

**Shri Narayanankutty Menon:** The "Ayes" have it.

**Mr. Deputy-Speaker:** This does not require two-thirds majority; this can be decided upon by a simple majority.

**Shri Narayanankutty Menon:** I know that this can be rejected by a simple majority. I want that there should be a division.

**Mr. Deputy-Speaker:** Would he insist on it?

**Shri Narayanankutty Menon:** Yes. We cannot expect any reply to the points raised by us from the hon. Minister.

**Mr. Deputy-Speaker:** That is a different thing. I am only asking whether he insists that it should be decided by division.

**Shri Narayanankutty Menon:** Yes.

**Mr. Deputy-Speaker:** Then this will also be taken up at 3-30 P.M. We will, in the meanwhile, take up clause 3.

**Clause 3—(Amendment of Article 334)**

**Shri Kodliyan:** I wish to move amendment No. 24.

**Shri M. Siddiah (Mysore-Reserved-Sch. Castes):** I would move my amendment No. 29.

**Dr. Samantsinhar (Bhubaneshwar):** move amendment No. 4.

**Mr. Deputy-Speaker:** Amendments Nos. 4 and 29 are the same. Only one of them can be moved.

The amendments moved are Nos. 4 and 24.

**Dr. Samantsinhar:** I beg to move:

Page 1, line 17,—for “twenty years” substitute “twenty-five years”. (4).

**Shri Kodliyan:** I beg to move:

Page 1, after line 17, add—

(ii) In article 334 of the Constitution, the following *Explanation* shall be added, namely:—

*“Explanation.—The expression Scheduled Caste occurring in this article means and includes, notwithstanding anything contained to the contrary in the Constitution (Scheduled Castes) Order, 1950, Scheduled Caste persons converted to other religious faith”. (24).*

**Mr. Deputy-Speaker:** These two amendments are before the House along with clause 3.

**Shri Surendranath Dwivedy:** I have amendment No. 27. But if clause 2 is accepted, then it would be barred.

**Mr. Deputy-Speaker:** I will give him another opportunity to speak.

**Shri Surendranath Dwivedy:** I am not going to speak. I only want to move the amendment.

**Mr. Deputy-Speaker:** All right.

**Shri Surendranath Dwivedy:** I beg to move:

Page 1, line 16,—after “Constitution”, insert—

“(i) clause (b) shall be omitted; and” (27).

**Mr. Deputy-Speaker:** This amendment is also moved for the present and is before the House, subject to the fate of clause 2.

**Shri Thimmalah:** I thank the hon. Home Minister and the leaders of the country for extending the reservation for another ten years. The Scheduled Caste people of the country are very grateful to them for that. The Home Minister has understood the real position of the Scheduled Caste people even today after ten years of the operation of the reservation.

The Constitution-makers reserved seats for the Scheduled Castes and Scheduled Tribes for ten years thinking that the position of the Scheduled Castes and Scheduled Tribes socially, economically and politically would improve in these ten years. They never said that the reservation was only for ten years and should be stopped after that. They also took into consideration the background in which the Scheduled Caste people were living in this country. They understood the background of our Indian society, how it functioned and what place the Scheduled Caste people occupied in it.

You know that in the Indian society the Scheduled Caste people have suffered age-long from social evils. They have not only suffered social evils, but they were also exploited economically. Even today it is not

controlled. The social position of the Scheduled Castes today has improved a little, but not to a considerable extent. This does not mean, as one hon. Member pointed out, that the Government have failed in their duty or in their efforts to bring the Scheduled Castes up to the level of others. The age-long social evils that existed cannot be removed within ten years and the people who have suffered and who have been suppressed and exploited for centuries together cannot be brought up within ten years, whatever may be the efforts of the Government or the ability of the person who is at the helm of affairs.

In the field of social upliftment, the Government have done their best. It is not the Central Government alone which have to do something in this regard; the State Governments are also equally responsible. No doubt, many of the Scheduled Caste Members have voiced their feelings. What has been done and the method of doing it may be wrong or may be right; there may be differences of opinion about the quantum of success we have achieved in the field of the social uplift of the Scheduled Caste people. There may be real difficulties on account of which they could not achieve the required success. I could understand the Home Minister pleading with the State Ministers. I could understand his seriously taking the State Ministers to task for not having fulfilled the targets as far as the upliftment of the Scheduled Castes is concerned. He used to say that the money allotted is not spent and the target is not achieved. I could understand the intention and sincerity of the Home Minister. But in spite of the best efforts of Government and the best intentions of Members of Parliament, irrespective of any party affiliation, this social evil of untouchability could not be removed within ten years.

I should not go on citing instances of how the Scheduled Caste people are suffering from the bane of untouchability. In Indian society as

such, this mental disease of untouchability cannot be cured in ten years. Of course, there is progress and untouchability is bound to disappear one day or other. In these circumstances, I leave it to the House to understand and decide whether reservation is necessary or not.

Similarly, in the economic field, the Government have done something to improve their economic condition. It is not Government alone which has to do something. The people of the country as a whole have to see that the Scheduled Caste people are brought up to the level of the others, because they are the weaker link in the society. Every Member in this House is very much interested in building up this country. How to do it?

**Mr. Deputy-Speaker:** I do realise that the hon. Member could not get an opportunity to speak during the general discussion. Now he should be brief.

**Shri Thimmaiah:** If you want to build up a strong country, the society of that country should be strong. If there is a weaker section in the society suffering from all sorts of evils, without proper scope for development, without proper opportunities to develop their personality, naturally that country cannot be strong.

It is with the best of intentions that the Government wanted to give certain concessions to the Scheduled Caste people so that they may develop themselves and come up to the level of others so that they may be integrated with the society of the Hindus. Shri D. A. Katti misrepresented many of the facts. He said that only Dr. Ambedkar wanted this reservation and the others did not. At the same time, Dr. Ambedkar also fought for separatism. He said at the Round Table Conference that the Scheduled Caste people should be recognised as a separate entity and not as Hindus. He wanted to sever the Scheduled

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Castes from the Hindu fold. He also pleaded for separate electorate for the Scheduled Caste people. In the Constituent Assembly debates, he himself said that he wanted the reservation for a greater number of years than ten. But the Congress Members themselves said that ten years would do for the time being. Of course, they thought that within ten years the position of the Scheduled Caste people would improve and if after ten years, it was necessary, the reservation could be extended. With this intention, the Government have brought forward this amendment extending the reservation.

I think the Republican Party, which has opposed this Bill, has really done a disservice to the community to which they once belonged. The Republican Party has no faith in itself; it has discarded its faith. It has taken from America even its name. It wants all the facilities and at the same time, it does not want that the Scheduled Caste people should enjoy this reservation. This is the position of the Republican Party. I do not know how they can claim concessions to themselves under the Constitution when they want to deny political concessions to others. They want economic concessions; they want educational concessions; they want everything but not political concessions.

15 hrs.

Some of the hon. Members have said that this reservation is going to perpetuate casteism and communalism. I submit that people who suffered from communalism and casteism can never adopt communalism and casteism against others. They want to free themselves from the clutches of communalism and casteism, and other social evils. If Scheduled Caste people come up to the level of others they will certainly work for the country. In the history of India you can never show an example where the Scheduled Caste people have betrayed this coun-

try or the independence of this country.

The Scheduled Castes are part and parcel of Hindu society and part and parcel of the community. They are prepared to make any sacrifice for the benefit and advancement of this country. I can assure my hon. friend Shri Tyagi who was very vehement about this that if the Scheduled Castes come up to the level of the others and become as strong and as progressive as anybody else, they will never practise this communalism against those who have practised that against them. I will give him this guarantee.

Shri Balkrishna Wasnik (Bhandara—Reserved—Sch. Castes): Sir, I am thankful to the hon. Members of the House from all sections who have supported this particular clause of the Bill. Though the Members of the Scheduled Castes and Scheduled Tribes have a very good case they cannot speak very vehemently because people naturally misunderstand that the reservations and facilities will be for them and, therefore, they are arguing their own case. No lawyer or Counsel can argue his own case well. Naturally, others have to argue for him. So I am thankful to the hon. Members who have supported this clause.

Some hon. Members of this House, particularly those belonging to the Republican party have opposed this clause. Unfortunately, the Republican party has been divided into two groups; and I do not know which is the recognised party and which is not. They have also got different notions. One group had left the House in the morning and the other group is sitting in the House. Anyway the reasons why they opposed this Bill, I think, are three.

One reason is that they have never been consistent because they believe that consistency is the virtue of an ass.

Mr. Deputy-Speaker: Why go into all these things? Without criticising only a party you may speak on the merits of this clause.



**Shri Balkrishna Wasnik:** I can show this by very facts. In 1929-30 they had demanded joint electorates. As soon as they went to the Round Table Conference they demanded separate electorates. Then again they came down to the Poona Pact. Then, in 1946, they again demanded separate electorates. Some years earlier they had demanded a separate State for themselves. They have done so many things.

I just want to quote their leader Dr. Ambedkar who had said this. He had written a pamphlet on the reorganisation of States and in that booklet he had explained that his thoughts on reorganisation of States have been inconsistent for some time. He had stated that Emerson had said that consistency is the virtue of an ass and, therefore, he did not want to be an ass. Therefore, it might be that they do want to be consistent. I am rather surprised to see that they are maintaining their three-year old stand.

**Shri B. C. Kamble:** May I point out that the hon. Member should withdraw the words in relation to Dr. Ambedkar—that he did not want to be an ass.

**Shri Balkrishna Wasnik:** I am quoting the very words of Dr. Ambedkar, which he had written in the introduction to that pamphlet.

**Mr. Deputy-Speaker:** I have listened to the hon. Member very carefully; and he had quoted Dr. Ambedkar saying that such and such an author—I think Emerson—had said that consistency is the virtue of an ass and so he would not like to be one. Therefore he said that his thoughts had been inconsistent so far as reorganisation is concerned.

**Shri B. C. Kamble:** He would not like to be so; that is what he says.

**Mr. Deputy-Speaker:** I do not find anything objectionable that I should object to it. These are the words of Ambedkar, he says.

**An Hon. Member:** He is only quoting Dr. Ambedkar.

**Shri Balkrishna Wasnik:** I am quoting Dr. Ambedkar. Why are these people opposing this? They have been facing defeats. Dr. Ambedkar himself had faced two defeats one after the other. After the second defeat he came forward and said vehemently that they do not want these reservations because their men could not get into Parliament or into the State Legislatures. (*Interruption*).

**Shri B. C. Kamble:** When he is making reference to a dead person and a respected person he must carefully choose his words.

**Shri Balkrishna Wasnik:** I am quoting his very words.

**Mr. Deputy-Speaker:** The hon. Member may go on to his other arguments. He may leave this aside.

**Shri Balkrishna Wasnik:** I know the people of the Republican party are opposing this measure because they cannot enjoy this reservation as they have changed their faith. They have become Buddhists and they cannot enjoy this reservation.

The hon. Home Minister put forward the case very well and explained how much the Scheduled Castes and Scheduled Tribes have progressed in the past years. In the First Five Year Plan we find that a sum of Rs. 39 crores was earmarked for the welfare of the Scheduled Castes; and, out of that sum only Rs. 26 crores were spent and Rs. 13 crores were allowed to lapse. That means one-third. In the Second Five Year Plan, if I have heard the Home Minister very correctly, I think, only Rs. 50 crores have been spent so far. I think Rs. 91 crores had been earmarked for the Second Five Year Plan. Only a year and a half remain for the completion of the Second Plan. Now there are about Rs. 41 crores to be spent for the welfare of the Scheduled Castes. It is clear from this that though Government desire to do much for the Scheduled Castes and

[Shri Balkrishna Wasnik.]

Scheduled Tribes they have not been able to do that. That is found from the schemes that have been actually implemented. This can also be found from the Report of the Commissioner for Scheduled Castes.

In that he has said that backwardness has a tendency to perpetuate. I think many hon. Members have emphasised this point. But I want to tell the House that the facilities that will be given to them will, of course, be in consideration of their backwardness. When these facilities are given the conditions of the Scheduled Castes will not be the same and they will be improved. As they are improved, there will be no case afterwards for the extension of the reservation. They cannot have it for time immemorial.

I want to point out one more thing. Yesterday, Pandit Thakur Das Bhargava, a senior Member of this House, suggested many things. He opposed this Bill. He said that if inter-marriages took place the problem of untouchability will vanish. As a matter of fact, I can give my own example. I may tell the House that I have married inter-caste. I have married a Brahmin girl. But, what has happened is this. The stigma of untouchability has passed on to the Brahmin girl. This is the state of affairs in Hindu society. This untouchability has been deep-rooted.

**Mr. Deputy-Speaker:** If this stigma passes on to a very large number of Brahmins, perhaps, the difficulty would be solved.

**Shri Balkrishna Wasnik:** Another point I want to say is this. Many hon. Members talk of this thing but no one comes forward concretely to do this. If Pandit Bhargava or any other Member has any kind of suggestion that would be considered by the Scheduled Castes. This Bill is a timely measure and the sense of the House has showed that there is such a great majority behind this Bill. I am thankful to the Government for having brought this Bill and the hon. Members who have supported the Bill.

**Mr. Deputy-Speaker:** Shri Basappa, Hon. Members should not take more than five minutes each.

**Shri Basappa (Tiptur):** The hon. Home Minister has rightly appreciated the feelings of the Scheduled Castes and the views of this House. Hence, he has come forward with this Bill extending the period of reservation by another ten years. He has already told us that they could not hold on to their position and the peculiar situation that confronted the Constituent Assembly still exists today. Therefore, he said, the period should be extended. I echo the sentiment of Shri Barrow when he said that the hon. Minister deserved our gratitude. I have noticed a certain kind of objection to this Bill. Shri Tyagi and Pandit Bhargava are not here. They were interested in the Hindu society as a whole and they felt that by this Bill the separatist tendency and two-nations' theory would develop further. That fear still persists in them. I do not know the reason for that fear. At the time of separation of Pakistan this fear might have been there but in these ten years we have seen that there is no room for this kind of a fear. They were thinking of the great Hindu society. I do not know how that Hindu society is going to be affected by giving a little reservation. While safeguarding the society as a whole, they were not laying emphasis on these seven crores of people. The second objection was from Shri Katti but I do not see how reservation is going to affect their welfare. The same kind of opposition came from Shri Dwivedy also. The hon. Home Minister explained to us in great detail. Shri Dwivedy has said that within ten years we have not done much. The hon. Minister explained to us in sufficient detail how this is a very huge problem. We have been able to achieve something. The report of the Commissioner for Scheduled Castes and Scheduled Tribes is there and we have to achieve much more and so some more time is necessary. We are all interested in the welfare of these people and our history is not

lacking in instances of exertions made by many people to uplift these people. Gandhiji is a fine example and we must also remember Thakur Bapa in this connection. Even in the 11-12th century, a religious reformer named Basaveswara did a great deal to them; he abolished the caste and encouraged inter-caste marriages between the Scheduled Castes and the Brahmins. He himself was a Brahmin but he came out of that fold and tried to reform the people. Our hon. Minister, Shri Datar, also knows how this man worked for the uplift of these people in that part of the country from where he comes. Our Constitution embodied noble ideas for their uplift. It is a revolutionary document and it removes untouchability. It was perhaps said that if Gandhiji were alive today, he might put obstacles to this sort of thing. Even while he was alive, there was a sub-committee of the Constituent Assembly at that time and even then the leaders had taken a decision that there should be reservation. That should remove any apprehension in some people's minds. I understand from the debates of the Constituent Assembly that this reservation should go on till the Scheduled Castes themselves come forward and say that they do not want this reservation. So whether it is Sardar Patel or some other gentleman who spoke on that occasion, they were clear in their thoughts that this reservation was necessary. When we are talking about democracy and socialism, I do not understand why these people, who number about 6-7 crores of people, should be kept so low.

Before I sit down, I would like to say one thing. In my own place, lands were allotted to these Harijans and landless people. They come and occupy it. After that, the other upper class people remove their sheds. I have actually seen it. The same miserable conditions persist and so reservation for some more time is necessary. This Bill comes with the object of obtaining socialism which we all aim at. After all we are living in a

world of democracy and hundreds of people cannot simply be ignored. The State Governments should make a proper evaluation of their situation. The Scheduled Castes Commissioner should be given more powers. I feel he is helpless in his dealings with the Central and the State Governments. I do not find much encouragement in his report and so he should be given more powers to see that these people are improved within a short time or within the allotted time of ten years so that we need not come forward once again for a reservation like this.

**Shri Kodiyar:** I shall confine my remarks to my amendment No. 24. Now that we are going to extend the period of reservation for these people, we have to take into consideration the problems confronting certain sections of the Scheduled Castes. Personally, I am not one who believes that by conversion to any other religion the social evils from which they are suffering will be removed by the Scheduled Castes. But we cannot run away from the facts of life. In our country today, a considerable section of the Scheduled Castes people have gone out of the Hindu fold and embraced the other religions. By going over to new religions, they have not been able to get rid of the social evils they were suffering from while they were within the Hindu fold. For instance, there is the question of these people who have been converted to Buddhism. But I am referring to some instances of the Scheduled Caste people in my own State. In my own State, Kerala, a considerable section of the Scheduled Caste people were converted into Christianity some years ago. They are known as the backward Christians. But my experience shows that they are neither Hindus nor Christians. Even though they have embraced Christianity they are not treated as Christians by the so-called real or orthodox Christians. Merely because they have changed their religion and embraced Christianity they are being denied the rights and privileges allowed to Scheduled Caste people which they were

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formerly enjoying. I strongly think that merely because they have embraced a new religion the privileges and rights which are granted to Scheduled Caste people should not be denied to them.

Sir, if the criterion for deciding whether one belongs to the Scheduled Caste or not is social and economic backwardness, I should say that these people who have converted themselves into other religions are still suffering from the same social and economic backwardness and religion should not be considered as a criterion for deciding whether one belongs to the Scheduled Caste or not. I should, therefore, appeal to the hon. Minister, if there is any difficulty in providing these facilities to these converted people, he should take steps to amend the Constitution so that these people should not only enjoy the educational concessions and other facilities that are being given to the Scheduled Caste people but also the constitutional and political safeguards like reservation of seats in the legislative assemblies and Parliament.

Ours is a secular State. Therefore, let the Government be not accused of showing any bias to any particular religion. If by denying these privileges and rights to those who have converted themselves from Hinduism to any other religion it is intended that the conversion from Hinduism can be prevented, I think it would be very improper. The result would be more frustration so far as these people are concerned. Therefore, if our aim is to lift these weaker sections of our community to the level of the advanced sections of our society we should not take into consideration religion alone but, at the same time, we should take into consideration, more than anything else, the social and economic backwardness of these people. I think, therefore, that these backward Christians and other people who have converted themselves from Hinduism, from the Scheduled Caste to new religious faiths, deserve to be treated as Scheduled Castes and as such they

should be extended these privileges and rights.

Shri G. B. Pant: Sir, so far as this particular amendment is concerned, I submit that it is altogether out of order because the definition of "Scheduled Caste" is given in the Constitution itself. It means, according to part (24) of article 366:

"'Scheduled Castes' means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;"

Therefore, unless this article is amended there cannot be any amendment in any other place. Article 341 says:

"The President [may with respect to any State (or Union territory), and where it is a State \* \* \* after consultation with the Governor \* \* \* thereof], by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State."

So this is not in order at all.

Now, as to the merits of the case, the hon. Member probably knows that we have besides Scheduled Castes also another class of people which come under the category of backward classes. So far as the backward classes are concerned, they are granted benefits regarding education and regarding other matters also, but so far as reservation of seats is concerned, it is confined only to Scheduled Castes under this Constitution.

Now, if there were no provisions in the Constitution itself as to who come within that category of Scheduled Caste, then it would have been open to us to define Scheduled Castes fully. But that is not the position. Then, if

he will please look at his own explanation, he says:

"The expression Scheduled Caste occurring in this article means and includes, notwithstanding anything contained to the contrary in the Constitution (Scheduled Castes) Order 1950, Scheduled Caste persons converted to other religious faith."

Now, how far back do we go? Who are to be treated as Scheduled Castes? Are we to take those who have converted to other faiths 50 years ago, 25 years ago, 20 years ago, ten years ago or who are converted to Scheduled Caste faith hereafter? To whom does this clause refer? Does it refer to those who are to be converted hereafter or to those who have been converted so far? If it refers to those who have been converted so far, then there are persons whose ancestors were converted some hundred years ago. There are others who have themselves converted some 50 years, 30 years, 25 years, 20 years, 10 years or even two years ago. How are the electoral rolls going to be prepared? How is the identity of these persons to be fixed, and how is any list to be prepared which will meet the requirements of this explanation? An explanation can never override the clauses and articles of the Constitution itself.

Then, it has also to be remembered that the definition of "Scheduled Caste" has throughout been characterised by its association with the stigma of untouchability. If there is no untouchability in any class it may get benefits to such members as are backward within the category of backward classes. Now, we have got here some neo-Buddhists. They do not want reservation themselves. Is it going to be forced on them? Other classes too have not come forward saying that they or their ancestors belonged to Scheduled Castes and therefore they should have reservation now.

In the circumstances, it seems to me that apart from its legality and its

undesirability it is an utterly impracticable proposition that is embodied in this amendment, where there can be no possibility of preparing a list like this for the people who have been converted to various faiths from among the Scheduled Caste people, whether within 50 years, 30 years, 20 years, 10 years or 5 years. There is nothing like that. Therefore, firstly, it is out of order; secondly, on its merits it is unsound and, thirdly, it is altogether unworkable. So I would suggest to the hon. Member to be good enough to withdraw it.

**Mr. Deputy-Speaker:** Now I think Shri Kodyan does not press amendment No. 24. If it is rather strictly construed it is out of order. He himself suggested, I think, that the Constitution cannot be amended that way. Therefore, amendment No. 24 is out of order.

I now put amendment No. 4 to the vote of the House. The question is:

Page 1, line 17, for "twenty years" substitute "twenty-five years". (4).

*The motion was negatived.*

**Mr. Deputy-Speaker:** I now put amendment Nos. 16 and 17 to clause 2 to the vote of the House. The question is:

Page 1, after line 10, add

"Provided that such nomination shall only be made in pursuance of the recommendation made by the leader of the majority party, if any, or that of the biggest single party in the Assembly."

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

Page 1, after line 11, add

"Explanation.—The Governor in making the nomination shall act on the aid and advice of the Council of Ministers appointed immediately after the elections to the Legislative Assembly." (17).

*The motion was negatived.*

**Mr. Deputy-Speaker:** Now, I shall put clause 2 to the vote of the House. If the automatic machine is repaired,

[Mr. Deputy Speaker]

we can use it now. But let the lobbies be cleared first.

**Shri Narayanankutty Menon:** The hon. Speaker said that there is some trouble with the mechanism and as far as these amendments are concerned, it is better to go to the lobbies.

**Mr. Deputy-Speaker:** I am now told that the mechanism had been repaired, and I hope that the machine is working all right.

**Shri Surendranath Dwivedy:** It will create some confusion!

**Mr. Deputy-Speaker:** If it works all right why should we waste time. But let the lobbies be cleared first.

15.33 hrs.

[MR. SPEAKER in the Chair]

**Mr. Speaker:** I understand that the hon. House is agreeable to use the automatic mechanism now. The question is:

"That clause 2 stand part of the Bill."

*The Lok Sabha divided*

Division No. 2]

AYES

[15.35 hrs.]

Abdul Lateef, Shri  
Achar, Shri  
Ajit Singh, Shri  
Alva, Shri Joachim  
Anthony, Shri Frank  
Arumugam, Shri R. S.  
Arumugham, Shri S. R.  
Ayyakannu, Shri  
Balakrishnan, Shri  
Balmuki, Shri  
Banerji, Shri P. B.  
Bangeethi Thakur, Shri  
Barman, Shri  
Barrow, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Beck, Shri Ignace  
Bhagavati, Shri  
Bhakt Darshan, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhatkar, Shri  
Bhogji Bhai, Shri  
Bist, Shri J. B. S.  
Brajewar Prasad, Shri  
Chanda, Shri Anil K.  
Chandak, Shri  
Chandra Shankar, Shri  
Chaturvedi, Shri  
Chavda, Shri  
Chettiar, Shri Ramanathan  
Choudhry, Shri C. L.  
Chuni Lal, Shri-  
Das, Shri K. K.  
Das, Dr. M. M.  
Das, Shri N. T.  
Dasappa, Shri  
Datar, Shri  
Deb, Shri N. M.  
Deani, Shri Moneerji

Dindod, Shri  
Dube, Shri Mulchand  
Bacharan, Shri V.  
Elayaperumal, Shri  
Ganapathy, Shri  
Gandhi, Shri Perose  
Ganga Devi, Shrimati  
Ganpati Ram, Shri  
Gautain, Shri C. D.  
Govind Das, Seth  
Guha, Shri A. C.  
Gupta, Shri Ram Krishan  
Hajarnava, Shri  
Harvam, Shri Anasar  
Hansda, Shri Subodh  
Hathu, Shri  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Jagjivan Ram, Shri  
Jain, Shri A. P.  
Jain, Shri M. C.  
Jangde, Shri  
Jena, Shri K. C.  
Jnanjhunwala, Shri  
Jinachandran, Shri  
Jogendra Sen, Shri  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Pandit J. P.  
Kanakasabai, Shri  
Karmarkar, Shri  
Kasliwal, Shri  
Kayal, Shri P. N.  
Kedaria, Shri C. M.  
Kesar Kumari, Shrimati  
Keshava, Shri  
Koskar, Dr.  
Khadiwala, Shri  
Khan, Shri Sadath Ali  
Khan, Shri Shahnewaz

Khewala, Shri Jama  
Kistaiya, Shri  
Kotoki, Shri Lladhar  
Kottukapally, Shri  
Krishna, Shri M. R.  
Krishna Chandra, Shri  
Krishnappa, Shri M. V.  
Kureel, Shri B. N.  
Lachhi Ram, Shri  
Laskar, Shri N. C.  
Mafida Ahmed, Shrimat  
Mahadeo Prasad, Shri  
Mehi, Shri R. C.  
Majithia, Sardar  
Malaviya, Pandit Govind  
Malhotra, Shri Inder J.  
Malaviya, Shri K. D.  
Malliah, Shri U. S.  
Malviya, Shri K. B.  
Malviya, Shri Motilal  
Mandal, Dr. Pashupati  
Maniyangadan, Shri  
Masuriya Din, Shri  
Mathur, Shri Harish Chandra.  
Mathur, Shri M. D.  
Matin, Qazi  
Mehtai, Shri S. A.  
Mehta, Shri B. G.  
Mehta, Shrimati Krishna  
Melkote, Dr.  
Menon, Shri Krishna  
Minimata, Shrimati  
Mishra, Shri Bibbuti  
Mishra, Shri L. N.  
Mishra, Shri R. D.  
Mishra, Shri R. R.  
Mohammed Imam, Shri  
Mohideen, Shri Gulam  
Mobiuddin, Shri  
Morarka, Shri  
Muniswamy, Shri N. R.

Murthy, Shri B. S.	Ramaswamy, Shri K. S.	Singh, Shri Dhilli
Nadar, Shri Thanulingam	Ramesul, Shri S. N.	Singh, Shri Dinesh
Nair, Shri C. K.	Ramdhani Das, Shri	Singh, Shri H. P.
Nair Shri Kottikrishnan	Rene, Shri	Singh, Shri K. N.
Naldorekar, Shri	Rengaroo, Shri	Singh, Shri M. N.
Nanda, Shri	Rao, Shri Thirumala	Singh, Shri P. N.
Nanjappa, Shri	Reat, Shri Bhola	Sinha, Shri Anirudh
Narsindin, Shri	Reddy, Shri K. C.	Sinha, Shri B. P.
Narasimhan, Shri	Reddy, Shri Viswanath	Sinha, Shri Jhulan
Narayanasastry, Shri R.	Roy, Shri Bishwanath	Sinha, Shri K. P.
Nasikar, Shri P. S.	Rup Narain, Shri	Sinha, Shri Satya Narayan
Nathwanji, Shri	Sadhu Ram, Shri	Sinha, Shri Satyendra Narayan
Negi, Shri Nek Ram	Sahu, Shri Rameshwar	Sinhaan Singh, Shri
Nehru, Shri Jawaharlal	Saigal, Sardar A. S.	Snatak, Shri Nardoo
Nehru, Shrimati Uma	Samanta, Shri S. C.	Somani, Shri
Neerwi, Shri	Sarnantsinhar, Dr.	Sonawane, Shri
Oza, Shri	Sambandam, Shri	Soren, Shri
Padam Dev, Shri	Sanganna, Shri	Subbarayan, Dr. P.
Patadia, Shri	Sankarapandian, Shri	Subramanyam, Shri T.
Palaniyandy, Shri	Sarbadi, Shri Ajit Singh	Sugandhi, Shri
Palchoudhuri, Shrimati Ita	Satish Chandra, Shri	Sultan, Shrimati Maimoona
Pande, Shri C. D.	Satyabhama Devi, Shrimati	Sumat Prasad, Shri
Pangarkar, Shri	Selku, Shri	Sunder Lal, Shri
Panna Lal, Shri	Sen, Shri A. K.	Surya Prasad, Shri
Parmar, Shri Deen Bandhu	Sen, Shri P. G.	Tantia, Shri Rameshwar
Patel, Shri N. N.	Shah, Shri Manabendra	Tariq, Shri A. M.
Patel, Shri Rajeshwar	Shankar Deo, Shri	Tewari, Shri Desrikanath
Patil, Shri R. D.	Shankaraiya, Shri	Thimmaiah, Shri
Patil, Shri S. K.	Sharma, Pandit K. C.	Thomas, Shri A. M.
Pattabhi Raman, Shri C. R.	Sharma, Shri D. C.	Tiwari, Pandit Babu Lal
Pillai, Shri Thanu	Sharma, Shri R. C.	Tiwari, Shri R. S.
Prabbakar, Shri Naval	Shobha Ram, Shri	Tiwary, Pandit D. N.
Prag Lal, Shri	Siddanajappa, Shri	Tula Ram, Shri
Radha Rama, Shri	Siddiah, Shri	Uike, Shri
Raghubir Sahas, Shri	Singh, Ch Ranbir	Upadhyay, Pandit Munishwar
Rahman, Shri M. H.	Singh, Sardar Hukam	Datt
Rai, Shrimati Sahodrabai	Singh, Sardar Iqbal	Upadhyaya, Shri Shiva Datt
Rai Bahadur, Sori	Singh, Sardar Jogendra	Varma, Shri B. B.
Ram Garib, Shri	Singh, Sardar Swaran	Varma, Shri M. L.
Ram Saran, Shri	Singh, Shri Babunath	Varma, Shri Ramsingh Bhas
Ram Shankar Lal, Shri	Singh, Shri Bahadur	Viewanath Prasad, Shri
Ramaswamy, Shri S. V.	Singh, Shri Birbal	Wazir, Shri Balkrishna

## NOES

Banerjee, Shri Pramathanath	Kodiyam, Shri	Panigrahi, Shri
Banerjee, Shri S. M.	Kumaran, Shri M. K.	Parvathi Krishnan, Shrimati
Bhanja Deo, Shri	Kunhan, Shri	Patil, Shri Nana
Chakravarty, Shrimati Renu	Menon, Shri Nareyanakotty	Reddy, Shri Nagi
Deh, Shri Dasaratha	Mukerjee, Shri H. N.	Singh, Shri Braj Raj
Dwivedy, Shri Surendranath	Mullick, Shri B. C.	Singh, Shri L. Achaw
Ghosal, Shri Aurobindo	Nayar, Shri V. P.	Sonule, Shri H. N.
Gopalan, Shri A. K.	Pandey Shri Sarju	

**Mr. Speaker:** Order, order. Let me hear what hon. Members say.

श्री वल्लभ बालासुंदर (विनायक) : मैंने आज्ञा के लिए वोट किया है, लेकिन यह गलत हो गया है। मेरे विविजन नम्बर १४२ है।

**Shri R. D. Misra (Bulandshahr):** I voted for Ayes, but the machine has not worked. My division number is 211.

**Shri Liladhar Kotaki (Nowgong):** My number is 74. I voted for Ayes.

**Shri Ramdhani Das (Nawada—Reserved—Sch. Castes):** My division number is 330. I am for Ayes.

**Shri K. B. Malvia (Shajapur—Reserved—Sch. Castes):** My division number is 425. I am for Ayes.

**Shri Mahadeo Prasad (Gorakhpur—Reserved—Sch. Castes):** My division number is 426. I am for Ayes.

**Mr. Speaker:** Now, the result of the division is as follows:

Ayes—248; Noes—24.\*

As the Ayes have not got a majority of the total membership of the House—though it is more than two-thirds of the Members present and voting—and as the first requisite has not been satisfied, clause 2 does not stand part of the Bill.

*The motion was negatived.*

Clause 2 was, accordingly, omitted from the Bill.

**Mr. Speaker:** We will now take up clause 3.

**Shri Surendranath Dwivedy:** What about my amendment? It has to be put to the vote.

**Mr. Speaker:** Yes. There is an amendment to clause 3. Actually, it is not an amendment to clause 3 but an amendment to the original article,

Article 334 has two parts—clause (a) relates to Scheduled Castes and Scheduled Tribes; clause (b) relates to representation to Anglo-Indians in the House of the People and the Legislative Assemblies of States by nomination. Shri Dwivedy is suggesting the omission of clause (b). That can be decided by a single majority vote.

**Shri Surendranath Dwivedy:** I beg to move:

Page 1, line 16,—

after "Constitution," insert—

"(i) clause (b) shall be omitted; and" (27)

**Mr. Speaker:** The question is:

Page 1, line 16,—

after "Constitution." insert—

"(i) clause (b) shall be omitted; and"

*The motion was negatived.*

**Mr. Speaker:** Now I will put clause 3 to the vote of the House.

**An Hon. Member:** By going to the lobbies.

**Mr. Speaker:** I repeatedly asked the hon. Members whether they agree to the automatic voting, and they said "yes". Of course, some mistakes may creep in. But they can be corrected.

**An Hon. Member:** Let it be explained.

**Mr. Speaker:** There is no question of explanation. The question is that clause 3 should stand part of the Bill and those who are for it will vote for it and those who are against it will vote against it.

**Mr. Speaker:** The question is:

"That clause 3 stand part of the Bill."

*The Lok Sabha divided.*

\*The figure was corrected as 23, vide Devates, dated 4-12-59, col. 3427.



Division No. 3]

AYES

[15.46 hrs

Abdul Lateef, Shri  
Achar, Shri  
Agarwal, Shri Munakbbai  
Ajit Singh, Shri  
Alva, Shri Joachim  
Aney, Dr. M. S.  
Anthony, Shri Frank  
Arumugam, Shri R. S.  
Arumugham, Shri S. R.  
Ayyakkannu, Shri  
Balakrishnan, Shri  
Balakrishni, Shri  
Banerjee, Shri Pranshanath  
Banerjee, Shri S. M.  
Bengali Thakur, Shri  
Berman, Shri  
Berrow, Shri  
Berupal, Shri P. L.  
Bessappa, Shri  
Besumtari, Shri  
Beck, Shri Ignace  
Bhaduria, Shri Arjun Singh  
Bhagvati, Shri  
Bhakt Darshan, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhatkar, Shri  
Bhogji Bhai, Shri  
Bisat, Shri J. B. S.  
Brajewar Prasad, Shri  
Chakravartty, Shrimati Renu  
Chandje, Shri Anil K.  
Chandaj, Shri  
Chandra Shankar, Shri  
Chandramani Kalo, Shri  
Chaturvedi, Shri  
Chavda, Shri  
Chettiar, Shri Ramanathan  
Choudhury, Shri S. C.  
Chuni Lal, Shri  
Das, Shri K. K.  
Das, Dr. M. M.  
Das, Shri N. T.  
Dasappa, Shri  
Datar, Shri  
Deb, Shri N. M.  
Deb, Shri P. O.  
Deb, Shri Dasratha  
Dasai, Shri Morarji  
Dandod, Shri  
Dabre, Shri Mulchand  
Darywadi, Shri M. L.  
Deshpande, Shri V.  
Dhyanprasad, Shri  
Ganapathy, Shri  
Gandhi, Shri Feroze  
Ganga Devi, Shrimati  
Gangpati Ram, Shri

Gautam, Shri C. D.  
Ghosal, Shri Aurobindo  
Gopalan, Shri A. K.  
Govind Das, Seth  
Guha, Shri A. C.  
Gupta, Shri Ram Krishna  
Hajarnavis, Shri  
Harvani, Shri Anwar  
Hanada, Shri Subodh  
Hathi, Shri  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Jagjivan Ram, Shri  
Jain, Shri A. P.  
Jain, Shri M. C.  
Jangde, Shri  
Jena, Shri K. C.  
Jhunjhunwala, Shri  
Jinachandran, Shri  
Jogendra Sen, Shri  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Pandit J. P.  
Kanakasabei, Shri  
Karmarkar, Shri  
Kasiwal, Shri  
Kayal, Shri P. N.  
Kedaria, Shri C. M.  
Kesar Kumari Shrimati  
Keshava, Shri  
Kekar, Dr.  
Khadiwala, Shri  
Khan, Shri Sadath Ali  
Khan, Shri Shahanswas  
Khawaja, Shri Jamal  
Kistaiya, Shri  
Kodiyin, Shri  
Kotoki, Shri Liladhar  
Kottukapally, Shri  
Kripalani, Shrimati Sucheta  
Krishna Chandra, Shri  
Krishna Rao, Shri M. V.  
Krishnappa, Shri M. V.  
Krishnaswami, Dr.  
Kumarana, Shri M. K.  
Kumbhar, Shri  
Kumbhar, Shri  
Kureel, Shri B. N.  
Lachbi Ram, Shri  
Lalakar, Shri N. C.  
Majide Ahmed, Shrimati  
Majhanty, Shri  
Mahadeo Prasad, Shri  
Majhi, Shri R. C.  
Majithia, Sardar  
Malviya, Pandit Govind  
Malhotra, Shri Jnder J.

Malviya, Shri K. D.  
Malliah, Shri U. S.  
Malviya, Shri Meetal  
Mandal, Dr. Prabhupati  
Maniyangadas, Shri  
Masuriya Din, Shri  
Mathur, Shri Harish Chandra  
Mathur, Shri M. D.  
Matin, Qazi  
Mehdi, Shri S. A.  
Mehta, Shri B. G.  
Mehta, Shrimati Krishna  
Melkote, Dr.  
Menon, Shri Krishna  
Menon, Shri Narayanankutty  
Minimata, Shrimati  
Mishra, Shri Bhbhuti  
Mishra, Shri L. N.  
Mishra, Shri S. N.  
Mitra, Shri R. D.  
Mitra, Shri R. R.  
Mohammed Imam, Shri  
Mohideen, Shri Gulam  
Mohiuddin, Shri  
Morarka, Shri  
Mukerjee, Shri H. N.  
Mullick, Shri B. C.  
Munisamy, Shri N. R.  
Murthy, Shri B. S.  
Nadar, Shri Thanulingam  
Nair, Shri C. K.  
Nair, Shri Kuttikrishnan  
Naldurgkar, Shri  
Nanda, Shri  
Naniappa, Shri  
Naraindin, Shri  
Narasimhan, Shri  
Narasanasamy, Shri R.  
Naskar, Shri P. S.  
Nathwani, Shri  
Nayar, Shri V. P.  
Negi, Shri Nek Ram  
Nehru, Shri Jawaharlal  
Nehru, Shriama Um  
Newari, Shri  
Ose, Shri  
Padam Dev, Shri  
Pabania, Shri  
Palaniyandy, Shri  
Palchoudhuri, Shrimati  
Paude, Shri C. D.  
Pandey, Shri Sertu  
Pangarkar, Shri  
Panigrahi, Shri  
Panna Lal, Shri  
Parnar, Shri Deen Bandhu  
Parvathi Krishnan, Shrimati

Focel, Shri N. N.  
 Foted, Shri Rakeshwar  
 Foted, Shri Nana  
 Foted, Shri R. D.  
 Foted, Shri S. K.  
 Fottabhi Ramen, Shri C. R.  
 Pillai, Shri Thenu  
 Prabhakar, Shri Naval  
 Pragi Lal, Shri  
 Prodhan, Shri B. C.  
 Radha Ramen, Shri  
 Raghubir Sahal, Shri  
 Rahman, Shri M. H.  
 Raj, Shrimati Sahodrabai  
 Raj Bahadur, Shri  
 Ram Garib, Shri  
 Ram Saran, Shri  
 Ram Shankar Lal, Shri  
 Ramaswamy, Shri S. V.  
 Ramaswamy, Shri K. S.  
 Ramaul, Shri S. N.  
 Ramdhani Das, Shri  
 Rame, Shri  
 Rangarao, Shri  
 Rao, Shri Thirumala  
 Reut, Shri Bholu  
 Reddy, Shri K. C.  
 Reddy, Shri Nagi  
 Reddy, Shri Viewanatha  
 Roy, Shri Bishwanath  
 Rup Narain, Shri  
 Sadhu Ram, Shri  
 Sahu, Shri Rameshwar  
 Saigal, Sardar A. S.  
 Samants, Shri S. C.  
 Samantsinbar, Dr.

Sambandan, Shri  
 Sanganna, Shri  
 Sanharapandian, Shri  
 Sardar, Shri Bholi  
 Sarbadi, Shri Ajit Singh  
 Setiah Chandra, Shri  
 Satyabhama Devi, Shrimati  
 Selku, Shri  
 Sen, Shri A. K.  
 Sen, Shri P. G.  
 Shah, Shri Manabendra  
 Shankar Deo, Shri  
 Shenkaraiya, Shri  
 Sharma, Pandit K. C.  
 Sharma, Shri D. C.  
 Sharma, Shri R. C.  
 Shobha Ram, Shri  
 Siddananjappa, Shri  
 Siddiah, Shri  
 Singh, Ch. Bedan  
 Singh, Ch. Ranbir  
 Singh, Sardar Hukam  
 Singh, Sardar Iqbal  
 Singh, Sardar Jogendra  
 Singh, Sardar Swaran  
 Singh, Shri Babunath  
 Singh, Shri Bahadur  
 Singh, Shri Birbal  
 Singh, Shri Braj Raj  
 Singh, Shri Daljit  
 Singh, Shri Dinesh  
 Singh, Shri H. P.  
 Singh, Shri K. N.  
 Singh, Shri L. Achaw  
 Singh, Shri M. N.  
 Sinha, Shri Anirudh

Sinha, Shri B. P.  
 Sinha, Shri Jhulan  
 Sinha, Shri K. P.  
 Sinha, Shri Satya Narayan  
 Sinha, Shri Setyendra Narayan  
 Sinha, Shrimati Tarabakari  
 Sinhasen Singh, Shri  
 Soatki, Shri Nardeo  
 Sonani, Shri  
 Sonavane, Shri  
 Sorren, Shri  
 Subbarayan, Dr. P.  
 Subramanyam, Shri T.  
 Sultan, Shrimati Mahmood  
 Supakar, Shri  
 Sumat Prasad, Shri  
 Sunder Lal, Shri  
 Surya Prasad, Shri  
 Tanti, Shri Rameshwar  
 Tariq, Shri A. M.  
 Tewari, Shri Dwarkanath  
 Thirumalaiah, Shri  
 Thomas, Shri A. M.  
 Tiwari, Pandit Babu Lal  
 Tiwari, Shri R. S.  
 Tiwary, Pandit D. N.  
 Tula Ram, Shri  
 Ulke, Shri  
 Upadhyay, Pandit Munishwar  
 Dutt  
 Upadhyaya, Shri Shiva Datt  
 Varma, Shri B. B.  
 Varma, Shri M. L.  
 Varma, Shri Ramsingh Bhal  
 Viewanath Prasad, Shri  
 Wasmik, Shri Balkrishna

## NOES

Bhanja Deo, Shri  
 Kamble, Shri B. C.

Malvia, Shri K. B.  
 Manay, Shri

Sonuli, Shri H. N.

**Mr. Speaker:** The result of the division is as follows: Ayes 280; Noes 5. The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

*The motion was adopted.*

*Clause 3 was added to the Bill.*

**Mr. Speaker:** The question is:

“That clause 1, the Enacting Formula and the Long Title stand part of the Bill.”

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

**Shri Narayanankutty Menon:** Regarding clause 2, we are prepared to support the reservation for the Anglo-Indians, provided a reasonable clause is added that the present...

**Shri G. B. Pant:** How can it be done now? You opposed the motion. Then you perhaps thought that it may have some effect on the elections. So you want to change it. That cannot be done now.

Sir, I beg to move that the Bill be passed.

Mr. Speaker: Now the lobbies have to be cleared again before we take up the next motion. Order, order. Hon. Members will kindly resume their seats. I will put the question to the vote of the House. The question is:

"That the Bill be passed."

Shri V. P. Nayar (Quilon): The Bill cannot be passed as such.

Shri Narayanankutty Menon (Mukandapuram): It should be that the Bill as amended be passed.

Dr. Krishnaswami (Chingleput): It was amended.

An Hon. Member: Clause 2 has been omitted.

Mr. Speaker: Clause 2 has been omitted. Very well.

Shri G. B. Pant: Sir, I move:

"That the Bill, with the omission of clause 2, be passed."

Mr. Speaker: The question is:

"That the Bill, with the omission of clause 2, be passed."

The Lok Sabha divided.

Division No. 4]

AYES

[15.52 hrs.

Abdul Lateef, Shri  
Achar, Shri  
Achint Ram, Shri  
Agerwal, Shri Manakbhai  
Ajit Singh, Shri  
Alva, Shri Joschha  
Aney, Dr. M. S.  
Anthony, Shri Frank  
Arumugam, Shri R. S.  
Arumugham, Shri S. R.  
Ayyappan, Shri  
Balakrishnan, Shri  
Balmiki, Shri  
Banerjee, Shri Pramadnath  
Banerjee, Shri S. M.  
Banerji, Shri P. B.  
Bangshi Thakur, Shri  
Barnan, Shri  
Barrow, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Basumatari, Shri  
Beck, Shri Ignace  
Bhaduria, Shri Arjun Singh  
Bhagvati, Shri  
Bhakt Darshan, Shri  
Bhargava, Pandit M. B.  
Bhargava, Pandit Thakur Das  
Bhatkar, Shri  
Bhogji Bhai, Shri  
Bisot, Shri J. B. S.  
Brajewar Prasad, Shri  
Chakravarty, Shrimati Renu  
Chanda, Shri Anil K. J  
Chandak, Shri  
Chandra Shankar, Shri  
Chaturvedi, Shri  
Chavda, Shri  
Chettiar, Shri Ramasathan  
Choudhary, Shri C. L.  
Chundi Lal, Shri

Das, Shri K. K.  
Das, Dr. M. M.  
Das, Shri N. T.  
Dasappa, Shri  
Datar, Shri  
Deb, Shri N. M.  
Deb, Shri P. G.  
Deb, Shri Dasaratha  
Desai, Shri Morarji  
Dindod, Shri  
Dube, Shri Mulchand  
Dwivedi Shri M. L.  
Eacharan, Shri V.  
Elayaperumal, Shri  
Ganapathy, Shri  
Gandhi, Shri Feroze  
Ganga Devi, Shrimati  
Ganpati Ram, Shri  
Geutam, Shri C. D.  
Gopalan, Shri A. K.  
Govind Das, Seth  
Guha, Shri A. C.  
Gupta, Shri Ram Krishna  
Hajarnavia, Shri  
Haryani, Shri Anase  
Hansda, Shri Subodh  
Hathi, Shri  
Hazarika, Shri J. N.  
Heda, Shri  
Hem Raj, Shri  
Jagjivan Ram, Shri  
Jain, Shri A. P.  
Jain, Shri M. C.  
Jangde, Shri  
Jena, Shri K. C.  
Jhunjhunwala, Shri  
Jinachandran, Shri  
Jogendra Sen, Shri  
Joshi, Shri A. C.  
Joshi, Shrimati Subhadra  
Jyotishi, Pandit J. P.

Kanakkasabai, Shri  
Kanungo, Shri  
Karmarkar, Shri  
Kaulwal, Shri  
Keyal, Shri P. N.  
Kedaria, Shri C. M.  
Kesar Kumari, Shrimati  
Keshava, Shri  
Keekar, Dr.  
Khadwala, Shri  
Khan, Shri Sadath Ali  
Khan, Shri Shah Nawaz  
Khanwaja, Shri Jamal  
Khatiya, Shri  
Kodiyani, Shri  
Koteki, Shri Lladhar  
Kottukapally, Shri  
Kripalani, Shrimati Sucheta  
Krishna, Shri M. R.  
Krishna Chandra, Shri  
Krishna Rao, Shri M. V.  
Krishnaswami, Dr.  
Kumarani, Shri M. K.  
Kumbhar, Shri  
Kunhan, Shri  
Kureel, Shri B. N.  
Lachhi Ram, Shri  
Lakkar, Shri N. C.  
Madda Ahmed, Shrimati  
Mahadeo Prasad, Shri  
Malhi, Shri R. C.  
Majithia, Sardar  
Malaviya, Pandit Govind  
Malhotra, Shri Inder J.  
Malaviya, Shri K. D.  
Mallik, Shri U. S.  
Malviya, Shri K. B.  
Malviya, Shri Motilal  
Mandal, Dr. Pashupati  
Maniyangadon, Shri  
Masuria Din, Shri

Methur, Shri Harish Chandra	Patil, Shri Nana	Singh, Sardar Hukam
Methur, Shri M. D.	Patil, Shri R. D.	Singh, Sardar Iqbal
Matin, Qazi	Patil, Shri S. K.	Singh, Sardar Jagendra
Mehdi, Shri S. A.	Pattabhi Raman, Shri C. R.	Singh, Sardar Swarn
Mehta, Shri B. G.	Pillai, Shri Thanu	Singh, Shri Babunath
Mehta, Shrimati Krishna	Prabhakar, Shri Naval	Singh, Shri Bahadur
Mekote, Dr.	Pragi Lal, Shri	Singh, Shri Birbal
Menon, Shri Krishna	Radha Raman, Shri	Singh, Shri Braj Raj
Menon, Shri Narayanankutty	Raghubir Sahai, Shri	Singh, Shri Daljit
Minkmata, Shrimati	Rahman, Shri M. H.	Singh, Shri Dinesh
Mishra, Shri Bibhoti	Rai, Shrimati Sahodrabai	Singh, Shri H. P.
Mishra, Shri L. N.	Raj Bahadur, Shri	Singh, Shri K. N.
Mishra, Shri S. N.	Ram Garib, Shri	Singh, Shri L. Achaw
Misra, Shri R. D.	Ram Saran, Shri	Singh, Shri M. N.
Misra, Shri R. R.	Ram Shankar Lal, Shri	Singh, Shri P. N.
Mohammed Izama, Shri	Ramaswamy, Shri S. V.	Sinha, Shri Amruth
Mohideen, Shri Gulam	Ramaswamy, Shri K. S.	Sinha, Shri B. P.
Mohiuddin, Shri	Ramsul, Shri S. N.	Sinha, Shri Jhalan
Morarka, Shri	Ramdhani Das, Shri	Sinha, Shri K. P.
Mukerjee, Shri H. N.	Rane, Shri	Sinha, Shri Satya Narayan
Mullick, Shri B. C.	Rangaroo, Shri	Sinha, Shri Satyendra Narayan
Munisamy, Shri N. R.	Rao, Shri Thirumala	Sinha, Shrimati Tarakeshwari
Murthy, Shri B. S.	Ravi, Shri Bhola	Sinhassan Singh, Shri
Nadar, Shri Thanulingam.	Reddy, Shri K. C.	Sanatak, Shri Nardao
Nair, Shri C. K.	Reddy, Shri Negi	Sonani, Shri
Nair, Shri Kuttikrishnan	Reddy, Shri Virwanatha	Sonavane, Shri
Naldurgkar, Shri	Roy, Shri Bishwanath	Soren, Shri
Nanda, Shri	Rup Narain, Shri	Subbarayan, Dr. P.
Nanjappa, Shri	Sadhu Ram, Shri	Subramanyam, Shri T.
Naraindin, Shri	Sahu, Shri Rameshwar	Sultan, Shrimati Mahmooda
Narasimhan, Shri	Seigal, Sardar A. S.	Supakar, Shri
Narayanasamy, Shri R.	Samanta, Shri S. C.	Sunat Prasad, Shri
Naskar, Shri P. S.	Samantshihar, Dr.	Sunder Lal, Shri
Nathwanji, Shri	Sambendam, Shri	Surya Prasad, Shri
Nayar, Shri V. P.	Sanganana, Shri	Syed Mahmud, Dr.
Negi, Shri Nek Ram	Santharapandian, Shri	Tantia, Shri Rameshwar
Nehru, Shri Jawaharlal	Sardar, Shri Bholi	Tariq, Shri A. M.
Nehru, Shrimati Uma	Sarbadi, Shri Ajit Singh	Tewari, Shri Dwarikanath
Nezvi, Shri	Satish Chandra, Shri	Thakore, Shri M. B.
Oza, Shri	Satyabhama Devi, Shrimati	Thimmaiah, Shri
Padam Dev, Shri	Selku, Shri	Thomas, Shri A. M.
Padadia, Shri	Sen, Shri A. K.	Tiwari, Pandit Babu Lal
Palaniyandy, Shri	Sen, Shri P. G.	Tiwari, Shri R. S.
Palchoudhuri, Shrimati Ila.	Shah, Shri Manabendra	Tiwary, Pandit D. N.
Pande, Shri C. D.	Shankar Deo, Shri	Tula Ram, Shri
Pandey, Shri Sarju	Shankaraiya, Shri	Ulla, Shri
Pangarkar, Shri	Sharma, Pandit K. C.	Upadhyay, Pandit Munishwar
Panigrahi, Shri	Sharma, Shri D. C.	Devi
Panna Lal, Shri	Sharma, Shri R. C.	Upadhyaya, Shri Shiva Datt
Parmar, Shri Deen Bandhu	Shobha Ram, Shri	Vajpayee, Shri
Parvathi Krishnam, Shrimati	Siddanagesappa, Shri	Varma, Shri B. B.
Patel, Shri N. N.	Siddiah, Shri	Varma, Shri M. L.
Patel, Shri Rajeshwar	Singh, Ch. Badan.	Varma, Shri Ramasingh Bhai
	Singh, Ch. Ranbir	Viewanath Prasad, Shri
		Wasnik, Shri Balkrishna

## NOES

Bhambha Deo, Shri  
Kumbho, Shri B. C.

Maney, Shri

Sonule, Shri H. N.

## (Eighth Amendment) Bill

Shri S. A. Mehdi (Rampur) rose—

15.55 hrs.

Shri Dasaratha Deb (Tripura): I wanted to vote for the Ayes.

KERALA STATE LEGISLATURE  
(DELEGATION OF POWERS)  
BILL—contd.

Mr. Speaker: What is the hon. Member's Division number?

Shri Dasaratha Deb: My division number is 525. I wanted to vote for the 'Ayes'.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Datar on the 27th November, 1959, namely,—

श्री सु० हि० रहमान (प्रमरोहा) :  
यह बक़्त नहीं कर रहा है। मेरा डिविज़न  
नम्बर २३१ है :

"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."

[شری ایم-الحج-رحمان : یہ ووک

نہیں کر رہا ہے ممبر آڈون نمبر ۲۳۱ ہے -]

Dr. M. S. Aney (Nagpur): My division number is 36. My vote has not been recorded. I wanted to vote for the 'Ayes'.

Shri S. A. Mehdi: My division number is 55. I wanted to vote for the 'Ayes'.

Mr. Speaker: That means four more for the 'Ayes'. The result of the division is:—

Ayes—285\*

Noes—4.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Shri G. B. Pant: With the omission of clause 2, there will be no restriction on the number of persons who could be nominated.

Two hours were allotted for this Bill. Shri Datar.

Shri Narayanankutty Menon (Mukandapuram): I had already started.

The Minister of State in the Ministry of Home Affairs (Shri Datar): How much time is left now?

Mr. Speaker: Two hours in all were allotted for this. Half an hour has already been spent. 1½ hours now remain.

Shri Narayanankutty Menon: Sir, you almost agreed on that day to give half an hour more.

Mr. Speaker: All right. May I know the allocation of the time for the second stage?

Shri Narayanankutty Menon: Half an hour is enough.

\*The figure was corrected as 284, vide Debates dated 4-12-1959, col. 3427.

Mr. Speaker: That makes two and a half hours. Half an hour has already been taken. We will then need two more hours. That means we go up to six o'clock. Is the House willing to sit till six o'clock?

An Hon. Member: No, Sir, not after the Constitution Amendment Bill.

Mr. Speaker: It appears that hon. Members from Kerala want half an hour more. I agree with them. Half an hour has already been spent the other day. We have two hours more, out of which we will have half an hour for clause by clause consideration and for the third reading. There is one and a half hour for further discussion. Shri Narayanankutty Menon.

Shri Narayanankutty Menon: Mr. Speaker, Sir, the other day I was submitting about the constitutional impropriety of coming with such a piece of legislation delegating the powers of this House to the President when elections are already being held. I want to submit only one thing. The other day the hon. Home Minister said, when I moved my amendment to circulate this Bill, that he could not make any sense out of that amendment. I agree with the hon. Home Minister because as far as the Government is concerned, they want to pass this piece of legislation and invest the President with the power of legislating with a specific purpose of introducing amendments as advised by the Central Government to the Bills that are already pending here and which were passed already with unanimous support of the Kerala legislature. So I agree with the hon. Home Minister that he cannot see any sense in that amendment. But so far as we are concerned, we can only see sense in the amendment. We should prevent such sort of legislation being passed by this House because we consider that the passage of this legislation with the avowed object that has already been stated by the hon. Home Minister when introducing this Bill, would be an affront upon the provincial autonomy and the

rights of the Kerala legislature and the people of Kerala to decide their own future.

When the motion for approving the Presidential Proclamation came before this House, the hon. Prime Minister assured this House that the President intervened in the State to meet only an emergency and that it was the desire of the Central Government to have elections as soon as possible. A convention has been established that the President will not take measures of far-reaching interest and that the status quo will be maintained.

Mr. Speaker: The hon. Member has already taken 20 minutes.

Shri Narayanankutty Menon: If you see the proceedings you will find that I have taken only two or three minutes. The procedural wrangle came in between. I may take only five minutes more.

Therefore I may submit that measure should not be allowed at this time specially because the object of bringing in this legislation is to bring in amendments to the existing Bills. The Janmikaran Abolition Bill had been pending before the Government for two years. The Indebted Agriculturists Relief Bill had been pending for one and a half years. The Court Fees Amendment Bill had been pending for 1½ years. The Agrarian Relations Bill had been sent in June. It took about two years for the Central Government to consider all these four Bills and now the President wants to introduce his own amendments. I ask, if the Government is honest enough in their intention to pass these Bills giving benefits to the people of Kerala, let them bring an amending Resolution restoring the powers under article 211 to the President. It was quite obvious that they do not want these Bills. Without telling the House what are the reasonable objections to the clauses, they want to have a blanket power for themselves so that the President could make the amendments.

16 hrs.

When the first discussion came up, you, Sir, put a pertinent suggestion that even if the President makes the amendments, they come back to the House for ratification and therefore, there is no trouble. Immediately after that, the Home Minister said that the purpose of the Bill will be defeated if it is delayed till 28th of February. A Bill takes 10 days to be passed in the Rajya Sabha and it takes five days for Presidential assent. The Constitutional committee will take one month for consultation and for the President to introduce the amendments. When the President introduces the amendments, the elections will be over and whatever damage is done to the intentions of the Kerala legislature, we cannot make good by the time the Kerala legislature comes into being.

I submit that so far as the Jenmikaran Bill is concerned, no amendments are necessary. Let the Government and the Congress party say that it is against the people and it is against their own resolution. They cannot point out one single instance where they want to amend the Jenmikaran Bill.

Then, I come to the Court Fees Amendment Bill. This is a simple Bill whereby Harijans and workers who have not got money to pay court fees, are exempted from payment of court fees. Another thing is, an additional court fee is levied from the litigants who can afford to pay to give gratuity and provident fund to lawyers who are deserving. These are the two clauses in the Bill which has been approved by the Planning Commission and also by the Government of India policy. Today, if you want to amend the Bills, you are amending a Bill to deprive the Harijans of the benefits given by the Bill under which the Harijans could go to court without court fees. Therefore, a benefit that has been conferred on the Harijans, you want to take away. Secondly, the workers, if they want to get their wages by going to a court of law, are exempted from payment of court fees. You want to deprive the workers of

this benefit. There are a large number of lawyers whose tenure of service and security is never protected. The Kerala Government took it for granted that it is incumbent upon them to bring a legislation whereby some protection could be given to a large number of lawyers. The hon. Home Minister should tell this House, are the Government here against giving relief to Harijans, are the Government here against giving relief to workers in going to court, are the Government here against lawyers who really deserve some help. Therefore, the Government cannot say to day that they are for amending these Bills.

As regards another Bill, there are thousands of people who clamour in the State today that agriculturists are really in difficulty today. An amendment has been introduced as regards debt relief and debts up to Rs. 15,000 have been included where the debt is to the bank. Even the Congress party in the legislature did not bring in any amendment and the Bill was passed almost unanimously. It was sent to the Central Government. As admitted today, the Travancore Cochin Bankers Association came and saw the Finance Minister nine months back. It came in the papers that without consulting anybody, the hon. Finance Minister gave an assurance to the bankers of Travancore Cochin that this particular clause which gives benefit to 2000 families, whose property and life is in danger, would be amended according to the wishes of a few bankers in the State. On the one side, there are two thousand families who have got the benefit of the Bill, whose properties are to be taken away by the banks in execution and eviction. On the other side, there are 13 bankers of Travancore Cochin whose interest this Government is going to secure because the Government is going to accept the representation made by the Travancore Cochin bankers and effect amendment. That is what the hon. Home Minister said.

My point is, as admitted, this legislation is for the sole purpose of intro-

[Shri Narayanankutty Menon]

dubbing all these amendments. Every one of the amendments is anti-people, is against the interests of the toiling masses of the Kerala State. We agree that because of the brute majority that the Congress party has got in this House, they got the Resolution passed approving the Presidential Proclamation, which is an affront to provincial autonomy. Now we are to agree that we cannot protest against that. While that was passed here, a solemn assurance was given by the Prime Minister that the basis of our Constitution would be maintained, namely that in an emergency the status quo would be maintained, that policies and legislative measures which would have far-reaching effect would not be undertaken during President's rule, that they would wait for the Kerala legislature to be formed for expressing the will of the people. That is now certainly being tampered with. We will not be a party to this tampering with the interests of the people of Kerala, because 99 per cent of the people of Kerala are in support of the four Bills that are pending.

So, I make this earnest appeal to the Government and to the Home Minister. Have some respect for the wishes of the people of the State, even though insulted many a time. Let this insult be not continued hereafter. Let the wishes of the people even though the smallest of the 14 States, be respected for the time being. Let the powers of the President under article 201 be restored to him, and if the President has got any constitutional objection, let him refer the matter to the Supreme Court where it can be decided. If you have any basic policy objection, if you think it comes within the purview of the Central subjects and is not a State subject, then tell the House that it is so. But you cannot say that. The only object is to delay the passage of the Agrarian Relations Bill.

Today these people are day-dreaming that in the coming elections their party will be returned and that all the

benefit that has accrued to the people of Kerala by the four legislative measures can be nullified, but they see a bit careful because they are not now very definite about their party and their allies coming to power. Therefore they have brought this as a safeguarding measure. They think: lest the Communist Party comes to power again, let us safeguard our own interests, let us use this presidential power that we have got and amend all this legislation so that irreparable damage may be done to these Bills.

The other day you were kind enough to suggest that when an amendment was passed the House would have an opportunity to discuss it and there would be no harm, but with regard to that I may submit that it is not like that. The Bill contains a provision that the amendments will take effect immediately and this House here or the Kerala legislature will have no power to invalidate it with retrospective effect, so that pending the passing of the Agrarian Relations Bill and the Agricultural Indebtedness Relief Bill, every day bankers are taking action and 2,000 families are suffering.

I appeal to the hon. Minister. Let him shed politics for some time. Let him be human to the people of Kerala. Let him decide to restore the powers to the President under article 201 as it was done in the case of Andhra Pradesh in 1954 and in PEPSU in 1953. I do not find any reason why Kerala should be discriminated against except the fact that the previous Government there passed legislation which was for the people which is opposed by certain sections or groups whose interests the Congress Party is trying to safeguard here today. They can use their power and majority in this House today to nullify these legislations, but let them remember that the people of the State, under our Constitution, have got the right to assert themselves, they can stand up to such things in this country. They cannot



be insulted more. It will be too late to change when the day of reckoning comes. Let not the whole basis and crux of the Constitution be decided by means of this action. That is the only appeal I have to make.

Shri A. K. Gopalan (Kasergod): I oppose this Bill not because the President is given certain powers to legislate when there is an emergency. I oppose the Bill because I find there is no emergency. Also, the facts and circumstances show that it is discriminatory.

I want, first of all, to ask the Home Minister why, in the Proclamation that was laid on the Table of the House the powers of the President under article 201 were taken away. There were four Bills passed by the Kerala Assembly and one had been with the President for more than a year, and yet in the Proclamation, the power of the President to assent to or reject the Bill was taken away. I want to know why that power was taken away. It might have been taken away because the President might perhaps been advised or he might have thought that there was no question of giving assent to the Bills or suggesting modifications or rejecting the Bills let things continue as they were, so that when the new Assembly comes into existence, it can deal with it. Or else, what was the reason for taking it away? Along with the power under other articles, the power under article 201 which gives the right to the President to assent to or reject the pending Bills was also taken away. I want to point out here that before the Bill was passed the other day. I approached the Minister and told him that something must be done then and there to see that that power was not taken away. While replying to a question that was asked here on this subject, the Home Minister replied that certainly he would look into it and see that some resolution was placed before the House so that the power of assent was assumed again and the

Bills reserved for the consideration of the President could be taken up again.

But, now, we find that another Bill has been brought forward before this House. This Bill seeks to give power to the President to enact new legislation, assuming to himself the powers of the Kerala Legislative Assembly. So, we find that first of all, the power to give assent to the Bills was taken away when the Proclamation was issued, and after two months now, we find that a Bill has been brought forward before the House seeking to give power to the President to enact new legislation. I want to know the reason for this. Is there any emergency in the State of Kerala today? If there is an emergency, which warrants the passing of a new legislation, then there could be no objection; if it is the position that the people of Kerala or at least certain sections of the people of Kerala would be put to trouble, if the new legislation is not there, then there could be no objection to it. But before new legislation is enacted, we want to know what has happened to the Bills already pending before the President for his assent.

When I read the speech of the hon. Minister, I found that the object of this Bill was only to make changes in the Bills pending before the President. I would submit that that is an attack on provincial autonomy. The Kerala Legislature has passed unanimously certain pieces of legislation; they have been before the President for his consideration and assent; the President has got a right either to assent to the Bills or to withhold his assent on the ground that some provisions of the Bill are against the Constitution. The President could also suggest modifications, or send those Bills to the Supreme Court to ascertain their opinion on whether any of the provisions of the Bill are against the Constitution. That has not been done.

As far as the Jenmukaran Bill is concerned, I want to know whether the President or the Home Ministry has examined it and found anything in it which goes against the Constitu-

[Shri A. K. Gopalan]

tion. As far as the power to legislate is concerned, they have got power to legislate within the four corners of the Constitution. The President has to see whether there is anything in the Bill which is against the Constitution, and if he finds any, he has to send the Bill back to the legislature for reconsideration in the light of the fact that such and such clauses are against the Constitution, and, therefore, he is not in a position to give his assent thereto. That is the responsibility of the President under article 201.

Instead of such a thing being done, we find that a new Bill is being brought forward to give power to the President to enact new legislation. At the same time, however, nothing is said about the pending Bills. However much we might object to this Bill, this Bill will be passed. But nothing has been said as to whether the first thing that will be done by the President will be to look into the old Bills and give his assent thereto, before he enacts new legislation.

Then hon. Minister has stated that the object of this Bill is not to give assent to the Bills already pending, but to make certain changes in the Bills; certain representations had been made by certain sections of the people that certain changes should be made, and, therefore, some changes are to be made. I want to know who are the people who have made these representations, and what changes have been suggested and what changes are going to be made. Are changes going to be made in all the Bills pending before the President for his assent or only in certain Bills?

If it is a question of representation as far as the Agrarian Relations Bill is concerned, about 5 lakh peasants have already signed a memorandum and that is going to be presented to the President within the next one week. I have written a letter to the President requesting for an interview to present this memorandum. In Kerala, they want that the Agrarian Relations Bill that is pending before

the President for assent should be given assent to immediately. Because of the delay in giving assent to the Bill, the peasants are suffering.

Suppose there are certain representations. Is it because there are certain representations that the Home Ministry wants to make some changes? Changes can be made only in a Bill which contains clauses which are against the Constitution. Here three things are done. Firstly, when the Bill giving effect to the Proclamation was placed before this House, they never thought that the power to give assent to Bills should be taken. I do not think it was because of carelessness. This power was not taken because of their intention on that there was no question of assent arising. It could be said that the power under article 201 of the Constitution is taken away; now the President is powerless and nothing can be done. But that was exactly what was pointed out on that very same day here. It was said that this power should be taken by the President immediately so that the Bills pending before him could be examined. 15 days after that, 11 Members of Parliament presented a memorandum to the President about the Agrarian Relations Bill and other Bills requesting him to see that as far as article 201 of the Constitution was concerned, some notification might be issued taking this power to himself. That was not done. But the Bill that is before the House today seeks to confer power on the President to make new laws for the State of Kerala.

The most important thing today is that there are certain Bills pending before the President for the last one year. If the President thinks that there is any clause in any Bill which is against the Constitution, according to the procedure followed earlier, he could take action in consulting the legal opinion. Otherwise, immediately assent has to be given. But that has not been done.

So we think that this Bill is an attack on provincial autonomy, because the Kerala Assembly had unanimously passed certain pieces of legislation and no action has been taken on them. After one or two months, according to Government, there will be elections in the State. I do not know whether the elections will be postponed. But there is no necessity for any emergent legislation. So they can wait. If any changes are to be made, recommendations can be made to the new legislature and they can make the changes. When the legislature was there, nothing was done. No assent was given nor any recommendation made suggesting changes. Now that the legislature is not there, we are told that some power must be given to the President to legislate for the State. This only means that there is an attack on provincial autonomy.

Even now, there is an opportunity. Within two months, the new Assembly of Kerala will be elected and will meet. There is no emergency there justifying the taking of the power to make new laws for the State. If this power is taken now, it will certainly be an attack on provincial autonomy. I think that should not be done.

I say again that there is no urgency for new legislation as far as Kerala is concerned. What is important is that certain Bills are already pending before the President. These Bills had been passed unanimously by the Assembly there. So the first thing to see is whether power should be taken under article 201 to examine those Bills and give assent to them. If there is any doubt about the constitutionality of any provision in those Bills, the procedure followed previously could be followed. We request that this should be done.

I do not want to explain further. My hon. friend, Shri Narayanankutty Menon, has explained about every Bill that was sent to the President for assent. Every Bill which has been sent for assent is important. If there is any emergency today, it is to see

that those Bills which are pending before the President are given assent to. As far as the peasants are concerned, as far as the other sections of the people who are affected by the 4 Bills are concerned, the emergency today is to immediately give assent. If there is some emergency at some time then, certainly, delegation of power can be given.

I oppose this and protest that there is no emergency for new legislation when the President has not given assent to any of the important Bills which are very important so far as the people are concerned. Now power is taken not to give assent to these Bills but to make some changes in the Bills. It is certainly very wrong.

I know even if we protest this Bill will be passed. So, I request the Home Minister to see that when the Bill is passed, at least first things are taken first. Let assent be given to the Bills. Taking into consideration the emergency that was there for the last 1½ years as far as certain Bills were concerned, let assent be given to them without making any changes. Certainly, changes can be made if any of the clauses go against the Constitution. Simply because certain representations have been made by some sections of the people a change cannot be made. If any changes are to be made they are to be made by the newly elected Assembly. If any modification is necessary, that power should not be taken by the President.

That is all I have to say.

**श्री ० रजनीर सिंह (रोहतक) :** मैं इस विधेयक का स्वागत करने के लिये खड़ा हुआ हूँ। और जैसे कि कम्युनिस्ट साधियों ने कहा कि वे चाहते हैं कि लैण्ड रिफार्म जल्दी से जल्दी लागू हों तो मैं उनके साथ इसमें सहमत हूँ और मैं भी यह नहीं चाहता कि वे किसी भी कारण से चाहे वह प्रसेस्वली न होने के कारण हो या दूसरी प्रसेस्वली के आने में कृि देर है इसलिये उसमें देर की

[श्री० रणवीर सिंह]

जाय। मैं नहीं चाहता कि दूसरी असेम्बली के आने तक की उसमें देरी की जाय। उसके बारे में जो उन्होंने अन्देशा जाहिर किया वह तो मेरी तो समझ में नहीं आया कि उस कथन के पछे कौनसा डर है? कई दफा तो उन्होंने इस बिना पर आपत्ति प्रकट की कि शायद भगले चुनाव के अन्दर उनकी पार्टी मैजोरिटी में न आये और दूसरी पार्टी मैजोरिटी में आ जाय। अगर वह आपत्ति है तो भी मैं समझता हूँ कि इस बिल का पास करना उनके हित की बात है क्योंकि मेरा ख्याल है कि इस सदन की उस कमेटी के अन्दर उनका खासा रिप्रेजेंटेटिव कैरेक्टर होगा जो कि शायद वहाँ न हो। लेकिन अगर उनका यह ख्याल हो कि वहाँ पर उनके मैजोरिटी आयेगी तो फिर मेरी समझ में नहीं आया कि वे आपत्ति क्यों कर रहे हैं? अगर २-ढाई महीने के लिये कोई ऐसा बात है तो मुझे पूरा विश्वास है कि राष्ट्रपति मंजूरी देते हुए कानून के अन्दर कोई ऐसा मैटारियल चेंज नहीं करेंगे जिसकी कि जरूरत न हो। असबत्ता जैसा कि श्री गोपालन ने कहा संविधान की धारा के खिलाफ यदि कोई बात की जाती है तो उसकी जल्दी से जल्दी तबदीली करने की आवश्यकता है।

इसके अलावा इस बीच में हकूमत करने के सिलसिले में राष्ट्रपति को जो जरूरत दिखाई दे और कानून में कोई तबदीली करना आवश्यक जान पड़े अथवा कोई नया कानून आना जरूरी महसूस हो तो वह जल्दी से जल्दी पास किया जाना चाहिए क्योंकि वह केन्द्रीय सरकार की जिम्मेदारी है जिसने कि वहाँ राज्य के खराब हालात को देखते हुए वहाँ की असेम्बली को भंग किया। उनकी मंशा वहाँ के हालात को खराब करने की नहीं हो सकती बल्कि केरल के हालात को सही और दुस्तूर करने की उनकी दिली मंशा थी और आज भी है। मेरी राय में तो अब बिल को पहले आना चाहिए या और

मेरी तो समझ में नहीं आ पाया कि कम्युनिस्ट साथी इसका विरोध क्यों कर रहे हैं? यह तो उनके मफाय की बात है। मैं यह बीच नहीं मानता कि जो कांग्रेस सरकार यहाँ पदार्थ है वह किसी खास एलिमेंट को सपोर्ट करना चाहती है। वह किसी खास एलिमेंट को या किसी जगह के किसी खास एकोनामिक हित को सपोर्ट करने के लिए नहीं है। कांग्रेस पार्टी का एक मैनिफैस्टो है और वह सारे देश के लिए है और उस नुकतेनिगाह से अगर वह संविधान के अनुकूल हो तो उन्हें तबदील करने का पूरा हक है। मैं समझता हूँ कि इसमें प्राबिन्शियल आटोनमी के भंग का खवाल नहीं है क्योंकि दो, तीन या चार महीने के बाद जब नई असेम्बली चुन कर आयगी और अगर वह इस या किसी कानून को रिपील करना मुनासिब ख्याल करेगी तो वह उसको रिपील कर सकती है, स्टेट का जो भी कानून होगा उसको वह रिपील कर सकती है अथवा उसमें जो भी वह जरूरी समझ तबदीली कर सकती है और मैं तो नहीं समझता कि इसमें कौन सी ऐसी बात आ गई जिसकी कि वजह से मेरे उधर के भाई यह समझ रहे हैं कि इससे कोई प्राबिन्शियल आटोनमी के ऊपर घात आने वाली है। मुझे पूरा विश्वास है कि जिस किसी कानून की आज जरूरत नहीं होगी उस कानून को लाने की जल्दी नहीं की जायगी। मैं समझता हूँ कि जैसे कि पंजाब के अन्दर और पंजु के अन्दर जब कि वहाँ पर राष्ट्रपति का राज्य लागू हुआ तो उस दौरान में केन्द्र की ओर से कोई भी अहम कानून जिसकी कि जरूरत नहीं थी उसको राष्ट्रपति राज्य के दौरान पास नहीं किया गया और वह आज भी पास नहीं किया जायगा, ऐसा मेरा पूरा विश्वास है और उन्हें जो आशंका है और उनके दिमाग में जो एक डर की भावना काम कर रही है वह शायद इस डर के कारण है कि आगले चुनावों में हम हारें या जीते, इस एच पंच के कारण है।

मेरे कई भाई समझते हैं कि यह जो केरल का कर्ज का कानूनी मसौदा है यह साम्य उनका सब से भ्रष्टा हो तो मैं उनसे कहना चाहता हूँ कि पंजाब के भन्दर कर्ज का कानून जो २०, २५ साल पहले बना था वह भाष के उनके कानूनी मसौदे से कहीं भाये का कानून था। इसलिए यह नहीं समझ लेना चाहिए कि जो कायदे कानून केरल की साम्यवादी सरकार द्वारा बनाये गये थे वह सारे के सारे प्रोग्रेसिव हैं और बाकी देश के भन्दर कोई प्रोग्रेसिव ला ही नहीं है। ऐसा नहीं समझ लेना चाहिए कि उनके भलावा कोई प्रोग्रेसिव खयाल रखता ही नहीं है। इसके बारे में तो मैं चाहूंगा कि वे उनके साथ जो उच्च हमारे विरोध में बैठते हैं, मसानी साहब से पूछें और दूसरे स्वतंत्र पार्टी वालों से पूछें कि भाया प्रोग्रेसिव हम लोग हैं या नहीं जो कि हमारे खिलाफ गिला करते हैं और उनको यह मालूम हो जाना चाहिए कि हमारे मसानी साहब और दूसरे उनके साथी इसीलिये स्वतंत्र पार्टी में सम्मिलित हुए हैं कि हम बहुत ज्यादा प्रोग्रेसिव हो गये हैं और हमारा विरोध करने के लिए ही उन्होंने इस नई स्वतंत्र पार्टी की स्थापना कर डाली है। इसलिए हमारे कन्वुनिस्ट भाइयों को तो इस बात की जरा भी आशंका नहीं होनी चाहिए और शिकयत नहीं होनी चाहिए कि हमारा दल किसी खास एकोनामिक हित के लिए इस कानून में तबदीली करना चाहता है। सही बात तो यह है कि संविधान की किसी धारा को यदि कोई मस्विदा भंग करता है भले ही वह सर्वसम्मति से पास किया हो भयवा कोई ऐसा बिल पास किया हो जो कि संविधान के विपरीत जाता हो तो उसमें तबदीली की जायदो और मैं समझता हूँ कि इसमें किसी को कोई शिकयत नहीं होनी चाहिए। भले ही कोई सरकार भयवा असेम्बली सर्वसम्मति से कोई प्रस्ताव या कानून पास कर दे इस किम्ब का कि पार्लियामेंट का जो अधिकार है वह छीन लिया जाय तो

वह छीना तो नहीं जा सकता है भले ही इस तरह का प्रस्ताव सर्वसम्मति से पास किया हुआ हो भयवा रीजॉरिटी से। मैं नहीं समझता कि मेरे उन कन्वुनिस्ट भाइयों ने जो यहां पर डर और आशंका प्रकट की है उसके लिए कोई यहां कारण है। मैं तो समझता हूँ कि यह उनके हित में है कि जल्दी से जल्दी यह कानून पास हो ताकि लैंड रिफॉर्म उस स्टेट के भन्दर जल्दी से जल्दी लागू हो सकें।

Shri Maniyangadan (Kottayam): Sir, the other side is opposing the Bill vehemently, mainly of the ground that the President may interfere with some of the Bills which the dissolved Kerala Assembly passed. Article 201 of the Constitution was vetoed by the Proclamation and if I remember right, it was done during the previous Proclamations also. There was nothing new in what was done here. It is true that four Bills are pending before the President for his assent. Now the Communist Party seems to feel that these Bills should not be touched by anybody. Either they should be assented to in that form itself or nothing should be done. That seems to be their stand. Now, I may be permitted to submit that are making all demands to postpone the elections in Kerala. They were saying that the rights of the agricultural labourers in Kuttanad will be affected even if the elections are held in January or February and therefore the elections must be postponed upto the end of April. If the elections are not held till the end of April, and the President while considering some of the Bills passed by the Assembly feels that they should not be assented to without some modifications, what should be done? That is the point which we have to look into.

They were speaking about some representations which have been made regarding the Debt Relief Bill. I know that representations have been made by various sections. The debtors want that the Bill should be assented to as early as possible.

16.31 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

**Shri V. P. Nayar (Quilon):** What will happen if there is no President's Proclamation?

**Shri Maniyangadan:** The President cannot now, as the original Proclamation stands, give assent to a Bill if he wants to give assent to it only after making some modifications. There is, therefore, no alternative but to pass this Bill.

**Shri V. P. Nayar:** May I interrupt the hon Member? If there was no President's Rule in Kerala, could the President have modified any of the Bills? He can either give assent to a Bill or throw it out.

**Shri Maniyangadan:** He could have then sent back the Bill to the State Legislature. He can now send back those Bills to the Parliament. But the question is whether this Parliament will find time to pass all those Bills. It is even now finding it very difficult to carry on with the programmes which it already has. It is, therefore, necessary that something must be done.

I was referring to the Debt Relief Act. There are representations by debtors themselves, who are vitally affected, that the Bill should be given assent to early. But there are certain provisions in the Bill which I am sure the President would like to modify. I may be wrong, but if the President feels that certain provisions should not be allowed to remain in the law and the Bill concerned cannot be given assent to without modification of those provisions, the interests of poor persons will be very seriously affected. If the law is to be enacted so as to give relief to those poor persons who want relief and if some amendments are to be carried out in the Bill concerned according to the President after mature consideration, in that case the President must be given powers now vested in the Par-

liament so that the Bill as amended could be given assent to. That is the only alternative that is possible.

Why should we wait till the elections are over? It may be that the elections are held after two months or, as is the desire of the Communist Party, it may be postponed for a few months.

**Shri Narayanankutty Menon:** No, no; the Communist Party did not desire any postponement of elections upto April. The Communist Party wanted the elections to be held either in January or in March.

**Mr. Deputy-Speaker:** He is only discussing it hypothetically.

**Shri Maniyangadan:** They know very well that it is not possible to conduct elections in January. Let it be in January or April, that is all what they say. I do not dispute with them on that point.

Therefore, in the present circumstances, if the Bills as passed by the State Legislature—I do not want to go into the details of the Bills; I know there are so many absurd provisions in some of the Bills which in spite of the united opposition by all the opposition parties they passed by a majority of one or two—are to be given assent to after deletion of certain provisions so that they may be given effect to immediately, what else is the method?

**Shri A. K. Gopalan:** I would like to have one clarification from the hon. Member. Does he want that certain changes should be made in all these Bills?

**Mr. Deputy-Speaker:** He says that the President might consider it necessary.

**Shri Narayanankutty Menon:** We want to know whether hon. Member and his party are making suggestions to the President to make amendments.

**Mr. Deputy-Speaker:** He is not saying that; he is not going into the contents of the Bill.

**Shri Maniyangadan:** I know there are certain provisions in the Bills which ought to be amended. I hold that view, but this is not the time for me to discuss all those points.

**Shri V. P. Nayar:** We shall hear you.

**Shri Maniyangadan:** I am not here to satisfy my hon. friends there.

**Mr. Deputy-Speaker:** Hon. Members on this side of the House desire that the hon. Member might commit himself to certain things!

**Shri V. P. Nayar:** As regards the powers to be given to the President, should not the hon. Member be able to mention at least one item? I request him, and I beg of him, to mention at least one.

**Shri Maniyangadan:** The day of reckoning is coming, as Shri Narayanankutty Menon said. Let us wait for it. What I want is, this measure should be passed as early as possible. They know that the Bills passed by the legislature may not be given assent to. They can blame the President or the Congress party and say that these powers are not necessary. Certain Bills have already been passed and let us see what the effect of those measures will be on the electorate. The elections are going to come. We are prepared to face the electorate and they also are prepared to face the electorate. Why should they want to put hurdles in the way so that nothing could be done?

**Shri A. K. Gopalan:** We say "Give assent to the Bills".

**Shri Maniyangadan:** I say the Bills should be assented to by the President only if he deems them proper. If the Bills are not proper, he will not give assent to them. But there are certain provisions in certain Bills which should be immediately given

effect to. So, to get over the difficulty, this power is now being vested in the President. If the other party feels that they are the custodians of the rights of the people there, well, I do not want to go into past history; since the elections are coming, we can see. They were mentioning about the Congress and their alliance. I may say that they are also having a wonderful alliance with independents.

**Shri A. K. Gopalan:** Let us discuss the Bill, Sir. It is not a question of alliance. The hon. Speaker also said that we must confine ourselves to the provisions of the Bill.

**Mr. Deputy-Speaker:** Yes; the provisions alone need be discussed.

**Dr. M. S. Aney (Nagpur):** May I put a question? Does the hon. Member consider that their opposition is part of the election campaign?

**Shri Maniyangadan:** I definitely hold that view. Speaking about provincial autonomy, they said that they are jealous of guarding the interests of the State and provincial autonomy. We know what happened in Kerala. We know what is happening even now. Provincial autonomy is not affected there.

**Shri V. P. Nayar:** No, Sir.

**Mr. Deputy-Speaker:** Order, order. No challenges need be made.

**Shri Maniyangadan:** I am prepared to accept that challenge.

**Mr. Deputy-Speaker:** I am not prepared to accept that challenge!

**Shri Narayanankutty Menon:** We are not challenging that party.

**Mr. Deputy-Speaker:** Then he is challenging me!

**Shri Narayanankutty Menon:** We are not challenging anybody.

**Shri Maniyangadan:** My complaint on the other hand, is that it is rather

[Shri Maniyangadan.]

late now when the Bill is being introduced. The Bill ought to have been introduced in Parliament earlier, because, as I mentioned already, the Debt Relief Act requires immediate attention. There are certain debtors who are very vitally affected because of certain amendments. It is not the original Bill that was passed that is now pending. It was assented to by the President. Some amendments were subsequently made and it is the amended Bill that is now pending before the President. Of course, some interests might have represented; some other bodies might have represented; several representations might have been brought up before the President. The President might have gone into the legal and constitutional aspects. After considering all these things, I cannot agree with my hon. friend that only if there is a constitutional difficulty can the President refuse to give assent. According to the other party, the only provision is, we should refer the matter to the Supreme Court. There are other remedies provided in the Constitution. The President can refuse to give his assent to a Bill on grounds other than constitutional. Even on matters of policy he may differ and send back the Bill to the legislature or whichever body is competent to deal with the measure. The powers are sought to be vested with the President so that the interests of the people may be taken into consideration by the President in giving assent to the Bills passed by the legislature.

There are certain Bills pending before the legislature and there are certain things which may arise when the Parliament is not in session. Even if Parliament is in session, there may be certain things arising. So, there is no harm in vesting the President with the powers that are intended to be given to him through this Bill. My submission is that this Bill should be passed as early as possible.

Shri Naldurgkar (Osmanabad): I support this Bill. At the very outset

I may state that article 357 does not deal with emergency. It speaks of the competency of Parliament. Some arguments have been advanced by some of the Members, and those arguments relate to article 201. As far as the introduction of this Bill is concerned, I respectfully submit that those arguments are irrelevant. Because, as far as the circumstances for the proclamation under article 356 of the Constitution are concerned, the time for discussion of that is already over. Under article 357 there are certain circumstances in which the President can be vested with the powers of the State Legislature. Suppose there is pressure of work in Parliament, or the Parliament is not in session. For example, after the 22nd of December, the work of Parliament will be suspended upto the subsequent session. During that period, suppose there is urgent necessity for some legislation. Therefore, under article 357, it is quite essential that those powers of the State Legislature should be vested with the President. As far as the powers under article 357 are concerned, the arguments raised by some of the hon. Members have no relevancy at all. The powers under article 201 are quite distinct from those under article 357. During the period after the proclamation the powers under article 201 are suspended.

Then, the proclamation issued under article 356 has no retrospective effect; it is only prospective. So, if there are some Bills passed by the Kerala Legislature before the date of the proclamation, certainly the President has full power, according to his discretion, either to assent to those Bills or not. Therefore, that matter cannot be taken into consideration when vesting power under article 357 is considered. Therefore, those arguments that have been advanced by some of the hon. Members of the communist party, which relate to the question of the period of emergency, cannot be taken into consideration at this time. It relates only to the competency of Parliament. It



speaks of the competency of Parliament when there is great pressure of work. In the circumstances, it is quite justifiable that those powers should be vested in the President.

While supporting the Bill, I want to draw the attention of the hon. Minister to some of the provisions of this Bill. I find that those provisions are unconstitutional. Powers that are to be vested in the President under article 357 are absolute powers. Those powers cannot be restricted; no restriction can be placed on those powers. I will refer to the relevant portion of that article, which reads:

"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, the power so conferred to any other authority to be specified by him in that behalf."

**The Deputy Minister of Food and Agriculture (Shri A. M. Thomas):** The words "subject to such conditions" are there.

**Shri Naldurgkar:** Subject to such conditions which the President thinks essential.

**Shri A. M. Thomas:** Which Parliament think essential.

**Shri Naldurgkar:** I will read it again.

"...the President to delegate, subject to such conditions..."

That is, it is the President who is to

delegate. When the President wants to delegate the powers he can impose certain restrictions upon the persons on whom the power is to be delegated. The first part is—

"...for Parliament to confer on the President the power of the Legislature of the State to make laws,....."

Those powers are quite absolute powers. They are unrestricted powers. No restrictions can be imposed. But when the President wants to delegate that power to another authority, he can impose certain restrictions upon that authority. These two provisions are quite distinct. They are quite separate. They cannot be amalgamated together.

Therefore with great respect I submit that as far as the Proviso to sub-clause (2) of clause (3) is concerned, there is no provision in the Constitution that there shall be any consultative committee and that the President should consult and then pass those laws or give assent to those laws. I am of the opinion that there is no constitutional provision for such consultation. Therefore as far as the constitution of the committee under this Bill is concerned, I request the hon. Minister to look to the constitutional provisions because those provisions are rather being mandatory. It says—

"Provided that before enacting any such Act,..."

I am reading clause 3, proviso to sub-clause (2).

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee..."

This means that the President is not authorised to enact any law or to pass any legislation without consultation with the committee. I think as far as these restrictions on the power of the President are concerned, they are quite

[Shri Naldurgkar]

unconstitutional and even the constitution of the committee is unconstitutional.

Therefore I request the hon. Minister, as far as this provision is concerned, to look to the provisions of this Act, because under article 357(1) (a) there are two distinct provisions. Delegated legislation is looked with reprobation by judicial decisions. When the President wants to delegate that power to any authority, in such cases he can impose restrictions upon him. But as far as the President's powers are concerned, those powers are absolute. Therefore I am of the opinion . . . . .

**Shri Narayanankutty Menon:** May I interrupt the hon. Member? If the power is given by the principal to the agent in any statute, is not the principal entitled to impose restrictions in delegating that?

**Shri Naldurgkar:** If those powers are delegated powers and if the law says that such restrictions should be imposed, no doubt those restrictions shall be reasonable. But if the law delegates the power upon certain authority then no restriction should be placed and any restriction placed upon that authority will be unconstitutional and illegal.

**Shri Narayanankutty Menon:** It is not stated in article 357.

**Shri Naldurgkar:** Therefore I am of the opinion that as far as the provisions of the Bills that are pending and assented to by the President are concerned, that matter cannot be brought into question in so far as the consideration of this Bill is concerned. If the President considers it reasonable, he according to his discretion may give assent to those Bills, already passed before the Proclamation under article 356. Therefore the President's discretion cannot be called to question as far as this Bill is concerned. Therefore my suggestion to the hon. Minister is to consider as

unconstitutional this provision of this Bill. I support this Bill. This Bill is very essential. Some of the objections that have been raised on behalf of some hon. Members are based on special individual interests or party interests. Therefore those interests may not be taken into consideration in this case. I support this Bill.

**Shri V. P. Nayar:** He was saying that some hon. Members were prompted by individual interest.

**Shri Narayanankutty Menon:** We do not come under any provision of the Bill.

**Mr. Deputy-Speaker:** He is not referring to these hon. Members. The other day, Shri S. A. Dange said beautifully that he would not pick up a cap in order to fit on his head.

**Shri V. Eacharan (Palghat):** Sir, I am thankful to the hon. Home Minister for the sympathy and interest which he has shown in the affairs of the Kerala State. After the introduction of the President's Rule, the law and order situation has far improved and the State is quite normal. There were lot of disturbances in the State. Now, all troubles are over and the State is working in a normal condition.

My hon. friend Shri Narayanankutty Menon has moved an amendment to circulate the Bill for public opinion.

**Shri Narayanankutty Menon:** That has been ruled out of order.

**Shri V. P. Nayar:** He cannot say anything on that.

**Shri V. Eacharan:** I am not saying on that. This is only a Bill to invest power on the President to make the necessary laws for Kerala and not to prevent the legislation passed by the previous Kerala Ministry or the proposals put forward by that Ministry. Our friends are simply saying that this Bill or the Committee formed under the provisions of this Bill will prevent the progressive legislation passed by

the previous Kerala Government or the legislature, or make some amendment, that is not necessary. If the President is satisfied with the laws passed by the Kerala Government or legislature, he will give his assent. There is no necessity to refer them to the Committee or seek the advice of the Committee. This Committee is to advise the President on future legislation.

My hon. friend Shri Narayanankutty Menon said that some bankers made a representation to the Finance Minister and two thousand families will be in trouble. Any man can make a representation and that would be considered by the Minister in the appropriate way. That does not mean that because the bankers made some representation, it will ruin 2000 families. All this is said so that an impression may be created upon the people that the Congress is harming the interests of the Kerala people, especially the bank employees. The bank employees have got a fear that they are not getting a proper treatment under the Banking Companies Act. An Enquiry Commission found that the banks in Kerala are not in a financially sound condition, that a number of banks were feeding the agriculturists and they must be exempted from certain provisions. That is why they have been put in a separate position. That does not mean that any representation made by somebody will harm the interests of the bank employees or the people in Kerala.

The State administration is improving. I have to mention one thing here.

**Shri V. P. Nayar:** If the administration has improved, why not have President's rule permanently?

**Shri V. Eacharan:** I am not for extension of the President's rule. The present conditions are much better than what we had some months ago.

In Kerala, there is a department working for Harijan welfare. That department has made a lot of confusion in the work and misused the funds.

**Shri Narayanankutty Menon:** When I began to refer to the conditions in Kerala, the hon. Speaker said that I should confine myself to these legislative powers alone and any reference to the conditions in Kerala was ruled out by the hon. Speaker. He began to speak about Harijan welfare. I have got a thousand things to say about that.

**Shri V. Eacharan:** That is directly under the Home Ministry. They have got to take note of all these things. It is only for that purpose I am referring to this. The Harijans in Kerala have a lot of grievances against that department.

**Mr. Deputy-Speaker:** It is better he confines himself to the Bill itself.

**Shri V. Eacharan:** I support the Bill. There is no need for the apprehension that the passing of this Bill would harm the interests of the people of Kerala or prevent any legislative measures passed by the previous Kerala Government. I support the Bill once again.

**Shri V. P. Nayar:** Mr. Deputy-Speaker, I did not originally intend to participate in this debate. But, after having heard my hon. friends on the other side, I think I should be failing in my duty if I did not answer some of the points.

A contention is raised that Parliament will have possibly no time to discuss the various amendments. If that were so, I should think that the President or the Home Ministry is considering not one or two amendments here and there, but very substantial amendments. Unless such amendments as are in contemplation are of a highly controversial nature, I do not know why Parliament should take such a long time.

[Shri V. P. Nayar]

Then, it contradicts itself, because even if the President were to enact or make certain changes in the existing laws, they have necessarily to come before Parliament. If the hon. Member who raised that plea were to read the last but one clause of the Bill, he will find that notwithstanding any changes which are made by the President, such changes will have to be ratified by a resolution. Is it his case that Parliament should pass a resolution without a discussion?

**Shri Maniyangadan:** So, there is no harm in delegating the powers.

**Shri V. P. Nayar:** I will come to that.

Is it his case that only for discussing the . . .

**Shri Maniyangadan:** That is exactly the reason why I said the Bills need not brought before Parliament immediately.

**Shri V. P. Nayar:** So, in any event, as the Bill now stands, a discussion in Parliament cannot be avoided, and unless it is the intention of the Government to bring forward highly controversial measures, I do not know why Government should think that Parliament's time will be taken up.

What is Parliament's time? Are we not responsible for what is happening in Kerala? Is it not this Parliament which delegated the power, and was it the making of the Kerala Government itself? Every one in this House has a responsibility. Parliament as a whole has a responsibility for the administration of the State. You are discussing every sort of Bill in this House, and if it is a Bill relating to a matter of vital importance for the State of Kerala, do you mean to say

that Parliament will have no time to discuss it? Could any argument be more trash than this? We are sitting here till the 22nd or 23rd of this month. Can we not find one Saturday for discussing the changes? Can we not find one or two hours every day? Whenever there is any necessity we are sitting one hour more than scheduled, as we did on several occasions even during this discussion. Are we to take it that such amendments as are to be brought will take days and days? We have discussed in this House Bills with 50 and even 100 clauses within two or three hours because mostly they were of a non-controversial nature, and what little controversies there are can be discussed in a little time.

**Shri Narasimhan (Krishnagiri):** Can I put a question?

**Shri V. P. Nayar:** Not one, any number.

**Shri Narasimhan:** Supposing the matter is left to a smaller body, is there not the advantage that that smaller body will discuss it more thoroughly than a larger body in a hurry?

**Shri V. P. Nayar:** I am perfectly agreeable to that suggestion provided that recommendation of the smaller body . . .

**Shri Nalburgkar:** What is the intention of article 357 of the Constitution?

**Shri V. P. Nayar:** Not two interruptions at a time.

If the recommendations of that body are accepted, if there is a mandatory

provision to that effect, I am certainly at one with the hon. Member. Are you prepared to do it? That is the simple question.

Here, what are the powers given to the committee? It is only a consultative committee. I have functioned once in such a consultative committee. It is all for the purposes of precedent. Even the Home Minister does not come there. The Deputy Home Minister comes there. We have some coffee, we have some consultation, then they go their way, we go our way. This is called consultation. Is the hon. Minister prepared to have the provision suitably amended?

**Shri Narayanankutty Menon:** The amendment is there.

**Shri V. P. Nayar:** Is he prepared to accept the amendment that the consultative committee's opinion shall prevail on the President. So long as they are reticent to accept such an amendment, it shows that the purpose behind this is very sinister. I am forced to use this word, because what is it they are saying now?

For months these Bills were pending, as was ably pointed out by my hon. friend Shri Menon. One day the Central Government awakes to a sense of responsibility for Kerala. I am reminded of Kumbakarna who was sleeping for six months continuously, and one day when he was awake, he would keep on doing the maximum destruction. The Central Government is like that. For months they were sleeping over the Bills which were sent. It was not a snap vote majority in the case of any Bill, I challenge the hon. Member to show that. In the Government which existed in the State before the Communist Party took over, there were instances after instances when Bills were passed with snap votes.

**Shri Maniyangadan:** I never used that word. I said by a majority of one or two. Not more than that.

**Shri V. P. Nayar:** I think that would be sufficient. You mention one instance . . .

**Mr. Deputy-Speaker:** Order, order. Let the hon. Member be allowed to continue.

17 hrs.

**Shri V. P. Nayar:** Within their own party in the Opposition in Kerala, there were dissensions, one group supporting certain provisions in the Bill, another group opposing certain provisions in the Bill. Are we to be blamed for that? It is a very simple question. I am asking my hon. friend Shri Maniyangadan who does not seem to know the history of his own party in that State, whether they were unanimous in regard to any of these provisions . . .

**Shri Maniyangadan:** In several of them.

**Shri V. P. Nayar:** Is it such provisions . . .

**Shri Maniyangadan:** Not only my party, but all the Opposition parties.

**Mr. Deputy-Speaker:** Order, order. Why should there be a mutual discussion now? Let the debate go on. When the hon. Members go to their State, they might have a scuffle there, but not here.

**Shri Narayanankutty Menon:** Certainly not. We do not want any scuffle.

**Shri V. P. Nayar:** I am only submitting that the argument that some of the provisions of these Bills were passed with a narrow majority cannot hold good, because, in the past, it has been the practice of the government which was in power before the government led by the Communist Party came into power . . .

**Mr. Deputy-Speaker:** The hon. Member might advance his arguments, but he wants reaction at once from the other side.

**Shri V. P. Nayar:** Certainly not. I know they would not react to anything containing an iota of sense.

**Mr. Deputy-Speaker:** Why should he go to such extremes? First, he used one word 'sinister', then, he used another word 'trash', and now, he is using the words 'iota of sense'. They are not in good taste.

**Shri V. P. Nayar:** I think you have known me for seven years very well. I am not in the habit of using one wrong word, unless it be the lack of knowledge of English. I suppose I use . . . . .

**Mr. Deputy-Speaker:** I do not say that they are wrong words, I know they are used advisedly, but they are not desirable words.

**Shri V. P. Nayar:** Where we have to use strong words, a soft word will not result in the same purpose.

**Shri Datar:** Is the word 'sinister' soft, according to my hon. friend?  
§7.

**Shri Narayanankutty Menon:** The hon. Home Minister used that word yesterday.

**Mr. Deputy-Speaker:** The hon. Member Shri V. P. Nayar might continue tomorrow.

17.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, December 2, 1959/Agrahayana 11, 1881 (Saka).*

[Tuesday, December 1, 1959/Agrahayana 10, 1881 (Saka)]

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477.	Kendriya Hindi Shikshaka Mahavidyalaya at Agra . . . . .	2611
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480.	Purchase of aero-engine by I.A.F. . . . .	2612—13
481.	Appointment of Judges in Enquiry Bodies . . . . .	2613
482.	Children's Book Trust . . . . .	2613—14
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484.	Export of pig iron . . . . .	2614—15
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721.	Freight Adjustment Accounts from TISCO	2627-28
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65.	Cultural centres in Orissa	2655
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767.	Recognition of Hindi examinations	2656
768.	Madho Rao's Dharara at Varanasi	2656-57
769.	Armed forces personnel in N.E.F.A. & Naga Area	2657-58
770.	Steel	2658
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772.	Proof and Experimental Centre, Chandipur	2659
773.	Gauhati Refinery	2659-60
<b>MOTIONS FOR ADJOURNMENT</b>		2660-67

The Speaker withheld his consent to the moving of the following adjournment motions given notice of by the members shown against them :

- (i) Alleged molestation of communist workers engaged in filing claims and objections regarding Electoral Rolls at Trivandrum. Notice by Shri V.P. Nayyar.
- (ii) Explosion on the Amritsar-Pathankot railway track on the 29th November, 1959. Notice by Shri Atal Bihari Vajpayee

**STATEMENT BY PRIME MINISTER** . . . . . 2671-72

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) made a statement regarding the Chinghai-Tibet highway.

**PAPERS LAID ON THE TABLE** . . . . . 2672-73

- (1) A copy of each of the following statements showing

**PAPERS LAID ON THE TABLE—contd.**

	COLUMNS
the action taken by the Government on various assurances, promises and undertakings given by the Ministers during the various sessions of Second Lok Sabha :	
(i) Supplementary Statement No. II	Eighth Session, 1959.
(ii) Supplementary Statement No. IX.	Seventh Session, 1959.
(iii) Supplementary Statement No. XV.	Fifth Session, 1958.
(2) A copy of Notification No. G.S.R. 1212 dated the 7th November, 1959, under subsection (2) of Section 3 of the All India Services Act, 1951 making certain further amendments to Schedule III to the Indian Police Service (Pay) Rules, 1954.	
(3) A copy of the Notification No. L.R. 1-77 55 dated the 25th July, 1959 containing the Himachal Pradesh Hindu Marriage Registration Rules, 1959, published in Himachal Pradesh Gazette, under subsection (3) of Section 8 of the Hindu Marriage Act, 1955.	
(4) A copy of Notification No. G.S.R. 207 dated the 1st April, 1958, under section 38 of the Central Excises and Salt Act, 1944 making certain further amendment to the Central Excise Rules, 1944.	
(5) A copy of the Report of the Life Insurance Corporation of India for the year ended 31st December, 1958 along with the Audited Accounts, under Section 29 of the Life Insurance Corporation Act, 1956.	

**CALLING ATTENTION TO  
MATTER OF URGENT  
PUBLIC IMPORTANCE**

Shri N. R. Muniswamy called the attention of the Minister of Labour and Employment to the reported death of seven persons due to collapse of roof inside Sripur Colliery on the 19th November, 1959.

CALLING ATTENTION TO  
MATTER OF URGENT  
PUBLIC IMPORTANCE  
—*contd.*

The Deputy Minister of Labour (Shri Abid Ali) made a statement in regard thereto.

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BILL PASSED . . . . . 2675—2769

Voting on the motion to consider the Constitution (Eighth Amendment) Bill was postponed till 1-12-59 from the previous day and accordingly the House divided, Ayes 291; Noes 9. The motion was adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting. The clause-by-clause consideration was taken up.

On the motion for adoption of clause 2, the House divided, Ayes 248; Noes 24. The motion was declared not carried in accordance with Rule 155 of the Rules of Procedure and in accordance with the Constitution. Clause 2 was negatived.

On the motion for adoption of clause 3, the House divided, Ayes 280; Noes 5. Clause 3 was, accordingly adopted. Clause 1, the Enacting Formula

BILL PASSED—*contd.*

COLUMNS

and the Long title were also adopted.

On the motion moved by the Home Minister (Shri G. B. Pant) that the Bill, with the omission of clause 2, be passed, the House divided, Ayes 285; Noes 4. The Bill was accordingly passed, with the omission of clause 2.

BILL UNDER CONSIDERATION . . . . . 2770—2804

Further discussion on the motion to consider the Kerala State Legislature (Delegation of Powers) Bill, was resumed. The discussion was not concluded.

AGENDA FOR WEDNESDAY, DECEMBER 2, 1959/AGRAHAYANA 11, 1881 (SAKA)—

Further consideration of the Kerala State Legislature (Delegation of Powers) Bill and passing of the Bill, discussion on Supplementary Demands for Grants for 1959-60 (Kerala); and consideration of the motion to refer the Legal Practitioners Bill to a Joint Committee.