

Saturday, 26th April 1958

LOK SABHA DEBATES

Second Series

Volume XVI, 1958

(23rd April to 5th May, 1958)



सत्यमेव जयते

FOURTH SESSION, 1958

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**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

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LOK SABHA

Saturday, 26th April, 1958.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Public Telephone Call Offices in New Delhi

*1851. { Shri Subodh Hansda:
Shri S. C. Samanta:

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

(a) whether it is a fact that Government are incurring loss from Public Telephone Call Offices in New Delhi due to insertion of bad coins etc.;

(b) if so, the amount of loss incurred during 1957; and

(c) whether any device has been devised to avert such losses?

The Minister of Transport and Communications (Shri S. K. Patil): (a) Yes.

(b) Rs. 7,573-31.

(c) The existing coin boxes already have devices which check the size and weight of the coins. No other device seems possible at present.

Shri Subodh Hansda: May I know since when it has come to the notice of the Government that it is incurring a loss and why Government has not taken effective steps to stop such loss?

Shri S. K. Patil: Every effort is being made to do that. But this

introduction of spurious coin is not a new thing; it is there all over the world.

Shri Subodh Hansda: May I know whether any new method has been devised for the insertion of new decimal coins in place of the old coins to prevent the insertion of such spurious coins and when it will come into operation?

Mr. Speaker: That is a different matter.

Shri S. K. Patil: The new method is what we are having today: that is, the coin slots, the eliminators and the balance arm—all the three combined reduce it to a minimum. But there are cleverer people than those who invent the machine.

Shri Heda: In view of the fact that the machine can be used only by inserting the two-anna coin, and particularly in view of the fact that after the introduction of the decimal coinage system these coins are not available, may I know whether Government are changing it to the ten naye Paise coin or other such coin?

Shri S. K. Patil: There is another question on that coming today and I shall reply to that.

Calcium Cynamide

*1853. Shri V. P. Nayar: Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any indigenous production of Calcium Cynamide for use as a fertiliser and if so, the quantity produced; and

(b) the prices at which this fertiliser will be economical for use in our country?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) Calcium Cyanamide is not produced in India;

(b) Calcium Cyanamide is a nitrogenous fertiliser containing about 21 per cent. nitrogen i.e. about the same as in sulphate of ammonia. Accordingly it should not cost the cultivator more than what sulphate of ammonia does, namely Rs. 380 per ton.

Shri V. P. Nayar: Are Government aware that calcium cyanamide is produced from calcium carbide for which there is an idle installed capacity in India? If so, may I know what steps Government propose to take to utilise this for the purpose of manufacturing calcium cyanamide?

Shri M. V. Krishnappa: We have no programme to manufacture this particular type of fertilizer, because it requires extra care on the part of the agriculturists to handle it, and at present the Indian agriculturists are not so much educated to use it. But we are trying the experiment in various farms in India where our experts handle it, and it is proving good.

Shri V. P. Nayar: Is it a fact that certain types of soil can be cultivated only by the use of calcium cyanamide and, if so, what steps have Government taken to use calcium cyanamide as a fertilizer in the case of those varieties of soils?

Mr. Speaker: The choice is between conserving the soil and conserving the man! Potassium cyanamide and calcium cyanamide are supposed to be poisonous. That is what the Minister says.

Shri V. P. Nayar: It is not potassium cyanamide, it is calcium cyanamide. Potassium cyanamide should not be given to the cultivators, and even the Ministers should not handle it.

Mr. Speaker: He feels that cyanamide is common to both!

Shri V. P. Nayar: It is not a fatal poison.

Shri M. V. Krishnappa: This suits particularly acidic soils as in France

and Germany, and it is largely in use there as the agriculturists are highly educated. In India it is being tried in regard to coconut in Kasaragod where it is proving very good.

Shri V. P. Nayar: I understand that there are three units for the manufacture of calcium carbide which cannot, however, produce it for want of requirements. May I know whether there is any scheme in the Agriculture Ministry to subsidise these calcium carbide factories in order that they may convert their production into calcium cyanamide which is a very useful fertilizer?

The Minister of Food and Agriculture (Shri A. P. Jain): There is no such programme, and we do not propose to undertake any hazardous experiment unless we are sure about it.

Dhuliyān Loop Line

*1856. **Shrimati Renu Chakravartty:** Will the Minister of Railways be pleased to state:

(a) what are the proposals to link the Bandel-Barharwa portion of Dhuliyān loop at Murshidabad to open a supplementary route connecting North Bengal and Assam with Calcutta;

(b) whether the Khejuriaghat-Maldah Balurghat rail project is proposed to be taken up with the additional loans made available by the World Bank recently;

(c) whether there has recently been a survey for a rail diversion in the area; and

(d) if so, the results thereof?

The Deputy Minister of Railways (Shri S. V. Ramaswamy): (a) There is no such proposal under consideration.

(b) The project does not appear in the programme of new lines approved by the Planning Commission for construction during the Second Five Year Plan period.

(c) and (d). Yes. Engineering survey for diversion of track between

Nimtitā and Tildanga, which had to be abandoned due to erosion of river Ganga in 1953, has been carried out recently. The Survey Report is under consideration of the Board at present.

Shrimati Renu Chakravarty: Should we take it that the rail route from Nimtitā to Dhuliyān is now under consideration by the Government?

Shri S. V. Ramaswami: No, the report is under consideration, the engineering survey.

Shrimati Renu Chakravarty: In view of the fact that this Dhuliyān-Tildanga area has, due to erosion, been completely isolated from the rest of India and now that the North Bengal route and the Assam route is also going to be surveyed and taken up, may I know whether any proposal is there for connecting this area also, that is Nimtitā-Dhuliyān and the North Bengal route?

Shri S. V. Ramaswami: Yes, the provision of railway facilities in this area is considered desirable. But then there is the limitation of resources. As a matter of fact, in order to provide enough facilities in the area, Khejuriaghat and Maldah, surveys were carried out in 1955 for MG lines connecting with Balurghat. Several schemes are there. But owing to paucity of funds we are not able to execute them now.

Shrimati Renu Chakravarty: In view of the fact that the connection between South Bengal and North Bengal has been completely disrupted for the past ten years due to partition, may I know whether this will be given a priority and whether after the surveys which have been carried out—three or four have been carried out—whether there is any possibility of the thing being finalised within the next year?

Shri S. V. Ramaswami: As I said before, it is considered desirable. But it is too early to make any commitment. As a matter of fact, the diversion that is proposed is for 9.43 miles. Even that is considered not satisfactory and it is still under investigation.

Shrimati Renu Chakravarty: How long will it take?

Shri S. V. Ramaswami: As long as is necessary.

Shrimati Renu Chakravarty: What is this?

Mr. Speaker: The hon. Member has established himself quite early!

Fertilizers

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*1857. { **Shri B. Das Gupta:**
Shri Bangshi Thakur:

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

(a) whether Government have assessed the effect of fertilizers in drought-affected areas; and

(b) whether it is a fact that the toxic effect of fertilizers on soil has done more harm to crops in West Bengal where supply of water was inadequate?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b). A statement is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 24.]

Shri B. Das Gupta: From the statement I find that "the Government of West Bengal have reported that application of fertilisers has not done any harm to crops nor left any deleterious effect on soils in West Bengal". I specifically asked a question whether it is a fact that the toxic effect of fertilizers on soil has done more harm to crops in West Bengal where the supply of water was inadequate.

Shri M. V. Krishnappa: It is not only in West Bengal; it is a universal proposition. We do not advise the use of artificial fertilizers where there is no assured water supply. If you use it there it does not help; it burns the crop when there are drought conditions prevailing.

Shri B. Das Gupta: Apart from this drought area, may I know whether it is a fact that scientists and experts at Pusa and elsewhere have warned

that chemical fertilizers are no good for the soil, for in the long run they do not pay and they produce pernicious and wasting disease of the soil and thus prove amenable to it? Is the Ministry aware of this?

Shri M. V. Krishnappa: It is entirely wrong to say that chemical fertilisers are going to prove harmful. That is not so. On the other hand, all over the world, chemical fertilisers have added more and more fertility to the soil, provided they are used properly and in a balanced and judicious way.

Shri Harish Chandra Mathur: Is it not a fact that drought areas are included in Government's plans for the distribution of fertilisers?

Shri M. V. Krishnappa: We do not include any area. We supply it to the demand of the States, and it is left to the State Governments to supply it only in such areas where there is assured water supply.

Shri Liladhar Kotaki: In view of the fact that the use of fertilisers has produced adverse effect in certain areas, may I know whether the Government of India have enjoined upon the State Governments to see and ensure that fertilisers are not used in areas where there is scarcity of water?

Shri M. V. Krishnappa: True; the State Governments know this fact, and we also know it, and it is known to everyone. So, there need not be any enjoining. Wherever there is no assured water supply, they need not use these fertilisers. The farmer himself knows this out of experience.

Shri Ramanathan Chettiar: What is the actual percentage of increase in the food production due to the use of chemical fertilisers?

Shri M. V. Krishnappa: One ton of fertiliser is expected to produce two more tons of foodgrains at least.

Shri Feroze Gandhi: Fertilisers are apparently used for increased production. In view of the advice given by the Minister of Co-operation to the peasants that they should burn their crops and withhold them from being sent to the market, may I know what the purpose of utilising these fertilisers is?

Shri M. V. Krishnappa: That is the system existing in America. It is known as the soil bank system, where they do not grow foodgrains to keep up prices.

The Minister of Co-operation (Dr. P. S. Deshmukh): I did not give any such advice to the Indian farmers.

Shri Feroze Gandhi: It is a very serious question, because the Minister of Co-operation has actually publicly advised the peasants to burn their crops and withhold them from being sent to the market . . .

Dr. P. S. Deshmukh: No.

Shri Feroze Gandhi: In view of this, may I know whether this is Government's policy or this was just some sort of opinion expressed by the Minister?

Dr. P. S. Deshmukh: The point I was driving at was that when, at a particular period of time, the farmers rush their produce to the market, the prices are depressed, and everybody suffers; and I said that they should regulate what stuff they should send to the market so as not to depress the prices.

Shrimati Renu Chakravartty: But why burn them?

Mr. Speaker: Did the Minister advise them to burn them?

Dr. P. S. Deshmukh: No.

Shri Feroze Gandhi: The Minister has not contradicted the report of his speech which has been published in the press; or, he has not seen it.

Dr. P. S. Deshmukh: I do not go about contradicting every report that appears in the press.

Mr. Speaker: It is impossible to go on contradicting.

Shri Bangshi Thakur: In the newly reclaimed areas in Tripura, which are free from fertilisers, the production amounts to 75 maunds per acre. May I know what will be the effect of fertilisers on such soil?

The Minister of Food and Agriculture (Shri A. P. Jain): This is more a question for the scientists to answer. But, even as a layman, I can say that wherever the fertility is high, fertilisers need not necessarily be used.

U.S.A. Wheat

*1860. **Shri Naushir Bharucha:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the proposal of U.S.A. to make urgent sales of surplus wheat valued at 85 million dollars has been finalised; and

(b) what are the terms as to (i) price; (ii) credit or payment; and (iii) delivery?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) No such proposal has been received from the Government of the United States.

(b) Does not arise.

Shrimati Renu Chakravartty: Is there any proposal to get wheat from America against manganese ore?

Shri M. V. Krishnappa: It is still under discussion. At present, there is no proposal, and nothing has been decided about it.

Shri Joachim Alva: This week, there is a report that there is feverish American diplomatic activity in Cairo with Nasser to give him frozen cast of Suez Canal as well as wheat. May I know whether we are also proposing to buy some wheat, and whether the Government of India would be alert in regard to the price that they will pay for wheat, for, the Minister said last time that the price for wheat will be lower than that prevailing according

to the International Wheat Agreement?

Shri C. D. Pande: We want wheat and money. We want both.

Mr. Speaker: There are other persons also ready to buy. Are we going to try to go in advance and purchase at a cheaper price? That is the suggestion of the hon. Member.

The Minister of Food and Agriculture (Shri A. P. Jain): We are always vigilant and want to buy at the lowest price.

Inland Water Transport Freight Rates

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*1861. { **Dr. Ram Subhag Singh:**
Shri Bhagavati:
Shri Basumatari:
Shri Liladhar Kotoki:

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

(a) whether the joint steamer to companies which operate their vessels in the Ganga, Brahmaputra, etc, have increased their freight rates;

(b) if so, by what percentage; and

(c) how has this increase in freight rate been received by the transport users?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir.

(b) The freight rates on cargo other than foodgrains have been increased by 12½ per cent. from 1st July, 1957 and by a further 10 per cent. approximately from 1st April, 1958. Freight on foodgrains has been increased by 12½ per cent. from 15th February, 1958.

(c) There have been some protests from the users.

Dr. Ram Subhag Singh: May I know the effect of this increase in freight rates on the agriculturists in Asam and Bihar?

Shri Mohiuddin: The actual effects will be very difficult to assess. But my answer is not concerned with Bihar; it is concerned with Assam. As

the railway freights as well as the river-craft freights were increased on account of the transportation costs, there must have been some rise in the case of consumers' articles also.

Shri Kamal Singh: The question deals with the Ganga. And the Ganga passes through Bihar also.

Mr. Speaker: The question deals with the Ganga and the Brahmaputra.

The Minister of Transport and Communications (Shri S. K. Patil): May I add a word? The effect of it is naturally bad, because when the rates are increased, the peasants and everybody else also suffers. But there are reasons for it, and we are going into the whole question of the Ganga and the Brahmaputra river navigation.

Shri Basumatari: May I know whether the Joint Steamer Companies consulted the Government of India before they increased the freight?

Shri Mohiuddin: No.

Shri Hem Barua: In view of the fact that the freight rates are almost annually increased—last year, by 12½ per cent., and this year by 10 per cent.—by the Joint Steamer Companies, and the services are concomitantly curtailed on this plea and that, may I know whether Government propose to institute an enquiry into the expenditure structure of the Joint Steamer Companies and suggest reduction of uneconomic expenses, if possible?

Shri S. K. Patil: I have replied to this question already. The whole question is under investigation. The companies have approached Government, and have been approaching Government, for the last two or three years, because, according to them, they are suffering losses. The whole question has to be gone into not only with reference to the increase in freight charges but also with reference to whether those companies could continue their services which they are unable to do just now.

Shri Hem Barua: During the last two years, when the companies met Government, did Government make any suggestions to them to suitably utilise their sterling deposits . . .

Mr. Speaker: These are all arguments.

Shri Hem Barua: . . . and their reserves also for . . .

Mr. Speaker: I am not going to allow the hon. Member to go on giving reasons why they should reduce the rates. The hon. Member will only elicit facts. But the hon. Member wants to take the place of the Minister in the matter of negotiation and give him details as to the heads under which expenditure can be reduced. He may reserve it for a future occasion. What is the information that he wants to have from the Minister? I have also heard him for two minutes, and he is only giving information as to how the Minister should act; first of all, he says that the overhead charges and other charges should be reduced so that they will not ask for increased freights; then he asked what they have done with their sterling balances. I allowed that question also. Then, he goes on to ask some other question as to what they have done with this or what they have done with that. Is he eliciting information or is he giving information?

Shri Hem Barua: May I make a humble submission? I just want to ask a straight question. It is only for the last two years . . .

Mr. Speaker: That question is disallowed.

Hon. Members should elicit information during the Question Hour, and utilise it for that purpose. There are various other ways in which these things can be raised. The hon. Member knows how best to utilise the time of this House.

Shri Yajnik: Will the Minister give us an assurance that no further increase will be made in the rates?

Mr. Speaker: Why should he ask for assurances during the Question Hour?

Shri S. K. Patil: It is very difficult to give an assurance of that type, but we have got to choose between two things, a slight increase in the rates or the total stoppage of that convenience altogether.

Shri Kamal Singh: May I know whether the steamer service upto Buxar has been continued, and if it has not been continued, what steps Government are considering to continue this service?

Shri Mohiuddin: The Bihar service has been discontinued, and I am not aware whether the question of restarting it is under the consideration of the company.

Shri Liladhar Kotaki: May I know whether the Government of Assam have brought to the notice of the Government of India the situation arising out of the increase in freight rates and whether they have submitted any proposal to the Government of India to solve the problem?

Shri S. K. Patil: The Government of Assam are naturally very anxious when these things happen, not only, as I said, with reference to the increase in freights but the whole position of these steamer companies, whether they are going to continue or not. I promised, and I repeat it, that the whole question, including even those places where it is stopped, is under investigation, and very soon we shall come to a decision as to what the future course should be.

Dr. Ram Subhag Singh: I am thankful to the hon. Minister for the reply he has just now given. But during the last session, the then Minister of Transport gave an assurance that the steamer service which was operating in Bihar would not be discontinued. May I know why the service was allowed to be discontinued, and on top of that, freight rates were allowed to be increased?

Shri S. K. Patil: The hon. Member knows that we have not got so direct a control over these foreign companies as to say when they should continue and when they should discontinue. Surely, the licence is with us. But the whole question is under investigation, because the companies, according to them, are making heavy losses. *Prima facie*, it may be so, but it is a matter for investigation. Therefore, as I promised—and I do it once again—the whole question, after it is gone through and we come to a decision as to how we are going to help those companies to continue the service and even keep the freights within reasonable limits, will be decided in the next few weeks.

Shri Hem Barua: The hon. Minister was kind enough to say that during the last two years these companies approached Government and acquainted them of their losses, according to them. In the meanwhile, they were increasing the freight rates, by 12½ per cent. in 1957 and by 10 per cent. in 1958. May I know what steps were taken during these two years to see that the freight rates were not increased and to ascertain that they were actually suffering losses?

Shri S. K. Patil: The only alternative was to give them a subsidy. That is exactly what they are demanding. It is difficult for Government to give a subsidy like that without preliminary investigation. The other alternative was stoppage. Therefore, it was really a very serious matter, and Government could not contemplate that. Now we have to wait for some time till we go into the question and come to a decision.

बांस का फल

*१८६२. श्री चासर : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बांस का फल एक खाद्य पदार्थ है;

(ख) यदि हां, तो क्या सरकार ने इस सम्बन्ध में कोई गवेषणा की है;

(ग) यदि हां, तो गवेषणा का क्या परिणाम निकला है;

(घ) क्या सरकार ने बांस के फल के एक खाद्य पदार्थ के रूप में प्रयोग के सम्बन्ध में कोई योजना बनाई है; और

(ङ) यदि हां, तो उस योजना का स्वरूप क्या है ?

सहाकार मंत्री (डा० प० शा० देशमुख) :

(क) से (ङ). बांसों में लगभग तीस साल के जीवन के अन्त में केवल एक बार ही फूल तथा धान से मिलते जुलते फल लगते हैं। यह खाने में आता है मगर घटिया किस्म का है और सिर्फ बहुत कमी की अवस्था में ही खाया जाता है। इस वजह से कि यह खाद्य पदार्थ सिवाय लम्बे अरसे के अलावा नहीं मिलता और इसका इकट्ठा करना भी अनाधिक है इस क्षेत्र में कोई अनुसन्धान का काम नहीं किया गया है।

Mr. Speaker: Is it bamboo shoot or bamboo fruit?

The Minister of Food and Agriculture (Shri A. P. Jain): He is talking about fruit.

Dr. P. S. Deshmukh: It is more a question of bamboo grain.

Mr. Speaker: The answer in English may also be read.

Dr. P. S. Deshmukh: (a) to (e). Bamboos flower and bear fruit resembling paddy only once at the end of their life-time of about 30 years. The grain is edible though of poor quality and only eaten in conditions of great scarcity. Considering that the grain is in any case not available except after long periods and collection is uneconomic, no research work has been undertaken in this field.

Shri Hem Barua: There is a news item in the papers to the effect that

bamboo fruits that look like mangoes were discovered in a village near Bagu in Assam. May I know if Government propose to analyse the food value of these fruits which look like Bihar mangoes?

Mr. Speaker: Does the hon. Member seriously contend that it is born out of bamboo?

Shri Hem Barua: Yes, it is given in the papers like that, that once in 50 years they yield fruits like mangoes.

Dr. P. S. Deshmukh: There is a fruit born of the bamboo which is somewhat similar probably in look to mango, and which is also in size very small. I do not think it is worthwhile going into that.

Mr. Speaker: Mango is produced from it?

Dr. P. S. Deshmukh: The size is 4" by 2" (Interruptions).

Mr. Speaker: The hon. Minister and hon. Members are joining in the temptation.

Shri Tyagi: In view of the fact that bamboo fruits only after 30 years and once in a lifetime, may I know if Government will give this scheme of 'bamboozalisation' of food lowest priority?

Dr. P. S. Deshmukh: There is no intention to do anything like what the hon. Member has suggested.

Shri A. P. Jain: 'Tyagiisation'.

Mr. Speaker: Hon. Members may taste the fruit and then come to the House.

Development of Inland Water Transport in Kerala

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*1863. { Shri Narayanankutty Menon:
Shri Warior:

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

(a) whether Government have received any proposals from the Kerala Government for the Development of

Inland Water Transport in the Kerala State; and

(b) if so, what action has been taken thereon?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) Yes, Sir.

(b) The State Government have been requested to carry out traffic and engineering surveys in respect of their schemes in the light of their discussions with the Gokhale Committee which visited Kerala in February.

The State Government are however anxious to start construction of a new Canal between Mahe Puzha and Murat Puzha urgently. This proposal is under consideration.

Shri Joachim Alva: Apart from inland transport in Kerala, have Government received a proposal from the Rumanian Government offering assistance to construct small vessels throughout the inland waters on the Danube pattern and to receive our manganese and iron ore in return?

Shri Mohiuddin: This question is hardly connected with the main question. If the hon. Member gives notice about the Rumanian offer, I shall make enquiries about it.

Freight Concessions for Coir Yarn and Rope

*1864. **Shri Kumaran:** Will the Minister of Railways be pleased to refer to the reply given to Starred Question No. 1688 on the 11th September, 1957 regarding cancellation of concession rate of railway freight for movement of coir yarn and rope from Cochin Harbour Terminus and Kozhikode to Shalimar (Calcutta) and state what action has been taken as regards the restoration of the freight concession?

The Deputy Minister of Railways (Shri S. V. Ramaswami): The matter has been under correspondence between the Southern Railway and the Coir Board, Ernakulam, and the full information required has been received only very recently. A decision will be taken soon.

Shri Kumaran: May I know whether Government will take an early decision taking into account the fact that this concession was enjoyed by the industry for more than 30 years and the fact that the continuance of the withdrawal of the concession will hit hard the industry, which is engaged in a struggle for existence now?

Shri S. V. Ramaswami: The information was not full. Therefore, an inspector was sent. He has returned with full information only recently. A decision will be taken soon.

Shri Tangamani: Even yesterday, the Minister of Industry said that the coir industry was going to be helped by sending even a delegation to foreign countries. This concession for coir yarn and coir rope has been in existence before 1-1-1957....

Mr. Speaker: He goes on delivering a speech. It is a small question. What does he want to ask?

Shri Tangamani: Under the Second Five Year Plan.....

Mr. Speaker: Leave all that alone. What does he want to know?

Shri Tangamani: Although the concession was stopped from 1-1-1957, whereby for each maund there is a loss of Rs. 1-8, and the assurance was given as early as 11th September, 1957, may I know how long Government are going to take for settling this question?

Shri S. V. Ramaswami: My previous answer applies to this also.

Mr. Speaker: As early as possible.

Shri Tangamani: In September, 1957 also, the very same reply was given, that reports were being received and the matter was under consideration. I would like to know how long Government will take to come to a decision?

Shri S. V. Ramaswami: The position is altered now because we have got the necessary information. This information was received only recently, a

few days back. Kindly allow Government some time to consider it.

Shri Narayanankutty Menon: As the industry was enjoying this concession for a long time, may I know what were the considerations which weighed with the Railway Board, the railway authorities, to withdraw the concession, and whether Government was consulted before the concession was withdrawn?

Shri S. V. Ramaswami: It is not with this coir alone but it was a general question. The station-to-station rate was withdrawn in view of certain considerations. Those considerations were 4 in number. First of all, we had to increase the income from the railways; then, there is shortage of wagon; the cost of operation has increased and there is also the need for desisting from diverting traffic to other modes of transport, particularly sea transport. These were the considerations that prevailed with us.

Shri Kumaran: May I know whether the Government is aware of the fact that the coir yarn trade was preferring the rail route because of the difficulty of getting shipping space and also because of the fact that if the yarn is transported by steamers it gets spoiled and damaged?

Shri S. V. Ramaswami: I would require notice for that. The point really is a matter of principle.....

Mr. Speaker: If the hon. Minister wants notice why does he pursue the matter?

Food Production

1865. **Shri Surendranath Dwivedy:** Will the Minister of Food and Agriculture be pleased to state:

(a) the final targets of additional food production by the end of the Second Plan; and

(b) the final targets of food imports for the period of the Second Plan?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) The target of additional food production by the end of the Second Plan period has been fixed at 15.5 million tons.

(b) There was provision for the import of 6 million tons of foodgrains in the Second Plan. While it is clear that this figure will be exceeded, no revised figure for the entire Plan period has been decided upon. The quantity to be imported every year will depend on several factors such as crop conditions, marketable surplus in relation to demand, prevailing prices, world supply position etc.

Shri Surendranath Dwivedy: Regarding import, may I know whether Government have accepted the basis proposed by the Foodgrains Enquiry Committee?

Shri M. V. Krishnappa: The basis that they proposed was that India would require a total of 3 million tons per year and we have in our stocks more than 1½ million tons of foodgrains in buffer stocks and there is an import programme of nearly 2½ million tons. It depends upon various factors, the next monsoon, how it starts and how it behaves and the next crop itself. All these various factors have to be taken into consideration.

Shri Surendranath Dwivedy: About additional food production targets, may I know whether any extra amount has been allotted for this purpose?

Shri M. V. Krishnappa: There is no extra amount allotted. The only thing is that in other Ministries we have pruned the Budget; but, here, in the Agriculture Ministry, the money allotted has been almost kept up.

Shri Ramanathan Chettiar: About additional food targets various figures have been given. Some time ago the figure of 10.5 million tons was given and now the Deputy Minister has said that 15.5 million tons will be the additional target. May I know which

is the correct figure? Or, is it between 10 and 15 million tons?

Shri M. V. Krishnappa: Both are correct. In the beginning, it was decided to have an additional production of 10 million tons. Then, the Planning Commission, the Ministry and the N.D.C. decided that we must produce at any cost 15.5 million tons more. So, the targets were raised. Therefore, in the beginning it was stated as 10 million tons; but it was decided later on to have 15.5 million tons. So, both are correct.

सेठ गो.बिन्दु दास : जहाँ तक अधिक अन्न उत्पादन का सम्बन्ध है अभी कुछ दिन पहले इसी प्रकार के एक प्रश्न का उत्तर देते हुए छोटी सिंचाई की योजनाओं के सम्बन्ध में यह कहा गया था कि इस विषय में विशेष रूप से विचार किया जा रहा है और साथ ही यह भी कहा गया था कि इस बात का भी प्रयत्न किया जा रहा है कि हर राज्य से हम कितना अधिक अन्न उत्पादन करा सकते हैं इसकी भी एक योजना बनाई जाए। मैं जानना चाहता हूँ कि इस विषय में राज्य सरकारों से कितनी दूर तक लिखा पढ़ी हो चुकी है, मेरा मतलब यह है कि सिंचाई की छोटी योजनाओं में क्या प्रगति हुई है और दूसरे यह कि जहाँ तक हर गांव का सम्बन्ध है वहाँ तक हर गांव का उत्पादन बढ़ाया जाए इस सम्बन्ध में सरकार राज्य सरकारों से क्या लिखा पढ़ी कर रही है ?

साथ तथा कृषि मंत्री (श्री प्र० प्र० जैन) : २६ जनवरी को मैंने एक पत्र भेजा था राज्य सरकारों के पास। उसमें मैंने बहुत सारी बातें लिखी थीं। उनमें से दो खास बात यह हैं कि जो छोटे सिंचाई के साधन हैं उनके ऊपर विशेष ध्यान दिया जाये अगर कोई और स्कीम वे बना सकती हैं तो बनायें। उसमें मैंने यह भी लिखा था कि जो हमारा फूड प्रोडक्शन का टारगेट है उसको वे खाली सूबों तक ही सीमित न रखें बल्कि उन टारगेट्स को वे डिस्ट्रिक्ट्स तक ले जायें और गांवों तक ले जायें और जिस जगह सम्भव हो सके वहाँ

पर वे इसको फार्मर तक ले जायें और खास तौर से यह बात उन इलाकों पर लागू होती है जहाँ पर सिंचाई के साधन हैं। यह प्रेरणा काफी होती है। उसके बाद कुछ राज्य सरकारों ने उसका जवाब दिया है कुछ लोग धार्ये हैं और हम से मिले हैं और हम ने उनको मदिवरा दिया है और हम कुछ धार्ये भी बढ़ रहे हैं। लेकिन जहाँ तक मध्य प्रदेश का सम्बन्ध है हमें अभी वहाँ से कोई जवाब नहीं धार्या है।

Dr. Ram Subhag Singh: The hon. Deputy Minister said that the Government are having a stock of about 1½ million tons and that they will need between 2 to 3 million tons in the course of a year. May I know whether Government have prepared any plan to meet this shortage by tapping the unutilised resources of water supply in this country?

Shri A. P. Jain: Yes; this is one of our schemes. In fact, generally speaking, the estimate of the Asoka Mehta Committee that on the basis of past performance there may be a gap of 2 to 3 million tons per year is correct. Now, we are trying to meet this gap by stepping up production. And, one of our main schemes is to utilise the unutilised portion of the irrigation potential, to renovate the irrigation works which have been out of use and to construct new ones.

Shri Yajnik: In view of the fact that the target of additional production has been increased from 10 to 15 million tons, I want to know if all the component States have agreed to increase their own food production State-wise so as to reach the total of 15 million tons; and how much of this additional increase envisaged in the Plan has actually been realised in the course of the last two years.

Shri A. P. Jain: The target of 15.5 million tons was accepted after the concurrence of the State Governments. In the year 1956-57, the additional production was of the order of 5 to 6 per cent., which was higher than what

was envisaged under the proposed targets. So far as the production of the year 1957-58 is concerned, hon. Members are aware that large parts of the country have been affected by drought. We have not got the firm figures; but, it may be that our production is comparatively lower in 1957-58 as compared to 1956-57.

Shri S. M. Banerjee: Now that the targets has been increased from 10.5 million tons to 15.5 million tons, may I know what steps have been taken to reach this target and whether a conference of the Food Ministers of the various States is likely to be held here?

Shri A. P. Jain: Yes; a number of conferences have been held between the Agriculture Ministers of the States and the Centre and also between the Agriculture Ministers of the States and the Planning Commission. The matter was fully discussed in the last meeting of the N.D.C. where all the Chief Ministers and the Agriculture Ministers of the States were present. Concrete steps have been taken to step up production.

Shri S. M. Banerjee: I want to know the particular steps.

Shri A. P. Jain: I just now said—the utilisation of unused potential, the renovation of the works which have been out of use, building up new works, improved seeds, farmyard, compost, green manure etc.

Shri Panigrahi: Out of the proposed import of 6 million tons of foodgrains, may I know what will be the import of rice and from which countries besides Burma rice is proposed to be imported?

Shri A. P. Jain: I will not hazard any exact figure. But, I can say that the import of rice has been comparatively small. In 1956, I believe it was of the order of about 8 lakh tons or may be a little more. In 1957, it was about 8 lakh tons.

गंगा नदी पर पुल का निर्माण

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१८६६ { श्री नेक राम नेगी :
श्री भक्त बक्षस :

क्या परिवहन तथा संचार मंत्री २ मई १९५६ के तारांकित प्रश्न संख्या १८८६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) मेरठ और मुरादाबाद के बीच गंगा नदी पर एक पुल बनाने के सम्बन्ध में इस बीच क्या प्रगति हुई है;

(ख) इस पुल के निर्माण पर अब तक कितना व्यय हुआ है; और

(ग) शेष काम को शीघ्र से शीघ्र पूरा करने के लिये क्या कार्यवाही की जा रही है ?

परिवहन तथा संचार मंत्र: (श्री स० का० पाटिल) : (क) और (ख). मांगी गई सूचना का एक विवरण लोक सभा-मटल पर रख दिया गया है। [देखिये परिशिष्ट ८ अनुबन्ध संख्या २५]

(ग) कार्य प्रगति पर है और यथामंभव उसको शीघ्र पूरा करने की हर कोशिश की जा रही है।

An. Hon. Member: In English also.

Mr. Speaker: He may read the English version also.

The Minister for Transport and Communications (Shri S. K. Patil): (a) and (b). A statement giving the required information is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 25.]

(c) The work is in progress and every effort is being made to complete it as early as possible.

Shri C. D. Pande: Provision was made for this project in the Budget some four years back and this bridge is on the national highway. What are the causes for the inordinate delay?

Shri S. K. Patil: Although it was passed sometime in 1956, the contractor was not available for one year—the proper type of contractor who can do that work. Then foreign exchange also was a difficulty. But all these bottlenecks have now been removed and the work has started. It will be completed within the Plan period.

श्री हेम राज : जो विवरण रक्खा गया है उससे मालूम होता है कि जो प्राविजन रखा गया था वह ६२ लाख ६० का था और उस में से सिर्फ १२ लाख ६० खर्च हुए हैं तो इस बात को ध्यान में रखते हुए कि इस का महत्व जो उत्तर प्रदेश के पश्चिमी जिले है उन के लिये बहुत ज्यादा है इस काम की प्रगति बढ़ाने के लिये क्या क्या उपाय किये जा रहे हैं ?

श्री स० का० पाटेल : यह कारण तो बताया जिस की वजह से देर हो गई लेकिन अब वृद्ध समय निकल गया है और दो तीन वर्ष के अन्दर यह काम पूरा हो जायेगा ।

Shri Tangamani: I find from the statement that the amount sanctioned for the construction of this bridge is Rs. 92.92 lakhs and the amount actually spent is only Rs. 12.10 lakhs. When only a small amount has been spent during the last 3-4 years, may I know whether this project will be completed before the end of the Plan period?

Mr. Speaker: He said so. Shri Pande put the same question. He said that Rs. 92 lakhs had been provided and only Rs. 12 lakhs had been spent.

Sardar Hukam Singh: Those figures were given by Shri Hem Raj.

Mr. Speaker: So, what is the good of pursuing the same matter while the other hon. Members who are nearer have put a similar question? We occasionally go to Ganga for a bath but they live on the bank.

Shri Tangamani: I would like to know whether it will go into the Third Plan.

Mr. Speaker: The hon. Minister said that it would be finished within this Plan period. That is what I understood.

Balasore-Nilgiri Road Line

*1868. **Shri K. C. Jain:** Will the Minister of Railways be pleased to state:

(a) when lands were acquired for the construction of the existing Balasore-Nilgiri Road branch line;

(b) whether the owners of the lands have been paid compensation; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) to (c). There is a siding of about 10 miles in length taking off from Balasore Railway Station on the S.E. Railway to a Stone Quarry. This siding was constructed by Military Authorities during War and it was taken over by the Railway Ministry in 1948. The required information regarding the acquisition of the land and compensation paid to the owners is not readily available. The information when received from the Ministry of Defence will be laid on the Table of the House.

Shri K. C. Jena: May I know when it will be finalised?

Shri Shahnawaz Khan: What is to be finalised?

Shri K. C. Jena: Compensation.

Shri Shahnawaz Khan: We have asked for certain information from the Defence Ministry and as soon as it comes, we will look into it.

Shri Achar: When will the compensation be paid? That is the point. The property had been taken long ago but compensation had not been paid.

Shri Shahnawaz Khan: This line was constructed during the war time in 1943-44. It was entirely a defence project. We do not know whether any compensation was paid or not at

that time. Presumably, no permanent compensation was paid and if any compensation was paid, it was of a temporary nature. In the estimates that we have received from the South Eastern Railway, Rs. 86,000 has been set aside for permanent compensation and as soon as we hear from the Defence Ministry, this amount will be paid.

Shri K. C. Jena: May I know whether the line has been abandoned?

Shri Shahnawaz Khan: No, Sir. The line is still there. It was constructed as a ballast line and was taken over by the Railway Ministry in 1948. The line still operates.

Shri K. C. Jena: May I know whether it is used these days?

Shri Shahnawaz Khan: Whenever we require ballast, it is used.

Shri Supakar: On what date was the land taken and why is no information available from the Defence Ministry till now?

Shri Shahnawaz Khan: We are endeavouring to get the information.

Shri N. B. Maiti: For the last fifteen years, the compensation has not been paid. Is it a happy position?

Mr. Speaker: He has given his reply. What is the good of asking again? Next question.

Import of Fertilizers

*1869. **Shri Yajnik:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of foreign exchange saved on account of restrictions on the import of chemical fertilizers during the last 5 years; and

(b) the shortfall in the production of foodgrains caused by the reduction in the import of fertilizers and the estimated cost thereof?

The Deputy Minister of Agriculture (Shri M. V. Krishnappa): (a) and (b).

A statement is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 26.]

Shri Yajnik: It is mentioned in the statement that Rs. 10 crore worth of fertilizers were not imported last year. How much was imported actually and how much is sought to be imported this year?

Shri M. V. Krishnappa: I think this year the demand is for about 13.4 lakh tons and it goes up to 15.2 lakh tons in the revised estimates. The country produces less than 5 lakh tons. We intend to import about 3.6 lakh tons and we shall fall short of the remaining.

Shri Yajnik: From the figures given in the statement, it appears that by spending a rupee on fertiliser import and spending a rupee of our foreign exchange, we save about Rs. 2 in foreign exchange next year in the import of foodgrains because that is what we get out of the fertilisers. May I ask if the total requirement of the country could not be met by spending more of foreign exchange on the import of fertilizers so that we can save still more foreign exchange next year in the import of foodgrains?

Mr. Speaker: Why not import more fertilizers? That is the question.

The Minister of Food and Agriculture (Shri A. P. Jain): There is no hon. Member in this House who would be more anxious than I to import more fertilizers. The limitation of foreign exchange is there. In spite of my efforts, I have not been able to secure any additional allocation of foreign exchange for fertilizer imports. So far as the second part of the question is concerned it is based on some misunderstanding. It is not that all the foodgrains that we are importing are paid for in terms of foreign exchange. During the course of the debate on the Demands of this Ministry, I made it clear that only a part—a comparatively smaller part—of our imports is paid for in foreign exchange. That is the rice we get from Burma and the

wheat for normal consumption which we import from sources outside PL 480. All the purchases under PL 480 are paid for in rupees and about 75 per cent. of that is also made available to us for developmental expenditure. I think I gave the figures that only about Rs. 45 crores of foreign exchange was spent in the import of foodgrains in 1956-57 and Rs. 36 crores or so in 1957-58 as against imports worth more than Rs. 100 crores. So, it is not that by spending foreign exchange on the import of fertilizers we can save expenditure on foreign exchange spent on the food imports.

Shri Tyagi: As there is a tendency among the cultivators to grow more and more of commercial crops and reduce food crops, may I know if in the distribution of fertilizers any care is taken or any account is kept as to how much fertilizers goes towards the production of foodgrains and how much towards fruit orchards, etc.?

Shri A. P. Jain: We have not laid down any proportion. But the hon. Member has raised a very fundamental question. This question was before the Asoka Mehta Committee which said that, well, perhaps at some stage we may have to consider as to whether we have to lay greater emphasis on the production of cash crops or foodgrains, but in the present stage of shortage of foodgrains we should not neglect foodgrains. We have not laid down any proportion; we leave it to the farmers to use fertilisers as they consider best.

Shri Tyagi: May I take it that in transferring the plan targets to the villagers it has not been made compulsory that the villagers shall put in so much proportion of their land under food crop?

Shri A. P. Jain: No, Sir.

Dr. Ram Subhag Singh: May I know whether it is a fact that by falling into the trap or allurements of PL 480 the Government is killing the initia-

tive and skill of the farmers in producing more?

Shri A. P. Jain: I do not think so.

Shri D. C. Sharma: May I know if any attempts have been made to overcome this shortage in chemical fertiliser; and, if so, what are those attempts?

Shri A. P. Jain: Only one effort has been made and that is, we are exporting groundnut cakes and the proceeds of this will be utilised for importing more fertilizers. Besides, we are making some purchases through hard currency from Japan, Italy and France which is made available by T.C.M.

Mr. Speaker: Next Question.

Shri B. Das Gupta: Sir, may know....

Mr. Speaker: Order, order. The hon. Member is a little late. I have called the next question.

Aircrafts without Airworthy certificates

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*1870. { **Shri Bhogji Bhal:**
Shri Rameshwar Tantia:

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

(a) whether it is a fact that many Indian registered aircrafts are operating without possessing Airworthy Certificate; and

(b) if so, what is the number of such aircrafts?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) and (b). No Indian registered aircraft, which is required to possess a Certificate of Airworthiness under the Rules, is operating without such Certificate. Out of a total number of 536 Indian registered aircraft as on 31-12-1957, 307 aircraft were without Certificates of Airworthiness. This also includes 52 aircraft which were undergoing Certificate of Airworthiness overhaul and 152 aircraft which were non-flyable.

की शीघ्र जा जाई : इस तरह के एयर-बिजनेस सर्टिफिकेट काय हूइ बौर पास किये हूइ जो एयरक्राफ्टल बलन है सरकार ने उनक खिलाफ क्या कार्रवाई का है ?

Shri Mohiuddin: The question of making a certificate of airworthiness compulsory for all was considered and a draft rule was issued in 1951. It was very strongly objected to by private owners. Later, a modified and mild form of certificate was introduced making it only optional for the private owners to obtain the certificate. That offer has not yet been utilised by the owners.

Shri Tyagi: May I take it that aeroplanes can be flown with passengers without a certificate?

Shri Mohiuddin: No. As I explained, those aircrafts which carry passengers, freight, cargo, mail or are used for international navigation are required to obtain the certificate of airworthiness under the rules. It is obligatory on them to obtain this certificate. Only in the case of owners of private aircrafts, who do not carry passengers, freight or cargo, it is not compulsory to obtain a certificate.

Shri Joachim Alva: May I know whether the greater number of offenders is in the list of private operators or in the list of international and our own Airlines operators?

Shri Mohiuddin: There is no question of offenders in this respect. All scheduled operators or non-scheduled operators who carry passengers, freight or cargo are required to get the certificate of airworthiness and they get it. There is no question of any offenders in this case. Only in the case of private operators.....

Shri Tyagi: Only they are allowed to commit suicide.

Shri Mohiuddin: for example....

Mr. Speaker: Hon. Minister need not labour that point. When the same question has been put, he can say

that the point has already been answered.

Shrimati Renu Chakravartty: Sir, I want to put one question.

Mr. Speaker: I am really sorry; I want to finish all the questions.

Shri Yagnik: This is an important matter. I would like to know on what grounds.....

Mr. Speaker: Order, order. Every question is important. Is it more important than T.B. patients? Hon. Member will see the next question. It relates to T.B. and Diphtheria in Delhi.

T.B. and Diphtheria in Delhi

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*1871 { **Shri Kadiyan:**
Shri Rameshwar Tantia:
Shri Bhogji Bhai:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that tuberculosis and diphtheria are on the increase in Delhi;

(b) if so, the reasons for the increase; and

(c) what additional steps Government propose to take to check the increase of these diseases?

The Minister of Health (Shri Karmarkar): (a) The number of Tuberculosis and Diphtheria cases as recorded in Delhi during 1957 shows a slight increase over the previous years.

(b) The increase in the recorded figure is partly due to (i) overcrowding and (ii) the better facilities for detection and recording of cases.

(c) A statement containing the information is laid on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 27.]

Shri Kadiyan: From the statement I find that various measures are being taken to check the spread of T.B. and Diphtheria in Delhi. Is it a fact that the anti-Diphtheria campaign is not

progressing satisfactorily due to paucity of funds; and, if so, may I know whether Government propose to allot more funds to carry out this campaign in a more efficient way?

Shri Karmarkar: Did my friend refer to B.C.G. Campaign?

Mr. Speaker: No, no; he was referring to Diphtheria.

Shri Karmarkar: No, Sir. As I said, against Diphtheria I have given four categories—prophylactic inoculation, isolation of diphtheria cases, disinfection of houses and so on.

Mr. Speaker: He says, he finds from the statement that the diphtheria campaign is not being as progressive or as intensive as it ought to be for want of funds.

Shri Karmarkar: The statement does not say anything about it being progressive or otherwise; it gives plainly the steps that are being taken. Sir, in a matter like diphtheria I really wish that there is greater public co-operation. It is not as if we can go to every case, every impending case or a likely case; but it is good that the public should take sufficient care about diphtheria. It is only after a case occurs that we come on the scene for treatment, and we generally try to immunise that by prophylactic inoculation. But there is one thing. In any measure of prophylactic inoculation we cannot make it compulsory. I wish that the public co-operate with us by offering to be inoculated in a greater measure than is done at present.

Shri Hem Barua: Is it that the public are not co-operating with this beneficial scheme or they are not properly educated about the existence of this scheme?

Shri Karmarkar: In spite of our giving them education, I am very sorry to say that the public are not as careful as they should be in this matter. We wish that our friends in this House co-operate with us in this matter and help us in trying to create

as much health consciousness as possible. People are much worried after getting the thing, rather than in taking preventive measures (*Interruption*). It is not that I am casting, what you call, any aspersion; but that is exactly giving the state of things as they are.

Shri Hem Barua: Are any publicity materials being distributed among the public calling their co-operation?

Shri Karmarkar: No, Sir. I appreciate the thing and I attach very great importance to that. We publicise it by posters, processions and other things, but our people are a little slow for us (*Interruption*). Hon. Members may listen to me. I wish there is greater co-operation. It is a common problem. It is not as if I am pleading on behalf of the Government, and it is not as if my hon. friends are only interested in hitting at Government. This is a matter, Sir, which is of very great importance in which I rely entirely on the co-operation of my friends opposite. I wish all of us go round the City and do a little health propaganda—it is an important matter. (*Interruption*).

Mr. Speaker: Order, order. I think the Question Hour is over.

Shri Yajnik: This is a question of facts, whether any publicity material has been issued to the public.

Mr. Speaker: Order, order. I understand hon. Members to be anxious to see that whenever an epidemic arises or there is a suspicion that it will break out into an epidemic, posters must be pasted in various corners saying that sufficient skill is available in hospitals, so that the people could take their suggestions and so on. Is that kind of publicity through posters and other things being done?

Shri Karmarkar: That is being done.

Mr. Speaker: In addition, the hon. Minister wants all the hon. Members to go round the places during the holidays and do propaganda for the prevention of the diseases.

Shri Karsmarkar: That will be very helpful.

12 hrs.

SHORT NOTICE QUESTION AND ANSWER

Rise in Price of Foodgrains in Eastern U.P.

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S.N.Q. No. 16. { Shri S. M. Banerjee:
Shri Tangamani:
Shri Panigrahi:
Shri Muhammed Elias:
Shri Prabhat Kar:
Shri Khushwaqt Rai:

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

(a) whether the prices of Foodgrains have gone up in the Eastern Districts of U.P.;

(b) if so, whether this is due to failure of Rabi crop;

(c) the steps taken by Central Government to check the prices and avoid famine in these districts;

(d) whether subsidised of foodgrains are being issued; and

(e) if so, the prices of foodgrains at subsidised rates?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). There has been some rise in the prices of rice in the Eastern Districts of U.P. but the prices of wheat, jowar, and Bajra have been more or less steady. It is yet too early to indicate the position regarding production or rabi foodgrains.

(c) There are adequate stocks of foodgrains and the Central Government have offered to meet any further requirements of the U.P. Government.

(d) and (e). Yes, the foodgrains are being issued at the following subsidised wholesale prices:

wheat—Rs. 15 per maund;

gram—Rs. 9.60 nP. per maund;

bejhar—Rs. 11.38 nP. per maund;

maize—Rs. 10.93 nP. per maund.

Shri S. M. Banerjee: May I know whether the recommendation of the Foodgrains Inquiry Committee for the appointment of a Price Stabilisation Board has been accepted and, if so, whether that Board has been formed, and if not, whether the Board is likely to be formed soon?

Shri A. P. Jain: This question has hardly any relevance to the main question.

Shri S. M. Banerjee: It is relevant. The prices are going up. The hon. Minister has said that the prices have gone up, especially the price of rice in all the States.

Mr. Speaker: The recommendation was that the prices from time to time may be watched and the prices may be controlled when necessary. Is there a proposal to implement that recommendation made by that Committee?

Shri A. P. Jain: The recommendation is under consideration. We have not come to any final conclusion as yet.

Shri Tyagi: The hon. Minister has stated that in the eastern districts of U.P. the price of wheat, jowar and bajra is stationary. That is a sort of alarming news, for, the price of wheat was expected to go down slightly. I wonder why the price of wheat has not come down, as the harvest of the crop is now coming in.

Shri A. P. Jain: This is a somewhat disquieting phenomenon no doubt but the prices of wheat, bajra and maize are considerably lower than what they were last year.

Shri Tangamani: In view of the fact that in these eastern districts of Uttar Pradesh, where there has been a continuous drought at least in ten out of the 14 districts, and in view of the fact that . . .

Mr. Speaker: What is "in view of the fact"? All views and facts are known. What is the question?

Shri Tangamani: In view of the fact that these areas are also rice-eating areas . . .

Mr. Speaker: Everybody knows that the hon. Member comes from a rice-eating area.

Shri Tangamani: I have got information from these areas . . .

Mr. Speaker: The hon. Member has not yet come to the question.

Shri Tangamani: May I know what is the subsidised price of rice, at which it is being sold in these places?

Shri A. P. Jain: I cannot give the exact amount of subsidy in each case, but . . .

Shri Yajnik: The price at which it is sold in the cheap grain shops, the fair price shops.

Shri A. P. Jain: They might be adding anything between eight annas and 12 annas per maund over and above the prices which I have given.

Shrimati Renu Chakravartty: What is the subsidy on the price of rice? What is it that the hon. Minister is saying?

Shri A. P. Jain: I did not say that.

Mr. Speaker: The hon. Members want to know the price at which rice particularly is sold in the fair price shops, since they say that the prices have gone up.

Shri A. P. Jain: That is exactly what I am saying.

Mr. Speaker: The hon. Minister has said that it is 8 annas and 12 annas per maund over and above the prices mentioned.

Shri A. P. Jain: I said the foodgrains are being issued at these prices: wheat at Rs. 15 per maund; gram at Rs. 9.60 nP per maund; bejhar at Rs. 11.38 nP per maund and maize at Rs. 10.98 nP per maund. These are the wholesale prices.

Shri Tangamani: What about rice?

Shri A. P. Jain: I am coming to that. Now, the retail price has been higher by eight annas to one rupee over and above these prices. So far as rice is concerned, no rice is being sold through fair price shops.

Shri Yajnik: Any subsidy is given?

Shri Tangamani: No rice is available in the fair price shops.

Mr. Speaker: The hon. Members must put questions one after the other. If all of them put questions together, nobody can understand what the question is. The hon. Minister has definitely stated that rice is not sold in the fair price shops.

Shri Yajnik: May I know if there are any fair price shops dealing with the sale of maize, wheat and other grains and if these are sold at reduced prices, may I know what subsidy is being given to them?

Shri A. P. Jain: There are about 2,000 fair price shops in the eastern districts of U.P. and all these foodgrains are being sold at subsidised prices.

Shri Yajnik: At the prices the hon. Minister mentioned?

Shri A. P. Jain: Yes.

Shri Yajnik: Adding the amount as expenses?

Shri S. M. Banerjee: The hon. Minister has stated that the price of wheat has not gone up, but the spokesman of the Uttar Pradesh has said that the price of rice has gone up by Rs. 2 per maund and the price of wheat by 12 annas per maund. May I know which statement is correct?

Shri A. P. Jain: My statement is correct.

Mr. Speaker: We will proceed to the next item.

WRITTEN ANSWERS TO
QUESTIONS

Nellore Rice

*1852. Shri B. L. Beddy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether there has been considerable fall in the movement and prices of Nellore rice in December, 1957 and January, 1958;

(b) the measures taken by Government to reduce the prices; and

(c) whether there have been any restrictions imposed by Government on the movement of rice to Madras State and whether Bank facilities have been considerably reduced at the instance of the Government?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) There was a slight seasonal fall in the price of rice in Nellore in January 1958 after the harvest. The movement of rice by rail from Nellore increased in December, 1957 and January 1958, and substantial quantities also moved by road.

(b) The creation of the Southern Rice Zone, the Bank credit squeeze, the introduction of control prices in Andhra, the requisitioning of stocks, and the distribution of foodgrains from Government stocks, are some of the important measures taken by the Government to keep down the level of prices.

(c) The Government of India have not imposed any restrictions on the movement of rice from Andhra Pradesh to Madras State. Bank facilities have to some extent been curtailed.

आंध्र प्रदेश में पोचमपाद परियोजना

*१=५४ { अ मयूतम राब
अ: १० ल० रेडडी

क्या सिचार्ड और बिद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आंध्र प्रदेश सरकार ने तेलंगाना म गोदावरी नदी पर

“पोचमपाद परियोजना” को द्वितीय पंच-वर्षीय योजना में सम्मिलित करवाने के लिए हाल ही में भ्रम्यावेदन भेजा है; और

(ख) क्या उस पर कोई निर्णय किया गया है ?

सिचार्ड तथा बिद्युत उपमंत्री (श्री हाथ) : (क) जी नहीं, परन्तु अगस्त १९५७ में आन्ध्र प्रदेश सरकार ने भारत सरकार से ‘पोचमपाद’ परियोजना के सिलसिले में इन्वेस्टिगेशन करने के लिये ५ लाख रुपये का ऋण मांगा था।

(ख) आन्ध्र प्रदेश सरकार को यह सुझाव दिया गया है कि, इस परियोजना के बारे में इन्वेस्टिगेशन शुरू करने में कोई प्राप्ति नहीं है, किन्तु इन्वेस्टिगेशन इस ढंग से होना चाहिये कि यह द्वितीय पंच वर्षीय योजना में शामिल की गई मीडियम सिचार्ड परियोजनाओं से सम्बन्धित इन्वेस्टिगेशन के पूरे कार्यक्रम के अन्तर्गत आ जाये। द्वितीय पंच वर्षीय योजना के अधीन तेलंगाना क्षेत्र में इन्वेस्टिगेशन के लिये ६.५ लाख रुपये का प्रबन्ध है जिसमें से १६५८-५६ की वार्षिक योजना में ५ लाख रुपये के खर्च की व्यवस्था है।

Voluntary Service During Strike

*1855. Shri Vajpayee: Will the Minister of Transport and Communications be pleased to state:

(a) whether special concessions are being given to persons who volunteered to serve the Posts and Telegraphs Department during the threatened postal strike in August, 1957 as regards their recruitment to the clerical and allied cadre;

(b) if so, what concessions are being given; and

(c) the number of persons who volunteered their services and are likely to be benefited by the concessions?

The Minister of Transport and Communications (Shri S. K. Patil): (a) Yes.

(b) (i) The maximum age limit is relaxed to the extent of five years.

(ii) A pass in all the four prescribed subjects in the Matriculation Examination or equivalent examination is not to be insisted upon but a candidate should have passed in English in the Matriculation Examination.

(iii) The total marks secured by a candidate in the Matriculation Examination will be reduced to a figure as out of a total of 400 and a bonus of 25 marks will be given to him.

No. of persons

Volunteered	Likely to be selected
8,126	500

Purchase of American Liberty Ships

*1858. { Shrimati Ila Palchoudhuri:
Shri S. C. Samanta:
Shri Raghunath Singh:
Shri Daljit Singh:

Will the Minister of Transport and Communications be pleased to state the progress so far made in negotiations in connection with purchase of American Liberty ships?

The Minister of Transport and Communications (Shri S. K. Patil): No significant progress has so far been made in the negotiations with the U.S. Government in connection with the purchase of some American Moth-ball ships. The decision of that Government in the matter is still awaited.

Accident in Bombay Suburban Railway

*1859. **Shri Raghunath Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that four rear coaches of a suburban train proceeding from Bombay V.T. to Thana went off the rails near a level crossing at Matunga on the morning of the 14th March, 1958; and

(b) if so, what are the causes of the accident?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) Yes. At about 08.43 hours while No. T/17 Down Bombay-Thana Multiple Unit Suburban Train was on run, four of its coaches derailed at Mile 6/26 between Matunga and Sion stations on the Bombay-Kalyan quadruple electrified section of the Central Railway.

(b) The cause is under investigation.

Logging Training Centre

*1867. **Shri Rameshwar Tantia:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that a Logging Training Centre has been established in Jammu and Kashmir State: and

(b) if so, where this Centre is located?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes, Sir, from the middle of March 1958.

(b) At Batote.

Medical Colleges

1872. **Shri Harish Chandra Mathur:** Will the Minister of Health be pleased to state:

(a) whether Government's attention has been drawn to the fact that some of the medical colleges are not adequately equipped and are functioning against the recommendations of the Indian Medical Council; and

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

The Minister of Health (Shri Karmarkar): (a) and (b). It has been brought to the notice of the Government of India that some of the medical colleges are not adequately equipped. Most of the colleges are

under the State Governments, Universities or other bodies and the deficiencies pointed out by the Medical Council of India are brought to the notice of the authorities concerned for suitable action. It may be mentioned that a provision of Rs. 71.5 lakhs was included in the First Five Year Plan of the Central Government for the supply of equipment to the medical colleges and research institutions. A provision of Rs. 100 lakhs has also been included in the Second Five Year Plan of the Central Government, for this purpose. The Government of India also sanctioned the payment of cash grants amounting to Rs. 6,71,876 to medical colleges and research institutions, for the purchase of equipment during 1957-58.

Famine in Nasik District of Bombay State

*1873. { Shri Jadhav:
Shri B. K. Galkwad:

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

(a) whether it is a fact that there are serious famine conditions existing in the whole of the Nasik District (Bombay State) due to the failure of Kharif and Rabi crops;

(b) whether it is a fact that there is a shortage of foodgrains and fodder; and

(c) what steps Government propose to take to meet the situation?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The State Government have not reported any serious famine conditions in the Nasik District.

(b) No, Sir.

(c) Does not arise.

Baraset-Hasnabad Line

*1874. Shrimati Benu Chakravartty: Will the Minister of Railways be pleased to state:

(a) whether the Central Government have received a reply from the West Bengal Government regarding acquisition of land and the final alignment of the broad-gauge railway, from Baraset to Hasnabad; and

(b) whether the construction work has started?

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

(b) Construction work will be taken in hand as soon as the possession of land including homestead area is handed over to the Railway by the West Bengal Government.

New Coins for Telephone Machines

*1875. { Shri Kumaran:
Shri Ramakrishna Reddy:

Will the Minister of Transport and Communications be pleased to state whether there is a proposal to make suitable alterations in the telephone machines in order to enable people to use public telephones with the help of decimal coins instead of two-anna coins.

The Minister of Transport and Communications (Shri S. K. Patil): Yes; experiments are being carried out to convert the existing machines at the earliest possible date.

Delhi Electricity Board

2787. Shri Vajpayee: Will the Minister of Irrigation and Power be pleased to state:

(a) the net profit, if any, shown by the Delhi City Electricity Board during 1957-58; and

(b) whether the Board has any subscribed capital of its own?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) It is not possible, at this stage, to give the figures of profit shown by the Delhi State Electricity Board during the year 1957-58, as the accounts for that year have not yet been compiled.

(b) The Board had no subscribed capital of its own. Its requirements of capital expenditure were met exclusively from loans granted by the Central Government.

Mokameh Bridge

2788. { Shri Ram Krishan:
 { Shri Kamal Singh:

Will the Minister of Railways be pleased to state:

(a) the progress of work on rail-cum-road bridge over the Ganga near Mokameh;

(b) the amount spent so far on the work; and

(c) the time by which the work will be completed?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The overall progress of the work is 65%. The river training works and the bridge foundations have been completed; the erection of the main girder spans is progressing satisfactorily—three have already been erected. Work of the BG/MG Transshipment Yard, including ancillary items, is also making progress.

(b) The amount spent upto 31-3-58 is Rs. 11.34 crores approximately.

(c) The Bridge is expected to be ready in the latter half of 1959.

G.M.F. Campaign in Orissa

2789. Shri Panigrahi: Will the Minister of Food and Agriculture be pleased to state the total Central Assistance in the form of short or long term loans and grants to the Orissa Government from the commencement of the Second Five Year Plan up to date for the various schemes?

The Minister of Food and Agriculture (Shri A. P. Jain): The total amounts of short term loan, long term loan and grant sanctioned as Central assistance to the Government of Orissa from the commencement of

the Second Five Year Plan up to date (i.e. 1956-57 and 1957-58) are shown below:—

Short term loan	Long term loan	Grant
Rs. in lakhs 40.30	Rs. in lakhs 137.40	Rs. in lakhs 97.32

The above figures include Grow More Food assistance as under:—

Rs. in lakhs 40.30	Rs. in lakhs 84.83	Rs. in lakhs 14.01
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Agricultural College in Annamalai University

2790. Shri Elayaperumal: Will the Minister of Food and Agriculture be pleased to state what amount was allotted in the years 1956-57 and 1957-58 by the Centre for the Agricultural College in Annamalai University?

The Minister of Food and Agriculture (Shri A. P. Jain): The Central Government have not rendered any financial assistance so far to the Annamalai University for their Agricultural College.

Selection Committee, Railway Workshop, Mysore

2791. Shri Siddiah: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a representative of the Scheduled Castes is represented on the Selection Committee to select Class IV employees to the Railway Workshop, Mysore;

(b) if not, the reasons therefor; and

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

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

(b) and (c). Instructions to this effect have not been issued, as the recruitment of Scheduled Castes is now watched by an officer specifically entrusted with that responsibility. No other action appears necessary.

Safety Inspectors on Railways

2792. Shri Siddlah: Will the Minister of Railways be pleased to state:

(a) whether there is a proposal to appoint Safety Inspectors on Indian Government Railways in the country;

(b) if so, the total number of appointments to be made in each Zone; and

(c) the number of appointments reserved for Scheduled Castes, Scheduled Tribes and Anglo-Indians?

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

(b)

Name of Railway	Total No. of appointments to be made
1. Central	21
2. Eastern	13
3. Northern	28
4. North-Eastern	2
5. North-East-Frontier	12
6. Southern	32
7. South-Eastern	17
8. Western	33

(c) Nil, as there is no reservation in vacancies filled by promotion.

(c) if so, the steps taken to encourage this plantation in our country?

Chicory Plantation

2793. Shri R. Narayanasamy: Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount of Chicory imported annually into India;

(b) whether Government are aware that a little quantity of Chicory is grown in a few hilly places here; and

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Chicory is not classified separately in the sea-borne trade accounts. Belgium and Netherlands are, however, the two main countries exporting Chicory to India. According to the information obtained from the Embassies of the said countries, the following quantities were exported to India:—

Year	Quantity
	(Metric tons)
1951	1344
1952	1039
1953	780
1954	1086
1955	1319

Roasted Chicory imported during January—September 1957. 1798 thousand lbs.

(b) Yes, Chicory is known to grow wild at 4,000 to 11,000 ft. elevation.

(c) Chicory has only a limited demand in India. A firm, which applied for license to import chicory was advised last year to try to produce chicory in India in cooperation with the Directors of Agriculture, Punjab and Jammu and Kashmir States. It was also granted a license to import 2,000 lbs. of Chicory seeds.

Train Derailments

2794. **Shri Kumaran:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that derailment of trains occurs very frequently between Punalur and Shencottah Stations, especially during rainy seasons; and

(b) if so, what steps Government have taken to prevent it?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The number of derailments on this section during the period 1955-56 to 1957-58. have been as under:—

Months	No. of derailments in		
	1955-56	1956-57	1957-58
March	Nil	1	2
April	Nil	1	..
August	Nil	1	..
Total during the year	Nil	3	2

None of the above derailments is attributable to effects of monsoon on track.

(b) The question does not arise. However, during the monsoon and stormy weather, the line is patrolled adequately.

Improvement of Kottarakara Railway Station

2795. **Shri Kumaran:** Will the Minister of Railways be pleased to state:

(a) whether the proposal for the improvement and expansion of the Kottarakara Station on the Southern Railway has been finalised;

(b) when will the work be started; and

(c) what is the estimated amount for the same?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) The Railway Users' Amenity Committee have approved the work of extension of III class waiting hall and improvements to parking ground. These

have been included in the list of works for 1958-59.

(b) In the later part of 1958-59.

(c) Rs. 10,500/-.

Tourist Visits to Hirakud Dam

2796. **Shri Pangarkar:** Will the Minister of Transport and Communications be pleased to state the number of foreign tourists who visited Hirakud Dam during 1957-58?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): 21 foreign tourists.

Fertilizers for Bombay

2797. **Shri Pangarkar:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the quota of fertilizers fixed for Bombay State for the years 1957-58 and 1958-59; and

(b) whether this would meet the requisite demand?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The de-

mand and the quantities of fertilisers likely to be supplied are as follows:—

All figures in tons

Name of the Fertiliser	1957-58 (Jan. '57 to March, 1958)		1958-59	
	Demand	Total quantity to be supplied	Demand	Qty. likely to be supplied
Sulphate Ammonia	1,07,000	91,375	1,20,000	54,000
Urea	4,663	4,663	6,000	4,500
A. Sulphate Nitrate	8,329	2,419	18,000	15,300
Calcium A. Nitrate	4,000	4,000

(b) The demands will be met to the following extent (expressed in terms of plant nutrient nitrogen) :—

1957-58 84%

1958-59 55%

Fruit Preservation Industry in Bombay

2798. Shri Pangarkar: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of India have sanctioned any amount during the year 1957-58 for establishing fruit preservation industry in Bombay; and

(b) if so, the amount sanctioned?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No. A scheme for grant of loans to State Governments for establishment of large scale fruit preservation canneries and small scale fruit preservation units has been prepared by the Government of India. The terms and conditions of loan under this scheme were not acceptable to the Government of Bombay.

(b) Does not arise.

Tourism in Bombay

2799. Shri Pangarkar: Will the Minister of Transport and Communications be pleased to state:

(a) whether the Bombay Government have submitted any proposals for the development of tourism in that State during 1958-59; and

(b) if so, what kind of assistance is proposed to be given by the Central Government for the purpose?

The Minister of State in the Ministry of Transport and Communications (Shri Raj Bahadur): (a) and (b). The Government of Bombay have asked for subsidy for opening tourist bureaus at Ahemdabad, Rajkot, Mahabaleshwar, Mangleshwar, Matheran, Tansa & Vaitarna and also for a subsidy for the construction of a low income group rest house at Ahemdabad. The State Government have been informed already that it is not possible for the Government of India to grant any subsidy for the tourist bureau at Rajkot. The question of granting subsidies for the

other tourist bureaus is under consideration. As regards the low income group rest house at Ahmedabad, it has been suggested that they may reconsider the necessity to put up a low income group rest house in Ahmedabad, keeping in view the following:—

(1) Hotel and other accommodation already available for home tourists in Ahmedabad, and

(2) if the existing accommodation is inadequate, the possibility of private parties putting up cheap hotel accommodation, in view of the fact that Ahmedabad is a flourishing town and the provision of such accommodation should prove economical in the long run.

The State Government's reply is awaited.

Railway Employees

2800. Shri Pangarkar: Will the Minister of Railways be pleased to state:

(a) the number of employees on the Central Railway declared medically unfit during the years 1956-57 and 1957-58; and

(b) the number of employees who were retired from service on medical grounds during the same period?

The Deputy Minister of Railways (Shri Shahnawaz Khan):

	1956-57	1957-58
(a)	424	653
(b)	127	156

Varanasi-Dohrihat National Highway

2801. Shri Kalika Singh: Will the Minister of Transport and Communications be pleased to state:

(a) what expenditure has been incurred actually during the years 1955-56, 1956-57 and 1957-58 on the modernisation and reconstruction of the National Highway route Varanasi-Ghazipur-Dohrihat;

(b) what is the actual length in mileage of the Varanasi—Dohrihat National Highway;

(c) whether bridges on this route will be taken up and completed during the Second Plan period;

(d) whether the above route passes through areas where pressure to the existing road is considerably great in times of flood; and

(e) what is the total length of the parts of this road vulnerable to flood pressure and what precautions are being taken to prevent breaches in future floods?

The Minister of Transport and Communications (Shri S. K. Patil):

(a) The figures of expenditure during the three years in question are given below:

		Rs.
1955-56	..	12,81,746
1956-57	..	22,07,642
1957-58	..	5,87,336

(b) 94 miles and 1 furlong.

(c) Three major bridges on this road are proposed to be taken up during the Second Five Year Plan, viz. Bridges across the Gomti, the Tons and the Ghogra. Work for the construction of the Tons Bridge has already been sanctioned and it is expected to be completed before the end of the current plan. The designs and estimates for the other two bridges are in various stages of preparation and subject to availability of funds. The work is expected to be taken up during the course of the Plan period although it would not be possible to open the bridges to traffic before the end of the Plan.

(d) and (e). The requisite information is being collected and will be laid on the table of the Lok Sabha in due course.

Gaushalas in Assam

2802. Shri Bhagavati: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of Gaushalas sanctioned by the Government of India for the State of Assam during the

year 1956-57 for augmenting the supply of milk in urban areas and breeding better types of cattle under the Gaushala Development Scheme; and

(b) the number of Gaushalas sanctioned in Assam for 1957-58?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) One.

(b) One.

Development of Fisheries in Assam

2803. **Shri Bhagavati:** Will the Minister of Food and Agriculture be pleased to state:

(a) what amount has been sanctioned by the Government of India to

(i) For organisation of Fishermen Cooperatives :

Year	Grant	Loan (Rs. in lakhs)
1956-57	Nil	Nil
1957-58	..	0.25

(ii) For Other Development Programme of Fisheries :

(Rs. in lakhs).

Year	Grant	Loan
1956-57	0.05	..
1957-58	1.50	3.76

(b) A Fisheries Extension Unit has already been set up at Gauhati in March, 1956.

Regional Poultry Farm in Assam

2804. **Shri Bhagavati:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any regional Poultry Farm and Demonstration and Extension Centre has been approved for the State of Assam under the Poultry Development Scheme; and

(b) if so, when and at what place in Assam it is being established?

the State Government of Assam for the organisation of fishermen's co-operative society and other development programme of fishery in Assam during the first two years of the Second Five Year Plan; and

(b) whether a Fishery extension unit is proposed to be established in Assam for giving technical advice and assistance to the Fisheries Department and fish farmers of Assam?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The following amounts have been sanctioned in 1956-57 and 1957-58:—

The Minister of Food and Agriculture (Shri A. P. Jain): (a) There is no proposal to set up a Regional Poultry Farm in Assam. 14 Poultry Extension Centres have, however, been allotted to the State under the All India Poultry Development Scheme during the Second Five Year Plan.

(b) In 1955-56 one Poultry Extension Centre was set up at Bhoi, while no centre was set up in 1956-57. During 1957-58 the State Government proposed to locate five such centres at Silchar, Panitola, Nowgong, Barpeta Road and Barbheta.

उत्तर प्रदेश के पहाड़ी जिलों में डाक की

सुविधाएँ

२८०१. श्री भक्त दर्शन : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश के निम्नलिखित पांच पहाड़ी जिलों यथा देहरादून, टिहरी-गढ़वाल, अल्मोड़ा, नैनीताल और गढ़वाल में १९५७-५८ में कहां-कहां निम्नलिखित सुविधायें दी गयीं और वापिस ली गयीं :—

(१) नये डाक घर (२) तार घर (३) नये टेलीफोन घर और टेलीफोन एक्सचेंज और (४) विभागातिरिक्त डाक-घरों का विभागीय डाक-घरों में बदला जाना; और

(ख) इन जिलों में किन-किन स्थानों पर १९५८-५९ में उपरोक्त सुविधायें देने का विचार है ?

पर देहल तथा संचार नेत्र (श्री स० का० पाटिल) : (क) और (ख). इस सम्बन्ध में एक विवरण-पत्र लोक-सभा पटल पर रखा जाता है। [बैठके परिशिष्ट ८, अनुबन्ध सख्या २८]

Post Offices in Orissa

2806. **Shri B. C. Prodhan:** Will the Minister of Transport and Communications be pleased to state the number of new post offices opened in Orissa State during the Second Five Year Plan period so far and the number of new post offices proposed to be opened during the remaining period?

The Minister of Transport and Communications (Shri S. K. Patil):

(i) Opened from 1.4.56 to 31.3.58. 405

(ii) Proposed to be opened during the remaining period of the Second Plan 629

Passenger Amenities at Gurgaon Station

2807. **Shri Chuni Lal:** Will the Minister of Railways be pleased to state:

(a) the capacity of waiting rooms and sheds meant for Pilgrims and other passengers at the Railway Station, Gurgaon (Punjab);

(b) the average number of passengers detraining at this Station in the peak period of religious festivals; and

(c) the steps proposed to be taken to provide better passenger amenities at this Station?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) A waiting hall for third class passengers measuring about 730 sq. ft. and an Upper Class waiting room measuring 280 sq. ft. exists at Gurgaon Railway Station. In addition, there is a shed with an area of 500 sq. ft. which is used during *melas*.

(b) The average number of passengers dealt with during peak months of religious festivals is approximately 3200. A maximum of 400 passengers are dealt with on peak days.

(c) It is proposed to extend the waiting hall and waiting room and the work is likely to be taken up in 1958-59.

Indian Agricultural Research Institute

2808. { **Shri S. C. Samanta:**
Shri Barman:

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

(a) whether the Indian Agricultural Research Institute intensified the research work in fruit culture and preservation, fundamental genetics, bacterial diseases of plants, insects physiology and weed control during 1957-58;

(b) if so, the results thereof; and

(c) whether the result of the research in bacterial diseases of plants will be widely published?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). A statement is placed on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 29.]

दिल्ली और नई दिल्ली की सड़कों के नाम

२८०६. { श्री भवत दर्शन :
श्री हेम राज :

क्या स्वास्थ्य मंत्री ६ सितम्बर, १९५७ के अतिरिक्त प्रश्न संख्या १३३१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली और नयी दिल्ली की कुछ और सड़कों के नाम बदल कर उनके भारतीय नाम रखने का कोई प्रस्ताव विचाराधीन है ;

(ख) यदि हां, तो विभिन्न सड़कों के लिये क्या क्या नाम चुने गये हैं ; और

(ग) यदि नहीं, तो क्या सड़कों के भारतीय नाम रखने का प्रस्ताव सदा के लिये छोड़ दिया गया है ?

स्वास्थ्य मंत्र: (श्री क.भर.) :

क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

(ग) यह प्रश्न भी नहीं उठता है, क्योंकि ऐसे प्रस्तावों के उपस्थित होने पर उन पर विचार करना दिल्ली नगर निगम अथवा नई दिल्ली नगर पालिका का काम है ; इस समय ऐसा कोई प्रस्ताव विचाराधीन नहीं है ।

पशु-चिकित्सा विज्ञान और पशुपालन में प्रशिक्षण

२८१०. श्री नवल प्रभाकर :
क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिसार के पशु-चिकित्सा विज्ञान तथा पशु-पालन कालेज

में पशु-चिकित्सा विज्ञान तथा पशुपालन की शिक्षा प्राप्त करने के लिये दिल्ली प्रदेश से प्रति वर्ष ४ उम्मीदवारों को भेजा जाता है ;

(ख) यदि हां, तो इन उम्मीदवारों के चुनाव का तरीका क्या है ; और

(ग) प्रशिक्षण में कितना समय लगता है ?

खाद्य तथा कृषि मंत्र: (श्री अ० प्र० जैन)

(क) जी हां ।

(ख) योग्य उम्मीदवारों से प्रार्थना-पत्र मंगवाने के बाद सेलेक्शन बोर्ड द्वारा ।

(ग) चार वर्ष ।

दिल्ली में मछली पालन

२८११. श्री नवल प्रभाकर : क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली प्रदेश में सरकार द्वारा मछली पालन के सम्बन्ध में किये गये प्रयत्नों का व्योरा क्या है ;

(ख) क्या इस के परिणामस्वरूप उत्पादन में कोई वृद्धि हुई है ; और

(ग) यदि हां, तो कितनी ?

खाद्य तथा कृषि मंत्री (श्री अ० प्र० जैन):

(क) किये गये प्रयत्नों का व्योरा संक्षिप्त में निम्न प्रकार है :-

एकोनॉमिक स्पीसिस (Economic species) के मछली के झंडों का नदी से इकट्ठा करना और गांवों के तालाबों में उनका रखना ; मछली पालन के लिए उपयुक्त तालाबों के चुनाव और झंडे इकट्ठे करने के केन्द्रों का सर्वे करना ; फिश कल्चर (Fish culture) के तरीकों का प्रचार ; नदी में फिश ब्रूडर्स (Fish brooders) और मछली के झंडों को बचाने के लिए संरक्षण के उपाय करना ;

फिश कल्चर के लिए गांव के तालाबों में सुधार करने के लिए ५० प्रतिशत की सहायता की मंजूरी ; मछली पालने के लिए दल दल को साफ कराने की तजवीज ; मछली के पणन के लिए मछियारों की सहकारी संस्थाओं का संगठन और जामा मस्जिद के पास एक कोल्ड स्टोरेज प्लांट (Cold storage plant) लगाना ।

(ख) जी हां ।

(ग) लगभग ६००० मन मछली वार्षिक ।

Selection of Candidates on Northern Railway

2812. Shri D. C. Sharma: Will the Minister of Railways be pleased to state:

(a) how many applications were received for Class III posts (both technical and non-technical) from Scheduled Castes and Scheduled Tribes candidates during the years 1955, 1956 and 1957 on the Northern Railway; and

(b) how many candidates were selected from those communities during the same period?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). A statement is placed on the Table of Lok Sabha. [See Appendix VIII, annexure No. 30.]

Foreign Aid for Health Projects

2813. Shri D. C. Sharma: Will the Minister of Health be pleased to state:

(a) the amount of aid received from the Government of U.S.A. during 1957-58 with regard to our Health Projects; and

(b) the names of those Projects?

The Minister of Health (Shri Kar-markar): (a) U.S. \$ 1,18,80,596-22.

(b) (i) Assistance to Medical Colleges and Allied Institutions in

India under Indo-U.S. Agreement—Operational Agreement No. 29;

(ii) Assistance to Orientation Training Project under Indo-U.S. Agreement—Operational Agreement No. 30;

(iii) Assistance to National Water Supply and Sanitation Programme under Indo-U.S. Agreement—Operational Agreement No. 25;

(iv) Assistance to National Malaria Control Programme under Indo-U.S. Agreement—Operational Agreement No. 9; and

(v) Assistance to National Filariasis Control Programme under Indo-U.S. Agreement—Operational Agreement No. 33.

Oil Sardines

2814. Shri V. P. Nayar: Will the Minister of Food and Agriculture be pleased to state:

(a) the estimated catch of oil sardines in the Kerala Coast in the last quarter of 1957 and January 1958, as compared to other coastal areas and previous three years; and

(b) how much of the catch could be utilised for consumption as food and how much had to be made into (i) oil and (ii) manure?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) A statement showing the estimated landings of oil sardines in Kerala and other Coastal areas is placed on the Table of Lok Sabha. [See Appendix VIII, annexure No. 31.]

(b) (i) Separate figures regarding the distribution of total oil sardines consumed as food and utilised as oil and manure are not maintained except in case of Kerala State. Roughly 30 per cent. of the catch is cured; and only a very limited quantities are consumed in the fresh state during the periods of glut. The bulk is utilised for extraction of oil and to produce Guano or Fish Meal. The yield of oily is approximately 1/10th.

of the weight of the fish and yield of fish meal is about 1/5th of weight of fish.

(ii) So far as the Kerala State is concerned, out of the total estimated catches of 1,47,400 Metric tons of sardines obtained during the last quarter ending December, 1957, the following quantities were used for various purposes.

(a) For human consumption	M. tons. 89,285
(b) For extraction of oil	39,191
(c) For converting into manure	18,924
Total	1,47,400

The entire quantity of catches during the previous years i.e. in 1955 and 1956 were more or less used for human consumption only. But during the year 1954, there were good catches on the Malabar Coast and following are the quantities used for the various purposes:—

(a) For human consumption	M. tons. 35,465.54
(b) For extraction of oil	2,474.34
(c) For converting into manure	3,299.12
Total	21,239.00

Cancer Institutes

2815. **Shri Raghunath Singh:** Will the Minister of Health be pleased to state how many Cancer institutes and Government hospitals are engaged in curing Cancer in India?

The Minister of Health (Shri Kar-markar): Three Cancer institutes and 27 Government hospitals have special facilities for treatment of Cancer.

गन्ना

२८१६. श्री मोहन स्वरूप: क्या साध तथा कृषि मंत्री यह बताने की कृपा करेंगे कि गत दस वर्षों में गन्ने पर राज्यवार कितना उत्पादन-शुल्क वसूल किया गया और उसमें राज्यों का हिस्सा कितना था और केंद्र का कितना?

साध तथा कृषि मंत्री (श्री ए. प्र. जैन): गत दस वर्षों में गन्ने पर राज्यवार उत्पादन शुल्क को वसूली के अंकों के दो विवरण लोक सभा पटल पर रख दिये गये हैं। [बंखिये परिशिष्ट ८, अनुबन्ध संख्या ३२]। सन् १९५२-५३ से सन् १९५६-५७ तक इन उत्पादन शुल्क का कोई भी भाग किसी भी राज्य को नहीं दिया जाता था। द्वितीय वित्त आयोग की सिफारिश पर सभी राज्य सरकारों को सन् १९५७-५८ से इस शुल्क को वसूली का २५ प्रतिशत भाग राज्य सरकारों को दिया जा रहा है।

Electrification of Railway Stations

2817. **Shri Elayaperumal:** Will the Minister of Railways be pleased to state:

(a) whether any steps are being taken for the supply of electric light to the railway stations on the Southern Railway during 1958-59; and

(b) if so, what are the names of the stations.

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) and (b). Following stations are programmed for electrification during 1958-59 on the Southern Railway:

1. Acharapakkam.
2. Madurantakam.
3. Mailam.
4. Betamcherla.
5. Cumbum.
6. Kalikiri.
7. Mudigubba.
8. Pamidi.
9. Ponpadi.
10. Razampet.
11. Bijapur.
12. Rukadi.
13. Doddeanette.
14. Giddanahalli.
15. Jannadhatta.

16. Kavalande.
17. Makidrug.
18. Mandagere.
19. Oddarahalli.

Transit of Mails

2818. Shri Harish Chandra Mathur: Will the Minister of Railways be pleased to state:

- (a) whether Jodhpur Mail from Delhi carries Post for Jodhpur;
(b) if not the reason therefore; and
(c) what steps Government propose to take to route the mail through this train?

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

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

Survey of Inland Waterways

**2819. { Shri Ghosal:
Shri B. Das Gupta:**

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

- (a) whether the West Bengal Government have submitted any scheme for survey of inland waterways and for the purchase of a dredger for the Ganga-Brahmaputra Water Transport Board; and

- (b) if so, what steps have been taken so far in this connection?

The Deputy Minister of Civil Aviation (Shri Mohiuddin): (a) No, Sir.

But the Ganga Brahmaputra Water Transport Board have included in the Second Five Year Plan a scheme for the Survey of inland waterways in West Bengal and for the construction of a dredger for West Bengal.

- (b) A suitable survey organisation is being set up for the survey of the waterways, Construction of the dredger may have to be postponed on

account of difficulty in finding foreign exchange.

Research on Rauwalfia Plant

2820. Shri Rameshwar Tantia: Will the Minister of Health be pleased to state:

- (a) whether the Government of India are aware of the research made on the Rauwalfia Plant by the scientists on the Medical Board of the Swedish Ministry of Defence; and

- (b) if so, whether Government have obtained the result of the research from the Swedish Government?

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

- (b) Does not arise.

Store Van and Delivery Clerks on Railways

2821. Shri Panigrahi: Will the Minister of Railways be pleased to state:

- (a) whether the Railway Board have reviewed the scale of pay and avenues of promotions of store van clerks and store delivery clerks on Railways;

- (b) if so, what decision has been taken in the matter; and

- (c) whether the decision has since been implemented?

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

- (b) It has been decided that Store Van Clerks and Store Delivery Clerks should be drawn from Clerks in the grade of Rs. 80—220.

- (c) The decision has not yet been implemented on Railways other than the Eastern Railway.

Establishment of Dairies

2822. Dr. Ram Subhag Singh: Will the Minister of Food and Agriculture be pleased to state:

- (a) whether Government propose to prepare any scheme for establishing

dairies in the Steel towns of Durgapur, Rourkela and Bhilai;

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

(c) the cost involved in implementing this scheme?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (c). No milk supply scheme for the Steel towns of Durgapur, Rourkela and Bhilai has been prepared so far. The possibility of formulating a scheme for the Steel towns and securing foreign assistance for the schemes is being examined in consultation with the concerned State Governments and the F.A.O. respectively.

Manipur Fishermen

2823. Shri L. Achaw Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the economic survey of fishermen's villages in Manipur has been completed; and

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

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). No economic survey of Fishermen's villages have been undertaken in Manipur as there are no villages the inhabitants of which are doing fishing as profession, to such an extent as to be called exclusively Fishermen's villages. However, socio-economic survey on individual basis was conducted in some important villages situated near lakes and the report of this survey will be laid on the Table of the Sabha.

Selection of Scheduled Caste Candidates

2824. Shri Siddiah: Will the Minister of Railways be pleased to state:

(a) whether the Railway Service Commissions are selecting more candidates than the actual number of

vacancies existing under any category at any particular time;

(b) if so, the rules under which they can select and maintain a list of candidates; and

(c) the number of Scheduled Castes and Scheduled Tribes candidates and others selected category-wise with the dates of selection from 1st January, 1956 upto 31st December, 1957 and the number actually absorbed and the number of candidates who are still in the panel?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a) and (b). The Railway Service Commissions test eligible applicants and interview a sufficiently large number to find those most suitable. The actual number suitable may be more than the immediate requirement, but appointments are offered only to the extent of vacancies in order of merit. They have been authorised to follow this procedure.

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

Import of Foodgrains

**2825. { Shri Bhagavati:
Shri Basumatari:**

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

(a) the quantity of damaged food-grains landed at various ports in 1957 out of the imported cargo;

(b) the quantity of damaged food-grains and sweepings collected in the storage godowns in 1957; and

(c) what percentage of such quantity as is unfit for human consumption has been disposed of for use as cattle or poultry feed, manure or for starch making and what quantity has been destroyed in 1957?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) About 6,567 tons.

(b) About 1,155 tons.

(c) The quantities referred to are indicated below:

	Tons.
(i) Cattle/poultry feed. or manure.	254
(ii) Starch making.	2,715
(iii) Destroyed (i.e. dumped).	2

Items (i) and (ii) work out to about 38½ per cent. of the quantities shown in (a) and (b) above.

Seminar on Agriculture and Food Prices

2826. { Shri S. M. Banerjee:
Shri Tangamani:
Shri Prabhat Kar:

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

(a) whether an Asian seminar on Agriculture and Food Prices was held at Delhi in March, 1958; and

(b) if so, what decisions were taken?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) FAO/ECAFE Centre on Policies to Support and Stabilise Agricultural Prices and Incomes in Asia and the Far East was held in New Delhi between 21st March, 1958 to 3rd April, 1958.

(b) A statement is placed on the Table of Lok Sabha. [See Appendix VIII, annexure No. 33.]

Procurement of Rice in States

2827. **Shri N. R. Munisamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any instructions have been issued to State Governments as to the method and manner of procurement of rice within their States:

(b) if so, what are they; and

(c) what is the estimated demand for foodgrains in the current year due to failure of rain?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No, Sir.

(b) Does not arise.

(c) It is difficult to assess separately the demand for foodgrains caused by the failure of rain.

Light on Barsi Railway Station

2828. **Shri Assar:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that there is not sufficient light on Barsi Railway Station;

(b) whether it is a fact that there were so many complaints in this respect; and

(c) if so, the reasons for the delay in providing sufficient light?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) on Barsi town station 11 high power Petromax and 6 kerosene lamps have been provided and this arrangement is considered adequate;

(b) No public complaints have been received regarding inadequacy of lights on Barsi town station.

(c) Does not arise.

Paddy in Andhra

2829. **Shri R. L. Reddy:** Will the Minister of Food and Agriculture be pleased to state whether large stocks of paddy in Nellore District, Andhra Pradesh are available and that the off-take to Madras city and other markets in Madras State, is not satisfactory?

The Minister of Food and Agriculture (Shri A. P. Jain): Substantial stocks of paddy are reported to be available in Nellore District and movement to Madras during recent weeks is stated to have declined to some extent.

Consumption of Vanaspati Ghee

2830. Shri Ghosal: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have got any statistics regarding approximate

consumption of vanaspati ghee State-wise; and

(b) if so, the details thereof?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b): Figures of approximate consumption of vanaspati in different States during 1957 are as under:—

State	(In thousand tons)
Andhra Pradesh	3.7
Assam	8.3
Bihar	21.3
Bombay	50.0
Kerala	0.8
Madhya Pradesh	16.3
Madras	9.9
Mysore	5.0
Orissa	4.0
Punjab	39.0
Rajasthan	13.7
Uttar Pradesh	51.8
West Bengal	32.2
Delhi	26.3
Himachal Pradesh Tripura, Pondicherry and Andaman & Nicobar Islands	0.3
TOTAL	282.6

Passenger Amenities

2831. Shri N. R. Munisamy: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that an additional air-conditioned coach was attached to the Frontier Mail from Delhi main on the 16th March, 1958;

(b) if so, what is the reason; and

(c) how many passengers travelled in that coach?

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

(b) and (c). To accommodate three passengers from Delhi for whom reservation of berths had already been made from Delhi to Bombay Central in the Amritsar-Delhi-Bombay Central air-conditioned coach; but which were utilised, by mistake, by the Amritsar staff for three other passengers.

Movement of Rice to Kerala

2832. Shri Elayaperumal: Will the Minister of Railways be pleased to state what quantity of rice was moved into Kerala from Madras from 1st

January, 1958 upto 28th February, 1958?

The Deputy Minister of Railways (Shri Shahnawaz Khan): 2,979 Metre Gauge wagons and 4 Broad Gauge wagons were loaded with rice from stations in Madras to stations in Kerala during the period 1st January, 1958 to 28th February, 1958.

Fair Price Shops in Madras

2833. Shri Elayaperumal: Will the Minister of Food and Agriculture be pleased to state:

(a) what is the total number of fair price shops at present in the Madras State; and

(b) how many out of these are in Madras city?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 586 fair price shops are at present functioning

in Madras State excluding Chingleput, North Arcot, Salem and Tiruchirappally districts. Information relating to these districts is being collected.

(b) 210 shops.

Railway Protection Force

2834. Shri Elayaperumal: Will the Minister of Railways be pleased to state:

(a) whether there was any quota reserved for Scheduled Castes and Scheduled Tribes in the Railway Protection Force, Southern Railway in the year 1957-58;

(b) if so, how many people were selected; and

(c) what are the requisite qualifications for recruitment in the Railway Protection Force?

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

(b)	Scheduled Castes.	Scheduled Tribes.
Class III	5	2
Class IV	75	..

(c)	Categories.	Qualifications.
Sainiks	1.	Education—Must be literate <i>i.e.</i> , must be able to read and write with ease at least one regional language.
	2.	Height—Must be 5' 6" (relaxable to 5' 5" in case of persons whose age is 18 to 20 years).
	3.	Chest—Must be 32" unexpanded and 34" expanded (relaxable to 30" unexpanded and 32" expanded in case of persons whose age is 18 to 20 years.)
	4.	Age—Must be 18 to 25 years (relaxable to 36 years in case of ex-Military men).
	5.	Hillmen and other classes specially exempted must not be less than 5' 4" in height.
Sub-Inspectors (Gr. II).	1.	Education—Must have passed Intermediate or equivalent examination from a recognised Institution.
	2.	Height—Must be 5' 6" (relaxable to 5' 4" in cases of Hillmen and other exempted classes).
	3.	Chest—32" unexpanded.
	4.	Age—Must be between 19 and 24 years.

Post Offices

2835. Shri Elayaperumal: Will the Minister of Transport and Communications be pleased to state how many Post Offices are functioning in private buildings in Trichy District Madras State?

The Minister of Transport and Communications (Shri S. K. Patil): 63 Post Offices are functioning in private buildings in Trichy District.

Kalavati Children's Hospital, Delhi

2836. Shri Ramakrishna Reddy: Will the Minister of Health be pleased to state:

(a) whether there have been any complaints about the non-installation of a telephone in Kalavati Children's Hospital in Delhi; and

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

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

(b) Does not arise.

The telephone authorities have, however, promised to instal a telephone on a priority basis.

Oilseeds

2837. Shri Pangarkar: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any steps have been taken by the Government of India in stepping up production and export of oilseeds; and

(b) if so, the results achieved so far?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). A statement indicating the position is placed on the Table of Lok Sabha. [See Appendix VIII, annexure No. 34.]

Disposal of Representations from Railway Employees

2838. Shri Daljit Singh: Will the Minister of Railways be pleased to state the number of representations

received from Railway employees which are pending before the General Manager and Divisional Superintendent of the Northern Railway for over one year?

The Deputy Minister of Railways (Shri Shahnawaz Khan): Number of representations pending for over one year with:

(i) General Manager: 32;

(ii) Divisional Superintendents: Information is being collected and will be laid on the Table of the Sabha.

National Highways

2839. Shri Daljit Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether any new National Highways are to be constructed in Himachal Pradesh in the Second Five Year Plan; and

(b) if so, the details thereof?

The Minister of Transport and Communications (Shri S. K. Patil):

(a) and (b). No new National Highways are proposed to be included in the approved system but work of constructing a motorable road beyond Narkanda on the Hindustan-Tibet Road, already classified as National Highway No. 22, will remain in progress and about rupees one crore are expected to be spent during the Second Five Year Plan period.

National Highways

2840. Shri Daljit Singh: Will the Minister of Transport and Communications be pleased to state:

(a) whether any new National Highways are to be constructed in Second Five Year Plan in Punjab; and

(b) if so, the details thereof and the amount proposed to be spent thereon?

The Minister of Transport and Communications (Shri S. K. Patil): (a) and (b). While no new National Highways are proposed to be included in the system of National Highways in Punjab State, it is proposed to construct some bye-passes round towns on the roads which have already been classed as National Highways. The Cost of these works is estimated at Rs. 29.26 lakhs.

Senior Superintendent Posts in P. & T. Department

2841. Shri Ghosal: Will the Minister of Transport and Communications be pleased to state:

(a) how many senior Superintendents' posts have been created since 1951 in Post and Telegraph Department;

(b) what is the total extra expenditure involved up-to-date; and

(c) how many new posts are still under contemplation?

The Minister of Transport and Communications (Shri S. K. Patil):

(a) Two.

(b) Rs. 50,000 approximately.

(c) One.

भरतपुर को सिंचाई की सुविधायें

२८४२. श्री पहाड़िया : क्या सिंचाई और बिद्युत् मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि सरकार झोखला के निकट जमुना नदी से एक बड़ी नहर निकाल कर भरतपुर जिले को सिंचाई की सुविधायें देने की योजना पर विचार कर रही है; और

(ख) यदि हां, तो इस सम्बन्ध में क्या कार्यवाही की जा रही है ?

सिंचाई और बिद्युत् उपमंत्री (श्री हाथी): (क) उत्तर हां में है। पंजाब

की गुड़गांव नहर परियोजना के अधीन भागारा नहर के १५वें मील में निकाली जाने वाली नहर, बरसात के मौसम में गुड़गांव जिले की सिंचाई के प्रतिरिक्त भरतपुर को ५०० बयजक पानी देगी।

(ख) सिंचाई तथा विद्युत् परियोजनाओं की सलाहकार समिति ने अपनी २७-२-५८ की बैठक में इस योजना पर विचार किया और यह निश्चय किया गया कि राजस्थान में सींचे जाने वाले वास्तविक क्षेत्र के बारे में खानबीन की जाय। इन्वेस्टिगेशन अभी पूरा नहीं हुआ।

Sugar-cane

2843. Shri R. Narayanasamy: Will the Minister of Food and Agriculture be pleased to state what is the progress made so far with regard to the cross-breeding of sugarcane with sorghum at the Experimental Station at Coimbatore, Madras State?

The Minister of Food and Agriculture (Shri A. P. Jain): The first crosses between sugarcane and sorghum were made at the Sugarcane Breeding Institute in 1929. These crosses were effected several times using different species and varieties of Sorghum, including African, American and wild Indian types. Many genuine hybrids were obtained in some of these crosses, most of them being low yielding ones. Even the best of them could not compete with other Co. canes in the yield per acre and sugar contents. They could not, therefore, reach commercial status.

Development of Animal Husbandry in Himachal Pradesh

2844. Shri Daljit Singh: Will the Minister of Food and Agriculture be pleased to state the nature of the schemes approved and sanctioned by the Central Government for Himachal Pradesh for the development of animal husbandry and Veterinary care during the Second Five Year Plan?

The Minister of Food and Agriculture (Shri A. P. Jain): The details of

the Schemes and the Plan provision in respect of them are as follows:—

Name of the Scheme	Plan ceiling during the 2nd Five Year Plan.
	(Rs. in lakhs).
1. Cattle Breeding	8.48
2. Cross Breeding of Indigenous cattle	1.34
3. Poultry scheme	2.46
4. Sheep Breeding scheme	5.73
5. Opening of new hospital	4.29
6. Veterinary education29
7. Eradication of Rinderpest	2.69
8. Key Village Scheme	2.39
9. Establishment of the offices of Assistant Animal Husbandry Officers at Nahan and Chamba	1.24
10. Disease Investigation Scheme49
11. Goat Breeding Scheme	1.36
TOTAL	30.76

Increase in Dearness Allowance to Railway Employees

2845. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that Government have announced increase in dearness allowance to the Railway employees drawing a basic pay not exceeding Rs. 300/- per month; and

(b) if so, the number of employees to be benefited by it?

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

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

Lebong Post Office in Darjeeling

2846. Shri Manaen: Will the Minister of Transport and Communications be pleased to state:

(a) whether it is a fact that the Lebong Post Office in Darjeeling within the Cantonment area and in the close proximity of a large number of tea gardens has been closed; and

(b) if so, the reasons therefor?

The Minister of Transport and Communications (Shri S. K. Patil):

(a) Yes, temporarily from 24-6-57.

(b) The departmental building housing the post office was declared unsafe by the C.P.W.D. due to development of a big crack in the hill just

above the building and no other suitable rented building could be secured for locating the office. Efforts, however, continue to be made to secure a suitable rented building for re-opening the office.

Fruit Production in Punjab

2847. { Shri Daljit Singh:
Shri Hem Raj:

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

(a) the nature of the scheme chalked out for the development of fruit production in Punjab for the year 1958-59; and

(b) the amount of assistance to be given in this regard?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The scheme for the development of fruit production is in progress in the Punjab since 1957-58. Long term loans @ Rs. 300/- per acre and short term loans @ Rs. 15/- per acre are to be given to fruit growers for planting of new orchards and for rejuvenating old orchards, respectively.

50 per cent. of the expenditure on additional staff for implementing the scheme and for giving technical advice to fruit growers is to be borne by the Centre.

(b) The Working Group of the Planning Commission have allocated a sum of Rs. 9.00 lakhs as long-term loan and Rs. 0.70 lakhs as subsidy for 1958-59. A sum of Rs. 3.00 lakhs has also been allocated as short-term loan for all the States.

The exact amounts of loan and subsidy will be known on receipt of detailed proposals for 1958-59 from Punjab Government.

Quarters for Railway Employees

2848. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) how many quarters for Railway employees are proposed to be constructed on the Northern Railway during 1958-59; and

(b) the amount sanctioned to be spent on this scheme on this Railway for the year 1958-59?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) 2586.

(b) Rs. 70 lakhs approximately.

Railway Accident between Lasur and Ellora Stations

2849. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was an accident between Lasur and Ellora Stations to No. 808 Up Goods train on the 8th March, 1958;

(b) if so, the causes thereof; and

(c) the total loss and damages to Railway property?

The Deputy Minister of Railways (Shri Shah Nawaz Khan): (a) At about 03.50 hours on 8th March, 1958 while No. 808 Up Goods train was on run between Lasur and Ellora Road Stations, 18th wagon from the Engine derailed at mile 54/7-8. This in turn led to the subsequent derailment and capsizing of 15 other vehicles on the train.

(b) The derailment of the 18th wagon was due to the shifting of sugar crusher roller loaded in the wagon, which had not been properly secured.

(c) Rs. 92,850.

Soil Erosion in States

2850. Shri Hem Raj: Will the Minister of Food and Agriculture be pleased to state:

(a) which of the States are mostly affected by soil erosion;

(b) which of them have completed their legislation on the subject; and

(c) the grant proposed by the Centre to the States for soil conservation during 1958-59, State-wise?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) The States

mostly affected by soil erosion are Andhra Pradesh, Bombay, Madras, Mysore, Rajasthan, Madhya Pradesh, Kerala and Union Territory of Himachal Pradesh. Certain parts of Bihar, Orissa, Uttar Pradesh, Punjab, Assam, Jammu and Kashmir and West Bengal are also affected.

(b) Suitable legislation has already been enacted by Andhra Pradesh, Bombay, Madhya Pradesh, Madras, Punjab, Orissa, Uttar Pradesh, Kerala and Himachal Pradesh. The matter is under consideration in the other States.

(c) The grants proposed tentatively for the various States are as under:—

Name of States.	Rs. in lakhs.
1. Andhra Pradesh	6.66
2. Assam	1.15
3. Bihar	9.27
4. Bombay	28.78
5. Jammu and Kashmir	2.65
6. Kerala	0.56
7. Madras	3.87
8. Madhya Pradesh	8.18
9. Mysore	8.41
10. Orissa	5.89
11. Punjab	3.44
12. Rajasthan	2.48
13. West Bengal	2.77
14. Uttar Pradesh	4.59
15. D.V.C.	4.30*
Total:	93.00

The expenditure in Union Territories is met from the area budgets.

Promotions on Railways

2851. Shri Daljit Singh: Will the Minister of Railways be pleased to state:

(a) whether Northern Railway permit accelerated promotion to educated unskilled workmen of Carriage and Wagon Branch to semi-skilled Cadres and subsequent training in Train Examiners course; and

(b) whether similar opportunities are given on other Indian Government Railways?

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

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

Primary Health Centres in Punjab

2852. Shri Daljit Singh: Will the Minister of Community Development be pleased to state:

(a) whether any amount has been sanctioned to the Government of Punjab for the establishment of the primary health centres in the National Extension Service and the Community Development Projects;

(b) if so, the total amount sanctioned; and

(c) the names of places where primary health centres have been opened?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) and (c). The information is being collected and will be placed on the Table of the House, when received.

द्वितीय पंचवर्षीय योजना में सिंचाई की योजनायें

२८५३. श्री ब० प्र० सिंह : क्या सिंचाई और बिजुत मंत्री यह बताने की कृपा करेंगे कि :

(क) द्वितीय पंचवर्षीय योजना के अन्त तक कितनी सिंचाई योजनायें पूरी हो जायेंगी ;

(ख) उन योजनाओं के नामों की सूची क्या है और उनमें से प्रत्येक योजना से कितने एकड़ भूमि में सिंचाई होगी; और

(ग) उन पर कितना व्यय होगा ?

सिंचाई और विद्युत उप मंत्री (श्री हाजी): (क) द्वितीय पंचवर्षीय योजना के अन्त तक जिन योजनाओं के पूरे होने की आशा है उनकी संख्या २३५ है।

(ख) तथा (ग). क्या विवरण लोक-सभा पटल पर रख दिया गया है। [देखिये परिशिष्ट न, अनुसूच संख्या ३५] इन योजनाओं पर कुल ४३५.१४ करोड़ रुपए व्यय होंगे और पूरा होने पर इनमें १४०.३ लाख एकड़ भूमि की सिंचाई होगी।

Fair Price Shops in Orissa

2854. Shri Kumbhar: Will the Minister of Food and Agriculture be pleased to refer to the reply given to Unstarred Question No. 1280 on the 14th March, 1958 and state the names and places where the fair price shops are located in Orissa?

The Minister of Food and Agriculture (Shri A. P. Jain): The information is being collected from the State Government and will be laid on the Table of the Sabha when available.

Co-operative Sugar Factories in Madras

2855. Shri Elayaperumal: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any amount of money has been advanced to the Madras Government so far towards the setting up of co-operative sugar factories in that State;

(b) if so, to what extent; and

(c) if not, the reasons therefor?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Yes, Sir. An amount of Rs. 35 lakhs has so far been advanced by the Central Government to the Madras Government for contribution towards the share capital of the three co-

operative sugar factories in the State as detailed below:—

	Rs.
(1) North Arcot Co-operative Sugar Mills, Vellore, Distt. North Arcot. ..	10 lakhs
(2) Amaravathi Co-operative Sugar Mills Ltd., Udamalpet, Distt. Coimbatore ..	15 lakhs
(3) Madurantakam Co-operative Sugar Mills Ltd., Madurantakam, Distt. Chingleput. ..	10 lakhs
Total	35 lakhs

(c) Does not arise.

Primary Health Centres in Madras

2856. Shri Elayaperumal: Will the Minister of Community Development be pleased to state:

(a) whether any amount has been sanctioned to the Government of Madras for the establishment of primary health centres in the National Extension Service and the Community Development Projects;

(b) if so, to what extent; and

(c) the names and the places where primary health centres have been opened?

The Minister of Community Development (Shri S. K. Dey): (a) Yes, Sir.

(b) The Central Government has so far sanctioned an amount of Rs. 18,02,280.

(c) A list giving the names of the places where Primary Health Centres have been opened is placed on the Table of the Lok Sabha. [See Appendix VIII, annexure No. 36.]

Goshala Development Schemes in Himachal Pradesh

2857. Shri Daljit Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of money spent in connection with Goshala development schemes in Himachal Pradesh

during 1957-58 under the Second Five Year Plan; and

(b) the nature of work undertaken with the help of these funds?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No Goshala Development Scheme was sanctioned in Himachal Pradesh during 1957-58.

(b) Does not arise.

Cattle Shows in Himachal Pradesh

2858, Shri Daljit Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) the number of cattle shows arranged so far in Himachal Pradesh under the Second Five Year Plan;

(b) the names of places where these shows were arranged;

(c) the nature of prizes given in these shows; and

(d) the amount of money spent thereon?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) to (d). One Regional Cattle Show organized by the All-India Cattle Show Committee was held at Chamba in Himachal Pradesh in October, 1957. The total cost of the show was Rs. 76,125. Cash prizes worth Rs. 14,595 were awarded in addition to challenge cups and miniatures.

The Administration in addition organised some Cattle Shows. The information regarding these will be laid on the Table of the House as soon as it is available from the Administration.

Family Planning

2859. { **Shri Daljit Singh:**
Shri Chuni Lal:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that the Director General of Health Services has received sample of a medicine "stopocane" for birth control; and

(b) if so, whether Government propose to use it in family planning centres?

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

(b) The sample of stopocane is under investigation to determine its exact composition, effectiveness and harmlessness. If found satisfactory, it will be included in the approved list of contraceptives recommended for use by the Family Planning Centres.

Railway Rolling Stock

2860, Shri Hem Raj: Will the Minister of Railways be pleased to state:

(a) the number of wagons, coaches and locomotives in working condition on the Kangra Valley Section of the Northern Railway at present; and

(b) how many are in the damaged condition?

The Deputy Minister of Railways (Shri Shahnawaz Khan): (a)

Wagons	.. 63
Coaches	.. 54
Locomotives	.. 17

(b) None. The following are undergoing scheduled periodical overhaul in shops.

Wagons	.. 9
Coaches	.. 9
Locomotives	.. 2

Cattle Census in Manipur

2861, Shri L. Achaw Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the cattle census undertaken in Manipur has been completed and returns submitted by the Manipur Administration; and

(b) if so, the main features of the report and the amount of money spent on the work?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes, Sir.

(b) The census data collected in 1957 covered the enumeration of live-stock and poultry. The figures under these are as follows:—

(1) Cattle	Number
Males over 3 years	90,253
Females over 3 years	96,052
Young stock	80,817
Total	2,67,722
(2) Buffaloes	
Males over 3 years	13,208
Females over 3 years	22,848
Young stock	18,239
Total	52,295
(3) Sheep	1,578
(4) Goats	12,621
(5) Horses and Ponies	213
(6) Pigs	82,298
Total live-stock	4,16,727
(7) Poultry	
(a) Fowls	7,42,760
(b) Ducks	30,681
(c) Others	12,068
Total Poultry	7,85,509

The expenditure incurred was Rs. 5,208.44 nP.

Reservation Facilities on Railways

2862. Shri Assar: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a bogie for Viramgaon is specially attached to Calcutta-Bombay Mail via Nagpur;

(b) if so, whether there is any reservation arrangement for that bogie;

(c) if not, the reasons therefor;

(d) whether it is a fact that there have been many representations demanding such reservation arrangement; and

(e) if so, what action Government have taken in the matter?

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

through III class coach service is provided between Viramgam and Howrah.

(b) 25 III class seats are available for reservation by passengers at Howrah 48 hours in advance of the commencement of journey.

Arrangements have also been made to set apart 30 III class seats for advance reservation from Viramgam with effect from 1st May, 1958

(c) Does not arise.

(d) A few such requests were received.

(e) Reservation facilities have since been provided as stated in reply to part (b) above.

कोटा रेलवे स्टेशन पर दर्ज शिकायत

२८६३. श्री आसार : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १ जनवरी, १९५८ से अब तक पश्चिम रेलवे के कोटा स्टेशन पर रखी हुई शिकायत पुस्तिका में कितनी शिकायतें दर्ज की गईं; और

(ख) कितने शिकायत करने वालों को उनकी शिकायतों को निबटाने के बाद सूचना दी गई?

रेलवे उपमंत्री (श्री शाहनवाज खां):

(क) १६, इनमें माल गोदाम की शिकायत की किताब में दर्ज शिकायतें भी शामिल हैं।

(ख) ११ शिकायतों को निबटा कर शिकायत करने वालों को प्रशिक्षण उत्तर दिया जा चुका है; एक शिकायत वापस ले ली गयी; एक शिकायत का उत्तर नहीं दिया जा सका क्योंकि शिकायत करने वाले का पता मालुम नहीं था; बाकी ३ शिकायतों की जांच अभी की जा रही है।

टेलीफोन]

२८६४. श्री माना : क्या परिवहन तथा संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५८-५९ के वित्तीय वर्ष में मध्य प्रदेश के कितने स्थानों में टेलीफोन लगाने का विचार है; और

(ख) उन स्थानों के नाम क्या हैं ?

परिवहन तथा संचार मंत्री (श्री स० का० पाटिल) : (क) और (ख). इस सम्बन्ध में एक विवरण-पत्र लोक-सभा पटल पर रख दिया गया है। [देखिये परिशिष्ट ८, अनुबन्ध संख्या ३७]

Telephone Connections

2865. Shri Manan: Will the Minister of Transport and Communications be pleased to state:

(a) whether a large number of applications for telephone connections are pending for a long time in the districts of Darjeeling and Siliguri;

(b) if so, the reasons therefor;

(c) whether outlying areas in Darjeeling are not given telephone connections unless heavy charges are paid; and

(d) if so, the reasons therefor?

The Minister of Transport and Communications (Shri S. K. Patil): (a) 330 applications are pending in Darjeeling and Siliguri Districts.

(b) Lack of spare capacity in the Telephone Exchanges.

(c) At Darjeeling, telephones located within a radial distance of 3 miles from the exchanges are charged at Rs. 288 per annum. For distances exceeding 3 miles but not exceeding 4 miles additional charge of Rs. 36 per annum, is levied for every half mile or part thereof. For distances exceeding 4 miles rent is charged at special rates worked out on the cost involved in giving the connector.

(d) Normally in an exchange area most of the telephone subscribers are situated within a radial distance of 3 miles or at the most 4 miles. The construction costs involved for giving connections get distributed. The rates upto a distance of 4 miles from the exchange have thus been fixed on an average basis. For longer distances special construction has to be undertaken for individual subscribers and charges have consequently to be regulated in accordance with the expenditure incurred for a particular connection.

रेलों में भ्रष्टाचार

२८६६. श्री लच्छी राम : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १ अप्रैल, १९५८ को रेलों में भ्रष्टाचार दूर करने के लिये कितने व्यक्ति लगे हुए थे और उनके वेतनों तथा भत्तों, भ्रादि के रूप में कितना वार्षिक व्यय हुआ ;

(ख) १९५७-५८ में इस विभाग ने भ्रष्टाचार के कितने मामले पकड़े ;

(ग) उनमें से कितने अपराधियों के विरुद्ध मुकदमे चलाये गये ;

(घ) कितने मामलों में अपराधियों को सजा हुई ;

(ङ) कितने व्यक्ति अदालत द्वारा छोड़ दिये गये ;

(च) कितने मामले अब भी अदालतों में विचाराधीन हैं; और

(छ) उपरोक्त भाग (ख) के उत्तर में बताये गये मामलों में से कितने मामले अधिकाधिकारियों द्वारा स्वयं पकड़े गये तथा कितने दूसरों की सूचना पर पकड़े गये ?

रेलवे उपमन्त्री (श्री साहूजवाब जी) :
(क) ३४३ भावमी लगे हुए थे जिनपर
सालाना खर्च ८,३३,५७३ रुपये हुआ।

(ख) २५८८

(ग) ५०

(घ) २२

(ङ) १

(च) २७

(छ) २१७६ भावसे दूसरों की सूचना
पर पकड़े गये।

उत्तर प्रदेश और बिहार की चीनी मिलें

२८६७. श्री खुशवक्त राय : क्या
जाय तथा कृषि मंत्री यह बताने की कृपा
करेंगे कि :

(क) उत्तर प्रदेश तथा बिहार की
किन-किन चीनी मिलों के क्षेत्र में गन्ने को
फसल खड़ी है ;

(ख) गन्ने को खड़ी फसल की पेराई
कब तक पूरी हो जायेगी ; और

(ग) क्या ८ मई, १९५८ से पहले
गन्ने को खड़ी फसल की पेराई को पूरा करने
के कोई प्रयत्न किये जा रहे हैं ?

**जाय तथा कृषि मंत्री (श्री श० प्र०
जैन) :** (क) और (ख). उत्तर प्रदेश
और बिहार की निम्नलिखित १३ चीनी
मिलों के क्षेत्र में गन्ने की फसल खड़ी है।
पेराई समाप्त की सम्भावित तारीख
प्रत्येक के सामने अंकित है :

१ उत्तर प्रदेश

१ गोलागोकरननाथ २८-४-१९५८

२ मुहीउद्दीनपुर २८-४-१९५८

३ पिपराइच ३०-४-१९५८

४ बुढ़वाल १-५-१९५८

५ सिम्भावली २-५-१९५८

६ पीथीमोत ४-५-१९५८

७ डोईवाला ५-५-१९५८

८ काशीपुर १०-५-१९५८

९ शामली १२-५-१९५८

१० बहेड़ी १५-५-१९५८

२ बिहार

१ बघा २८-४-१९५८

२ हरिनगर ३०-४-१९५८

३ चनपटिया ३-५-१९५८

(ग) केवल तीन मिलें यानी काशीपुर,
शामली और बहेड़ी—८ मई के कुछ दिन
बाद तक पेराई जारी रखेंगी। मिलें
पूरे जोर से अपना कार्य कर रही हैं अतः
इस ओर और अधिक प्रयत्न की आवश्यकता
नहीं है।

PAPERS LAID ON THE TABLE

NOTIFICATION ISSUED UNDER ESSENTIAL
COMMODITIES ACT

The Deputy Minister of Agriculture
(Shri M. V. Krishnappa): Sir, on be-
half of my colleague, Shri A. M.
Thomas, I beg to lay on the Table,
under sub-section (6) of section 3 of
the Essential Commodities Act, 1955,
a copy of each of the following Notifi-
cations:—

(1) G.S.R. No. 217, dated the 7th
April, 1958.

(2) G.S.R. No. 218, dated the 8th
April, 1958, making certain fur-
ther amendment to the Punjab
Rice (Movement Control)
Order, 1957.

(3) G.S.R. No. 219, dated the 8th
April, 1958, making certain
amendment to the Amritsar
and Gurdaspur Districts Rice
(Export Control) Order, 1957.

(4) G.S.R. No. 241, dated the 15th
April, 1958, making certain
further amendments to the

Bombay, Wheat (Movement Control) Order, 1956.

- (5) G.S.R. No. 241, dated the 15th April, 1958, making certain further amendment to the Inter-Zonal Wheat Movement Control Order, 1957.

[Placed in Library. See No. LT-674/58]

**ESTIMATES COMMITTEE
SIXTEENTH AND TWENTY-FIRST REPORTS**

Shri Morarka (Jhunjhunu): On behalf of the Chairman of the Estimates Committee, I beg to present the following Reports of the Estimates Committee:

- (1) Sixteen the Report on the Ministry of Education and Scientific Research in respect of National Archives of India, Departments of Archaeology and Anthropology, Museums, National Gallery of Modern Art and National Library, Calcutta.
- (2) Twenty-first Report on Planning Commission.

**PUBLIC ACCOUNTS COMMITTEE
FOURTH REPORT**

Shri T. N. Singh (Chandauli): I beg to present the Fourth Report of the Public Accounts Committee on the Appropriation Accounts (Railways), 1954-55 and Audit Report, 1956.

BUSINESS OF THE HOUSE

संसद् कार्यें मंत्री (श्री लक्ष्म नारायण सिंह) : आपकी हिदायत के मुताबिक, आपकी अनुमति से, मैं यह घोषणा करना चाहता हूँ कि सोमवार, २८ अप्रैल, से आरम्भ होने वाले सप्ताह के लिये इस सभा का सरकारी कार्य इस प्रकार होगा :

१. घाज के कार्यक्रम की किसी अवशिष्ट मद पर विचार ।
२. निम्नलिखित पर विचार और

उन्हें पारित करना :

बम्बई, कलकत्ता और मद्रास पत्तन न्यास (संशोधन) विधेयक,
हैदराबाद प्रतिमूर्ति संविद्या विनियमन (निरसन) विधेयक,
भारतीय स्टाम्प (संशोधन) विधेयक,

केन्द्रीय बिक्री कर (दूसरा संशोधन) विधेयक ।

३. वर्ष १९५४-५५ के लिये अनुदानों की अतिरिक्त मांगों (सामान्य बजट) पर चर्चा तथा मतदान ।

४. निम्नलिखित पर विचार और उन्हें पारित करना :
खान तथा खनिज (विनियमन तथा विकास) संशोधन विधेयक,

चावल कुटाई उद्योग (विनियमन) विधेयक,

कर्मचारी भविष्य निधि (संशोधन) विधेयक ।

५. निम्नलिखित विषयों पर भी उल्लिखित तिथियों को उक्त समय पर चर्चा होगी :

१. श्री दीवान चन्द शर्मा द्वारा सोमवार, २८ अप्रैल, को ३-०० म० ५० बजे एक प्रस्ताव पेश किये जाने पर हिन्दुस्तान शिपयार्ड प्राइवेट लिमिटेड की वर्ष १९५६-५७ की वार्षिक रिपोर्ट ।

२. श्री एच० सी० माथुर तथा अन्य सदस्यों द्वारा मंगलवार, २९ अप्रैल, को ४ म० ५० बजे एक प्रस्ताव पेश किये जाने पर दिसम्बर,

१९५३ से मार्च, १९५७ तक की अवधि के लिये विश्वविद्यालय अनुदान आयोग की रिपोर्ट ।

३. श्री जे० एम० मोहम्मद इमाम द्वारा बुधवार, ३० अप्रैल, को ४.०० म० ५० बजे एक प्रस्ताव पेश किये जाने पर कोलार के सोने के क्षेत्र और खानों के राष्ट्रीयकरण पर दिये जाने वाले प्रतिकर सम्बन्धी तदर्थ समिति की रिपोर्ट ।

४. श्री बी० पी० नायर तथा अन्य सदस्यों द्वारा गुरुवार, १ मई को ४-०० म० ५० बजे एक प्रस्ताव पेश किये जाने पर दिनांक ४ मार्च, १९५८ का भारत सरकार का वैज्ञानिक नीति सम्बन्धी संकल्प ।

With your permission, I rise to announce that that Government business in this House for the week commencing Monday, 28th April will consist of—

(1) Consideration of any item of business carried over from today's order paper.

(2) Consideration and passing of—

The Bombay, Calcutta and Madras Port Trusts (Amendment) Bill;

The Hyderabad Securities Contract Regulation (Repeal) Bill;

The Indian Stamp (Amendment) Bill;

The Central Sales Tax (Second Amendment) Bill.

(3) Discussion and voting on the Demands for Excess Grants (General Budget) for 1954-55.

(4) Consideration and passing of—
The Mines and Minerals (Regulation and Development) Amendment Bill;

The Rice Milling Industry (Regulation) Bill;

The Employees Provident Funds (Amendment) Bill.

(5) Discussion on the following subjects will also come up on the dates and at the time mentioned:—

(i) Annual Report of the Hindustan Shipyard Private Ltd. for the year 1956-57 on a motion to be moved by Shri Diwan Chand Sharma on Monday, the 28th April at 3-00 p.m.

(ii) Report of the University Grants Commission for the period December, 1953 to March, 1957 on a motion to be moved by Shri H. C. Mathur and others on Tuesday, the 29th April at 4-00 p.m.

(iii) The Report of the *ad hoc* committee on the compensation to be paid on the nationalisation of the Kolar Gold Field and Mines on a motion to be moved by Shri J. M. Mohammed Imam, on Wednesday, the 30th April, at 4-00 p.m.

(iv) Scientific Policy Resolution of the Government of India dated 4th March, 1958 on a motion to be moved by Shri V. P. Nayar and others on Thursday, the 1st May at 4-00 p.m.

*CENTRAL SALES TAX (SECOND AMENDMENT) BILL

The Deputy Minister of Economic Affairs (Shrimati Tarkeshwari Sinha): I beg to move for leave to

introduce a Bill further to amend the Central Sales Tax Act, 1956.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Central Sales Tax Act, 1956."

The motion was adopted.

†Shrimati Tarkeshwari Sinha: I introduce the Bill.

*INDIAN STAMP (AMENDMENT) BILL

The Deputy Minister of Economic Affairs (Shrimati Tarkeshwari Sinha): I beg to move for leave to introduce a Bill further to amend the Indian Stamp Act, 1899.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Stamp Act, 1899."

The motion was adopted.

†Shrimati Tarkeshwari Sinha: I introduce the Bill.

BUSINESS ADVISORY COMMITTEE

Twenty-fourth Report

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Twenty-fourth Report of the Business Advisory Committee presented to the House on the 25th April, 1958."

Mr. Speaker: The question is:

"That this House agrees with the Twenty-fourth Report of the Business Advisory Committee presented to the House on the 25th April, 1958."

The motion was adopted.

INDIAN OATHS (AMENDMENT) BILL

The Deputy Minister of Law (Shri Hajarnavis): I beg to move:

"That the Bill further to amend the Indian Oaths Act, 1873, be taken into consideration."

This Bill is a single-line measure beyond any controversy and seeks to repeal section 16 of the Indian Oaths Act which has become archaic and somewhat out of joint in the present context. Section 16 of the Indian Oaths Act is as follows:

"Subject to the provisions of sections 3 and 5, no person appointed to any office shall, before entering on the execution of the duties of his office, be required to take any oath or to make or subscribe to any affirmation or declaration whatsoever."

Now the need for repealing this particular provision arose this way. On the eve of the Independence of India, on the initiative of the then Home Minister, Sardar Vallabhbhai Patel, a very commendable step was taken, namely, that all full time Government servants were required to take an oath of allegiance in the prescribed form. That oath was taken on the first working day after the 14th or August, 1947. The form of oath then prescribed was as follows:

"I.....do swear that I will be faithful and bear true allegiance to India and to the Constitution of India as by law established and that I will loyally carry out the duties. So help me God."

Previous to this, the oath of allegiance was administered only to a few officials, possibly only those officials whose appointments were directly made by either the King Emperor or on behalf of the King Emperor and the form of oath was as follows:

"I would be faithful and would bear true allegiance to His Majesty, King George VI, Emperor of India and his successors accord-

*Published in the Gazette of India Extraordinary, Part II—Section 2, dated 26-4-1958.

†Introduced with the recommendation of the President.

ing to law and that they will truly serve the sovereign in their office and would do right to all manner of people after the laws in the administration of India."

It will be noticed by the House that in the new oath, which was then prescribed, the allegiance was to India and to the Constitution of India. The emphasis was shifted from the personality of the Sovereign to the Constitution of India. Later on, a decision was taken that all the new entrants to the Government services should also take similar oath of allegiance, and that taking of this oath would be a term of their appointment. In 1952 the oath of allegiance was somewhat changed and it is in that form that the oath of allegiance is taken at present. That form is as follows:

"I do swear and solemnly affirm that I will be faithful and will bear true allegiance to India and to the Constitution of India by law established and that I will carry the duties of my office loyally, honestly and with impartiality. So, help me God."

There is a slight variation in this form, for foreign nationals who serve the Government of India. That form is as follows:

"I, a citizen of X, temporarily residing and holding a post under the Government of India do swear and solemnly affirm that saving faith and allegiance I owe to State X, I will during the period of my service as aforesaid, be faithful to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality. So, help me God."

This practice has been in vogue for more than ten years. But, all the time, I am sorry to say, section 16 of the Indian Oaths Act was lost sight of.

Now, the Government of India intends to continue the practice of

administering oaths. As members of this House are aware, oaths of allegiance are administered to, and taken by, the highest officers of the State. For instance, the President takes oath of allegiance under Article 60 and Vice-President under Article 69; Ministers of the Union under Article 75(4), Members of Parliament under Article 99, Judges of the Supreme Court under Article 124(6), Governors of the State under Article 159 and Judges of the High Courts under Article 219. Therefore, what is good enough for them, for the highest dignitaries of State, is also good for the Government servants who enter the administration at some lower level.

Now, the reasons why section 16 was introduced in the Act of 1873.....

Mr. Speaker: Is there any positive provision to administer oaths to Government servants?

Shri Hajarnavis: No. Sir, it is only permissive. Section 16 only relates to prohibition.

Mr. Speaker: Where is the provision in the Oaths Act that this prohibition may be removed? Is it anywhere stated that oath can be administered to officials?

Shri Hajarnavis: Under the Government Servants' Conduct Rules, we have made it a term of appointment that he will take the oath of allegiance.

Mr. Speaker: Therefore, the bar is sought to be removed?

Shri Hajarnavis: Yes.

Mr. Speaker: Why not we have a clause saying that this will also be at the discretion of the Government. It can be said that oaths shall be administered to such and such people. Section 5 says that the oath or affirmation shall be made by the following persons—witnesses etc. Likewise, we can say that officers of particular categories, as notified from time to time by the Government, shall be obliged to take the oath of allegiance.

Shri Hajarnavis: I am obliged for this very valuable suggestion. In the mean time, after the barred section being out of the way, when the Act comes up for further revision, we will bear in mind the very valuable suggestion that has fallen from you.

As I was mentioning, we tried to investigate as to why section 16 was enacted in this forth in the earlier Act and we find no convincing reason has been mentioned, by the then Law Minister, Mr. Hobhouse. He had very little to say about this. He said—

“It was after the motion for leave to introduce the Bill that this clause was added, because it was brought to our attention by the Madras Courts. On that he explained when moving to pass the Act what was the view taken by the Committee on the subject and showed that as regards British Burma every kind of declaration has been deliberately dispensed with in the case of judicial officers there.

We did the same thing the other day with respect of Madras. Now, suppose if the principle was good for those parts of India, it would be good for the rest of the country and the principle, which was good for judicial officers, would be good for other officials also. Therefore he anticipated little or no difference of opinion on that point although he admitted that on this point the Bill was not a measure of consolidation but of alteration.”

With this he introduced the Bill. The only reason then that was advanced by the hon. Law Minister then for introducing this prohibition was that he wanted to assure uniformity all over India. This decision could as well have been otherwise. The oath of allegiance could have been made compulsory as such a practice also obtained then in certain parts of India.

Mr. Speaker: Why not apply it to a judicial officer? Why should he not take it? It is really surprising. While he has to administer the oath, he himself is a free lancer.

Shri Hajarnavis: That is so. Under the present rules, I believe, he is required to take the oath. But, as you pointed out, it is done under the rules or under the executive instructions rather than under a statutory provision. We shall bear that in mind.

The administration of oath, Government think, is a very wholesome feature. It ought to be preserved, for after all, all the stages of transition in human life are marked either by oaths or by vows, whether it is *upanayanam* or it is a wedding. Vows are taken and a sort of a picturesque background is provided to the event so that a deep and salutary impression may be etched on the mind of the participant, which might last throughout his life. Therefore, Government think that this section 16 which stands in the way of this practice should be repealed.

Mr. Speaker: Motion moved:

“That the Bill further to amend the Indian Oaths Act, 1873, be taken into consideration.”

The motion was adopted.

Mr. Speaker: There are no amendments. The question is:

“That clauses 1 and 2, the Enacting Formula and the Title stand part of the Bill.”

The motion was adopted.

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shri Hajarnavis: Sir, I beg to move:

“That the Bill be passed.”

Mr. Speaker: The question is:

“That the Bill be passed.”

The motion was adopted.

PROBATION OF OFFENDERS BILL

Mr. Speaker: The House will now take up the Probation of Offenders Bill, 1957, as reported by the Joint Committee.

As the House is aware, eight hours have been allotted for all the stages of the Bill. I would like to take the sense of the House as to how many of these eight hours should be distributed among the various stages of the Bill.

Shri Naushir Bharucha (East Khandesh): May I suggest that five hours be allotted for general discussion? There are 16 amendments, so three hours might be devoted to the amendments as well as the third reading.

Mr. Speaker: There are 16 amendments and 19 clauses.

Shri Naushir Bharucha: Five hours for general discussion and three hours for amendments and the third reading will be sufficient.

Mr. Speaker: Yes. The time-limit for speeches will, as usual, be fifteen minutes for hon. Members and 20 to 30 minutes for Leaders of Groups.

Would the hon. Minister like to say anything?

The Deputy Minister of Home Affairs (Shrimati Alva): Sir, I beg to move:

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

This Bill had come up before this House and the underlying principles for the probation of offenders were then discussed at length before it went to a Joint Committee. It is not a new subject. The probation of offenders is not a new subject in this country or in any other progressive country today. In our country we have been discuss-

ing this subject of probation of offenders from the year 1931. Since 1931 we have kept on discussing till finally the Centre decided that the States take it up on their own and several States in India had the Probation of Offenders Act since then. But today we have decided that we should take this measure as a Central measure.

The nature of the measure is going to be discretionary and it is going to come into force in different parts of the States on different dates. The House may like to know as to why that is so. It is so because the equipment for probation is rather intricate and the working of the probation system is certainly going to be left to the States. Therefore we have to give them this discretionary power.

There is a provision in the Criminal Procedure Code by which this probation is given, viz., section 562. After that we added another section 562(a) by which probation was extended to first offenders and to those not under 21. This measure, today as we see, takes us back to not only the present reformers but also later on when the United Nations Criminologist, Dr. Reckless came to India and observed in his report, which I may read out here:

"The prisoners in Indian jails, which were visited by the expert, even including some Police lock-ups, seemed to the expert to represent good human material. The expert feels that this must mean that the Police and courts are remanding and sentencing persons to jail who are just about as good human material as exists outside the jails; whereas in some countries one may find that the human material which Police and courts send to jail is much poorer in the sense of degradation than exists generally on the outside. No matter what might be the explanation, the impression made by the prisoners on the expert was distinctly favourable."

If this then is the opinion of this outstanding Criminologist and also of

[Shrimati Alva]

our own experts, it is time that we introduce such a measure as a Central measure and bring in a reform in our system both of penology and criminology.

The change has been coming over all over the world. The outlook is changing that no longer retribution but reformation should be the approach for even a criminal. No longer should the State hold him as a slave, but the State should hold its prisoner or its criminal or its offender as a ward. Therefore we feel that if we have such good human material inside the prison, we should give this human material every opportunity to rehabilitate itself in society without the stigma of conviction and prison term. That is why we have accepted today this measure and the Joint Committee that went through it has accepted the underlying principle. The main problem was how the probation of offenders enactment would work. How it would be operative? There, of course, is a large amount of criticism that we shall be giving the handle to these probationers who will come out without a sentence, without a conviction and a prison term and they would be a menace to society. I personally want to answer these critics that that is not so. What happens today? The jail reforms normally have gone fast enough and today our jails are able to rehabilitate people. I want to place before this House the proposition that it is not that every offender will become a probationer. It is not so. If you see the working of the probation of offenders enactment in the country and specially in the realm of the Children's Acts in the different States, you find that the prisoner has been guaranteed now as an individual that his case will be looked into rather than he will be sent to prison, come out and be helpless in society again. To avoid this stigma, we want to try out this most progressive measure in the country and see that the men and women who become offenders for the first time or even offenders for the

second or the third time, as we call them hopeless, are given an opportunity. How are they going to be given this opportunity? We are going to have a net work of probation officers. The probation officer stands between the court and the prisoner and tries to find out the reasons, the circumstances, the surroundings, the finer details of the life of the offender which landed him in trouble. For the purpose of this Bill, we are keeping it within restricted limits. Probation will be given only to those who commit minor offences. We are not contemplating major offences where the offender would be released on probation. The meaning of probation is suspended sentence. Suspended sentence means that he will be left in society under the guidance and care of a probation officer or of a surety or of such other agent who would be able to look after him and assist him and see that he behaves well and is able once again to become what we call a good citizen. This probation can be cancelled at any moment. It is suspended sentence. With regard to a probationer not conforming to principles of good behaviour, the court withholds the right of cancelling the probation and sending him to prison. There is also a right of appeal. Therefore, I do not think that those who doubt that we are taking a very big step and showing great leniency to the offenders are correct. We are only trying to rehabilitate those many hundreds and hundreds of offenders who because of, may be, socio-economic considerations or other stringencies, or may be, their mental make-up, commit certain offences. Therefore, we have certain sections of the Indian Penal Code only in which probation would be permitted to be granted by courts.

In the main Bill as it has come out of the Joint Committee, there have not been very many changes except that we have, instead of using the word 'convicted', to avoid stigma of conviction, used the words 'found guilty'. I think this is in keeping with the

modern approach, psychology and the research that we are doing that the approach should be both human and humane. Therefore, the idea of attaching a stigma is revolting and at every stage we consider that this stigma should be avoided. What happens today? Even for a petty offence if a minor woman is sent to prison and he or she comes out, there is always that stigma to her or him and they are not able to rehabilitate themselves and are not even able to get employment. We want to remove this stigma. We want to remove this fear from the mind of the person so that we may rehabilitate him.

Then comes the question of age. We have divided the age in the Joint Committee into two classes, namely under 21 and over 21. We have made it very clear that the first offender will get a consideration a little different from those who are over 21 and are repeaters. We have re-arranged clauses 5 and 7 for convenience so that the law is very clear. Finally, the rule-making power will have to be left to the States. The probation officers will have to be trained by the States.

What type of people will come forward to do probation work, is another question on which hon. Members cast a doubt. Why should we not get the type of men and women who will put in the work a missionary zeal in reforming human beings, those who are morally correct and physically sound and mentally alert, prepared to work for the upliftment of those who have done wrong? The original clause 7 has been placed immediately after clause 5. That is for convenience and clarification. The original clause 11 has been made clause 13 by which a district magistrate of the district in which the offender resides not only in respect of his duties, but also in respect of other duties under this enactment is enabled to carry out his orders.

With these few remarks, I feel this is a very progressive measure and the

House will, I hope, accept it since it has come back from the Joint Committee thoroughly discussed and every principle underlying has been analysed on its own merits.

Mr. Speaker: Motion moved:

"That the Bill to provide for the release of offenders on probation or after due admonition and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Shri Raghbir Sahai (Budaun): Mr. Speaker, I welcomed this Bill when it was first introduced in this House and I welcome it all the more after its emergence from the Joint Committee. Now, as it has emerged from the Joint Committee, certain very wholesome changes have been made in this Bill. The hon. Minister just now drew our attention to some of these changes.

With your permission, I may point out that in clause 3, it has been provided now that if a person has been let off previously on probation of good conduct or after due admonition, he would not be given the benefit of this provision, again. So far as this is concerned, an Explanation has been added to this clause. In clause 6, it has been made clear that the report of a probation officer should be considered by the court only for the purpose of satisfying itself as to whether the offender should be dealt with under clause 3 or clause 4 and not for determining the sentence to be imposed on him. Because, when this Bill was first considered here, a fear was expressed by some of our friends that the report of the probation officer may not be used in determining the sentence on the offender. Similarly, in clause 7 it has also been provided that the court may indicate the substance of the report of the probation officer to the offender and may give him an opportunity for producing such evidence as may be relevant to the matter in the report. Thus, the offender would not be prejudiced by

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the report of the probation officer. Lastly, in clause 18, it has been specifically laid down that a public servant committing criminal misconduct punishable under sub-section 2 of section 5 of the Prevention of Corruption Act, 1947 should not be given the benefit of the provisions of this Bill. In other words, he cannot be let off either on probation or on due admonition. When the Bill was discussed last time, our very valued friend Shri Naushir Bharucha brought it to the notice of the hon. Minister as well as the House that these provisions should not be made use of in the case of those government servants who are found guilty under this Act or of criminal misconduct. This suggestion has been accepted by the Joint Committee. Still, if we look into the Joint Committee's report.....

Mr. Speaker: Would this not apply to public servants?

Shri Raghunir Sahai: This Bill will not only to those who are guilty under the Prevention of Corruption Act and those who are guilty of criminal misconduct.

Mr. Speaker: That is all right. The point is whether this correction or reformation Bill would not apply to them.

The Minister of Home Affairs (Pandit G. B. Pant): It will apply to all persons except those who are charged with offences under the misconduct Act, which are punishable with the minimum term of imprisonment of one year.

Mr. Speaker: If it is more than that, generally, what is the position?

Pandit G. B. Pant: Generally, it will apply, except in those cases.

Shri Raghunir Sahai: Still, if we go through the Joint Committee's report, and especially, the minutes of dissent that have been given by some of the Members, it appears that an alarmist

view has been taken of this Bill and of the very salutary provisions that have been embodied therein. Shri Naushir Bharucha, after appending a very long note, comes to the conclusion:

"Having experience of nearly over a quarter of century of police courts, I am of the view that the Bill is capable of considerable mischief and may undermine the very foundations of administration of justice in India."

I am using rather a very mild phrase, when I say that this is an alarmist view.

Shri Naushir Bharucha and those who think like him should know that section 562 has been there in the Criminal Procedure Code since a very long time, and almost all the provisions of this Bill find a place in section 562. Apart from that, the Probation of Offenders Act had been in existence in many of our States. For instance, in Madras, it existed since 1936, in UP since 1938; the provisions of the UP Probation of Offenders Act have been recognised by all authorities to be of a model Act. In Bombay, this Act existed since 1938, and in Mysore since 1943, and in West Bengal since 1954. Now, none of these States has complained that because of the existence of this Act, the law and order situation there had deteriorated or that the heavens had fallen in those States. There is nothing of that kind. So, I would submit that these are baseless fears, and these are hallucinations which have got no justification.

I may also point out that we have taken into consideration the example of other countries also wherein the provisions of probation had been brought into use. From a book called *Crime, Courts and Probation* by Chute and Bell, the latest publication on the subject, I find that a certain judge by name Goldstein in America who has had a good deal of experience of the provisions of probation as applied in

his country, has spoken very highly about it. I would just quote one para. from that book. He says:

"I have been moved to commit these remarks to writing because of a feeling which has been growing in me in recent months that the device of probation, even in seemingly serious criminal cases, is one which has not been exploited to the advantage of the community as fully as might be. Intelligently applied and skilfully executed, probation is the most dramatic forward step that the community has ever taken in relation to prevention and control of crime. It is not merely an instrument whereby young offenders may be saved from going to jail, as many people think. More important, it is a means whereby the problems of these youngsters may be adjusted, and in a most economical fashion, a means whereby their latent skills may be developed and whereby they can become productive units in a free, law-abiding community. It is my greatest hope that courts everywhere will begin to experiment more intensively with the system."

So, we are experimenting with this wholesome system which has been found to be so very beneficial in other countries. As has been pointed out by the Minister, the provisions of this Bill are entirely discretionary and not mandatory.

A court, while exercising the powers under these provisions, will have to look into certain factors, as for instance, the age of the offender, the circumstances of the case, the nature of the offence and the character of the offender; and after having considered all these factors, if it comes to the conclusion that the benefit of clause 3 or 4 or 6 can be safely given, then and then alone will the benefit be given. Otherwise, the court has got full power to refuse to give the benefit of those clauses.

But my regret is that one lacuna

has been left in these provisions. I wanted that besides these considerations the court should have been empowered to consider one thing more, and that is the fact whether the offender has made a clean breast of the whole thing, concealing nothing, as an extenuating circumstance. Thereby, we should have given a fillip to offenders speaking the truth inside the courts.

Everybody knows that perjury is rampant in our law courts. As you are very well aware, when Dr. Katju last time proposed and brought forward his compendious and comprehensive amendment of the Criminal Procedure Code, he bemoaned that perjury was rampant in our law courts, and said that perjury ought to be eliminated. Even then, I submitted that by having adopted all those provisions which Dr. Katju had proposed, we were not going to eliminate perjury, because effective steps had not been taken. Apart from all those things, we should take certain steps, certain positive steps, whereby an accused would be given an encouragement to speak the truth. When the court takes into consideration all these factors such as the age of the offender, the circumstances of the case, the nature of the offence, and the character of the offender, the court should also take into consideration whether he has spoken the truth or not and he has concealed nothing. Even when all these things are placed before the court, it is not obligatory or mandatory for the court to release him on probation or to release him after having administered due admonition. The court can still say that it is not prepared to exercise the powers under these provisions. At least, this should have been embodied in this clause. So, I am going to move amendments to that effect, if I am permitted, at the clause-by-clause stage of the Bill.

In this connection, Shri P. R. Patel, in his minute of dissent, has also pointed out:

"I am of opinion that admonition or probation be only given to

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him who comes to court with repenting heart and admits to have done an act through circumstances of which he fell victim. This must be at the opening of his trial".

That is, therefore, one consideration which should be taken note of by every court. I was quoting the opinion of Goldstein, a distinguished Judge of America. His experience was also that truth-speaking in a court of law improves things and not injures anybody. While he was discussing the case of six or seven robbers who were, after conviction, released on probation, he was mentioning about one person whom he had awarded a sentence of five to ten years because he had made a confession of his guilt, when the court would have given a sentence of 7½ to 15 years. He says:

"I explained to him that I felt this was justified by virtue of the fact that he finally, albeit haltingly, had made a confession, and I wanted to show him that truth or even a reasonable facsimile thereof, helps more than it hurts".

I also found that in the United States where the Probation Act is in existence, there is a section, 724, wherein it has been provided:

"The courts of the United States having original jurisdiction of criminal actions...when it shall appear to the satisfaction of the courts that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby shall have power after conviction or after plea of guilty or *nolo contendere* "(this is an Italian expression which means: I will not contest it; plea similar to plea of guilty in a criminal action)..."

There also, that is, in the United States, if the offender speaks the whole truth, his case is considered sympathetically. I wish that this suggestion of mine should have been

accepted by the Joint Committee. Even now it is not too late. I hope the House will show me indulgence when I move these two amendments and plead for their acceptance. I support this Bill entirely.

Shri Supakar (Sambalpur): We are told that hell is paved with good intentions. I have no doubt that the Government are motivated with the best of intentions in sponsoring this Bill, but I doubt very much if they are fully conscious of the potentialities for mischief in this piece of legislation.

Philanthropists who want to reform the criminals, occasional or habitual, complain that the courts do not take into consideration the human element in the crime and the criminal and that Judges are blind to the social and moral environment of accused persons. This complaint is justified to some extent, but that is no justification for a Judge probing too much into all the innermost secrets of the social and family environment of the delinquent, thereby incurring a chance of prejudice against the accused. I would prefer justice being blind to her being provided with not only a pair of normal eyes but also an X-ray machine which is supposed to be in the shape of the probation officer's report in trials to come, before passing a sentence. To mind, the latter, know too much of the accused by the Judge, is the greater evil. At one extremity is the case of a Judge dealing even-handed justice almost with arithmetical accuracy like the proverbial case where a Magistrate sentenced an accused person to a fine of Rs. 5 for giving two slaps to the complainant, but since the accused had only a ten-rupee note and no change, the magistrate asked him to give two more slaps to the complainant and get full value for the note. This is blind justice. The other extremity is illustrated in the case of a military political agent in Orissa who had the onerous duty of confirming the death

sentence of an accused. When the provisions of sections 302 and 304 of the IPC were brought to his notice and it was urged upon him that the guilt of the accused must be established beyond all reasonable doubt, he cleared his doubt by calling the accused to his presence, and when he found the accused very hale, hearty and strong, he had no doubt in his mind about the confirmation of the death sentence.

The question is: which one is the greater evil? It is a sound principle of criminal jurisprudence that the goodness or badness of character of an accused is irrelevant in determining his culpability. But we find in clause 4 a provision for calling for a report from the probation officer. In most of the criminal cases, what will be the consequences? I cannot do better than quote from the minute of dissent of Pandit Thakur Das Bhargava who has expressed his fears in most eloquent terms. I am referring to page xxi of the Report. He says:

"The provisions relating to confidential reports before the accused is sentenced for the offence are opposed to all canons of assessment of guilt. It is true that the reports are ostensibly called for finding if probation is justifiable and what ought to be the condition of the bond and if supervisory order is to be passed.

But supposing that the report is unfavourable to the accused and several instances of previous crimes are there and probation is not allowed this will result in the accused getting a severer punishment than what he would have got if no such report existed on the record. This is too much to expect that the Court will be able to shake off the influence and effect of such a report while sentencing the accused for the original offence or after he has violated any conditions of the bond. Accordingly to the provisions of the Evidence Act the

evidence of bad character of accused is not relevant ordinarily but as there are no different compartments in human head for recording impression, such reports are bound to affect the case of accused prejudicially in cases in which punishment will be given. The provision of confidential report is still more objectionable. If it is unfavourable to the accused he must be given opportunity to rebut it in case he proposes to do so. If it is confidential from prosecution even then it is objectionable as the report may be partial towards accused and may be giving good character to him whereas the prosecution knows facts to the contrary which have been brought on record on account of the provisions of the Evidence Act. Thus both ways it is an unfair provision."

13 hrs.

I cannot improve on this comment. What I would like to emphasise in this connection is that for several decades in the past we have been urging for the separation of the executive from the judiciary and this has been made a part of our Constitution. What is the reason for that? Because the magistrates responsible for police duty, of keeping peace, may be prejudiced while trying a person who is supposed to have broken the peace and it is difficult in most cases to expect the magistrate to have a split personality as the keeper of peace and as the dispenser of justice.

Sir, Dr. Reckless, the United Nations expert on the subject of prison reform, gave a very valuable report on this matter and the draft of our Bill is mostly taken from that report. But I would submit with all humility that it would be reckless on our part if we lose sight of certain important factors like the social and economic conditions in our country when we consider this aspect of prison reform.

[Shri Supakar]

Sir, we know the conditions from which the majority of persons who commit habitual offences, the so-called recidivists come. Have we any machinery up till now, in spite of more than ten years of our independence, in spite of Article 39(f) which says "that childhood and youth are protected against exploitation and against moral and material abandonment", in spite of our having established a Social Welfare Board for about six years? Have we done anything? What is the machinery to check future criminals tendency in young persons? Have we any machinery to see that when the prisoners are released from prison, there is any institution or any machinery to see that they lead a decent and gentlemanly life? Is there any man in our country, as made as Acharya Vinobha Bhave is after *Bhoodan*, or as mad as was the late-lamented Thakar Bapa regarding improvement of conditions of Harijans and Adibasis—any person who is as mad after the reclamation of the life of these recidivists? Is there any institution in any of our States, even in those States where we have this legislation for the last twenty years, any institution worth the name, which can take care of a person who is let off with an admonition, or who is given a probation for a period of three years or more. I feel, Sir, that our country is not prepared, that we have not sufficiently large number of philanthropic persons. I am not Complaining of lack of funds. We may provide sufficient funds, though we have not done so in the past. In future we may do so. But have we got a sufficiently large number of philanthropists who can take this matter as a passion, as a life's mission? Till then, though we may have the satisfaction of our conscience that we have done

Mr. Speaker: Is there any provision in this Bill for after-care associations?

Shrimati Alva: They will have to be created. A man is usually left to

himself in his surroundings, unless the court orders that he has to be under special care.

Mr. Speaker: I know of a case where a man was with me in jail. One day he came to me saying that he was going away. I gave him some clothing and told him not to come back. In less than twenty or twenty-five days he came back with a feeling of joy.

Shrimati Alva: I too had a similar experience of a woman who was with me in jail. Now we have these agencies at various centres for rehabilitation. They are certainly not very satisfactory, no doubt.

Mr. Speaker: I was wondering as to why he came back.

Shri Supakar rose—

Mr. Speaker: I am only augmenting the point that the hon. Member was making.

He told me that he had been in jail for four years. His wife had gone away and his hut, which was a thatched one, had been blown off. So far as his land was concerned, for non-payment of arrears it was taken away. When he wanted to go somewhere and have some job in some private residence, he was called a thief. Therefore, in open daylight in the presence of police officers he went into a house, and stole a tumber. The house holders caught hold of him thinking they were heroes. He was arrested, produced in a court and convicted, when he said that they would at least give him rice to eat. He came back to the jail full of cheers saying: here there is no difficulty except that I do not have my people with me. Every day I am given my food; I get my clothing and every week I am given a shave. Every now and then the doctor examines me.

He had no friends and relations. He had spent the major part of his life in jail. Therefore he found prison life much more interesting than outside.

Shrimati Alva: This is exactly the reason why we have the probation system, so that the persons may be more easily rehabilitated in their surroundings. Various States where these measures are now in force, have these agencies.

Shri Supakar: I was looking into the report of the Central Social Welfare Board submitted recently. They have clubbed together the provisions for the women and children who live immoral lives and the rehabilitation of people after release together. We have no special arrangement for taking care of these people. So, the question is what happens after a person is released after admonition, or an order of probation is passed against him? He is again relegated to the same surroundings where he used to live.

It is not enough if you have probation officers. They will be more or less like CID officers who will try to probe into the atmosphere of his living and they will wash their hands clean after giving their reports to the magistrate. The judgment of the magistrate will be polluted by the reports of these officers. Therefore, I submit that it is not enough—or I would rather say that it is premature for Government—to proceed with such a Bill in spite of the best intention in the world without first of all making adequate arrangements and having the necessary climate and atmosphere for enforcement of the Bill. For that purpose, money is not so much necessary as a proper social organisation for improving the moral and social hygiene in society.

In this connection, I will submit that Dr. Reckless in his report says

that you cannot reform a criminal inside jail unless a sufficiently long sentence is passed and only with a sufficiently long sentence can any sincere attempt be made to improve the moral condition of the prisoner inside jail. I will draw your attention, and through you the attention of the Minister to the condition that prevails in our jails. Though we talk so much about the failure of our jails in improving the prisoners and the necessity of improving their conditions, we take practically no care to impart any sort of moral or religious instruction to them so that they may improve their conduct either when they are inside jail or when they are outside.

As long ago as 1870, the American Prisoners Association declared many principles of the Association. The eighth principle was that of all reformatory agencies, religion is first in importance because it is most potent in its effect upon the human heart and life. Have we done anything either inside jail or outside whereby we can expect the persons who are let off after an admonition to improve their moral standards? Have we done anything to impart religious education to delinquents so that their recidivist tendency may go down and they may look forward to their future with hope? Do we provide any sort of good and honest employment which they can carry on with any self-respect and have we any organisation for that? So long as we have not done that, it is no use proceeding with this Bill.

Mr. Speaker: Why not pass this Bill and ask the Government to do that also? Why stop with this? There are two ways; either do not proceed with this until that is done; or proceed with this and then have that also established.

Shri Supakar: I submit it will not be possible for Government to do the other thing with as much quickness as it is possible to pass a Bill in this House.

[Shri Supakar]

Coming to the point, Dr. Reckless said that there should be no admonition or probation in the case of very small offences like ticketless travelling, violation of ration rules, prohibition cases and other small cases where one gets off only with a fine or a light sentence of imprisonment. We have no provision for those cases in this Bill and I could not think of any amendment which could include such cases under this category.

Before I conclude, I will take some of the points which were sought to be made by Shri Sahai. He has proposed certain amendments, the substance of which is that if an accused person makes a clean breast of his guilt, then, he should have the advantage of admonition or probation, as the case may be. I submit that it is against sound principle to introduce it in a Bill of this nature. We all know how many cases of false confessions are brought to light subsequently. It is not unusual for a person who has been charged with murder to have a very plausible and very good confession that he committed the murder; and after he is hanged we find the murdered person coming before the court and saying that the confession was false. So, if by this means we induce certain false confessions, which may not be true, then God alone can help the accused persons and their condition will be most precarious.

So, I submit that even if the Bill is passed, it should be proceeded with cautiously. Though we find that section 562 of the Code of Criminal Procedure is in force in this country for a very long time and that in three of our States, State Reformatory Acts are also in force, yet section 562 of the Code of Criminal Procedure is used in rare cases only and not as frequently as is contemplated under clauses 3, 4 and 6 of the present Bill. If we think of making wide use of the provisions of admonition and probation, we must be careful to see that it has

no tendency to increase the number and frequency of crimes and that it does not encourage people into becoming habitual criminals. It is bound to happen unless we take adequate steps to see that crime is prevented by providing adequate social, moral and religious atmosphere for better conduct of the people, who are now living in the social gutters of our States.

Mr. Speaker: I will give chances to hon. Members who are not on the Select Committee; then the Select Committee Members will explain whatever difficulties they might have. I will now call Shri Sarhadi and Shri Radha Raman next.

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Speaker, Sir, this is an important measure inasmuch as the changes intended are fundamental in the application of criminal law and shift the emphasis from the deterrent and the punitive character in punishments to that of the reformatory and restrictive character. Therefore, we should certainly be cautious when we look at the Bill. But, there is one thing about which there is general consensus of opinion. It has begun to be appreciated that the criminal propensities of an individual, and I mean by this the criminal tendencies in a man, are not inherent but is a disease which is the result of the environment he lives in, the associates that he has, and the circumstances under which he is compelled to commit an offence. Punishment by itself would not improve him. It would rather demoralise him. A sojourn in jail, it has begun to be appreciated, is not a help to the reformation of the individual and as such the circumstances and conditions do call for a change in the criminal law of the country. If there is a general consensus of opinion on this—most of the criminalologists are of that view—we have got to see whether the provisions in the Criminal Procedure Code meet that point

or not. We have got only one provision in the Cr. P.C. section 562. The previous speakers have spoken about it. Its application is not general and it is very restricted and does not meet with the situation especially when a change is called for. An opportunity should be given to an offender to improve himself and the circumstances under which he commits an offence must be looked into. Therefore, the present law does not meet the situation. There is no difference of opinion on that point.

Then, what change is necessary? Now, I will take youthful offenders below 21. Certainly the Bill starts with the assumption that a youthful offenders can be reformed and he can be made a good citizen. Of course there are exceptions as mentioned in the Minute of Dissent of Shri Bharucha. There can be a habitual offender but I do not think there can be any objection to start with such an assumption. If he is a youth, the court shall consider certain things particularly what are the circumstances under which he commits an offence? In clause 6, it has been laid down that the court shall give special reasons if it passes any sentence of imprisonment on the offender. If the provisions are mandatory, I do not think there can be any objection in this. When there cannot be an objection to an assumption about the possibility of reforming a youth who commits an offence looking into the circumstances under which he has committed the offence, I do not think there can be any contrary view to keeping the provision mandatory that the court, if it sends him to jail, must record the reasons thereof. Otherwise he should not be sent to jail.

Section 562 of the Cr. P.C. definitely postulates certain things. If a man is convicted, a stigma is to be placed against him for all time. Putting in jail hardly reforms a man. It will be seen that most of the Minutes of Dissent pertain to this clause. I therefore submit that clause 6 is a healthy measure.

We now come next to the category of offences. But before that let me deal with the objection about the age. What should be the age of a youth? It may be 16. Another may say that it should be 18 and a third view may be that it should be 21. The age of 16 is not an age of absolute maturity. 18 is too young an age, 21, I think, is absolutely correct. Here again, I concede that there are certain people who are very mature below 21. But clause 6 of the Bill does not propose to place a ban on the court to send an offender to jail, if the court finds a person below the age of 21 to be a habitual offender. It looks into the circumstances of the case and uses its discretion. But it must have some reasons. Therefore, to say that the age limit should be below 21 is also wrong.

Now, take the age of 21. That is an age when a person be conscious of what he does. Below that age, there is a possibility that a person may not be conscious and may be doing certain things under extenuating circumstances. That is why, the age of 21 has been fixed.

I come to the second category—offences. This Bill categorises offences of two kinds: offences punishable with two years imprisonment and below and certain other offences that come under clause 4 of the Bill. The Bill provides that in case a person is held guilty of such offences, he can be let off after due admonition, having regard to the circumstances of the case, the nature of the offence and the character of the offender. I concede that there are offences, as certain hon. Members of the Joint Committee have pointed out in the Minutes of Dissent, where release after admonition may not be called for. The offence may be of a different type. There may be something else. But that discretion according to the Bill is vested in the court. If circumstances are such, the court may come to the conclusion of not releasing him after admonition. His character may be such as not to warrant such release. This again is left to the discretion of the court. Primarily and basically, we have got

[Shri Ajit Singh Sarhadi]

to see that if a person has been held up for a minor offence, the sentence for which is below two years and there are circumstances to show that he has inadvertently committed it or he was forced to commit an offence by certain circumstances or he is of a character that an admonition would be sufficient, the court can use its discretion. So, this clause is a very healthy one and is in consonance with the view that prevails in the world today.

We have got other provisions which pertain to clause 4. If an individual is guilty of an offence not punishable with a life sentence, he can be released on probation provided the three conditions specified are taken into account: nature of the offence, the circumstances under which the offence is committed and the character of the offender. Those who had been practising on the criminal side and who have got experience of the criminal courts would appreciate that in many instances offences are committed in such circumstances that call for leniency at the hands of the court which is not available under the present Criminal Procedure Code.

Therefore, if we agree with the principle that the criminal law of the country does call for a change to the reformation side and that there should be an amendment, then we have got to see what should be the trend of that amendment. I feel that an offender who has committed an offence which is punishable with sentence below life imprisonment before he undergoes the sentence, if there are circumstances, there is no reason why he should not be released on probation.

In one of the Minutes of Dissent—I think it is the one by Shri Naushir Bharucha—a reference is made to the case of Jagga Dacoit. I can tell him that his is not a solitary instance. In recent years, after the reformatory movement has been started there have been several such instances. I do not exactly recollect, but there

was the case of one very great wrestler who has been recently released. There are many such instances. Efforts have been made to reform them in jail. Though they were in a very bad atmosphere, yet the authorities have succeeded in reforming them. They have proved to be very good citizens after coming out of the jail. Therefore, my submission is that probation is one of the ways in which the disease of a criminal can be removed provided he is properly taken care of. I believe this is one of the very good things on which this Ministry has started making efforts in the right direction, that of having probation officers. Possibly it may necessitate an improvement later on, but why not have a start now?

Now that we are going to have probation officers, in case a person commits an offence, however serious it may be, but commits that offence under certain circumstances which call for leniency on the part of the courts, the offender has got character which needs all consideration and the nature of the offence is such that it also necessitates consideration. I do not understand what could be the objection to his being released on probation when he would be under the surveillance of the probation officer and when particularly, as the proviso lays down, he or his surety will be within the jurisdiction of the court. When these considerations are there, I do not think there can be any objection to the release of an individual who has committed an offence however serious the offence may be; provided the circumstances under which he committed the offence, his character and the nature of the offence call for leniency on the part of the court.

Looking at the Bill as a whole from its reformatory aspect, I think the necessity of the Bill was there a long time earlier and I must congratulate the Ministry for having brought it now. Not only would it lead to much reformation, but I think the machinery involved in the administration itself

is also a very healthy one. I agree with the hon. speaker who preceded me that prison homes are necessary. A man who comes out of the jail should be sent to such homes or he should voluntarily go there. All efforts should be made to reform him there. But that is beside the Bill, and that relates to a man who comes after undergoing the sentence. The intent and object of this Bill is to see whether crime is a sort of inherent thing in an individual, or it is a disease which is the result of environments, associations and circumstances.

Shri Supakar: We must have hospitals for the disease.

Shri Ajit Singh Sarhadi: And, probation is one of the remedies particularly when the individual is put under different circumstances and conditions.

With these words, Sir, I congratulate the Ministry for having brought this Bill and I support it wholeheartedly with all its provisions.

Mr. Speaker: Shri Achar.

Some Hon. Members rose—

Mr. Speaker: I have called Shri Achar. Next I will call Shri Radha Raman: Does Shri Pattabhi Raman want to speak?

Shri C. R. Pattabhi Raman (Kumbakonam): After Shri Bharucha.

Mr. Speaker: Does Shri Goray want to speak?

Shri Goray (Poona): No, Sir.

Mr. Speaker: I will call Shrimati Uma Nehru later on. She was a Member of the Joint Committee.

Shri D. C. Sharma (Gurdaspur): Only those who want to speak are present in the House; none else is present.

Mr. Speaker: They have gone for lunch; they will come back.

Shri Achar (Mangalore): **Mr. Speaker,** Sir, I welcome this Bill, especially the general principle involved in this Bill. I wish very much the Joint Committee had come to a unanimous conclusion at least on the main points. I find that in a Joint Committee consisting of 36 Members, nearly half of them added their own notes of dissent or difference of opinion on particular points. I feel it rather difficult for the House now to go into the details of these matters.

But, all the same, I have felt that while the general principles are quite good and the measure as a whole is welcome, it would have been better if certain amendments had been carried out. I hope the amendments proposed and certain improvements suggested would be welcomed by the Ministry, and they would be given a final shape which would really result in a good measure of reforms.

On this question whether punishments should be deterrent or whether they should be reformatory, I would only say that, probably, one is not opposed to the other. Situated as we are in the present state of our development, I do not think we can altogether ignore this principle of deterrence. But, at the same time, you have to concede that we cannot have severe punishments which will condemn a convict to become a further convict.

We must try to get at the problem. The problem probably is the problem of providing proper homes, proper schools and to remove people from the atmosphere in which they are, and improve the general tone of these people who take to these crimes on account of the circumstances and environments in which they are living.

13.38 hrs.

[**MR. DEPUTY--SPEAKER in the Chair**]

I have felt, Sir, even after going through the Select Committee stage

[Shri Achar]

the provisions of the Bill are rather too drastic. No doubt, there are two clauses—clause 4 and clause 5. Under clause 4 the court is given only discretionary powers. That is a great thing. I really welcome it. The clause says:

“...the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties...”

Therefore, the court is given complete discretion either to sentence him to imprisonment or to put him on probation. No doubt, that is a very good provision. But, all the same, I would have wished that the list of crimes also had been restricted to some extent, at least for some years. As the clause now stands, all crimes except those which are not punishable with death or imprisonment for life are included. One of the Minutes of Dissent has given a list of some of those crimes—it may not be exhaustive. I am referring to the list given by Shri Bharucha on page xii, paragraph 5. These are the crimes he mentions. He says:

“It means that probation is admissible in cases of rape, robberies accompanied by hurt, criminal breach of trust in respect of public revenues, forgery, counter-feeding of notes and coins, defiling places of worship or abusing prophets, causing hurt by fire arms or poisoning, kidnapping of minor girls or forcing them into prostitution, perjury or assaulting public servants in the discharge of their duties.”

The hon. Member, Pandit Thakur Das Bhargava has listed the sections in this respect. What I felt was, in the early stage, at this stage at least, whether we should extend the advantage of clause 4 for all these crimes. Even for crimes such as dacoity, rape, etc., at this stage, should the court be given discretion either to punish or let him on proba-

tion? Of course the court has got the discretion. I have no doubt about it. I do say that all the same, probably at a later stage, after this Act is worked for some time, we might extend these crimes one after another. But at this early stage, the question is whether we should include all these crimes. That is a point which I would submit to the House for its consideration.

Then there is one more aspect which is probably the most important aspect, I think, for the working of this Act. That is with regard to the provision concerning probation officers. The magistrate or the judge who is to sentence the guilty is allowed to look into the reports of the probation officers. The clause also says that he may look into that and come to the conclusion whether he should be let on probation or should be sentenced. There again, when I see sub-clause (2), I feel that the Government does not think that invariably such reports would be available. I am referring to sub-clause (2) of clause 4. It says:

“Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case”.

It looks as if this question could be considered even if there is no report of the probation officer. I would say that this is not looking at the problem in the proper perspective. I would submit that the process must be a proper one. The Government, whether it is the State Government or any other Government, must have the probation officers appointed first, and that portion of the work must be very well taken care of, and only after that, if at all, the magistrate should be given the power to let the people on probation without punishment. On the other hand, the sub-clause in question contemplates the absence of any report. So, even if

the report is not there, it means the authority can let the person on probation.

I would like to say a few words on probation officers. To me it looks as if this is the most important side of this whole Bill. For the successful working of the Act and for the successful dealing with this reformatory matter of criminal offences, much will depend on the kind of probation officers the Government is going to have. It is rather a very difficult kind of work and it might even develop into a kind of corruption, if I may submit, in dealing with which the probation officers will be of considerable importance. Situated as we are, I feel our criminals are also very clever people. They will not be far behind to take advantage of this and I may be permitted to say that they might even bribe these officers and with impunity commit the offences and take these probation officers too on their side and get loose without any punishment whatsoever.

I find under the subsequent clauses that these probation officers are to be under the District Magistrate. I would suggest that instead of putting them under the District Magistrates, it would be better for each State to have a separate service for this kind of work, because it is a kind of work with which usually the District Magistrates do not deal. It is a kind of social work. They must be people who will be able to mix freely with the ordinary public, understand the criminal tendencies of the people, their psychology, who are a kind of missionaries trying to reform these people. It is only persons of that type that would be able to deal with this kind of work. So I would submit that instead of having a sort of another department of Government, it would be better to have a service which will contain a set of very able people who have experience of social work, apart from any other qualification, to serve as probation officers. I find that in the Bill no qualifications

or anything of the kind is mentioned. How exactly this is to be built up, it is not possible to make out from the Bill. I would very much emphasise this aspect of the question, because the magistrate or the judge will entirely have to depend on the probation officers to come to a conclusion whether the person should be punished or must be let on probation. That is one important aspect so far as the Bill before us is concerned.

The other important clause is clause 6, which deals with juvenile offenders. A few minutes earlier, Shri Ajit Singh Sarhadi referred to the question of age. Clause 6 provides for the age of 21. I would submit, as I said in relation to the other clause also, instead of taking drastic measures immediately, probably it would be better to begin with 18 years of age for the present. Anyhow, there is one clear difference made so far as clause 6 is concerned. Whereas under clause 4 the magistrate is given complete discretion—the word used is “may”—under clause 6 the provision is:

“shall not sentence him to imprisonment unless he is satisfied that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under section 3 or section 4”.

So, so far as the juvenile offenders are concerned, the court is almost compelled to release them on bail unless it is satisfied that there is sufficient reason to sentence them. The provision is probably very good so far as youngsters are concerned, as the court must be satisfied that the youngster is habitually committing an offence or there is no chance of his being reformed and that only under such circumstances he should be punished.

There are one or two other points about which also the dissenting minute refers. I would like to refer to one such case. In a case where

[Shri Achar]

the accused adduces all kinds of evidence and contests to the last, in such cases, if he is finally found guilty, whether section 4 can be applied in his case may be considered. The previous speaker also referred to that. I find that the hon. Member, Shri Patil has also added a dissenting note on that point. If a man pleads that he is not guilty and tries to get out without any punishment and if the court finally comes to the conclusion that he is guilty, should such a person be given the benefit of this section? I would submit that punishment should be inflicted on him. This is an aspect which this House has to consider.

Then I come to the question of the actual crimes. My submission is that instead of including all crimes, it would be better to have a separate schedule of minor offences, offences which are not of a very serious nature like dacoity and things like that. Offences of minor nature can be put in a schedule attached to this Bill and only with regard to those offences this Bill may be made applicable. I do not know whether this aspect has been considered. I wish very much that these things had been thrashed out in the Select Committee and a unanimous decision had been arrived at. All the same, I would appeal to the House to consider this, because under our present social conditions some amount of deterrence will have to be there. The machinery of probation officers has also to be tried as yet to see whether it is a satisfactory arrangement. We are not having any such officers now. It is a new field. So, it would not be good to relax our criminal law by merely depending on their report.

So, I would submit that several aspects that have been mentioned in the several dissenting notes also may be considered. Though the general principles are quite good and it is a very good effort in the field of reforming criminal law, I would only submit that we need not adopt very

drastic steps at this stage. And I hope before the Bill is finally passed, certain amendments would be accepted by Government which will remove the anomalies, and give it a proper shape.

श्री राधा रमण (चांदनी चौक) :
उपाध्यक्ष महोदय, मैं जो विधेयक गृह मंत्रालय ने प्रवर समिति से वापस हाउस को भेजा है उसका अभिनन्दन करता हूँ और मंत्रालय को इस के लिये धन्यवाद देता हूँ। मेरी अपनी यह राय है कि इस प्रकार के बिल की बहुत आवश्यकता थी और इस बिल के आने से वह आवश्यकता एक हद तक पूरी होगी।

यह ठीक है कि हमारे देश में जो अपराधों की संख्या है यह जो अपराध होते हैं उन को देखते हुए बहुत डर लगता है कि इस किसम का कानून जब चालू किया जायेगा तो उस से बड़ा नतीजा निकलेगा। मगर किसी भी अच्छे काम का करने के लिये जरूरत होती है साहस और हीम्मेत की बात तब तक यह नहीं होता जब तक हम हीम्मेत और साहस से उस काम को आगे न बढ़ाएँ। कानूनी पहलू का सामने रखते हुये यह महसूस करता हूँ कि देश में इस प्रकार का विधेयक जब चालू किया जायेगा तो कानून कुछ देना पड़ेगा और उन लोगों को जो अपराध करते हैं कुछ मह-नियत भिन्न संवेगा। हो सकता है कि जो अपराध बम करने की दृष्टि से हमारे देश में है उस में किंता किसम की रूखावट भी पैदा हो, लेकिन आज हम यह देखते हैं कि हमारे देश में ऐसे अनेक तीजवान हैं, संयुक्त हैं, जो कारण अवधारण से अपराध कर बैठते हैं और उन के मन में कोई अपराध करने की इच्छा नहीं होती, बल्कि उनको कुछ ऐसा मर्कस्टानोज, ऐसा वातावरण, ऐसी हवा मिल जाती है और वह अपराध कर बैठते हैं। अगर इस प्रकार के

अपराधी को आप यह समझ लें कि वह जन्म भर ऐसे ही अपराध करता रहेगा तो यह हमारे लिये बड़ा दुर्भाग्य होगा। इस कारण से मैं समझता हूँ कि इस विधेयक में जो यह खयाल रखा गया है, यह उसूल माना गया है वह बड़ा अच्छा है कि ऐसे अपराधियों के लिये अदालतें यह फैसला कर सकती हैं कि उन्हें कोई ऐसी सजा न दी जाय जिस में उन्हें जेल भेजा जाय, बल्कि उन्हें तम्बीह पर छोड़ दिया जाय या यह कि कुछ असें तक निगहबानी में रखा जाय ताकि वह जो अपराध हो गया है उस के लिये पश्चात्ताप करे और अपने जीवन को सुधार की ओर ले जा सके।

हमारे देश में इस समय इस प्रकार की संस्थाओं की बहुत कमी है जो अपराध करने वाले नवयुवकों को सुधार की ओर ले जाती हैं। इस विधेयक के कामयाब होने के लिये मैं समझता हूँ कि दो ही चीजों की सब से ज्यादा जरूरत होगी। एक तो यह कि जो इस में प्रोबेशन आफिसर की गुंजाइश रखी गई है जिस के बल पर यह सारा विधेयक कामयाब होगा या ना-कामयाब होगा, और दूसरे यह कि अगर कोई ऐसा अपराधी हो जिस के लिये अदालत यह महसूस करे कि कुछ असें तक ऐसे गृह में रखा जाय या ऐसे वातावरण में अथवा ऐसी संस्था में रखा जाय जहां पर प्यार और पुचकार से उसे सुधारा जा सके। इन दोनों की बहुत कमी हमें मालूम होती है। अगर हम चारों तरफ देखने लगे तो प्रोबेशन आफिसर्स हमें उस कोटि के नहीं मिलते जिन से हम यह आशा कर सकें कि वह इस प्रकार के अपराधियों को सुधार का जीवन वे सकेंगे। अब्बल तो इस विधेयक के अन्दर जो हम ने प्रोबेशन आफिसर्स का प्राविजन रखा है, उस से बहुत ज्यादा भरोंसा नहीं होता कि हमें कोई ऐसे प्रोबेशन आफिसर्स मिल सकेंगे जिन को इस कार्य का पूरा ज्ञान हो

या लगन हो, जो देश के सुधार कार्यों के अन्दर अपना जीवन बिताने की इच्छा रखते हों, उन्हें किसी नौकरी की तलाश न हो, या उन के अन्दर काम करने की इच्छा हो। ऐसे प्रोबेशन आफिसर्स अभी मिलना हमारे देश के अन्दर बहुत मुश्किल है। मैं समझता हूँ कि जब तक हमारा देश इस प्रकार की कोई चेष्टा नहीं करेगा, या हमारी सरकार नहीं करेगी कि हमें इस किस्म के प्रोबेशन आफिसर्स मिल सकें, ऐसा पर्सनल (personnel) मिल केस, जिन के दिल और दिमाग में ऐसे अपराधियों का सुधार करने की, मारकर नहीं या किसी किस्म की सजा दे कर नहीं, बल्कि प्यार से पुचकार कर, मोहबत से, अच्छा नागरिक बनाने की इच्छा हो, तब तक कुछ होना कठिन होगा। जब तक हमारे देश के अन्दर ऐसे प्रोबेशन आफिसर्स नहीं पैदा होंगे तब तक मुझे डर है कि यह विधेयक अपने ध्येय और लक्ष्य को पूरा नहीं कर सकेगा। इसकी ओर मैं सदन का ध्यान दिलाना चाहता हूँ। अगर विधेयक को कामयाब करना है तो हमें इस बात की परम आवश्यकता है, हमारे लिये यह परम अनिवार्य है कि हम प्रोबेशन आफिसर्स को ऐसे वातावरण में और ऐसी संस्थाओं में ट्रेन करें, उन को शिक्षा दें, जिस से उन के मन में सिवा एक भावना के दूसरी भावना न हो कि वह इस प्रकार के अपराधियों का सन्तोषजनक सुधार करें। और इस तरीके से सुधार करें जिस में बिल्कुल नया वातावरण पैदा हो।

श्री दी० चं० शर्मा : ऐसी संस्थाएँ कहां हैं ?

श्री राधा रमण : मेरे दोस्त श्री दीवान चंद शर्मा संस्थाओं के बारे में कह रहे हैं। मैं दूसरी बात यह कह रहा हूँ कि हमारे मुल्क में जो अप्टर केअर होम्स होते हैं उन की संख्या बहुत कम है, नहीं के बराबर है।

[श्री राधा रमण]

14 hrs.

लेकिन सरकार इस तरफ कुछ ध्यान दे रही है और ऐमे आफ्टर केयर होम्स खोलने की आवश्यकता है और ऐसी संस्थाएँ भी नहीं हैं कि जहाँ इस प्रकार के प्रोबेशन आफिसर्स को भी ट्रेनिंग मिलती हो। ऐसा तो मैं नहीं मानता कि संस्थाएँ है ही नहीं लेकिन मैं यह जरूर मानता हूँ कि ऐसी संस्थाओं की बहुत कम संख्या है। अगर हम प्रोबेशन आफिसर्स हर राज्य में चाहते हैं तो और सारे देश में उन्हें फँलाना चाहते हैं तो हमें ऐसी संस्थाओं को चलाना पड़ेगा और उसके अन्दर वे तमाम इन्तजामात करने पड़ेंगे जिनसे कि हमें अच्छे प्रोबेशन आफिसर्स मिल सकें और ऐमे वातावरण के होम्स हों कि जहाँ इस प्रकार के अपराधियों की कुछ देखभाल हम सुधार के रूप में कर सकें।

मुझे कुछ भय है कि इसमें जो मैजिस्ट्रेट्स को डिस्क्रिगन दिया गया है और उनको जो इस बात की इजाजत दी गई है कि अपराध को देखते हुये या प्रोबेशन आफिसर की रिपोर्टों को ध्यान में लेते हुये वह किसी भी अपराधी को छोड़ सकते हैं या उसे तम्बाह दे सकते हैं। मैं यह समझता हूँ कि इस विधेयक को अधिक कारगर करने के लिये हमें मैजिस्ट्रेटों की नियुक्ति भी ऐसी ही करनी चाहिये कि जो उय सुधार कार्य के अन्दर संलग्न रहने वाले हों जिनमें कि मन में न सिर्फ कानून को सामने रख कर हर चीज का फँसना करने की स्वार्थिता हो बल्कि यह कि अपराधी सुधार करने का खयाल उनके दिल में हो। मैं समझता हूँ कि आज मैजिस्ट्रेट के सामने जब अपराधी जाता है तो वहाँ का वातावरण कुछ ऐसा रहता है कि उसके मन में न मालूम कैसे यह खयाल उठता है कि वह सही सही चीज बयान न करे और वह वहाँ पर सच्ची बात कहने से डरता और कांपता है। वहाँ

का वातावरण कुछ इस प्रकार का रहता है कि उसको सही बात कहने पर मजबूर नहीं करता बल्कि उलटी बात कहने पर मजबूर करता है। मैं यह समझता हूँ कि ऐमे कोर्ट्स जहाँ प्रोबेशन आफिसर्स अपनी रिपोर्ट दें या ऐमे अपराधियों को सामने रक्खा जाय, का वातावरण भी कुछ हमें बदलना चाहिये अगर हम यह वाहते हैं कि जो विधेयक हम पास करने जा रहे हैं उसका अच्छा नतीजा निकले।

उच्च के बारे में मैं अपने उन माननीय मित्रों से इतिफाक करता हूँ कि इस विधेयक में जो २१ वर्ष की उच्च रक्खी गई है मेरे खयाल से यह कुछ ज्यादा है। मैं समझता हूँ कि अगर यह उच्च १८ वर्ष की कबूल की जाय तो वह ज्यादा अच्छा है क्योंकि १८ साल का एक नवयुवक हमारे देश के अन्दर आज काफी गमझदार समझा जाता है और होता भी है और अगर उस उच्च का कोई नवयुवक अपराध करता है और वह उसका पहला ही अपराध हो और पहले की उसकी कोर्ट हिस्ट्री ट्रेस न होनी हो कि जहाँ उन से इस प्रकार का कोई कार्य किया हो तो उसका किसी क्रिम की कोर्ट गजा मिलना या सजा के मानहत जेल वगैरह में भेजना यह मैं समझता हूँ कि बहुत हानिकारक है क्योंकि इस प्रकार से हम एक जीवन को जो देश के खातिर बहुत ज्यादा उपयोगी हो सकता है उसको गलत रास्त पर ल जा कर बिगाड़ सकते हैं और हमें उसको उस पर जाने से बचाना चाहिये

मैंने इस विधेयक के सम्बन्ध में प्रवर समिति के माननीय सदस्यों ने जो एक्स्तलाफ़ी नोट्स दिये हैं उनको देखा है और मुझे उन एक्स्तलाफ़ी रायों को देख कर जरा कुछ आश्चर्य भी हुआ कि इस छोटे से विधेयक के सम्बन्ध में हमारी प्रवर समिति के सदस्यों में एक राय नहीं बनी और

इसमें काफी ऐसी राय है जो कि मुस्तलिफ हैं। मैं समझता हूँ कि उनको सामने रखते हुये विधेयक में और भी ज्यादा संशोधन अग्रर हो सके तो वह करना चाहिये क्योंकि इस विधेयक के ऊपर बहुत सारे समाज सुधार के कार्यों को आगे चलाना या उनको करना बहुत कुछ निर्भर है। इसलिये मैं समझता हूँ कि यह बहुत आवश्यक है कि जब यह विधेयक इस हाउस के सामने है तो इस पर पूरा गौर हो और प्रवर मण्डल के सदस्यों ने जो इससे सम्बन्ध में अपनी राय दी है उन रायों को सामने रखते हुये जितना भी संशोधन किया जा सके किया जाय ताकि यह विधेयक और अधिक परिपूर्ण हो जाय।

एक बात में यह भी अर्ज करना चाहता हूँ कि इस विधेयक के अन्दर कोर्ट्स को इस बात की इजाजत दी गई है कि वे ऐसे जरायम और जुर्मों के लिये जिन्हें कि हम समझते हैं कि वे बहुत खराब हैं और वे समाज को दूषित करते हैं मसलन रौबरी, डकैती या रेम्प वगैरह वगैरह, उनके सम्बन्ध में मजिस्ट्रेट को जो डिस्क्रिप्शन दिया गया है मेरी राय में वह ज्यादा है। आज के दिन हमको यह चाहिये कि पहले इस विधेयक को हम उन जुर्मों के अपराधियों के ऊपर लागू करें जो कि साधारण हैं और जो कि मुधार न लायक हों, और जिनके कि अन्दर हमको अपराधियों की संख्या बढ़ाने या अपराधों को और ज्यादा हवा देने का मौका न मिल सके बल्कि वह एम छोटे छोटे अपराध हों जिन अपराधों को हम यह समझते हैं कि उनको क्षम्य माना जा सकता है और वे आदन्न नहीं बल्कि वे एक वातावरण में या कुछ मजबूरियों की हालत में बाज बक्त एक इमान कर बैठता है। मेरी अपनी नाकिस राय यह है और मैं अदब से यह अर्ज करूँगा कि इस विधेयक के अन्दर जो कोर्ट्स को डिस्क्रिप्शन दिया जा रहा है वह खतरे से खाली नहीं है। हमें

इस विधेयक को दो, चार वर्ष तक अमल में ला कर देखना चाहिये कि उसके क्या असरगत हैं और कहीं उससे जुर्म तो नहीं बढ़ते हैं। देश में नो क्राइम्स होते हैं और पुलिस को अग्रर हम सामने रखते तो यह पता चलेगा कि बड़े बड़े क्राइम्स आज भी पुलिस के द्वारा छिपाये जाते हैं। पुलिस का जो इंतजाम है पुलिस का जो काम है वह इतना एफिशियट और इतना अचूका नहीं है जितना कि होना चाहिये। दूर क्यों जाइये यहीं दिल्ली में हम देखते हैं कि चाहे डकैती हो, चाहे रौबरी हो चाहे कोई और काम हो और चाहे वच्चों को अगवा करने का सवाल हो और चाहे चोरी का सवाल हो, यहां पर दिनदहाड़े चोरियां होती हैं और दूसरे जुर्म होते रहते हैं और पुलिस को उनके बारे में जानकारी रहती है और मैं तो यहां तक कहने के लिये तैयार हूँ कि बहुत से केसेज के अन्दर पुलिस उन जुर्मों के करने वालों को बचाती है और बजाय इसके कि उन जुर्मों को जाहिर करने में कुछ मदद करे वह कुछ पैसे लेकर और कुछ इस तरीके के अपने आदमियों को बचाने के वास्ते वह उन जुर्मों को छिपाती है और उनको सामने नहीं आने देती। हजारों केसेज सुबह से शाम तक दिल्ली में होते हैं। दिनदहाड़े चोरियां होती हैं, वच्चों को अगवा कर लिया जाता है और दिन दहाड़े यहां पर डकैतियां और कत्ल होते हैं और उनका पता नहीं चलता है। मैं यह मानता हूँ कि बहुत सारी पुलिस है और उसकी बहुत काफी कड़ी निगहबानी भी है और पुलिस के विजिलेंस स्कुवेंड्स भी बने हुये हैं लेकिन इतना सब कुछ होने पर भी मुझे यह बयान करने में कोई गुरेज नहीं है कि यहां पर जो जरायम हो रहे हैं उनके बारे में हम लोगों को कोई तसल्लीबख्सा जवाब नहीं मिलता है कि वह जरायम क्यों होते हैं और वे क्यों नहीं खत्म होते। जब यह हालत हमारे मुल्क में हो तो उस सम्बन्ध में हमें बहुत खराबदार रह धरके या बहुत होशियार रह करके कोई

[श्री राधा रमण]

क्रान्त बनाना चाहिये। ऐसे अपराधों के लिये जिन्हें कि हम भयंकर अपराध समझते हैं उनमें काफ़ी सजा देने की व्यवस्था होनी चाहिये ताकि जर्म करने वालों के लिये वह सजा इन्नतअग़ेज़ हो सके और आयन्दा वह उन जुर्मों को करने की जुरंत न करें लेकिन अगर ऐसा न करके हम उन अपराधों में छूट देने लगेंगे तो मुझे इस बात का खतरा महसूस होता है कि जुर्म बजाय घटने के यहां पर बढ़ने लगेंगे।

अब दिल्ली में जेबकतरे बहुत ज्यादा और दिल्ली में बाहर गे भी काफ़ी जेबकतरे आते हैं। उन के पाम छोटे छोटे १०, १० और १२, १२ वर्ष के बच्चे होते हैं और जेब काटने में वे बड़े माहिर होते हैं और गज़ब की चालाकी और फुर्ती से वे लोगों की जेबें गफा कर देते हैं। हजारों ऐसे जेबकतरे मैं यहां दिल्ली में देखा ना या ती यह लोग पुलिस या यह है कि उनकी रोकथाम करने में पुलिस को कोई बहुत ज्यादा दिक्कत नहीं होती है यहरदाल जो भी बज़ह हो हकीकत यह है कि इस क्रिम की बातें हमारे दिल्ली शहर में होती रहती है और मैं समझता हूँ कि दिल्ली शहर में ही नहीं बल्कि देश के अन्य शहरों में भी यह चीज़ें चलती हैं। ऐसी मूरत में इस विधेयक के अन्दर वे सेक्शंस जो कि ऐसे अपराधों के अन्दर कोर्ट्स को डिस्क्रिशन देते हों, ती उन डिस्क्रिशन का एब्ज्यूज़ हो सकता है और उनका सही इस्तेमाल कहां तक होगा मैं समझता हूँ कि यह कहना हमारे लिये मुश्किल है। ऐसे अपराधों के लिये कोर्ट्स को डिस्क्रिशन देना खतरे से खाली नहीं है और हमें ऐसे प्राविज़ंस को अगर निकाल सकें तः उनको निकाल देना चाहिये इन शः के साथ में इस विधेयक की हिमायत करता हूँ।

मैं यह आशा करता हूँ कि इस विधेयक के सम्बन्ध में जो जो बातें और रायें रखली

गई हैं उनको सामने रखते हुये इसमें मुनासिब संशोधन करके इसको देव के अन्दर चालू किया जायगा और उसके द्वारा बहुत सारे ऐसे अपराधी जो कि पहली बार अपराध करते हैं, किसी कारणवश मजबूर हो कर लेते हैं या किसी ऐसे वातावरण में होने के कारण अपराध करने पर मजबूर होते हैं या हालात का शिकार बनते हैं उन अपराधियों को कम से कम एक मौका मिल सकेगा ताकि वह अपना सुचारु कर सकें और देश में एक अच्छे इंसान की भांति जिन्दगी बसर कर सकें और इसलिये मैं इसकी हिमायत करता हूँ।

Shri Narayanankutty Menon: (Mukandapuram): Sir, reading through the proceedings and also the report of the Joint Committee and the Minutes of dissent appended thereto, I would have been very happy to speak after the hon. Member Shri Naushir Bharucha has spoken. He has raised very alarming and controversial issues as far as certain provisions of the Bill are concerned. Therefore, it is necessary that these controversial points which are raised by my hon. friend should be discussed in the House.

As far as probation and reformation of criminals are concerned, it has got a long and chequered history and so far, no set of experts have been able to come to a unanimous decision as to the theory of punishment. Salmond, whom my hon. friend has quoted as an authority, is definite about the various types of punishments and it has been pointed by my hon. friend that the reformatory type of punishment has got only the third place in the types of punishment prescribed by Salmond. How far we can take Salmond's theory as authority is the most important question as far as this matter is concerned. Salmond lived 50 years ago.

Long before Salmond, even Spartacus wrote his book on jurisprudence and this deterrent theory of punishment has come into existence. Generation after generation has tried the deterrent theory of punishment and sometimes with almost unconscionable cruelty. When we go back to the past history, long past, even before the uncertain dawn of history, when the Consuls were reigning in Rome and gladiators were supposed to fight in the open streets, we can find that for a slight disobedience of their masters in the plantations in Rome, the heads of the slaves were summarily chopped off.

These heads have been exhibited on the Apian highway where the great consuls lived. Any traveller by the Apian highway of Rome, it is said in history, 2000 years ago, was shown the head of the slaves exhibited in front of these houses so that the psychology of the entire population of Rome may be toned up that if you revolt, if you go against your masters, this is the result that you get. But, in spite of that, in spite of thousands of heads of these slaves being exhibited on the Apian highway, very soon, the gladiators and the slaves revolted and Rome could not face the slave revolt.

After that in every civilisation, in every generation, it has been over-emphasised that the deterrent theory of punishment is the most suitable theory and society and civilisation cannot take a risk by trying to reform the offenders. What is the result? After 2000 years of experiment, in spite of Salmond being accepted as an authority, crime is on the increase and all the vehemence of this deterrent theory of punishment could not put a stop to crime, nor lessen it. What are we to learn from the lessons of history? What are we to learn from whatever we have done? What are we to learn from the previous experience of what the State has attempted to do to reform the criminal? The only unchallengeable answer from the

above is this, that the deterrent theory of punishment is an out-moded, antiquated theory which has got no bearing as far as the results that we seek to achieve are concerned. If we really wish to see that civilisation advances and human society advances, we should certainly find out certain other methods of dealing with the criminals both in order to stop or reduce crime and also to claim back the criminal to society. When we over-emphasise the deterrent theory of punishment, we forget the fact that a criminal belongs, and very legitimately belongs to society. An individual may, because of circumstances be compelled sometimes to commit a crime. He has got every right to live a full life and it will be criminal on the part of any society and also the State to prevent or deny him that right which has been given by nature, to live a full live throughout his life.

What shall we do when looking into this aspect? What can we do so far as the criminal is concerned? I am not able to agree with my hon. friend Shri Naushir Bharucha who has been a very eminent lawyer. When he came to write the dissenting note, his lawyer's intelligence is reflected; but the human mind is a bit lacking, I am sorry to say.

Shri Naushir Bharucha: It is human sympathy that has made me write that.

Shri Narayanankutty Menon: For long past, it has been over-emphasised that a criminal commits a crime because of his criminal psychology. But, it has been pointed out in a very mild way by the latest authority that we have got today, Dr. Reckless, that there is something called environmental psychology which compels any member of society to do a particular act in given conditions and that the motivating factor as far as the crime is concerned is environment in society.

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When dealing with cases, we find that an offender was a good gentleman before he committed the offence. His instinct to commit the offence, his motive in committing the offence, was not because he was a habitual criminal, habitually anti-social. He goes to the court of law and the court gives him a punishment or he is acquitted by some chance. He returns back to society and he is never condemned or he never behave as a criminal. All this experience shows that our approach to the criminals will have to be a modern approach, an approach far from and different from Salmond approach and we should not be clinging on to Salmond's theory of deterrent punishment, which has proved to be, if not a false theory, a theory which we could not rely on. Therefore, I am very glad to welcome the motivating factor behind this Bill and the Government's intention in introducing this Bill. Whatever I have to speak regarding this Bill, apart from welcoming almost all the features of the Bill, is that the Bill in itself is not adequate to deal with the magnitude of the problem with which this Bill is concerned.

In this Bill, provisions are there to give probation to the first offender. When we come to probation to the first offender, it is necessary for us to go into the circumstances under which this particular offender has committed this crime and to correct that psychological deviation in his approach and make him a proper citizen of the country. There are the probation officers. When I come to the probation officers, that is the part of the Bill that I want to comment upon. Because, from the category of government servants connected with the administration of justice from which these probation officers are going to come, I get little faith because, instead of reforming the criminal, we have got the sad and miserable experience of the criminal becoming a confirmed criminal. I

have been to the central jail and I have been an inmate there for some time. Before being put in the central jail, I have been in six or seven lock-ups because I was supposed to be a criminal. The way in which I have been treated by the police makes me now to ponder how far a criminal in the hands of the same officers will get a chance to reform himself. In this connection, I want to emphasise that although in the provisions of this Bill certain good things have been incorporated, yet a radical change in the whole approach of the State to the criminal till he is found guilty should be the first and fundamental factor in order to make our basis so secure. If you go to any court room of our country today you will find how the poor criminal is treated before he is found guilty. According to Salmond and according to English, jurisprudence, till the court finds that he is guilty, he is not guilty. But he is dragged to the court room by the police, and just because the police decided to find a charge-sheet against him, he is looked upon as though he was a criminal himself. Now, what is the treatment that he gets from the police? Before the magistrate finds that man guilty, the police decide that he is guilty, and the treatment that he gets inside the lock-up, before he is convicted, is as good as that which he would get if he is found guilty. If such an approach is there, such an inhuman approach, and such an ununderstanding approach, both inside the jails and inside the lock-ups, what is the use of extending such a treatment during probation and expecting that something better will come out of that? Therefore, the whole scheme of these probation officers should be changed.

Instead of one probation officer being appointed, I should recommend that social service organisations and also respectable people from the different professions be formed into non-official bodies to supervise the whole process of probation so that technical and other much-needed

advice will be available for the probation officers; for, in certain cases, the services of a psychiatrist will become all the more necessary, and in certain other cases, the services of a social worker will become all the more necessary. So, there should be a non-official organisation attached to the probation officer, if at all a single man is necessary, to supervise and also to control and regulate the probation period so that the probation becomes a real probation, and there shall be a scientific answer to the common motive by which the man was led to commit the crime. Even though provision has been made in this Bill for a probation officer, I hope that Government will certainly think over this question, and see that instead of probation officers, there are non-official bodies and experts attached to them so that the entire supervision and control of probation will be given in their hands.

There is another small danger also; in fact, it may even be a big danger; if a man has really committed a crime, and if it solely depends on the probation officer to certify that he can be released, then that power may be misused, and that may become dangerous. Therefore, I would suggest that this power which ought to be exercised by the judiciary by a judicial order should not be left to this probation officer, for, by doing so, we shall be transferring it to the hands of a single individual who is going to be an executive officer. That power is liable to be misused; he may not use it always for the purpose for which it is intended; and he may misuse it. Therefore, to prevent that misuse also, we shall have to take away this power from one single executive officer and hand it over to a more responsible body of persons. I hope that this will also be done.

Now, I come to another portion that has not been dealt with in the Bill, but which ought to be a part and parcel of this Bill. There are jail manuals in the country today, which have been framed by the State

Governments. In certain States, they are manuals which were formulated before the Indian mutiny; and in certain States, the manuals were formulated some twenty or twenty-five years ago. I have not enough time, otherwise, I would have elucidated certain very interesting pieces from the jail manuals which rule the whole life of the criminals inside the jails. The jail life will have to undergo a radical and revolutionary change, if the intention of Government in bringing forward this Bill is to reform the offender who has had the misfortune in spite of this Bill to go to jail. Therefore, the jail manuals should be completely changed, and new manuals will have to be formulated.

Another most important question is: 'After the jail what?'. The offender who unfortunately commits a second offence and who is not subject to the provisions of this Act goes to the jail, maybe, for six months or for one year; but when he comes back, he loses all his moorings in society. Once he goes to jail, then, because he is condemned as a criminal, his property rights, his relations with his home etc. get changed, and his moorings are lost; and that man comes back as a suspect, and does not get back the same position that he had where earlier in society. Where shall he go then? This is all the more important, especially in cases involving the offence of prostitution. I have seen the working of the Suppression of Immoral Traffic in Women Act in certain States and also the rules framed thereunder which provide for after-care homes. But in most cases, I have found that the magistrate convicts the woman for prostitution under that Act for seven days or for fourteen days or for a month's time, but he does not understand the implications of his deed; for, a woman, even though the police charge-sheets her with the offence of prostitution, even though she may not have had a bad history, yet, once she is committed as a prostitute and sent to jail for fourteen days or

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something like that, does not get her place back in the house or get food and shelter when she comes back. The result is that this woman who had never been a prostitute, but who had only been accused of having been a prostitute, and who somehow gets a conviction for a single act will, when she comes back after fourteen days of conviction, have to go into the streets, so that she will be a perennial or perpetual prostitute, because the society cannot claim her back as she has already been committed as a prostitute. Therefore, the provision for after-care should have found a very important place in the Bill, which has not been the case. The Deputy Minister said that provision could be found in some other way. But I would submit that provision cannot be found in some other way.

I have found also the Central Social Welfare Board establishing these after-care homes. I am a member of the advisory committee in the Kerala State, for one of these after-care homes. The State Social Welfare Board is running an institution there. But, unfortunately, what happens is that because of the way the members are nominated, and the way in which they are functioning, they take it as some sort of side business or something like that, without having any interest at all in the organisation. I would submit that Government should take the responsibility and see that there is statutory recognition for these homes, and also find out better ways of dealing with these things instead of leaving the entire thing to a purely non-official organisation. Of course, the services done by the non-official organisations in many respects are very commendable, but at the same time, the non-official organisations, because of paucity of funds and paucity of volunteers coming forward, have got their own handicaps. Therefore, Government cannot leave such an important affair as after-care to these non-official organisations entirely. A statutory pro-

vision will have to be made, and Government will have to take the primary responsibility for running these houses under the supervision of experts in that field. I hope that when the provisions of this Bill are put into operation, Government will bring forward without much delay suitable pieces of legislation which will take into account the necessity and also the importance of after-care, so that we may have a proper solution to this problem.

I now come to the dissenting minutes. As I have said in the beginning, according to me, almost all the dissenting notes are based upon a wrong conception of these facts. An hon. lady Member—unfortunately, she does not belong to this House—has written a dissenting note. When she wrote that dissenting note, I think she had forgotten that she was a part and parcel of the very society which she chose to condemn in unequivocal terms. There is an unfortunate reference in that dissenting note making a blanket accusation against the entire youth of this country. I do not know how the entire youth of this country is guilty so as to deserve such a blanket accusation from the hon. lady Member.

Shri Feroze Gandhi (Rai Bareli):
Who is the Member?

Shri Narayanankutty Menon: Her name is Shrimati Lilavati Munshi.

When a Member of either this House or the other House, having the status of a Member of this sovereign body, which is to regulate the mode of conduct of human life and which is to be in charge of the youth of this country, takes it for granted in a parliamentary committee's report and makes an accusation against the entire youth of this country, I do not think it is a disgrace upon the youth of this country.

Shri C. R. Pattabhi Raman: On a point of order. In fairness to her, what she has said about the youth of the country should be read as a whole.

Shri Narayanankutty Menon: I will read out from two whole sentences previous to that, and let hon. Members of this House decide what is the sort of accusation she has levelled.

Shri C. R. Pattabhi Raman: She says: "Nowadays, we find crimes committed...."

Shri Narayanankutty Menon: "I have known cases where even the Professors and Vice-chancellors are terrorised...."

Shri C. R. Pattabhi Raman: That won't present a correct picture. He should start with "Nowadays, we find...."

Shri Narayanankutty Menon: I will quote two sentences earlier:

"The age limit given in the Act is 21. I think at present looking to the paucity of officers, Magistrates and the places to house offenders as mentioned above, the age limit should be restricted to 18 for the first five years and only after creating the proper machinery within that period the Parliament should raise the age limit by amending the Act. Nowadays we find crimes committed, not only by the ignorant and the illiterate people but by the educated youths as well. Very often witnesses are terrorised and maltreated by such youths. I am afraid that nobody will come forward to give any evidence if at the end of that, the witness is going to find that the person against whom he gave evidence would be in a position to harm him. I have known cases where even the Professors and Vice-Chancellors are terrorised"—

that is understandable—

"by the youth *enmasse* shouting abuses against them and some-

times even beating them. Some of the young educated persons go to the extent of committing thefts and even murder, and harass women. I have heard about a father of a girl belaboured because he objected to the behaviour of some boys who molested his daughter. Even for the sake of a wrist watch, a murder was committed by a student. I again emphasise that there should be a proper machinery created before the Act is enforced".

I was very much impressed by the word '*enmasse*'. From the whole paragraph, it appears that it is a very new and novel phenomenon that educated men have started, of committing offences; in the past it was not there; only in the present it has started. Sir, my conclusion is that this paragraph is a wholesale condemnation of the youth of the country. You cannot come to a blanket conclusion about an entire section of humanity. If crime has been committed, it has been committed by individuals; it is also committed collectively. Because of that alone, you cannot accuse a whole section of the people.

My only point in reading this out is to point out that this is a very alarming picture that she has presented. It is a very pessimistic picture that she has presented.

Mr. Deputy-Speaker: I was on the Joint Committee. I can assure the hon. Member that she did not mean what is being imputed to her. She did not mean all that.

Shri Narayanankutty Menon: I was not on the Committee. I only read what she has written.

Mr. Deputy-Speaker: She raised the question in the Joint Committee as well. She only referred to it, not that all educated people or all youths were of such a character or were prone to commit crimes, but as ignorant and uneducated people committed crimes, educated youths also did the same.

Shri Narayanankutty Menon: The hon. Member has not been so educated and experienced....

Mr. Deputy-Speaker: I do not quarrel with the language. But I know that she did not mean to condemn any class of educated people.

Shri Narayanankutty Menon: If you could say that, I am prepared to accept that, but the purport of the whole dissenting note is what I have indicated. I am only disagreeing with her. I only say that she has presented an alarming and pessimistic picture. There is still hope that the old outmoded theory of Salmond, so much of which we accepted 50 years ago, will be discarded and when we come upon a new era in almost every aspect of social order, we can find ourselves an answer to all these things and reform the criminal.

I again appeal to the hon. Minister to see that this legislation is not confined to this small little matter of probation, but the entire problem of penology and the way of dealing with criminals and also after-care is thoroughly considered by Government and an elaborate legislation with provisions dealing with all these aspects brought forward so that we can say that in respect of the solution of this problem, we have made a small, little beginning. Until the other aspects are also covered by legislation, we cannot be satisfied with this part alone and we will not be justified in saying that we have made even a modest start as far as the reformation of the criminal is concerned.

श्री नृसिंहराव दुबे (फर्रुखाबाद) : उपाध्यक्ष महोदय, यह विधेयक जो आज सभा के सामने उपस्थित है मेरी समझ में जरा कम आता है।

हर एक जुर्म के लिये दो भ्रादरियों की या व्यक्तियों की जरूरत होती है। एक तो

बहु शस्त्र जो जुर्म करता है, दूसरा वह शस्त्र जिसके साथ जुर्म किया जाता है और तीसरी स्टेट। तो इसमें स्टेट का और पब्लिक का और जुर्म करने वाले का तो बहुत ख्याल है, परन्तु जिसके साथ ज्यादाती की जाती है उसकी तरफ जरा भी ध्यान नहीं है। किसी भी समाज में, किसी भी भ्रादमी में; साब भ्रगर कोई ज्यादाती की जाती है तो जब तक कि वह बहुत ही बड़ा भ्रादमी न हो, सन्यासी किस्म का भ्रादमी न हो, महात्मा गांधी के किस्म का भ्रादमी न हो, तब तक उसका बदला लेने की स्वाहिसा उसमें रहती है। और प्राजकाल की जो पीनल कोड है उसका उखूल यह है कि भ्रगर किसी के साथ जुर्म किया गया है तो स्टेट कहती है कि भाई तुम बदला मत लो, तुम्हारी तरफ से बदला हम ले लेंगे। यह इम्पलाइड है कि यह स्टेट की तरफ से कहा जाता है, हालांकि ज्यादातर स्टेट यह बात कहने के लिये नहीं आती है। लेकिन जिस शस्त्र के साथ कोई जुर्म किया जाता है उसके दिल में यह बात होती है कि मैं बदला ले सकूँ, भ्रगर मैं बदला न ले सकूँ तो मेरी तरफ से सरकार उससे बदला ले और उसको सजा दे। तो जब तक कि उस भ्रादमी में कि जिसके साथ जुर्म किया गया है, यह माफ करने की भ्रादत न हो जाये, माफ करने की बात पैदा न हो जाये कि वह इस बात के लिये तैयार हो कि इसने मेरे साथ जुर्म किया तो किया मैं इसको सजा नहीं देना चाहता मैं इसको माफ कर देना चाहता हूँ, तब तक इस तरह का कानून लागू नहीं किया जाना चाहिये। जब यह बात पैदा हो जाती है तब तो वह विधेयक जो रखा गया है वह निहायत अच्छा है और वे लोग जो जुर्म करते हैं उनको समाज में रखने के लिये और इस तरह से समाज को मजबूत करने के लिये काम में लाया जा सकता है। लेकिन जिस शस्त्र के साथ जुर्म किया गया है भ्रगर उसके दिल में बदला लेने की भावना मीबूद है तो मेरी समझ में इस विधेयक से कोई फायदा नहीं हो सकता। तो जरूरत जो है

वह इस बात की है और इस बात का कम से कम खयाल किया गया है। जब तक कि समाज इस ऊँचे दरजे तक न पहुँच जाये जिसके साथ जुर्म किया गया है, जिसके साथ ज्यादती की गई है वह जुर्म करने वाले को माफ करने को तैयार हो जाये, उस वक्त तक इस किस्म के विधेयक से जो फायदा खयाल किया जाता है वह फायदा हासिल नहीं हो सकता।

उन जुर्मों के लिये तो मेरी समझ में यह बात प्राती है कि जो बगैर इरादे के हो जायें, गफलत या नैगलोजेंस की वजह से हो जायें, एक्सीडेंट से हो जायें, इस किस्म के जो जुर्म उनके लिये तो समझ में प्राता है, उनके लिये तो ऐसी बात हो और यह प्रोबेशन आफ आफेंडर्स एक्ट लगाया जाये। और इन हलातों में भी जिस शस्स के साथ जुर्म किया गया है उसकी राय लेनी बहुत जरूरी है। जैसे कि गालिबन जाब्ता फौजदारी की दफा ३४५ है जिसमें जुर्मों का कंवाउंड करने का प्रावीजन है कि जिस शस्स के साथ जुर्म किया गया है उससे पूछा जाये कि यह माफी मांगता है और कहता है कि मुझसे गलती हुई, मुझे माफ करो, वैया ही इसमें होना चाहिये। अगर वह माफ करने पर तैयार हो तो जरूर यह एक्ट लगाना चाहिये लेकिन अगर वह माफ करने के लिये तैयार नहीं है और जुर्म ऐसा है कि जिसमें इंटेंशन भी है और ऐसी हालत में मैं समझता हूँ कि इस एक्ट का लगाना मुनासिब नहीं होगा।

मेरे मित्र श्री रघुबीर सहाय

श्री रघुबीर सहाय : में आपका ध्यान . . .

उपाध्यक्ष महोदय : आर्डर आर्डर। वह आपकी तरफ ध्यान देना नहीं चाहें।

श्री भूलचन्द बुबे : मेरे मित्र श्री रघुबीर सहाय जी ने एक संशोधन दिया है। उसमें लिखा है कि अगर कोई आदमी जुर्म करेगा चाहे और कह दे कि मैंने जुर्म किया है, क्लोन ट्रेस्ट कर दे, आपने यही अल्फाब इस्तेमाल

किये हैं, तो उस के साथ यह सजा दिया जाये। मेरी समझ में यह बात बिल्कुल नहीं प्राती कि अगर कोई जुर्म करके चाहे और कह दे कि मैंने जुर्म किया है तो उससे यह कह दिया जाये कि तुम घर जाओ। यह एक डेंजरस प्रापोजीशन है जो कि मेरे दोस्त पेश कर रहे हैं और जो मेरी समझ में नहीं आ सकती।

श्री रघुबीर सहाय : में आनरेबिल मेम्बर का ध्यान दफा ५ की तरफ दिलाना चाहता हूँ। क्या उन्होंने उसको पढ़ा है ?

उपाध्यक्ष महोदय : मेरी मुश्किल यह है कि हाउस में दो मेम्बर एक साथ नहीं बोल सकते। जब तक वह तैयार नहीं हैं उस वक्त तक आप न बोलें।

श्री भूलचन्द बुबे : तो मैं यह अर्ज कर रहा था कि जो जुर्म बगैर इरादे के हुये हों, जो कि एक्सीडेंट या भूल से हो जायें, उनमें भी जिस शस्स के साथ वह जुर्म हुये हैं उसकी राय लेने की कांशिश करनी चाहिये। आम तौर पर जुर्मों के लिये अगर इम एक्ट को लगा दिया जाय और जुर्म करने वालों को छोड़ दिया जाय यह मुझे मुनासिब नहीं मालूम होता।

अब प्रोबेशन आफिसर्स के बारे में भी आप गौर करे कि एक जिले में एक प्रोबेशन आफिसर मुकर्रर कर दिया जायगा। हो सकता है कि जिले में ५० या १०० आदमी हों जिन पर यह एक्ट लागू किया गया हो, और जिला ५०० स्क्वायर माइल्स में फैला हुआ हो। अब हमारे यहां गांव देहातों में सड़कों तक का काफी इन्तजाम नहीं है। वहां पर प्रोबेशन आफिसर क्या देखेगा और किस तरह से देख सकेगा। और लोगों में यह आम तौर पर कमजोरी होती है कि अगर गांव का कोई आदमी फंस गया है और अगर गांव वालों से उस आदमी के बारे में प्रोबेशन आफिसर पूछता है कि इसका बाल चलन कैसा है तो वह कह देंगे कि इसका बाल चलन अच्छा है। यह इसी

[श्री मूल मन्त्र बुधे]

तरह होगा जिस तरह से कि सफाई के लिये गवाह मिल जाते हैं !

जो खास चीज है जुर्म को रोकने वाली और सोसाइटी को मजबूत बनाने वाली और लोगों की अच्छी आदत बनाने वाली वह धर्म है। यानी आदमी को जुर्म करने से जो प्रसली चीज रोकने वाली है वह धर्म है। दूसरी चीज जो जुर्म को रोकने वाली है वह सजा है। और जो तीसरी चीज रोकने वाली है वह यह खयाल है कि जिसने साथ ज्यादाती की गई है वह बदला लेगा, मारेगा। पर आप तीनों इन चीजों में से किसी को नहीं रखते। तो जुर्म को रोकने की गुंजाइश कैसे रहेगी।

जहां तक धार्मिक शिक्षा का सम्बन्ध है मां बाप को इतनी फुरसत नहीं रहती कि वे अपने बच्चों को अच्छी धर्म की शिक्षा दे सकें। वे दिन भर अपने काम में लगे रहते हैं। अगर वे शहर में रहते हैं तो दिन भर नौकरी में लगे रहते हैं, अगर देहात में रहते हैं तो खेती में लगे रहते हैं। तो उनको इस बात की फुरसत नहीं है कि लड़कों की अच्छी देखभाल कर सकें। स्कूलों और कालिजों में यह हालत नजर आती है कि वहां पर धार्मिक शिक्षा दी नहीं जा सकती क्योंकि हमारी सिक्पूलर स्टेट है। लिहाजा उनको वहां भी इस किस्म की तालीम नहीं मिलती। समाज में इस तरह की तालीम के लिये कोई तरीका नहीं है। तो मेरे खयाल से बजाय इस विधेयक को पास करने के, जरूरी यह है कि समाज में धार्मिक शिक्षा देने का प्रबन्ध किया जाये, चाहे वह हिन्दू मत की हो, सिख मत की हो, मुसलमान मत की हो, ईसाई मत की हो या सब की मिली जुली हो ताकि किसी धर्म के प्रांत तरफदारी या पक्षपात का खयाल पैदा न हो। जो भी मारल प्रिंसिपल्स हैं उनको एक बुक में रखा जाय जो कि बराबर स्कूलों, कालिजों और यूनि-

वरसिटियों में पढ़ायी जाय ताकि लड़कों के मारल ऊंचे हो सकें और वे समाज के अच्छे मेम्बर हो सकें, समाज मजबूत हो सकें और समाज संभल सके।

मुझे इतना ही कहना है।

Shri P. R. Patel (Mahsana): Mr. Deputy-Speaker, Sir, it seems to me that Government is not considering realities. Some days back a Bill was discussed here when it was said that ladies are molested on streets and that there should be severe punishment for that. Everybody voiced the opinion very strongly on the point. And, today we are out to see that offenders do not go to jail but they are released on probation or let off with some admonition.

The hon. Minister must be knowing that even in big cities like Bombay, Delhi, Ahmedabad and others, private guards are engaged to protect shops and houses and in villages private guards are engaged for all the 12 months. This is the position. So far as the cultivators are concerned, whatever labour they put on their fields would be useful provided they are fortunate enough to bring the crops to their houses because before a crop is ready, it is taken away in many cases. So, my submission is, is this the proper time for such an enactment?

Only yesterday, our veteran politician, our Home Minister, Pandit Pant said in the Rajya Sabha in connection with the abolition of life sentence—I will read his own words:

"I do not think that any sort of public opinion exists in the country in favour of abolishing capital sentence. Really, the general feeling is that we are lenient and our courts are still more lenient so that criminals prosper and thrive because of the liberality of views which is shared by all of us."

Now, by this enactment, whether the criminals will thrive or diminish is a matter to be considered. He posed the question then:

"Do we want more murders in this country or less? If we want more, then one of the methods perhaps could be found in the abolition of death sentence. If we want less then you have to maintain capital punishment."

So, he was for maintaining capital punishment. He was also of the opinion that if this capital punishment is abolished, there will be more murders. Here, the only question is whether we want more offences whether we want more cheats. Further on he said:

"Reference had been made to other countries where capital punishment had been abolished but it had to be remembered that the proportion of murders to the population in those countries was not more than four to a million while in this country it came roughly to 26 to a million. If it reaches that infinitesimal figure of four to a million that will be the time for us also to consider the desirability of a change. But so long as the figure is as high as it is, it is difficult to rely on those analogies. They don't fit in at all."

So, my submission is that looking to the crimes and the different types of crimes, is it desirable at this time to have such a legislation that if a man commits an offence punishable with imprisonment upto two years with or without fine, he may be released after due admonition if there are circumstances sufficient for that? What are the circumstances? The circumstances would be these.

It will be said that it was the poverty that made him commit this offence or something like that. So long as we do not remove the circumstances, so long as we do not give work by legislation which is the duty of the government, this will be there. What

are we doing to remove the circumstances? Nothing absolutely. So, the offences will be on the increase. Now, what will the accused say? He will say: "Sir, my wife was sick. I wanted to buy some medicine but I had no money in my house. I had to go into somebody's house and take it out but unfortunately, I was caught." I would only ask whether this is the proper time for the country to have such a legislation?

We have also included section 420—a very notorious section. Every cheat is now called a 420 and we are giving protection to these 420's. The offence here is committed after deliberation. It is not committed in some bad or good mood. Cheating cannot be done in a minute and we are giving protection to such cheats. If, however, we are going to adopt this legislation let there be one thing let the person who wants to benefit by this Bill come forward and say before the court with open and clear hands that he was guilty and these are the circumstances under which he committed the offence or was actuated. Let him express sorrow for the offence and repent and then get his release after being admonished. That would be proper. But here what do you want? The whole trial goes on. The prosecution witnesses and the defence witnesses are examined and then the court comes to certain conclusions. When it comes to certain conclusions, the man would say to the court that these were the circumstances and the circumstances will have to be proved. We are giving a premium to such cheats and such offenders. If they are released that will give premium to other offenders and they will be encouraged in these things.

Now, what is probation? If a person commits an offence not punishable with life imprisonment, he will be put under probation. How many probation officers will be in a district? If there are a thousand offences, let

[Shri P. R. Patel]

us suppose 500 persons are released after admonition. Then 500 will be on probation. How many probation officers will be there—one or two. He should rely on police reports. This will give rise to corruption. The police will squeeze money from these people saying to them that they would be reporting adversely about them. Are we going to encourage this sort of corruption? Probation officers need be of very high calibre generally. Shall we get such officers?

Today why is our administration abused? There are honest persons in the administration but there are also others. You ask any merchant who gets import-export licences. There are commission agents in Delhi. How do they manage to get these licences? We shall be encouraging corruption by this legislation.

There is one thing more. Whatever criminal injury or criminal harm may be committed, the people would not go to the court because clause 5 is there. It is the discretion of the court to give compensation to the complainant. The complainant may be deprived of something and he comes to the court. In the court we know it is not easy to prove the guilt. I am working on the criminal side for so many years and my experience is that about ten cases out of 100 end in conviction. Out of ten, there will be this probation and all those things. The complainant will be coming to the court to prove the guilt. He shall have to call witnesses and spend money. He will engage a pleader and pay him fees. In the end the court may come to the conclusion that the man should be let off with some admonition or on probation. What will be the fate of the person who complained? It is not compulsory that the court should award compensation or pass any such order. Is it not necessary that section 5 should be changed to that effect? He should be released on probation only on payment of some reasonable compensation. There should be something of that kind. Otherwise, what will happen?

Today there are some thefts here and there. Do we go to the courts? How many people go to the police? This will encourage so many things. Then there are these bootleggers. I know small boys and girls and some persons do the business of bringing this illicit liquor to Bombay from outside. They are caught and are prosecuted before a court. They will say: "Sir, I was without any employment. I got some Rs. 2 or Rs. 3 to carry and deliver these things at a particular place. I did it and I will not again do it." They may be admonished or let off on probation. The person would be released. Thereby we shall be encouraging these bootleggers.

15 hrs.

Then, pick-pocket business is going on everywhere, at the railway stations and other places. Who are the persons who are doing this business? Well, so many young boys do this business. But behind the screen there is another agency which gives pay or some remuneration to these young boys. That agency goes on earning money with this pick-pocket business. If these boys are detected while pick-pocketing, they will also be released. Therefore, we will be encouraging bootlegging and pick-pocketing as also so many other offences. I would submit that Government may consider these points.

I was, Sir, in the Joint Committee and I know that the Government at the last stage came forward with an amendment which is put in clause 18 saying:

"Nothing in this Act shall affect the provisions of section 31 of the Reformatory Schools Act, 1897, or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947...."

Therefore, if any amount is misappropriated and that be Government's money, then the man is not protected; whereas if a man misappropriates my money he is protected. If a Government servant accepts a bribe of one or two rupees he is not protected, but even if I am deprived of

Rs. 2000 by a cheat he is protected. I do not understand what is the sense in this. If at all you want to give protection, let the protection be given to one and all. You may say that up to Rs. 100 or Rs. 200 if there is any theft or bribe everybody would be protected. Here the Government desires to check bribery or misappropriation of Government money for which they have said that the minimum sentence should be not less than this and this. Why do you have this difference? Those in the Government service are serving under you, under your influence and guidance. If you are not able to improve those persons who work under you and receive salaries from you, how can you improve others? You want a higher punishment for those who serve under you, whereas you want to be benevolent to others. You want to be benevolent to others, let go every other person and try to improve him.

The circumstances are, no doubt, to be considered by the Court; but once this is a central legislation the courts will be very lenient. Our hon. friend Pandit Pant said in the Rajya Sabha that our courts are very lenient. Therefore, we are making our courts very lenient by having this central legislation. I would, therefore, say; pause, consider and then go on with it. It is not a legislation without which the country will die. Let us wait for a year or two. What are you going to lose in this? After all, let us gain something by experience.

Even Lord Krishna failed to improve the offenders, Shri Rama failed to do it, and they had to use arms. Even Lord Buddha failed; and Gandhiji failed to improve his own followers. Now the Government comes forward to improve the society. Well, Sir, if a good person in society commits an offence, naturally by a rebuke he would improve. But there are certain types of persons who can be improved only by heavy penalties. That has been said by so many of our sages in our country.

Therefore, I would submit that the Bill be not pressed by the Government. Let it go to the people and let the people express their opinion on this. The hon. Home Minister said only yesterday: "I do not think that any sort of public opinion exists in the country in favour of abolishing capital sentence". I would like to know whether there is a public opinion in favour of having this enactment? How are we going to judge it? If it is to be judged in this House, I would say that our masters are outside, let them say what they want to say and let this Bill be circulated for eliciting public opinion.

Mr. Deputy-Speaker: Nobody wants to speak from this side? All right; Shrimati Uma Nehru. I shall call Shri Bharucha next as some hon. Members are waiting for Shri Bharucha to speak.

Shri Jaganatha Rao (Korapat): Sir, the Speaker announced that members of the Select Committee would be called later.

Mr. Deputy-Speaker: Now that stage has come.

श्रीमती उमा नेहरू (सीतापुर) : श्रीमान् जी मैं उन विन के स्वागत करती हूँ। इस विन को तो आजादी के फौरन बाद ही आ जाना चाहिये था, जब कि आज आजादी को मिले दस साल में ज्यादा हो गये हैं। जन्म में चीन में मैंने देखा कि उन लोगों ने पांच मात बरस के अन्दर ही प्रास्टी-च्युशन और इस तरह का दूसरी बातों को बर्तों से हटा दिया था। मैं बर्तों को हर होम में गई और मैंने देखा कि उनमें कैसे निरासी जाती है। इसमें कोई शक नहीं है कि पांच मात बरस में जितना उन्होंने बर्तों का काम किया, जितनी ममाज की शक्ति बढ़नी, उतना हम नहीं कर सके हैं। यह एक सही बात है। लेकिन उनको देखने के बाद मेरी राय यह हुई है कि ऐसा करना नामुमकिन नहीं है—हरके चीज मुमकिन है, अगर इन्सान का इरादा और दिल उस तरफ हो।

[श्रीमती उमा नेहरू]

इस बिल में मेरी भी शिरकत है और मुझे इसके बारे में यह कहना है कि इसको समझने के लिये लाइयर की काबिलियत की जरूरत नहीं है। मैं देख रही थी कि हमारे आगे पीछे, सब तरफ लाइयर्स ही इस बिल पर बहस कर रहे हैं।

उपाध्यक्ष महोदय : यह जगह बदल लेनी चाहिये आपको।

श्रीमती उमा नेहरू : लेकिन बात यह है कि मैं लाइयर तो नहीं हूँ, पर थोड़ी सी कामनमेन्स मुझ में है। मैं समझती हूँ कि अगर मैं उम कामनमेन्स को इस्तेमाल करके इस बिल को देखूँ, तो एक किमिनल लाइयर की तरह, मैं भी इस बिल के चिपड़े और धज्जियाँ कर सकती हूँ। लेकिन जब मैं समाज की मार्लेटी की तरफ देखती हूँ और समाज के मोरलज को उठाने का खयाल करती हूँ, तो मैं समझती हूँ कि यह बिल हमारे लिये गाड-मैन्ट बिल आया है। इसलिये मुझे कानून की कोई चिन्ता नहीं है—चिन्ता इस बात की है कि हमने समाज को सूरत को बिन्कुन बदल देना है, समाज में हमको परिवर्तन करना है, उसके कोने कोने में परिवर्तन करना है। और वह परिवर्तन क्यों करना है? अगर समाज में परिवर्तन आप नहीं करते हैं, तो जो आजादी आपने ली है, यह नहीं रहने पायेगी। क्या समाज में परिवर्तन इतना दुश्वार है, इतना मुश्किल है और क्या यह बिल कुछ भी नहीं है? इस बिल के बारे में कई शकूक का इजहार किया गया है। कहा गया है कि साहब, प्राबेशन आफिसर्स इस काबिल नहीं होंगे, वहाँ करप्शन होगी, फलां चीज होगी। लेकिन इस हाउस में कोई नहीं सोचता कि आखिर यह गवर्नमेंट भी तो कुछ दिमाग रखती है; जब वह कोई बिल लाती है और समाज में कुछ परिवर्तन करना चाहती है, तो उसके सामने भी ये मुश्किलें होती हैं और उन मुश्किलों को वह हल करना चाहती है। आजादी मिलने के इतने बरस

बाद यह बिल हमारे सामने आया है। आज गवर्नमेंट इन मुश्किलों को हल करना चाहती है, लेकिन हम चाहते हैं कि पहले समाज का नक्शा बदलो और फिर इस बिल को लाओ। इसमें आपने कोई कमाल तो नहीं किया। पहले बरसों तक समाज को बदला जाय और फिर यह बिल लाया जाये। मैं कहना चाहती हूँ कि पहले आजादी के बारे में भी हमारे मुल्क में यही बहस होती थी। जो भाई बहन आजादी की लड़ाई में सिपाहियों की तरह लड़ रहे थे, उनसे बार बार कहा जाता था कि अभी मुल्क इस काबिल नहीं है कि वह आजाद हो। मुल्क आजाद हुआ और आजाद होने के बाद यहाँ कितने परिवर्तन हुये। यहाँ बड़े बड़े कानून लाये गये और बड़े बड़े काम किये गये। लेकिन इस छोटें से कानून के बारे में हरेक वकील ने अपना अपना नक्शा और अपनी अपनी तस्वीर बना कर रख दी है—कोई दो तस्वीरें एक नहीं हैं। मैं यह कहना चाहती हूँ कि अगर इस बिल को देवना है, तो वकील की निगाह से नहीं, दूसरी निगाह से देखना है।

मैं यह भी बताना चाहती हूँ कि इस बिल में जो भी रिफार्म्स रखे गये हैं, जो भी परिवर्तन करने का इरादा किया गया है इस मामले के हरेक पहलू पर अच्छी तरह से मोच विचार करके ही उनको रखा गया है। मुझे मालूम नहीं कि जो भाई बहन इस बिल के बारे में बोले हैं, उनमें से कितनों ने इस बिल को अच्छी तरह से पढ़ा भी है। हमारे यू० पी० में तो जेलों के बारे में बड़ा परिवर्तन कर दिया गया है। वहाँ के कैदी बाहर के बड़े बड़े काम भी करते हैं और एक तरीके से बंधे आजाद हैं। जो लोग आजाद हुये, उन में से एक धोबी था और एक बाबर। उनका कहना है कि हमें साधन दो, सब चीज दे दो, हम अपना काम खुद करेंगे। आज दिन भी व लोग मुझसे मिलते हैं और उसके बाद उन्होंने कोई चोरी बगैरह नहीं की। जसु हम लोग रहते हैं, वैसे ही वे भी रहते हू

मैं यह भी बताना चाहती हूँ कि इस संसार में कोई क्रिमिनल पैदा नहीं होता है, बल्कि क्रिमिनल तो बनाये जाते हैं। हम उनको क्रिमिनल बनाते हैं, सजा उनको क्रिमिनल बनाता है सर्कमस्टांसिज से वे क्रिमिनल बनते हैं। अब हमने पक्का इरादा कर लिया है कि हम इन सर्कमस्टांसिज को बदलेंगे और समाज में परिवर्तन लायेंगे। मुमकिन है कि मेरे बैठने के बाद लोग यह कहें कि जो कुछ मैं कह रही हूँ, उसमें इमोशन ज्यादा है उसमें कानूनी बात नहीं है, कानूनी आंकड़ उसमें नहीं है। इसलिये ऐसे लोगों से—वकीलों से—मेरा कहना है कि जब तक आप अपने कानूनी दिमाग को नहीं हटायेंगे, तब तक आप की हमारा नक्शा साफ़ नहीं दिखाई देगा। अगर कोई चोर चोरी करता है, तो हम उस की जरूर गुद्दि करेंगे और कोशिश करेंगे कि वह फिर चोरी न करे। हम इस ख्याल से मुत्तफिक नहीं हैं कि अगर जुर्म हल्का है, तो उसको रहने दो और अगर बुरा संगीन है, तो क्रिमिनल ला को ले आओ। मैं कहना चाहती हूँ कि हमें क्रिमिनल ला बदलना चाहिए। इस वक्त हमारे कंट्री में जो क्रिमिनल ला है, उस में बहुत नुक्स हैं और इस लिए उस को बदलना चाहिए। इसलिए जरूरत इस बात की है कि इस ख्याल को सामने रख कर, इतना अन्याय न हो, यह देख कर, इंसान को इतना गिरा हुआ न समझ कर हमारे वकीलों को इस नक्शे को देखना है।

इस के बाद मैं यह कहना चाहती हूँ कि जब यह काम होगा, तो मुझे पूरा विश्वास है कि हमारी गवर्नमेंट की तरफ़ से ऐसे होम्ज बनाए जायेंगे, जहां कि छूटे हुए कैदी और माफी पाये हुये आफ़ेडर रह सकें और उनकी रक्षा की जा सके, उनको रिहैबिलिटेड किया जा सके, उनका ख्याल रखा जाय और उनको इन्सान बनाया जाय मुझे यह नक्शा इस बिल में दिरवाह देता है

हमारी कोशिश यह है कि जिसको हम जुर्म समझते हैं, हम उस जुर्म को मिटायेंगे।

मैं भी कई बार जेल गई हूँ और मैंने जुबेनाइल जेलों को भी देखा है, और उस वक्त देखा है जब अंग्रेजों का राज्य था। वहां पर बच्चों को मैंने देखा है; १४-१५ वर्ष की लड़कियों को देखा है और जब वे वहां से निकल कर बाहर जाते थे तो और ज्यादा क्रिमिनल बन जाते थे, वहां पर उनको और भी ज्यादा क्रिमिनल बना दिया जाता था। बजाय इसके कि उनको मारल सैंस बतायें, समझायें, गाली देकर मार पीट कर, और हजारों तरह से तंग किया जाता था और एक बार जब उनको छोड़ भी दिया जाता था उसके बाद फिर वे जेल में ही आते थे। यह चीज़ हमें नहीं करनी है।

अगर किसी इन्सान से गलती हो जाती है तो इन्सान का फर्ज है कि उसको माफ़ कर दे। यह जो भावना है इसे हमें लोगों में पैदा करना होगा।

यहां पर जजों का भी जिक्र किया गया है। जो नक्शा और जो सूत्रें हम पैदा करना चाहते हैं उनमें हम नहीं समझते कि हमारे जो जज हैं वे भी उस रंग में नहीं रंगे जायेंगे। जो भी नुक्स हम इसमें देखते हैं वह हमारे देखने का नुक्स है। हमें इसको जिस भावना से देखना चाहिये उस भावना से नहीं देख रहे हैं।

इस बिल का मैं फिर स्वागत करती हूँ और समझती हूँ कि मिशनरी स्पिरिट से इस बिल को यदि आगे बढ़ाया जायेगा, तो कुछ नहीं होगा। मैंने कमेटी में भी कहा था और अब भी मैं कहती हूँ और मेरी यह निश्चित राय है कि इस बिल के अन्तर्गत जो अफसर रखे जायें उनमें से ज्यादातर औरतों को—बड़ी उम्र की औरतों को ही रखा जाये क्योंकि वे बच्चों को ज्यादा अच्छी

[श्रीमती उमा नेहरू]

तरह से समझ सकती हैं। वे उन बच्चों को जो उल्टे रास्ते पर चले जाते हैं, फिर से सीधे रास्ते पर लाने में ज्यादा सफल हो सकती हैं।

Shri Naushir Bharucha: Mr. Deputy-Speaker, Sir, I have been listening to this debate all along and the outstanding impression on my mind has been that the criminals are lucky, that so much sympathy is shown to them, but nobody seems to be thinking of the victims who are the unfortunate recipients of the attention of such criminals. The Bill, as it has emerged from the Joint Committee, has not made any substantial change except in some procedural matters. I am not against the principle of reformation as I have said, but the question is that the Bill contemplates a major shift from the deterrent aspect to the reformative aspect. The question is how far is our society today prepared to entertain a Bill of this character without serious jeopardy to the maintenance of law and order.

I am aware of the fact that the many speeches that have been made here, particularly the speech by the last speakers whose speech was typical of those who have supported the Bill, are full of goodness of heart. Perhaps Providence has sheltered these speakers from the grim and ugly realities of life. They do not know what a criminal's world is; they have not peeped into it, and they believe that they can reform each and everybody. I submit with due respect to all those speakers that this is a grave mistake, as we might discover to our bitter experience.

What is worse, Sir, is that without having the necessary paraphernalia of the probationary system, namely, the probation officers, the following-up systems, homes for the reclamation of criminals, etc., we are imposing upon this country a Bill which will be far from serving its original purpose. In the course of the meetings

of the Joint Committee it was made known to us that in some of the States where the so-called progressive legislation is already in existence, the number of probation officers appointed in each district was one! I ask this House to consider this. A district means 5,000 sq. miles of territory on an average and a population of 1,200,000 on an average. How is it humanly possible for one or even, for the matter of that, a dozen probation officers to look after the criminals who would be released on probation or admonition under this Bill?

The scheme of this Bill, as it has emerged from the Joint Committee, is that it provides for a cure-all for every criminal. One is admonition and letting him off, and the other is probation of good conduct. There are other provisions regarding variation in terms of probation, failure to observe the terms of probation, etc., which I regard as more or less procedural matters. But the substantive part of the Bill, namely, clauses 3 to 4 and 6 call for very serious criticism. Clause 3, as this House knows, permits the court to release on probation or admonition any person who is found guilty of an offence under the sections of the Penal Code mentioned therein—sections 379, 380, 381, 404 or 420—or of any offence under any Act where the punishment prescribed is imprisonment for two years or less, if there is no previous conviction to his credit, taking into consideration the nature of the offence and the character of the offender. In such cases, the court would be entitled to release the offender merely on admonition.

It was rather unfortunate that during the Select Committee stage we did not have even the reports about the working of the probation laws in various States, though there are at least three States where this law has been functioning. We did not have any idea about the working of those laws. So, we do not know how far we are encroaching upon the State

legislation and rendering them partly nugatory.

The point that has to be remembered is that admonition is to be administered to any person without any age limit. One could understand it if an age-limit were prescribed. What is the charm in admonishing a person of 70 or 75 years who in that length of his life has not improved and hoping that he will improve because the court administers an admonition?

What is most surprising and most painful to my mind is that there is no provision kept in this Bill for adequate compensation to the victims of the criminal. I know there is a provision which mentions that some compensation may be paid. It is being done even now in courts. But may I tell this hon. House that I was present in one court where a very eminent magistrate was trying an assault case where two teeth of the complainant had been knocked down? It was a grievous hurt, as defined in the Penal Code and the magistrate pointed out that in his court the value of a tooth was Rs. 15/-! Now I shall give another instance. Very recently in a murder case, where I was holding a watching brief.....

Mr. Deputy-Speaker: What is the dentist's charge for having a new one?

Shri Naushir Bharucha: That exactly was the point. The magistrate said "in my court the cost of a tooth is Rs. 15/-". That being dentist's charge. But the accused said that it was too much.

Recently, some three or four months back, I was holding a watching brief in a murder case. There a person was charge-sheeted for committing culpable homicide not amounting to murder. Ultimately the magistrate asked the accused to pay some amount in charity and acquitted him. It is a case of murder and the magistrate says: pay something in charity; nothing to his dependants, who may have been stranded by the murder.

Shri Raghunir Sahal: Government's appeal has been filed.

Shri Naushir Bharucha: I know that an appeal has been filed by the Government. Therefore, if you invest these vast powers in the hands of the magistrates, they are likely to abuse them, either because the magistrates want to rush through their work—they have got to show returns as to how many cases they have cleared—or because they, at least some of them, are corrupt, as stated by one of the eminent judges in one of his opinions circulated to the Select Committee. So, knowing the judiciary as I do, I am not prepared to accept this clause 3.

Clause 4 relates to a person who is found guilty of any offence under any section except that punishable with death or transportation for life. Clause 4 says that he need not be the first offender; he may be the tenth offender. He may be going to the jail for the tenth time; that does not matter. Still, he is entitled to be released on probation. Persons, whom the jails could not improve.....

Mr. Deputy-Speaker: Not entitled; he may be "eligible", but not "entitled".

Shri Naushir Bharucha: He may be eligible. From my experience I know that once this Bill comes to be used widely, people will start believing that they are entitled as of right to have this. Just as things are happening today, it is conceivable that people will think that they are entitled to it.

Here let me tell you one thing. In these cases we are permitting release on probation without knowing what will be the probation machinery for the offenders who have committed the most heinous crimes. That is what I am objecting to. People who have committed rape can become eligible—as "eligible" is the legally correct word—people who have committed rape, robbery, dacoity, forgery, perjury, kidnapping of minor girls, all these people, irrespective of the fact that these persons have committed the offence twice or thrice—it does not matter how many times—will be eligible for being released on probation. How much optimistic human

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nature must be! They are hoping and hoping that a habitual murderer will reform just because he is admonished or released on probation! Have we not got the experience of the world before us to warn us against this type of measure which may undermine the very foundation of administration of criminal justice in this country?

So, in the course of the Select Committee discussion a very significant illustration was given and it was stated that one Jagga dacoit had turned a new leaf in his life. But it cannot be taken as a general case. May I ask this House: how many dacoits are there who have improved after the first conviction? May I know what happens to the victims of the Jagga dacoits? We are very keen on lavishing our sympathy on dacoits which I wish were lavished on better causes than on these criminals in this country. We are very charitable to these criminals. But nobody thinks of what happens to the relatives of those who are murdered by Jagga dacoits, the families of those people that are stranded. Nobody thinks about them. Do people have to become criminals in order to attract the sympathy of this hon. House? Are those people also not entitled....

Mr. Deputy-Speaker: If Jagga dacoits remain inside, what would happen to the victims?

Shri Naushir Bharucha: My own opinion is that Jagga dacoits who are found guilty should be hanged and there should be no regret about it.

Mr. Deputy-Speaker: If he is hanged, what would happen to the family of the victims?

Shri Naushir Bharucha: The consequences will follow out of that. On the one hand, they will have the retributive satisfaction. On the other hand, there is the deterrent example to prevent other people from becoming Jagga dacoits. That is why we want this deterrent punish-

ment. Everybody feels concerned about the Jagga dacoit but nobody thinks as to what happens to the family, the wife and children, of the murdered person, the person who has been murdered by the Jagga dacoit. That is my grievance. Why is this sympathy only for the criminals? I say that this sympathy is being misplaced.

The hon. Member who spoke before me said that we must reform the society. But, surely, this is not the way of doing it—being over-kind to the criminal, the convict. It affects the very foundation of law and order. It is the primary duty of the State first to see that law and order is maintained. Today the position of law and order is far satisfactory even in a city like Bombay, where one hon. Minister of Bombay was robbed at the point of knife, one early morning of his golden buttons from his shirt. I can give so many such instances. I was engaged in a case where a person was charged with the crime of murder. Some false accusations were being levelled against him. He was acquitted. As he was getting out, his brother was stabbed in the very compound of the Bombay High Court. So, there are criminals whom we have to take care of before letting them out on probation. We must remember when people are let out on probation even after they have committed offences punishable with ten years or fourteen years of imprisonment, that society is not governed by love but by fear of punishment. We have not reached that stage of a welfare state where everything is love and where all actions are governed by love. Nothing of the kind. The grim realities of life are completely ignored in this case. That is where the law comes in and I plead before this House for a consideration of this aspect.

It has been said that section 562 is there. What has happened? If you think that section 562 is there,

then why bother about it? Let it be there. But you are going much farther. Section 562 is applicable when there is no previous conviction. This clause 4 is applicable even when there are any number of previous convictions. I am sure even sympathy for criminals must have its limits.

There is another provision in this Bill and that is clause 6 which says that anybody who commits an offence and is under 21 years of age need not be imprisoned. I am surprised at it. One hon. Member said I think it was Shri Ajit Singh that 21 is the right age when a man starts understanding the real implications of his actions. In this country 26 years is the average life of a person. Why is it that the Contract Act and the Indian Majority Act prescribe only 18 years? I ask: Is a person of the age of 21 not capable of committing any crime under the Penal Code? He is quite capable of doing it. One learned judge, speaking about this section, remarked—Mr. Justice Chaturvedi of the U.P. High Court said that—

“Far more people under 21 years will be used as tools by criminals than what the probation officers can reclaim.”

This clause lays open a young man under 21 to the danger of being used by criminal elements and this is a very dangerous clause. All this is on the assumption that we have got a good probation system in existence. Where have we got it? Take for instance a State like even Bombay. Does anybody say that the probation system in Bombay is quite satisfactory? Let us not mix up the two things, the possibility of reclaiming even an elderly person and the general class of criminals who, generally speaking, cannot be reclaimed. I can understand exceptions, but then let us provide them in an exceptional manner. For instance, I may not say that I shall send everybody to jail who commits an offence even of a serious character. If circumstances warrant he must be given a chance once again to relive a new

life. We should confine admonition to the age of 21, probation up to the age of 25 and give power to the magistrate that in exceptional cases even above the age of 25 he may give probation. That should be the trend of law. The courts of justice and the magistrate in a case like that may exercise discretion which would serve the purpose of reclaiming the very few persons who are capable of turning over. The confusion, if I may be permitted to say, in the minds of several hon. Members has been that from one single instance they go on drawing general conclusions. Because Jagga dacoit improved, they think all murders are capable of improving. No, 99 or 98 per cent. are not capable of improving. Therefore the law should be for 98%. The exception should be for one or two. That is how the scheme of the Bill should be.

Then, when we allow a person to be released on probation, he must be made to feel some pinch at least of the offence that he has committed. He need not be sent to jail—then he may become a hardened criminal—but what is there to prevent payment of adequate compensation. I lay emphasis on the word “adequate”. Let us say, he has committed culpable homicide not amounting to murder. Under clause 3, as it now stands, a young man driving a car rashly and negligently and causing the death of a person, can be released on admonition, because punishment is two years only. But what happens to the wife and children of the person killed, who are stranded? Therefore, I say that there should be some provision for adequate compensation being paid; otherwise the law must take its course. People should not be induced to think: “Never mind. Even if it has happened, what matters? We are protected by this Act or by the other.” They must be made to feel that civil liability exists in the sense that the magistrate would award the payment of adequate compensation. If compensation had been defined as something which a civil court in due

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course awards in such cases and there is payment of that amount, then of course there would be something to say that at least a victim is taken care of, if sentiment is extended to the criminal. But nothing of the kind is being done.

What clause 5 provides is only this that compensation might be recovered as if it were fine, which means that a warrant is issued and if the man has nothing you can recover nothing. In that case there must be that alternative deterrent that he is likely to go to jail. We are removing all deterrents against criminals. I beg of you kindly to consider this from the angle of the lawyer, who sees the grim ugly realities. The average hon. Member, who is not a lawyer, is not expected to see it that way. Because we know it and because we feel that this Bill is like a leap in the dark, our opposition and our minutes of dissent are there.

I have got nothing more to say. The fears that I have expressed may prove wrong. But I know they may not and the hon. Minister perhaps will soon come with an amending Bill and say that in the light of experience gained we shall amend the law. But by the time you gain enough experience, I hope the damage that you inflict on the society may not be permanent.

Raja Mahendra Pratap (Mathura): May I say a few words?

Mr. Deputy-Speaker: Not now. He cannot have the choice of time. He will have an opportunity.

Raja Mahendra Pratap: But I have been waiting for a week.

Mr. Deputy-Speaker: I saw him coming just fifteen minutes ago.

Shri Jaganatha Rao: Mr. Deputy-Speaker, Sir, according to me this Bill has been long overdue. Of course, the Government tried to proceed with such a measure in the year 1931 and circulated it to the then local governments in the country, but

nothing could fructify. Further attempts were made in the year 1934 and the local governments were then asked to give their opinion regarding the measure of this type. Thereafter some of the local governments, such as, Madras, Bombay, U.P., the then Central Provinces, Mysore and Bengal subsequently came forward with their own probation laws. In the year 1952 again the Inspectors-Central Provinces, Mysore and Bengal met in a conference and came to the conclusion that there should be a system of probation introduced in the country. Then came the report of the United Nations expert on criminology, Dr. Reckless, who also recommended that there should be a uniform system of probation law in the country. Now the Government have come forward with this Bill.

There was discussion about this Bill before it was referred to the Joint Committee. According to modern theories of penology, imprisonment is considered as only one of the modes of protecting society against crime. There are other alternative modes of punishment besides imprisonment, such as, probation, conditional suspension or imposition or execution of sentence without probation or supervision, recognisance and binding over, parole and fine. Whichever may be the method selected as an alternative to imprisonment, the sole object is to reform the offender and his restoration to social usefulness, is the main criterion. Of all the modern methods of corrective treatment, the one which has achieved the greatest prominence is probation. Probation is method of dealing with selected offenders with a view to reform them so that they will become useful citizens in the society. Here probation seeks to reform the offender irrespective of the offence he commits. So, clauses 3 and 4 have been introduced in this Bill. Clause 3 is nothing but a reproduction of sub-section (1) (a) of section 562 of the Criminal Procedure Code with some alterations in that it is made applicable to all

offences under any law punishable with a sentence of two years whereas previously only offences under the Indian Penal Code were subject to the application of section 562. This enlargement of this provision has been criticised by several hon. Members on the ground that it gives wide discretion to the courts and crime would be on the increase. I respectfully submit that the magistrate who is in charge of the trial of the case, who selects the particular offender to whom admonition can be administered certainly would exercise discretion judiciously in the best interests of the country. Certain conditions are also imposed under clause 3 before the magistrate can exercise his discretion. He has to consider the age, the nature of the offence, the circumstances, whether there is any previous conviction and all that. So that, there can be no fear that the magistrates who are in charge of the trial of the cases would indiscriminately exercise this power with the result that crime would be on the increase.

Similarly, clause 4 of the Bill speaks of all offences which are not punishable with death or transportation for life. Here, again, it is made applicable to persons though they may not be the first offenders. As my hon. friend Shri Naushir Bharucha said, there may be a tenth offender or even an *n*th offender. Irrespective of the number of offences that he might have committed previously, if the magistrate finds that he is a person who can be reformed, who can be rehabilitated and rendered useful to society, the magistrate is given the right to exercise his discretion and he will be placed on probation. The maximum period of probation is three years and the minimum is one year. If, during the period of probation, it is found that the man is not capable of improvement, certainly, he will be asked to undergo the sentence. I see no reason why this measure should not be proceeded with at this stage. To say that we are not prepared, our country is not prepared, our society is not prepar-

ed, to launch such a measure is not understandable. Some start has to be given some day. If it is a good start in the right direction, the country has to be prepared to meet the situation. To say that we should wait for some more years is not correct. I do not know when the time would arrive. Therefore, some start has to be given and this start has been rightly given by the Government now.

Though this Bill will have to be passed by both the Houses, before it becomes a law, the law does not come into force immediately. Discretion is given to the State Governments to make this measure operative at the proper time. That is why it is said that "it shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different parts of the State." It is only when the State Governments feel that they are prepared to proceed with the measure, when they feel that they have the probation officers and reformatory homes that they will come forward to proceed. Luckily, half a dozen States had this sort of legislation from 1936 and they have experimented with good results. They may come forward immediately to proceed with this measure. The other States which are not ready may take a little time. Nevertheless, this is the most proper time and the most propitious time when we should proceed with a measure of this type.

It has been argued by my hon. friend Shri Raghbir Sahai that admonition under clause 3 of the Bill should not be administered by a court unless the person who is found guilty makes a clean breast of the offence. This would lead to great mischief.

Shri Raghbir Sahai: On a point of explanation, I have not made it a condition precedent. I said...

Mr. Deputy-Speaker: If he makes a clean breast of the thing, then, he should be given...

Shri Raghunir Sahai: Not that there are several considerations which a court will bear in mind, the age, the circumstances of the case, the nature of the offence, etc. I say, add one more to these extenuating circumstances: if he has made a clean breast of the whole thing. All these will have to be considered.

Shri Jaganatha Rao: I understand my hon. friend. He wants to add one more condition for exercising this power to administer the admonition that the accused should make a clean breast of the offence. If he does not make, according to my hon. friend, as I understand him, he is not entitled to get the benefit.

Shri Raghunir Sahai: No, no.

Shri Jaganatha Rao: The result would be the same. To expect an accused to make a clean breast of the offence would lead to great mischief. We know how judicial confessions are recorded by magistrates under section 164 of the Cr. P. C. and how confessions are retracted from at the time of the committal proceedings or later in the sessions court. We know how confessions are extracted. To ask the accused person to confess or to limit the exercise of discretion by the magistrate only to cases where the accused admits his guilt, certainly would defeat the very purpose of this measure.

Then, it has been said that to call upon the probation officers to give their report and to make it a confidential document is not proper. But, we find in clause 7, where a report is received from the probation officer though it is treated as confidential, an opportunity is given to the offender to show cause against such report which may go against him. There must be some report for the court to act. The probation officer had the opportunity of seeing the conduct and behaviour of this offender for one year or more. If he, in his opinion thinks that the person is not fit for rehabilitation, he should not be entitled to probation. The magistrate has to act on some

evidence. Of course, it is open to the person to show that the report is not correct, and that he would be entitled to probation. Some Members have referred to the age. My hon. friend Shri Naushir Bharucha has said that he has strong objection to the age of 21. May I submit that though a boy of twelve years is said to possess knowledge or criminal intent, what is called *compos mentis*, still the age 21 is given as a safe age at which the benefit of this clause 6 can be exercised so that he will be entitled to probation. There are also several other considerations to be taken into consideration, such as the nature of the offence, character of offender, etc. We need not be very much alarmed because the age 21 is put there.

In clause 18, an amendment has been brought forward excluding the operation of the provisions of this Bill to offences coming within subsection (2) of section 5 of the Prevention of Corruption Act, 1947. I fail to understand the logic behind it. If a government servant is found guilty of an offence falling under the Preventive Corruption Act, why should he not be entitled to the benefit of this Act, in cases where the court finds that such a person is entitled to it? Why should there be such a distinction? As pointed out by my hon. friend Shri P. R. Patel, if a person, not being a public servant in the discharge of his duty, commits an offence, then he would be entitled provided he satisfies the other conditions. Similarly, I think that a Government servant also if he commits an offence, if he satisfies the other conditions laid down in this clause, should equally be entitled to the protection under clause 4 or 6.

Then, it has been argued that no adequate arrangements have been made for the appointment of probation officers, and, therefore, this Bill should not be proceeded with. As I submitted earlier, the Bill will be put into operation in the States only after the arrangements are made and

when the States feel that they can proceed with this measure. On that score, therefore, there is no reason why the passage of this Bill should be deferred or delayed.

With these words, I support the Bill.

Raja Mahendra Pratap: I thank you for the opportunity that you have given me. I have to say that according to the rules of the party, I should denounce every word of Shrimati Uma Nehru, and I should support every word of Shri Naushir Bharucha. But I felt that when Shrimati Uma Nehru was speaking, she was speaking for me, and when my hon. friend in the Opposition was speaking, he was speaking something against my sentiment.

I believe that there should be no Bills at all, because the more the Bills are made, as I said once, the more work we make for the pleaders. I think—I have always said it, and I repeat it—that what our Parliament should do is that we should evolve a system to make our people moral. I said, and I repeat it, that we should take into the service of the State all the *mullahs*, all the *pandits* and all priests—I mean the good men out of them—and see that they form certain observing units in different parts of the cities and in different parts of the country; they should watch who is inclined towards crime, and they should check it immediately by bringing that fact to the notice of the society that this man has got to be improved.

I have always said, and I repeat it, that medical science can do a great deal in this respect. I think certain kinds of injections can make men a little sober.

Shri S. M. Banerjee (Kanpur): Morphia.

Raja Mahendra Pratap: In some cases, a man is very much inclined to anger or gets easily agitated. We

know this by experience. Under these circumstances, the doctor should find out what the defect is with that person. There must be some defect in him—it might be sexual defect. And medical service can be utilised to cure him of that.

So, I mean to say with all respect to the House that the House should not think that its only business here is to discuss Bills and bring forward more laws. I think we should devote more time to see how we can change the system, as Shrimati Uma Nehru said. The system is wrong. It is the system which creates or which develops criminals. This system is wrong, and I believe that this system can be changed. I can understand the feeling of my fellow-Member that the victims suffer, and we should have some sympathy for these victims and also for the families of these victims who suffer as a result of the murder etc. But, as Shrimati Uma Nehru has said, if there is a criminal, it is society which is responsible for that criminal. It is society which is responsible for his having developed into a criminal. If there are robbers, again, society is responsible. There should be some system whereby there should be no robbers and no thieves in society. And how can we have that system.

I say that we should have every village as a joint family, and every town as a joint family, and the principle should be 'No one without work, and no one without bread'. I do not say that this system should be evolved through the Congress or through the Communists through the S.P. or P.S.P. But I say that this should be evolved through pure and simple religion. Religion tells us that all human beings were created by one God. When we believe in that, we believe that God wants the well-being of all. These petty spiritual leaders who only quarrel for their religious groups have forgotten the universality of God. So, I say, that through God we can so evolve our society that there will be no criminals in society; and if there is a

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tendency on the part of anyone to become criminal, then it can be checked from the very beginning.

As I said once, I am not very anxious to tax riches or control riches. I am not very anxious about it. But I am very anxious that people should not be allowed to do things which make our people waste their energy and time. For instance, a lot of dancing is going on. In the name of culture, our girls are made to dance. This should be checked. Then, for instance, there is horse-racing. This should also be checked. Again, gambling should be checked. If the people who have money are prohibited from doing things which make our society criminal, then I believe that our society will be more spiritual and moral.

As you, Sir, know, I was going to speak on the Demands of the Defence Ministry, and I had some new ideas about that; but I was not allowed time. Again, I was going to speak on the Demands of the Finance Ministry....

Mr. Deputy-Speaker: That should not be a complaint that time was not allowed. Time is allowed.

Raja Mahendra Pratap: I just want to explain that I was waiting for a week to get my chance, because there might be some misunderstanding that I arrived just fifteen minutes before and I was not waiting for a week.

I mean to say that my proposals as they are such that really these laws as they are passed today will not be necessary. For instance, if I had been allowed to speak on finance, I would have presented my programme, which I presented to Comrade Lenin in 1919, that we do away with gold and silver. We have, for instance, the notes where Government say 'I promise to pay the bearer on demand the sum of ten rupees' and so on. I want notes saying:

"I promise to pay ten maunds of wheat." Notes of Commodities.

Mr. Deputy-Speaker: But here we are concerned with doing away with the criminals and not with gold and silver. So, the hon. Member should devote himself to that.

16 hrs.

Raja Mahendra Pratap: I only mean to say that if my whole programme for society is adopted, there will not be any need for passing such laws showing some sympathy to those criminals or that kind of probation and all that.

Dr. Sushila Nayar (Jhansi): Mr. Deputy-Speaker, Sir, I wish to take this opportunity to congratulate Government on bringing forth this piece of legislation which is one of the most progressive pieces of social legislation that this House has been and enacted.

As I listened to the speech of Shri Naushir Bharucha, an hon. friend of mine sitting next to me remarked: "To which age does Shri Bharucha belong?"

Shrimati Renu Chakravartty (Basirhat): Age of Solomon!

Dr. Sushila Nayar: And he gave the explanation himself. He said that we should take a lesson from the lawyers who see the grim and ugly realities of life. Perhaps it is too much association with those 'grim situations', as he put it, which makes him close his eyes to the possibilities, tremendous possibilities, of human nature to rise high.

He pleaded that all criminals are not reclaimable. Nobody says that all criminals are reclaimable, according to this legislation, at any rate. I personally would join issue with him on the very assumption. I believe, given sufficient time and sufficient effort, all criminals are reclaimable. However, the framers of the Bill have conceded the point raised by Shri Naushir Bharucha at the very beginning, because while theoretically it may be possible to reclaim all criminals, in actual practice it may not be possible to spare sufficient time and sufficient effort and energy for reforming these individual cases.

Therefore, the Probation of Offenders Bill, as it is presented before this House, does not for one moment consider that all offenders are reclaimable. It limits the scope and it authorises the court to select cases judiciously keeping in mind the circumstances of each case, the environment and any other relevant facts which might throw light as to why the individual committed the crime.

Shri Bharucha was worried that the Bill showed more concern for the criminal than for the Victims. He himself mentioned here that he was once pleading the case of a particular murderer, and the murderer was acquitted. Does that mean necessarily that the man had not committed murder? Certainly not. It only speaks for the cleverness of the lawyer who gets the murderer released. I know a number of lawyers who are known as experts in getting murderers released. I used to know one of them in West Punjab, and the Jats of Lyallpur district used to say, 'so long as so and so is alive, what do we care?'

उम को तो एम रफा याद है जनाब कि वह बिल्कुल छड़ा कर ल आता है। That is how they used to talk. Now, if Shri Bharucha was really serious about his concern for the interests of the victims rather than of the criminals, he would stop defending the criminals where he knew that the criminals had really committed the crime, as, for instance, Mahatma Gandhi used to say, Right in the midst of a case, if he came to know that the case was false, he would not defend it. But none of the lawyers of the present day are prepared to do that. They put forward the plea that they are within their rights, they have a professional responsibility.

Mr. Deputy-Speaker: If he does not defend, it would be professional misconduct for an ordinary lawyer.

Shri Naushir Bharucha: She does not understand it.

Shri C. R. Pattabhi Raman: There are some exceptions even today.

Mr. Deputy-Speaker: Even refusal to defend is professional misconduct.

Dr. Sushila Nayar: I do not know if it is professional misconduct. But the moment you know that a particular man is guilty—I do not know the intricacies of the law—but the moral law, as I understand it, demands that he should not be defended.

Shri Naushir Bharucha: It is not for the lawyer to judge whether a man is guilty or not. It is for the court to decide it.

Dr. Sushila Nayar: Anyway, what I mean to say is that the lawyer when he goes and uses his brain and his skill to get a criminal released, lets loose that criminal on society without any supervision without any guarantee, without any assurance of the good behaviour of that criminal in future. As against that, this Bill provides that you select the cases where the man had perhaps been the victim of circumstances and committed a crime. He is let off on probation and the probation officer is there to help that man is making an adjustment, to help him rise from the morass in which he had fallen when he committed the crime.

Pandit Thakur Das Bhargava, who has appended a long note of dissent, told us in the Joint Committee—I do not know whether you will consider it improper to mention anything that happened in the Joint Committee; but this is nothing very secret—about his experience of murderer, where a young boy or young man in early twenties had murdered somebody who had dishonoured his sister. The man was a fine man, but his eyes glowed with righteous indignation that somebody should have been so perverted as to attack an innocent girl. Now such a man, according to Shri Naushir Bharucha's definition that he gave here a few moments ago, should be hanged, because he has committed murder. He does not want to take the circumstances into consideration.

Shri Naushir Bharucha: That is not the legal definition of 'murder'.

Dr. Sushila Nayar: This Bill takes the circumstances into consideration, the total situation into consideration; and a young man like that needs admonition, needs probation, needs guidance. While his instincts are all right, yet he must learn that it is not for the individual to take the law into his own hands and to take revenge in that fashion.

Shri Raghbir Sahai: Such cases are outside the scope of this Bill.

Shrimati Renu Chakravartty: Yes, it is outside the scope.

Dr. Sushila Nayar: As it is, even these cases are outside the scope because life imprisonment cases and punishment by death cases are outside the purview of this legislation. I personally would have liked to see all cases included so that the type of case I have mentioned just now can also be protected under the Probation of Offenders Bill.

Therefore, to my mind, while this piece of legislation is very progressive and very desirable, instead of being further curtailed as pleaded by some hon. Members like Shri Naushir Bharucha, it should, if at all possible, be further liberalised. That is my feeling about it.

Now, he seems to think that the deterrent effect of punishment is the most important aspect to be kept in mind, and that the punishment is going to prevent a repetition of crime. Anybody who has any experience of jails knows very well how many criminals there are who go on repeating their visits to the jails. Because in the jails generally they come in association with those men who have become hardened criminals. In the company of such men they have a greater possibility of becoming hardened criminals than being reformed. They may improve if instead of being put in such company,

they had somebody outside to help reform them. And this is what is contemplated under this Bill.

Not only that, a man who has gone to jail has a stigma and when he comes out he finds it very difficult for him to earn an honest living or to find a job. So, he gets knocked from society on every side with the results that he is forced sometimes to commit a crime for the second time. This is my reply to those hon. friends who plead that only the first offender should be covered by this Bill and not the man who has committed an offence more than once. It is perfectly within the jurisdiction of the court to decide if a man is an habitual offender and not extend to him the benefits of this legislation. But the mere fact of having committed an offence more than once irrespective of the circumstances should not debar him from the benefits of probation and I am glad that the Bill has taken care of this aspects. Thus the offender who is put under probation escapes the influence of the hardened criminals in jail and also the stigma and so is able to become a good citizen and earn a living and support his family. Apart from that, there is a further benefit contemplated in this Bill and that is a benefit to society as a whole. By putting a man in jail you spend a good sum of money on his maintenance and on the staff, etc. also. If he stays outside the jail, the State is spared that expenditure. The money spent on the probation machinery will be much less than on imprisonment. Thus there will be a saving and an economic benefit to the Government as a result of this Bill. Secondly, the society will be also benefited because the family of this person will not be stranded as he will be there to earn a living and support his family. In this fashion the addition of destitute people unable to stand on their own legs will be prevented so that the society will be benefited as a whole. The hon. Member, Shri Bharucha, seems to think that it is sentiment which is making us favour this Bill. But anyone who has made a scientific study of human psychology and socio-

logy will come to favour this Bill. The world trend in criminology today is not punitive which Shri Bharucha calls deterrent but corrective. By correction, not only is this one man helped but the moral level of society is raised. Every time we treat a human being as something contemptible and deny him our sympathy and understanding the level of morality of the society is lowered. Shri Bharucha says that the ban on the imprisonment of all offenders under 21 years of age unless the court gives cogent reasons for not extending to him the benefits of probation, is undesirable. I beg to disagree with him. Is it good to get a young and growing personality, who has the whole life in front of him, warped at the very threshold of life by sending him to jail? It is very necessary that we give him an opportunity to reform and extend to him as much help as necessary so that he may develop in the right direction. This can be done with the help of the probation officer who acts as a friend, philosopher and guide.

He wanted further the payment of compensation to the victim to be made mandatory. If a man who is let on probation has anything to pay by way of compensation he will certainly pay. As a matter of fact it has also been said that the probation officer will help him to earn the money and the pay compensation. But if he does not have money to pay compensation, what is to be done? Shri Bharucha knows very well that there are many cases in which a man who has taken a loan or owes money to somebody, is unable to pay. The best that you can do is to send him to jail. But by sending him to jail, do you help the man who has lost his money or the man who is not in a position to pay? Therefore, the only right thing to do is to make this man aware of his responsibility and to help him to discharge that responsibility by putting him in a position to pay that compensation through his earnings. There is no other way of enforcing this clause.

In conclusion, Sir, There are one or two points which I think should be pointed out. The probation officer is the central figure for the success of the whole scheme. In Clause 4(2) it is stated that before making any order under sub-section (1) the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case. There is also this phrase "if any" in clause 6(2). The words 'if any' in these sub-clauses would make one feel that the report of the probation officer is something which we can do without. This is a completely wrong outlook. The whole crux of this Bill is that the probation officer is going to bring out the facts of the case and help the court to decide. Whether the offender should be sent out on probation or not. Once a case is put under a probation officer he is going to help the individual move along the right lines and get over the difficulties which in the first place led him to become a criminal. Now, therefore, I plead strongly with the hon. Home Minister to see to it that these words 'if any' are deleted from both these clauses. It is not necessary to have Government paid probation officers in every case. According to the definition, any local social worker, or good people of the locality who are willing to help the individual offender can act as probation officers and they can be designated as such. Therefore the plea that there may not be a probation officer in some places is not correct. Secondly, option has been given to the States to apply the probation wherever they want to, wherever they are ready for it; they can even apply it district by district. Therefore, I believe that if this Act is not to be discredited it must be applied with the full necessary machinery—that is, the adequate number of adequately trained probation officers—and the report of the probation officer must be made mandatory in every case.

The second point that I want to make is, that to exclude the Government servants from the purview of the Probation of Offenders Act, to my mind, is completely illogical. Sir, we

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have said that a man or a woman with a sick child at home and no money to buy the medicine may go and commit theft, rob to some one to get money—pinch somebody's bag or cut somebody's pocket—and, we should take the circumstances of the case into consideration and instead of sending that man to jail we should put him under probation. Similarly, we can very well imagine a similar situation arising in the case of a low-paid peon or a low-paid clerk or any other type of Government servant.

I am very well aware of the importance of keeping high standards or morality and honesty among Government servants. But, are the Government servants something different from the rest of society? The politician can get away with something which may in the ultimate analysis be perhaps more objectionable, the businessman can get away with something which in the ultimate analysis may be more injurious to society, but this wretched fellow if he has taken one rupee, two rupees or eight annas, has to be sent to jail for a year so that, at the end of it, he can neither have a job nor be in a position to earn an honest living by getting any other job.

Therefore, I plead that while we want a high standard of morality,—and I would concede that even higher standards of morality for Government servants must be there, and while I concede that petty bribery of Government servants can be a source of great harassment to the public, I want to make it clear and I want to stress it as much as I can that the some yardstick should be used for measuring all sections of society. And, if after taking into consideration the full facts of the case it is discovered that the Government servant was, a victim of circumstances when he took a petty bribe, the Government servant should also be covered by the benefits of the Probation of Offenders Act and he should not be debarred from it.

Mr. Deputy-Speaker: Shrimati Renu Chakravartty. I would now request

hon. Members to confine their remarks to ten minutes.

Shrimati Renu Chakravartty Sir, I had no intention of participating in the debate, but I was provoked by the remarks made by Shri Bharucha.

Mr. Deputy-Speaker: Is it that every lady Member shall have a dig at him?

Shrimati Renu Chakravartty: Sir, I do not want to have a dig at him, but I would like him to realise that we do not live in the time of Moses neither do we believe in the principle of "an eye for an eye, a tooth for a tooth". Possibly, in the time of Moses and Solomon who believed that not to rule by the rod was to spoil the child, crime was regarded as something arising out of an inherent evil. But today we are coming to accept the position more and more that social environment has the greatest amount to do with morality, and that the regulation of social environment into a healthy atmosphere is the easiest way of bringing about moral good. That is why, Sir, this Bill has commended itself to me, although I do admit that there are many many things that have yet to be done if the laudable objectives laid out in this Bill have to actually come to pass.

Sir, Shri Bharucha has raised a very lurid picture by saying that by clause 3 and clause 4 a complete licence is being allowed to criminals. To my mind, what has been put down in the Bill is that there should be liberty, liberty in the sense not of giving a licence but of the soft and healing touch of a rational outlook towards crime.

I remember, Sir, when in England I was discussing matters with certain social workers, as they call them,—they do not call them probation officers, and they have a whole team of men and women for juvenile offenders—I was discussing with a person who work among juvenile offenders, and he told me that he has to go and visit the house of the offender, go into the entire case history of the child

and find out what it is that has brought about this fall in morality of the child, young man or woman.

Even if it is a question of rape, which Shri Bharucha has raised, I remember a case which was told to me. It is about the question of a young man who had given evidence of sex aberrations. They went into the entire case history. The case history revealed that the father of that man was away working somewhere else when he was a child, they were rather poor people and as a young child he had seen certain goings-on which had a terrific effect on him with the result that for a long time as a child he had suffered psychologically and later on he himself had started giving evidence of sex aberrations.

Even in our young days we have heard stories. My recollection goes back to the story of Jean Val Jean in *Les Miserables*, where Jean Val Jean goes in for theft out of poverty. It is not only Jean Val Jean's case that we see all round us. That is why the question of social environment and the necessity to fight against poverty, to fight against the social evils that surround us in our society and in our normal life has to be gone into before we can immediately rush to the conclusion that a person who has committed a crime is a hardened criminal or that the crime arises from an inherent evil. That is what I would beg of Shri Bharucha and others who think like him to consider.

What do clauses 3 and 4 say? Clause 3 says that there may be certain cases where there is no previous conviction and in such cases instead of sentencing the person concerned to punishment the court can release him after due admonition. Shri Bharucha thought that clause 4 was even worse. He was quoting cases of people who had committed murder. But to my mind it is very clear—of course, I am not a lawyer. The clause says:

"When any person is found guilty of having committed an

offence not punishable with death or imprisonment for life..."

To my mind, those are the cases of murder and other heinous crimes. Those crimes are taken outside the purview of this very clause.

Shri Naushir Bharucha: I did not mention that in connection with clause 4.

Shrimati Renu Chakravartty: If I am not very much mistaken, I think that is what he said, when he was discussing this matter he brought up this question of murder etc. He named a certain Jagga, people who had been murdered by him and so on. I got the impression that he was trying to illustrate his objection to clause 4. If that is not so, I do not want to press that point.

I think such heinous crimes are kept outside the purview of this clause 4. After that, it says that regard will have to be taken of the circumstances of the case including the nature of the offence and the character of the offender. So all these things will have to be gone into and it is only after that, with or without a surety they can enter into a bond and ask him to keep peace and be of good behaviour. Therefore, I feel that it is not licence that is being given, but a certain amount of scientific control and more rational outlook towards crime.

There is one other point. Under sub-clause (2) of clause 4 it says:

"Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case."

So, that report will have to be gone through by the Magistrate and only then it will be decided as to whether it should be an advisory order or what conditions should be imposed upon the offender and so on. So, I do feel that it was too much of a sort of one-sided pleading of the case by Shri Naushir Bharucha. He painted a lurid picture that by passing this mea-

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sure, we shall let loose on society criminals of the worst type, that we could hardly leave our children and daughters out and that we shall do so at our peril if we passed this measure. I think that is not correct.

I shall also answer him regarding his objection to clause 4. He objects to the person's age being fixed at 21 years and that he should be forgiven. I would say, for that matter, that even a person of 21 years of age is mouldable; his mind is young; he is a person whose mind is not hardened in the matter of his mental and social outlook. That is why I think 21 years may be all right. Of course, I might suggest even a higher age, but 21 years is a sort of age of majority which has been accepted by the European standards. We have made it 18 generally. Even then, a man of 21 I would say, is still mouldable. That is why a chance must be given to such person, and that is why that limit has been set.

Sir, you have asked me to be very short and so I shall be content by just adding one more point. That is in regard to certain weaknesses in the Bill. There are two main weaknesses which I would like to point out. The first is this very question of probation officers. I think Shri Naushir Bharucha himself pointed out that during the Joint Committee proceedings it was stated that in certain States they have one probation officer for the whole State. If I am not mistaken that is what he said.

Mr. Deputy-Speaker: For every district.

Shrimati Renu Chakravartty: Even then, we know how big the districts are. I think this point is very important. If we really do want to give both to society as well as to those who have offended, the benefit of this measure, it is very necessary for our country to chalk out in conjunction with educationists, with women's organisations, with other social welfare institutions, as to the set up of the whole machinery. That is where

the weakness of the Bill lies. Not only is there an inadequacy of the number of probation officers and staff, but another very variegated staff of officers and workers who will be able to look after the probation work, to look after these offenders, is also very important. They must look after the psychological, educational and employment aspects of these offenders. This is very difficult, but if you really have an idea that we are going to bring about reform not by the rod but by the healing touch and thus cure them mentally, then, this has to be done. Without it, it cannot be done at all.

The second thing is in regard to the question of the court. In clause 4(1) a proviso has been added. It says:

"Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond."

This is very, very important. My hon. friend Shri Narayanankutty Menon raised the question of women who were found guilty of prostitution. I am taking that case; that is a case which often arises as a result of tremendous poverty. We can cite case after case, but there is no time. If a woman has earned a living through prostitution she is convicted; she comes in for conviction. Even if she is not convicted, even if she is brought up in court, there is no place for her to go back. She cannot go back to the procurer nor can she go back to her home. And we have far too few women's institutions and homes to keep such women. That is why these women must have a fixed place of abode. What will now happen is, these women will not have a fixed place of abode. They will not have a regular occupation. Unless the Government wants to pardon her and

also fix up a place of abode for her, the very intention for which this Act is going to be passed will be negated. That is why I want a system of homes and institutions where these people could be given teaching and training in useful occupations. Also, there should be provision for psychiatrists and other machinery for healing these people, who have offended, mentally and not only physically. That is a thing that has to be looked into very, very seriously.

I do feel that the approach of the Bill is very correct. It has come not a day too soon. Many more things will have to be done if we really want to see that the intentions of the Bill come into effect. I would again end by saying that the position has been exaggerated by Shri Naushir Bharucha. He highly exaggerated the position. The hardened criminals are there, of course, but by far the larger number of those criminals can be cured if the approach, the energy and the time and the background which this Bill contemplates in the matter of reform of these offenders, are present.

I am sure I am optimistic enough to believe what Jean Val Jean—I am again referring to him—said to Cosette when he died. He said that human wisdom is contained in these two words: wait and hope. I have that hope, that whilst we are taking the first step—I do not believe that this is a perfect Bill and still I do believe that much needs to be done—and while this is a step in the right direction, many more steps will be taken in order to perfect the working and the machinery of this Bill.

Shri C. R. Pattabhi Raman: Mr. Deputy-Speaker, Sir, that section 561A and section 562 of the Criminal Procedure Code were inadequate has been felt for well-nigh over 30 years. As has been pointed out frequently, as early as in 1931, there was a measure on the tapis of the legislative bodies of those days seeking to deal with the probation of offenders. Thereafter various circumstances intervened with

the result that this measure has had to be postponed to 1958.

I was rather amused to hear my good friend and eminent lawyer, Shri Naushir Bharucha, talk about the effect—

Shrimati Renu Chakravartty: Why?

Mr. Deputy-Speaker: I thought he would defend him, but what can I do?

Shri C. R. Pattabhi Raman: He is a criminal lawyer of some eminence and I was rather amused to hear him go back to the olden days and cast his mind back so far as the social security is concerned. But it is no longer the old criminology that is in vogue. Criminology is now a different science altogether. It is no longer valid to consider a criminal as something very different from the ordinary person. The tendency now is, with the advancing scientific knowledge, to treat the criminal as a diseased person, as a person needing therapeutic assistance. A psychiatrist has to deal with him and he is no longer considered as a person dangerous to society. The aim has always been to reform him and shift has been from the deterrent to the reformatory principle.

We have read that in Dickens' days punishment which was obtaining then was very severe. Persons who are familiar with Dickens' novels know how cruel the punishments were in those days. The *danda* as they say, was extreme and the punishment took an extreme form in England. Where young children stole a loaf of bread, even for that, they were executed somewhere in Tyburn. It is very common to any reader of Dickens as to what happened in England until the other day.

Now, we are far advanced from those days. Our ancients were expert in dealing with the mind. They knew that most of these aberrations were aberrations of the mind. The analysis was not just confined to one word, mind. They had *manas*, *buddhi*,

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chitta and *pragna*. They were able to know the nuances of the mental faculty. Actually, Manu says:

“मनो एव मनुष्येण
कारणम् स्वतः तपो”

We traced all the malformations and the diseased conditions to the mind. Therefore, in this land, why should we fight shy of dealing with the mental conditions of criminals?

Shri Narayanankutty Menon: But Manu's punishments were atrocious.

Mr. Deputy-Speaker: At present he is not concerned with the punishment but with the disease.

Shri C. R. Pattabhi Raman: I am much obliged to my hon. Friend for pointing out the punishment. Yes. The later law-givers had deterrent punishment, but we never had the law of the Medes and the Persians: tooth for tooth, head for head, nail for nail and eye for eye. Time was when there was the mosaic law. But in those days we always had punishments of the Janaka type, Yagnavalkya type, and Shri Rama says, “Even if a man says, ‘I am sorry’ once seeks refuge in me it is enough for me”. Therefore, even in days of yore there were the considerations of clemency. You should not run away with the feeling that they were always chopping the persons head. That is not the case in India. Our law-givers were there from time immemorial; not for 2,000 years or so. What is 2,000 years in Indian history? In a country whose history goes back to 15,000 or 20,000 years—much older, perhaps—2,000 years is not a great period at all.

I would stress at this stage that the Probation of Offenders Act presupposes certain requirements. It presupposes that magistrates being *au fait* with criminology and penology, and knowing how to deal with criminals. Mere reading of law books on crime will not be enough for that. They must have good knowledge, so far as the criminal mind is concerned, so far as the management of the criminal society is concerned. It is much more so, in the case of probation officers.

I was much surprised to hear my hon. friend, Dr. Sushila Nayar asking whether we could not engage our social workers as probation officers. Social workers may be very good in doing hospital work, nursing work and similar connected work. Just imagine a social worker giving a good chit to the criminals and letting them out. I am of the opinion that social workers will not be able to do this type of work. This can only be done by super-magistrates, who are well-informed in criminal matters. Their certificate will be enough to save a person from imprisonment. They will have to be well-equipped. Therefore, all the fear is unnecessary.

Clause 1(3) only says that it shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different parts of the State. Very wisely, it has been left to the States. It is an enabling measure. Here is a measure which they may or may not adopt. It is for the State to decide either to apply it *in toto* or district-wise. Therefore, I submit all the fears are unnecessary, so far as the Bill itself is concerned.

It is no doubt true that, so far as the drafting is concerned, as pointed out by the two or three speakers who preceded me, improvements can be made in two or three places. For instance, take the case of the term “if any”. Clause 4(2) reads:

“Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.”

If the magistrate feels so, he may consult the probation officer. Otherwise, he just passes the order which is *ipse dixit*. There is no report of the probation officer. That seems to close the case. That is not desirable. If we want a person to be let out on probation, there must be some basis, some report. It is only on

the basis of reports by qualified persons, namely, the probation officers, that magistrates can take action. Otherwise, you are leaving it in the hands of the magistrates. They may or may not call for and consider the report.

Similarly, in clause 6(2) also the words "if any" are used. The clause says that "the court shall call for a report from the probation officer and consider the report, if any." This is with regard to persons under 21 years of age. I do submit that if the words "if any" are removed, that will satisfy our purpose.

I also feel that the wording here is rather mandatory. Clause 6(1) reads:

"When any person under twenty-one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life, the court by which the person is found guilty shall not sentence him..."

The words used here are "shall not". I think the words "may not" will serve the purpose. If you use the words "shall not" it will tie the hands of the magistrate. When you appoint a qualified magistrate to deal with these cases, you may just say "may not".

Lastly, so far as the Government servants are concerned, they should not be singled out for deterrent punishment. I do admit that when a person joins the civil service, he gets a regular salary, pension and so many other advantages. It is no doubt true that under Indian conditions Government servants are really enjoying many advantages. Here I am not concerned with the higher echelon, higher cadres. I am concerned with the subordinate services, Class III and Class IV services. I can envisage what will really happen. Suppose a peon or a clerk gets a tip. Immediately, he is charge-sheeted under the Prevention of Corruption Act. The moment he comes under that Act he cannot thereafter be considered eligible for probation. If he is a Government servant, there cannot be any admonition

or probation for him. I can quite understand that if you restrict it to the higher classes and say that they will not be eligible for probation. After all, it is only a matter of discretion for the magistrate. It does not mean that the magistrate has to let off on probation in every case that goes before him. It is left to him to use his discretion and decide whether to let him out on probation or on admonition or to sentence him to imprisonment. Now we have singled out the Government servants. I do not know how you are going to make it deterrent by going that. I do not think that the Government servant is going to be deterred by the fact that he will not get a chance of probation. Whether he gets probation or imprisonment, he is damned. So, he will not worry about it. Therefore, so far as the Government servants are concerned, this will not be a deterrent.

In Madras State we have a more or less similar Act. There we have got a Madras Discharged Prisoners' Society, which is a very active society. There we try to reclaim the prisoners. In so many other States also, like Bombay, they have similar enactments. This Union legislation will have the effect of codifying all such legislation as it will be applicable to all States. This will extend the probationary rights to convicts in all the States.

Finally, I wish to say that so far as the magistrates are concerned, this is a very powerful weapon. Here I must confess that I am not very familiar with the criminal practice in the districts. I must admit that to Shri Bharucha. So far as criminal practice in the districts is concerned, I do not know much. But the fact remains that if it is left to the magistrates to decide whether it is a case for probation or not, then it is a very powerful weapon. I am not objecting to it. But I feel, as I said in the very beginning, that the magistrates should be properly trained and they must be given the necessary equipment, so far as penology is concerned, and we must see that they do understand the

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purpose, the content and validity of the probation system.

श्री श्री सुब्रह्मा जोशी (अन्नाला) :
उपाध्यक्ष महोदय, सबसे पहले मैं आपको धन्यवाद देना चाहती हूँ कि हम लोगों को उनकी नुमाइन्दगी करने का, जिनकी एक बहुत बड़ी क्लास है, मौका दिया है।

उपाध्यक्ष महोदय : ज्यादा मिला है।

श्री श्री सुब्रह्मा जोशी : हम लोग उनकी भी नुमाइन्दगी करते हैं जो कि क्रिमिनल्स होते हैं और जिनका जिक्र इस बिल में किया गया है। आज तक हम लोगों को ऐसा मौका नहीं मिला है कि हम उनके बारे में भी कुछ कह सकें। जिन लोगों का इस बिल में जिक्र किया गया है उनकी बहुत बड़ी तादाद होती है।

उपाध्यक्ष महोदय, आज जो हमारा सामाजिक ढांचा है, जिस तरह का हमारे देश में वातावरण है, जिस तरह की हवा है, जैसा हमारा आर्थिक ढांचा है, उसको देखते हुए मैं तो यह कहूँगी कि यह ताज्जुब होता है कि वे ज्यादा क्राइम्स नहीं करते हैं, ज्यादा क्राइम्स हमारे मुल्क में नहीं होते हैं। आज होम मिनिस्टर साहब ने हमको ऐसे लोगों के बारे में भी अपने विचार इस सदन में रखने का मौका प्रदान किया है। अभी हमारे भरूचा साहब ने काफी कुछ कहा है और मैं उस पर नहीं जाना चाहती। लेकिन आपने कहा कि जो विक्रिमस होते हैं उनका क्या होता है, जग्गा डाकू था उसने कई लोगों को विक्रिमसाइज किया, उनका क्या हुआ होगा, इस पर हमें सोचना चाहिये। आज हमें यह सोचना है कि जो क्राइम करने वाले हैं वे भी किसी चीज के विक्रिम है, किसी के विक्रिम हैं। पहलें हमें इस पर विचार करना चाहिये कि वे किस के विक्रिम है और क्यों वे क्राइम करते हैं। कोई तो सरकमस्टेंसिस के विक्रिम होते हैं, कोई हालात के विक्रिम होते हैं लेकिन हम लोगों को आर्गुमेंट से रोक नहीं सके हैं, ऐसा तरीका नहीं निकाल सके हैं कि वे इन क्राइम्स को न करें। आज हमें उनके बारे में भी सोचना होगा और हमदर्दी के साथ सोचना

होगा। जब कभी किसी को कोई बीमारी हो जाती है तो हम उस बीमारी का इलाज भी बूँडते हैं और यह भी देखते हैं कि उस बीमारी की वजह क्या है। यहाँ पर भी जो वजह है उस क्राइम के होने की उस ओर भी हमारा ध्यान जाना चाहिये।

इस चीज पर हमारे बहुत से आनरेबल मैम्बर्स ने अपने विचार प्रकट किये हैं, इस वास्ते मैं इस पर कुछ ज्यादा नहीं कहना चाहती हूँ। लेकिन उन्होंने कहा कि वे कौनसे हालात होते हैं जिनमें चोरी की जाती है या और क्राइम्स किये जाते हैं, किस तरह से गरीबी की वजह से, भूख की वजह से, बीमारी की वजह से, किसी मजबूरी की वजह से, कौन क्या क्या क्राइम नहीं करता है, इसको हम दिन रात देखते हैं। आज पुराने जमाने की बात को हम दोहरा नहीं सकते हैं जबकि सिर का बदला सिर से लिया जाता था, दांत का बदला दांत से लिया जाता था। हमारे लिए यह जरूरी है कि हम सोचें कि आखिर सजा का एम क्या है, पनिसमेंट जो दी जाती है क्या वह उसमें सुधार लाने की भावना से दी जाती है या उसको फिर क्राइम करने के लिए मजबूर किये जाने की भावना से दी जाती है। साथ ही साथ जब भूख का प्रकोप हो, जब यह बहुत फैल जाए तो जाहिर है कि हम सोचें कि हम उसका इलाज किस तरह से कर सकते हैं। और उसका इलाज सोचते हैं। मैं समझती हूँ कि यह एक बहुत मुबारक बिल है, एक अच्छा और सही कदम है जो कि हमारी हुकूमत ने उठाया। इस बिल में उसने सजा देने के बजाय उसे सुधारने की तरफ अपनी नजर दौड़ाई आज हमारे यहाँ जो क्रिमिनल्स होते हैं, जिन का बिल में जिक्र है, कोई चोरी कर लेता है, हमेशा उस के लिये यह होता है कि जेल में डाल दिया जाता है। आज कौन कह सकता है कि उसके अच्छों का क्या होता है? खुद क्रिमिनल का जीवन क्या होता है, इस की तरफ कोई तवज्जह नहीं करता। क्रिमिनल भी थोड़ी सी क्राइम कर के जेल में चला जाता है, जेलों में वह और

क्रिमिनल्स के साथ रहता है और ज्यादा पक्का क्रिमिनल हो जाता है। बाहर तो बीबी भूखों मरती है, बच्चे भूखों मरते हैं और भीतर वह और ज्यादा खराब होता जाता है। उनकी तरफ किसी की तबज्जह नहीं होती। इसलिये हम जब इन सामाजिक चीजों की तरफ सोचते हैं तो हमारे लिये जरूरी है कि हम सिर्फ उनके विक्रिमिन्स के बारे में ही न सोचें, बल्कि हम उनकी तकलीफ को भी सोचें, उन्हें सुधारने की ओर भी ध्यान दें।

साथ ही साथ इस विधेयक में जो प्रोबेशन पर छोड़ने की बात है उसे हमें वेलकम करना चाहिये क्योंकि आदमी सजा से कम डरता है, सस्ती से कम डरता है, जो पब्लिक ओपीनियन होती है वह उससे से डरता है। जब हम लोग अक्सर जेल जाया करते थे और बाहर आया करते थे तो लोग हार पहनाते थे, बड़ी इज्जत होती थी। इसलिये लोग जेल की यातनाओं से नहीं डरते हैं, उसके साथ जो अपमान होता है उससे डरते हैं, और यह चीज ऐसी है कि अगर कोई एक दफा फाइम करता है और जेल जाता है तो उस की शर्म चली जाती है, हया चली जाती है और वह पक्का क्रिमिनल बन जाता है। अगर उसको ठीक से मनुष्यता के नाते देखा जाय तो उसका सही इलाज हो सकता है। हमारे होम मिनिस्टर साहब को याद होगा, एक दफा मैंने उनको एक बच्चा ले जाकर दिखलाया। दस बरस का बच्चा जो बीमार था, टाईफाइड का मरीज था, अस्पताल में इलाज कराने के लिये दाखिल हुआ। पुलिस ने उस के पैरों में बेड़ियां डाल कर रकबे था। जब मैंने होम मिनिस्टर को ले जाकर दिखलाया तो, मुझे वापस बुद्धि, उन्होंने हुमा दिया कि मिनिस्टर बच्चे को हथकड़ी और बेड़ी न डाला जाये। और देशों में यह है कि जब तक कुरूर साबित नहीं हो जाता है, काटे में जाता है, तो मुल्दमा हाता है, उस बाद जब तक कुरूर साबित नहीं हो जाता है, तब तक उसका फँसला नहीं होता है कि उसने चोरी की है या नहीं, वह चोर है

या नहीं, तब तक उसके साथ कठोर व्यवहार नहीं होता है। लेकिन बदकिस्मती हमारे देश की कि यहां कायदा यह है कि अपराध साबित होने से पहले ही हथकड़ी लगा कर, सरे ग्राम बाजारों और दूकानों के सामने से जुलूस निकाल कर उसका प्रदर्शन किया जाता है जिससे उसको बड़ा धक्का लगता है। यह छोटी छोटी चीजें हैं जिनकी तरफ हमें ध्यान देना चाहिये। इस चीज को कोई नहीं जानता कि आगे चल कर उसका क्या होगा, हो सकता है कि अदालत में जाकर वह छूट जाये, लेकिन हमने पहले ही उसके हाथ में हथकड़ी लगा कर जनता के सामने, सरे बाजार उसका प्रदर्शन कर दिया। हमारा फर्ज है कि हम ऐसी सब चीजों की तरफ ध्यान दें। जब होम मिनिस्टर ने कहा कि बच्चों को हथकड़ी नहीं पहनानी चाहिये तो उनसे कहा गया कि बच्चे भाग जाते हैं। लेकिन मैं कहना चाहती हूँ कि दूसरे लोग भी तो भाग जाते हैं, पर उसके माने यह नहीं होते हैं कि जनता के सामने उनकी शर्म और लाज तोड़ दी जाय ताकि वह चोर न होने हुए भी पक्के चोर हो जायें। इसलिये मैं इस विल का स्वागत करती हूँ।

एक बात और आप में अर्ज करना चाहती हूँ। जो प्रोबेशन आफिसर्स हों, मैं चाहती हूँ कि वह हमेशा इसकी तरफ खास तबज्जह दें। ऐसा न हो कि वही लोग गैम्स बना लें और हम लोग चोरों करने वालों को प्रोबेशन पर छोड़ छोड़ कर उनमें मुपुई कर दें और वे लोग चोरी करके उन्हीं लोगों को कमा कर खिनायें। कहीं ऐसा न हो जाये कि उन लोगों का रिग बन जाये। हम लोग जब कभी जेल जाते थे तो सुनते थे कि कभी कभी ऐसा होता है बाहर जो क्रिमिनल्स होते हैं वह जेल में जाकर आफिसर्स के दोस्त बन जाते हैं। उनके मार कलहादर में वह आफिसर्स को बिलाते हैं और जब वे अन्दर जाते हैं तो आफिसर्स उनका स्वागत करते हैं। जैसे इन आफिसर्स का हालत है वैसे ही कहीं यह खतरा न हो जाये कि प्रोबेशन आफिसर्स चोरों को माफ

[श्रीमती सुमित्रा जोशी]

लेकर कहें कि हम उनकी निगरानी करते हैं और उनकी मदद करने लगे। जिस तरह बोमस प्रनाथालय होते हैं। ऐसा न हो कि चोर लोग रात भर चोरी करने लगे और प्रोबेशन आफिसर्स उनकी रक्षा करने लगे। इसलिये इसकी तरफ खास तवज्जह दी जानी चाहिये।

यह भी में अर्ज करना चाहती हूँ, जैसे हमारे एक आनरेबल मेम्बर ने कहा कि मेहरबानी करके अगर सोशल वर्कर्स के सुपुर्द यह काम न किया जाय तो अप्रॉप की बड़ी दया होगी। कम से कम मेम्बरस आफ पार्लियामेंट के सुपुर्द तो कभी न किया जाय। अभी भी दस्तखत कराने वालों, मोहर लगाने वालों के कितनी तादाद है यह नहीं कहा जा सकता। कुछ मुकर्रर नहीं है कि कितनी किस्म की चीजों पर हमें दस्तखत करने पड़ते हैं। कितने किस्म के सर्टिफिकेट देने पड़ते हैं, कितने किस्म के सच्चे सर्टिफिकेटों और कितने किस्म के झूठे सर्टिफिकेटों पर मुहर लगानी पड़ती है। अभी पिछले दिनों दिल्ली में अफ्रीम का कोटा गवर्नमेंट ने मुकर्रर कर दिया। यहाँ के म्युनिसिपल कॉमिलम को मुहर लगा कर अफ्रीम बांटने का काम करना पड़ा। इसलिये मुझे यह अर्ज करना है कि यह काम ऐसा होना चाहिये जो कि सरकार के बाकायदा अफसरों का काम हो। जो मोशन वर्कर्स हैं उनका ही यह काम नहीं होना चाहिये। यह ठीक है कि जो प्रोबेशन आफिसर्स हैं उन्हें ऐसा होना चाहिये कि उनका आउटलुक सोशल हो, तमाम चीजों की वाकफियत उन को हो और उनको सरकार का आदमी होना चाहिये, सरकार का कर्मचारी होना चाहिये और उनके सुपुर्द यह काम किया जाना चाहिये।

इतना कहने के बाद मैं कहना चाहती हूँ कि हमारे होम मिनिस्टर ने जो बिल रक्खा है वह एक बहुत साइंटिफिक बिल है और मैं

उसका स्वागत करती हूँ। जैसा भूख्खा साहब ने कहा आज इंसान की कुछ खास बीमारियाँ होती हैं। आज दुनियाँ तरकीब कर गई है, हर एक चीज को चाहे वह बीमारी हो वा क्राइम हो, उसे साइंटिफिक रूप में देखना चाहिये, ऊपर ऊपर से ही उसका इलाज नहीं किया जा सकता।

Mr. Deputy-Speaker: I will give hon. Members time during the clause by clause discussion. I had promised Shri Banerjee, but I am sorry.

Shrimati Alva: Mr. Deputy-Chairman, Sir, (laughter)....

The Minister of Health (Shri Karmarkar): She is a Member of the other House.

Shrimati Alva: Mr. Deputy-Speaker, Sir, I have listened to an interesting debate on a Bill that was primarily discussed by this House just during the last session. Still many of the hon. Members seemed to labour under a misconception. Fear seems to mingle with hope as we, from this side, tried to replace the technique of fear with the technique of hope in a society in which we do want our young offenders at least well selected to get a chance of being rehabilitated into society.

We have come a long way and have long lost the belief in the saying "Spare the rod and spoil the child". If we have depended on research—scientific research—and if we can practice in the home a new technique. I do not see why we should be afraid to replace it in a larger measure throughout the country.

Very many hon. Members seem to have read this measure that is before this House very closely as far as clause 3, clause 4, clause 9 and clause 11 went, but not clause 1. Clause 1, it was pointed out by one of the hon. Members here.....

Mr. Deputy-Speaker: Let us take it up from the beginning the day after tomorrow.

Shri Bharucha to raise the half-an-hour discussion.

*SANTA CRUZ AIRPORT

17 hrs.

Shri Naushir Bharucha (East Khandedh): Sir, with your permission, I desire to raise a half-an-hour discussion on the developmet and modernisation of the Santa Cruz airport, Bombay. On the 19th March, 1958, I asked a question in this House whether the Government are aware that there are several planning defects in the construction of the new Santa Cruz airport, whether any experts were consulted and the reply was that Government's attention has been drawn to certain criticisms in the press and whatever available advice was in the country, was taken by the Government.

17-01 hrs.

[**SHRI C. R. PATTABHIRAMAN** in the Chair]

The position is hardly satisfactory because Santa Cruz airport is intended to be an international airport. There are many defects in it which require to be brought to the notice of the Government. In the first place, we are told that the runway is not long enough and in the near future, when newer, faster and heavier aircraft would be landing at Bombay, probably there will not be sufficient landing and take-off facilities. In the construction of a modern airport which has been modernised at a great cost, this appears to be a big defect. This was not modernised only for the existing aircraft. When I asked the question whether it is a fact that no proper facilities for take-offs and landings exist, the answer was, proper facilities for take-offs and landings are available to cater to the needs of existing air traffic. I think, in the near future, particularly by 1960, there will be landing at Bombay airport bigger, heavier and faster aircraft and

provision is required to be made for that purpose.

Another thing we are told and I speak from the complaints made in the newspaper *Times of India* of March 7, 1958. It is said that the runway begins close to the terminal building, that there is a common taxi track from the main instrumental runway for incoming and outgoing planes, with no provisions for holding points anywhere in the airport for outgoing planes and that there is a subsidiary runway, but this has not been certified for heavier traffic. Apart from these major defects, there are other equally important defects, namely, that at the old hangar, maintenance facilities were available near at hand, but now we find that maintenance facilities are nearly a mile away, making it extremely difficult for quick and speedy on-the-spot repairs of aircraft.

From the passengers' point of view, we have been told that the apron at which embarkation and disembarkation takes place is farther away and during the monsoon, there is no protection whatsoever. The lounges are too small. No thought appears to have been given to the fact that in a busy airport like Santa Cruz, several airliners converge and they may turn out passengers in larger numbers. There are only seven retiring rooms for an airport which is supposed to be an international airport. Today I presume there are about 60 passengers in one air-liner. Occasions may come when we may have on hand as many as 200, with a good many clamouring for accommodation in retiring rooms. We are told that there is no possibility of extension of retiring rooms in the future. Even the air-conditioned restaurant is without the air-conditioning plant.

What is more, the airline operators have not got even sufficient accommodation. They are usually given certain booths. There are only eight booths for all the airline operators in the world. Out of these, four are given to Air India International, two to

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B.O.A.C., one to the T.W.A. and one for Pakistan airline. What is going to happen to the future airlines which may decide to pass through Bombay, one does not know. It is said that even the designers, planners and modernisers of the airport forgot that there has to be something like a Customs enclosure for an international airport. Something was hastily added to the existing building as an after-thought. There is no scope for expanding that.

Now, the questions that arise and which I would like the hon. Minister to reply to are: First, who was responsible for such glaring defects in Planning? Secondly, if experts were consulted, what was the amount of consultation fees paid to them for giving such valuable advice for constructing and modernising such a defective airport? Thirdly, how much has been spent for modernising this Santa Cruz airport? Fourthly, what does the Government propose to do to remedy these defects. I think, perhaps, an enquiry into the whole affair is necessary. It is characteristic of democracy that it is very difficult to pin-point responsibility of individuals. While lakhs and lakhs may have been spent on so-called modernisation, what has been produced is an airport without any convenience of a modern airport. I therefore hope that the Government will reply to all the points that I have raised and tell the House as to what is proposed to be done for removing these defects.

Shri Joachim Alva (Kanara) rose—

Mr. Chairman: In these matters, I take it that Members are all anxious to hear the hon. Minister also. It is usual for other signatories to ask questions. If he wants to speak, he may do so briefly.

Shri Joachim Alva: In the first and foremost place, I want to know what sort of collaboration took place between the Indian Air Force and the Civil Aviation department. We are now trying to plan everything regarding aviation on the basis of perfect co-ordination between the I.A.F. and the

Civil Aviation department. If there is no co-ordination between these two Ministries, our Air Force may not be able to avail itself of these airports in times of emergency. So, I want to know whether the I.A.F. was ever consulted in regard to the structure of the Santa Cruz airport or whether any collaboration was sought from the I.A.F. for executing the work of that airport, were any other facilities asked for or not?

Secondly, I want to know what sort of control was exercised by the Civil Aviation department in the execution of this work. If this airport work was executed by the P.W.D. and if the work was imperfectly done, the Civil Aviation Department or the Communications Ministry owed a duty to the Parliament and to the country in regard to the irregularities and imperfect construction work. I want the Minister to frankly answer as to whose fault it was: whether it was due to any kind of negligence on the part of his own Ministry or whether we can lay the blame on the head of the P.W.D. which generally makes several mistakes in structures, etc.

Thirdly, did the top officials of the Civil Aviation Department, whether even the Minister go and examine this structure before it was finally passed, because, after all is said and done, Bombay is an international airport and everybody owes a solemn duty towards the serious undertakings of the Government of India? We cannot play ducks and drakes with any major airport in the country. We remember what a heavy toll we paid in July, 1948 when the K.L.M. disaster took place in Bombay, when a precious load of 40 men, about thirty to forty men and women, some very outstanding journalists accidentally went from Delhi to Bombay instead of flying straight from Delhi and the aircraft crashed on the Santa Cruz port hill. As a result of that disaster, lighting arrangements and other requisite equipment had to be fitted in, with red danger signals hoisted on that hill now. There,

nature's stern warning was given to us so that we may put our things right. Even after this warning, we seem to have bungled in the construction of the airport. We do not avail ourselves of even stern warnings of nature, let alone the mildest press criticism pointing out some of the defects in an international airport like Bombay. We should take a warning from these disasters so that we may put our aviation whether civil or military in perfect order.

I want to know whether the gentlemen or people who were in charge of the construction of the airport, or even one of them by any chance saw or visited an international airport nearly, namely, Damascus or Beirut which are noted to be great international airports, which are only lesser just more than 12 hours distance from us. Our people could have seen how they are built up and what are the modern amenities there. All the great international airliners with jets and other planes fly over them and they are reported to be in perfect condition as regards safety and security. I will not say about London or New York or the airport at Orly in Paris. They are very big airports. Half a dozen people from our building side, and from the Civil Aviation side could have gone there and inspected them all. We spend crores of rupees in making purchases of aeroplanes. We are making wrong calculations in the purchase of our planes. In this morning's papers, there is the story of how a few million rupees have been wrongly spent in air purchases. And it would have been very little indeed if we had spent a few thousands of rupees, say, Rs. 30,000 or even Rs. 40,000 on the visit of half a dozen men who could have gone and visited Damascus, Beirut, Paris, New York and London airports and given us the best kind of advice in regard to the building of this airport.

There is another point which is very important. The warning about the imperfections in the Bombay airport is a clear warning that we have to

put our house regarding Delhi and Calcutta airports in order. We have to build a perfect, fool-proof airport at Delhi. Otherwise, it will be a shame for India which is already one of the most important capitals of the world and it should not be said that it is lacking in a real international airport.

In the answer given to the Question on the 19th March, 1958, the answer to part (c) of the question is imperfect. It reads:

"Proper facilities for take-offs and landings are available to cater to the needs of existing air traffic."

What is the idea of saying 'existing traffic'? If we do not plan with the idea of putting things ahead five or ten or fifteen years hence, then what will happen? And again, where is all the money to come from? From whose pocket is it to come? By 1960, the Boeing jets will arrive . . .

Mr. Chairman: Are we not concerning ourselves with only the Santa Cruz airport?

Shri Joachim Alva: I am just going to ask one or two questions.

By 1960, the Boeing jets will arrive. And how is the airport built at Bombay going to cope with them? My hon. friend Shri Naushir Bharucha pointed out a number of mistakes. So, how are these Boeings going to land at Bombay? What sort of runways are going to be built? And what sort of amenities are going to be provided? Unless we put the whole system in perfect fool-proof, we shall be up against innumerable difficulties, and our air traffic may be jammed, and all the benefits which we secure from air traffic may not come to us, and hence there may be a veritable loss in our earnings.

I shall make just one more point and then I shall sit down. It is time that we know in what way the Communications Ministry is drawing up plans for the future. Hon. Member Shri Naushir Bharucha has pointed

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out that there are so many defects, in regard to customs enclosures, booking offices for the airlines, etc. We should have been able not only to provide for the present needs but we should have provided for extra or additional space for any airlines that may come up in the next five or ten or fifteen years. Whatever we build should be good for a century. That was the basis on which the port rulers built. We have got the grand Victoria Terminus, in Bombay the like of which has perhaps not been built for the last three hundred years. The annexe building now built next to it is of ordinary mortar and brick. It does give the impression of stability, nay, durability even for the next fifty years. Then, if you go next door, you have got the Bombay Municipal annexe, recently built and that annexe is built of solid brick and mortar; and perhaps a lot of money may have been spent on it. But they are things which give you security of a lasting nature to last for one, two or three centuries.

These are the type of structures, we must build up and keep a stern, alert, nay, merciless eye on faulty, rickety structures. And Government owe a duty to the public of India that whatever they build—let them come and ask for any amount of money, and it will be sanctioned, but—should last for a century at least.

The Minister of Transport and Communications (Shri S. K. Patil): I am very grateful indeed to my hon. friends from East Khandesh and North Kanara for raising the discussion on this very important issue . . .

Shri Naushir Bharucha: The hon. Minister is from Bombay. Let him not forget it.

Shri S. K. Patil: . . . because this gives me an opportunity of removing some misimpressions and also admitting at the same time some of the mistakes that have been committed. There is no harm in admitting those mistakes, because that is the way that in future mistakes could be avoided.

My hon. friend Shri Naushir Bharucha—I shall drop the words 'East Khandesh'—referred to the several defects, which are defects, and I shall explain how they could be remedied or what is to be done. But if his conception of an airport in the modern times is an ideal airport, I wonder which airport in the world today is an ideal airport. I am not merely saying so. The House should have an impression or an idea of what a modern airport is going to be.

Shri Joachim Alva: That is very poor consolation to us.

Shri S. K. Patil: My hon. friend will have a lot of consolation when I go on. He should have patience for some time. He has referred to some airports. Many of us have seen those airports. And when we compare them with our airport, we have to admit how our airport at Santa Cruz and for that matter the other airports that will now be developed compare well with some of the best world's airports that are there.

I have not got much time, but within the time that I have got at my disposal, I must give them an idea as to how the Santa Cruz airport has been built, and whether any serious mistakes have been committed, and how in future this airport can be developed so that it can serve the purpose of what is known as the jet age.

The very conception of airport everywhere in the world has undergone a revolution during the last five or ten years with the coming of some of these modern aircraft. 15 years ago, Boeing was not conceived, Comet was not conceived and even airports like La Guardia, to which my hon. friend made a reference, and Idlefield were not built up for the jet age, because nobody thought that the jet age was coming and what type of runway or machinery or other scientific equipment had to be provided. Therefore, we find that in America in spite of the fact that La Guardia

was by far the perfect airport then, yet they had to go in for the Idlefield because the jet age could not really depend upon the La Guardia airport as it was. Even if he talks of London, Heathrow, and Paris, even Tynne or Damascus or Cairo or Khartoum—which has got an airport better than most others—these airports also were not conceived in the language of the jet aeroplane. The result was that such a revolutionary change has come upon the very conception of an airport, that whatever you do, your airport is not going to be an ideal one. You cannot have an airport where the runway may perhaps go for several miles. We are almost coming to 2½ miles. It is the longest that we can go. We cannot have an airport where perhaps half the distance between, say Bombay and Delhi, would be covered by the airport because faster aircrafts are coming.

Therefore, even the aircraft industry is undergoing a revolution to see that there must not be an aircraft which ultimately requires such a long length of runway that it would be impossible to have in a big city.

Having said this, I shall tell you about the Santa Cruz airport. I have admitted in the beginning that the conception of the jet age and its requirements were not there when the idea of this Santa Cruz airport was conceived. After all, in a city like Bombay or Calcutta or Delhi, you cannot have such large space as to have 3 or 4 miles for an airport—sometimes it comes to about 4 or 5 square miles of land. It is impossible to get it. There are airports in the world where you have got to go sometimes 55 miles. In Buffalo City, it is 31 miles; in West Germany, it is 50 miles distance to catch an aeroplane, because they have not that space in big cities. I am merely saying this to show that limiting factors are there and they have got to be recognised. It is no use our simply desiring. Desire may be anything, but surely desire must have some relation to the feasibility of an airport in the vicinity of a big capital city like Bombay or Delhi or Calcutta.

Now, we are trying to modernise the Santa Cruz airport in Bombay, which we have built. May I assure my hon. friends and through them, all hon. Members of this House, that the Santa Cruz airport has the strongest and the longest runway of any airport in India, either military or civil? Of course, that does not mean much, as I am only speaking of India. The runway which was originally 8,200 feet, which was good enough for these Vikings, Viscounts, Constellations and Super-Constellations, is not good enough for the new planes. Therefore, just now we have extended it to 10,500 ft. nearly two miles—and we, at an expense of about Rs. 4 crores extending the runway to something like 12,000 ft. It is almost impossible to go beyond that because either you touch some mountain or some other thing or some other city comes or a railway line intervenes. I am pointing out the limitations under which we are functioning. When you come to 12,000 ft., it is something longer than which the world has not got today. Therefore, that will be the ideal for the time being and if any plane requires a runway longer than 12,000 ft., it would be something which would be really impossible to manipulate in the modern world, especially in the cities.

As regards this extension we are undertaking of the runway in Santa Cruz, a small rivulet will have to be crossed, many bridges will have to be constructed and many other things have got to be done. But ultimately, as I said, it will be the longest and the strongest. What is required for the jet plane is not merely length, but even the strength of the runway, because they are faster moving and they are heavier machines. All that is being done so that when the Boeing will come in 1960, we shall be ready for its reception. There will be no difficulty whatsoever because no Government can take the risk of facing a position whereby after having paid Rs. 3 crores for a single plane, their airport should not be ready for its reception. That kind of mistake is not going to happen. Along with these

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runways, there are many other things to which reference has not been made but which I would tell them in order to give them a complete and comprehensive idea as to what a modern airport is and how it is going to be equipped. We have half equipped it in the manner which I am suggesting today.

This airport is equipped with the most modern system of 3-element High Intensity runway and approach lighting system to be found anywhere in the East. Possibly some of the airports such as Amsterdam or Washington or New York may be slightly better, but east of Suez you have not got an airport with all these system of modernisation. Good as it is, it is to be further improved at a cost of Rs. 18 lakhs.

This airport is being equipped with the latest Radar Ground Controlled Approach System at a cost of Rs. 51 lakhs. That is very vital and very essential in any bad climate and is a normal precaution in big airports. An order for it has been placed several years ago and but for the delay in the delivery of the equipment it would have been in commission long before the Boeing arrives. It is also equipped with the latest type of Instrument Landing System. The plane must also have an instrument landing system and then both co-operate and then it happens. I do not think the Viscounts have it but I am not talking about Viscounts. But when these big planes equipped with these come, they are equipped with this instrument landing system and therefore we are having this airport as well as Dum Dum and soon Delhi also, equipped with the instrument landing system so that any aircraft would be able to cope with any climate. The Direction Finding Equipment of the latest type consists of visual automatic VHF Marconi AD-200 Direction Finder. Within a matter of weeks the very latest type of track guidance system working in the VHF band known as VOR (Very High Frequency)—what is known generally in

a layman's language as Omni directional range—is expected to be in commission. Santa Cruz will be the first airport in India to be so equipped. In addition, it is equipped with a High Power Radio Beacon, besides sundry other facilities such as Radio Markers, Locator Beacons and so on. So that—every type of modern equipment that is necessary for an airport will be installed here when it is completed. In that respect no under-planning or bad planning has been done. Further expansion is under way to provide additional aeronautical telecommunication facilities and communication channels. It is also becoming important. These are the new things coming into the world. It is not that everybody knew it ten years back and it could have been foreseen. With every year that goes, the modern technology is improving in a colossal manner and surely by the time we have finished it in one or two years' time something else may come and we may have again to go in for them and the hon. Members who have spoken will not find fault because technology is making progress in this world.

Now, they have referred to some of those other aspects such as the bad location of the workshop for repairs, etc. I could tell them one thing. They say: "Look here. Is it not possible? Do not they do in Cairo or Bairut or Damascus?" I can tell them something about Beirut. That airport has been built at a cost of about Rs. 12 crores. Now we are talking of Rs. 66 lakhs spent on this building and another Rs. 18 lakhs and another Rs. 51 lakhs altogether making about a crore and a quarter. I am not going to suggest that we are going to do any miracle in a crore and a quarter. I am only giving some idea. Beirut airport carries a passenger load of not more than 50 per cent of the Santa Cruz airport. For that capacity, it has taken them about ten times more than Santa Cruz. Therefore, you can imagine what tremendous amount of money one has got to spend in order to modernise an airport in the world

of today. Any modern airport means an expenditure of at least from Rs. 10 to Rs. 100 crores. It is quite easy to say: "Come to this House and ask for money, I am going to give you." I am going to come and ask that money. I am quite sure that my hon. friends who have spoken and the other friends who are listening will be glad enough to say that in order to keep ourselves abreast of the technological progress that is being made in this world, money has got to be given and money will be given. I can talk about Idlefield Airport to which reference has been made. Idlefield came into being because La Guardia was not sufficient to keep with the jet age. That is possible there because they have got enough land. For that they have got a land measuring 10 to 12 square miles. That is a place of plenty of land. America has land *per capita* five times more than what we have got. Therefore, what is possible there is not possible here because we have not got the abundance of land.

Shri Joachim Alva: Had the Civil Aviation authorities the foresight.

Shri S. K. Patil: Surely they had the foresight, the monopoly of which is not only given to the hon. Member; it is a commodity which others also can share sometimes with the hon. Member. Even that airport, Idlefield, to which he made a reference, it is being built unit by unit, one single unit of modernisation has cost 30 million dollars or Rs. 15 crores and they have got seven units like that. That means the mere modernisation of the best airport in the world, Idlefield in New York, is going to cost somewhere about Rs. 105 crores in Indian money. I am merely saying this so that the House should have a complete idea as to what this modernisation means. We have got to do it. Even if we have not got Rs. 105 crores at our disposal, surely with the money that is at our disposal we must try to do the best. That is exactly what is happening.

When the Khartoum Airport was built, I am told that the United King-

dom Government gave Rs. 7 crores because it was impossible for the Sudanese Government to build an international airport of that description. This is going to happen, and we shall have to spend more money; but we have got to use discretion.

Sometimes it is said: "Why not do it?" My friend said that we should consult the defence department and others. They were surely consulted; within the range of this administration whatever mutual consultation is possible between department and department is being done. But I should like to tell you that this country cannot afford any luxury at this moment. What will happen after 20 or 50 years I am not going to say. Just at this time when every rupee of yours is so very important—and remember, in this business more than half of it is the foreign exchange component; it is not that the internal money that you are going to spend—one civil airport and another military airport is out of question. We can't spend Rs. 20 crores here and Rs. 20 crores there. If that is the conception of the hon. Members, the sooner they get their minds disabused of it the better. In a country like this, howsoever good the proposal may be, it is impossible to have it.

That does not mean that I am impairing defence or any other thing. What I am claiming is that we must make the best of the opportunities that we have got just now and share it between civil and defence so that ultimately we shall produce something. When we have plenty of money and something has got to be done, either the defence will have a separate airport or we shall have a separate airport. That applies to this capital city of Delhi. That airport is not a civil airport. That does not belong to us; that belongs to the Defence. But supposing either the Defence have a separate airport or we have a separate airport, that means another Rs. 10 crores on modernisation. Then it is not a question of having modernisation in one, it will be in two. We will have to duplicate the machinery, foreign exchange component, etc. All these things will have

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to put off for some time so that we do not spend the money recklessly especially when we have not got it.

Having said that, Sir, I come to certain things that have been said here. It was said that the repairing workshop is at a distance. I am now coming to the defects in the working of it. No doubt, the original plan was not correct, they saw only ten years ahead and they should have seen some 25 years ahead.

Mr. Chairman: May I just interrupt the hon. Minister? I find that I am hidebound. This is a half-an-hour discussion.

Shri S. K. Patil: I will just finish in five minutes. What I am saying is, with regard to these arrangements that we have made a longer view could have been taken and it was not taken. Some more places could have been built in the same building costing Rs. 66 lakhs. Those are the defects. We are going into them. I do not say they are not defects or that they should be excused about it. These are serious defects, some of them, and they will be made good.

The other difficulty pointed out was that the workshop is at a distance and therefore it would cause inconvenience, and that it is not so in many of the airports. It is not the ideal situation that we have got. If for everything there must be a room that will mean a longer airport. If the workshop is at a little distance from the place where the passengers really come and congregate, then surely it

is not bad, because there is less of noise and so on and so forth.

As you put a time-limit, I have not got a longer time to explain all things. But I can assure the House that in spite of the difficulties, my hon. friend would be convinced. But everybody else has got to be convinced. Therefore, whatever the defects might be, I can promise that at the end of all these, Santa Cruz airport will not only be the best airport in India but it will be the best airport east of Suez, anywhere in the East. It is so today to an extent.

Shrimati Benu Chakravartty
(Basirhat): Calcutta?

Shri S. K. Patil: Yes, Calcutta. Calcutta airport is really more crowded than even Bombay airport. Improvement has got to be done. Therefore, it is not two, but three—Bombay, Calcutta and Delhi. They will be equipped and equipped in time so that whenever Boeing or Jet planes have got to be received they will be prepared to receive them with open arms and there should be no difficulty whatsoever to be afraid of that all these things have not been foreseen and provided for.

Mr. Chairman: The House stands adjourned till 11 o'clock on Monday.

17-31 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 28th April, 1958.

[Saturday, 26th April, 1958]

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2859 Family Planning	11713-14
2860 Railway Rolling Stock	11714
2861 Cattle Census in Manipur	11714-15
2862 Reservation Facilities on Railways	11715-16
2863 Complaints registered in Kotah Railway Station	11716
2864 Telephones	11717
2865 Telephone Connections	11717-18
2866 Corruption on Railways	11717-19
2867 Sugar Mills in U.P. and Bihar	11719-20

PAPERS LAID ON THE TABLE 11720-21

A copy of each of the following Notifications was laid on the Table under sub-section (6) of section 3 of the Essential Commodities Act, 1955:—

(i) G.S.R. No. 217, dated the 7th April, 1958.

(ii) G.S.R. No. 218, dated the 8th April, 1958, making certain further amendment to the Punjab Rice (Movement Control) Order, 1957.

(iii) G.S.R. No. 219, dated the 8th April, 1958, making certain amendment to the Amritsar and Gurdaspur Districts Rice (Export Control) Order, 1957.

(iv) G.S.R. No. 241, dated the 15th April, 1958, making certain further amendments to the Bombay Wheat (Movement Control) Order, 1956.

(v) G.S.R. No. 242, dated the 15th April, 1958, making certain further amendment to the Inter-Zonal Wheat Movement Control Order, 1957.

REPORTS OF ESTIMATES COMMITTEE PRESENTED 11721

Sixteenth and Twenty-first Reports were presented.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE PRESENTED 11721

Fourth Report was presented.

BILLS INTRODUCED . . . 11724-25

(1) The Central Sales-Tax (Second Amendment) Bill, 1958.

(2) The Indian Stamp (Amendment) Bill, 1958.

<i>Subject</i>	COLUMNS
REPORT OF THE BUSINESS ADVISORY COMMITTEE ADOPTED	11725
Twenty-fourth Report was adopted.	
BILL PASSED	11726—30
The Deputy Minister of Law (Shri Hajarnavis moved for the consideration of the Indian Oaths (Amendment) Bill, 1958. The Motion was adopted. After the clause by clause consideration the Bill was passed.	
BILL UNDER CONSIDERA- TION	11731—11839
The Deputy Minister of Home Affairs (Shrimati Alva) moved that the Probation of Offenders Bill, 1957, as reported by the Joint Committee be taken into consideration. The discussion was not concluded.	

<i>Subject</i>	COLUMNS
HALF-AN-HOUR DISCUS- SION	11839—54
Shri Naushir Bharucha raised a half-an-hour discussion on point arising out of the answer given on the 19th March, 1958 to Starred Question No. 1076 regarding Santa Cruz Airport. The Minister of Transport and Communications (Shri S. K. Patil) replied to the debate.	
AGENDA FOR MONDAY, 28TH APRIL, 1958—	
Further discussion on the motion to consider the Probation of Offenders Bill, 1957 as reported by the Joint Committee. Consideration of the Bombay, Calcutta and Madras Port Trusts (Amendment) Bill, 1957.	