

Friday, November 27, 1959

LOK SABHA DEBATES

Second Series

Volume XXXV, 1959/1881 (Saka)

[November 16 to 27, 1959/Kartika 25 to Agrahayana 6, 1881 (Saka,)]



NINTH SESSION, 1959/1881 (Saka)

(Vol. XXXV contains Nos. 1 to 10)

**LOK SABHA SECRETARIAT
NEW DELHI**

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Note.—The sign + marked 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

Friday, November 27, 1959/Agrahayana 6, 1881 (Saka)

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Technical Committee for Production of Fertilizers

- *353. { Shri Ram Krishan Gupta:
Shri Basumatari:
Shri Sarju Pandey:
Shri T. B. Vittal Rao:
Shri Tangamani:
Shri Damani:
Shri M. R. Krishna:
Shri Madhusudan Rao:
Shri P. C. Borooah:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 1017 on the 1st September, 1959 and state the progress made so far by the Technical Committee for the production of fertilizers?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): Apart from its report on Andhra, the Committee has submitted its report on Assam. It has visited Rajasthan and the report is expected shortly. The Committee has yet to study and report on the other sites in the country.

Shri Ram Krishan Gupta: May I know the names of the places which have been submitted for setting up this plant in Rajasthan?

Shri Satish Chandra: Bikaner, Hanumangarh and Suratgarh have been examined by the technical committee. One of the places will be recommended by them.

Shri Ram Krishan Gupta: In reply to a previous question he stated that the report about Andhra had been received. What steps have been taken so far to set up the plant in Andhra State?

Shri Satish Chandra: All necessary steps are being taken. The way for setting up a nitrogenous fertiliser factory in Andhra has been cleared by the Government and also by the Planning Commission. The State Government will set up this factory and it will raise its own resources. It will have not less than 51 per cent. of the share capital and the rest will be contributed by the people of Andhra.

Shri Basumatari: May I know the party to which a licence has been given to open a fertiliser factory in Assam?

Shri Satish Chandra: There is a proposal to set up a fertiliser factory near Naharkotiya oil fields but the agency has not yet been finally decided. The factory will be in the public sector and not in the private sector. No private party has approached for a licence.

Shri Damani: By what time a final decision will be taken about the factory in Rajasthan? The hon. Minister mentioned three places.

Shri Satish Chandra: The report on Rajasthan is expected to be received in two or three week's time. It has not yet been received. Only then we will know the site recommended.

Shri P. C. Borooah: What is the species and quantity of fertiliser that the Committee has recommended should be produced in Assam plant?

Shri Satish Chandra: It would be about 50,000 tons of ammonium sulphate and 50,000 tons of urea.

Shri Kasliwal: From the hon. Minister's answer it is clear that the technical committee have already suggested three names: Bikaner, Suratgarh and Hanumangarh. May I know whether the Government is applying its mind as to which place it is going to select? So far as the technical committee is concerned it has already given these three names.

Shri Satish Chandra: The Government will apply its mind when the report of the Committee is received. I have said that the Committee has investigated these sites and the report is expected.

Villiers Colliery, Talcher

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

(a) whether the Villiers Colliery in Talcher in Orissa has been given on lease to a private party;

(b) whether the Colliery has started working by now; and

(c) whether any amount has been paid to the workers towards their arrears since the closure of the Colliery?

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

(b) Yes.

(c) As stated in reply to Starred Question No. 733 on 24-8-59, about Rs. 73,200 has been paid to the workers as a result of the persuasive efforts of the Officers of the Industrial Relations Machinery. The proceeds from the sale of the assets and the rent realised from the lessee will be utilised towards payment of outstanding dues.

Shri Panigrahi: The dues of the workers amount to about Rs. 7 lakhs and this was due for a long period. What payment has been made to the workers after the mine was taken

over by the Government of Orissa and after the Government of Orissa handed it over again to a private party?

Shri Abid Ali: The amount due was about Rs. 5 lakhs on various accounts. I have said that about Rs. 73,000 have been paid to them due to the efforts of the Industrial Relations Machinery. This amount is due from the former employer—not from the Orissa Government or from the new employer. Efforts are being made but it appears that the former employer has no assets. Whatever assets are available inside the mines have been frozen and whenever any amount is realised it will be paid to the workers first.

Shri Panigrahi: According to the agreement with new lessees it has been decided that whatever properties are there will be rented out to the new owners and that the rent should be adjusted towards the payment of the arrears of the workers. What rent has the new owner paid for the use of these properties and what payment has been made to the workers?

Shri Abid Ali: It is true that according to the arrangement whatever amount is realised by way of rent or by way of sale proceeds should go to the workers first. The mine was taken over by the new lessees only on the 25th of October and so the question as to what amount has been paid does not arise.

Shri Surendranath Dwivedy: The hon. Deputy Minister says that the materials left by the old employer were frozen. May I know whether any valuation has been made of them and what is the amount which could be paid towards the arrears of the workers?

Shri Abid Ali: About payments, I have already given the information. The assets which are within the premises of these mines have been attached and the proceeds will go to the workers first.

Shri Panigrahi: The hon. Minister has said that the rents will be realised from the new lessee and will be paid towards the arrears of the workers. But the owner says that there is no such condition in the agreement and therefore he is not bound to pay any rent nor is he bound to employ all the old workers who were displaced.

Shri Abid Ali: The information which I have supplied is on the basis of details sent by the State Government. I will communicate this information to the State Government as to what the owner says.

Shri Surendranath Dwivedy: May I know whether there is any obligation on the part of the new employer to pay any part of the arrears to the workers and also to employ all the workers who were working there? How many of them have been re-employed?

Shri Abid Ali: Yes, Sir. It is necessary for him to give employment to the former workers first. With regard to the payment, he is not bound to pay on account of the arrears due from the previous owner.

Development of Industrial Co-operative Societies

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356. { **Shri Subodh Hansda:**
Shri R. C. Majhi:

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

(a) whether a programme has been formulated by Government to develop selected Industrial Co-operative Societies; and

(b) if so, how many Industrial Co-operatives have taken the benefit of this programme?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A programme has been drawn up for the

development of selected industrial co-operatives. 97 Industrial Co-operative Societies from States and Centrally administrated areas have been selected for the scheme. All the selected industrial co-operative have received the benefit of technical advice.

Shri Subodh Hansda: Which are the States which have taken the maximum benefit of these facilities?

Shri Manubhai Shah: More or less all the States have agreed to have six societies per State, except the Madhya Pradesh State which has agreed to have ten societies.

Shri Damani: May I know whether the committee appointed to enquire about the development of industrial co-operatives had submitted its report and if so, to what extent those recommendations have been accepted?

Shri Manubhai Shah: I laid on the Table of the House, as the hon. Members will recall, the report of the working group and the Government decisions thereon, only last week.

Shri Subbiah Ambalam: May I know the names of industries that have been selected for the formation of industrial co-operatives in the Madras State?

Shri Manubhai Shah: There are societies for cycle parts, sewing machines, blacksmithy, builders' hardware, general engineering, mathematical instruments and various other things.

Shri Subodh Hansda: May I know whether any facilities other than technical assistance have been given?

Shri Manubhai Shah: Yes Sir. We give financial, technical, personnel and managerial help and also some marketing facilities. As a matter of fact, this report, if I may say so, is a landmark in the development of industrial co-operatives.

The hon. Member will have access to it, and I may inform him that there are very far-reaching decisions and the decisions of the Government thereon will also give a great fillip to the development of industrial co-operatives in the country.

Subsidised Industrial Housing Scheme

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*367. { Shri Subodh Hanada:
Shri S. C. Samanta:
Shri R. C. Majhi:
Shri Tangamani:

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

(a) whether the response from employers to the Subsidised Industrial Housing Scheme has improved after the meeting of the Indian Labour Conference at Nainital in May 1958;

(b) whether the recommendations made at that Conference have been fully accepted by Government; and

(c) the total number of houses built up till now since the acceptance of the recommendations by Government?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). The recommendations made by the Conference relating to an increase in the quantum of loan assistance and allotment of land to employers on a no-profit-no-loss basis were accepted by Government on 3rd September, 1958, and the recommendation relating to the liberalisation of allotment rules was accepted on 18th May, 1959. The fourth recommendation about relief in income-tax to employers who build houses for their workers is still under consideration. It would seem that it is somewhat premature to assess the exact impact of these decisions in the matter of the construction of houses by the employers. The Housing Ministers' Conference which reviewed this question in Hyderabad from the 5th to 7th

November, 1959, felt however that there has not been an appreciable improvement.

(c) Information from all the States has not yet been received.

Shri Subodh Hanada: What was the total amount of loan advanced by the Government since the acceptance of the first part of the recommendation?

Shri K. C. Reddy: I am sorry, I have not got that information just now with me.

Shri P. C. Borooah: Is it a fact that not a single case of industrial housing scheme in Assam in the private sector has so far materialised and, if so, what are the reasons therefor?

Shri K. C. Reddy: The expectation has not been very satisfactory. Several steps have been taken to liberalise the scheme. At the recent Housing Ministers' Conference held at Hyderabad the whole matter was reviewed. So far as the question of building houses by the employers is concerned, it was also pointed out that a measure of compulsion may have to be introduced and this matter will also be considered. This matter is under examination by Government, in consultation with the Planning Commission, and certain other Ministries also are concerned in this matter, such as the Ministry of Labour, the Ministry of Commerce and Industry, the Ministry of Finance, etc. So, the whole matter is being reviewed again to see if better results can be achieved.

Shri Nanjappa: May I know whether the Indian Labour Conference has recommended or made any observation regarding the use of compulsion in this scheme of industrial housing?

Shri K. C. Reddy: The Labour Officers' Conference have pointed out that the question of introducing some compulsion also will have to be seriously considered by the Govern-

ment. In fact, this is not a new observation. This proposal has been before the Government since a long time past. Various aspects have been examined and it has not been possible to arrive at an agreed formula in regard to this matter. As I indicated earlier, the whole matter is being reviewed again.

Shri Kasliwal: What exactly does the hon. Minister mean by saying that the loans will on a no-profit-no-loss basis? Does it mean that on these loans no interest will be charged?

Shri K. C. Reddy: No, Sir. The State Governments have been empowered to acquire and develop land for building purposes, and that has been made applicable now to the subsidised industrial housing scheme also. By 'no-profit-no-loss' is meant that the land could be made available and sold to the employers on the basis of the actual cost of land, the cost of acquisition and the cost of development. In several cases I expect that the cost would be much less than what they would have to pay in the open market.

Shrimati Parvathi Krishnan: In view of the fact that the employers are showing such reluctance in implementing the scheme, what steps are the Government taking to encourage and help the co-operatives that are being formed by the workers themselves?

Shri K. C. Reddy: The hon. Member may be aware that the scheme is applicable to the co-operatives of workers as well, and in fact, in respect of this category, the terms are much more liberal. It is 65 per cent loan and 25 per cent subsidy. The financial assistance is up to the tune of 90 per cent, whereas in the case of employers it is now only up to 75 per cent. It is for the co-operative societies of industrial workers to organise good co-operatives and avail themselves of this scheme.

Shri B. K. Galkwad: May I know the specification of the houses which have to be constructed and the cost of the houses?

Shri K. C. Reddy: All these details are given in the scheme copies of which are placed in the Library. There are one-room tenements and two room tenements. The specifications and the cost are all indicated in the scheme.

Sino-Indian Border Disputes

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{ **Shri Ram Krishan Gupta:**
Shri Harish Chandra
Mathur:
 *358. { **Shri Ajit Singh Sarhadi:**
Shri Bibhuti Mishra:
Shri Saroo Narayan Das:
Shri Narasimhan:

Will the Prime Minister be pleased to state:

(a) whether the Government of India have exchanged any notes with the Government of the U.S.S.R. regarding Sino-Indian border dispute; and

(b) if so, the nature of these notes and what interest and action, if any, has been taken by the U.S.S.R. in the matter?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). No notes have been exchanged but our Ambassador in Moscow has apprised the Soviet Prime Minister of the developments in India-China relations. Attention is invited to the Tax state ment of September, 9, 1959 and to Soviet Prime Minister's speech in the U.S.S.R. Supreme Soviet on October 31, 1959.

Shri Ram Krishan Gupta: May I know whether any concrete suggestion has been made so far by the U.S.S.R. to settle this dispute?

Shri Sadath Ali Khan: No, Sir.

Shri Narasimhan: Are Government aware of any move by friendly coun-

tries or other sources to have the China-India problem brought up before the summit conference?

Shri Sadath Ali Khan: No, Sir.

Shri Nath Pai: Is it true that the U.S.S.R. Government have offered to act as a mediator in solving the dispute and, if so, what has been the response of the Government of India?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There has been no such offer I believe the hon. Member is perhaps thinking of some vague reference in the course of a speech. That was more of a speech of goodwill than an offer.

Shri Braj Raj Singh: May I know whether the Government's attention has been drawn to a sort of amendment or motion moved by members of Parliament in Indonesia to the effect that to improve the relations between India and China the Indonesian Government should give help, in order to have better relations between India and China?

Shri Jawaharlal Nehru: The hon. Member is referring to something that has happened in Indonesia. How does that come in here and what has this House got to do with that?

श्री विभूति मिश्र : अभी बताया गया है कि हमारे राजदूत ने वहाँ रूस में बला दिया है कि क्या परिस्थिति है और उन्होंने एक व्याख्यान दे दिया है। वे हमारे भी दोस्त हैं और चीन के भी दोस्त हैं। मैं जानना चाहता हूँ कि इसके बाद भी क्या भारत सरकार ने उनसे कहा है कि साहब आप दोनों के दोस्त हैं, कोई सक्रिय कदम उठाइये ताकि दोनों का झगड़ा निवट जाये ?

श्री जवाहरलाल नेहरू : जी नहीं, इस किस्म की बात नहीं कही गई है। लेकिन उनको इत्तिला देते जाते हैं कि क्या वाकत है।

Shri D. C. Sharma: Is it a fact that the Labour Party in the United

Kingdom is going to study the question of Chinese expansionism with special reference to the Sino-Indian dispute and also with special reference to the other part played by China so far as expansionism is concerned?

Mr. Speaker: What is the other part I would advise hon. Members not to ask any question as to whether there has been any correspondence between the U.S.S.R. and our Government, etc. All the world may be watching the situation and they may be passing resolutions. But is this Government to be asked in this House about such things and are we to spend time on that?

Shri Jawaharlal Nehru: The hon. Member was referring to some parties, and not Government.

Mr. Speaker: Yes; some section of the Labour Party wants to study about the expansionism of China. But how is this Government responsible?

Shri P. C. Borooah: May I know whether the Government of China has warned and the Government of the U.S.S.R. not to mention this India-China relation in the Summit conference and if so, whether the Government of India have taken up the matter with the U.S.S.R.?

Mr. Speaker: Hon. Members must ask questions for which this Government is responsible.

Shri Surendranath Dwivedy: We are only asking whether they are aware.

Mr. Speaker: What does it matter?

दिल्ली में आकाशवाणी का आडिटोरियम

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३५६ { श्री भक्त दर्शन :
श्री नवल प्रभाकर :
श्री दी० चं० शर्मा :

क्या सूचना और प्रसारण मंत्री ११ अगस्त, १९५९ के तारांकित प्रश्न संख्या ३२३ के

उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि दिल्ली में आकाशवाणी का आडिटोरियम बनाने के प्रस्ताव के सम्बन्ध में इस बीच क्या प्रगति हुई है ?

सूचना और प्रसारण मंत्री के सभा-सचिव (श्री आ० च० जोशी) : सेंट्रल पब्लिक वर्क्स डिपार्टमेंट द्वारा विस्तृत नक्शे तयार किये जा रहे हैं। इन नक्शों के मंजूर हो जाने ही निर्माण कार्य शुरू कर दिया जायेगा।

श्री भक्त दर्शन : क्या यह बतलाने की कृपा की जायेगी कि आखिर इस आडिटोरियम को बनाने की जरूरत क्या पड़ रही है जब कि यहां पर बड़े बड़े हाल पहले से मौजूद हैं ?

Mr. Speaker: What is the need for an auditorium when some others are available?

The Minister of Information and Broadcasting (Dr. Keskar): There is need for an auditorium because the AIR hold a large number of concerts and its own functions. It is extremely difficult to get a suitable hall in Delhi for that purpose. There are only one or two such halls, and they are booked. We cannot get them at the proper time. The number of such halls available in New Delhi is too inadequate for the engagements that are always taking place in the city. This has already been accepted. The delay has occurred mainly due to the fact that location has to be decided according to the Master Plan that is being prepared for Delhi. One or two sites were selected and later on they had to be slightly changed. Otherwise, the work would have been taken up already.

श्री नवल प्रभाकर : क्या माननीय मंत्री जी बतलाने की कृपा करेंगे, जैसा कि अभी उन्होंने कहा कि दो तीन साइट देखी गई हैं और उन में से किसी का निर्णय भी कर लिया गया है कि कहां पर यह आडिटोरियम बनाया जाये, क्या यह सत्य है ?

डा० केसकर : जी हां, मुझे बड़ी खुशी है आनरेबल मेम्बर को बताते हुए कि इस बारे में अन्तिम निश्चय इसी सप्ताह में हुआ है।

Shri D. C. Sharma: Is there any proposal to build such auditoriums in other big cities in India also by the AIR?

Dr. Keskar: No. A plan has been accepted in the Five Year Plan to have auditoriums in Bombay, Madras and Calcutta also.

Shri Nagi Reddy: May I know the estimated expenditure for this auditorium?

Dr. Keskar: In the Five Year Plan the proposed expenditure is up to Rs. 15 lakhs. The present sanctioned expenditure is Rs. 14 odd lakhs.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि वर्तमान तैयारियां जो हो रही हैं उन के अनुसार कब इसका निर्माण शुरू होगा और कब खत्म होगा ?

डा० केसकर : जैसा मैं ने कहा इस कार्य में जो विशेष विलम्ब हुआ वह केवल इस लिये कि किस खास स्थान पर वह होगा इसके बारे में विचार हो रहा था। अब वह निश्चय हो गया है और मुझे पूरा विश्वास है कि अब विलम्ब नहीं होगा।

Displaced Persons at Sealdah Station

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*360. { Shri S. M. Banerjee:
Shri Panigrahi:

Will the Minister of Rehabilitation and Minority Affairs be pleased to refer to the reply given to Starred Question No. 316 on the 11th August, 1959 and state:

(a) whether displaced persons are still living in Sealdah Station at Calcutta; and

(b) if so, the number of such families?

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

(b) 479.

Shri S. M. Banerjee: In reply to a previous question the hon. Minister gave a statement in which certain things were stated. One of the suggestions was that the displaced agriculturist families should be taken back from the rehabilitation centres and rehabilitated in vacant land. Is it a fact that they were rehabilitated in uncultivable land and, if so, whether they are going to be rehabilitated again? Has any action been taken on this matter?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): This matter was very recently discussed with the State Government. It is for the State Government to formulate proposals regarding rehabilitation. As far as we are concerned, we are looking into the questions, and as and when proposals are received, they will certainly be sanctioned.

Shri S. M. Banerjee: There was a conference between the representatives of the State Government and the Central Government and their Ministers and they have taken a decision. May I know whether the State Government have demanded any help from the Central Government, or they are doing it of their own accord?

Shri Mehr Chand Khanna: These decisions are of a unanimous nature.

Shri Bimal Ghose: Do I understand that there is no agreement as yet between the West Bengal Government and the Central Government regarding the scheme for the rehabilitation of these displaced persons and clearing the stations?

Shri Mehr Chand Khanna: You have to look at it from a wide perspective. I have to deal with camps; I have to deal with vagrant homes; I have to deal with the Sealdah station. Until about two years ago more than three lakh persons were on my hands. Now the number has been

reduced by more than 50 per cent. We are gradually removing them and rehabilitating them. There is no question of my giving one priority to A and another priority to B. We are dealing with it as one problem. More than 50 per cent of the people who were in camps and vagrant homes and at the Sealdah station have been rehabilitated, and the number may be 1.50 lakhs or 1.60 lakhs. We are removing and rehabilitating them for the last two years.

श्री विपुल सिन्हा : हमारे पुनर्वास मंत्री कलकत्ते में रहते हैं, बिधान बाबू कलकत्ते में रहते हैं। स्याल्दा स्टेशन पर रिफ्यूजियों की जो हालत है उसे देखने के बाद आदमी को तरस घाता है। मैं जानना चाहता हूँ कि आखिर उन को बसाने में श्री श्री कितना सबब लगेगा सरकार की।

श्री मेहरचन्द खन्ना : स्याल्दा स्टेशन पर आज तीन किलो के आदमी हैं। एक ती वह हैं जो शरणार्थी नहीं हैं, एक वह हैं जो शरणार्थी हैं और वहाँ से जाने के लिये तैयार हैं, तीसरे वह शरणार्थी हैं जो स्याल्दा स्टेशन पर ५० रु०, ६० रु०, १०० या १५० रु० कमा रहे हैं।

Shri S. M. Banerjee: No, that is not so.

Shri Mehr Chand Khanna: No, you need not object.

Shri S. M. Banerjee: I was only disputing.....

Mr. Speaker: The hon. Member has no right to object.

Shri S. M. Banerjee: They come from very good families, Sir.

Mr. Speaker: I cannot allow this kind of interruption. The hon. Minister is entitled to tell this House what exactly, according to him, the position is. He says that all of them were not Sharanarthi, some of them may be, and some people are making a lot of money by begging, and the railway station is the nearest and proper place. These are things that are happening. We know that everywhere these things happen.

Shrimati Renu Chakravarty: No, Sir, the hon. Minister was saying....

Mr. Speaker: Why should hon. Members be so touchy? When they put a question, the hon. Minister gives his reply. He is in charge of the subject and he knows the position.

Shrimati Renu Chakravarty: May I submit.....

Mr. Speaker: Order, order. When I am on my legs, hon. Members ought not to stand. The hon. Minister is entitled to give his reply. He is bound to look into the matter. And he is placing before the House what he has found. What is this kind of interruption? Are hon. Members here trying to drown the voice of the hon. Minister so that he may not make or give his explanation to the world at large? I cannot accept this.

Shrimati Renu Chakravarty: This is an insinuation. Nobody objected to his replying to questions.

Mr. Speaker: Order, order. This kind of interruption leads me to the conclusion that hon. Members on this side of the House would not allow the Minister to explain the position to the world at large. After all, they are responsible Members.

Shri Nagi Reddy: A charge was levelled against us.....

Mr. Speaker: Order, order. There is no insinuation. I am entitled to come to that conclusion from the repeated questions and interruptions. Am I not entitled to come to a conclusion? I will not allow this kind of interruption.

Shrimati Renu Chakravarty: You are making a sweeping charge.

Mr. Speaker: Order, order. It is improper. I would say that it is improper. The hon. Lady Member again and again goes on making this kind of insinuations.

Shri Nagi Reddy: People outside will get the impression.....

Mr. Speaker: Order, order. I am entitled to maintain order in this House. I would not allow Ministers to be interrupted like this. They are bound and expected to explain the position to the rest of the world. They are here by majority vote. Therefore, they are in charge of the administration.

Shri Nagi Reddy: If we are to take into account the number of votes.

Mr. Speaker: Order, order. I would not allow a small minority group to interrupt the proceedings of this House and make it impossible for the Government to carry on. I have been noticing this from time to time. I would not allow this. Now the hon. Minister.

Shrimati Renu Chakravarty: On a point of order.

Mr. Speaker: There is no point of order. There is only a point of disorder.

Shrimati Renu Chakravarty: I have raised a point of order.

Mr. Speaker: Order, order. Let the hon. Minister finish. Then I will allow the point of order.

Shri Mehr Chand Khanna: My statement, giving the number of families staying at the Sealdah station and making an earning of Rs. 50 to Rs. 200 a month, was made on the basis of the information given to me in writing by the Government of West Bengal. They say that each and every family has been cleared from Sealdah station.

Mr. Speaker: Now what is the point of order?

Shrimati Renu Chakravarty: My point of order is this. If you look through the proceedings of today's Question Hour you will find that two questions were put and both were

answered evasively; we did not say anything. When the third question was put, he answered, giving the facts, without saying exactly from where he got them. If it is the West Bengal Government that supplied it, surely this House is entitled to have the actual data, and know whether a survey was made, what is the effect of the survey and so on. Surely, this is a thing which we expect him to elucidate. But, then, Sir, you made so many obiter dicta. I did not know what to say.

Mr. Speaker: Order, order. Whatever information the hon. Minister has got in his possession, he places before the House. He need not go on repeating the sources from which he got the information. The Minister is entitled to gather information from all the sources available with a view to enable this hon. House to know what exactly the position is. If any hon. Member wants to know further, or dispute that, it is open to him, or her, to put further questions. We are informed otherwise as to whether he has reliable information or data. One or two such questions I will allow instead of having rambling questions and cross-examination of the hon. Minister. I never disallowed any such questions. Hon. Members must wait in patience. If they have any doubt regarding the source of information, they can ask a question. I never disallowed that. But while he is speaking, interrupting him and all that I object to. When an hon. Minister or any other hon. Member is speaking, I would request all other hon. Members to keep patience and not interrupt. They should wait till he finishes, note down any points on which they want to elicit information and ask a question after he finishes.

Shri Mehr Chand Khanna: I can even volunteer a little more information. According to the recent survey undertaken by the State Government, over 40 per cent. of these families, as per their own statement, are earning about Rs. 50 per month and nearly

40 families were reported to have a monthly income of over Rs. 100 per month. Many of these families do not react favourably to any proposal for their dispersal and in many cases they are resisting to disperse. I am making that statement on the strength of the survey of West Bengal Government.

Shri S. M. Banerjee: What Shri Bibhuti Mishra said was that the condition of those displaced persons in Sealdah station excites horror than pity.

Mr. Speaker: That is not the question here.

Shri S. M. Banerjee: What positive steps have been taken to clear out those squatters and give them some rehabilitation, may be on compassionate grounds?

Mr. Speaker: I thought he had answered that.

Shri Mehr Chand Khanna: May I tell the hon. Member that I have as much sympathy, if not greater, for those unfortunate people who are squatting at the Sealdah station.... (Interruption). Three years ago there were 11,000 of them. We dispersed them. Then came about 7,000 of them and we dispersed them. Now there remain about 500 or 400 families, who come to my share, and I am trying to move them away and rehabilitate them. But, as I said just now, we have rehabilitated about 1,50,000 or 1,60,000 persons within the last two years, who are in camps, vagrant homes and at Sealdah station.

Jute Mills

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*261. { Shri Ramenwar Tanti:
Shri Bhojanath Biswas:
Shri P. G. Saha:

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

(a) whether some jute mills have remained closed for a considerable period;

(b) whether these mills have sold their working hours to other mills; and

(c) the steps being taken to restore the working of these mills?

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

(b) Yes, Sir. In one case the looms have been sold to another mill.

(c) No particular steps have been taken by Government in view of answer to part (b). Two of the closed mills are expected to resume working shortly.

Shri Rameshwar Tantia: During the last session in answer to a question the hon. Minister had said that he would enquire in the matter as to whether mill looms were being sold and purchased. I want to know whether he has enquired in the matter as more than one mill have sold their working looms. Is it a fact that a 500-loom mill can sell its working hours at Rs. 1 lakh per month? If it is so, what action is the Government taking to abolish this new type of zamindari?

Shri Kanungo: Apart from inferences, the fact is that there is an agreement amongst members of the IJMA for transfer of looms. Government have taken particular care to see that the employment potential is not affected at all and that production is kept up and not decreased.

Shri Rameshwar Tantia: A mill in Bihar is closed for the last two years. I want to know as to how the labour there is not affected. They have sold their working looms to the Calcutta mill and this mill is closed for the last two years.

Shri Kanungo: The Katihar Mill is in negotiation with the Bihar Government. They are likely to open in three weeks.

Shri Bimal Ghose: Although the hon. Minister has stated that there is an understanding that labour should not be curtailed even though looms are sold to some other mill, is he aware that these things are actually happening? If these things happen, to whom should the labour go—to the Central Government or to the State Government? Workers are being unemployed by such transfer of looms and the agreement is not being adhered to that there should be no reduction in the employment potential.

Shri Kanungo: We make our own enquiries. The State Governments also make enquiries. We are satisfied that there is no unemployment on that account.

Dr. Melkote: The hon. Minister said that employment potential is not affected. May I know whether during the period that the mill is not working, the workers get the same wages as before?

Shri Kanungo: Workers are employed in the particular trades, in which they had been employed, in the new mills where the working hours are worked now.

Pandit D. N. Tiwari: In regard to answer given to part (a) of the question, may I know the number of mills that are not working and which are likely to work during the next few months?

The Minister of Industry (Shri Manubhai Shah): If I may amplify the statement of my hon. colleague in answer to the hon. Members' questions, this is a working time agreement. The Industry Committee on Jute met last year under the presidency of the hon. Labour Minister at the Centre. We examined the matter and found that the working time agreement does not generally render any unemployment. The men who work in one factory, when that factory's working hours are sold to

another factory, gets transferred in the same job in other mills. I can assure the House that that working time agreement as well as the Industry Committee of Labour are carefully watching the progress and that modernisation is generally taking place without any retrenchment.

श्री D. N. Tiwari: An answer to my question has not been given. I wanted to know the number of mills that have actually been closed down and out of them how many are likely to work again.

श्री Manubhai Shah: That has already been answered. Two are likely to reopen and one is closed at the moment.

श्री विभूति मिश्र : हमारे प्रधान मंत्री जी बैठे हुए हैं। बिहार में बहुत कम जूट मिलें हैं। कटिहार का जूट मिल है उसके बकिंग प्रवर बेच दिये गये हैं। नतीजा यह है कि वहाँ के मजदूर बेकार बैठे हैं। उस मिल में किसान अपना जूट बेच देते थे, अब किसानों को भी नुकसान ही रहा है। मैं जानना चाहता हूँ कि सरकार इस सम्बन्ध में क्या कर रही है ?

श्री कानूनगो : जैसा मैंने कहा, कटिहार मिल बिहार गवर्नमेंट से सलाह माशविरा कर रहे हैं और खुलने वाला है। बिहार में जो जूट पैदा होता है उसका ज्यादातर हिस्सा कलकत्ता में बिकता है, कटिहार में नहीं।

श्री विभूति मिश्र : अध्यक्ष जी, बिहार में १६ रुपये मन जूट बिकता है और कलकत्ता में २३ रुपये मन। इस बात रुपये का क्या होता है और यह कहाँ जाता है। कटिहार में जो जूट बिकता है उसका पैसा किसानों को तत्काल मिल जाता है। इससे उनको ज्यादा लाभ होता है।

Mr. Speaker: The hon. Member is giving information.

श्री Surendranath Dwivedy: Am I to understand from the reply of the hon. Minister that the workers un-

employed at a Bihar mill are taken to Calcutta for working there?

श्री Manubhai Shah: No, Sir. There is a slight lacuna there in that that the working time agreement will now apply only to Calcutta and those mills which are in the outer region will be re-started, as we are doing in the case of cotton textiles and engineering industries. But no working time agreement will apply to mills outside Calcutta.

श्रीमती रमा चक्रवर्ती: May we know the distance between the mills that have sold their working hours and the mill to which they have been transferred and whether any survey has been made as to the exact number of workers who used to work before and who are now being transferred to the other mills?

श्री Kanungo: Enquiries have been made by the State Government and by our own agency also. We have found that when the working hours are transferred the labour is also transferred.

श्री Nagi Reddy: What is the answer? (Interruption).

Mr. Speaker: The hon. Member wants to know as to how far away they are transferred, what is the length of distance that has to be passed by them, to elicit if there is any special convenience for them to attend.

श्री Kanungo: Jute mills in the Calcutta region are just adjacent to each other. If the hon. Member wants to know about any particular pair of mills or about any particular mill, I am prepared to make an enquiry and give her the information.

श्री P. C. Borooah: May I know whether there is a system of granting license of working hours to mills and whether that is made transferable among the mills?

श्री Kanungo: There is an agreement between the members of the Jute Mills' Association and Government is informed about it.

Shri Damani: May I know whether Government is considering to restart the closed mills in consultation with State Governments as they have done in the case of textile industry?

Shri Kanungo: As I have said, we are making efforts to start two mills which are likely to be started very soon. We are making efforts for starting the other mills also.

Shri Rameshwar Tantia: I do not know what is the reply to my question. The hon. Minister said that workers are adjusted in other mills. I want to know as to how the workers of the Katihar mill were adjusted in the Calcutta mill who have purchased their working hours.

Shri Manubhai Shah: In the case of Katihar mills we are not transferring. What the hon. Member says is quite right. How can Bihar labour be transferred to Calcutta? Therefore we are trying to re-start the Katihar mill there itself by investigating the affairs of the company and, if possible, by taking action under section 18A of the Industries Act.

Shri Bimal Ghose: The Government has set up a committee to enquire into the conditions of jute mills including this problem as to whether there was unemployment as a result of this selling off of working hours. Do I understand that the committee has reported and has said that there is no unemployment as a result of such transfer?

Shri Manubhai Shah: We went into this carefully and also with the labour representatives. By and large, there has been no unemployment caused due to working time agreement which is in operation in Calcutta for the last 60 to 65 years.

Shri Aurobindo Ghosal: May I know whether the workers of the two closed mills, the Lawrence Jute mills and Fort Gloster Jute Mills (Old) have not been transferred to any mill and may I know the conditions of their service?

Shri Kanungo: My information is that all the looms have been transferred. About particular mills and the particular information which the hon. Member wants, if he gives separate notice, I will make enquiries.

Automobile Industry Reviewing Committee



Shri Padam Dev:
Shri Ram Krishan Gupta:
Shri M. L. Dwivedi:
Pandit D. N. Tiwary:
Shri Prakash Vir Shastri:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri K. C. Majhi:
Shri S. M. Banerjee:
Shri Panigrahi:
Shri P. C. Borooah:
Shri Sadhan Gupta:
Shri D. C. Sharma:
Shri Ajit Singh Sarhadi:
Shri Shree Narayan Das:
Shri A. M. Tariq:
Shri Ansar Harvani:
Dr. Ram Subhag Singh:
Shri Warior:
Shri T. B. Vittal Rao:
Shri Kodyan:
Shri N. E. Muniswamy:
Shrimati Mafida Ahmed:
Shri Merarka:
Shri Anirudh Sinha:
Shri Hem Barua:
Shri Narayanankutty Menon:
Shri Punnoose:
Shri Parulekar:
Shri A. K. Gopalan:
Shri Vasudevan Nair:
Shri Bibhuti Mishra:
Shri Khimji:
Shri Subbiah Ambalam:
Shri Venkateshwar Rao:
Sardar Iqbal Singh:
Shri Ramakrishna Reddy:
Shrimati Ila Palchoudhuri:
Shrimati Renu Chakravarty:
Shri K. S. Ramaswamy:
Shri V. P. Nayar:
Shri Achar:
Shri Goray:

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Shri Kunhan:
 Shri Aurebindo Ghosal:
 Shri Wodeyar:
 Shri Vidya Charan
 Shukla:
 Shri Rameshwar Tantia:
 Shri Harish Chandra
 Mathur:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 1929 on the 1st September, 1959 and state:

(a) whether the Automobile Industry Reviewing Committee has since submitted its report;

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

(c) the decisions taken thereon?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The Committee is expected to submit its final report by the end of December, 1959.

Mr. Speaker: What more is to be asked?

Some Hon. Members rose—

Mr. Speaker: I will call one after another four or five Members.

श्री पद्म रेव : यह रिपोर्ट अक्टूबर में सबमिट होनी थी। क्या कारण है कि इस में यह देरी हुई है ?

श्री मनुभाई शाह : इस में काम इतना ज्यादा है कि दो महीने के अन्दर कमेटी अपनी काम खत्म नहीं कर सकी। हम लिए और दो महीने दिये गये हैं।

श्री पद्म रेव : क्या माननीय मंत्री महोदय यह बतला सकेंगे कि किसने प्रकार की मोटर-कारे सरकार के बिचारार्थिन हैं ?

श्री मनुभाई शाह : जब तक कि कमेटी की रिपोर्ट नहीं आती है, अब तक उस के बारे में कहना मुश्किल है।

Shri Bimal Ghose: May I know whether the hon. Minister will en-

lighten us as to how many proposals have been received and from which parties that the committee are considering?

Shri Manubhai Shah: It may be better to await the report which will give all the details of the proposals received and the comments of the committee thereon. A large number of proposals have been received.

Shri V. P. Nayar: May I know whether the committee has been asked to estimate the expenditure which has become necessary on re-tooling by the automobile manufacturers in view of the yearly changes of patterns of cars?

Shri Manubhai Shah: As far as the inference in the latter part of the question is concerned, it is not correct that we allow model changes every year. As a matter of fact, most of the models have been frozen to 1956 or 1955. As far as the first part of the question is concerned, the terms of reference are so comprehensive that what the hon. Member has in mind will also be looked into by the committee.

Shri Kamalnayan Bajaj: There was a report in the papers that an interim report of the committee has been submitted to the Ministry. May I know whether it is a fact and if it is a fact, could we know the salient points of it?

Shri Manubhai Shah: An interim report has been submitted. It only deals with certain parts of the problem. Therefore, it is felt that it is better to wait till the whole report is submitted. The Government will consider the whole report and then place it on the Table of the House.

Shri Kamalnayan Bajaj: What is the idea of the interim report if it is not placed before the House? If the final report is coming, any reasons in the interim report are lost.

Shri Manubhai Shah: That gives time to the Government to consider, because there are distinct questions before the committee under the terms of reference. It only saves the time of the country and of the House.

Shri V. P. Nayar: We found in the press the photograph of a car, small size low price car, the type of which was given by Hindustan Aircraft. May I know whether this committee was asked to study the potential of H.A.L. to develop and make this car in a big way?

Shri Manubhai Shah: All proposals submitted to the committee or which come to the notice of the committee are going to be taken notice of by it. We may await their recommendations before we can say anything on the matter.

Shrimati Renu Chakravartty: May I know if it is a fact that models which may compete with the existing medium-sized models are completely barred by the terms of reference of this committee?

Shri Manubhai Shah: As far as this particular aspect of the matter is concerned, we share the feeling of the country generally expressed and in this House that there is perhaps need for a light and sturdy car within the price range of Rs. 5000 and Rs. 7000 which would suit the pockets and economy of the middle class and lower middle class. Therefore, this specific matter has been referred to the committee. We do hope that as soon as the report is received, some decision on all the matters will be taken.

Shri Morarka: May I know, Sir....

Mr. Speaker: No, no. I am not going to allow. Hon. Members will wait until the report is placed on the Table of the House.

Shri Morarka: The point is this. An interim report has been submitted on this. The question is, what are the main features of this interim report and what is the necessity for submitting the main report. That is something.....

Mr. Speaker: Hon. Member was evidently not attentive. Shri Kamal-

nayan Bajaj put the very same question and answer has been given already. Next question.

रावी में बाढ़ के कारण भारत-पाक सीमा में परिवर्तन

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*३६३. { श्री प्रकाश बीर शास्त्री:
श्री नरबेब स्वातक :

क्या बंबेशिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रावी की बाढ़ से प्राप्त वर्ष भारत-पाक सीमा में कुछ ड्रेज-कर हो जाता है.

(ख) उस बाढ़ से अब तक भारत का कितना भू-भाग पाकिस्तानी क्षेत्र में चला गया है. और

(ग) रावी के जल प्रवाह को घटाने में क्या प्रस्ताव रखने के लिये दोनों देशों की ओर से क्या कुछ संयुक्त प्रयत्न किये गये हैं ?

बंबेशिक-कार्य मंत्री के सभा-सचिव (श्री सावत अली कां) : (क) और (ख). रावी नदी की घाग में परिवर्तन होने रहने के कारण, १५ अगस्त, १९४७ में लेकर ३१ दिसम्बर, १९५८ तक की अवधि में अमृतसर जिले की १०,४२६ एकड़ भूमि नदी की पाकिस्तानी दिशा में चली गई।

चालू साल के बारे में सूचना इकट्ठी की जा रही है।

(ग) जी नहीं।

श्री प्रकाश बीर शास्त्री. क्या मैं जान सकता हू कि भारत का जो भाग रावी नदी के प्रवाह-परिवर्तन से पाकिस्तान की ओर चला गया है, क्या उस को प्राप्त करने की दिशा में सरकार की ओर से कोई प्रयत्न किया जा रहा है ?

प्रधानमंत्री तथा बंबेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : वह तो बिलकुल पानी के नीचे है।

Sardar Iqbal Singh: May I know whether the Government has considered some permanent solution for these persons whose land has gone under river bed or to the other side of Pakistan, and they cannot cultivate. Every time they are going on petitioning to the Government. May I know whether the Government proposes any permanent solution for these things?

Shri Sadath Ali Khan: The Government of Punjab have been rendering assistance to these families who had lost their lands as a result of river action in the form of taccavi loans, free rations, free clothes and medicines. A total of over Rs. 2 lakhs has been spent in 1957 on this matter.

Shri Tyagi: May I know whether in the demarcation of the boundary on the spot, is it midstream agreement or there is geographical specification of the boundary?

Shri Jawaharlal Nehru: Sometimes the river is considered the boundary. The river changes. Then all kinds of legal and other interpretations come in. Sometimes there is a definite boundary whether the river changes or not. It depends on the circumstances.

Shri Tyagi: What I am anxious to know is whether as regards the boundary in this river Ravi, is it the agreement with Pakistan that midstream will be the boundary, and if it is so, it all depends on nature.

Shri Jawaharlal Nehru: As a matter of fact, as the hon. Member knows, there are a number of issues between India and Pakistan about these matters, whether it is midstream, etc. In some cases there is some land on the other side of the river which appertains to India or on this side of the river which appertains to Pakistan, because the boundary commission that dealt with it dealt in terms of districts or Tehsils, regardless of anything else, that this Tehsil should go to India, etc. That has produced complications.

All these matters, I hope, will be gone into at the conference which is likely to be held next month.

Shri Tyagi: On a point of clarification, Sir, recently some survey team was appointed by both the Governments to demarcate the boundary on the western side. May I know how for that team has reached, and how much work they have finished?

Shri Jawaharlal Nehru: That I have answered several times. I have not got the facts before me, if the hon. Member likes. But, those teams were marking the boundaries more or less leaving controversial issues. Now the controversial issues are going to be dealt with by the conference next month.

Sardar Iqbal Singh: May I know whether these persons can be given any aid under the Rehabilitation Act and as mostly these families were agricultural families, whether the Government has considered a proposal to give some land to these families whose land has gone to Pakistan?

Shri Sadath Ali Khan: I am not aware of any proposal to give land to these families.

Land Reforms

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Shri D. C. Sharma:
Shri Surendranath
Dwivedy:
Shri Basumatari:
Shri S. M. Banerjee:
*364. Shri Harish Chandra
Mathur:
Shri N. R. Muniswamy:
Dr. Ram Subhag Singh:
Shri Kailka Singh:

Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 767 on the 24th August, 1959 and state the latest position with regard to implementation of the land reforms policy in the various States?

The Parliamentary Secretary to the Minister of Labour and Employment

and Planning (Shri L. N. Mishra): A statement is placed on the Table of the Lok Sabha. [See Appendix II, annexure No. 1].

Shri D. C. Sharma: May I know if the Planning Commission has given any direction so far as distribution of the surplus land is concerned?

Shri L. N. Mishra: The question of distribution could be taken up only after the surplus land is available as a result of the imposing of ceiling on existing holdings.

Shri D. C. Sharma: May I know if the Planning Commission has given any direction so far as the abolition of intermediaries is concerned and in what way?

Shri L. N. Mishra: A long time ago, legislation for the abolition of intermediaries has been enacted in all the States and implemented also in most of them.

श्री जांगड़े : क्या इसका अनुमान लगाया गया है कि जिन राज्यों ने भूमि-सुधारों को अमल में लाया है उनमें कितनी कितनी ऐसी अतिरिक्त जमीन निकलेगी जिसको कि सरकार कोनेक्टिव तरीके से जोतने के लिए या भूमिहीन किसानों को देने में समर्थ होगा ?

श्री स० ना० मिश्र : यह कहना कठिन है क्योंकि हर प्रान्त ने अपनी अपनी सीलिंग लगाई है, किसी ने ३० एकड़, किसी ने ५० एकड़ । जब सभी सीलिंग लगा लें तब इसके बारे में कुछ कहा जा सकता है । अभी तो केवल दो प्रान्तों में, बस्तु बंगाल और जम्मू और काश्मीर में, जमीन उपलब्ध हुई है ।

Shri Basumatari: May I know if there is any uniform policy for fixing ceiling on holdings in the different States?

The Deputy Minister of Planning (Shri S. N. Mishra): As the hon. Member would understand, there can be no uniformity about these legislations as the conditions do not seem to be uniform in all the States.

Shri Surendranath Dwivedy: In the statement there is no mention of some other States like Madras, Orissa etc. Am I to understand that in all States so far there has been no legislation for ceiling, and if ceiling Bills are introduced, may I know whether they are fully in accord with the Planning Commission's recommendations?

Shri L. N. Mishra: In almost all the States legislation for ceiling has either been enacted or is in the process of enactment.

Shri Surendranath Dwivedy: I asked specifically about Madras. It is not mentioned here.

Shri L. N. Mishra: The names of some of the States are not in the statement, but I may state that legislation has been already enacted in most of the States or is in the process of enactment. So far as Madras is concerned, steps are being taken for enactment of the legislation for imposing ceiling.

Shri Surendranath Dwivedy: The other part of the question has not been answered, whether the Bills introduced are fully in accord with the recommendations of the Planning Commission. They have discussed it with the Planning Commission's representatives. We want to know whether they are following the recommendations of the Planning Commission.

Shri S. N. Mishra: They are based on the general recommendations in the Plan, but it would be appreciated that there is bound to be difference in details. Generally speaking, they are based on the recommendations.

Mr. Speaker: I would suggest to the hon. Minister to get some copies of all the pieces of legislation that have

been enacted and place them in the Library, so that it may be looked into whether they are in accordance with the recommendations of the Planning Commission, and specific questions may be put. This refers to all the States and all the legislations that have already been passed and that are on the anvil, and if we want to go into the details, not one hour but many more hours will be necessary. Hon. Members who are interested will look into that, and after that I will allow any number of questions.

Shri Surendranath Dwivedy: Recently there was a meeting between the Planning Commission and the Chief Minister of Orissa regarding the Orissa ceiling Bill. May I know whether the Planning Commission has been satisfied that the proposed Bill is in accordance with its recommendations?

Shri S. N. Mishra: The question of satisfaction implies some opinion. In our meetings with the State representatives, there is a mutual exchange of views, and these views are treated as confidential.

Shri Panigrahi: There was a discussion between the Planning Commission and the Chief Minister of Orissa. It has been published in the press in Orissa, and he does not want to give us the information.

Shri Surendranath Dwivedy: Government ought to know whether the Planning Commission is satisfied. He says it is confidential.

Mr. Speaker: Has the Minister made a statement?

Shri Surendranath Dwivedy: The Chief Minister of Orissa has made a statement. He has said that he has been able to convince the Planning Commission that the Orissa Bill is all right. I want to know whether the Planning Commission is in agreement with that view.

Shri S. N. Mishra: What can we say about the opinion of the Chief Minister of Orissa? But, so far as we are concerned, we want to keep to the rule that these discussions are to be treated as confidential.

Mr. Speaker: I do not know how this got in here. On second thought I would have allowed it only as an Unstarred Question. There are various questions involved: whether legislation has been passed in the various States, what are the pieces of legislation, how far they are consistent with the recommendations made etc. It is too big a question to be answered here.

Shri Surendranath Dwivedy: I submit there were specific questions. All our names have been clubbed together, but there were specific questions on this point.

Mr. Speaker: Very well. I will allow specific questions to be put later on when hon. Members go into all these pieces of legislation. Before the end of the month let us have all these papers, and I will allow them an opportunity.

Shrimati Renu Chakravartty: There were certain specific recommendations made by the Planning Commission regarding the guarantee against ejection of the peasantry. May I know whether any survey has been made of the land reforms Bills that have been already passed, to see how these clauses have worked?

Shri S. N. Mishra: Again, it is a matter of opinion, and we may not be in a position to say about the detailed conditions of implementation. But to a certain extent it is a fact that these measures have not plugged the holes so far as evictions are concerned, and in every such case the Planning Commission has taken the opportunity of pointing out the necessity of plugging these holes.

**Applications for Claims,
Compensation and Grants**

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*365. { Shri Ajit Singh Sarhadi:
Shri Ram Krishan Gupta:

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

(a) the total number of the following categories of applications which have been rejected so far on the grounds of limitation:

- (i) applications for verification of claims;
- (ii) applications for grant of compensation;
- (iii) applications for grant of rehabilitation grants;

(b) whether any relief is being given to such applicants who for one reasons or the other have failed to file any of the abovementioned applications so far; and

(c) if not, what steps are proposed to be taken in such cases before the Ministry is actually wound up?

The Deputy Minister of Rehabilitation (Shri P. S. Naskar): (a) The information is not readily available and will have to be collected. The labour and expense involved in collecting this information will not be commensurate with the result likely to be achieved thereby.

(b) and (c). Displaced persons who have failed to file their applications in respect of items mentioned above by the due dates are not entitled to any relief under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the Rules made thereunder. Applications for condonation of delay are considered on merits and delay is condoned if the reasons for the same are considered to be sufficient.

Shri Ajit Singh Sarhadi: May I know if the Ministry of Rehabilitation has used its discretion under section 33 of the Displaced Persons (Compensation and Rehabilitation) Act for excusing the delay in cases where the applications were not given in time?

Mr. Speaker: That is what he said. In proper cases the delay is condoned.

Shri P. S. Naskar: If there is sufficient reason.

Shri Ajit Singh Sarhadi: May I know if it is the Ministry of Rehabilitation that has done it, or the Settlement Commissioner.

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): The applications, I believe, go right up to the Chief Settlement Commissioner.

Shri Ajit Singh Sarhadi: Is it not a fact that in no case the Chief Settlement Commissioner has exempted the period of limitation, nor is he authorised under the Act?

Shri Mehr Chand Khanna: This is condoning delay.

Shri Ram Krishna Gupta: May I know whether there is any limitation in the original Act itself regarding the receipt of applications?

Shri Mehr Chand Khanna: Yes, Sir, there was, and that expired a long time ago in spite of repeated extensions.

Training Facilities to Foreigners in the Atomic Energy

*366. **Shri Pangarkar:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that some of the Middle East Countries have requested the Government of India

for providing training facilities to their candidates in the Atomic Energy Establishment at Trombay; and

(b) if so, whether training facilities have been provided to any of the Middle East countries?

The Parliamentary Secretary to the Prime Minister (Shri Sadath Ali Khan): (a) and (b). In 1957 and 1958, requests for providing training facilities were received from the then Government of Egypt and from the Government of Iraq and Afghanistan. Facilities were offered to all these Governments, but only the former two utilised them. There has been no recent request from any Middle East country for providing training facilities for their candidates in the Atomic Energy Establishment at Trombay.

Shri Pangarkar: May I know the number of foreign candidates who were provided training facilities at the Atomic Energy Establishment at Trombay, and the countries they represent?

Shri Sadath Ali Khan: In November, 1955 the then Egyptian Atomic Energy Commission conveyed a proposal that a team of five Egyptian scientists should visit the Atomic Energy Establishment at Trombay for a few months, and one person came from Iraq—altogether six.

Sea-food Industry

*367. { **Shri Kodyan:**
Shri S. A. Mehdi:

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

(a) whether Government have any proposal under consideration to set up an Export Promotion Council for the sea-food industry in the country; and

(b) if so, when it is likely to be set up?

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

(b) Does not arise.

Shri Kodyan: May I know whether steps are being taken by the Government to standardise the sea-food products?

Shri Satish Chandra: An association of the exporters is being formed at the instance of the Government in order to take appropriate steps to standardise the products so that whatever is exported conforms to certain quality.

Shri V. P. Nayar: May I know whether Government are aware that the exports of sea food have a very good potential, and may I also know whether in view of the possible potential, why Government have not found it convenient to appoint an export promotion council?

Shri Satish Chandra: The matter was discussed with the exporters themselves only in the month of September, and they thought that it would be better if they had an exporters' association in which they could discuss their common problems. Of course, Government will give such assistance as is possible.

Shri V. P. Nayar: Has it been brought to the notice of Government that owing to the supply of sub-standard goods, large consignments have been returned especially by the United States buyers?

Shri Satish Chandra: I am not aware of the particular incident, but the arrangements for pre-shipment inspection will be made gradually by this exporters' Association.

Shri Kodyan: May I know the total quantity of sea-food products now being exported from this country annually and also the value thereof?

Shri Satish Chandra: About 40,000 tons of fish in various forms and about 6,000 to 7,000 tons of prawns and Crustacea and other things worth about Rs. 5.80 crores.

Shri Kodiyar: May I know whether any target has been fixed for the remaining period of the Second Five Year Plan for export?

Shri Satish Chandra: The production in 1955-56 was about 1.1 million tons, and it was thought that 33 per cent. increase should take place in the Second Five Year Plan period. Probably, some information can be given by the Ministry of Food and Agriculture on this subject.

WRITTEN ANSWERS TO QUESTIONS

Indo-Tibetan Trade

*354. **Shri Shree Narayan Das:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Indo-Tibetan trade on the Kalimpong-Gangtok-Nathula Pass-Yantung caravan route has dwindled very much in recent months; and

(b) if so, the latest position in this regard?

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

(b) A statement showing comparative statistics for 1958 and 1959 is laid on the Table of the House. [See Appendix II, annexure No. 2]. The fact is that nothing definite can be said at this stage. The prospects of trade in future will depend more on the attitude of the Chinese Government in resolving the difficulties which are faced by our traders. The Government of India have already represented to them about these difficulties and will continue to press for solution to the problem.

Survey of Indian Ocean

*368. **Shri N. R. Muniswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that several countries will co-operate in an international project to survey the Indian Ocean;

(b) in what way India will participate in the survey; and

(c) what are the special features of Indian Ocean in which the said survey is to be conducted?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Soviet Academy of Sciences has organised an expedition to survey the Indian Ocean, and requested some of the countries of South East Asia to send scientists to participate in this expedition. The survey will be undertaken by a Soviet ship, the "Vityaz".

(b) Government of India propose to send three Indian Scientists to participate in this expedition.

(c) The following problems will be studied:

1. Structure, character, origin and gyration of water mass;
2. Chemical and biological efficiency of ocean water;
3. Collection of meteorological and aerological information;
4. Relief and geological structure of ocean ground;
5. Deposit and water suspension.

Newsprint Factory, Nizamabad

*369. { **Shrimati Parvathi Krishnan:**
Shri Warrior:
Shri Nagi Reddy:
Shri Ram Krishan Gupta:
Shri D. C. Sharma:
Shri T. B. Vittal Rao:
Shri Tangamani:
Shri N. M. Deb:
Shri Kodiyar:

Will the Minister of Commerce and Industry be pleased to refer to the

reply given to Starred Question No. 866 on the 28th August, 1959 and state:

(a) whether the German expert has since submitted any report on the economic feasibility of the new process for the manufacture of newsprint from bagasse;

(b) if so, the salient features of the report;

(c) whether negotiations with the West German firm for the setting up of the newsprint factory at Nizamabad in Andhra Pradesh have since been finalised; and

(d) if so, the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). Not, yet. But it is expected very soon.

Pharmaceutical Plant

370. { **Shri Nagi Reddy;**
Shrimati Parvathi
Krishnan;
Shri Warior;

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 523 on the 11th August, 1959 and state:

(a) the terms of collaboration accepted by Government for the setting up of a pharmaceutical plant in India by M/s. Bengers;

(b) the types of pharmaceutical products to be produced; and

(c) the percentage of Indian and foreign capital in the investment?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is given below:

STATEMENT

(a) The terms of collaboration have not yet been finally approved.

(b) Dextran and Iron-Dextran.

(c) Subject to the terms of collaboration being settled, Government have agreed to 70 per cent. participation by the foreign firm in the Indian company and 30 per cent. Indian participation.

Hospital at Madras under Employees' State Insurance Corporation

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

(a) whether the construction of a 100 bed Hospital at Madras by the Employees' State Insurance Corporation has commenced;

(b) what is the estimated cost of the building;

(c) when it is likely to be completed; and

(d) whether equipment for the hospital has been ordered?

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

(b) Rs. 27 lakhs.

(c) By the end of January, 1961.

(d) Not yet.

Export of Shoes

*372. { **Shrimati Mafida Ahmed;**
Shri D. C. Sharma;

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 215 on the 13th February, 1959 and state the result of the efforts made by the National Small Industries Corporation and the State Trading Corporation to sell the surplus shoes?

The Minister of Commerce (Shri Kanungo): Efforts were again made to persuade the Russians to accept these surplus shoes; but these have been unsuccessful. The National Small Industries Corporation are continuing their efforts to find out other Buyers.

राज्यों के प्रचार विभाग

*३७१. श्री सरजू पाण्डेय : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि सामुदायिक विकास तथा सहकार मंत्रालय में राज्य सरकारों के अन्तर्गत प्रचार विभागों के कार्य की देख-भाल करने तथा विभागों की कार्य कुशल बनाने के उपाय सुझाने और सरकार के इन विभागों तथा अन्य विभागों के बीच और अधिक हाल-मेल रखने के लिये एक समिति नियुक्त की है;

(ख) यदि हां, तो इस समिति के सदस्यों के नाम क्या हैं; और

(ग) इस समिति ने अपनी स्थापना के दिन से अब तक क्या प्रगति की है ?

सूचना और प्रसारण मंत्री (डा० फेसकर) : (क) और (ख). केवल सामुदायिक विकास क्षेत्रों तथा केन्द्रों के सम्बन्ध में राज्यों के अन्तर्गत कार्य करने वाले प्रचार विभागों और इस सम्बन्ध में उनके काम का अध्ययन करने के लिये एक समिति नियुक्त की गई थी। इस समिति द्वारा प्रचार विभागों के सारे काम को अध्ययन करने का कोई —ल नहीं था। इस समिति के सदस्य न तीन अधिकारी थे :—

(१) श्री ए० आर० व्यास, निदेशक, क्षेत्र प्रचार (फील्ड पब्लिसिटी), सूचना तथा प्रसारण मंत्रालय

(२) श्री भाबिद हुसेन, आई० ए० एस०, उप-सचिव, सामुदायिक विकास तथा सहकार मंत्रालय

(३) श्री जे० जे० फरम, अवर सचिव, सूचना तथा प्रसारण मंत्रालय

(ग) इस समिति ने अपना प्रतिवेदन (रिपोर्ट) दे दिया है। समिति की निफारिशों पर राज्य सरकारों, वित्त मंत्रालय, सामुदायिक विकास तथा सहकार मंत्रालय और योजना आयोग के साथ विस्तृत रूप से विचार विमर्श हो रहा है।

Price of Cement

*374. Shri Damani: Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a proposal to increase the price of cement in view of the enhanced cost of production; and

(b) if so, the nature thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Some of the cement producers have recently represented for increase in the ex-works prices of cement on the ground that the cost of production of cement has gone up on account of various factors, since the existing prices were fixed by the Government in July, 1958 on the recommendations of the Tariff Commission. These are under consideration of the Government. However there is no proposal to increase the selling price of cement.

Labour Appellate Tribunal

*375. Shri Oza: Will the Minister of Labour and Employment be pleased to state whether it is a fact that Labour Appellate Tribunal is to be revived?

The Deputy Minister of Labour (Shri Abid Ali): The Matter is being examined in the light of the recommendations of the 17th session of the Indian Labour Conference, which met at Madras in July, 1959.

Report of Tea Board

*376. { Shri Khimji:
Shri Hem Raj:

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

(a) whether the Tea Board is required to submit a Report to the Government of India every year:

(b) the latest year for which the Report of the Tea Board is available;

(c) whether there is undue delay in the publication of the annual report; and

(d) if so, the reasons therefor?

The Minister of Commerce (Shri Kanungo): (a) While there is no Statutory responsibility on the Tea Board to submit its Annual Administration Reports to Government, in practice, the Board has been sending them to Government.

(b) to (d). The latest year for which the report of the Board is available is for 1957-58. The Administration Report of the Board for 1958-59 is understood to be under compilation and will be printed by the Board in the current year.

रेडियो कृषि संगोष्ठी

*३७७. डा० राम सुभग सिंह : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या आकाशवाणी के तत्वावधान में एक रेडियो कृषि संगोष्ठी आयोजित करने का विचार है; और

(ख) यदि हां, तो उसका व्यौरा क्या है ?

सूचना और प्रसारण मंत्री (डा० केशकर) : (क) और (ख) जी, नहीं। परन्तु रेडियो फारम फोरम के एक कार्यक्रम का उद्घाटन प्रखिल भारतीय माघार पर १७ नवम्बर, १९५९ को किया गया है।

A.I.R. Song and Drama Division performances at Chandigarh

*378. { Shri A. K. Gopalan:
Shri Vasudevan Nair:

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

(a) whether a group of the Song and Drama Division of A.I.R. visited

Chandigarh in the last week of September, 1959;

(b) whether this group gave any performances in Chandigarh inside the A.I.C.C. Pandal;

(c) if so, who organised this programme; and

(d) whether tickets were sold for this show?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) and (c). The departmental drama troupe of the Song and Drama Division of the Ministry had staged a few approved plays on Plan Publicity, at Chandigarh, on the 28th September, 1959. This programme was arranged by the Plan Publicity section at the request of and in collaboration with the Information and Publicity Department of the Punjab Government. It is understood that the Punjab Information Department had borrowed the pandal of the A.I.C.C. for the purpose.

(d) No; the performance was given free as is generally the case with the Plan Publicity performances arranged by or on behalf of the Ministry. The admission for the occasion was open to all.

Community Development Experts for Iran and Afghanistan

*379. Shri Amjad Ali: Will the Prime Minister be pleased to state:

(a) whether it is a fact that Governments of Iran and Afghanistan have requested for services of some Community Development experts from India; and

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

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

(b) In 1955, an officer of the Community Projects Administration visited Iran at the invitation of the Pahlavi Estates Department. Recently the Government of Iran have requested for the services of another officer to assist them in arranging a Community Development Seminar of Asian Countries.

The Government of Afghanistan had in 1958 requested for the visit of the Adviser Health in the Ministry of Community Development and Co-operation. Subsequently however they asked for the visit to be postponed.

Two Indians are working as experts on Community Development with the Government of Afghanistan under the auspices of United Nations.

Methanol Plant, Sindri

*380. **Shri Aurobindo Ghosal:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 177 on the 6th August, 1959 and state:

(a) whether any enquiry was made into the causes of fire in the Methanol Plant at Sindri; and

(b) if so, the details thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). An enquiry was made to determine the cause of the fire. It was discovered that there had been another fire earlier on the same day in an adjoining area which was dealt with promptly by the Fire Service people who thought that they had completely extinguished it. Some sparks it is presumed remained and fanned by the breeze, might have caused the fire to the Methanol Plant.

Indian Representatives on U.N. Committees

*381. { **Shri Mohammed Imam:**
Shrimati Ila Palchoudhuri:
Shri Vajpayee:
Shri U. L. Patil:

Will the Prime Minister be pleased to state:

(a) whether India has recently lost some seats in the Committees of U.N.O.; and

(b) if so, the reasons therefor?

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

(a) Our nominee failed to get re-elected to the Advisory Committee on Administrative and Budgetary Questions. For another seat, on the Economic and Social Council, we withdrew our candidature in favour of Japan, after six inconclusive ballots. Elections have not yet been held for vacancies in the Trusteeship Council, to which we are seeking re-election.

(b) Such seats in the General Assembly are filled by secret ballot. It is, therefore, inadvisable to assign reasons for success or failure in these elections.

Slum Clearance

*382. **Shrimati Ila Palchoudhuri:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that some State Governments have made representations against the Union Government's recent decision to limit its assistance for slum clearance work to only six cities—Delhi, Calcutta, Bombay, Madras, Kanpur and Ahmedabad;

(b) if so, the names of these States; and

(c) the action taken by the Government of India thereon?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). Central assistance for slum clearance, according to a decision taken in December, 1958, is to be confined mainly to the six cities. Commitments already entered into in respect of cities other than the six, will, however, be honoured and, where there is special justification, certain additional schemes can be sanctioned.

The Governments of Andhra Pradesh, Assam, Bombay, Mysore, Punjab and Uttar Pradesh have made formal representations against this decision.

(c) The Fourth Housing Ministers' Conference, held from 5th to 7th November, 1959, has recommended that the Slum Clearance/Improvement Scheme and the enhanced subsidy be extended to cover any town or city at the discretion of the State Governments. These recommendations of the Conference are under the consideration of the Union Government.

Manganese Industry

*383. Shri Vidya Charan Shukla: Will the Minister of Labour and Employment be pleased to state:

(a) whether Government's attention has been drawn to the fact that as a result of the crisis facing the manganese industry, some 22 big mine-owners in Madhya Pradesh and Bombay States have decided to revoke with effect from the 30th November, 1959, their agreement relating to payment of wages, bonus and other benefits to their employees, reached in November, 1957:

(b) if so, whether Government have gone into the circumstances leading to such decisions on the part of the mine owners; and

(c) if so, with what results?

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

(c) Efforts are being made through Industrial Relations Machinery to bring about an amicable settlement of the points in dispute.

Land Acquisition and Development Scheme

*384. { Shri Halder:
Shri Rameshwar Tantia:

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

(a) whether it is a fact that Government have announced a new Land Acquisition and Development Scheme to tackle the Housing problem; and

(b) if so, whether any amendments to the existing legislation relating to acquisition of land will be necessary?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Yes; copies of the Scheme are available in the Parliament Library.

(b) The Scheme is to be implemented by the State Governments in accordance with the Law in force from time to time in regard to the acquisition of land.

Work Study of Indian High Commission, U.K.

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

Will the Prime Minister be pleased to refer to the reply given to Unstarred Question No. 273 on the 6th August, 1959 and state:

(a) whether the report of the "Work Study" of the entire office of the Indian High Commissioner in the U.K., with a view to effecting economy and efficiency, has been received from the High Commission after final verification; and

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

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

(b) As the report is a somewhat bulky document, a copy has been placed in the library of the House. A summary of the recommendations as well as the effective implementation up-to-date is, however, placed on the Table of the House for the information of the Honourable Members. [See Appendix II, annexure No. 3.]

Export of Engineering Goods to Burma

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

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

(a) whether it is a fact that there was a steep decline in the export of engineering goods to Burma during the year 1958-59;

(b) if so, the reasons for the same;

(c) whether it has shown any prospect of increase at present; and

(d) the steps taken by Government to improve the situation?

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

(a) Yes, Sir.

(b) The reasons are, apparently, Burma's foreign exchange difficulties, her barter agreements with certain countries and her Reparation Agreement with Japan under which she is importing engineering goods.

(c) and (d). A statement showing the corrective measures taken is given below. As a result the situation is expected to improve.

STATEMENT

The following specific steps have been taken to promote exports of engineering goods to Burma.

(a) The Engineering Export Promotion Council have set up an Office at Rangoon which keeps contacts with Burmese importers and Chambers of Commerce etc. and is also maintaining a show room to display engineering goods.

(b) A protocol to the 1956 Trade Agreement between India and Burma was concluded on the 25th September, 1958 to promote trade between the two countries and to effect a better balance in the trade. Some of the engineering goods mentioned in the Protocol are sewing machines and parts, electric goods, bicycles and parts, hardware, telephone and telegraph equipment, railway wagons, motor vehicles and agricultural machinery and implements.

Small Scale Industries

*387. Shri Harish Chandra Mathur: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total purchases made by D.G.S. & D. in the country during each of the last three years and what part of these have been purchased from small scale industries;

(b) what is the advantage of price preference actually given to the small industries; and

(c) the steps being taken to encourage purchases from small scale industries?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) to (c). A statement is laid on the Table of the Sabha. [See Appendix II, annexure No. 4.]

Hindu and Sikh Shrines

*388. { Shri Ajit Singh Sarhadl:
Shri D. C. Sharma:
Shri Daljit Singh:

Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 485 on the 14th August, 1959 and state the further progress

made in calling the second meeting of the Joint Committee to draw up a list of Hindu and Sikh religious places and to find out ways for the maintenance of their sanctity and upkeep of their properties?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The question has been raised on several occasions with the Pakistani authorities but unfortunately no progress has been made so far.

Hospital at Calcutta under Employees' State Insurance Corporation

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

(a) whether land for the construction of a hospital at Calcutta by Employees' State Insurance Corporation has since been acquired;

(b) whether plan for the building has been drawn up; and

(c) if so, when the construction of the building will commence?

The Deputy Minister of Labour (Shri Abid Ali): (a) Land in the premises of the Sagar Dutt Hospital (24-Parganas) has been earmarked.

(b) It is under preparation.

(c) Date not yet fixed.

कपड़ा मिल

*३९०. **श्री सरजू पाण्डेय :** क्या वाणिज्य तथा उद्योग मंत्री ३ अगस्त, १९५९ के तारांकित प्रश्न संख्या १५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या बन्द मिलों को चालू करने के प्रश्न पर विचार करने के लिये कपड़ा कमिश्नरों तथा अन्य पदाधिकारियों का सम्मेलन इस बीच हुआ है;

(ख) यदि हाँ, तो उसमें क्या-क्या निर्णय किये गये हैं; और

(ग) उसके परिणामस्वरूप कितनी बन्द मिलें चालू की जायेंगी ?

वाणिज्य मंत्री (श्री कानूनगो) : (क) से (ग). इस मामले के बारे में बातचीत चल रही है। १९ नवम्बर, १९५९ को तारांकित प्रश्न संख्या १३० के सम्बन्ध में दिये गये उत्तरों की धोर ध्यान आकृष्ट किया जाता है।

Common Tea

*391. **Shri Damani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have formulated any scheme to help the exporters of common tea; and

(b) if so, the details thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). A statement is laid on the Table of the House. [See Appendix II, annexure No. 5.]

Export of Chrome and Kynite Ores

*392. **Shri Oza:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that exports of Indian chrome ore and kynite are falling;

(b) if so, the reasons thereof; and

(c) what steps Government propose to take to step up their exports?

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

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

Extradition Treaty between India and Pakistan

*393. **Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state:

(a) whether there is any proposal to conclude any extradition treaty between India and Pakistan; and

(b) if so, whether any discussions have been held between the representatives of the two countries in the matter?

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

(b) No detailed discussions have been held so far. Government of India's general views on the provisions of such a Treaty are likely to be communicated shortly to the Government of Pakistan.

Airfields in N.E.F.A.

*394. **Shri D. C. Sharma:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 623 on the 20th August, 1959 and state the progress made regarding the construction of the remaining 6 airstrips in the undeveloped area of the North-East Frontier Agency?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): Construction in regard to 3 airstrips will start after the Air Siting Board have approved the sites. In the remaining 3 cases, work on one has already commenced and on the other two it is likely to be taken up shortly.

Independence Day Celebrations by Indian Embassies

*395. **Shri Aurobindo Ghosal:** Will the **Prime Minister** be pleased to state:

(a) whether any standing instruction has been given to the Indian Embassies in foreign countries to celebrate the 15th August; and

(b) if so, whether all the Embassies celebrate the Day?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). No particular instructions have been sent to our embassies abroad for the celebration of the 15th August. Every country celebrates only one national day and for us that is January 26th.

As for the celebration of Independence Day 15th August, this is left to the discretion of the Heads of Mission. In some countries, a small ceremony of flag hoisting takes place and local Indian nationals are invited.

Shri Sardool Singh's Case

*396. **Shri Ram Krishan Gupta:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 1176 on the 4th September, 1959 and state:

(a) whether Government have since received from Pakistan a copy of the judgement and full facts of the case of Shri Sardool Singh of Amritsar; and

(b) if so, Government's reactions thereto?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). A copy of the judgement of the West Pakistan High Court has been received. The death sentence of Shri Sardool Singh has been reduced to 10 years' rigorous imprisonment.

Contract System in C.P.W.D.

*397. { **Shri Ajit Singh Sarhadi:**
Shri S. M. Banerjee:
Shri Panigrahi:

Will the **Minister of Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 483 on the 14th August, 1959 and state:

(a) whether any decision has since been arrived at in the matter of eliminating contract system in C.P.W.D.; and

(b) if so, the nature of the decision taken?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) There is no proposal at present before the Government to eliminate the contract system in its entirety. There is, however, a proposal to establish a Building Construction Corporation in respect of which no final decision has yet been taken.

(b) Does not arise.

Export of Mica

***398. Shri Damani:** Will the Minister of Commerce and Industry be pleased to state:

(a) the steps that are being taken to increase mica exports to the European countries, the U.S.A. and the Middle East countries;

(b) whether there has been any improvement in the export performance of mica to these countries during the last six months; and

(c) the difficulties that confront the trade agencies and Government to step up its exports?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) to (c). A statement is placed on the Table of the House. [See Appendix II, annexure No. 6.]

Youth Employment and Vocational Guidance Section in Bombay

571. Shri Pangarkar: Will the Minister of Labour and Employment be pleased to state:

(a) whether the Youth Employment and Vocational Guidance Sections have been opened in any Employment Exchange in Bombay State;

(b) If so, the number thereof;

(c) their locations; and

(d) the results achieved so far?

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

(b) Three.

(c) (i) Bombay city

(ii) Nagpur, and

(iii) Rajkot

(d) (i) Number of applicants guided in groups 29,066

(ii) Number of applicants guided individually 1,898

(iii) Number of guidance talks held at Employment Exchanges and in schools 132.

Production of Khadi in Bihar

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

(a) the quantity of Khadi produced in the State of Bihar in 1958 and how does it compare with the production of Khadi with the other States in the country; and

(b) the number of spinners and weavers of Khadi in the State of Bihar and the amount paid to them separately during 1958?

The Minister of Industry (Shri Manubhai Shah): (a) The production of Khadi in Bihar during 1958-59 was 91.59 lakh sq. yds., and it compares favourably with other States except those of Andhra Pradesh, Punjab and Uttar Pradesh.

(b) The number of spinners and weavers of Khadi registered with the recognised institutions in Bihar and the amounts estimated to have been paid to them as wages for the work done for the institutions during 1958-59 are as under:—

No. of spinners and weavers	Wages paid (in Rs.)
1,74,791 spinners	27,42,275
6,019 weavers	17,89,090

Class IV Quarters on Panchkuin Road

573. Shri Ramji Verma: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that Government propose to demolish class IV employees' quarters on Panchkuin Road; and

(b) if so, whether Government have been able to provide alternative accommodation to the residents?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). Yes. A phased programme of demolition of the existing quarters and construction of new ones in their place is being worked out. On its finalisation, the residents will be provided with alternative accommodation and required to vacate their present quarters.

ग्रामीण उद्योग बस्तियां

५७४. श्री सरजू पाण्डे : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) सितम्बर, १९५८ से अब तक कितनी ग्रामीण उद्योग बस्तियां स्थापित की गई हैं;

(ख) इस प्रकार की कितनी बस्तियां स्थापित करने का विचार है; और

(ग) इन बस्तियों की राज्य-वार संख्या क्या है ?

उद्योग मंत्री (श्री मनुमाई शाह) :

(क) से (ग). आयोजना आयोग ने दूसरी पंचवर्षीय योजना की श्रवण में सामुदायिक विकास खंडों में २० औद्योगिक बस्तियां स्थापित करने की स्वीकृति दी है। एक विवरण जिसमें बताया गया है कि किस किस राज्य में कितनी औद्योगिक बस्तियां स्थापित की जा रही हैं और उनके निर्माण की प्रगति क्या है समा पटल पर रखा जाता है। [वैश्वे परिशिष्ट २, मनुवर्ष संख्या ७]

Local Development Works

575. Shri Hem Raj: Will the Minister of Planning be pleased to state:

(a) whether Local Development Works Programme is being discontinued from the year 1960-61 onwards; and

(b) if so, the reasons, therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No.

(b) Does not arise.

Partition Committee

576. Shri D. C. Sharma: Will the Prime Minister be pleased to refer to the reply given to Unstarred Question No. 539 on the 11th August, 1959 and state:

(a) whether any meetings of the Partition Committee of the Governments of West Pakistan and Punjab have since held to discuss matters regarding which agreement was not reached earlier; and

(b) if so, the matters regarding which decision has been reached?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No Sir.

(b) Does not arise.

बिनीला घेरने के कारखाने

५७७. { श्री वाजपेयी :
श्री प्रकाश वीर शास्त्री :

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

(क) बिनीला घेरने के कितने कारखाने देश में (राज्य-वार) हैं; और

(ख) इन कारखानों में १९५६, १९५७, १९५८ और १९५९ में कितना बिनीला घेरा गया और उससे कितना तेल निकला ?

उद्योग मंत्री (श्री मनुभाई शाह) : कारखानों की राज्यवार संख्या निम्नानुसार है :—

(क) देश में बिनीला पेरने के बड़े-बड़े			
बम्बई राज्य	१३	मध्य प्रदेश	२
संघ प्रदेश	२	मैसूर राज्य	७
मद्रास राज्य	१		
			२५

(ख)

१९५६	१९५७	१९५८	१९५९
			(जन-सित)

(टनों में)

देश में उत्पादित बिनीले का तेल (केवल बड़े बड़े कारखानों से)	६,०००	६,०००	१०,०००	६,०००
*पेरा गया बिनीला (केवल बड़े बड़े कारखानों में)	४८,०००	७२,०००	८०,०००	७२,०००

*कितना बिनीला पेरा गया, इसकी ठीक ठीक आकड़े उपलब्ध नहीं हैं। पेरे गये बिनीले का परिमाण यह मानकर निकाला गया है कि पेरे गये बिनीले से १२.५ प्रतिशत तेल निकलता है।

Civil Works in Punjab State

578. Shri D. C. Sharma: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total amount sanctioned by the Central Government during 1958-59 for the civil works in Punjab; and

(b) total amount to be spent during 1959-60?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): As far as information is available, the figures are:

(a) Rs. 43,30,637.

(b) Rs. 60,15,750.

Khadi and Village Industries Boards (Punjab)

579. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state the amount allotted during 1959-60 by the Khadi and Village Industries Commission to the Khadi and Village Industries Board of Punjab?

The Minister of Industry (Shri Manubhai Shah): The tentative allocation made by the Khadi and Village Industries Commission to Punjab State Khadi and Villaged Industries Board for the year 1959-60 is Rs. 16.92 lakhs as grant and Rs. 9.13 lakhs as loan.

Import of Car Spare Parts

580. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state the value of the import licences issued to car manufacturing firms during 1958-60 so far for the import of car spare parts, firms-wise?

The Minister of Industry (Shri Manubhai Shah): Import licences for spare parts are not issued to car manufacturers separately for Cars and Trucks, but in bulk to cover the requirements of both types. The value of the licences issued to the three firms

during April-September, 1959 licensing period is as shown below. No licences for spare parts have yet been issued to them for the licensing period October, 1959 to March, 1960.

Name of the firm	Value in lakhs of rupees
1. Hindustan Motors Ltd., Calcutta	15.25 *
2. Premier Automobiles Ltd., Bombay	26.00*
3. Standard Motor Products of India Ltd., Madras	6.00

*These include spares for commercial vehicles also, which these firms manufacture.

Indian Children in South Africa

581. Shri D. C. Sharma: Will the Prime Minister be pleased to refer to the reply given to Unstarred Question No. 846 on the 14th August, 1959 and state:

(a) whether any success has been achieved in finding out the truth in the newspaper reports regarding 1500 Indian children being kept by South Africa as hostages;

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

(c) the reaction of Government thereto?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No.

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

Refugee Markets in New Delhi

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

Will the Minister of Rehabilitation and Minority Affairs be pleased to state the nature of steps taken or proposed to be taken to improve sanitation in the refugee markets in New Delhi?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): The Ministry of Rehabili-

tation have constructed six markets for displaced persons in New Delhi. The responsibility for looking after sanitation in 5 markets is that of the New Delhi Municipal Committee. In the case of the sixth market repairs to latrines and baths have been sanctioned and on completion of the work, the services in this market also will be transferred to the New Delhi Municipal Committee.

Prototype Centre at Howrah

583. { Shri Ram Krishan Gupta:
Shri Rameshwar Tantia:
Shri Aurobindo Ghosal:

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

(a) whether the scheme for setting up the prototype centre at Howrah with technical and financial assistance from Japan has been finalised; and

(b) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Not yet. Our Indian team has gone to Tokyo to finalise the discussions.

हई का उत्पादन

५८४. श्री प्रकाश वीर शास्त्री : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष हई का कितना उत्पादन हुआ है;

(ख) इस फसल की हई के बाजार में जाने से हई के मूल्यों पर क्या असर पड़ा है; और

(ग) भारत में लम्बे रेखे वाली हई कहां-कहां पैदा होती है, और इस फसल में प्रत्येक स्थान में वह कितनी मात्रा में पैदा हुई ?

वाणिज्य मंत्री (श्री कामलानी) : (क) से (ग). एक विवरण नीचे दिया जाता है ।

विवरण

(क) इस सम्बन्ध में ठीक ठीक जानकारी उपलब्ध नहीं है। वर्तमान अनुमानों के अनुसार इस वर्ष रुई की फसल ४६ तथा ४७ लाख गांठ के बीच हो सकती है।

(ख) चालू फसल की रुई अब भी बाजार में आ रही है, इसलिए भावों पर उसका क्या प्रभाव पड़ा है, इसका अभी ठीक ठीक अन्दाज लगाना सम्भव नहीं है।

(ग) लम्बे रेशे वाली रुई ग्रीष्मकालीन फसल के रूप में मद्रास राज्य के रानमाथ पुरम, मदुराई, तिरुनेलवेल्ली जिलों में, बम्बई राज्य के बारामती; पंढरपुर, गुजरात क्षेत्र तथा कच्छ जिलों में; मैसूर राज्य के बीजापुर, बेलगांव और अन्य जिलों में; राजस्थान के डुंगरपुर और गंगानगर जिलों में; मध्य प्रदेश के रतलाम जिले में; पंजाब के फिरोजपुर और भटिंडा जिलों में तथा केरल के पालघाट जिले में पैदा होती है। अनुमान है कि इस फसल में इस रुई का कुल उत्पादन लगभग ३.५ लाख गांठ होगा। प्रत्येक स्थान के उत्पादन के आंकड़े उपलब्ध नहीं हैं।

Industrial Estate at Cuttack

585. **Shri Panigrahi:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 3981 on the 5th May, 1959 and state:

(a) whether industries located in the Industrial Estate at Cuttack have started production by now;

(b) if so, the nature of goods produced by them so far; and

(c) whether facilities for marketing those products have been provided to the manufacturing units?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is given below.

Statement

(a) Yes, Sir. Some units have started production.

(b) The goods produced by the unit which have started production are pharmaceuticals, storage battery, Ambar Charkha and parts, phenyle and ink, blocks for printing, fruit products, collapsible iron gate grills and garden chairs, bicycles, wooden furniture and cabinets.

(c) The State Government have advised the different departments of their Government to give preference in purchase of their requirements from the manufacturing units in the Industrial Estate. Some of the industries are also registered with the Director General, Supplies and Disposal under the stores purchase programme.

Punjab Cloth Mill, Bhiwani

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

(a) whether it is a fact that the Punjab Cloth Mill, Bhiwani has not been working to its full capacity; and

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

The Minister of Commerce (Shri Kanungo): (a) There were fluctuations in the working capacity of the Mills and even total closure for some time. However since September, 1959 the mill is working to full capacity. It may be stated in this connection that all mills, in general, keep aside a certain number of the spindles and looms for preventive maintenance, repairs etc.

(b) Government are keeping a close watch over the working of the mill and will not doubt take such steps as are considered necessary to ensure the smooth working of the mill.

Market at Janpath

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

reply given to Unstarred Question No. 2163 on the 4th September, 1959 and state:

(a) whether the Scheme for the construction of market at Janpath has been finalised;

(b) if so, the details thereof; and

(c) the nature of progress made so far in this direction?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Not yet.

(b) Does not arise.

(c) Preliminary plans of the proposed market have been prepared. The details are yet to be finalised.

Scheme of Compulsory Savings

588. Shri Ram Krishan Gupta: Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 566 on the 11th August, 1959 and state:

(a) whether Government have studied the issues relating to compulsory savings; and

(b) if so, the decisions arrived at?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The study is in progress and no decisions have yet been reached.

Recovery of Rent on Evacuee Property

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

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

(a) whether it is a fact that huge amount of arrears of rent is due for recovery from various categories of occupants of evacuee properties (including Government Departments and Government servants);

(b) if so, details of the amount due (category-wise);

(c) the nature of steps taken or proposed to be taken to recover this amount; and

(d) the result thereof?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) Total amount due is Rs. 584.25 lakhs approximately and its category-wise details are as under:—

	Rs. lakhs
(i) Government Departments	6.61
(ii) Government Servants	11.96
(iii) Displaced Persons	297.82
(iv) Non-Displaced Persons	150.88
(v) Destitutes and Widows	14.19
(vi) Persons whose whereabouts are not known	80.78
(vii) Uncategorised occupants	22.01
TOTAL	584.25

(c) A statement is laid on the Table of the Sabha. [See Appendix II annexure No. 8.]

(d) As a result of the steps taken the total amount recovered as rent so far is Rs. 1554.31 lakhs approx.

New Industries in Punjab

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

(a) whether any survey has been made to assess the progress made for the establishment and development of new industries in the State of Punjab; and

(b) if so, the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). In addition to some area surveys which aim at evaluating the potential for industrial development in the State,

the National Council of Applied Economic Research, New Delhi has undertaken a Techno-Economic Survey of the State at the instance of the State Government. The Council will in addition to making a general survey indicating the possibilities of setting up of new industries based on available resources also prepare specific project reports for certain selected industries. The findings of surveys already undertaken have generally continued to make available more detailed data about the possibilities of new industries in the State.

Assumption of Power for Management of Industries

591. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 908 on the 28th August, 1959 and state the nature of decision reached on the question of assuming more powers under the Industries (Development and Regulation) Act, 1951 to take over industries which close down or go into liquidation on account of internal quarrel among the management?

The Minister of Industry (Shri Manubhai Shah): The matter is still under consideration.

Board for Light Music Audition

592. Shri Ram Krishan Gupta: Will the Minister of **Information and Broadcasting** be pleased to refer to the reply given to Unstarred Question No. 517 on the 11th August, 1959 and state:

(a) whether the details for setting up a board for light music audition have since been worked out; and

(b) if so, the nature thereof?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The Rules for the setting up of a Central Audition Board for Sugam

Sangeet have been finalised. These rules provide for a Central Board with four Regional Committees at Delhi, Calcutta, Bombay and Madras who will be responsible for finally assessing and grading Sugam Sangeet artists who are approved by the Local Audition Committees after preliminary screening. The Regional Committees will consist of non-official members who have a good knowledge of music and of the local language. The Sugam Sangeet Audition Board will function on lines similar to those of existing Music Audition Board.

Shahabad Pyrite Deposits

593. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 289 on the 11th August, 1959 and state:

(a) whether Government have since received the report from the Norwegian expert regarding the Shahabad pyrite deposits; and

(b) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Not yet, Sir.

Indian Standards Institution

**594. { Shri R. C. Majhi:
Shri Subodh Hansda:**

Will the Minister of **Commerce and Industry** be pleased to state whether the Indian Standards Institution has received any complaints regarding the quality bearing I.S.I.'s Certification Mark?

The Minister of Commerce (Shri Kanungo): Yes, Sir. Six complaints—four regarding the quality of plywood tea-chest panels, one regarding the quality of storage batteries for motor vehicles (light duty) and one regarding the quality of leclanche type dry batteries for flash lights. All the complaints were thoroughly investigated and suitable action taken by the Institution.

Shifting of Offices to Chandigarh

Shri Hem Barua:

595 } Shrimati Parvathi Krishnan:
 } Shri Nagi Reddy:
 } Shri Warior:

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

(a) whether it is proposed to shift some of the Central Government offices to Chandigarh;

(b) if so, the names of offices which are to be shifted; and

(c) whether sufficient office and residential accommodation is available at Chandigarh for these offices and their staff?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) There is no specific proposal under consideration at present to shift any Central Government Office to Chandigarh.

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

परिवहन नीति और समन्वय समिति

५९६. { श्री भक्त दर्शन :
 { श्री राम कृष्ण गुप्त :
 { श्री अजित सिंह सरहदी :
 { सरदार इकबाल सिंह :
 { श्री हेम राज :

क्या योजना मंत्री ४ सितम्बर, १९५९ के अतारंकित प्रश्न संख्या २२०३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि परिवहन नीति और समन्वय समिति ने अब तक अपने काम में कितनी प्रगति की है और वह अपनी रिपोर्ट कब तक पेश करेगी ?

योजना उपमंत्री (श्री श्या० न० मिश्र) :

जैसा पहिले बताया जा चुका है, यह समिति २२ जुलाई, १९५९ को बनाई गई थी। समिति ने अपना काम हाल ही में शुरू किया है। इसलिए, इस ने अपने काम में कितनी प्रगति की है या कब तक इसका काम पूरा हो जायगा इस सम्बन्ध में अभी कुछ उपयोगी जानकारी देना सम्भव नहीं है।

हिन्दुओं और मुसलमानों का देश छोड़कर जाना

{ श्री पद्म देव :
 ५९७. { श्री राम कृष्ण गुप्त :
 { श्री वी० चं० शर्मा :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि १९५७, १९५८ और १९५९ में अब तक पूर्वी पाकिस्तान से कितने हिन्दू पश्चिमी बंगाल आने को बाध्य हुए तथा पश्चिमी बंगाल से कितने मुसलमान पूर्वी पाकिस्तान गये ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : पूर्वी पाकिस्तान से पश्चिम बंगाल आने वाले (माईग्रेंट्स) हिन्दुओं की और पश्चिम बंगाल से पूर्वी पाकिस्तान जाने वाले (माईग्रेंट्स) मुसलमानों की संख्या इस प्रकार है :—

वर्ष	पूर्वी पाकिस्तान से बंगाल आने वाले हिन्दुओं की संख्या	पश्चिम बंगाल से पूर्वी पाकिस्तान जाने वाले मुसलमानों की संख्या
१	१९५७	३५८
२	१९५८	७१६
३	१९५९ (३१-१०-५९ तक)	१,१९४

ये आंकड़े आने जाने वालों की वास्तविक संख्या के हैं। हमारे पास यह बताने के लिए अलग से कोई आंकड़े नहीं हैं कि कितने हिन्दुओं को बगैर अपनी इच्छा के आना पड़ा।

Pakistanis in Jammu and Kashmir

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

(a) the number of Pakistani Nationals who crossed into Jammu and Kashmir State since the 16th July, 1959 and were arrested; and

(b) how these figures compare with the corresponding period of 1958?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Between July 16 and October 31, 1959, 85 Pakistan nationals and persons from Pakistan-occupied Kashmir who infiltrated across the cease-fire line and the Jammu-Sialkot border have been apprehended.

(b) The figure for the corresponding period of 1958 was 97.

Automatic Looms for Punjab

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

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

(a) the names of mills which have applied for automatic looms in Punjab State and the number of automatic looms applied for;

(b) how many applications have so far been received from Punjab State for installation of automatic looms for export purposes only;

(c) the number of automatic looms which have been allotted to the mills so far; and

(d) the further allotment contemplated during the rest of the Second Plan period?

The Minister of Commerce (Shri Kanungo): (a) to (c). A statement giving the requisite information is given below.

(d) No further allotments are contemplated for the time being.

STATEMENT

Scheme	Name of the applicant mills	Auto-matic looms applied for	No. of the auto-matic looms allotted
1. Export Promotion Scheme of 1959	Nil	Nil	Nil
2. Replacement Scheme of 1959	Punjab Cloth Mills, Bhiwani	275	..

Trade with West Asian Countries

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

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

(a) whether there has been an overall increase in exports to West Asian countries on account of the steps taken to increase the export during the last two years; and

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

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Exports to West Asian Countries during January-August 1959 were 24.55 crores as compared to Rs. 40.28 crores in 1958 and Rs. 42.71 crores in 1957.

Rise in the Price of Cotton

601. Shri Ajit Singh Sarhadi: Will the Minister of Commerce and Industry be pleased to state:

(a) the reasons for the steep rise in cotton price when there has been increase in the raw cotton production in the country; and

(b) how is it going to affect the export of textiles?

The Minister of Commerce (Shri Kanungo): (a) With two successive short crops of cotton during the last and the current cotton seasons, the prices of certain varieties have shown an upward trend.

(b) Government are keeping a constant watch and suitable remedial measures are being taken from time to time to ensure that export of textiles do not suffer either from high prices of cotton or difficulty of supplies.

अखबारों का आयात

६०२. श्री श्रीनारायण दास : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) गत पांच वर्षों में स्वदेशी और बाहर से मंगाये गये अखबारों का आयात के क्या मूल्य रहे; और

(ख) अखबारों का आयात के मंगाने पर यदि इस समय कोई बन्दन लगाये गये हैं, तो वे किस प्रकार के हैं ?

उद्योग मंत्री (श्री मनुभाई शाह) :

(क) नेपा मिल में बने अखबारों का आयात का मूल्य १,०६४ रु० प्रति टन है जो उत्पादन शुल्क में २२४ रु० प्रति टन के हिमाब से छूट देने के बाद है। आयातित अखबारों का आयात का मूल्य भारत को माल भेजने वाले देश और अखबारों का आयात की किस्म के अनुसार अलग अलग होता है। यह मूल्य लागत, बीमा, भाड़ा सहित ८२५ रु० और १००० रु० प्रति टन के बीच होता है।

(ख) अखबारों का आयात करने के लिए वास्तविक उपयोग-कर्ता के लाइसेंस अखबारों और पत्र-पत्रिकाओं के प्रकाशकों और अथवा मुद्रकों को दिये जाते हैं, जिससे वे

अपनी हकदारी के अखबारों का आयात का एक भाग मंगा सकें। शेष आयात साधारण माध्यमों से आयात किये गये स्टॉक में से दिया जाता है। अखबारों का आयात की हकदारी का निश्चय पत्र के पत्रों के प्रकार, पृष्ठों की औसत संख्या और १९५८ में निकली प्रतिशतों की संख्या के आधार पर किया जाता है। इस प्रकार निश्चित की गयी हकदारी में १० प्रतिशत की कटौती की जाती है। इस कटौती से हुई कमी नेपा मिल में बना देशी अखबारों का आयात देकर पूरी कर दी जाती है।

कीर्तिनगर में प्लाट

६०३. { श्री नवल प्रभाकर :
श्री भक्त वर्मा :

क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कीर्तिनगर, दिल्ली के प्लाट खरीदने वालों को अभी तक बंनाने नहीं दिये गये हैं;

(ख) यदि हां, तो क्या बंनाने देने में कोई प्राविधिक कठिनाई है; और

(ग) यह कठिनाई कब दूर होगी ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री

(श्री महेश चन्द लाला) : (क) से (ग)। ७ नवम्बर १९५९ को दिल्ली कारपोरेशन ने बंनाने का मसौदा मंजूर कर लिया है और अब बंनाने जल्दी दे दिये जावेंगे।

Central Export Organisation for Oil Seeds, Vegetable Oils and Oil Cakes

604. Shri Damani: Will the Minister of Commerce and Industry be pleased to state:

(a) the progress made with the proposal for the formation of a Central Organisation to handle India's export trade in oilseeds, vegetable oils and oilcakes; and

(b) the details of its constitution and the extent to which the exporters

would be represented on the proposed organisation?

The Minister of Commerce (Shri Kharungo): (a) and (b). The question of forming a Central Organisation for the export of vegetable oils, oilseeds and oilcakes is still under consideration.

Licenses for Small Paper Mills

605. Shri Subbiah Ambalam: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 728 on the 24th August, 1959 and state:

(a) whether licences for 11 units of small paper mills applied for have since been granted;

(b) the location of these units, State-wise;

(c) the production capacity of each of these units and the foreign exchange required for each;

(d) whether a consortium of paper machinery manufacturers has been formed; and

(e) if so, the details thereof?

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

(b) and (c). A statement is laid on the Table of the House. [See Appendix II, annexure No. 9].

(d) No, Sir.

(e) Does not arise.

Small Scale Industries in Orissa

606. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that 23 small industries schemes are being worked out now in Orissa;

(b) if so, what are those schemes;

(c) the places where these small industries have been located; and

(d) the number of people who have found employment in these 23 small industries?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir. 23 Small Scale Industries schemes are in operation in Orissa. A list of the schemes showing their location is laid on the Table. [See Appendix II, annexure No. 10].

(d) Information is being collected and will be laid on the Table of the House in due course.

Manufacture of Cranes

607. Shri Khimji: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of units engaged in the manufacture of cranes and their total capacity and actual production in 1958 and first half of 1959; and

(b) whether there is further scope for setting up additional units in this line?

The Minister of Industry (Shri Manubhai Shah): (a) 5 units are engaged in the regular manufacture of cranes, their total capacity being 1380 tons per annum. Their actual production during 1958 was 475 tons; and the production during the first half of 1959 is estimated at 350 tons.

(b) Yes, Sir.

Plan Expenditure in Himachal Pradesh

608. Shri Hem Raj: Will the Minister of Planning be pleased to state:

(a) the amount allocated to Himachal Pradesh during the Second Five Year Plan and the amount actually spent during the first three years of the Plan;

(b) the amount proposed to be spent during the remaining two years; and

(c) the causes of the shortfall, if any, in expenditure?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Against the five-year outlay of Rs. 14.73 crores, Rs. 7.60 crores were spent in the first three years of the Plan.

(b) Taking into account the anticipated actual expenditure in 1959-60 and approved outlay for 1960-61, this comes to Rs. 7.8 crores.

(c) Does not arise.

Small Scale Industries

809. { Shri M. B. Thakore:
Shri Oza:
Shri K. U. Parmar:

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

(a) whether there is any policy of the Government for allocating raw materials to Small Industries which are newly started; and

(b) if so, what is it?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The policy is that on the basis of recommendation of the Director of Industries, small-scale industries whether carrying on their existing industry or newly started industry, will be given the facility of importing raw material to reasonable extent as per the Essentiality Certificates issued by the State Directors of Industries.

Export Earnings of Mica

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

(a) what are the export earnings of mica in the first half of 1959 as compared to the corresponding period of the last year;

(b) whether export of mica has shown improvements this year; and

(c) if so, by how much as compared to previous year?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) the export earnings of mica in the first half of 1958 and of 1959 were as follows:

	January- June 1958	January- June 1959
	Rs.	Rs.
Unmanufactured Mica	4,29,41,979	5,01,74,338
Mica manufactures	42,70,197	39,17,034
TOTAL	4,72,12,176	5,40,91,372

(b) and (c). The quantity and value of exports of mica during the first eight months (January to August) of 1959, compared to the exports during the corresponding period in 1958, improved by 12,866 Cwts. and Rs. 66,45,690, respectively.

Iron Ore

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

(a) the countries which imported iron ore from India in 1958 and 1959;

(b) the value of iron ore exported during the above period (country-wise); and

(c) whether any country has reduced its import from India this year and if so, the reasons therefor?

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

(a) and (b). A statement showing countrywise exports of iron ore together with values thereof during 1958 and 1959 (January—July) is laid on the Table. [See Appendix II, annexure No. 11]. Export statistics for the subsequent months of 1959 are not yet available.

(c) There has been no decline in exports to our principal markets.

Purchase of Evacuee Property

612. Shri Chuni Lal: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is the policy of the Government to charge interest on instalments where the transferee of an acquired evacuee property pays the initial deposit and enters into an agreement to pay the balance of the value of the property in three or more annual instalments but in fact pays the balance of the value within two years; and

(b) if not, whether necessary instructions have been issued in this respect?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) No.

(b) Since this has already been provided in the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, the question of issuing further instructions does not arise.

Bhoodan Movement

613. Shri Daljit Singh: Will the Minister of Planning be pleased to state:

(a) the total collection of land so far through Bhoodan Movement in the country;

(b) the total acreage which has been redistributed; and

(c) the increase in total production of foodgrains as a result of this movement?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). According to the information furnished by the All India Sarva Seva Sangh the area gifted under Bhoodan is 42,30,409 acres and the area distributed is 8,63,352 acres upto December, 1958.

(c) No assessment has been made of the increase in production of foodgrains as a result of this movement.

Production of Khadi in Punjab.

614. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of Khadi produced in Punjab during 1958-59; and

(b) whether any target has been fixed for the production of Khadi during 1959-60?

The Minister of Industry (Shri Manubhai Shah): (a) 128.33 lakh sq. yards worth Rs. 2.36 crores.

(b) Khadi worth Rs. 2.17 crores is expected to be produced during 1959-60.

Imported Non-ferrous Metals

**615. { Shri Warior:
Shri Kadiyan:**

Will the Minister of Commerce and Industry be pleased to lay a statement on the Table showing the quantities of each imported non-ferrous metal given to (i) Devidayal and Co. and associates (ii) Kamani Group of Companies and Firms; (iii) Binani Metal Works Ltd. and associate companies in Binani group for the years 1954-55 to 1958-59 as also the total turnover of business of each group for the relevant years?

The Minister of Industry (Shri Manubhai Shah): In regard to import licences issued, the information is available in the weekly bulletin of Import and Export Trade Control issued under the authority of the Chief Controller of Imports and Exports. In regard to turn-over of business the figures are not available; a statement showing production of some of the units which are on the books of the Development Wing of the Ministry of Commerce and Industry is laid on the Table of the House. [See Appendix II, annexure No 12].

Production of Non-ferrous Metals

616. { Shri Warrior:
Shri Kodiyar:
Shri V. P. Nayar:

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

(a) the steps taken to increase the production of raw materials (Ores) and finished goods in non-ferrous metals since the commencement of the First Five Year Plan; and

(b) the results achieved so far?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of the House. [See Appendix II, annexure No. 13].

Cotton Textiles

617. { Shri Karni Singhji:
Shri Bhanja Deo:
Qazi Matin:

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

(a) whether the production of cotton textiles has declined in 1958;

(b) if so, the extent of the fall; and

(c) the steps that have been taken to arrest the fall in production?

The Minister of Commerce (Shri Kanungo): (a) and (b). Production of cotton piecegoods in 1958 was 7,078 as against 7,298 million yards in 1957.

(c) The slight fall is due to the shift in production from coarse to medium varieties. As the production of various varieties of cloth is now more or less balanced, no special steps are contemplated in this regard.

**Hindustan Machine Tools Ltd.,
Bangalore**

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

(a) whether it is a fact that machinery belonging to Hindustan

Machine Tools Ltd., has been lying uncared for in a pavilion of 'India-1958' Exhibition for about a year; and

(b) if so, what steps have been taken to make the best use of the machines?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) Does not arise.

Purchase of Cement by State Trading Corporation

619. Shri Arjun Singh Bhadauria: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that State Trading Corporation has been purchasing cement at the site of Macherla factory at Rs. 48-00 per ton; and

(b) if so, at what price the cement was sold to the consumers?

The Minister of Industry (Shri Manubhai Shah): (a) to (b). A statement is laid on the Table of the House. [See Appendix II, annexure No. 14.]

Labour Relations

620. Shri Arjun Singh Bhadauria: Will the Minister of Labour and Employment be pleased to state:

(a) what is the position of the labour relations in July, August, September, October and November, 1959, industry-wise; and

(b) whether any man-days were lost?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The information for July 1959 has been published in the September, 1959 issue of the Indian Labour Gazette. Details concerning the succeeding months will be published in the said Gazette in due course.

Shri Arjun Singh Bhadani:

Will the Prime Minister be pleased to state:

(a) what is the total number of refugees in Mismaria Camp at present; and

(b) what is the total amount spent so far on its running?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) 3,138 (as on 19th November, 1950).

(b) Rs. 14,73,562.08 nP.

12 hrs.

MOTIONS FOR ADJOURNMENT**INDO-PAK BORDER DEMARCATION**

Mr. Speaker: Regarding the adjournment motion relating to the five villages, which was held over yesterday, the hon. Prime Minister said that he would make a statement about it today. The hon. Prime Minister.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I enquired into this matter. This area is near the Patharia forest. It is 1.8 square miles, and not five square miles as was suggested yesterday.

This area, according to the Radcliffe Award, falls definitely in Pakistan. This is a fact admitted by both parties, and no one has challenged that. It, however, remained in Indian possession, because we said Pakistan was holding on to other areas, which it should not, and if other matters were settled, and Pakistan gave them up, then we shall do so. So, there was no dispute about the maps or anything about this area, clearly. When all these other matters have been settled, there was no point left for India holding on to it. In fact, this point

was so far clear that it was not even discussed at the last conference. It was an admitted fact.

Now, in accordance with that, it is proposed to demarcate this, and then to hand it over. There has been no demarcation yet. There is no question of handing anything over today. Our military people who are in charge had a meeting, and it is proposed to start demarcation on the 15th December. I do not know how long it will take; whether it will be two weeks or three weeks, I do not know. Till, then, the territorial jurisdiction of India will remain. All that has been done in this area thus far is for the removal of one check-post that we had there. That has been withdrawn.

Even after demarcation, according to the ground rules agreed upon at the last conference, necessary time should be allowed to farmers to harvest their crops, before transfer of territorial jurisdiction. Also, there are clauses in those ground rules about the special responsibility of the party concerned for the protection of person and property of the population, so that their interests might not be prejudiced.

Now, if any kind of territory has to be exchanged and handed over as a result of an award, decision or whatever it is, obviously, the people living there are affected by it. Now, three things happen. In this case, you will be pleased to notice that in effect, the decision was taken not today but by Mr. Justice Radcliffe many years ago, eight or nine years ago; but because of various complications and conflicts, it was not given effect to as in other cases. Now, the people are affected. The people can have a choice of three things. One, of course, is that they choose to become the nationals of the country to which that little area goes. The second is that they remain Indian nationals but continue living there as foreign nationals. The third is that they change their habitant.

These are the facts that I have been able to obtain.

Shri Braj Raj Singh (Firozabad): May I know whether the possession is not being handed over today at 4 P.M.?

Shri S. M. Banerjee (Kanpur): Since the hon. Prime Minister has clarified the position, I would like to know only one thing, namely whether it is correct that there are 370 families in this area. Secondly, if they want to remain in India and have Indian nationality, then they are actually displaced persons, because they were living in this area thinking that the land belonged to India. May I know, whether they will be given rehabilitation loan or they will be rehabilitated in other places? That is one thing. Another thing that I would like to know is for how long this will be done.

Mr. Speaker: What the hon. Member wants to know is this. If there are 370 families or families round about that number and if they want to come back to India, would they be rehabilitated here with particular grants and so on?

Shri Jawaharlal Nehru: Till the exact demarcation is complete, we cannot say how many villages or people are involved. Normally, of course, one does not expect large numbers of people to come across. They have their lands etc. They should remain there, even, if they like, as Indian nationals; they can remain there. If any come across, what the hon. Member has suggested will naturally be considered.

Shrimati Renu Chakravarty (Basirhat): In the past, the hon. Prime Minister has been good enough to give this sort of assurance that the matter would be considered, if the people who are there want to come over; if they want to remain there in Pakistan, they are welcome to remain there. Whenever this mat-

ter has come up before the Rehabilitation Ministry, they have always said, that this is a matter of policy and unless the Government of India decide on it one way or the other, they cannot do anything.

Therefore, I would like the hon. Prime Minister to state whether if anybody chooses to come over to India, he will be entitled to the full benefits of rehabilitation which the other refugees have received. That is the point which everybody wants to know.

Shri Jawaharlal Nehru: No. I am quite clear about it. This matter will have to be considered *de novo*. There is no question of old benefits being attracted by it. They dealt with other questions, other circumstances. Here are people, who, I presume, are in possession of land. It is open to them to continue in that land, to remain there. If they want to come away, they may try to sell the land if they like. There is no pushing about, I mean; in given circumstances, they can either remain there, as I said, as Indian nationals or as Pakistani nationals or come away. If they come away, they can sell the land; they can make some provision, or whatever it is; conditions are quite different.

As I said in reply to the previous hon. Member's question, this matter in the shape in which it comes up will, no doubt, be considered by the Bengal Government. But I want to make it perfectly clear that the old rules etc. affecting the refugees will not apply to them.

Shri Khadilkar (Ahmednagar): On a point of constitutional clarification. When these agreements are reached, they are covered by entry 14 in List I of the Seventh Schedule of our Constitution. It is not a question of

[Shri Khadi[kar].

Bengal Government or Assam Government. Entry 14 reads thus:

"Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries."

That is a right of the Union Government. I want to know from you whether when this is finalised, it would be placed before the House for ratification, because treaties and different from this sort of agreements. On this point, the Constitution is not quite clear. So, this becomes a precedent.

Shri Jawaharlal Nehru: I venture to say that this is not even a part of the recent arrangement. On the 16th of this month, I placed a bundle of papers, decisions of this joint conference between India and Pakistan, agreements etc. This is no part of that, because it has been admitted all along that this belongs to Pakistan because of the Radcliffe Award. So this type of question does not arise.

The other papers—about the other part of it—have been placed before the House.

Shri A. C. Guha (Barasat): The Prime Minister has suggested three courses of action for those people who are residing there. The first is to remain as Pakistan nationals. I do not think they would like that. The second course is to remain as Indian nationals. That is not practicable. That is not possible for them to do. So the only thing open to them is to migrate.

Shri Jawaharlal Nehru: Why is it not possible?

Shri A. C. Guha: It would require the intervention of the Government of India for the sale of their property. Without that, it will not be possible for them to sell their property and

come over here. So it would be better for Government to give some sort of assurance that if they try to come over here after selling their properties, the Government of India would intervene for the sale of properties, and would give them all facilities for rehabilitation.

Shri Jawaharlal Nehru: If I may add another word, I cannot rule out the possibility of their or anybody else's not having fair chances of living there. But after the agreement that has been entered into, the kind of pressures that were brought to bear upon the minority communities will not presumably be there. Apart from this fact, I am told that about 60 per cent. of the population of these villages is Muslim. All these factors come in and there is no particular reason why those people, at any rate, should want to come over. I cannot say more on this. If in spite of this, some people come over, their cases will be considered favourably.

Mr. Speaker: In view of the statement made by the hon. Prime Minister, I do not think it is necessary for me to give my consent to this adjournment motion.

Regarding the other matters, the hon. Prime Minister has said that after the demarcation is effected, if any difficulties arise in the matter of adjustment, they will be considered.

As regards a discussion on this matter today, it is an old affair. So far as the general proposition is concerned, agreements are not discussed except when it is the desire of the whole House to discuss the matter. I do not know how far this is such a serious matter. This only follows from what has already been done. It is a matter for consideration. I am not called upon to give any opinion now.

12.13 hrs.

CHINGHAI-TIBET HIGHWAY

Mr. Speaker: There is another adjournment motion tabled by Shri Goray. What is this matter about?

Shri Goray (Poona): I have given notice of an adjournment motion because a very significant item of news has been despatched by the *New China News Agency* on the 24th of this month. The main features of this news item are:—

- (1) The road across Ladakh territory opened in 1955 is carrying thrice the freight traffic per month that it carried in 1955;
- (2) That road has been made into an all-weather road; and
- (3) Sixty plants, mines, farms and timber growing areas have been developed along the road during the last five years.

In short, it means that they have colonised the area. I may draw your attention to the fact that while discussing Sino-Indian affairs, the letter our Prime Minister wrote to the Prime Minister of China on the 16th November 1959, says in paragraph 13:

"I regret I cannot accept the contention that you have been in occupation of the area up to the frontier line shown in your maps. On the contrary, the Government of India have exercised jurisdiction up to the frontier line specified by them. The nature of this possession has inevitably been different from that of an inhabited area. This area is uninhabited, mountainous territory of an altitude varying from 14,000 to 20,000 feet above sea-level, with the mountain peaks going up much higher".

In this particular territory which has been described by our Prime Min-

ister in these words they say they have already built not only the road but have started traffic; plants have been erected and colonisation has taken place. In the Press interview, the Prime Minister had said that if the Chinese were to propose that this road should be allowed to be used for civil traffic, that request could be considered. Now, Sir, the Chinese have not waited for our permission at all. On the contrary, they have said that their traffic has increased three-fold and colonisation is going on apace. If these are the facts, then all the debate that is taking place in this House become meaningless. So I would like to know what is the position.

Shri Surendranath Dwivedy (Kendrapara): The Defence Minister must have known it.

Shri Tyagi (Dehra Dun): Is this a matter for discussion in an adjournment motion? We are already discussing the question of Sino-Indian relations.

Shri Jawaharlal Nehru: Apart from that, the hon. Member is really drawing attention to a news item from Hong Kong which has appeared in a newspaper today.

Mr. Speaker: What is the authority of the newspaper?

Shri Goray: The *New China News Agency*. It is authoritative.

Shri Jawaharlal Nehru: It refers to the Chinghai-Tibet highway. It is by no means clear to me from reading this whether it even refers to the other road. It may or it may not; it is by no means clear to me. Anyhow, it is very difficult for me to give any information about something that has suddenly appeared in a news item there. Naturally, we shall try to get as much information as possible. But it is not easy to get it quickly from anywhere. Anyhow, it is hardly a matter for an adjournment motion.

Mr. Speaker: If the Chinese have already occupied this portion.....

Shri Jawaharlal Nehru: First of all, I do not know if this road is the same as the Aksai-Chin Road. We do not know that.

Shri Goray: May I clarify? Here they have stated specifically:

"China today bragged that the average monthly volume of freight traffic on the disputed Chinghai-Tibet highway, which has been built across Indian territory in Ladakh, is at present three times more than in 1955".

So far as the news item is concerned, it gives no room for doubt.

Mr. Speaker: I am afraid I was misunderstood before I completed my sentence. If, as a matter of fact, this news item is correct and plants and machinery and other things have been moved there and the area has even been colonised, colonised by whom?

Shri Goray: The Chinese.

Mr. Speaker: Of course, if they have colonised, they will be removed from that area as part of the removal from other areas which they have occupied. Therefore this is part of a bigger issue. It only adds more point, to what is already there in that it is not that they have been merely occupying uninhabited territory but they have been proceeding further. Therefore, it has to be treated a little more seriously. That is all that it amounts to.

Shri Braj Raj Singh: Will the Prime Minister investigate the matter and make a statement?

Mr. Speaker: He says so. He is not aware of it; he will try to make inquiries. There is no doubt about it.

Shri Jawaharlal Nehru: May I again submit that this is a message from Hong Kong? It talks about the Chinghai-Tibet highway. The

Chinghai-Tibet highway is not the Aksai-Chin highway at all. It is a different thing. But the man who has passed it on from Hong Kong has probably mixed up the two and despatched it. I am only basing myself on his own report. I have no other information. In that report, reference is made to the Chinghai-Tibet highway. It is not the Aksai-Chin Road at all.

Shri Braj Raj Singh: He may make a statement on Monday.

Shri Jawaharlal Nehru: I cannot promise that it will be on Monday, Tuesday or Wednesday.

Shri Goray: I shall be satisfied if the Prime Minister would give an assurance that he would look into it.

Shri Jawaharlal Nehru: I cannot do anything beyond my power. I can give the assurance that I will look into it. But I cannot say that I can make a statement on Monday.

Shri Goray: I am not insisting that it should be on Monday. Any time will do.

Shri Jawaharlal Nehru: If any important information comes to me, I shall place it before the House. But I cannot obviously find out easily about such matters. I am merely coming to certain conclusions from this report itself. This report talks about the Chinghai-Tibet highway. The Chinghai-Tibet highway is not the Aksai-Chin Road.

Mr. Speaker: So far as is known at present, there is no urgency for this adjournment motion. Certainly the hon. Prime Minister will make inquiries to find out whether any particular portion has been occupied as stated here; if so, he will bring it up before the House himself.

Under the circumstances, it is not necessary to have an adjournment of the legitimate business of this House today considering this as a separate

issue. I do not give my consent to the adjournment motion.

Shri Goray: Thank you.

Mr. Speaker: Anyhow, all these matters will come up in the reply.

12.20 hrs.

PAPERS LAID ON THE TABLE

EMPLOYMENT OF ENGINEERS

The Parliamentary Secretary to the Minister of Labour, Employment and Planning (Shri L. N. Mishra): (on behalf of *Shri Galzari Lal Nanda*): I beg to lay on the Table a copy of statement on employment of engineers. [See Appendix II, annexure No. 15].

REPORTS OF TARIFF COMMISSION

The Minister of Industry (Shri Manubhai Shah): I beg to lay on the Table, under sub-section (2) of Section 16 of the Tariff Commission Act, 1951, a copy of each of the following papers:—

- (i) Report (1959) of the Tariff Commission on the continuance of protection to the Hydroquinone Industry.
- (ii) Government Resolution No. 8(1)-T.R./59, dated the 26th November, 1959.
- (iii) Notification No. 8(i)-T.R./59, dated the 26th November, 1959.
- (iv) Statement explaining the reasons why a copy each of the documents at (i) to (iii) above could not be laid on the Table within the period prescribed in the said sub-section, [Placed in Library, See No. LT-1725/59.]
- (v) Report (1959) of the Tariff Commission on the continuance of protection to the Grinding Wheels Industry.
- (vi) Government Resolution No. 16(1)-T.R./59, dated the 26th November, 1959.

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(vii) Statement explaining the reasons why a copy each of the documents referred to at (v) and (vi) above could not be laid within the period prescribed under said sub-section. [Placed in Library, See No. LT-1726/59.]

(viii) Report (1959) of the Tariff Commission on the continuance of protection to the Sago Industry.

(ix) Government Resolution No. 12(1)-T.R./59, dated the 26th November, 1959.

(x) Notification No. 12(1)-T.R./59, dated the 26th November, 1959.

(xi) Statement explaining the reasons why a copy each of the documents referred to at (viii) to (x) above could not be laid within the period prescribed under the said sub-section. [Placed in Library, See No. LT-1727/59.]

12.21 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 25th November, 1959, agreed without any amendment to the Securities Contracts (Regulation) Amendment Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 17th November, 1959".

12.21½ hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government business for the week commencing 30th November, 1959, will consist of—

- (1) Consideration and passing of the Constitution (Eighth Amendment) Bill, 1959.
- (2) Further consideration and passing of the Kerala State Legislature (Delegation of Powers) Bill, 1959.
- (3) Discussion and voting of Supplementary Demands for Grants (Kerala) for 1959-60.
- (4) Consideration of motion for reference of the Legal Practitioners Bill, 1959, to Joint Committee.
- (5) Consideration and passing of—
 - (i) Dowry Prohibition Bill, 1959, as reported by Joint Committee;
 - (ii) Delhi Land Holdings (Ceiling) Bill, 1959—and
- (6) Discussion on the statement made by the Minister of Transport and Communications in the House on the 11th September, 1959 regarding setting up of Posts and Telegraphs Board, on a motion to be moved by Shri Harish Chandra Mathur, at 3 P.M. on Thursday, the 3rd December, 1959.

12.22 hrs.

STATEMENT RE: DANDAKARANYA
DEVELOPMENT AUTHORITY

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): Sir, it is about six pages. May I lay it on the Table of the House?

Mr. Speaker: He may lay it on the Table of the House.

Shri Mehr Chand Khanna: Sir, I beg to lay on the Table a copy of the Statement on the Dandakaranya Development Authority. [See Appendix II, Annexure No. 16.]

Shri S. M. Banerjee (Kanpur): Yesterday, the whole of West Bengal newspapers gave out the alarming news about the Dandakaranya. We would like you to allow some time for discussion.

Mr. Speaker: The hon. Members will look into the statement.

Shri Panigrahi (Puri): May I submit that during the last two years, the House has not learnt about the progress of the Dandakaranya? I think the reports submitted to the Government by Shri Dharam Vir and also by Shri Fletcher to the Government and to the Prime Minister must be made available to the hon. Members so that they may be able to discuss them.

Mr. Speaker: This statement will be circulated to the Members of the House. They will not be sent to each and every hon. Member. I mean that whichever hon. Member is interested in it may take it from the Notice Office. If all the 503 hon. Members want a copy, they will have it. All that they have to do is to go to the Notice Office and take it.

Shrimati Renu Chakravarty (Basirhat): The Head of the Administration has resigned and it has come in all our papers. It is also reported that Mr. Fletcher has submitted a 20 page letter to the Ministry saying why he has resigned.

Mr. Speaker: I have not got anything in the Order Paper.

Shrimati Renu Chakravarty: Sir, we would like to judge both from Shri Fletcher's report as well as the report of the one-man committee set up by the Ministry to go into the

affairs of Dandakaranya. Both these two reports should be made available to the House to judge about the success of the scheme. We have been kept in the dark but it has come in the papers.

Shri Mehr Chand Khanna: Sir, as far as the scheme is concerned, it is being implemented. As far as the note by Shri Fletcher covering 20 pages is concerned, the hon. lady Member has more information than I have because I have not received any note till now from him whether covering one page or 20 pages.

As far as my statement is concerned, I have said in my statement that we are concerned with the implementation of the scheme. I shall see that the scheme is implemented. I have said one thing more in my statement. With a view to see that the interest of the scheme is properly safeguarded, I am going to associate an officer of the Ministry with that Dandakaranya Authority. Thirdly, whether it is A officer or B officer, I want to make a categorical statement that officers are meant for the implementation of the scheme and the scheme is not meant for the officers. It is a subordinate authority. I shall see that the policy laid down by the Government of India in the Ministry of Rehabilitation is executed and carried out. If any officers come in the way of that policy, they shall have to go whether they belong to this party.....
(Interruptions).

Mr. Speaker: Order, order.

Shri H. N. Mukerjee (Calcutta—Central): Would you permit me to make a statement in this matter?...
(Interruptions.) The remarks which the Rehabilitation Minister has been pleased to make are very disquieting. They give some idea in regard to the statement which he has placed before the House. It will be circulated but I find a difficulty in saying anything because we have not got the full statement. But the position is that

in the papers not only allegedly factual reports but also editorial comments have been appearing from time to time for quite a long time now. I want your guidance in regard to this matter. I do not want to precipitate the whole thing but we in this House have always been given the impression by the Minister that everything is lovely in the garden as far as Dandakaranya is concerned except in so far as the opposition factions are putting up some kind of opposition. This is the kind of illusion which he has given to us in this House. For weeks the papers are reporting a very disquieting situation for the Dandakaranya scheme and reports regarding the resignation of the chief officer concerned have also appeared in such a fashion that we cannot ignore it altogether. That being so, I wish your direction. Please give a direction that in as quick a time as possible, we shall have a discussion in this House on the basis of whatever statement the Minister has placed on the Table of the House. Without that assurance it is very difficult for us to accept what the Minister has said in a rather oblique fashion regarding the activities of certain opposition elements. The opposition elements might very well be at fault but that is not the point. The point is that the Parliament and the country have been given a very clear impression by the Minister of Rehabilitation that except for a few refractory elements, the Dandakaranya scheme has been going on very wonderfully. We shall be very happy if Dandakaranya scheme is successful but we are not going to let the Minister make this kind of an oblique observation and get away with that.. *(Interruptions.)*

Mr. Speaker: Order, order.

Shri H. N. Mukerjee: That is why I wish you to give us some direction. . .

Mr. Speaker: Order, order. The Prime Minister.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Sir, my colleague, the Minister of Rehabilitation made a statement in regard to Dandakaranya, I think, yesterday or the day before. In that it was stated, the House will remember, that there had been some internal conflicts among the members of the Dandakaranya authority, between this gentleman Shri Fletcher and the other members. He did not go into great details about it, but said that they could not all pull together and in fact each had resigned if the other continued. That is a very unfortunate situation and this matter has been before us for the last one month or two. Naturally, my colleague, the Minister of Rehabilitation consulted the people concerned and other people like the West Bengal Government; and the Chief Minister of West Bengal and a committee of the Cabinet considered it too. We came to the conclusion that it was time Shri Fletcher was asked to go and revert to his State—Punjab. I cannot obviously go into the details at this stage. The work in the Dandakaranya might have suffered a little—I cannot say. But the real difficulty was not the work but this unfortunate conflict in the Authority itself and we think that the conflict has been removed by the removal of Shri Fletcher. It is an unfortunate thing and it does not do much credit to any person concerned that Shri Fletcher should be engaging himself in newspaper controversy on this subject in which he is himself concerned. As far as a discussion is concerned, that is a matter entirely for you to decide taking into consideration the time available.

Mr. Speaker: So far as the report of Shri Fletcher is concerned, the hon. Minister has said that whatever he might have given to the newspapers or whatever the newspapers may have got otherwise, it has not yet been presented to the Minister. It is rather a strange story that a

person who is under the Minister, a subordinate, does not give the report to the Minister himself but goes about circulating it to the newspapers and carries correspondence over them. I do not know how there can be any justification, whatever it may be. After all, the Minister is responsible to this House and if anybody under him misbehaves it is the Minister that goes. We have had experience. Therefore, let us not go into it further and take up the time of the House.

I am really sorry that Shri H. N. Mukerjee should have said that an oblique reference was made by the Minister. It is open to the Minister to say that the men whom he has engaged have unfortunately not delivered the goods and not acted properly. But who else is responsible? It is the Minister who is responsible to this House; not Shri Fletcher. Under these circumstances, let no impression be created that this House will take sides with any authority who is subordinate to the Minister who is responsible to this House. It is unfortunate that a reference had been made by the hon. Minister to the subordinate and it is unfortunate that Shri H. N. Mukerjee referred to the 'oblique' reference made by the Minister, and therefore I said rightly "order, order". It is left to the hon. Minister to present the report.

So far as Dandakaranya is concerned, I may say that if only hon. Members will go into the pages of reports, questions and the resolutions and so on, they will find that all along it is only Dandakaranya that we have been dealing with almost every day, during all these years. Therefore, it is not that hon. Members have been kept in the dark about Dandakaranya; so far as I am concerned, I have been kept in the light.

Shrimati Bona Chakravartty rose—

Mr. Speaker: Order, order. If, however, after perusing the statement, hon. Members feel that there is any real matter to be discussed, a motion may be made, and whenever a motion is made, I will always consider that motion on merits. Copies of the statement will be kept in the Notice Office and members interested may go there and collect a copy. So far as the report by Shri Dharma Vira is concerned, is it available?

Shri Mehr Chand Khanna: No, Sir. I am not placing it here. It is only a departmental enquiry. I may here make one more submission with your permission. Within the next ten or 15 days, in fact earlier than that if I can, I am going to prepare a detailed note on the working of the Dandakaranya project and I shall circulate it to each Member of this House and the other House.

12.33 hrs.

RELEASE OF A MEMBER

Mr. Speaker: I have to inform the House that I have received the following telegram dated the 26th November, 1959, from the Superintendent of Police, Bhopal:

“Shri Ramsingh Bhai Varma, Member, Lok Sabha, released yesterday evening”.

12.34 hrs.

MOTION RE: INDIA-CHINA RELATIONS—Contd.

Mr. Speaker: The House will now take up further consideration of the motion re: India-China Relations. The original motion along with the amendments is before the House. The hon. Prime Minister.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I must express my gratitude to you and to hon. Members of the House for this debate which has been taking place for the last two days. May I, right in the beginning, say that I am sorry that some words I used on the last occasion when I moved this motion had slightly upset some hon. Members opposite. I talked about a motley crowd with motley ideas or some such thing. I did not mean any disrespect to anybody. What I meant was that people who are of entirely different opinions and groups had gathered together in a resolution, which was not a disrespectful thing to say.

Yesterday, Shri Asoka Mehta referred to a friend of his, Shri M. R. Masani, and said that Shri M. R. Masani's economic ideas would be pushed into the dustbin of history. I would not have ventured to say that although I entirely agree with that statement. Therefore, it surprised me that some remark that I made without any intention of hurting any hon. Member was resented. Anyhow it was not my intention. I am sorry.

In the course of this debate many things have been said, and many criticisms have been made, and yet, the major fact stands out, namely, on the big issues before us there is practically unanimity in this House. I was a little surprised when Acharya Kripalani accused us of treating this matter lightly and casually as a small issue. I can assure him that whatever other mistakes we might have made, we have never considered this question as a small question. In fact, perhaps we might have attached a little more importance to it then even Acharya Kripalani, because we had to give earnest thought to all the consequences, to where it was leading us and to what might happen not today but in the months and years to come. In fact, if I may say so, there came for me one of these peak events of

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history when a plunge has to be taken in some direction which may have powerful and far-reaching effects not only on our country but on Asia and even the world.

It was no small matter that we considered. I can assure him that it was not casually that we considered it. We considered it, keeping all these far-reaching aspects in view, keeping in view all these processes of development in India, our five year plans and everything. All this picture came before me and before my colleagues when we discussed it. So, let us be clear about it, namely, that we are dealing today not with a small or a casual matter but a matter of the utmost significance to the present and the future of India and Asia. That is the approach.

Another thing that struck me very agreeably and pleasantly was the almost unanimous affirmation of what is called the policy of non-alignment. I think perhaps some Members who have affirmed it might have done it maybe with some inhibitions or limitations in their mind. That is possible, even with some different viewpoint. But the fact is that barring perhaps one or two hon. Members—I forget the names—everyone in this House belonging to every party said that there was no other policy open to us but that of non-alignment.

Even those who perhaps cast some doubt on it seemed to me to be labouring under some misapprehension. When they talked about *Panch-sheel* or the five principles, they seemed to imagine that that involved our forgetting the recent developments or ignoring them and finding it impossible to co-operate with the Chinese Government in many ways and generally to carry on in the old way. But the two points are quite different; the policy of non-alignment and of having friendly relations is, I believe, basically a right policy under all circumstances, whatever happens. That is true.

But the policy remaining like that, if two countries fall out, let us say two countries, in the extreme extent, go to war, obviously that policy does not apply to them. It is absurd to say it does. If peace is broken, we deal with the situation in so far as we can. The policy remains good all the same, and it applies to the rest of the world, and later to that part of the world too, because war is a bad thing—anyhow it is not a permanent phenomenon. If people think that what has been happening on our borders and elsewhere has made no great difference, that, of course, is not correct. It has made a tremendous difference. Not only to Government and to our present relations with China, but to what might happen in the future too—that is quite obvious—the wide-spread and deep-seated reaction in our country. There is no doubt about that. From almost, you might say, a little child in a primary school to a grown up man there has been this powerful reaction.

I have ventured sometimes to ask people to be calm about it. That is true. But, I might tell you that I was proud of that reaction. I did not wish that reaction to go in the wrong direction, because, I was afraid that we might fritter the vitality and energy that we may have into unnecessary and even undesirable activities, thinking that we are doing something. The issue was so grave in my mind, so big. Here we are sitting on the edge of history and all kinds of things are going to happen in the future. Are we going to think that we are solving these problems by organising students' demonstrations, or coming in front of Parliament House and waving flags? That way, it does not help. That is minimising the issue. If we are straight about it and if we really feel like that, we shall have to change the millions of people in this country. It is not a question of some additional armies. These are minor things. If this unfortunate thing occurs, we have

to face this and we shall become a nation of armies, every man; let there be no mistake about it. But it is not by petty things, that we shall do it. Every single activity, every single thing that we do—planning, etc.—would have to be conditioned by one major fact, because that will be a struggle for life and death; not as hon. Members say—forgive my mentioning it—“go and occupy that land; force them out”. I am surprised at the casual way such things are thought over and mentioned.

Therefore, may I point out to Acharyaji that we have not casually considered this question, and it is because of its importance and vital effect on the future for all of us in this country, that we have given this matter so much attention? If two of the big countries of Asia, biggest countries, giant countries of Asia, are involved in conflict, it will shake Asia and shake the world. It is not a little border issue that we are troubled about. We are troubled about the border issue, of course; that is a different matter. But the issues surrounding it, round about it, are so huge, vague, deep-seated and far-reaching, inter-twined even, that one has to think about them with all the clarity and strength at one's command, and not be swept away by passion into action which may harm us instead of doing us good. All these are considerations, and we have, in our little wisdom, however limited it may be, tried to consider these aspects. And we shall continue them.

They are too big for any Prime Minister or Government to deal with. We are small men facing great events and great decisions; and we can do very little without the support, the fullest support, of this Parliament and of the people. That support, I believe, is there and will come.

When I appealed to this House two days ago about united effort etc. I meant it in a very much deeper sense. I did not mind all the speeches made here or there, although sometimes

those speeches influence public opinion. They indicate to the outside world that we are not united, that we are quarrelling and that we are weak, which is a bad effect to create on our people or on the outside world. They are misled by it, because the reality is that on a subject like this India is bound to be united and nobody can break that unity when the danger comes. But there is this to be said. If this House thinks—you will forgive me for being quite frank—that the manner our Government carries on this particular work is not satisfactory, then, of course, it is open to this House to choose more competent men in whom it has faith, in whom the country has faith. That I can understand, for in a crisis there can be no, shall I say, personal considerations by way of courtesy when we face these matters. But if, in your wisdom or in the balance, you feel, this House feels, that this Government has got to face this challenge, or this Prime Minister has to face it, then hold to him and help him, and do not come in his way. I did not mean at all that there should be no criticism. Criticism, of course, there should be. But there are criticisms and criticisms. In a moment of crisis one should not do anything to encourage the opponent or the enemy. One should remain on one's toes, I admit; our people and this House, certainly, should remain on their toes and be wide awake to correct mistakes, to point out mistakes. I do not want any Government, least of all the Government of which I have the honour to be the head, to be treated as if we are all-wise. We are not all-wise; of course not. We are rather common mortals facing great events. Sometimes, of course, the mere association of great events makes a person greater than he is, as many of us grew greater in the old days when we associated ourselves with the struggle for India's independence. Small men and women that we were, we became bigger in stature because we were associated with those great events.

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Now also there is a challenge of these great events and if it is your will and pleasure that I should serve in this capacity in which I have been placed, I am not going to shirk it, and I am going to serve with all my strength and such competence as I have. But, if you make me the instrument of your will for this purpose, do not blunt that instrument; keep it sharp for the work that it is intended to do.

So, we really have to consider this issue in all its ramifications, to which reference has been made in this debate, and many other ramifications. But, in the final analysis, you have to consider it in this much deeper sense of the biggest challenge that they could have—a challenge which may make history for good or bad. Let us not boast. The issues are too grave for boasting. Let us not talk about how we will go and kick them out. China is no small country, nor is India. They are both big countries, ancient countries, and in perhaps somewhat different ways, strong countries. It is absurd, I think, for the Government of China to imagine that they can sit on India or crush India. It is equally absurd for anyone in India to think that we can sit on China or crush China.

Shri Nath Pai (Rajapur): We have never asked for it.

Shri Jawaharlal Nehru: I am not accusing anybody. I am making a statement as to what we have to face. If the worst comes to the worst and a conflict arises between two mighty countries, it does not much matter if one country has got a few more guns, or a greater army; it may matter in a military sense, but basically when these two giant countries come into conflict in a life and death struggle, no one gives in. No one gives in when he is being crushed. Certainly India does not give in. Something may happen here and there on the borders. We take it. We

deal with it as we think best always keeping in view this distant prospect of what might happen and how we should deal with it. It is therefore an issue of the biggest magnitude. We should not, I submit, however big the issue, lead ourselves to cultivate or to encourage what is being sometimes referred to here as a war psychosis, because let us realise in all consciousness that such a conflict, such a war between India and China will be bad, terribly bad, a tragedy of the deepest kind—a tragedy for us, a tragedy for China too and a tragedy for Asia and the world. Therefore let us not think lightly of it. Let us not take steps which automatically push us in that direction.

That is one side of the picture. The other side is that when this challenge comes, when this danger comes we cannot be complacent. We have to be wide awake and prepared and do all we can to face it if it comes. These are the two sides of the picture and we have to steer a course avoiding extremes.

I am not going to discuss many of the suggestions and proposals made about developing the border and all that. Of course, it is true. But may I say that some of the suggestions made rather surprised me. Dr. Ram Subhag Singh said that we should industrialise NEFA, the Ladakh area and—where else?

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

Shri Jawaharlal Nehru: There were three places.

Sardar Hukam Singh (Bhatinda): Spiti and Lahaul.

Shri Jawaharlal Nehru: Spiti and Lahaul.

It is a noble ambition of Dr. Ram Subhag Singh. But before we do that we have to think of the little country

of India also. We have to deal with and industrialise it. We might concentrate on industrialising India first before we go across the Himalayas for that purpose. It shows the enthusiasm of our hon. colleagues here in this Parliament, but it also shows that in their enthusiasm they sometimes overshoot the mark and that is not helpful.

Then again, we have been charged. "Why did you walk out of Bara Hoti? Why did you do this? You made a statement in September last and in November you tell us that you walked out of there." Well, I venture to explain the matter. First of all, we have always walked out of Bara Hoti during winter because, broadly speaking—I do not say it is impossible to live there—it is unlivable and uninhabitable in winter. Of course, it is a conceivable possibility that if necessity arose and when there is vast urgency one can do anything. One can go to the North Pole or to the South Pole. That is a different matter. But we have retired and China has retired from there because the place is unlivable. So far as we are concerned, it is, roughly, approachable for five months in the year, that is, the approach routes to Bara Hoti, on China side too, are in other months difficult—the high passes which lead to Bara Hoti are blocked. A person may live there, certainly, with difficulty, but he just cannot travel to and fro in the rest of India for seven months in the year. As I said, one can always do everything if danger threatens and necessity arises. But the idea of living there or putting our people there, cut off from the rest of India for seven months more or less, unless there is urgent necessity, did not seem to me obvious at all or something that was demanded by the honour or interests or the defence of India.

Then again, we had arrived at an arrangement with the Chinese Government some two or three years ago—three years ago, maybe—particularly about this matter that they would not put any armed personnel there and we would not do so. Of

course, you will say, "Why did you come to such an arrangement?" Well, I am sorry that I disagree. When there are any disputes—I am not talking about these big scale border troubles and almost a mountainous invasion and all that; that is a different matter—but when there are disputes as there are plenty of disputes between two countries, they have always to be discussed and arrangements are arrived at. All that is a common factor everywhere where such disputes arise. So, we agreed with them that neither they nor we will send armed personnel there. We have both kept by that in the last two or three years. In summer we go. We did not agree about our withdrawal or not—there is no agreement—but it was by force of circumstances. They withdrew. We withdrew. So, we have been sending our civil personnel there—not that the civil personnel do any civil administration there, but they sit there and they will sit there, of course.

So, I submit that attaching too much importance to these matters and becoming touchy about them rather distorts the picture in our minds. We seem to think that we are going to decide these major matters by, let us say, what they did in the old days. Two persons would fight if a moustache was a little longer or shorter or a little higher or lower. That kind of thing does not apply to these grave national problems.

Some hon. Members talked about common defence with Pakistan. Now I do not wish to discuss that matter, but I would remind the House of the statement that appeared only two days ago—I think day before yesterday—that President Ayub Khan made when he was asked about this letter that I have sent to Premier Chou En-lai. He said that Pakistan will not recognise this because she had a claim to Ladakh, that is, because Pakistan had a claim to Ladakh, he said that I had no business to make proposals to Premier Chou En-lai and that he does not recognise my letter. I am not discussing this. But I am

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just pointing out the inherent difficulties of this question of common defence. But people do not realise fully what difficulties it involves.

Then, about war—limited war, leave out big war—we have had in recent years at least two important but limited wars. One was in Korea and the other was in Indo-China and great and powerful nations were involved in it. After lasting years, those wars ended in some kind of a partial settlement or some kind of a truce: some kind of a settlement, not a complete one perhaps. The troubles have continued, tension has continued. But even there, there was a war in which great nations were involved and ultimately by force of circumstances they came to some settlements which were not very satisfactory to either of them, big nations as they were. I am pointing out, that we have to look at this question not lightly, not vaingloriously, not boastfully, but still firmly and determinedly. It does not mean that we have to shout at the top of our voices in order to be heard. It is action and determination that counts and not a very loud and repeated assertion as to how we feel, although that has to be done when necessity arises.

13 hrs.

There is another thing. There has been a misapprehension evidently and people say that we are creating a no-man's land in Ladakh—it is true—and that we are thereby acknowledging China's claim to the frontier there. First of all, we are not acknowledging it in the slightest degree. It is patent. Secondly, in effect, we are asking them to do what, I believe, was the desire of every Member of this House, that is, to walk out of the territory of India, that we consider India's territory. It is true that we are doing it in a polite way, in a courteous way, in an honourable way for both the countries, because that is the only way to do it. Of course, otherwise, you aim not at getting them to do

something, but at a deadlock and war. Either we come to the decision that all this is nonsense as some people do say, you must not negotiate, you must not talk with them until they do this or that. I believe that in this matter, as in some other matters, the Chinese Government has been in error, has behaved badly; it has not behaved fairly to us, has committed, what I might say, a breach of faith on us—not a breach of faith of any particular word or document, but broadly speaking breach of faith. I believe all that.

But, do you treat a Government or do you expect to be treated in a way to be ordered about? Then, you are in the wrong. No country likes being ordered about. A great country to be ordered about is not either the way of diplomacy or dealing between two countries. Therefore, to say as some hon. Members have said, I am sorry to criticise them, that they must do this or that,—in fact, if you analyse what they say, they must surrender and then we go graciously to talk to them—that is not obviously a feasible proposition. It may please us. We will be very happy if that happens. But, that kind of thing does not happen even with small countries, much less with a great country—deliberately asking the other country to do something which it considers humiliating. There are very very few countries which tolerate that, even small countries, rights or wrongs apart. Therefore, either you aim at a complete deadlock with no way out except war or you aim at finding some doors and windows which might help in removing that deadlock, lessening it and creating an atmosphere where one can possibly get over it and settle the question to our advantage. It is a difficult matter. I cannot say now whether this can be done or not. But, one thing I know absolutely and definitely: to accept the deadlock for ever or to suggest something which confirms that deadlock and leaves no doors open except war, is a bad step, dangerous step, an utterly wrong step, from any point of view.

That does not mean, of course, that we should weaken or we should—the word is often used—go in for appeasement. I do not quite understand what meaning people attach to it. It is a bad word with bad associations. That is true. But, those Members who used it, seemed to think that the alternative to any policy of negotiation or any policy of trying to find some way out was appeasement. That means that they believe in no other course but war. Let us realise it. Because, they may not have used the word war, but the steps they suggested, if taken, inevitably lead to that. We must realise the second, third step. Therefore, I do submit that not only in this case, but always, we should be prepared to negotiate. We should be prepared to meet as we have met even when feelings were rather tense, representatives and leaders of Pakistan. I am prepared to meet them again. I may meet them if chance comes. I am not going to allow my sense of any personal prestige to come in the way of meeting any person anywhere if I think that the cause of my country is served thereby or the cause of peace is served thereby.

It is true that, much as one might desire a meeting, that meeting itself, unless it is held under proper circumstances or a proper atmosphere, with some kind of background and preparation, may lead to nothing. It may fail; it may do harm. It is a different matter. It is a matter of judgment. It is true that any such meeting which has the faintest resemblance to carrying out the behests of another party is absolutely wrong.

I have said, in this particular matter, and the House will remember, Mr. Chou En-lai suggested an early meeting. I have said, "I should be glad to meet you." It seems to me that the meeting could only take place firstly when these proposals that we have sent have been accepted, there is some basis for meeting, tension becomes less or some other preparation made for it. I do not wish to delay anything. I am not trying to escape the very idea of meeting. I want it, I

welcome it as early as possible. But, as I have stated, there must be some preparation, some ground for it. It is a complicated issue. Leaving out the broad question of how the Chinese have behaved in this matter, which, I think, is very bad, even if you come to the narrow issue of the borders here and there, it is a fairly complicated issue, full of history, tradition, this and that and maps.

The Chinese Government has recently published a kind of an Atlas—*atlas* is not perhaps the right word—a collection of maps, plenty of them. I think about two or three are their own maps. The others are maps taken from other countries, all maps, British maps, American maps, French maps, wherever they could get hold of, which they thought to some extent helped their case. Sometimes they help them a little, sometimes more.—*Encyclopaedia Britannica*, some traveller's maps, all that kind of thing. They have done it. We have plenty of maps, very good maps. I have no doubt that our case is a very strong one, broadly speaking. What I mean is, two countries, where there is a dispute, cannot refuse to talk. That is not a legitimate way in the modern world or at any time to deal with. If you are strong, you can, of course, push aside your adversary, talk or no talk, get away. It is a bad habit even then.

In the present case, things have happened which have come as a shock to us. I have no objection to talks about Bara Hoti or one or two other places. These are limited cases of border. Where there is a dispute, let us discuss it. How many hon. Members here, who have warmly protested against our coming out of Bara Hoti, know even the facts about Bara Hoti? But, it is a resentment, a justified resentment because they feel that with the Chinese pushing themselves here and there, we must not put up. I can understand that emotional reaction to it. But very few of us here can discuss the question of Bara Hoti, what the facts are this way or that way, or any other question.

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So, I had no objection to discussing Bara Hoti or one or two other matters which I might mention. We have inherited the dispute not since the Chinese came but from before that.

But the question becomes an entirely different one as it is today; whether it is the so-called Macmahon line or whether it is in Ladakh, it becomes different. Something has happened there which is not a minor border dispute, a minor transgression where there may be doubt about it or not.

Whatever the Chinese Government might feel in their minds, as I said the other day they have an one-track mind more so than other countries. We all have one-track minds to some extent when our national interests are concerned, but I think more than other nations the Chinese Government has that one-track mind, and that has been encouraged or developed or conditioned even more by the semi-isolation in which this revolutionary China has grown up in the last ten years with no contacts with others except a limited circle of nations.

I say this is on a different footing. Here we are for the last ten years talking to them, dealing with them, discussing the Tibetan Treaty with them, and so far as we are concerned, openly and repeatedly declaring what our frontier was—the maps are there—declaring in Parliament and elsewhere, so that there was no doubt as to where we were.

I am for the moment assuming that the Chinese believed in their own case, and believed in their own frontier. Anyhow, they perfectly knew our stand, while the way they put it to us was: yes, this matter, these maps require revision or reconsideration—something like that—which certainly did not close this argument, but broadly the impression created was that they had some minor rectifications to suggest, no more.

In spite of all this, they suddenly, or gradually if you like, creep up and

take possession of these various areas and territories. I am not going into the whole history which the House knows. It does seem to me a definite breach of faith with a country which tried to be friendly to them. I think we have rightly tried to be friendly to them not only because of the past, but more so because of the present and the future, because I do not like, my mind rather does not like, the prospect of the future where these two giant nations of Asia are constantly at each other's throats. It is a bad future for us, and for them, if I may say so, and for Asia certainly.

Therefore, keeping all this in view, we followed a certain policy. There was no question of appeasement. Certainly it was a policy which objected to and disliked the other policy, what might be called anti-policies. We do not believe in anti-policies, broadly speaking, and we think anti-policies are necessarily based on hatred, which is the typical cold war approach to any problem. If you have an enemy you have to fight, go and fight that enemy, down him if you can, but this kind of cold war attitude is, I think, more pernicious than any straight out war. It perverts a nation and an individual who indulges in it. It is far better, as Gandhiji said, if you have a sword in your heart, to take it out and use it, not nurse it in your heart.

So, there was no misunderstanding on our part about what China was as some people imagine. Perhaps we had given more thought to it than most hon. Members here.

Even before the revolution, we developed, we tried to develop, friendly relations with the previous China, the Chiang Kai-shek China, not that we approved of Marshal Chiang Kai-shek, it was for China to decide who should rule. But because we attached importance to China as a great country, our neighbour country, the biggest country in Asia, we tried to be friendly with them, and we were

friendly with them; it was not a long period, of course, since we became independent, because two or three years later came the success of this revolution there.

Well, when the revolution came, we discussed this matter, thought of it, with our Ambassador there and others concerned. It was perfectly clear that this revolution was not some kind of a palace revolution. It was what might be called a basic revolution involving millions and millions of human beings. It was a stable revolution with strength behind it and popularity behind it at that time, whatever might have happened later—there is no doubt about it. It produced a perfectly stable Government, strongly entrenched and popular. That has nothing to do with our liking it or disliking it, that is a different matter. And naturally, we came to the decision that this Government should be recognised, and within two or three months we recognised it.

I might repeat here a phrase which has stuck in my mind. Soon after the Chinese revolution—I forget, maybe a year after, maybe a little more, but about that—a very eminent statesman belonging to the Western Countries who did not like the Chinese revolution said in the course of a talk with some people: "We made a great mistake when the Russian revolution took place, the Soviet revolution; that is, for years we behaved to them, tried to crush them, tried to, you might almost say, put an end to the revolution. We did not succeed in doing so, but we did succeed in embittering everybody and creating these terrible conflicts between us ("us" means those people, Western countries) and Russia." He said: "Let us not repeat that mistake in regard to the Chinese revolution." This was a person who did not like the Chinese revolution. He is an eminent statesman of the Western countries, but he was a wise man.

Now, it is pretty obvious, it was then and it is now, that you cannot deal with these revolutions because you dislike them, cursing them up and

down, bell, book and candle; they do not cease to be. These are elemental things that happen in a country. You have to deal with them. If you like, you can fight them, but you cannot ignore them. That is why we have always been convinced that it is utterly wrong and harmful and dangerous for the world for China not to go into the United Nations. It is not in keeping with the facts of the situation, with the facts of life, it comes in the way. And so, this is what we have been saying in the last ten years and now gradually, even those who have opposed this, have to admit that it would have been better to recognise China progressively they admit it. And indeed, China ought to have been there long ago but for certain complications that arise in regard to Marshal Chiang Kai-shek, it is true.

Take even the last meeting of the General Assembly of the United Nations. When this question of China being seated there was brought up by some countries, including India, people were surprised. They said: "Oh, India goes on doing this in spite of what has happened in Tibet, in spite of what has happened on India's borders. How blind they are!". Well, it is not for me to say who is blind and who is not, but normally, we have found in the last ten years that what we have said, and what action we have proposed has been accepted by the other countries year after year, after much damage had been done, of course, because of their not accepting that advice; they have come round. And you will find that even in the last voting in the United Nations over this Chinese question more people voted for it; more people who had opposed it became neutral or abstained. Those who had abstained voted for it this time, that is, in spite of all these factors which had irritated the countries and irritated us against China, yet, the facts of the situation made people vote more for that in this last session, because there are statesmen there, there are people who think of the future and of the

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present; they cannot ignore these facts. They had to vote. I have no doubt that if China had been....

Acharya Kripalani (Sitamarhi): Is it because the Chinese are disappointed that the world is opposed to them, that they attack their friends?

Shri Jawaharlal Nehru: I am afraid, with all respect I say so, that Acharya Kripalani's mind is astray at the present moment. It has nothing to do with what I am saying or with my line of argument. Perhaps, I shall be able to clarify the deep recesses in his mind presently.

Now, I am pointing out that you are dealing with enormous elemental phenomena in the world, with these big revolutions and others. You have to understand them and fight them, if you like, but understand them; you cannot fight without understanding.

Now, I shall come to another aspect of this question which might perhaps lead Acharya Kripalani to have a slightly better understanding of the working of our minds. Ever since the Chinese revolution, we naturally had to think of this major fact of this revolution and what this new China was likely to be. We realised that this revolution, apart from the change-over, was going to be a very big factor in Asia and in the world too, and in regard to us. We realised, we knew this much history, that a strong China is normally an expansionist China. Throughout history, that has been the case. And we saw, or we felt that the two factors taken together, the great push towards industrialisation of that country, plus the amazing pace of its population increase, would create a most dangerous situation; it was obvious; it did not require much cleverness to think of that; every intelligent person in the world more or less thought on those lines.

The population problem itself, a vast population and the pace of growth, greater than almost any in the wide world, creates an explosive

situation; it bursts at the seams, but a big population may be weak, of course, unless it is industrialised. And it is this Industrialisation process that came in powerfully, that gave a push. And I said, the combination of that too, was likely to create, we saw eight, nine or ten years ago that it was likely to create, a very novel and a very dangerous situation, not so much for India, but for India also—that taken also with the fact of China's somewhat inherent tendency to be expansive, when she is strong. So, nobody was blind to this fact. We realised it. We have discussed it here, in other countries repeatedly, because everybody knew it. And gradually, as the years have gone by, this fact has become more and more apparent and obvious. So, if any person thinks that we followed our policy in regard to China, without realising these obvious consequences, he is mistaken. If he thinks that we followed it because of fear of China, he is doubly mistaken. It is not for me to say how weak or strong or fearful we are, but I think it may be said that at no time during these last ten years have we functioned under the urge of fear; not previous to these ten or twelve years, but since we formed a government, we have been conditioned not to function under fear. And something of that lesson and experience has still conditioned us and helped us. There was no question of fear of China. Certainly, there was an appraisal of a situation, of the consequences,—that is a different matter—and further action taken, which helps to prevent a dangerous development of these steps, of course; every country has to take that.

So, I am putting this to the House as the background of our thinking, because people seem to imagine that either we live in a world of our own without thinking of what is happening elsewhere, without realising it, or that we are shrinking in fear. They are mistaken in both ways.

Another point that I might mention is these great revolutions like the

Soviet revolution or the Chinese revolution, and at the same time, in a sense even a greater revolution, that is, the scientific and technological revolution that is taking place; all these have been round us in our generation. We have seen them, technological and scientific. It is only in the last few years that we are really making good. Previously, we had no chance. And we are doing pretty well in it, and I have no doubt that considering the material we have, we shall do well, given an opportunity.

Now, all revolutions, whether it is the French revolution or the Russian or any other, rather tend to function abnormally, obviously; a revolution itself is a departure from normal behaviour, normal development. They become abnormal; they become upheavals; they do not pretend to having drawing-room manners; in fact, they go against drawing-room manners and break things; they are destructive, although also these big revolutions have obviously something constructive in them, something which appeals to people, something which rouses their enthusiasm, obviously. And you see, therefore, these tremendous ferments and upsets and crude things and cruel things happening. Gradually, the revolution subsides, keeping many of the gains of the revolution, but becoming more and more normal, whether it is the French revolution or any other. Of course, it depends on other facts how soon it becomes normal. If conditions, external conditions, prevent it, like wars and tumults, it takes a long time; it is bound to, because people cannot live up to that pitch of excitement of a revolution. Now, we see that normalising process very much at work. So in the Soviet Union, I do not mean to say that that means they are going back on their economic theories, although, without going back, they change them; as wise and pragmatic people, they change them somewhat from time to time, the basis remaining more or less the same.

Now, China is very very far from

normality, and that is our misfortune, and the world's misfortune—that is, strength, considerable strength, coming in an abnormal state of mind. This is a dangerous thing. There it is. One has to face it, combat it, if you like. I am merely analysing the situation.

That is why you find a marked difference between the broad approach of the Soviet Union to world problems and the Chinese approach. I do not think there is any country in the world—of course, all countries are anxious for peace—I do not think there is any country which is more anxious for peace than the Soviet Union. And I think that is the general view of people, even of their opponents. But I doubt if there is any country in the world, if I may put the other thing, which cares less for peace than China today. See the vast difference between the two.

One may talk of other things. Shri M. R. Masani may talk still of International Communism and others may talk of international capitalism. There may perhaps be a grain of truth in what they say. But basically and fundamentally, these cries of these ideas are completely out of date and have no relation to today's world. However, it is not for me to argue it. I am merely stating a fact. The world is changing and I can conceive the two great colossuses today, the Soviet Union and the United States, coming very near to each other, as they are slightly coming. Essentially, these ideas of capitalism and Communism are, as I said, out of date. You may quote scripture. I think Shri M. R. Masani quoted what Chairman Mao said and somebody else quoted Marx. Well, it is interesting to know what Chairman Mao said in the middle of a civil war, many things are said at such times. It may be that Chairman Mao will say the same today. I cannot say. But the fact remains that all these cries become out of date. They are out of date today in this world when you have reached the moon and other things happen. The fact of the matter is that the two

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countries at the present moment in a sense the most advanced technologically, scientifically and all that, are America and the Soviet Union. They both worship technology and the machine. They both think that they will get more and more out of it, and perhaps they both forget that there are some other deeper aspects of human life which cannot be ultimately ignored. So this talk about international capitalism and International Communism, repeating an old slogan, merely prevents us from thinking straight and understanding the changing world.

The hon. Member, Shri Vajpayee, expressed surprise and resentment at the letter I had written to Premier Chou En-lai which was sent on the 16th November, just on the day this House reassembled. Could I not have delayed that letter for two days and got the sanction of the House? I am surprised at this suggestion; as if diplomatic correspondence of any type, even of a trivial type and much more so of an important type, is going to be considered by Parliament before every letter is sent. It is impossible for us to carry on in that way. It cannot simply be done. I am sorry to say so. You have to trust to some extent those people whom you appoint to do this job. If they do badly, take them out, of course. But you have to trust them. There is no other way. You cannot have these letters, communications and despatches all the time put before the House.

That was the reason also why a number of these things were not placed before the House previously. I am accused of keeping things from the House. I did not deliberately do so. But I do not wish that before a thing was completed—the correspondence—I should put my letter and create perhaps a furore before I got a reply. One thing in which this argument or criticism may be applied was about the news regarding the Aksai Chin Road. Now, as I said, we wanted to confirm it. We sent our

men there. It was only in October last year—about a year ago—that we had known that it was there and they had seen it. It was in our territory. Immediately, we wrote to Premier Chou En-lai. We could of course have immediately announced the fact. But the possible result in such cases is that there is no room for talk left. Each side becomes rigid—I do not say they are flexible now. That is not my point, but I am talking of the general practice. Each side becomes rigid; publicity is given; national feeling is roused and the other country reacts to it. Then any talk, any flexible approach, becomes impossible. I may have made a mistake, but I am merely explaining how one cannot all the time announce or publish these facts in Parliament, the Press and the rest. But the broad principle, of course, is there that it is essential for Parliament to be kept in touch with events and there should be no secrecy; there might be delays etc. in order to achieve a certain object.

Reference was made in some speeches to our Defence Minister, I am rather sorry this was done, because large questions of policy become entangled in this way round personalities. I do not challenge the right of any hon. Member to say what he feels like about a Minister or about the Government. It is not a question of challenging that right. Nevertheless, even a right can be exercised rightly or wrongly or at the wrong time or producing wrong results. There are ways of doing it. It is rather embarrassing to talk about personalities anyhow, but it so happens that probably in so far as this House is concerned, I have known the Defence Minister longer than any other person. Shri M. R. Masani shakes his head; may be perhaps he knows him better than I do. Anyhow, I have known him for a long time and worked closely with him for many long years before independence came. and I presume that I know him as well as I know anybody else.

I know his faults as well as his virtues and abilities. I have disagreed with him on many occasions. I am likely to disagree with him in future. But I know that apart from his outstanding ability, he is a man of the deepest patriotism and national feeling, and because of that, all the ability he has would have been insufficient if I had not believed in his patriotism and his love of country.

Then I saw his work in the Defence Ministry. The Defence Ministry in the last two or three years has, in some respects, made very great progress; it has revolutionised the scientific part of it, the production part of it, these two main parts which are of the greatest importance in this crisis—the scientific background and the productive apparatus—giving, if I may say so, far greater status to our leading soldiers and others, because previously they were rather relatively weighed down by other departments and so many other things. You may refer to minor matters. But I may say that I speak from certain experience and I was very sorry that some months ago, this controversy came before the House in connection with an offer of resignation from our Army Chief of Staff I was sorry because of what I felt about the Defence Minister and about the Army Chief of Staff. I had considerable admiration for his ability, for his experience and when this kind of a thing happens when people of worth have some kind of temperamental conflict, it is sad. It is not a question of keeping one man in a job or another person, not. Fortunately that matter was got over and things have gone on smoothly. We are all working together satisfactorily and I would say that this matter in any sense should not be revived because whatever step one might take, it is harmful, especially in these circumstances.

I should like to say one thing. It is exceedingly difficult to talk about oneself or to judge oneself. Now, Acharya Kripalani especially accused

me and said that I was intolerant and that perhaps I was not charitable enough to other's opinions. As I said, it is difficult for me to judge but I have not been able to understand why this excellent virtue of tolerance should be limited to me only.

Acharya Kripalani: May I object? Because you are in authority, because of your position as the Head of the Government and also in the affections of the people, you must be tolerant about other's opinions. I made it very clear—more than once.

Shri Jawaharlal Nehru: I accept that. But the point is that all of us represent something. We are not here merely finding a kushi job. It may be kushi for some. We are here representing some views. The hon. Members here represent the views of their Party or their individual views. All of us are here for that. We stand for those views. I can be attacked for two reasons by anybody: either for the wrongness of the views or for incompetence or for corruption or something like that. These are the various ways in which a person is dealt with. If it is a question of corruption, etc. it is a question of fact. So, more or less, is the question of incompetence. Now, there may be conflict of views. If some views are pronounced which I think to be patently wrong and injurious to the country, am I to remain silent and remain tolerant of this injurious doctrine? Obviously, it is up to me, if I have any views of my own, to put them before the country and to fight the heretical views, if I may say so, of the others and the wrong views. Now for a moment I have to plead for myself and to show how amazingly patient and tolerant I am.....

Acharya Kripalani..... to the foreigners.

Shri Jawaharlal Nehru: Hardly two or three days pass by, certainly not a week, when various articles do not appear in a southern paper from a very eminent person, mainly concerned with attacking me personally

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and my policies. I remain quiet and tolerant and patient. I do not go about arguing. But it reminds me of a rather well-known couplet. It is in French; in La Fontaine's Children's Fables.

Cet animal est tres mechant, Quand on l'attaque il se defend. It means: "This animal is very vicious for, when attacked, it defends itself!" Am I not even to defend by views when they are attacked? Surely, that would be unfair not only to me but to the public before whom I stand for some principles.

Let us of course be tolerant and we must be tolerant. We have also to express our respective views with such ability and force as we command always, I hope, keeping, within the limits of the broader tolerance of each other.

May I just say this to repeat what we have said previously that any aggression on Bhutan or Nepal would be considered by us as aggression of India. I know very well what all this involves—what I am saying. It is a very grave responsibility. But realising all this and thinking it out, we said so long ago and now I want to repeat it because not only of wider considerations but also because of considerations of India's security. If you ask, what will be done if this happens or that happens—obviously I cannot say.

Now, the other day, referring to the ill-treatment of some of our prisoners by the Chinese, I mentioned the Geneva Convention. I think Shri Asoka Mehta said something about that and asked whether China had signed it. I have looked that matter up. It is the Geneva Convention relating to the treatment of prisoners of war, August, 12, 1949. The Convention applies to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties even if the state of war is not recognised by one of them. The Conven-

tion was also applicable to cases of partial or total occupation of the territory of a High Contracting Party even if the said occupation meets with no armed resistance. No physical or mental torture nor any other form of coercion is to be inflicted on prisoners of war to secure from them information of any kind whatever. It applies to this. Prisoners of war who refuse to answer may not be threatened, insulted or exposed to any other unpleasant or disadvantageous treatment of any kind. Apart from the present Chinese Government accepting it, Premier Chou En-Lai actually made a statement to this effect—I am not quite sure where but I think—in Geneva recognising the Geneva Convention.

I am very grateful to this House for the courtesy it has shown me.

I would again repeat that it is up to us to realise the gravity of the situation fully, because it is not only an army matter, defence matter, and all that, but it goes much further than that. It affects all of us; it affects our production; it affects all our planning; it affects the workers in the factory and the employers; it affects men in every field. All these demands and other things that are made will have to be conditioned by this new position. Strikes, hartals, lock-outs and all that will have to be viewed from this point of view. Students, who I am glad to say have shown so much vitality over this issue, will have to realise that that has to be shown in other ways also which would really help us. So, it applies to all our life.

So far as we are concerned, I cannot function and my Government cannot function in a big way—it can function normally—when these difficulties face us if we do not have the fullest co-operation from Parliament and the people. I appeal, therefore, for that co-operation, and I promise them that we shall keep them in touch with what happens to the best of our ability. I cannot promise that every letter I send shall suddenly or certainly be placed

before them, but it is impossible for us really to function with any kind of secrecy when such grave issues are at stake.

There are a number of amendments. I would, if I may, suggest to the House that the amendment of Shri Kasliwal which of course is in my favour might be adopted.

Mr. Speaker: Before I put Shri Kasliwal's amendment to the vote, I would like to know from hon. Members who have tabled amendments for disapproval whether they want to press them. As far as Shri U. C. Patnaik is concerned, he said at the end of his speech that he was withdrawing his amendment.

Shri Siva Raj (Chingleput-Reserved—Sch. Castes): I do not press my amendment.

Shri U. L. Patil (Dhulia): I do not press my amendment.

Shri Yajnik (Ahmedabad): I do not press my amendment.

Shri Prakash Vir Shastri (Gurgaon): I do not press my amendment.

Acharya Kripalani: I want to press my amendment.

Shri Braj Raj Singh (Ferozabad): I press my amendment.

Mr. Speaker: All the amendments which have not been pressed are treated as withdrawn.

The amendments were, by leave, withdrawn.

Mr. Speaker: I shall now put Acharya Kripalani's amendment to vote. The question is:

"That for the original motion, the following be substituted, namely:

"This House having considered the White Paper II on India-China

relations laid on the Table of the House on November 16, 1959, and subsequent correspondence between the Governments of India and China laid on the Table of the House on November 20, 1959, regrets the failure of the Government to secure India's frontiers and to safeguard her territorial integrity. In particular, the House regrets—

- (a) the suppression over a period of years from Parliament and the people of the fact of Chinese aggression,
- (b) the absence of measures to ensure the defence of the Himalayan frontiers such as suitable deployment of troops, adequate equipment of our forces, and the construction of necessary roads and air-fields,
- (c) the fact that the latest letter of the Prime Minister to the Chinese Premier does not maintain the stand that negotiations between the two countries can take place only on the basis of prior acceptance by China of our frontier and the immediate vacation of territories forcibly and wrongfully occupied by them,
- (d) the fact in their eagerness for a negotiated settlement Government have suggested that India would withdraw from what has always been Indian territory, in return for the Chinese withdrawing from areas which also are ours, and
- (e) that the Government have announced no clear plans to make the Chinese vacate Indian territories within a reasonable period."

The motion was negatived.

Mr. Speaker: I now put the amendment of Shri Braj Raj Singh and another hon. Member. The question is:

That for the original motion, the following be substituted, namely:

"This House having considered the White Paper II on India-China relations laid on the Table of the House on November 16, 1959, and subsequent correspondence between the Governments of India and China laid on the Table of the House on November 20, 1959, regrets the failure of the Government to secure India's frontiers and to safeguard her territorial integrity. In particular, the House regrets—

- (a) the suppression over a period of years from Parliament and the people of the fact of Chinese aggression,
- (b) the absence of measures to ensure the defence of the Himalayan frontiers such as suitable deployment of troops, adequate equipment of our forces, and the construction of necessary roads and air-fields,
- (c) the fact that the latest letter of the Prime Minister to the Chinese Premier does not maintain the stand that negotiations between the two countries can take place only on the basis of prior acceptance by China of our frontier and the immediate vacation of territories forcibly and wrongfully occupied by them,
- (d) the fact that in their eagerness for a negotiated settlement Government have suggested that India would withdraw from what has always been Indian territory, in return for the Chinese withdrawing

from areas which also are ours, and

- (e) that the Government have announced no clear plans to make the Chinese vacate Indian territories within reasonable period."

The motion was negatived.

Mr. Speaker: Now, I shall put the substitute motion of Shri Kasliwal.

The question is:

That for the original motion, the following be substituted, namely:

"This House having considered the White Paper II on India-China relations laid on the Table of the House on November 16, 1959, and the recent developments on the frontier, and subsequent correspondence between the Governments of India and China laid on the Table of the House on November 20, 1959 approves of and endorses the policy of the Government in this regard."

The motion was adopted.

Mr. Speaker: All other substitute motions for approval are barred.

13.56 hrs.

KERALA STATE LEGISLATURE
(DELEGATION OF POWERS)
BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:

"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."

This is a simple measure. The House is aware that on the 31st July,

1959, the President took over the administration of the Kerala State. At that time the power to legislate on behalf of Parliament was not taken over by the President. When this question arose, the Government of India considered as to whether there were any urgent Bills that required an immediate enactment by Parliament. You are aware that during the last session, with great difficulty, the Parliament found time for legislation in respect of two Bills with regard to the Kerala State. One was the Local Authorities Laws (Amendment) Bill, 1959 and the other was the Travancore-Cochin Vehicles Taxation Bill, 1959. Now, these two Bills became law but there were some more.

Secondly, we had received certain Bills before the proclamation was issued and had received one Bill after the proclamation. I may point out in this connection that so far as the Bills, which are received by the Central Government for the President, are concerned, they have to be looked into and fully examined in consultation with a number of Ministries. In respect of some of these Bills, the matter assumed great importance because the Government of India received a number of representations. It was brought home to the Government of India that certain provisions in these Bills required a closer examination and perhaps some amendments before they could be assented to by the President. The whole question was fully considered.

It may also be noted that when the proclamation was issued article 202 had ceased to be operative. Article 201 is the article under which it is open to the President to give assent to the Bills that are referred to him by the Governor. Therefore, a question arose as to whether a supplementary proclamation should be issued so that the President's power under article 201 might be revived.

There was also the other question as to whether all these Bills could be straightway given assent to or whether certain provisions require further consideration, so that any amendment, if necessary, could be considered before assent of the President was sought to be obtained. That was the reason why the whole question was considered fully. In fact, two questions were considered: whether a supplementary proclamation should be issued re-authorising the President to act under article 201 or whether a general power should be taken by the President from Parliament for legislating such Bills as were necessary during the President's rule over the Kerala State. Now, it was found that occasions might arise when certain urgent matters will have to be considered by the President and perhaps emergent legislation resorted to, because the President is in charge of the Kerala Administration. Various such questions often arise, and that was the reason why it was considered advisable that, instead of taking powers under article 201, which would not meet with the requirements of the case, it would be better to seek power from the Parliament for the purpose of making legislation, or for the purpose of passing President's Acts. That was considered in a general way and it was found that it would be better to have such powers to the President so that he would deal effectively, not only with the Bills that were before the Government of India but with other matters as well.

14 hrs.

I might point out in this connection that when the President took over the administration of Kerala, there were as many as 26 Bills requiring attention; they were pending before the then Kerala Legislative Assembly. Some of them required further consideration, and it is not unlikely that during the continuance of the President's rule, a need might arise for certain very important and pressing legislation. It is for this

[Shri Datar]

purpose that the Constitution, under article 357(1), made it possible for the Parliament to enact a law, conferring on the President the powers of the Legislature of the State to make laws and authorising him to delegate this particular power in proper cases. There is an amendment, so far as the latter portion is concerned. That question will have to be considered by the Parliament in due course. But here the principal question that has to be considered is about authorising the President to make laws.

Another circumstance may also be considered. Parliament has a number of very urgent matters before it, and it is not very easy for the Parliament to deal with different Bills, so far as the administration of the Kerala State is concerned. Last time, with the greatest difficulty, we could find time, so far as two Bills were concerned. Now, there are a number of other matters that require immediate attention. There are, as I have pointed out, certain important Bills here before the President for consideration, and the President might have also to consider as to the extent to which some amendments should be effected before they would become law.

Secondly, the President should have such powers to meet any particular situation that might arise during his administration of the Kerala State. It is for these reasons that this particular Bill has been brought forward, for the purpose of authorising the President to make laws on behalf of the Parliament.

Now, I might also invite the attention of the House to the procedure that has to be followed in this case. Before the President makes laws, as far as practicable, he should have the views of an advisory committee or consultative committee in this respect. For that purpose, a specific provision has been made in clause (8), where it has been stated:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of,—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House."

Thus, it will be found that we are following a practice that had been adopted on some previous occasion when there was President's rule.

Now, an amendment has been brought forward by my hon. friend opposite, the purport of which is that this consultative committee should consist only of Members of Parliament from Kerala State. That would not be a proper course to follow because whenever the President acts and makes laws, they would be the laws or Acts on behalf of Parliament, and so it is proper that members from other States also interest themselves in the provisions of such Bills which would be placed before the consultative committee for consideration, and their advice, their independent, disinterested advice, is likely to be of great use. Because, all the questions that arise are not necessarily confined in their import only to Kerala. There are broader questions, questions about land legislation, questions about a number of other matters, where the other Members of Parliament would like to interest themselves and to tender proper advice to the President. It is for this reason that in this Bill a provision has been made for having a consultative committee of 45 members, 30 from this hon. House and

15 members from the Rajya Sabha. As has been stated, as far as practicable, the President would take into account the views of the consultative committee and make such Acts as he considers necessary in the proper interests of Kerala State, whose administration is now under the President's care. That is the reason why this particular procedure has been followed.

Then, it has been stated in clause (3):

"Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament."

Finally, it is open to this House, subject to the conditions that have been laid down, to make such modifications as they might consider necessary.

Under these circumstances, the short question that arises in this case is to invest the President with the power to make laws for the simple reason that Parliament cannot have sufficient time to devote its attention to the numerous problems that have arisen in Kerala and the problems that are likely to arise during the President's rule. It is for this reason that this Bill has been brought forward and I am confident that it will recommend itself to the approval of this House.

Shri B. C. Kamble (Kopergaon): May I raise a point of order?

Mr. Speaker: Let me first place the motion before the House. Then the point of order can be raised.
Motion moved:

"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."

What is the point of order?

Shri B. C. Kamble: There are two points of order. The first relates to sub-clause (2) of clause (3), which in effect goes beyond the scope of the authority of the proclamation. In sub-clause (2) it is stated that power be given to the President to enact...

Mr. Speaker: Unless the hon. Member is objecting to the Bill itself, I would suggest that when I put clause 3 to the vote of the House, the hon. Member may refer to this.

Shri B. C. Kamble: My point is this. When Parliament is sitting, it can enact; when Parliament is not sitting, it cannot enact.

Mr. Speaker: I shall hear the point of order now if it goes to the root of the matter. If I accept any point of order, no further proceedings can go on with respect to that particular portion on which the point of order is raised. I have placed the motion before the House. Now I can hear a point of order which supports the view that the present discussion cannot go on. I find that no further steps ought to be taken now regarding the consideration motion. When I put the clauses to the vote of the House during the clause by clause consideration, the hon. Member can raise his point, and I will certainly allow him to do that.

Shri Narayanankutty Menon (Mukandapuram): Mr. Speaker, Sir, I have given notice of a motion for circulation of this Bill. If this Bill had been brought in the ordinary course of circumstances, as this House has accepted the Proclamation issued by the President of the 31st July and the necessary corollary of the Constitutional position would be to delegate the power, that this House has got to legislate, to the President, I would not have given notice of such a motion. On the previous occasions when the President exercised this extraordinary power of taking over the administration of the State, both in PEPSU and Andhra Pradesh, the Resolution followed in

[Shri Narayanankutty Menon]

the wake of the approval of this House of the Proclamation made by the President. In this particular case an extraordinary procedure was adopted by the Government in that that during the last session of Parliament, even though there was enough time left for bringing up such a Resolution whereby the power of this House could be delegated to the President for enacting legislation in respect of Kerala, in view of the fact

Mr. Speaker: The hon. Member means the Bill and not the Resolution, perhaps.

Shri Narayanankutty Menon: I am sorry, the Bill. In view of the fact that this House was over-burdened with a lot of work both during the previous session and in this session, we would not have much objection. But last time when the original resolution approving the President's Proclamation was moved and the hon. Home Minister replied to the debate, we raised the pertinent point that for a few years, since the first Kerala Assembly came into being, the Central Government used to take up a particular attitude to the Bills that had been reserved by the Governor of Kerala for the consideration and assent of the President. The first Bill in that case, as this House knows, was the Education Bill.

Mr. Speaker: We are not going into those cases.

Shri Narayanankutty Menon: I am referring to that point.

Mr. Speaker: If it is a dilatory motion, I will disallow it forthwith. But, if on the other hand, the hon. Member thinks that any useful purpose will be served by circulating it, let him place those points before the House. The simple point here is only that. All other things are not quite relevant. It is not as if, if it would have been brought it would not have been allowed. These are all extraneous considerations. No reference

ought to be made on a general Bill of this kind in respect of any Bill which has been passed or reserved or which, in future, is going to be passed. Hon. Members are aware that if any future Bill is passed by the President under the authority conferred on him by this Bill he has to place that before this House soon after that and it is open to any hon. Member to treat it as it were an *terest* themselves and to tender Ordinance. In the case of an Ordinance, a regular Resolution is passed to throw out the Ordinance. In this case also a Resolution can be framed and passed suggesting some modifications in it or throwing it out. If modifications are made, those modifications are bound to be incorporated in another Act passed by the President modifying or amending the original Act. Therefore whenever any particular Act is passed it will immediately come to the Parliament. So far as future Bills are concerned, no reference therefore ought to be made here.

So far as the previous Bills are concerned, this has nothing to do with them. Under these circumstances, the scope of this Bill is limited. Article 357 of the Constitution is clear that the power can be conferred on the President. It has been exercised earlier also. The hon. Member has also referred to that. He has said that if it had been brought earlier, that is, during the previous session, he would have had no objection. He has also said that in this session there is enough work. Therefore, I believe we may pass this as quickly as possible. If he has anything more to say as to why it should be circulated and what special advantage we will get by sending it for circulation, he can say. That is all the point.

Shri Narayanankutty Menon: We feel that because the elections are approaching now there is no necessity for delegating the power of this House to the President.

I was making a particular reference to the Bill already sent for Presidential assent because the hon. Home Minister, while moving this motion, made a specific reference to the four Bills that are pending for Presidential assent. I am entitled to submit before this House that the functions of the President under article 201 of the Constitution are entirely different from the functions of the President which he is required to discharge under article 356 when he has taken over the power. While moving the motion the hon. Home Minister said that in the ordinary course of circumstances when the Government has scrutinised the provisions of the Bills that had already been reserved by the Governor of Kerala for Presidential assent, certain amendments were called for because certain parties raised certain objections to those Bills. I was only making a reference to that observation made by the hon. Home Minister and saying how it will not be desirable to delegate the functions of this House in so far as the Government wants to have some amendments to the Bills already reserved for Presidential assent. I am coming to this point because under the lay out of our Constitution, provincial autonomy regarding certain subjects is guaranteed. The hon. Home Minister, while moving the motion in August whereby the President took over the powers, said that because of the development of a peculiar situation in the Kerala State, the President had to take over the powers and that once the situation had been got over, it was the earnest desire of the Government to see that elections were conducted and normal democratic government was restored in that State.

Now when in the light of the provincial autonomy guaranteed by the Constitution certain Bills were passed by the Kerala legislature, which were within its exclusive power and which did not come under the Concurrent List, those Bills were earlier reserved for Presidential assent and were pending with the President for his

assent. I submit that but for the Presidential interference on the 31st July and the consequent Proclamation and the Resolution approving the President's Proclamation, the President could have only limited power making his own amendments to the provisions of the Bills which had been reserved for his assent. In exercising the powers under article 201 of the Constitution, the President could either refer the Bill to the Supreme Court or send back the Bill to the Kerala Legislature with his recommendations, if he felt that a Constitutional principle was involved or that any of the Bills violated the provisions of the Constitution. But that procedure was not followed and till the 31st July Presidential assent under article 201 of the Constitution was not given.

What I was submitting when you made your observation was that in the case of the Education Bill, he followed that procedure. But when the original motion was moved we raised that point, namely, what would be the future of the Bills already passed by the Kerala legislature and reserved by the Governor for the President's assent. We also submitted that with the President's Proclamation which had been approved by this House article 201 of the Constitution stood suspended as far as the State of Kerala was concerned. Then the hon. Home Minister said that if occasion arose that the assent had to be given by the President, Government would come forth, if necessary, with an amending Resolution.

Mr. Speaker: Some Bills had been reserved for consideration or assent of the President. If the legislature were there, he would have sent those back to the Governor to be sent to the legislature. Now the legislature is not there and he has to send them to this House if this Bill is not passed. If this Bill is passed, he can amend those Bills himself and then send them to this House for consideration.

Shri Datar: That is so.

Mr. Speaker: Unless this House amends it again it will be law. He can pass it. The jurisdiction of this House is not taken away.

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

Mr. Speaker: The only point is whether in the first instance he should send them here or not or whether the President should be allowed to amend them and then this House considers that. Therefore I do not know as to why there should be any difference made between Bills that have already been passed and the Bills that are going to be passed in future.

Shri Narayanankutty Menon: I was confining my remarks only to the powers of President under article 201 of the Constitution which are limited. The power that we are conferring is so wide because under this he can legislate himself. I will confine my remarks entirely to this Bill.

Mr. Speaker: Now that the Kerala legislature has been superseded it is this House that can pass those Bills. If he returns them to this House the House can accept or reject them. The Parliament should consider it and not pass it at all. If the President does something with respect to a Bill and sends it here, it is open to the House to accept it, reject it or modify it. Except that they have come in the first instance, what difference does it make?

Shri Narayanankutty Menon: That is the only point I am submitting. When the President exercises his powers of legislation in this House and later on, when these Bills which are already reserved for assent come back to this House, the only difficulty that I am explaining to you is that he might.....

Mr. Speaker: How does the circulation motion help you; All that I want to know is, about this circulation motion. I can understand, the hon.

Member can oppose this Bill. He may say, until those Bills are disposed one way or the other, I do not want this Bill to be passed. That is, I do not want to clothe the President with any power in the first instance to deal with those Bills, let them be disposed of by him, let them come, in the future, let me see. Therefore, he can oppose this Bill, and say, let them bring it later on. This is a dilatory motion. Let it go round and round,—the more arguments he places, the more I feel that this is a dilatory motion. Therefore, I am going to reject it.

Shri Narayanankutty Menon: That is left to you.

Mr. Speaker: We are not doing anything arbitrarily. -

Shri Narayanankutty Menon: After hearing me.

Mr. Speaker: I have heard him sufficiently.

Shri Narayanankutty Menon: If you are convinced that the circulation motion is a dilatory motion after hearing me and the other side.....

Mr. Speaker: I will leave it to the House to decide.

Shri Narayanankutty Menon: What I submit is this. I have put a specific date. If the Government contemplate today that elections could not be conducted in the State within a reasonable time, certainly the question of such a kind of legislation arises. That is why I have put the date, to elicit public opinion whether the power of legislating regarding certain subjects which are under the exclusive jurisdiction of the Kerala Legislature when it existed should be given to the President. Later on, I agree that under the Constitution, the Bill will come before the House.

Mr. Speaker: I will put one question to the hon. Member. If the elections are expedited, the Bills can be

sent back to that legislature. If the President exercises his jurisdiction now and before the elections are held, he sends them to this House. What will be the difference?

Shri Narayanankutty Menon: The difference is this. The Constitution allows provincial autonomy in certain subjects just like agrarian reforms, which are under the exclusive jurisdiction of the State legislature.

Mr. Speaker: I am not asking that. He sends them to this House. This House is an alias or substitute for the State legislature. It is open to him to send them away immediately to us.

Shri G. B. Pant: I do not follow the hon. Member's objection. Shri Narayanankutty Menon himself will appreciate that his motion is not only dilatory, but it will altogether make this legislation unnecessary and there will be no occasion for placing it before this House again. Because, already by the 28th of February, by which date circulation should be completed and opinions should reach, elections would have been held there and so we are not going to confer any power on the President thereby, nor has the President any power thereafter. Therefore, so far as this particular proposition goes, it is almost senseless, if you will pardon me for saying so.

Mr. Speaker: Whether it is senseless or sensible, I hold that this is a dilatory motion. Indirectly he wants to oppose this Bill. Let him straightaway oppose this Bill. To send it away until the elections are held and the State legislature comes into being, this motion is ruled out as a dilatory motion. Shri Narayanankutty Menon may say anything against this Bill.

Shri Narayanankutty Menon: I am against this Bill. The reasons for opposing this Bill are these. As I was just beginning to say, a burden lies on the Government to convince this House that because of the peculiar situation

confronting the Government it is necessary to have the amending legislations enacted by this House. Certainly, the House will not be inclined to delegate the power that this House possesses to the President. The one reason given by the hon. Home Minister is want of time to discuss the Bills relating to Kerala. Before we think of want of time, we should get an indication of what are the legislations which are to be enacted by the President so immediately, so that the administration of the State cannot be carried on today without this legislation being passed by this House. If such an indication had been given by the Government that such and such Bills are to be enacted immediately, the House could have very well understood why the House should now delegate powers to the President. Otherwise, it will be difficult. That indication has not been given. I was going through the debate.....

Shri G. B. Pant: Before you go, Sir, may I just seek a clarification as to what time you have allotted for this?

Mr. Speaker: Two hours, for the consideration motion and the amendments. How long will the hon. Member take?

Shri Narayanankutty Menon: May I submit, Sir, on that day, I submitted.....

Mr. Speaker: I said, I can extend by half an hour if necessary.

Shri Narayanankutty Menon: You said that you have one hour at your discretion.

Mr. Speaker: Let me know who are the persons who have tabled amendments.

Shri B. C. Kamble: Five minutes, Sir.

Ch. Ranbir Singh (Rohtak): Five minutes.

Bill

Some Hon. Members: We would like to speak.

Mr. Speaker: For clause by clause, there is not much, I think.

Shri Narayanankutty Menon: There are some amendments by me.

Mr. Speaker: I will allow 1½ hours for general discussion and half-an-hour for clauses.

Shri Narayanankutty Menon: May I submit, Sir, because time has been taken on this point and only five minutes are left, I may be given at least 15 minutes for submitting my points?

Shri Naldurgkar (Osmanabad): I want ten minutes, Sir.

Mr. Speaker: At 2.30, this will be adjourned. Let it be understood, whole time is two hours; 1½ hours for general discussion and half an hour for clause by clause consideration.

Shri Narayanankutty Menon: Two hours for general discussion and you may extend by half an hour for second reading.

Mr. Speaker: If one and a half hours are not sufficient, and if hon. Members are going to contribute to the discussion, I do not think any reference to any Bill is relevant.

Shri Narayanankutty Menon: I was just now looking into the.....

Shri G. B. Pant: If this Bill had been of such a character that more light could have been thrown on its provisions by a prolonged discussion, I would have been glad to have the benefit of the views of the hon. Member. It is such a simple Bill.

Shri Narayanankutty Menon: May I assure you, Sir, I will not make any remark apart from replying whatever the hon. Minister has said, in commending this motion for the consideration of the House.

Mr. Speaker: I have always held that even though the Mover of a motion may make some observations which are not relevant, I will not allow any hon. Member to take advantage of that in replying.

14.28 hrs.

[Mr. DEPUTY-SPEAKER in the Chair.]

Shri Narayanankutty Menon: What I was submitting was that under the constitutional set-up, provincial autonomy is guaranteed. It is only under extraordinary circumstances that the emergency powers of the President are to be used. While the emergency powers of the President are used, they will be confined to such a situation whereby the normalcy of provincial autonomy will be restored to the provincial legislature as soon as possible. It is only in extraordinary cases where a compelling situation arises for the Government to enact legislation by Parliament that the Central Government and this House takes up the responsibility of legislating regarding a subject which is under the exclusive jurisdiction of the State Assembly. Now that the President has interfered and so many months have passed and only a very short time remains between the elections and today, this Bill is being introduced. My only submission before this House is that this House should not take up the responsibility of delegating the powers to the President in order to bring in legislations which are not so compelling. The hon. Home Minister, in commending this motion to the House, did not give any indication of the future legislation that is to be brought before this House. His remarks were confined to three or four Bills which are reserved for the Presidential assent and the Government feels that certain amendments are to be brought. My objection before this House is that the President should not be given power by this House, by delegating powers to have amendments to the

Bills reserved for his assent while under the general lay out of the Constitution, his powers were so limited. This Bill would have been avoided if, as promised by the Home Minister last time, another Resolution, amending the Resolution accepted by this House on the 20th of August had been brought in, thereby restoring the provisions of article 211 in respect of the State of Kerala. Because, when giving certain powers to the President under article 211, the Constituent Assembly made it abundantly clear that while respecting provincial autonomy, in certain respects, where the President feels that the provisions of the Constitution are violated by the State Assembly, the President is given power to interfere and either send the Bill to the Supreme Court or back to the Assembly. The hon. Minister did not indicate to the House why the amendments are needed for the four Bills. Where any of the provisions of this Bill violated the provisions of the Constitution, it was out of the question whether these Bills require to be sent back to the Legislative Assembly—that is a different question. Therefore, the question does not arise why the Central Government should get power to advise the President to make amendments as far as these four Bills are concerned.

Mr. Deputy-Speaker: Has he much more to say?

Shri Narayanankutty Menon: Of course. I have not said anything.

Mr. Deputy-Speaker: Then he can continue next time.

14.31 hrs.

INDIAN RAILWAYS (AMENDMENT) BILL*

(Amendment of sections 11 and 12)
 by Shri Hem Raj

Shri Hem Raj (Kangra): I beg to move for leave to introduce a Bill further to amend the Indian Railways Act, 1890.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Railways Act, 1890."

The motion was adopted.

Shri Hem Raj: I introduce the Bill.

14.32 hrs.

DELIMITATION COMMISSION (AMENDMENT) BILL*

(Amendment of section 2) by Shri S. M. Siddiah

Shri Siddiah (Mysore—Reserved—Sche. Castes): I beg to move for leave to introduce a Bill further to amend the Delimitation Commission Act, 1952.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Delimitation Commission Act, 1952."

The motion was adopted.

Shri Siddiah: I introduce the Bill.

14.33 hrs.

HINDU MARRIAGE (AMENDMENT) BILL*

(Amendment of sections 5 and 24)
 by Shri Mulchand Dube

Shri Mulchand Dube (Farrukhbad): I beg to move for leave to introduce a Bill further to amend the Hindu Marriage Act, 1955.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Hindu Marriage Act, 1955."

The motion was adopted.

Shri Mulchand Dube: I introduce the Bill.

(Amendment) Bill

14.34 hrs.

RESTORATION OF PLACES OF
RELIGIOUS WORSHIP BILL

by Shri Prakash Vir Shastri

श्री प्रकाशवीर शास्त्री (गुड़गांव) : श्रीमान, मैं प्रस्ताव करता हूँ कि कुछ लोगों अथवा समुदायों द्वारा अधिकृत धार्मिक पूजा स्थानों को उनके मूल स्वामियों को लौटाने का उपबन्ध करने वाले बिल को पेश करने की अनुमति दी जाये।

The Deputy Minister of Law (Shri Hajarnavis): I oppose the introduction of this Bill and I might be allowed to make a brief statement.

Mr. Deputy-Speaker: Let me place the motion before the House. Motion moved:

"That leave be granted to introduce a Bill to provide for the restoration of places of religious worship in the possession of certain persons or communities to the original rightful owners thereof."

Shri Hajarnavis: Government do not think that it is correct that places of worship which are in possession of other communities or persons should be interfered with by legislation of the type which the hon. Member has in view. It is violative of the constitutional guarantees, and Government have very grave doubts as to whether it can be done in the form in which the hon. Member seeks to do it. Therefore, we oppose this motion.

You will see that the operative part of the Bill is that part of the Viswanath Temple converted into a mosque in the town of Varanasi in U.P. should now vest in the Hindu community and should be taken away from the Muslims. Government do not think that this is a correct approach to the rights which have been guaranteed under the Constitution.

Mr. Deputy-Speaker: Does the hon. Minister mean to say that it would be

ultra vires or that it would violate the provisions of the Constitution?

Shri Hajarnavis: Firstly, it would be *ultra vires*, and then again, the approach is, as I said, not quite correct.

Mr. Deputy-Speaker: Would the hon. Member like to say anything?

श्री प्रकाशवीर शास्त्री : श्रीमान, मैं यह कहना चाहता हूँ कि इस प्रकार के धार्मिक स्थान केवल उत्तर प्रदेश में ही नहीं हैं बल्कि देश के विभिन्न स्थानों में ऐसे धर्म स्थान हैं जिन पर दूसरों ने अधिकार किया हुआ है और इस कारण एक वर्ग विशेष में बहुत बड़ा असंतोष है। अगर सरकार इस दिशा में कुछ पग नहीं उठाएगी तो इसके भयंकर परिणाम हो सकते हैं। इसलिए मेरा प्रस्ताव है कि इस बिल पर विचार किया जाए और इसको पाम किया जाए।

Mr. Deputy-Speaker: Any other hon. Member wishing to say something about it? None.

The question is:

"That leave be granted to introduce a Bill to provide for the restoration of places of religious worship in the possession of certain persons or communities to the original rightful owners thereof".

The motion was negatived.

14.36 hrs.

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL

(Amendment of section 198) by
Shrimati Subhadra Joshi—Contd.

Mr. Deputy-Speaker: The House will now resume further consideration of the motion moved by Shrimati Subhadra Joshi on the 11th September, 1959, namely:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration".

Out of 1½ hours allowed for the discussion of the Bill, 12 minutes have

already been taken up on the 11th September, 1959 and one hour and 18 minutes are now available.

Shrimati Subhadra Joshi may continue her speech.

श्रीमती सुभद्रा जोशी (धम्बाला) :
 उपाध्यक्ष महोदय, मिश्रजी बार मैंने सदन में धर्ज किया था कि हमने जो पुराना कानून बनाया था उसमें हमने यह कहा था कि जो पुरुष एक पत्नी के होते हुए दूसरी शादी करेगा या जो स्त्री एक पति के रहते हुए दूसरी शादी करेगी उन दोनों को कानून के अनुसार सजा मिलेगी? मैंने यह भी धर्ज किया था कि हिन्दुस्तान में पहली मर्तबा ही इस तरह का कानून बनाया गया है कि जिसमें स्त्रियों को इस तरह रिलीफ दिया गया है और उनकी इस तरह हिफाजत की गयी है। लेकिन एक चीज हम उस वक्त करना भूल गये वह यह कि हमने एक सुराख छोड़ दिया। उस कानून में यह दिया गया है कि अगर किसी पत्नी का पति दूसरी शादी करता है तो जब तक उसकी पत्नी ही उस पर मुकदमा नहीं करती तब तक उस पर मुकदमा नहीं चल सकता। हमारे सामने जब डाइवॉर्स बिल आया तो यह मवाल उठा था कि अगर पत्नी और पति दोनों राजी हो जाएं तो क्या उनको तलाक देने की इजाजत मिल सकती है। उस वक्त हाउस ने इस चीज को रिजेक्ट कर दिया था इसलिए कि ऐसा न हो कि पति पत्नी पर दबाव डाल कर किसी तरह से मंजूरी ले ले और अदालत में जाकर तलाक पेज कर दे। उस वक्त हमने यह महसूस किया था कि आज हिन्दुस्तान की स्त्री में इतनी ताकत नहीं है, इतनी हिम्मत नहीं है, इतनी जुरत नहीं है कि वह पति के दबाव को बरदाश्त कर सके। और ऐसा न हो कि पति उसमें जबरदस्ती तलाक ले ले। पर जब हमने यह शादी का कानून बनाया जिसमें हमने कहा कि एक पत्नी के रहते हुए किसी पुरुष की दूसरी शादी नहीं हो सकती,

तो हम उसमें इस चीज को बिल्कुल भूल गए कि हिन्दुस्तान की स्त्री को कितना ज्यादा प्रोटेक्शन देने की जरूरत है। वह कितनी असहाय और निर्बल है। यह आपके सामने रखते हुए मैं आपको बतलाना चाहती हूँ कि दूसरे देशों में जहाँ कि स्त्रियाँ बहुत हिम्मत रखती हैं, जहाँ कि स्त्रियाँ बहुत पढ़ लिख गयी हैं, जहाँ कि स्त्रियाँ बहुत सेल्फ सपोर्टिंग हो गयी हैं, किसी पर उन्हें निर्भर नहीं होना पड़ता, यानि इंग्लिस्तान में और अमरीका में, जहाँ कि तकरीबन हर चीज में स्त्रियाँ पुरुषों के बराबर हैं, वहाँ भी इस चीज को महसूस किया गया कि जहाँ तक दूसरी शादी के कानून का सवाल है स्त्री पति के खिलाफ मुकदमा नहीं चला सकती, और इसलिए इस कानून में इस जुर्म को कागनिजैबिल करार दिया गया है। हम नहीं समझते कि कोई पत्नी जो कि अपने पति के घर में रह रही है वह अपने पति के दूसरी शादी करने पर उस पर मुकदमा चला सकती है। कहां से वह इसके लिए हिम्मत लाएगी, कहां से वह जुरत लाएगी, कहां से पैसा लाएगी और अपने पति पर मुकदमा दायर करके फिर वह उस घर में किस तरह से रह सकेगी। इसी लिए दूसरे मुल्कों में भी चोरी वगैरह दूसरे जुर्मों की तरह दूसरी शादी करने को ; एक पत्नी के रहते हुए कागनिजैबिल आर्फेंस करार दिया है। हमारे मुल्क में तो स्त्री को अभी सबसे ज्यादा मदद की जरूरत है, यहाँ आज भी स्त्रियाँ अधिकतर अनपढ़ हैं और हर तरह से दूसरों पर निर्भर रहती हैं। आज अगर उनको इस तरह का प्रोटेक्शन नहीं दिया जाएगा तो मैं समझती हूँ कि हमारा वह कानून बनना ही बिल्कुल बेकार हो जाएगा।

जब इस किस्म की कुछ शिकायतें आयी और लोगों को मालूम हुआ कि किसी पुरुष ने एक स्त्री के रहते हुए दूसरी शादी कर ली है और उन्होंने उस के खिलाफ

[श्रीमती सुभद्रा चौधरी]

अदालत में मुकदमा करना चाहा तो अदालत ने उसकी रिजेक्ट कर दिया और कहा कि इस तरह का मुकदमा केवल पत्नी ही चला सकती है। इसलिए मैंने यह बिल इस सदन में पेश किया है कि इस जुर्म को कागनिजेबिल बनाया जाए और मैं दखलास्त करती हूँ कि जहाँ भी ऐसा जुर्म हो उसमें लुट हुकूमत पुलिस के जरिए दखल दे और इसको घर में रहने वाली निःसहाय पत्नी पर न छोड़ दिया जाए, ताकि हमने इस कानून को बनाने में जो प्रयत्न किया है और हम जो प्रोटेक्शन देना चाहते हैं वह हमारा प्रयत्न बेकार न जाए। चूंकि स्त्री अपने पति के खिलाफ मुकदमा नहीं चला सकती इसलिए मैंने यह इलास्ट की है कि इस अमेंडमेंट के जरिए इस जुर्म को कागनिजेबिल बना दिया जाए। इसमें यह फायदा होगा कि जहाँ कोई इस कानून को तोड़ने की कोशिश करेगा तो उसके खिलाफ पुलिस कार्यवाई कर सकेगी। अभी हालत यह है कि लोग बिला डर के इस कानून को तोड़ते हैं। इसलिए मैं चाहती हूँ कि इस जुर्म को कागनिजेबिल कर दिया जाए। अगर ऐसा नहीं किया गया तो यह कानून बिल्कुल रद्दी हो जाएगा और हम जो प्रोटेक्शन स्त्रियों को देना चाहते हैं वह उनको नहीं मिल सकेगी। इसलिए मेरी दखलास्त है कि मिनिस्टर साहब इस अमेंडमेंट को स्वीकार करें।

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

श्री विद्यामान सिंह (गोरखपुर) : उपाध्यक्ष जी, जो संशोधन श्रीमती सुभद्रा जी लायी हैं वह देशकाल के अनुसार बहुत आवश्यकिय हैं। हमने हिन्दू विवाह पद्धति में काफी परिवर्तन किया है। इससे पहले हिन्दू समाज में इस चीज की कोई सीमा नहीं थी कि एक पुरुष कितनी स्त्रियाँ रख सकता है।

लेकिन यह कानून में यह रखा गया है कि एक पुरुष एक स्त्री रख सकेगा और एक स्त्री भी एक ही पुरुष रख सकेगी। इस प्रकार हमने हिन्दू विवाह शास्त्र में परिवर्तन किया। नए कानून की धारा १७ के अनुसार स्त्री का या पुरुष का एक पुरुष या एक स्त्री के रहते हुए दूसरा विवाह करना अपराध ठहराया गया और वह अपराध इंडियन पीनल कोड की धारा ४९४ और ४९५ के अनुसार लागू किया गया। लेकिन इसके लागू कर देने से ही उसकी रोकथाम हो गयी ही ऐसा नहीं हुआ। इस कानून के पास हो जाने के बाद भी अनेकों जगह ऐसी शादियाँ हुई हैं और लोगों ने बिला किसी डर के कहा है कि जान्ता फौजदारी की दफा १९८ में ऐसी दफावट है कि स्त्री के सिवा कोई और पुरुष के खिलाफ कार्रवाई कर नहीं सकता। इसका परिणाम यह होता है कि इस प्रकार की शादियाँ होती हैं और उनकी दफावट नहीं हो पाती। इसलिए जो अमेंडमेंट सुभद्रा जी लायी हैं उस पर हाउस में विचार हो। इसी आधार पर मैंने भी एक बिल पेश किया है पर वह अभी हाउस में नहीं आया है। मेरा बिल भी इसी किस्म का है, इसलिए अभी हाउस में नहीं मेरी इस बिल ने महानुभूति है।

लेकिन मुझे मालूम पड़ता है कि सरकार शायद इसको कागनिजेबिल आफेंस नहीं बनाया चाहती। अभी अभी हाउस के मामले एक दूसरा बिल आने वाला है, डाउरी प्राहिबिशन बिल। उसके अन्वर भी डाउरी देने या लेने को आफेंस करार दिया गया है और उसमें तीन बरस की सजा भी रखी गयी है लेकिन उसके अन्वर भी वही कमी है। उसमें यह साफ नहीं है कि कौन इसके खिलाफ अदालत का ध्यान आकर्षित कर सकेगा।

जान्ता फौजदारी की दफा १९० में अदालत को अधिकतर है कि वह तीन बार

तरीकों से किसी मामले को घपन भाषकार में ले सकती है, और उसकी जांच कर सकती है। एक तो पुलिस रिपोर्ट पर, दूसरे घपनी जानकारी पर या किसी दूसरे के इनफार्मेशन देने पर या किसी के इस्तेमाल पर। लेकिन यह चीज जो दफा १६० में दी गयी है जैसे दफाएं प्रायः चलती हैं उस पर रोक लगती जाती है। दफा १६८ में यह रोक लगी हुई है :

"No court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence."

और इस में एग्जिड परमन स्त्री ही होगी। लेकिन आज हिन्दु समाज की जो हालत है उसमें औरत पर ही अगर यह छोड़ दिया गया तो वह दरख्वास्त पेश नहीं कर सकेगी। इसका कारण यह है कि बहुत सी स्त्रियां स्वयं चाहती हैं कि चार्ज लड़का नहीं हो रहा है, इस लिए पुरुष शादी कर ले। वे इस के लिए राजी होती हैं। लेकिन समाज-सुधार की दृष्टि से यह कर हम चाहते हैं कि लड़का हो या न हो, किसी हालत में भी पुरुष दूसरी शादी न कर सके, जब तक कि उस की पहली स्त्री जीवित हो। वह अपनी स्त्री का डाइवोर्स करने के बाद या उस के मरने के बाद दूसरी शादी कर सकता है। जैसा कि मैंने अभी कहा है, धारा १६८ की वजह से कोई दावा नहीं हो सकता है, क्योंकि वह इस में बाधक है। वह धारा इस प्रकार है—

"Provided that, where the person so aggrieved is a woman who according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot

or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf."

यह प्रापति है। इसके रहने हुए कोई दावा नहीं हो सकता है। इस लिए वह एक कार्गिजबिल प्राफेन्स होना चाहिए था। लेकिन अगर वह नहीं हो रहा है, तो मैंने इस सम्बन्ध में एक वूमरा सुझाव रखा है। श्रीमती सुभद्रा जोशी का बिल सरकार के सामने है। उसको मान कर सरकार अगर इस को कार्गिजबिल प्राफेन्स कर दे, तो ठीक है और अगर न करे, तो अगर सरकार मेरे संशोधन को स्वीकार कर ले, तो उस में जो कुछ खामियां हैं, उन को कुछ हद तक दूर किया जा सकेगा। सम्भव है कि इस से लोगों के दिमाग में कुछ डर पैदा हो जाय, क्योंकि बिना उन के कानून की पाबन्दी नहीं हो सकती है। कानून तो बने हुए है, लेकिन अगर उन को तोड़ने पर मजबूत मिलने का डर न हो, तो अपराधों की सीमा कितनी बढ़ेगी, यह नहीं कहा जा सकता है।

मैंने बिल के कई भागों पर संशोधन रखे हैं। प्राप की आज्ञा से मैं उन को उपस्थित करना चाहता हूँ।

प्रेम प्रथम अमेंडमेंट तो यह है कि पहले पेज पर लाइन १ में "एण्ड" के बजाय "एन्ड" कर दिया जाय। लाइन ३ में फिगर और ब्रैकेट्स "(१)" को हटा दिया जाय और उसी लाइन में फिगर "१६" के स्थान पर "१६५६" रख दिया जाय। लाइन ५ से ७ में कहा गया है कि यह बिल कब से लागू हो इसकी उल्लेख नहीं है, क्योंकि यह बिल मूल एक्ट को अमेंड करता है, और वह एक्ट—
शाल्ता फ्रीजदारो—पहले से लागू है। इस लिए इन लाइनों को निकाल देना चाहिए। मूल एक्ट की धारा १६८ के दूसरे प्रोवाइजों

[श्री सिंहासन सिंह]

की जगह पर यह प्रोवाइजो रखा दिया जाय, जिस का सुझाव मैंने दिया है। यह प्रोवाइजो लम्बा चौड़ा है, जिस को मैं आप की आज्ञा से पढ़ कर सुनाना चाहता हूँ।

Shri D. C. Sharma: (Gurdaspur): The hon. Member is going much beyond the scope of the Bill.

Shri Sinhasan Singh: Unfortunately, my hon. friend is only a professor who knows less of relevancy or irrelevancy....

Mr. Deputy-Speaker: Order, order.

श्री सिंहासन सिंह : माननीय सदस्य पढ़ाने के चाही है। यहाँ पर रिलेवन्सी और इरिलेवन्सी की बात है। श्रीमती जोशी ने जो बिल रखा है, मैं उस की क्लॉज २ को अमेंड करने में इमदाद कर रहा हूँ। मैं चाहता हूँ कि उस के प्रोवाइजो की जगह पर यह प्रोवाइजो रखा दिया जाय—

"Provided further that where the person aggrieved by an offence under section 494 and section 495 of the said Code—

- (a) is the wife, any relative of the wife may make a complaint on her behalf;
- (b) is the husband, and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf."

रेलेटिव को डिफाइन्ड करने के लिए मैंने यह एक्सप्लेनेशन भी रखा दिया है—

"*Explanation.*—For the purpose of clause (a) of the second proviso, 'relative' means any lineal descendant or ascendant of the wife, her brother or sister, her father's or mother's brother or sister, or any child of her father's or mother's brother or sister."

इससे रिश्तेदारों का दायरा काफी बढ़ जाता है, काफी विस्तृत हो जाता है। इन में से कोई भी घायमी अदालत के सामने दावा कर सकता है। अगर सरकार इस संशोधन को स्वीकार कर ले, तो बहुत हद तक यह विषय दूर हो जायगी। लेकिन मैं समझता हूँ कि इस अमेंडमेंट की जरूरत न होगी अगर सरकार धारा १९० में यह अमेंडमेंट कर दे कि इन्फॉर्मेशन मिलने पर मजिस्ट्रेट को प्रतिशर होगा कि वह स्वतः इस तरह के अपराधों की जांच कर सके। धारा १९० में यह कहा गया है—

"190. (1) Except as hereinafter provided, any Presidency Magistrate, District Magistrate or Sub-divisional Magistrate, and any other Magistrate specially empowered in this behalf, may take cognizance of any offence—

- (a) upon receiving a complaint of facts which constitute such offence;
- (b) upon a report in writing of such facts made by any police officer;
- (c) upon information received from any person other than a police officer, or upon his own knowledge or suspicion, that such offence has been committed."

अगर गवर्नमेंट यह कर दे, तो शायद ज्यादा मुश्किल हो जाये, लेकिन गवर्नमेंट शायद यह स्वीकार न करे: हम ने डायरी प्राइविसन बिल में इस तरह का प्रावधान

रखना चाहा था, लेकिन गवर्नमेंट ने उस को स्वीकार नहीं किया जहाँ तक गवर्नमेंट का तात्पर्य है, वह समाज का सुधार तो करना चाहती है, लेकिन बीरे बीरे बढ़ना चाहती है—वह उम में तेजी नहीं लाना चाहती है। ऐसी सूरत में मैं उम्मीद करता हूँ कि सरकार मेरे प्रपोजमेंट को स्वीकार करेगी और जान्ता कीजदारी में मुकदमा चलने में जो रुकावट है, वह कुछ हद तक दूर हो जायेगी और लोगों के मन में कुछ डर भी पैदा हो जायेगा और इस तरह हिन्दू समाज का हित होगा और हिन्दू समाज और जन-समुदाय में प्रचलित इस कुप्रथा को दूर करने में सहायता मिलेगी।

उपाम्यल महोदय : एक बात है कि जब औरत कमजोरी की वजह से या किसी और रुकावट की वजह से मुकदमा नहीं करना चाहती तो फिर उम के रिश्तेदार कैसे करेंगे ?

श्री सिद्धान्त सिंह : औरत तो मात्र औरत हर्म से नहीं करती है, लेकिन रिश्तेदार कुछ तो करेंगे और रिश्तेदारों का दायरा काफी विस्तृत रखा दिया गया है। अगर कोई रिश्तेदार दावा कर दे, तो अदालत के सामने पुरुष के बसीटे जाने का डर है। उस के कारण पुरुष बहुत मोच-विचार के ही दूसरी शादी करेगा। हमारे यहाँ एक घाफिसर ने हम को कहा कि मेरी बीबी बीमार है, उस के कोई बच्चा नहीं है, मैं शादी करना चाहता हूँ। गवर्नमेंट को तरह से एक सर्कुलर निकला हुआ है कि अगर कोई गवर्नमेंट सर्वेंट दूसरी शादी करेगा, तो वह सर्विस से अलग कर दिया जायगा। उस के डर के मारे उस घाफिसर ने कहा कि वह तो बड़ा भारी डर है, लड़का तो पता नहीं हो या न हो, लेकिन खाने को जो मिलना है, वह भी नहीं मिलेगा। इस डर की वजह से वह दूसरी शादी करने की हिम्मत नहीं करते। इस से प्रकट है कि कानून का डर लोगों को अचरित करने से रोकता है।

Shri Ajit Singh Sarhad (Ludhiana):
Mr. Deputy-Speaker, Sir, I quite appreciate the intention and the objective with which the hon. Mover has sponsored this amendment to section 198 of the Code of Criminal Procedure. But there is certain principle that underlines amendments to provisions of law relating to offences of the nature we are discussing. As you know and as the House knows very well, there are different categories of offences mentioned in the Indian Penal Code. Each category has got its own way of how the legal machinery is to be moved. First, there is offence against the State, with which the State is concerned and in which the State must interfere if such an offence is committed. Then there are offences against the person of an individual, offences of grievous nature which pertain to breach of the peace. There also the State must come in. As such, these offences have been declared cognisable. Thirdly, there are offences against property which are of a serious nature. There too the State comes into the picture. They have been described as cognisable offences and the police interfere there. The fourth category relates to matrimonial offences, which we are discussing.

This is one of the matrimonial offences for which a special chapter is allocated in the Indian Penal Code. The principle involved here is this, whether in the matter of matrimonial offences they should be made cognisable and the State should come into the picture at the very outset. This is what I want to draw the attention of the House to. The hon. Member who preceded me and who supported the amendment rather laid emphasis on the amendment of which he has given notice.

This is one of those offences linked with the offences mentioned in sections 494, 497 and 498 of the I.P.C. The question is: should the State come in and should the offences be made cognisable? If we see the nature of the offence—I would give

[Shri Ajit Singh Sarhadi]

dispassionate consideration to it and not be sentimental about it—I would say that nobody would like that there should be any State interference, least of all police interference. We know very well how the police machinery moves. In the case of matrimonial offences relating to individuals, the moment we allow the police to interfere by making it cognisable, as my hon. friend would like it to be, a lot of evil would creep in, upsetting to a certain extent the society as such. I say this deliberately. I quite appreciate the heinousness of the offence and I would even say that it is anti-social. I would also say that all measures should be taken in the matter of punishment to see that such an offence is put a stop to. Still, have we reached a stage in our country when the police can be allowed to interfere in a matter which relates to matrimony between parties?

Again, we have got to see another aspect. I quite see the need for giving protection to the fairer sex. I also appreciate that it is difficult for them to make a move. But section 198 of the Code of Criminal Procedure, as it at present stands, does give that protection. If the court comes to the conclusion that where the person so aggrieved is a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, then the court can authorise some other person to make a complaint on her behalf. The section is all right. When the person is below 18 year, their complaint can necessarily be prosecuted by a relation. Otherwise, anybody can come forward, take up her case with the permission of the Court and bring to the notice of the court. It is not necessary that the police should be the only forum in registering such complaints. The court itself can take it up directly. Of course, the ultimate judge of the offence is the court. When under the present provisions an individual is authorised to take the matter to a court of law for adjudication, I do not see why we should bring in the police.

I say this because once we do it, the same principle will apply to all the offences pertaining to matrimony. They will also have to be made cognisable. If they are all made cognisable, you can appreciate how difficult it will be.

With these words, I would suggest that it would be better if this Bill is not pressed.

15 hrs.

श्री० रणवीर सिंह (रोहतक) : उपाध्यक्ष महोदय, हमारी बहन सुमद्रा जोशी जी ने जो संशोधन करने वाला बिल इस सदन में पेश किया है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ।

मैं समझता हूँ कि हमारे मामले में सबल सबाल यह है कि जिम डंग की समाज हम बनाना चाहते हैं, उस डंग की समाज बनाने के लिए हम सही डंग अपनाने के लिए तैयार है या नहीं और साथ ही साथ जो कानून हमने बनाया है उसको दिल से लागू करना चाहते है या नहीं चाहते हैं। जैसा कि मेरे साथी अजित सिंह सरहदी साहब ने पुलिस का उर दिखाया है, मैं उनसे इस बात में सहमत नहीं हूँ। आज हमारी वह पुलिस नहीं है जोकि सन् १९४७ से पहले हुआ करती थी। आज वह एक वेलफेयर स्टेट की पुलिस है, कोई पुलिस स्टेट की पुलिस नहीं है। मैं यह भी मानने के लिए तैयार हूँ कि कभी कभी वह गलती भी कर सकती है लेकिन उसका भी हमें इलाज करना होगा, उसके बारे में भी सोचना होगा।

मैं आपको याद दिलाना चाहता हूँ कि आज कोई तीस बरस हो गए हैं जबकि बारदा एक्ट बना था जिसके द्वारा हमने छोटी उम्र की शादियों पर रोक लगाई थी। बावजूद इस बात के कि उसको बने हुए तीस साल हो गए हैं और बावजूद इस बात के कि इसके बारे में हमने काफी प्रयास किया है, वह बिल कागज पर ही है, इनडिफिनिट

है, अगर उसी हद तक इनडिफिनेट नहीं है जिस हद तक पहले या तो काशी हद तक यह इन्डिफिनेट है। मैं समझता हूँ कि जो कानून हम हिन्दू विवाह के सम्बन्ध में पास कर चुके हैं उसको गवर्नमेंट दूसरा शारदा एक्ट बनने नहीं देना चाहती है। अगर वह चाहती है कि वह बने तो दूसरी बात है। लेकिन अगर हम चाहते हैं कि हिन्दू समाज में कोई भी भाइ जब तक उसकी पहली पत्नी जीवित है, दूसरा विवाह न करे, तो इसको रोकने के लिए हमें जरूरी कदम उठाने होंगे।

यह हो सकता है कि कुछ प्रादमी यह सोचते हैं कि पुलिस को घरेलू मामला में दखलबंदी करने की इजाजत नहीं दी जानी चाहिए। वह भी यह जानता है कि पुलिस की दखलबंदी घरेलू मामला में करवाना भ्रष्टकाल पैदा करना या उनको बुलाना होता है। बहरहाल हमने इस देश में दो मन तक घनाज रखने को गैर-कानूनी करार दिया था और पुलिस को भ्रष्टार दिया था कि वह दो मन घनाज रखने वाले को पकड़ कर तीन चार या पांच माल तक की सजा करवा सकती है। यह हमने इसलिए किया कि हम चाहते थे कि देश के अन्दर होर्डिंग न हो, उसे हम बन्द करना चाहते थे। जब दो मन घनाज के लिए किसी भाई की आजादी में पुलिस को दखलबंदी करने की इजाजत दी जा सकती है, तो मैं समझता हूँ कि जब कि एक बहन की आजादी का सवाल हो, उसके राइट्स का सवाल हो, उसमें पुलिस दखलबंदी क्यों न करे?

उपाध्यक्ष महोदय : दो मन घनाज और दो धोतों को क्या आप एक जैसा समझते हैं ?

श्री० रत्नवीर सिंह : मैं नहीं मानता हूँ। मैं समझता हूँ कि दो धोतों को रखना उसके कहीं बड़ा जुर्म है और जब दो मन घनाज कीकी छोटी बोख के लिए पुलिस को दखलबंदी करने का मौका दिया जाता है, उसकी गैर

कानूनी करार दिया जाता है, दो सेर चीनी के लिए पुलिस को मौका दिया जाता है कि वह लोगों की आजादी में दखलबंदी करे, तो जो भाई दो धोतों से शादी करना चाहता है एक बहन के जिन्दा रहते, तो मेरी समझ में नहीं आता है कि हम पुलिस की दखलबंदी से क्यों घबरायें। अगर हम यह कहते हैं कि पुलिस की दखलबंदी बहुत बुरी है, बहुत ही अवांछनीय है, तो वह तो सभी चीजों के लिए बुरी और अवांछनीय ही हो सकती है यह नहीं कि कुछ के लिए बुरी और कुछ के लिए अच्छी। इसलिए मैं कहना चाहता हूँ कि हमें पुलिस को यह अक्षय्य देना चाहिये। हो सकता है कि कहीं वह कोई खगबी करे। लेकिन पंडित पन्त जी के रहने, जोकि आज हमारे होम मिनिस्टर हैं, पुलिस को यह हीसला नहीं हो सकता है कि वह कहीं किसी किस्म की नाजायज कार्रवाई करे। पुलिस का यह हीसला नहीं हो सकता है कि किसी की अपनी बातों में, किसी के घरेलू मामला में गलत तौर पर जा कर वह दखलबंदी करे और अगर कोई प्रादमी दूसरी स्त्री के साथ विवाह करता है, और कसूर करता है या कसूर करने की कोशिश करता है, तो उसे भी कानून द्वारा निर्धारित दंड दिया जाना चाहिए और यह जो आफेंस है, इसे कार्गानिजेशन होना ही चाहिए।

उपाध्यक्ष महोदय : चूंकि इस पर बहुत से माननीय सदस्य बोलना चाहते हैं, इसलिए मैं माननीय सदस्यों से प्रार्थना करता हूँ कि वे बहुत मुस्तसिर तौर पर बोलें।

Shri Narayanankutty Menon (Mukandapuram): I want only to submit, while supporting the principles of the Bill, whether the object desired by the hon. Mover of the Bill will be served by this Bill alone. Here, the amendment will give the effect that a right is given for the aggrieved party, where the aggrieved party is a woman, to lodge a complaint with the police, and the police

[Shri Narayanankutty Menon]

may make the complaint on her behalf to the court. In such a case whether the desired object will be served by this Bill is a doubtful factor.

The first point I wish to submit is that the Bill involves a broader principle as to what are the offences which should be made cognizable and what offences should not be made cognizable. When originally the Penal Code and the Criminal Procedure Code were enacted, the approach of the then law-makers was not so much in consonance with the social trends that we today want to have in this country, but it was a matter of expediency and administration, from the viewpoint of the British who had then been the rulers of India. At that time, when offences were divided into categories, the first test or consideration to be had as to whether an offence was to be made cognizable or not, was the sum total of the commitment of the offence and the injury which was inflicted as a result of that offence. The injury will be related to the private property or the body of the individual against whom the injury is committed. The society as a whole and the State are interested in protecting the right that has been conferred on those who have been injured. If the principle of the Bill is accepted, it would go one step further to recognise the institution of matrimony and all the laws that have been enacted in relation to matrimony.

The question of bigamy being declared as an offence is a question whereby both the society and the State are interested. If it is agreed that an offence committed against the institution of matrimony is something in which the State and the society are interested, certainly, it would be making a discrimination if that particular offence against the institution of matrimony is not recognised as a cognizable offence.

When an offence is understood as a non-cognizable offence under the ordi-

nary criminal law that exists in India today, the primary meaning is that in the committing of that offence or in the injury which comes as a result of that offence, the State is not interested and the society is not interested. But offences against matrimony are certainly the direct interest of the society and of that State. Therefore, my hon. friend the Minister in the Ministry of Home Affairs cannot find any objection in accepting the principle of the Bill even though the Bill as it is actually worded will not serve the purpose.

I will go a bit further and then conclude. All the offences against matrimony which are defined in the Penal Code must be made cognizable because we cannot leave the committing of these offences and compromising on these matters to the private individuals concerned. I will give an example, to show whether that will be in consonance with the fundamental principles of jurisprudence as far as offences in matrimony are concerned. The State is very much interested in seeing that bigamy is prevented and it is unconscionable for society and also for the State today to allow bigamy because that will wreck the institution and the very basis of society today. If that is accepted now, a husband who is powerful and who could have all his financial and material influences over his wife, could by getting the consent of his wife go and marry a different woman and compel his first wife to live along with the other woman provided that woman does not go to the court. Today it is not a question of the difficulty of the first wife alone. It is a question of nullifying the entire provisions of the Penal Code in relation to the offences against matrimony, because, once the police is not given a mandatory power to act in such cases, there can be a question of collusion. In many cases, collusion is happening: the husband who is married, with the consent of his wife,—not the willing and reasonable consent but a consent which is influenced

by material circumstances,—could marry another woman, a second or third wife, and make all of them live together and have a say. When such a circumstance happens, when the husband could compel the first wife to agree for the second marriage, that will be an insult upon the Penal Code itself. That will be an insult upon the law and order of this country and, therefore, the police should be given mandatory powers to take action when an offence is committed. Therefore, I request my hon. friend, the Home Minister, to accept the principles of this Bill and also to review that part of the Penal Code where offences against matrimony are defined, and consider whether it is not possible for the Government to bring in an amending Bill to amend the Criminal Procedure Code whereby all the offences against matrimony could be made cognizable and all the misuse could be avoided.

Lastly, the difficulty of the women also is very much in question. Whenever there is any temperamental difficulty with the first wife, or when the husband finds that he could not put up with his first wife, he goes and marries another girl. And immediately a husband takes into his head that he is going to marry a second wife, the first wife will have no position in society, as far as material circumstances are concerned,—for it at all she already had any means of livelihood, the earnings so far would have gone into the hands of her husband—and she would not be able to go to a court of law, the cost of litigation being what it is, and her husband will not get any punishment under the law. So, on that ground also, the Home Minister should consider this Bill so that the purpose of the enactment could be implemented. And if he is not prepared to accept this Bill with its limitations, he should review the whole chapter of offences relating to matrimony, and all the offences should be brought under the purview of cognizable offence so that the law, as it is intended, will be implemented

and the culprits who violate the law are brought to book.

Shri D. C. Sharma: The Act that we are going to amend was passed in 1898. Now the distance between the time of 1898 and 1959 is very great. But I do not talk of distance only in terms of years. I talk also of distance in terms of social changes that have taken place during these sixty years. India has seen so many social revolutions during these years, and our social conceptions of every kind have undergone, if not revolutionary changes, at least radical transformation.

What was our conception of depressed classes at that time? What was our conception of the age of consent at that time? What was our conception of the marriageable age for girls and boys at that time? What was our conception of marriage at that time? Those conceptions were there, and they were good for these times; I do not deny that. But, as we have developed the social dynamics in this country, we have revised our ideas about these things.

This Bill refers to marriage. There was a traditional view of marriage. I do not say that the traditional view of marriage was bad in any way. That was the view then held. Now, after some years, we have found that that view has got to be changed. Therefore, we have passed legislation to that effect. We have tried to give a new conception to marriage, in accordance with our traditions, social traditions, in accordance with our old spiritual inheritance and also in accordance with the new changing circumstances.

Now, it should have been within the competence of the Government to revise all the Acts bearing on that, after we have passed our Bill regarding marriage. They should have done these things automatically. Government should have set up some committee to see what consequential changes have to be introduced in our Indian Penal Code in order to bring it in line with those changes which we

have introduced. But it has done nothing of the kind.

Shri Braj Raj Singh (Ferozabad): They move very slowly.

Shri D. C. Sharma: Our Indian Penal Code is a monument of legal fossilism and I am sorry that, though it is good in parts, I think it requires radical changes.

An hon. Member: Overhauling.

Shri D. C. Sharma: Now I would say that the hon. Mover of this Bill, **Shrimati Subhadra Joshi**, who is a social worker of repute, who knows the condition of wives and also of husbands and who has brought this Bill, last time gave a very pathetic account of the sufferings of some wives at the hands of their husbands. I think some of our hon. friends have forgotten that. She pinpointed the necessity for introducing this kind of a thing. People may think that there is some kind of contradiction between what is said on the one side and what is said on the other side. I know our Constitution gives social and political equality to women in all fields, yet I would say that though constitutionally they may be equal of men in some ways, socially they are not equals of men up to this time. They are educationally backward. They are not as highly educated as large numbers of men are. There are also other circumstances which cripple their sense of equality. This is a concession made to women in order to offset against those things which are recurrent up to this time. They may disappear after some years.

As things are constituted in our country now, a Hindu woman will find it very difficult to bring a complaint against her erring husband. She will feel a great deal of hesitation in doing so. Therefore what is individual responsibility should be changed into social responsibility now. And when it is a question of social responsibility the Government will come into the picture. So, to turn this offence into a cognisable offence does not only mean some kind of a

legal change, but it means a concession to the prevailing social climate in our country. It is in consonance with the social change that is coming over this country. Now I think that something like that should be done.

I have a feeling—I may be wrong—that some kind of an understanding has taken place between the hon. Home Minister and the hon. Mover of this Bill and the hon. Mover of the amendment.

Shri Braj Raj Singh: Outside the House?

Shri D. C. Sharma: Between them. I have this feeling because the hon. Home Minister walked up to the hon. Mover of the amendment and in the beginning the hon. Mover of the Bill walked up to the hon. Home Minister. So I think that there has been some kind of an agreement arrived at between these three persons.

Mr. Deputy-Speaker: The hon. Member has also been seen moving to the hon. Mover of the Bill.

Shri D. C. Sharma: I did not follow you, Sir.

Shri Braj Raj Singh: There is some understanding between you and the hon. Mover of the Bill.

Shri D. C. Sharma: My understanding is only with the hon. Mover of the Bill. What about the hon. Home Minister? What about the hon. Mover of the amendment? So, I am only having a bilateral agreement. But this is a trilateral agreement. I was very respectfully submitting that this will be a very wholesome thing in the context of our changing social pattern of life, in the context of our changing conception of marriage,—I know some persons will say that I am saying something against this or that—which, without changing the old conception of sanctify or of social usage, is also in conformity with the times. Therefore, I support this Bill which has been put forward by my sister **Shrimati Subhadra Joshi** and I hope that the hon. Home Minister

ter will be good enough to give this much needed relief to our sisters who are in trouble for no fault of theirs.

श्री अन्नराज सिंह : उपाध्यक्ष महोदय, मैं इस विधेयक का स्वागत करता हूँ। मुझे अफसोस के साथ कहना पड़ता है कि आजादी मिलने के इतने दिन बाद भी गृह-मंत्रालय और हिन्दुस्तान की पूरी सरकार की तरफ से हमारे जीवन के जो कुमुम हैं, जिनकी तादाद हमारे देश में भी और दुनिया में भी आधी है उनको ऊपर उठाने के लिए कोई विशेष कोशिश नहीं की गई है। जो हमारे पिछड़े हुए भंग हैं, चाहे वे धीरते हैं चाहे समाज के दूसरे भंग, उन्हें ऊपर उठाने के लिए हमें विशेष प्रयास करना चाहिए या और इसमें कोई दो राय नहीं हो सकती और न ही होनी चाहिए। जो पिछड़े हुए भंग हैं, उनको हमें कुछ विशेष सुविधाएं देनी चाहिए थी कानूनों के जरिये में तथा दूसरे जरियों से ताकि वे दूसरे भंगों के बराबर आ सकते।

यह सर्व-मान्य है कि हमारे देश में महिलायें पुरुषों के बराबर ध्यान नहीं रखती हैं। उन्हें एक ऐसे समाज में रहना पड़ा है जिस में वे पुरुषों द्वारा सताई जाती रही हैं, दबाई जाती रही हैं, उनको बराबर अधिकार नहीं दिए गए हैं और इस वाम्ते जब भी कोई विशेष अधिकार प्रदान करने की कोई बात हो तो उसका स्वागत होना चाहिए। इस अर्थ में जो पुलिस को अधिकार दिए जाने की बात है कि जब कोई बहु-विवाह करके कानून को तोड़ना चाहता हो तो उसमें पुलिस को दखल-बंदाजी करने का अधिकार हो, स्वागत लायक चीज है।

लेकिन मूल प्रश्न यह है कि क्या सरकार की तरफ से कोई ऐसी कार्रवाई की जा रही है जिस से जो पिछड़े हुए लोग हैं, उनको ऊंचा उठाने को कोई बात हो? हिन्दुस्तान की सरकार में १३ कैबिनेट मिनिस्टर्स हैं, क्या उनमें से एक भी पद पर महिला की डिप्युटी नियुक्त किया गया है? इसी

तरह से दूसरे जो मंत्रिगण हैं, उनमें कितनी महिलायें हैं? हमारी नोक सभा में ही कितनी महिलायें हैं। इसमें मैं अकेली सरकार को ही दोष नहीं देना चाहता पूरी समाज का ही हममें दोष है। प्राधा जिन का हिस्सा होना चाहिए उनको एक चीवाई भी नहीं दिया गया है, १।१० भी मुश्किल स हम दे पायें हैं। इस तरह से हम देखते हैं हमारी समाज में जो पिछड़े हुए हैं, उनका पिछड़ापन दूर करने की सरकार भी कोई कोशिश नहीं कर रही है, सरकार भी कोई कार्रवाई नहीं कर रही है। इस वास्ते मेरा निबंदन है कि जो विधेयक यहाँ पेश किया गया है उसको गृह-मंत्री महोदय स्वीकार करने की कोशिश करें और अगर उसको वह स्वीकार नहीं कर सकते हैं तो कम से कम सिद्धान्त रूप में यह बात मानी जानी चाहिए कि इस तरह के विशेष अधिकार आज की परिस्थितियों में महिलाओं को दिए जाने चाहियें। यहीं पर हमें रुकना नहीं है, इसके आगे जा कर भी, नोक सभा में चाहे उनको लाने का सवाल हो चाहे मंत्री परिवर्तन में लाने का सवाल हो, चाहे सरकारी सेवाओं में लाने का सवाल हो, हमको आगे बढ़कर उनके लिए विशेष सुविधायें उपलब्ध करनी होंगी। उनके लिए इन सभी के लिए विशेष अधिकार देने की बात होनी चाहिए। जब तक हम उनको इस तरह के विशेष अधिकार नहीं देंगे तब तक विधान ने जो समता का अधिकार दिया है पुरुषों और स्त्रियों को वह पवित्र इच्छा मात्र ही रह जाएगा। समता लाने का जो प्रश्न है, जो उद्देश्य है वह पूरा नहीं हो पाएगा। इस वास्ते मैं चाहता हूँ कि गृह-मंत्री महोदय इस पर गम्भीरता से विचार करें और उचित निर्णय पर पहुँचें।

इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि जब इस तरह के अफेसिस को जिन का इस बिल में जिक्र किया गया है, कमिनिज्मिल बनाने की बात होती है, पुलिस को अधिकार देने की बात होती है, वो बरबस ही हमारा ध्यान अपने देश की पुलिस व्यवस्था

[श्री इजरायल सिंह]

पर चला जाता है। जब पुलिस इस प्रकार की हो कि तब तक हिलने का नाम न लेती हो जब तक कि कुछ उसे मिस न जाता हो, उसको मेंट स्वरूप प्राप्त न हो जाता हो, तो क्या उसमें सुधार नहीं होना चाहिए? जब हम इसको कागनिजेबल बनायेंगे, इसमें पुलिस की दस्तबाजी हो, इसको प्रोवाइड करेंगे, तब फिर यह जो हमारे गृह-मंत्रालय को सोचना होगा पुलिस के विषय में, जो इस सदन में और बाहर भी चर्चा का विषय बनती है और उस पर अप्रत्याचार के आरोप लगाये जाते हैं, कि किस तरह से उसका सुधार सम्भव हो सकता है इसे सुधारने की कोशिश करनी होगी। पुलिस का आज जिस प्रकार का रबैया है, अगर बही जारी रहता है तो मुझे भय है कि इस कानून का जो उद्देश्य है, वह पूरा नहीं होगा। इस वास्ते मैं आशा करता हूँ कि गृह मंत्री महोदय पुलिस की तरफ भी ध्यान देने की कोशिश करेंगे।

श्री पद्म बेब (बम्बा) : उपाध्यक्ष महोदय, भारतवर्ष में हमारी सब परम्पराओं में से विवाह सर्वश्रेष्ठ सम्बन्ध है। जब विवाह मंस्कार होता है तो वहाँ भी पति पत्नी एक दूसरे का हाथ पकड़ते हैं। इसमें यह संज्ञक पड़ा जाता है :

अगस्ते हस्त मभ्रभीत सविता हस्तमभ्रभीत ।

पत्नी त्वमसि धर्मणारहम् गृहपतिस्तथ ॥

पति और पत्नी एक दूसरे का हाथ पकड़ते हैं और यह वचन देते हैं। पत्नी कहती है कि मैं धर्मपत्नी हूँ और पति कहता है कि मैं गृहपति हूँ। जैसे भी पंजाब में ब्रास तोर पर वह चीज चलती है कि जब कमी किसी में कोई चीज पूछी जाय तो वह कहता है कि मैं घर से पूछता हूँ।

न ग्रहं बृहमि त्वाहुगृहिणी गृहमुच्यते
घर घर नहीं होता बल्कि जो घरबानी होती है वह गृह कहलाती है। बहुत बड़ा मान और सम्मान है पत्नी के लिये। बीच में जब समाज के अन्दर बहुत कथियां आती रहीं तब इस

पवित्र सम्बन्ध के अन्दर सदा सुधार होता रहा उसके लिये हारीत संहिता और दूसरी संहिताओं में इस किस्म की बातें आती रहीं हैं जिनके द्वारा स्त्रियों के जो अधिकार हैं उन की पूर्ण रक्षा की जाती रही है। आज के जमाने में भी जब मर्द कुछ उच्छंखल हो गये हैं, होते रहे हैं, तब भी इस किस्म के विधान हमारे यहाँ पारित हुए हैं कि कोई दूसरा विवाह नहीं कर सकता। अब विवाह तो नहीं कर सकता अगर कोई एक विवाह कर चुका है। इस के बाद प्रश्न यह होता है कि कानून तो हम ने बना लिया लेकिन फिर भी मर्द दूसरी शादी कर लेता है। अब सोचा जा रहा है कि इस के लिये कोई ऐसा कानून होना चाहिये जिस से पुलिस दूँडती रहे कि कहां ऐसा काम हुआ है। अगर पुलिस को दूँडने के लिये यह बात ही जाय तो थोड़ी सी दुःखदायी बात इस में नजर आती है। इस लिये कि जब अपने देश में स्त्रियों की बढ़ती हुई संख्या में भी उन के लिये ज्यादा से ज्यादा सुरक्षा का प्रचार और प्रसार किया जा रहा है, हर जगह पर उन की सुरक्षा के लिये 'प्राथमिक गारंटेय' हैं। आज अपनी लोक सभा में या दूसरी जगहों में स्त्रियों को किसी न किसी रूप में सहायता की जा रही है। स्त्रियों ने अपनी नाना प्रकार की संस्थाएँ बनाई हुई हैं और अपने अधिकारों के लिये लड़ती हैं। आज वह सब जगह अपने अधिकारों के लिये जगड़ कर सकती हैं और आज का समाज भी स्त्री को ऊंचा ले जाना अपना धर्म इस लिये समझता है कि आज जो हमारी मां है अगर वह अछड़ी होगी तो सारा देश अछड़ा हो जायेगा। मूल में जो हमारी शिला है, समाज को ऊंचा ले जाने के लिये उस का अछड़ा होना जरूरी है। आज कहा जाता है कि स्त्रियों के लिये विशेष विधानों की आवश्यकता है। हम कुछ कमजोरियों को ले कर यहां आते हैं और कहते हैं कि हालांकि आज उतना पर्व नहीं है जितना पहले था, स्त्रियां पड़ी लिखी भी हैं लेकिन स्त्रियां अपने घरों से निकल नहीं सकतीं

और अपनी बातों को कह नहीं सकती हैं इस लिये उन के लिये हम कुछ करें। पुलिस झूठी रहे कि कहां ऐसा काम हुआ है कि किसी ने दूसरी शादी कर ली है। इस का परिणाम क्या होगा? आज सभी लोग जानते हैं कि किसी भ्रष्टाचार को रोकने के लिये जब कोई महकमा बनाया जाता है, तो मैं दुःख के साथ कहता हूँ, हम कुछ लोगों के लिये करप्शन का एक और साधन तैयार करते हैं। इस चीज के बारे में भी मैं यह समझता हूँ कि हम भ्रष्टाचार को बढ़ाने का एक साधन निकाल रहे हैं। सब लोग एक तरह के नहीं होते। स्त्रियाँ भी अच्छी हैं और भ्रष्ट भी अच्छे हैं, लेकिन फिर भी स्त्रियों तो होती रहेंगी। जब पुलिस वाले उस को ढूँढ़ने निकलेंगे तो पता नहीं किम तरह से काम चलेगा। मान लीजिये कि किसी के यहाँ पति और पत्नी दो व्यक्ति हैं। अगर उन की खेती बाड़ी का काम उन लोगों से नहीं चल पाता है तो वह किसी और को बुलाते हैं। जैसे कि हमारे हिमाचल प्रदेश में होता है पत्नी अपनी बहन से कहती है कि घकेने हमारा खेती बाड़ी का काम भासानी से नहीं चल पाता है इस लिये तुम आ जाओ। वह अपनी बहन को ले आती है और दोनों काम करते हैं। अब पुलिस वहाँ आयेगी और कहेगी तुम ने यह खराबी की वह खराबी की। और कुछ नहीं तो पहले पुलिस नारे परिवार को कम से कम अपने पास तो ले ही जायेगी। उन से कुछ न कुछ दखिगा तो ले ही लेगी। मैं उस चीज को नहीं मानता जैसा अभी हमारे चौधरी साहब ने कहा बहुत जोरों से कि पंत जी के वक्त में ऐसा हो ही नहीं सकता कि कोई गलती करे। भ्रष्टाचार हर वक्त हो सकता है। अगर राम के वक्त में यह हो सकता है, अगर बुधिष्टर के वक्त में हो सकता है तो पंत जी के वक्त में भी हो सकता है। यह चीजें ऐसी नहीं हैं जो हो नहीं सकती। होती रहती हैं और सब लोग उन को जानते हैं। तो इस कानून को पास करने के बाद पहली चीज जो होगी वह यह कि पुलिस दो बफा मालिक के घर में जा कर पहले से ही अंत बसूष कर

नगी। इस के बाद दूसरा मौका प्रायेण। इस तरह से उस घर को नक बनाने की कोशिश की जायेगी। छोटी मोटी बातों में कभी-कभी झगड़ा पैदा हो जाता है। एक पति पत्नी होते हैं तो भी झगड़ा हो जाता है, जब दो पत्नियाँ होंगी तब झगड़ा होना लाजिमी ही हो जायेगा और अंत में पुलिस को दखल देने का मौका मिल जायेगा। इस लिये इस विधेयक में एक गृहस्थ के घर को नक बनाने के सिवा और कोई दूसरा काम नहीं होगा। आज हम ने कानून बना लिया कि कोई दूसरी शादी नहीं कर सकता। लेकिन दूसरी शादी की बात यह है कि झीलाद की खातिर हो सकती है, या किसी और काम के लिये हो सकती है। इस के लिये तो फिर यह जरूरी है कि आप इस तरह का विधान बनायें कि कोई आदमी किसी हालत में भी दूसरी शादी नहीं कर सकता जब तक कि उस की पहली स्त्री जीवित हो। इस लिये यदि आज यह विधान किया जाता है कि पुलिस बाने ही जा कर दखल दें और इस चीज का पता लगायें तो उस के लिये यह दंग अच्छा होगा, यह मैं नहीं मानता। अगर किसी स्त्री को कष्ट होगा तो उस के भाई होते हैं, रिश्तेदार होते हैं, उन में से कोई न कोई इस चीज को पुलिस तक ले जाने के लिये प्रयत्नशील रहेंगे ही। जब तक समाज में कोई परिवर्तन नहीं होता तब तक पुलिस के जरिये से इस किन्म की बुराइयाँ दूर हो सकती हैं, ये यह कदापि नहीं मान सकता। आप स्वयम् देखिये कि हम ने छोटी उम्र की शादियों को कानून में निषिद्ध करार दिया, लेकिन आज भी बहुतेरी इस तरह की शादियाँ होती रहती हैं और बड़े-बड़े नेताओं के सामने होती हैं, लेकिन मैं ने तो कभी नहीं देखा कि कोई शिकायत करता हो। इस लिये जब तक समाज में सामूहिक रूप से क्रांति नहीं होती तब तक इस प्रकार के बिलों से कुछ नहीं होगा और यह बुराइयाँ होता रहेंगी। इस लिये मैं समझता हूँ कि जो संसोधन रक्खा गया है उस में कोई अच्छाई नहीं है बल्कि उस से बुराई घटने के बजाय बढ़ने की जवाब

[श्री पद्म वैद्य]

सम्भावना है। इस तरह की छोटी मोटी बातों, मेरे क्याल में हमें सदन के सामने नहीं लाना चाहिये।

श्री जांगड़े : (बिलासपुर) : उपाध्यक्ष महोदय, इस प्रस्ताव के मूबर ने जो प्रस्ताव सदन के सामने रक्खा है वह भ्रष्टा है इस लिये मैं उस की स्पिरिट का स्वागत तो करता हूँ, मगर मेरा स्वागत करना भ्रष्टा स्वागत होगा। वह भ्रष्टा स्वागत इस लिये होगा कि प्रस्तावक के इस विषयक में केवल महिलाओं का ही जिक्र किया है, दूसरों का जिक्र नहीं किया है।

उपाध्यक्ष महोदय : अब प्राप करेंगे।

श्री जांगड़े : मैं यह कहना चाहता था कि हमारे यहां जब हिन्दू विवाह अधिनियम विचार के लिये आया तो मैं ने कई बार इस सदन में जिक्र किया था कि हिन्दू समाज में जो यह प्रत्याचार होता है वह दोनों धोर से होता है। गरीबी के कारण उद्योगों का क्षेत्र बढ़ा हो जाने के कारण धोर शहरों की बढ़ती हुई आबादी को देखते हुए प्राज मैं महसूस करता हूँ कि यह जो प्रडल्ट्री के मामले होते हैं वह प्राज भारत में बहुत ही प्रबुध रूप से बढ़ते जा रहे हैं। हम ने हिन्दू विवाह अधिनियम बनाया लेकिन उस के बनाने के बावजूद प्राप किसी भी प्रदासत में जाइये, वहां जो भुगतने वाला होता है उस की सुनवाई नहीं होती। उसे वहां से हताश हो कर आना पड़ता है। जब केस कम्पार्टेबल होता है उस के पहले ही उस पर प्रेसर बना जाता है और उस के बाद मामला ठंडा हो जाता है। इस लिये जिस उद्देश्य को मैं कर हिन्दू विवाह विधेयक बना था वह भ्रष्टा ही रहा। यह जो अधिनियम है जो कि भारतीय बंड किबान के

अनुसार बारा ४६४ और ४६५ के बारे में रक्खा गया है उसमें अब श्री पुलिस किली को बिना वारंट गिरफ्तार नहीं कर सकती। मेरा तो यह कहना है कि चाहे पुरुष हो चाहे महिला हो, जो भी इस कानून को उल्लंघन करता है उस को पुलिस बिना वारंट गिरफ्तार कर सके, यानी वह कामिजबल आफेंस हो जब ऐसा होगा तभी हम इस प्रत्याचार को दूर कर सकते हैं। मैं उदाहरण देता हूँ एक गरीब मनुष्य है, वह नागपुर में रहता है उस की धीरत को कोई बनवान घादमी भगा कर ले जाता है, कलकत्ते या कानपुर की किसी गन्दी बस्ती में खिपा कर कई वर्ष तक रखता है। अभी इस समय जो भुगतता हुआ घादमी है वह किस प्रदासत में जाये? कैसे मामला पेश करे? इस मामले का फैसला होने में ही दो तीन बरस बीत जाते हैं। १००, २०० ६० खर्च करने के बाद शायद उसे कुछ फायदा मिल जाये। लेकिन एक मामूली घादमी के पाम क्या जरिया है?

उपाध्यक्ष महोदय : तो प्राप क्या चाहते हैं, दूसरी शादी की इजाजत दे दी जाये?

श्री जांगड़े : मैं यह नहीं चाहता कि दूसरी शादी करने दी जाये, शासन इस में हस्तक्षेप करे। उस को कामिजबल आफेंस बनाया जाये। पुलिस इस मामले में कामिपेट करार दी जाये और अगर कहीं से सहायता न मिल सके तो घादमी कह सके कि मैं पुलिस की शरण में जाता हूँ। पुलिस का सम्बन्ध हर व्यक्ति से रहता है और वह चाहे तो एक दूसरे से फिर सम्बन्ध स्थापित कर सकती है। इसलिए इस मामले को जब तक पुलिस के हाथ में नहीं दिया जाएगा तब तक हम इसमें सफल नहीं हो सकते। इसीलिए मैं कहता हूँ कि यह बिल भ्रष्टा है। इसको कामिजबल आफेंस बनाया जाए और जो कोई भी एंवांश हो उसको पकड़ी रिपोर्ट

पर ही मामले को पुलिस अपने हाथ में ले खे और उसको कागनिजेबिल आफेंस मानकर अदालत में पेश करे। यही मुझे कहना है।

Shri Mulchand Dube (Farrukhabad): I appreciate the reasons that have led my sister to sponsor this Bill. But somehow or other, the feeling is left on me that this Bill is not going to serve the purpose it is intended to serve. My reason is this. As far as I recollect, in case of an adultery, there is no punishment prescribed. The punishment is merely that the woman or the man will have the right to get a divorce. But in case of bigamy, there is a punishment prescribed. The question is whether this will prevent bigamy or this will encourage adultery. If it encourages adultery, I suppose it will be a worse thing for society. The one thing that seems to be necessary is that adultery should be punishable. It should be made an offence; in that case, this Bill will also be a useful Bill and will be sufficient to punish people who resort to the offence of bigamy. But if we do not make adultery punishable, this Bill is not going to serve any useful purpose. A man may not marry a second time at all. He may keep a woman in his house without marrying her. Then what is the remedy? I submit there is no remedy provided, so far as the present law is concerned.

Therefore, what is needed is that adultery should be made an offence. When that is done, bigamy also would be punishable in that way and would be made a cognisable offence. But so long as we do not make adultery a cognisable offence, it is no use having this Bill. It may do some harm even, but it is not going to do any good. That is what I feel. I hope the hon. Mover and the hon. Minister will consider this aspect of the matter also and then proceed.

श्रीकृष्णा उपा नेहरू (सीतापुर):

श्रीमान् जी, मैं बहिन सुमद्रा जोशी के बिल का पूरी तरह समर्थन करती हूँ। लेकिन इसमें एक तबान बहुत जरूरी है वह यह कि

अगर इसको हम कागनिजेबिल आफेंस करते हैं तो इसमें समाज में क्या नुकसान होगा, यह भी हमको देखना चाहिए।

जैसा कि अभी एक भाई ने कहा कि जब विवाह होता है तो प्रगिन के सामने लड़का और लड़की दोनों प्रतिज्ञा करते हैं कि वह एक दूसरे के साथ बफादार होंगे, एक दूसरे का ब्याल रखेंगे, दुःख सुख में साथ देंगे, और ऐसा ही एक गृहस्थ के लिए करना ठीक भी है। यह सब करने के बाद भी हम देखते हैं कि पुरुष का समाज ने इतना अधिकार दे रखा है कि वह एक शादी के बाद दूसरी स्त्री को भी ले आता है और दूसरी शादी कर लेता है। अभी एक भाई ने कहा कि अक्सर ऐसा भी होता है कि स्त्री खेरी वगैरह के काम के वास्ते अपने पति की दूसरी शादी करवाती है। यह भी हमने देखा है। लेकिन हम समझते हैं कि समाज के मुघार के वास्ते समाज को आगे बढ़ाने के वास्ते यह बिल्कुल जरूरी है कि एक गृहस्थी में एक पुरुष और एक स्त्री ही हों। मुझे खुशी है कि यह बिल आया। इसमें यह नतीजा निकल सकता है।

लेकिन मुझे अपनी बहिन में एक बात कहनी है और वह यह अगर इसको कागनिजेबिल आफेंस बना दिया जाएगा तो यह बड़ी तकलीफदेह चीज हो जाएगी। अभी हमारे समाज में कार्फा शिक्षा नहीं है और समाज अभी कार्फा उन्नति नहीं कर पाया है। ऐसी हालत में अगर इसको कागनिजेबिल आफेंस बना दिया गया तो घरों में बड़ी तबाही दिखायी देगी। इसलिए मेरा कहना है मिनिस्टर साहब में कि इसको कागनिजेबिल आफेंस न बनावे बल्कि इसमें कुछ ऐसा प्रावधान करे कि कुछ दूसरे लोग भी जिनको कि इस चीज पर ऐतराज हो। इस मामले की पुलिस में रिपोर्ट कर सके। अगर इसको कागनिजेबिल कर दिया जाएगा तो हमारे घरों में पुलिस जाएगी और गिरफ्तारिया होंगी। और जो हमारे घरों की गान्ति है वह भंग हो

[श्रीमती उमा नेहरो]

जाएगी। मैं इस विचार की हूँ कि हमारे देश में बरों में जितनी शान्ति है उतनी उन मुल्कों के बरों में नहीं है जिन्होंने आज बड़ी तरक्की कर ली है। जो हारमनी और शान्ति हमारे बरों में है वह उन मुल्कों में नहीं है।

धाय समाज के इतिहास को देखें तो धायको मालूम होगा कि समाज में बहुत सारे परिवर्तन हुए हैं। लेकिन धायिर समाज इमी नतीजे पर पहुंचा है कि एक पुरुष के एक स्त्री होनी चाहिए और एक स्त्री के एक ही पुरुष होना चाहिए तभी गृहस्थी को धाय बढ़ाया जा सकता है। अगर हमको अपने समाज को दुस्त करना है तो हम इस कानून में ऐसा कुछ रख सकते हैं कि जो दूसरे रिश्तेदार हों या कोई दूसरे लोग इस पर ऐतराज कर सकें। जब हम कानून में यह चीज रख देंगे तो जिन लोगों को इस पर ऐतराज होगा वह खुद कारंबाई करेंगे। मुझे इतना ही कहना है कि इसको कागनिजेबिल धाफेंस न बनाया जाए और इमीलिए मैं अपनी बहिन में कहना चाहती हूँ कि और जितने चाहें वह रेस्ट्रिक्शन रखें लेकिन इसको कागनिजेबिल धाफेंस न बनावें क्योंकि ऐसा करने में बरों की हारमनी और शान्ति गड़बड़ हो जाएगी।

पंडित ठाकुर बाल भार्गव : (हिसार) : जनाब डिप्टी स्पीकर साहब, यह जो बिल हमारी बहिन सुभद्रा जी ने पेश किया है, जहां तक उसके स्टेटमेंट धाय धायजेकटम एंड रीजन्स का सवाल है बिना शक में ही उनसे हमदर्दी है। लेकिन बिल उसूल को लेकर यह बिल पेश किया गया है उसका मैं विरोध करता हूँ। मैं उसको सपोर्ट नहीं कर सकता।

जहां तक मैं ने अपने दोस्तों की बहम सुनी है उससे मालूम होता है कि जो कानून है उसमें मर्द और औरत के हुकूक एकसां होने चाहिए लेकिन दरअसल यह बिल इस की इजाजत नहीं करता कि उनके हुकूक में कोई

फर्क है। जब पहले यह शाही कानून नहीं था तो हिन्दू ला में इस बात की इजाजत थी कि मर्द चाहे जितनी शादियां कर सकता था और उस वक्त मर्द और औरत के हुकूक बराबर नहीं थे। पुराने हिन्दू ला के मुताबिक हिन्दू कई शादियां कर सकता था और मुसलमान तो अब भी चार शादियां कर सकता है। अब कानून बनाकर हिन्दू ला में यह तरमीम कर दी गयी और औरत और मर्द को शादी के मामले में बराबर हुकूक दे दिए गए हैं। जहां तक कारंबाई करने का सवाल है दफा १६८ में मर्द और औरत दोनों कारंबाई कर सकते हैं। इस मामले में मर्द और औरत के हुकूक एकसां हैं। जिस तरह में दफा १६८ मर्द की सूरत में हायल होता है उमी तरह में औरत की सूरत में भी हायल होता है। तो जहां तक यह सवाल है कि मर्दों और औरतों के लिए कानूनी हुकूक बराबर हों तो यह तो बराबर है इसमें कोई मुबहला नहीं है। कानून मर्दों और औरतों के लिए बराबर है। इस बिना पर हम बिल को माना जायिब नहीं है।

सवाल सिर्फ यह है कि.....

उपाध्यक्ष महोदय : जांगड़े साहब ने कहा है कि अगर १६८ के लिए करते हैं, तो ४६८ के लिए भी कीजिए।

पंडित ठाकुर बाल भार्गव : ४६७ और ४६८ में फर्क है। बल्कि मुझे यह धर्ज करना है कि ४६७ में तो औरत को सजा ही नहीं होती है, सिर्फ मर्द को सजा होती है। पिछले दिनों यहां पर एक साहब एक बिल लाए थे। मैं ने उस को सपोज किया था और कई दूसरे साहबान ने भी सपोज किया था और कहा था कि दरअसल यही कानून रहना चाहिए कि औरत को सजा नहीं होनी चाहिए। अगर इक्वलिटी को देखा जावे तो उस को भी सजा हो जानी चाहिए

बिबेनी का हम ने जो कानून बना रखा है, उस में धीरे ४९७ और ४९८ में किमिनल प्रोसीड्योर कोड के जो प्राविधान है, वे भी बड़े डिस्क्रीमिनेटरी हैं—वे मर्दों के मुकाबल में औरतों के हक में हैं। लेकिन मैं यह बहस नहीं कर रहा हूँ और न मैं यह चाहता हूँ कि जो कुछ ये कानून हैं, उन को तब्दील कर दिया जाये और औरतों पर ज्यादा पाबन्दी कर दी जाये और मर्दों को ज्यादा छूट दे दी जाये। यह मेरा केस नहीं है। लेकिन मैं उन लोगों की खिदमत में यह जरूर प्वायंट घाउट करना चाहता हूँ, जो कहते हैं कि मर्दों के मुकाबल में औरतों के साथ ज्यादा सख्ती है और इन्वेलिटी नहीं है, कि यह बान नहीं है। दफा १९९ इस तरह है:—

"No Court shall take cognizance of an offence under section 497 or section 498 of the Indian Penal Code, except upon a complaint made by the husband of the woman on his behalf at the time with the leave of the Court by some person who had care of such woman on his behalf at the time when such offence was committed."

धामे चल कर, अगर शिकायत करने वाला शक्स १८ बर्ष से नीचे का हो, तो गार्जियन की बाल सुनी जाती है और फिर उस के बाद सर्टिफिकेट दिए जाने का भी प्राविधान है, जो कि १९९ए में है। ४९७ और ४९८ में दरअसल इन्वेलिटी है, लेकिन उस इन्वेलिटी को दूर करने का सवाल पैदा नहीं होता है। दरअसल कानूनदानों ने जिस बिना पर यह सारे का सारा चैप्टर बनाया है, उस को ठीक तरह से एप्रिशिएट नहीं किया जाता है। इस चैप्टर में जो प्रतिबन्ध लगें हैं, उन की सुदृष्टात धामे तौर पर १९५ में हो रही है। जो और खास तरह के प्रतिबन्ध हैं, उन को जाने दीजिए, लेकिन १९५ में जो बड़े बड़े जरायम हैं, जो पब्लिक जस्टिस के

मुताल्लिक हैं, फोर्जरी बगैरह के मुताल्लिक हैं, झूठी गवाही देने के मुताल्लिक हैं, उन सब के बारे में यह प्रतिबन्ध लगाया गया, जो कि धामे जरायम में नहीं है और वह प्रतिबन्ध यह है कि जब तक कोई पब्लिक प्रॉफिसर या कोई प्रवालयत शिकायत नहीं करेगा, तब तक कोर्ट कागनीजमें, नहीं ले सकती, हालांकि देश का धामे ला यह है और असली कानून यह है कि चूँकि ये सब जरायम फिलवाके एक इंडिविजुअल के खिलाफ नहीं होते, बल्कि वे स्टेट के खिलाफ होते हैं और स्टेट के मायने हैं सारी जेनरल पब्लिक, इस लिए १२ बान्बे, में, जो कि बड़ा पुराना ला है, वह कहा गया है कि हर एक आदमी हर एक जुर्म की कम्प्लेंट कर सकता है। यह जेनरल ला आफ दि लैड है, सिवाये उन के जो इस दफा में धामे और जिन पर प्रतिबन्ध लगाया गया है कि इन के बारे में कम्प्लेंट नहीं हो सकती। इन में कितने ऐसे जरायम हैं, जिन में इस तरह की कार्यवाही की गई है। मिसाल के तौर पर छोटी उम्र की शादी को नोजिए। सिर्फ़ बही शक्स तक्लीफ़ नहीं उठाते जो कि छोटी उम्र में शादी करते हैं, बल्कि सारे देश पर उस का असर पड़ता है, सब चीजों पर उस का असर पड़ता है, लेकिन हर एक आदमी जा कर उसके मुताल्लिक शिकायत नहीं करना चाहता। इसी तरह से और कितने जरायम हैं, जिन के मुताल्लिक ऐसा ला बना हुआ है। चुनावे दफा १९७, जो कि क्लर्क बगैरह के मुताल्लिक है, १९८, जिस का धामे मैं ने जिक किया और १९९, ये सब इस में आते हैं। यहाँ तक कि रिश्बत बगैरह के मामले भी इस में आते हैं। पिछले दिनों हाउम में क्रिमिनल प्रोसीड्योर कोड की तब्दीली हुई थी। उस वकन भी झगड़ा हुआ था कि ऐसी सूत्रों में क्या किया जाये, क्यों न पब्लिक को इजाजत हो। यहा पर दो चीजें देखनी पड़ती हैं। धामे तौर पर मैं यह मानने के लिए तैयार हूँ कि ऐसे जरायम के मामले में, जिन का असर सिर्फ़ इंडिविजुअल पर न पड़े, बल्कि धामे तौर पर

[पंडित ठाकुर दास भागंब]

सोसाइटी पर पड़े, ज्यादा प्रतिबन्ध नहीं लगने चाहिए, लेकिन उस का इलज यह नहीं है कि पुलिस वाले को शिकायत करने की इजाजत दे दी जाए या उस घाफनेस को कागनीजेबल बना दिया जाये। अभी कई साहबान ने शिकायत की, और दुस्त तौर पर शिकायत की, कि किसी जुर्म को कागनीजेबल बना देने से वह जुर्म ऐसा नहीं बन जाता कि जिस में जरूर सजा हो। लेकिन शायद मुस्वीस को तो सजा पहले ही दी जाती है। आज के उमाने में बहुत थोड़े मुकदमात हैं। जिन में पुलिस की इस तरह की इमदाद होती है, जैसा कि लोग ब्यास करते हैं। पुलिस को कम्प्लेनेट से पहले चीज किया जाता है, फिर जो मुकदमात बनाए जाते हैं, वे बिन्कुल इन्साफ से नहीं बनाए जाते, कि किसी को तकलीफ नहीं होगी। गर्जे कि मुकदमे को कागनीजेबल बना देना, या उम की सिफारिश कर देना ऐसा स्मूब सा कायदा नहीं है कि जिस में कम्प्लेनेट या एग्जीक्यूटिव पर्सन को ज्यादा इमदाद पहुंचती हो। अगर ला का मवा यह दुस्मन है कि ऐसे जगयम पर उम लिए प्रतिबन्ध लगाया जाय, ताकि फिबोलम कम्प्लेट न की जाय, या ग्राइवेट मामल इम में न आयें, तो फिर यह ठीक है। मिमाल के तौर पर किसी की डीफेंशन हुई। डीफेंशन बुरी चीज है। और यह ठीक नहीं है कि अच्छे अच्छे लोगों को डीफेंड किया जाय, लेकिन डीफेंडेशन के लिए भी यही कानून है। जिन की डीफेंडेशन की जाती है, सिर्फ वही मगडा कर सकता है, दूसरा घावमी नहीं कर सकता है। ये इतने जरायम हैं, जो कि १९५ के ले कर यहां तक आते हैं। कन्ट्रैक्ट का कबेस्वन है। पर्सनल कन्ट्रैक्ट का कबेस्वन है। १९५ में कन्ट्रेक्ट आफ लाफुस अथागिटी आफ पब्लिक सर्वन्ट्स है और १९८ में तीन तरह के घाफनेस हैं— प्रासीक्यूशन फार चीच आफ कन्ट्रैक्ट, डीफेंडेशन और ग्राइवेट पर्सन मैजिज। मैं अख्त से अर्ब करना चाहता हूँ कि इन के लिए एक

तरकीब यह हो सकती थी कि इन घाफनेस के बारे में, जैसा कि और मुल्कों में कायदा है, डायरेक्टर आफ पब्लिक प्रासीक्यूशन मुकदमे किया जाता। उन के पास वे शिकायतें जाती हैं और वे प्रापर केसिज की एन्वायरी कर के भागे चलाते हैं। मैं यह मानने के लिए तैयार हूँ कि यहां पर ग्राइवेट पर्सन के लिए प्रासीक्यूट करने में बड़ी तकलीफ होती है, जिस की वजह यह है कि यहां के लोग बहुत मालदार नहीं हैं इसलिए उन के पास इस का खर्चा नहीं होता है। उम का इलाज और हो सकता है। मेरी बहन ने जो शिकायत की है, उस के बारे में एक ही फिका उन्होंने लिखा है—

“That means if a husband marries a second time in the life time of his first wife the woman or some body on her behalf has to lodge a complaint to a magistrate. This would mean that the woman would be required to spend money in litigation.”

उन को सिर्फ इतनी ही शिकायत है कि लिटिगेशन में रुपया खर्च करना होगा। इस का इलाज तो यह हो सकता है कि ऐसे प्रापर केसिज में खुद अपना ब्यान देने में खर्च का मदान नहीं है, सिर्फ गवाहों को तनब करने का मवाल है, इस लिए अदालत को इस बारे में प्राम किया जा सकता है। अब भी अदालत पुलिस केसिज में, वारंट केसिज में प्रासीक्यूट के गवाहन ब मुलजिम के गवाहन का खर्चा देती है। अदालत को अख्तियार दिया जा सकता है कि ऐसे केसिज में अदालत उन को खर्चा दे दे।

श्रीमती सुभद्रा जोशी: बकील को पैसा देना पड़ता है।

पंडित ठाकुर दास भागंब: अगर ठीक अदालत हों, तो बकील के करने की जरूरत नहीं और ऐसे केसिज में मामला बड़ा सीधा

होना—उस में सिर्फ यह होगा कि एक शख्स को कि कम्प्लेन्ट है—यह धीरत हो या नई—अपनी बाही को साबित करे और फिर यह साबित करे कि दूसरी बाही हुई है या नहीं। यह ऐसा सिम्पल केस होगा कि वकील करने की जरूरत नहीं होगी। लेकिन धानरेबल मेम्बर का विषय क्या करेगा? इस में यह दर्ज नहीं है कि इस आक्सेस को कान्ग्रीजेशन बना दिया जाय। इस में उस का कोई डिफेंड नहीं है। इस में सिर्फ यह लिखा हुआ है —

“Provided further that when the person so aggrieved is a woman, the police may make a complaint *ex der Dehan*, if information relating to the commission of the offence of bigamy is given to the police.”

इस में सिर्फ यह दर्ज है कि धीरतों के बजाय पुलिस शिकायत कर सकती है। इस के भागे कुछ भी दर्ज नहीं है। उस में यह दर्ज नहीं है कि पुलिस उस के लिए वकील करेगी या उस के लिए गवाह मुहैया करेगी, या प्रासोक्यूशन करेगी। यह सब इस में दर्ज नहीं है। सिर्फ कम्प्लेंट करने का सबाल है। अगर पुलिस वाले को कम्प्लेंट की इजाजत दे दी जाये, तो बरा उस की शराबिधां मुलाहिजा फरमाये। पुलिस वाला उस धीरत की तरफ से कुछ भी ब्यान दे सकता है, ऐसा ब्यान दे सकता है, जिस से धादमी पर मुकदमा न बने और फिर धीरत क्या करेगी? धीर भी ज्यादा शराबी हो जायेगी। एक ऐसे शख्स को अधिकृतार बना, जिस पर धीरत को एतबार न हो और जो धीरत का एजेंट नहीं है, धीर भी शराब बास है। कानून ने १९८ में इस के लिए जो एक्सेपशन्स दी हैं, वे निहायत माफूस हैं। डिफेंड क्या है यह कहना ठीक नहीं है कि धीरत के सिवा कोई मुकदमा नहीं कर सकता। अब भी सा यह है, जो भारतीयनल दफा ११८ में दिया गया है :

“No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the 272(a) L.S.D.—7.

Indian Penal Code or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence.”

अब एग्जेंड परसन के जाने की जरूरत नहीं है। अबल तो यह कहना मुश्किल है कि एग्जेंड परसन कौन-कौन है—सिर्फ धीरत ही एग्जेंड नहीं है, धीर भी रिस्तेदार एग्जेंड हो सकते हैं। लेकिन इस के सिवा प्रोवाइडो कितना जामा और कितना प्रच्छ बनायी गया है। उस में यह कहा गया है—

“Provided that, where the person so aggrieved is a woman who according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf.”

मैं प्रश्न करता हूँ कि देशी सूरत में, बीमारी की सूरत में, इतक मंड का सूरत में इसको इजाजत मिल जाते हैं कि केस को प्रासोक्यूट कर सके। आम तौर पर वा धीरत में इन्टि-रेस्टिड होने, वे यह भी देना चाहेंगे कि इन्फिर हो और वे जाकर इसको करेंगे। लेकिन ऐसा भी हो सकता है अगर केसिस में कि थोगल रिफार्मर जैसा का हमारी बहल है, खुद जाकर अगर इसको करता चाहें

बीमती बुजुगा बीमती : नहीं जा सकती हूँ क्योंकि कोर्ट मना कर देता है। अभी सिद्धासन सिंह जी ने कहा कि उन्होंने कोषिष की थी, लेकिन इजाजत नहीं मिला।

बंधित टाकुर दास भार्गव : मुझे किसी कोर्ट का पता नहीं। इसमें यह लिखा हुआ है :-

“some other person may, with the leave of the Court, make a complaint on his or her behalf”.

[पंजित ठाकुर धर्म शर्मा]

केजिन कोर्ट को यह बकर देना होगा कि प्रापर प्राइमी को इजाजत दी जावे । क्या १६६ ए और १६६ बी में भी कोई सा निष्ठा हुआ है कि कोर्ट प्रावर्जित कर सकती है । प्रावर्जित बाकर कह सकता है कि इजाजत दी जाए या न दी जाए । इस सैकशन में कहीं बर्ज नहीं है कि अगर कोई इटिरेस्टिड है, तो उसको इजाजत न हो । शारदा एकट जब पास किया गया तो कुछ तजवीज की गई थी कि जो रिफार्म धार्मनाइजेसन है, वे उसके अन्दर हिस्सा लेकर लोगों के मुकदमात करें और साबित करें । अन्द एक ऐसी धार्मनाइजेसन बनी और उन्होंने मुकदमात किए और लोगों को छोटी उम्र की शादी करने से रोकने की कोशिस की । इसलिये मैं धर्ज करना चाहता हूं कि अगर इस तरह की धार्मनाइजेसन बने जो कि इस तरह के काम करना चाहे, इस तरह के पब्लिक के काम करना चाहे तो वह जिस के बिहाफ पर जा रही हो, उसकी रजामन्दी जरूरी तौर पर हासिल कर के । रजामन्दी का होना बहुत लाजिमी है । अगर किसी औरत की किसी के साथ शादी हो गई है और कोई वास्स चाहता नहीं या कि उसके साथ उसकी शादी हो और दुश्मनी की बजह से वह जा कर मुकदमा कर देता है और औरत चाहती नहीं है कि वह मुकदमा करे, जो इसको कानून ठीक नहीं समझता है । इस वास्ते कुछ प्रतिबन्ध लगाए गए हैं और इन प्राइवेट मामलात में हर किसी को दखल देने का अधिकार नहीं दिया गया है । जिनके अन्दर ये प्रतिबन्ध लगाए गए हैं, वहां पर पब्लिक पालिसी है । पब्लिक पालिसी चाहती है कि ऐसे मुकदमात में ठोक प्राइमी ही मुकदमा चलावे । मैं यह नहीं कहता कि कि जिन केसिस में किन्हीं लोगों को सजा मिलनी चाहिए उन केसिस में उनको सजायें न मिलें और मैं नहीं चाहता कि ऐसे केसिस में कोई रकावट पैदा हो ।

केजिन आज के दिन यह ऐसी चीज है कि अगर इसको ज्यादा फरोज दिया गया तो

इसका मतीबा यह होगा कि बेहद फेरिस होने लग जायेंगे । जब औरत को किसी बगल यह कहा जाता है कि वह एबीए है, बाइवीर का हक हासिल है और अगर एबीए का जुर्ब प्राबित हो जाता है तो काफी बाक हो जाती है, ऐसी औरत में क्विन है जो उम्र औरत को एकसन्तावत करना चाहता । वह बर्ज करेगा जो कि उससे शादी करना चाहता हो या जो किसी दूसरी तरह के तात्पुसकत उसके रचता हो । अन्ध की सोसाइटी का यह बड़ा बारी जुर्ब है कि अगर कोई औरत बदचलनी करती है, एकमटरी करती है, तो ४६७ के तहत वह जुर्ब नहीं है, इसके अन्दर सिबाय साबिन्ध के किसी को इजाजत नहीं है कि वह कुछ कर सके । क्या यह पब्लिक पालिसी नहीं है कि हर बन्दगी को ऐसे मामलात में मुकदमा करने का हक हासिल हो, केजिन कानून ने इजाजत नहीं दी है और मैं समझता हूं कि दुस्त तौर पर नहीं दी है । अगर इस तरह की इजाजत दे दी गई होती तो बेशुमार तौर पर जुर्ब बढ़ने शुरू हो जाते और सोसाइटी में आफत आ जाती, चाहे औरत चाहती या न चाहती ।

अब अगर पुलिस को जो अधिकार देने की भांग की गई है, वह अधिकार दे दिया जाए तो पुलिस बर-बर जाकर आफत मचाने देगी । जो दावा करने वाले होंगे उनकी तादाद की बाबत कुछ कहा नहीं जा सकता है । कम्प्लेंट करने का भी जहां तक सवाल है उसमें भी पुलिस घरों में जाकर आफत मचाने देगी । इसलिये जो पब्लिक पालिसी है इस पब्लिक पालिसी को हटा भी दें और मुकदमा करने की हर वास्स को इजाजत भी दें तो उसमें कोई सङ्गलियत नहीं रहेगी । पुलिस के कागनिजेबल आपने भी इनको कटार नहीं दिया । आपने सिर्फ यह कहा है कि वह कम्प्लेंट कर सके, कागनिजेबल नहीं बनाया जाए । कम्प्लेंट करने से उसका कोई फायदा नहीं होगा और इससे प्राइमिपुस भी किसी तरह से धाने एडवांस नहीं होगा । इससे औरत

का भी कायदा नहीं होगा। आप अगर चाहती हैं तो आप कह सकती हैं कि ४२३ से ४२६ तक विधाने जुर्म हैं, उन सब में उसकी इजाजत है ही जाए। लेकिन आपका यह संका नहीं है। आप नहीं चाहती हैं कि ४२७ और ४२८ में सब कर सकती बरती जाए। इस वाले इन सब चीजों को देखते हुए और लोसाइटी की सफाई को देखते हुए और यह भी देखते हुए कि कानून की संका क्या है, मैं बर्ज करना चाहता हूँ कि इस किस्म का बिल पास कराना प्रस्ता कि बेरी बहुत चाहती हैं, बाकिब नहीं होना।

16 hrs.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Mr. Deputy-Speaker, the question raised by the hon. Mover of this Bill is very important and has to be considered from different points of view. On the one hand, I might point out to this House that the relevant sections in this respect in the Criminal Procedure Code were considered very carefully and from one point of view in particular, namely, that though, unfortunately, here and there, offences are committed in respect of religion, all the same, one has to be very careful in defining the limits of such offences and laying down certain restrictions for the purpose of maintaining the sanctity of married life. That was the reason why in this particular section 196, it has been made very clear that whenever there are certain offences relating to religion, the offences can be taken cognizance of only on the complaint of the person aggrieved. I would request all hon. Members to understand that in this respect, we ought to move as slowly as possible, though consistently with modern trends. I have pointed out why the law was so very careful in seeing to it that in respect of marriages, third persons do not come in and disturb the married life of the parties thereto. That was the reason why certain principles were

laid down and in that section itself, it has been made clear that, under certain circumstances, others can act or file a complaint. Therefore, I would request this House to note very carefully what has been stated in section 196 in particular, and in the proviso (i). That has been maintained as it is. This is one view which has to be fully appreciated in view of the need to maintain the stability as also the sanctity of married life.

Marriage is meant for bringing both the persons together. They have to live happily. They have to accommodate themselves to the wishes and desires of others. Then only married life will be happy.

Shrimati Subhadra Joshi: Not a second marriage.

Shri Datar: I am pointing out the whole thing. That is why we ought to be very careful in certain circumstances. There are exceptions to the rule and exceptions have to be provided for only with the greatest consideration. That is one side of the picture.

On the other hand, the hon. Lady Member, Mover of this Bill has pointed out certain difficulties with which all of us have to sympathise. There are occasions where, when a wife is living, the husband makes a second marriage. In these circumstances, for example, she is not in a position to finance a criminal complaint or a prosecution. Then, it is quite likely that she will have to suffer from a number of intolerable miseries. Therefore, that view also has to be taken into consideration. So, there were a number of difficulties in the Bill as framed by the hon. Member, and it was very difficult to accept it as it was.

Secondly, the Code of Criminal Procedure as also the Indian Penal Code have been before the Law Commission. They are considering whether any further amendments are necessary. All the same, this was a

[Shri Datar]

matter of some importance, but there was a genuine difficulty in meeting the object that the hon. Mover has in bringing forward this Bill.

I have already pointed out to the hon. Mover, and I would mention here, that in the form in which this Bill has been brought forward, it would not be in the interests of society to accept it, and therefore, Government would not accept the Bill as it is.

In particular, we should fully appreciate what hon. Members Shrimati Uma Nehru and Shri Padam Dev have rightly pointed out. They have stated that the proviso introduced by the hon. Mover in clause 2 may have far-reaching effects or consequences beyond what the hon. Mover has contemplated. If, for example, a complaint is allowed to be filed by the police, there is a likelihood of harassment being caused to the aggrieved party herself and certain undesirable results might follow. That is a view which has also to be taken into account, because here it is clearly stated:

"Provided further that when the person so aggrieved is a woman, the police may make a complaint on her behalf, if "information relating to the commission of the offence of bigamy is given to the police."

So, virtually it means a cognizable offence. Therefore, the matter would remain in the hands of the police, and it is likely that there might be some complaints received and at least the aggrieved lady might feel that her case is not being conducted as properly, as vigorously by the police as she could have it done by herself. So, this clause as framed by the hon. Mover is not acceptable at all.

I pointed out to her that we must be very careful in making amendments in such laws as the Code of Criminal Procedure which have to a large extent stood the test of time. Only a few years ago we made some

amendments, but this particular amendment was neither considered feasible, nor was it brought forward. In 1956, as you are aware, a number of important amendments were made in the Code of Criminal Procedure. That would show that what my hon. friend Shri D. C. Sharma has stated is not correct. Whenever there are certain desirable trends in society, whenever certain reforms are to be brought about by means of legislation, Government always examine such questions with the care that they deserve. Therefore, I would submit that this is a question which has to be approached very carefully, and we should take into account the object with which such a restriction was laid down in section 196.

I am very happy to note that there are certain amendments before the House to which I shall make only a general reference. Amendment No. 5 by Shri Sinhasan Singh in respect of section 494 states that the complaint can be filed either by the aggrieved party, that is the wife, or by certain of her relatives. This appears to be perfectly reasonable because it would meet these very hard cases that the hon. Mover has in mind. Therefore, I am inclined generally to support the various amendments, the main amendment as also the consequential amendments, that have been proposed by Shri Sinhasan Singh. If they are taken into account, then they will meet with the particular cases of hardship that the hon. Mover has in view. If the hon. lady Mover is prepared to support the amendments that Shri Sinhasan Singh has brought forward, then that would meet with her own requirements and at the same time would not go so far as she wants us to go.

Mr. Deputy-Speaker: Why should the hon. Minister say "with her own requirements"?

Shri Datar: I did not put it in that way. I meant the requirements of the Mover. She is in a representative capacity, not in a personal capacity. On behalf of all the aggrieved

women, she has brought forward this Bill in a representative capacity, and, therefore, my appeal is to her in her representative capacity.

Therefore, I would point out that the attitude of Government, so far as this Bill is concerned, is this. The Bill as it is cannot be acceptable in the interests of the society itself; but to meet the particular viewpoint that the hon. lady Member has, if the underlying principles behind the amendments proposed by Shri Sinhasan Singh are accepted, then I would have no objection to this Bill being accepted for consideration.

श्रीमती सुभद्रा बोशी : उपाध्यक्ष महोदय, भ्रमं इन बिल के बारे में हमारे बहुत से सदस्यों ने अपनी राय दी। मैं उनका बहुत कृतज्ञ हूँ, इसलिये कि सभी लोगों ने इसका सपोर्ट किया। मैं एक दो बातें आपका खिन्नता में भ्रमं करना चाहती हूँ। सभी एक माननीय सदस्य श्री पद्म देव जी ने जी कुछ कहा उससे ऐसा मालूम हुआ कि उनको भ्रमं तक यह भी पता नहीं है कि बहु विवाह कानूनन जुर्म करार दिया गया है। उन्होंने कहा कि उनके यहां भ्रमं लड़का नहीं होता है तो दूसरी शादी कर लें जाती है। खेती के लिये दूसरी धरत पर भ्रमं जा जाती है।

उपाध्यक्ष महोदय : वह अपनी बात कह कर चले गये, इसलिये मूबर सहिबा जो कहीं भी उसका उनको पता नहीं चलेगा।

श्रीमती सुभद्रा बोशी : उन्होंने कहा कि कस कोई ऐसा भी कानून बन सकता है जिससे यह मना हो जायेगा। उन को मालूम होना चाहिये कि यह कानून बन चुका है कि खेती के लिये कोई दूसरी शादी नहीं कर सकता, बच्चा नहीं होता तो दूसरी शादी नहीं हो सकती। चूंकि वह एक बड़ी भारी एरिया से सम्बन्ध रखते हैं इसलिये मैं भ्रमं करना चाहती हूँ ताकि उन को मालूम हो जाये धीर

वे कहीं यह गलती न कर बैठें क्योंकि यह कानून.....

उपाध्यक्ष महोदय : उन्होंने इसकी काफी एह्तियात ला कि इस बारे में उनको कहीं पता न चल जाय। वह इसलिये उठ कर चले गये कि वह आप की बात सुनने के लिये तैयार नहीं हैं।

श्रीमती सुभद्रा बोशी : उन को यह मालूम नहीं है कि हमने पहले ही दूसरी शादी करना जुर्म करार दे दिया है। इसलिये इसका कोई सवाल ही नहीं है।

हमारे एक माननीय सदस्य ने यह भी कहा कि भ्रमं बदकिस्मती से बहु कानून पास हो गया, भ्रमं हो कर भो, तो बहु विवाह एक जुर्म हो जायेगा पर जो भ्रमं है यह एनकरेज हो जायेगा। उन से मैं मुझे यह निवेदन करना है कि इस बिल के अन्दर जो एम्बेडरिंग प्रिन्सिपल हैं उसको भी भ्रमं एम्प्लेट कर लिया जाय तो एक विवाह के बाद दूसरा विवाह नहीं होगा। भ्रमं कोई कानून इनको स्वांकार कर ले कि एम्बेडरिंग प्रिन्सिपल थाकेन्स है तो मैं समझती हूँ कि तमाम देश के लोग इन का बहुत स्वागत करेंगे। यह कहना ठीक नहीं है कि इस बिल को पास करने से एम्बेडरिंग रेगुलराइज हो जायेगी। बहु विवाह को जुर्म करार देने के बाद भ्रमं उसका इलाज नहीं हो सकेगा तो कानून पास करने से कोई फायदा नहीं है।

शाखीरी बात मैं यह कहना चाहती हूँ कि एक बहुत बड़ी फंडामेंटल बात हमारे धानरेबल मेम्बर भार्गव जी से उठाई कि बहुत से कानून ऐसे हैं जो कान्निबेबल जुर्म नहीं हैं, जैसे फोर्जरी नहीं है, डिफैमेशन नहीं है। मैं भ्रमं करना चाहती हूँ कि बहु विवाह को वे इस जुर्म की तरह से न समझें। एक स्त्री के लिये, भ्रमं उसके घर में खोरी हो जाय, उसके घर में डाका पड़ जाय, तो कोई

[श्रीमती सुब्रजा जोशी]

बहुत बड़ी बात शायद नहीं होगी, अगर उसको कोई डिफेंस कर जाय, कोई उसके लिये हथारों बाँटें कर जाय, वह उसके लिये इतना बड़ा सवाल नहीं होगा जितना जीवन और मरण का सवाल उसके लिये यह हो जायेगा कि उसका पति दूसरी शादी कर ले। स्त्री के लिये यह कहा जाता है कि उसके घर में बाका पड़ जाय, धाग लग जाय, खानदान तबाह हो जाय तो वह एक तरफ और उसका पति दूसरी शादी कर ले वह दूसरी तरफ है। इसलिये मैं धर्ज करूंगी कि माननीय सदस्य इन सब जुर्मों को एक सा देखना बन्द कर दें। एक तरफ हम स्त्री के लिये पतिव्रत की बात कहते हैं और दूसरी तरफ पति दूसरी शादी कर ले यह कैसे ठीक हो सकता है? इसका दूसरे जुर्मों के साथ मुकाबला की जाये तो दोनों चीजों में बड़ा भारी अन्तर है।

हमारे माननीय सदस्यों ने एक सुबहा बतलाया कि पुलिस के जाने से बहुत खराबी हो जाने का खतरा है। मैं उन सदस्यों को तो उत्तर दे देती पर जब हमारे होम मिनिस्टर साहब ही कहते हैं कि पुलिस को अधिकार देने से खराबी पैदा हो सकती है, तो फिर मैं क्या कहूँ। यह हमारी पुलिस के लिये बड़ी शर्मनाक बात है अगर हमारे होम मिनिस्टर साहब उनके लिये ऐसा सोचें क्योंकि मैं तो ममझती थी कि सारे सदस्य ही ऐसा कहेंगे।

Shri Datar: She has not understood what I said. I said complaints are likely to come. I used the words very carefully.

श्रीमती सुब्रजा जोशी : मैं तो यह समझती थी कि सारा हाउस यह कहेगा कि पुलिस को अधिकार नहीं दिया जा सकता, ऐसा करना गलत होगा, लेकिन होम मिनिस्टर तो पुलिस को कम्प्लेंट ही करेंगे और कहेंगे कि नहीं उसको अधिकार दिया जा सकता है। पर पर शायद मुश्किल यह हो गयी है कि जो

किमिशनर हैं, जो दूसरी शादी करके कायम कबित करता है पुलिस उससे भी ज्यादा खराब समझी जाती है। पुलिस को एक किमिशनर के काहम तक मैं दखल देने लायक नहीं समझा जाता। ऐसी हालत में मेरे खानने और कोई चारा नहीं है सिवा इसके कि मैं सिहासन सिंह जी का प्रमोवमेंट मंजूर कर लूँ और जी भी सदन से हिन्दुस्तान की महिलाओं के लिये मिल रहा है उसको के लूँ और उसके लिए सदन को बन्दबाद दूँ। इसलिये मैं इस प्रमोवमेंट को स्वीकार करती हूँ।

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

Clause 2—(Amendment of section 198)

Shri Sinhasan Singh: I beg to move:

Page 1,

for clause (2), substitute—

"2. Amendment of section 198. In section 198 of the Code of Criminal Procedure, 1898, for the second proviso, the following proviso shall be substituted, namely:—

'Provided further that where the person aggrieved by an offence under section 494 of the said Code—

- (a) is the wife, any relative of the wife may make a complaint on her behalf;
- (b) is the husband, and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him

to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the court, make a complaint on his behalf.

Explanation.—For the purpose of clause (a) of the second proviso, 'relative' means any lineal descendant or ascendant of the wife, her brother or sister or her father's or mother's brother or sister'. (Admt. 5).

I have spoken on it and I need not repeat my arguments.

Mr. Deputy-Speaker: This amendment is before the House. Shall I put it to the vote of the House.

Pandit Thakur Das Bhargava: Sir, will you allow me to say a word about the amendment also?

इस प्रमेडमेंट में जो रिजॉल्टिव की तारीफ की गयी है तो इसमें सिर्फ़ धीरत के खानदान के रिजॉल्टिव ही आते हैं। खानिन्द के रिजॉल्टिव इसमें नहीं दिये गये हैं। जब धीरत अपने खानिन्द के घर आती हैं तो खानिन्द के रिजॉल्टिव धीरत के भी रिजॉल्टिव हो जाते हैं। लेकिन इस प्रमेडमेंट में धीरत के आई धीर बहिन बनेरह को तो इजाजत दी गयी है लेकिन उसकी तरफ से खानिन्द के रिजॉल्टिव को कान्साई करने का कोई हक नहीं दिया गया है। हालांकि घसल बात यह है कि अगर कोई आदमी दूसरी शादी बनीबूदगी पहली धीरत के करके लाता है तो उसके आई भतीजों को और दूसरे रिजॉल्टिवों को भी उतना ही बुग मानना चाहिये जितना कि धीरत के रिजॉल्टिवों को क्योंकि वह भी तो यह सोचेंगे कि यह आदमी हमारे खानदान में एक धीरत के रहते हुए दूसरी धीरत ले आया। इसलिये कोई बकह नहीं है कि धीरत के खानिन्द के आई का आई के लड़कों को और दूसरे रिजॉल्टिवों को धीरत की मदद करने का हक क्यों न दिया

जाए। एक तरह से तो जो यह प्रस्तिवार दिया गया है उससे धीरत का जो अब तक प्रस्तिवार था वह कम होता है क्योंकि अभी तो कोई शकस भी ऐकशन ले सकता है बदाखत की प्राप्ता से।

उपाध्यक्ष महोदय : यह तो तमी हो सकता है जबकि धीरत इनकमें हो या स्पुनेटिक हो या ऐसी कंडीशन हो कि खुद एक्शन न ले सकती हो।

पंडित ठाकुर दास भार्गव : सिर्फ़ इन-फरमिटी की ही बात नहीं है। अगर कोई धीरत परदे में रहती हो धीर आम ठौर पर बाहर न आती हो या बीमार हो या स्पुनेटिक हो, या १८ बरस से कम उमर की हो ऐसी हालत में कोई भी शकस एक्शन ले सकता है। अब जो प्रमेडमेंट किया जा रहा है उसमें तो इस दायरे को धीर भी कम किया जा रहा है।

उपाध्यक्ष महोदय : जब आदमी दूसरी शादी करेगा तो धीरत के रिजॉल्टिवों को ब्यावा बुरा लगेगा।

श्रावनी सुभद्रा जोशी : खानिन्द के रिजॉल्टिव तो मुकदमा दायर करके फिर उसको वापस ले सकते हैं। ऐसी हालत में धीरत के लिये मुश्किल हो जाएगी।

उपाध्यक्ष महोदय : उन्होंने ऐतराज किया है कि अगर खानिन्द के रिजॉल्टिवों को भी यह हक दिया जाएगा तो वे माजिज कर सकते हैं धीर मुकदमा वापस ले सकते हैं।

पंडित ठाकुर दास भार्गव : धीरत के रिजॉल्टिव भी तो यह साजिज कर सकते हैं।

उपाध्यक्ष महोदय : अगर धीरत का रिजॉल्टिव वह करेगा तो वह आदमी से क्या लेकर करेगा।

बं डेल ड.कुर बाल मगब ; म बाहता हू कि जो खेम कारंवाई कर सकते हैं उनकी शायद बड़ा ही जाए । इसमें यह भी किया जा सकता है कि जो भीरत परदे में रहती है या जिसके लिये कुछ कारंवाई करना मुमकिन नहीं है वह जिस भावमी को चाहे मुकरर कर सकती है । मेरे क्यूल से यह बेहतर होगा । था आप ऐसा कर सकते हैं कि कोर्ट जिस भावमी को ठीक समझे उसका यह प्रस्तियार दिया जा सन । मैं समझता हू कि अदालत की इजाजत काफी सेफगाड होगा । इसलिये मैं अर्ज करना चाहता हू कि यह ज्यादा बाजिब होगा अगर इसमें यह कर दिया जाए कि कोई भावमी जो भीरत में इन्टेस्टेड फोल करता हो उसको यह प्रस्तियार भीरत दे सके । मैं समझता हू कि ऐसा करने से ज्यादा सहूलियत हो जाएगा ।

Mr. Deputy-Speaker: Would it do if it is made to read like this?

"Provided where the person aggrieved is a woman who is an idiot or lunatic or from sickness or infirmity or any other cause unable to make a complaint."

Shri Datar: Perhaps it may be found that so far as the first proviso is concerned it relates to offences under sections 493 to 496 and this proviso which is being introduced is only for an offence under section 494 which does not cover this.

Mr. Deputy-Speaker: As the Minister likes. I have no objection. Then, I put this to the vote of the House. The question is:

Page 1,—

for clause (2), substitute—

"2. Amendment of section 198.—In Section 198 of the code of Criminal Procedure, 1898, for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that where the person aggrieved by an offence

under section 494 of the said Code—

(a) is the wife, any relative of the wife may make a complaint on her behalf;

(b) is the husband, and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the court, make a complaint on his behalf.

Explanation.—For the purpose of clause (a) of the second proviso, 'relative' means any lineal descendant or ascendant of the wife, her brother or sister or her father's or mother's brother or sister." (Admt. 5).

The motion was adopted.

Mr. Deputy-Speaker: I shall put clause 2, as amended, to the vote of the House. The question is:

"That Clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 —(Short title, extent and commencement)

Mr. Deputy-Speaker: There are amendment Nos. 2, 3 and 4, of Shri Sinhasan Singh.

Shri Datar: They are only formal amendments.

Mr. Deputy-Speaker: Yes.

Amendments made:

Page 1, line 3, omit '(1)'.
Page 1, line 4, (i) omit 'of'; and (ii) for '19' substitute (1959).

Page 1, omit lines 5 to 7

(Admts. 2, 3 & 4).

[Shri Sinhasan Singh].

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula

Amendment made:

Page 1, line 1, for "Eighth Year" substitute "Tenth Year" (Amdt. 1).

[Shri Sinhasan Singh].

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Shrimati Subhadra Joshi: I beg to move:

"That the Bill, as amended, be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16:27 hrs.

MINIMUM WAGES (AMENDMENT) BILL

(Amendment of Section 14) by Shri Kanhaiya Lal Balmiki

Shri Balmiki (Bulandshahr—Reserved—Sch. Castes): I beg to move:

"That the Bill further to amend the Minimum Wages Act, 1948 be taken into consideration."

उपाध्यक्ष महोदय, जबकि देश की उत्तरी सीमा पर चीन की निप्सापूर्ण दृष्टि है, ऐसे अवसर पर देश में जो प्रीचीनीकरण का पिछड़ापन है और भारी उद्योगों को बढ़ावा देने का जो प्रश्न है, उनकी ओर सरकार का ध्यान जा रहा है। लेकिन प्राज देश में श्रमिकों की जो अवस्था है, उसकी देखते हुए यह आवश्यक है कि उनके साथ न्यायसंगत व्यवहार हो, उन को न्यायपूर्ण मजूरी मिले और जितनी वे मेहनत मन से करते हैं, उस मेहनत का, उनकी गाढ़े पसीने की कमाई का उनकी ठीक ठीक फल प्राप्त हो। उस बात को दृष्टि में रखते हुए मैंने यह छोटा सा, सन् १९४८ के मिनिमम वेजिज एक्ट की चौदहवीं धारा को छूने हुए एक संशोधनात्मक विधेयक इस सदन में प्रस्तुत किया है, जिसका कि मशा यह है—

"provided that where no provision exists for the determination of over time wage, it shall be double the ordinary rate of wages."

१९४८ के विधेयक में किसी प्रकार भी इस तरह का कोई मांग निर्देशन नहीं किया गया है कि जिससे यह समझा जा सके कि मिनिमम वेजिज के रेट की तरफ या घण्टों की तरफ कोई ध्यान दिया गया है। उस विधेयक के द्वारा यह कार्य केवल राज्य सरकारों की इच्छाओं पर छोड़ दिया गया है। राज्य सरकारों ने इस दिशा में इच्छा या अनिच्छापूर्वक जो ध्यान दिया है, उससे मुझे संतुष्ट नहीं हुई है। मैं भंगी जांच कमेटी के सम्बन्ध में और उस तरह दूसरे रूप से भी सारे राज्यों में घूमा हूँ। इस लिए मुझे इन वेजिज के रेट्स में, और घण्टों में इसीरिटी और इन इक्वैलिटी ग्राफ वेजिज की झलक दिखाई देती है। यह खेद का विषय है कि इस विधेयक को पास करने के प्यारह वर्ष के बाद भी, देश की बारह साल की स्वतन्त्रता के बाद भी, इस प्रकार की इसीरिटी और इस प्रकार की इन इक्वैलिटी ग्राफ वेजिज देश में दिखाई दे। बेव रेट्स के सम्बन्ध में

[Shri Balmiki]

धीरे धीरे के सम्बन्ध में सरकार की एक यूनियन पालिसी होनी चाहिये, लेकिन मैं यह देखता हूँ कि राज्य सरकारों और केन्द्रीय सरकार ने इस कार्य के प्रति एक उदासीनता दिखाई है। जहाँ तक राज्य सरकारों का तात्त्विक है, वे अपने तरीके से चलती हैं, लेकिन केन्द्रीय सरकार का ध्यान उनकी ओर उतना नहीं जाता है, जितना कि जाना चाहिए। इसलिये यह नहीं कहा जा सकता है कि सरकार किस प्रकार का कदम उठाना चाहती है और किस दिशा का अवलम्बन करना चाहती है। बेज रेट को ध्यान में रखते हुए कुछ निर्णय घाई० एल० घो० कन्वेंशन के जरिये और सेंट्रल एडवाइजरी बोर्ड के सिद्धांत के जरिये किये गये हैं, लेकिन उनको कहीं तक अमल में लाया गया है, यह भी एक सन्देह की बात है।

जहाँ तक बेजिज का सम्बन्ध है, अनेक बेजिज प्राज संसार में और इस देश में हैं और उसके अनेक रूप और रूपान्तर हैं, जैसे स्टैंडर्ड बेजिज, फ्रेयर बेजिज, लिवांग बेजिज, नेशनल बेजिज, बेसिक बेजिज और मिनिमम बेजिज इत्यादि। लेकिन ये सभी तरह के बेजिज प्राज की अवस्था में ड्राईव बेजिज बन कर रह जाते हैं। लेकिन सरकार किधर ध्यान देना चाहती है, इन में से किस का सहारा लेकर चलना चाहती है? उधर भी हम को कोई प्राशाजनक तस्वीर नजर नहीं आती, कोई प्राशस्तनक उम्मीद नजर नहीं आती। मेरे दिल में तो डबल घोवर-टाइम की बात है। अगर प्राप कैबिनेटरी एक्ट का सहारा लेंगे तो या थाप्स एण्ड कन्सिडरबल एस्टाब्लिशमेंट्स एक्ट का सहारा लेंगे, तो उस से कोई काम नहीं बनता है। मैं यह भी देखता हूँ कि जब लेबर की बात की जाती है, या उनके लिये इस तरह की सहूलियतों

की बात की जाती है, तो हमारे मरिचक में इंडस्ट्रियल लेबर की बात होती है और म्युनिसिपल लेबर और एग्रीकल्चरल लेबर की तरफ हमारा ध्यान उतना नहीं जाता है। कहीं कहीं मिनिमम बेजिज हल्के हल्के क्रिक्स किए गए हैं। मैंने आन्ध्र प्रदेश में देखा है कि उन्होंने एग्रीकल्चरल लेबर की तरफ भी ध्यान दिया है। ११-१०-४८ को एक नोटिफिकेशन जारी करके म्युनिसिपल वर्कर्स की तरफ भी ध्यान दिया गया है। लेकिन ये सब कागजी बातें हैं। यह सब कार्य-बाही कागजी दिखाई देती है। प्राज भी इस देश में इस तरह की भावना है कि यहाँ पर मजदूर को क्या मिलता है। मैं मिला के मजदूरों की बात नहीं करता हूँ—मैं और मजदूरों की बात करता हूँ। उधर भारी डिस्पीरिटी नजर आती है। उधर ध्यान देने की जरूरत है। जहाँ तक मजदूरों का तात्त्विक है, वे कहीं भी जाते हैं, कोई भी प्रश्न उठता है, हड़ताल का कोई कदम उठता है, तो बेजिज को बढ़ाने की ओर इस सम्बन्ध में एक यूनियन पालिसी की मांग की जाती है। लेकिन उधर सरकार ध्यान नहीं दे पा रही है। यह ठीक है कि रास्ते में कुछ मजबूरियाँ हैं, लेकिन उन को देखते हुए सरकार कितना धागे बढ़ रही है? मैंने यह देखा है कि कहीं कहीं पर इस तरह की कमेटियाँ भी बनती हैं, लेकिन उनसे मजदूरों का सवाल हल नहीं होता है। मैं कहना चाहूँगा कि आदमी जो मेहनत करता है, उसको उसकी गाढ़े पसीने की कमाई का फल मिलना चाहिए। वह खून पसीने की कमाई करता है, उसको अपनी मेहनत का फल मिलना चाहिए। हमारे संविधान की अनुच्छेद २३ में साफ़ तौर से कहा गया है कि No one will be forced to work without any payment. Beger shall be treated as an offence. यह बात ठीक है कि उनको जितना मिलना चाहिये, वह नहीं मिल पाता है। सरकार हल्के हल्के कुछ कदम

उठाना चाहती है, लेकिन यह बात जरूर है कि अगर हम इंडस्ट्रियल सेक्टर को छोड़ दें और दूसरे सेक्टर को लें, तो हम देखते हैं कि बेकार चलती है और फोर्टेड सेक्टर आज भी इस देश में मौजूद है। अभी कुछ दिनों की ही बात है कि एक ० ए० पास दो हरिजन लड़के एक गांव से भाग कर आए, तो कुछ आठ लोगों ने उनको बेधा मजबूर किया और कहा कि कॉलेज से आकर तुम बेकार क्यों पड़े हो, तुम को कोल्ड शॉकने के लिये जाना है। इस तरह की कई घटनायें सामने आती हैं। उस अवसर पर आप कहेंगे कि जबकि एक ऐसे क्वेश्चन के संशोधन का विषय है, मैं ऐसी बात क्यों कहना चाहता हूँ। केवल इस लिये कहना चाहता हूँ कि यह बात छोटी जरूर है, लेकिन अगर ओवर-टाइम को हम वेज रेट का मूलमूल सिद्धान्त समझें, मूलमूल आधार समझें, तो उस बात को देखते हुए ओवर-टाइम वेज रेट की तरफ ध्यान देना होगा वेज क्रिफिसव पालिसी की तरफ ध्यान देना होगा और भावार्थ—घंटे—ठीक तरह से हों, उस तरफ ध्यान देना होगा। लिविंग वेज फ़ार वर्कर्स की तरफ ध्यान देते हुए संविधान के आर्टिकल ४३ में यह कहा गया है:—

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities...."

अगर वर्कर्स का सीधा मतलब है कि म्यूनिसिपल वर्कर्स की ओर ध्यान जाना चाहिये। यह ठीक है कि सरकार ध्यान देना चाहती है, लेकिन जैसा कि मैंने अभी जाहिर किया, सरकार का ध्यान इंडस्ट्रियल सेक्टर की तरफ जाता है और दूसरे म्यूनिसिपल या एग््रीकल्चरल वर्कर्स की तरफ नहीं जाता है। यही नहीं, बल्कि संविधान में लिंग-भेद को नहीं मंजूर किया है, लेकिन आज भी देश में लिंग

भेद है—घौरत मर्द का भेद है। अभी बन्द मिनट पहले एक विधेयक एक संशोधन के रूप में पास हुआ है, जिसका उद्देश्य हमारी नारियों की मजदूरी की हालत को समाप्त करना है, वह भी यह जाहिर करता है कि अभी लिंग-भेद कितना है। जहाँ तक बेजिब का सम्बन्ध है, मजूरी का सम्बन्ध है, वहाँ पर भी लिंग-भेद है। मैंने खुद फ़ैक्टरियों में देखा है। ऐसी फ़ैक्टरियाँ भी हैं और म्यूनिसिपैलिटियाँ भी हैं। जहाँ घौरत मर्द के वेज रेट में विभिन्नता है आन्ध्र में मैंने देखा है कि एक मर्द जो डोमैस्टिक काम करने वाला है उसकी २५ रुपये मिलते हैं और एक घौरत जो काम करने वाली थी, उसकी सात रुपये मिलते थे हालाँकि काम में बहुत ही बड़ा फर्क था। आज भी हम देखते हैं कि हमारे संविधान के आर्टिकल ३६(डी) में यह कहा गया है:—

"that there is equal pay for equal work for both men and women";

किन्तु इसके होते हुए भी यह विभिन्नता देश में विद्यमान है और उसका प्रभाव ओवर-टाइम पर भी दिखाई पड़ता है।

केन्द्रीय सरकार ने १४(बी) द्वारा पर क्लम बनाते हुए कहा है:—

"that where a worker works in an employment for more than 9 hours on any day or more than 48 hours in a week, he would be entitled to wages in respect of over-time at the rate of 1½ times the ordinary rate of wages in cases of employments in agriculture and at double the ordinary rate of wages in cases of any other scheduled employments." यहाँ भी इशारे का जिक्र है लेकिन डबल का जिक्र नहीं है। यह धारा भी इस तरह की है कि अनुष्य को घटने नाड़े पसीने की कमाई का फल भी न मिले। यह सामाजिक अन्याय नहीं तो क्या है? अभी तक क्लेक राज्यों में स्थिति जित्त जित्त है। कहीं पर क्लम बने हैं, कहीं पर

[Shri Balmiki]

नोटिफिकेशन जारी किये गये हैं और कहीं पर न कल बने हैं और न नोटिफिकेशन जारी हुए हैं। हमारा जो एक मेजर राज्य है, उत्तर प्रदेश, उसकी तरफ में ध्यान का ध्यान दिलाया जा रहा है। वहाँ पर रा रा यूनियन ट्रेडरिज में भी इस और कोई खास ध्यान नहीं दिया गया है, न कल बने हैं और न ही नोटिफिकेशन जारी किये गये हैं। यह फिर रा लगे धंधेवा वाली बात है। वह समय बंसे हुआ है जबकि मजदूरों को धंधे में रखा जा सकता था। धाज के कर्मि-कारी युग में जबकि धाज उत्पादन बढ़ा देना चाहते हैं और देश में स्वच्छता रा रा रोगता माना चाहते हैं, चाहते हैं कि उत्पादन बढ़े, चाहते हैं कि प्राचीनकरण हो, चाहते हैं कि भारी उद्योगों की स्थापना हो, तो मजदूरों को उनकी मेहत का पूरा पूरा फल भी धा : की देना होगा। उनकी मजदूरी का भी धिक होना चाहिए। उसकी धर्ना: मेहत का ठीक ठीक फल तो प्राप्त होना चाहिए।

यह ठीक है कि कहीं कहीं गैड्रुल एम्प्लॉयमेंट्स में डबल पेमेंट्स का धिक है किन्तु उस तर कहां तक ध्यान दिया जाता है यह देखने वाली बात है। धरी तक कहीं १-१/२, कहीं १-१/४ कहीं केवल प्राडिनरी धधार पर धोर-टाइम दिया जाता है। लेकिन जब डबल की बात की जाती है तो धाप धुप ही जाते हैं। मैं समझता हूं कि उनकी धोर-टाइम का डबल पेमेंट धवष्य होता चाहिए। १९४८ में ११ धस्तूर के नोटिफिकेशन के बावजूद भी धर्निसिनेलिटियों और कारपोरेशंस में जो धर्नाय ही रहा है और उन्हें उनकी मेहत की उजरत नहीं मिलती है सरकार का उस तरफ ध्यान जाना चाहिए।

मैं धापके सामने कुछ मिसालें रखना चाहता हूं जिन से कि धापको पता चल जाये कि किस तरह से काम चल रहा है और किस तरह से पेमेंट्स हो रहे हैं। जहां तक धांध्र प्रदेश का धाम्नुक है वहां रोबाना ९ बंटे और हुक्ते में ४८ बंटे की लिमिट है और वहां पर जो

धोर-टाइम है वह १-१/२ दिया जाता है। लेकिन रोबाना में उस पर धवल नहीं होता है। धसम में ९ और ४८ बंटे हैं। बिहार में ९ और ५४ है और इन दोनों में धोर-टाइम १-१/२ देने की ध्यवस्था है। जो रर धम्बई राज्य में ९ और ४८ बंटे चलते हैं। बिदर्न में भी यही है लेकिन सीराधु रिजन में बंटों में भी कठ है। धराठवाड़ा में ९ और ४८ है और १-१/२ दिया जाता है। कम्ध में मिमिमम वेज क्लस का कोई धिक नहीं है और वहां पर वे सामू नहीं होते हैं। केरल में १-१/२ है और ९ और ५४ बंटे हैं। जो रर मध्य प्रदेश रिजंस में ९ और ५४ है और १-१/२ है। मध्य भारत रिजन में ९ और ४८ धार १-१/२ है। बिन्धु प्रदेश रिजन में भी यही है। भो गल रिजन में ९ और ४८ का धिकता है लेकिन १-१/२ का धिक नहीं है एधिफलवर के लिए धार कहा गया है कि प्राडिनरी रेट धफ वेज ही होगा। मंसूर में जो एरिधज ट्रांसकर हुए हैं पध्वी हैदराधध स्टेट से धार धम्बई से धार जो फांधर मंसूर स्टेट भी वहां ९ धार ४८ धार १-१/२ का धिक है। कुर्न में १-१/२ का धिक है। मद्रास से जो एरिधज मंसूर में ट्रांसकर हुए हैं उनमें १-१/२ का तो धिक है लेकिन बंटों का कोई धिक नहीं है। मद्रास में भी १-१/२ का धिक है और ९ धार ४८ बंटे हैं। तर्ईसा के धन्दर १० धार ६० बंटे हैं और १-१/२ है। पंजाब में ९ बंटों का ही धिक है धार १-१/२ है। राजस्थान में ९ और ४८ धार १-१/२ है। उत्तर प्रदेश में बिन्कुल शान्ति है। उसने यह फंसना किया है कि इसकी धाधधयकता नहीं है क्योंकि वहां धोर-टाइम की जो बात है वह फेन्डीज एकट और यू० पी० शाप्स एंड कामधियल इस्टेबलिशमेंट एकट में धाती है। लेकिन उससे भला नहीं होता है। धापका ध्यान केवल इन्स्ट्रियल लेबर की तरफ है। मेरा ध्यात ध्युनि-सिधल लेबर, एधिफलवरल लेबर, धधर धुधर लेबर क्लासिस की तरफ है और वहां तक कि डोमेस्टिक लेबर की तरफ भी है। उनकी तरफ कोई ध्यान नहीं दिया जा रहा है।

बंगाल के अन्दर ८ घंटे ४८ बंटे हैं और उबल-आदिनी वेज का है। आयल और राइस मिल के अन्दर यही है। पब्लिक मोटर ट्रांसपोर्ट के अन्दर बंटों का कोई जिक्र नहीं है और कहा गया है भोवर-टाइम दिया जायेगा। सिंगरेट मेकिंग में ६ घंटे ४८ घंटे उबल-आदिनी वेदस का है। लोकल प्रायोरेटी कानी म्युनिसिपैलिटी, ज में ६ से ८ घंटे ४८ है। मैं एक इन्क्वायरी में गया हूं और मुझे पता चला है कि कहीं कहीं बहुत ज्यादा बंटों तक काम लिया जाता है। वहां पर जो नोटिफिकेशन ११-१०-१९५८ का है उस पर अमल : हों ही पाता है। हिमाचल प्रदेश और मर्नपुर में ८ बंटों का जिक्र है और न ही कोई क्लॉक बने हैं। त्रिपुरा में ६ घंटे ४८ घंटे और १-१/२ का जिक्र है। दिल्ली में ६ घंटे ४८ बंटे हैं और १-१/२ का जिक्र है अमल नहीं हो रहा है।

वह चित्र में आपने सामने इस वास्ते रखा है ताकि इस ओर आपका ध्यान जा सके। मैं समझता हूं कि फेडरेशन एक्ट का ओर शाप्ट और कोमरशियल एस्टेबलिशमेंट्स एक्ट की प्राविजस का अर्थ का सहारा लेकर मजदूरों को खास तौर से म्युनिसिपल वर्कर्स को भुनावे में रखा जाता है। यह नाति अच्छी नहीं है। सरकार अब तक इस बात को टालती रही है और अर्थ नैशलिज्म तथा देश का अवस्था का अराधना चित्र खोचकर मजदूरों को अम-चक्र में फंसाती रही है, यह किसी प्रकार भी उचित नहीं है। जहां सरकार का ध्यान मालिकों की ओर जाता है, वहां मजदूरों की ओर भी जाना चाहिए। मैं आज देख रहा हूं कि लाखों रुपये मजदूरों के ओवर-टाइम के एरियर के कर में कारपोरेशंस के अन्दर और म्युनिसिपैलिटी, ज के अन्दर पड़े हुए हैं और वह रुपया उनको मिलना चाहिए। यह सब इस कारण से हुआ है कि कोई आपको निर्धारित पालिसी नहीं है। बताया देने से बचने की जरूरत नहीं है, यह मेरी आपसे प्रार्थना है।

साप्ताहिक छुट्टी मजदूरों के लिए छुट्टी न होकर काम का दिन बन गई है और कानून

में किसी प्रकार का प्राविजन न होने से उन्हें इससे भी बंचित रहना पड़ता है। उनका नाम रजिस्ट्रेशन में बढ़ा कर चूपी प्रकृत्यार कर भी जाती है। इस वास्ते में कहना चाहता हूं कि मजदूरों के साथ यह वे फेडरेशन में काम करते हैं या म्युनिसिपैलिटीज में काम कर रहे हैं, चाहे कारपोरेशंस में करते हों, चाहे बंटों में कर रहे हों, चाहे मिलों में करते हों, उनके साथ जो अन्याय हो रहा है वह समाप्त होना चाहिए। उनके गाढ़े पसने की कमाई का पैसा उनको मिलना चाहिए। ओवर-टाइम की एक यूनिफार्म पालिसी निर्धारित करने से पहले यह परम आवश्यक है कि प्रावर्स प्राफ वकं और वेज रेट निर्धारित हों। ओवर-टाइम की भी यूनिफार्म पालिसी होनी चाहिए।

आप कह रहे हैं कि आप देश में सोशलिस्टिक पैटर्न प्राफ सोसाइटी स्थापित करना चाहते हैं। ऐसी अवस्था में मैं समझता हूं कि समाज में ग्रायसंगत कदम वही हो सकता है जोकि मजदूरों के हक में उठाया जाए। जो मजदूरी है उसे राज्य सरकारों को ठीक तरह से निर्धारित कर देनी चाहिए।

आपकी जो एडवाइजरी कमेटी की उसका यह मुझ व या कि कम से कम मजदूरी १८ घंटे होनी चाहिए। मैं पूछना चाहता हूं कि क्या उस पर आपने अमल किया है। लेकिन मैं इस पर अधिक न कह कर इतना कहना चाहता हूं कि जो ओवर-टाइम का प्रपन है वह एक गम्भीर प्रश्न है। आप कह सकते हैं कि फेडरेशन एक्ट है, कर्माशियल एस्टेबलिशमेंट एक्ट है, लेकिन मैं आपको बतलाना चाहता हूं कि ये दोनों ही एक्ट म्युनिसिपल वर्कर्स पर, एडि-कलचरल वर्कर्स पर लागू नहीं होते हैं, उन पर इनको अमल में नहीं लाया जाता है। इस वास्ते सरकार के सामने मैं इस बिज की लाया हूं ताकि ये सब बातें आप नोटिस में आ जाएं। आप चाहें तो मेरे बिल को स्वीकार कर लें और चाहें तो अपना बिल लायें।

[श्री श्री भाषा]

लेकिन यह बहुत प्राथमिक है कि आपका ध्यान मुक्तिश्रम के लिए की तरह, म्यूनिडिपल के लिए की तरह, कारपोरेट्स की के लिए की तरह और उनके ओवर-टाइम की तरह बाएँ और ऐसा बिल लाना होगा जिससे उनको काम प्रबंध सके। इसके अलावा एक जो और बातों की तरह मैं आपका ध्यान दिखाना चाहता हूँ।

जहाँ तक इन्वैस्शन और एम्प्लॉयमेंट का टाल्लुक है, फेडरली इन्वैस्टमेंट्स के ऊपर और दूसरे एस्टैब्लिशमेंट के जो प्रॉक्सिमेंट हैं उन के ऊपर पहले ही अपने रईस मालिकों का काम इतना ज्यादा है कि वह फुलत नहीं पाते। वह लोग जा कर एकीकृत लेवेंस की या ओवर-टाइम की जांच कैसे कर सकते हैं जब कि वह अपना काम छोड़ नहीं सकते हैं? इस तरह के लोग इन्वैस्टमेंट में और एम्प्लॉयमेंट में रखे जाते हैं। इसके लिए एक मशीनरी बनाई जानी चाहिये क्योंकि और इस के काम नहीं चल सकता है जो वे, ल इस काम को देखें।

जहाँ तक आजकी आपकी एक यूनिफॉर्म वेज पालिसी का टाल्लुक है वह बिल्कुल लचर और कमजोर है। वह ठीक तरह से होनी चाहिये। इस के लिये जरूरी है कि आप वेज फिक्सेशन को ध्यान में रखते हुए एक परमेनेन्ट वेज फिक्सेशन मशीनरी बनायें। उस को लाने के बाद ही आप इस काम को कर सकते हैं। उन दोनों चीजों को लाये बगैर अगर आप कागज पर इस को मंजूर भी कर लेते हैं तो इससे हमारा काम नहीं चल सकता है। इसके लिये मैंने यहाँ पर विधेयक पेश किया है। यहाँ पर सब से बड़ा सवाल यह होगा कि मजदूरों को इस वक्त इतना एरियर कहाँ से पे किया जायेगा। मैं मजदूरों को भुलाने में नहीं रखना चाहता। उन को बतलाया जाय कि यह व्यवस्था है। अब तक जो कुछ हुआ सो हुआ लेकिन आइया सामिया नहीं होनी।

वह के बाद आप की एक कुछ ठीक तरह से आप्त होगा। मजदूर की मजदूरी को ध्यान में रखते हुए यह प्राथमिक है कि वेज को संशोधनात्मक विधेयक प्राप्त के अन्तर्गत है उसे स्वीकार किया जाये। मानवीय कमी की मजदूरी बैठे हैं। उन्होंने अन्य मजदूरों के नफे के लिये बहुत से काम किये हैं। उन की इन्वैस्टमेंट केवर्स या दूसरे केवर्स की बात आती है, वह सक्षमता बकर करते हैं, लेकिन हमारे मजदूरों को ध्यान के किसी कृम से कोई कावना नहीं पहुँचा है। इस लिये मेरा धन्यवाद है कि जो बिल मैं लाया हूँ आज उसे मंजूर करें और जो मजदूर म्यूनिडिपल के अन्तर्गत और कारपोरेट्स के अन्तर्गत काय करते हैं, बास ठीक पर एम्प्लॉयमेंट केवर्स, उन को काम पहुँचायें। अब समय आ गया है कि वह लोग आगे आ सकें। मुझे पूरा भरोसा है कि आज के वक्त में अगर इस विधेयक को मंजूर कर लिया गया तो इस तरह के मजदूरों को जरूर अवसर प्राप्त होगा आगे आने का। आज की स्थिति में हम हर जगह पर अपनी धार्मी की तारीफ करती हैं और करनी चाहिये। लेकिन मैं यह भी कह सकता हूँ कि अगर आज हमारा उत्पादन बढ़ता है तो वह केवल हमारे मजदूरों की मेहनत पर। अगर हम वेज की तन्दुरस्ती को कायम रखना चाहते हैं, वेज को आगे बढ़ाना चाहते हैं, वेज को बिन्धा रखना चाहते हैं, तो मजदूरों का हम को ध्यान रखना ही होगा।

“पापी मुचद् बरोजनः इन्द्र इष्वरोतः
सत्ता चरेवेति चरेवेति चरेवेति”

पापी वह है कि जो महत्त किये बगैर प्रकृति कर बैठ जाता है, जैसे काले बक कर बैठते हैं। उपनिषद् में कहा है कि जो महत्त करता है वह नहीं बकता है, महत्त करने वाला रात दिन चलने वाला इंद्र है, इंद्र उस के साथ है। आज इंद्र मजदूर के साथ है जिस के साथ

में मेहनत है, मसकत है। वह अपनी मेहनत के बस पर सजा होता है। उसरी बात है कि उस को न्याय दिया जाय।

भाष्य बदकिस्मती की बात है कि हमारे देश का मजदूर संगठन। प्रलग प्रलग इन से बटा हुआ है। भाष्य मजदूरों के पास इस लिये ताकत नहीं है। मजदूरों के नेता डा० मालकाटे यहाँ बैठे हुए हैं, मैं उन से कहना चाहता हूँ कि तमाम मजदूरों का एक संगठन होना चाहिये। मैं कहना चाहता हूँ कि भाष्य इन्स्टिट्यूट लेबर के सिहाज से एक संगठन है वह भी पार्टियों के आधार पर। साथ में वह एमिकल्बरस लेबर या म्युनिसिपल लेबर के साथ लिप लिम्बीबी जकर रखते हैं हृदय की लम्बीबी नहीं। मैं सारे देश में मजदूरों की एकता चाहता हूँ, उन का एक छत्र राज्य देना चाहता हूँ। भाष्य उस मजदूर राज्य के नीचे हैं, उस के ऊपर नहीं। ऐसी भावना रखते हुए मैं चाहता हूँ कि इस घोषण-टाइम की बात भाष्य मान लें। अगर भाष्य इस को मान कर हजारों मजदूर परिवारों को सुखी और उनके भविष्य को उज्ज्वल करेंगे तो इस से भाष्य का भी लाभ होगा और हम को भी लाभ होगा।

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

श्री स० श्री० बनर्जी (कानपुर) :
 उपाध्यक्ष महोदय, यह जो विषयक मेरे मित्र श्री बास्पीकी ने सबन के सामने प्रस्तुत किया है उसे उसका स्वागत करने के लिये सजा हुआ है। भाष्य हमारे देश में मिनिमम वेजेज प्रबन्धन कम से कम तन्हाह तकरीबन सभी मजदूरों को मिला रही है। मैं इस बात से इन्कार नहीं करता कि सरकार की तरफ से इस के लिये कोशिश हो रही है, लेकिन भाष्य घोषण-टाइम के बारे में यह बिल रखने की जरूरत नहीं हुई, इस को मैं भाष्य के सामने कभी तरह रखना चाहता हूँ। छोटे

छोटे उद्योगों की बात तो छोड़ दीजिये, वह भ्रमर यह कहते हैं कि हमारी जो ताकत नहीं है देने की। मगर हमारे देश के चाहे छोटे सरमायेदार हों चाहे बड़े, जब भी मजदूरों को कुछ देने की बात आती है और कहा जाता है कि बाबिर मजदूरों की हालत को सुधारने के लिये भाष्य भी तो कोशिश करें तो एक ही चीज वह भी कहते हैं कि हमारी तो देने की ताकत है नहीं। अगर भाष्य पूछें कि देने की ताकत है तो कहते हैं कि वह तो बहुत है। मैं सकता हूँ लेकिन दे नहीं सकते। इसी बजह से एक जगह मैं ने देखा कि जब भी कोशिश होती है कि दूसरी पंचवर्षीय योजना या तीसरी पंचवर्षीय योजना में काम बढ़ाया जाय तो लोग भ्रमर यह कहते हैं कि हम काम बढ़ाना चाहते हैं क्योंकि इस पंचवर्षीय योजना के काम में हमारे बच्चों की मुस्कराहट छिनी हुई है। यह बिल्कुल सच बात है, लेकिन मेरे सामने कुछ मामले मिनिमम वेजेज के घा चुके हैं, और मैं ने देखा कि अगर किसी के लिये एक रुपया मिनिमम वेज निर्धारित की गई है तो उसे ७ या ८ पाने दे कर १ रु० पर दस्तखत लिये जाते हैं। वह मजदूर, मुमिलस मजदूर, बेकस और बेबस मजदूर बाबिर करे क्या? वह बेकारी से लड़ते लड़ते हार चुका है और अगर इस बक्त कहा जाय कि जब तक तुम्हें एक रुपया न मिले तुम दस्तखत न करो, तो वह कहेगा कि क्या तुम मुझे ८ पाने भी दिला सकत हो। मेरे पास इस का कोई उत्तर नहीं है। इस बात का मुझे भरोसा नहीं है तो क्या मुंह ले कर उस के सामने जाऊँ और कहूँ कि तुम दस्तखत करने से इन्कार कर दो।

मैं काम के घंटों के बारे में बतलाऊँ। इलाहाबाद के करीब एक जगह है नैनी। नैनी में हमारे उत्तर प्रदेश के एक बहुत बड़े सरमायेदार जयपुरिमा साहब ने कुछ कारखाने खोले हैं। सरकार की तरफ से भी काफी मदद मिली है। इलाहाबाद के लोग भी काफी खुश थे क्योंकि इलाहाबाद एक ऐसा सहर है जिस का प्रौद्योगिकरण किया गया है।

[श्री स० श्री० बनर्जी]

वहाँ पहले उद्योग नहीं थे। उन्होंने समझा कि अगर आज उद्योग यहाँ खुल जायेंगे तो बेकारी कुछ कम होगी और लोगों को नौकरियाँ मिलेंगी। वहाँ पर एक टेक्स्टाइल मिल भी है, स्वदेशी टेक्स्टाइल मिल। उस के मजदूरों से ११, १२, १३, चूँटे तक काम लिया जाता था। इस के विरुद्ध वहाँ के मजदूरों ने आन्दोलन किया। बिरोधी दल के सबस्य वहाँ नहीं थे बल्कि हमारे बड़े व्यक्ति इस मजदूर आन्दोलन की रहुनुमाई कर रहे थे जो कि आज रूनिंग पार्टी से सम्बन्धित हैं। लेकिन उस के नतीजे क्या हुए? आप को सुन कर ताज्जुब होगा कि इसी साल जून के महीने में वह आन्दोलन चला और बार-बार इसरार करने के बाद भी मालिकों ने कोई बात सुनने से इन्कार कर दिया और कहा कि अगर आप को नौकरी करना है तो १२ और १३ चूँटे काम करना होगा। अगर नहीं कर सकते तो नौकरी से निकाल दिये जायेंगे। हमारे मजदूरों को बड़ा गुस्सा आया, बहुत दुःख हुआ, उन्होंने फैसला यह किया कि इस अन्याय और अत्याचार के विरुद्ध हड़ताल करे। मैं कोई हड़ताल का समर्थन करने के लिये नहीं खड़ा हुआ हूँ, लेकिन जब उन्होंने हड़ताल कर दिया तो वहाँ के कॉन्सिलिएशन आफिसर और लेबर आफिसर के पास वह गये और बजाय इस के कि वहाँ मसला हल किया जाता, वहाँ ५२ लोगों को गिरफ्तार किया गया जिन में हमारे एक मित्र और मजदूरों के एक बहुत ही सच्चे कारकून हैं श्री श्रीम प्रकाश गौड़, उन को गिरफ्तार किया गया, लाठी चार्ज किया गया वहाँ जो ५२ भाइयों के ऊपर मुकदमे दायर किये गये हैं, आप को सुन कर ताज्जुब होगा कि उन के साथ जो व्यवहार किया गया उस का मुकाबला सन् १९६६ में थिकागो के हे मार्केट के हादसे के साथ किया जा सकता है। वहाँ के लोग गरीब थे लेकिन सरमायेदारों के पास ताकत थी। वहाँ पर खून की होतियाँ खोसी गईं।

क्या सबक लीजिये : वह मुकदमे चल रहे हैं इस लिये आप उन की हानत में न जायें।

श्री स० श्री० बनर्जी : उन पर मुकदमे चल रहे हैं, इस लिये इतना ही कहना चाहता हूँ, लेकिन उस के बाद उस आन्दोलन के बाद उन के काम के बंटे बंटाये गये। पर वहाँ अभी तक रेना नहीं हुआ कि उन की ओरटाइस दिया जाय। इस लिये मैं प्रार्थ कर रहा था कि अगर आज मिनिमम वेजेज की सही तौर से लागू किया जाय तो लोगों को उस से फायदा हो सकता है। आप को चाहिये कि जो वेजेज आज हिन्दुस्तान में है उन को देखिये। वह हुकूमत को भी मालूम है और मुझे भी मालूम है। हमारे जो कण्ट हैं उन को भी हमारे कम उपमंत्रों जो काफी हद तक जानते हैं। जो सार्ई मर्कजो हुकूमत के मातहत काम करते हैं, जो मजदूर हैं उनकी बात हमेशा कह दी जाती है। जब भी हमारे सेंट्रल एम्प्लोयीज कहते हैं कि हमारी तनखाह बढ़नी चाहिये तो हमारी सरकार कहती है कि आप हमारे कर्मचारियों की तरफ देखें, उनकी तनखाहें कितनी कम हैं।

अम उपमंत्रो (श्री साबित्त बली) : कमी नहीं कहा, बिल्कुल गलत है।

श्री स० श्री० बनर्जी : गलत आप नहीं कह सकते। आपने मुझे यह नहीं कहा लेकिन मजदूर यह कहते हैं और मैं कह रहा हूँ उनकी तरफ से।

अगर प्रांतीय सरकार के कर्मचारी कहते हैं कि हमारी तनखाह बढ़ायी जाए तो कहा जाता है कि कारपोरेशन और म्युनिसिपैलिटियों के कर्मचारियों की तरफ देखो उनकी तनखाह कितनी कम है। अगर म्युनिसिपैलिटी और कारपोरेशन के कर्मचारी कहते हैं कि हमारी तनखाह बढ़ायी जाए तो उनको कहा जाता है कि एम्प्लोयमेंट एक्सचेंज की तरफ देखो कि वहाँ पर बेकारी

की का हालत है। और कहा जाता है कि सब की तन्स्वाह बराबर ही जायेगी क्योंकि देश में समाजवाद आ रहा है। मैं इसका विरोध नहीं करता। लेकिन एक कम्प्रीहेंसिव मिनिमम वेजेज ऐक्ट लाने की बात हम बरसों से सुनते आ रहे हैं। वह नहीं आया। आज आप देखें कि मिनिमम वेज कितनी है। आज जो मिनिमम वेज है वह न तो मिनिमम है और न वेज है। कहा जाता है कि हम मिनिमम वेजेज ऐक्ट का संशोधन करेंगे और एक कम्प्रीहेंसिव लेजिस्लेशन लायेंगे। आज जो लोग मुनाफा कमा रहे हैं अगर उसका २५ या ३० फीसदी भी मजदूरों में बांट दिया जाए तो उससे मजदूरों को बहुत सहूलियत मिल सकती है और वह किसी तरह अपनी जिन्दगी बसर कर सकते हैं। अगर इस बिल को आप मंजूर कर लें तो बहुत अच्छा होगा, लेकिन अगर आप यह मंजूर नहीं करें तो भी मिनिमम वेज बढ़ाने की तो कुछ कोशिश कीजिए। नैनीताल में कानकरम हुई, नई दिल्ली में हुई, १५वीं लेबर कानफरंस हुई, १६वीं हुई, १७वीं हुई और उनमें इस बारे में विचार किया गया और तमाम लोगों ने माना कि वेजेज कम है। मेरा निवेदन है कि आप देखें कि आज एक साधारण आदमी की कितनी तन्स्वाह है। तेल मिलों में काम करने वालों को आज भी २७-२८ रुपए महीना मिलता है। इतने में तो वह सिर्फ अपने कपड़ों का इन्तिजाम कर सकता है और कुछ नहीं कर सकता। तो मैं मन्त्री जी से प्रार्थना करता हूँ कि वह मिनिमम वेजेज ऐक्ट को तेजी से लागू करें और जो उसका उल्लंघन करते हैं उनको सजा दें। सजा देना तो ठीक है लेकिन यह भी देखा जाए कि जो मजदूर आज इस ऐक्ट के अन्तर्गत आते हैं उनको ठीक वेज मिलता है या नहीं। जो आपके इन्स्पेक्टर जांच करने जाते हैं उनकी रिपोर्ट को देखें। मैं समझता हूँ कि आज की मिनिमम वेज स्टार-बिल साइन के बहुत नजदीक है। वह मेरी बात नहीं है बल्कि और लोगों की भी राय है कि आज हिन्दुस्तान में मजदूर को जो वेज

मिलता है उसकी हिन्दुस्तान की महंगाई से कोई निश्चय नहीं है। यह माना कि आज हिन्दुस्तान की आर्थिक हालत ऐसी नहीं है कि हम मजदूरों को ज्यादा तन्स्वाह दे सकें लेकिन उनको कम से कम हम इतना तो मिलना चाहिये कि वह किसी तरह गुजर बसर कर सकें।

अध्यक्ष महोदय, हम लोग जो पालिया-मेंट के सदस्य हैं, उनको तो अच्छी तन्स्वाह मिलती है। हिन्दुस्तान में बहुत कम लोगों को इतनी अच्छी तन्स्वाह मिलती है। लेकिन फिर भी आज दो एसटैबलिशमेंट रखने में हमको तर्कनाक होती है। आप सोचें कि जिस आदमी को एक रुपया, आठ आना या दस आना रोज मिलता है वह किस तरह अपनी गुजर कर सकता होगा। आज मजदूरों की ऐसी हालत है कि अगर भगवान् भी उनके घर आना चाहें तो वे कहेंगे कि वह रोटी और कपड़े की शक्ल में आए। वह भगवान् को कहेंगे कि आप मन्दिरों में, मस्जिदों में, गुरुद्वारों में और और गिरजाघरों में रहिए। लेकिन अगर हमारे घर आना है तो रोटी और कपड़े की शक्ल में आइए।

15 hrs.

इन शब्दों के साथ मैं इस बिल का पूरा समर्थन करता हूँ और माननीय मन्त्री जी से कहूँगा कि वह मेरी बातों का जवाब दें।

एक चीज मुझे और कहनी है। ऐसा कोई नहीं कह सकता.....

उपाध्यक्ष महोदय : क्या आप खत्म कर रहे हैं ?

श्री स० मं० बनर्जी : मैं खत्म कर रहा हूँ।

मैं सिर्फ वह निवेदन करना चाहता हूँ कि जब भी इधर से कोई सुझाव आता है तो यह न समझा जाए कि वह लेबर मन्त्रालय की खिलाफत करने के लिये आ रहा है। ऐसी बात नहीं है। मैं विश्वास करता हूँ कि मिनिस्टर साहब इस सबाल को निष्पक्ष रूप से

[श्री स० मो० बनर्जी]

देखेंगे। यह बिल किसी विरोधी की तरफ से नहीं आया है बल्कि ऐसे शरूस की तरफ से आया है जिसको कट्टा अनुभव है। मैं चाहता हूँ कि मंत्री भी इसकी उसी व्यक्ति के दृष्टिकोण से देखें। ऐसा नहीं होना चाहिये कि अगर हम कोई बात कहें तो उनको बुरी लगे। आप हिन्दुस्तान के डिप्टी लेबर मिनिस्टर हैं आपके लिए सारे मजदूर बराबर हैं। आपको

यह ऐलाभ करना चाहिये कि जब भी विरोध की तरफ से इस तरह की बात आती है तो मैं— डिप्टी मिनिस्टर आफ लेबर—भर्रा हूँ बल्कि डिप्टी मिनिस्टर आफ इंडियन नेशनल ट्रेड यूनियन कांग्रेस हूँ।

17-02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 30, 1959|Agrahayana 9, 1881 (Saka).

Friday, November 27, 1959 [Agrahoyasi 6, 1881 (Saka)]

ORAL ANSWERS TO QUESTIONS			WRITTEN ANSWERS TO QUESTIONS—contd.		
S.Q. No.	Subject	COLUMNS	S.Q. No.	Subject	COLUMNS
353.	Technical Committee for production of fertilizers	2081—83	381.	Indian representatives on U.N. Committees	2130
355.	Villiers colliery, Talcher	2083—85	382.	Slum clearance	2130—31
356.	Development of Industrial Co-operative Societies	2085—87	383.	Manganese Industry	2131—32
357.	Subsidised Industrial Housing Scheme	2087—90	384.	Land Acquisition and Development Scheme	2132
358.	Sino-Indian border disputes	2090—92	385.	Work study of Indian High Commission, U.K.	2132—33
359.	A.I.R. auditorium in Delhi	2092—94	386.	Export of engineering goods to Burma	2133—34
360.	Displaced persons at Sealdah Station	2094—2100	387.	Small Scale Industries	2134
361.	Jute mills	2100—06	388.	Hindu and Sikh Shrines	2134—35
362.	Automobile Industry Reviewing Committee	2106—10	389.	Hospital at Calcutta under Employees State Insurance Corporation	2135
363.	Alteration in Indo-Pakistan border due to Ravi floods	2110—12	390.	Textile mills	2135—36
364.	Land reforms	2112—16	391.	Common tea	2136
365.	Applications for claims, compensation and grants	2117—18	392.	Export of chrome and kyanite ores	2136
366.	Training facilities to foreigners in the atomic energy	2118—19	393.	Extradition treaty between India and Pakistan	2137
367.	Sea-food industry	2119—21	394.	Airfields in N.E.F.A.	2137
WRITTEN ANSWERS TO QUESTIONS			395.	Independence Day celebrations by Indian Embassies	2137—38
S.Q. No.		2121—67	396.	Shri Sardool Singh's Case	2138
354.	Indo-Tibetan Trade	2121	397.	Contract system in C.P.W.D.	2138—39
368.	Survey of Indian Ocean	2122	398.	Export of mica.	2139
369.	Newsprint Factory, Nizamabad.	2122—23	U.S.Q. No.		
370.	Pharmaceutical plant	2123—24	571.	Youth Employment and Vocational Guidance Section in Bombay	2139—40
371.	Hospital at Madras under Employees' State Insurance Corporation	2124	572.	Production of khadi in Bihar	2140
372.	Export of shoes	2124	573.	Class IV Quarters on Panchkuin Road	2141
373.	Publicity Departments in States	2125	574.	Rural Industrial Estates	2141
374.	Price of cement	2126	575.	Local Development Works	2142
375.	Labour Appellate Tribunal	2126	576.	Partition Committee	214
376.	Report of Tea Board	2126—27	577.	Cotton-seed crushing factories	2142—4
377.	Radio Agricultural Seminar	2127	578.	Civil Works in Punjab State	2143
378.	A. I. R. Song and Drama Division performance at Chandigarh	2127—28	579.	Khadi and Village Industries Boards (Punjab)	2143—44
379.	Community Development experts for Iran and Afghanistan	2128—29	580.	Import of car spare parts	2144—45
380.	Methanol Plant, Sindri	2129	581.	Indian children in South Africa	2145
			582.	Refugee markets in New Delhi	2145—46
			583.	Prototype Centre at Howrah	2146
			584.	Production of cotton	2146—47

**WRITTEN ANSWERS TO
QUESTIONS—contd.**

U.S.Q. No.	Subject	COLUMNS
585.	Industrial Estate at Cuttack	2147-48
586.	Punjab Cloth Mill, Bhiwani	2148
587.	Market at Janpath	2148-49
588.	Scheme of Compulsory Savings	2149
589.	Recovery of rent on evacuee property	2149-50
590.	New industries in Punjab	2150-51
591.	Assumption of power for management of industries	2151
592.	Board for Light Music Audition	2151-52
593.	Shahabad pyrite deposits	2152
594.	Indian Standards Institution	2152
595.	Shifting of offices to Chandigarh	2153
596.	Transport policy and Co-ordination Committee	2153
597.	Migration of Hindus and Muslims	2154
598.	Pakistanis in Jammu and Kashmir	2155
599.	Automatic looms for Punjab	2155-56
600.	Trade with West Asian Countries	2156
601.	Rise in the price of cotton	2156-57
602.	Import of newsprints	2157-58
603.	Plots in Kirtinagar	2158
604.	Central Export Organisation for Oil seeds, vegetable oils and oilcakes	2158-59
605.	Licences for small Paper Mills	2159
606.	Small-Scale industries in Orissa	2159-60
607.	Manufacture of cranes	2160
608.	Plan expenditure in Himachal Pradesh	2160-61
609.	Small Scale Industries	2161
610.	Export earnings of mica	2161-62
611.	Iron ore.	2162
612.	Purchase of evacuee property	2163
613.	Bhoodan Movement	2163
614.	Production of khadi in Punjab	2164
615.	Imported non-ferrous metals	2164
616.	Production of non-ferrous metals	2165
617.	Cotton textiles	2165

**WRITTEN ANSWERS TO
QUESTIONS—contd.**

U.S.Q. No.	Subject	COLUMNS
618.	Hindustan Machine Tools Ltd., Bangalore	2165-66
619.	Purchase of cement by State Trading Corporation	2166
620.	Labour relations	2166
621.	Tibetan refugees in Miamaria Camp	2167

MOTIONS FOR ADJOURNMENT

2167-77

The Speaker withheld his consent to the moving of the following adjournment motions given notice of by Sarvashri S. M. Banerjee on 26-11-59 and N. G. Goray, respectively.

(i) Alleged impending transfer to Pakistan of five villages situated in Assam; and

(ii) the reported development of the area around the road across Ladakh territory by the Chinese.

PAPERS LAID ON THE TABLE

2177-78

(1) A copy of statement on employment of engineers.

(2) A copy of each of the following papers, under sub-section (2) of Section 16 of the Tariff Commission Act, 1951 :

(i) Report (1959) of the Tariff Commission on the continuance of protection to the Hydroquinone Industry.

(ii) Government Resolution No. 8(1)-T.R./59 dated the 26th November, 1959.

(iii) Notification No. 8(1)-T.R./59 dated the 26th November, 1959.

**PAPERS LAID ON THE
TABLE—contd.**

COLUMNS

COLUMNS

**MESSAGE FROM RAJYA
SABHA**

2178

(iv) Statement explaining the reasons why a copy each of the documents at (i) to (iii) above could not be laid on the Table within the period prescribed in the said sub-section

Secretary reported a message from Rajya Sabha that at its sitting held on the 25th November, 1959, Rajya Sabha had agreed without any amendment to the Securities Contracts (Regulation) Amendment Bill, 1959 passed by Lok Sabha on the 17th November, 1959.

(v) Report (1959) of the Tariff Commission on the continuance of protection to the Grinding Wheels Industry

STATEMENT BY MINISTER

2179-85

(vi) Government Resolution No. 16(1)-T.R./59 dated the 26th November, 1959

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna) laid on the Table a statement on the Dandakaranya Development Authority.

(vii) Statement explaining the reasons why a copy each of the documents referred to at (v) and (vi) above could not be laid within the period prescribed under said sub-section

RELEASE OF MEMBER

2185

The Speaker informed Lok Sabha that he had received a telegram dated the 26th November, 1959, from the Superintendent of Police, Bhopal, intimating that Shri Ramsingh Bhai Varma was released on the 25th November, 1959.

(viii) Report (1959) of the Tariff Commission on the continuance of protection to the Sago Industry

**MOTION RE: INDIA-
CHINA RELATIONS . 2.85-2216**

(ix) Government Resolution No. 12(1)-T.R./59 dated the 26th November, 1959

Further discussion on the motion re: India-China Relations moved on 25-11-59 continued. The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) replied to the debate. The substitute motions by Acharya Kripalani and Shri Braj Raj Singh were negatived. The following substitute motion by Shri Kasiwal was adopted and the discussion was concluded:

(x) Notification No. 12 (1)-T.R./59 dated the 26th November, 1959

“This House having considered the White Paper II on India-China relations laid on the Table of the House on November 16 1959, and the recent developments on the frontier, and subsequent

(xi) Statement explaining the reasons why a copy each of the documents referred to at (viii) to (x) above could not be laid within the period prescribed under the said sub-section.

COLUMNS

MOTION RE: INDIA CHINA
RELATIONS—contd.

correspondence between the Governments of India and China laid on the Table of the House on November 20, 1959, approves of and endorses the policy of the Government in this regard."

BILL UNDER CONSIDERATION

The Minister of State in the Ministry of Home Affairs (Shri Datar) moved that the Kerala State Legislature (Delegation of Powers) Bill be taken into consideration. The discussion was not concluded.

2216—33

PRIVATE MEMBERS' BILLS
INTRODUCED

- (1) The Indian Railways (Amendment) Bill, 1959 (*Amendment of sections 11 and 12*) by *Shri Hem Raj*.
- (2) The Delimitation Commission (Amendment) Bill, 1959 (*Amendment of section 2*) by *Shri S. M. Siddiah*.
- (3) The Hindu Marriage (Amendment) Bill, 1959 (*Amendment of sections 5 and 24*) by *Shri Mulchand Dube*.

2233—34

PRIVATE MEMBER'S
BILL—MOTION FOR
INTRODUCTION NEGATIVED

The Restoration of Places of Religious Worship Bill, 1959, by *Shri Prakash Vir Shastri*.

COLUMNS

2235—36

PRIVATE MEMBER'S BILL
PASSED

Further discussion on the motion to consider the Code of Criminal Procedure (Amendment) Bill, 1959 (*Amendment of section 198*) by *Shrimati Subhadra Joshi* was concluded, and the motion was adopted. After clause-by-clause consideration the Bill was passed as amended.

2236—89

PRIVATE MEMBER'S BILL
UNDER CONSIDERATION

Shri Kanhaiya Lal Balmiki moved that the Minimum Wages (Amendment) Bill, 1958 (*Amendment of section 14*) be taken into consideration. The discussion was not concluded.

2289—2308

AGENDA FOR MONDAY,
NOVEMBER 30, 1959/
AGRAHAYANA 9, 1881
(SAKA)—

Consideration and passing of the Constitution (Eighth Amendment) Bill and the Kerala State Legislature (Delegation of Powers) Bill.

CONTENTS—contd.

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Shri D. C. Sharma	2254—57
Shri Braj Raj Singh	2257—59
Shri Padam Dev	2259—63
Shri Jangde	2263—65
Shri Mulchand Dube	2265
Shrimati Uma Nehru	2265—67
Pandit Thakur Das Bhargava	2267—77
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Clauses 2, 1 and the Enacting Formula	2284—89
Motion to pass	2289
Shrimati Subhadra Joshi	2289
Minimum Wages (Amendment) Bill <i>Amendment of Section 14</i> by <i>Shri Kanhaiyalal Balmiki</i>	2289—2308
Motion to consider	2289—2308
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