

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). On finding that sale of gas and carbide, when purchased for use in manufacture of goods, cannot be allowed tax free under the provisions of the sales tax law applicable in Delhi, the said items were deleted from the registration certificates of the concerned dealers under the normal process of the law. The Government is not aware whether any dealer is still purchasing gas and carbide tax free, for the purpose of manufacture, by misrepresenting that the said items are still included in his registration certificate. However, if he does so, he would be liable to prosecution or penalty equal to 1½ times the tax avoided under the relevant provisions of the law.

(c) Does not arise in view of the position explained in (a) and (b) above.

#### **Rihand and Matatila Dams**

**1172. Shri Ram Harkh Yadav:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Government appointed a Committee for deciding the distribution of energy to U.P. and Madhya Pradesh from the Rihand and Matatila Power Stations in U.P.; and

(b) if so, whether the Committee has given its decision and has fixed the rates at which the energy would be supplied?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) Yes. The following are the decisions:—

#### *Supply of power from the Rihand Power Station to Madhya Pradesh*

The U.P. Electricity Board will make available to the Madhya Pradesh Electricity Board 15 per cent of power based on energy available at Rihand from year to year. The power will be supplied at the Rihand power station step-up Sub-station terminal and will be made available at cost price

plus 5 per cent. The tariff on this basis has been fixed at 3.5 paise/kWh with the condition that a surcharge, should it at time be found necessary in the event of compulsory war risk insurance being imposed, shall be charged, in addition, on the basis of actuals and also that power will be supplied to Madhya Pradesh at its border and the Madhya Pradesh Electricity Board will have to bear an annual charge amounting to Rs. 1.5 lakhs to cover interest, depreciation, operation and maintenance of the transmission line from the Rihand Power Station to the Madhya Pradesh border.

#### *Supply of power from Matatila power station to Madhya Pradesh*

The U.P. State Electricity Board will make available to the Madhya Pradesh Electricity Board one third of the power based on the energy available at Matatila from year to year. Power will be made available at cost plus 5 per cent. The tariff on this basis has been fixed at 0.5 paise/kWh with the condition that a surcharge should it at any time be found necessary in the event of any compulsory war risk insurance being imposed, shall be charged, in addition, on the basis of actuals.

The rates for supply of power to Madhya Pradesh from Rihand and Matatila Power Stations will be subject to review after 10 years.

#### **Government Servants Suffering from T.B.**

**1173. Shri Wadiwa:** Will the Minister of Health be pleased to state:

(a) the number of Government servants suffering from T.B. in Delhi in the year 1963;

(b) the number of family members of Government servants suffering from T.B. during the same period; and

(c) whether Government are considering giving any financial assistance to those persons?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). 2509 cases of Tuberculosis were reported in respect of Central Government servants and members of their families covered by the Central Government Health Scheme during the year 1963. Separate figures for Central Government servants and their families are not maintained. Most of the Government servants and members of their families in Delhi are covered by the Central Government Health Scheme. Figures in respect of Government servants and members of their families not covered by this Scheme are being collected and a statement furnishing the requisite information will be laid on the Table of the Sabha in due course.

(c) No. Full facilities for investigations, specialist consultation and treatment (including hospitalisation) are provided at Government cost.

#### Palai Central Bank

**1174. Shri Warior:** Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 328 on the 10th September, 1964, and state when the liability of the Palai Central Bank in liquidation for the income-tax for the period 1959-63 will be finally determined?

**The Minister of Finance (Shri T. T. Krishnamachari):** It is expected that the income-tax liability of the Palai Central Bank (in liquidation) for the period 1959-1963 will be determined by the Income-tax Officer by the end of the current financial year.

#### Homoeopathic System of Medicine

**1175. Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) whether Government have under consideration any proposal to bring forth a comprehensive legislation by way of standardising the teaching and practising in the

Homoeopathic system of medicine in the country on the lines of the existing legislation relating to the Allopathic system of medicine; and

(b) if so, when?

**The Minister of Health (Dr. Sushila Nayar):** (a) No.

(b) Does not arise.

#### Board of Homoeopathic system of Medicine

**1176. Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) the conditions laid down by the Board of Homoeopathic System of Medicine, Delhi for recognising Homoeopathic Educational Institutions in Delhi;

(b) whether it is a fact that since the enactment of Homoeopathic Act in 1956 the Board has not held any single Examination for registration of Homoeopaths; and

(c) whether the Board has submitted any Achievement Reports to Government since its inception and if so, how many, and what is the latest report?

**The Minister of Health (Dr. Sushila Nayar):** (a) Under Section 31 of the Delhi Homoeopathic Act, 1956, the Board of Homoeopathic System of Medicine, Delhi may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination if it is satisfied that the instructions imparted in such institutions come up to the standard required for such recognition.

(b) The Act does not prescribe any separate examination for registration of homoeopaths and as such the question of holding such examination does not arise.

(c) No. The Board however sends the minutes of its meetings to the Delhi Administration. According to

information available with the Government the Board has registered 280 homoeopathic practitioners and has prepared a curriculum for the Diploma in Homoeopathic Science examination.

**Diploma in Homoeopathic Science**

1177. **Dr. B. N. Singh:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the Delhi Administration permitted the Board of Homoeopathic System of Medicine, Delhi in August, 1964 to hold the final Examination for the Diploma in Homoeopathic Science (DHS);

(b) if so, what are the basic qualifications laid down for appearing in the above Examination;

(c) whether Government are aware that there does not exist any training facility in Delhi for students for D.H.S. course; and

(d) if so, whether Government have under consideration any proposal to provide such training facilities?

**The Minister of Health (Dr. Sushila Nayar):** (a) Under Section 29 of the Delhi Homoeopathic Act, 1956 the Board of Homoeopathic System of Medicine, Delhi is fully empowered to conduct examinations. The first examination for the Diploma in Homoeopathic Science to be conducted by the Board is scheduled to be held in February, 1965, for private candidates in accordance with the provisions made in the Regulations.

(b) All homoeopaths are eligible to appear as private candidates in the first three consecutive examinations only.

(c) and (d). At present there is no training facility in Delhi. The Government of India has given grants amounting to Rs. 1,32,000, as first instalment of non-recurring grant, for the establishment of the Nehru

Homoeopathic College and Hospital in the Defence Colony, Delhi. The college is expected to start functioning from the middle of next year.

**Rural Electrification in Punjab**

1178. **Shri Daljit Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) the financial assistance sought for by the Punjab Government for rural electrification in the State during the Third Plan period; and

(b) the assistance given so far?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Rs. 1445.36 lakhs.

(b) Rs. 417 lakhs.

**Hospital in Kerala**

1179. { **Shri A. K. Gopalan:**  
**Shri Imblichava:**  
**Shri Vishwa Nath Pandey:**  
**Shri N. R. Laskar:**  
**Shri Rameshwar Tantia:**  
**Shri Bishanchander Seth:**  
**Shri B. P. Yadava:**  
**Shri Dhaon:**

Will the Minister of Health be pleased to state:

(a) whether the Junior Chambers of Commerce of South Carolina and Washington are building a hospital in Kerala;

(b) if so, under what agreement it is being built; and

(c) the estimated outlay and the foreign exchange involved?

**The Minister of Health (Dr. Sushila Nayar):** (a) to (c). There is a proposal to construct a hospital at Kottayam by the Indo-American Friendship Medical Trust, with assistance from the Junior Chamber of Commerce, Seattle, South Carolina, and other charitable bodies. A delegation from the United States visited Kerala and had discussions

with the State Health Minister and Finance Minister. The State Government is considering the allocation of 19 acres of land for this purpose and the other expenditure for the setting up of a 100-bed hospital will be borne by the Junior Chamber of Commerce. Seattle from funds raised for the purpose. The estimated outlay as reported by the Government of Kerala is Rs. 2.5 crores. The estimated foreign exchange component is not known. No agreement has yet been signed between the parties.

**Allocation to Social services in the Five Year Plans**

1180. { Shri B. P. Yadava:  
Shri Onkar Lal Berwa:  
Shri Bishanchander Seth:

*Financial Allocations for the Public Sector in the Successive Plans—(Rs. crores)*

	First Plan (revised)	Second Plan	Third Plan	Percentage increase in Second Plan over First Plan	Percentage increase in Third Plan over Second Plan
(1) Social Services	532	945	1300	78	144
(2) Total Plan outlay	2378	4800	7500	102	215
(1) as percentage of (2)	22.4	19.7	17		

(c) The matter is under consideration.

(d) The details have been indicated in the Mid-Term Appraisal of the Third Plan and a subsequent paper entitled "Steps taken or proposed to be taken in pursuance of the recommendations of the Mid-term Appraisal of the Third Five Year Plan", already laid on the Table of the House.

**धमनियों की शल्य चिकित्सा**

1181. { श्री म० ला० द्विवेदी :  
श्रीमती सावित्री निगम :

{ Shri Rameshwar Tantia:  
Shri Dhaon:  
Shrimati Jyotsna Chanda:

Will the Minister of Planning be pleased to state:

(a) whether it is a fact that in three five year plans, there has been a decline in the percentage allocations to social services;

(b) if so, what was the total percentage of decline in each Plan;

(c) whether Government are considering to give a priority to the social services in the Fourth Plan; and

(d) the measures taken by Government to improve the social service in the country?

The Minister of Planning (Shri B. R. Bhagat): (a) and (b). Yes, as given in the following table:

{ श्री स० चं० सामन्त :  
श्री सुबोध हंसदा :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) संयुक्त राज्य अमरीका के कई अस्पतालों में रक्त वाहक धमनियों में रक्तावरोध के कारण अत्यन्त भीषण व्याधियों का उपचार धमनियों की शल्य चिकित्सा से किये जाने का जो नया ढंग निकला है क्या भारत में कहीं इस का प्रयोग हुआ है और यदि हां, तो कहाँ; और

(ख) क्या भारत सरकार शल्य चिकित्सा के इस क्षेत्र में भारतीय शल्य चिकित्सकों को प्रशिक्षण दिलाने का विचार कर रही है ?

स्वास्थ्य मंत्री (डा० सुशीला नायर) :

(क) जी, हाँ; रक्त वाहक घमनियों में "रक्तावरोध" के इलाज के लिए शल्य चिकित्सा उपाय बहुत दिनों से प्रयोग में हैं। इस प्रकार के इलाज की सुविधायें देश के और विशेषतया बँलौर, मंबई, नागपुर और कलकत्ता के सभी शिक्षण एवं प्रमुख अस्पतालों में उपलब्ध हैं।

(ख) भारतीय शल्य चिकित्सक शल्य चिकित्सा के इस क्षेत्र में पहले ही प्रशिक्षण पा रहे हैं। कुछ शल्य चिकित्सकों को वाहिनी शल्य चिकित्सा के विशेष प्रशिक्षण के लिए शिक्षा-वृत्ति कार्यक्रम के अन्तर्गत विदेशों में भेज गया है।

#### Quarters for Class III Government Employees

1183. **Shri Vishram Prasad:** Will the Minister of Works and Housing be pleased to state:

(a) whether it is a fact that no allotment of Government Quarters has so far been made to Class III Central Government employees appointed in or after 1954;

(b) if so, the reasons therefor; and

(c) when Class III employees appointed after 1954 are likely to be given Government accommodation (year-wise)?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):**

(a) Generally such is the case. Against a demand of about 1.16 lakh houses, the total number available for allotment is only 39 thousand.

(b) Due to shortage of accommodation.

(c) Government is taking every possible measure to build more

houses and it will take some years to provide them accommodation.

#### Tribal Economy

1183. { **Shri Rameshwar Tantia:**  
**Shri Bishanchander Seth:**  
**Shri B. P. Yadava:**  
**Shri Dhaon:**

Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the Union Government propose to appoint a team to make a thorough study of the tribal economy based on intensive field survey;

(b) if so, when the team is likely to start functioning; and

(c) its scope and functions.

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes. It is intended to appoint a team or teams to study the different aspects of tribal economy.

(b) and (c). The details have yet to be worked out in consultation with the Department of Social Security and the concerned State Governments. After this has been done, it will be possible to finalise the scope and functions of such team(s) and determine the timing for their work.

#### Cottage Hospitals in Delhi

1184. **Shri Surendra Pal Singh:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the New Delhi Municipal Committee has drawn up a plan to open several cottage hospitals in the city and has sought the Centre's financial help for the implementation of this scheme; and

(b) if so, Government's reaction to this proposal?

**The Minister of Health (Dr. Sushila Nayyar):** (a) and (b). The New

Delhi Municipal Committee have proposed a scheme for the establishment of some polyclinics and Health Centres in the various areas in their jurisdiction for inclusion in the Fourth Five Year Plan. The matter is still under consideration of the Delhi Administration.

**Delhi Development Authority**

1185. { Shri Yashpal Singh:  
Shri Indrajit Gupta:  
Shri Kapur Singh:

Will the Minister of Health be pleased to state:

(a) whether it is a fact that the work of development of land is being entrusted by the Delhi Development Authority to the C.P.W.D.;

(b) if so, the main reasons for not creating a separate organisation as contemplated in Section 6 of the Delhi Development Act; and

(c) whether Government contemplate taking an early decision in the matter?

**The Minister of Health (Dr. Sushila Nayar):** (a) Yes.

(b) Section 6 of the Delhi Development Act, 1957, does not specifically provide for the creation of a separate engineering organisation in the Delhi Development Authority. It empowers the Authority to carry out the building, engineering, mining and other operations, and to execute works in connection with water-supply, electricity, sewage disposal and other services. There is no embargo on the Authority entering into an arrangement with an organisation like the Central Public Works Department to execute its engineering works on payment of departmental charges.

(c) Government are of the view that the setting up of an independent engineering organisation under the Delhi Development Act is neither possible at this stage in view of the

difficulties involved in getting suitable staff, equipment and stores nor necessary. It may be more expensive than the present arrangement.

**Dam on the Cauvery River**

1186. { Shri Vishwa Nath Pandey:  
Shrimati Savitri Nigam:  
Shri Yashpal Singh:  
Shri Onkar Lal Berwa:

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

(a) whether it is a fact that a proposal to construct a dam across the Cauvery river either at Hogenekkal Falls or at some other site to be chosen for exploitation of power is under consideration of the Government; and

(b) if so, the details thereof?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes. The Governments of Madras and Mysore have suggested different proposals for power development in the Cauvery Valley, but no final decision has been taken.

(b) The question of implementation of any of these schemes can only be considered after the investigations, which are under way, are completed and realistic estimates of cost prepared.

**Directors of Companies**

1187. { Shri Yashpal Singh:  
Shri Indrajit Gupta:

Will the Minister of Finance be pleased to state:

(a) Whether there are a number of companies which do not provide for appointments of not less than two-thirds of the total number of directors according to principle of proportional representation;

(b) if so, what was their number during the last year; and

(c) the steps being envisaged to stop this malpractices?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) to (c). In terms of Section 265 of the Companies Act, a company may, if it so desires, provide in its articles for the appointment of not less than two-thirds of the total number of directors according to the principle of proportional representation whether by the single transferable vote or by a system of cumulative voting or otherwise. The section is permissive and a company may or may not adopt this system.

Information regarding the number of companies that have provided in their Articles for the appointment of directors by this system is not available. No steps are under consideration to ensure that companies adopt this principle.

#### Utilisation of West Flowing Rivers

**1188. Shri R. G. Dubey:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether in the course of meeting of the Southern Zonal Council at Trivandrum a Committee was set up consisting of all the Chief Ministers of the Southern States to go into the question of utilisation of west flowing rivers in the zone; and

(b) if so, the reasons that led to the setting up of this Committee?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) A committee has been set up consisting of the Union Minister for I & P and the Chief Ministers of Kerala, Mysore and Madras.

(b) It was considered that it would be advisable to settle such inter-State matters by mutual discussions utilising the good offices of the Central Minister, for arriving at some agreed solution.

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#### Educational Allowance for Children

**1189. Shri S. M. Banerjee:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that recent orders regarding educational allowance for children of Central Government employees, cover only students in Middle and Higher Secondary Schools;

(b) whether it has been brought to the notice of Government that there is no Higher Secondary course in U.P.; and

(c) if so, how these orders are likely to be implemented there?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). Yes, Sir.

(c) Reimbursement of tuition fees would be allowed in respect of children receiving education up to the High School level (X Class) in U.P.

#### Bhakra Dam Irrigation Potential

**1190. Shri D. C. Sharma:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether irrigation potential was fully created in 1963-64 as envisaged in the plan of Bhakra Dam; and

(b) if not, the reasons therefor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The filling of the reservoir upstream of Bhakra Dam for the first time has to be done gradually. It was filled to elevation 1640 as against 1645 expected during 1963, and to elevation 1660 during the current year.

#### Shortage of Doctors in Delhi

**1191. Shri P. C. Borooah:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that there is a great shortage of doctors in Government hospitals in the Capital;

(b) if so, the average number of out-patient attended by each doctor per day and the number of beds under the charge of each specialist; and

(c) the steps being taken to improve the position?

**The Minister of Health (Dr. Sushila Nayar):** (a) There is some shortage of doctors in the Government hospitals in the Capital.

(b) The average number of out-patients attended by each doctor per day is between 30 and 40 while the number of beds under each specialist is about 50.

(c) The staff position is always under review and additional staff is being sanctioned from time to time.

#### **Dalmia-Jain Companies**

1192. { **Shri P. C. Borooah:**  
 { **Shri Indrajit Gupta:**  
 { **Shri Yashpal Singh:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Inspector appointed by Government to look into the affairs of the five Sahu-Jain Companies, has resigned; and

(b) if so, the reasons therefor?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). In view of the lack of co-operation on the part of the companies concerned with the Inspector, the Inspector, Shri S. Prakash Chopra had been complaining that the work of investigation was taking a much longer time than he had anticipated, to the detriment of his professional work. He therefore expressed a desire to be relieved of this work. It was decided to relieve him in respect of the three companies, viz. Ashoka Marketing Ltd., Sahu-Jain Ltd. and New Central Jute Mills Co. Ltd. with effect from 1st July, 1964. Shri Chopra, however, continues to be Inspector in respect of the other two companies, viz. Bennett Coleman & Co. Ltd. and Rohtas

Industries Limited. The question of his being relieved in respect of these two companies is also under consideration.

Departmental Inspectors have since been appointed in respect of the three companies where Shri Chopra has already been relieved.

#### **Loan taken by Industrialists from International Banks**

**1193. Maharajkumar Vijaya Ananda:** Will the Minister of Finance be pleased to state:

(a) the amount of loan drawn by the private industrialists of India from the various International Banks during the period from July, 1963 to June, 1964 for development purposes; and

(b) whether the negotiations for such loans by private individuals and companies are processed through Government or whether Government are informed only after the finalisation of such deals?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Against loans already sanctioned, private Indian industry drew, in the period July 1, 1963 to June 30, 1964, a sum of Rs. 11.31 crores from the World Bank (inclusive of loans made through the intermediacy of the Industrial Credit and Investment Corporation of India), and a sum of Rs. 43 lakhs from the International Finance Corporation. There were no new loans to private industry from the World Bank during this period; there were no disbursements from new loans (Rs. 2.72 crores) sanctioned by the IFC to Indian industry during this period.

(b) Prior approval of the Government of India is necessary in both cases before the loans can be finalized; after such approval, negotiations with the IFC are conducted by the private industrialists; in the case of loans from the World Bank, however, Government of India is a guarantor and hence participates in the negotiations culminating in the loans.



**Cloth Printing Units in Amritsar**

1194. **Shri Hem Raj:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that nearly one hundred cloth printing units closed down in Amritsar in June last; and

(b) if so, the reasons therefor?

**The Minister of Finance (Shri T. T. Krishnamachari:** (a) Yes, Sir. About 30 units undertaking processing of rayon or artificial silk fabrics at Amritsar with the aid of steam remained closed for some time during the months of June and July, 1964.

(b) The above units were reported to have been evading payment of appropriate Central Excise duty leviable on rayon or artificial silk fabrics processed by them with the aid of steam. It, therefore, become necessary to carry out searches of their premises. Protest against the threatened levy of Central Excise duty appears to have been the main reason for the above units to close down. However, certain relaxations having since been given by the Central Board of Excise and Customs, and implemented by the local Central Excise authorities, the problem is understood to have largely been resolved.

**Power House at Sissu and Shansha Nalas**

1195. **Shri Hem Raj:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Punjab Government have asked for clearance for the construction of power houses at Shansha and Sissu Nalas in the Lahaul and Spiti District of Punjab;

(b) whether this matter has been referred to the Pakistan Commissioner for Indus Waters;

(c) if so, the reasons therefor; and

(d) when the permission will be granted for their construction?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) to (d). For generation of Hydro-electric power on the Western rivers, the Indus Waters Treaty requires certain information to be communicated to Pakistan at least 2 months in advance of the beginning of construction of the river works connected with a small plant. The required data relating to Shansha Hydro-electric plant was supplied to the Pakistan Commissioner for Indus Waters on 23rd December, 1963 and for Sissu Hydro-electric plant on 9th July, 1964. The Government of Punjab is going ahead with the construction of Shansha Plant and intend taking up work on Sissu Plant next year.

**Western Kosi Canal**

1196. { **Shri Shree Narayan Das:**  
**Shri Yogendra Jha:**

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 405 on the 20th February, 1964 regarding Western Kosi Canal and state:

(a) whether the alignment of the Western Kosi canal has now been finalised;

(b) if so, the final shape of it that has now emerged; and

(c) whether the construction work has now started?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The alignment of the Western Kosi Canal has not yet been finalised.

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

**Heart Attacks**

1197. **Shri C. K. Bhattacharyya:** Will the Minister of Health be pleased to state:

(a) whether Government's attention has been drawn to an article in the medical journal "Lancet" by Prof. John Yudkin, an authority on nutri-

tion, stating that a primary cause of heart attacks is high consumption of sugar; and

(b) whether investigations are being carried out in India to test the correctness of the above conclusion?

**The Minister of Health (Dr. Sushila Nayar):** (a) Prof. John Yudkin has stated that national levels of consumption of fat and of sugar are closely similar. Statistics relating fat intake to ischemic heart-disease or diabetes mellitus in different populations may therefore express only as indirect relationship, and the casual relationship may be with sugar.

(b) Yes.

**Capital Issues underwritten**

1198. { Shri Solanki;  
Shri Narasimha Reddy:

Will the Minister of Finance be pleased to state:

(a) the annual capital issues underwritten during the first half of 1964; and

(b) the amount underwritten in the corresponding period last year?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) An amount of Rs. 20.20 crores was underwritten out of total capital of Rs. 44.69 crores issued through prospectus.

(b) An amount of Rs. 6.52 crores was underwritten out of the capital of Rs. 16.37 crores issued through prospectus.

**Ayurvedic and other Indigenous Drugs**

1199. { Shri P. R. Chakraverti;  
Shri P. C. Borooah;  
Shri Vishwa Nath Pandey;  
Shri R. Barua:

Will the Minister of Health be pleased to state:

(a) whether any scheme has been drawn up to carry on research work

in Ayurvedic and other indigenous drugs on scientific lines;

(b) whether special indigenous drugs have been selected for investigation;

(c) whether separate zones will be formed to carry out research with full complements, dealing with pharmacology, clinical screening and chemical analysis; and

(d) the amount sanctioned for this research work for the remaining period of Third Five Year Plan?

**The Minister of Health (Dr. Sushila Nayar):** (a) Yes. The Central Council of Ayurvedic Research, in collaboration with the Indian Council of Medical Research, drew up a scheme to carry out research in indigenous drugs—pharmacognosical, clinical, chemical and pharmacological. The scheme envisages the setting up of ten circuits, each circuit comprising units for pharmacognosy, clinical screening, chemistry and pharmacology. Botany and Pharmacognosy departments of different Universities, chemistry departments of some of the Universities and pharmacology departments of some of the medical colleges have been selected for carrying out investigations on indigenous drugs.

(b) Yes. About 218 medicinal plants described in Ayurveda and/or employed by Vaidyas in their practice have been selected. 58 drugs out of this list have been selected for integrated research on a priority basis.

(c) and (d). Yes. For the current financial year Rs. 1.50 lakhs and during the subsequent years, the scheme is estimated to cost about Rs. 12 lakhs per annum.

**बम्बई की फर्म पर छापा**

1200. श्री प्रोफ़ार लाल बेरवा  
क्या बिस्म मंत्री यह बताने की कृपा करेंगे  
कि :

(क) क्या यह सच है कि 30 जून 1964 को या उसके आस पास बम्बई की एक अयात-निर्यात फर्म पर वित्त मंत्रालय के इन्फोर्समेंट निदेश लय के अधिकारियों ने छापा मारा;

(ख) यदि हाँ, तो इस छापे में क्या क्या माल निकला और कितनी राशि का चोटाला मिला; और

(ग) फर्म के खिलाफ क्या कार्यवाही की गई है ?

**वित्त मंत्री (श्री ति० त० कृष्णमाचारी) :**

(क) विदेशी मुद्रा विनियम प्रवर्तन निदेशालय (एन्फोर्समेंट डायरेक्टरेट, फारेन एक्सचेंज रेगुलेशन्स) के अधिकारियों ने 27 जून, 1964 से 29 जून, 1964 तक की अवधि में अयात-निर्यात का काम करने वाली बम्बई की एक फर्म की तलाशी ली थी।

(ख) कुछ कागजात, जिनके आधार पर इलजाम लगाया जा सकता है, और विदेशी मुद्राएं, अर्थात् 152 पौण्ड स्टर्लिंग और 6 अमरीकी डालर वहां पकड़े गये थे। पकड़े गये कागजात से, प्रथम दृष्टि में ही यह प्रकट होता है कि काफी रकमों के सम्बन्ध में विदेशी मुद्रा विनियम अधिनियम के उपबन्धों का उल्लंघन किया गया है।

(ग) आवश्यक जांच-पड़ताल की जा रही है।

#### Development of State Capitals

**1201, Shri A. S. Saigal:** Will the Minister of Planning be pleased to state:

(a) the amounts sanctioned so far to the States of Madhya Pradesh, Orissa and Punjab for the development of their Capitals;

(b) what was the initial demand of Madhya Pradesh; and

(c) the steps taken to provide the required funds early to the Madhya Pradesh State?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Information is being collected from the concerned State Governments.

(b) The approved cost of the project is Rs. 1325 lakhs.

(c) Allocation for the Project is made each year in the annual plan.

#### Electricity Generation from Chitrakut Fall

**1202, Shri A. S. Saigal:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that Chitrakut Fall of Indravati River of Bastar in Madhya Pradesh has been included in the Fourth Five Year Plan for generating electricity and installing a thermal power station; and

(b) if so, when the work will be taken in hand?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The Madhya Pradesh Government propose to consider the inclusion of this Scheme in their Fourth Five Year Plan, which is yet to be finalised.

(b) Investigations are in progress. The scheme can be taken up for execution only after the investigations are completed, the economic feasibility established and the Scheme sanctioned for implementation. It is, therefore, too early to indicate when the work would be taken in hand.

#### राडार द्वारा बाढ़ की पूर्व सूचना

**1203. श्री मोहन स्वरूप :** क्या सिंचाई तथा विद्युत् मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सिंचाई मंत्रालय में कुछ ऐसी योजनायें विचाराधीन हैं जिन के अन्तर्गत बाढ़ग्रस्त इलाकों में

राज्य द्वारा बाढ़ की पूर्व सूचना प्राप्त हो सकेगी;

(ख) यदि हाँ, तो योजनाओं का व्यौरा क्या है; और

(ग) योजना से कौन सा क्षेत्र लाभान्वित हो सकेगा ?

सिबाई और विद्युत मंत्री (डा० कु० ल० राव) : (क) हाँ, हाँ ।

(ख) और (ग). प्रोफेसर के० आर० रामानाथन की अध्यक्षता के अधीन निर्मित वैज्ञानिक बाढ़ पूर्व सूचना समिति की रिपोर्ट के प्राप्त होने पर ही स्कीम का व्यौरा बनाया जायेगा ।

**Jay Engineering Works Limited,  
Calcutta**

1204. { Shri Indrajit Gupta:  
Shri Yashpal Singh:

Will the Minister of Finance be pleased to state the progress made with the investigations into the allegations against Messrs. Jay Engineering Works Ltd., Calcutta for violation of Foreign Exchange Regulations?

**The Minister of Finance (Shri T. T. Krishnamachari):** In respect of certain matters, investigations have been completed and the cases are under adjudication. Further investigations are also in progress.

**Assistance to Rajasthan**

1205. { Shri Karni Singhji:  
Shri Rama Chandra Mallick:

Will the Minister of Finance be pleased to state the amount of money which was given to the Government of Rajasthan by way of loan and by way of subsidy to tide over the recent famine conditions in the State?

**The Minister of Finance (Shri T. T. Krishnamachari):** The Government

of India have so far sanctioned a loan of Rs. 150.00 lakhs to the Government of Rajasthan towards relief expenditure incurred on account of scarcity conditions during the year 1963-64 and in the year 1964-65 upto the end of July, 1964.

**Seizure of gold and jewellery  
in Calcutta**

**1206. Shri Vishwa Nath Pandey:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that gold bars and jewellery worth about Rs. 1 lakh were recovered by the Calcutta Customs on or about the 12th June, 1964 from a number of shops and residential houses on Upper Chitpur Road in North Calcutta; and

(b) if so, the details thereof and the action taken by Government in the matter.

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). On the 12th June, 1964, the Calcutta Customs authorities searched the premises of a shop on Upper Chitpur Road, Calcutta, and the residence of its owner in Abinash Kabiraj Lane, Calcutta, and seized gold bars and jewellery valued about Rs. 52,000 (at the international price) and Indian currency of the value of Rs. 35,760. Two arrests have been made in this connection and the persons are being prosecuted. Departmental proceedings in the case are also in progress.

**Welfare of S.C. & S.T.**

**1207. Shri Vishwa Nath Pandey:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that late Prime Minister Shri Nehru had addressed a letter to Chief Ministers of States asking them to take personal interest in the economic and social betterment of Scheduled Castes and Scheduled Tribes; and

(b) if so, the reaction of Chief Ministers of the States to that letter?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Yes, Sir.

(b) Favourable replies have been received from 14 States and in all cases State Governments have given promise to examine the recommendations for suitable action.

A statement giving extracts from the replies received from the State Governments is laid on the Table of the House. [Placed in Library. See No. LT-3232/64].

**Rajendra Ayurvedic and Unani University**

**1208. Shri Vishwa Nath Pandey:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government propose to establish Rajendra Ayurvedic and Unani University in the State of Bihar;

(b) if so, when and at what place; and

(c) the total amount of its cost?

**The Minister of Health (Dr. Sushila Nayar):** (a) No.

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

**Anti-Flood measures in Punjab**

**1209. Shri Vishwa Nath Pandey:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Punjab Government have approached the Central Government for additional aid for the purpose of anti-flood measure in the State for 1964-65; and

(b) if so, the action taken thereon?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) The matter is under examination.

**Study of Tax evasion by U.S.S. Experts**

1210. { Shri Bade:  
Shri Vishwa Nath Pandey:  
Shri Yashpal Singh:

Will the Minister of Finance be pleased to refer to the reply given to Unstarred Question No. 2727 on the 30th April, 1964 and state:

(a) whether the report of the U.S. Tax Experts has since been received; and

(b) if so, the main points highlighted by the U.S. Experts team?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Yes, Sir.

(b) The main recommendations of the U.S. Experts Team are:—

(i) Separation of responsibility for collection from assessment work.

(ii) Balanced assessment programme based on selective scrutiny of returns.

(iii) Re-organization for tackling tax evasion.

(iv) Simplification of tax computations.

(v) Re-organisation and improvements in management techniques.

**Seizure of Contraband Gold**

1211. { Shri B. N. Kureel:  
Shri Vishwa Nath Pandey:  
Shri Daljit Singh:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Bombay Customs seized 3,570 tolas of contraband gold valued at Rs. 5 lakhs from a Coastal liner SS. "Sabarmati" which reached Bombay on the 22nd July, 1964; and

(b) if so, the details thereof and the action taken by Government in the matter?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). 3,570 tolas (41,637 grams) of unclaimed contraband gold worth approximately Rs. 223,091 at the international price (Rs. 5 lakhs approximately at the local market price) was seized by the Customs authorities at Bombay from SS. "Sabarmati" on the 22nd July, 1964. The gold was found lying on the top of the blower trunking in the first class passengers' lavatory. Departmental proceedings for the confiscation of the gold, as also against the Master and Owners of the ship, are being initiated.

#### Corrugated Iron Sheets

1212. **Shri Daljit Singh:** Will the Minister of Works and Housing be pleased to refer to the reply given to Unstarred Question No. 2009 on the 9th April, 1964 and state the steps since taken to provide corrugated iron sheets for roofing houses in the backward areas of Punjab?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** There is still an acute shortage of galvanised corrugated sheets in the country. Supplies against outstanding indents are, however, being made to the extent possible. The monthly quota of despatches against the indents of Punjab for the current quarter (July-September, 1964) is 104 tonnes.

#### Transmission and distribution of Power

1213. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 969 on the 9th April, 1964 and state:

(a) whether the copies of the Code for safe operation and maintenance of transmission and distribution systems of power have been forwarded to the State Governments; and

(b) if so, the reaction of State Governments thereto?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) No. Copies of the Code are still under print.

(b) Does not arise.

#### Electricity for Food Production

1214. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**  
**Shri P. C. Borooah:**  
**Shri M. L. Jadhav:**  
**Shri Balkrishna Singh:**  
**Shri Bishwanath Roy:**

Will the Minister of Planning be pleased to refer to the reply given to Starred Question No. 974 on the 9th April, 1964 and state:

(a) whether the question regarding the extent to which Central aid for electricity for more food production is to be stepped up has since been considered by Government; and

(b) if so, the result thereof?

**The Minister of Planning (Shri B. R. Bhagat):** (a) and (b). The question is still under consideration of the Government.

#### मंत्रियों के निवास स्थानों पर फर्नीचर

1215. { **श्री बड़े :**  
**श्री यशपाल सिंह :**

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

(क) आजकल प्रत्येक मंत्री और उपमंत्री के बंगलों पर कितने मूल्य का फर्नीचर और विद्युत् उपकरण इस्तेमाल में होता है ;

(ख) क्या मंत्री और उपमंत्री को जो फर्नीचर तथा विद्युत् उपकरण बिना मूल्य दिया जाता है उस की कोई सीमा है ; और

(ग) यदि हां, तो उस का ब्यौरा क्या है ?

निर्माण और आवास मंत्री (श्री मेहर चन्द खन्ना) : (क) सूचना इकट्ठी की जा रही है। यथासमय उसे सभा पटल पर रख दिया जायगा।

(ख) और (ग) जी हाँ।

मंत्री के निवास स्थान (रैजी-डेन्स) पर	रुपये 38,500
उप मंत्री के निवास स्थान (रैजीडेन्स) पर	22,500

**Central Excise Department, Orissa**

**1216. Shri Rama Chandra Mallick:** Will the Minister of Finance be pleased to state the number of quarters constructed so far for the employees of the Central Excise Department in Orissa?

**The Minister of Finance (Shri T. T. Krishnamachari):** No residential quarters have yet been constructed.

**Ford Foundation Grants**

- 1217.** { Shri P. C. Boroah:  
Shri Vishwa Nath Pandey:  
Shri Ram Harkh Yadav:  
Shri Murli Manohar:

Will the Minister of Health be pleased to state:

(a) whether the Ford Foundation has recently announced three new grants, totalling \$818,000 to assist India's family Planning projects; and

(b) if so, what are the specific projects to be financed therewith?

**The Minister of Health (Dr. Sushila Nayyar):** (a) Yes.

(b) The grants announced are for the following purposes:

- (i) Institute of Rural Health and Family Planning, Gandhigram, District Madurai, Madras, for training, research and Evaluation activities to

promote integration of several family planning and Health Programmes already existing at the Institute... \$465,000.

(ii) **Institute of Obstetrics and Gynaecology,** Government Hospital for Women and Children, Egmore, Madras, for expanding its programme of clinical research on contraception and reproduction including research on immunological aspects of reproduction . . . \$182,000.

(iii) **American Public Health Association** for providing supporting services for the Indian Family Planning Programme over the next two years. These services include recruitment of specialists for assistance to the programme, designing and conducting of training programmes in the United States for Indian specialists and procuring and shipping of supplies purchased in the United States . . \$171,000

Total: \$818,000

**Rehabilitation on Rajasthan Canal Area**

**1218. Shri Hem Raj:** Will the Minister of Irrigation and Power be pleased to state:

(a) the various categories of persons from Rajasthan, Punjab and Himachal Pradesh who are to be rehabilitated on the Rajasthan Canal area and the number to be rehabilitated from each State;

(b) the priorities that have been fixed either by the Rajasthan Government or by the Beas Control Board for their rehabilitation; and

(c) from which year the rehabilitation will commence and by which year it will be completed?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) The following categories of persons will be

rehabilitated in the Rajasthan Canal Project area:

- (i) Disabled ex-servicemen and dependents of deceased defence personnel.
- (ii) Ex-servicemen.
- (iii) Ex-Jagirdars under the Prime Minister's Award and other old commitments.
- (iv) Persons displaced on account of construction of the Projects having a bearing on Rajasthan Canal Project like Rajasthan Canal, Rajasthan Feeder, Pong Dam, Beas-Sutlej Link, Harike Project etc.
- (v) Other landless persons.

The number of persons to be rehabilitated has not yet been estimated.

(b) The question of fixing priorities is under examination by the Governments of India, Rajasthan and Punjab.

(c) The rehabilitation will be done as fast as possible after the colonisation policy for Rajasthan Canal is finalised.

#### Report on Audit of Orissa Government's Accounts

1219. **Shri Surendranath Dwivedy:** Will the Minister of Finance be pleased to state:

(a) whether Government have received information about the submission of a report of special audit of Auditor-General of India regarding Orissa Government's deal with certain private firms; and

(b) if so, whether this report has been examined?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Government understand from the Comptroller & Auditor General that inspection reports on the transactions relating to certain purchases by the Government of Orissa have been sent to the State Government.

(b) Government have no information.

#### Premium Prize Bonds Scheme

1220. **Shri Hari Vishnu Kamath:** Will the Minister of Finance be pleased to refer to the statement made in response to the Call Attention Notice regarding Premium Prize Bonds Scheme 1964 on the 5th June, 1964 and state:

(a) whether any modifications have been made or are proposed or contemplated with regard to the working of the scheme; and

(b) if so, the details thereof?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) No modification in respect of the working of the Premium Prize Bonds Scheme 1964 is contemplated. No decision on the continuance of the scheme beyond 31st December 1964 has yet been taken.

(b) does not arise.

#### Cost of Power Generation

1221. **Shri Raghunath Singh:** Will the Minister of Irrigation and Power be pleased to state the comparative cost of generation of power per MW from thermal stations, hydro-electric stations and atomic reactor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** Perhaps, the information sought is about comparative cost of generation of power per kWh. If so, the average cost of generation from hydro, thermal, and nuclear stations at the power house bus-bars at present is as under:—

Hydro:	2 paise per kWh.
Thermal:	3.3 paise per kWh (at pithead station)
Nuclear:	3.8 paise per kWh (for Tarapore Station) (Estimated)

#### Designs of Thermal Station

1222. **Shri Raghunath Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amounts spent during the Third Five Year Plan on obtaining



designs for thermal stations from the foreign countries;

(b) whether there is any proposal to set up a designs organisation in India; and

(c) number and capacity of thermal stations planned in the last two years of Third Plan and in the Fourth Plan?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Consulting Engineers are appointed by the various State Electricity Boards/Project Authorities. The scope of their services varies from Project to Project, though generally it includes preparation of designs and drawings. It is estimated that payments to the Consulting Engineers for thermal power stations during the Third Plan would be about Rs. 612.31 lakhs, but the exact break-up of the amount paid for designs work only is not available.

(b) A Designs Organisation is already functioning in the Central Water and Power Commission and it has taken up designs work connected with some power stations.

(c) The thermal schemes planned during the last two years of the Third Plan are only those which are actually Fourth Plan schemes, and for which advance action has been authorised. A list of schemes, approved for 'advance' action is laid on the table of the House. [Placed in Library. See No. LT-3233/64]. As regards other thermal power stations to be taken up in the Fourth Plan, no final decision has been taken so far.

#### **Coal for Power Generation**

1223. { **Shri Rameshwar Tantia:**  
**Shri M. L. Dwivedi:**

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

(a) whether Government have assessed the requirement of coal for generation of power during the Fourth Plan; and

(b) what is the break-up, grade-wise and field-wise?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) According to tentative estimates, the annual requirement of coal for Thermal Power Stations would rise from about 15 million tonnes at the end of the Third Plan to about 33.8 million tonnes by the end of the Fourth Plan.

(b) The break-up, grade-wise and field-wise, has not yet been finalised.

#### **Teesta Barrage Project**

1224. **Shri Swell:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the inclusion of the Teesta Barrage Project in the Fourth Plan is being actively considered;

(b) whether preliminary studies of the Project have been completed; and

(c) what will be the financial implications of the Project?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes.

(b) Yes.

(c) The financial implications have not yet been fully assessed.

#### **World Bank and Fourth Plan**

1225. { **Shri H. N. Mukerjee:**  
**Shri M. Rampure:**  
**Shri Koya:**

Will the Minister of Finance be pleased to state:

(a) the nature of the talks currently being held between his Ministry and the Planning Commission on the one hand and the President of the World Bank on the other; and

(b) whether the World Bank is expected to contribute to the "basic thinking" reportedly going on in regard to the Fourth Plan?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) The World Bank

plays a dual role as a major lender for India's economic development and as the convenor and Secretariat of the Consortium countries that contribute towards aid for India. In consequence the World Bank keeps in continuous contact with various agencies and departments of the Government of India including the Planning Commission and the Finance Ministry. No specific talks are, however, being currently or specifically held between the President of the World Bank and the Government of India.

(b) No, Sir.

#### Seizure of Diamonds and Watches

**1227. Shri Jashvant Mehta:** Will the Minister of Finance be pleased to state the value and the number of diamonds and wrist watches seized by the Customs since 1st June, 1964?

**The Minister of Finance (Shri T. T. Krishnamachari):** Diamonds valued at about Rs. 2,31,000 and 18,073 wrist watches valued at approximately Rs. 13 lakhs, were seized by the Customs and Central Excise authorities during the period from the 1st June, 1964 to the 31st August, 1964.

#### Seizure of Mint in Moradabad District

**1228. Shri E. Madhusudan Rao:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a miniature mint for making counterfeit coins was seized in August, 1964, in a village in Moradabad District;

(b) if so, the details thereof; and

(c) the action taken in the matter?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) Yes.

(b) Six persons have been arrested. 23 counterfeit 50 paise coins, 4 clay coin casts, 1 kilogram of metal alloy and some powder and other equipment for melting the alloy have been recovered from them.

(c) Two cases have been registered by the State police against the six persons and the cases are under investigation.

#### Streamlining of Work in Planning Commission

**1229. Shri Ram Harkh Yadav:** Will the Minister of Planning be pleased to state:

(a) whether Government propose to set up a panel of experts to help the Planning Commission in streamlining its work;

(b) if so, the reasons therefor and the urgency of having the panel; and

(c) the details of the proposal for Panel?

**The Minister of Planning (Shri B. R. Bhagat):** (a) The setting up of a panel of experts to assist the Planning Commission in its work is under consideration.

(b) The main reason in favour of setting up the panel is to enable the Planning Commission to take the help of prominent non-official experts and the urgency arises in the context of the formulation of the Fourth Plan.

(c) Details of the proposal have not yet been finalised.

#### Over Payment to Contractors

**1230. Shri D. C. Sharma:** Will the Minister of Works and Housing be pleased to state:

(a) whether the Central Public Works Department has been asked to recover over payments amounting to Rs. 2,28,000/- from contractors by the Chief Technical Examiner of the Ministry of Works and Housing;

(b) if so, the circumstances under which these over payments were made; and

(c) the steps taken or proposed to be taken to recover the same?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** (a) Yes.

(b) The Chief Technical Examiner's Organisation carries out examination of works after completion as well as during their progress and scrutinises final bills after payment. The overpayments in question mostly represent the assessed reduction in payment to contractors on account of sub-standard execution of work, excessive payments due to incorrect measurements, short-recoveries for materials supplied and Tools and Plant given on hire to contractors, and wrong interpretation of terms of contract.

(c) The Divisional Officers of the C.P.W.D. have been asked by the Chief Technical Examiner's Organisation to recover the amounts of overpayment pointed out to them. Full particulars of the overpayments have also been intimated to the Accountant Generals concerned for watching the recoveries. The Divisional Officers are expected to effect recoveries of the amounts in question while finalising accounts of the contractors relating to the particular contracts where overpayments have been pointed out, or to effect recoveries from any other payments which may be due to the contractors.

**C.G.H.S. for Government Pensioners**

1231. **Shri Balgovind Verma:** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 152 on the 13th February, 1964, and state:

(a) whether Government have since taken a decision regarding extension of C.G.H. Scheme to Government pensioners;

(b) if so, the details thereof; and

(c) if not, when a decision is likely to be taken?

**The Minister of Health (Dr. Sushila Nayar):** (a) to (c). The matter is under consideration.

**Control over Brahmaputra**

1232. { **Shrimati Renuka Barkataki:**  
**Shri P. C. Boroah:**  
**Shri P. R. Chakraverti:**  
**Shrimati Savitri Nigam:**

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

(a) whether it is a fact that Government of Assam have requested the Central Government to take necessary and immediate steps to control the Brahmaputra and its tributaries; and

(b) if so, the reaction of the Central Government to the request?'

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) An informal request has been received.

(b) The matter is receiving earnest attention.

**Family Planning**

1233. { **Dr. P. Srinivasan:**  
**Shri Paramasivan:**

Will the Minister of Health be pleased to state the methods advised, adopted or practised for family planning in the country and the details thereof?

**The Minister of Health (Dr. Sushila Nayar):** A statement containing the required information is laid on the Table of the House. [*Placed in Library. See No. LT-3234/64.*]

**Slums in Madras**

1234. { **Dr. P. Srinivasan:**  
**Shri Paramasivan:**

Will the Minister of Works and Housing be pleased to state the amount so far given during the Third Plan period either as grant or subsidy for improvement of slums in Madras city?

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** Projects under the Slum Clearance Scheme are sanctioned by the State Governments and funds for these projects are also disbursed by them directly to the Construction Agencies.

Central assistance aggregating Rs. 84.42 lakhs for the State as a whole has so far been released to the Government of Madras who have sanctioned projects for construction of 5597 dwelling units in Madras City at an approved cost of Rs. 179.04 lakhs, during the Third Plan Period.

#### Land Reforms in Kerala

1235. **Shri A. V. Raghavan:** Will the Minister of Planning be pleased to state:

(a) the progress made in the matter of carrying out land reforms as envisaged by the Planning Commission in Kerala;

(b) the total number of applications pending in the Land Tribunals for purchase of landlord rights under section 53 of Kerala Act I of 1964;

(c) the number of certificates issued by the Land Board under Section 59 of Kerala Act I of 1964;

(d) the number of applications that were pending in the Tribunals for purchase of landlord rights when Kerala Act I of 1964 came into force; and

(e) the manner in which such applications were disposed?

**The Minister of Planning (Shri B. R. Bhagat):** (a) Provisions have been made in the Kerala Land Reform Act, 1963 for fixity of tenure, regulation of rent, conferment of ownership on tenants and imposition of ceiling on land holdings. The provisions relating to fixity of tenure, regulation of rent and optional right of purchase by tenants were brought into force with effect from 1st April, 1964.

(b) and (c). 73 applications have been filed under the provisions for

optional purchase in the Kerala Land Reform Act, 1963 up to the end of August 1964. Land Tribunals have to conduct enquiries on the applications to determine the purchase price payable by tenants before the Land Boards could issue certificates of purchase. No. certificate has been issued so far.

(d) and (e). Under the Kerala Agrarian Relations Act 15,645 applications had been filed under section 18 and 4,368 applications under section 36. These applications have lapsed.

#### Agitation by Field Workers of LIC

1236. { **Shri S. M. Banerjee:**  
**Shrimati Renu Chakravarty:**  
**Shri Brij Raj Singh:**  
**Shri J. B. Singh:**  
**Shri Yashpal Singh:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Field Workers of Life Insurance Corporation have started agitation for the redress of their grievances;

(b) whether they have represented their grievances to his Ministry and to the Life Insurance Corporation; and

(c) if so, the action taken by Government thereon?

**The Minister of Finance (Shri T. T. Krishnamachari):** (a) and (b). Yes.

(c) After protracted negotiations with the National Federation of Insurance Field Workers of India, the Life Insurance Corporation entered into a settlement with the Federation in March, 1964, regarding the terms and conditions of service of field or development officers. As the present grievances of the development officers do not seem to be justified, and as some of the demands are not also related strictly to their terms and conditions of service, no particular action by the Central Government is considered necessary.

**"Tax Collections"**

and New Jemahari Khas collieries and lay off without any lay off benefit of Babisol colliery."

1237. { Shri Ram Harkh Yadav:  
Shri Murli Manohar:

Will the Minister of Finance be pleased to state:

(a) the amount of tax collections by the Centre during the first quarter of the current financial year on account of income tax, excise duty and customs duty;

(b) whether the tax collections have been comparatively smaller during this period than the corresponding period of the last year; and

(c) if so, the reason therefor?

The Minister of Finance (Shri T. T. Krishnamachari): (a) The required information is given below:--

	Rs. (crores)
Income-tax including Corporation tax	49.95
Excise duty	*177.62
Customs duty	98.56

(b) No.

(c) Does not arise.

13.05 hrs.

**CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC  
IMPORTANCE**

**ALLEGED SERIOUS SITUATION IN THE  
COLLIERY AREA OF RANIGANJ**

**Shrimati Renu Chakravartty** (Barrackpore): Sir, I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and request that he may make a statement thereon:

"The serious situation in the entire colliery area of Raniganj arising out of lockouts in Bankola

The Minister of Labour and Employment (Shri D. Sanjivayya): The Notice concerns three collieries.

Regarding Bankola, a telegram was received in the Ministry from the Colliery Mazdoor Sabha about lock-out of over 3,000 workers, tear-gassing by the police, and burning down of workers' quarters. An enquiry was made by the Conciliation Officer (Central), Raniganj, who has reported that the trouble began on 17th September 1964 when two labour huts were observed to be on fire at about 8.30 p.m. The workers, who appear to have been agitated, formed themselves into two groups consisting of the members of the Colliery Mazdoor Sabha and that of the Colliery Mazdoor Congress. It has been alleged on one side that the Colliery Mazdoor Sabha members stopped the workers from going to work as a result of which the third shift could not function, but the Colliery Mazdoor Sabha members, however, allege that they were stopped from work by the Management's men. There seems to be much inter-union rivalry in the Colliery. The police had to be called in. Since the peace in the colliery was greatly disturbed they had to use tear gas. It is reported that about 55 workers have been arrested by the police, 26 belonging to Colliery Mazdoor Sabha and 29 belonging to Colliery Mazdoor Congress.

The Labour Inspector, Central, was able to get the work in the colliery started from 11 A.M. on 18th September, 1964. The situation in the colliery is now reported to be peaceful. The police are stationed there to prevent any further breach of the peace and they are making detailed investigations into the case.

\*excludes figures in respect of Salt Cess, Coal Cess and Cess on Iron Ore.

[Shri D. Sanjivayya]

A telegram was received in the Ministry from the Colliery Mazdoor Sabha, Asansol, on 20th September, 1964, alleging that the New Jemahari Khas Colliery Management had vindictively and illegally locked out without notice all workers since 28th August, 1964. The Regional Labour Commissioner, Calcutta, has been asked to look into the matter and report the facts of the case. His report is awaited.

A telegram was received in the Ministry from the Colliery Mazdoor Sangh, Asansol, on 14th September, 1964 in the same terms as in the case of New Jemahari Khas Colliery, alleging that the Babisol colliery Management had vindictively and illegally locked out without notice all workers. On enquiry, it has been reported that work in the Lower Kajora Seam of Babisol Colliery was stopped on grounds of safety with effect from 8th September 1964, in pursuance of the directions of the Chief Inspectorate of Mines. On receipt of subsequent permission from the Chief Inspectorate of Mines to re-start work, normal working of the mine was restored from the afternoon of 14th September 1964. The quarry working in the colliery, which had also been stopped due to accumulation of water on 8th September, was also allowed to be resumed from 19th September 1964. The situation in the colliery is now reported to be normal. Information about the lay-off benefits to the workers for this period is awaited.

**Shrimati Renu Chakravarty:** May I know whether it is not a fact that as far as Bankola colliery is concerned these workers' quarters were actually burnt down by the management, by gangsters led by the manager himself, and whether it is not a fact that under the leadership of this manager the workers were not permitted to go to the third shift? If so, may I know why it is that this manager himself has not yet been arrested by the police?

**Shri D. Sanjivayya:** As I have said in the statement, police are investigating into the matter and when the investigations are over they will take action.

**Shrimati Renu Chakravarty:** May I know why it is that the entire question of lockouts of so many workers in the entire colliery area has not been brought to the notice of Government by the central labour machinery which functions in that area, why it is that in a colliery like Babisol colliery, which has already been found by the central labour machinery of Government to be guilty of unfair labour practices on more than one occasion, this question of laying off giving benefits has not been implemented and the central Government is still awaiting for news from its implementation machinery?

**Shri D. Sanjivayya:** It is only recently that it was reported to us and we have asked the central industrial relations machinery to look into the whole case. The moment we receive reports from them and the moment we come to know the facts of the case, we will certainly take action.

**Shri Indrajit Gupta** (Calcutta South-West): It is not at all clear from the statement that the hon. Minister read out whether the Jemahari Khas Colliery is actually at a stoppage or it is working. It is alleged that it is locked out and the Minister said that he was still awaiting the report of the Regional Labour Commissioner. Is it working or is it closed down?

**Shri D. Sanjivayya:** With regard to the Jemahari Colliery, I said that the colliery was closed down on account of the instructions given by the Chief Inspectorate of Mines for safety reasons. Now, they have obtained....

**Shrimati Renu Chakravarty:** That is Babisol.

3493 *Calling Attention ASVINA 2, 1886 (SAKA) Death of School 34  
to matter of Urgent Children  
Public Importance in Kurnool*

**Shri D. Sanjivayya:** I am reading out about the Jemahari Colliery which is under the Babisol Colliery management.

**Shri Indrajit Gupta:** I am talking about the Jemahari Khas.

**Shri D. Sanjivayya:** Please let me read it again. It says:

"in the case of New Jemahari Khas Colliery, alleging that the Babisol colliery Management had vindictively and illegally locked out without notice all workers. On enquiry it has been reported that work in the Lower Kajora Seam of Babisol Colliery...."

**Shrimati Renu Chakravartty:** That is Babisol.

**Shri Indrajit Gupta:** I am asking about New Jemahari Khas.

**Shri D. Sanjivayya:** There seems to be some confusion because according to the report that we have received it looks as though Jemahari Khas and Babisol are one and the same.

**Shrimati Renu Chakravartty:** No, no.

**Mr. Speaker:** He will kindly ascertain the facts.

**Shri D. Sanjivayya:** A telegram was received in the Ministry from the Colliery Mazdoor Sabha, Asansol, on 20th September, 1964. Therefore, we are still awaiting a report, according to that. A report is still awaited from the Regional Labour Commissioner.

**Shri Indrajit Gupta:** That may be a detailed report. I want to know whether the colliery is working or not. Even that report he cannot give us. That is all I want to know. The detailed report can come later on.

**Shri D. Sanjivayya:** I have no information.

**Shrimati Renu Chakravartty:** He should really look into the matter.

**Mr. Speaker:** He might ascertain more facts about it.

**Shri D. Sanjivayya:** We will certainly ascertain facts.

STATEMENT RE: DEATH OF SCHOOL CHILDREN IN KURNOOL

**Mr. Speaker:** The hon. Minister of Education.

**The Minister of Education (Shri M. C. Chagla):** The unfortunate tragedy in question came to the notice of the Ministry through radio and press reports. We are all deeply grieved that such a shocking tragedy affecting a large number of children of an elementary school should have occurred. The Ministry has been constantly in touch with the Director of the CARE in Delhi and also with the Education Department of the Andhra Pradesh Government for further details. Information received from both these sources indicates the following position:

Maddekar is a Panchayat village with a population of about 15,000 in Kurnool District. The CARE Mid-day Meals Programme had been discontinued in the Block for some time prior to 15th September because of the incidence of Cholera. There were no cases of Cholera in Maddikare village. The school-going children of this village were supplied Mid-day Meals on 15th, 17th and 18th September. On the night of the 19th the President of the Panchayat Board reported to the Chief District Medical Officer Kurnool about the cases of suspected food-poisoning and resultant deaths. The Medical Officer visited the village on the 20th and organised medical help. The Secretary Zila Parishad suspended the supply of mid-day meals in all the schools of the Kurnool District on receipt of the report.

The Mid-day Meal which consists of Corn Meal, Butter, Oil and Milk

[Shri M. C. Chagla]

Powder supplied by CARE (With salt and onions) was prepared at one central place in Maddikare and served to various schools.

The Chairman Zila Parishad Kurnool met the Director of Public Instruction at Hyderabad on the 22nd and expressed the opinion that the unhappy incident might have been the result of food-poisoning during the process of cooking the mid-day meals. In his opinion the food material supplied by CARE are in fresh condition and are being supplied from the same stock to other villages in the Block without any complaint.

According to the Health Officer the exact cause for the contamination or the infection will be known after the analysis of (i) food stuffs (ii) vomittings (iii) excreta (iv) viscera obtained as a result of post mortem. The Chemical Examiner's opinion had not been received by the Education Department of Andhra Pradesh till the 23rd.

The total number of students who were supplied mid-day meals was 320 of whom 174 were reported to be infected. This shows that part of the meal might have been infected as it was cooked in instalments.

The number of attacks and deaths date-wise is as under:

Date	Attacks	Deaths
19-9-64	63	17
20-9-64	66	12
21-9-64	30	3
22-9-64	15	6
	174	38

Special medical assistance was rendered by the Superintendent of the General Hospital, Kurnool. No complaint has been received in regard to the inadequacy of the medical help.

The CARE authorities had also started anxious investigations. They have reported that this programme

covers millions of children and all the food-stuff received in Andhra Pradesh are subject to the same rigid controls and made with the same high standards as those consumed in the school lunch programme in America and other countries. It may be stated that the CARE Mid-day Meals Programme is in operation in several States of the country covering about 7 million children and the CARE appoints its own Administrator in each of the States where the Programme has been accepted by the State Government.

**Shri Hem aBrua** (Gauhati): May I seek a clarification?

**Mr. Speaker:** Would they like to ask questions?

**Shri Hem Barua:** Yes, Sir.

**Shri Hari Vishnu Kamath** (Hoshangabad): It was held over last week.

**श्री यशपाल सिंह :** (कैराना) : कुकिंग में जो पायजनिंग हुआ है, वह इंटेशनली किया गया है या एक्सीडेंटली हो गया है..... (इंटरप्राइज)

**उपाध्यक्ष महोदय :** आर्डर आर्डर ।

**श्री यशपाल सिंह :** आगे क्या सरकार कोई एसा रूल बनाने जा रही है कि कुक करने वाले जो हैं, उनको बच्चों को खिलाने से पहले खिलाया जाए जिससे आइंदा यह गलती न हो ?

**अध्यक्ष महोदय :** अभी एक ओपिनियन यह आई है कि गालिबन वहां यह हुआ हो । दूसरी ओपिनियन अभी आनी बाकी है । हम फौरन ही इस तरह की बात न करें । अभी एक ओपिनियन दी गई है, बाकी नतीजा आने से पहले ही कनक्लूयेंस पर जम्प करके कोई चीज नहीं कहनी चाहिये ।

**Shri Hari Vishnu Kamath:** Is the Minister in a position to indicate whether the chemical examiner's report will be received very shortly



and, if that is not the case, will he make every effort to get the report expedited so that we can have it in this session and, if necessary, on the report when it is received a further enquiry could be ordered in the matter?

**Shri M. C. Chagla:** I shall place on the Table of the House the report of the chemical examiner as soon as it comes.

**Shri Hari Vishnu Kamath:** Will it be expected and placed on the Table in this session?

**Shri M. C. Chagla:** I have already asked the authorities to give me information as soon as possible. After all, it is for the Andhra State to do it; I cannot do it from Delhi.

With regard to the other question, it is not yet decided or definite that the cause of death was faulty cooking. This is merely a guess.

**Mr. Speaker:** That is what I told Shri Yashpal Singh. I suggested to him that it is only one guess or opinion that it might be due to that.

**Shri Warrior (Trichur):** I wish to know whether, apart from the supplies made by CARE, any other supplies were made for cooking from outside sources, from the bazar or somewhere and, if so, whether some investigation has been made about those stores.

**Shri M. C. Chagla:** As far as I know the only supply was through CARE. CARE sends all the supplies and the cooking is done on the spot. So, it is either the supplies or some defect with the cooking.

**Shri Warrior:** Other things were also mentioned.

**Mr. Speaker:** There were onions and some other things.

**Shri M. C. Chagla:** That was also supplies by CARE.

**Shri Hem Barua:** It cannot be onions came from the local bazar.

**Mr. Speaker:** I suppose, onions must have come from the local bazar.

**Shri M. C. Chagla:** My statement reads as if both the salt and onions were supplied by CARE.

**Shrimati Renu Chakravartty (Barackpore):** Why was it continued for four days? It seems that the attacks took place on four consecutive days. Why was it that the entire thing was not stopped on the very first day when this poisoning took place?

**Shri M. C. Chagla:** The hon. Member is mistaken. The supply was stopped as soon as the attack took place. But these are the figures of attacks on four different days.

**An Hon. Member:** That means that it went on.

**Mr. Speaker:** I also could not follow that. I also wanted to put the same question because that roused my curiosity as well. The hon. Minister has said that on such and such a date there were so many affected, and so many deaths were there, then, again, on the subsequent day, so many were affected, and so many deaths were there . . .

**Shri P. K. Deo (Kalahandi):** Was it in the same school or in different schools?

**Mr. Speaker:** That was exactly what was not clear to me also. If the children had been affected and the deaths had taken place on one day, why was it that on the second day also the same thing was allowed to be repeated?

**Shri M. C. Chagla:** As you know, sometimes the infection takes place later.

**Shri Ranga (Chittoor):** Why does the hon. Minister give his impressions now? If he has got any information he can give it.

**Shri M. C. Chagla:** I shall make inquiries. But as far as I know, as soon as it was known that the attack took place, the supply was stopped.

**Mr. Speaker:** It is just possible, as the hon. Minister has said, that the infection might have been discovered later. But then according to his statement, it might be construed or understood as if so many had been affected on one day and so many of them died, then, again on the next day, so many were affected and so many died, and again on the third day so many were affected and so many died. The statement reads like that and gives a wrong impression.

**Shrimati Renu Chakravartty:** I think that the matter should be clarified.

**Shri M. C. Chagla:** This is the statement attached, but it may be that the infections were discovered from day to day. I shall ascertain the facts.

**Mr. Speaker:** Now, Shri Bagri.

**Shrimati Renu Chakravartty:** I think this is a matter which we should take notice of. This is not a satisfactory answer, because deaths have taken place in such a virulent form.

**Mr. Speaker:** Then, I can ask the hon. Minister to ascertain more facts and place them before the House, and on that occasion Members can put questions.

**Shri S. M. Banerjee (Kandur):** May I ask one question?...

**Mr. Speaker:** The same thing should not be repeated every time. The question has been asked, and now more information is required . .

**Shri Warrior:** Much more investigation is required.

**Mr. Speaker:** . . . As soon as he gets more information he may place

it on the Table of the House; particularly in regard to those matters on which doubts have been expressed, he may try to ascertain what the actual facts are and then place them before the House.

**Shri M. C. Chagla:** I shall take your permission to make a statement as soon as I have got some more information.

**श्री बागड़ी (हिसार):** अध्यक्ष महोदय, इस में मेरा भी नाम था।

**अध्यक्ष महोदय:** मैंने तो आप को बुलाया था, मगर यह स्थगित रक्खा गया है ताकि पूरी इत्तला आ लें।

**Shri Hem Barua:** My name was also there, but you did not call me.

**श्री बागड़ी:** लेकिन इस के अन्दर तो यह हुआ कि आधे आदमियों को तो आप ने सवाल करने का मौका दिया और बाकी आधे आदमियों को . . . . .

**अध्यक्ष महोदय:** मैंने तो सारे हाउस की मर्जी से, उन से पूछ कर ऐसा किया। मैंने हाउस के सामने इस को रक्खा और उन की मर्जी से यह फैसला हुआ। मैंने आप को बुलाया था, लेकिन जब देखा गया कि मुकम्मिल बयान नहीं है तो सारे हाउस की मर्जी से इसको मुलतवी रक्खा गया। खाली आप का ही नाम बाकी नहीं रहता है, और भी बहुत से बाकी रहते हैं जो कि इस में थे।

**श्री हुकम चन्द कछुवाय (देवास):** उन से नहीं पूछा गया इस लिये नाराज हैं।

**अध्यक्ष महोदय:** मैंने सब से पूछा था और कइयों ने सोचा कि बयान पूरा नहीं आया है।

PAPERS LAID ON THE TABLE  
NOTIFICATIONS UNDER COMPANIES ACT

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to lay on the Table a copy each of the following papers:—

(1) The Petroleum Companies Amalgamation Order, 1964, published in Notification No. S.O. 2987, dated the 31st August, 1964, under sub-section (5) of section 396 of the Companies Act, 1956. [Placed in Library. See No. LT-3221/64].

(2) The Trustees (Declaration of holdings of shares and debentures) Rules, 1964, published in Notification No. GSR. 1268 dated the 1st September, 1964, under sub-section (3) of section 642 of the Companies Act, 1956. [Placed in Library. See No. LT-3222/64].

12.24 hrs.

RE: CALLING ATTENTION  
NOTICES (Query)

**श्री बागड़ी (हिसार):** अध्यक्ष महोदय, मैं एक अर्ज करना चाहता हूँ। मेरा एक कालिंग अटेंशन नोटिस था, लेकिन उसे जनाब ने नामन्जूर कर दिया। राज्य सभा में उसी कालिंग अटेंशन नोटिस के बारे में, उन्हीं गिरफ्तारियों के ऊपर, गृह मंत्री बयान देने को राजी हो गये।

**अध्यक्ष महोदय:** माननीय सदस्य को मेरी तकलीफ को भी देखना चाहिये। जब मैं फंसला करता हूँ तो जो रूल्स मुझे इस हाउस ने बना कर दिये हैं, अपनी अक्ल के मुताबिक मैं उन पर अमल करने की कोशिश करता हूँ। अब अगर दूसरे साहब इस मामले में कोई और नतीजे पर पहुँचें तो मेरा उस पर कोई जोर नहीं है। हो सकता है कि इस में

कमी फर्क हो जाये। वह एक अलाहदा इंडेपेंडेंट हाउस है, और वहाँ के प्रेजाइडिंग आफिसर खुद फंसला करते हैं कि कौन सी चीज . . .

**Shri S. M. Banerjee (Kanpur):** We would like to know whether those persons have been arrested under the Centre's instruction. That was the calling-attention-notice.

**Mr. Speaker:** I am coming to that, and I am just taking it up. But, before I take it up I find that some hon. Member gets up and puts the question.

I have received eight calling-attention-notices, and they are signed by the representatives of most of the parties. For instance, they have been tabled by Shri H. N. Mukerjee, Shrimati Renu Chakravartty, and others; there is a third one also; then again there is one by Shri Umanath; then we have the names of Shri Hem Barua, Shri S. M. Banerjee, Shri Warior, Shri Hari Vishnu Kamath etc. There is another name which I cannot read. I think it must be Shri Bagri's name. If I cannot read out the name, it must be Shri Bagri's. Then, there is Shri Indrajit Gupta's name. I have received so many notices. In most of them it has been stated that it was in consultation with the Central Government or at the instance of the Central Government or after talks with the Prime Minister that this has been done . . .

**Shri Hari Vishnu Kamath (Hoshanabad):** Under advice or instructions.

**Mr. Speaker:** These are the allegations made. I would request the hon. Minister, Shri Hathi to inform me whether there has been any such thing as consultation with the Central Government or at the instance of the Central Government or any discussion with the hon. Prime Minister.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** No; it was neither with the consent nor under the instructions or advice of the Central Government.

**Shri Hem Barua (Gauhati):** The Home Minister Shri Nanda made an omnibus statement that he had given a suggestion to the State Governments to take care of the possible action by the trade union leaders and political workers, so that they might not stage any *hartal*, on the 25th September. These arrests are concerned with the *hartal*. The Home Minister had made an omnibus statement to that effect.

**Mr. Speaker:** I am not concerned with that now.

**Shri S. M. Banerjee:** We only want to know the position in regard to the Central Government. For we have in our possession information to the effect that when the Prime Minister visited Calcutta last Sunday, he had some consultation with the Chief Minister and others. Apart from that, when the decision was announced, we found that it was the Home Minister who had always been opposing this *Bharat bandh* and so on. So, we would request the hon. Minister to kindly let us know whether these arrests had anything to do with the Central Government, whether the Prime Minister had given any instructions.

**Mr. Speaker:** I shall again put the question to the hon. Minister.

**Shri S. M. Banerjee:** Shri Hathi is not the conscience-keeper of the Prime Minister.

**Shri Daji (Indore):** On a point of order. My calling-attention-notice specifically says that it was done when the Prime Minister visited Calcutta on the 20th of this month. My submission is that Shri Hathi is not the conscience-keeper of the Prime Minister, nor did he accompany him to Calcutta. It is only for the Prime Minister to come and tell us what the position is.

**Mr. Speaker:** The copies of these notices do go to the Ministers concerned, and, therefore, I expect that when the hon. Minister comes here to answer it, he has tried to get all the

information that is required here. I suppose that the hon. Minister should either say that he does not know it or that he has not got the information, or I must accept the statement that he has made. Now that the question has been put, the hon. Minister might answer it.

**श्री बागड़ी:** मेरा एक व्यवस्था का प्रश्न है।

**अध्यक्ष महोदय:** यह सब व्यवस्था ही तो चल रही है। आप भी कह लीजिये।

**श्री बागड़ी:** मैं तो सिर्फ आप ने जो हुकम अभी फरमाया था कि वह अलग हाउस है और वह अलग अपना फैसला देता है, उसी के ऊपर अपनी बात अर्ज करना चाहता हूँ। आप भी फैसला देने के पहले मामले को मंत्री महोदय के पास भेजते हैं और वह भी भेजते हैं, उस पर राय जानने के लिये। लेकिन राज्य सभा के अन्दर इस किस्म का फैसला हुआ कि माननीय मंत्री जी अपनी राय दे देते हैं कि अंडर कंसिडरेशन है, और इधर नहीं। इस आधार पर अगर.....

**Shri S. M. Banerjee:** The hon. Prime Minister is now here, and he may give us the answer.

**Shri Bhagwat Jha Azad (Bhagalpur):** Though it may be technically right for the hon. Minister to say that the State Government did not consult the Central Government before arresting Bakshi Ghulam Mohammed, may I know whether just before the actual arrest or a week or so before that, directly or indirectly, the State Government had sought the permission of the Centre to arrest him or to put him under restrictions?

**Mr. Speaker:** Order, order. I have put it to the hon. Minister already.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** All the other notices mention about instructions from the Centre, but one

particular notice from Shri Indrajit Gupta has said 'in consultation with the Prime Minister and the State Government'. I have just now asked the hon. Prime Minister also, and I understand that there was no consultation with him in Calcutta.

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**PAPERS LAID ON THE TABLE—**  
contd.

**NOTIFICATIONS UNDER PREVENTION OF  
FOOD ADULTERATION ACT**

**The Minister of Works and Housing (Shri Mehr Chand Khanna):** On behalf of Dr. Sushila Nayar . . . (Laughter), I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954:—

(1) The Prevention of Food Adulteration (Amendment) Rules, 1964 published in Notification No. GSR. 1182 dated the 22nd August, 1964.

(2) The Prevention of Food Adulteration (Second Amendment) Rules, 1964, published in Notification No. GSR 1222 dated the 29th August, 1964. [Placed in Library. See No. LT-3223/64].

**Mr. Speaker:** The hon. Minister must have realised that the Members have objections to Shri Mehr Chand Khanna representing Dr. Sushila Nayar.

**Shri Hari Vishnu Kamath:** He has played his part well.

**NOTIFICATIONS UNDER CUSTOMS ACT  
ETC.**

**The Minister of Planning (Shri B. R. Bhagat):** I beg to lay on the Table—

(1) A copy each of the following Notifications under section 159 of the Customs Act, 1962:—

- (i) G.S.R. 1260 dated the 5th September, 1964.
- (ii) G.S.R. 1279 dated the 12th September, 1964.

(iii) G.S.R. 1282 dated the 12th September, 1964.

(iv) G.S.R. 1283 dated the 12th September, 1964.

(v) G.S.R. 1285 dated the 12th September, 1964.

(vi) G.S.R. 1286 dated the 12th September, 1964.

[Placed in Library. See No. LT-3224/64].

(2) A copy each of the following notifications under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944, making certain amendments to the Customs and Central Excise Export Drawback (General) Rules, 1960:—

(i) G.S.R. 1280 dated the 12th September, 1964.

(ii) G.S.R. 1281 dated the 12th September, 1964. [Placed in Library. See No. LT-3226/64].

(3) A copy of Notification No. G.S.R. 1284 dated the 12th September, 1964 containing Corrigendum to G.S.R. 1087 dated the 1st August, 1964, under section 159 of the Customs Act 1962 and section 38 of the Central Excises and Salt Act 1964. [Placed in Library. See No. LT-3228/64].

(4) A copy of the Annuity Deposit Scheme, 1964 published in Notification No. G.S.R. 1214 dated the 10th September, 1964, under sub-section (4) of section 280W of the Income-tax Act, 1961. [Placed in Library. See No. LT-3227/64].

(5) A copy each of the following schemes under sub-section (1) of section 45 of the Banking Companies Act, 1949:—

- (i) Scheme for the amalgamation of the Unao Commercial Bank Ltd. with the Bareilly Corporation (Bank) Ltd. published

[Shri B. R. Bhagat].

in Notification No. S.O. 2766 dated the 15th August, 1964.

[Placed in Library. See No. LT-3228/64].

- (ii) Scheme for the amalgamation of the Latin Christian Bank Ltd., Ernakulam, with the State Bank of Travancore, Trivandrum published in Notification No. S.O. 2823 dated the 22nd August, 1964. [Placed in Library. See No. LT-3229/64].

- (iii) Scheme for the amalgamation of the Southern Bank Ltd. with the United Industrial Bank Ltd. published in Notification No. S.O. 2910 dated the 20th August, 1964. [Placed in Library. See No. LT-3230/64].

12.32 hrs.

INTIMATION RE: RELEASE OF  
MEMBER

**Mr. Speaker:** I have to inform the House that I have received the following letter dated the 21st September, 1964 from the Sessions Judge, Eluru:

"I have the honour to inform you that **Shrimati V. Virola Devi**, Member, Lok Sabha, who was convicted on the 18th September, 1964, by the Additional District Munsif Magistrate, Eluru, for offences under sections 341 and 353, Indian Penal Code, and sentenced to undergo simple imprisonment for one week and simple imprisonment for six weeks, respectively (both the sentences to run concurrently) for having restrained two employees of the Andhra Bank, Eluru, from going into the Bank on the 26th August, 1964, and for having used criminal force....

**An hon. Member:** She is here in the House.

**Mr. Speaker:** I am coming to that. I have to read it.

"... against the Sub-Inspector of Police who was discharging his duty at the Bank, is ordered to be released on bail under section 426(1), Criminal Procedure Code, by this Court on the 21st September, 1964, suspending the sentences passed, pending disposal of the criminal appeal filed in this Court."

ANTI-CORRUPTION LAWS  
(AMENDMENT) BILL\*

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952."

*The motion was adopted.*

**Shri Hathi:** I introduce the Bill.†

**Shri Hari Vishnu Kamath (Hoshangabad):** Before you proceed with the next item of the agenda, I wish to have a clarification. Today's List of Business, and tomorrow's also, have come to us and I find that tomorrow's

\*Published in the Gazette of India Extraordinary, Part II, Section 2, dated 24-9-64.

†Introduced with the recommendation of the President.

List of Business—we want to be posted correctly with the business of tomorrow—shows Questions first, and the second item is, straightaway the Motion by the Minister of External Affairs. Usually, the List of Business which arrives one day ahead, shows that after Questions, the business not concluded on the previous day would be taken up. Does it mean that irrespective of whether today's business is completed or not, this motion will have priority?

**Mr. Speaker:** If anything is left out in today's business, that will be taken up later?

—  
APPROPRIATION (NO. 5) BILL

**The Minister of Finance (Shri T. T. Krishnamachari):** I beg to move\*

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65, be taken into consideration."

**Mr. Speaker:** The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1964-65, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

Clauses 1, 2, 3, the Schedule, the Enacting Formula and the Title were added to the Bill.

**Shri T. T. Krishnamachari:** I beg to move:

"That the Bill be passed."

**Mr. Speaker:** The question is:

"That the Bill be passed."

*The motion was adopted.*

—  
KERALA STATE LEGISLATURE  
(DELEGATION OF POWERS) BILL

**Mr. Speaker:** We take up further consideration of the following motion moved by Shri Hathi on the 23rd September, 1964, namely:—

"that the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws be taken into consideration."

No time was allotted.

**Shri Hari Vishnu Kamath (Hoshangabad):** Three hours at least.

**Mr. Speaker:** I will see.

**Shri Warior (Trichur):** Since we have discussed the situation which has given rise to this Bill, I do not want to expatiate on it.

Clause 3 of the Bill has a proviso which says:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose . . . ."

I hope Government will not follow in practice literally what is said here, and that at least in respect of major legislation concerning the State, this committee, consisting of Members of Parliament from Kerala in both the Houses, will be consulted. That is my request.

\*Moved with the recommendation of the President.

[Shri Warior].

Though this President's rule is intended only for about four months before the elections in February, 1965, there are so many matters likely to come up, and we have only one session of Parliament, the winter session, intervening. Hence, when there is no session of Parliament, it is very essential that this committee should be consulted on legislation, because amendments will come only much later, and by that time effect is given to the enactment already made by the President.

In this committee, only Members of Parliament from both the Houses belonging to Kerala are taken. I wish the amendment moved by Shri Basumatari and others is accepted by the Government. It is the responsibility of Parliament as a whole, but not of the Members of Kerala alone. So, a wider committee is necessary, so that the entire Parliament feels that what is happening in that State is their responsibility, and not only of a few Members coming from that State.

Politically, it has become a problem State now. Elections are coming, and it is run by the Central Government now through its Advisers. Hence, in these elections, more people will be interested. Other States also have an interest to see that the elections are free and fair. In the circumstances, it is necessary, I think, that more Members from both the Houses of Parliament should have a say in matters concerning the State, and especially in conducting fair elections. Hence, I think the amendment of Shri Basumatari must be accepted by Government.

**Shri Nath Pai (Rajpur):** As one listens to Shri Hathi labouring to reply to the different points raised in the House, one is impressed, I must concede it to him, a little by his sincerity and honesty, though, of course, his reply does not prove quite adequate to the expectations which we entertain, and this is something which

I cannot afford to say about most of his colleagues that they make a very sincere, honest and deliberate effort to meet all our points.

You Sir, were pleased to direct that he reply to a particular point. It is not just for the sake of raising it that I venture to raise. I would like him to make a very candid reply, because, the issue that we are discussing is of wider significance and has wider implications, and we must never lose sight . . .

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** You mean Dhebar's visit?

**Shri Nath Pai:** Yes. We must never lose sight of the wider perspective in which we want to operate, that is, that we should never allow, consciously or unwittingly or inadvertently, the withering of our faith in democratic functioning in this country.

There is another question which is germane to the discussion. We have heard in a very vague way that the Government of India is determined to continue with the emergency in the country though we have never heard one convincing argument as to what they want to do with the emergency powers that have been conferred on them. Kerala is a case in point. Under article 353 of the Constitution, had the Government been aware of the powers or the armoury of powers which are at their disposal, perhaps what transpired later on would have been avoided. This article gives the power:

"Notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;"

Before they took shelter under article 356, perhaps it was possible for



the Government to use the powers which were available to them under article 353 to direct the State Government to carry on the administration in a manner whereby the people's faith in the Constitution and in democracy would not be undermined and torpedoed as it happened there. They could have directed Mr. Santhar's Ministry that these charges coming from a section of the legislature need to be looked into, but what the people would feel and the nation as a whole would feel as non-partisan is converted into a party affair. These charges and complaints ought to have been looked into by the Union Government; if it is claimed that it is taking the recommendations of the Santhanam Committee seriously and earnestly, it ought to have done. One thing is open to it. Under those recommendations, whenever a charge is made against a Minister, by 10 members of the legislature, if the Minister happens to be a State Minister, and by 10 Members of Parliament if the Minister is a Minister in the Union Government, then the Government is called upon to see if there is a *prima facie* case, and if there is a *prima facie* case or not, whether a *prima facie* case exists or not, is not to be decided by the Chief Minister or the Prime Minister who belongs to the same party, but by a panel which has to be created by the President. Here is a formula made available by the Committee which we find is highly satisfactory. Government pledges loyalty to the formula; it always assures us that it wants to implement the recommendations of the Santhanam Committee, but when it comes to face that, to really give it a trial, somehow it shirks the responsibility. That was one aspect of it.

The second is that the Government should have used the directive powers which were available. I would like to ask why Shri Nanda goes on clinging pathetically to the powers which the emergency has conferred

on him. I am reminded here of the drowning man who will not part away with his miserable belongings even when he has no longer any use for them, but only because of his greed for things. We are not seeing how Shri Nanda is using the emergency powers for the purpose for which they were conferred by Parliament on him. On the last occasion, when the House discussed the continuance of the emergency, we had asked, "Are you going to put them to the use for which we conferred powers on you, and if not, for what purpose are they being kept there?" It only makes a mockery of the emergency and of the Constitution, because here was a case in Kerala where the powers could have been used and what has happened could have been prevented if the Government (a) knew what the powers available to them were, and (b) was serious about the emergency in force in this country.

I want to make one or two other proposals also. I do not think, in spite of his being very sincere, he really grasped what was being suggested to him. He is a very intelligent man; none-the-less, I am making this submission, and I hope he will not misunderstand. He normally does not and I plead with him that he does not. He tried to bring in the realm of Constitutional discussion what was submitted to him as practical, feasible step that could be taken. I think he was patently unfair; once again Shri Khadilkar manages to be absent at the crucial moment; Shri Khadilkar, at a very later stage performed that very rare thing—I would not use the word 'trick' because it may not be quite parliamentary, but he somehow wriggled out of the impossible position in which he landed himself the previous day. He had advocated not as a party government in this country but the imposition of one-party rule, and for that, he ought to have given a very categorical assurance to this House that he does not contemplate in any form, in any way, one-party rule in this country.

**An Hon. Member:** Coalition government.

**Shri Nath Pai:** It was something dangerous which he was advocating but very skilfully Shri Khadilkar, coming to the House the next day, and during the remaining part of his speech, deviated completely: I know Shri Lal Bahadur Shastri does not know how to deviate, and it is only a thing which Shri H. N. Mukerjee knows. But Shri Khadilkar departed, deviated, from his original line and then took shelter that he wanted a national government. It is a very serious matter. There is a section, a school, in the ruling party which is being converted, seeing the growing danger to its power, to this kind of philosophy of one-party rule.

Mr. Speaker, with your very wide experience of the Constitutions and of democracy not only in this country but throughout the world, you know that one-party rule is a contradiction in terms; one-party rule and democracy never go together. We want not an academic discussion;—whether this party, confronted with a growing challenge to its authority, is contemplating in terms of following the example of Nkrumahs,—we want to know. Shri Khadilkar was equivocal. If you do not want to be landed once again in the stalemate and the impasse which seems to be chronic in Kerala, some new fresh thinking has got to be done.

I have indicated very clearly my opposition to the united front, and not only with the party of Shri Mukerjee but with all the party's ideology, programme, appraisal, and values of life, I disagree. I have said it frankly and boldly. I wish they would do the same thing. Even then, after doing this, there may not be a solution to the problem of Kerala. Kerala may once again be faced with the problem of having a suitable government for the people of Kerala.

What are the Government thinking of, and what are they going to do?

I have read in today's newspapers that in the Trichur district, the Congress party leadership has come out, clamourously asking for some kind of understanding, alliance, with the Muslim League, and they have given those miserable accounts of how many votes they will be able to get. We want replies to these kinds of things and not constitutional quibbling. Once again, are you going to fall in that trap which is the only method you seem to have evolved after 17 years of functioning? Somehow, when the election comes, it is not the values and long-term interests of the country that should count, but grabbing more and more votes and some more seats! These are the questions germane and more vital than the technicalities and procedural matters that I want Shri Hathi to note.

Today's *Statesman* tells us that the Trichur district Congress party has called on Shri Kamaraj to forgive the so-called opposition which the late Prime Minister had, communal organisations like the Muslim League and to come to terms with the Muslim League. Mr. Namboodiripad has been saying the same thing, and I think if I am not completely misinformed—though not openly but behind subterfuge and facade Shri Mukerjee also wants—though not directly or openly—to do it.

**Shri Warrior:** From Shri Nath Pai's party, Mr. K. C. Menon was advocating something, and Shri Nath Pai was dissociating from it. Why all these extraneous matters should be brought here?

**Shri Nath Pai:** It is not at all extraneous. This is an honest testament of our faith because in Kerala we are all on test. I never repeat myself, but I may repeat that our basic tenets are: are we prepared to barter our faith for the loves and fishes. That is the challenge to us. I have always taken the stand that I would like to be defeated rather than barter away my faith or compromise with

what I regard as essential things of my life, my values, my faith. I would like the Congress to tell us categorically about this.

I have got a practical suggestion. If this stalemate is to be broken, new thinking will have to be done, and that requires courage. Face the electorate with your Plan and your programme and your record and let the Kerala people give the verdict on your record and our record. I want that my party does the same thing. If that does not do well, I have still the courage of saying that I disagree and I am prepared to take the consequences where my faith is involved. I would like the others to say the same thing and try to prove at least sometimes that the country is above the party. I would like them to think in this direction and it can be an experimental trial, an approach, to this.

The Minister yesterday referred to the point that the President is advised by the Kerala MPs in matters pertaining to Kerala. That is with regard to legislation. But there is an executive in Kerala. The Governor will be ruling Kerala for the next six months at least and we hope that they will assure us, as Shri Kamath has asked Shri Hathi, that the schedule of elections will be strictly adhered to and no excuses will be found. Because, Mr. Speaker, once again there are voices in the Kerala Congress—one such voice was raised in the House—that the elections can be postponed, could be postponed and should be postponed. I hope they will not fall into this temptation.

Pending the elections, may I know whether they would not give some consideration to an idea which another of his colleague, Mr. T. T. Krishnamachari, at least when he is informally sitting with us, tries to brush with us, the idea of creation of standing committees for different Ministries? Not those kind of consultative committees, whose counsel hardly

anybody cares for, which are degenerating into a big farce under the facade of which Parliament is being deluded into believing that Parliament is being really consulted in the day-to-day administration of the different departments. I would plead with you, Mr. Speaker, that you also lend your weighty support to this idea that the 18 M.Ps. who represent Kerala in this House could be associated with the different departments, because we do not have a State Legislature. It is novel, but the idea should be weighed whether we should leave it to the different Secretaries to rule a highly articulate people like the Keralites for six months, without any representative Government, when we have 18 chosen representatives. Could not Government, as an experiment, attempt to create standing committees in Kerala for the different Ministries?

It is not enough that in legislative matters the M.Ps. will be consulted. But I would like that they are consulted regularly and their advice becomes something not just for the sake of being recorded in minutes and to be pigeon-holed later on, but to be taken seriously and implemented. I would like to know whether that will not be a pattern for Kerala. This is a question which we should not shirk and avoid, but face boldly. Once again if the pattern of division of votes comes into play, what is going to be the role of the Congress Party and his Government? Once again shall we have those alliances and combinations or shall we try to create a new pattern of seeing that the maximum consensus of the people as reflected in the election is given a voice in carrying out the administration? I would like him to address himself in a bold and courageous manner to these vital questions.

Mr. Dhebar is blatantly going on violating the standards of democracy. The hon. Minister is smiling. Is it a matter for smile? I would like to quote—in today's paper there is a reference to the Chairman of the

[Shri Nath Pai]

Khadi Commission. I am not saying this in a disparaging way or to denigrate or embarrass Mr. Dhebar. I am far more concerned with all of us jointly trying to find a solution. May I conclude, Sir, by saying that this is for me not an exercise in parliamentary rhetoric and eloquence. This is something far more serious. I would plead with him that all of us should try and approach this question as a pointer to the future, as a challenge to all of us, forgetting our petty loyalty to the party and meet it with the necessary degree of vision, which goes beyond the interests of the party. I hope, Sir, Mr. Hathi at least will make an effort in this direction.

**Shri Maniyangadan (Kottayam):** Sir, for the last two days, this House has been discussing Kerala in all its various aspects. I must confess that it was with a certain amount of shame and agony that I had listened to certain proposals made in this House. Certain experiments are suggested. Various proposals, which violently deviate from the Constitution itself, have been proposed. I was not worried by the fall of the Ministry, but now I feel very much worried regarding the approach we make to the question. I only wish to say that this approach should be based on certain fundamental values. We must maintain certain standards and democratic values. Unless that is done, there is no possibility of finding a solution which will be stable.

Mr. Nath Pai referred to party matters and he wanted the Minister to reply as to what attitude the Congress will take in the next elections. I believe the Minister would not take upon himself the responsibility of stating what the Congress would be doing in the elections.

**Shri Nath Pai:** Why are you venting him?

**Shri Maniyangadan:** I am a Congressman and I have my own indi-

vidual opinion. I have certain political views. Mr. Nath Pai himself was saying in his individual capacity what his party is doing there. From today's paper he read about the Trichur representation. He did not read the statement of Mr. Viswambaram, his party leader.

**Shri Nath Pai:** Have I not made my position very clear? Is there any ambiguity?

**Shri Maniyangadan:** He deviates from the policy of his party and asks the Congress to state its attitude. Mr. Viswambaram, his party leader in Kerala, has stated that the leftist alliance is likely to be a success. Their own leaders are going about saying that in order to defeat the Congress, all the opposition parties must pool their forces. Even Mr. Chandrasekar, and their All-India Chairman, have made this statement. Mr. Nath Pai has his own views about the party and he has said that he is prepared to face the consequences. As regards the Congress, the Congress President and other responsible people belonging to the Congress have made statements that they have decided to contest the election on their own. Of course, it is a political affair. There may be certain further developments. I cannot say now what things are going to happen. The Congress President is there. One of the members of the Working Committee is there. Shri U. N. Dhebar is a member of the Congress Working Committee. He attends all the Working Committee meetings and all the AICC meetings.

**Shri Nath Pai:** Is he a part-time Chairman of the Commission?

**Shri Maniyangadan:** He happens to be the Chairman of the Khadi Commission . . .

**Shri Nath Pai:** How does it happen to be? Did it fall on him from the skies? He had chosen to be Chairman.

## Bill

**Shri Maniyangadan:** He is a member of the Working Committee of the Congress and that entitles him to go into the organisational affairs.

**Shri Nath Pai:** Mr. Speaker, it is a serious matter.

**Mr. Speaker:** How can I stop him?

**Shri Hari Vishnu Kamath:** We want a ruling on the point whether the legal position is correct.

**Mr. Speaker:** He is entitled to his own view.

**Shri Nath Pai:** Is he entitled to an erroneous view, such a perversion of law?

**Mr. Speaker:** According to him, it may be erroneous. According to others, it may be correct. He is expressing his own opinion.

**Shri Maniyangadan:** The Chairman of the Khadi Commission is a non-official. He has certain functions as the Chairman of that body. But as a non-official, as a citizen, he has certain other rights. He has the fullest right to take part in active politics. For the last several years, he was doing that.

**Shri Nath Pai:** He is completely misinformed. Only last year he became Chairman of the Commission.

**Shri Maniyangadan:** He has not gone there to do propaganda; he has gone there for certain organisational matters. Even if he has gone there for propaganda work, I am sure there could be no objection for that. That is my view. Mr. Nath Pai and the SSP may differ from that, but that is a different thing.

As regards the state of affairs in Kerala, yesterday also the Minister was asked to state whether an enquiry is going to be made against the various allegations. I am not going into the allegations. But I may bring it to the notice of Government that the situation there is surcharged with emotion, with prejudice . . .

**Shri Warrior:** Would there be a mass upsurge also there?

**Shri Maniyangadan:** I do not know whether there will be a mass upsurge. But if my friend would create one, I would like to see that. He had seen the effect of mass upsurge. His party tried to create a mass upsurge.

My hon. friend Shri Kappen referred yesterday to the jeep march from Kasaragod to Trivandrum. Shri Gopalan was leading the march. He said there was going to be a big mass upsurge. They tried on several occasions to create a mass upsurge, but all the time they failed.

## 13.00 hrs.

The present atmosphere there, whether the charges are true or not, is very vicious. According to me the atmosphere has to be cleared. Personally speaking, I would request the Government that after studying the question thoroughly an enquiry should be conducted into the charges levelled against certain officers, for example, the I.G., the Chief Minister there, and if there is any other charge against any other ex-Minister that also must be enquired into. That is my personal feeling. Then only the atmosphere would be cleared. Otherwise this vicious atmosphere will continue and a democratic election itself would be impossible. That is the actual position. So I would request that an enquiry should be conducted. That is my personal view. I do not know whether my hon. friend Shri Warrior is supporting it. I say it behoves the Government. When some of the allegations, especially the allegations that were levelled here now by Shri Warrior, when those allegations were sought to be enquired into by the Prime Minister, certain people objected to that. But those very same people now demand that an enquiry should be conducted into those things. And some of those people are very much respected by me. So, in order to clear that atmosphere it is better

[Shri Maniyangadan]

that an enquiry is conducted. That is my position.

Now, as regards the alliance in 1959 and all that, and the mass upsurge referred to now by Shri Warier, that alliance between the different parties was based on certain principles, they had certain aims. The main, and perhaps the only aim was to see that democracy is preserved, that a democratic government is brought into being. It was not for sharing power. If the only object of anybody or any party or any individual was to get into power, that was a wrong approach; any alliance which was based merely on that was wrong. There is no doubt about it. After all, I admit, it is of course the politician in Kerala that is responsible for the present state of affairs. Well, Sir, after that to come here and say, "you approach the problem with sympathy or with love and affection", I think there is not much need for such an appeal. I am reminded of a story narrated here by the late Prime Minister on some occasion. That is, a boy out of anger murdered both his father and mother. And when he was hauled up for murder in the court, he pleaded for mercy saying that he was an orphan! That sort of approach, I think, is not going to be of any use to anybody.

**Shri Nath Pai:** The story was interesting, Sir, but we do not see the relevance.

**Dr. L. M. Singhvi (Jodhpur):** Sir, while the political matrix which gave birth to this proclamation deserves deep analysis and study, the constitutional aspects of the legislative powers, I think, should not be relegated to the background. It is of considerable importance for us, Sir, to interpret the provisions of article 356 of the Constitution and those of article 357 with clarity and with reference to the intentions of the founding fathers.

Bill

It appears that the Government has persuaded itself to press into service the provisions of article 357 which say that "whereby a Proclamation issued under clause (1) of article 356, it has been declared that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament, it shall be competent for Parliament to confer on the President the power of the Legislature of the State to make laws, and to authorise the President to delegate, subject to such conditions as he may think fit to impose, the powers so conferred to any other authority to be specified by him in that behalf."

We must clearly understand that while the provisions of article 357 are enabling and should be brought into operation only in exceptional circumstances, the provisions of article 356 are the really governing provisions in such a situation such as we are confronted with today. What does article 356 enjoin upon us? Article 356 simply says that "if the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation"—in sub-clause (b) it says—"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament."

My submission is that under the present situation it was not at all necessary to go any further than the invocation of article 356(1)(b), that is, to declare that the powers of the Legislature of the State would be exercised by Parliament, and it was not necessary therefore to invoke the powers under article 357 to enable the President to legislate and, as a matter of fact, to further sub-delegate his powers to any official or person that he may deem fit.

My objection is also based on a question of principle, and that is that the delegation is to be countenanced only when it becomes absolutely necessary and unavoidable. Sub-delegation is not to be countenanced at all if it is avoidable. In this case what we are faced with is this, that this Parliament would authorise the President to enact such laws as he may deem fit, and indeed the powers that we are proceeding to vest in the President of India may be further delegated to various other functionaries and officials. I do not think it is quite democratic, and I do not think that there are any special circumstances or exigencies which warrant the pressing into service of the provisions of article 357 of the Constitution, where the intention and the meaning of article 356 is clear and where the powers conferred by article 356 are quite adequate to meet the exigencies of the situation.

I would also like to raise the question of clause 3, sub-clause (4) of the Bill before us. This provision relates to the laying on the Table of this House and the other House the various modifications in the Act or any other legislative enactment to be made by the President. My submission is that this provision is not in accordance with the recommendations made by the Committee on Subordinate Legislation of this House, and that recommendation, I submit, should have been respected in its spirit and letter by the Government at the time of drafting this piece of legislation. My submission is that sub-clause (4) of clause 3 actually defeats the very mechanics of laying enactments on the Table of the House, because it says:

"Either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act, and, if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeed-

ing, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2)."

In the first place it is not right, it is not proper, to lay this limit of seven days on any modification to be moved or placed for the consideration of this House in the various enactments that may be made by the President under the powers vested in him. My submission is that even the Statement of Objects and Reasons is very unimpressive and unconvincing when it says that "such legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State." The suggestion is that for lack of time the Parliament would not be willing to comply with its constitutional obligations under article 356(1)(b). This is not a convincing reason at all, and if a reason had to be found it had to be a special reason to persuade us to endorse the Bill as it is placed before us. It appears that shortage of time with Parliament is too much with the Minister and not so much with us. After all, the Parliament has certain obligations under the Constitution, under article 356. At no time has the Parliament indicated that it would not have time to deal with legislative business in a particular State which happens to be under a proclamation under article 356.

With these observations and submissions, Sir, I close, in the hope that the Minister will take note of the various submissions I have just now made.

**Shri Koya (Kozikode):** Sir, I want to say only a few words on this Bill. Different Members belonging to different parties have given *post mortem* reports of the late Kerala Ministry, and I do not think they will agree on the responsibility for the ending of the democratic rule there.

Let us now face the facts as they are. There is now no elected representative government in Kerala. In

[Shri Koya]

an enlightened and educated State like Kerala it would be very difficult to proceed without popular participation, without consulting the popular representatives there. Therefore, while supporting the Bill, I would request the Home Ministry to take immediate steps to see that the elected representatives of that State in Parliament are consulted on the day-to-day problems of Kerala, especially with regard to the food problem in Kerala. I am now told, during a telephonic conversation with friends at home, that the food situation there has taken a very serious turn. There is no rice available in any of the important cities in Kerala. It is a very serious problem that we are facing. An adviser's regime, a President's rule, without popular participation to give proper advice and consultation, would find it very difficult to face a situation like this. People are very much perturbed and panicky. Most of the godowns in the cities like Calicut are empty now. I would, therefore, request the Home Ministry to see that immediate steps are taken to have popular participation. They must take the advice and have consultation with the Members of Parliament from that State as early as possible.

**Shri Hathi:** Mr. Speaker, Sir, Shri Nath Pai had raised a point yesterday and he was also pleased to say that I could reply to it during the course of this debate when we take up the Bill. He has raised an important point, I quite appreciate it. His point is that Shri Dhebar is the Chairman of the Khadi Commission and he asked whether it was proper for him to take part in politics especially when he is the chairman of a statutory board. You, Sir, know that this Parliament has been always alert as to the standard, the conduct and the role which people could play and act if they are government servants in a State or in the Government of India. They cannot be members of a legislature also. Shri Dhebar was a

Member of Parliament. When he took up the office as Chairman of the Khadi Commission he was not disqualified from being a member. The Prevention of Disqualification of Members Act exempted this post. He could have been a Member of Parliament, and I know that he resigned not because he was disqualified to be a Member of Parliament but he thought that he could not do justice to the other work as well as to the Parliament. Supposing he had been a Member of Parliament and also the Chairman of the Khadi Commission, which he was permitted to be, could he have been blamed for or prevented from taking part in politics? As Shri Nath Pai or anyone of us can take part in politics, he could have also taken part in politics. Therefore, under the Act this post is exempted. He could as well be a Member of Parliament or a member of a legislature. Once he can be a Member of Parliament, he can take part in politics. This is the explanation. Unfortunately, Shri Nath Pai is not here otherwise, I think, I would have convinced him.

The second point he raised was as to why the Government did not issue directions under article 353. Article 353 is restricted to issuing directions. The wordings are quite different and the scope of these two provisions are equally different. In 353 the wording is:

"...the executive power of the Union shall extend to the giving of directions to any State..."

Here it is not a question of issuing executive directions. Article 356 says:

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution . . ."

The situation that arose in Kerala was that the Governor was satisfied



that the government of the State could not be carried on according to the provisions of the Constitution. It was not a case of issuing directions to the government on the execution of certain policies. This was a fundamental question. When the legislature passed a vote of no-confidence against the government of the State, the government could not be run in accordance with the provisions of the Constitution. Therefore, the question of issuing directions does not come in.

The third point that Shri Nath Pai raised was about some experiment. Yesterday, when Shri Khadihar and Shri Ranga suggested certain experiments he said, we are not going to make experiments. Here he wants Kerala to be a laboratory for experiments.

**Shri Nath Pai:** No, no.

**Shri Hathi:** I thought you were not here—I am glad you have come.

**Shri Nath Pai:** Therefore, you were about to make wrong statements.

**Shri Hathi:** When I made my first submission you were not here. One thing I may say, I may not be as intelligent as my hon. friend, but I would always be sincere and I would say what I believe and what I know.

**Shri Nath Pai:** I readily concede that.

**Shri Hathi:** When I was explaining your point about Shri Dhebar you were not here.

Sir, I was on his third point. He said, let us have some method of having committees for different ministries so that these Members could be consulted. I think it is a suggestion, but I do not know how far that could be practical. Even otherwise we have got some committees in one form or the other. Any way we are going to have a committee and that committee is only for the purpose of legislation. I quite

appreciate his point. When the Members of Parliament are here and if the problems of Kerala are to be discussed, it would be advisable, as Shri Nath Pai thinks, to discuss them with them. But I can assure him one thing, that I will be prepared to meet the Members of Kerala any time they want and discuss all the questions with them, because ultimately it will be the Home Ministry that will be responsible. Then I will take the question with the different ministries concerned. But I cannot at the present time give any assurance....

**Shri Nath Pai:** But you will examine it.

**Shri Hathi:** That is a different matter. Unless I am definite about it I will not give any assurance.

With that limitation I speak. But so far as I am concerned and so far as the Home Ministry is concerned, I will meet the hon. Members from Kerala as often as they want to on all subjects or on any subject. Really, what we want is this. After all, this is for some period only and we want to govern it as best as we can in the interests of the State. Therefore, if hon. Members experience any difficulty or if they have to make suggestions, I on my part will be ready and willing to receive all suggestions and to meet them. That is the most I can say here.

Then, the third thing he said was about the elections and the stand which the Congress will take *vis-a-vis* other parties. This is really a matter for the organisation, but he must have read the reports in the press only recently that the Congress President himself has said that we shall stand on our own legs. This is what he has said. Therefore, he does not want a reply from me, that is, when the President of the organisation has stated it and it must have come to his notice also. But when we are discussing this Bill and when we are discussing the provisions of

[Shri Hathi]

this Bill, naturally other subjects can come in, in a wider aspect as he said. But whether the Congress will come into power or whether the Communists will come into power, whether the PSP will come into power or whether the Muslim League will come into power or whether two or three parties will join to oust another party, all these things are matters which do not really come in so far as this Bill is concerned.

Then, Shri Warior's suggestion was that instead of this committee which has been mentioned in clause 3(2), the amendment suggested by some hon. Members may be accepted. When we come to that I shall express what I have to say on that.

As regards action under the Santhanam Committee's report, only yesterday we had about 20 minutes given to this question and I replied that about 21 recommendations had been accepted wholly or partly and implemented; about 38 were accepted and partly implemented, while others were under consideration. On this question of the recommendations which, if I remember aright, number 105 to 108, I said that so far as the question of the ministers is concerned, the Home Minister and the Prime Minister made a statement and the Home Minister also said what line of action the Government wants to follow. But we have not yet finally accepted that recommendation because there is again the question of appointing the panel; then comes the question of Speaker and Chairman also. We have not yet finally considered those recommendations. I do not think Shri Nath Pai expects Government to implement a recommendation or take action upon a recommendation of a committee report which has not yet been considered by the Government. It can only be if the Government had accepted that recommendation. If there was a question of implementation of those recommendations, I would have understood Shri Nath Pai's suggestion.

**Shri Nath Pai:** The report was submitted in February. It is eight months that you have had.

**Shri Hathi:** He may blame us for the delay; but we have not yet accepted that recommendation and, as I said, it is under consideration. Therefore, implementation of that recommendation does not come in. This is the only point that I would like to bring to his notice.

Now I come to Dr. Singhvi's point. He said that article 356 (1) (b), which says:—

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament;"

would have been sufficient. He said that this would have been enough and it was not necessary to proceed under article 357, that is, for Parliament to confer on the President the power of legislation. Yesterday when I was discussing about the Proclamation, while moving it I also explained the reasons and the circumstances and said that all laws will have to be passed by Parliament. That would mean that it will have to function as the legislature of the State. The work of Parliament, as Dr. Singhvi knows, is already heavy. He said that it was heavy only for the Ministers and not for the Members.

**Dr. L. M. Singhvi:** It may be heavy; but this is a constitutional obligation cast upon us and we cannot shirk it mainly because of that.

**Shri Hathi:** When the question was discussed at the time of framing the Constitution itself, it was considered and therefore it was that this specific provision was made. In the past this has been so in all cases and it is not only necessary but also practical; otherwise, the whole House will have to devote its time on legislation of Kerala only and we may not have time....

**Shri Warrior:** How many pieces of legislation might come?

**Shri Hathi:** It may come. But this is the only practical way. I think, it is proper that the provision of article 357 of the Constitution is sought to be invoked.

Then he said about the seven days' period. He said that it was too short. If it is passed by Parliament after a great delay then perhaps it would not have the effect, if an Act is enacted today and after three months you either accept it or modify it, supposing that this House wanted to modify it. After all, this Bill was introduced the day before and today we are passing it. Therefore, I think, it is in the interest of the State that it should not be delayed too long.

As regards the other point, I have seen the other legislations also of 1960. It is the same provision which I find there.

**Dr. L. M. Singhvi:** The point I had raised was that there was a specific recommendation regarding the model clause in respect of legislation which was subordinate legislation made by a committee of this House and accepted by the Government of India. Why should then a departure be made from this? When there is a model clause governing subordinate legislation and in respect of laying on the Table all legislation which is subordinate, that should be followed uniformly in all enactments.

**Shri Hathi:** That is all I have to say.

**Mr. Speaker:** The question is:

"That the Bill to confer on the President the power of the legislature of the State of Kerala to make laws, be taken into consideration."

*The motion was adopted*

**Mr. Speaker:** The House shall now take up clause-by-clause consideration of the Bill. The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

**Clause 6—** (Conferment on the President of the power of the State Legislature to make laws).

**Shri S. C. Samanta (Tamiuk):** Sir, I beg to move:—

Page 1,—

for lines 16 to 20, substitute:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

- (a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House; and
- (b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the state of Kerala in that House."

While moving this amendment I am reminded of the discussion which took place in this House on the 25th April, 1961 about the Orissa State Legislature (Delegation of Powers) Bill, 1961, in which one hon. friend, Dr. Samantsinhar, pressed that the number of Members that was allotted in the Bill should be increased. He suggested 20 from this House and 16 from the other House including all the Members of Parliament from Orissa in both Houses.

[Shri S. C. Samanta]

At that time also, the Government thought that 15 Members would do, ten from this House and 5 from the other House. But the House objected to it, and ultimately 14 Members from this House and 7 from the other House were taken.

**Mr. Speaker:** Would not a committee of 45 Members be unwieldy?

**Shri S. C. Samanta:** I am putting forward this proposal before Government. Now, Government have come forward with the proposal that all the Members of Parliament from Kerala State would be there.....

**Mr. Speaker:** How many Members are there from Kerala in this House and in the other House?

**Shri S. C. Samanta:** 18 in this House and 9 in the other House. So, in all, 27 would be already there.

But I would like to place before this House this fact that in addition to the Members belonging to the State concerned, who are taken on this committee, there should be some other Members also who will dispassionately help Government in doing the work. So, we have suggested that the number should be increased to 30 from this House and 15 from the other House.

**Mr. Speaker:** What is the attitude of Government?

**Shri Maniyangadan:** This was the provision in the old Act of 1959 also.

**Shri Hathi:** I am inclined to accept this.

**Mr. Speaker:** If it was done earlier in 1959, there should be no objection to it, and I suppose the Members are agreed on that.

The question is:

Page 1,—

for line 16 to 20, substitute:

"Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose, consisting of—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House".

*The motion was adopted.*

**Mr. Speaker:** The question is:

"That clause 3, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 3, as amended, was added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill*

**Shri Hathi:** I beg to move:

"That the Bill, as amended, be passed".

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed".

*The motion was adopted.*

13.33 hrs

HIGH COURT JUDGES (CONDI-  
 TIONS OF SERVICE) AMENDMENT  
 BILL

**Mr. Speaker:** Now, we shall take up the High Court Judges (Conditions of Service) Amendment Bill. Shri Hathi.

**Shri Hathi rose—**

धो हुकम खन्व कछवाय : (देवास)  
 अध्यक्ष महोदय, हाऊस में इस समय कोरम  
 नहीं है ।

**Mr. Speaker:** The bell is being rung . . .

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** Now, there is quorum. The hon. Minister may start his speech.

**The Minister of State in the Ministry of Home Affairs (Shri Hathi):** I beg to move.

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

**An Hon. Member:** How much time has been allotted for this Bill?

**Mr. Deputy-Speaker:** 2 hours.

**Shri Hathi:** This Bill will not take more than fifteen minutes. This is a very small and non-controversial measure. This amending Bill has been necessitated because of the Constitution (Fifteenth Amendment) Act, 1963 by which we raised the age of retirement of the High Court judges from 60 to 62.

Clause 2 of the present Bill seeks to amend section 14 of the present High Court Judges (Conditions of Service) Act. The House will see that this is really a consequential amendment. Section 14 provides that a judge will be normally entitled to pension when he completes the age of 60. Since we have raised the age of retirement from 60 to 62 under the

constitutional amendment, in this section also, the age should be raised from 60 to 62. That is the only change sought to be made in this section.

The second amendment seeks to provide that in the case of those judges who were serving on that particular date, namely the 5th October, 1963, when the age of retirement was increased from 60 to 62, if they want to retire at the age of 60, they will be permitted to do so, and they will be entitled to pension at the age of 60 because they had joined service earlier.

The third amendment relates to the High Court judges of Jammu and Kashmir. Now, the High Court judges of Jammu and Kashmir also are transferable to other parts of the country. There is a provision in the present Act that the services of the judges in the other States will also be taken into consideration for the purpose of pension, leave etc. That provision should be applied to the judges who would be transferred from Jammu and Kashmir to other parts of the country.

These are the three amendments which are proposed in this Bill. So, this is a very simple and non-controversial Bill, and I commend it for the acceptance of the House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, be taken into consideration."

**Shri H. N. Mukerjee (Calcutta Central):** Mr. Deputy-Speaker, Sir, I agree with my hon. friend the Minister that this amending Bill is a consequential measure, and in regard purely to the substance of it, there is not going to be any controversy in this House. But, I wish to intervene because, since it refers to the conditions of service of High Court judges

[Shri H. N. Mukerjee]

and the fixation of their ages at 62 as settled by the recent amendment of the Constitution, it is perhaps necessary to remind the Government of its responsibility in regard to the position of our judiciary. And I say this because the question of the fixation of the age of judges has recently caused a certain amount of excitement in the country; I say 'excitement' because in relation to High Court judges and people in that category, we are accustomed to ascribe to them sobriety of the highest order, but it has happened that some High Court judges have discovered rightly or wrongly, it is not for me to say at the moment, that in regard to the fixation of age, the executive has appeared to act in a manner which is derogatory to the dignity of the judiciary. I know that it is not an one-sided story either, and I feel so that sometimes our own judges have perhaps not been adequately conscious of their responsibility in this regard.

It gives us no pleasure to find High Court judges having to go to court in order to secure what they consider to be their rights in regard to the ascertainment of their age. It gives us no pleasure also to be told, for instance, as I have been told lately, that the Chief Justice of one of our leading High Courts, I shall not mention the name of the High Court, has been found by some people, again rightly or wrongly I do not know, to have given an age which was not quite correct, and a representation has been sent to the President signed by all sorts of people asking for an ascertainment of the age of that particular judge, even though he happens to hold a very important position in the judiciary.

It gives us no pleasure to have to refer to these things, and I mention it only in order to impress on our judges, if I may with all due respect, that from them also the country's expectation is that they should be able to command not only the confidence

of the public, but also the esteem of the executive.

Having said that, I would like to impress upon the executive, because it is with the executive that we have our contact in this House, their responsibility to maintain the highest possible regard to the position of the judges. I say this because there is at the moment pending in the Supreme Court the case of one ex-Judge of one of our High Courts in regard to the ascertainment of his age. In regard to this matter, many interlocutory proceedings have taken place, and certain observations have been made by High Court judges which have been reported in the papers, which throw a flood of light on the recent emergence of a practice on the part of the executive to interfere, rather unwarrantedly, in matters relating to the position of the judiciary.

This question of the fixation of the age of High Court judges, and Supreme Court Judges for that matter, is a very delicate question, and on behalf of the judges the proposition has been put forward that if an age has been accepted at the point of time of the judge's appointment, and also gazetted for the information of the public, then there cannot be a deviation from acceptance of that age subsequently unless the judge is found, on investigation, to have committed perjury at that point of time, and therefore he deserves removal from his position. The Judges have, therefore, tried to say that at the point of time of appointment, their ages should be ascertained in the normal way, and that should be the age considered to be the rightful age, which is not going to be contested in future. But what has happened is that in the particular case which is now pending before the Supreme Court for final adjudication, the judge's age was determined at a particular point of time by the executive, and the judge was asked to quit, against which the judge is trying to have his remedy in court.

My feeling is that for the executive to arrogate to itself the duty of ascertaining the age of a particular Judge, without reference to the judge himself, is something which detracts very seriously from the dignity of the judiciary and is going to prejudicially affect the work of the judiciary.

In regard to this also, a point has been raised that whenever the Union Government here ascertains the age of a judge at a particular point of time it sometimes asks the Chief Justice of India, or some such highly placed person. On this point, a judge of the Calcutta High Court has made an observation to this effect, namely that the judiciary should not be made the consultant of the executive unless the law requires it in express terms; that is to say, a decision of the Union Government in relation to a judge of a High Court somewhere in the country should not merely receive a special warrant because of a consultation having been held with the Chief Justice of India or some such person, that after all, the judiciary should not lend itself to the kind of consultation which is involved in the determination as made in this kind of case. Therefore, I feel that some stable principles should be involved in regard to how the age of judges is going to be determined, how they are going to be published, and how they are going to be questioned in the future. Unless this is done, the judges are in a very delicate position, and at any point of time, a hostile member of the executive might put him in jeopardy. And this is exactly what appears to have happened.

In the case of the Calcutta High Court judge, whose name I need not mention here, which has gone to court, there were some interlocutory proceedings in the Calcutta High Court, and Mr. Justice P. N. Mookerjee gave a judgment in the course of which he was constrained to say—I am quoting his words:

"It (the case which he was disposing of at that time) might evoke sad and unpleasant memo-

ries, as it had witnessed criticism of judges in Parliament by no less a responsible person than the Union Law Minister."

A High Court judge of Calcutta has been constrained to remark that Judges who are not represented here, who are not present here, who are not in a position to have their point of view conveyed to this House, have been the victims of attack by no less a person than the Law Minister of the Union Government.

And this Judge, Mr. P. N. Mookerjee, went on to add:

"Such criticism (by the Union Law Minister) only shows how unsafe is the position of Judges here in spite of the protection and immunity afforded by Article 121 of the Constitution. It will, indeed, be a matter of the deepest regret if an unwritten constitution in this behalf, as in England, turns out to be more powerful and much more effective than the written Constitution of our land. Unless persons in authority are conscious of their responsibilities and realize the importance of such consciousness, there are immense possibilities of the gravest consequences, and problems may arise which may baffle all solution. While judges are doubtless bound by their oath to uphold the Constitution and so to permit no infraction of Articles 106 and 194, they may justly and reasonably claim for the safe due discharge of their duties that others in authority ought similarly to be alert that constitutional protection and immunity of judges under Article 121 is not violated."

I am quoting from a monthly journal called *Public Administration*, which is here in our Library, from where I have borrowed this copy, and these extracts are from the judgment given in the Calcutta High Court by a special bench which was set up earlier this year.