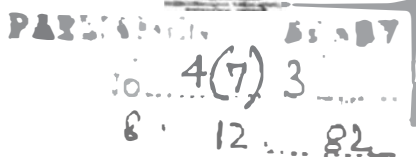


Fifth Series, Vol. IX, No. 12

Tuesday, November 30, 1971  
Agrahayana 9, 1893 (Saka)

# LOK SABHA DEBATES

(Third Session)



(Vol. IX contains 11 to 20)

LOK SABHA SECRETARIAT  
NEW DELHI

Price : Rs. 4 00

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LOK SABHA

Tuesday, November, 30, 1971/Agrahayana 9, 1893  
(Saka)

The Lok Sabha met at Eleven of the Clock

[ MR. SPEAKER in the Chair ]

ORAL ANSWERS TO QUESTIONS

रेल व्यवस्था में सुधार करना और रेल लाइनों का विछाया जाना

\*333. श्री जगन्नाथ राव जोशी :  
श्री अटल बिहारी वाजपेयी :

क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) 1965 में भारत-पाक युद्ध के अनुभव के आधार पर क्या रेल सेवा में और सुधार करने और नई रेलवे लाइनें बिछाने के कुछ प्रस्ताव सरकार के ध्यान में आये थे जिससे रेलवे अपने आवश्यक कर्तव्यों को और अच्छी तरह निभा सके; और

(ख) यदि हाँ, तो उनका मुख्य ध्येय क्या है और इस बारे में क्या कार्यवाही की गई है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख). 1965 में भारत-पाक संघर्ष के बाद सामरिक दृष्टि से रेल सुविधाओं (जिनमें नयी रेलवे लाइनें शामिल हैं) की व्यवस्था के लिए रक्षा मंत्रालय से प्राप्त अनुरोधों पर समुचित विचार किया गया है और इन सुविधाओं की तुरन्त और तत्परता से व्यवस्था की गई है।

वास्तविक आपातकाल के दौरान भी देश की जरूरतों को पूरा करने के लिए सवारी और मालगाड़ी सेवाओं का उपयुक्त रूप से नियमन किया जाता है।

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). Subsequent to the Indo-Pak conflict in 1965, requests received from the Ministry of Defence for provision of rail facilities (including new railway lines) on strategic considerations, have been duly considered and provided with the utmost speed and expedition. Also, during actual emergencies, the passenger and goods train services are suitably regulated to meet the country's needs.

श्री जगन्नाथ राव जोशी : अध्यक्ष महोदय, 1965 के संघर्ष के समय यह बात सबके ध्यान में आई कि ट्रांसपोर्ट की बाटिलनेक एक बहुत ही बाधा खड़ी होती है और उसी के आधार पर यह सवाल किया गया था कि रेल लाइनों की दृष्टि से चाहे वह पूर्वोत्तर सीमा भाग हो या पश्चिम का भाग हो, मीटरगेज की जो लाइनें चलती हैं उनके संबंध में बहुत दिनों से कम से कम मैं यह मांग करता आ रहा हूँ कि बरोनी से लेकर आमाम और गौहाटी के आगे जाने के लिए ब्राडगेज की लाइन बिछाई जाये...

अध्यक्ष महोदय : आप तो भाषण में पड़ गये।

श्री जगन्नाथ राव जोशी : इसलिए मैं यह जानना चाहता हूँ कि कितनी नयी रेल लाइनें बिछाई गई पूर्वोत्तर सीमा में बरोनी से लेकर गौहाटी तक और पश्चिम की सीमा में जैसलमेर ब्राडगेज की तरफ ?

SHRI K. HANUMANTHAIYA : There are two considerations involved. One is for defence purposes and the other is for gene-

ral purposes. The hon. member's question today is about the defence purpose, to which we have been attentive. About the other question, there is perspective planning and the conversion of a number of railway lines has been included. That will be separately given if the hon. member asks for it.

**श्री जगन्नाथ राव जोशी :** सन 1966 से लेकर आज तक लगभग चार रेल मंत्री हो गये और सुरक्षा की दृष्टि से वास्तव में इस क्षेत्र के अन्दर ज्यादा लाइनें बिछाने की जरूरत होने के बाद भी अभी तैयारी करने की बात कही जा रही है। कम से कम इन मंत्री महोदय से मैं यह आश्वासन चाहता हूँ कि सुरक्षा को ध्यान में रखते हुए नयी रेल लाइनें यहाँ कब तक बिछाई जायेंगी ?

**SHRI K. HANUMANTHAIYA :** I assure the hon. Member that defence purposes will be fully taken into consideration and every facility, whether of new lines or station facilities, will be given to defence.

**श्री जगन्नाथ राव जोशी :** अध्यक्ष महोदय, मेरा उत्तर नहीं आया। मैंने पूछा कि बीन-सी नई रेल लाइनें बिछाई गईं और यदि नहीं तो क्यों नहीं बिछाई गईं ? मैं मंत्री महोदय से इस संबंध में आश्वासन चाहता हूँ।

**MR. SPEAKER :** After the last Indo-Pak conflict has any new line been laid from the defence point of view ?

**SHRI K. HANUMANTHAIYA :** Pokaran-Jaisalmer M. G. lines have been constructed. Among suggestions received the first proposal is the provision of a broad-gauge link to Jaisalmer or Pokaran. Considering the various alternatives, the proposal for connecting Bhatinda with Jaisalmer by a broad-gauge link was found to be most economical. The proposal will be for a length of 620 km and will cost about Rs. 33 crores. The second will be the construction of a metre-gauge line from Kolyat to Phalodi. It will be a distance of 110.28 at a cost of Rs. 3.68 crores. After that the other lines will be taken for consideration.

**श्री जगन्नाथ राव जोशी :** फिर जवाब नहीं आया। आसाम के बारे में मैंने जान बूझ कर पूछा था क्योंकि वह बार्डर बहुत सेंसिटिव है। आज तक वहाँ सब ही होता रहा है लेकिन हम तो आश्वासन चाहते हैं कि यह कार्य कब तक होगा ?

**SHRI K. HANUMANTHAIYA :** The conversion of New Bongaigaon to Gauhati line has been included in the perspective plan. Money must be made available. As the hon. Member knows, railways want to construct many new lines and convert many of the existing lines. They are pending consideration by the Planning Commission.

**SHRI D. N. TIWARY :** In the North-eastern railways the line from Lucknow to Assam is always disrupted and the trains are very irregular due to D. S. office being located at Samastipur instead of Sonapur. What action has been taken to improve the running on that line so that essential supplies can be moved immediately ?

**SHRI K. HANUMANTHAIYA :** That is a separate question.

**SHRI D. N. TIWARY :** The question is about the streamlining of the railways, keeping in mind the last conflict. Here I want to point out that in the North-eastern railways the services to Assam are very irregular. What is being done about it ?

**MR. SPEAKER :** What the hon. Member says is that it is also part of that link. What have you done to improve it ?

**SHRI K. HANUMANTHAIYA :** My hon. friend knows that this is more because of the situation of crime that prevails in Bihar and Bengal. That is why the trains there always run late. In all other zones the trains are running to time. On the Eastern and South-eastern railways crimes are taking place regularly and continuously, for which the present situation rather than the railways is to be blamed.

**SHRI D. N. TIWARY :** My question was about the north-eastern railways providing facilities.

**MR. SPEAKER :** The main question was, in the light of the experience of the last conflict what new railway lines or improvement of the existing railway lines have been taken up.

**SHRI D. N. TIWARY :** In that connection, I ask about the link to Assam in the eastern border.

**SHRI M. SATYANARAYAN RAO :** I would like to know from the hon. Minister whether he has received any memorandum from the Telengana people when he recently went to Hyderabad about the construction of new lines in that area, because no line has been undertaken there since independence ?

**MR. SPEAKER :** That is a general question which cannot come under this. This is a very specific question about the new lines taken up in the light of the experience gained in the last Indo-Pak conflict.

**SHRI M. SATYANARAYAN RAO :** Let him say something.

**MR. SPEAKER :** Why should he when it is not relevant ?

**SHRI BISWANARAYAN SHASTRI :** In view of the fact that there is urgent necessity for laying new lines and improvement of the existing lines for streamlining the railway system to defend our borders, is there any proposal to convert the metre gauge line to Gauhati which is now from Farakka to Bongaigaon and strengthening the line from Rangapara North to Murukonghellec, the easternmost point of India ?

**SHRI K. HANUMANTHAIYA :** The conversion of Bongaigaon to Gauhati has been included in the railway's plan.

**श्री शारदाम्बे राय :** मैं मंत्री महोदय से जानना चाहता हूँ कि क्या रेल मंत्रालय ने भारत-पाकिस्तान युद्ध के अनुभव के प्रकाश में यह नीति निर्धारित कर ली है कि सभी छोटी लाइनों को, खासकर जो सरहद से संबंध रखती हैं, बड़ी लाइनों में बदला जायेगा ? यदि हाँ

तो उनके पूर्वाधिकारी बा० राम सुभय सिंह ने जो बचन दिया था कि लखनऊ-गोरखपुर और गोरखपुर से बाराणसी और खासकर गोरखपुर लाइन जो नेपाल की सरहद पर मिलती है बड़ी लाइनों में बदला जायेगा, क्या सरकार उस पर विचार कर रही है ? अगर कर रही है तो कब तक उसको बदलने का विचार है ?

**SHRI K. HANUMANTHAIYA :** So far as the defence purposes are concerned, whenever a request is made by the Defence Department that would be done; there are details for that purpose. So far as the other lines are concerned, I cannot give the time limit. The House is aware that the Planning Commission has to make suitable funds available before construction can take place and that matter is still pending for consideration.

**Forcible removal of Ballot Boxes in Mahendragarh Parliamentary Constituency**

\*334. **SHRI BIRENDER SINGH RAO :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Ballot Boxes were forcibly removed and the Polling staff assaulted on the polling day at Dudhwa Polling Station in Mahendragarh Parliamentary Constituency during the last Lok Sabha poll; and

(b) if so, whether any action has been taken against the person concerned under the Election Law and if not, the reasons therefor ?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) :**

(a) Yes, Sir; one ballot box was forcibly taken out from the custody of the Presiding Officer but no polling staff was assaulted.

(b) The Returning Officer reported the case to the S. H. O. Charkhi Dadri. Since the Investigating Officer could not trace or apprehend the culprits, the case was filed as untraced by the orders of the Judicial Magistrate, 1st Class, Dadri.

**SHRI BIRENDER SINGH RAO :** Has the Election Commission made any inquiries into the complaint that the Returning Officer, who was the Deputy Commissioner, was himself responsible for the filing of the case and that after this incident of forcible removal of the ballot papers the Returning Officer visited the village and assured the villagers that if they prevented the weaker sections of society from voting against the Congress he would see that no case was registered against the villagers who committed this offence ?

**SHRI NITIRAJ SINGH CHAUDHARY :** To our knowledge no such complaint was made to the Election Commissioner.

**SHRI BIRENDER SINGH RAO :** Is it a fact that I personally handed over a complaint to the State Minister of Home Affairs ?

**MR. SPEAKER :** It is a fact which is best known to you. It is not known to him but only to you. It is a controversial matter.

**SHRI BIRENDER SINGH RAO :** It is a wrong statement in the House.

**SHRI NITIRAJ SINGH CHAUDHARY :** I said, no complaint was made to the Election Commissioner.

**SHRI BIRENDER SINGH RAO :** There was a complaint made to the Home Minister.

**श्री हुकम चन्द कछवाय :** वर्षी मंत्री महोदय ने बतलाया कि जो लोग पेट्री लेकर भागे उनको पकड़ने में वे सफल नहीं हो सके । मैं जानना चाहता हूँ कि जो लोग पेट्री ले गये हैं उनमें से किसी एक व्यक्ति को भी पकड़ा गया या नहीं ? क्या मंत्री महोदय बतला सकते हैं कि जो लोग ले गये हैं वह कौन थे और किस वल से संबंधित थे ?

**श्री नीतिराज सिंह चौधरी :** जो चुनाव अधिकारी चुनाव में भाग ले रहे थे उन सबके बयान लिए गये हैं, वे किसी आदमी को निश्चित रूप से नहीं बतला सके और न किसी

को शिनास्त कर सके । ऐसी परिस्थिति में कोई आदमी पकड़ा नहीं जा सकता ।

**श्री हुकम चन्द कछवाय :** क्या पुलिस वहाँ नहीं थी ?

**श्री नीतिराज सिंह चौधरी :** पुलिस वालों के भी बयान लिये गये थे ।

**Direct Train Services from every State Capital to Delhi**

\*336. **SHRI NIHAR LASKAR :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there is a proposal to have direct train services from every State Capital to Delhi; and

(b) if so, when Government will rationalise the passenger train system in the country ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Sir, it is the accepted policy to connect all State Capitals with the Union Capital by means of a direct fast service. All State Capitals served by Broad Gauge except Bangalore are connected with direct train services to Delhi. Bangalore is however connected with two through service coaches. Srinagar and Shillong have connected Bus-cum direct services to the rail heads. Simla on Narrow Gauge is connected by the Broad Gauge and Narrow Gauge direct services.

(b) Does not arise.

**SHRI NIHAR LASKAR :** This question relates to Direct Train Services from every State Capital to Delhi. So far as I understood from the Minister's reply, some of the metre-gauge and narrow gauge lines are also there. I would like to know when all the State capitals will be directly connected with Delhi and whether the Government has taken any positive steps in that direction.

**SHRI K. HANUMANTHAIYA :** I have said that it is the accepted policy to connect all State capitals with Delhi.

**SHRI NIHAR LASKAR :** In view of that accepted policy, may I know whether you have taken any positive steps to fulfil that policy.

**SHRI K. HANUMANTHAIYA :** The subsequent answer shows that there is connection. The only question is that it should be continuous broad-gauge and that affects some State capitals. It depend upon the availability of funds for conversion of the gauge.

**SHRI NIHAR LASKAR :** The Farakka bridge has been opened and Assam will be connected directly with Delhi. Why is the Railway administration delaying to run the Assam Mail through the Farakka Bridge ? What stands in the way of that ?

**SHRI K. HANUMANTHAIYA :** I agree with the hon. Member. I will find out what exactly is the difficulty in the way. That is our intention also.

**SHRI JYOTIRMOY BOSU :** May I ask the hon. Minister whether he has any plan in his mind to introduce Third Class 3-Tier sleeper in Rajdhani Express and, if not, the reasons therefor ?

**MR. SPEAKER :** The question is about linking the State capitals with Delhi. Mr. Bosu, you will have some other occasion to ask about sleepers.

**SHRI JYOTIRMOY BOSU :** This is about the Rajdhani Express which connects Calcutta with Delhi. The Minister is willing to reply.

**MR. SPEAKER :** But I am not willing to allow it.

**SHRI BISHWANATH ROY :** In view of the fact that there is too much rush from Delhi to Lucknow and from Lucknow to Delhi, may I know whether the Government propose to introduce any new train from Delhi to Lucknow ?

**MR. SPEAKER :** This is a Question about linking State capitals with Delhi, and not for introducing more trains.

**SHRI BHAGWAT JHA AZAD :** As a result of this announcement and the good policy decision by the Government to connect State capitals with Delhi, is it under the consideration of the Government in view of the opening of the Farakka Bridge, to run the Assam Mail through Bhagalpur to link Assam with Delhi, and if so, from when ?

**SHRI K. HANUMANTHAIYA :** The hon. Member has also communicated his views to me and I am examining them. I will give him a reply in a day or two.

**SHRI D. BASUMATARI :** Is it not a fact that the Farakka Bridge was opened by the hon. Railway Minister along with the State Minister on the 11th of last month and he categorically stated that the Assam Mail will run very soon via the Farakka Bridge and, if so, what stands in the way of connecting the State capital with Delhi via Farakka Bridge ?

**SHRI K. HANUMANTHAIYA :** I have already answered it.

**श्री भागीरथ भंडार :** मंत्री महोदय ने कहा है कि देश के प्रत्येक राज्य की राजधानी का दिल्ली के साथ संबंध जोड़ने के लिए रेल गाड़ियाँ चलाई जायेंगी। पिछले दिनों यह आश्वासन दिया गया था कि बम्बई से दिल्ली के लिए राजधानी एक्सप्रेस चलाई जायेगी।

**अध्यक्ष महोदय :** यह सवाल राजधानी एक्सप्रेस के बारे में नहीं है। यह सवाल डायरेक्ट ट्रेन के बारे में है।

**SHRI JYOTIRMOY BOSU :** The Rajdhani Expresses are connecting the State capitals with the Central capital...(*Interruptions*).

**श्री भागीरथ भंडार :** मैं यह जानना चाहता हूँ कि राजधानी एक्सप्रेस चलाने की वासन की जो योजना है, उसमें प्राथमिकता के आधार पर किन-किन राज्यों से चलाने का प्रयास किया जा रहा है।



समस्या महोदय आप अच्छी तरह से देखें। जवाब में बताया गया है।

**SHRI N. SHIVAPPA :** In view of the accepted policy of the Railway Minister to link all State capitals with the Central Capital by a direct train, may I know as to what is the bottleneck for the railways to run a direct Brindavan Express from Bangalore to Delhi ?

**MR. SPEAKER :** That is a very right question.

**SHRI K. HANUMANTHAIYA :** The line capacity between Madras and Delhi is in the way. We have to wait for a little more before we can solve that question.

**MR. SPEAKER :** This question has already taken so much time. We go to the next question.

#### Proposal for reducing Powers of Courts to issue Writs

\*337. **SHRI N. E. HORO :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether there is any proposal under the consideration of Government to enact any law to limit the power of the Courts to issue writs in regard to cases of investigations of various economic offences committed by people; and

(b) if so, the main features thereof ?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) :**

(a) There is no such proposal at present under consideration of Government.

(b) Does not arise.

**SHRI N. E. HORO :** The Government in this House as also outside have expressed every time that they are concerned with the performance of the courts because of which they are not able to implement their social responsibilities in regard to cases of economic offences. So, I would like to know

from the Government whether they simply state a thing outside or will they also be serious about bringing certain laws to restrict the freedom of the courts. I would like to know whether the Government will seriously consider this.

**SHRI NITIRAJ SINGH CHAUDHARY :** The question of effective punishment for social and economic offences has been referred to this Law Commission and their report is awaited.

**SHRI N. E. HORO :** It seems to me that the Government profess something but do something else. I would like to request the hon. Minister and would also like to know whether he will reconsider this question again because we have often been hearing about the performance of the courts and the Government complain that they are finding it difficult to implement their social responsibilities.

**SHRI NITIRAJ SINGH CHAUDHARY :** As I have said, the matter has already been referred to the Law Commission.

**SHRI M. RAM GOPAL REDDY :** There is always a persistent demand from a few Members of Parliament to curb the independence of the judiciary. Is the Minister going to curb such activities or not ? I want to know.

**MR. SPEAKER :** What question is this ?

**SHRI M. RAM GOPAL REDDY :** Every time, in season and out of season, every Member is proposing to the Government...

**MR. SPEAKER :** May I ask you to put a straight question ?

**SHRI M. RAM GOPAL REDDY :** Let me say something, Sir.

**MR. SPEAKER :** That is not a proper question. You are asking the opinion. Asking opinion is not the object of question.

श्री रामचन्द्र विष्णु : मैं यह जानना चाहता हूँ कि विद्युत आयोग इस बारे में अपना विचार कब तक समाप्त कर लेगा।

श्री नीतिराज सिंह चौधरी : प्रयास यह है कि जल्दी से जल्दी उनकी रिपोर्ट मिल जाये।

MR. SPEAKER : Shri Saroj Mukharjee—absent.

### Inter-state Electric Grid System in the Country

\*339. SHRI K. LAKKAPPA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the present position of Inter-State Electric grid system in the country;

(b) whether there is any possibility to supply power for industry, agriculture and mines from this system;

(c) if so, the supply proposed for each State concerned; and

(d) whether Government propose to supply electricity to farmers from this system at cheap rates and if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (d). A statement is laid on the Table of the House.

#### Statement

#### Inter-State Electric Grid System in the Country

(a) The present position is given in the Statement laid on the Table of the House. [Placed in Library. See No. LT—1178/71.]

(b) and (c). In each of the States of Andhra Pradesh, Bihar, Haryana, Kerala, Maharashtra, Mysore, Madhya Pradesh,

Tamil Nadu, Punjab, Rajasthan, and Uttar Pradesh, the power systems are inter-connected and power is supplied to all categories of consumers from the State grid. In the remaining States of Assam, Gujarat, Himachal Pradesh, Jammu and Kashmir, Nagaland, Orissa and West Bengal power is supplied from separate systems.

(d) Uniform agricultural tariffs have been introduced within each State except in Orissa where the areas served by diesel sets are being progressively brought under the grid system so that uniform agricultural tariffs could be introduced. Presently agricultural tariffs are generally below the cost of supply, in order to promote agricultural production.

MR. SPEAKER : Before you ask your supplementary question, I would like to remind you that it would be only a supplementary and not a speech.

SHRI K. LAKKAPPA : In (d) I asked whether "Government propose to supply electricity to farmers from this system at cheaper rates and if not, the reasons therefor." They have not given reasons or they have not assigned any reasons in the statement which the hon. Minister has made. I want to ask this : What are the reasons ? Why should not the system be evolved so that cheap electricity will reach the farmers and the poorer sections of the people in the country ? What are the reasons ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : As it is stated in the statement, the rates for the agricultural operations are much lower than the other types of consumers. It is not possible to introduce uniform rates throughout the country because various grids and systems are not connected and the sources of generation are different. Therefore, the rate varies from ten paise to nineteen paise.

SHRI K. LAKKAPPA : The present power system that has come into being in various States—about which mention is made in the statement—has made a sort of discrimination throughout the country in the sense that electricity is being supplied to the bigger and larger business houses at a cheaper

rate. Take for example Mysore State. They have got abundance of electricity being supplied to the Birla concerns at lower price while for the farmers they are charging higher rates. Will the Government streamline this? Will the hon. Minister examine and streamline the whole procedure because we find that the large business houses and industrial establishments are getting electricity at cheaper rates compared to the poor farmers? Will he examine this to see that cheaper rates are charged to the poor farmers and the weaker sections of our people? May I know what steps the Government are going to take in this regard? What action do they propose to take to investigate into these matters? We have not benefited by electricity so far. There are various projects. Sharavati, Cauvery etc. So, I just want to ask the hon. Minister whether he will investigate into this matter. This sort of the discrimination of the poorer sections of the people in this country should end and also the hon. Minister should give an assurance that he will streamline this immediately and that he will arrange for supply of electricity to the poorer sections and weaker sections of the society at cheaper rates. What is the reaction of the Government?

**DR. K. L. RAO :** Government are very anxious that rural electrification must spread as fast as possible. In fact it is one of the directions in which we are proceeding very far. I don't agree with him that all agriculturists are poor. In fact, the richer peasants are utilising various pumpsets and so on. There is an exhibition on rural electrification in Delhi and I request hon. Members to go and see what tremendous achievement we have made.

**SHRI K. LAKKAPPA :** My question was this. The larger industrial sections are utilising electricity at cheaper rate. Will he investigate into this?

**MR. SPEAKER :** Your question must be brief. You ask such a long supplementary that you are yourself getting lost in it.

**SHRI K. LAKKAPPA :** My question was simple and specific.

**DR. K. L. RAO :** As I have stated very often on the floor of the House, it is not possible to give electricity at the same rates to the rural electrification schemes, that is, the pumping sets, as for the large industrial concerns. The reasons are as follows. The power taken by the rural areas is very small. They are located long distances apart, and the power consumption is not continued throughout the year, whereas some of the big industries consume power all the year round and a larger amount of power and, therefore, the transmission lines and so on cost much less. So, while it is our endeavour to see that the rates for rural electrification are as low as possible, it is not possible to give it because the agricultural load is not so much that electricity can be given to it at a cheaper rate than for the large industries.

**SHRI SURENDRA MOHANTY :** My supplementary question relates to part (d) of the statement. May I know whether in view of the scanty progress in rural electrification in Orissa, the areas are serviced by diesel sets, which makes the tariff the highest in the country, and if so, whether the Government of India are proposing to render some massive assistance to the State Government for rural electrification?

**MR. SPEAKER :** This is about the inter-State grid system.

**SHRI SURENDRA MOHANTY :** My supplementary question arises out of part (d) of the statement.

**MR. SPEAKER :** Let him not try to get anything and everything out of this question. He can give notice of a specific question relating Orissa.

**SHRI SURENDRA MOHANTY :** My supplementary relates to part (d) of the statement. I had made it abundantly clear in the beginning. That part of the statement make a specific reference to the State of Orissa. Therefore, I am perfectly within my rights in putting this question.

**MR. SPEAKER :** The main question relates to supply from the inter-State grid

system only. If the hon. Minister is in a position to answer it, he may do so.

**DR. K. L. RAO :** It is true that Orissa is a State where rural electrification is the lowest in the country. We are fully aware of it. We are trying to encourage it as much as possible, and all the schemes that have been received from Orissa have been sanctioned by the Rural Electrification Corporation, and we have also gone out of the way, and even the transmission lines cost will be met from the funds of the Rural Electrification Corporation, and I hope that in the next few years, we shall be able to bring up Orissa on a par with the rest of the country.

**श्री बी. पी. मौर्य :** अध्यक्ष महोदय, आप तो स्वयं जानते हैं कि बिहला विश्व व्यापी है, उत्तर प्रदेश में भी वह सर्व व्यापी है। वहाँ बिहला को जिन दरों पर बिजली दी जाती है क्या उन्हीं दरों पर उत्तर प्रदेश के किसानों को ट्रैक्टरों के लिए और आबपाशी के लिए बिजली देने की व्यवस्था क्या आप करेंगे ?

उत्तर प्रदेश की आबादी के लिहाज से जो बिजली का नम्बर आता है वह बहुत पीछे है और प्रदेशों से। उत्तर प्रदेश को जितनी बिजली की आवश्यकता है वह उसको मिल सके, इसके लिए भी आप क्या कोई प्रयत्न कर रहे हैं ?

**DR. K. L. RAO :** I have already said that it is not possible at the present stage to supply power for agricultural operations at any rates cheaper than...

**SHRI B. P. MAURYA :** Let it be equal if not cheaper.

**DR. K. L. RAO :** Even 'equal' is not possible. At the present moment, it is not possible to give electricity for agricultural operations at any rate anywhere nearer to that given for the large industries. For instance, the rate for the aluminium industry must necessarily be cheaper because it takes a very large amount of power and in a very concentrated way, whereas in the villages which are far flung the consumption through-

out the whole year is only for about 1000 to 2000 hours, and, therefore, the economic considerations do not permit us to supply power cheaper to that extent. While it is our ideal to see that the rates for agricultural operations are as least as possible, it is not possible to do so in actual practice. Particularly U. P. has got high rate for the agricultural pumping sets. I have taken this matter up with the U. P. Government a number of times, and I propose to take it up once again to reduce the rates to something lower than what they are at the moment.

#### **Stoppage of Assam Mail And Tata Express at Patna City Railway Station**

\*340. **SHRI R. P. YADAV :** Will the Minister of RAILWAYS be pleased to state :

(a) whether the trains like Assam Mail and Tata Express do not halt at Patna City Railway Station; and

(b) whether Government propose to halt those trains at Patna City Railway Station for the convenience of the passengers going to and from that Station ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAJYA) :** (a) and (b). Sir, Patna City Station is at present served by 16 trains each way including 7 pairs of Mail/Express trains which have been found to cater adequately to the present level of passenger traffic dealt with at this station. As such, stoppage of the other 2 Mail/Express trains viz., Assam Mail and Tata Express at this station is not considered justified at present.

**श्री राजेन्द्र प्रसाद यादव :** पटना गुरु गोविन्द सिंह का जन्म स्थान है और देश की सिला खाति के लिए इसका खास महत्व है। इस वास्ते क्या सरकार इस पर फिर से विचार करने जा रही है और वहाँ ये गाड़ियाँ रुकें, इसकी व्यवस्था करने जा रही है ?

क्या यह सही है कि गुरुद्वारे के अधिकारी-गण ने पटना सिटी रेलवे स्टेशन का नाम

बदल कर पटना साहिब करने का सुझाव दिया है और उसके बारे में आपसे लिखापढ़ी की है ? यदि हाँ तो उसके संबंध में क्या कार्रवाई की गई है और यदि कोई कार्रवाई नहीं की गई तो उसका कारण क्या है ?

**SHRI K. HANUMANTHAIYA :** So far as the first part of the question is concerned, I have as great a respect for the Sikh guru at Patna as my hon. friend has. The real position is that the Patna city gets the benefit of these two trains even if they stop at the Patna Junction and not at the Patna city station; since the distance is only about 10 kilometres, there is not much of an inconvenience.

So far as changing the name is concerned, it is a matter for the State Government according to the law to propose the change in name.

**श्री राजेन्द्र प्रसाद यादव :** मेरे प्रश्न का उत्तर नहीं दिया गया है। मैंने यह जानना चाहा था कि वहाँ के अधिकारियों ने इनसे लिखापढ़ी की है कि उस स्टेशन का नाम बदल कर पटना साहिब किया जाए ? उसका उत्तर मंत्री महोदय ने नहीं दिया है।

**MR. SPEAKER :** His question is whether they have corresponded with the Railway Board for changing the name to Patna Sahib.

**SHRI K. HANUMANTHAIYA :** I am not aware of the correspondence. I shall look into it, because I have not got it with me here.

**श्री पन्नालाल कास्वान :** दैनिक वाली संघ ने मंत्री महोदय को कई मौलिक सुझाव दिये थे। उनमें से एक सुझाव यह था कि आसाम मेल को बजाय नई दिल्ली से चलाने के पुरानी दिल्ली से चलवाया जाए। अगर पुरानी दिल्ली में प्लेटफार्म की गुंजाइश नहीं है तो उसको पुरानी दिल्ली से वाया नई दिल्ली, गाजियाबाद वाद होकर चलाया जा सकता है। राजस्थान,

हरियाणा और पंजाब के जिले सैनिक आते हैं वे पुरानी दिल्ली आते हैं और उनको पुरानी दिल्ली से नई दिल्ली आना पड़ता है। पुरानी दिल्ली में विधामगृहों की अच्छी व्यवस्था है जबकि नई दिल्ली में वह नहीं है। उन लोगों को पुरानी दिल्ली से नई दिल्ली अपना सामान आदि लेकर तांगों और टैक्सियों में आना पड़ता है और उसमें उनका बहुत पैसा खर्च हो जाता है और परेशानी का भी सामना करना पड़ता है। उनका सामान चोरी भी चला जाता है। इस वास्ते मैं जानना चाहता हूँ कि क्या आसाम मेल को बजाय नई दिल्ली से चलाने के पुरानी दिल्ली से वाया नई दिल्ली गाजियाबाद आदि होकर चलाने की व्यवस्था की जाएगी ?

**MR. SPEAKER :** I am afraid that this question is not very relevant.

**SHRI K. HANUMANTHAIYA :** So far as my notes go, the actual booking of passengers is very poor, even if it is conceded, at that point, being of the order of only six and one respectively. Therefore, I have said that it is not possible to have a stop there.

**श्री शंकर बयाल सिंह :** मैं आपके माध्यम से मंत्री महोदय से जानना चाहता हूँ कि पटना जंक्शन के दोनों तरफ दो महत्वपूर्ण स्टेशन हैं, दानापुर और पटना सिटी। पटना सिटी में बहुत कम गाड़ियाँ रुकती हैं। वहाँ कम लोगों की माँग है कि पटना मेल और टाटा एक्सप्रेस आदि गाड़ियाँ रुकें। चूँकि वह देश-विख्यात और विश्व-विख्यात स्थान है हरि मंदिर के कारण, इस वास्ते जब रेलवे का अगला टाइम टेबल बनेगा, उस समय क्या आप अन्य गाड़ियों को रुकवाने की व्यवस्था उठाते करेंगे ?

गाड़ियाँ जब रुकती ही नहीं हैं तो बुकिंग कैसे होगी ? सारे लोग तो पटना सिटी से पटना जंक्शन पर आकर गाड़ी में चढ़ते हैं।

**MR. SPEAKER :** Are you going to reply to this ? If the train does not stop, why should there be any booking ?

**SHRI K. HANUMANTHAIA :** The number of passengers booked from Patna City for Delhi and Tatanagar in which direction No. 85/86, Assam Mail and No. 87/88 South Bihar Express run, is 6 and 1 respectively. The purpose of No. 85/86 Assam Mail is equally served by No. 7/8 Toofan Express since its timings are similar for journeys to and from Delhi. The calculation is done on the basis of other passenger train services.

**श्री राम सहजय पांडे :** श्रीमान्, इस प्रश्न में एक रेलगाड़ी का नाम है टाटा एक्सप्रेस। मैं जानना चाहता हूँ कि इस नाम का महत्त्व क्या है? यह टाटा एक्सप्रेस नाम किस लिए है? इसका नाम बेंज हो जाना चाहिए।

#### Decline in popularity of Indian Tea in Foreign Countries

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\*342. **SHRI SATPAL KAPUR :**  
**SHRI B. K. DASCHOWDHURY :**

Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the popularity of Indian tea has declined in foreign countries;

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

(c) the steps taken by Government to make it popular again ?

**THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) :** (a) No, Sir.

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

**SHRI B. K. DASCHOWDHURY :** It is a very peculiar form of reply given by the hon. Minister. Even then with your permission, I shall put my question. Will the hon. Minister be pleased to inform this House the tea exported from India in 1951 and 1970 in terms of the world's total export, not in terms of money, but in terms of the world's total export? What is the percentage in 1951 and 1970?

Secondly, to get the answer very properly, will the hon. Minister be pleased to say what was the total tea export to Great Britain, one of the major importers of Indian tea, in 1951 and 1970, not in terms of money but in quantity?

**SHRI L. N. MISHRA :** The figures that are with me are from 1966; not from 1951.

**SHRI B. K. DASCHOWDHURY :** Why?

**SHRI L. N. MISHRA :** At the moment, I have only these six years' figures. On that basis, I will say that in 1969, our export was of the value of Rs. 121.54 crores and last year it was Rs. 148.82 crores. He wanted to know our export to the United Kingdom. I have not got the country-wise break-up. But I might say that our export to the United Kingdom has declined.

**SHRI B. K. DASCHOWDHURY :** Even in terms of money, from what the hon. Minister has expressed, it is quite clear that in between 1966 and 1969, our tea export has declined.

**MR. SPEAKER :** It is only in respect of the United Kingdom; not in general.

**SHRI B. K. DASCHOWDHURY :** In general also, because he quoted the other figures : Rs. 148.82 is the latest figure as he said; there is variation from Rs. 121 crores to Rs. 148 crores. I wanted to know, not in terms of money, but the total export in terms of quantity, because I was trying to know whether the quantity of Indian tea that is exported to foreign countries has increased. I think it is now de-popularised; it is not popular. That is one of the reasons. (Interruptions) What was the reason, and why it has not been so popular in comparison to other teas of the world, because the Tea Board has opened a shop in London, and they are selling some tea in London.

**SHRI L. N. MISHRA :** In London, we have got a tea centre; that is for propaganda purposes and to popularise Indian tea. I would like to inform the hon. Member that

the export of tea from India had increased to 208.4 million kg. in 1970, from 168.7 million kg. in 1969, thus showing an increase of 39.7 million kg. over the previous year. The value of tea export has increased to Rs. 148.82 crores in 1970 from Rs. 121.54 crores in 1969. In the coming year perhaps we are going to do much better.

श्री सतपाल कपूर : क्या मंत्री महोदय बताएँगे कि क्या यह दुस्त है कि दार्जिलिंग में 100-टी मार्केट्स में से 30 बन्द हो गए और दूसरे में यह जानना चाहता हूँ कि वर्ल्ड मार्केट में टी के जितने नये मार्केट बन रहे हैं उनको हम पूरी तरह कौन्पर नहीं कर पा रहे हैं, बल्कि दूसरे कम्पटीज जैसे पाकिस्तान और सीलोन वर्ल्ड मार्केट को कौन्पर करने में हमसे आगे है ?

श्री एल० एन० मिश्र : जहाँ तक वर्ल्ड मार्केट का सवाल है यह बात सही नहीं है कि हम दुनिया के बाजार में नहीं पहुँचे हैं और दूसरे देश हमसे आगे हैं। जहाँ तक पाकिस्तान का सवाल है पाकिस्तान चाय एक्सपोर्ट नहीं करता है, सीलोन करता है और अभी हमारा सीलोन के साथ एक ज्वाइंट एग्जिमेंट हुआ है। हमारा एक ज्वाइंट कोटा बन रहा है जिसमें कि 50 परसेंट हमारा रहेगा और 50 परसेंट सीलोन का रहेगा। इस तरह सीलोन के साथ जो एक कम्पटीशन हो गया था वह बन्द हो जायगा।

SHRI JYOTIRMOY BOSU : In spite of the fact that in the first session of the Fifth, Lok Sabha he had given an assurance that the tea marketing corporation will come into operation within five or six weeks, why is it that it has not come into existence and it has not started operating? How soon is it going to start?

SHRI L. N. MISHRA : We are not getting a qualified managing director and also a chairman. I want to have a chairman from West Bengal and the managing director also from West Bengal. The moment we get qualified persons it will come into existence.

SHRI TARUN GOGOI : May I know from the hon. Minister why tea export to England has declined?

SHRI L. N. MISHRA : It is not only the United Kingdom but also the United States, Canada, Australia, UAR and Iraq. To these markets our tea export has come down. The reason is that they opted for other varieties of tea.

Lock out by Hada Textiles, Hooghly  
(West Bengal)

\*343. SHRI MOHAMMED ISMAIL : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government are aware of the fact that the Hada Textiles, Hooghly District (West Bengal) was locked out on the 22nd August, 1971;

(b) if so, the total number of workers thrown out of employment; and

(c) whether any steps have been taken by Government to lift the lock-out?

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) : (a) to (c). Yes, Sir. The lock-out has been lifted and the mill has commenced working with effect from 6th September, 1971.

श्री मोहम्मद इस्माइल : पहले तो मंत्री महोदय यह बताएँ कि वहाँ पर जो फैक्ट्री का लाक बाउट हुआ उसके कारण क्या थे ? क्या उसके इस्त्रूज थे ? क्यों वह लाक बाउट हुआ ?

श्री एल० एन० मिश्र : 22 अगस्त, 1971 को यह लाक बाउट हुआ था और 14 दिन के बाद 6 सितम्बर, 1971 को लाक बाउट बन्द हुआ और काम करना शुरू हुआ। लोगों का कहना है कि मजदूरों की कुछ माँगें थीं और मिल वालों का कहना था कि बहुत इंडिस्टिम्बल है, हम काम को चला नहीं सकते। लेकिन आपस में समझौता कराया गया, उसके बाद मिल चल रही है।

जी श्रीहनुमन्त इत्यादयः कदा यह फौज है कि उन्होंने डीमरनेस एलाउंस मंगा था, वहाँ डीमरनेस एलाउंस का एबीटेशन चल रहा था और अब एबीटेशन चल रहा था तो 35 बर्करो को सर्वेड किया ? क्या यह फौज है या नहीं ? अगर यह फौज है तो गवर्नमेंट ने उसके ऊपर क्या स्टेप लिए इसको सुलझाने के लिए और अब आप कहते हैं कि यह मिल खुल गई है तो उस लाक आउट के लिए कुसूर किस का था ? और उस लाक आउट के पीरियड के बैजेज के लिए गवर्नमेंट का क्या सुझाव है, गवर्नमेंट ने क्या रेकमेंडेशन किया है ?

जी एल० एन० मिश्र : अध्यक्ष जी, यह श्रम विभाग से संबंधित है जो स्टेट सबजेक्ट है और वेस्ट बंगाल गवर्नमेंट का जो लेबर डिपार्टमेंट है वह इसको देखता है। मैं माननीय सदस्य ने जो कुछ कहा है वह लेबर डिपार्टमेंट को भिजवा दूंगा।

SHRI DINEN BHATTACHARYYA : May I ask whether there is any Hada-Textiles in the Hooghly district. The question is entitled : Lock out by Hada Textiles, Hooghly (West Bengal). There is no such textile mill in Hooghly in West Bengal. My question is whether the Hada Textiles is not in 24 Parganas ?

MR. SPEAKER : You better explain it to your friend.

SHRI DINEN BHATTACHARYYA : The Question has been admitted. Now the responsibility is of the Minister, not the Member who has put the Question.

DR. RANEN SEN : We are really surprised that the Minister has answered a wrong question. This shows that his Ministry does not know where that particular textile mill is actually situated. If questions and answers go on in this House in this way, the whole House is only misled.

जी श्रीहनुमन्त इत्यादयः : क्युम्बर के लिए

कारण हीनी चाहिए कि इस किसम की बातें न हों।

MR. SPEAKER : What is the Minister's fault ? The Member has sent him a question. The Member should be hauled up for sending a wrong question.

जी कुम्बर चम्ह कज्जाब : उत्तर सरकार ने दिया है, सरकार को देखना चाहिए।

MR. SPEAKER : I think it is very good on his part to answer it.

#### Linking of Ganga with Narmada and Cauvery Rivers

\*344. SHRI G. Y. KRISHNAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have decided to link the Ganga with the Narmada and Cauvery rivers; and

(b) if so, the salient features of the project ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). A statement is laid on the Table of the House.

#### Statement

#### Linking of Ganga with Narmada and Cauvery Rivers

(a) and (b). The river Ganga carries large volumes of water during the monsoon period near Patna which cannot be put to beneficial use in the basin itself. At the same time, areas in South Bihar and parts of Western and Southern India have great need for irrigation. Further, the flows in the rivers in these areas are very variable.

Preliminary office studies carried out in the Central Water and Power Commission show that some waters of the Ganga could be transferred by a combination of pumped



and gravity canals, making use of natural water courses and existing or proposed reservoirs wherever practicable. Such an integrated National Water Grid is also expected to provide advantages for stabilisation of drinking water supplies and provide a very useful navigation link.

In the case of very large projects involving works which have not been done before in the country, it is essential before embarking on a detailed investigation to obtain a second opinion from experts who are acquainted with similar problems elsewhere. Investigations, design and preparation of project reports will be carried out entirely by the Indian engineers.

The expenses of the U. N. Experts would be borne by the United Nations themselves and contribution of the Government of India to their local expenses is expected to be about Rs. 22,500/. The experts are expected to arrive in the near future.

**SHRI G. Y. KRISHNAN :** In the statement the benefits of the river grid system have been given, but it is not conclusively stated that it will be taken up. So, will the Minister assure us that the river grid system will be taken up on getting the green signal from the Planning Commission ?

**THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) :** Before we take up any further steps we want to have a second opinion from the experts of the United Nations. They are coming in the next one or two days. After they go over the project and give their opinion, we will take further steps in the matter.

**SHRI G. Y. KRISHNAN :** What are the norms set up for the discussion ?

**DR. K. L. RAO :** The whole project will be explained to them, and they will inspect some of the places and then advise us. The main point would be not about the availability of water or possibility of diverting water, that has already been established, the main question that we are going to discuss is the economic viability of a case like this. In view of the experience of similar

projects in USA and USSR and other countries, we want to get a second opinion on the subject.

**श्री धार० बी० बड़े :** नर्मदा नदी नवागाँव योजना पर मध्य प्रदेश और गुजरात का झगड़ा पड़ा हुआ है, जब तक यह झगड़ा तय नहीं हो जाता, तब तक आपके पास ग्रिड की योजना नहीं है—क्या यह बात सही है ?

**सम्बन्धित महोदय :** इसमें यह नहीं जाता है।

**श्री धार० बी० बड़े :** नर्मदा-कावेरी को मिलाने का निर्णय सरकार ने दिया है, लेकिन जब तक नर्मदा की नवागाँव योजना पूरी नहीं होती, तब तक यह नहीं होगा।

**MR. SPEAKER :** They are examining it.

**श्री धार० बी० बड़े :** नर्मदा नदी का झगड़ा पड़ा हुआ है, जब तक निर्णय नहीं होता है सब स्टे रहेगा—मैं जानना चाहता हूँ कि ऐसी हालत में यह कैसे होगा ?

**DR. K. L. RAO :** The hon. Member is correct in putting this question. The proposed grid canal will pass through the Bargi project. The hon. Member says that we cannot take up the grid unless this project is completed beforehand. I wish to tell him that it will be completed much earlier, because the grid will take many more years.

**SHRI R. V. SWAMINATHAN :** In view of the fact that the viability of the project has already been established, will the hon. Minister come forward with a token grant in the coming Budget at least to start the survey ?

**DR. K. L. RAO :** It is not possible to commit ourselves to that kind of budget provision. It is one of the very exceptional and very important projects. It involves pumping to a very big height of 1500 feet. Similar heights have been tackled elsewhere in the world, but in India, we have not done it so far. The maximum height we have done is

about 200 to 250 feet in Maharashtra for sugarcane cultivation. Therefore, we have got to examine the economics of it from a national point of view. That is exactly what is going to be discussed with the experts.

#### Impact of Diesel Locomotives

\*345. SHRI AMAR NATH CHAWLA : Will the Minister of RAILWAYS be pleased to state :

(a) whether earlier there was a proposal to import shunting diesel locomotives from U. S. S. R.;

(b) whether now on the transfer of this work to the Ministry of Steel and Mines, these are proposed to be imported from some European country;

(c) the names of countries from where these locomotives are now proposed to be imported; and

(d) the number of shunting diesel locomotives proposed to be imported ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No, Sir.

(b) Procurement of Diesel Shunting locomotives is processed by the respective Ministries/Undertakings after getting clearance from the Ministry of Railways. There has been no change in this position.

(c) and (d). Steel Industry has recently ordered 51 locomotives from Czechoslovakia and 12 from U. S. A.

श्री अमर नाथ चावला : माननीय मंत्री को मैं बताना चाहता हूँ कि कया यह हमारी डिमाण्ड को मीट नहीं कर सकता ? मैं यह भी जानना चाहता हूँ कि कया यह जो ओरिजनल प्रपोजल थी, यह 500 इंजिन मंगवाने की थी ?

SHRI K. HANUMANTHAIYA : Shunting diesel locos are manufactured in the Chittaranjan Locomotive Works. It has not been able to meet the demands completely.

श्री अमर नाथ चावला : मैंने यह भी पूछा था कि कया यह जो ओरिजनल प्रपोजल थी, यह 500 इंजिन मंगवाने की थी और इसमें से 63 मंगवाये गये कया इतनी डिमाण्ड बाराणसी से मीट नहीं हो सकती ?

SHRI K. HANUMANTHAIYA : As I said, the Varanasi Locomotive Works does not manufacture Diesel shunting engines. It is the Chittaranjan Works and as I said, it has not been able to meet the full requirements.

SHRI M. KALYANASUNDARAM : The Chittaranjan Works is capable of meeting the requirements of this Ministry. So, what are the reasons for the Steel Ministry going in for these shunters from foreign countries ?

SHRI K. HANUMANTHAIYA : As the hon. member knows, it is not we who place the order. So far as shunting engines for public under takings are concerned, we only clear the demand for import. Our Research and Organisation Division and the Railway Board give clearance for particular types of locomotives for the public undertakings which place the order. So far as our locomotive works are concerned, I am told they are not in a position to meet the demand fully.

SHRI A. P. SHARMA : Is there any proposal to expand the Chittaranjan or Banaras Locomotive Works to meet the requirements of the country, because we are now importing these shunting diesel locomotives from other countries ?

SHRI K. HANUMANTHAIYA : It is a useful suggestion. But the real difficulty is, that the railways are not able to get the steel and other materials produced indigenously to the required extent.

SHRI A. P. SHARMA : Is there any proposal to expand the Chittaranjan and Banaras workshops ?

**SHRI K. HANUMANTHAIYA :** There is no such proposal.

**Family Overseas Trade Statistics**

\*346. **SHRI JYOTIRMOY BOSU :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Overseas Trade Statistics compiled by different authorities never square up with one another;

(b) whether sometime back, a foreign trade official of West Germany openly questioned the statistics of the Directorate-General of Commercial Intelligence and Statistics, Calcutta, in regard to trade with his country;

(c) whether faulty statistics have adversely affected the country's export earnings; and

(d) if so, the steps, if any, being taken in this regard ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) to (d). A statement is laid on the Table of the House.

*Statement*

(a) Yes, Sir.

(b) Government is not aware of this. However, the Foreign Trade Statistics of the country compiled by the Directorate General, Commercial Intelligence and Statistics, Calcutta could differ from those compiled by our trading partners on account of factors like time lag, differences in methods of valuation and systems of classification.

(c) No, Sir.

(d) Does not arise.

**SHRI JYOTIRMOY BOSU :** Is it not a fact that in order to make the export figures look impressive and also to make the trade balance figures look impressing the export figures are highly inflated and that is why these discrepancies have arisen ?

**SHRI A. C. GEORGE :** No, Sir. I am afraid, the hon. Member is not correctly informed on the exact procedure. Keeping in view the basic source of imports and exports, in the compilation of the Director General of Commercial Intelligence and Statistics there was a slight adjustment of the finally passed shipping bills to the provisionally passed shipping bills, the latter being an intention to sell, arrangements have been made to take note of the actual shipments for updating.

**WRITTEN ANSWERS TO QUESTIONS**

**Setting up of Gauge and discharge observation points in Krishna and Godavari Basins**

\*331. **SHRI HARI SINGH :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Central Water and Power Commission has set up gauge and discharge observation points at key sites in the Krishna and Godavari basins; and

(b) if so, since when these gauge and discharge observation points have been in operation ?

**THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) :** (a) Yes, Sir.

(b) Gauge and discharge observations were started in June, 1965, at 21 sites. The total number of sites where observations are being made at present are 65.

**रसलान तथा मेजमनर और रसलान तथा उरुबीन रेल स्टेशनों के बीच यासगाड़ियों की रोक कर कोयले की खोरी की जटमारें**

\*332. **डॉ० लक्ष्मी नारायण पांडेय :** क्या रेल मंत्री यह बताने की कृपा करेंगे कि

(क) क्या पहिलम रेलवे के रतलाम और मेखनगर तथा रतलाम और उज्जैन रेलवे स्टेशनों के बीच मालगाड़ियों को रोक कर कोयले की चोरी की घटनायें हुई हैं;

(ख) क्या इन घटनाओं में चोरों द्वारा जल प्रयोग करने के कारण रेलवे कर्मचारी घायल हुए हैं; और

(ग) यदि हाँ, तो इस प्रकार की घटनायें रोकने के लिए क्या कदम उठाये गये हैं या उठाये जा रहे हैं ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख). जी नहीं। लेकिन उज्जैन के निकट कोयले की चोरी की एक घटना हुई है जिसमें अपराधियों ने एक सहायक उप निरीक्षक पर आक्रमण किया था।

(ग) जो निवारक उपाय किये गये हैं वे इस प्रकार हैं :

- (1) प्रभावित यादों और खण्डों में सुरक्षात्मक उपायों को तेज कर दिया गया है।
- (2) रेलवे सुरक्षा दल का अपराध आसूचना स्कन्ध आसूचना इकट्ठी करता है और छापे मारता है।
- (3) प्रभावित खण्डों में सशस्त्र रेलवे सुरक्षा दल के कर्मचारी सभी मालगाड़ियों में अनुरक्षियों के रूप में चलते हैं।

#### Reference of Cauvery Waters disputes to a Tribunal

\*335. SHRI M. K. KRISHNAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Union Government have considered the representation by Government of Kerala that the dispute regard-

ing Cauvery Waters be referred to a tribunal under the Inter-State Waters Disputes Act 1956; and

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

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) and (b). The Government of Tamil Nadu made a request on 17th February, 1970 that a Tribunal be constituted for the adjudication of the Cauvery Water dispute. The Government of Kerala also sent a similar request on 22nd October, 1970. While efforts by the Central Government to resolve the dispute by negotiations were in progress, President's rule was promulgated in Mysore State; and in the absence of an elected Government in Mysore, it has not been found possible to bring the negotiations with the States to a conclusive stage. In the meanwhile the two State Governments have filed suits in the Supreme Court seeking a declaration to the effect that a dispute has arisen and exists between the Governments of Tamil Nadu, Mysore and Kerala over the Cauvery Waters and that it is the duty of the Central Government to constitute a Tribunal under the Inter-State Water Disputes Act, 1956 as requested by them. The matter is now *subjudice* in the Supreme Court.

#### Floods in West Bengal

\*338. SHRI SAROJ MUKHERJEE : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether severe damage caused by floods recently in West Bengal was due to Government's failure to construct a network of drainage canals in the lower Damodar Valley which is part of the D.V.C. scheme; and

(b) if so, when the drainage canals are likely to be completed ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) The Lower Damodar area in West Bengal was affected by the spilling of the Damodar river below Durgapur due to inadequate bankful

capacity in the unembanked reaches and drainage congestion caused by the inadequacy of the existing drainage system to cope up with the run off resulting from heavy rainfall.

(b) The West Bengal Government have formulated a comprehensive scheme for flood control and drainage improvement in the Lower Damodar basin. A part of the scheme comprising the re-sectioning of the Amta Channel, construction of outfall sluice and drains in the Amta basin estimated to cost Rs. 6.8 crores has been approved by the Planning Commission and work has been started during 1970-71. The State Government have informed that the detailed scheme for the balance works consisting of construction of embankments on both sides of Mandeswari, dredging of Rupnarain and sluices estimated to cost Rs. 8.68 crores has been prepared and will be sent to the Centre shortly for scrutiny. The works under this scheme are to be taken up after it is approved by the Planning Commission. It has been suggested to the State Government that the entire scheme should be implemented on a priority basis within the next three years.

#### Take-over of S. S. Light Railway

\*341. SHRI S. M. BANERJEE : Will the Minister of RAILWAYS be pleased to state :

(a) whether any final decision has been taken regarding the taking over of S. S. Light Railway;

(b) if not, the reason therefor; and

(c) whether there is a growing discontent among the people of some Districts in U. P. because of the discontinuance of S. S. Light Railway ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Government has taken a decision not to take over the erstwhile S. S. Light Railway.

(b) The question of Government's taking over the Railway was examined in detail and

it was found that the undertaking would not be viable. If it is taken over, the expenditure would greatly increase because the pay and allowances of the employees will have to be brought at par with the other employees of the Railways. The condition of rolling stock and the track has to be improved and additional works have to be undertaken to provide more facilities. The Ministry of Railways also did not see any possibility of substantially augmenting the earnings of the Light Railway.

(c) Yes, Sir. Some representations have been received to this effect.

#### Construction of barrage by Pakistan over River Ganga

\*347. SHRI NAWAL KISHORE SHARMA: Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Pakistan is constructing a barrage over river Ganga in Pakistan territory;

(b) if so, whether such a barrage will be a danger to Calcutta and other Indian important cities during the flood season; and

(c) the reaction of Central Government thereto ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) Reports have appeared in the Pakistan Press that the Executive Committee of the National Economic Council of Pakistan has approved a scheme for the construction of a barrage across the river Padma involving a total expenditure of Rs. 349 crores.

(b) The design of the proposed project on the Padma has been changing from time to time. A very high pond level as now proposed by Pakistan will create back water effects likely to affect large tracts of the Indian territory.

(c) The Government of India have already protested against such a project.

The Government of Pakistan have also been asked to reframe the project in such a manner that Indian interests are not jeopardised.

**Stay-in strike by casual workers of  
Chittaranjan Locomotive Works**

\*348. SHRI ROBIN SEN : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware of the stay-in strike launched by the CITU-led casual workers of the Chittaranjan Locomotive Works protesting against the dismissal of 158 casual labourers; and

(b) if so, the facts about the strike and the reasons for the dismissal of the labourers ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). 840 casual labourers employed in Mechanical Maintenance, Power Supply and Civil Engineering Department of Chittaranjan Locomotive Works stopped work towards the end of October 1971. The agitation had the support of an un-recognised Union which is not affiliated to CITU. The strike was in support of certain demands made by the casual labourers which included continuance in employment of 42 casual labourers who had been discharged due to expiry of sanction. The striking casual labourers called off the strike on 6-11-71 and were re-engaged.

**Amount spent for providing special  
saloons to top officials**

\*349. SHRI K. BALATHANDAY-UTHAM : Will the Minister of RAILWAYS be pleased to state the amount of money spent for providing special saloons to the top officials of the Railways during the last three years ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : No special saloon have been provided for the top officials of the Railways during the last three

years. However, 15 standard Inspection Coaches have been provided in replacement of the old coaches.

**Separation of Railway Board  
from the Ministry**

\*350. SHRI RAJDEO SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether his Ministry is considering a proposal to separate the Railway Board from the Ministry of Railways; and

(b) if so, whether the Railway Board's Office will be shifted from New Delhi ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No, Sir.

(b) Does not arise.

**Trade relations with China**

\*351. SHRI BISHWANATH JHUNJHUNWALA :  
SHRI DASARATHA DEB :  
SHRI C. K. CHANDRAPAN :

Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government are considering the question of having trade relations with China;

(b) whether any agreement has been reached between the two countries in this regard; and

(c) if so, the broad outlines thereof ?

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) : (a) to (c). As has often been stated in the Parliament, the Government of India would welcome an overall improvement of relations with the People's Republic of China on a basis of equality and mutual respect. In the field of trade India is considering participation in

the Canton Fair and inviting China to participate in the Asian Trade Fair in New Delhi next year.

**Implementation of Recommendations  
of Conference of State Ministers  
of Irrigation and Power**

\*352. SHRI R.P. ULAGANAMBI: Will the Minister of IRRIGATION AND POWER be pleased to state the steps taken by Government to implement the recommendations made by the Fifth Conference of State Ministers of Irrigation and Power held at Ootacamund on the 24th and 25th September, 1970 ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : A statement showing the action taken is laid on the Table of the House. [*Placed in Library. See. No. LT—1179/71*].

**Assistance to Tea Estates of Assam**

\*353. SHRI N. SHEVAPPA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Tea Estates in Assam have been suffering losses constantly;

(b) if so, the reasons therefor; and

(c) whether Government propose to give assistance to Tea Estates to increase their production so as to earn more foreign exchange, and if not, the reasons therefor ?

THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) : (a) and (b). There has been a decline in profitability in tea industry in recent years upto 1969-70, but all the tea estates have not been suffering losses. However in 1970-71, there has been a substantial improvement in prices leading to corresponding improvement in profitability for all tea estates. The decline in profitability resulted mainly from increase in cost on the one hand and decline in prices of tea in the international market on the other.

(c) Financial assistance is already being provided to the tea industry to increase tea

production through various developmental schemes such as the Tea Plantation Finance Scheme, The Tea Machinery and Irrigation Equipment Hire-Purchase Scheme and the Tea Replanting Subsidy Scheme.

**Availability of Power to Nepal from  
Kosi Project Hydel Power Plant  
at Brimnagar**

\*354. SHRI S. C. SAMANTA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) how much power is expected to be made available to Nepal from the Kosi Project Hydel Power Plant at Brimnagar and when;

(b) whether this matter has been settled by bilateral talks between India and Nepal; and

(c) if so, the nature of the talks ?

THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) : (a) to (c). The Kosi Power Station will have a total installed capacity of 20 MW. Half of the power generated at this station is to be supplied to Nepal. It is expected that the supply to Nepal will start from March/April, 1972.

In recent discussions by the Minister of Irrigation and Power and an official delegation at Kathmandu in October, 1971, it was agreed that the rate for supply of power to His Majesty's Government should be at a rate 10 paise per unit and that there should be a rebate of 10% i.e. 1 paise per unit for power to be utilised by the pumped canal in Nepal which would be an agricultural load. These rates will apply upto the end of 1981 and will be reviewed after that period.

**Surplus posts due to Quereahi  
Committee Report**

\*355. SHRI SHASHI BHUSHAN :  
SHRI NARENDRA SINGH  
BISHT :

Will the Minister of RAILWAYS be pleased to state :

(a) the number of posts declared surplus in the Railway Board as a result of the Quereshi Committee report;

(b) the steps taken by Government for absorption of these persons in other Departments;

(c) whether certain posts in the Railway Board are going to be upgraded or created in the near future or have already been upgraded or created; and

(d) the particulars in regard to these posts and the necessity of creating/upgrading these posts when a large number of posts at lower level have been declared surplus ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) The Job Evaluation Team which was set up under the Chairmanship of the Deputy Minister of Railways, has recommended reduction of 43 gazetted and 166 non-gazetted posts in the Railway Board's office. The recommendations of the Job Evaluation Team are now under the consideration of the Government as a part of Administrative Reforms Commission's Report on Railways.

(b) This will be considered when Government's decisions on the recommendations have been finalised.

(c) and (d). Two additional posts of Directors—one for the Civil Engineering Directorate and the other for the Mechanical Engineering Directorate—have been created temporarily to attend to urgent work concerning new line projects, railway workshops, fuel economy, etc.

**Railway Employees to Pay for Losses during Transit**

\*356. SHRI MUHAMMED SHERIFF :  
SHRI MUKHTIAR SINGH  
MALIK :

Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have issued any orders to Railway Employees that they would

be made to pay from their pockets for the loss of goods due to pilferage or thefts during transit; and

(b) if so, gist of the orders ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). Where the railway staff are held responsible directly for loss or damage, amount of compensation paid can be recovered from them under Discipline and Appeal Rule.

**Harassment by Customs Authorities to Exporters at Cochin**

\*357. SHRI C. JANARDHANAN: Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether exports from Cochin have been badly affected due to harassment by the Customs authorities to the exporters;

(b) whether Government have received any complaint in this regard;

(c) if so, the nature thereof; and

(d) the steps taken to remedy the situation ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir.

(b) to (d). A few complaints were received regarding hold-up of shipments by the Customs authorities at Cochin on suspicion of under-invoicing and diversion to countries other than the country of destination. These consignments were subsequently released after the parties concerned had satisfied the Customs authorities.

**Grant of Bonus to Railway Employees**

\*358. SHRI B. R. SHUKLA : Will the Minister of RAILWAYS be pleased to state

(a) whether the demand of Railway employees for grant of bonus is still outstanding;



(b) whether any thought has been given to this demand of the Railway employees in view of the recent announcement of bonus to industrial workers according to new formula; and

(c) if not, the reasons therefor ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) to (c). The Payment of Bonus Act, 1965, does not apply to Government departmental undertakings including the Railways. The question regarding payment of Bonus to railway employees does not arise in view of the fact that the Railways discharge a public function and constitute a Government Department.

**Economic cooperation between India and Yugoslavia**

\*359. **SHRI H. M. PATEL :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the Yugoslav President recently visited New Delhi;

(b) whether question of increased economic cooperation between the two countries was discussed;

(c) whether any joint ventures between the two countries have been planned; and

(d) if so, the nature of joint ventures ?

**THE MINISTER OF FOREIGN TRADE (SHRI L. N. MISHRA) :** (a) and (b). Yes, Sir.

(c) and (d). During the discussions held at the time of President Tito's visit to India, the two sides stressed the necessity for appropriate economic authorities of the two countries undertaking, through the Joint Committee and other bodies, all measures designed to promote the further successful development of economic cooperation including joint projects in either country or in third countries. Details of such projects will have to be worked out by further bilateral discussions.

**Submersion of Farakka Township due to Floods**

\*360. **SHRI SAMAR MUKHERJEE :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the submersion of Frakka Township due to flood;

(b) whether the damage caused to the township during the floods was mainly due to the failure to arrange for drainage of the accumulated rain water; and

(c) if so, when the drainage scheme is likely to be taken up ?

**THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO) :** (a) Yes, Sir. Farakka Township was flooded due to heavy cyclonic rains on the 29th and 30th September, 1971.

(b) No, Sir.

(c) Does not arise.

**Raising of crops in sandy soils of West Rajasthan**

2130. **SHRI N. K. SANGHI :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether as a result of research carried out in the Central Soil Mechanics Research Station under his Ministry, it is found possible to raise crops on large-scale in sandy soils of West Rajasthan which hitherto was considered totally unfit for cultivation; and

(b) if so, the types of crops that can be raised and whether there is any Central scheme in this regard ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) The Central Soil Mechanics Research Station of the Ministry of Irrigation and Power had

conducted some field experiments for Rabi cultivation only on Sandy Soils in the commanded area of Rajasthan Canal Project.

(b) The experiments indicated that wheat, barley, mustard and taramira can be successfully raised in that area. There is no Central Scheme in this regard.

**Special drive to clear Accumulation of Coal at Pit-Heads**

2131. SHRI N. K. SANGHI : Will the Minister of RAILWAYS be pleased to state :

(a) whether Railways have undertaken a special drive to clear the pit-head accumulation of coal; and

(b) if so, the achievement so far and the quantity that still remains to be cleared ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). A drive was launched in August, 1971 to clear the pithead stocks in the West Bengal-Bihar coalfields. As a result of this drive; despite the continuing difficulties in train running in the area, loading from West Bengal and Bihar fields during the month of August, 1971 improved by about 660 wagons per day as compared to July, 1971. Consequently pithead stocks of coal at the collieries in West Bengal-Bihar fields also reduced to 7.31 million tonnes at the end of August, 71 against 7.88 million tonnes at the end of July, 71.

To effect further improvement in the transport of coal, a special drive was again instituted on Eastern and South Eastern Railways for 10 days from 11-11-1971. The extent to which the pithead stocks have come down as a result of this drive is not known as no official figures are yet available.

**Corruption in despatch of Coal Wagons in Dhanbad Division**

2132. SHRI SAMAR MUKHERJEE : Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 7524 on the 10th August,

1971 regarding corruption in the despatch of coal wagons in Dhanbad Division and state :

(a) whether the required information has since been collected;

(b) if so, the facts of the case; and

(c) if not, the reasons for the delay and the time by which it will be collected ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Yes.

(b) Cases of loading of coal from certain Stations on the Eastern Railway, under misdeclared nomenclature came to notice in May, 71. As a result of preliminary enquiries made by the Vigilance Branch, seven Railway employees were placed under suspension. Since involvement of outsiders is also suspected in the loading of coal under misdeclared nomenclature, the whole matter has been entrusted to the Central Bureau of Investigation, for a thorough probe.

Suitable instructions have been issued to the Railways to guard against incidence of such loading.

(c) Does not arise in view of reply to part (b) above.

**Reorganisation of S. T. C.**

2133. SHRI CHANDRA SHEKHAR SINGH : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the State Trading Corporation has recently undergone a drastic reorganisation;

(b) the number and names of its subsidiaries;

(c) the broad features of its recent reorganisation; and

(d) how it is expected to boost this organisation's profitability as a whole ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Yes, Sir.

(b) There are four subsidiaries of the State Trading Corporation of India Ltd. Their names are as follows :

- (i) Handicrafts & Handlooms Exports Corporation of India Ltd.
- (ii) Indian Motion Pictures Export Corporation of India Ltd.
- (iii) Cashew Corporation of India Ltd.
- (iv) Project and Equipment Corporation of India Ltd.

(c) The S. T. C. has reorganised itself in October, 1971 and has compartmentalised its import and export functions. The Corporation has now 12 commodity divisions instead of six, each concentrating either on imports or exports. The Corporation has also created or restructured a number of supporting divisions for rendering a wide range of back up advice and service to them.

(d) The reorganisation is intended to improve operational efficiency and consequently improve profitability of the Corporation.

**Irrigation Schemes submitted by Kerala Government**

2134. **SHRI RAMACHANDRAN KADANNAPPALLI :** Will the Minister of IRRIGATION AND POWER be pleased to state the present stage at which the following schemes submitted by the Kerala State Government stand :

- (i) Payaswani Irrigation Scheme in Kasaragode;
- (ii) Kakkadav Irrigation Scheme; and
- (iii) Regulator-cum-Bridge over Chandragiri river in Kasaragode Taluk of Kerala State ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** These

schemes have not been so far sent by the Government of Kerala to the Central Water and Power Commission.

**Representation from Rubber Board Staff Association**

2135. **SHRI RAMACHANDRAN KADANNAPPALLI :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether any representation has been received from the Rubber Board Staff Association; and

(b) if so, the action taken thereon ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Yes, Sir.

(b) A Staff Sub-Committee constituted by the Rubber Board is considering the matter.

**Wagon for Transportation of Fish from Malabar Area (Kerala)**

2136. **SHRI RAMACHANDRAN KADANNAPPALLI :** Will the Minister of RAILWAYS be pleased to state :

(a) whether any representations have been received for increasing wagon facilities for the transportation of Fish from Malabar area in Kerala, especially from Tellicherry and Kanhangad; and

(b) if so, the reaction of Government thereto ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Yes. Representation for increasing rail transport capacity for fish movement from Tellicherry and Kanhangad has been received by the Southern Railway.

(b) On receipt of the representation, Southern Railway have increased the quota of Tellicherry by 3 quintals and the case of Kanhangad is being reviewed by them. The existing rail transport capacity for clearing

fish traffic offering on stations including Telli-cherry and Kanhangad on Mangalore Kuttipuram section is adequate. In fact the capacity provided is underutilised on occasions.

**Provision of Upper Class Waiting Rooms at Payyanur and Payangadi Railway Stations**

2137. **SHRI RAMACHANDRAN KADANNAPPALLI** : Will the Minister of RAILWAYS be pleased to state :

(a) whether there are no Waiting Room facilities for the Upper Class Passengers at Payyanur and Payangadi Railway Stations on the Southern Railway in Kerala; and

(b) if so, the proposals, if any, to provide the facilities ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA)** : (a) and (b). Two Upper class waiting rooms — one for ladies and the other for gents — have been provided at Payyanur Railway station. There is no traffic justification for provision of this facility at present at Payangadi station.

**Reservation facilities for Lower Class Passengers at Mangalore**

2138. **SHRI RAMACHANDRAN KADANNAPPALLI** : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is no reservation facilities for lower class passengers from Mangalore to Delhi and from Delhi to Mangalore; and

(b) if so, the steps taken or proposed to be taken to remove the difficulties ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA)** : (a) and (b). Facilities already exist for reservation of third class sleeper berths on trains between Mangalore and Madras Central and by connecting trains between Madras Central and Delhi/New Delhi and vice-versa. There

is no through third class sleeper coach service between Mangalore and New Delhi but a composite First-cum-Third Class coach runs between these stations on 5 days in a week by 27/28 West Coast Express and 15/16 G. T. Express. The facility of reservation of seats in the Third Class portion of this composite coach is available at New Delhi. Similar facility is proposed to be introduced at Mangalore also with effect from 15-12-1971.

**Metre and Narrow Gauge Railway Lines**

2139. **SHRI B. S. BHAURA** : Will the Minister of RAILWAYS be pleased to state :

(a) how many kilometres of metre and narrow gauge rail lines are there in India; and

(b) the States where these are located ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA)** (a) : The route length of Indian Government Railways (including worked lines) under metre and narrow gauges on the 31st March, 1971 was :

	Kilometres
Metre gauge	25,865
Narrow gauge	4,476

In addition, 207 route kilometres of narrow gauge branch lines were owned and worked by non-Government bodies.

(b) The information about length of railway lines is compiled gauge-wise for each zonal railway and not State-wise. The particulars asked for are therefore not available.

**Electrification of Ahmedabad-Bombay Railway Line**

2140. **SHRI SOMCHAND SOLANKI** : Will the Minister of RAILWAYS be pleased to state :

(a) whether the electrification work on Railway line between Ahmedabad and Bombay has been completed; and

(b) if so, when the electric trains will start running on this line ?

**THE MINISTER OF RAILWAYS**  
(SHRI K. HANUMANTHAIYA) : (a) No.

(b) Electric trains are already running between Bombay and Virar. As regards Virar-Ahmedabad Electrification work on this section is in progress and is likely to be brought into use in stages progressively from 1972.

**Expenditure on running of Mahatma Gandhi Exhibition Trains**

2141. SHRI AMBESH : Will the Ministers of RAILWAYS be pleased to state :

(a) the total number of stations and the total cost of running the Mahatma Gandhi Exhibition trains borne by Government and by National Committee for the Gandhi Centenary; and

(b) the number of place visited by it ?

**THE MINISTER OF RAILWAYS**  
(SHRI K. HANUMANTHAIYA) : (a) and (b). The total number of railway stations covered by the BG/MG Gandhi Centenary Exhibition trains was 310. The trains were run by the Railway free of charge. Train-wise account of running cost is not maintained. The cost incurred by the National Committee for Gandhi Centenary is not known to the railway administration.

**Amount realised by Export of Bananas**

2142. SHRI AMBESH : Will the Minister of FOREIGN TRADE be pleased to state the amount realised by export of bananas to foreign countries during 1970-71 and upto the end of October of the current year ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE** (SHRI A. C. GEORGE) : Exports of bananas during 1970-71 was of the order of Rs. 37.46 lakhs. Export during April and May, 1971 was Rs. 21417. Figures beyond May, 1971 are not yet available.

**Facilities for foreign Travel to Industrialists to Markets Abroad**

2143. SHRI DEVINDER SINGH GARCHA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether there is a proposal under consideration of Government to give more facilities for foreign travel to Industrialists and others to survey markets abroad in order to boost up exports; and

(b) if so, the nature of facilities ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE** (SHRI A. C. GEORGE) : (a) As the present facilities provided for travel to conduct market surveys abroad are quite adequate, no proposal for giving additional facilities is under consideration.

(b) Does not arise ?

**Railway Line from Malda to Balurghat**

2144. SHRI B.K. DAS CHOWDHURY : Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 3399 on the 29th June, 1971 regarding laying of new railway lines from Balurghat to Malda and Binalurghat to Kaliyaganj and state :

(a) the date by which the survey work for a new Broad Gauge line from Old Malda to Balurghat will be completed;

(b) the area likely to be covered; and

(c) the total expenditure to be incurred on this project.

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) to (c). In view of the present disturbed condition in border area, it has been decided to up-date the earlier Survey Reports of 1949 with such additional field checks and collection of data as may be necessary for the purpose. The alignment and the cost of the proposed B. G. line from Old Malda to Balurghat, will become known after completion of the updating and revision of the earlier survey.

**Project for clearance of stagnant flood in Murshidabad, West Bengal**

2145. SHRI GADADHAR SAHA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have a proposal under consideration for construction of a Drainage Projects Scheme for clearance of stagnation of rain water in 'Basia' Bill or 'Marshy Lands' in Murshidabad District near Birbhan-Murshidabad Border Area, West Bengal for prevention of flood and damage to crops and for providing facilities for supply of water for cultivation of 'Borroh' variety of crops there during summer;

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

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

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N KUREEL) : (a) to (c). The West Bengal State Irrigation Department have stated that investigations for evolving a suitable scheme for drainage of 'Basia' Bill of Murshidabad district are being made and that there is no scheme under contemplation for supply of water for 'Borroh' cultivation.

**आसाम मेल का दिल्ली और बरौनी स्टेशनों पर ठीक समय पर पहुँचना**

2146. श्री हुकमचन्द कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) बरौनी से आने वाली आसाम मेल 1 जनवरी, 1971 से अब तक कितने दिन नयी दिल्ली स्टेशन पर ठीक समय पर पहुँची और कितने दिन विलम्ब से पहुँची; और

(ख) विलम्ब से पहुँचने के क्या कारण थे और इस गाड़ी के ठीक समय पर नयी दिल्ली और बरौनी स्टेशनों पर पहुँचना सुनिश्चित करने के लिए सरकार क्या कदम उठाने जा रही है ?

रेल मंत्री (श्री के० हनुमन्तेया) : (क) 1 जनवरी से 10 नवम्बर, 1971 तक की अवधि में 85 अप बरौनी-नयी दिल्ली असम मेल नयी दिल्ली रेलवे स्टेशन पर 37 दिन ठीक समय पर और 277 दिन विलम्ब से पहुँची ।

(ख) इस गाड़ी के समय पालन पर मुख्य रूप से पूर्वोत्तर, पूर्वोत्तर सीमा और पूर्व रेलों पर खतरे की जर्जर वार-वार खींचने और बदमाशों की अन्य गतिविधियों तथा असम और बंगाल राज्यों में अक्सर बन्द होने, नागरिक और राजनीतिक हड़तालों और आन्दोलनों तथा काम बन्द होने से बुरा प्रभाव पड़ा । अगस्त और सितम्बर, 1971 में भारी वर्षा और उसके फलस्वरूप पूर्वोत्तर रेलवे में लाइनों में टूट-फूट के कारण भी असम मेल के संचलन पर प्रभाव पड़ा और उसका मार्ग बदल कर उसे लम्बे रास्ते से समस्तीपुर-खगरिया कार्ड होकर चलाना पड़ा ।

अन्य मेल/एक्सप्रेस गाड़ियों के साथ इस गाड़ी के समय पालन पर विभिन्न स्तरों पर नित्य प्रति कड़ी निगाह रखी जाती है ।

**Flood control as a National Subject**

2147. SHRI NIHAR LASKAR :  
SHRI SHYAMNANDAN  
MISHRA :  
SHRI Y. ESWARA REDDY :

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Prime Minister has directed that flood control should be treated as a central subject rather than a State subject, and

(b) if so, the steps Government propose to take in the matter?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) No, Sir.

(b) Does not arise.

**Progress of Brahmaputra Flood Control Board**

**2148. SHRI BANAMALI PATNAIK :  
SHRI MOHAMMED ISMAIL :**

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Assam Government have requested the Central Government to take over the Brahmaputra Valley flood control as it was beyond the State's resources; and

(b) if so, the reaction of Central Government thereto?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) Yes, Sir.

(b) Flood Control Schemes form part of the State Plan and as such necessary funds for the implementation of the works in the Brahmaputra valley have to be provided by the State Government in their Plan as per the prevailing procedure.

**Flood Control Schemes taken up in States**

**2149. SHRI JYOTIRMOY BOSU :  
SHRI RAMKANWAR :**

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the long-term and short-term flood control schemes taken up in each State during the financial years 1969-70, 1970-71 and 1971-72;

(b) the State-wise allocation of money for the purpose; and

(c) the progress of the schemes in physical terms during each of the financial years referred to above.

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) Major schemes taken up in the different States during the period 1969-70 to 1971-72 are listed in statement-I laid on the Table of the House. [Placed in Library. See No. LT—1180/71]. In addition, the State Governments have taken up a number of minor schemes which include construction of embankments raising and strengthening of existing embankments, river training works and drainage channels.

(b) Beginning from Fourth Plan, Central assistance to State Governments is given in the form of bulk loans and grants without tying them to any particular sector of development and as such there is no earmarked central assistance for flood control scheme. The amount spent by the State Governments on flood control schemes during 1969-70 and 1970-71 and outlay proposed during 1971-72 are given in Statement II laid on the Table of the House. [Placed in Library. See No. LT—1180/71].

(c) The physical progress compiled on the basis of reports received so far from the State Governments is as follow :

	To end of March, 1969	To end of March, 1970	To end of March, 1971
Length of embankments (Km.)	6951	6995	7063
Length of drainage channels (Km)	9172	9285	9377
Town protection schemes (Nos.)	178	182	191
Area benefited (lakh ha)	58.9	59.37	60.47

**बाढ़ नियंत्रण के लिए योजना**

2150. श्री रामाश्वतार शारदा : क्या लिबाई और बिछुत मंत्री यह बताने की कृपा करें कि :

(क) क्या योजना आयोग ने बाढ़ नियंत्रण के लिए कोई योजना तैयार की है;

(ख) यदि हाँ, तो इसकी मुख्य बातें क्या हैं; और

(ग) उसके बारे में सरकार की क्या प्रतिक्रिया है ?

लिबाई और बिछुत मंत्रालय में उप मंत्री (श्री बंभनाथ कुरील) : (क) जी, नहीं।

(ख) और (ग). प्रश्न नहीं उठता।

**Floods in West Bengal**

2151. SHRI INDRAJIT GUPTA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the devastating floods in West Bengal this year were foreseen by Government in view of the unusually heavy rainfall which was continuing since April;

(b) if so, whether no timely steps were taken to minimise their disastrous impact;

(c) whether the flood control projects and even the construction and strengthening of embankments etc. in North Bengal continue to be neglected year after year; and

(d) the reasons for deliberately causing floods in South Bengal by releasing huge amounts of water from the DVC reservoirs ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No, Sir.

(b) Does not arise.

(c) Construction of new embankments, and raising and strengthening of existing

embankments and other flood protection measures are being carried out by the State Government with the funds that can be provided in the Annual State Plans.

(d) The DVC dams helped in moderating the flood discharge downstream very considerably. But for these reservoirs, the floods would have been of a much greater intensity.

**Central Relief for Flood affected people of West Bengal**

2152. SHRI INDRAJIT GUPTA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there is a wide discrepancy between the West Bengal State Government's assessment of the quantum of Central aid required for urgent post-flood relief, rehabilitation and reconstruction work, and the quantum recommended by the Central Flood Survey Team; and

(b) Government's final decision in the matter ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The estimate of Expenditure on Relief, Rehabilitation, loans to third parties etc., as proposed by the Government of West Bengal and the amounts recommended by the Central Team, based on the assessment of the flood situation and relief measures required, are as follows :

	As proposed by the state	As recommended by Central Team
	(Rs. crores)	
(i) Relief Items	28.37	12.06
(ii) Loans to third parties (including loans for seed and fertilisers)	27.70	9.20
(iii) Repairs of damaged public properties	18.88	10.25
<b>Total</b>	<b>74.95</b>	<b>31.51</b>



(b) The recommendations made by the Central Team have been accepted by the Government of India and the State Government have been informed that a ceiling of expenditure of Rs. 31.51 crores has been adopted for purposes of Central assistance.

**Appointment of Special Inquiry Committee on Floods**

2153. SHRI SAROJ MUKHERJEE : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have appointed any Special Inquiry Committee on Floods to evaluate the implementation of the recommendations of the Special Committee set up in 1951 about the flowing of Ganga Waters; and

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

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No such Committee has been appointed by the Government of India.

(b) Does not arise.

**Floods in Howrah and Hooghly districts**

2154. SHRI KRISHNA CHANDRA HALDER : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the floods in Howrah and Hooghly districts were due to the non-completion of the embankments below Durgapur;

(b) if so, whether any scheme had been prepared long back for the same; and

(c) if so, the reasons for the non-implementation thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Parts

of Howrah and Hooghly districts were affected by the spilling of the Damodar river below Durgapur due to inadequate bankful capacity in the unembanked reaches.

(b) and (c). In 1970, the Government of West Bengal had formulated a comprehensive scheme for the control of floods and drainage congestion in the Lower Damodar region to be implemented in stages. The scheme was then estimated to cost Rs. 14 crores. Stage I of the scheme comprising the re-sectioning of the Amta Channel, construction of outfall sluice and drains in the Amta basin estimated to cost Rs. 6.8 crores had been approved by the Planning Commission and work started during 1970-71. The State Government have informed that the detailed scheme for the balance works of the comprehensive scheme has been prepared and will be sent shortly to the Centre for scrutiny. These works are to be taken up after the scheme is approved by Planning Commission.

**Service conditions of Supreme Court Judges**

2155. SHRI P. VENKATASUBBAIAH: Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether the question of improving the service conditions of Supreme Court Judges is under the consideration of Government;

(b) if so, the decisions arrived at in this regard; and

(c) the steps taken to implement the same ?

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : (a) to (c). The specific proposals were considered by Government to improve the conditions of service of Supreme Court Judges, viz.,

(i) to raise the retirement age from 65 to 68 years; and

(ii) to raise the salaries of Judges by Rs. 500/- per month.

As the proposals involved constitutional amendments, the leaders of political parties in Parliament were consulted but the consensus of opinion was not in favour of raising the retirement age or the salaries of Judges. The proposals were, therefore, not pursued. Government will, however, consider the whole question again at the appropriate time.

It has been decided to extend to the Judges of the Supreme Court the benefit of commuting leave on half allowances into leave on full allowances upto a period of three months during the entire service as Judge. Necessary legislation for the purpose will be introduced in Parliament shortly.

At present when a Judge of a High Court is appointed to the Supreme Court, he loses all the leave earned by him as a Judge of the High Court. It is proposed to provide for carry-forward of such leave upto a maximum of four months subject to certain conditions and the necessary legislation for the purpose is being undertaken.

A scheme of Family Pension and Death-cum-Retirement Gratuity for Judges appointed from the Bar is also under consideration of the Government.

**Promotion of Train Examiners in Higher Scale of Pay in Eastern, North Eastern and South Eastern Railways**

2156. SHRI RAMAVATAR SHASTRI : Will the Minister of RAILWAYS be pleased to state the number of Train Examiners in the scale of Rs. 180-240 promoted to grade of Rs. 205-280 (AS) *en-masse* from the 1st April, 1966 and the number still remaining in the grade of Rs. 180-240 in the Eastern, North Eastern and South Eastern Railways, Divisionwise ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : A Statement is attached.

*Statement*

Division	No. of Trains Examiners in the scale of Rs. 180-240 promoted to grade of Rs. 205-280 <i>en-masse</i> from 1st April, 1966	The number still remaining in the grade of Rs. 180-240
(i) Eastern Railway :		
Sealdah	110	25
Howrah	80	44
Asansol	116	28
Dhanbad	117	40
Danapur	142	30
	<u>565</u>	<u>167</u>
(ii) South Eastern Railway :		
Chakradharpur	109	32
Bilaspur	55	41
Khurda Road	24	20
Waltair	34	44
Kharagpur	69	43
Adra	88	37
Nagpur	27	19
	<u>406</u>	<u>236</u>
(iii) North Eastern Railway :		
Izarnagar	14	8
Samastipur	42	16
Lucknow	28	19
Varanasi	25	22
	<u>109</u>	<u>65</u>

**Anti-Sea Erosion and Flood  
Controlling Measures**

2157. SHRI C. JANARDHANAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Central Water and Power Commission has recommended to his Ministry to allocate Rs. 100 crores during the next two years for flood control and anti-sea erosion works;

(b) whether Government have accepted the recommendation; and

(c) if so, the schemes for which this money will be utilised ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). No such recommendation has been made by the Central Water and Power Commission. The Ministry of Irrigation and Power have, however, suggested the implementation of certain works on a priority basis in the next three years, based on the experience in recent years. These works have been indicated in the Annexure IV of the Statement on Flood Situation in the country laid on the Table of the Lok Sabha on the 15th November, 1971, by the Union Minister of Irrigation and Power.

**Blocked funds of American Motion  
Picture Association**

2158. DR. SARADISH ROY : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether more than Rs. 5 crores of the blocked funds of the American Motion Picture Association are being utilised in India to block the screening of the Indian films and to put up an unfair competition;

(b) if so, the facts of the case; and

(c) the reaction of Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE

(SHRI A. C. GEORGE) : (a) and (b). The blocked funds of the Motion Picture Export Association for the period ending 30-6-1971 are of the order of Rs. 5-17 crores. These funds are not being utilised to block screening of Indian films or to put up an unfair competition.

(c) Does not arise.

**Anti-Sea Erosion measures for  
Kerala Coast**

2159. SHRI C. K. CHANDRAPPAN ; Will the Minister of IRRIGATION AND POWER be pleased to state whether any detailed scheme has been prepared for protecting the Kerala coast from the menace of sea erosion ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : THE State Government of Kerala have been requested to prepare a detailed report on the anti-sea erosion measures along the Kerala coast, indicating the vulnerable points, works undertaken so far and further works, their cost on the basis of the recommendations of the Beach Erosion Board and other Experts, and the priorities and phasing of works. This detailed report is awaited.

**Setting up of Gem Testing  
Laboratory**

2160. SHRI V. MAYAVAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether a gem testing laboratory has been set up;

(b) if so, its location, staff position and functions; and

(c) whether the imported rough diamonds would also be tested by the said laboratory ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Not yet, but equipment for setting up one has been obtained.

(b) The laboratory is to be located at Jaipur. The Gem and Jewellery Export Promotion Council have not yet finalized proposals regarding staff. The function of the Laboratory will be testing of gems by modern methods.

(c) The Laboratory will be equipped to test all kinds of gemstones.

#### **Joint ventures in African Countries**

2161. SHRI R. P. ULAGANAMBI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the joint ventures of Industrial projects likely to be set up by the Indian industrialists in African countries as a result of Nairobi Conference held in November and December, 1970 by the U. N. I. D. O. the African Development Bank and the Economic Commission for Africa;

(b) the names of sponsors of such projects; and

(c) the amount of investment involved ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) A number of Indian entrepreneurs who participated in the deliberations of the Nairobi Conference have shown interest in setting up industrial joint ventures in African countries. However, no specific proposal has so far been received for setting up joint venture in African countries, as a result of this Conference.

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

#### **Flood or Water-logging Problem in Barachanka, West Bengal**

2162. SHRI SAMAR GUHA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Barachanka Basin of Pota-shpur Police Station of Contai Sub-division of West Bengal suffers either from flood or water-logging every year;

(b) whether crops of hundreds of acres of cultivable land are destroyed every year in consequence;

(c) whether a large amount of money is spent for gratuitous relief and building bunds around this Basin for protecting adjoining areas from spilling over of its water;

(d) whether Barachanka Basin Drainage Scheme has been prepared by the West Bengal Government at a cost of Rs. 32 lakhs and its has been approved by various Committees; and

(e) whether the Barachanka Basin Drainage Scheme will be implemented soon ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (d). Taking into account the frequent drainage congestion caused by the inadequate capacity of the Baliaghye drain, and the consequent recurring damage and need for relief measures, the Government of West Bengal have formulated the Barachanka Basin Drainage Scheme, estimated to cost Rs. 32.4 lakhs. The scheme has been approved by the Planning Commission.

(e) The State Government have not been able to provide any funds for this scheme during the Fourth Plan period within the overall ceiling of flood control sector.

#### **Water-logging in Contai Sub-Division of West Bengal**

2163. SHRI SAMAR GUHA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether problem of water-logging in Contai sub-Division of West Bengal, which cause damage to crop almost every year during the monsoon is proposed to be partly tackled through relief works to be soon undertaken in the flood affected areas of the sub-division;

(b) if so, whether Sub-Divisional Irrigation Officers have been directed to draw up

small scale drainage schemes for test relief works; and

(c) if so, the main features of such schemes and the amount to be spent on them ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) to (c). The Government of West Bengal have proposed to execute some of the minor drainage schemes under the Test Relief Works programme and the District Officers have been directed to give priority to these works. Details have not so far been received from the State Government.

**Setting up of Industries in Foreign Countries by Birlas**

2164. **SHRI RAMAVATAR SHASTRI :** Will the Minister of FOREIGN TRADE be pleased to state the industries established in foreign countries by the Birla group of industries ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** The industrial joint ventures set up abroad by the Birla group of industries are the following :

<i>Name of the country</i>	<i>Field of collaboration</i>
1. Ethiopia	Textile Mill
2. Nigeria	(i) Engineering Goods manufacturing unit. (ii) Solvent extraction plant.
3. Uganda	Jute Mill
4. Thailand	Synthetic fibre spinning plant.
5. U. K.	Asbestos Cement products plant.

**निर्यात के लिए कपड़ा बनाने वाली मिलों का आधुनिकीकरण**

2165. **श्री बटल बिहारी साक्येवी :** क्या विदेश व्यापार मंत्री यह बताने की कृपा करेंगे

(क) क्या निर्यात में भाग लेने वाली कपड़ा मिलों को आधुनिक बनाने के लिए एक छः मूवी योजना तैयार की गई है; और

(ख) यदि हाँ, तो इसकी मुख्य बातें क्या हैं और इस संबंध में क्या कार्यवाही की जा रही है ?

**विदेश व्यापार मंत्रालय में उप मंत्री (श्री ए० सी० जार्ज) :** (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

**Expected Fall in Export of Iron Ore**

2166. **SHRI P. M. MEHTA :**  
**SHRI P. GANGADEB :**

Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether India's Iron ore exports are likely to register a fall of 1.5 to 2 million tonnes in the current year and to about 6 million tonnes in 1973-74;

(b) if so, the main reasons for this short-fall; and

(c) the steps Government propose to take in this regard ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Exports of iron ore during the current year (1971-72) are not expected to be less than last year's exports of 20.8 million tonnes. The export capacity in 1973-74 is likely to be about 27.5 million tonnes but it is now too early to speculate whether exports will reach upto this level.

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

**Crisis in Coal Industry in Madhya Pradesh due to Non-Availability of Wagons**

2167. **SHRI G. C. DIXIT :** Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of Government has been drawn to the serious crisis in the coal industry in Madhya Pradesh due to non-availability of Railway wagons; and

(b) if so, the steps taken by Government to clear the accumulated stocks ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Some representations about the inadequate availability of wagons for movement of coal have been received.

(b) According to the latest figures furnished by Coal Controller, the pithead stocks of coal in these fields were 0.57 million tonnes on 31-7-1971 against 0.66 million tonnes on 31-7-1970. This indicates some reduction in the pithead stocks of coal from these fields. A special drive was instituted from the 11th November to improve coal loading and it is expected that as a result the pithead stocks will be reduced further.

**Grants to Institutions for promoting Studies and Research in legal Profession**

2168. **SHRI HARI KISHORE SINGH :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) the names of the institutions receiving grants-in-aid from Central Government for promoting studies and research in legal profession;

(b) the amount of grants-in-aid given to these institutions last year and during the current year; and

(c) whether it is proposed to increase the amount of grant-in-aid to these institutions and if so, the reasons therefor ?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) :** (a) The Indian Law Institute of Constitutional and Parliamentary Studies, the Indian Branch of the International Law Association are receiving grants-in-aid through this Ministry.

The Indian Law Institute is receiving the grant to continue its programme, expand its research and academic activities in promoting and conducting legal research. The Institute of Constitutional and Parliamentary Studies is engaged in promoting studies in constitutional systems in different countries, the problem of working of the Indian Constitution, development in constitutional law and legislative drafting, studies of the trends in judicial interpretation and conventions in Parliamentary Procedure. The International Law Association is engaged in research Projects in the field of International Law etc.

(b) The following grants-in-aid have been made by the Govt. to the Institutions :

<i>Name of the Institution</i>	<i>1970-71 Rs.</i>	<i>1971-72 Rs.</i>
(1) The Indian Law Institute	8,00,000	1,50,000 (first instalment of a total promised grant of Rs. 7,50,000/-)
(2) The Institute of Constitutional and Parliamentary Studies	2,00,000	1,00,000 (first instalment of a total promised grant of Rs. 2,00,000/-)
(3) The International Law Association	24,500	25,000
(c) No, Sir.		

**Damage caused by Cyclone and Rains in Durgapur and Asansol**

2169. **SHRI KRISHNA CHANDRA HALDER :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the wide-spread damage of mud-built houses in various villages of Durgapur and Asansol sub-divisions due to the cyclone and rains in the recent past;

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

(c) the steps, if any, taken to provide shelter to the people rendered homeless and to rehabilitate them?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). Reports of wide-spread damage to houses in Durgapur and Asansol sub-divisions caused by recent cyclone and rains have not so far been received from the Government of West Bengal.

#### **Sale Price of Cotton in Punjab**

2170. SHRI N. K. SANGHI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the growers of *Kapas* in Punjab are being compelled to sell their produce at throw-away prices;

(b) whether the Cotton Corporation of India has been asked to enter the market to make purchases to save the growers from resorting to distress selling; and

(c) if so, how much cotton has been purchased by the corporation and, if not, what steps have been taken to ensure that the sale price of cotton is not allowed to sag low to the detriment of the farmers?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir.

(b) and (c). However, in view of the present situation the Cotton Corporation has been asked to be in readiness to make purchases if need arises. So far, it has not become necessary for the Cotton Corporation to make purchases, in view of the normal functioning of the trade, for which necessary steps such as relaxation of credit regulations, enhancement of stock limits in the case of purchases in border areas have been taken.

#### **Export of Fish and Fish Products**

2171. SHRI D. P. JADEJA : Will the Minister of FOREIGN TRADE be pleased to state the quantity of fish and fish pro-

ducts exported during the last three years countrywise?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : A statement is laid on the Table of the House. [*Placed in Library.* see No. LT—1181/71].

#### **Scheme to pump out Monsoon Waters from Yamuna River**

2172. SHRI HARI SINGH : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have proposed a scheme to pump out monsoon waters from the Yamuna River through existing Agra canal for storage in the Dhauj and Kot depressions in the Aranalli Hills in Haryana; and

(b) if so, when the scheme will be finalised?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). A scheme to augment the water supply to Delhi by pumping some of the surplus monsoon waters flowing in the Yamuna river and storing them near Dhauj and Kot villages in Haryana has been prepared. It has not been, however, possible to progress with the scheme as the Government of Haryana have not agreed to it.

#### **Ganga Basin Flood Control Commission**

2173. SHRI HARI SINGH :  
SHRI SAT PAL KAPUR :

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) the names of members of the Ganga Basin Flood Control Commission;

(b) whether there is any non-official member on this commission; and

(c) if not, the reasons therefor ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) to (c). The question of setting up of the Ganga Flood Control Commission is still under examination.

**Works undertaken by Water and Power Development Consultancy Services (India) Limited**

2174. **SHRI HARI SINGH :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Water and Power Development Consultancy Services (India) Limited has undertaken some projects in Afghanistan and in Ceylon in the year 1971; and

(b) if so, an outline thereof ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) and (b). The Afgan Electricity Authority has assigned to the Water and Power Development Consultancy Services (India) Limited (WAPCOS) the work of preparation of project designs and cost estimates of the Phule Kunari and Bamyan Micro-Hydel Works together with feasibility studies of ten to fifteen Micro-Hydel schemes. Field work is in progress. Proposals for WAPCOS undertaking work in Ceylon are under examination.

**Registration of Water and Power Development Consultancy Services (India) Limited**

2175. **SHRI HARI SINGH :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Central Government have proposed the registration of the Water and Power Development Consultancy Services (India) Limited with United Nations Development Programme, the Asian Development Bank, the World Bank and the Food

and Agricultural Programme of the United Nations; and

(b) if so, the progress made so far in the matter ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) and (b). The Water and Power Development Consultancy Services (India) Ltd. (WAPCOS) has been registered as a consultancy organisation with the Asian Development Bank, the United Nations Development Programme, the World Bank and the Food and Agricultural Organisation of the United Nations. Amongst these organisations, the Asian Development Bank so far has availed of the services of an expert deputed by WAPCOS for a flood control project in Indonesia.

**बम्बई के लिए भूमिगत रेलवे**

2176. **डा० लक्ष्मीनारायण वाण्डे :** क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) बम्बई के लिए भूमिगत रेल योजना पर सर्व प्रथम कब विचार किया गया था; और

(ख) इस संबंध में अब तक की गई कार्यवाही तथा प्रगति क्या है ?

**रेल मंत्री (श्री के० हनुमन्तबा) :** (क) अभी तक बम्बई के लिए भूगत रेलवे की कोई योजना नहीं है।

(ख) प्रश्न नहीं उठता।

**Train halt at Vengara between Payangadi and Elimala (Southern Railway)**

2177. **SHRI M. K. KRISHNAN :** Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are considering the question of having a train halt at Vengara Station between Payangadi and Elimala on Southern Railway;



(b) if so, when it is likely to start functioning;

(c) whether any enquiry team has visited Vengara; and

(d) if so, its findings ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) No.

(b) Does not arise.

(c) Yes.

(d) The traffic anticipated to be dealt with does not justify opening of proposed halt.

#### **Export of Rubber**

2178. **SHRI M. K. KRISHNAN :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government have any proposal for exporting rubber to foreign countries;

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

(c) when a decision is likely to be taken in this regard ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) to (c). Some countries including G. D. R. have indicated keen interest in purchasing Natural Rubber from India. The proposals are under active consideration by both parties.

#### **Doubling of Ernakulam-Shoranur Railway Line**

2179. **SHRI M. K. KRISHNAN :** Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are considering any plan to double the Ernakulam-Shoranur Railway line;

(b) if so, the main points thereof;

(c) whether Government have received any representation from the Kerala Government with regard to this; and

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

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Yes.

(b) On the 108 km. long Ernakulam-Shoranur section, the work on 20 km. doubling between Alwaye and Ernakulam is in progress. With regard to doubling the line between Alwaye and Shoranur, traffic survey has been conducted and the survey report is under examination. Decision as to what portions of the line require doubling would be taken after the survey report is examined.

(c) No.

(d) Does not arise.

#### **Conversion of Bangalore-Guntakal Line into Broad Gauge**

2180. **SHRI NIHAR LASKAR :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal to convert the Bangalore-Guntakal line into broad gauge on a priority basis; and

(b) if so, the time by which the proposal will be given effect to ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) and (b). The proposal is under active consideration and a decision is expected to be taken very shortly.

#### **Import of Raw Material for Engineering Industry**

2181. **SHRI NIHAR LASKAR :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) the steps being taken to import steel, aluminium, zinc and other metals this year

to meet the shortage of raw materials faced by the engineering industry;

(b) whether the raw material will be supplied only to export-oriented industries; and

(c) if so, the extent of imports and the manner of their distribution ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). A Special Committee under the Chief Controller of Imports and Exports reviews the availability of steel for production in order to initiate timely action for meeting shortages of steel. Import licences for about Rs. 192.0 crores for steel have already been issued during the current year. Arrangements have also been made to meet the import requirements of steel of the engineering industries for export oriented production on a priority basis. Import of Zinc, Lead and Aluminium are fully canalized. Availability is watched by a Committee under the Chief Controller of Imports and Exports. Small scale industries are also being granted additional import allocation of non-ferrous metals and steel to the extent of 50% and 25% respectively of their normal entitlements.

(c) Separate statistics of imports for the engineering and export-oriented industries are not maintained. In respect of items for which the import is canalized through public sector agencies, the import and distribution is arranged through such agencies. For other items, direct import licences are issued.

#### **High Cost of Tunnelling in India**

2182. SHRI NIHAR LASKAR : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the cost of tunnelling in India is very high and age-old formula is used in this matter; and

(b) if so, the steps being taken or proposed to be taken to apply the most modern techniques in tunnelling projects ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). Increases in costs of tunnelling are due to increases in prices and wages, and also owing to the fact that many tunnel works are now being carried out in complex and difficult geological condition as in the Himalayas.

Instrumentation techniques are being progressively applied to measure rock behaviour and loads on supports in important tunnels and designs made so as to reduce the cost as far as possible, by applying the latest available knowledge in the new discipline of rock mechanics.

#### **Removal of Disparity between Lowest and Highest paid Employees of Railways**

2183. SHRI N. E. HORO :  
SHRIMATI BHARGAVI  
THANKAPPAN :

Will the Minister of RAILWAYS be pleased to state :

(a) whether there is wide disparity between the lowest and the highest salaries of the Railway Staff in certain categories; and

(b) if so, the efforts made by Government to reduce this disparity ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). Under the existing pay structure, the lowest emoluments consist of the minimum of the lowest scale Rs. 70/- p. m., dearness allowance of Rs. 71/- p. m. and interim relief of Rs. 15/- p. m. or Rs. 156/- in all, and the highest salary payable is Rs. 3,500/- p. m., and no dearness allowance or interim relief is admissible. The ratio between the highest and the lowest emoluments has in fact been gradually reduced. After the First Pay Commission, in 1947 the pre-tax ratio of the highest salary to the lowest emoluments in Railway service was 55 : 1 and at present, this ratio is 23 : 1. It may, however, be added that Government have since appointed another Pay Commission to examine the

emoluments and service conditions of Central Government employees, including Railway employees.

**Diversion of Obsolete Tea Estates**

2184. SHRI K. LAKKAPPA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government propose to provide financial assistance to growers for diversion of obsolete tea estates to growing coco, rubber and coffee as Malaysia, Brazil, and Japan had done; and

(b) if so, the broad outlines of the proposals?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir; no such proposal is under the consideration of Government.

(b) Does not arise.

**Decline in Production of Tea**

2185. SHRI K. LAKKAPPA :  
SHRI N. SHIVAPPA :  
SHRI MUKHTIAR  
SINGH MALIK :

Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether tea production is steadily going down because of falling exports, rising costs and increased taxes; and

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

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir. The production of tea in India increased from 377 Million Kgs. in 1966 to 422 Million Kgs. in 1970.

(b) Does not arise.

**Supply of Wagons for Jute and other Goods lying at Saharsa, Behariganj in Bihar**

2186. SHRI R. P. YADAV : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware that huge stock of Jute and other goods could not be despatched for want of Railway wagons at Saharsa, Behariganj and other nearby railway stations in Bihar;

(b) whether large number of representations have been made by the business associations to the Railway Board;

(c) if so, the action taken thereon; and

(d) the present position regarding the supply of wagons and the steps being taken to improve the present position ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) and (b). Representations have been received for stepping up jute loading to Calcutta area and other goods traffic including sugar to destinations on the Northeast Frontier Railway.

(c) and (d). Jute loading on the North Eastern Railway was maintained at a high level of 7,404 metre gauge wagons from January to July, 1971, as compared to 5,750 metre gauge wagons during the same period in 1970. Due to severe floods and breaches resulting in through communications being affected via Garhara and Farakka, there was a severe set back to loading of jute and other goods during the months of August to October, 1971. Despite these limitations, during the period from 1st August to 15th November 1971, 2,633 metre gauge wagons were loaded with jute. The loading of other revenue earning commodities was also maintained at a higher level and during the period from 1st April to 15th November, 1971, 2,00,956 metre gauge wagons were loaded as against 1,92,210 metre gauge wagons loaded during the corresponding period of last year. With the restoration of through communications, loading is being progressively stepped up.

**Obnoxious Smell Spreading from  
Culvert No. 102 of Patna  
City Station**

2187. SHRI R. P. YADAV : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware that the dead bodies of cows, buffaloes, bulls and horses are thrown and some times operated upon in the Railway land near culvert No. 102 of Patna City Railway Station thus spreading obnoxious smell all over the place :

(b) if so, the reasons why the Railway land has been allowed to be used for dumping of dead bodies; and

(c) whether Government propose to depute Railway Police Force constables to stop the misuse of the railway land and to prosecute the offenders ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) No.

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

**Remodelling of Culvert No. 102 near  
Patna City Railway Station**

2188. SHRI R. P. YADAV : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware that culvert No. 102, near Patna City Railway Station, is too narrow for the traffic that passes over it and that its construction is defective;

(b) whether Government propose to remodel it to the extent possible as also to make a few "man-holes" in the culvert for smooth discharge of rain water; and

(c) if so, the time expected to be taken for completion of the same ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) As the culvert is an opening for rain water drainage, the question of its being narrow

for traffic does not arise. The entire bridge is sound; there is no defective construction.

(b) No, does not arise.

(c) Does not arise.

**Thefts from Railway Wagons at Patna  
City Railway Station**

2189. SHRI R. P. YADAV : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware that large scale thefts from Railway wagons take place at Patna City Railway Station in collusion with R.P.F. staff as also because there is insufficient lighting arrangements in the Railway yard especially towards southern side of station; and

(b) if so, the steps being taken to stop such cases of thefts ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) Only 5 cases of theft have been reported at Patna City Railway Station during 1971 and neither Railway Protection Force staff nor Railway employees were involved in these cases. There is adequate lighting arrangement in the Railway yard at Patna.

(b) The following preventive measures are, however, being taken to avoid incidence of theft and pilferage on the Railways :

(1) Drastic action is taken against Railway Protection Force staff found involved in cases of theft and they are gradually weeded out from the Force.

(2) Crime Intelligence staff of the Railways and Central Crime Bureau, Railway Board are detailed to collect intelligence on receipt of complaints, concerning moral turpitude and involvement of Railway Protection Force personnel in railway crimes with a view to initiating suitable action.

(3) All India drives are being organised for the prevention of thefts and pilferages on the Railways.

(4) To make the Force more effective, the Railway Protection Force is proposed to be re-organised by dividing it into a Protection Branch, a Prosecution Branch, an Investigating Branch and an Intelligence Branch, in addition to the Fire Service Branch.

(5) Emphasis is being laid on proper packing and marking of packages, locking rivetting of wagons, close supervision over loading and unloading of packages and maintenance of close co-ordination between the Railway Protection Force, the Government Railway Police and the local Police for the prevention of incidence of thefts and pilferages.

**Report of the Single-Member  
Railway Labour Tribunal**

2190. SHRI ISHAQ SAMBHALI : Will the Minister of RAILWAYS be pleased to state :

(a) whether a Single-Member Railway Labour Tribunal was appointed by Ministry of Railways to go into the question of increase in the Pay Scales of Running staff some three years back; and

(b) when the report is likely to be submitted ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) Yes; this was one of the Terms of Reference, besides seven others, of the Tribunal.

(b) The hearings have not yet been completed by the Tribunal. It is not possible to state precisely when the report will be available, but it is expected that it will take four or five months more.

**Underground Railway for Calcutta**

2191. SHRI B. K. DASCHOWDHURY:  
SHRI MUKHTIAR SINGH  
MALIK :  
DR. LAXMINARAIN PANDEYA:

Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have completed the study of the Survey Report of Underground Railway system for Calcutta;

(b) if so, the outcome thereof; and

(c) the time by which it is likely to be completed and at what cost ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) No.

(b) Does not arise.

(c) It is likely to take seven years for completion at an estimated cost of Rs. 140 crores.

**Scarcity of Drinking Water at  
Lumding Railway Township**

2192. SHRI MOHAMMAD ISMAIL : Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of Government has been drawn to acute scarcity of drinking water in Lumding Railway Township;

(b) if so, the extent of scarcity;

(c) whether Government have conducted any survey to assess the availability of drinking water in this township; if so, the finding of the survey; and

(d) the steps taken by Government to ensure the supply of sufficient quantity of drinking water in this township ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) Yes.

(b) Only during hot weather, scarcity to the extent of 1.25 lakhs to 3.65 lakhs gallons daily was experienced in the past.

(c) All available sources of water supply at Lumding have been tapped by the Railway Administration.

(d) The water supply to the Railway colony at Lumding is being augmented from

time to time. A scheme for augmentation of water supply is under execution.

**Demands of Employees of Foreign Traffic Accounts Office, Delhi (Western Railway)**

2193. SHRI MOHAMMAD ISMAIL : Will the Minister of RAILWAYS be pleased to state :

(a) whether meetings and demonstrations were held in the Foreign Traffic Accounts Office Western Railway, Delhi on the 27th August, 17th September and 22nd October, 1971;

(b) if so, the demands of the employees and the reasons for not acceding to the same up till now; and

(c) the steps taken by Government to finalise the matters ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Yes, on the 28th August, 17th September, and 22nd October, 1971.

(b) and (c). The demands of the employees were :

- (1) promotion of Class IV staff to Class III cadre;
- (2) filling up existing vacancies;
- (3) creation of additional posts in Foreign Traffic Accounts Office;
- (4) supply of adequate uniforms to Class IV staff;
- (5) action against certain staff of Foreign Traffic Accounts Office for alleged misbehaviour towards a Daftry; and
- (6) allotment of quarters.

As regards (1) and (2) above, a written test for selection of Class IV staff for promotion to Class III cadre and to fill up the

existing vacancies thereby has been held on 24-11-1971.

As regards (3), creation of 17 posts has been ordered. The question of creation of additional posts, as also the demands listed at items (4) to (6) is under consideration.

**Export of Persian Carpets**

2194. SHRI G. Y. KRISHNAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether India is exporting Persian Carpets; and

(b) if so, the capacity per year for their manufacture in the country and the amount of foreign exchange earnings on account of export thereof annually ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Persian type carpets are exported from India.

(b) The production of Persian design carpets in the country is approximately Rs. 160 lakhs annually. It could be organised upto Rs. 300 lakhs annually or more depending upon the demand from foreign countries. No export statistics of Persian design carpets are maintained separately.

**पश्चिम रेलवे के कर्मचारियों को मकान**

2195. श्री भागीरथ अंबर : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) पश्चिम रेलवे में ऐसे अधिकारियों तथा कर्मचारियों की बम्बई, बड़ीदा, रतलाम, कोटा, उदयपुर, अहमदाबाद, भावनगर, राजकोट और जयपुर आदि में अलग-अलग संख्या कितनी है जो कि विभागीय तौर पर क्वार्टर प्राप्त करने के पात्र हैं परन्तु जिनको सरकारी क्वार्टर नहीं दिये गये हैं; और

(ख) क्या रेलवे अधिकारियों तथा

कर्मचारियों की आवास समस्या को हल करने के लिए सरकार ने कोई योजना बनाई है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख). सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी।

उच्च श्रेणी रेलवे कंडक्टर, श्री दुबे  
पर घातक हमले के षडयंत्र  
की शिकायत

2169. श्री भागीरथ भंडार : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) 11 अक्टूबर, 1971 को पश्चिम रेलवे के कोटा स्टेशन पर उच्च श्रेणी के रेलवे कंडक्टर श्री एस० डी० दुबे, पर घातक हमले के षडयंत्र के बारे में शिकायत किस तारीख को प्राप्त हुई थी;

(ख) क्या कोटा के डिबीजनल सुपरिटेण्डेंट को श्री दुबे पर घातक हमले के षडयंत्र के बारे में पूर्व सूचना दे दी गयी थी; और

(ग) शिकायत का सारांश क्या है और उस पर अब तक क्या कार्यवाही की गई ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) से (ग). 15-8-1971 को मण्डल अधीक्षक, कोटा को श्री दुबे से एक शिकायत मिली थी लेकिन उसमें श्री दुबे पर किसी घातक हमले के षडयंत्र का उल्लेख नहीं था। शिकायत, पहले दर्जे के सवारी डिब्बे पर स्टेशन हाउस अधिकारी, सरकारी रेलवे पुलिस, कोटा, एक चाल टिकिट परीक्षक और एक बाहरी व्यक्ति द्वारा अनियमित रूप से कब्जा करने के संबंध में थी। सरकारी रेलवे पुलिस अधिकारी, कोटा ने श्री दुबे को भयंकर परिणामों की धमकी दी थी। यह शिकायत जांच के लिए पुलिस अधिकारियों को भेज दी गयी थी।

जोधपुर स्टेशन पर बेकार पड़े घायल टैंक

2197. श्री महा दीपक सिंह शाक्य : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राजस्थान राज्य में जोधपुर स्टेशन पर आयल टैंक कुछ दिनों से लेकर महीनों तक बेकार पड़े रहते हैं;

(ख) क्या इस कारण रेलवे विभाग को प्रतिवर्ष लाखों रुपए की हानि उठानी पड़ती है; और

(ग) यदि हाँ, तो इसके लिए उत्तरदायी कर्मचारियों के विरुद्ध सरकार ने क्या कार्यवाही की है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) पिछले छः महीनों के दौरान ऐसे कुछ मौके आये जबकि जोधपुर भंडार डिपो, उत्तर रेलवे को बुक किए गये लड़े टंकी माल-डिब्बे कुछ दिन तक रोके गये। ऐसा तब हुआ जब माल डिब्बे सामान्य सप्लाइ क्षमता से अधिक संख्या में प्राप्त हुए।

(ख) और (ग). चूंकि टंकी माल डिब्बों के इस प्रकार रुके रहने से रेल परिसम्पत्तियों के उपयोग पर प्रतिकूल प्रभाव पड़ता है, अतः यह सुनिश्चित करने के लिए कार्यवाही की गई है कि इस यातायात की बुकिंग नियमित की जाय ताकि डिपो की सप्लाइ क्षमता से अधिक माल-डिब्बों की बुकिंग न होने पाये। इस आशय की भी हिदायतें जारी कर दी गयी हैं कि यदि ऐसे माल-डिब्बे एक साथ आ जायें तो उन्हें अविलम्ब मुक्त करने का विशेष प्रयास अवश्य किया जाय।

Foreign Exchange earned by  
Exporting Manganese Ore

2198. SHRI RAJA KULKARNI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the annual earning in foreign exchange as a result of export of manganese ore to foreign countries; and

(b) the steps taken by Government to explore more foreign markets for Indian manganese ore ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) During the year 1970 the foreign exchange earning on account of manganese ore export was Rs. 13.25 crores.

(b) Exports of the manganese ore canalised through the Minerals and Metals Trading Corporation of India Limited, except ore produced/acquired by the Manganese Ore (India) Ltd., MMTC through its selling agents, special delegations and Indian Trade Missions in the major steel producing countries, keeps in touch with the buyers and important consumers of manganese ore. Besides MMTC, other established shippers, mine-owners have also been given freedom to negotiate business directly and enter into contracts with the foreign buyers subject to the prior approval of MMTC with regard to price and other terms and conditions.

Indian manganese ore in the past was exported to almost all the major steel producing countries of the world with the exception of the USSR, which itself is a major producer of manganese ore. In this context, and keeping in view the limitations in the internal availability of acceptable grades of ores, the possibility of exploring more markets for Indian manganese ore is rather limited.

#### **Export Trade of Textiles and Mica**

2199. SHRI AMAR NATH CHAWLA :  
SHRI SAT PAL KAPUR :

Will the Minister of FOREIGN TRADE be pleased to state :

(a) the present volume of export trade in textiles and mica; and

(b) the efforts made to make Indian textiles competitive abroad and to find out new markets

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). A statement is attached.

#### *Statement*

<i>Exports of textiles &amp; Mica</i>	<i>(Rupees crores)</i>		
	1969	1970	1971*
Mill made cotton textiles	105.19	116.49	83.10
	<i>(*Jan-Oct. provisional)</i>		

	<i>(Rupees crores)</i>					
	1968-69		1969-70		1970-71	
	Qty.	Val.	Qty.	Val.	Qty.	Val.
Mica	209.6	15.50	242.6	17.47	268.5	17.17

#### *Steps taken to increase exports —*

- (i) Arranging import of adequate quantity of cotton;
- (ii) Allotment of foreign cotton to exporting mills against firm export orders;
- (iii) Cotton stock limits for exporting mills have been relaxed;
- (iv) import of sophisticated textile machinery, not manufactured in the country, to mills exporting twenty per cent of their exports has been allowed;
- (v) scheme for grant of soft loans for the modernization of export oriented cotton textile mills is expected to be announced shortly;
- (vi) To boost exports further and find new markets, exhibitions, fair and fashion shows are being arranged in various markets and due publicity is being given.

#### **"Operation Mughal Sarai" Pilot Project to curb Thefts and Pilferage of Railway Goods**

2200. SHRI AMAR NATH CHAWLA :  
SHRI RAJDEO SINGH :

Will the Minister of RAILWAYS be pleased to state :



(a) how far the 'Operation Mughalsarai' pilot project launched to curb large-scale thefts and pilferage of Railway property and goods in transit in the Mughalsarai Marshalling Yard has proved successful; and

(b) whether the seasoned criminals have again become active ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Operation Mughalsarai has proved effective. As a result of this operation during the last 12 months from November, 1970 to October, 1971, property valued at Rs. 69,448/- was recovered out of the stolen property worth Rs. 2,00,775/- and 18 notorious criminals were apprehended. Moreover, both Northern and North Eastern Railway administrations have been greatly benefited by this Operation.

(b) No, as a result of strict watch being kept on such criminals, their activities have been curbed to a great extent.

**Blowing up of Railway Track near Karimganj Railway Station (Northeast Frontier Railway)**

2201. **SHRI NAWAL KISHORE SHARMA :** Will the Minister of RAILWAYS be pleased to state :

(a) whether Railway track near Karimganj Railway Station in Assam was blown up on the 16th September, 1971;

(b) if so, the number of casualties;

(c) whether this was an act of sabotage by Pakistani saboteurs; and

(d) the steps which Government propose to take to maintain the safety of the railway lines in that area ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Yes, but on 15.9.71.

(b) One passenger died and 12 others sustained injuries.

(c) Suspected to be an act of Pakistani Saboteurs/Agents.

(d) The Government have taken the following steps to maintain the safety of the railway lines in that area :

1. Security patrolling by the Police/Home Guards;

2. Track patrolling by Police/Home Guards/Village Defence Party members in conjunction with the Railway gangmen;

3. Guarding of vital Railway installations and important bridges by armed police and home guards;

4. Searchlight patrolling by 59 mount brigade;

5. Suspension of night running of passenger trains in vulnerable sections;

6. Observation posts have been set up at important railway stations;

7. Three metres belt on either side of the track in vulnerable areas has been declared as protected area under the Assam Maintenance of Public Order Act, 1947;

8. Imposition of punitive tax on two villages bordering East Pakistan territory;

9. Arousing consciousness amongst villagers adjacent to railway track against acts of sabotage by Pakistan Agents;

10. Rewarding persons responsible for timely detection of sabotage activities; and

11. Checking passenger's luggage in trains in vulnerable areas.

**Burning of Transformers Belonging to Sub-Station in Eastern Railway**

2202. **SHRI ROBIN SEN :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether two transformers of 132/25 K.V. at Durgapur Grid Sub-Station and two

transformers of the same capacity at Kumardhubi Sub-Station in Eastern Railway were burnt in 1969 and 1971 respectively;

(b) if so, whether any enquiry has been made in the matter and if so, the outcome thereof; and

(c) the action taken in the matter ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) Yes, Sir.

(b) and (c). From a joint investigation carried out by the representatives of the Railways and of the Damodar Valley Corporation, it appears that at Durgapur, the cause of failure was successive switching on of the transformers during location of railway track faults. The Railways have taken action to modify the procedure for track inspection. In respect of the failure at Kumardhubi, the joint team's investigations which were completed in the end of October, 1971, indicate that the failure was due to burning out of the trip coil in the 25 KV. trip breaker. The main recommendations of team relate to replacement of insulating sleeves, more frequent testing of relays, modification of operating procedures, trip mechanism and charging circuit. The Damodar Valley Corporation is taking action to rectify the deficiencies observed.

**Accident between Goods Trains at Kalubathan Station in Asansol Division (Eastern Railway)**

2203. **SHRI ROBIN SEN :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there was an accident between two goods trains at Kalubathan Station in Asansol Division, Eastern Railway on the 3rd October, 1971;

(b) if so, the total number of casualties and the names and designation of the persons killed;

(c) whether any on the spot enquiry was held; if so, whether some brakes were found defective; and

(d) the action taken against the persons responsible ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Yes. A collision took place between Electric Crack Goods trains No. 632 Down and No. 634 Down.

(b) In this accident, 3 persons were killed and one sustained grievous injuries. The names and designations of the persons killed are given below :

<i>Name</i>	<i>Designation</i>
1. Shri J. N. Sinah	Guard of Electric Crack Goods train No. 632 Down.
2. Shri R. N. Mitra	Driver of Electric Crack Goods train No. 634 Down.
3. Shri U. S. Rai	Assistant Driver of Electric Crack Goods train No. 634 Down.

(c) An inquiry has been held. According to the findings of the Inquiry Committee, the accident was due to inadequate brake power of Electric Crack Goods train No. 634 Down.

(d) Suitable disciplinary action is being taken against the defaulting staff.

**Trade between India and USSR under Long-term Agreement**

2204. **SHRI K. BALATHANDAYUTHAM :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the trade between India and USSR is carried out on balanced basis under long term trade agreements;

(b) if so, the salient features thereof; and

(c) whether all accounts are settled in Indian Rupees ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Yes, Sir.

(b) Trade between India and USSR is carried out on balanced basis under long term Trade and Payments Agreement signed on 26.12.70 in New Delhi for five years from 1971 to 1975. Copies of the Agreement have been supplied to the Parliament Library.

(c) All payments of a commercial and non-commercial nature between India and the USSR are affected in Indian rupees in accordance with the existing Agreement.

#### **Indo-Soviet Trade Co-operation**

2205. SHRI K. BALATHANDAYUTHAM : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the main trend of Indo-Soviet Trade Cooperation in 1971-75 is the growth of Soviet assistance to Indian Industrial Development through increased deliveries of machinery and equipment, crude products and materials; and

(b) if so, the main points thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). The existing Trade and Payments Agreement between India and USSR which is valid upto December, 1975, envisage *inter alia*, imports into India of machinery keeping in view our indigenous production, components and spares for Soviet-assisted projects, ships, kerosene, oils and lubricants, rolled steel products, basic metals, raw materials fertilizers, etc. The quantum of these imports for each year will, however, have to be negotiated between the two Governments while preparing Annual Trade Protocols.

#### **Confirmation and Prospects of Promotion of Assistant Engineers**

2207. SHRI BISHWANATH JHUNJHUNWALA : Will the Minister of RAILWAYS be pleased to state :

(a) whether the temporary gazetted Assistant Engineers in a representation to the Minister have ventilated their grievances in regard to their confirmation and prospects of promotion;

(b) whether Engineers have requested that the recommendation made by the Administrative Reforms Commission that persons with two years service in this grade should be made permanent be accepted; and

(c) if so, their grievances and whether Government have considered them and if so, the steps taken to redress them ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHALYA) : (a) Yes.

(b) There is no such recommendation of the Administrative Reforms Commission relating to temporary officers of Railways. The Study Team on the Personnel Administration set up by the Administrative Reforms Commission have made some observations in respect of temporary Government servants. These are being looked into by the concerned authorities.

(c) Representations received from temporary Engineers from time to time are considered and appropriate action taken.

#### **Linking of Rajasthan Canal with Kandla Port**

2208. SHRI BISHWANATH JHUNJHUNWALA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government are considering any proposal to link Rajasthan Canal with Kandla Port;

(b) whether any decision has been taken in this regard; and

(c) whether any outlay has been worked out for the project and when the work will be taken in hand ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No, Sir.

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

#### Requirement of Power in States

2209. SHRI R. P. ULAGANAMBI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the State-wise and region-wise requirement of power in the country for the next five years has been assessed by the Committee set up for this purpose; and

(b) if so, the broad recommendations of the Committee ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The Seventh Annual Electric Power Survey Committee has not yet finalised its report. The work of the Committee is in progress.

(b) Does not arise.

#### Committee on Minimising Break-downs and Improving Low Voltage Conditions in Power Supply in Rural Areas

2210. SHRI R. P. ULAGANAMBI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Committee set up to go into the question of minimising break-downs in Power supply and improving low voltage conditions in rural areas has submitted its report; and

(b) if so, the main recommendations thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The Committee has recently submitted its report. This is a technical report and the main recommendations of the report deal with planning and design of the distribution systems, use of standard and tested materials, regular inspection of the distribution systems, systematic recording and analysing of the various types of faults to enable adoption of remedial measures, better operation and maintenance practices, training of staff, etc.

#### रेलवे विभाग की नियम पुस्तकों का हिन्दी अनुवाद

2211. श्री जगन्नाथ मिश्र : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) उनके मंत्रालय द्वारा अब तक कितनी नियम-पुस्तकें हिन्दी में अनुवाद के लिये केन्द्रीय निदेशालय को भेजी गई हैं;

(ख) उनमें से किन-किन नियम पुस्तकों का अनुवाद निदेशालय से किस-किस तारीख को रेल मंत्रालय को प्राप्त हुआ;

(ग) उन अनूदित नियम पुस्तकों में से कौन-कौन सी पुस्तकें हिन्दी में अथवा हिन्दी-अंग्रेजी द्विभाषिक रूप में छापी जा चुकी हैं और उनमें से किन-किन को अभी छापना बाकी है; और

(घ) शेष अनूदित पुस्तकों को हिन्दी में अथवा हिन्दी-अंग्रेजी द्विभाषिक रूप में यथा-शीघ्र छापने के लिये क्या कार्यवाही की जा रही है तथा इस काम को कब तक पूरा करने का विचार है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) छः।

(ख) नियमावली का नाम	अनुवाद प्राप्त होने की तारीख
1. कार्यालय पद्धति नियमावली	सितम्बर, 1964
2. भारतीय रेल वाणिज्य नियमावली भाग I और II	{ भाग-I अक्टूबर, 1970 में । { भाग-II दिसम्बर, 1970 में ।
3. भारतीय रेल सिगनल इंजीनियरी नियमावली	अप्रैल, 1970
4. भारतीय रेल स्थापना नियमावली	दिसम्बर, 1969
5. भारतीय रेल पथ और निर्माण नियमावली	अक्टूबर 1971
6. सांख्य की अनुदेश नियमावली भाग II	अक्टूबर, 1968

(ग) कार्यालय पद्धति नियमावली (उपर्युक्त भाग (ख) की मद 1) हिन्दी-अंग्रेजी द्विभाषिक रूप में छापी जा चुकी है।

अन्य सभी नियमावलियाँ अभी हिन्दी-अंग्रेजी द्विभाषिक रूप में छापी जानी हैं।

(घ) हिन्दी अनुवाद प्राप्त हो जाने के बाद नियमावलियों के प्रकाशन के संबंध में तीन चरणों में कार्यवाही की जाती है। सबसे पहले पुस्तक के हिन्दी अनुवाद के पश्चात् जारी हुए सभी संशोधनों को अंग्रेजी की मूल पुस्तक में शामिल करके उसे अद्यतन किया जाता है। दूसरे, अनुवाद को नव निर्मित तकनीकी शब्दावली के अनुसार संशोधित किया जाता है और तीसरे इस मंत्रालय के संबंधित विदेशालय हिन्दी अनुवाद की तकनीकी दृष्टि से जाँच करते हैं। हिन्दी-अंग्रेजी पांडुलिपियाँ छापने के लिए मुद्रणालय को तभी दी जा सकती हैं जबकि उपर्युक्त तीनों चरणों का काम समाप्त हो जाय। ऐसी स्थिति में अभी यह बताना संभव नहीं है कि यह काम कब तक पूरा हो सकेगा।

#### Sabotage Activities on Rajdhani Track between Delhi and Howrah

2212. SHRI S. C. SAMANTA : Will the Minister of RAILWAYS be pleased to state :

(a) whether frequent attempts of sabotage have been made on Delhi-Howrah track of Rajdhani Express;

(b) if so, the steps taken to safeguard the track against such attempts;

(c) whether on the 24th October, 1971 a piece of wood was found near the Rail track between Jhinhak and Ambiapur on Northern Railway and the driver stopped the train by applying emergency brake; and

(d) if so, whether any damage was caused to the train or to the track ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Only one such incident took place recently on 26.3.1971.

(b) The steps taken are :

1. Security patrolling by RPF, Engineering gangmen has been introduced;

2. Joint patrolling by RPF and State Police is also being done at vulnerable places;

3. The State Police is asked to guard bridges and culverts at the time of passing of trains;

4. The villagers residing in the immediate vicinity of the railway track are made conscious against such acts of sabotage on railway track and serious consequences they entail;
5. Persons giving timely information leading to detection of sabotage are suitably rewarded; and
6. Escorting of the train by RPF personnel;

(c) Yes, but the incident took place on 23.10.1971.

(d) A minor damage was caused to the engine but no damage was done to the track.

#### **Electrification of Panskura-Haldia Railway Line**

2213. SHRI S. C. SAMANTA : Will the Minister of RAILWAYS be pleased to state :

(a) when the newly built Panskura-Haldia Railway line is likely to be electrified;

(b) the reasons why the full construction of the line including the port area has been delayed;

(c) whether laying a second line is under contemplation; and

(d) whether casual labour of this line unemployed at present will be given preference in electrification work ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Some time in 1973.

(b) Line between Panskura to Durgachak (59.48 Kms.) has been opened to Goods Traffic since 16.1.1969. Line between Durgachak to Haldia (10.18 Kms.) is planned for completion in June, 1972. There has been no delay in the construction of this line. It is proposed to synchronize the completion of the line with the requirements

of Port Authority, who are themselves executing the work in the port area.

(c) No.

(d) No.

#### **Complaints against the Canteen Contractor of a Canteen at Indore Railway Station**

2214. SHRI SHASHI BHUSHAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government had sent a team of Officers to enquire into complaints against the Canteen run by Shri Gurmani at Indore Railway Station;

(b) the contents of report submitted by the team;

(c) whether this team of Officers had made enquiries from Journalists Members of Parliament and other high dignitaries of the locality; and

(d) the action Government proposes to take in the matter ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No.

(b) to (d). Do not arise.

#### **Compensation paid by Railways to Food Corporation of India**

2115. SHRI SHASHI BHUSHAN : Will the Minister of RAILWAYS be pleased to state :

(a) the total amount of compensation paid by Railways to the Food Corporation of India for damage to food grains transported in open wagons during this year;

(b) the comparative figures of such payments to the Corporation during the last two years;

(c) whether certain Officers settle the claims arbitrarily; and

(d) If so, the designation and names of those persons and the action taken or proposed to be taken against them ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Rs. 7,624/- (represents the amount of compensation paid from April, 1971, to September, 1971, on all Railways, excepting South Eastern Railway and for South Eastern Railway from April, 1971 to June, 1971).

(b) The comparable figures of such payments to the Corporation during the last two years are as under :—

April, 1969, to September, 1969	Rs. 22,828/-
April, 1970, to September, 1970	Rs. 17,022/-

(c) No.

(d) Does not arise.

#### **Completion of Works Programmes**

2216. **SHRI SHASHI BHUSHAN :** Will the Minister of RAILWAYS be pleased to state :

(a) the number of works included in the Works Programme for this year to be undertaken at various places in the country;

(b) the total amount involved therein;

(c) the break up of these Programmes State-wise; and

(d) the steps taken by Government to ensure that these Works Programmes are completed within the stipulated time so that revised estimates are not required to be sanctioned ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) One thousand and thirty six new works.

(b) (i) Total Cost : Rs. 144 crores approximately.

(ii) Outlay for 1971-72 : Rs. 28.57 crores.

(c) Break up of the Works State-wise is not compiled; and

(d) The progress of the works is reviewed periodically and action taken as necessary to adhere to the Scheduled Programme of execution and target dates.

#### **Holding up of a Train by a Mob of students at Arrah Station (Eastern Railway)**

2217. **SHRI MUHAMMED SHERIFF :** Will the Minister of RAILWAYS be pleased to state :

(a) whether a mob of students held up a train at Arrah Station (Eastern Railway) and police fired on them on the 4th November, 1971; and

(b) if so, whether any enquiry has been held in the matter, and if so the outcome thereof ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) Yes.

(b) The Government Railway Police Arrah has registered a case No. 1 dated 4.11.71 u/s 147/149/307/337 IPC and section 126/128/121 of Indian Railway Act and investigations are in progress.

#### **Resting facilities to Special Train Examiners Ferozepur Division (Northern Railway)**

2218. **SHRI ISHAQ SAMBHALI :** Will the Minister of RAILWAYS be pleased to state :

(a) whether General Manager, Northern Railway vide letter No. 96OE/101/C-26 (2)NRMV/E Union dated the 18th October, 1971 has approved the action of Divisional Superintendent, Ferozepur for providing cooking facilities to Special Train Examiners to the extent of providing separate cook and bearer exclusively for their use in Ludhiana Running Room;

(b) whether Special Ticket Examiners are simply allowed resting facilities which include only a place of resting and exclude mattresses, Pillows, Bed Sheets, Blankets etc;

(c) whether the orders *vide* item (a) are in contravention of Board's directive; and

(d) if reply to parts (b) and (c) be in the affirmative the action proposed to be taken in this matter ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) The Running Rooms at Ludhiana, Pathankot and Amritsar were being used by the Special Ticket Examiners in accordance with extant orders, as there was spare capacity available after the use of the facilities by running staff. However, at Ludhiana, some dispute arose between the Special Ticket Examiners and Guards and it was found possible to rearrange the rosters of cooks and bearers in such a manner that there was no clash between service of food to the running staff on the one hand and Special Ticket Examiners on the other hand. No additional cook and bearer have been provided for the Special Ticket Examiners.

(b) In terms of the Railway Board's extant instructions, STes/TTEs are normally allowed only the resting facility in the Running Rooms. In certain Running Rooms, however, the other facilities including food can also be extended to these staff where such use does not inconvenience the regular running staff.

(c) No.

(d) Does not arise.

**Cause of damage by Floods in Kanakul, Hooghly District, West Bengal**

**2219. SHRI BIJOY MODAK :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether one of the main reasons for the damage by floods in Kanakul, Hooghly District, West Bengal was the failure of Government to repair the river embankments annually in time; and

(b) if so, the reasons for not repairing the embankments in time ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) and (b). The Kanakul area in Hooghly District lies between the unembanked reaches of the right bank of Mundeswari and the left bank of Darakeswar and as such, the flooding in the area is due to the spilling of the rivers when in high floods.

**Steps to Promote Exports from Kerala**

**2220. SHRI C. JANARDHANAN :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Kerala's exports this year have come almost to a standstill;

(b) if so, the reasons therefor; and

(c) the steps taken by Government to promote exports from Kerala ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) to (c). State-wise export Statistics are not being compiled presently and as such it is difficult to analyse the trend of exports from any single State.

**Contract of construction Works to Unemployed Engineers**

**2221. SHRI B. R. SHUKLA :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any scheme to give contracts of various types of construction works on the Indian Railways only to unemployed engineers or Co-operative Societies formed by them; and

(b) if so, the main features thereof ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) A Scheme of this nature is still under consideration.

(b) Details are yet to be worked out.



**Scarcity of Power in Eastern Districts of Uttar Pradesh**

2222. SHRI B. R. SHUKLA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there is widespread scarcity of power in the Eastern Districts of Uttar Pradesh and incidence of power failures is alarming;

(b) whether in view of the identification of most of the districts in the region as industrially backward areas, Government propose to improve the generation of power there; and

(c) if so, the outline of the proposal, and if not, how Government propose to industrialise the areas ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) There is a general scarcity of power in the whole of Uttar Pradesh as the generation of power has not been keeping pace with the growing demand for it by agriculture and industry and this is affecting the eastern districts also. There have been a few power failures caused by faults on transmission lines during recent months but their incidence has not been heavy.

(b) and (c). 300 MW of additional generating capacity are being added at Obra Thermal Power Station where three generating units of 100 MW each are scheduled for commissioning within the Fourth Plan. A further 1,400 MW of thermal generating capacity has been proposed to be added within the decade plan 1971-81 in Eastern Uttar Pradesh.

**Looting of Passengers in Sealdah Division on Sundays**

2223. SHRI S. P. BHATTACHARYYA : Will the Minister of RAILWAYS be pleased to state :

(a) whether the attention of Government has been drawn to the increase in the inci-

dence of snatching away of purses and valuables from Railway passengers on the Sealdah Railway Station on Sundays by a gang which operates between Sealdah and Dum-Dum Junction on Eastern Railway;

(b) whether G. R. P. has failed to check these incidents;

(c) if so, the reaction of Government thereto; and

(d) the steps taken by Government to ensure security of the passengers ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Yes, there has been a slight increase in such incidents on Sundays.

(b) Govt. Railway Police has not quite failed because such incidents have shown an overall decreasing trend in 1971 (Upto October) as compared to 1970.

(c) and (d). The following steps have been taken :

(i) Special pickets including plain clothes staff have been posted at different plague spots/areas as well as in trains to watch the movement of the criminals.

(ii) Govt. Railway Police escorts are provided on important night passenger trains.

(iii) Strict instructions have been issued to the Railway Protection Force staff, on duty in yards or station platforms for guarding railway property, to rush to the scene of crime and render all possible help to the victims.

**Scarcity of Irrigation Water in Flood-Affected Areas of Howrah, West Bengal**

2224. SHRI SAMAR MUKHERJEE : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the acute scarcity of irri-

gation water in the large-flood-affected areas of Howrah, District, (West Bengal) due to non-electrification of tube wells;

(b) if so, the extent thereof;

(c) the reasons for the non-electrification of tube-wells;

(d) whether Government propose urgent measures to electrify the tube-wells and remove the scarcity of water; and

(e) if not, the reasons thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). 16 State tubewells have been energised in the district of Howrah till the beginning of the current year. During the current year it is programmed to energise 33 tubewells out of which 20 relate to flood relief schemes. Out of these 20 tubewells, 4 have been energised and 9 in respect of which work was delayed on account of the monsoons are expected to be energised by the end of December, 1971. In the case of the remaining 7, work has been completed in respect of internal wiring, testing etc. and necessary deposits are being affected by the Department of Agriculture in order to enable the West Bengal State Electricity Board to take up immediately the work of energisation. In respect of 13 tubewells under the normal programme, one tubewell has already been energised and the remaining 12 are expected to be energised by March, 1972.

**Delegation of Powers to Zonal Railways to deal with Disputes over Auction on Railway Materials**

2225. SHRI NARENDRA SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Zonal Railways have no powers to deal with the cases of disputes arising out of auction of materials;

(b) if so, the reasons therefor; and

(c) whether the desirability of delegating powers to the Zonal Railways to deal with

such cases has been considered; if so, with what results ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No. The Zonal Railways have full powers.

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

**Special Provisions in Auction Notices of Railway Materials**

2226. SHRI NARENDRA SINGH : Will the Minister of RAILWAYS be pleased to state :

(a) whether there are special conditions which are notified in Auction Notices of Railway materials in certain cases by the Railway Board;

(b) if so, the nature of such cases;

(c) whether in cases of any doubt or dispute, the Special Conditions prevail and the Zonal Railways have instructions to repudiate all responsibilities under the General Condition "As is where is"; and

(d) if so, the reasons for this special provisions in such cases ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No.

(b) Does not arise.

(c) No.

(d) Does not arise.

**Priority for Conversion of Narrow Gauge Lines**

2227. SHRI MUKHTIAR SINGH MALIK : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is any proposal under consideration of Government to give top-priority to conversion of narrow gauge lines in the country; and

(b) if so, the names of the narrow gauge lines which are likely to be converted ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA):** (a) and (b). Conversion of particular sections of Government owned Narrow Gauge either into Meter Gauge or Broad Gauge, is always dealt with on the merits of each case having regard to the advantages of such conversion. Recently the uneconomic Branch Lines Committee of 1969 has recommended the conversion of some of the Narrow Gauge lines into Broad Gauge. The recommendations of this Committee are under consideration. However, based on the recommendations of this Committee, Traffic Surveys for the conversion of the following 8 narrow gauge lines have been sanctioned :

1. Raipur—Dhamtari.
2. Kurdwadi—Pandarpur.
3. Rupsa—Talband.
4. Purulia—Kotshila.
5. Chhota Udaipur—Partapnagar.
6. Chuchapura—Tankhala.
7. Krishnanagar City—Shantipur.
8. Northern Section of the Satpura Narrow Gauge Railways on South Eastern Railway.

Surveys for items 1, 2, and 7 have just been completed and the survey reports are at present under examination by the Railway Board. Surveys for the remaining sections are in progress. Each case will be considered on merits after the surveys are completed and reports examined from all angles.

### तोड़-फोड़ और गाड़ियाँ उलटने के कारण रेलवे की हुई हानि

2228. श्री हुसैन खन्दा कछवाय : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) 1 जनवरी, 1970 से अब तक भारतीय रेलवे को तोड़-फोड़ आदि के परिणाम-स्वरूप अनुमानतः कितने रुपये की क्षति हुई है;

(ख) उक्त अवधि में तोड़-फोड़ और गाड़ियों के उलटने की कुल कितनी घटनाएँ हुई हैं; और

(ग) भविष्य में तोड़-फोड़ की ऐसी घटनाओं पर काबू पाने के लिए सरकार का क्या कार्यवाही करने का विचार है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) 32, 82,497.50 रुपये ।

(ख) 417

(ग) निम्नलिखित उपाय किये गये हैं:—

1. पुलिस/होम गार्डों द्वारा सुरक्षा गश्त;
2. रेलवे गैंगवैनों के सहयोग से पुलिस/होम गार्ड/ग्राम रक्षा दल के सदस्यों द्वारा पटरी का गश्त;
3. सशस्त्र पुलिस और होम गार्डों द्वारा प्रमुख रेल संस्थापनाओं और महत्वपूर्ण पुलों की चौकसी;
4. जहाँ आवश्यक है, वहाँ सर्चलाइट सहित गश्त;
5. भेद्य खण्डों पर रात के समय चलने वाली सवारी गाड़ियों का चलना स्थगित करना;
6. पाकिस्तानी एजेंटों की तोड़-फोड़ की कार्यवाहियों की रोकथाम के लिए पटरी के साथ-साथ रहने वाले ग्रामीणों में चेतना उत्पन्न करना;
7. तोड़-फोड़ की कार्यवाहियों का समय पर पता लगाने वाले व्यक्तियों को पुरस्कार देना;
8. प्रभावित क्षेत्रों में गाड़ियों में यात्रियों के सामान की जाँच करना;
9. दण्ड के रूप में कर लगाया; और
10. भेद्य खण्डों में पटरी के दोनों ओर की तीन मीटर पट्टी को लोक व्यवस्था अनुरक्षण अधिनियम, 1947 के अधीन सुरक्षित क्षेत्र घोषित करना ।

स्वेज नहर के बन्द होने के परिणाम-  
स्वरूप आयात और निर्यात पर  
अतिरिक्त व्यय

2229. श्री हुसम चन्द कछवाय : क्या विदेश  
व्यापार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या स्वेज नहर के बन्द होने के  
परिणामस्वरूप सरकार को आयात और निर्यात  
पर भाड़े में अधिक क़या व्यय करना पड़ा है;  
और

(ख) यदि हाँ, तो गत तीन वर्षों में इस  
कारण सरकार को भारतीय और विदेशी मुद्रा  
के रूप में कुल कितना व्यय करना पड़ा ?

विदेश व्यापार मंत्रालय में उप-मंत्री (श्री  
ए० सी० जार्ज) : (क) जी हाँ। स्वेज नहर के  
बन्द हो जाने के परिणामस्वरूप भारत को  
आयातों तथा निर्यातों पर भाड़े में पहले से  
अधिक व्यय करना पड़ रहा है।

(ख) हमारे आयातों/निर्यातों पर दिये गये  
भाड़े के आँकड़े नहीं रखे जाते हैं।

स्वेज नहर के बन्द हो जाने के परिणाम-  
स्वरूप, जहाँ तक सरकारी हिसाब में आयातों  
पर भाड़े के रूप में अतिरिक्त व्यय का संबंध है,  
अनुमान है कि विगत तीन वर्षों में प्रति माह  
1 करोड़ रु० का औसतन व्यय हुआ।

सिन्धु नदी परियोजना में प्रगति

2230. श्री हुसम चन्द कछवाय :

श्री अरविन्द नेटम :

क्या सिन्धु नदी परियोजना में 22 जून,  
1971 के अतिरिक्त प्रश्न संख्या 2750 के  
उत्तर के संबंध में यह बताने की कृपा करेंगे  
कि :

(क) क्या सिन्धु नदी परियोजना के प्रथम

चरण की परियोजना रिपोर्ट पर टिप्पणियाँ इस  
बीच राज्य सरकार को भेज दी गई हैं;

(ख) क्या इस परियोजना के संबंध में  
अंतिम निर्णय कर लिया गया है; और

(ग) उक्त कार्य कब तक आरंभ और पूर्ण  
किया जाएगा ?

सिन्धु नदी परियोजना मंत्रालय में उप-मंत्री  
(श्री बंजनाथ कुरील) : (क) जी हाँ।

(ख) और (ग). केंद्रीय जल तथा विद्युत  
आयोग की टिप्पणियों पर बिहार सरकार का  
उत्तर अभी तक प्राप्त नहीं हुआ है।

बिहार सरकार से स्पष्टीकरण प्राप्त होने  
पर परियोजना पर आगे कार्यवाही की जाएगी।

उत्तर रेलवे में खपाये गये असिस्टेंट  
परमानेंट वे-इंस्पेक्टर की शिकायतें

2231. श्री हुसम चन्द कछवाय : क्या रेल  
मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर रेलवे में असिस्टेंट परमानेंट  
वे-इंस्पेक्टर के रूप में अब खपाये गये पश्चिम  
रेलवे के भूतपूर्व असिस्टेंट इन्स्पेक्टर आफ वेज  
के किये गये कथित अन्याय के संबंध में  
उन्हें 20 जुलाई का अन्धावेदन संख्या बी०  
एन० ए०/ईजिग/70 प्राप्त हुआ है;

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

(ग) उस पर क्या कार्यवाही की गयी है ?

रेल मंत्री (श्री के० हनुमन्तया) :  
(क) जी हाँ।

(ख) डा० बी० एन० अस्तनी, संसद  
सदस्य, राज्य सभा से एक नोट उनके 20-7-70  
के पत्र सं० बी० एन० ए०/ईजी०/70 के

साथ प्राप्त हुआ था जिसमें सहायक रेल पथ निरीक्षकों के रूप में आमेलित किये गये पश्चिम रेलवे के भूतपूर्व सहायक निर्माण निरीक्षकों की शिकायतों का ध्वारा दिया गया था।

उनका संबंध निम्नलिखित बातों से था—

1. पश्चिम रेलवे में सहायक निर्माण-निरीक्षकों के फालतू होने की घोषणा उनकी वरिष्ठता के क्रम से नहीं की गयी;
2. वरिष्ठों की सेवाएँ पहले समाप्त कर दी गयीं जबकि कनिष्ठों को सेवा में लगे रहने दिया गया;
3. छंटनी संबंधी क्षतिपूर्ति का भुगतान और सेवा-भंग का माफ किया जाना;
4. वेतन निर्धारण;
5. सहायक निर्माण निरीक्षक के रूप में की गयी सेवा को ध्यान में रखते हुए सहायक रेल-पथ निरीक्षकों के रूप में वरिष्ठता का निर्धारण; और
6. पश्चिम रेलवे पर सहायक निर्माण निरीक्षक के रूप में फिर से आमेलित करना।

(ग) इन शिकायतों की जाँच की गयी और स्थिति इस प्रकार है :—

- (1) और (2) : पश्चिम रेलवे में सहायक निर्माण निरीक्षकों को वरिष्ठता के प्रतिलोम क्रम में फालतू घोषित किया गया था। उनमें से ऐसे लोगों को जिन्होंने बलक के रूप में अपनी वैकल्पिक नियुक्ति अस्वीकार कर दी थी, सेवा-मुक्त कर दिया गया। बाद में, उन्हें उन अन्य लोगों के साथ जिन्होंने वैकल्पिक नियुक्ति स्वीकार कर ली थी,

उत्तर रेलवे या पश्चिम रेलवे पर सहायक रेलपथ निरीक्षक के पद के लिए विकल्प दिया गया। गांधीधाम आदि में निर्माण यूनिट में सहायक निर्माण निरीक्षकों के कुछ ऐसे मामले थे जिनमें कनिष्ठ सहायक निर्माण निरीक्षक अपने पद पर काम करते रहे क्योंकि उनका कार्यभार ग्रहण करने वाले (उनसे वरिष्ठ सहायक निर्माण निरीक्षक) समय पर उनसे कार्यभार ग्रहण नहीं कर सके, इसका कारण यह था कि वे झुंड-कांडला परियोजना जहाँ काम चालू था, में व्यस्त थे। उनमें से कुछ वरिष्ठ सहायक निर्माण निरीक्षक बलक के रूप में वैकल्पिक नियुक्ति में गांधीधाम आदि के कनिष्ठ सहायक निर्माण निरीक्षकों से पहले आमेलित कर लिये गये।

3. जहाँ भी देय और आवश्यक है, संबंधित सहायक निर्माण निरीक्षकों का सेवा भंग माफ करने और उन्हें छंटनी क्षतिपूर्ति भुगतान करने के प्रश्न पर पश्चिम रेल प्रशासन विचार कर रहा है।
4. वर्तमान आदेशों के अनुसार, फालतू घोषित हो जाने पर किसी निचले पद पर नियुक्ति के मामले में उच्चतर ग्रेड में लिया गया अन्तिम वेतन सुरक्षित करना अनुज्ञेय नहीं है।
5. वैकल्पिक पदों में आमेलित कर्मचारियों को वैकल्पिक पद में वरिष्ठता के लिए पिछली सेवा का कोई अधि लाभ नहीं दिया जाता।
6. पश्चिम रेलवे के उन भूतपूर्व सहायक निर्माण निरीक्षकों को जिन्हें प्रशिक्षण देकर उत्तर रेलवे में सहायक रेलपथ

निरीक्षक के रूप में नियुक्त किया गया है, पश्चिम रेलवे पर सहायक निर्माण निरीक्षक के रूप में स्थानान्तरित करना व्यावहारिक नहीं है।

**Scarcity of Drinking Water at Ranaghat Junction (Eastern Railway)**

2232. SHRIMATI BIBHA GHOSH GOSWAMI : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is an acute scarcity of drinking water at Ranaghat Junction (West Bengal) on Eastern Railway and passengers face a lot of hardship;

(b) whether Government have any plan to sink tubewells at Ranaghat Junction to remedy the position; and

(c) if so, the main features of the plan ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No.

(b) and (c). A proposal to provide two tubewells at the station as standby arrangements is under consideration.

**Report on Sea Erosion in Kerala**

2233. SHRI CHINTAMANI PANIGRAHI : Will the Minister of IRRIGATION AND POWER be pleased to state the action proposed to be taken on the report submitted by Dr. Manoharan regarding sea erosion in Kerala ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : The recommendations of Dr. Manohar have been communicated to the Government of Kerala, who are to examine and implement the same. The State Government have stated that some of the priority works, have already been taken up and that attention is being given to the maintenance of the existing structures as recommended by Dr. Manohar.

**Merger on National Projects Construction Corporation**

2234. SHRI S. N. MISRA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether it is proposed to merge the National Projects Construction Corporation with the National Building Construction Corporation so as to make both the Corporations a viable units; and

(b) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No, Sir.

(b) The National Projects Construction Corporation has developed the required specialisation for undertaking civil works in respect of major irrigation and power projects. Measures are in progress to improve the working of the Corporation.

**Excavation of Dankuni Canal under Lower Damodar Development Scheme**

2235. SHRI DINEN BHATTACHARYYA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government had received any representation from the flood-affected farmers of the villages of District Hooghly, (West Bengal), requesting for the re-excavation of Dankuni Canal and inclusion of flooded marshy lands of Dankuni in the Lower Damodar Development Scheme;

(b) if so, the salient points thereof;

(c) whether Government have considered their demands; and

(d) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (d). The West Bengal State Government

have received a representation from Dankuni Samiti regarding the drainage problem in the area. The State Government have stated that the proposals do not fall within the area to be developed under the Lower Damodar Scheme and that a separate scheme has been prepared at a cost of Rs. 65 lakhs. The scheme consists of :

- (i) Re-excavation of the outfall at Dankuni Drainage Canal at Baidyabati and Bander Bil area;
- (ii) Re-excavation of the Bally Khal upto the mouth of river Hooghly;
- (iii) Re-excavation of the Branch and Main Channels;
- (iv) Remodelling of the existing structures, protection to both banks of Bally Khal and construction of cross drainage works etc.

The scheme comes under the jurisdiction of the Calcutta Metropolitan Development Authority and has been sent to them for administrative approval and financial sanction. It will be implemented when the approval is received.

Schemes for construction of two new sluices at the outfall of Bally Khal and Baidyabati which will also give relief from drainage in the area are under preparation by the State Government.

**Construction of "Pucca" walls around Chittaranjan Locomotive Township**

2236. SHRI DINEN BHATTACHARYYA : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have decided to construct "Pucca" walls around the Chittaranjan Locomotive Township;

(b) the reasons for this decision;

(c) whether Government have received any protest note or memorandum from the employees of Chittaranjan Locomotives against this decision; and

(d) if so, the reaction of Government thereto ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Yes, but only for a certain specified portion and not around the whole Chittaranjan Township.

(b) To provide additional security arrangements against theft and robbery.

(c) Yes, from a section of the employees of Chittaranjan Locomotive Works.

(d) As safety and security of the entire township, is involved the matter was explained to the representationists and the work proceeded.

**Lock out of Kesoram Rayons, Hooghly (West Bengal)**

2237. SHRI DINEN BHATTACHARYYA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the attention of Government has been drawn to the lock out of Kesoram Rayons, Hooghly District (West Bengal) with effect from the 22nd August, 1971;

(b) if so, the reasons therefor;

(c) the total number of workers rendered jobless owing to this lock out; and

(d) the steps taken by Government to lift the lock-out of this mill ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Yes, Sir.

(b) The management alleged acts of indiscipline, go slow and insubordination on the part of the workers.

(c) About three thousand.

(d) The lock-out has since been lifted.

**Paucity of Wagons for Steel lying  
with Steel Plants**

2238. SHRI V. MAYAVAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether due to paucity of Rail wagons nearly 1,25,000 tonnes of finished steel lies dumped in the stock yards of Steel Plants;

(b) whether the turn-round of wagons is also poor to the detriment of development of steel industry; and

(c) the steps taken by the Railways to improve the situation ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No. Finished products from the Steel Plants are usually transported in full. At the end of October 1971, however, about 40,000 tonnes of finished steel was held up in the five Steel Plants after despatch of 3,52,000 tonnes. This was partly due to temporary control of movement via Farakka and Garhara due to breaches and heavy movement of foodgrains and partly due to short availability of BFR stock as the same had to be utilised in large numbers during October for urgent priority moves.

(b) and (c). The turn round of wagons utilised for Steel Plant traffic is higher than the target due to hold up in the Steel Plants and at some of the unloading terminals. The development of steel industry is, however, not allowed to be affected for shortage of wagons as adequate wagons are supplied for loading raw materials to and finished products from the Steel Plants inspite of heavy detention to these wagons with the Steel Plants.

**Financial Assistance Sanctioned  
under Cardamom Replanting  
Finance Scheme**

2239. SHRI V. MAYAVAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the number of cases and the quantum of financial assistance sanctioned under Car-

damom Replanting Finance Scheme during 1970; and

(b) the number of cases approved in Tamil Nadu and the number of cases pending approval ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Thirty-two cardamom growers were sanctioned a loan of Rs. 1,42,800 during 1970-71.

(b) Two cardamom growers were sanctioned a loan of Rs. 18,000 during 1970-71. Five applications are pending as the applicants are yet to complete the requirements under the scheme.

**Incentive subsidy to Cardamom  
Planters**

2240. SHRI V. MAYAVAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the remaining 3,150 acres out of the target of 6,000 acres in which Cardamom is cultivated have been covered by the distribution of plant protection chemicals and manure; and

(b) the incentive subsidy given to Cardamom planters during 1970 ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Against a target of 6,000 acres, an area of 8,872 acres has been covered by the distribution of plant protection chemicals and manures during 1970-71.

(b) A sum of Rs. 8.68 lakhs was disbursed as incentive subsidy during 1970-71.

**Slump in price of Cotton**

2241. SHRI V. MAYAVAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the reasons for slump in prices of cotton;



(b) whether the poor off-take by the Mills is due to credit restrictions; and

(c) whether this will have any effect in foreign cotton being imported now?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). Reduced demand for cloth and yarn, coupled with non-satisfactory financial position of majority of mills contributed to the decline of prices of domestic cotton. The reduced demand affected the level of off-take of cotton by the Mills.

(c) No, Sir.

#### **Funds for Rajasthan Canal**

2242. SHRI N. K. SANGHI : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Rajasthan Government are repeatedly urging the central Government for release of adequate funds to accelerate the completion of Rajasthan Canal and that the State Government are finding it difficult to meet their yearly liability of interest charges from the returns from the present state of the project, if so, the Central Government's reaction thereto;

(b) whether the World Bank has shown interest in the development of the Canal and a team of experts visited the State and another is expected in the near future; and

(c) if so, whether the Central Government would pursue the matter and seize the opportunity for early completion of the project?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Rajasthan Government have from time to time been approaching the Central Government for additional funds for early completion of Rajasthan Canal.

Funds, consistent with the available resources, are being provided within the State

Plan for the construction of the project, out of the Block loans/grants given by the Centre to the State. In addition, non-plan Central Assistance has also been given to the extent possible to expedite the progress.

(b) and (c). The phase II of the Project has been posed to the World Bank for financial assistance. The Reconnaissance Mission of the Bank had visited the Project in March, 1971. The broad outlines of the Project have also been discussed with the World Bank in a preliminary way. The matter is under consideration of the Central Government. The programme of the future visit of the World Bank team is not known.

#### **Minister's Address to the Merchants Chamber, Bombay**

2243. SHRI N. K. SANGHI : Will the Minister of RAILWAYS be pleased to state :

(a) whether in his address to the Merchants Chamber, Bombay, in the first week of this month he was very critical of Parliamentary control over the railway tariff which according to him was stifling the railway revenues and he also observed that to run the railway on a "no-profit, no-loss basis" further tariff hike was inevitable; and

(b) if so, whether any revision of the tariff is contemplated?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No.

(b) Does not arise.

#### **Construction of Ban Sagar Dam in Madhya Pradesh**

2244. SHRI R. S. PANDEY : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have taken a decision to construct the Ban Sagar Dam in Madhya Pradesh;

(b) if not, when a decision in the matter is likely to be taken; and

(c) when constructed, what would be the irrigation potential of this project in Madhya Pradesh ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The Madhya Pradesh Government have proposed the Ban Sagar Project on river Sone for acceptance by the Planning Commission for inclusion in the developmental plans of Madhya Pradesh.

The Government of Bihar have protested against the Ban Sagar Project as proposed by the Government of Madhya Pradesh involving diversion of the Sone Waters to the Tons river in another basin, on the ground that it will affect the large irrigation system in Bihar from the Sone lower down where the position of supplies is stated to be already critical.

The Government of Uttar Pradesh have been urging that the Ban Sagar Project is the only source of irrigation to the famine stricken-plateau areas in Mirzapur district and that the Ban Sagar Project proposed by the Madhya Pradesh Government should be modified to make provision of irrigation in this area also.

Efforts have been made by the Government of India to evolve proposals which might be acceptable to the three States.

An Inter-State meeting was also held amongst the Union Minister of Irrigation and Power and the Chief Ministers of Bihar, Uttar Pradesh and Madhya Pradesh on the 1st August, 1971. Pursuant to the discussions, a Technical Committee comprising the Chairman, Central Water and Power Commission and the Chief Engineers of the three States had further discussions. The matter will be further considered by the Chief Ministers.

(c) The project, as proposed by Madhya Pradesh, provides for irrigation of 3.82 lakh acres, and annual irrigation of 6.15 lakh acres.

### Complaints regarding Mismanagement of Nationalised Textile Mills

2245. SHRI R. S. PANDEY : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether there have been complaints of mismanagement of the nationalised textile mills and misappropriation of their funds by the managements; and

(b) if so, whether those complaints have been fully investigated and action taken to improve the affairs of the mills ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). Presumably, the Hon'ble Member is referring to cotton textile mills, the management of which has been taken over by Government under the Industries (Development and Regulation) Act. Complaint of misappropriation of funds has been received in respect of one such mill only and it is being investigated.

### Human Suffering and Loss of property Due to Cyclones

2247. SHRI S. M. MEHTA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Union Government have received the report of the Committee which was set up to suggest measures to mitigate human suffering and loss of property due to cyclones; and

(b) if so, how many of them have been accepted ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The Cyclone Distress Mitigation Committee for Andhra Pradesh appointed by the Ministry of Irrigation and Power after the severe cyclones in that State in 1969 to suggest measures to mitigate human suffering and to reduce loss of life and property in the event of recurrence of such cyclones have

submitted their report in May, 1971. The main recommendations are :

- (i) Installation of high power storm detection Radars at Calcutta and Madras;
- (ii) Provision of aircraft equipped with meteorological instruments for reconnaissance flights;
- (iii) Continuous research on cyclones to improve forecasting capabilities of detecting and tracking of cyclone storms;
- (iv) Establishing a Storm Warning Centre at Visakhapatnam;
- (v) Improvement of communication facilities for the speedy transmission of cyclone warnings and distress messages;
- (vi) Construction of suitable shelters in cyclone prone areas under a phased programme;
- (vii) Provision of 'Dryers' in each cyclone prone district to reduce damage to crops;
- (viii) Formation of cyclone Relief Committee at the State and other levels on the lines of the Flood Relief Committee; and
- (ix) Production and distribution of publicity material to the people of cyclone prone areas for educating them on the action to be taken in the event of cyclone.

The Committee have also outlined a model cyclone plan for the coastal areas in Andhra Pradesh containing suggestions for planning and organising measures to mitigate human suffering and loss of property due to cyclone and floods.

The recommendations are to be implemented by the State Government of Andhra Pradesh and the Central Government Departments such as Posts and Telegraphs, Railways, All India Radio, India Meteorological Department, Civil Aviation and the Central

Water and Power Commission. The recommendations have been forwarded to all concerned for examination and implementation.

#### **Agreement with Nepal Re: Western Kosi Canal Project**

2248. SHRI P. M. MEHTA :  
SHRI P. GANGADEB :

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether he held talks with the Napalese Government in connection with the approval of the Western Kosi Canal Project;

(b) if so, whether he signed an agreement with the Napalese Government regarding the execution of this project; and

(c) if so, the terms thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). An Indian delegation led by the Secretary, Irrigation and Power, held discussions with a delegation of His Majesty's Government of Nepal led by their Secretary, Water and Power, at Kathmandu between 20th and 27th October, 1971, on various matters of mutual interest in the field of irrigation and power. The Minister of Irrigation and Power also held discussions at Kathmandu with Minister of Water and Power and Prime Minister of His Majesty's Government. As a result of the discussions, His Majesty's Government of Nepal have agreed to make available land for the Western Kosi Canal by February, 1972, so that the project can be started in the current working season.

During the negotiations with His Majesty's Government of Nepal in this connection in 1968 and 1969, Government of India had agreed to provide irrigation facilities to a gross command area of 34,000 acres in Nepal lying south of this canal. In order to enhance irrigation facilities to Nepal in the region, the Government of India had also agreed to provide lift irrigation facilities to a gross command area of about 30,000 acres lying north of the canal, with a maximum

lift of 50 ft. It had also been agreed to renovate the existing Chandra Canal System in Nepal and extend it to serve about 3,500 acres of new area, and to meet the cost of acquisition of land which have to be acquired by His Majesty's Government for these additional benefit works.

During the recent discussions, it was agreed to line the main Western Kosi Canal lying in Nepal in order to reduce seepage losses and the area of land to be acquired. It was also agreed to provide pumping arrangements upto a maximum head of 10 ft. at an agreed point, if an area of not less than about 4,000 acres in Nepal lying south of the Western Kosi Canal needed such facility. It was also agreed that the additional benefit works of lift irrigation and renovation and extension of the Chandra Canal might be carried out by His Majesty's Government with funds to be provided by India. It was also agreed to expedite the anti-erosion works on the eastern bank of the Kosi in Nepal.

**Damage to a Goods Train due to Explosion of Mines between Radhikapur and Dalimgaon stations**

2249. SHRI P. M. MEHTA :  
SHRI P. GANGADEB :

Will the Minister of RAILWAYS be pleased to state :

(a) whether the engine of a goods train badly damaged when mines exploded on the track between Radhikapur and Dalimgaon Stations in West Dinajpur District close to Bangla Desh-West Bengal border on the 24th October, 1971;

(b) if so, whether the mines were planted by Pakistani saboteurs; and

(c) the steps taken by Government to avoid recurrence of such incidents in future ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : (a) It was slightly damaged;

(b) Suspected to be planted by Pakistani Saboteurs/Agents; and

(c) The following steps are taken :

1. Security patrolling by the Police/Home Guards;
2. Track patrolling by Police/Home guards/Village Defence Party members in conjunction with the railway gangmen;
3. Guarding of vital railway installations and important bridges by armed police and home guards;
4. Searchlight patrolling by 59 mount brigade;
5. Suspension of night running of passenger trains in vulnerable sections;
6. Arousing consciousness amongst villagers adjacent to railway track against acts of sabotage by Pakistani Agents; and
7. Rewarding persons responsible for timely detection of sabotage activities.

गंगा के कटाव में सहारनपुर में भीमपुर  
गाँव की खतरा

2250. श्री सुल्कीराज शर्मा : क्या सिंचाई और बिजुत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गंगा नदी के कटाव से भीमपुर गाँव, जिला सहारनपुर, उत्तर प्रदेश और अन्य 20-25 गाँवों की खतरा उत्पन्न हो गया है;

(ख) यदि हाँ, तो क्या बचाव बाँध के बनाने के लिए सरकार ने कोई योजना बनाई है; और

(ग) यदि हाँ, तो उक्त बाँध कब तक पूरा हो जाएगा ?

सिंचाई और बिजुत मंत्रालय में उद्योग मंत्री (श्री बंजाराय कुरील) : (क) से (ग). केन्द्र की

उत्तर प्रदेश सरकार से इस क्षेत्र में कटाव या बाढ़ समस्या की कोई भी रिपोर्टें भोर सुरक्षा के लिए कोई भी प्रस्ताव अभी तक प्राप्त नहीं हुए हैं।

**Non-Functioning of Electric Package  
Plan Generating set at Farakka  
Township**

2251. SHRI AJIT KUMAR SAHA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the non-functioning of the Electric Package Plan Generating Set at Farakka Township and whether it is affecting the power supply to the Farakka Town; and

(b) if so, the steps taken by Government to set right the generating set ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) The Farakka Township is not receiving power supply from the Package plant since February, 1971 as the agreement for supply from this plant between the Farakka Barrage authorities and West Bengal State Electricity Board was terminated. However, power supply to the areas continues to be given from the West Bengal State Electricity Board's Grid net work.

(b) The package thermal set is in operating condition and could be run if necessary. The contract will also have to be renewed.

**Revision of Prices of Rayon  
Filament Yarn**

2252. SHRI H. K. L. BHAGAT : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether his Ministry is considering proposals for revision of prices for rayon filament yarn; and

(b) if so, an outline of the proposal and the time by which final decision is expected to be taken ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). The matter is being considered in connection with the Tariff Commission's report on viscose filament/Acetate yarn and Staple fibre. Government's decision will be announced as soon as possible.

**Revision of Electoral Rolls for  
Metropolitan Council Elections**

2253. SHRI H. K. L. BHAGAT : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) when the revision of electoral rolls in Delhi for Metropolitan Council elections due in February, 1972 is likely to be completed; and

(b) the steps taken to remove the deficiencies in the rolls used in the last elections ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) The revision including the final publication, of the electoral rolls, for all the 7 parliamentary constituencies, comprising 56 Metropolitan Council constituencies to be used for the election to the Metropolitan Council in Delhi, is expected to be completed on the 27th December, 1971.

(b) In order to make the electoral rolls in Delhi as accurate as possible, the Election Commission took the following steps :

1. The employees of Delhi Administration were appointed as enumerators and Supervisors for the current revision. The Commission deputed its own officers to check their work. Wherever any omission was brought to the notice of the Commission or any complaint was received by it, immediate steps were taken to remove the defect.

2. The Commission held separate meeting with the Electoral Registration Officers, Supervisors and Enumerators and instructed them as to how to prepare electoral rolls accurately.

3. The electoral rolls have been revised by house to house verification. The system of electoral card has been followed and every house-holder has been issued with an electoral card containing the names of all the members of his household who are eligible for registration in the electoral roll.

4. The existing rolls and the supplementary lists were integrated and all the corrections, deletions and additions were incorporated therein and the rolls were published in draft on 15.11.71.

5. Wide publicity was given through the Press and Radio about revision of electoral rolls in the Union territory of Delhi inviting the attention of all persons who were eligible to be included in the electoral rolls, to ensure that their names are so included.

6. Publicity has also been given through the Press and Radio to the effect that the draft rolls which have been published on 15th November, 1971, will remain open for public inspection upto 15th December, 1971, in the offices of all Electoral Registration Officers and D. M. C. and N. D. M. C. offices etc. to enable the public to lodge claims and objections for the inclusion/correction/deletion of names from the electoral rolls.

#### **Construction/Expansion of Railway Stations in Delhi**

2254. SHRI H. K. L. BHAGAT : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are considering any proposals for construction of new Railway Stations or expansion of existing

Railway Stations in the Union Territory of Delhi; and

(b) if so, the nature of the proposals and when they are likely to be implemented?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Yes. Certain surveys, studies and investigations are in progress as below :

(i) Shifting of M. G. Terminus from Delhi Jn. to New Delhi Station.

(ii) Studies regarding provision of a third Terminal.

(b) Since only surveys, investigations and studies are in progress, no definite stipulation regarding implementation of the proposals can be given at this stage.

#### **Railway Lines laid in Kerala after Independence**

2255. SHRI A. K. GOPALAN : Will the Minister of RAILWAYS be pleased to state :

(a) the Railway lines constructed in Kerala after Independence; and

(b) the reasons for not constructing more Railway lines in Kerala?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) The Quilon-Ernakulam Metre Gauge line.

(b) Railway development is not envisaged on any statewide or regionwise concepts, but on overall considerations in the national interest.

#### **Slump in Export of Coir Goods from Cochin Port**

2256. SHRI A. K. GOPALAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the attention of Government has been drawn to the slump in the export

of coir goods from Cochin Port, which is causing difficulties to the small scale coir manufacturers and coir workers in Kerala;

(b) the reasons for this slump; and

(c) the steps taken by Government to remove this slump and improve the export of coir goods?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Yes, Sir.

(b) The slump is due to the general decline in the demand abroad for coir goods and shipping problems.

(c) Government have initiated steps to modernise and improve the quality of Indian coir goods and also to strengthen the infrastructure of the coir industry.

**Retrenchment of workers due to abolition of Creosoting Plant, Olavakkot (Kerala)**

**2257. SHRI A. K. GOPALAN :** Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are considering the question of abolishing the Creosoting Plant in Olavakkot Division, Paighat District (Kerala);

(b) if so, an outline of the proposal;

(c) whether the decision to abolish the Creosoting Plant will result in the retrenchment of some workers and will overburden other workers; and

(d) whether Government propose to reconsider this decision and if not, the reasons therefor?

**THE MINISTER OF RAILWAYS : (SHRI K. HANUMANTHAIYA) :** (a) No.

(b) to (d). Do not arise.

**Popularity of Indian Handicrafts and Silk Materials in U. S. S. R.**

**2258. SHRI ISHAQ SAMBHALI :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether our handicrafts and silk materials are finding a big market in Soviet Union; and

(b) if so, the steps taken to promote this trade?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Yes, Sir.

(b) Fashion Shows were organised to promote silk garments.

**Agreement Re. Wage Revision of West Bengal State Electricity Board Employees**

**2259. SHRI MADHURYA HALDAR :** Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether West Bengal State Electricity Board had signed an agreement with West Bengal State Electricity Board Employees' Union in regard to wage revision during the month of August;

(b) if so, the main features thereof;

(c) whether the attention of Government has been drawn to the protest made by West Bengal State Electricity Board Workmens' Union and West Bengal State Electricity Board Workers' Union regarding the said agreement; and

(d) if so, the reaction of the Central Government thereto?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** (a) Yes, Sir.

(b) The main features of the agreement are (i) improved time scale of pay, (ii) minimum increase of Rs. 20/- in emoluments,

(iii) dearness allowance of Rs. 85/- for Class IV employees (drawing basic pay upto Rs. 109/- per month) has been linked to the Cost of Living index at 171 with the 1960 series of the All India average consumers' price index numbers of working class published by the Labour Bureau, Simla, as base. For every point of increase in the index number an adjustment of 75 paise per point will be made in the dearness allowance. The revision will be effective prospectively from 1st April every year on the basis of average indices for the preceding twelve months from January to December. No adjustment in DA would be made even if the indices fall below 171. (iv) payment of house rent allowance at the rate of 10% of basic pay to every employee not provided with Board's quarters subject to a minimum of Rs. 8/- irrespective, of the places of posting (v) rent free quarters, where available, would be provided to all employees drawing pay in the scale upto Rs. 320—685/- and (vi) free electricity upto prescribed ceilings to the employees residing at places where electricity is supplied from the Board's own supply station.

(c) and (d). The Electricity Board invited the West Bengal State Electricity Board Workers' Union and also the West Bengal State Electricity Board Workmens' Union (city) along with the West Bengal State Electricity Board Employees Union for discussion before the agreement on new pay scales and other terms were finalised. While the Workers' Union refused to discuss the matter on the basis of Wage Board recommendations, the Workmen's Union wanted introduction of pay scales as per recommendations of the majority members of the pay Commission set up by the State Government for Government employees which recommendations were still to be accepted by the State Government. The Workers' Union started work-to-rule agitation since end of August, 1971. The State Electricity Board has informed that about 98% of the Employees have already drawn their pay in the new scales and have also drawn arrears.

#### Ten-Year Plan for Power Production

2260. DR. RANEN SEN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether there is a ten-year plan to increase the production of power threefold; and

(b) if so, the broad outline thereof?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Yes, Sir. A Plan covering the power generation facilities required in the country in the decade 1971-81 has been prepared.

(b) The broad outlines of the Plan are as follows :

- (i) It provides for increasing the installed generating capacity in the country to 52 million kw by 1980-81.
- (ii) It has been drawn up on a regional basis.
- (iii) New power generation schemes required for the purpose have been indentified.
- (iv) An attempt has been made to achieve a balance between the different energy sources for maximum economy and reliability.
- (v) Regional and other imbalances are sought to be reduced.
- (vi) The *per capita* consumption of electricity will increase from the present figure of about 90 kwh to 240 kwh by 1981.
- (vii) New Technical features, such as pumped storage hydroelectric plants, large size generating units and large power stations will be introduced.

#### Promotion of Clerks Grade H on seniority basis after Appendix II-A Examination (Eastern Railway)

2261. SHRI RAMAVATAR SHASTRI : Will the Minister of RAILWAYS be pleased to state :



(a) whether Accounts Clerks Gr. II are promoted to Clerks Gr. I on seniority basis upto 25 percent;

(b) whether Accounts Gr. II Clerks have not been promoted to Clerks Gr. I on seniority basis upto 25 per cent upto now after the Appendix II-A examination held in March, 1970;

(c) whether the FA & CAO, Eastern Railway, Calcutta has ignored the Railway Board's Circular Nos. E838/2/Mis/Actt/Pt. II dated 4th February, 1970 and E(NG)/70PM1/68 dated the 7th July, 1970; and

(d) if so, the reasons for delay in implementing the Board's directive ?

**THE MINISTER OF RAILWAYS**  
(SHRI K. HANUMANTHAIYA) (a). Yes.

(b) Unqualified Clerks grade II have earlier been promoted as Clerks grade I in excess of their quota, on an *ad-hoc* basis, as qualified Clerks were not available. The promotion of such qualified staff is being regularised against future vacancies admissible to this category : hence fresh promotions of unqualified staff cannot be made.

(c) No.

(d) Does not arise.

**Increase in Strength of Ministerial Staff of Carriage and Wagons Offices, Dampur Division (Eastern Railway)**

2262. SHRI RAMAVATAR SHASTRI: Will the Minister of RAILWAYS be pleased to state :

(a) whether the ministerial staff working in Carriage and Wagon offices on Dampur Division of Eastern Railway specially of Mughal Sarai are overworked;

(b) whether staff grievances are mounting up inspite of creation of number of Gazetted posts; and

(c) if reply to part (a) above be in affirmative, what remedial measures Government propose to take to increase the strength of ministerial staff ?

**THE MINISTER OF RAILWAYS**  
(SHRI K. HANUMANTHAIYA) : (a) No.

(b) No.

(c) Does not arise.

**Linking of Nangal Dam with Pong Dam (Talwara) by Rail**

2263. PROF. NARAIN CHAND PARASHAR : Will the Minister of RAILWAYS be pleased to state :

(a) whether there is a proposal to link Nangal Dam with Pong Dam (Talwara) by rail; and

(b) if so, the date by which the decision of Government in the matter will be announced.

**THE MINISTER OF RAILWAYS**  
(SHRI K. HANUMANTHAIYA) : (a). Yes.

(b) Investigations carried out earlier had shown that the line would be unremunerative. However, this line has been included in the revised proposals for the Fourth Plan and will be considered if additional funds are allotted.

**Trade Delegation to South-East Asian Countries**

2264. SHRI DASARATHA DEB : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether a five-member delegation had gone from India to South-East Asian countries for trade talks recently; and

(b) if so, the outcome of its talks ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE** (SHRI A. C. GEORGE) (a) and (b). No, Sir. How-

over, a Coffee Marketing Survey Delegation went to the Far East (Singapore, Hongkong, Thailand and Japan) with a view to step up exports of coffee to these countries. Report from the delegation is under compilation.

#### India's Foreign Trade Statistics

2265. SHRI PILOO MODY : Will the Minister of FOREIGN TRADE be pleased to state the statistics in regard to India's foreign trade during April-August, 1971 ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : Statistics in regard to India's foreign trade during April-August, 1971 are as under :—

	(Rs./crores)
Imports	806
Exports (incl. re-exports)	668

Itemwise details of foreign trade statistics for April-August, 1971 are not yet available.

#### Theft of Parts of Transmission Towers in West Bengal

2266. SHRI DINESH JOARDER : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the attention of Government has been drawn to the serious situation arising out of wide-spread theft of parts of transmission towers in West Bengal causing great damage to electric system and power supply in the State; and

(b) the extent of loss and the steps, if any taken by Government to check the theft of parts of transmission towers ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Yes, Sir.

(b) It has been informed by the West Bengal State Electricity Board that the approximate loss due to the theft of tower members, as well as conductors, underground

cables, insulators, etc. is Rs. 5 lakhs. The State Electricity Board have taken following steps to check the theft of parts of transmission towers :

- (1) Apprehending the culprits through report of thefts to the Police authorities.
- (2) Institution of strict vigilance and patrolling of lines.
- (3) Locking of nuts of fitting bolts of the tower members to prevent easy removal.
- (4) Welding of nuts with the bolts on all new transmission lines.

#### Trade Agreement with the Peru Government

2267. SHRI HARI KISHORE SINGH: Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government have entered into a trade agreement with Government of Peru on the 4th November, 1971; and

(b) if so, the terms thereof ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a). Yes, Sir.

(b) The contents of the trade agreement is given in the statement, laid on the Table of the House. [Placed in Library. See No. LT—1182/71]

#### Export of Tea, Coffee, Cardamom and Rubber

2269. SHRI HARI KISHORE SINGH : Will the Minister of FOREIGN TRADE be pleased to state the quantity or value of tea, coffee, cardamom and rubber exported last year ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : A statement is attached.

## Statement

The quantity and value of tea, coffee and cardamom exported during 1970-71 were as under :

Commodity	Quantity exported	Value
Tea	201.56 Million Kgs.	Rs. 146.66 crores
Coffee	32,189 Tonnes	Rs. 25.11 crores
Cardamom	1,705 Tonnes	Rs. 11.22 crores

No rubber was exported during 1970-71.

## Decline in Export of Oil Cakes

2270. SHRI M. KATHAMUTHU : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the oil cakes export has been declining; and

(b) if so, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir.

(b) Does not arise.

## पोटरों के संबंधियों को मौकरी देना

2271. श्री धार० बी० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार पोटरों के मर जाने, बुढ़ापे तथा प्राप्त हो जाने या बीमारी और दुर्घटनाओं के कारण असमर्थ होने के कारण दिवंगत हुए स्थानों के लिए पुनः भर्ती के समय रेलवे पोटरों की सन्तानों या निकट संबंधियों को प्राथमिकता देती है; और

(ख) क्या पोटरों के बच्चों के लिए शिक्षा की व्यवस्था करने के संबंध में रेलवे बोर्ड किसी प्रस्ताव पर विचार कर रहा है ?

रेल मंत्री (श्री के० हनुमान्‌दास) : (क) यह स्पष्ट नहीं है कि माननीय सदस्य का आशय उन रेल भारिकों से है जो विभागीय कर्मचारी हैं या उन भारिकों से जिन्हें यात्री सामान ढोने के लिए रेलवे द्वारा सीधा लाइसेंस दिया जाता है या ठेकेदार द्वारा नियुक्त किया जाता है। वे भारिक जो विभागीय कर्मचारी हैं, उनके बच्चों अथवा संबंधियों को अनुकम्पा के आधार पर तभी नियुक्त किया जाता है, जब उनका मामला इस योग्य हो, अर्थात् जब उनकी काम करते समय मृत्यु हो जाये और उनके परिवार दीनहीन स्थिति में पड़ जायें। लाइसेंसदार मृतक भारिक के मामले में भी, उसके लड़के को और यदि लड़का न हो तो उसके निकट संबंधी को मृतक के परिवार के भरण-पोषण के उद्देश्य से, अनुकम्पा के आधार पर मृतक का लाइसेंस दिया जाता है बशर्तें वह अन्यथा उपयुक्त पाया जाय। लेकिन ठेकेदार द्वारा नियुक्त भारिकों के बारे में ऐसा कोई आदेश नहीं है।

(ख) रेलों द्वारा सामान्य रूप से रेल कर्मचारियों के लिए जिन शैक्षणिक सुविधाओं की व्यवस्था की गई है, रेल भारिकों के बच्चे उनके पात्र हैं। रेलवे स्कूलों में रेल कर्मचारियों के बच्चों और संरक्षितों को भर्ती करने के बाद, यदि अतिरिक्त स्थान उपलब्ध हो तो लाइसेंसदार भारिकों के बच्चे भी उनमें प्रवेश पाने के पात्र हैं। लेकिन ठेकेदार द्वारा नियोजित भारिकों के बारे में ऐसा कोई आदेश नहीं है।

## रेलवे के पोटरों के नियमों में समानता

2272. श्री धार० बी० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या देश में सभी रेलों में पोटरों संबंधी नियमों में समानता है; और

(ख) वे नियम क्या हैं ?

रेल मंत्री (श्री के० हनुमान्‌दास) : (क) जी हाँ।

(ख) भारतीय रेलों पर लाइसेंसधार भादिकों के काम करने की शर्तों को शासित करने वाले विधायक विवरण 'क' में दिये हैं, जो सभ-पक्ष पर रखा दिया गया है। [अभ्यास में रखा गया। देखिये संख्या L T—1183/71।]

रेलवे स्टेशन पर अनुपस्थित रहने वाले पोर्टरों की प्रतिशतता

2273. श्री धार० श्री० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) एक रेलवे स्टेशन पर किसी एक दिन अधिक से अधिक कितने प्रतिशत पोर्टर किसी भी कारण से और कितने दिन तक यात्रियों को असुविधा पहुँचाये बिना अनुपस्थित रह सकते हैं; और

(ख) उनकी अनुपस्थिति के दौरान प्रशासन द्वारा क्या वैकल्पिक प्रबंध किया जाता है ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) यात्रियों को असुविधा पहुँचाये बिना किसी कारण से कितने भारतीय स्टेशन से अनुपस्थित रह सकते हैं, इसके लिए न तो कोई प्रतिशतता निर्दिष्ट की गई है और न ही यह निर्दिष्ट किया गया है कि एक निर्धारित अवधि में प्रत्येक को कितने दिनों की अनुपस्थिति प्राप्त है। छुट्टी, प्रत्येक मामले के गुणवत्तुष के आधार पर, इस बात को ध्यान में रख कर मंजूर की जाती है कि किसी समय स्टेशन पर उपलब्ध लाइसेंसधार भादिकों की संख्या यात्रियों की आवश्यकता पूरी करने के लिए पर्याप्त है।

(ख) लाइसेंसधार भादिकों की अनुपस्थिति की अवधि में पदवी भादिकों को रखने की व्यवस्था पहले की। लेकिन रेलवे लाइसेंसधार भादिकों और कमीशन वेयरों से संबंधित अग्रिम कर्मचारी की शर्तों के फलस्वरूप यह परिणामी व्यवस्था की गई है।

यूनियनों की यूनियनों की मान्यता देना

2274. श्री धार० श्री० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि विभिन्न रेलवे में पोर्टरों की कर्म-कर्म की यूनियनों का कर रही है उनमें से कौन-कौन सी यूनियन रेलवे प्रशासन द्वारा मान्यता प्राप्त है और दिसम्बर, 1970 में उन सबकी संख्या कितनी थी और मान्यता दान किये जाने के समय उनके सदस्यों की संख्या कितनी थी ?

रेल मंत्री (श्री के० हनुमन्तैया) : लाइसेंस-धारी भादिक रेल कर्मचारी नहीं हैं और उनके द्वारा बनाई गई यूनियनों के संबंध में सरकार को कोई निश्चित जानकारी नहीं है। वर्तमान आवेशों के अधीन ऐसी यूनियन मान्यता की पात्र नहीं हैं और न ही लाइसेंसधारी भादिकों की ऐसी किसी यूनियन को मान्यता प्रदान की गई है।

उप-रेल मंत्री की अध्यक्षता में समिति

2275. श्री धार० श्री० बड़े : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या रेलवे में मितव्ययता लाने के लिए उप-रेलवे मंत्री की अध्यक्षता में कोई समिति नियुक्त की गई थी; और

(ख) यदि हाँ, तो समिति ने क्या सिफारिशें की हैं ?

रेल मंत्री (श्री के० हनुमन्तैया) : (क) और (ख) रेलों पर प्रशासन सुधार आयोग की रिपोर्ट तैयार करने के संबंध में रेलवे बोर्ड के कार्यालय में काम का कुशलतापूर्वक निपटारा करने के लिए उपनिवेशकों और उनसे भी बड़े के अपेक्षित पदों की समीक्षा करने और उनकी संख्या बिनियमित करने के लिए रेल मंत्री द्वारा रेल मंत्रालय में उपमंत्रियों की अध्यक्षता में एक "काम-सूचकांक-दल" गठित किया गया था।

इस ने अपनी रिपोर्ट देना शुरू की है जिसमें उसने 43 राजपत्रित और 166 अराजपत्रित पद बढ़ाने की सिफारिश की है। कोयल बूखानक इसकी सिफारिशों रेलों पर प्रशासन सुधार बजट की रिपोर्ट के एक भाग के रूप में सरकार के विचाराधीन है।

**Railway Over-Bridges in Malabar Area**

2276. **SHRI C. K. CHANDRAFFAN :** Will the Minister of RAILWAYS be pleased to state the scheme for providing Railway overbridges in Malabar area over the West Coast Road?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** There are two approved schemes for provision of Road overbridges in Malabar area over the West Coast Road on the Southern Railway as indicated below :

- (i) Road overbridge in lieu of the existing level crossing at Km. 608/7-8 at Kuttippuram on Shoranur-Calicut Section.
- (ii) Road overbridge in lieu of the level crossing at Km. 713/10-11 at Cherode near Badagara on Calicut-Cannanore Section.

**E.E.C.'s Offer to include Jute Products under G.S.P.**

2277. **SHRI P. K. DEO :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the European Economic Community recently offered to India to include jute products in the community's system of generalised preferences;

(b) if so, whether Government of India received any formal message in this regard from the European Economic Community headquarters; and

(c) the nature of message and the reaction of Government of India in this regard?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) to (c). While making their offers under the Generalised Scheme of Preferences, the European Economic Community stated that Customs exemption was envisaged for jute goods under specific arrangements to be negotiated with the exporting developing countries. The arrangements have not yet been finalised and we are continuing our discussions with the Community in this regard.

कम कीमत वाले मोटे कपड़े की कमी

2278. श्री शंकर ब्याल सिंह : क्या विदेश व्यापार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात की जानकारी है कि बाजार में कम कीमत वाले मोटे कपड़े की भारी कमी है; और

(ख) क्या गरीबों को उचित मूल्य पर पर्याप्त मात्रा में मोटा कपड़ा उपलब्ध कराने के लिए सरकार ने कोई कार्यवाही की है ?

विदेश व्यापार मंत्रालय में उप मंत्री (श्री ए० सी० जार्ज) : (क) और (ख) संभवतः माननीय सदस्य का संकेत निर्धारित कपड़ों की ओर है। कुछ बर्गों से ऐसे कपड़ों की कमी के संबंध में शिकायतें प्राप्त हुई हैं। सरकार के कहने पर भारतीय सूती कपड़ा मिल परिषद ने मिलों को निम्नीकृत निदेश जारी किये हैं :

(1) संयोजित बिक्री अपने से बन्द कर दी जाए।

(2) उन मिलों को, जिनकी अपनी खुदरा दुकानें हैं, ऐसी दुकानों पर उनके द्वारा उत्सवित निर्धारित कपड़ा विशिष्ट रूप से प्रदर्शित करना चाहिए। इन दुकानों पर अतिरिक्त बाजार पर निर्धारित कपड़ों की उपलब्ध सुनिश्चित करनी चाहिए।

(3) मिलों को बढ़ात्मक आधार पर देश के विभिन्न भागों में इन दुकानों का इस प्रकार विज्ञापन करना चाहिए जहाँ उनके द्वारा उत्पादित निर्धारित कपड़ा विहित दरों पर उपलब्ध होगा।

(4) जो मिलें, अनाचार करती हुई पाई जाएंगी, उन्हें निर्धारित कपड़े के अगले कोटे के आवंटन से वञ्चित कर दिया जायेगा और सख्त कार्यवाही की जाएगी।

**Plan submitted by West Bengal for Flood Control**

2279. SHRI SAMAR GUHA : Will the Minister of IRRIGATION AND POWER be pleased to state:

(a) whether the West Bengal Government have submitted a Rs. 300 crore plan for flood control measures in West Bengal to the Centre;

(b) if so, the main features thereof ?

(c) whether the Plan has been approved or will be approved by Government and Central Funds allocated for flood control measures; and

(d) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (d). The West Bengal Government have not so far submitted any comprehensive plan of flood control measures in the State.

**Setting up of Committee regarding Manufacture of Cotton Fabrics with U.S. help**

2280. SHRI RAJA KULKARNI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Union Government have appointed a Committee to suggest increase

in the usefulness of cotton for the manufacture of high quality fabrics with the help of a U.S. Government grant of Rs. 2,38,460; and

(b) if so, the composition and terms of the Committee ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No Sir. No Committee has been appointed by the Government.

The U.S. Government has authorised grant of Rs. 2,38,460 to Ahmedabad Textile Industries Research Association to investigate on structural and physical properties of raw and modified cotton fibre to increase usefulness of cotton in textile applications.

(b) Does not arise.

**Lay-off by G.I.S. Cotton Mills, Hooghly (West Bengal)**

2281. SHRI BIJOY MODAK : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether 500 workers of the G.I.S. Cotton Mills, Champdani, District Hooghly (West Bengal) were laid off during the month of September;

(b) the reasons for the lay-off; and

(c) the steps taken by Government to remedy the situation ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) to (c) Information is being collected and it will be laid on the Table of the House.

**Reconsideration of decision re: imposition of 15 per cent tariff on Indian textiles by Britain**

2282. SHRI C. CHITTIBABU : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Britain is reconsidering her decision regarding imposition of 15 per cent tariff on textiles from India;

(b) whether she has also assured us of her help to safeguard our interests; and

(c) if so, the nature of assurance?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) to (c). The Government of India are not aware of any move by the British Government to reconsider their decision regarding imposition of 15 per cent tariff on Indian textiles or to assure any help to safeguard our interests.

**Delay in giving warning about cyclone in Orissa**

2283. SHRI C. CHITTIBABU :  
SHRI V. NARASIMHA REDDY :

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the warning about the Cyclone which hit Orissa recently was given very late to the authorities and people concerned;

(b) the reasons for the delay; and

(c) the action Government propose to take to avoid such delays in the future?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b) Warnings that the cyclone is likely to hit the coastal areas of North Orissa and West Bengal were issued by the India Meteorological Department to the Chief Secretary, Orissa and Collectors of Cuttack and Balasore districts at 12:20 hours on October 29. These were in turn communicated by the State Government to the Sub-Divisional Officers and the Tahsildars. Warnings were also issued to the All India Radio which were broadcast by the Cuttack Station at 14:10, 17:59, 18:24, 18:59, 19:30, 20:44 and 22:39 hours on October 29.

The India Meteorological Department could obtain data indicating that the Cyclone was likely to hit the coastal areas of North Orissa and West Bengal from the U. S. Satellite only between 10 A. M. and 11 A. M. on October 29 and the warnings could only be issued thereafter.

(c) Measures proposed for improving the warning period and dissemination of warnings include :

(i) Installation of a radar at Paradip before the monsoon of 1972 in addition to those at Calcutta and Madras.

(ii) Provision of reconnaissance aircraft for flying into the cyclone core to obtain data on the characteristics of cyclone.

(iii) Setting up of a meteorological centre at Bhubaneswar.

(iv) Improving the tele-communication and wireless facilities and providing such facilities and public radios in the inaccessible areas.

A Cyclone Distress Mitigation Committee for Orissa has been constituted which will *inter-alia* examine measures required for improving the warnings and dissemination of warnings to the public.

**Meeting of "Group 77" at Lima (Peru)**

2284. SHRI C. CHITTIBABU :  
SHRI CHANDRA SEKHAR SINGH :

Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether the "Group of 77" met recently at Lima (Peru), and

(b) if so, the decisions arrived at?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Yes, Sir.

(b) The Group of '77' adopted a document entitled "Declaration and Principles of the Lima Programme of Action", whose copy has been laid on the Table of the House on 23rd November, 1971.

**Recommendations of Ministers  
Committee of Floods**

2285. SHRI CHINTAMANI  
PANIGRAHI :  
SHRI Y. ESWARA REDDY :

Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether the Ministers Committee on Floods and Flood Relief met in Delhi in September, 1971;

(b) whether representatives of Orissa Government attended the meeting; and

(c) the recommendations of the Committee ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) Yes, Sir.

(b) No, Sir.

(c) The recommendations of the Committee are expected to be available by the end of this year.

**बुरहानपुर की नाबवा-ताप्ती योजना  
को पूरा करना**

2286. श्री नंगाचरण दीक्षित : क्या सिवार्ड और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बुरहानपुर (मध्य प्रदेश) के निकट की नाबवा-ताप्ती योजना को अन्तिम रूप दे दिया गया है;

(ख) यदि हाँ, तो योजना की मुख्य बातें क्या हैं; और

(ग) इस योजना का कार्य कितने समय तक प्रारम्भ होने की संभावना है ?

सिवार्ड और विद्युत मंत्रालय में उप मंत्री (श्री बंजनाब कुरील) : (क) बुरहानपुर (मध्य-प्रदेश) के निकट नाबवा-ताप्ती स्कीम की परि-योजना रिपोर्ट मध्य प्रदेश सरकार से जबकि महाराष्ट्र सरकार से अभी तक प्राप्त नहीं हुई है।

(ख) और (ग). प्रश्न नहीं उठता।

**Broad Gauge line from Khandwa  
to Ajmer**

2287. SHRI G. C. DIXIT : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government propose to construct a new broad gauge Railway line from Khandwa in Madhya Pradesh to Ajmer; and

(b) if so, the date by which the work would be taken in hand ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) No.

(b) Does not arise.

**Progress of Electrification in  
Madhya Pradesh**

2288. SHRI G. C. DIXIT : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether area covered by electrification is very low in the State of Madhya Pradesh as compared to the other States; and

(b) if so, the names of such districts as have been selected, in order of priority, for electrification during 1971-72 ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and



(b). In nine States including Madhya Pradesh, the percentage of village electrification is below the all India average of 19. Out of these, in six States the percentage of village electrification is below that in Madhya Pradesh where the percentage is 9.8. For 1971-72, the rural electrification schemes programmed from State Plan outlay cover all the 43 districts of the State envisaging electrification of 1500 villages and energisation of 30,000 pumpsets. In addition from the Central Plan outlay, the Rural Electrification Corporation have sanctioned so far nine rural electrification schemes for the electrification of 454 villages and energisation of about 30000 pump sets. These schemes which will continue to be in progress during 1971-72, cover the districts of Chhindwara, Seoni, Bilaspur, Ujjain, Indore, Raipur and Hoshangabad.

**Irrigation facility by Hydel Project  
in Madhya Pradesh**

2289. SHRI G. C. DIXIT : Will the Minister of IRRIGATION AND POWER be pleased to state whether the Central Government propose to take up such hydel projects by utilising the water of the rivers flowing in Madhya Pradesh as can be helpful in providing irrigation facilities in the State as also to neighbouring States ?

THE DEPUTY MINISTER IN THE  
MINISTRY OF IRRIGATION AND  
POWER (SHRI B. N. KUREEL) : No, Sir.

**रेलवे डिब्बों का निर्माण**

2290. श्री शिवकुमार शास्त्री : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इस वर्ष भारतीय रेलवे को रेल डिब्बों की सप्लाई के लिये विदेशों से पर्याप्त आर्डर प्राप्त हुए हैं;

(ख) यदि हाँ, तो उन देशों के नाम क्या हैं और प्राप्त हुए आर्डर का स्वरूप क्या है;

(ग) अपनी आवश्यकताओं को पूरा करने

के पश्चात् सरकार द्वारा किस सीमा तक और कितने समय में इन आर्डरों के पूरा किये जाने की आशा है; और

(घ) इससे कितनी विदेशी मुद्रा अर्जित की जायेगी ?

रेल मंत्री (श्री के. हनुमन्तैया) : (क) जी नहीं।

(ख) से (घ). प्रश्न नहीं खटता।

**विदेशों को रेल बंगनों की सप्लाई**

2291. श्री शिवकुमार शास्त्री : क्या विदेश व्यापार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या इस वर्ष विदेशों से बहुत अधिक संख्या में रेल बंगन सप्लाई करने के लिए क्रयदेश प्राप्त हुए हैं;

(ख) यदि हाँ, तो उन देशों के नाम क्या हैं और क्रयदेशों का व्यौरा क्या है;

(ग) हमारी अपनी आवश्यकताओं को पूरा करने के बाद किस सीमा तक और कब तक इन क्रयदेशों की पूर्ति की जायेगी; और

(घ) इससे कितनी विदेशी मुद्रा प्राप्त होगी ?

विदेश व्यापार मंत्रालय में उप-मंत्री (श्री ए. सी. जाज) : (क) से (घ). इस वर्ष एक क्रयदेश पूर्वी अफ्रीका के लिये 44 लाख रुपये मूल्य के 50 रेल डिब्बों की पूर्ति के लिए तथा दूसरा ईराक से लगभग 28.6 लाख रुपये मूल्य के 45 हापर बंगनों की पूर्ति के लिए प्राप्त हुए हैं, जिनके वर्ष 1972-73 के अंत तक निष्पादित किये जाने की आशा है।

**Shipment of Iron Ore to Japan**

2292. SHRI S. R. DAMANI: Will the Minister of FOREIGN TRADE be pleased to state:

(a) whether the short shipment of iron ore of 2.10 million tonnes in 1970-71 to Japan has since been made good;

(b) the quantity contracted for shipment during the current year and how much has been actually shipped so far against it;

(c) whether any difficulties are expected in the fulfilment of the contract for the current year; and

(d) if so, the nature thereof and how Government propose to remove them?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE): (a) No, Sir. The buyers have since cancelled the undelivered quantity as on 1st April, 1971.

(b) The actual shipments are 4.1 million tonnes by MMTC during the period April-October, 1971 and 2.9 million tonnes by private sector shippers from Goa during the period April-August, 1971. The contracted quantity is approximately 22 million tonnes for the whole year.

(c) and (d). As far as the MMTC's exports of iron ore concerned, the main difficulties in the fulfilment of the targets are the shortfall in production in some mines, the transport bottleneck arising out of the disturbed conditions in railway movement in the Eastern Sector, and the persistent strike and go slow activities resorted to by the dock labour in Madras for about five months of the current year. These problems facing the iron ore export programme and remedial measures therefor, are under continuous review.

**Import of Equipment to Meet Requirements of Power Schemes**

2293. SHRI S. R. DAMANI: Will the Minister of IRRIGATION AND POWER be pleased to refer to the reply given to Unstarred Question No. 929 on the 1st June, 1971 and state:

(a) the amount of equipment to be imported and to be indigenously manufactured to meet the requirements of all the schemes/units named in the annexures to the answers;

(b) the names of parties who are making the equipment indigenously and the items of equipment so being made; and

(c) the orders placed on Bharat Heavy Electricals Ltd., and Heavy Electrical (India) Ltd., which have been fulfilled and those which are pending?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL): (a) 37 Generating Units aggregating to 1801 MW are imported ones and 56 Generating Units aggregating to 3433 MW are to be manufactured indigenously.

**(b) I. Generators and Turbines**

(i) M/s Bharat Heavy Electricals Ltd.,

(ii) M/s Heavy Electricals (India) Limited, Bhopal.

(iii) M/s Jyoti Limited, Baroda (Small Hydro sets).

**II. Boilers**

(i) M/s A. V. B., Durgapur.

(ii) M/s Bharat Heavy Electricals Limited.

(c) The required information in respect of generating plant is given in the Statement.

**Statement**

	<i>Hydro Sets</i>		<i>Thermal Sets</i>	
	Nos.	Aggregate Capacity MW	Nos.	Aggregate Capacity MW
<b>I. Orders Placed—</b>				
Bharat Heavy Electricals Ltd.	16	537	13	1260
Heavy Electricals (India) Ltd.	14	943	8	690
<b>Total</b>	<b>30</b>	<b>1480</b>	<b>21</b>	<b>1950</b>
<b>II. Orders Fulfilled—</b>				
Bharat Heavy Electricals Ltd.	—	—	—	—
Heavy Electricals (India) Ltd.	4	105	2	150
<b>Total</b>	<b>4</b>	<b>105</b>	<b>2</b>	<b>150</b>
<b>III. Orders Pending—</b>				
Bharat Heavy Electricals Ltd.	16	537	13	1260
Heavy Electricals (India) Ltd.	10	388	6	540
<b>Total</b>	<b>26</b>	<b>1375</b>	<b>19</b>	<b>1800</b>

*Note* : Jyoti Ltd., will supply 5 nos. 0.5 MW sets for Dzuza hydro in Nagaland and Nogli hydro in Himachal Pradesh. These sets were also included in the Statement referred to in the Question, making a total of 56 sets.

**Increase in Imports**

2294. SHRI S. R. DAMANI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the figures of imports during the first half of the current year and how they compare with those of last year;

(b) the items of import which showed a marked increase; and

(c) the reasons for the variations ?

THE DEPUTY MINISTER, IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Statistics of imports during April-September, '71 and April-September, 1970 are given below :

<i>Period</i>	<i>(Rs./crores)</i>
April-September, 71	964
April-September, 70	800

(b) Item-wise statistics of imports for April-September, '71 are not yet available.

(c) Does not arise.

**Shipment of Cotton from U. S. A.**

2295. SHRI S. R. DAMANI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the quantity of cotton contracted to be imported from the U. S. A. since May, 1971 and the actual shipments made so far;

(b) whether the Cotton Corporation of India did not finalise the contracts and open letters of credit in time for a major part of the contracted quantity; and

(c) if so, the reasons therefor and the additional cost that the Cotton Corporation of India was required to bear to get the balance of shipments ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) 95,805 bales of 500 lbs. each under PL 480 and 22,560 bales of 180 kgs. each against free foreign exchange have been contracted and 57,303 bales of 500 lbs. each shipped so far.

(b) No, Sir.

(c) Does not arise.

#### Recruitment to posts of Judicial Officers in Delhi High Court

2296. SHRI P. GANGADEB : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether the High Court of Delhi has recently invited applications for the posts of Judicial Officers;

(b) if so, whether the age limit has been fixed at 30 years for all the categories of candidates;

(c) whether no concession in the upper age limit has been granted to the candidates belonging to the Scheduled Castes and Scheduled Tribes whereas the U. P. S. C. and Public Service Commissions of States have been allowing concession of five years to the Scheduled Caste and Scheduled Tribe candidates for all examinations conducted by them, whether Judicial or non-Judicial; and

(d) whether Government propose to prevail upon the High Court of Delhi to grant the concession of five years in the upper age limit to the candidates belonging to such categories ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) : (a) and (b). Yes, Sir.

(c) Yes, Sir. This is in accordance with the existing rules for recruitment to the Delhi Judicial Service.

(d) Yes, Sir. The matter has been taken up with the concerned authorities.

#### Imported Cars with Government and Public Sector Undertakings

2297. SHRI FATESINGH RAO GAEKWAD : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the total number of imported cars with the Government of India including those with the public sector undertakings; and

(b) the number of cars purchased during the last three years and the total expenditure incurred thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) and (b). The information is being collected and will be laid on the Table of the House.

#### Steps to Improve Working Condition of India United Mills Ltd., Bombay

2298. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether India United Mills Ltd., Bombay has been incurring losses for the last two years; and

(b) if so, the reasons therefor and the steps Government propose to take to improve the working of the mill ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) Yes, Sir.

(b) The mill has been incurring losses mainly due to the following reasons :

- (1) High cost of raw materials, specially cotton;
- (2) technical deficiencies of the mill due to its obsolete and worn-out machinery.

The following steps have been taken to improve the working efficiency of the mill :

- (1) modernisation programmes at an estimated cost of Rs. 493 lakhs have been drawn up;
- (2) steps are being taken to strengthen its management; and
- (3) the manufacturing programme is being looked into with a view to achieving better sales realisation coupled with economy in the cost of production.

**Transfer of General Managers of  
Northeast Frontier Railway**

2299. SHRI ROBIN KAKOTI : Will the Minister of RAILWAYS be pleased to state :

(a) whether within 14 years of its existence, the Northeast Frontier Railway has had 17 General Managers;

(b) if so, the reasons for such quick changes of General Managers of Northeast Frontier Railway; and

(c) whether there is any other Railway Zone, where such quick changes of General Managers have taken place within such a short period ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) Since its formation 14 officers have worked as General Managers of the Northeast Frontier Railway, three of whom had worked in that capacity in two spells each.

(b) Change in the incumbents of the posts of General Managers are ordered taking into account all the relevant factors.

(c) No, Sir.

**Protection to Jute Growers**

2300. SHRI ROBIN KAKOTI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the quantity, in bales or maunds, of Assam Bottom jute, purchased by (i) The Jute Corporation of India, (ii) S. T. C. and (iii) any other Government agency during the months of September, October and November, 1971 in Assam; and

(b) whether Government are aware that Assam Bottom jute is selling at lower price than fixed by Government per maund as supporting price, and if so, the steps taken by Government to protect the growers ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) (a) : (i) Nil.

(ii) 27,150 Mds. upto 18-11-71.

(iii) Nil.

(b) Jute prices in Assam were ruling above the minimum support price till the end of September, 1971. From the beginning of October, 1971, prices tended to fall below the minimum price owing mainly to disruption in rail movement caused by the unprecedented floods and breaches to track. The S. T. C. has undertaken purchase operations in Assam to give price support. With the improvement in rail transport facilities and purchases by S.T.C. prices in most of the markets in Assam are currently ruling around the minimum support level.

**Import of luxury cars**

2301. SHRI JYOTIRMOY BOSU : Will the Minister of FOREIGN TRADE be pleased to state :

(a) the number and price of luxury

cars imported from abroad during the period January, 1969 to October, 1971;

(b) the number and price of cars imported from each country during this period and the total expenditure incurred for importing each car;

(c) the purposes for which the cars were imported in each case; and

(d) a list of buyers of the cars imported during the period January 1969 to October, 1971 ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) (a) and (b). Import Trade Statistics are not being compiled separately for luxury cars, other cars etc. but are maintained according to following categories :

- (i) Motor cars new,
- (ii) Jeep and landrover type vehicles,
- (iii) Second hand or used motor cars (including Jeep or land rover).

The Import statistics for these categories of cars in so far as they relate to total number and value classified further by countries from which they are imported, are being published in the "Monthly Statistics of foreign Trade of India, Volume II", copies of which are available in the Parliament Library. This information is available upto April, 1971.

(c) and (d). Import statistics are maintained for the country as a whole and not for individual importers. Hence their names and the purpose for which each car was imported is not available.

**Steps to make Indian Garment prices competitive in World Market**

2302. SHRI BIBHUTI MISHRA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government's attention has been drawn to an article in *Economic Times* of the 12th November, 1971 stating that high prices of Indian garments are an impediment in the way of increasing their exports; and

(b) if so, the action Government propose to take to make the prices competitive in the world market ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a). Yes, Sir.

(b) In addition to the normal facilities available to registered exporters, the procedure for drawback of duty on polyester fibre has been liberalised. To ensure availability of heavy fabrics for production of garments in demand in the world market, applications for installation of requisite machinery for the purpose are invited. The ready available cloth and a reduction in export costs are expected to increase our competitiveness.

**Setting up of Manufacturing Units to meet Railway requirements**

2303. SHRI P. NARASIMHA REDDY: Will the Minister of RAILWAYS be pleased to state :

(a) whether any manufacturing Units are proposed to be set up as ancillaries to meet Railway requirements;

(b) if so, how many are proposed to be located in industrially backward Districts; and

(c) whether Government will consider locating a few such units in Chittoor, (Andhra Pradesh) ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) to (c) Proposals are at present under consideration for the setting up of two Projects—one for the manufacture of Wheels and Axles and another for the manufacture of Traction Gears. No final decision has yet been taken in regard to these Projects. Decisions will be taken after detailed examination of all relevant aspects which will also cover the question of suitable locations for the proposed Projects.

**Move to Import Second-hand Automobiles from Japan**

2304. **SHRI P. NARASIMHA REDDY:** Will the Minister of FOREIGN TRADE be pleased to state whether there is a move to import second-hand automobiles from Japan?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** No, Sir.

**Statement made by Minister of State for Home Affairs regarding postponement of elections to State Assemblies**

2305. **SHRI K. M. MADHUKAR :** Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether the Union Minister of State for Home Affairs, Shri R. N. Mirdha, stated in Goa recently that there was every likelihood of the ensuring elections to the State Assemblies being postponed in the event of an emergency being declared;

(b) if so, the reaction of the Political Parties and the general public thereto; and

(c) whether any decision has been taken by Government in the matter?

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) :** (a). No, Sir. Shri R. N. Mirdha had only explained that under the Constitution elections to Legislative Assemblies have to be completed before the expiry of the period of five years of the dates appointed for their first meeting and that exception to this is possible only when a proclamation of emergency is in operation.

(b) Does not arise.

(c) In the absence of any unforeseen contingency warranting the postponement, elections in the States, the tenure of whose Legislative Assemblies is due to expire in 1972, will be held as scheduled.

In that event elections are also likely to be held simultaneously in those States which are at present under President's rule except in the State of West Bengal in respect of which Government have not yet taken any decision.

**Allotment of Wagons for movement of Foodstuff to Cachar District**

2306. **SHRIMATI JYOTSNA CHANDA:** Will the Minister of RAILWAYS be pleased to state :

(a) whether Government are aware that foodstuffs are not being moved by Railways to the District of Cachar since last April and due to this, Cachar, Tripura and Mizo Districts are facing difficulties; and

(b) whether Government propose allotting wagons for the movement of foodstuff for these places immediately?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) and

(b). Foodstuffs are moved by Railways as programmed by the Ministry of Agriculture and Food Corporation of India on top priority. In spite of serious difficulties over North Eastern and Northeast Frontier Railways during August to October, 1971 on account of extensive floods and breaches, top preference was given to the movement of foodgrains. During the period April to October 1971, 7381 metre gauge wagons were transported to Cachar and Tripura area with foodgrains against 4712 wagons during the corresponding period of last year.

The position has further improved with the opening of railway line across Farakka Barrage in November and about 400 B. G. and 90 M. G. wagons are being transported daily with foodgrains for North Bengal, Tripura and Assam region.

**Representation From Railway Users' Association, Kerala**

2307. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of RAILWAYS be pleased to state :

(a) whether Government have received any memorandum from the Railway Users' Association, Kerala stressing the need for developing the railway system in their State on priority basis; and

(b) if so, the reaction of Government thereto ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIA) : (a) Yes.

(b) The Fourth Plan proposals for new lines have not yet been finalised and it is difficult to say now, which of the lines ultimately decided to be taken up for construction in the Fourth Plan will fall in the Kerala State.

**Completion of Idikki Hydro Electric Project**

2308. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether Government have received any new proposal from the State Government of Kerala recently regarding the completion of the Idikki Hydro Electric Project;

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

(c) the reaction of the Government thereto ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) to (c). The State Government has not yet sent any revised proposal. However the Kerala State Electricity Board has proposed a programme to commission the first unit within the Fourth Plan.

**Kerala Government proposals for new Railway Lines**

2309. SHRIMATI BHARGAVI THANKAPPAN : Will the Minister of RAILWAYS be pleased to state :

(a) the proposals received from the Government of Kerala State for the construction of new lines on the Southern Railway during the Fourth Five Year Plan period; and

(b) the reaction of Government thereto ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIA) : (a) and (b). A statement is enclosed as Annexure



## Statement

## Annexure 'A'

(a) Proposals of the State Govt. of Kerala for construction of new lines on the Southern Railway during the Fourth Five Year Plan	(b) Reaction of Government	Remarks		
Name of new lines				
S. No.	(1)	(2)	(3)	(4)
1.	Kottayam -Bodina- yakanur via Peer- made & Kumili. (MG—180 Kms.)	No survey has been carried out in the past. This line will, however, have to negotiate the Western Ghats over considerable length and the terrain is such that construction would involve a prohibitively high cost.	As the funds for new lines in the Fourth Plan are extremely meagre, only a few inescapable rail links justified on defence or top priority development considerations can be taken up for construction. Further, the Fourth Plan proposals of new lines have not yet been finalised and it is difficult to say now, which of the lines will ultimately be taken up for construction.	
2.	Tellicherry-Mysore (MG—237 Kms.)	Surveys carried out in 1957-58 revealed that even by inflation of distance for charge, this rail link would be unremunerative.		
3.	Kayankulam-Erna- kulam via Alleppey (MG—97 Kms.)	Traffic survey for B. G. in view of the likely conversion of Ernakulam-Trivandrum to B. G. has been completed. According to the report the project is highly unremunerative. However, the report is at present under Board's examination.		
4.	Trivandrum-Cape Comorin (MG—100 Kms.)	Surveys recently carried out for the Tirunelveli-Cape Comorin-Trivandrum rail link M. G./B. G. (about 167 Kms.) revealed that this project is not financially remunerative. However, the proposal is under consideration of the Government.		
5.	Kuttipuram-Ernaku- lam via Guruvayoor & Cranganore (MG—128 Kms.)	No survey has been carried out in the past. Prima facie, this line is not likely to be financially viable.		

## Irrigation Projects of Kerala

(b) if so, the reasons therefor ?

2310. SHRIMATI BHARGAVI THANAKAPPAN : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether some irrigation projects of Kerala are still awaiting clearance from the Central Government; and

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) and (b). The technical comments of the Central Water and Power Commission on the Edamaliyar Project are pending with the State Government who are modifying the planning

of the scheme. The modified project has not yet been received from the State Government.

The Government of Kerala have also proposed some new projects in the Cauvery basin for implementation. These schemes are under technical examination in the Central Water and Power Commission.

#### **Closure of Handloom and Powerloom Units**

2311. SHRI M. RAM GOPAL REDDY: Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether many handloom and powerloom units have been closed in the past two months and many more are facing the prospect of closure due to acute shortage of staple fibre;

(b) the reasons for the shortage; and

(c) the steps Government have taken or propose to take to ease the shortage of staple fibre and to ensure its equitable distribution ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) The detailed information is being collected and will be laid on the Table of the House.

(b) M/s. Gwalior Rayons, Nagda, who are the major producers of staple fibre in the country are facing shortage of pulp because of labour trouble and subsequent lock-out of their pulp factory at Calicut (Kerala). This has resulted in curtailment of production of staple fibre and reduction in the allotment of this fibre to the spinning units.

(c) Letters of intent have already been granted to the extent of 41,000 tonnes for stepping up production of staple fibre. Some other proposals received for setting up additional capacity are under examination. There is no distribution control over staple fibre at present.

#### **Export of Iron Ore by Private Parties**

2312. SHRI ERASMO DE SEQUEIRA : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether Government propose to permit export of iron ore by private parties from Indian Ports other than Mormugao; and

(b) the reasons which determine the continuation of private export of iron ore from Goa ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) No, Sir.

(b) The decision to permit Goan private exporters to export iron ore from Goa was based on historical as well as economic considerations and these continue to be valid even at present. Government is of the view that there is no immediate advantage to be gained by canalising the export of Goan iron ore exclusively through the MMTC. This policy is, however, kept under constant review, in the light of our overall export policy and objectives.

#### **Observations on the Functioning of Commercial Department of Railways by A. R. C.**

2313. SHRI PRAVINSH SOLANKI : Will the Minister of RAILWAYS be pleased to state :

(a) whether the Administrative Reforms Commission has made certain recommendations in regard to the functioning of the Commercial Department of the Railways;

(b) the date when these recommendations were submitted by the Commission and sent to the Railway Administration; and

(c) the action taken by the Railway Administration on these recommendations?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA):** (a) Yes.

(b) The Administrative Reforms Department forwarded to the Ministry of Railways A. R. C's report on Railways with their letter dated 23th March, 1970.

(c) The recommendations are at an advanced stage of examination.

**Meeting of Departmental Promotion Committee and Confirmation of Class I Officers of the Traffic Department**

2314. SHRI PRAVINSINH SOLANKI: Will the Minister of RAILWAYS be pleased to refer to replies given to Unstarred Question No. 2377 on the 11th August, 1970 and Unstarred Question No. 1598 on the 8th June, 1971 regarding meeting of the Departmental Promotion Committee and Confirmation of Class I Officers of the Traffic Department and state:

(a) whether the meeting of the Departmental Promotion Committee has since taken place;

(b) if so, the date of the meeting and names of the members; and

(c) the names of the officers who have been recommended by the Committee for permanent posting in the Railways?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA):** (a) Yes.

(b) Meeting was held on 17.8.1971. The members of this Departmental Promotion Committee were (1) Shri Hari Sharma, Member, Union Public Service Commission, (2) Shri C. S. Parameswaran, Director, Establishment, Railway Board, and (3) Shri S. P. Chatterjee, Director, Statistics & Economics, Railway Board.

(c) The recommendations of the Departmental Promotion Committee are being processed. After formalities are completed, the permanent appointment of the Temporary Assistant Traffic Officers, selected by the Departmental Promotion Committee, will be notified.

**Parcel containing Silver found missing at Ahmedabad Station**

2315. SHRI PRAVINSINH SOLANKI: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 5413 on the 20th July, 1971 regarding Parcel containing silver found missing at Ahmedabad station and state when the information is likely to be collected and laid on the Table?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA):** A statement is attached.

*Statement*

Date & S. No. Reference	Subject	Promise made	When and how fulfilled	Remarks
Unstarred Question No.5413 dated 20.7.1971 by Shri Chandrika Prasad.	<p>Asking :</p> <p>(a) whether one Parcel booked under Railway Parcel Way Bill No. 75771 dated 1st December, 1969 ex. Churu to Parcel Deptt. Grant Road containing silver worth Rs. 28,000/- approximately was found missing at Ahmedabad station on or about 2nd December, 1969;</p> <p>(b) if so, whether the claim for compensation of loss of the above consignment was received by the Railway and if so, the amount paid as compensation to the sender; and</p> <p>(c) whether investigation of the above theft was made by the CBI Branch of Railway Protection Force and if so, the result of investigation and the action taken against the persons found guilty.</p>	Information is being collected and will be laid on the table of the Sabha.	(a) Yes. The shortage was detected at Ahmedabad on 22.12.1969.	(b) A claim was received and repudiated.
				(c) Yes. The enquiry is in progress. Suitable action will be taken against the person found guilty as a result of the enquiry.

**Appointment of Typists in Railway Board's Office**

2316. SHRI PRAVINSINH SOLANKI: Will the Minister of RAILWAYS be pleased to refer to the reply given to Unstarred Question No. 2230 on 15th June, 1971 regarding payment of Honorarium and overtime to Typists of Railway Board and Divisional Offices of Western Railway and state the amount of Honorarium and Overtime paid to the Lower Division Clerks in the Railway Board's Offices who also attend to the typing work ?

THE MINISTER OF RAILWAYS  
(SHRI K. HANUMANTHAIYA) : Hono-

rarium and Overtime paid to Lower Division Clerks in the Railway Board's Office during the current year from 1.1.1971 to 30.9.1971 is indicated in the statement.

*Statement*

Honorarium/Overtime allowance Paid to Lower Division Clerks in the Railway Board's Office from 1.1.1971 to 30.9.1971.

*Honorarium paid during the period*      *Overtime allowance paid during the period*

Rs. 2,969.70

Rs. 39,351.85

**Posting of Additional Typists on Basis of Job Analysis in Divisional Office, Ajmer (Western Railway)**

2317. SHRI PRAVINSINH SOLANKI: Will the Minister of RAILWAYS be pleased to refer to the reply to Unstarred Question No. 2228 on 15th June, 1971 regarding Assessment of workload and staff requirements of Typists for Agra Division (Western Railway) and state :

(a) whether Government intend to provide 6 additional posts of Typists justified on the basis of job-analysis conducted in the Divisional Office, Western Railway, Ajmer in the month of May, 1969;

(b) if so, the approximate time by which these posts are likely to be provided by Government; and

(c) if not, how Government propose to manage the additional work of these 6 Typists in the Divisional Office, Western Railway, Ajmer ?

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : (a) The position with regard to sanctioning of additional posts of typists for the Ajmer Division (not Agra Division) furnished in reply to part (c) of question No. 2228 of 15.6.1971 still holds good.

(b) Does not arise.

(c) The work is being managed with the existing staff.

**ऋषिकेश, देहरादून में गंगा नदी द्वारा भूमि का कटाव**

2318. श्री मुल्की राज सेनी : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गंगा नदी द्वारा भूमि कटाव से ऋषिकेश, जिला देहरादून, उत्तर प्रदेश में भयानक स्थिति उत्पन्न हो गई है;

(ख) यदि हाँ, तो भूमि कटाव को रोकने के लिए सरकार के विचाराधीन क्या योजना है; और

(ग) उस योजना को कब तक कार्यान्वित किया जाएगा ?

सिंचाई और विद्युत मंत्रालय में उप मंत्री (श्री बंजनाथ कुरील) : (क) से (ग). ऋषिकेश शहर की सीमा में गंगा द्वारा कटाव की रिपोर्ट प्राप्त हो गई है। राज्य अधिकारियों से प्रार्थना की गई है कि कटाव के कारणों की जाँच करने और कटाव को रोकने के लिए उचित उपचारी उपाय तैयार करने के लिए सिंचाई अनुसंधान संस्थान, रुड़की में माडल अध्ययन करें।

**बिहार के गया जिले में भूमि की सिंचाई**

2319. श्री सुखदेव प्रसाद वर्मा : क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार राज्य के गया जिले में भूमि की सिंचाई के लिए अपर सिकरी रिजर-बायर तिलैया डाइवर्सन स्कीम और मुहाने जलाशय स्कीम के संबंध में सर्वेक्षण किया गया था;

(ख) क्या उपरोक्त योजनाओं से गया जिले की इस भूमि की सिंचाई संभव हो सकेगी जो बराबर सूखा और अकाल ग्रस्त रहती है;

(ग) यदि हाँ, तो क्या इनकी उपयोगिता को देखते हुए सरकार का विचार इन योजनाओं को चौथी पंचवर्षीय योजना में सम्मिलित करने और इन्हें कार्यान्वित करने का है; और

(घ) यदि नहीं तो इसके क्या कारण हैं ?

सिंचाई और विद्युत मंत्रालय में उप मंत्री (श्री बंजनाथ कुरील) : (क) और (ख). बिहार सरकार ने तिलैया व्यपवर्तन स्कीम के लिए

प्रस्ताव भेजे हैं। यह सुझाव दिया गया है कि परियोजना में प्रस्तावित टनल का संरक्षण पुनः किया जाए। संशोधित परियोजना की प्रतीक्षा की जा रही है। वर्तमान तिलैया जलाशय के व्यपवर्तन के मामले की भी समिति जांच कर रही है जिसमें बिहार और पश्चिम बंगाल के अभियंता भी प्रतिनिधियों के रूप में शामिल हैं।

बिहार सरकार अपर सकरी और मोहाने स्कीमों का अनुसंधान कर रही है।

(ग) और (घ). योजना में सम्मिलित करने का प्रश्न स्कीमों के तैयार हो जाने के बाद ही उठेगा।

**Number of Employees who performed Election Duties during Mid-term Lok Sabha Poll in Punjab**

2320. SHRI TEJA SINGH SWATANTRA : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) the number of employees who performed the election during mid-term Lok Sabha polls in the State of Punjab, District-wise;

(b) the amount of Travelling/Daily Allowances paid to such employees, District-wise;

(c) the amount still not paid, District-wise; and

(d) the steps taken to expedite payment of such allowances ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY) :

(a) to (d). The information is being collected and will be laid on the Table of the House.

**Agreement between the Workers of Beas Project and its Management**

2321. SHRI TEJA SINGH SWATANTRA : Will the Minister of IRRIGATION AND POWER be pleased to state :

(a) whether any agreement, written or otherwise, was arrived at between the workers of Beas Project at Talwara and the management and Union Deputy Minister of Irrigation and Power sometime in 1970 in connection with the absorption of retrenched staff;

(b) if so, the terms of agreement together with steps taken so far to implement the agreement;

(c) whether retrenchment/termination notices have been served upon workers at Talwara despite the agreement; and

(d) if so, the steps proposed to be taken to stick to the agreement in view of labour unrest at Talwara ?

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) : (a) No, Sir.

(b) Does not arise.

(c) and (d). As and when any retrenchment has to take place efforts are made to find alternate jobs for the workers on the other unit of Project against vacancies if available.

**Imports of Punch/Verifier**

2322. SHRI CHANDRA SHAILANI : Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether 16 Punch/Verifier machines were purchased by the office of the Chief Controller of Imports and Exports in 1966-67;

(b) whether 16 Punch/Verifier Operators were appointed for these machines;

(c) whether out of these 16 machines, only 8 machines have been put to use so far and 8 machines have remained totally unused upto now; and

(d) if so, the cost of machines remaining unused and the staff employed therefor ?

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) :** (a) Yes, Sir.

(b) 16 posts of Key Punch Operators/Verifiers have been sanctioned. At present there is one vacancy and attempts are being made to fill up this vacancy.

(c) and (d). All machines have been put to use but not equally intensively.

**Introduction of a new train between Delhi and Moradabad (Northern Railway)**

2323. **SHRI AMBESH :** Will the Minister of RAILWAYS be pleased to state :

(a) whether there are only two passenger trains from Delhi to Moradabad in day time; and

(b) if so, when another day train is proposed to be introduced on the route ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) No, there are 3 day-time trains between Delhi and Moradabad, 2 stopping passenger trains and 1 express train.

(b) There is at present no proposal to introduce additional trains on this route.

**Flood Control Treaty between India and Nepal**

2324. **SHRI BISHWANATH ROY :** Will the Minister of IRRIGATION AND POWER be pleased to state whether negotiations are going on for any flood control treaty with Nepal for the purpose of controlling floods in India ?

**THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI B. N. KUREEL) :** Preliminary discussions have been held in October 1971 at Minister's level and official level at Kathmandu on the Karnali project proposed by His Majesty's Government of Nepal and the Pancheswar and Poornagiri projects proposed by the Government of India. These projects when implemented will also provide flood control benefits in India.

**Termination of Services of Employees of Signal Workshop, Gorakhpur (North Eastern Railway)**

2325. **SHRI NARSINGH NARAIN PANDEY :** Will the Minister of RAILWAYS be pleased to state :

(a) whether notices have already been served and termination orders issued to certain employees of Signal Workshop, Gorakhpur of North Eastern Railway;

(b) if so, the reasons therefor; and

(c) whether his Ministry propose to absorb them elsewhere and if so, when ?

**THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) :** (a) No.

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

**Report of delegation of All India Manufacturers Association regarding European Market**

2326. **SHRI CHINTAMANI PANIGRAHI :** Will the Minister of FOREIGN TRADE be pleased to state :

(a) whether a five-member delegation of the All India Manufacturers Association, sponsored by Government to four European markets to find the demand of the Indian products, has submitted its findings to Government;

(b) if so, the recommendations made by the delegation; and

(c) Government's decision thereon ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : (a) to (c). The information is being collected from the Ministry of Industrial Development which had sponsored the delegation and will be laid on the Table of the House.

रेलवे अधिकारियों (पूर्वोत्तर रेलवे) द्वारा धन का अनियमित ढंग से उपयोग

2328. श्री सरजू पांडे : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या लोको फोरमैन, गोंडा और डिबीजनल मैकेनिकल इंजीनियर (लोको), पूर्वोत्तर रेलवे, लखनऊ, द्वारा वेतन तथा भत्तों के रूप में 50 हजार रुपये की राशि अनियमित रूप से वितरित की गई थी और क्या इस तथ्य की जानकारी फरवरी, 1970 में अधिकारियों को दे दी गई थी; और

(ख) यदि हाँ, तो इस संबंध में क्या कार्यवाही की गई है ?

रेल मंत्री (श्री के० हनुमन्तया) : (क) और (ख). सूचना इकट्ठी की जा रही है और सभा पटल पर रख दी जायेगी ।

लखनऊ में रेलवे अधिकारियों के बंगलों की सजावट

2329. श्री सरजू पांडे : क्या रेल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बनारिया बाग, लखनऊ के रेलवे अधिकारियों को दिये गये बंगलों की सजावट पर अधिकारियों ने गत दो वर्षों में 2,22,464 रुपये खर्च किये हैं ;

(ख) क्या लेखा परीक्षकों ने उपरोक्त खर्च पर आपत्ति की है; और

(ग) यदि हाँ, तो इस संबंध में क्या कार्यवाही की जा रही है ?

रेल मंत्री (श्री के० हनुमन्तया) : (क) और (ख). जी नहीं ।

(ग) प्रश्न नहीं उठता ।

12 hrs.

### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED KILLING OF POLITICAL  
PRISONERS IN ALIPORE  
CENTRAL JAIL

MR. SPEAKER : Now the Call Attention. Shri H. N. Mukerjee.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : Sir, I rise on a point of order under rule 376 about this motion under rule 197.

MR. SPEAKER : I have not received any notice. Do not introduce any new precedents.

SHRI JYOTIRMOY BOSU : A point of order can be raised at any time during the debate and no notice is required. The motion before the House is under rule 197 which prohibits a debate. The killing of prisoners inside the jail is taking place quite frequently in West Bengal and over 100 prisoners have been killed. So, may I request you to be good enough to have a discussion under rule 193 ?

MR. SPEAKER : He may give notice of it; but not now. I am sorry that he gets up abruptly and upsets the whole atmosphere.

SHRI H. N. MUKERJEE (Calcutta-North-East) : I call the attention of Minister of Home Affairs to the following matter of



[Shri H. N. Mukerjee]

urgent public importance and request that he may make a statement thereon :

"The reported killing of six political prisoners described as naxalites and injuries inflicted on more than two hundred inside Alipore Central Jail, West Bengal, on the 26th November, 1971."

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Mr. Speaker, Sir, At about 8:00 A. M. on 26th November, 1971, in the Central Jail at Alipore, Calcutta, convict Overseer Ram Deo detected some extremist prisoners of Ward No. 9 communicating with those of Ward No. 7, across the railing, separating the two wards. When he tried to dissuade them from doing so, some of the prisoners of Ward No. 9 got infuriated and began to assault him. When the warder Sadhan Kumar Das came to his rescue, he was badly beaten and was being taken forcibly to Ward No. 9 as a hostage. The Warders of the adjacent Ward rushed to his help and alarm was sounded. The Jailor and the Superintendent arrived at the spot with the available force. In the meantime, extremist prisoners of Ward No. 9 resorted to heavy brickbatting and prevented the entry of the guarding force into the ward. They pulled down some of the old air-raid-precaution walls of their Ward and also the tiled roof of the verandah; besides they armed themselves with improvised *lathis* with iron rods pulled out from the railings. All this time, the Jailor as well as the Superintendent of the Jail repeatedly persuaded them and warned them against their riotous conduct but they paid no heed whatsoever. In fact, simultaneously the extremist prisoners in Ward No. 7 also began to shower brickbats and broken tile pieces from their Ward. As warnings given by the Jailor and the Superintendent proved of no avail, the Superintendent ordered blank firing and 50 rounds of blank Cartridges were fired by ten warders from their muskets. As this also did not have any effect on the rioting prisoners, and the situation was getting out of control, and a barrage of stones and tile pieces were being showered on the jail staff, the Superintendent finally ordered a *lathi* charge, after which the situation was brought under control.

In the clash and the subsequent *lathi* charge, in all 172 extremist prisoners, 30 Convict Overseers, one Head Warder and 35 Warders as also the Jailor and the Discipline Officer received injuries. Out of the 22 prisoners and one Warder who were seriously injured, six prisoners succumbed to the injuries in the jail hospital. The others were removed to the S. S. K. M. Hospital. One prisoner out of them has since died. The remaining injured persons were being attended to in the jail hospital. Later four more prisoners were transferred from the jail hospital to the S. S. K. M. Hospital. One out of these prisoners has since died.

The Government of West Bengal have appointed Justice B. C. Mitter of the Calcutta High Court as a single member Commission under Section 3 of the Commissions of Inquiry Act, 1952, to go into :—

- ( i ) the causes and the nature of disturbances and the circumstances under which they originated;
- ( ii ) the manner in which the situation in relation to the disturbances was dealt with; and
- ( iii ) whether the provisions of the West Bengal Jail Code were complied with in dealing with the same.

In addition, the Commission will also go into, and make recommendations on the measures that should be adopted in future for preventing the recurrence of similar disturbances.

SHRI H. N. MUKERJEE : Sir, this statement has not been circulated to anyone of us earlier.

AN HON. MEMBER : Even now.

SHRI H. N. MUKERJEE : I do not know if anything can be more deeply disturbing to this House than the fact that for the seventh time in less than a year a Government, claiming to be popular, in West

Bengal has taken a toll of nearly 60 lives of under-trial political prisoners and through the statement my hon. friend, Shri Pant, tries to whitewash the crimes by stressing that the prisoners were supposed to have been dangerous, ultra-revolutionary young people.

In this connection you would permit me to quote from the editorial article of *Hindustan Standard* of Calcutta dated the 28th where it is said :

"The victims did not use weapons or make any open bid to escape. The brutality perpetrated, therefore, by the jail staff on unarmed prisoners detained on suspicion or waiting for trial had not even one remotely plausible pretext and reminded one of concentration camps under systems which we are never tired of decrying."

The most obnoxious aspect of the matter is that these ghastly crimes are committed by an administration and investigations generally do not follow. This time it has been promised, but generally investigations do not follow. Things are hushed up. The Law Minister—the Minister of Justice, I think, as he calls himself in the Cabinet—did nothing in Barasat, Diamond Harbour, Shibpur, Cossipore, Baranagore and so many other cases, in order to find out what had happened. The string of scandals would hang any Government worth the name by the neck but from the statement of Shri Pant it seems that Government has not even the sense of decency to hang its head in shame over this kind of an incident. There is not even one word in regard to the regret which Government feels about it.

The Inspector General of Prisons talks about the prisoners having thrown brickbats and tile pieces as if a whole supply of them were made available to these people. That was the only weapon with which they were fighting. From the Minister's statement it is quite clear. He says that a *lathi* charge was ordered after blank firing had taken place and that the *lathi* charge brought the situation under control. This is seconded by evidence in Calcutta of doctors and other

people that people were beaten to death with *lathi* blows. ... (Interruptions).

SOME HON. MEMBERS : Shame, shame.

SHRI H. N. MUKERJEE : We are expected to be patient in this House; we are expected to behave with democratic decency; we are expected to follow principles of parliamentary decorum. Is this parliamentary democracy that in the name of President's rule, this kind of barbarity goes on being perpetrated and there is not even a sense of conscience in the ranks of the Government party in this country? Not one person ever makes a statement about this sort of thing.

I would like the Minister to answer me, not in regard to matters which are under adjudication but in regard to a few questions that I put. I know, he will take shelter under the plea that they have appointed a Judge of the High Court and, so, let us bid good-bye to everything, no questions at this moment. I would ask him a few questions which do not infringe upon anybody's jurisdiction.

I would like him to tell us if it is a fact that a First-Class Magistrate by the name of R. K. Deb Nag who inspected the bodies of those who were killed in Jail, and who saw six bodies inside the Jail, said that he did not quite know how many other dead bodies were inside the Jail and he gave the information to the press people that, according to his idea, they were beaten to death by *lathi* blows. Will the Minister tell us whether a First-Class Magistrate made this information available to the press and, if so, what Government is doing about it?

I would also like him to tell us whether it is a fact, as reported in the newspapers that I have got here, that serious injury and operation cases were taken to the hospital eight hours later by some policemen and that, when the hospital authorities asked for any first-aid certificates have been granted earlier so that when the men were injured, to begin with, first-aid was sought to be given and then, eight hours later, they were taken to the hospital, no first-aid certificates

[Shri H. N. Mukerjee]

were made available. I would ask the Minister to tell us whether it is a fact that no first-aid certificates were prepared and that delay to the extent of eight hours was incurred in so far as the transport of injured people to the hospital was concerned.

Again, I would like him to tell us whether it is a fact that Mr. Narayan Das, a Jail Visitor, who had his right under whatever law dispensed by them to go inside the Jail was not permitted to go inside the Jail and he has made an allegation which has appeared in the press that there has been deliberate concealment of what had taken place inside the Jail. Would he tell us about the report which emanates from the Jail Visitor?

I would further like him to tell us, apart from whatever steps which have so often been promised by Mr. Pant himself, one thing. For instance, earlier he had said that judicial investigations would take place and all people, including the Inspector-General of Prison, would be hauled up for the purpose of investigations. Nothing has happened. Apart from the steps of long-term description which might have the objective of getting some remedy to the terrible situation, what steps are being taken in that regard? Is he going to take drastic steps at once to prevent repetition of such ghastly and disgraceful incidents? Is he going to bring the Inspector-General of Prison to book on account of the conduct which he displayed on the morning of the day of this incident.

Lastly, I would like to ask what I have asked him earlier on several occasions, and I would like him to tell the House and assure the House that *post mortem* reports regarding the death of these people, eight of them, as far as he has told us, would be made available to the inquiry and also to the members of the families of the deceased. The *post mortem* reports have not been made available in the case of all these types of killings which have taken place in West Bengal over a number of months. This is a matter of fact which the Government has not been able to explain in any kind of way.

Last time, he gave an assurance that he would try to look into the matter. Would he tell us that *post mortem* reports in regard to these killings would be made available?

I do not know if in the absence of the Minister of Home Affairs, the Minister of State has actually listened to what I have asked him and, I do hope, he will try to give answer to these things.

SHRI K. C. PANT : I have listened with great respect to Prof. Mukerjee.

There is no question of white-washing anything. Prof. Mukerjee says, I have not expressed any word of regret. I have given the facts. Any loss of life, any injury, to any individual is certainly a matter of regret. There can be no slurring over that fact. If it pleases him, I would certainly express regret on any injury or any loss of life, whether to the warders or to the prisoners or to anybody.

He asked about the tile pieces and whether there was a supply of tile pieces. I have seen the photographs of these wards and the roof of a verandah which is made of tiles and one could see that various tiles have been taken off and these certainly formed apparently the source of supply... (*Interruptions*).

MR. SPEAKER : No interruptions please.

SHRI K. C. PANT : I can only give the facts I know. From these photographs it appears that this was where the tiles came from.

About some First Class Magistrate having made a statement to the press, I have no information on that. I have not seen that particular statement to the press myself. But, I think that since a sitting Judge of the Calcutta High Court is going to inquire into the matter, he would be the right man to come to a judgment with regard to this.

The second thing is whether eight hours later some of these prisoners who were

injured were taken to the hospital and there was no First Aid Certificate. My information is that they were all taken to the jail hospital and later on transferred. If it is true that for eight hours they were kept and they could have been taken and they should have been taken earlier, then it is something I shall certainly inquire into because obviously if anybody is deliberately prevented from being treated in a hospital, that is highly objectionable and I shall have to enquire into that.

So far as any question of deliberate concealment... (*Interruptions*) as mentioned by the Jail Visitors is concerned, again I have not seen any report from any Jail Visitor to that effect. He might have said so, I cannot comment on that.

Prof. Mukerjee rightly mentioned that in the past also such instances came up before this House where there had been attempts at jail-breaking and *lathi* charges inside the jail, etc., etc. and I had said that we would look into these matters and see how we can prevent recurrence of such incidents. The Central Government has been in communication with the Bengal Government. A number of suggestions have been made. One of the practical suggestion that came to my mind and that, I think, is, in these circumstances, possibly the best solution to the problem is to have separate jails for these extremists and the idea is being followed up. Several separate jails are going to be set up but it has taken some time. The building of separate jails will take a long time. Therefore, we have been trying to take over some built-up accommodation and convert it into special jails. There, of course, one can make special arrangements and one can take special precautions and measures that would be necessary.

About post-mortem reports, I inquired this morning whether the *post-mortem* reports have been received but I was told that they have not yet been received. I am not very sure about the normal practice in these matters. But, I think if a Judge is enquiring into these incidents, the post-mortem report should be made available to him. That is what I think should be done, but I am not

sure. Whether this is the ordinary procedure I cannot say.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta South): Once again the unfortunate thing has happened in the Alipore Jail. I consider it was brilliantly engineered, planned and mechanised as it has happened in other jails like Asansol and Midnapore.

Sir, it is unfortunate that some misguided young people belonging to the Naxalite party were killed brutally inside the jail when they were treated as under-trial prisoners. In Alipore Jail this is the second time. Once it was in the special jail, now it is in the central jail. This is the eighth time that a jail clash occurred, in West Bengal on the under-trial prisoners. I am not going into the details. I will simply ask some questions.

Though I have no sympathy for the Naxalites and I do not advocate their activities and ideas, yet I must say that if these things continue so in the jails and in the police lock-up on the under-trial prisoners, particularly if the young prisoners are treated in this way, no Government would be able to resist or suppress the forces of the young people who will come tomorrow or day after tomorrow with their own genuine demands and outbursts. This has become a truth. Wherever somebody is arrested or detained in jail custody, he is detained not on the merit of his crime or the FIR report but simply as it was at the time of the Britishers. I have gone through the report of the Central Bureau of Correctional Services where they proposed certain reforms in the prisons. Nothing has yet been done. In Ward No. 9 where the under-trial prisoners came down and made clashes with the jail warders, may I know one thing from the hon. Minister? Is it a fact that in Ward No. 9, 237 under-trial prisoners were kept in? There were 237 in one single ward, Sir. And, Sir, only one warder without arms was engaged in the duty, either to protect them or to keep them or to face them.

May I know from the Minister another thing? How did the Naxalites inside the jail get the ladder, knife, even the

[Shri Priya Ranjan Das Munsi]

colour of the poster, which they painted and posted, in the wall saying, 'Mao-tse Tung Zindabad' ? I do not know how this thing happened. So, I consider that there is a brilliantly managed game between the jail authorities and the warders' union patronised by a particular political party and also with the under-trial prisoners. If you go through all the incidents of West Bengal, particularly the jail clashes, you will find this. There was a peculiar game between the jail warders and the under-trial prisoners. The jail warders did not belong to the jail compound; they belong to some other territory or locality of West Bengal where they had some political affiliation with some parties. They said openly : "This particular naxalite prisoner is in this jail; we shall have to take revenge on him." Thus they manage to create the clash. I congratulate the Government of West Bengal that they have appointed one judge to go into it, to hold judicial inquiry into the matter. I want to know from the hon. Minister whether there are certain police personnel and jail authorities who violate the order of the Government of India and the Government of West Bengal. For one example, in Kasba information centre of West Bengal Police, a police official, I know, killed a young man without any notice. I gave him a telephone call. (*Interruption*) This is what happened. I charge him. I want to know from the Minister whether there is going to be enquiry as to what happened inside the jail, whether action would be taken against these officers also.

There is only one thing I would like to submit. I am told that inside the jail, the under-trial prisoners are compelled sometimes to do some mischief. I have seen some warders bringing hot water. They put the hot water on the face of the under-trials so that they shout; they create confusion; there is a clash between them; usually they get opportunity to clash. And, what Mr. Mukerjee told is a fact. They were killed not by police bullet but by lathi-charge. How many warders were in the prison or prison cell that they could manage to kill 6 young prisoners by lathi charge only ? If the *post-mortem* report is available it will expose everything.

I request not for a piecemeal settlement but a thorough enquiry into the whole matter, to enquire into the conduct of the police officers, the DIG, IG, etc. If a worker in the Government department does not work, is he not suspended or retrenched ? Are not such workers suspended or retrenched under Article 311 of the Constitution ? Why cannot they do same thing for the I. G. Prisons ? Why cannot they do the same thing for D. I. G. Prisons ? Why no jailors are being suspended ? I want to know why this has not been done, in spite of these 7 or 8 incidents which have happened in West Bengal jails.

SHRI JYOTIRMOY BOSU : One thing is clear—one can be killed with notice in West Bengal and without notice also.

SHRI PRIYA RANJAN DAS MUNSI : Without notice for the criminals; with notice for the citizens.

SHRI K. C. PANT : My hon. friend Mr. Mukerjee asked me about the treatment in hospital. May I give the further information that I have got just now ? The jail hospital was inside the jail. There were 4 hospital doctors. All the injured were promptly attended to. 4 more doctors joined later. This is the latest information that I have got.

SHRI SAKTI KUMAR SARKAR (Joynagar) : No first-aid was given to the injured within 8 hours. I went there with the jail visitor.

SHRI K. C. PANT : If my information is not correct, the hon. Member can write to me and I can make enquiries, why I have been given this information. Shri Munsi has referred to the need for reforms in prisons, overhauling of jails and so on. Prison reform is necessary and we have discussed it many times, but we have never discussed it in depth. It is a subject in itself. In fact, my hon. friend, Shri S. S. Ray, who was in Bengal at the time of this incident, visited

this jail himself. He told me about what he had seen there.

AN HON. MEMBER : The visit to Cossipore was useless.

SHRI K. C. PANT : His visit to Cossipore served to clear the air and establish the facts. I do not think it was useless.

In this case also he showed me photographs in which was shown the words 'Mao Zindabad' written on the walls, to which my young friend referred. I have discussed this matter with him also, and we shall look into this question of jail reforms.

On the question of how many prisoners there were in this ward, 200 prisoners were in Ward No. 9. There were four cells, 50 to a cell. There were two warders and three to four convicted overseers to look after them.

Now, as to whether the warders belonged to a particular party or not, I cannot say. I do not want to say anything that would prejudice the inquiry in anyway bringing out the facts.

About the number of persons who *lathi*-charged, my information is that there were 60 persons with *lathis* and 10 with muskets. The hon. Member mentioned that they were killed by *lathis* and not by bullets. It has to be noted that though there were blank fires, they were not followed by any firing of live cartridges and *lathi*-charge was resorted.

SHRI SAMAR GUHA (Contai) : Killing by *lathi*-charge is more brutal, more barbarous and more savage.

SHRI K. C. PANT : I do not for a moment say that killing by *lathi*-charge is a good thing; it is a bad thing. I am not trying to say that one is better than the other. I am merely trying to say that perhaps it is possible that they preferred *lathi*-charge to actual firing which might have caused more deaths.

I was not on the spot; I cannot say. But usually *lathi*-charge is regarded as a lesser form of violence than actual firing on the prisoners.

SHRI A. P. SHARMA (Buxar) : How were paints and brushes brought inside the jail ?

SHRI DINEN BHATTACHARYYA (Serampore) : My first point is this. The Minister has given a long list of information. Everybody in West Bengal knows that the total number of deaths uptill now is 11 and not 6, as he said, plus 2. So the total number of deaths uptill now is 11. The whole House and the whole country should know that the Government now reigning in West Bengal is Indiraji's Government and under her rule this Government started from individual killing to mass killing, both inside the jail and outside. According to a statement in the other House the other day, 200 young persons have been killed by the police outside. More than 60 persons have been killed in jail. Can you imagine in British days this kind of thing taking place ? Now after 25 years of Congress rule, under a *pragatisheel* government under Shrimati Indira Gandhi, the West Bengal people are facing ? Whether you are in jail or outside, you can be killed; you can be killed by bullet, you can be killed by *lathis*, you can be killed by any weapon.

They are now saying that they have now appointed one judge of the High Court to go into the matter and inquire. We have no faith in this judiciary. Why does not Government here and now appoint some Parliament members... (Interruption). I do not say you appoint us. They may select 5 Congress MPs. Let them visit the jails, make an on the spot study and conduct an inquiry. Then they will find there are bloodstains on the walls of the prison. When they go inside the jail and ask anybody, the real truth will come out. Instead of doing that, they are now appointing one judge. Some days after, they will come and say that the Judge is not ready to go and inquire into the matter, and so they are searching for another judge.

Sometime ago, they appointed a Judge to inquire into similar type of incidents but

[Shri Dinan Bhattacharyya]

afterwards they came forward with a statement that that particular Judge was not ready to inquire into the matter. You can take it for granted that Shri B. C. Mitter will not inquire into this incident. Why are Government not appointing a parliamentary inquiry committee to go into this matter in detail? That inquiry should be held in public. Are Government ready to agree to it?

Is it a fact that a first-class Magistrate, Shri Devnath came with an inquest report and there it has been particularly mentioned that all these injuries were done as a result of a *lathi-charge*, and the killing was also by *lathi*. Now pressure is brought to bear on that Magistrate to change his statement. Is this true or not?

Then is it a fact that some prisoners fled to the hospital compound and there they were chased, and even inside the jail hospital *lathi-charge* was made and some people were killed inside the jail hospital. We have got enough evidence to prove that the tiles story is a concocted story and fabricated to establish their case.

This type of heinous crime is the 8th incident. In regard to the previous incident, Shri Pant came forward and said that an inquiry would be held. May I know in how many cases the enquiry has been held and, if so, what is their report? Would he kindly place it before the House?

Lastly, I say that in ward No. 9, where these ghastly murders have taken place, the maximum accommodation there is for 150 persons. Is it a fact that 263 persons were kept there? This is not the case in Alipore Jail alone. Throughout West Bengal, you will find inside the jails the same condition; where a maximum of 100 persons can stay, there, they will thrust 200 to 250 persons. I know it because I know the case of the Hooghly jail, where the same condition is prevailing and so, any time any incident can take place there also. My question is, whether you can assure this House immediately that you will at least treat these under-trial prisoners and the prisoners who have been

detained under the PDA and M. I. S. A. and other Acts as political prisoners and give them humane treatment; whether you are ready to give this assurance on the floor of the House or not. If not, I know this type of Alipore incident will take place in any jail at any place any day again, and again you will come forward with the same statement.

MR. SPEAKER : Finish it please.

SHRI DINEN BHATTACHARYYA : I am finishing. I want to know whether, as Shri Priya Ranjan Das Munsi has said, all these persons who have been victims of this *lathi-charge* belong to extremist group of Naxalites. I say it is not a fact. There are persons belonging to other political parties. I know there were persons belonging to our party, CPI (M). There were persons belonging to the RSP. So, before establishing the identity of the persons who have been murdered and who have been assaulted and who have been victims of these incidents, the Minister also comes forward with a statement that extremists have been killed. It is a typical practice, typical way, of replying to these questions. In case events taking place outside, he will say that for self-defence, the police killed them; and inside the jail, he will come forward and say that they were all extremists and they were trying to escape. My question is, how did he come to know that these persons, the boys who have been killed, belong to the Naxalites or the Extremists; whether he has established their identity or not. So, before establishing their identity, how can he come forward with a statement which is wrong? I will, therefore, request you, Mr. Speaker, to protect us from this sort of statement, which are misleading.

The Government must set up a non-official enquiry committee consisting of Members of Parliament, and it must be an open enquiry, so that the West Bengal people will have some confidence at least in that enquiry. Otherwise, it will be a whitewash and nothing more.

My pleading is, whether the Government can set up a non-official public enquiry for this incident.

**SHRI K. C. PANT** : Sir, first, Shri Dinan Bhattacharyya questioned the number of deaths that I had given in my statement. In our anxiety to ascertain the facts, and because of our concern, we had called the DIG (Prisons) from Calcutta, and we have been holding discussions with him. Also, as I said, my colleague, Shri Siddartha Shankar Ray... (Interruption)...had also visited the jail. I have also talked to him. We have done our best to ascertain the facts. On the basis of the facts with me, I reported that there had been eight deaths. I can only give him what information we have.

**SHRI JYOTIRMOY BOSU** : The DIG who was accused was asked to give information.

**SHRI K. C. PANT** : He raised the larger question of violence and killings outside and inside the jail and so on. That is a larger question. If one has to make any comments on that, one would have to take into account the fact that there have been inter-party clashes and murders of police-men themselves... (Interruptions)

Surely there have been deaths of police-men also; they have not killed themselves ?

**SHRI DINEN BHATTACHARYYA** : I say that during the President's rule 200 ordinary men and another 200 policemen have been killed. I also say that.

**MR. SPEAKER** : May I request you to have the patience to listen to him. There should be some limit to your interruptions, kindly keep quiet.

**SHRI DINEN BHATTACHARYYA** : There is no limit in West Bengal; they will kill our men... (Interruptions) Decorum and etiquette should not prevent us from saying facts.

**SHRI K. C. PANT** : We have discussed the law and order problem in West Bengal separately. I do not want to import any heat or score any debating point in this matter. It does not permit of that. He wanted some other enquiry. Usually whenever a matter like this comes up, the whole House asks for

a judicial enquiry. In this case we have appointed... (Interruptions).

**SHRI SAMAR GUHA** : Should not a parliamentary committee enquire into the whole thing ? These atrocities are being committed during the last 8 or 9 months; 53 young men have been brutally killed...

**MR. SPEAKER** : I do not allow you to say anything. I have not permitted you to speak. It is very difficult.

**SHRI K. C. PANT** : The judge will be going into this. My friend Shri Bhattacharyya says that Shri Mitter will not enquire into this matter. I hope that does not mean that he or his party are going to threaten him... (Interruptions). The threat is there, even now, when he says so.

**SHRI JYOTIRMOY BOSU** : What happened in other cases ? What happened in Barasat and Cossipore murder enquiry ? What happened in Belaghat murder enquiry ? What happened in the Diamond Harbour murder enquiry ? These people are hoodwinking us ? How can you allow that ?

**SHRI K. C. PANT** : How can he say that the Judge will not enquire into this ?... (Interruptions).

**MR. SPEAKER** : I will not allow this shouting.

**SHRI JYOTIRMOY BOSU** : You may or may not. Are we here only to listen to the cock and bull stories of the Minister, every day ?

**MR. SPEAKER** : Do not disturb the whole House; please listen.

**SHRI JYOTIRMOY BOSU** : I am a Member of this House and I am here to do my job. I have been sent by the people of West Bengal to do a job here; I do not care what you think or the House thinks.

**MR. SPEAKER** : Members without any procedures are there...



SHRI JYOTIRMOY BOSU : We know what you said in Patna that we were not maintaining decorum. What are we here for, if we are not to reflect the people? Why are we here?

MR. SPEAKER : You cannot reflect them by shouting... (Interruptions).

SHRI JYOTIRMOY BOSU : Are we here only to listen to the untruths said by the Ministers? They are unmixed untruths, every day. (Interruptions).

श्री मोहम्मद इस्माइल (बैरकपुर) : इसके बलाघात और हमारे हाथ में क्या है? घोर करने के सिवाय और क्या कर सकते हैं?

SHRI JYOTIRMOY BOSU : We are very respectful to the Chair but there should be some limit to the untrue statements every day. What is happening? The DIG who is accused is being sent for.

MR. SPEAKER : I would not allow you to speak anything. You can speak anything but when the Minister replies you are not prepared to listen to him?

SHRI JYOTIRMOY BOSU : We do not say untrue things, we reflect the people's difficulties.

MR. SPEAKER : Please sit down.

SHRI JYOTIRMOY BOSU : We shall sit down, but not like this. We are not going to be hoodwinked here.

MR. SPEAKER : What is this? If you do it with the House and me also, what about other places?

SHRI JYOTIRMOY BOSU : We are here to reflect the people's difficulties. Whether you like it or they like it or not, we do not care. Let this go on your record.

अध्यक्ष महोदय : हाँ, यह नमूना है आपका।

SHRI K. C. PANT : Shri Bhattacharyya referred to the *post mortem* report and some inquest. The First Class Magistrate, Shri Dev Nath, came for the inquest over the dead bodies on 26.11.1971.

SHRI JYOTIRMOY BOSU : He has been pressurised to give the report.

SHRI K. C. PANT : He made no observations of any type on the nature of the injuries which will depend upon the facts revealed in the *post mortem* examination.

SHRI JYOTIRMOY BOSU : Will that be placed on the Table of the House?

SHRI K. C. PANT : There is no question of any pressure being brought... (Interruptions).

MR. SPEAKER : Please do not interrupt.

SHRI JYOTIRMOY BOSU : I have already told you what we think about it.

SHRI K. C. PANT : Let me assure my hon. friend that the Government is interested only in the fact that the truth should come out and the whole truth should come out. That is why we have appointed a working Judge of the Calcutta High Court to go into this matter.

SHRI JYOTIRMOY BOSU : We know about this Judge. We know Mr. Mitter.

AN HON. MEMBER : We know the Judge you appointed in the Rabindra Sarovar case.

SHRI JYOTIRMOY BOSU : Why don't you read the report of that Commission?

MR. SPEAKER : He thinks that by shouting all objects can be achieved. What is this?

SHRI K. C. PANT : The trouble is that my hon. friend's mind is revealed by the question put by Shri Bhattacharyya. He said that we were giving facts which were connec-

ted because we wanted to establish our case. I do not have a case, the Government does not have a case, we want to know the truth. Seeing the truth we will take action accordingly.

SHRI JYOTIRMOY BOSU : You are in the dock, Mr. Pant. You are the accused here.

MR. SPEAKER : You are not at liberty to say anything.

SHRI JYOTIRMOY BOSU : There are specific rules as to what I can say and what I cannot say. If there is anything which is unparliamentary, which cannot be said according to the rules, you expunge. You kindly quote the rule. You cannot pull me up like this.

MR. SPEAKER : You are interrupting every time.

SHRI JYOTIRMOY BOSU : You have been a lawyer yourself.

MR. SPEAKER : I never allowed you to speak.

SHRI JYOTIRMOY BOSU : I did not want to, but I was provoked by his string of untruths.

SHRI K. C. PANT : What seems to have provoked him, if he wants me to say that, is that somebody has said that these murders may have some political affiliations, and it is his defensive mechanism that is working.

SHRI JYOTIRMOY BOSU : We have known your political colour for the last seven years.

SHRI K. C. PANT : Shri Bhattacharyya asked me about the affiliations of the persons who have been killed. I can give the names of six of them. According to the information with me, they were Naxalite under-trials.

SHRI DINEN BHATTACHARYYA : What about the other persons who have been injured ?

SHRI K. C. PANT : These are under-trial Naxalites. Therefore, there is no question of twisting or giving a different colour to it.

SHRI DINEN BHATTACHARYYA : What is the reply regarding the setting up of a Parliamentary Committee of all parties.

MR. SPEAKER : There is no question of any parliamentary committee. It is not in his jurisdiction to do so.

SHRI JYOTIRMOY BOSU : Will he agree if you allow that ?

SHRI B. K. DASCHOWDHURY (Cooch-Bihar) : The whole House seems to be very much agitated about this incident occurred in Alipore Central Jail, but I must appreciate the steps taken by the Government and those at the helm of affairs in West Bengal, by immediately appointing a Commission to go into the entire matter. There are reasons for being agitated looking at the West Bengal situation and particularly about the series of jail incidents. There are murders or a large number of prisoners have escaped. In the Midnapore jail a 7 feet tunnel was constructed by the Naxalites, but how was this done ? That is the question today. We must remember that there are certain rules applicable to the prisons. I remember the theory of punishment which I read while I was a student of law that there is not a single person, however criminal he may be, who is beyond redemption. Considering this aspect, the jails should have these correctional processes and certain processes of reformation. But here we are hearing about these hair raising incidents one after the other. I would simply flood-light before the House the things that are going on in the administration of jails in West Bengal. Without going into the incident—how many were killed, *post-mortem* reports and other things—I would request the Minister to go through all these things very carefully.

I have got a copy here and I would like to read it. It gives certain instances to show how the jail administration is going on in West Bengal. On 24th March, 1971, a circular was issued by the D. I. C. (Prisons)

[Shri B. K. Daschowdhury]

to all Jail Superintendents and Jail Administrators in the districts to give certain details of the jail administration. In reply thereto, one of the Jail Superintendents informed the D. I. G. as follows :

"With reference to Memo No 1527 (18) WD-19/71, dt. 24-3-71, the undersigned begs to report that it is very doubtful if daily parade of warder guards as enjoined in Jail Code Rule-352 (F), the weekly muster parade as enjoined in J. C. R. 380 and daily Roll Call of warder guards in connection with the observance of J. C. R. 325 (i) were ever rigorously enforced. At any rate, the daily parade and the daily roll call have remained suspended over a number of years and all off-duty guards seldom muster in the Superintendent's weekly parade. Attempts to enforce attendance have met with little success so far and the general tendency is to shirk these parades under one pretext or other, as the warders find these too taxing after their normal duties which are strenuous under the present conditions. It is apprehended that attempts to secure attendance may lead to further complications."

This is the situation. That particular note of the D. I. G. (Prisons) states clearly that there is something wrong in the jail administration.

We heard sometime before that in the jail administration those in the superior ranks, those who have gained experience for years in the jail code and jail administration including the Senior D. I. G. (Prisons) were not given their promotion. Even those lower than the rank of D. I. G. also were not given their respective promotions. Instead, the entire administration under the Home Ministry in West Bengal, I must say with a heavy heart, try to implant some of their outside officers as Inspector General of Prisons, particularly young I. A. S. officers, however bright they may be, thinking that they will be more experienced than the experienced Senior D. I. G. (Prisons), who has not been promoted as I. G. (Prisons). This is what has

been happening. This adds another instance of complete breakdown of jail administration. Among senior officers, there is a sense of frustration in the jail administration. All this is there today.

The third thing I would like him to consider is, in West Bengal, there is a warders' association. As my young friend rightly mentioned, this organisation is affiliated to one political party. I may mention its name, with your permission—it is the CP (M). It is known to them. They can disown it. What has been done with this warders' association? Because of enmity between the warders' association and the Naxalites, in all these jail incidents wherever happened—six or seven of these incidents during the last four months or so—if the authority and the administration goes into the matter, they will find that there have been continuing clashes between warders and Naxalites. In some cases, even there are reports submitted to higher jail authorities by the D. I. G. about actions of some warders. I have some cases and I would like to name them also with your permission, where no action was taken against warders.

There were certain specific reports but the IG of Prisons and also some of the officials did not pay any heed to that and they did not take any action so far. There are a few persons, Shri Thapan Roy for instance and others, against whom a report was submitted to the IG of Prisons for their alleged activities in regard to their association and their anti-Naxalite activities inside the jail, and yet those wardens are still working in the Alipore Central Jail where these incidents have now taken place. In spite of these reports, no action was taken against them.

MR. SPEAKER : Let him come to the question.

SHRI B. K. DASCHOWDHURY : So, my question is : Will the hon. Minister consider to what extent these warders, who owe allegiance to a particular political party and who are members of the Warders' Association, are responsible for these incidents in

the Alipore jail ? Secondly, is it not a fact that among the higher officials of the jail administration of West Bengal there is a sense of frustration at not being promoted to the levels which they deserve because the Home Minister's secretariat want to bring young IAS officers over their heads as IG of Prisons ? Thirdly, will the government not agree that without correctional services and other reformatory measures it is not possible to control the inmates of these jails because the number of under-trial prisoners and other convicts in this prison out-number the proportionate number of wardens and the jail has become absolutely over-crowded. So, will the government consider introducing reform in the administration of jails in West Bengal ?

SHRI K. C. PANT : I agree with my hon. friend that the approach should be one of correction and reform of prisoners. That is one of the tasks in which all authorities concerned with jails throughout the world, progressive authorities, are engaged in. It is a subject of current interest. But in this particular case these were under-trials and the stage of correction will come at a much later stage. That does not apply to the particular incident we are considering. Here a particular situation arose and the authorities took certain action. Certain results followed and we wanted a judicial inquiry by a judge. So, this incident should be treated apart from the general question of reform and correction of prisoners.

Then he read out some names of warders who were engaged in anti-Naxalite activities and he said that a report has been submitted to the IG of Prisons, West Bengal and no action has been taken on that. I shall have to look into it. I have no information with me... (*Interruptions*). Is Shri Dinan Bhattacharyya trying to plead the cause of some warders ?

SHRI DINAN BHATTACHARYYA :  
No.

SHRI K. C. PANT : I am mistaken. Then the hon. Member mentioned that IAS officers are being appointed whereas promotees should be appointed from among the

jail staff. This is a matter which can be separately considered. It is not a part of this particular Calling Attention Notice.

PROF. S. L. SAKSENA : (Maharajganj) : It is a most sad occasion when eight prisoners and under-trials have been done to death inside the Alipore jail by *lathi-charge*. Never have I known of so many prisoners being done to death in a *lathi charge*. The *lathi-charge* lasted for one hour, something unheard of in history. How could the *lathi charge* last for such a long time unless it was done as a revenge. Unless revenge was the motive, what else could it be ?

13'00 hrs.

There is one contradiction between what the hon. Minister has said and the report of the *Anrit Bazar Patrika*. The Minister has said that the incident occurred when one prisoner was trying to pass on information to another prisoner across the window, but the *Patrika* report says :

"Narrating the incident the Inspector General (Prisons) told the *Patrika* that the clash started when a convict overseer (mate) was beaten up by some extremist prisoners when the former had gone to ward number nine for distribution of breakfast."

The IG says this and the report that the Minister has got says that he was passing on some information. That means, something has been and is being cooked up after the IG's statement.

What is most shameful is this. I quote again :

"Immediately after the incident hundreds of anxious guardians gathered near the Alipore Central Jail to know about their near and dear ones. They waited till late hours of night."

At 8 O'Clock the beating began and till late at night people had to wait to know about what happened to their relatives. This is something very heartless and callous.

[Prof. S. L. Saksena]

I agree that the situation in West Bengal is extremely difficult but these are extremely callous attitude on the part of Government. I am neither a Marxist nor a Naxalite; I am a pure Gandhian, believing in non-violence and I really shudder at the thought that the *lathi* charge could go on for one hour and three persons could be beaten to death and three killed by bullets. I have never seen a man dying of shoe beating. I am sorry that the Minister's first reply did not show the regret that it should have shown. It is a matter of very deep shame and great pain to the whole House. The Minister should have said in the very beginning that he is very much concerned about and is sorry for the episode. I hope, he will make amends.

SHRI K. C. PANT : There is really no question in that. He referred to the *Patriku* report. I have not seen that particular report. Naturally, I give the report that I get from the West Bengal Government. I have placed before the House all the information that I have.

13'03 hrs.

### Re : CALL ATTENTION NOTICES

(Procedure)

MR. SPEAKER : May I again invite your attention to the fact that we had been thinking of revising the procedure for calling-attention motions? Almost every day it goes beyond the zero hour leaving aside all the rest of the business. That is the reason why I had invited the attention of the Business Advisory Committee and the Rules Committee. I was assured that the proper procedure would be followed.

SHRI H. N. MUKERJEE (Calcutta North-East) : But surely the threat of *lathis* against bodies being beaten to death is something which should arouse this House to condemn. I hope, your sleep would be disturbed to a certain extent by the thought of what you have heard today.

MR. SPEAKER : I have to preside over the House and listen to everything every day. I am talking of every day and not of today. It is every day that it goes beyond the Lunch Hour....(Interruption).

The procedure was that "a member may, with the previous permission of the Speaker, call the attention". We do not confine ourselves to "a member" but extend it to two, three, four and five Members. Then, "there shall be no debate on such statement at the time it is made but"—and this was added in 1967—"each member in whose name the item stands in the List of Business may, with the permission of the Speaker, ask a question." From "a member" it has become five members and from "a question" it has become so many questions along with a long speech. So, I invite the attention of the House to stick to the procedure.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : May I make a submission? What I had tried to do before the Call Attention Notice started, I quoted the rule and asked for a discussion on it. Would you be so kind to consider admitting this discussion under Rule 193?

MR. SPEAKER : They are put before the Business Advisory Committee and they decide it.

SHRI JYOTIRMOY BOSU : I have given notice of it. But nothing has happened.

MR. SPEAKER : They come before the B.A.C., not me. Very often, it is mistaken that perhaps I am setting up all these motions and I allot the time. When these motions come, they are out before the B.A.C. and they decide it.

SHRI JYOTIRMOY BOSU : You are the master of the whole show.

MR. SPEAKER : I know how far you take it.

**SHRI JYOTIRMOY BOSU** : I take it very seriously.

**MR. SPEAKER** : Completely a changed man now. What a gentleman he is sometimes !

(1) A copy of the Audit Report (Civil) 1970 (Hindi version) under article 15(1) of the Constitution.

(2) A copy of the Appropriation Accounts (Civil), 1968-69 (Hindi version). [*Placed in Library. See No. LT-1173/71*]

13'06 hrs.

## PAPERS LAID ON THE TABLE

### REPORT OF TECHNICAL ENQUIRY COMMITTEE ON COLLAPSE OF ROOF STRUCTURE OF STEEL MELTING SHOP IN ROUR- KELA STEEL PLANT

**THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARA-MANGALAM)** : I beg to lay on the Table a copy of the Report (Hindi and English versions) of Technical Enquiry Committee on the collapse of the roof structure of the Steel Melting Shop in the Rourkela Steel Plant in July, 1971. [*Placed in Library. See No. LT--1171/71*]

### ADMISSION AS ADVOCATE (TRAINING AND EXAMINATION) (AMENDMENT) RULES, 1971

**THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI NITIRAJ SINGH CHAUDHARY)** : I beg to lay on the Table a copy of the Admission as Advocate (Training and Examination) (Amendment) Rules, 1971 (Hindi and English versions) published in Notification No. S. O. 3598 in Gazette of India dated the 25th September, 1971, under sub-section (5) of section 49A of the Advocates Act, 1961. [*Placed in Library. See No. LT-1172/71*]

### AUDIT REPORT (CIVIL) 1970 AND APPROPRIATION ACCOUNTS (CIVIL), 1968-69

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI)** : On behalf of Shri K. R. Ganesh, I beg to lay on the Table :

### MYSORE IRRIGATION (AMENDMENT) RULES

**THE MINISTER OF IRRIGATION AND POWER (DR. K. L. RAO)** : I beg to lay on the Table a copy of the Mysore Irrigation (Amendment) Rules, 1971 (Hindi and English versions) published in Notification No. G.S.R. 268 in Mysore Gazette dated the 17th August, 1971 under sub-section (4) of section 71 of the Mysore Irrigation Act, 1955, read with clause (c) (iv) of the Proclamation dated the 27th March, 1971, issued by the President in relation to the State of Mysore. [*Placed in Library. See No. LT-1174/71*]

### COTTON TEXTILES (CONTROL) FOURTH AMENDMENT ORDER, 1971, ETC.

**THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE)** : I beg to lay on the Table :

(1) A copy of the Cotton Textiles (Control) Fourth Amendment Order, 1971 (Hindi and English versions) published in Notification No. S. O. 3807 in Gazette of India dated the 16th October, 1971, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [*Placed in Library. See No. LT-1175/71*]

(2) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951 :

- (i) S. O. 3251 published in Gazette of India dated the 30th August, 1971 regarding management of Mahalakshmi Mills Company Limited, Beawar (Rajasthan).

[Shri A. C. George]

- (ii) S. O. 3406 published in Gazette of India dated the 30th September, 1971 regarding management of the Swadeshi Cotton and Flour Mills Limited, Indore. [Placed in Library. See No. LT-1176/71]

13'08 hrs.

### MESSAGE FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following message received from the Secretary of Rajya Sabha :

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Contempt of Courts Bill, 1971, which has been passed by the Rajya Sabha at its sitting held on the 22nd November, 1971."

### CONTEMPT OF COURTS BILL

AS PASSED BY RAJYA SABHA

SECRETARY : Sir, I lay on the Table of the House the Contempt of Courts Bill, 1971, as passed by Rajya Sabha.

### COMMITTEE ON PUBLIC UNDERTAKINGS

REPORT AND MINUTES

SHRI M. B. RANA (Broach) : I beg to present the following Report and Minutes of the Committee on Public Undertakings :

- (1) First Report on Hindustan Steel Limited.
- (2) Minutes of the sittings of the Committee on Public Undertakings (1970-71 and 1971-72) relating to

the First Report of the Committee on Hindustan Steel Limited.

13'10 hrs.

### STATEMENT RE: DERAILMENT OF TRAIN NO. 7-DOWN PURI-HOWRAH EXPRESS

MR. SPEAKER : The Railway Minister.

You can lay the statement on the Table of the House.

THE MINISTER OF RAILWAYS (SHRI K. HANUMANTHAIYA) : I beg to lay the statement regarding derailment of Train No. 7 Down Puri-Howrah Express between Retang and Bhubaneswar stations of the South Eastern Railway on 28.11.71.

#### Statement

On 28.11.1971 at about 19:50 hours train No. 7 Down Puri-Howrah Express with a load of 17 bogies and hauled by two steam engines in front was running between Retang and Bhubaneswar stations on the Waltair-Howrah double line broad gauge section of Khurda Road Division of the South Eastern Railway. The front engine and the second and the third bogies derailed. The second engine alongwith first, fourth and fifth bogies derailed and capsized at Km. 440/3 obstructing both the lines.

As a result of the accident, 6 persons including three railway employees were hurt grievously. Eight persons including two railway employees sustained minor injuries.

Immediately on receipt of the information Medical Van from Khurda Road accompanied by doctors was rushed to the site. The State Government Hospital ambulance vans, which had also been called in, reached the site at 20:45 hours. The injured were removed to the hospitals. Relief train from Khurda Road accompanied by railway and police officers left for the site at 21:05 hours. The Senior Deputy General Mana-

ger, South Eastern Railway accompanied by Heads of the Departments and the Additional Commissioner of Railway Safety also proceeded to the site.

*Ex-greua* payment has been arranged for the injured.

The Additional Commissioner of Railway Safety, Calcutta will hold a statutory inquiry into the accident at Bhubaneswar on 2nd December, 1971.

### Re. SITUATION ON BORDER

SHRI SAMAR GUHA (Contai) : Sir, I want to draw your attention to one thing. For the last four days, a series of fightings are going on inside the Indian territory and it is reported that over 50 tanks were employed by the Pakistani army inside the Indian territory...

MR. SPEAKER : You should first get my permission.

SHRI SAMAR GUHA : Parliament, when it is in session, has a right to have some report from the Defence Minister. We are very glad to have reports about Mukti Bahini from radio or from newspapers. It is reported that over 50 tanks were employed by the Pakistani army inside Indian territory and for the last four days this confrontation is going on. When the House is in session, we have the right to know about it...

MR. SPEAKER : First you must get my permission. I have not permitted you to speak.

SHRI SAMAR GUHA : Is it not the right of this House or the obligation of the Government to keep this House informed ?

MR. SPEAKER : You should have waited for my permission.

SHRI SAMAR GUHA : I have drawn your notice many times that it is the duty of the Government to keep this House in-

formed about these things happening. Our territory is being violated and inside our territory more than 50 Pakistani tanks...

MR. SPEAKER : You are speaking without my permission.

SHRI SAMAR GUHA : The Government should come with a statement about it.

SHRI S. M. BANERJEE (Kanpur) : I rise on a point of order, Sir.

MR. SPEAKER : On what ?

SHRI S. M. BANERJEE : On this.

MR. SPEAKER : I had not permitted him. He was speaking without my permission. There cannot be a point of order on that.

SHRI S. M. BANERJEE : I am asking for your permission.

MR. SPEAKER : I am not giving. There is nothing before the House.

SHRI S. M. BANERJEE : Shri Samar Guha said about Pakistani tanks inside our territory and the fighting going on... (*Interruption*). We are beating them everywhere. They will be thrown out. Why worry about it ? (*Interruptions*).

MR. SPEAKER : Order, order. I have not allowed it.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : I request the Defence Minister, through you, to make a statement on the latest situation. You can ask him to make a statement.

SHRI P. K. DEO (Kalahandi) : It is a very serious matter. The Minister should make a statement... (*Interruptions*)

MR. SPEAKER : Order, please.

यह अच्छा मजाक है रोज कुछ न कुछ होता रहता है। एक बैठता है तो दूसरा खड़ा हो जाता है। हर वक्त आप सवार रहते हैं।



जी अटल बिहारी वाजपेयी : सब एक साथ बड़े हों, इससे अच्छा है कि एक एक कर के बड़े हों।

अध्यक्ष महोदय : आप भी उनके साथ शामिल हो जाते हैं।

We will take up...

SHRI SAMAR GUHA : What about my request, Sir ? Will you please ask the Government to make a statement ?

MR. SPEAKER : I will resist this if you go on like this. I am not prepared to listen to you.

SHRI SAMAR GUHA : I will have to make you listen. People are being killed by the Pakistani tanks. I have to make you hear because you are here to hear us...\*

MR. SPEAKER : Nothing of what the hon. Member says will go on record.

Everyday a scene is being created in this House. What is this ?

Now we will take up this Bill after lunch.

We meet after lunch at 2.15.

13.13 hrs.

*The Lok Sabha adjourned for Lunch till Fifteen minutes past Fourteen of the Clock.*

*The Lok Sabha Reassembled after Lunch at Sixteen minutes past fourteen of the Clock.*

[MR. SPEAKER *in the Chair*]

## CONSTITUTION (TWENTY FIFTH AMENDMENT) BILL

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : Mr. Speaker, Sir, I rise to move :

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, in the last session of Parliament the Constitution (Twenty-fourth) Amendment was passed with an overwhelming majority. It has now become a part of our Constitution. The famous judgment in Golaknath case has therefore gone out of the field. Having asserted the supremacy of Parliament, it is now open to amend any provision of the Constitution and the decks are now cleared for the passage of the Constitution (Twenty-fifth Amendment) Bill.

The present amendment seeks to amend Article 31 and to add a new Article, Article 31-C. The proposed amendment substitutes the word 'amount' for 'compensation'. This amount may be fixed by law or may be determined in accordance with such principles and given in such manner as may be specified in law. The proposed amendment also provides that no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate and that the whole or any part of the amount is given otherwise than in cash.

The proposed amendment is necessitated by the judgment of the Supreme Court in what is now known as the Bank Nationalisation case. After the Fourth Amendment was passed by Parliament, there have been many judicial somersaults on the interpretation of the Fourth Amendment, but in the last case, the Bank Nationalisation case, the continued use of the word 'compensation' led to the interpretation that the money equivalent of the property acquired must be

\* Not recorded.

given for any property taken by the State for a public purpose. This interpretation given by the Supreme Court completely renders nugatory the provisions of the Fourth Amendment which made the adequacy of compensation fully non-justiciable. Even Mr. Justice Subba Rao, as far back as 1965, had held on the Fourth Amendment that the compensation payable and its adequacy was not justiciable, nor were the principles laid down in the statute justiciable. But very soon thereafter he overruled himself. He was again overruled in a subsequent case by the Supreme Court which is known popularly as *Shantilal Mangaldas* case where the Supreme Court held that adequacy of compensation was not justiciable. If the matter had rested there, then full effect could have been given to the Fourth Amendment, but then, as I stated earlier, there was another somersault and the matter was argued again before the Supreme Court in the *Bank Nationalisation Case*. The judgment in the case of *Shantilal Mangaldas* was overruled, and the Supreme Court has again laid down, relying on the use of the expression compensation, that compensation means money equivalent, in other words, it means the market value of the property.

This decision of the Supreme Court in the bank nationalisation case really, although not expressly, repealed the Fourth Amendment which was passed by this House in the year 1955. I have mentioned this history only to point out to hon. Members that what is now sought to be done in this amendment is to restore the *status quo ante* which prevailed after *Shantilal Mangaldas's* case and before the judgment in the bank nationalisation case was delivered.

It is also important to remember that the proposed amendments provide for the exclusion of the applicability of article 19 (1) (f) in property which is covered by article 31. This again became necessary because of a change of view in the decisions of the Supreme Court. Earlier decisions of the Supreme Court had consistently taken the view that both these article, namely 19 (1) (f) and 31 are mutually exclusive and if the provisions of article 31 are held to be applicable, they do not have to look to article 19 at all to find out whether a

legislation is reasonable. But, again, in the bank nationalisation case, that view was reversed, and a position was introduced wherein it was held that even if all the requirements of article 31 were satisfied, you must test it also on the anvil of article 19 to find out whether a particular legislation imposes a reasonable restriction or not. So, this set at nought completely the intent and purpose for which this Parliament had passed the Fourth Amendment in 1955, and that is the reason why the present amendment has been put forward before the House for consideration to restore the *status quo ante* and to make it clear beyond doubt that it is for Parliament to determine as to what is the reasonable amount which should be payable in the case of acquisition of property. It is not the court which will be the final arbitor to decide on the reasonableness of the amount, but it is this Parliament which would be the final arbitor for deciding as to what amount can be regarded as adequate or can be regarded as reasonable for the aquisition under a particular legislation.

It is obvious that it should not be possible for the court to block measures of social change by compelling payment of compensation of such a high quantum as to make it impossible to implement the socio-economic measures. Hon. Members will, I am sure, appreciate the crucial importance of this.

On the agenda today is a far-reaching programme aimed at restructuring the entire socio-economic fabric of our country. This will involve greater and greater State intervention including nationalisation of major areas of industry and commerce. Clearly, if we are compelled to pay market value as compensation for everything we acquire, our programmes will become impossible of implementation or at best beset with threats of litigation and stay orders all the way.

SHRI PILOO MODY (Godhra) : What programme ?

AN HON. MEMBER : Socialist society.

SHRI H. R. GOKHALE : Even as far back as 1955, when the Fourth Amendment

[Shri H. R. Gokhale]

was moved and taken for consideration, Pandit Jawaharlal Nehru intervening in the debate had made very significant remarks in respect of the obligation of the State to pay compensation at the market rate for properties acquired. He said this :

“If we are aiming, as I hope we are aiming and we repeatedly say we are aiming, at changes in the social structure, then inevitably we cannot think in terms of giving what is called full compensation. Why? Well, firstly because you cannot do it, secondly because it would be improper to do it, unjust to do it, and it should not be done even if you can do it for the simple reason that in all these social matters, laws etc. they are aiming to bring about a certain structure of society different from what it is at present. In that different structure, among other things that will change is this, the big difference between the have's and the have-not's. Now, if we are giving full compensation, the have's remain the have's and the have-not's have-not's. It does not change in shape or form if compensation takes place. Therefore, in any scheme of social engineering, if I may say so, you cannot give full compensation, apart from the other patent fact that you are not in a position—nobody has the resources—to give it.”

Panditji meant what he said. But the whole objective was frustrated by the decisions of the Supreme Court; they were rendered nugatory, particularly in the last case, namely the bank nationalisation case.

That is why I should again emphasise that the present amendment has become necessary to restore the position which obtained prior to the Bank nationalisation case to enable property to be acquired for a public purpose on payment of reasonable compensation as will be determined by Parliament.

Speaking on the issue of compensation, it would be very interesting to see how even

as far back as at the time of the first Round Table Conference Mahatma Gandhi said these very prophetic words. He said :

“If the national government comes to the conclusion that that step is necessary no matter what interests are concerned, they will be dispossessed and they will be dispossessed. I might tell you, without any compensation, because if you want this Government to pay compensation, it will have to rob Peter to pay Paul, and that would be impossible.”

What is the reasonable amount must, therefore, of necessity be left to the decision of Parliament. Judges howsoever eminent cannot be permitted to enter the political arena so as to infuse their own political or economic thinking in place of the philosophy which Parliament in its wisdom may accept in the interest of the people of the country. The danger of making political and economic decisions dependent on the individual philosophy of Judges was pointed out by a prominent member of the Bar, then a member of the Rajya Sabha, in the debate on the Fourth Amendment. He said this :

“It is rightly said, Sir, that law is one generation behind society and lawyers are two generations behind society, and I may add that judges are three generations behind society.”

SHRI ATAL BIHARI VAJPAYEE  
(Gwalior) : What about former Judges ?

SHRI H. R. GOKHALE : The member who said this was than an eminent member who spoke on this. These are the words uttered by a then member of the Rajya Sabha and at present a sitting eminent and distinguished Judge of the Supreme Court — I am referring to Mr. Justice Hegde.

That is precisely why the danger of asking Judges to interfere in the political arena is this, that they import their concepts which were probably good three generations

ago. That is why the amendment intends to put the judiciary beyond the pale of controversy by making the determination of compensation non-justiciable.

May I say this, that it is not to take away something from the powers of the court, but it is really to protect the court from itself, the judges from themselves, because if the judges begin to enter into a discussion of politics and economics, it is inevitable—as indeed it should be inevitable—that they will be subject to criticism from the people at large. It is to save them from this catastrophe that it is always regarded as essential that judges should be protected from public controversy on matters which are political, matters which are economic.

Critics of the present measure seek to invest property rights with an aura of sacrosanctity by regarding it as a primordial institution of the law of nature. It is this approach which led the Supreme Court in the Bank Nationalisation Case to seek help from the now archaic and long-past dead theories of Blackstone who regarded property as a natural right. Such a view is not only out of tune with the juristic approach to the institution of private property in modern jurisprudence, but it is not in tune even with the native genius of ancient and traditional juristic thought in India. The individual's right to private property must yield second place to the supervening right of society to acquire the property for a public purpose. That is the eminent and dominate basis of the amendment which the House is called upon to consider today.

I cannot do better than once again remind the House of what the Father of the Nation said, again many many years ago.

**SHRI PILOO MODY :** Do not desecrate his name.

**SHRI H. R. GOKHALE :** He said :

"I have in mind many things I would have to do in order to equalise conditions. I am afraid that for years together India would be engaged in passing legislation in order to raise the

downtrodden, the fallen, from the mire into which they have been sunk by the capitalists, by the landlords, by the so-called higher classes and then, subsequently and scientifically by the British rulers."

"If we are to lift these people from the mire, then it would be the bounden duty of the National Government of India in order to set its house in order, continually to give preferences to these people and even free them from the burden under which they are being crushed.

And if the landlords, zamindars, monied-men and those who are today enjoying privileges,—I do not care whether they are European or Indian--if they find that they are discriminated against, I shall sympathise with them, but I will not be able to help them. I will therefore be a battle between the haves and the have-nots."

Sir, that really takes me to a more vital part of the 25th Constitution (Amendment) Bill, and that as, the newly introduced article 31C and which, I am proud to say, is a land-mark in the constitutional history of India. This article, for the first time, gives to the directive principles of State policy in our Constitution a place of primacy and predominance. The directive principles are fundamental in the governance of the country and it is the duty of the State to apply these principles in making laws. Though the directive principles are not in terms enforceable by any court, the proposed amendment makes the enforcement of the directive principles possible.

The proposed amendment proves that no law giving effect to the policy of the State towards securing the principles specified in clauses (b) or clause (c) of article 39 shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by article 14, article 19 or article 31 of the Constitution, notwithstanding anything contained in article 13. The two clauses, namely, (b) and (c) of article 39 enjoin on the State to direct the policy towards securing that ownership and control of material resources of the

[Shri H. R. Gokhale]

community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. The implementation of these directive principles is vital for the achievement of our objectives of re-structuring society so as to make it egalitarian and just. The proposed amendment removes the major road-blocks in the implementation of these directive principles. A legislation containing a declaration that it is for giving effect to the policy contained in article 39 (b) and (c) of the Constitution will disable courts from scrutinising whether such legislation in fact gives effect to such a policy.

The Law Commission, in its recent report, has fully endorsed the basis of the proposed amendment in the following words :

"However, as we have already indicated, directive principles not being enforceable were given a somewhat inferior position in judicial process. The proposed Bill for the first time recognises the primacy of directive principles and has selected two of them enshrined in article 39B and 39C for implementation in the first instance. That is why we think the Bill marks the beginning of a new era in the constitutional history of our country."

I am proud to say that this clause refers to implementation of the directive principles of the Constitution. The Law Commission I am tempted to repeat these words because I want to emphasise with regard to the basic approach underlying these articles which are proposed to be amended—has fully agreed that after it is adopted Parliament will have heralded a new era in the pursuit of the goal placed before the nation by the Constitution to establish social and economic justice in this country. The Commission is in full agreement with this object of the clause.

Having appreciated the basic approach underlying article 31C, I am aware that the

Law Commission has made two recommendations which we have found very difficult to accept. The Law Commission, for example wants that the bar to judicial review should be confined only to article 19 (1) (f) and (g) and not to the whole of article 19. But I must point out that the Law Commission itself agrees and concedes that the reason for the apprehension which the Government has in its mind for including the whole of article 19 is justified. It in terms refers to the decision of the Supreme Court in the price page schedule case which is now very well known as the Sakal newspaper case, and the Law Commission says that "The applicability article 19(1) (a) was unduly and unjustifiably extended in that decision so as to apply in the case of newspapers where a price page schedule was fixed.

Now the result of it was that inspite of the basic right under 19(1) (a) being available to the common man, it actually worked for the protection of the monopolists and property owners. It was nobody's intention; it can never be the intention in a democratic set-up to touch the basic fundamental rights, such as the right of association, right of free speech and so on. It is equally the intention and confidence of the Government that under the garb of the exercise of these basic rights which are meant for the common man, it should not be made to result in the protection and perpetuation of monopoly and property owning class in this country.

That is why the Government has found it unacceptable to confine the power of judicial review only to article 19(1) (f) and (g), and thought it advisable that it should be applicable to the whole of 19... (Interruptions)

The Law Commission has also recommended that in article 31 the declaration which is made finally, determinative and non-justiciable should be deleted. Once again I find it extremely difficult to accept the reason given by the Law Commission for making this recommendation that it should be deleted. The Law Commission mentions it as a ground if the declaration is kept as it is and it is made non-justiciable even in cases

where there is colourable exercise of power or where there is fraudulent use of the constitutional power, or as the Law Commission says, if you use this particular article for making a law for a purpose which has no nexus whatsoever with any of the Directive Principles contained in article 39(b) and (c) even then, says the Law Commission, the Court will be precluded from going into the matter and find out whether the law furthers the implementation of article 39(b) and (c).

I would very respectfully join issue with the members of the Law Commission on this because it is well settled and well known in jurisprudence that howsoever rigid and tight a declaration which disables the court from going into the justiciability of a matter might be, nothing can happen in which the court might say: I realise that this is a fraud and still I am helpless. The court can never say: this is colourable exercise of power and this particular clause bars me from going into the colourable exercise. Even if the whole declaration is left as it is, the court is not as helpless as the Law Commission believes it is.

On the other hand if the clause is deleted, the dangers are far greater than the so-called advantage which will be gained by deleting the clause. Once again, I say that if the courts are asked to consider and decide as to whether a law really implements and gives effect to the Directive Principles contained in article 39(b) and (c), what are we doing if not dragging the judges and courts into an arena which rightly belongs to the field or public life, with which a judge, those who are individuals as judges, is not concerned. We expose them to criticism but the worst danger is that we enable them to infuse their own political philosophy in their judgments which unfortunately has been the experience in the country for the last ten years. Should we take this risk and should we enable the courts to determine whether a certain law is adequate, is sufficient to implement the Directive Principles? When Parliament makes a declaration in its wisdom that the law is intended and meant for the furtherance of one or both the Directive Principles referred to in article 39(b) and (c)? It is according to me thoroughly unsatisfactory that it should be made justiciable,

that in a political matter the judges of the court should be asked to sit in political judgment when their field really should be confined to decisions on legal interpretation.

That, according to me, was a far greater danger, a danger, would repeat, not to the intentions which we have in going ahead with our programmes, but a danger to the reputation of the Judges themselves because it has been shown that the Judges have been tempted to be drawn into the political arena. Otherwise I am not able to understand how in the 1970's Blackstone can be the basis of a decision for saying that property is a natural right, as if nothing has happened after Blackstone died. Even in England, a country which is otherwise regarded as fairly conservative, in the last 50 years the Judges have gone back on that position. Even Lord Denning, who is a sitting Judge of the Court in England today, has said in more than one judgment that we cannot go back to Blackstone in this country, when the very complexity of modern times requires legislation to deal with situations which are unheard of and which could not be imagined when Blackstone lived. Therefore, you import a new theory of jurisdiction. How do you import Blackstone unless you import your own political and economic theory into interpreting the legislation? Therefore, the question for consideration before the House is whether the recommendation of the law Commission should be accepted. I am afraid it is impossible to accept that recommendation for the reasons which have mentioned. Opening the door of jurisdiction to the judiciary would mean enabling them to examine whether the Directive Principles were or were not implemented by the legislation in question. Such a thing would import the political philosophy of the Judges and, as I have said earlier, it would involve the Judges in matters which rightfully belong only to the political and economic sphere. That is why the declaration, I submit to the House, should remain as it is.

By passing the proposed amendment, this House will be taking a decisive and historic step forward towards the fulfilment of our social objectives. I would, therefore, recom-

[Shri H. R. Gokhale]

mend to the House the passing of the proposed Twenty-fifth Amendment.

**SHRI SAMAR GUHA (Contai) :** What about the amendments that you have circulated ?

**SHRI H. R. GOKHALE :** When the question of amendments comes, we will deal with them. Just now the question of the amendments does not come.

**MR. SPEAKER :** Motion moved :

"That the Bill further to amend the Constitution of India, be taken into consideration."

**SHRI P. K. DEO (Kalahandi) :** I beg to move :

"That the President of India be requested to refer the Bill to the Supreme Court under article 143 of the Constitution." (23)

**SHRI ATAL BIHARI VAJPAYEE :** I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th February, 1972." (24)

**SHRI PILOO MODY :** On a point of submission. The Government has given notice of three official amendments.

**MR. SPEAKER :** They will be taken up when we come to Clause-by-Clause consideration. This is the motion for consideration of the Bill.

**SHRI PILOO MODY :** I am making a submission, not trying to tell you something that you already know.

My submission is that we should know whether the Government intends to move these amendments or not before the debate takes place so that the debate can be mean-

ingful, because if they intend to move them, there is so much that can be said in the debate that would otherwise not be necessary. So, I think that in a situation like this, on such an important Bill, the Government must make its mind clear at this point.

**MR. SPEAKER :** This is a submission to the Government, not to the Speaker. The total time is 8 hours. Perhaps 5 hours may be devoted to general discussion, 2 hours for the clauses and 1 hour for third reading.

**SHRI PILOO MODY :** What about my submission ?

**MR. SPEAKER :** That submission does not concern me; that concerns the Government.

**SHRI PILOO MODY :** That means, they will have 24 hours more for horse-trading.

**SOME HON. MEMBERS :** Time should be extended.

**SHRI ATAL BEHARI VAJPAYEE :** It should be 10 hours.

**MR. SPEAKER :** We will sit for longer time, if necessary.

Shri Samar Mukerjee.

**SHRI SAMAR MUKERJEE (Howrah) :** Mr. Speaker, Sir, I am not a lawyer nor a judge and I do not know the subtleties of these formulations in the Acts and Rules. So, I will not deal with those aspects. This amendment is of a political nature and so, I will confine myself to the sphere of politics and economics. I have heard with attention the quotations made by the Law Minister, particularly of Pandit Jawaharlal Nehru and Gandhiji, in relation to the objectives before the country, which they have placed. But these are very old quotations. The objectives placed by them before the country were also very old. But the Constitution of the country was serving the big business, the capitalists and the monopolists for the last 25 years. It

is now after 25 years that you feel the necessity of introducing this amendment in article 31 in regard to compensation. The purpose of the amendment as stated by the Law Minister, is to restore the *Status quo ante*. That means, you are holding the views which you were holding up till now for the last 25 years, though you are placing here the political outlook that you want to bring about a change in the pattern of society and in the economic and social structure of society by minimising, if not removing disparities, among the people. You have also said that the struggle is going on between the haves and have-nots and this amendment is to bring about changes in the lives of the have-nots, so that some curbs can be placed on the haves in the form of some restricted compensation. If you really want to analyse the Constitution from the point of view of haves and have-nots, I would request you to deeply ponder over the real class character of this Constitution. It is a constitution to exploit and safeguard the exploitation of the society. Under this constitution monopoly, capitalism has grown on a big scale. It is under this constitution that the land-lords vested interests have got the protection of this government and also the courts. Today you are referring to courts and accusing the judges of holding out-dated views and interpreting the provisions of the Constitution with that old outlook.

Are you really serious in bringing about a change in the social structure? No. That is quite clear because you want to restore the *status quo ante* by introducing this amendment. That means that you want to safeguard the vested interests by these articles. In the Directive Principles of the Constitution you have stated that there should be no concentration of wealth; yet, during these 25 years there has been a phenomenal growth of monopoly capitalism on the one side and concentration of poverty on the other. That is why 25 years after independence you have to raise the slogan *garibi hatao*. How has *garibi* intensified so much? Because, under this very Constitution you allowed the vested interests to rob the poor people. Now if you want to introduce any changes which are of a basic and fundamental nature, then the entire Constitution should be changed lock, stock and barrel.

**SHRI PILOO MODY :** This is the lock; stock and barrel will follow.

**SHRI SAMAR MUKHERJEE :** We have been repeatedly clamouring that exploitation by big business, particularly foreign imperial exploitation should be stopped. The big monopoly capitalists should not be allowed unchecked robbery and exploitation of the masses. In order to bring about basic social changes towards socialism the primary necessity is that the means of production must be taken away from the hands of the individual and placed under the control of society by nationalisation. They should be the property of the entire society. Without the socialisation of the means of production you cannot bring about changes in the social structure and there can be no basic changes in the relationship of production without taking over the big properties in the hands of the entire society. Article 31 was the biggest barrier in the way of that because of the judgment of the Supreme Court about compensation for 14 nationalised banks. So, you are coming forward with this amendment. But when an amendment is being brought forward, it should not have a provision for payment of compensation, or at least the compensation should not be the market value. The basic solution is that this article should go completely and there should be no compensation for either foreign or local monopolist capitalists. Their property should be acquired without any compensation. Similarly, from the big landlords the entire land should be taken away without payment of any compensation. That should be distributed among the landless and the poor peasants. They should be distributed land completely free of any cost. Then there can be any basic, fundamental changes in society and in the economic structure. By simply bringing about these types of amendments no basic change will take place.

The Directive Principles were there incorporated in the Constitution for the last 25 years but those Directive Principles are simply pious wishes, only to hoodwink the masses. On the one side there are the Directive Principles and, on the other, there is full guarantee for unfettered exploitation to the big vested interests through the clauses



[Shri Samar Mukherjee]

of Fundamental Rights. You have turned the right of property into a fundamental right and you are not yet basically, fundamentally, changing that article.

If you are serious, you must bring about provisions of that nature. But instead of that, we see even amendments to the amendments that have been brought forward here. You are silent whether you will press for them here or not. But these new amendments to the amendments quite signify that under the pressure of the big business you have even retreated from what amendments you had brought forward in July last. That is why, though we are prepared to support the original amendments, we are not prepared to support the new amendments to the amendments.

In the name of minorities you want to maintain the system of huge profiting through educational institutions. You know the example of Kerala where the entire Catholic Church turned to be an educational system as a source of big business. They have amassed a huge amount of money and have become a centre of reaction and corruption. By this new amendment you want to protect these types of vested interests. That is why we are totally opposed to these new amendments to your original amendments.

Also, you have brought forward one amendment on page 2 which says "which does not give adequate effect". This question of adequacy is subject to interpretation by the courts. By this amendment also you are creating some loopholes for the courts to interfere in these cases. That is why also we are opposed to these.

Then, you have introduced that two-thirds majority of those present in the House as well as the majority of the total strength should be the condition for introducing legislation under these amendments. This also is a submission to the pressure of the vested interests. If this is accepted, in the State Assemblies generally for the two-thirds majority to be present or for any particularly party to get may not be possible in many

cases. That is why these measures will be held up. So, I am opposed to these new amendments to the original amendment of the Constitution.

Regarding clause 3 (new article 31C), you are taking away entirely the rights conferred by article 19. Here also I am opposed to taking away the entire rights under article 19.

15 hrs.

Here, the apprehension and the concern expressed by the Law Commission's Report is just because article 19 confers the right of speech, association and other elementary democratic rights to the citizen. That right you cannot take away with the provision of this new clause which you want to introduce. That is why I want that only sections 19(f) and (g) should be taken into this amendment and other sections should be left out.

My conclusion is that this amendment which you are now trumpeting, that it is a very big step in introducing the basic fundamental changes in the social structure, is not the reality though you are using it for your election purposes. But still it will be a slight curb on the big business. That is why we are supporting it. In order to change the social structure, we want that the changes in the Constitution should be more basic and fundamental. That is why we are demanding, time and again, that these big businessmen and the foreign imperialists should be given no compensation and these big landlords should not be given any compensation. Only small and medium owners or businessmen should be given some compensation. Otherwise, there cannot be any basic, fundamental, change in the social structure of our country.

SHRI N. K. P. SALVE (Betul) : Mr. Speaker, Sir, after listening to the very able, erudite and lucid speech of the hon. Law Minister, there is hardly any necessity for me to deal with any fact which deals with the historical background leading to present amendment to the Constitution. However, to

a competent and a conscientious student of the Indian Constitution, I have no doubt in my mind, it would not be very difficult to infer and ascertain that in the preceding two decades, when with various amendments we riddled the Constitution, we have never deviated and departed from the cardinal and basic principles which has commended themselves to the founding fathers of the Constitution.

In fact, the Parliament in exercise of its constituent authority, invariably, maintained the primacy of the Fundamental Rights not only over the rest of the constitutional provisions but also over the Directive Principles. That such primacy was very zealously guarded by the judiciary is a matter of history.

However, we managed to enter a phase when, as indicated by the hon. Law Minister, these very Fundamental Rights started becoming a sort of weapon as it were, a sort of an instrument as it were, in the hands of the vested interests, in the hands of men, as my hon. friend, Mr. Kumaramangalam, would call them, men of property and property alone to fight the progressive measures that were made and enacted by Parliament and various State legislatures. This is how a conflict arose between the Directive Principles and the Fundamental Rights and it was of no wonder that a time came when the Directive Principles came to be identified with the cause of the down-trodden, with the under-privileged, with the famished and the poor and the Fundamental Rights came to be associated with the cause of the very few, the vested interests, the men of prosperity and property alone.

And then the battle royal reached its crescendo in the case of Golak Nath in which by a stroke of pen the Parliament was stripped of its constituent authority to tinker with the fundamental rights and the Parliament was told that the law which held the field for nearly 17 years was not to be a good law prospectively.

And by a majority of six to five judges, it was held that the Parliament/shall hereafter not exercise its constituent authority in any

manner whatsoever either to abridge or abrogate the Fundamental Rights. Sir, even the most fervid and most devout supporters of the Golak Nath case at one time, to-day admit that that particular decision of the Supreme Court unfortunately happened to be given in a manner which was not only incorrect but it was also improper.

It is whispered very loudly, Sir, I repeat it is whispered very loudly that then own political philosophy got itself super-imposed in judgment when the Judges were called upon to interpret a written Constitution. I, for one, would not want to utter a single word that would mean any disrespect to the Supreme Court. For, it is necessary to maintain such dignity of Supreme Court to keep intact the infrastructure of democracy, we show the maximum deference and respect to the Supreme Court. I do hope, Sir, that the Supreme Court will also show respect to itself.

Therefore, we were compelled to come to the Twenty-Fourth Amendment Bill. There is a slight change I want to make to what the Law Minister said about Twenty-Fourth Amendment. We came in with the Twenty Fourth Amendment Bill, the Law Minister said, to re-establish the supremacy of the Parliament. There is a slight change I would like to make. We did not establish the supremacy of the Parliament. We established, we reiterated the supremacy of the people through the elected representatives working in the Parliament. That is how it was. That is how it was so far as the Twenty Fourth Amendment Bill was concerned.

Everyone now holds that the Twenty Fourth Amendment Bill is a valid piece of legislation. Though there is again a whisper that until the earlier law which was the law of the land was duly reviewed by the Supreme Court itself Twenty Fourth Amendment itself could not be valid even if Parliament has power to amend part III of the Constitution. That is a matter which may be debated before the Supreme Court. However, I do hope not.

The present measure, the Twenty Fifth Amendment to the Constitution is a com-

[Shri N. K. P. Salve]

pletely new approach. It is a drastic departure in the approach to the Constitution, both in the matter of approach of the Parliament to the Constitution and in the principles which, so far have been cherished or the principles to which the Constitution has conformed all these years, and the principles which commended itself to the founding fathers of the constitution. Therefore, this measure, now for the first time, is such a drastic change in the approach, a drastic departure from the principles that for the first time we have come to establish the primacy of the Directive Principles over the Fundamental Rights, some of the Fundamental Rights, especially the Fundamental Rights relating to property.

Therefore, I agree with the Law Minister that this is a historical landmark of the Indian people in their pursuit to achieve their socio-economic objective and surely, it is a commendable endeavour by which we want to facilitate the creation of a Welfare State by establishing a social order in which the social, political and economic justice will continue to inform all the institutions in the national life of the country. Therefore, I do submit that this measure is so radically progressive that I would describe this measure as a revolutionary measure brought by this Parliament.

I would refer to what that great Italian patriot, Mazzini, who along with Garibaldi established a new order in Italy, said about revolution. If this concept of revolution is true, then that applies to the revolution which we are seeing here to-day. Said Mazzini :

“Great revolutions are work rather of principles and not of bayonets and are achieved first in moral and afterwards in material sphere.”

Never was it more true than what it is in what we are doing today in Parliament.

However, Sir, it is necessary for me to express some doubts that I have as regards this measure—they are doubts of a technical

nature. I must make it clear as my predecessor made it clear that he is not a lawyer, that I am also a chartered accountant only. Therefore, my field is not Constitutional Law. I will, therefore, depend upon common-sense; I am not going into the futile subtleties of law.

The first doubt which comes to my mind straightway is this. Whether the very object which we have in this Bill, is likely to be frustrated if we keep the Bill in its present form? The object clause makes it absolutely clear that as a result of the decision of the Supreme Court in the Bank Nationalisation case, clause 2 is being enacted. The Supreme Court held that compensation is a Constitutional guarantee and therefore compensation equivalent in money of the property which is compulsorily acquired has to be given. The Supreme Court contented that Parliament was right in enacting that on the question of adequacy of compensation they cannot go into, but that determining whether or not we are giving the full equivalent in money on acquiring property is justiciable. This is an interpretation which I cannot understand. I cannot understand the rationale when you agree to stop yourself from going into the adequacy of compensation but still keep open for your consideration the question whether or not the same is equivalent in money for what you have acquired. Are the two processes different. The mistake therefore which I think we may be committing—is this. We have only changed the word ‘compensation’ and put in the word ‘amount’. The mechanics of the entire article continue to show that we are exercising the right of eminent domain the right of requisitioning and acquisition of property unaltered. Is it not, therefore, possible for the Supreme Court to take a view like this? Never mind the nomenclature or name you call it by compensation or damages or solatium. Never mind whatever name you call it, so long as you exercise the right of eminent domain, your obligation to make good the loss to the person who loses the property is expressly recognised and in that sense there is no change in the law. And when that concept comes in, to take

it for granted that the controversy of the *status quo* is clinched by the present amendment, I think is a view, not free from doubt and I do not certainly share the complacency that this Bill in its existing form will achieve the objective enumerated in the Statement of Objects and Reasons in that difficulty.

I do hope therefore that this matter will be carefully gone into once again. What may happen is after one year it may come back again for amendment and we find ourselves where we were after the Bank Nationalisation Case. Then we shall have to re-start a fresh the same thing once again. For too long a time we have waited. We have repeated amendments after amendments, far too many time and far to long, Sir. Let us put an end to it. Let us make the thing absolutely clear so that the courts do not find ways and means to get within their purview and that it does not become justiciable on the ground relieving the *status quo* despite amendment. In fact, if this still remains justiciable by any means or manner then the entire purpose and object of clause 2 would have been completely frustrated.

My next doubt is with regard to the new clause, 2B. It is stated therein :

“Nothing in sub-clause (f) of clause (1) of article 19 shall affect any such law as is referred to in clause (2)”.

As was ably explained by the hon. Law Minister, it became necessary to insert this particular clause because Supreme Court held in Cooper's case that when you acquire property for public purpose, it is not enough if you comply with the requirement of Article 31, but, you have also get to put on the anvil, you have to take care of what is stated in 19(1)(f). Now, we are confining ourselves, therefore, only to 19 (1) (f) completely forgetting that there is one more sub-clause where there is again property coming and that is sub-clause (g) of article 19(1). What happens if you go to take trade or business which is covered by sub-clause(g). Then again you will have to come for further amendment. Therefore, why can you not take precautions at this stage, to bring in sub-

clause (g) ? This is of great importance but somehow this seems to have completely escaped the notice of the draftsmen. While acquiring property you may comply with art. 31 but there is one more important Article to be taken care of, which may not have been looked into in the case of Bank Nationalisation Case but nevertheless which does become important, and that is Article 14 which guarantees equality before law to everyone. In respect of that article, it has been held by various courts that it takes in arbitrariness, it takes in reasonableness, it takes in generally discrimination and particularly it takes in discrimination of such type as it calls hostile discrimination where unequals are treated as equals. Then is it not more than likely that some day, when we are acquiring some property, it would be found. . .

MR. SPEAKER : The hon. Member should try to conclude now.

SHRI N. K. P. SALVE : There is no equality of time.

AN. HON. MEMBER : Shri N. K. P. Salve is not more equal than others.

SHRI N. K. P. SALVE : . . . it is likely to be found that we may not be able to exercise our authority under article 31 without satisfying article 14.

I would request the authors to consider whether or not it would be wise also to take article 14 along with article 19(1) (f) and (g). The last point that I want to make on this clause is that there are going to be laws where we are going to acquire property without the declaration under article 31 (e). The other day we have had the Income-tax Act amendment; for acquisition of property under that Act, there is not going to be a declaration that it will be immune from the scrutiny and examination of the courts. Now, that type of law in which there is not going to be a protection of the declaration will have to be determined only with reference to powers in article which we are seeking to amend, namely article 31 (2). In that case, if the matter of justiciability is not properly

[Shri N. K. P. Salve]

taken care of, in 31 itself we are likely to get into very serious difficulty.

Then, I come to clause 3. Clause 3 as I see it, introduces a revolutionary concept. It has established the primacy of the Directive Principles undoubtedly over certain Fundamental Rights. Now, therefore, the time has come when the courts will have to determine the ambit and the exact gamut of the Directive Principles. And when I read the Directive Principles for the first time to determine their ambit—and I have discussed this matter with eminent jurists—I find that the two principles in respect of which we are making this legislation are extremely narrow in their ambit and gamut. The two principles read as follows:

Article 39 says :

“(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;”

This Directive Principle is not at all revolutionary. It is an extremely static principle. It only says that the entire material resources should be so distributed as to subserve the common good. This might have been a very good Directive Principle in the Victorian era. At that time, it might have been considered very progressive, but today it is not so, because it does not state that the material resources will be taken under social control or that they would be taken under the State ownership.

Likewise, we have the next principle which says :

“that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.”

The Directive Principle does not say that where there is such concentration of wealth and means of production that by itself causes common detriment, but only where it

causes common detriment, then alone it may come within the scope of proposed article 31C.

‘Detriment’ is again such a nebulous matter that once you go to court to determine what is detriment to a community you do not know what will happen, for what may be detrimental to the society in which Shri Piloo Mody lives may not by some standards at all be detrimental to the society in which I live and so on and so fourth. So, I respectfully submit that this particular aspect may be looked into so that we do not find ourselves trammelled and fettered because of the extremely narrow gamut and ambit of the two Directive Principles in making progressive laws.

There is one more very important suggestion that I have to make. In this clause, why have Government not taken along with articles 14, 19 and 31, also article 26 ? As you know, there are many religious or sectional institutions, whether they are Christian institutions, Parsi institutions Hindu institutions or Sikh institutions, which are fabulously rich and many of them to our knowledge, on account of the court cases, are found to be managed by people who are not too honest. Therefore, if we want to acquire their property, then this clause will not be of any avail to us because article 26 is not taken in here. Why should we leave out fraudulent religious institutions irrespective of religion to which they belong ?

In conclusion, I want to say that the Law Commission has *suo motu* given its report on the Bill. I consider the approach of the Law Commission extremely unfortunate. They seem, to be pleading with us for the Supreme Court; it is wanting to establish a rapport between Parliament and the Supreme Court. There is no need for this. We respect Supreme Court. I do not know who gave them the brief for the Supreme Court. They have said something about the Supreme Court which is very very uncharitable. What one of the Judges has said has been referred to by the Law Minister,

but I would like to share with Members of Parliament what they want us to share with them. This is what they say :

"In this context, we would like to refer to the observations made by Mr. Justice Cardozo, the great American Judge of the Supreme Court of the United States. Said Justice Cardozo:—

"The great tides and currents which engulf the rest of men do not turn aside in their course and pass the Judges by."

"We would invite the Union Government and the members of Parliament to share our faith in the wisdom of Mr. Justice Cardozo's observation."

Whether we share our faith in Justice Cardozo's observations or not, while Law Commission came as the Messiah to plead the cause of the Supreme Court, they have actually ended by maligning the Supreme Court, which is unfortunate.

There are many more things I wanted to say about Law Commission which for want of time I am leaving out, but I say this that whatever may be the right and authority of the Supreme Court and the Law Commission, I do hope that neither the Law Commission nor Supreme Court shall arrogate to themselves any responsibility which is of a political or social nature and land themselves into the predicament of scathing criticism to which Shri Gokhale was referring just now. They have no business...

MR. SPEAKER : No, no. He should stop now.

SHRI INDRAJIT GUPTA (Alipore) : Mr. Speaker, Sir, while speaking during the discussion on the 24th Amendment in the last session, I had pointed out—and I want to repeat that now—that there is some common ground between Government and certain of our friends on this side, but both of them from opposite ends and for opposite reasons no doubt are trying to show is that these amendments are something which are really revolutionary in nature. I had made it clear,

and I make clear now also as regards the 25th Amendment, that there is nothing revolutionary about these amendments. The 24th Amendment, as the Minister himself reminded us in his opening remarks, merely restored the position as it existed prior to the Golaknath case. In all the years before this case, nobody kicked up a big hullabaloo in this country saying that there was anything dangerous and revolutionary in the Constitution. But the Golaknath case upset that existing position. The 24th Amendment restored the *status que ante*. In the 25th Amendment again, even as recently as 1959, we know that in the Shantilal Mangaldas Case, the Court had taken a particular view on this question of compensation. I may just quote part of the judgment of the Supreme Court in the Shantilal Mangaldas Case because it is very relevant now with reference to the 25th Amendment :

"Whatever may have been the meaning of the expression 'compensation' under the unamended article 31(2), when Parliament has expressly enacted under the amended clause"—

they are referring here to the Fourth Amendment—

"that no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate, it was intended clearly"—

this is what the Court is saying—

"to exclude from the jurisdiction of the Court and inquiry that what is fixed or determined by the application of the principle specified as compensation does not award to the owner a just equivalent of what he is deprived".

15.24 hrs.

[MR. DEPUTY SPEAKER in the Chair.]

This was the Supreme Court's own view, in the Shantilal Mangaldas case only in 1969. And despite this, in the Bank Nationalisation case, another bench of the same Supreme Court took a contrary view

[Shri Indrajit Gupta]

and therefore, now, the Government is faced with the necessity of coming forward with a fresh amendment.

Mr. Salve has cast some doubt. I do not know what sort of a lawyer he is. But he is in any case much more of a lawyer than I am. (*Interruption*)

AN HON. MEMBER : A senior lawyer.

SHRI INDRAJIT GUPTA : I concede he is much more of a lawyer than I am. I have never studied law. But he cast some doubt on whether the substitution of the word 'compensation' by the word 'amount'—even that—if foolproof or not, legally speaking. I am not competent to say; it is for the Government and their legal advisers to make sure about that. But you can never be sure of anything, now, that goes before the Supreme Court. My point is that this is above all a political issue. Let me make it quite clear. I agree with my friend Shri Mukherjee that this Constitution requires many more fundamental changes, really revolutionary changes, not pseudo-revolutionary changes; but whether these changes can be brought about within the four corners of this chamber, I do not know. They may have to be brought about through some action somewhere else; some action somewhere else is alone responsible also for the 24th and 25th amendments coming here. That also is quite true.

I just want to remind the Government that it is not a legal question. It is primarily a political question, and the question is whether, at the stage at which our country has reached, which is to be given primacy—property rights or public welfare? It is a simple question with which we are faced now. It has nothing to do with socialism as Mr. Salve correctly pointed out. Some of the directive principles could have held good in the Victorian era also, but yet, in our country, in this modern era, these directive principles, however vague, however nebulous, have never yet been translated into legal action. Who prevented you all these years from framing laws in consonance with the directive principles? Who was plucking your

way? If you had done it earlier, the people would have welcomed it all the more. Obviously, there are changes which have taken place in the country which have acted as the compulsion on the Government. That is a good thing. I say it is no longer a question of a Bill. It is something that the ruling party put in its election manifesto. It has become the possession of the people, of this House. The election manifesto of the ruling party in the last elections, and on the basis of that manifesto, all the assurances which the Prime Minister herself gave to millions of people in the country when she went round addressing them—those things have become the possession of the people of this country, and it is on the basis of that manifesto and those assurances that the people also came forward and gave you, what you are so fond of remianing us always—the massive mandate.

If I may quote from your manifesto at that time, it was stated :

"The spirit of democracy demands that the Constitution should enable fulfilment of the needs and urges of the people. Our Constitution has earlier been amended in the interests of economic development; it will be our endeavour to seek such further constitutional remedies and amendments as are necessary to overcome the impediments in the path of social justice."

It is on that basis that assurances were given :

SHRI PILOO MODY : Delightfully vague.

SHRI INDRAJIT GUPTA : Yes; as vague as the directive principles. I agree. Now, since the 22nd July, when the original Bill was introduced in this house, it is the possession of the people of the country. If you want to go back on it, you have to understand the implications for your party, for the Government and for the country and the people.

All this talk, all this campaign has gone on since the 22nd July, the main protagonists

of which are my friends over here who have been conjuring up the spectre of total expropriation of property, who have been shedding crocodile tears for the small property owner, small shop keeper, small peasant and small artisan and they have been saying when they were going round that once that Bill was passed there will be no security and he would be expropriated. All this is of course not true but only moon-shine. This is just an enabling power.

As has been said on a previous occasion, theoretically speaking, many Parliaments in this world can pass laws which can be taken to the point of absurdity but if they do so those Parliaments and those Governments cannot survive a minute after that. Last time during the course of the debate Mr. Kumaramangalam quoted from a judgement given by a Judge in England in which he said that the British Parliament had no written Constitution and there was nothing to prevent the British Parliament from passing a perfectly valid law saying that all blue-eyed babies that were born in England should be drowned at birth. But having passed that, they could not survive. Similarly somebody else said somewhere that the British Parliament can enact a perfectly valid law for boiling the cook of the Bishop of Rochester to death, but it has not done so.

So this is an absurdity. We are not dealing with property which is not in fact an impediment to socio economic reforms. We are dealing with property whose concentration is in the hands of a few people and which concentration, I agree with my friend Mukherjee, has been allowed to develop over the last twenty five years of the Congress regime. This is economic concentration resulting in large holdings, industrial monopolies and big princes and land-lords. It is that which is now coming in the way and we are concerned only with that we are not concerned with any other property.

One can always argue that any law is liable to abuse or misuse. But that can never be an argument against bringing an enabling law. Our party is pledged to support this Bill in its original form as it was introduced. We have campaigned for it throughout the

country, just as the reactionary and vested interests have also campaigned throughout the country against it spreading imaginary fears among the small property owners.

I have to say this. Technically speaking it is true that the amendments standing in the name of Mr. Gokhale have not been moved but the Government is not willing to tell us just now whether it intends to move them or not. However they have been circulated and are in the possession of the House. I cannot give my observation on this Bill without taking them into account. Because they have been circulated let me say just the opposite what I have said : if this Bill is sought to be put through with the amendments which have now been tabled and circulated, our party is totally opposed to that and will oppose this Bill...*(Interruption)* I shall enjoy the spectacle of Mr. Mody supporting some of Mr. Gokhale's amendments.

**SHRI PILOO MODY :** I do not support any of their Bills and I do not support their amendments. I do not support their Government but you do.

**SHRI INDRAJIT GUPTA :** The total effect of these amendments will be, in our opinion, completely to undermine the very structure and purpose of the original Bill. I would like to know what happened between 22nd July and now which has suddenly brought about this *volte face*. Something has happened which is political, not legal compulsion. What has happened which has brought about this retreat ? When the siren was sounded by the friends of Mr. Mody, the warning was given and the black-out exercise has begun, and you are trying to bring about a black-out.

**SHRI ATAL BIHARI VAJPAYEE :** Back out.

**SHRI INDRAJIT GUPTA :** Back out and black out, both.

What are the second thoughts which moved you between July and now to bring forward these amendments ? Perhaps it is due



[Shri Indrajit Gupta]

to the fact that towards the end of July this Government received a draft Ordinance from the Kerala Government providing for the take-over of all foreign-owned plantations in that State. Is it that? Is it that which has hurriedly inspired the idea of a two-thirds majority in the State Legislature because that Ordinance has not yet gone back to the state, has not yet been approved or assented to. The Kerala Ministry, which recently your own party has also joined, has unanimously approved of an Ordinance and sent it to you for your approval, providing for the take-over of all foreign owned plantations. Now without giving assent to that Ordinance, if you can first push through this third amendment of Shri Gokhale, then the Kerala Assembly, of course, is tied hand and foot. It cannot bring about a two-third majority there in favour of any such Bill. You are placing a veto in the hands of the foreign plantation owners by this amendment. Is that the motive? There may be some Bills or Ordinances contemplated by some other States also, I do not know. In the case of Bihar the Bill for the abolition of the Tata Zamindaris in Jamshedpur is pending before the Central Government. The Bihar Government has passed it, but the assent or approval has not been given. So, you cannot expect us to regard with equanimity these amendments as some things which are innocent. We have to look behind them and see what is behind them, and we see the pressure of the reactionary vested interests—those who are outside the ruling party itself which do not want the Tata zamindari or the foreign plantations to be taken over. It is the pressure of such people which has brought forward these amendments.

We read in the newspapers—of course that is their domestic business, but I cannot help commenting on it—that their parliamentary Party or their Parliamentary Executive was not even consulted before these amendments were drafted and circulated. So, why should we not be suspicious that some pressures operating behind the scenes have brought about this reactionary sliding back?

I do not have much time. So, I will make one or two comments on these amend-

ments. I would like to mention first of all the second and third amendments because to our mind these are the most dangerous and mischievous.

SHRI N. K. P. SALVE : Why are you speaking hypothetically?

SHRI INDRAJIT GUPTA : I am not going to get a second chance to speak.

SHRI N. K. P. SALVE : There is the clause-by-clause discussion.

SHRI INDRAJIT GUPTA : I do not know the argument or logic in support of the word "adequately" in the second amendment because they have not come to the stage of explaining it. But, to my mind, however much you try to explain it away, it does give the Judges a loophole by which they can intervene to decide whether concentration of wealth should be reduced or not, and if so to what extent. This is precisely what Shri Gokhale in his opening remarks said he did not want either. The Supreme Court Judges should not be allowed to exercise political judgement or so-called socio-economic judgement. They are not there for that purpose. Suppose some State Government comes forward with a ceiling on urban property and fixes it at a ridiculously high level and they say that it will be Rs. 10 lakhs, I would like to go to Court and challenge it on the ground that it does not give adequate expression to the Directive Principles. It talks of an urban ceiling, but fixes it at an absurdly high figure. If the amendment is accepted, my road is blocked; I cannot go before the court and plead against the ridiculously high ceiling. There are other examples, which can be given from the other angle. So, on the face of it, it is adding to the confusion. In fact, it will only allow the judiciary an entry again into this field to give a political judgment. Therefore, we cannot support it.

Coming to the question of the special two-thirds majority, I do not want to say anything against it. It is so palpably monstrous. You want to elevate every single

Bill which a State legislature or Parliament may make in future for acquiring property to the status of a constitutional amendment. You cannot permit this thing to happen. It means, as I said, putting a veto in the hands of the reactionary defenders of the *status quo*. If amendment No. 3 is insisted upon by Government, there is no question of not opposing it; we will oppose it to the last, but I think it would have been far better if they had not come forward with this Bill rather than bring it forward and then bring in this amendment.

Apart from the constitutional validity, I would like to ask, do you think it is in line with constitutional propriety, without consulting the State Governments or State legislatures to bring forward an amendment here saying that every State legislature, in future, if it wants to pass such a Bill, can do it only by two-thirds majority? It may be constitutionally valid for you to do so, but is it proper in a federal set-up? Is this the meaning of constitutional propriety? How do you think the States will take it?

Finally, I come to amendment No. 1. Educational institutions of minority communities should be protected as far as possible in conformity with the commitments and pledges given under articles 26 and 30. There can be no two opinions about it. But our quarrel with the amendment is not on that ground. Our quarrel is on the ground that it says, "any property belonging to an educational institution..." The property may have nothing to do with the educational purposes of that institution at all. There are all sorts of educational institutions in this country. Some of them do not have huge properties. They just have their institutions, some buildings, etc. But there are other institutions in various parts of the country which own huge amounts of landed property and other things, which have nothing to do with their educational purposes. This is opening a loophole where by big holders of property, by a simple subterfuge, can just transfer the properties in the name of some educational or charitable trust and get away with it. Then, there is also the confusion as to what is minority and who is majority. I think Mr. Birla in Calcutta can claim to

be a member of a minority community. Certainly, he belongs to a linguistic minority when he operates in West Bengal. You know his wealth, property and possessions there. Even his property which is outside West Bengal can be transferred to some so-called charitable trust or institution within Bengal and you have to pay the market value. If you want to keep something which is in conformity with articles 26 and 30, we have no objection. It should be thought about and redrafted. But this sweeping provision about "any property" is something which is meant not really to protect the interests of minorities but to protect the interests of certain vested interests who may happen to belong to minorities.

In conclusion, I would just end with one or two quotations. This is from a newspaper which everyone knows here, the *Tribune*; I do not know the complexion of that paper. I find there an editorial written on the 17th November where they say :

"The judicial view hitherto has been that the Directive Principles should be enforced without amending the Fundamental Rights, which is like making omelettes without breaking eggs..... No doubt, the vesting of these new powers in Parliament and the State Legislatures is capable of abuse. But the fact that a power is capable of abuse has never been a reason, in law or in fact, for denying its existence or challenging its use for a proper purpose."

Therefore, finally, let me just once again make a presentation of a small quotation, both to Shri Mody and also to the Ministers on the other side; I am sorry, Shri Chavan is not here because he has told me in the past on the floor of this House that this gentleman whom I am quoting is out-moded and out of date. May I first just quote and then reveal his identity?

"We Communists have been reproached with the desire of abolishing the right of personally acquiring property as the fruit of a man's own labour, which property is alleged to be the ground work of all personal freedom, activity and independence."

[Shri Indrajit Gupta]

Hard-won, self-acquired, self-earned property ! Do you mean the property of the petty artisan and of the small peasant."

—I may add here 'of the small shop-keeper'—

"a form of property that preceded the bourgeois form ? There is no need to abolish that; the development of industry has to a great extent already destroyed it, and is still destroying it daily...

You are horrified at our intending to do away with private property. But in your existing society, private property is already done away with for-nine-tenths of the population; its existence for the few is solely due to its non-existence in the hands of those nine-tenths. You reproach us, therefore, with intending to do away with a form of property, the necessary condition for whose existence is, the non-existence of any property for the immense majority of society."

Whom am I quoting ? 125 years ago, in 1848 that old man Karl Marx, now sleeping peacefully in High Gate Hill, London, said this. I think these words are as true today as they were then. Today I make a present of it here.

MR. DEPUTY-SPEAKER : Before I call the next speaker I would like to make an announcement. In order to allow more members to participate in the debate the House will sit till 7 O'Clock today and there will be no lunch hour tomorrow.

SHRI ATAL BIHARI VAJPAYEE : This is not fair either to the House or the Members. The BAC decided to do away with the lunch hour but we did not follow that. Tomorrow we can sit during the lunch hour, but not after 6 O'clock today.

MR. DEPUTY-SPEAKER : You will agree that the fixing of the time of the House is the prerogative of the Speaker, and he has done it. When the House sits, all other

items of engagement are less important than the business of the House.

SHRI ATAL BIHARI VAJPAYEE : But you are informing us at 4 O'Clock. This is not fair. This is not the prerogative of the Chair. This cannot be done in this way. You should have consulted the House.

SHRI SHYAMNANDAN MISHRA (Begusarai) : We can sit longer tomorrow. What is the difficulty about it ?

SHRI PILOO MODY : I suggest that as a protest you may adjourn the House.

SHRI S. M. BANERJEE (Kanpur) : The BAC is meeting at 4 O'Clock. The Speaker should have waited at least till that.

MR. DEPUTY-SPEAKER : I have conveyed to the House the decision of the Speaker, namely, that in order to give more time to members the House will sit up to 7 O'Clock. This issue can be raised in the BAC meeting if you do not like it of it.

SHRI SAMAR GUHA : We have other engagements also. Will you kindly convey to the Speaker, suddenly when at 4 O'Clock this information is given, what are we to do ?

MR. DEPUTY-SPEAKER : Hon. Members should realise the basic thing that when there is business in the House, that has primacy over any other business.

SHRI SHYAMNANDAN MISHRA : Then you can go on up to 5 O'Clock in the morning !

SHRI PILOO MODY : Please send that advice to the Prime Minister. I suggest, you send it to her in writing.

श्री एच के० एल० भगत (पूर्व दिल्ली) :  
उपाध्यक्ष महोदय, मैं लॉ-मिनिस्टर साहब और  
प्राइम मिनिस्टर साहिबा को कांस्टीट्यूशन 25वीं

अमेण्डमेंट बिल लाने के लिये मुबारकबाद देना चाहता हूँ और खास तौर से लॉ-मिनिस्टर साहब को उनकी स्पीच के लिये भी मुबारकबाद देना चाहता हूँ। अभी मैंने बहुत ध्यान से और बहुत इज्जत के साथ मेरे लायक सीनियर दोस्तों-श्री समर मुखर्जी और श्री इन्द्रजीत गुप्ता साहब को सुना। श्री इन्द्रजीत गुप्ता साहब ने कहा कि इस बिल में कोई खास रेवोल्यूशनरी बात नहीं है और श्री समर मुखर्जी साहब ने कहा कि यह तो कोई खास बात नहीं की है, देश के एन्टायर कांस्टीट्यूशन को या जो आर्टिकल फण्डामेंटल राइट्स का है, इस को एन्टायरली लोक स्ट्राक एण्ड बैरल खत्म कर दिया जाय।

उपाध्यक्ष महोदय, श्री समर मुखर्जी साहब से मैं आप की मारफत कहना चाहता हूँ कि यह उन की फिलोसफी है कि the Constitution should go lock, stock and barrel and the country should be ruled through the barrel of a gun. It is not our philosophy. We are committed to a revolution but to a revolution through consent, through law and through Parliament. This Bill is a radical measure which furthers our march towards revolution by consent.

श्री इन्द्रजीत गुप्ता साहब ने कहा कि इस में कोई बहुत रेवोल्यूशनरी बात नहीं है। खर, दोनों पार्टीज ने यह ज़रूर कहा है कि जिस शकल में यह बिल आया है, उसको हम सपोर्ट ज़रूर करेंगे। अब, उपाध्यक्ष महोदय, आप जरा सोचें कि इसमें बातें क्या हैं? एक बात तो यह है कि इसमें कम्पेंसेशन, जिसको सुप्रीम कोर्ट ने इक्वेवैलेन्ट-टुमार्केट-वैल्यू इन्टरप्रेट किया है, उसके बजाय एमाउन्ट दिया जायेगा और दूसरे उस एमाउन्ट की जज यह पालियामेंट होगी या स्टेट लेजिस्लेचर्स होंगे। यह बात क्या प्रोप्रेसिव नहीं है? यह बहुत प्रोप्रेसिव स्टेप है—दो-तीन मायनों में। एक मायना तो यह है कि साफ़ लफ़्ज़ों में पालियामेंट डिमाइड करेगी, जनता के चुने हुए लोग डिमाइड करेंगे। दूसरे, मार्केट वैल्यू नहीं होगी, उसके बजाय एमाउन्ट

होगा जो पालियामेंट तय करेगी। आज आप देखते हैं कि मीन्स आफ प्रोडक्शन और मीन्स आफ डिस्ट्रीब्यूशन को लिया जाय जिसमें सैंकड़ों करोड़ रुपया, कन्सेन्ट्रेशन आफ वैल्यू लोगों के कब्जे में है, अगर उसको हम लेना चाहें तो सैंकड़ों करोड़ रुपये का कम्पेंसेशन देना पड़ता है, अगर उसको हम इन टर्म्स आफ वैल्यू लेते हैं, जिसका एमाउन्ट पालियामेंट तय करेगी, जिसमें ये दोनों पार्टीज भी बंटी हुई हैं क्या वह प्रोप्रेसिव कदम नहीं है?

दूसरी बात, श्री इन्द्रजीत गुप्ता जी ने कहा कि इसमें कई पुरानी बातें हैं। श्री समर मुखर्जी साहब ने कहा कि लॉ-मिनिस्टर ने खुद कहा है—इट रेस्टोज़ रेस्टेट्स्को-आन्टी। उन्होंने (लॉ-मिनिस्टर) स्टेट्स्को-आन्टी का जिक्र किया और सुप्रीम कोर्ट की कुछ पुरानी जजमेंट्स का भी जिक्र किया, जिसमें सुप्रीम कोर्ट ने खुद कहा था कि फंडामेंटल राइट्स का अमेण्डमेंट पालियामेंट कर सकती है। उसके बाद अचानक उन्होंने अपने उस फंसले को बदला—वह भी 6 राय के मुकाबले 5 से, सिर्फ एक की मंजोरिटी से उसको बदला। वैसे एक की मंजोरिटी से जो फंसला हुआ, वह भी कुछ सिगनिफिकेन्ट मालूम होता है, क्योंकि सिण्डिकेट कांफ्रेस की बर्किंग कमेटी ने भी कुछ फंसले इसी तरह से एक की मंजोरिटी से किये थे। तो सुप्रीम कोर्ट ने उस जजमेंट को एक की मंजोरिटी से रिवर्स कर दिया। तो पालियामेंट कानून ले आई कि हम फंडामेंटल राइट्स को बदल सकते हैं, कम्प्युनिटी के इन्ट्रैस्ट में। हमारे कांस्टीट्यूशन के कई पार्ट्स हैं जिसमें कुछ तो उसका बाडी है और कुछ उसका खोल है। बाडी में यह है कि कैसे गवर्नमेंटल मशीनरी फंक्शन करे, स्टेट्स और यूनियन की, उसका जिक्र है लेकिन मेरी राय में इस कांस्टीट्यूशन में सबसे इम्पॉर्टन्ट बात इसके प्रिम्बुल और डायरेक्टिव प्रिंसिपल्स के अन्धर है—which I call as the soul of the Constitution. यह इस कांस्टीट्यूशन

[श्री एच० के० एल० भगत]

की बुनियाद है कि इस देश के करोड़ों नागरिकों को सौक्ष्म एकोनामिक और पोलिटिकल जस्टिस मिलेगी और उसके लिए एक आर्डर क्रिएट किया जायेगा। मैं कहता हूँ कि आज पहली दफा आर्टिकल 32 में, जिसमें सुप्रीमकोर्ट को पावर्स हैं उनसे कहा गया है कि जो डायरेक्टिव प्रिंसिपल्स हैं उनको अन्दर लाकर जो इंडिविजुअल राइट्स हैं एक आदमी के उसके राइट पर मिलियन्स के राइट को प्रिफरेन्स दिया गया है। इससे बड़ा रेडिकल स्टेप आज की तारीख में नहीं समझता और क्या हो सकता है? आजतक हम सोचते रहे कि यह इंडिविजुअल लिबर्टी है, प्रापर्टी है लेकिन आज हमने कहा कि इंडिविजुअल लिबर्टी से ज्यादा कम्युनिटी की, स्टेट की और नेशन की लिबर्टी को रोगार्ड करने की जरूरत है अगर हमारी कौम गुलाम रहती है, एकोनामिक स्लेवरी में रहती है, एकोनामिक बांडेज में रहती है और मुल्क के कुछ कॅपिटलिस्ट्स इस मुल्क की किस्मत को इधर से उधर घुमाते रहते हैं तो फिर इस देश में आजाद कौन रहेगा? एक इंसान भी आजाद नहीं रहेगा। इसलिए मैं कहता हूँ कि यह एक रेडिकल कदम है। मैं इस बात को भी मानता हूँ कि अकेले इस कदम से अगर हम यह कहें कि हिन्दुस्तान में कोई रिकोन्स्रूशन आ जायेगा और वह सारी बातें हो जायेंगी तो वह गलत है। ऐसा नहीं होगा। मैं इस बात से भी एग्री करता हूँ कि हमें कांस्टीट्यूशन में बहुत सी बातों को और अमेन्ड करना पड़ेगा और बहुत हिम्मत से करना पड़ेगा।

उपाध्यक्ष महोदय, जनता ने हमको वॉडिकट दिया है अभी हमारे भाई इन्द्रजीत जी हमको हमारा मेनिफेस्टो बता रहे थे। जनता ने हमको वॉडिकट दिया है तो कांस्टीट्यूशन में बहुत सी तब्दीलियाँ लाने के लिए दिया है। जनता चाहती है कि आमदनियों में हद मुकर्रर की जाये, ज्यादा से ज्यादा और कम से कम आमदनी की हद मुकर्रर की जाये, जामदादों की हद मुकर्रर की

जाये और जनता चाहती है कि यहाँ पर देश में इक्वैलिटी लाई जाये और मैं तो कहता हूँ कि जनता चाहती है कि देश में स्टैंडर्ड आफ लिबिंग भी एक जैसा किया जाये। तो इन सारी चीजों को करने के लिए कांस्टीट्यूशन में और कई वाइटल रेस्पेक्ट्स में हमें अमेन्डमेन्ट करना पड़ेगा—इसमें कोई शक नहीं है। लेकिन यह जो अमेन्डमेन्ट लाया गया है, वह उन कानूनों को बनाने का हमारा रास्ता खोलता है। इस देश में कुछ क्वार्टर्स में बहुत धोर मच रहा है कि कांस्टीट्यूशन को खत्म करने की बात हो रही है, सब्जर्न आफ कांस्टीट्यूशन की बात कही जा रही है—खास तौर पर हमारे जनसंघी और स्वतंत्र पार्टी के सदस्यों की तरफ से। कल मेरे पास एक बहुत बड़े वकील की लिखी हुई किताब आई जिसमें यह लिखा है कि इस बिल के पास होने से हिन्दुस्तान के नागरिकों की लिबर्टी खत्म हो जायेगी। इसके जरिये हर एक की प्रापर्टी ले ली जायेगी, जमीनें छीन ली जायेंगी। मैं नाम नहीं लेना चाहता लेकिन मैं नहीं समझता कि एक इतना बड़ा वकील, जब कांस्टीट्यूशन में इतनी साफ बातें लिखी हुई हैं, तब कैसे लोगों के सामने इस तरह की झूठी बातों का प्रचार करता है?

इस कांस्टीट्यूशन के आर्टिकल 31 (ए) सेकिन्ड प्राविजो में लिखा हुआ है कि एग्जीक्यूटिव प्रापर्टी में सीलिंग करने के अन्दर जो प्रापर्टी निकलेगी, उसका कम्पेन्सेशन मार्केट वैल्यू के मुताबिक देना होगा। ऐसी हालत में हिन्दुस्तान के किस आदमी की किस जायदाद को या किस आर्डिनरी सिटिजन को खतरा है? यह झूठा प्रचार क्यों किया जा रहा है?

उपाध्यक्ष महोदय, अबन सीलिंग के बारे में कानून आने वाला है और उसमें गवर्नमेन्ट इस बात का इन्तजाम करेगी कि एक आर्डिनरी सिटिजन का कोई मकान अगर लिया जाता है,

किसी रोड को चौड़ा करने के लिए या कोई सड़क बनाने के लिए तो सीलिंग से नीचे जो प्रापटी है, उसका कम्पेन्सेशन मार्केट वैल्यू के मुताबिक दिया जाये लेकिन जहाँ तक इस आर्टिकल का ताल्लुक है, यह एक इनेब्लिंग प्रावीजन है। यह प्राविजन उसमें है लेकिन मैं कहता हूँ कि अगर यह प्राविजन न भी हो तो भी कोई पार्लियामेंट कितनी ही शक्तिशाली क्यों न हो क्या वह कोई ऐसा कानून बना देगी जिससे करोड़ों लोगों के मकान, दुकान और जमीन को छीन लिया जाये ? और फिर यहाँ पर तो कांस्टीट्यूशन की गारण्टी मौजूद है।

16 hrs.

दो तीन बातें और कहकर मैं समाप्त करूँगा। एक बात तो यह कही जाती है कि सुप्रीम कोर्ट के जुरिस्टिक्शन को छीना जा रहा है और पार्लियामेंट हक ले रही है। यदि ऐसा हो तो मैं कहता हूँ कि ठीक छीना जा रहा है। मैं यहाँ पर आइवरी टाबर्स जैसे शब्द को यूज नहीं करना चाहता लेकिन सच्ची बात यह है कि सुप्रीम कोर्ट में बैठे हुए लोग इस देश की जनता की भावना को नहीं समझ सकते हैं जब कि पार्लियामेंट के चुने हुए लोग जनता की आकांक्षाओं को समझते हैं। सुप्रीम कोर्ट की कुर्सी पर जो बैठ गया, बैठ गया, उसको हटाया नहीं जा सकता जब तक कि यहाँ से इम्पीच न किया जाये। उनकी नौकरी पक्की है जबकि हमारी कच्ची है, सिर्फ पाँच साल की है। जजजैसा कि गोखले साहब ने बताया कि कई जेनरेशन पुराने होते हैं। वकील बहुत पुराने होते हैं क्योंकि 1930 और 1942 के केसेज की दलीलें बेश करते रहते हैं। मेरा सौभाग्य है कि जब मैं बोल रहा हूँ तो सदन की नेता प्रधान मंत्री जो यहाँ पर बैठी हुई हैं, मैं उनसे कहना चाहता हूँ कि आज जो सिस्टम आफ जस्टिस है, उसको पूरी तौर पर देखें। आज क्या सिस्टम आफ जस्टिस है जिसकी बहुत तारीफ की जाती है ? जस्टिस के नाम पर

जस्टिस इज डिलेड, जस्टिस के नाम पर जस्टिस इज मेड मोर डिफीकल्ट, जस्टिस के नाम पर जस्टिस इज डेनाइड और जस्टिस के नाम पर जस्टिस इज किल्ड। यह सब कुछ आज जस्टिस के नाम पर होता है, जनता को इस सिस्टम आफ जस्टिस में कोई विश्वास नहीं। एक केस आता है तो वह सालों पड़ा रहता है। जब चाहते हैं तो हो जाता है वरना नहीं होता है। इसलिए इस सिस्टम आफ जस्टिस में, रेडिकल रिफार्म की जरूरत है ताकि जनता को सस्ता और फौरन न्याय मिल सके। ऐसा करने के लिए यदि सुप्रीम कोर्ट की पावर्स को कम करना पड़ता है, हाई कोर्ट की पावर्स को कम करना पड़ता है या नीचे वालों की पावर्स को कम करना पड़ता है तो उसको करिए या अगर प्रोसीजर्स को चेंज करना पड़ता है तो उसको भी करिए क्योंकि इसके बिना कोई गुजारा नहीं है।

आखिरी बात कहकर मैं समाप्त कर रहा हूँ। डायरेक्टिव प्रिंसिपल्स जो हमारे कांस्टीट्यूशन में रखे गए हैं उनके क्रिटिसिज्म में कहा गया है कि डायरेक्टिव प्रिंसिपल्स को इंडिबि-जुअल राइट्स पर प्रिकेरेन्स दिया जाये। आप कांस्टीटुएण्ट असेम्बली की डिबेट्स को देखें। उस समय फ्रैमर्स ने कहा था—They will not be enforceable by court. इसलिए कहा था कि तब देश आजाद हुआ था, डेबलपमेन्ट के काम शुरू होने थे, दौलत बढ़ानी थी और उन्होंने सोचा था कि इस समय अगर हम यह सब रखेंगे तो शायद प्रैक्टिकल नहीं होगा। लेकिन उन्होंने कहा था कि वह डायरेक्टिव प्रिंसिपल्स जो है इनसे Legislatures shall be governed in framing the laws. They were directions to the legislatures to keep them in view before framing the laws.

तो मेरा कहना है कि जो आज यह 25वाँ कांस्टीट्यूशन अमेन्डमेंट बिल है इसपर कुछ अमेन्डमेंट्स अभी भूब नहीं हुए हैं, जोकि लॉ मिनिस्टर के नाम से हैं और मैं बहुत सफाई से

[श्री एच० के० एल० जगत]

यहाँ पर कहना चाहता हूँ कि अगर इन अलेन्ड-मेन्ट्स को इंट्रोड्यूस किया तो जो एक राइट पार्लियामेन्ट एक हाथ से ले रही है वह बर्चुअली दूसरे हाथ से चला जायेगा। Speaking for myself I can say that I am totally opposed to these amendments.

इन सज्जों के साथ मैं आपका बहुत धन्यवाद करता हूँ और लॉ मिनिस्टर को इस पर मुबारकबाद देता हूँ।

**SHRI FRANK ANTHONY** (Nominated-Anglo-Indians): Mr. Deputy-Speaker, Sir, may I say at the outset that I am at least partially happy at amendment No. 11 in the name of the Law Minister and because of that I do not propose to speak as strongly as I might otherwise have done. Under that amendment, those of you who have read it, would see that the Government now propose that if there is compulsory acquisition of property of an educational institution particularly under Art 30 then the market value will be paid. I had begun to think that the Government with its overwhelming majority or absolute majority — some of us quite frankly and fanatically supported the ruling Party on the eve of the elections because we felt that the paramount need of the country was for a strong and viable government at the centre and, above all, a government committed as we had hoped, to the Fundamental Rights of a secular democracy—after this majority there have been disquieting trends towards authoritarianism and that is why this amendment, as I say, has made me partially happy.

Sir, during the debates in this House, when I opposed the Twenty-fifth Amendment at the introduction stage and made several speeches on the Twenty Fourth Amendment, I underlined my preoccupation with minority educational institutions. I have had the privilege of being associated with them for the best part of 30 years, with about 600 and odd schools, and it has been my endeavour to ensure that these schools take their place as part of the larger pattern of Indian education. And leading educationists today acclaim

these schools over which I have the privilege to preside, in a manner of speaking, as being in the vanguard of Indian education.

Sir, I have tabled one amendment and this is to Amendment No. 11 to be moved by the Law Minister. I wish to add after the word 'amount' the words 'in cash'. I am hoping that Mr. Gokhale will still remember some of his affiliations as a lawyer. It would be meaningless and it would denude it of all content, if, while you are prepared to give minority educational institutions compulsorily acquired market value, you calculate the market value in terms of bonds which may be payable many years later. Therefore, I would request the hon. Law Minister to accept this; this market value which is calculated should be paid in cash.

During the debate on the Twenty-fifth and Twenty-fourth amendment I had asked Mr. Gokhale not once but several times 3 or 4 times at least,—that he may at least give me a straight, simple answer, I regret to say I was unable to evoke that simple, straight answer. The question I asked Mr. Gokhale was this, that in my very humble view, Article 31C as proposed extinguishes property. In the face of 31 C, if you take the power to extinguish property, do the cherished fundamental rights of the minorities survive? What I am particularly concerned with is education. There is this right under Art. 30 and to some extent the right under Article 26 because that will protect the religious and charitable trusts of the minorities. I was not able to get a straight answer from Mr. Gokhale. On one occasion he said: 'Well, we are not considering the Twenty-fifth amendment. Now we are considering the Twenty-fifth Amendment and I am repeating that question for about the fifth time or the sixth time. In view of the proposed. Article 31 C do the fundamental rights enshrined in Article 26 and 30 survive?'

By way of abundant caution, I have given notice of an amendment that no law under Art 31 C shall derogate from the fundamental rights in Articles 26, 29 and 30. Article 29 is with regard to some of the cases

that I argued, with regard to language, script and culture.

I now come to the Bill generally. I have been hoping that Mr. Gokhale will call a spade a spade—he need not call it a bloody spade and emulate Anglo—Indian language—but I have been hoping he will call it a spade. I am hoping that he will accept this. This Bill and particularly provision 31 C has changed the basis and the basic character of the Constitution, what was uptill now the heart of the Constitution. The founding fathers did this — among whom I had the privilege to be counted. Sir, I am not as old as I look and I feel a little younger than I look. Our founding fathers deliberately carved out Chapter III and, as my learned friends on the other side remember, the heading of Chapter III is put categorically as 'Fundamental Rights'. Now, Sir, advisedly these Fundamental Rights were fundamental, they were meant to be fundamental, they were transcendental.

No doubt, the directive Principles are there. They are very important. They are meant to guide and to direct the Government in reaching towards certain objectives. But up till now, with your Fundamental Rights being, as they were intended to be, transcendental, the Directive Principles, in any attempt to implement them, had to be harmonised with these Fundamental Rights. You could not supersede the Fundamental Rights with the Directive Principles. Now, what are you going to do? What do you intend to do at one stroke? You are changing the whole basic character of our Constitution. At least admit that. Do not try and nationalise that. Say, "Yes, we thought it was necessary; we are changing the whole basic character of our Constitution". And I should have thought that in pursuance of that, you would have brought in another verbal Amendment to delete the expression 'Fundamental Rights' from Part III because they are no longer fundamental.

Now, what have you made fundamental? You have made the Directive Principles fundamental. All right; if you find that it squares with some kind of new-found pseudo-progressive philosophy, all right, but say so

in terms that the Fundamental Rights are no longer fundamental, we have not only changed, but we have — if I may use the expression, or correct expression — subverted the basic character of the Constitution; we are superseding the Fundamental Rights, we are making the Directive Principles fundamental. Say this to the people of India, at least to those who understand. 350 million illiterate people may not be able to understand that. I forget who said this; I think it was Indrajit Gupta who had said this 'What has prevented you'. Now, in the name of the Directive Principles, you are subverting the whole basic character of the Constitution. What has prevented you these long years from implementing these Directive Principles? I cannot go through the whole gamut. But here is article 45 which says :

"shall endeavour to provide within ten years from the commencement of the Constitution,..."

—that is, by 1960—

"...free and compulsory education".

Have you anywhere come near the attainment of that Directive Principle? On the other hand, we see not only a bleak but the grim paradox of galloping illiteracy. I was reading an article the other day; according to a conservative estimate, 350 million Indians are illiterate. By the turn of the century, according to another conservative estimate, we will have at least 400 million illiterates, and by any standards, India has the dubious privilege of contributing the largest number of illiterates to the general world pool of illiterates.

Again, what does article 44 enjoin? It says :

"...shall endeavour to secure a uniform civil code".

I do not want to join hands with the Jan Sangh on this or on any other issue. But why have you not done it? You will never do it, because you are concerned more with vote-catching. This is



[Shri Frank Anthony]

long overdue. Who has prevented you from having a uniform civil code? Have these Fundamental Rights prevented you from having a uniform civil code? You would not do it? You may do it with regard to my community. We do not object. We are in many ways progressive, and certainly we will go along with you, uniform civil code or no uniform civil code, I do not know, but you do not do it. And you will not do it as long as you have got both eyes, not one eye only, on the number of votes that you might catch from a particular direction.

Now, what are you doing? You are now making fundamental and transcendental articles 39 (b) and (c). My grievance is this. Article 39 (b) reads thus :

“...Ownership and control of the material resources of the community are so distributed as best to subserve the common good.”

It is first class as an enunciation of some vague philosophic social objective. But you are now installing it as the paramount fundamental right, a vague amorphous sweeping provision like this. How are the courts going to interpret this? I do not know whether you intend that the courts should at any time interpret this? But what I am saying is this that anything can be brought within the sweep of article 39 (b), not so much of article 39 (c), anything which any State may endeavour to bring within the purview, I would say, rather, the mischief of article 39 (b). I can understand certain parties like the CPI (M) and perhaps one or two other parties who are avowedly not concerned with democracy, who are avowedly not concerned with democratic rights, who are avowedly not concerned with fundamental freedoms, who think that these are all bourgeois concepts—and I see increasing numbers of the ruling party who seem to be at one with them, the CPI (M), regarding all these fundamental freedoms and democratic values as a bourgeois concept—I can understand these parties taking this stand. But now what is going to happen?

31C, however you may rationalise it and explain it, gives the power of expropriation *simpliciter*. A mere *ipse dixit* under 39 (b) and you expropriate. What do you give? Let us see whether the Supreme Court says that there is a difference between amount and compensation. But what do you intend to do? You may not do it. But I say you are going along with people who are committed to destroying the Constitution. The people who will do it are the people who have no time for the Constitution—no time. They will do it. The Communists in Kerala will do it immediately, and what will they give? They will expropriate by making use of this legalised sort of confiscation or theft—does not matter as between the two words—and they will give a derisory amount. For one crore of rupees, they will give one rupee. And what are you now saying? That it will be outside the purview of the courts.

I can understand Indrajit Gupta saying this. But I do not understand the ruling party, the party of Jawaharlal Nehru saying it. People like Indrajit Gupta and his ilk are committed to destroying the Constitution and you are going along with them. They are committed to destroying fundamental freedoms and you are going along with them. My hon. friend is taking objection to this small concession of two-thirds majority. No, what do you do? Each time you pass the legislation, you are in terms superseding the fundamental rights, and the least you could have done was, as I said, to put in this provision for having this two-thirds majority, not that it is going to act as much of a brake. We see this competition in pseudo-radicalism today. Everybody is jumping on to this band wagon, the slogan-mongering band wagon for, for many politicians—I say it with respect—it is probably true that many have never done honest hard work, had never earned an honest or competent living. For them this is mother's milk. You are institutionalising and legalising confiscation.

SHRI H. K. L. BHAGAT : He can say this because he has never had to go through the trial of an election.

**SHRI FRANK ANTHONY :** This is a snide remark. But what amazes me is that people who contest elections spend lakhs but have no ostensible means of livelihood.

**SHRI PILOO MODY :** Why are they on opposite side not smiling ?

**THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARAMANGALAM) :** And you.

**SHRI N. K. P. SALVE :** This is a very cheap jibe.

**SHRI FRANK ANTHONY :** How far will this policy carry you ? After this farrago of slogan-mongering has exhausted itself and you expropriate Karni Singh - poor chap, I voted against him last time; I will tell you more about it when the 26th Amendment comes—what will you do ? You expropriate the Birlas. I am not concerned. I want some of the disgustingly wealthy people on the front Treasury bench to be expropriated. But what will happen after that ? You work it out arithmetically. After you expropriate everybody who is expropriatable and distribute it to these many millions of heads of our population, it will come to two or three rupees per head per month for one year. After that, where do you go ? When you have institutionalised this, what are you left with as the instruments of progress ? Can there ever be any substitute for hard, honest work ?

Now, today what are you doing ? You are killing every motive, every incentive, for any honest person to do any real hard work.

Already we see this deceleration in industrial progress, and now it is going to become galloping after the 25th amendment. Nobody but a fool will invest money; nobody but a fool will put into his investment the sweat and blood when he knows that at the next minute the communists particularly will expropriate and give him an illusory amount for all the sweat and blood and honest work that he has put has in. (*Interruption*) Already, because of our restrictive short-sighted policies, we have made India a paradise for

smugglers; Now, with the Twenty-fifth Amendment Bill you are going to make it a paradise for the blackmarketeer and everybody who wants to operate under the table. They will all operate under the table, and that is what you are going to do.

A specially pernicious feature is this. My friend there—what does he want to do ?

**MR. DEPUTY-SPEAKER :** The hon. Member's time is up.

**SHRI FRANK ANTHONY :** I will finish in five minutes. Now, he orated about the power being there before the Golaknath judgment. But this Bill is much more far-reaching than what the position was before the Golaknath judgment. On the pretext of qualifying property, what are you doing ? You are effacing the whole spectrum, the most vital of all the fundamental rights. That is why I do not understand how, some of my democratic friends, lawyer friends can subscribe to it. At least, a person like Shri Asoke Sen, has had the moral courage to come out and write articles about it. I would have said, "All right, if you are really concerned,"—one judge, I think it was Justice Hidayatullah who said—"take property out of the fundamental rights chapter; take article 31 out, and take 19 (i) (f)." I know several of the Independent Group will not agree because they feel there should also be a right to property. Take property out of the fundamental rights chapter. That would have been the most honest thing. But on the pretext of qualifying property, you are wiping out the whole gamut of fundamental rights. I just cannot understand it. Why ? Because you want to continue this pretence that you are not destroying property and so you have seized on this, and on that pretext what are you doing ? You are institutionalising discrimination. You have put in article 14 in clause 31 (c). This is monstrous; What do you say ? You are institutionalising discrimination, Mr. Gokhale. Does it not outrage your erstwhile judicial conscience ? (*Interruption*) You can say deliberately, "Yes; we are expropriating our political opponents; we are doing it deliberately." and they are helpless. They cannot invoke article 14. Then what are you doing ? An even more perni-

[Shri Frank Anthony]

cious part of 31 (c), on the pretext of qualifying property rights, you are wiping out all the seven freedoms in article 19. Mr. Gokhale, the Bar will be very ashamed of you. You are wiping out all the seven freedoms. I just do not understand why you are doing it.

MR. DEPUTY-SPEAKER : The hon. Member's time is up.

SHRI FRANK ANTHONY : I am finishing. Mr. Gokhale, what are you doing? You are wiping out the right to assemble, freedom of speech, profession, everything. I do not know whether this example will do. Tomorrow, you might come and say, "Well, Mr. Anthony, you have got a reasonably big library. We are taking over your library, because we want to redistribute it to a lot of poor people." But I will say,—(*Interruption*) "Why aren't you taking over Mr. Gokhale's library?" Mr. Gokhale is now *persona gratu* in the ruling party. I cannot invoke article 14. I say that you are destroying profession under article 19 (i) (g). I may reply you cannot invoke article 19 (i) (g); you have no profession left. This is the gift you are giving to the country.

You are destroying article 14. You are destroying all the seven freedoms; the seven freedoms were not absolute; they were subjected to reasonable restrictions; all in the name of qualifying property. This is the supreme tragedy. (*Interruption*)

MR. DEPUTY-SPEAKER : Please conclude. I have given you 20 minutes.

SHRI FRANK ANTHONY : I will finish, Sir. Then, my friend saw one side of the medal. I refer to amendment No. 12 "does not adequately give effect." He seems to read into it that you are giving jurisdiction to the Supreme Court. I say that you are trying to institutionalise colourable legislation. As the Law Commission has said, you can never oust the jurisdiction of the Supreme Court. You may say so. If it is colourable the Supreme Court can assess it. They have alerted you. You only used

the word 'effect'. 31(c) says: "no law containing a declaration that it is for giving effect to such policy shall be called in question on the ground that it does not give effect to such policy." Now you are putting in: "...does not adequately give effect." What are you doing? You are institutionalising, in my humble view, colourable and fraudulent legislation...

SHRI S. MOHAN KUMARAMANGALAM : Yes.

SHRI FRANK ANTHONY : The cat is out from what Mr. Kumaramangalam says...(*Interruptions*)

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI-MATI INDIRA GANDHI) : Shall we remove that word?

SHRI FRANK ANTHONY : The communists will use it where there is the very remotest connection with the directive principles; you will now be able to say that the nexus may not be adequate; that there is no real nexus. By using the word 'adequately', you have institutionalised colourable, fraudulent legislation. Shame on you, Mr. Gokhale.

SHRI H. R. GOKHALE : If you do not want the word 'adequately', shall we remove it?

SHRI FRANK ANTHONY : You tell me what your intendment is and I shall tell you whether you should cut it out.

Finally, I want to say this. I have been in this House for some time. In my humble way I have fought what I have regarded as not desirable legislation or trends. When the Andhra Bill was on the floor of the House, I fought it almost alone in this House because I said that a tragic blunder was being committed by the Government, that

we were giving hostages to disintegration. People will now perhaps say that what I had said then has proved to be tragically prophetic.

What are you doing now? It is not a blunder; this is deliberate. You are changing the whole character of the Constitution; you are making this Constitution—to which you make us take a oath of allegiance—a hand-maiden of lawlessness and a symbol of political and legislative lawlessness. You are inviting the country through this to take to the streets. Because what have been our bastions? Our bastions have been, firstly the Fundamental Rights and then, the Supreme Court. By one evil stroke you are effacing the Fundamental Rights; you are also effacing the jurisdiction of the Supreme Court.

**SHRI VIKRAM MAHAJAN (Kangra) :**  
 This Bill is a challenge to this House to arise to the level of events which are being created. Never before has such a momentous decision been taken as we are taking today to bring about social and economic changes, to eradicate poverty and bring about equality of opportunity, the right to live and the right to make the country worth living. My learned friend Mr. Anthony was saying that the whole character of the Constitution was being changed because the concept of fundamental right is changing and that we were trying to delete the chapter on fundamental rights from the Constitution.

Every generation has a right to decide for itself what fundamental rights it would like to have. No generation can decide for all times to come and say that these are the fundamental rights which will govern the life of the people for all time to come, for all the future generation. It would be a static concept and any generation which says so in my submission would be a very immodest generation because it would be claiming itself to be a perfect generation which has created a perfect Constitution.

As I have submitted earlier, the goal is the Directive Principles. I would like to quote a passage from the Law Commission's Report in which they give the observations

of Pandit Jawahar Lal Nehru on fundamental rights as under :

“The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.”

The Commission continues :

“Thus considered, the Directive Principles can be appropriately described in Nehru's words as being dynamic in character, while Fundamental Rights can be described as static. In describing Fundamental Rights as static, we do not propose to underestimate their significance and importance in the Constitutional set-up devised by the Constitution and the democratic way of life was adopted by us. They, no doubt, constitute a distinctive feature of our Constitution and are, in fact, justly regarded as its cornerstone. But the very nature of the Directive Principles postulates that their ultimate objective is to satisfy the ever-growing legitimate but unsatisfied hopes and aspirations of common citizens of this country to enjoy life, liberty and happiness in ample measures and, in that sense, they are inevitably dynamic in character...”

What I am submitting is that the object of this Bill is to meet the aspirations and the needs of the people. This Bill by itself will not bring about the changes which we desire, but it is a great step in achieving the objective. Of course, there are many more Bills which have to be brought to bring about the desired results, but this is a Bill which on its own will bring about a great and revolutionary change.

It is said that this Bill will change the entire concept of the Constitution. My learned friend has not read a few other provisions of the Constitution. We have a

[Shri Vikram Mahajan]

similar provision in respect of the rural sector which empowers the Government to pass legislation without giving the exact compensation or the exact value. All the zamindaris were abolished without giving the market value. The land ceilings were brought without paying the market value. That amendment has been in the Constitution for the last decade, but nothing was done to expropriate the opponents as Mr. Anthony put it. He put forward the argument that this Bill will be used to expropriate the properties of the opponents, but the experience of the past decade shows that such powers were never used to kill the opponent.

For the benefit of my hon. friend, I would like to read article 31A of the Constitution.

“(1) Notwithstanding anything contained in article 18, no law providing for

(a) the acquisition by the State of any estate or of any rights therein or the extinguishment or modification of any such rights, or

“shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31.”

So, the State Legislatures and Parliament had the power a decade earlier to pass any law which would extinguish any state and that law could not be challenged in a court on the ground that it was contrary to articles 14, 19 or 31. With the help of this provision, zamindaris were abolished and land ceilings imposed without paying market compensation. Never was this power used by the States or the Centre against its opponents. The people have the confidence, and I hope my learned friends will also have the confidence, that the present Bill will not be used merely to expropriate the properties of opponents. Mr. Frank Anthony gave some examples and said, “You may take away my

library but not that of Mr. Gokhale”. May I say, any State or the Centre can pass a law that all the blue-eyed babies born in this country shall be thrown into the Jumna, but a Government which passes such a law would be thrown out the next day. So, if a Government passes such absurd laws, it would be thrown out the next day.

Some friends have said, the judiciary should be given the power to decide whether the compensation is adequate or not or whether the directive principles have been followed or not. I would have supported the idea that the judiciary should come in, but I think the time has come when the judiciary should not be brought into the controversies of the modern system which aims at bringing economic changes for the betterment of the people. Otherwise, the judiciary will be open to criticism and it will affect its general working in other spheres also, because every time the judiciary comes in, it will be deciding one way or the other and the party which loses will criticise the judiciary. Therefore, it should be between the people and their representatives. People should expect from their representatives a just and fair legislation and the representatives should be able to bring about a legislation which aims at eradication of poverty. If they fail in their duty, people will throw them out. I hope the judiciary will be kept out of this controversy. It should be between the people and their representatives without the judiciary coming in. I fully support the Bill to the extent it keeps the judiciary out of the controversy.

Lastly, I would like to quote a passage from Abraham Lincoln as to what he said about a century back :

“This country with its institutions belongs to the people who inhabit it. Whenever they shall grow weary of the existing Constitution and Government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember it or overthrow it.”

**MR. DEPUTY-SPEAKER :** As a result of a review in constitution with the Business Advisory Committee, the Speaker has decided that the House should sit upto 6:30.

**SHRI PILOO MODY (Godhra) :** Mr. Deputy Speaker, all these years, I have laboured under the impression that there were several democrats outside the Swatantra Party. I think today I can claim that I and the Swatantra Party must be the last bastion of democracy in this country. When the President of India puts his rubber stamp on this constitutional amendment, India will have signed its second tryst with destiny, having converted a constitutional democracy into a totalitarian oligarchy devoid of the rule of law.

We are already beginning to see the symptoms of it all over. Debate has gone on at high levels, debate has gone on at lower levels, it has gone on in this Parliament and at its lowest level it has taken place at Jantar Mantar Road.

Our much-abused Constitution not only permitted but directed the State to create a social order in which justice, social, economic and political shall inform all institutions of national life, leading inevitably to a welfare state. For 25 years this Government has had the opportunity to bring it in line with the Directive Principles of State Policy, but it has failed. Even after this amendment is passed it is still not going to happen. What we are going to have is greater arbitrary exercise of naked power to establish perhaps a Police State.

What is it that the Constitution has inhibited us from doing except the vindictive use of absolute power? That is the only thing that the Constitution has debarred these people from doing. If I may be allowed to quote the relevant article, 39(b)—by the way, this (b) seems to be the bee in their bonnet—

“that the ownership and control of the material resources of the community are so distributed as best to subserve the common good”.

Have they done it? Can any Minister sitting on that bench truthfully say that the public sector, that monster that they have created or a major part of their public sector, by shuffling the ownership and control by taking it under their own control, has so distributed it as to best subserve the common good? Is this their idea of common good? And yet they have done it.

Can they say that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment? Was it not they who instituted this system of licensing? The issue of licenses was entirely in their hands and so they could have controlled these big business houses. Who issues licenses to them?

**AN HON. MEMBER :** Morarji.

**SHRI PILOO MODY :** My hon. friends would like to disown him and claim Karl Marx. I am not concerned with it. To me the Government is Government, red, pink, blue, turkish, non-turkish, red-turkish, pink-turkish or blue-blooded. I do not care a damn.

Talking about the concentration of wealth, have they not imposed expropriatory incom-tax and surcharge levy of 97 per cent, wealth-tax, gift-tax and estate duty? Has anybody stopped them from collecting them honestly? They talk about the concentration of the means of production. What about the public sector? That, certainly, is not concentration of private wealth. But it has not functioned well. What about the company law which you cannot apply honestly? What about the licensing and credit control? They have all these instruments.

They may talk about them, they may propagate them and they may collect votes on account of them. But they have not implemented any of those things which they could have implemented. What have they done? They have created black markets, black marketeers, smugglers, bootleggers and they have slept with them because these are the principal supporters of this Government. And they come here and preach socialism!

[Shri Piloo Mody]

What is it that this Constitution has stopped them from doing? Has it stopped agrarian reform? Has it stopped you from economic controls? Under this Constitution, as it stood, one state or the other—let me quote—“intermediaries were abolished, ceilings were fixed, cultivating tenants were regulated by law, the tiller of the soil secured cultivating rights against the absentee landlords, scattered bits of land were consolidated by a process of statutory exchange.” All this has been permitted. To read further :

“the State, instead of talking loosely of taking away the fundamental right to property, should concentrate in the making of a comprehensive law of land tenure regulating the rights equitably of the ryots, cultivating tenant and the landless labour and place it on a stable basis which would have validity for a substantive period of time...

Instead of ideological debates and dialectics, jurists, research scholars, and economists may investigate the problem for evolving reasonable principles of compensation relevant to this social and economic conditions of our country. Fixation of compensation is not an exact science...

Even on the industrial and business front, the constitution has conferred large powers on the State to regulate them, to prevent concentration of wealth and exploitation and even to nationalise an industry or business, on economic considerations in public interest...

The fundamental rights are not absolute rights but are subject to laws of social control. The right to equality is subject “to the doctrine of classification, the right to admission to colleges and employment is subject to the laws making special provisions for backward communities and scheduled castes, the right to seven freedoms is subject to laws of reasonable restrictions in public interest, the right to life and personal liberty is

subject to procedure prescribed by law, the right to property is subject to the law of deprivation, acquisition and taxation.”

and the right to speak in Parliament is subject to the ruling of the Speaker.

“The right to work depends upon the employment potential created—

not on slogans or socialism or anything else but on the employment potential created—

“the right to health upon medical facilities given, the right to education on the educational opportunities provided, the right to equal pay on the prosperity generated, the right to leisure on the technology and automation accepted by industry... The distinction between fundamental rights and the potential rights embodied in the directive principles, rests on the fact that the former exist but the latter are created by human ingenuity.”

an ingenuity that these people do not have.

“The judiciary has to decide both on the scope of the fundamental rights and the permissible limits of the law of social control and to decide also on the validity of laws to creating statutory rights, on the basis of the tests of legitimate encroachment... Out of this conflict evolves the new social order by the process of judicial adjustment and through the rule of law.”

Not Shri Gokhale's law but the rule of law.

SHRI H. R. GOKHALE : Whose ingenuity is this ?

SHRI PILOO MODY : “Autocratic power finds the judicial check irksome and seeks to explain away its incompetency or neglect of duty by posing an inflexible and irreconcilable conflict

between fundamental rights and directive principles."

AN. HON. MEMBER : This book may be laid on the Table of the House.

SHRI PILOO MODY : It will shock you to receive it.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE AND MINISTER OF DEPARTMENT OF CULTURE (SHRI SIDDHARTHA SHANKAR RAY) : What book is it ?

SHRI PILOO MODY : I have to inform the House, particularly in view of its sensitive nature, that it is the Golak Nath case judgment which enshrines all this and sanctifies this.

SHRI H. R. GOKHALE : This is Golak Nath's ingenuity ?

SHRI PILOO MODY : It is the Golak Nath case judgment which sanctified this and which made it possible, even though Shri Gokhale may have forgotten how to evaluate a judgment.

SHRI SIDDHARTHA SHANKAR RAY : Where did you read from ?

SHRI PILOO MODY : It is not a Constitution Amendment; it is not economic reform; it is not national reconstruction; it is not *garibi hatao*, but it is political skulduggery that these [people] are up to.

Confucius, the Chinese philosopher, said :

"When he was young, he judged men by their words. When he grew up, he judged them by their deeds."

As a young nation, there is a tendency on the part of the public to judge leaders by their professions. In a few years time, they will be judged by their deeds...

—not by there constitutional amendments.

This is what Mr. Gunnar Myrdal, a socialist economist, wrote about "proclaimed

leftists and progressives" that you see — so many of them here. I am so glad to see the new entrants, Mr. Salve, Mr. Mahajan and I do not know who else have become new entrants overnight. About "proclaimed leftists and progressives", he said :

"There is a yawning gap between their profession and practice, between there public and private life — even between what they say in one place and another.

The main obstacles to socialism in India are not the so-called reactionaries and vested interests. It is the inability of socialists to live upto what they preach to the public."

This is why socialism will not get ushered into India. He further says :

"Ministers preach egalitarianism — absolute equality — to the public, and legislators advocate ceiling on income and wealth. Yet, they enjoy enormous perquisites..."

Mr. Gokhale, how big is the bungalow you stay in? How big a garden do you enjoy? What right you have to talk about socialism. Sir, I think, you will bear me out that, normally, I do not indulge in any personal attack on anybody. But I am going to take this magnificent opportunity to say something about Mr. Gokhale who resigned from a Judge ship of the Bombay High Court because he found the salary inadequate. At that time, I sympathised with him because the Rs. 3500 or Rs. 4000, that he was getting, plus perquisites, a cheap house, peons and the whole lot, was perhaps too little for Mr. Gokhale. I do not blame him for resigning because he always wanted to come and occupy this chair. After all, this job of his carries an annual salary of Rs. 12 lakhs as a result of the new taxation levied in the last three years. Every Central Cabinet Minister, unknown to the public outside, is paid salaries and perquisites of Rs. 12 lakhs. If you do not believe it, I have all the calculations with me here. I will be very happy to lay them on the Table of the House. I do not need any taxation experts on evasion and avoidance to advise me on the subject.



**SHRI H. R. GOKHALE :** He is an expert himself.

**SHRI PILOO MODY :** This is the very same Gokhale who says that, in future, the battle is going to be between the "haves" and the "have-nots"; I seriously wonder about his sanity. Is he in his own bath-room going to box with himself before the mirror? On the one hand, he is very much of a "have" and, on the other hand, he is very much of a "have-not". It depends on how you look at the "haves" and the "have-nots". Mentally, I say, he is a "have-not".

**SHRI H. R. GOKHALE :** What are you ?

**SHRI PILOO MODY :** The Law Commission recommended, the Cabinet accepted, and the Minister introduced amendments to his own Amendment and, last night, he invented an argument, an argument against the Law Commission, an argument against the Cabinet, an argument against his own amendments, and he justified it in the name of morality. The fact of the matter is that Mr. Bhupesh Gupta in the other House put the screw on him, not to bring these amendments...

**SHRI S. M. BANERJEE :** Sir, I rise on a point of order.

**SHRI PILOO MODY :** And Banerjee is going to put a screw on the House right now.

**SHRI S. M. BANERJEE :** My point of order is this. Firstly, he should make a speech. His entire speech should not be a quotation. That is one thing. Second thing is that he has mentioned the name of the hon. Member of the other House, Shri Bhupesh Gupta. His personal or private life is not supposed to be known to him. This is very unfair. He is losing his property. Let him lose. He has acquired a mass of health. We do not grudge. What is this concentration of health? (*Interruption*)

**MR. DEPUTY-SPEAKER :** I think it is not desirable to refer to a Member in another House.

**SHRI N. K. P. SALVE :** Many things are not in good taste, so to say.

**SHRI PILOO MODY :** Now that you have given your ruling. I thought you would have ruled him out of order. Instead of that you have thought it fit to give me advice as to whom I should mention in the other House.

I would like to quote that to Mr. Banerjee and to you on the many an occasion that mention has been made about Members of the other House. To me Mr. Bhupesh Gupta is not Mr. Bhupesh Gupta, the editor of a newspaper. To me, he is the leader of the Communist Party. If I cannot say Mr. Bhupesh Gupta, shall I say 'Leader of the Communist Party in the Rajya Sabha' or the 'Leader of CPI here' or 'Mr. S. M. Banerjee' who has constantly carried their brief all these years. They put the screw on Mr. Gokhale and on the Government and on the Prime Minister and overnight, morality came to the rescue of Mr. Gokhale who withdraws these amendments because these people have threatened that they will not vote for them. I don't pay any attention to such threats at all. They will go down on their knees and I would like to tell Mr. Gokhale that even if he introduces his amendments, these people are going to vote for him. They dare not go to their electorate without you. So, don't get blackmailed by people whom you have to keep down.

Sir, only in a democracy are there restraints and in a democracy, society is so organised that no man or woman, no body of men or body of women, can exercise full or absolute control over the destinies of the nation. This is the basic essence of a democracy and what this Government is trying to do is exactly the opposite. It is the doctrine of limitation which makes a democracy acceptable. This Government wants that there should be no limitation on its power whatsoever.

The founding fathers, our dear founding fathers, great men, who put in great sacrifice, had great vision and honesty of purpose, great concern and these are the people with the best intentions in their life, sat deliberated

for a year and a half and produced the Constitution...

**SHRI FRANK ANTHONY :** Why a year and a half? For four years we sat.

**SHRI PILOO MODY :** Four years, Mr. Anthony says. For four years they sat and produced a Constitution which is to be dismissed in one moment by some elected punk kid riding into Parliament on the trail or the petticoat of a Prime Minister driven made by power.

**THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND SHIPPING AND  
TRANSPORT (SHRI RAJ BAHADUR) :**  
Sir, this is highly objectionable. He must withdraw it. It is shameful. You have got a lady sitting by your side.

**MR. DEPUTY-SPEAKER :** I think this expression is unfortunate. I request you to withdraw that expression.

**SHRI PILOO MODY :** Which expression?

**MR. DEPUTY-SPEAKER :** That word 'petticoat' — will you withdraw it. In the context in which you have used, it is unparliamentary... (Interruptions) Will you please withdraw it?

**SHRI PILOO MODY :** I am not anxious to use that word. I withdraw it. But I must have a substitute. Shall I say, riding on the trail of her popularity? What shall I say? Is there any of you brash enough to say that that is not true?... (Interruption).

The Law Minister quoted Nehru, A poor example to quote. Because for everything Nehru said, he provided a quotation with which he could be refuted. I have a book full of this and if he is so inclined, in his leisure I will give him quotations which refute his own quotations of Nehru.

Let me make a plea. As ridiculous as it may sound, I want to make a plea. We have no tradition in this country of common law. We have no established norms of public opinion or behaviour.

We have no heritage of freedom and democracy and therefore to transcend fundamental rights, to arm Parliament and politicians riding on this mass hypnosis with these powers is irresponsible in the extreme. I see before me the three eminent jurists; I called them on the last occasion the three blind mice on the treasury benches. It is in this way that they are trying to bring about the deathknell of Indian democracy. It saddens my heart.

In 3500 years of recorded history men all over the world for the most part have lived in tyranny and under oppression. It is only on a few occasions in a few places, a few men enjoyed the liberty and freedom of free men.

17 hrs.

**AN HON. MEMBER :** Why are you mourning?

**SHRI PILOO MODY :** I know, if democracy dies, to him it is a joke, because, we know, he has never sworn by it. But it is indeed true, it is a mourning, because for the first time we were lucky enough for 20 years to enjoy this whiff of fresh air, this breath of freedom and the fact that our people could not participate in it can be laid straight and firmly at the footsteps of these people in power and Mr. Banerjee. The spirit of man will survive and it will fight on. This world and our country and the people living in it will survive the onslaught of Mrs. Indira Gandhi and her Government, they will survive this era of history because the spirit of man reigns eternal and even though in the next few years you may plunder all you like—even Chengis Khan plundered—on some day, there will be established in this country...

**SHRI S. MOHAN KUMARA-  
MANGALAM :** A swatantra Government?

**SHRI PILOO MODY :** Truth cannot evade even the worst cynic. Some day there will be in this country a Swatantra Government, a free Government, freely elected. The reason I have this faith is because I know that irrespective of what the 350 people here can be made to say, the struggle for freedom will continue, and continue for ever. Thank you.

**SHRI SHANKERRAO SAVANT** (Kolaba): I rise to support the Twenty-fifth Amendment to the Constitution moved by the Law Minister.

The need for this amendment arose out of the Supreme Court's judgment in the Bank Nationalisation case. While giving its judgment in *R. C. Cooper vs. the Union of India*, the Supreme Court held that the Act 22 of 1969 is not *ultra-vires*. That is the Bank Nationalisation Act. Secondly, it said that the selection of some banks only for nationalisation does not come under the category of hostile discrimination. Thirdly, it said that the provision of compensation in Act 22 of 1969 is bad because it contravenes Art 31 (2) of the Constitution as the item 'compensation' mentioned therein means 'just compensation' which means market value. It also laid down that the method of giving compensation must be reasonable.

In giving this judgment, the Supreme Court had gone against its own earlier judgment in *Shantilal Mangaldas's* case where it had held that the court could only see whether the compensation given was fraudulent or illusory and it had no power to see whether the compensation was just or adequate.

This legislation has had a tortuous course. In the Constituent Assembly itself there was a dispute as to whether the compensation should be equivalent to the market price, and to avoid the payment of market price, they dropped the word 'just' from the draft proposal for paying just compensation. But the Supreme Court in *Bela Bannerji's* case held in 1954 that although the word 'just' had been dropped, still the connotation of the word 'compensation' was that the market price must be paid.

This was the signal for the Fourth Amendment which made the adequacy of compensation non-justiciable. This amendment was interpreted in *Shantilal Mangaldas's* case referred to earlier.

Thus, all along, during the last 22 years, Parliament had been proposing its theories

of private property in one way and the Supreme Court has been disposing of them in another way. It is to make the law both fool-proof and knave-proof that the present amendment has been brought forward.

To pay full compensation is to perpetuate the very evil of concentration of wealth which we are seeking to abolish. The amending Bill has taken care to see that this injustice in the distribution of wealth is not perpetuated.

I have suggested one amendment myself, but it is not of a revolutionary nature. It is only meant to fill up a lacuna existing in the Bill. I shall explain this lacuna while moving the amendment.

I shall now confine myself only to some of the amendments moved by the Law Minister himself, and I should certainly like to give my views on those amendments. In my view, they are not necessary because they will not only dilute the original Bill but they will negate it in part.

The amendment regarding the proposed payment of market price to educational institutions of minorities is a step in the wrong direction. We are told that the Twenty-fifth Amendment is necessary to usher in an egalitarian society and to hasten the era of socialism. Is our socialism partial? Is it meant only for the majority and not for the minorities? Are we to suppose that all Anglo-Indians are opposed to socialism, like Shri Frank Anthony? I am sure that there are men even in the Anglo-Indian community who are prepared to share the toils and turmoils of the fight for socialism. It is only then that they can share the fruits of socialism.

There is no firm definition of 'minority'. The Hindus are in a majority in most of the States but they are a minority in Jammu and Kashmir. The Sikhs are a majority in the Punjab but a minority everywhere else. The Christians are a majority in the Nagaland but they are a minority everywhere else. Therefore, the word 'minority' here will cause only confusion.

This discrimination in favour of the minorities, apart from its being illegal, is politically a bad precedent. It may prove to be a thin end of the wedge of political pampering that may spoil the minorities themselves and may ingrain in them a sense of separateness from the main body of the Indian population which in spite of differences in caste, race and religion and language is determined to march hand in hand towards the accepted goal of secular democracy.

I would, therefore, like to say that the amendments proposed by the Law Minister regarding the educational institutions of minorities to which full price is proposed to be paid, should be withdrawn by the hon. Law Minister, and the present Bill should be kept as it is, with just one amendment which I shall move afterwards and which is necessary only to fill in the gap or the lacuna which remains there otherwise.

SHRI N. SHIVAPPA (Hassan) : While rising to support this important amendment which is really the first milestone in our onward march to solve the untold misery and sorrow experienced and suffered by the teeming millions of our country, I want to make one point clear. That is about the necessity for this amendment.

Many of our colleagues ventured with the help of quotations and authorities to put their case. I am only venturing as a lawyer not to make any interpretation or as an argument this way or that for the sake of argument. I want to concentrate my argument solely and purposefully on the very true spirit, perspective and objective for which it was brought forward and is now the subject of consideration by this august House.

In all these 24 years of our democratic history, whether on the floor of this House or outside, most of our political stalwarts not only from this side but also from the other side have only written volumes or spoken profusely extending lip-sympathy and courtesy to the downtrodden, oppressed and suppressed and economically backward, unfortunate and innocent people. They have never known what is the definition of mean-

ing of the words 'fundamental rights'. These gentlemen have only talked and interpreted or written volumes for the sake of 9 per cent of the people of this country. Who are they? It is we the MPs, State legislators, educated officers and Judges of the High Courts and the Supreme Court. These stalwart judges whom we all respect are not in turn prepared to recognise and respect the views of the members of Parliament expressed on the floor of this House.

I want to say categorically that these people have definitely said only as an eye-wash or vote-catching ruse or to further their vested interests for their own ends and nothing else. The discussion and deliberation of these people and the interpretation of the courts were only to safeguard the interests of the 9 per cent who constitute the intelligentsia, those who have amassed wealth either by good means or bad. They never thought in terms of conceding the fundamental rights to the remaining 91 per cent of the population of this country.

What is now urgently needed to bring about these amendments to usher in an era of socio-economic development of the country? Only we had the courage to set this process in motion. We have now two big personalities. One is the personality of our hon. Prime Minister, Indiraji, the leader of the great Congress organisation after the rift; the other is the personality of the nation of India, the 91 per cent who constitute the downtrodden, oppressed, suppressed. Their interests have not so far been taken care of by the Supreme Court Judges or other people who have been delivering judgments or talking on the political platforms all those years from Kanyakumari to Himalayas.

So it is not an amendment or a constitutional provision that we have to enact only for the sake of somebody. Why should we think of fundamental rights only in terms of 9 per cent of the people? Why were they not for the sake of the 91 per cent? Hence, the object and the necessity of this amendment have got their reason behind in the democratic history of the last 25 years.

The second thing is, the Golaknath case. What is this Golaknath case? It is only a

[Shri N. Shivappa]

question of interpretation. Interpretation of the Constitution is being given by whom? It is not being taken by the Supreme Court or by the High Court, much less by the executive, nor by any other alien friends; it was given by this House. It was given under the Constitution; it was given by provisions of the Constitution. So, as a lawyer, if really all the judges of this country have got a little bearing on the idea or the intention of the legislature which is to be carried out by them, for the good of the country, it is that intention that is incorporated in this particular constitutional letter of the law. Who is making the letter of the law? It is we. So, the legislature, the supreme body of this country, has got the right to look into the condition of the people, whether the 'haves' or the 'have-nots'. We are not bothered Pilloo Mody's belly being developed or sunk. We are only bothered about cases where the belly has already sunk back, the belly of the poor people. It must also be developed. Bread has to be given to them. Where can we give the bread? The interpretation of the letter of the amendment is different from the spirit of the amendment to be thought of, namely, why it should be brought in; why it should be implemented; where was the necessity and whether anybody has got the courage and the capacity to bring it in.

If the Supreme Court has an idea, what alternative suggestion has it made? It is only a body, an institution, to interpret the Constitution and the law, and nothing beyond should be done, nothing should be done such as dictating terms to others. It has assumed the authority to give dictation and that too, a controversial dictation. It is not a uniform dictation even. Even in the Golaknath case, they only posed a problem. To whom? Not only to Parliament but to the nation. We went before the nation. This is not a subject-matter which has come today before Parliament. I want to reiterate this. I want to inform this House that we had a discussion on the floor of this House; we had taken it up deliberately—the Golaknath case—many a time on the floor of this House.

If we can recall the case, this Golaknath case posed two important problems to two

agencies: one to the legislature and the other to the nation at large. So, the nation practically took a particular stand and declared that we are going to authorise this Parliament through their elected representatives to see that the amendment is brought in, and that was declared by our hon. Prime Minister. We got the vote; we got the sanction and we got the backing of the nation and the nation stood behind that. What the nation said is that this House should promulgate, this House should bring the amendment and this House is free to do it. We will do it. Nobody can rise any objection. Nobody can pass a remark. I have heard the arguments from the Opposition who conflict with each other and contradict each other. It is very unfortunate. If we compare Shri Pilloo Mody's arguments with those of other colleagues who gave their version, we can say that they are all good stalwarts and lawyers and Parliamentarians and judges. They have advanced their beautiful arguments in their own colour. We have no objection. But, at the same time, what is their ultimate idea? One side wants that the entire Constitution should be abolished or the word "compensation" should not be there or it should not be open to judicial review. The other side wants that no letter in the Constitution should be touched. These are the two sides or agencies sitting there, and they want to go before the country and before the nation and want to give a sigh of relief from economic oppression and suppression. They want to build Rome in a day. That is also their ambition; their hope. And then, Mr. Pilloo Mody's hope is known to us. That is, the big houses and the strategy of evasion should continue. If all that is going to be advanced, well, he knows that friends have learnt it and our colleagues on the other side also know it.

On our side, we are democratic socialists. We are living in a democracy, and through democracy, we are going or travelling on the path of democracy and trying to see that the socialistic policies and programmes are implemented peacefully and constructively, not in a very ambiguous manner or in any extreme manner, not by means of bloodshed and revolution.

We have taken the country into confidence. The country has reposed confidence in this Parliament and in this leader. Therefore our friends need to take to task the ruling party for introducing this amendment. Our cabinet, our Law Minister and our Prime Minister have given sufficient thought to this matter and after careful examination of the Golaknath case three amendments are simultaneously made to the fundamental rights. First, it gives power to Parliament to amend the Constitution. Secondly, it says what sort of property should be taken over and what amount should be paid, whether it is adequate compensation or otherwise. This is a comprehensive, sensible and purposeful draft. It does what the country is expecting us to do.

The amendments suggested to article 31 impose some limitations on the rights under articles 14, 19 and 39. What are the limitations? They are reasonable restrictions. In this context I want to invite your attention to the remarks by some Judges. They have their own motive behind interpretation in Golaknath case or other case. On our side I am glad that Mr. Gokhale has given a very good exposition. I want to put to you what Mr. Hegdeji who was a Judge himself had said. In a reception given to him immediately after he assumed office as a Judge in Udipi which is in my State in his own area where he was practising he made this observation about judges :

“Any ass can become a Judge and when it becomes a judge it will bray judiciously”.

This is what Mr. Hegdeji has said on assuming office as a Judge. If that is so what right have they got to comment about the contributions made by this august House consisting of more than 500 elected representatives of the people. They have mixed with the people and they know what they want. They have studied the Constitution and they want the judiciary to act according to the letter of the law which is passed here. Why has it not been done? Why give an interpretation which acts as an impediment to the progress of the nation? Why control Parliament? This Parliament

cannot be controlled either by the judiciary or by the bureaucratic system. Mr. Piloo Mody wants that exploitation should be continued. We do not want that exploitation should continue whether in the form of legalised exploitation or authoritarian exploitation. He wants that money should earn money. We do not want that. We want that the worker should earn money and live. He must be able to work and live. So many judicial decisions about property have come here. As a lawyer I have seen these things. This is an unfortunate state of affairs. It has been well thought of by the hon. Leader of this House and we are happy that this amendment has been placed before this august House for its consideration. This will go through, this is a must go through. This is a must for the country's progress and prosperity and for the achievement of the objectives of our policies and programmes.

**SHRI BISWANARAYAN SHASTRI** (Lakhimpur): I rise to support the Constitution (Twenty-Fifth amendment) Bill which is before the House. The Constitution (Twenty-Fourth Amendment) Bill which has now become an Act and the Twenty-Fifth and Twenty-Sixth Amendment Bills which are before the House, in my opinion are three different aspects of one complete thing. Practically the Constitution Twenty-Fifth Amendment Bill is the most important of all amendment Bills so far brought to amend the Constitution, because all the previous amendments are piecemeal amendments and this amendment seeks to give wider power to Parliament and State Legislatures, and for that matter to the elected representatives of the people in a word to the people. All these three amendments are necessitated by the Supreme Court judgement. Many things have been said here about those judgments. I am not a lawyer, and I am not going into that aspect. Whatever I say is from the point of view of common sense.

The present Bill is going to impose some restrictions on property, and there is some controversy. Practically it is an issue between the Directive Principles and the Fundamental Rights. Whenever there is a conflict between these two, we must take the

[Shri Biswanarayan Shastri]

help of the preamble of our Constitution where it has been clearly stated :

"Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all

Fraternity assuring the dignity of the individual and the unity of the nation."

Nowhere is there mention in the Preamble of the right to property, not a word. It is found in the Fundamental Right chapter and not in the Preamble. If we analyse the Fundamental Rights and the Directive Principles, it will be clear to any lay reader that Fundamental Rights are static and the Directive Principles are dynamic and they direct the State to go in certain directions and to implement certain ideas. Therefore, if the Fundamental Rights stand in the way of the implementation of the Directive Principles, the Fundamental Rights must be amended for the welfare of the majority of the people. There is a maxim :

'Bahu jana hitya, bahu jana sukhaya.'

For the welfare of the majority of the people and for the happiness of the majority of the people Fundamental Rights, if necessary, must be amended. There is a mythological story in our *Puranas*. The Vindhya mountain stood in the way of the learners and pilgrims who wanted to go to South and to subdue it, the help of the Sage Agastya was sought. Agastya reduced the mountain to its size. So, if the Supreme Court or anybody stands in the way of the implementation of the directive principles, those things are to be reduced to their proper size. In this connection, I would like to quote Gandhiji. When Louis Fisher, the famous journalist interviewed Gandhiji, he asked Gandhiji's opinion about land. Gandhiji's reply was, "The peasants would simply seize the land". And, Gandhiji was not an extremist. Regarding compensation, Gandhiji said, that would be fiscally impossible.

It is also argued in certain quarters that the concept of Indian society is going to be changed by this amending Bill. They refer to the ancient method of Indian society and the present method. I am a student of history and therefore, I can say with some authority that in ancient India, the king who was the repository of the community had the right to property, but even he had no right to the land. A king could give away as gift all their property but not the land, because lands belongs to all. There is common ownership of land :

न भूमिः स्यात् सर्वसाधारणत्वात्

Property is not simply land, building money and machinery. The intelligence and the discovery of a person is also property. If these things are restricted for years to come, the entire nation will be deprived of these discoveries and the intelligence of a particular person. For instance, if Shakespeare's works were confined to his descendants, the world would have been different today. But that was not done. If by this monopolistic trend or *status quo* method of forces we are going to restrict something for generations to come, the nation, the people and the world will be losers. Therefore, for the benefit of the common people who are in the majority, it is proper that the State should be enabled to take possession of whatever it needs.

If compensation at market value is paid for surplus property to distribute it among the people, the very purpose of such an Act will be defeated. For instance, there is a big company with large resources and capital. If it is taken over and market value is paid to the company, it means they are paid even what they do not require or they will be made richer than what they are at present. Therefore, the question of adequate compensation or market value does not arise and it has no meaning in the present context. The same can be said about the abolition of privy purses. If, in lieu of privy purses, compensation is paid to them, only the name will be different and they will get the same amount and same facilities. Therefore, the

very purpose of abolishing those things and acquiring surplus property above the ceiling will be defeated if adequate compensation or market value is paid to the owners. There is no justification for the fear or apprehension in certain quarters that the small landholders or property-holders will be deprived of their property. It is quite absurd and hypothetical. In spite of the existence of some such provisions in the Constitution already, so far Parliament and the State Legislatures have not made any law which deprives the people of their right in an arbitrary manner. Therefore, this apprehension is not well-founded.

The bogey raised about the rights of the minorities is also politically motivated. I do not want to go into it.

Then about some comments in certain judgments that the elected representatives of the people cannot be trusted with. If they cannot be trusted with, I do not know who under the sun can be trusted with. Because, the Constitution in its very preamble says "We, the people of India, having solemnly resolved to constitute India into a sovereign democratic Republic and to secure to all its citizens justice...hereby adopt, enact and give to ourselves this Constitution." This Constitution is prepared, drafted and adopted by the elected representatives of the people and given to the people. If we cannot trust them with the Constitution, could we trust it with people who are sitting somewhere else, who are not concerned or worried with the problems of the people?

This Bill empowers both the Central and State Government to make laws which will translate certain ideas which are embodied in the Directive Principles of the Constitution and thereby give relief to the people who have so far been deprived of their legitimate dues. With these words, I support this Bill.

**SHRI T. BALAKRISHNIAH (Tirupathi):**

Sir, I rise to support the Twentyfifth Amendment Bill presented by the hon. Minister of Law. The hon. Minister in his opening speech has pointed out the object and necessity of this amending Bill.

Law is changing from generation to generation. Dharma is changing from yuga to yuga. So, laws are made according to the changing social circumstances and changing social conditions. Law cannot be rigid; it has always to be flexible. So, it is but right and proper that we should bring in a law which is suitable to the conditions of the people.

The judgments of the Supreme Court in the Golak Nath case, bank nationalisation case and the privy purse case and our manifesto were put before the people by us during the elections. People have given their mandate by electing us in a majority. Now, should we respect the judgment of the people or that of the Supreme Court? I have got the greatest respect for the judges of the Supreme Court and the High Courts because they are mature men with good legal background. But they do not have contact with the people. They cannot feel the pulse of the people. When a villager comes to me and says that he needs a house, I forget for a moment that I am a parliamentarian or a lawyer and I feel that something should be done for them and I request the Government to do something for them. There are millions of people without homes, without land and without jobs. How are we to solve these problems if these are standing as obstacles?

We know pretty well that we are wedded to democratic socialism. According to that we must frame our laws and in accordance with the principles that have been enunciated under articles 38 and 39 of the Constitution. But my learned friends on the Opposition side are pressing very much about the Fundamental Rights. What is fundamental? Are our lives fundamental or our laws? Are we realising that we are living in an unrealistic world? That realisation is not there. Their cry is like a cry in the wilderness. They do not suggest any ways and means by which we can achieve all these objects. They have not suggested how we can help the poor man.

My learned friend, Sri Frank Anthony— I very much appreciate his oratory but not his point—has asked what this Government had been doing all these years; why they



[Shri T. Balakrishnaiah]

could not implement the Directive Principles of State Policy. We know the difficulties why they could not be implemented. To overcome those difficulties we are thinking of legislation.

There are millions of Scheduled Castes people in our country. In spite of 23 years of our democratic rule, we are not able to provide them not houses but at least house sites or even hut sites. That is the position in which we are placed now. What is it due to? It is not that our Government is lacking in efforts but it is because of the rigid laws. The rigid laws are not permitting it. Under the Land Acquisition Act whenever they propose to acquire something, several formalities have to be gone through and this word "adequate compensation" stands as a bottleneck. The man who is aggrieved, the landlord, immediately goes to the High Court, files a writ and gets a stay. On account of the stay this will never see the light of the day and the purpose will not be served. For years together it will be prolonged. Will it be possible for us to provide house sites for these poor people who really need them?

1742 hrs.

[MR. SPEAKER *in the Chair*]

About compensation I would like to submit one thing. They are always claiming market value. The compensation or the amount fixed by Government or Parliament, they say, is not adequate. They want more compensation and to become richer. It is not because of anyone's individual efforts that one is entitled to so much of compensation but it is because of the efforts of the State. Those who are economists or have studied economics know pretty well that in the modern civilisation in and around the growing cities and towns, the State provides all modern amenities to live a modern and civilised life and hence the value of the land increases. For that why should the Government pay more than the required amount to the man who owns the property?

Is it possible for a poor man or a middle class man or a lower middle class man to own a house site at least for the construction of a house, leave apart possessing property or any land or any such thing, so that he can say that he has got a house of his own to live in after his retirement or to go and stay in after his day's work? Can he feel like that? It is not possible because the value has increased.

I, therefore, submit that the Government is justified and right in substituting the word "amount" for the word "compensation". Man is greedy, ambitious and selfish. He wants more money and more treasures. The land which cost Re. 1/- twenty years back is now costing thousands of rupees. The land which he got for a mere *darkhast* free from Government, he is now selling for lakhs of rupees. Are we to pay lakhs of rupees for that? Wherefrom can we get that money? It has to be paid from the State treasury. The Government cannot afford to pay compensation as expected by these people. We can only pay an amount.

After all, Government's intention is not to deprive the petty peasant and the small shopkeeper of what he has but to help those who have something or nothing to fall back upon. It is with that intention this Government is coming forward with this Constitution Amendment.

Coming to Fundamental Rights; I submit, that the courts can only interpret the law and apply it. It is very well in the case of individual cases, but not in a case where a policy matter is taken up by the State. In a policy matter taken up by the State, the Judges who are sitting there, who have got a mature mind, who have got a calm and cool thinking, must give sound advice and cooperate with the Government. If they come to a kind of adverse judgment, that will come in the way of progress and create not only obstructions but also confusion and chaos in the State. Therefore, I submit, the Judges must only interpret the law and

apply it. It is the Parliament that is a supreme body. It can enact any law that is suitable for the country and that is suitable for the people. If the High Courts or the Supreme Court—a time will come when we can manage even without them—assert that they have got superiority over the Parliament, they must forget that they have any superiority over the Parliament. The Parliament has to work within the framework of the Constitution and the judiciary has to work within the framework of the Constitution.

The Twenty-fifth Constitution Amendment Bill is an important Bill and, I can say, it is a bold measure in the history of Parliament that we are going to pass and it is only under the able leadership of our Prime Minister that we can achieve socialism and economic progress. "Now or never" goes the saying. Now is the only time when we have got a majority to bring forward any progressive measures and, if we do not make an attempt or an effort to bring forward any progressive legislation, we can never do it in future.

SHRI J. B. PATNAIK (Cuttack) :  
 Mr. Speaker, Sir, I consider it a great privilege to support this Constitution Amendment Bill. This Parliament, with this measure, will go down in history as a successful Parliament and, certainly, the Members who have participated in this historic action would share this honour.

This is a very bold attempt and, I should say, it is an attempt in the right direction to remove a great contradiction in our Constitution. The contradiction is between the rights of the people, the Fundamental Rights, and the Directive Principles of the State Policy. In the Fundamental Rights Chapter, there are three articles which concern the right of property of the citizen and these articles are, 14, 19 and 31. Article 19 confers the right of property on the citizen and articles 14 and 31 give them the protection of law and the law-courts. In the Directive Principles of the State Policy, article 39 confers on the citizen the right for adequate means of livelihood. From this follows, two clauses, (b) and (c), which says

that the means of production of the society should be so controlled and distributed as to subserve the common good.

And that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment. The Preamble of the Constitution also envisages social and economic justice. So the preamble of the Constitution and the right conferred on the citizen in the Directive Principles of the State Policy are in contradiction with the right to property that is given in the Fundamental Rights Chapter.

When the right to property was first embedded in our Constitution, concentration of wealth had already taken place. The wealthy the landlords and the capitalists took advantage of this right to property and within years of our Independence, further concentration took place so much so that when the Monopoly Commission went into the whole matter in 1965, they found that out of 2259 companies they examined, 1536 were controlled by 75 houses whose total assets were Rs. 2605.95 crores. It constituted 46.9% of the non-banking private sector. If the banking business was taken into account, it would have been much more.

Now the Commission which went into this inquiry as to how this concentration took place had quoted a famous authority, Dr. Lokanathan. Dr. Lokanathan said :

"In spite of the fact that Parliament cries every day against the business community, nothing material is done."

It only proves that during these years though the successive Parliaments have cried in every session against the business community, against the capitalists and Monopolists nothing tangible was achieved by way of redressing the grievances of the people. That shows only how far-flung and tight were the tentacles of the monopolists and the capitalists and thus this contradiction persisted to the great woe, detriment and disadvantage of the people.

[Shri J. B. Patnaik]

Year after year, the *per capita* income shows a very slow growth. In 1960-61 at the 1960-61 prices it was Rs. 306. It rose to Rs. 321 on the basis of the same price. of 1960-61 in 1968-69. So, within eight years the *per capita* income rose only by Rs. 15 whereas the capitalists multiplied their wealth and multiplied their income. When we are calculating this average *per capita* income, it is a very wrong assessment because in this assessment of average *per capita* we are taking into consideration the wealth and income of the big capitalists and the big monopolists which is just like assessing the flow of water in the river Jamuna. We take the whole bed area of river Jamuna and the water that flows in it and when we make the average calculation of the water flowing in the river, we make the same mistake as this average. Now if someone goes to the river to find out the flow of water and if he does not know swimming, he is going to be drowned.

Now this contradiction must go and this Parliament which is wedded to the goal of a socialistic society must act now and remove this contradiction.

Coming to the amendment itself, I should say that the spirit of the amendment is the same as the spirit of the Fourth Amendment to the Constitution in 1955. Art. 39 before any amendment provided that no property shall be taken possession of or acquired for public purpose under any law authorising the taking of such property or acquisition unless the law provides for compensation for the property or either fixes the amount of compensation or specifies the principles and the manner in which it is to be determined. On account of the extended interpretation given by the Supreme Court given to the word 'acquisition' Clause (2) of Art. 31 was amended and substituted in 1955 by the Fourth Amendment with some verbal changes, but the most material addition to that clause was that no such law shall be called in question in any Court on the ground that the compensation provided by that law is not adequate.

Thus, for the first time the question of adequacy of the consideration was taken out of the jurisdiction of the courts. A new clause 2A was also added in 1955 by the Fourth Amendment Act. The main effect of the said amendment was that compensation was payable only where there is a transfer of ownership to a State or a Corporation owned or controlled by the State and no other mode of deprivation of property. This amendment was taken in its true spirit in many judgments of the Supreme Court. But the Bank nationalisation revealed the frailty of judges to obvious political and economic formulations of their own.

The insertion of a new clause—Clause 2B—does not materially affect the constitutional position. Clause (5) of Art 19 which was there from the very beginning, from the very inception of the Constitution, authorised the imposition by the State of restriction on the exercise of the right of property in the interests of the general public.

The right to property was not even absolute in the British days. Property could be acquired for public purposes. When our Constitution was made, this was duly taken into consideration in Article 19(5). It was clearly stated that property could be taken over in the interest of the public.

Insertion of Art. 31C is more or less a declaration of law already embedded in the Constitution. It is already too late for us that even after a lapse of two decades we had not taken up legislations in the line of economic policy laid down in Art. 39(b) and (c). If the State goes on paying money compensation at the prevailing market rate, it would mean in cases of persons having concentrated large properties in their hands that they would get movable cash equivalent instead of immovable or other tangible property. Thus the concentration would remain as before except that certain properties will be converted to money at the cost of the State.

The position however is different where the compensation in the shape of equivalent

market value goes to the hands of such persons or sources where there is no question of concentration of wealth. For such cases of complete indemnification we have clear provision in Art. 31A(1) as amended in the Seventeenth Amendment in 1964. Such persons who held land within the ceiling limit on personal cultivation are entitled to get full compensation.

There are some Members who are always crying wolf, over touching the right to property. If we take into consideration the right of property actually enjoyed by the people of our country we find that 90 per cent of our people do not have property; and out of the 10 per cent, 9.9 per cent are only small property holders. Only 0.1 per cent are the monopolists and big capitalists and some of our friends are weeping about those people, that their rights are being taken away by this amendment.

The test of property, according to a great political philosopher, Locke, is that it has to be conducive to the well-being of many and the well-being of the society. There is no absolute right to property. By this historic amendment of the Constitution, we will remove the contradiction in our Constitution and the Parliament and the State legislatures will now be free to go ahead with their legislations to accelerate progress towards the goal of socialism. In the years of independence in all the contests between the rights of the capitalists and the big landlords and the rights of the people, it is the people who always went to the wall. Now, after this constitutional amendment, it is the other way round, and now it is the turn of the capitalists to go to the wall. The capitalist integument, as I would like to put it, would now burst as under and we would go ahead towards our goal of socialism.

18 hrs.

THE MINISTER OF STEEL AND MINES (SHRI S. MOHAN KUMARAMANGALAM) : Mr Speaker, Sir, I must confess to a certain feeling of disappointment as I sat listening to the speeches, particularly made by Members on the other side. I expected that over such an important matter we would have a certain level of argu-

ment, a certain seriousness, not the expression of hyperbole, of violent adjectives which are no substitute for argument, for discussion. And I would prefer, if you will allow me, to deal with it in terms of fundamentals.

What exactly are we doing? What is our aim? It is not, as my hon. friend Shri Piloo Mody said, arbitrary exercise of naked power, not as Shri Frank Anthony said, the establishment of a totalitarian State, a paradise for blackmarketeers; all these expressions are cheap but they do not advance the argument. And it is the argument that is important in a debate in a House like this, and I shall proceed to argue my case, and I hope my hon. friend Shri Piloo Mody would listen.

Now, I start from the position that no where, no where in the world has it been laid down that only if property is taken away by payment of market value compensation is it a democracy. That is my first and principal point. You take the Universal Declaration of Human Rights at the United Nations. You will find there that everyone has the right to own property alone as well as in association with others. That is article 17 there. Again, no one shall be arbitrarily deprived of his property, and 'arbitrary' has been said to be 'except by the exercise of law', that is, law passed by the Parliament of the country.

We may go back to the *Magna Carta* before which even many Members of the Opposition, I think, would be prepared to bow more quickly than they bow before our own Constitution. It says :

"No free man shall be seized or imprisoned or stripped of his rights or possessions except by the lawful judgment of his equals or by the law of the land."

All that we are saying here is that no person shall be deprived of his property for a public purpose, and the State shall not acquire any public property for a public purpose except by a law, that is, by a law passed by Parliament. What is there arbitrary about it? What is there undemocratic about that? It exists in many Parliaments in the world. Let me quote France also which by the standards of, shall I call it, the Right

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Opposition, a democratic country. The provision there is that :

"Laws shall establish the regulations concerning the nationalisation of enterprises and the transfer of the property of the enterprises from the public to the private sector."

"Laws shall determine the fundamental principles of property, rights, civil and commercial obligations."

The word 'laws' means laws passed by Parliament. If that is good enough for France, which I think is a democracy, if that is good enough for England, if that is good enough for the Universal Declaration of Human Rights, why is it not good enough for us? Are we lesser men? Are we persons who cannot be trusted like they can be? Surely, this is the first and the most fundamental question which my hon. friend opposite has to answer.

He may accuse us of misusing the power. Yes, we shall have that out in another debate when we discuss the way in which it is exercised and the mistakes that we make; yes, we make mistakes; everybody in the world makes mistakes; we shall try to correct them. But today we are not on that question. We are on the question of the power that is to be given to Parliament. Should or should not Parliament have that power? And I say 'Yes, it should'.

Now, I shall go back many many moons ago to what happened when Gandhiji himself said something in this connection at the Round Table Conference. I am obliged to my hon. friend Prof. S L. Saksena because he in his speech in the Constituent Assembly had quoted Gandhiji's speech at the Round Table Conference, and led me to what I am going to quote today. When he was asked, 'What is the formulation you would like to make regarding private rights, regarding property rights', he said:-

"The second formula that I have got with me (hastily drafted by listening to

other persons' speeches) is that no existing interest legitimately acquired and not being in conflict with the best interest of the nation in general shall be interfered with except in accordance with the law applicable to such interests".

Then he explained what he meant. He said :

"Then you have 'not being in conflict with the best interest of the nation'. I have in mind certain monopolies legitimately acquired"—

undoubtedly 'legitimately' means under the law at that time in force—

"but which have been brought into being in conflict with the best interest of the nation".

Those monopolies are to be taken away, limited, restricted, confiscated, whatever it may be, in accordance with what? With the law applicable to such interests?

You can go to many parts of the world, you can go back in constitutional history, you can go back in law. You will find at every stage that ultimately it is law, applied in the interest of whom? In the interest of the nation.

You may charge us when, for instance, we have taken over the coking coal mines 'that you have taken it over in your individual interests, that you are going to use the coking coal only to swell your bank balance'. We will answer that charge. It can be easily answered. But that is not the point at issue. The point at issue is: do we or do we not need this power in order to achieve the programme of socio-economic reform to which we are committed? You can say that the programme is not in the interest of the people, that the programme is a programme which is against the interests of the people. You can throw us out. By all means, you have got the right to do that. But that is not the point we are debating today. What we are concerned with now is what is the scope of the power that should be given to Parlia-

ment. Should or should not Parliament have the power to decide what should be the compensation to be given when property is taken over in the national interest ?

Shri Frank Anthony talked of Shri Gokhale's library. I thought he would keep to a higher level of debate. Who is interested in a lawyer's library, even in Shri Anthony's library ? He may have it. If he wants my library, if he feels like having another library, we are prepared to give it to him. That is not the point. We are not after people's libraries. We are not after people's clothes or shops or small fields. We are interested in a major restructuring of the economy. Soon we are going to come before you for the take-over of the coking coal mines. What should be the compensation that should be paid to them ? Should there be compensation for the coal that is also underground, and which we have taken away, as it were, exploited by the mine-owners ? It can be argued that we should pay compensation. We say no. Whether we should or should not is a matter for us, for Parliament, to decide. This is a political question to be decided by political beings who are vested with political Power. It is not a matter for the judiciary. This is simply what we are trying to stress here, when we reassert the position as it stood before the Cooper case. Everybody accepted this as the interpretation and understanding of the Fourth Amendment to the Constitution. We are reasserting only that. Suddenly to discover that the whole world, as it were, is being shattered, that democracy is being completely murdered and using all such expressions does not, I think, advance one's knowledge of the issue actually at stake.

I would like to refer here to the speech of Shri Samar Mukherjee in which he dealt with our policy. I do not propose to deal with our policy. There will be plenty of opportunities for doing so. The question which I am sure Shri Mukherjee will address himself to is this : does this change in the Constitution enable Parliament to take what action it wishes in the field of social reform ? If we fail to take such action, you will denounce us. That is your prerogative. If we have to take such action, we should have the power to enable us to take it. If one day you come to power, you should also have that power.

To anybody, any party, which wishes on the basis of the decision of the majority of the people to achieve certain socio-economic reform, this Constitution should be a weapon which will enable that party to achieve it. That is all we are seeking to do. What I am surprised about it is that once more you are harking back to article 19 (i) (a) to (e), forgetting that even the Law Commission has accepted the position that keeping article 19 (i) (a) outside, as it were, the purview of article 31C would only enable reactionaries to use it for their own purposes. What the Law Commission has said is, "Do not be apprehensive, gentlemen in Parliament, in Government, because we are sure actually they are not going to do that. They will learn. If they do not learn, you can always amend it again." We do not see why it is necessary to do this; it is much better to make it clear and say that we do not want to take that risk. And that is why we have taken that clause as a whole.

I was also interested to hear Shri Indrajit Gupta, but I am surprised that he also was not able to appreciate why it is, for instance, that we have brought in the word "adequately". My friend Shri Anthony did a good service to us by explaining what the introduction of "adequately" means. The introduction of the word "adequately"—the amendment that is coming up tomorrow—is only to make it quite clear that the courts will not go into the extent to which articles 39B and 39C have been implemented; whether the implementation is adequate or not. They will entirely be restricted to examination of any connection between articles 39B and 39C on the one hand and the legislation on the other which, as Shri Anthony said, in any event they would have been able to do under the scope of the doctrine of fraudulent exercise of power or colourful exercise of power. What we have gone is to make it quite clear, and that is as far as we can go.

I was also unable to appreciate what Shri Indrajit Gupta was saying when he remarked that supposing the legislation does not "adequately" achieve implementation of articles 39B and 39C, then, the courts now will not be able to go into it, but surely the question is that we should bar the jurisdiction

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of the courts. We should not permit the courts, as it were, to sit in political judgment on issues which are really political, both, as my friend the Law Minister said, from the point of view of legislation that we are going to actually implement and from the point of view of preventing the courts from being laid open to criticism on the ground that they have gone into a political field.

I would also like to mention that so far as the amendment which we are bringing in relation to article 31 is concerned, by which we are safeguarding the right of minorities, it is really to reassure the minorities that the amendment of article 31 does not in any way affect the rights they have already got under article 30. That is all. It is not meant to widen any right, but it is meant to make more than clear the fact that article 31 (ii) — the amendment — is not directed in anyway to whittle down the rights which the minorities already have under the Constitution. We are not trying to create new rights. We are not trying to expand the rights. We are only trying to make it clear that what you, the minorities, have already got under article 30, we are not going to take it away from you. Rest assured that this amendment is not directed against you; and we have to make it clear because, as often happens, most of the big property-owners try to take shelter behind the minorities or the small property-owners. We have no intention of going against either the small property-owners on the one hand or the minorities on the other. It is to establish this quite definitely, categorically, that this has been introduced as an amendment. We have no intention to change the position in relation to minorities and we thought it would be only proper that we should make it clear.

Let me now go on to Shri Anthony's points. There were not very many points among them, but I would like to deal with one or two of them. The first point I would like to make clear is in relation to the attack or the criticism he made on the question of adequate compensation. It is very important, it has become very important for us if we are to push forward with the socio-economic

reforms that we are trying to implement; it has become very important that the question of justiciability of compensation should be taken outside the scope of the courts' jurisdiction. We have found this difficulty in the Act which brought about agrarian reform in West Bengal. A stay was immediately granted and we were put into a very great difficulty as a result of it. We found it very difficult even in the case relating to coking coal mines compensation and take-over case where a writ was filed in the Calcutta High Court, and for a week we were not entitled to raise one tonne of coal while we were compelled to pay all the workers all their wages. This was what happened. Ultimately after very prolonged arguments in the court we were able to get that stay order lifted. We found, as our friends in Kerala know, that a very recent enactment in Kerala about private forests had also been virtually stayed and we were not able to go forward so that it has become important for us.

Mr. Salve raised this question that even the word "amount" may not be enough to enable us to achieve the object that we want to. I do not think that he is correct. If he reads the Law Commission's reports he will find that we have got abundant legal authority to support the position that we have taken namely, the introduction of the word "amount" instead of the word "compensation" makes it clear that there is no question of market value compensation having to be paid. The Supreme Court in Cooper's case relied essentially on the continued use of the word "compensation" even in the fourth amendment to come to the conclusion that market value compensation has to be paid. They said: We interpreted "compensation" in Bela Banerjee case as market value compensation; you have continued to use that word; since you have continued to use that word what you have done is to accept the meaning we gave to the word "compensation" in Bela Banerjee case. There was no other alternative except to get away from the word "compensation." That is why the word "amount" has been introduced. It has been stated by the Law commission and by all the persons whom we have consulted that the use of the word "amount" clearly indicates

what ever amount that is considered reasonable and proper by Parliament, particularly as you get the later part of article 31 (2) where the question of adequacy cannot be gone into by the courts at all.

Mr. Anthony also said that we were changing the whole character of the Constitution by introducing article 31 C. Naturally this is the article that has come up for most serious criticism both from Mr. Anthony on the one hand and Mr. Mody on the other. So far as 31 C is concerned we want to make our position quite clear. If you take article 31 A of the Constitution I think it should be clear to anybody who reads it that we have already raised as it were, the Directive Principles above the Fundamental Rights because it says that none of the laws which are really aimed at agrarian reform shall be deemed to be void on the ground that they are inconsistent or take away or abridge any of the rights conferred by Articles 14, 19 or 31. This was introduced in 1955 at a stage when the most important task before our country was the execution and implementation of vast schemes of agrarian reform, abolition of the zamindari system, abolition of land-lordism, big land-lords etc.

Now today, in the seventies, in the decade in which we are entering, the principal task that is facing is what I would call the abolition of the monopolies in industry, the control that they possess in industry. I mentioned for instance the coaking coal mines. I do not want to go into it just now.

My friend Mr. Mody is not happy about the way the public sector functions. We shall take the point whether the public sector functions well or not, later on. That is not the issue today. The issue today is this.

We go to the people with a certain programme seeking economic reform. If we are not able to execute that programme except by amending the Constitution in the manner in which we have proposed, we are entitled to come back to the Houe and say : we want an amendment of the Constitution in order to be able to implement this programme of socio-economic reform.

What does 31C say ? It says : Notwithstanding anything contained in article 13, n-law which gives effect to the principles o article 39 (B) and (c) shall be challenged in the ground that it violates articles 14, 19on 3 . That is virtually the same as 31A. T or is no difference at all. Then comes perhere the most important part of that article :haps

“no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy.”

I would like to emphasis this because this is possibly the most crucial amendment. The Law Minister also emphasised that it was in a sense a historic amendment because it does place, and we have consciously placed, these two Directive Principles 39 (b) and 39 (c) above the Fundamental Rights because we consider that the task today on the agenda of our people is a serious, determined effort to implement these two Directive Principles and we do not believe that it will be possible to effectively implement these Directive Principles—I gave examples just now of the various enactments in regard to which we have had difficulties with the Courts even in the recent past—Unless we have the protection of article 31C for such legislation.

Mr. Frank Anthony said that as a result of this even for a property worth Rs. 1 crore we may only give a compensation of one rupee. I do not know whether one should always give a compensation of Rs. 1 crore or Rs. 50 lakhs or even Rs. 10 lakhs when one takes away a property of that value because it depends on the historical conditions in which that property was accumulated.

I was reading recently that the President of Chile, Senor Allende, nationalised the copper mines of Chile and he promised the U. S. proprietors that he would give them full compensation. He calculated the compensation at 650 million dollars or so. Having calculated the compensation, he presented a bill to those companies for 670 million dollars which the companies had to



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pay. When the companies asked why they had to pay 600 million dollars, he said that was for all the excess profits that they took away over all the years that they were exploiting the copper of Chile. What is unreasonable in that? It is perfectly reasonable, and it has happened in our country, and I say that it is a valid and reasonable thing to take into consideration. If for years and years a particular company is paying out dividends of 30, 40 or even 50 per cent, keeping the workers down as it were in the mire of poverty, as was done for decades in our country, if crores of rupees were taken away by the foreign interests, particularly plantations in the form of dividends, and at the end of it all they say that we must pay market value compensation, I ask: where is the justice or morality in such a demand? So, it is a question of the circumstances. The circumstances may necessitate compensation of one rupee. The circumstances may necessitate 100 per cent compensation also. I do not say we will never pay 100 percent compensation. It depends on the circumstances in which we take over a particular industry, a particular area of our economy. It is entirely on this basis that we will come to our decisions. But if one says all time that we are not being fair, we are not being just, I do not know how one talks about fairness and justice without looking into the real facts and circumstances.

Mr. Anthony used the word 'theft'. He said that it would be theft. I was reminded of a very respectable philosopher of modern political theory, T. H. Green, who is considered to be one of the most conservative philosophers, who has written about the theory of the modern State. Looking through his book the other day, this is what I read :

"...when the possession of property by one man interferes with the possession of property by another; when one set of men are secured in the power of getting and keeping the means of realising their will, in such a way that others are practically denied the power. In that case it may truly be said that 'property is theft'."

Green was discussing the matter on a very high plane, a plane to which I would request some of you to try to rise, though you may fail, and that is the philosophical plane. Here is a narrow set of people enjoying property, and here is a vast mass of millions who have none or little. Since the enjoyment of property by the small narrow group is dependent on the non-enjoyment of property by millions, it is "theft". He wrote this over a hundred years ago, nothing very revolutionary. Marx wrote this earlier, but Marx is anathema to many on the other side and so I do not quote him. But you other object to T. H. Green. That is why, if you go anywhere in the field of philosophical discussion and political analysis, you will find that property is always looked upon as something transient and passing. It is not absolute. Therefore it is that the approach which we found for the first time really made in Golaknath case is an approach that is contradictory to all the progressive humanistic writings of men over the centuries. I do not want to take the time of the House, because unfortunately there was not much that came on which I can take very much time. But I would like to deal with one or two points.

Mr. Anthony said, it is the courts who must balance the rights of the individual on the one hand and the rights of society on the other. But I prefer what Panditji wrote quite sometime ago :

"Ultimately the balancing authority can only be the sovereign legislature of the country, which can keep before it all the various factors—all the public, political and other factors—that come into the picture."

It is only we—all of us sitting here, not only on this side, but Parliament as a whole who are capable of transmitting into legislation which we pass the desires of the people to whom ultimately we have to render account. The entire difference between the judiciary on the one hand and ourselves on the other is that on political questions we have to render account and they do not. It is their prerogative to interpret the law, but

it is we who have to make the laws and we make them in response to the needs and urges of the people. That is the difference. That is why we do believe that ultimately it is the people who must decide what is the course that is to be followed. The amendments that have come before the House are really only aiming at doing that.

Lastly, there is a certain anxiety over the question whether article 31C will really mean that the court will not have the right to do anything at all. I dealt with it a little earlier, but I would like to clarify one point. Where does the line of demarcation come? What do we say, the courts can do and what do we say, the courts cannot do? Mr. Palkhivala has recently written an article and he has sent me a copy of the pamphlet. His understanding of article 31C is,

“Even the question whether the laws would in reality implement the Directive Principles will not not be justiciable.”

He is perfectly right. We do not want the judges to decide whether the laws would in reality implement the directive principles. That is for us to decide. They may or may not, but surely we must be able to decide, because my understanding of articles 31B and C is bound to be different from Mr. Anthony's understanding, because our political approaches are different. Now, who is to decide whether my understanding is right or his understanding is right? The People, the Parliament, not the judges, because with the judges, it is a lottery. Some of them may be with me and some with him. It depends on their political philosophies. But they have not been appointed judges because of their political philosophies. We have been appointed as Members of Parliament because of our political philosophy. That is why it is wrong to give that power to the judges. It would mean compelling them to take political decisions, though some of them unfortunately have been eager to do so in the past. I hope they would not do so in future. This really is the crux of the matter,

It is a very difficult world in which one lives, because we are trying to do the most

*bonafide* actions not in relation to ourselves alone but in relation to Parliament, of which all of us are members. We are trying to enable Parliament to decide on certain laws, to carry forward and implement certain laws. That is what we are trying to do. I would like to end by quoting from an American Professor of Philosophy who is one of the leading figures, who has discussed the relationship between law and philosophy—Morris Cohen :

“The principle of freedom of personality certainly cannot justify a legal order wherein a few can, by virtue of their legal monopoly over necessities, compel others to work under degrading and brutalizing conditions. A Government that limits the right of large land-holders limits the right of property, and yet may promote real freedom. Property owners, like other individuals, are members of a community and must subordinate their ambition to the larger whole of which they are a part. They may find their compensation.”

—and I appeal particularly to our princess on the other side—

“spiritually identifying their good with that of the larger life.”

It is very important when we conclude our debate on this question to get back ultimately to the basic philosophical concept and their relationship with what objectives were put in before our country. I would appeal to all hon. Members to appreciate that modern democracy looks upon the right to property as conditioned by social responsibility, by the needs of society, by the balancing of interests which loom so large in modern jurisprudence and not as a pre-ordained untouchable private right.

I am sure the House will support this amendment.

MR. SPEAKER : I thought we will continue up to 7 O'Clock. But hon. Members are anxious that we should adjourn now at 6:30 p. m.

18'30 hrs.

**BUSINESS ADVISORY  
COMMITTEE**

**SEVENTH REPORT**

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) :** I beg to present the Seventh Report of the Business Advisory Committee.

**MR. SPEAKER :** Tomorrow we will have no lunch hour and we will finish the

business by 6'30 p. m. All the stages of voting of this Bill would be completed tomorrow by 6'30 p. m. and I do not propose to extend the debate beyond that.

18'35 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, December 1, 1971, Agrahayana 10, 1893 (Suka).*