

# LOK SABHA DEBATES

(Third Session)



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LOK SABHA SECRETARIAT  
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## C O N T E N T S

*No. 28.—Wednesday, December 20, 1967/Agrahayana 29, 1889(Saka)*

	COLUMNS
Oral Answers to Questions—	
*Starred Questions Nos. 782, 783 and 785 to 787	8265—95
Written Answers to Questions—	
Starred Questions Nos. 781, 784, 788 to 797, 797-A, 798 to 801, 803 to 810, 810-A . . . . .	8295—8310
Unstarred Questions Nos. 4985 to 4995, 4997, 4999 to 5066, 5068 to 5094, 4096 to 5123, 5125, 5127 to 5166, 5168, 5169, 5171 to 5183, 5183-A, 5183-B, 5183-C, 5183-D, 5183-E, 5183-F, 5183-G, 5183-H, and 5183-I . . . . .	8310—8436
Calling Attention to Matter of Urgent Public Importance	
Damage to three I.A.C. Aircraft due to accident at Dum Dum . . . . .	8437—39
Papers Laid on the Table . . . . .	8439—41
Messages from the Rajya Sabha . . . . .	8441
Bills as passed by Rajya Sabha	
(i) Penal Code (Amendment) Bill by Diwan Chaman Lal . . . . .	8441
(ii) Haryana State Legislature (Delegation of Powers) Bill . . . . .	8441
Committee on Private Members Bills and Resolutions	
Eighteenth Report . . . . .	8441
Committee on Public Undertakings	
Fifth Report . . . . .	8442
Statement Under Direction 115 . . . . .	8442—49
Shri D. N. Patodia . . . . .	8442—44
Shri K. K. Shah . . . . .	8444—49
Unlawful Activities (Prevention) Bill . . . . .	8449—8592
Clauses 5 to 21 and 1 . . . . .	8449—8564
Motion to Pass, as amended . . . . .	8564—93
Shri Kanwer Lal Gupta . . . . .	8564—68
Shri H. N. Mukerjee . . . . .	8568—71
Shri P. Ramamurti . . . . .	8571—74
Shri George Fernandes . . . . .	8574—76

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\*The sign + marked above the name of a Member indicates that the question was actually asked on the floor of the House by that Member.

	COLUMNS
Shri G. Viswanatham . . . . .	8576—78
Shri Tulsidas Jadhav . . . . .	8578—80
Shri Sequeria . . . . .	8580—81
Shri Piloo Mody . . . . .	8581—82
Shri Tenneti Wiswanatham . . . . .	8583—84
Shri Nath Pai . . . . .	8584—85
Shri J. B. Kripalani . . . . .	8585—86
Shri Y. B. Chavan . . . . .	8586—90
<b>Business Advisory Committee—</b>	
Twelfth Report . . . . .	8593—96
<b>Motion <i>Re.</i> Paradip Port Trust Rules . . . . .</b>	<b>8596—98.</b>
Shri Srinibas Misra . . . . .	8596—97

LOK SABHA

Wednesday, December 20, 1967/Agrahayana  
29, 1889 (Saka)

The Lok Sabha met at Eleven of the  
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

POWERS OF GOVERNORS

+

\*782. SHRI SAMAR GUHA :  
SHRI RABI RAY :  
SHRI DEVINDER SINGH :

Will the Minister of HOME AFFAIRS  
be pleased to state :

(a) whether the opinion of the Attorney-General has been sought by Government with regard to the powers of Governor *vis-a-vis* the summoning of the Assembly in West Bengal; and

(b) if so, the details thereof ?

THE MINISTER OF HOME AFFAIRS  
(SHRI Y. B. CHAVAN) : (a) and (b). The general question of the powers of the Governor in regard to summoning of an Assembly was discussed with the Attorney-General who was of the view that the Governor has to act on the advice of the Council of Ministers in this matter.

SHRI SAMAR GUHA : In view of the fact that a serious apprehension has been expressed by the out-going Governor of Bihar, Shri Ananthasayanam Ayyangar, in which he has stated :

"If the present unfortunate trend in certain quarters in Delhi continued, one day there would be Central dictatorship all over the country and bureaucratic intrigues would dominate the political scene... that the duty of a Governor was to listen to the advice of a Chief Minister and his Council of Ministers and sustain a democratically elected Ministry through his own constructive opinion

rather than become an instrument to topple a Ministry brought to power through the process of democracy"

and, further, in view of the fact that the former Advocate General of West Bengal has said that the Governor has the authority to convene an Assembly but he has no right to dismiss a Government, and, in view of the fact that Indian Constitution does not provide a precise and clear-cut directive as to the authority of a Governor to convene an Assembly, dismiss a Ministry and deal with a situation as has been created by the tentative ruling of the West Bengal Assembly, will the Government consider it desirable to institute a Commission with three to five Supreme Court Judges to interpret the Constitution regarding the authority of a Governor in regard to convening an Assembly, dismissing a Ministry without the verdict of an Assembly and dealing with a situation as has been created by the ruling of the West Bengal Assembly ?

SHRI Y. B. CHAVAN : I do not know what is the question. He read from some documents which are not quite relevant to the Question under discussion. He has quoted some views of Mr. Ayyangar. I do not want to comment on the views of the ex-Governor. I may differ from him. But I do not want to comment on his views. As far as the constitutional position is concerned, about the summoning of the Assembly, the Governor has to accept the advice of the Chief Minister. That position is clear.

SHRI INDRAJIT GUPTA : I would like to know whether Government have also sought the opinion of the Attorney-General as to whether there is any constitutional provision whereby, in case the Speaker of an Assembly is considered to have adjourned the Assembly wrongly, the powers can be invoked under article 356 of the Constitution to either remove that Speaker or to have the Assembly suspended without being dissolved and have its powers delegated to the Parliament.

**SHRI Y. B. CHAVAN :** I will need a notice for this.

**SHRI INDRAJIT GUPTA :** They are discussing it day and night, all the 24 hours—they do not sleep because of that—and he wants notice. They are spending sleepless nights over it.

**SHRI SAMAR GUHA :** I want to know from the hon. Minister, if there was any precise and direct instruction in the Constitution as to the function of the Governor in dismissing a Ministry or convening an Assembly, why should there have been a necessity of having an interpretation of the right of the Governor by the Law Ministry?

**SHRI Y. B. CHAVAN :** He has asked for my opinion. I thought he was trying to get some information from me. All these questions have been discussed and our opinions and views on this matter have been given here many times and I do not want to repeat the same here.

**SHRI C. K. BHATTACHARYYA :** Has the Government ascertained the opinion of the Attorney-General whether the Speaker of the Assembly has a right under the Constitution to declare on the legality or illegality of a Ministry formed by the Governor?

**SHRI Y. B. CHAVAN :** These consultations go on from time to time. Whether this particular thing was done, I would give the same answer—I would require notice for it.

**श्री प्रकाशबीर शास्त्री :** अभी हरियाणा, बिहार, पश्चिमी बंगाल—इन तीनों के राज्यपालों के अपने अपने ढंग के निर्णयों को लेकर न्याय शास्त्रियों में तरह तरह के विवाद उठ रहे हुये हैं। किन्हीं का कहना है कि वह उचित है और किन्हीं का कहना है कि उन्होंने अपनी सीमा से बाहर जाकर कार्य किया है। मेरा अपना विचार ऐसा है कि संविधान बनाते समय सम्भव है कि इस प्रकार की कल्पना उस समय संविधान शास्त्रियों के मस्तिष्क में न हो कि ऐसी भी स्थिति इस देश में आयेगी कि जिसमें राज्यपालों के अधिकारों और उन की शक्तियों पर

विवाद उठ खड़ा होगा। क्या इन सारी परिस्थितियों पर—राज्यपालों के अधिकार, उनकी सीमायें और उन की शक्ति—इन तीनों के सम्बन्ध में गृह मंत्री फिर से विचार कर रहे हैं, जिससे कि आगे चलकर फिर इस प्रकार की कठिनाइयाँ पैदा न हों या विधि वेत्ताओं को उनकी व्याख्या करनी पड़े।

**SHRI Y. B. CHAVAN :** There are no proposals because in order to achieve what the hon. Member has in mind, an amendment of the Constitution will have to be undertaken. There are no proposals to amend the Constitution because it is very difficult. Even if we try to meet some of the difficulties now by the proposed amendments, it will possibly not meet the situation that may develop ten years after or 20 years after. So, it is no use amending the Constitution on this point.

**SHRI G. VISWANATHAN :** Daily we get some news about the Central Government trying to find some solution for the deadlock in West Bengal. May I know from the Home Minister whether they have at least found some solution for the deadlock in West Bengal?

Secondly, I want to know whether the Home Ministry has given any instruction to the Governor of West Bengal to bypass the Speaker and again reconvene the Assembly.

**SHRI Y. B. CHAVAN :** There is no question of giving any instruction from here to the Governor.

**SHRI G. VISWANATHAN :** The first part of my question has not been answered—whether a solution has been found for the deadlock in West Bengal?

**MR. SPEAKER :** He has already replied to Mr. Indrajit Gupta on this point. The same question is being put in a different shape.

**श्री शिव नारायण :** क्या यह सत्य है कि गवर्नर राष्ट्रपति का रिप्रेजेंटेटिव होता है तथा चूंकि आज देश में एमरजेन्सी पाबर्स लागू हैं, इस लिये जहां अराजकता उत्पन्न हो, अवैधानिकता उत्पन्न हो, वहां के गवर्नर को उस राज्य

के बारे में सम्पूर्ण अधिकार होता है? क्या इस पर सरकार प्रकाश डालेगी ?

SHRI Y. B. CHAVAN : I have been asked opinions on the Constitution. It is very difficult for me to give *ad hoc* opinions like that.

SHRI SWELL : The Governor of West Bengal and the Chief Minister of West Bengal have been frequent visitors to Delhi recently and we read in the Press of the confabulations that they have had with the Central Government over the impasse in West Bengal. May I know from the Home Minister whether he has ascertained from the Governor of West Bengal and the Chief Minister of West Bengal as to why they have not been able to convene, or they have not convened, the West Bengal Assembly so far ?

SHRI Y. B. CHAVAN : I have not discussed this question with them.

SHRI H. N. MUKERJEE : In view of the opinion of the Attorney-General that the Governor acts on the advice of the Ministry, may I know how it is that no notice was taken here in the Central Government in regard to the Governor of West Bengal refusing to act in accordance with the advice of the Ministry about the summoning of the Legislature on the 18th December—this was the advice given by the Ministry which has been ousted. How is it that even after 18th December, the Assembly has not been called and yet, no steps in regard to West Bengal, where the Constitution has virtually come to a standstill, have so far been taken ?

SHRI Y. B. CHAVAN : Sir, the position is very clear because the Assembly was called before the 18th December. That was really speaking the point that the Governor took into view that the urgency of the meeting was important. So he called the meeting and we know what happened at the meeting of the Assembly.

SHRI INDRAJIT GUPTA : If the Minister is so particular about . . .

SHRI Y. B. CHAVAN : This is the only point. It is not my being particular about it. The question is : whether the Governor can summon the Assembly against the wishes of the Chief Minister. The

answer is that he cannot. Whether in this particular matter, the Governor gave them the advice to call the Assembly—that was a different situation altogether. We are rather trying to mix up these two sets of things. The only constitutional position that arose was : whether the Governor,—if he disagreed with Mr. Ajoy Mukerji, could not himself under the Constitution summon the Assembly. That is the main point.

SHRI H. N. MUKERJEE : We have been told earlier that according to the Attorney-General's view, which, I hope, the Government shares, the Governor acts on the advice of the Ministry. The ousted Ministry in West Bengal had advised the Governor to call the Assembly on the 18th of December which is day before yesterday. The Governor disregarded that advice and what has happened for the whole month since that time is that the Constitution in West Bengal is on the shelf and life has become impossible. What is the Central Government doing in regard to this? That is what I want to know in view of the clear advice in regard to the legal aspect by the Attorney General and what has happened since.

SHRI Y. B. CHAVAN : The hon. Member his either not understood the question or I have not been able to convey my ideas. Either of the two is happening.

AN HON. MEMBER . Both.

SHRI Y. B. CHAVAN : The question is : what is the constitutional position of the Governor about summoning the Assembly? Can he call the Assembly on his own or is he to accept the advice of the Chief Minister in this matter? And the advice of the Attorney General is that he can only summon the Assembly on the advice of the Chief Minister. Now, Sir, what is the position? What happened in West Bengal is not merely the question, there are many other factors going into it. I do not want to discuss the West Bengal situation as such here.

SHRI HEM BARUA : Since the Indian Governors are the descendants of the British colonial system and the Indian legislatures, although they were described as repositories of the democratic rights and privileges of the people, are the progeny of the Mother of Parliament in Westminster,

[Shri Hem Barua]

there is a sort of imbalance in the relation of the Governor with the legislative body. In view of that, may I know whether Government is contemplating to evolve any ways and means so as to do away with that imbalance in relationship?

**SHRI Y. B. CHAVAN :** I do not agree with the first analysis that the Governors are the descendants of the imperial Governors. I do not agree with him in that matter.

The position of the State legislature and the Governor are very well defined in the Constitution and the position under the Constitution is very clear as far as I can see.

**SHRI HEM BARUA :** Like poetry, the powers of the Indian Governors are indefinable. You have not defined them in the Indian Constitution.

**SHRI TENNETI VISWANATHAM :** Sir, with reference to the summoning of the Assembly, the Home Minister was pleased to say that the Governor was to act under the advice of the Chief Minister and that was the opinion given by the Attorney General. Was that opinion available before Mr. Ajoy Mukerji's Ministry was dismissed?

**SHRI Y. B. CHAVAN :** Of course it was.

**SHRI TENNETI VISWANATHAM :** So, in spite of that advice he was dismissed?

**MR. SPEAKER :** That is a different question.

**श्री सरजू पाण्डेय :** क्या माननीय गृह मंत्री के ध्यान में यह बात आई है कि सुप्रीम कोर्ट के 50 वकीलों ने जो बंगाल के गवर्नर ने वहां की सरकार को डिसमिस किया उस के खिलाफ उन्होंने जवाइंट स्टेटमेंट दिया है और साथ ही वहां आन्दोलन भी हो रहा है और साथ ही इस बात को देखते हुये कि अनकांस्टीट्यूशनल ऐक्ट जो गवर्नर ने किया है तो क्या केन्द्रीय सरकार वहां के गवर्नर को रिक्ल कर देने का विचार कर रही है ?

**SHRI Y. B. CHAVAN :** No, Sir.

**श्री सिद्ध नारायण :** 50 वकीलों की कीमत है कि 50 वकीलों की कीमत है ?

**SHRI RANGA :** May I know, Sir, whether the Government have refreshed their memory as to what happened in the Constituent Assembly in regard to the suggestion that an Instrument of Instructions should be drafted and supplied to all these Governors and they should be enabled to function in the light of that Instrument of Instructions and without any fear of interference from the Home Ministry from time to time.

**SHRI Y. B. CHAVAN :** There is no question of the Governors entertaining any fears of the Home Ministry at all because the Governors have got their own constitutional position in this matter.

As far as the Instrument of Instructions is concerned, even when the Constitution was being drafted, this idea was considered, and it was the discretion of the Constituent Assembly or rather the decision of the Constituent Assembly not to do so.

**SHRI RANGA :** It could be incorporated.

**SHRI Y. B. CHAVAN :** If there has to be an Instrument of Instructions then it becomes a part of the Constitution, but that was not the intention of the Constituent Assembly. I think the hon. Member himself was a Member of the Constituent Assembly at that time and I think he must be knowing about it also. But what we were discussing sometimes on the floor of the House was whether we could lay down certain guidelines for the guidance of the Governors to function when governments are formed. That was the issue that was being discussed at that time. I had raised this question with some leading constitutional lawyers in the country and their views have been obtained in this matter and I have conveyed those views to some of the leaders of the parties and I am meeting them this afternoon on this point.

**श्री जार्ज करनेन्डीज :** अध्यक्ष महोदय, गृह मंत्री महोदय ने यह बात कही है कि ऐटार्नी जनरल की सलाह केन्द्रीय सरकार को, बंगाल गवर्नर द्वारा वहां की सरकार को हटाने के पहले मिल गई थी तो मेरा प्रश्न यह है कि क्या केन्द्रीय सरकार ने उस सलाह को जोकि उसे ऐटार्नी जनरल से प्राप्त हो गई थी उस सलाह

को बंगाल के गवर्नर तक पहुंचाने का काम किया था ?

दूसरे अगर नहीं पहुंचाया तो जो एक नई परिस्थिति का वहां निर्माण हुआ है जिसमें गवर्नर को अधिकार न रहते हुये भी उस ने मंत्रि-मंडल को हटाने का काम किया, ऐदानीं जनरल को सलाह केन्द्रीय सरकार के पास रहने के बावजूद भी आप ने उनको उनके काम से नहीं रोका तो यह संविधान की जो पूरी पूरी हत्या हो रही है या जो हो चुकी है उसमें से इस संविधान का संरक्षण करने के लिये सरकार आज क्या सोच रही है ?

SHRI Y. B. CHAVAN : I think there is some misunderstanding about this opinion. The right of the Governor to dismiss a Ministry is a completely different thing. What happened in West Bengal was not merely a question of the acceptance of the advice of the Chief Minister. The only question is whether when the Chief Minister has advised him not to call the Assembly he could call the Assembly. On this point the position is that he cannot do it. But in this particular case of Bengal, the Governor had advised him on the plea that he had lost the majority in the House, to call the Assembly early. When he refused to do that, the Governor took some other action, namely the dismissal of the Ministry. These are absolutely different propositions. This particular constitutional position is not inconsistent with what the Governor did.

SHRI HUMAYUN KABIR : Have Government examined the anomalous situation created by the legal advice that.....

SOME HON. MEMBERS : He is a traitor.

SHRI HUMAYUN KABIR : I will not tolerate this kind of remark by people who are themselves traitors....

SOME HON. MEMBERS : Traitor ! Traitor !

SHRI HUMAYUN KABIR : People who are conspiring with other countries are calling me a traitor in this House. Sir, I seek your protection.

MR. SPEAKER : Order, order. He is an hon. Member of the House and he has a right to participate in this debate.

SHRI HUMAYUN KABIR : I would not tolerate this. This remark should be expunged.

MR. SPEAKER : The remark might have been made for the first time, but I find that it is uttered for a second time. That is not proper. He is an hon. Member of the House.

SHRI HUMAYUN KABIR : Have Government examined the anomalous situation revealed by the advice of the legal advisers to Government that while the Governor cannot summon the Assembly he could dismiss the Ministry for refusing to summon the Assembly ? This is a very anomalous position so far as ordinary commonsense is concerned. Has that been examined by Government ?

SHRI Y. B. CHAVAN : I do not think that there is any inconsistency in this matter. Let me explain one thing. The Governor has no right to summon the Assembly against the advice of the Chief Minister. In the case of West Bengal, the Chief Minister had given him advice to call it on the 18th December, but the Governor wanted it to be called earlier.

SHRI S. M. BANERJEE : Why ?

SHRI Y. B. CHAVAN : That was his decision. I have given the reason for it namely that he felt that the Chief Minister had lost the majority.

SHRI S. M. BANERJEE : He had no right to do so.

SHRI Y. B. CHAVAN : That is his view. That is not my view. Let him try to understand the constitutional position at least as I understand it. He may have different views. I am not quarrelling about it.

The question now is whether the Governor, disregarding the advice of the previous Ministry, could have called the Assembly earlier. The answer was 'No'.

SHRI TENNETI VISWANATHAM : We never asked that question.

SHRI Y. B. CHAVAN : The hon. Member may not have asked that question, but other Members have raised that question, namely whether the Governor could have called the Assembly earlier, dis-



regarding the advice of the Chief Minister. The answer is 'No'.

**SHRI S. KUNDU :** One of the important aspects of the fourth general election in India is that some of the provisions are being given a trial only after this election. So far as the provisions concerning the powers of the Governor are concerned, two things have emerged in these discussions in the Lok Sabha. One is the question whether the Governor can dismiss a Ministry from his own drawing room and appoint another.

**MR. SPEAKER :** It is all repetition.

**SHRI S. KUNDU :** Secondly, what is the content of the advice of the Council of Ministers? The point is that if democracy is to remain in this country, these things should not be left to the interpretation of individuals or political parties. Therefore, I would ask the hon. Member whether he is thinking of bringing forward a constitutional amendment defining the scope of the powers of the Governor....

**MR. SPEAKER :** Next question.

**SHRI S. KUNDU :** He must reply. It is a very important question. We swear in the name of democracy.

**MR. SPEAKER :** Let him resume his seat.

**SHRI Y. B. CHAVAN :** He is asking whether a constitutional amendment can be undertaken to make that point clear. I have answered that it is not proposed to do so.

**TRANSISTOR RADIO SETS MADE IN  
PILANI**

\*783. **SHRI S. C. SAMANTA :** Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the Central Electronics Engineering Research Institute (CEERI), Pilani, took more than two years in developing a table model transistor radio;

(b) if so, the reasons therefor; and

(c) the steps being taken for its commercial exploitation?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) Yes, Sir.

(b) The development of multi-band table model receivers had to be kept in abeyance

for about one year because during that period higher priority had to be given for the development of a single band transistorised receiver at the request of the Federation of the Associations of Small Scale Industries which had made an offer to the Government to supply low-cost receivers.

(c) The process has been given wide publicity by the National Research Development Corporation and negotiations for licensing the process are in progress.

**SHRI S. C. SAMANTA :** What percentage of our demand is met from the Pilani Institute and other indigenous sources and which are the countries from which parts are imported and assembled here also?

**DR. TRIGUNA SEN :** Regarding the model that has been built in the Pilani Institute, the worth of the indigenous component parts was Rs. 189 and the cost of imported components is Rs. 4.90 for a multiband transistor.

**SHRI S. C. SAMANTA :** Is any other institute in India being encouraged to manufacture these transistors so that the public will be able to get them at lower cost?

**DR. TRIGUNA SEN :** I do not know which other firms have got the licenses to manufacture them. We in the Pilani Institute have been carrying out research to make an indigenous receiving set. It was completed in 1964. It is in use and we are trying to make the know-how available to anyone who wants to exploit it.

**श्री बसवन्त :** क्या यह सच है कि हाल ही में छोटे इलेक्ट्रॉनिक निर्माताओं की मीटिंग बुलाई गई थी? यदि हां तो क्या उस में इस पर भी विचार किया गया था कि देश में कम मूल्यों वाले ट्रांसिस्टर रेडियो का जनता के लिये निर्माण किया जाए?

**DR. TRIGUNA SEN :** Yes, the National Research Development Corporation are, as I said, negotiating with the Federation of the Associations of Small-scale Industries and the cost has been calculated to be about Rs. 85 for single band.

**SHRI SRADHAKAR SUPAKAR :** Recently there was a news item appearing in the papers that Hong Kong is prepared to

supply transistors at Rs. 15 each for the family planning programme in India. Why is it that the indigenous transistor that is to be manufactured is so costly as compared to the one that is supposed to be imported from Hong Kong?

DR. TRIGUNA SEN : I do not know about it.

#### CHINESE INFILTRATORS

\*785. SHRI RANDHIR SINGH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of Chinese infiltrators apprehended from Nagaland, Mizo Hills District and NEFA area during last six months;

(b) whether it is a fact that trained Chinese agents are at large in considerable number in forward areas in collusion with pro-Chinese elements; and

(c) the steps Government have taken to weed out such elements from forward areas?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) No Chinese infiltrator has been apprehended from Nagaland, Mizo Hills District and NEFA area during the last six months.

(b) Government have no such information.

(c) Necessary steps to safeguard national security have been taken and our security forces continue to be vigilant.

SHRI RANDHIR SINGH : May I know whether the Chinese infiltrators and Chinese active agents are moving heaven and earth to seek recognition of independent Nagaland by Pakistan and China?

SHRI Y. B. CHAVAN : The question refers to infiltrators in these areas, and my answer was no. Politically, of course, it is very obvious that China is showing interest in Nagaland or any troublesome area in India. Naturally, they are alive, and we are also alive to this.

श्री रणधीर सिंह : चाइनीज एजेंट्स या इन-फिल्ट्रेटर्स जो तिब्बत की मार्फत अपनी एक्टिविटीज नेफा में जारी रखते हैं उनकी इन एक्टिविटीज को काउंटरएक्ट करने के लिये तमाम देश से एक्स-सर्विसमैन को और खास तौर पर

पंजाब और हरियाणा से एक्स-सर्विसमैन को वहां सेंटल करने की, नेफा एरिया में सेंटल करने की कोई स्कीम क्या गवर्नमेंट के पास है? अगर नहीं है तो क्यों नहीं है? अगर उनको वहां सेंटल किया जाए तो वे उनकी सरकोबी अच्छी तरह से कर सकते हैं और यह जो खतरा चीन की तरफ से है यह भी नहीं रहेगा।

SHRI Y. B. CHAVAN : There is some scheme of rehabilitating some of the ex-servicemen in NEFA, and one scheme is being implemented. As time goes, possibly we may think of more schemes also, but to the type of political interest and political activity that China may undertake, I do not think mere rehabilitation of ex-servicemen is the right answer.

SHRI SRINIBAS MISRA : While answering (b), did the Minister keep in view that Chinese agents are not necessarily people of China?

SHRI Y. B. CHAVAN : While answering this question, I have taken that aspect also into consideration.

SHRI R. BARUA : May I know whether Government is aware that the Chinese people are now more interested in taking people from NEFA and Nagaland to their place, and after indoctrinating them, sending them back to work in the area in the way in which China wants, and if so, what step Government is taking to stop this process?

SHRI Y. B. CHAVAN : Because China is interested in this area politically, naturally they will try to indoctrinate some people, and, we have to be alive to this matter. Whenever we come across such cases, we try to de-brainwash them and try to understand by interrogations what is happening there also.

SHRI S. S. KOTHARI : Is it a fact that some Nagas and Mizos cross over to China, get training there, and after coming back, engage in revolt, subversion and guerilla activity? Is it also a fact that the Government is adopting a weak policy, and even releasing people who are arrested on assurances of good behaviour which are violated later; if not, what strong action is taken in the matter?

**SHRI Y. B. CHAVAN :** Generally, about spies, whenever they are arrested they are interrogated and whenever there are any cases under the Secrecy Act, they are also prosecuted. In some cases we have secured conviction of these people, but when it is not possible to prosecute them under a particular Act, there are some other facts also which can be helpful in this matter to prosecute them. Our idea is to prosecute these people and punish them and in a large number of cases this has happened.

**SHRI S. S. KOTHARI :** What about their training and getting arms in China and coming back and creating subversion—the Mizos and Nagas ?

**SHRI Y. B. CHAVAN :** Well, the question has widened so much now. The question was about infiltration. I have said that there are no infiltrations from China into this area. The other possibility, I have taken note of. I have answered many questions about it.

**SHRI SHASHI RANJAN :** The areas mentioned in this question are mostly influenced by the Christian missions. May I know from the Government, just to counteract, whether the Government will also permit or encourage or help other voluntary organisations in India who are prepared to go and work there, and secondly, may I know if the Government is aware that the Khasi people are also agitating ?

**SHRI Y. B. CHAVAN :** If any other people want to go there, if they approach the Government, the Government will certainly consider it.

**MR. SPEAKER :** Shri Bharati, Please wait. I should like to inform the House that yesterday I got a letter from an hon. Member of this House that I am calling only some favourites. If you see the record of yesterday's proceedings, you will find that I have not called even one Member a second time. I have not called anyone a second time. Go through the proceedings of the whole of yesterday. You can see the records; the records are there. No Member was given a second chance but still, the Member who had a chance writes to me like that. (Interruption)

**SEVERAL HON. MEMBERS rose—**

**SHRI HEM BARUA :** There are instances of not calling a Member even once.

**MR. SPEAKER :** Order, order. So, in spite of that, I get a remark that I am calling only a few favourites. Nobody has been called a second time. You kindly go through yesterday's record in particular and see if any Member was called a second time. You will find that no Member was called a second time. In spite of that, I get a remark that only favourites are being called.

**SHRI NAMBIAR :** All the 500 Members are your favourites.

**MR. SPEAKER :** Yes; may be that I give a chance to those Members who have not put any question at all; I give preference to them. To those Members who want to put a question for a second time, if necessary, at times, you will have to give them a chance because it may be that they are leaders of parties and the matter may also be very important. We cannot help it. But then, still, I get that remark that I am calling only my favourites. All the Members of the House are my favourites. Nothing else.

**AN HON. MEMBER :** Have they named anybody ?

**MR. SPEAKER :** No.

**श्री भोलू प्रसाद :** अध्यक्ष महोदय, आप ऐसा नियम बनाइये कि पूरक प्रश्न पूछने के लिए केवल उन्हीं सदस्यों को बुलाया जाये, जिनके नाम सूची में है। यह बात सही है कि कुछ लोगों को तो दो-दो तीन-तीन बार बुलाया जाता है और दूसरों को कभी मौका नहीं दिया जाता है।

**SEVERAL HON. MEMBERS rose—**

**MR. SPEAKER :** Order, order. You kindly see the record of yesterday, and find out if anybody has been called a second time yesterday. You go through the record of yesterday and today's record tomorrow, and tell me tomorrow. I give you 24 hours' time. You go through the record of yesterday and tell me if I have called

anybody a second time. You see the record and tell me.

**श्री मोलहू प्रसाद :** जिन सदस्यों का नाम सूची में है, केवल उन्हीं को पूरक प्रश्न पूछने के लिए बुलाया जाये, इस बारे में आप का क्या विचार है ?

**अध्यक्ष महोदय :** इस सवाल के लिये तो सिर्फ श्री रणधीर सिंह का ही नाम है ।

**श्री मोलहू प्रसाद :** तो आप और किसी को न बुलाइए । इस सूची में जो लगभग तीस प्रश्न हैं, उन में से अधिक से अधिक को कवर करने का प्रयत्न करना चाहिये ।

**MR. SPEAKER :** Supplementaries are allowed according to rules. I cannot help it.

**SHRI SAMAR GUHA :** On a point of order, Sir.

**MR. SPEAKER :** During Question Hour, no point of order.

**SHRI NATH PAI :** I agree with you Sir, and I will ask Mr. Guha to follow this rule. But my I plead that in future this rule of no point of order to be raised during Question Hour will have to be rigidly, uniformly and consistently enforced by the Chair ? It is on this condition that I ask Mr. Guha to follow this rule.

**MR. SPEAKER :** I will be very happy.

**श्री महाराज सिंह भारती :** अध्यक्ष महोदय, मेरा नाम पुकारने के बाद अपने इस चिट्ठी की बात कही है । उससे ऐसा लगता है कि जैसे मैंने ही वह चिट्ठी लिखी है । मैंने वह चिट्ठी नहीं लिखी है । किसी और ने लिखी होगी ।

**MR. SPEAKER :** No; I do not want to mention any name.

**श्री महाराज सिंह भारती :** चाहे फीजी हमला हो और चाहे गुप्तचरों का हमला हो, वह एक-तरफा यात्रा होती है । उधर से हमला होता है और हम उसको रोकते हैं । इधर से कोई हमला नहीं होता है । जैसे उन की तरफ से गुप्तचरों का हमला होता, वैसे ही उसका जबाब

दने के लिए हमारी तरफ से भी गुप्तचरों का हमला हो, लेकिन वह हमला नहीं हो रहा है । मैं यह जानना चाहता हूँ कि उस में क्या रुकावट है ? क्या सिद्धान्त रुकावट है अर्थात् उस के मुकाबले में हमारे आर्थिक और राजनीतिक सिद्धान्त कमजोर पड़ते हैं, या भाषा रुकावट है, क्योंकि यह सरकार चीनी सिखाती नहीं है और अंग्रेजी वहाँ चलती नहीं है, या इस सरकार ने यह तय कर लिया है कि यह काम उस के बस का नहीं है । मैं यह जानना चाहता हूँ कि सरकार उन के हमला का जवाब उसी तरह से क्यों नहीं देती है हमेशा वही हमला क्यों करते हैं और हम केवल उसका मुकाबला करते हैं ?

**SHRI Y. B. CHAVAN :** The hon. Member has presumed many things. I cannot say yes or no to this question. As I said, they are doing it; we are also alive to this possibility.

**SHRI BEDABRATA BARUA :** May I know whether the Assam Government has communicated to the Centre about their deep misgivings regarding the increasing espionage activity in that region ?

**SHRI Y. B. CHAVAN :** It is not merely a question of Assam Government doing it. We ourselves are aware of it.

**श्री राम चरण :** मंत्री महोदय ने बताया है कि उनके नालेज में उस क्षेत्र में कोई चाइनीज इनफिल्ट्रेटर नहीं आया है । मैं आपको बताना चाहता हूँ कि वहाँ पर दो प्रकार के आदमी रहते हैं : थोड़े से लोग तो हिन्दुस्तान का समर्थन करते हैं और 95 परसेंट हिन्दुस्तान के खिलाफ हैं । उन लोगों के चेहरे चाइनीज से मिलते-जुलते हैं । इसलिए मंत्री महोदय यह कैसे कह सकते हैं कि वहाँ पर कोई चाइनीज इनफिल्ट्रेटर नहीं आया है ? उस क्षेत्र में चाइनीज इनफिल्ट्रेटर मौजूद हैं । हमारा इन्टेलिजेन्स ब्यूरो क्रेकट इनफर्मेशन देने में नाकामयाब रहा है, क्योंकि उसमें ज्यादातर ऐसे लोग हैं, जो उस क्षेत्र के इन्टीरियर में नहीं जा सकते हैं ।

**SHRI Y. B. CHAVAN :** The hon. Member seems to have his own intelligence

bureau working there. My information is that it is not so. If he has any specific information and if he can give me that information, that will certainly be a great national service.

**श्री मणि भाई जे० पटेल :** मैं यह जानना चाहता हूँ कि पिछले कुछ महीनों में हम लोगों ने कितने गुप्तचर पकड़े हैं और चाइनीज ने जितने भारतीयों को पकड़ा है, वे उनके साथ कैसा व्यवहार करते हैं और उनकी स्थिति कैसी है।

**SHRI Y. B. CHAVAN :** This question is again widened. There are no Chinese infiltrators. There was no question of arresting any Chinese infiltrators. I cannot answer this question.

**श्री श्री० प्र० त्यागी :** कुछ दिनों पहले समाचार पत्रों में यह समाचार आया था कि लाखों पाकिस्तानी नेशनलज आसाम में हैं और गवर्नमेंट उनको निकालने का प्रयत्न कर रही है। मैं यह जानना चाहता हूँ कि कितने पाकिस्तानी नेशनलज इन्फिल्ट्रेटर्स के रूप में आसाम में आए हैं, सरकार ने उन में से कितनों को बाहर निकाल दिया है, अभी कितने वहाँ पर मौजूद हैं और क्या सरकार उन को भारतीय नागरिकता देने का विचार कर रही है।

**SHRI Y. B. CHAVAN :** That is a very different question. If he had put that question I would have given the answers. This has been asked on the floor of the House many times before. This question is about Chinese infiltrators and I have at present information only about that.

**श्री श्री० प्र० त्यागी :** नहीं, पाकिस्तान का भी है इसमें। पाकिस्तानी इन्फिल्ट्रेटर्स का भी है।

**SHRI KARTIK ORAON :** I would like to know from the Government as to whether the governments of Nagaland, Mizoland, Sikkim and NEFA have been authorised by us to harbour citizens of such other countries as are on inimical terms with us?

**SHRI L. B. CHAVAN :** No, Sir, there is no question of giving any authority to

harbour people who are on inimical terms with us.

**श्री अब्दुल गनी द्वार :** क्या वजीर साहब फरमायेंगे, अभी उन से यह पूछा गया कि चाइनीज के अलावा कोई वहाँ और भी ऐसे लोग हैं जो साजिश करते हैं या इत्तिला देते हैं और खास तौर से मेरे दोस्त ने हरियाना का भी जिक्र किया तो क्या यह फरमायेंगे, उन्होंने एक बड़ी जिम्मेदारी से बयान दिया था कि आया राम 30 हजार में और गया राम 40 हजार में बिके तो क्या ऐसे बिकने वाले वहाँ मौजूद हैं और क्या वह यह भी फरमायेंगे कि जब उन्होंने इतनी जिम्मेदारी से यहाँ एक बयान दिया था इस आगस्ट हाउस में कि 30 हजार और 40 हजार में बिके तो उनमें से कितनों पर मुकदमा चला रहे हैं और वह 30 हजार और 40 हजार देने वाले कौन हैं? उन पर भी कोई मुकदमा चला रहे हैं?

[श्री عبد الغنى دار : کیا وزیر

صاحب فرمائیں گے ابھی ان سے یہ پوچھا گیا کہ چائینیز کے علاوہ کوئی وہاں اور بھی ایسے لوگ ہیں جو سازش کرتے ہیں یا اطلاع دیتے ہیں اور خاص طور سے میرے دوست نے رہبانہ کا بھی ذکر کیا تو کیا وہ فرمائیں گے انہوں نے ایک بڑی ذمیداری سے بیان دیا تھا کہ آہا رام ۳۰ ہزار میں اور گیا رام ۴۰ ہزار میں بکے تو کیا ایسے بکنے والے وہاں موجود ہیں اور کیا وہ یہ بھی فرمائیں گے کہ جب انہوں نے اتنی ذمیداری سے یہاں ایک بیان دیا تھا اس آگسٹ ہاؤس میں کہ ۳۰ ہزار اور ۴۰ ہزار میں بکے تو ان میں سے کتنوں پر مقدمہ چلا رہے ہیں اور یہ ۳۰ ہزار اور ۴۰

ہزار دینے والے کون ہیں - ان پر  
 بھی کوئی مقدمہ چلا رہے ہیں -

**SHRI Y. B. CHAVAN :** I do not think, Sir, this has anything to do with what I said about Haryana.

**श्री कंबर लाल गुप्त :** अभी मंत्री महोदय ने यह कहा कि चाइनीज इन्फिल्ट्रेटर्स तो नहीं हैं लेकिन जो स्पाइंग करते हैं ऐसे कुछ लोग पकड़े गए हैं तो मैं पूछना चाहता हूँ कि इन इलाकों से ऐसे कितने लोग पिछले सालों में पकड़े गए हैं? उन पर कितने मुकदमे चले और कितनों को सजा हुई? और दूसरे, चाइनीज का इन्फ्लुएंस वहाँ जमाने के लिए वह कौन सी ऐक्टिविटीज कर रहे हैं? क्या ऐक्टिविटीज हैं उनकी? उन ऐक्टिविटीज का नेचर क्या है और आप क्या स्पेसिफिक स्टेप्स उठाना चाहते हैं?

**SHRI Y. B. CHAVAN :** I did not say about this because this is about infiltrators. The question of a large number of spies was mentioned. He asked about the nature of their activities and what we do with them when we arrest them and all that. I have mentioned about that. Exactly as to how many spies have been arrested I cannot say. As far as infiltrators are concerned, there were no infiltrators but some spying activity was noticed. It is difficult for me to give the number of spies. Action has been taken against these people.

**SHRI KANWAR LAL GUPTA :** What is the nature of their activities and what concrete steps have Government taken to counteract them? I want definite answers and not vague ones.

**SHRI Y. B. CHAVAN :** I will have to be very vague about it. When I say spying activity it means spying activity. Can't you imagine what spying is? It means gathering information about military strength, political situation and such valuable information which one normally does not get easily. This is to be considered as spying activity and it may also mean many more things. I cannot give detailed infor-

mation when some of the cases are under investigation and interrogation.

I.C.F.T.U.

\*786. **SHRI R. S. VIDYARTHI :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that the International Confederation of Free Trade Unions has an Asian Regional Organisation which was located formerly at Calcutta and is now at New Delhi;

(b) whether the said office was established with the permission of Government;

(c) if so, the stipulations under which the permission was granted; and

(d) whether Government have any machinery to control the activities of the Asian Regional Organisation and the I.C.F.T.U. in India?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) Yes, Sir.

(b) No, Sir.

(c) Does not arise.

(d) No, Sir.

**श्री रा० स्व० विद्यार्थी :** क्या गृह मंत्री बताएंगे कि क्या उनके इंटेलिजेंस ब्यूरो की यह ड्यूटी नहीं कि जो भी विदेशी संस्थाएं यहां कार्य करती हों उन की जानकारी रखें और वह ऐसा कोई कार्य देश के विरुद्ध करें तो होम मिनिस्टर तक उसकी इतिला पहुंचावें? यदि ऐसा नहीं है तो मुझे हैरानी है कि क्या कार्य-क्षेत्र है इंटेलिजेंस ब्यूरो का? मैं विशेष रूप से गृह मंत्री महोदय से पूछना चाहता हूँ कि क्या यह सत्य है कि इस संगठन द्वारा सोशल सिन्क्रो-रिटि एण्ड इकनामिक डिवेलपमेन्ट नाम से एक डाकूमेंट दिसम्बर 1966 में तैयार किया गया और वह हांगकांग लेबर कान्फरेंस में रखा गया और जो तथ्य उस में बर्णित किए थे वह हमारे इन्वेस्टमेंट सेंटर द्वारा जो एक डाकूमेंट निकला था "एन आउटलाइन आफ लेबर लेजिस्लेशन एण्ड प्रैक्टिस इन इंडिया", उस के विपरीत था और वह इसी उद्देश्य से तय्यार किया गया था कि एक ऐसा गन्दा चित्र इस देश का दूसरे देशों में पेश किया जाय ताकि जो लोग यहां अपनी पूजी लगाना चाहते हैं वह न लगा पायें?

**SHRI Y. B. CHAVAN :** I have not got this particular information and, really speaking, IB is not pursuing the activities of every organisation. If this question had been asked of the Labour Ministry, possibly they would have been able to give this information.

**श्री रा० स्व० विद्यार्थी :** अध्यक्ष महोदय, मैं आप का संरक्षण चाहता हूँ। मैंने यह सवाल लेबर मिनिस्ट्री को भेजा था। लेकिन पता नहीं आप तक कैसे पहुंच गया। लेकिन अगर यह जवाब दे रहे हैं तो पूरी इन्फार्मेशन देनी चाहिए।

**श्री कंबर लाल गुप्त :** अध्यक्ष महोदय, इन्फार्मेशन कोई भी कलेक्ट कर के बताए, इनकी मिनिस्ट्री बताए या लेबर मिनिस्ट्री बताए मगर जवाब तो पूरा मिलना चाहिए।

**MR. SPEAKER :** If it is sent to the Labour Ministry, they will give the information. How it went to the Home Ministry, I do not know.

**श्री रा० स्व० विद्यार्थी :** अध्यक्ष महोदय, मैं पूरी इन्फार्मेशन चाहूंगा। मैंने लेबर मिनिस्ट्री से पूछा था। अब गृह मंत्री जवाब दे रहे हैं तो पूरी जानकारी उनको होनी चाहिए। कई इसमें तथ्य हैं कि जो लेबर मिनिस्ट्री ने कमिटमेंट किए हैं.... (व्यवधान).... तो कल के लिए कर दिया जाय.....

**MR. SPEAKER :** I myself did not know. I said I will look into it. Now I notice that question has been addressed to the Prime Minister and not to the Labour Minister. The question is here with me. That is why I said let me look into it. Now, let him ask the second question.

**श्री कंबर लाल गुप्त :** अध्यक्ष महोदय, यह आप के दफ्तर की बात है। माननीय सदस्य को पूरी सूचना मिलनी चाहिये। यह मिनिस्ट्री दे या लेबर मिनिस्ट्री दे।

**श्री रा० स्व० विद्यार्थी :** क्या यह सत्य है कि भारतीय सरकार के कई उच्च अधिकारी इस संस्था के साथ तालमेल रखे हुये हैं ? और

यह संस्था जो है चार पांच साल पहले फारेन एक्सचेंज के सिलसिले में इनके खिलाफ कोई कार्यवाही भी हुई थी और उस वक्त के ब्रिटी मिनिस्ट्री ने उसे दबा दिया था ? अब भी इस संस्था में कुछ विदेशी शिक्षा ग्रहण करने आते हैं लेबर लाज के बावत और जितने लोग आते हैं उन से फारेन एक्सचेंज भारत में नहीं आता। ब्रूसेल्स के अन्दर उस का हिसाब किताब हो जाता है और इंडियन करेंसी उन्हें भारत में मिल जाती है। यहां इस के सेक्रेटरी महोदय जो हैं वह सारा खेल खेल रहे हैं और होम मिनिस्ट्री साहब को इस बात का भी इल्म नहीं है क्योंकि यह लेबर मिनिस्ट्री से संबंधित बातें हैं और इस संबंध में सारे निर्णय लेबर मिनिस्ट्री ने लिए हैं। वी० एम० माथुर जो इस के सेक्रेटरी हैं उन के खिलाफ एन्क्वायरी की बात चल रही है। तो क्या इस मामले की जांच हो रही है या नहीं ?

**SHRI Y. B. CHAVAN :** The hon Member seems to have more information about this institution that I can claim to have.

**SHRI R. S. VIDYARTHI :** Has he no information with him ?

**SHRI Y. B. CHAVAN :** Let me answer it. The information that was asked in this House was whether such a body is functioning here or not, and my answer to that was "Yes". There is the Confederation of Free Trade Unions in the World and some of the local trade unions are associated with this organisation. It is a sort of federation. They are doing some constructive work like running some college, training class etc. As such, certain Ministers might have attended some of their functions. But, beyond that, I have no information. The question was whether this body was allowed to function here with the permission of the government. As it is a voluntary organisation, no permission was required; at least, no permission was taken. That is all the information I have got about it.

**श्री रा० स्व० विद्यार्थी :** अध्यक्ष महोदय, जो सवाल मेरा था उस का उत्तर नहीं दिया।

क्या गृह मंत्री यह बतायेंगे कि ऐसी संस्था जिस में कि विदेशी नागरिक हैं और देश के विपरीत जो कार्य कर रहे हैं उन को इस देश के खिलाफ कार्य करने की इजाजत दी जायेगी या नहीं ?

**SHRI Y. B. CHAVAN :** It is a legitimate question. But I am told it has got Indian staff on it. If it were purely of foreigners, certainly it would require looking into. This is a very important question that he has asked and I am giving the information. I myself asked that question before coming here, namely, how is it that a body which is entirely, of foreigners can come and start functioning here ? I am told, this is a voluntary organisation—and the staff is mostly Indian. It is functioning on that basis.

**SHRI KRISHNA KUMAR CHATTERJI :** The industrial development of this country is pursuing a certain course for the last 20 years and the industrial development of this country is possible only if there can be peaceful relations maintained between management and labour. There are certain international trade union organisations, even of political parties, working in India. Does not the Home Minister feel that not only the Labour Ministry but also the Home Ministry has got a responsibility in the matter and that they have to watch the working of such trade union organisations which have international connections and with our political parties also ?

**SHRI Y. B. CHAVAN :** The Home Ministry certainly has a responsibility I do not want to evade my responsibility in this matter; but, naturally, in these matters we are advised by the ministries concerned that we should take notice of such things. When we have no such information, I just cannot do it automatically.

**SHRI S. M. BANERJEE :** I would like to know whether the hon. Minister is aware that the Indian National Trade Union Congress is also affiliated to the International Confederation of Free Trade Union about which this question has been asked.

**AN HON. MEMBER :** Indian National Congress ?

**SHRI S. M. BANERJEE :** Indian National Trade Union Congress of which Shri Pandey is the President.

**SHRI K. N. PANDEY :** It is affiliated.

**SHRI S. M. BANERJEE :** Sir, this is exactly what they call in Hindi, *Chor ki dadhi men tinka*, I never put the blame. I would like to know whether it is a fact that through the Asian Regional Organisation of this body, which was formerly located at Calcutta, now in Delhi, foreign funds from the USA, even from the CIA, are being given to the Indian National Trade Union Congress, whether this was known to the Home Ministry and the Labour Ministry and, if so, what action has been taken to avoid further pollution of the Indian National Trade Union Congress.

**SHRI Y. B. CHAVAN :** It is a fact that this association was one of the associations mentioned in the US press as receiving some funds from the CIA. This was one of the facts that was mentioned. But unless I have got definite proof I cannot say whether the Indian National Trade Union Congress is receiving any funds from it. I have nothing on record to show that the Indian National Trade Union Congress is receiving any funds. The Indian National Trade Union Congress is certainly affiliated to it; this much I can say. So are other trade union movements; they are affiliated to other international bodies.

**SHRI S. M. BANERJEE :** Sir, the question belongs to ICFTU. Two wrongs do not make one right. My question specifically was whether the Indian National Trade Union Congress is getting any funds from this particular Asian Regional Organisation.

**MR. SPEAKER :** He says, "No".

**SHRI S. M. BANERJEE :** If they are, will he investigate ?

**MR. SPEAKER :** That is a second question.

**SHRI K. N. PANDEY :** There are two trade union organisations in the world—one is the ICFTU and the other is the WFTU to which the Communists are affiliated. The ICFTU believes in democracy



and they have got their branches in those countries which believe in democracy. There is a consolidation fund to which the INTUC also contributes and the role of that fund is that through that fund everywhere democratic ideas are taught. It does not come from the employers but it comes from the workers. This is a trade union organisation. Simply because they are Communists, they are charging the ICFTU.

**SHRI NAMBIAR :** May I know whether large sums of money have been spent in India in the name of running colleges for those persons who are affiliated to this Confederation and whether large number of persons are being given lifts to America and other connected countries thereby helping the CIA activity through the organisation of International Confederation of Free Trade Unions as it is known?

**SHRI Y. B. CHAVAN :** The hon. Member is rather taking a very extreme view about it. There is certainly exchange of students and some training courses are run here. But it is an international organisation to which the local trade unions are affiliated as other local trade unions are affiliated to the other extreme side. Therefore, it is much better we take a rather balanced view in the matter. The hon. Member has rather more information being a trade union worker himself. If there is a legitimate contribution to the international organisation, taking some share of it from the international organisation, there is nothing wrong about it.

**श्री म० अ० खाँ :** अध्यक्ष महोदय, इस सदन में रोज "चोर की दाढ़ी में तिनका" का जिक्र होता रहता है और दूसरे मुल्कों से रुपया आकर यहाँ खर्च होने का अक्सर जिक्र होता रहता है। मैं जानना चाहता हूँ कि क्या गृह मंत्री जी जल्द से जल्द ऐसे चोरों की दाढ़ी से तिनका निकालने की कोशिश करेंगे?

**SHRI Y. B. CHAVAN :** He is asking me a rather very ticklish work to do dealing with beards of other people.

**MR. SPEAKER :** He must grow one before he asks you to do that.

**श्री बलराज मधोक :** मंत्री महोदय ने बताया है कि देश की कुछ ट्रेड यूनियन वेस्टन कन्ट्रीज से, जिनको डेमोक्रेटिक कन्ट्रीज कहा जाता है, से सम्बन्धित हैं और कुछ ट्रेड यूनियन रूस की या कम्युनिस्ट मुल्कों की ट्रेड यूनियनों से सम्बन्धित हैं। इसी तरह की ट्रेड में या दूसरी चीजों में भी इन्टरनेशनल आर्गनाइजेशनज हैं। मैं जानना चाहता हूँ कि इन-प्रिन्सिपल क्या हम इस बात के विरुद्ध हैं कि देश की जो संस्थायें हैं, चाहे वे पोलिटिकल पार्टीज हों, लैबर यूनियनज हों या ट्रेड की आर्गनाइजेशनज हों, उन को इन्टरनेशनल आर्गनाइजेंसन्स से सम्बन्ध हो? यदि यह बात इन-प्रिन्सिपल मानने के लिये आप तैयार हैं तो फिर इन आर्गनाइजेशनज के बारे में जिनका इस प्रकार का सम्बन्ध है, उनके बारे में आपकी क्या प्रतिक्रिया है?

**SHRI Y. B. CHAVAN :** He is asking me about the Government's attitude on these labour organisations and their relationship with our local organisations. This is a matter that he should directly ask the Labour Minister. I will not be able to answer this.

#### USE OF C.I.A. FUNDS IN ELECTIONS

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\*787. **SHRI KAMESHWAR SINGH :**  
**SHRI MADHU LIMAYE :**  
**SHRI YAJNA DATT SHARMA :**  
**SHRI VIRENDRA KUMAR**  
**SHAH :**

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have completed the consideration of the C.I.B./C.B.I. report on the role of CIA or foreign money in Indian Politics in general and Fourth General Elections in particular;

(b) the steps proposed by Government to check this; and

(c) whether these reports and Government's comments thereon will be placed on the Table?

**THE MINISTER OF HOME AFFAIRS**  
**(SHRI Y. B. CHAVAN) :** (a) The report

of the Intelligence Bureau regarding the use of foreign money in the last General Elections and for other purposes is still under examination.

(b) Does not arise.

(c) The broad conclusions emerging from the report will be made known to the House.

श्री कामेश्वर सिंह : अध्यक्ष महोदय, मैं गृह मंत्री जी का ध्यान आज के पैट्रियोट की एक न्यूज की तरफ दिलाना चाहता हूँ—

"New York, December 19—A sharp division of opinion has been reported among members of a White House Panel over a plan to finance publicly those organisations once secretly supported by the Central Intelligence Agency."

क्या मंत्री महोदय बतायेंगे कि इस प्लान के अनुसार यदि अमरीकन सरकार भारत में जिन संस्थाओं को सी०आई०ए० का पैसा मिलता था, अगर उन को पैसा देना चाहेगी तो उस के प्रति भारत सरकार की क्या नीति होगी ?

दूसरी बात—क्या इससे गृह मंत्री को यह जाहिर नहीं होता है कि सी०आई०ए० की बातें गलत बातें नहीं थीं तथा सरकार को उनकी रिपोर्ट्स इस हाउस में जल्दी पेश करनी चाहिये ?

SHRI Y. B. CHAVAN : As far as the first part of the question is concerned, I have not seen that report. I will certainly look into what exactly it conveys, I will have to see that first. As far as the other part is concerned, I have said that this report is under examination and I will, certainly, share the broad conclusions with the House.

श्री कामेश्वर सिंह : मैं मंत्री महोदय से स्पष्ट पूछना चाहता हूँ—यह तो हम लोग बहुत सालों से सुनते आ रहे हैं कि रिपोर्ट अब आती है, तब आती है, दूसरे महीने आती है—मैं चाहता हूँ कि आप स्पष्ट रूप से बतायें कि रिपोर्ट आप किस महीने में सदन के पटल पर रखेंगे ?

SHRI Y. B. CHAVAN : The hon. Member is misleading himself. There is no question of सालों से सुनते आए हैं. It is not even one year when the report was received.

श्री कामेश्वर सिंह : इस पर साल भर होने को आ रहा है, यह मामला पहले सत्र से आ रहा है।

SHRI Y. B. CHAVAN : That is the normal way of overstating the case. Certainly, it is some few months that this matter is under examination. The problem is such that I cannot rush into this matter. I will, certainly, take a few more months; I cannot say when.

श्री यज्ञ दत्त शर्मा : यह विषय पिछले कई महीनों से चर्चा का विषय बना हुआ है कि हमारे देश में चौथे बड़े चुनाव में हमारे कई राजनीतिक दल बाहर के पैसे में प्रभावित हुए हैं। मैं समझता हूँ कि देश की राजनीति इससे काफी बदनाम हुई है। मैं जानना चाहता हूँ कि क्या गृह मंत्री महोदय एक सुप्रीम कोर्ट के जज के स्तर की कोई जूडीशियल इन्क्वायरी करवा कर इन सब विषयों को साफ कर देंगे तथा उस रिपोर्ट को देश की जनता के सामने रख देंगे, जिससे कि देश की राजनीति बदनाम होने से बचे तथा सारे तथ्य जनता के सामने आ सकें। इस सम्बन्ध में आपका क्या इरादा है ?

SHRI Y. B. CHAVAN : I do not think that any judicial inquiry of this type is likely to help either the politics or the allegations that are made about it.

श्री यज्ञ दत्त शर्मा : अध्यक्ष महोदय, मैं गृह मंत्री जी ने क्या उत्तर दिया कुछ समझ नहीं पाया। बात यह है अध्यक्ष महोदय, कि मैं आपका संरक्षण चाहूँगा। ऐसे प्रश्न बारबार नहीं आते। इस प्रश्न का बहुत महत्व है। मुझे उत्तर पता ही नहीं लगा कि क्या दिया तो कोई मैं यहां मजाक के लिये तो बैठा नहीं हूँ।

SHRI Y. B. CHAVAN : I gave an answer.

His idea was whether a Supreme Court judge can be appointed to go into this matter so that the good name of politics of this country can be saved. This is not a feasible proposition because the type of evidence that, really speaking, comes is not the type of evidence on which a judge can take a view. It will have to be a political inquiry, of the type of inquiry that we have made. That is why I say that a judicial inquiry by a Supreme Court judge is not likely to be of any help.

**SHRI VIRENDRAKUMAR SHAH :** Has the attention of the hon. Minister been drawn to an article published in *Current* saying that the USSR financed 129 candidates during the last General Elections and there are reports that a Soviet Embassy official, Mr. Yuri Mordin, was actively participating in this matter while working under the supervision of Soviet KGB Agent, Mr. Loginov? Will the Home Minister confirm or deny these reports?

**SHRI Y. B. CHAVAN :** I have no matter on which I can say, or I have no proof on the basis of which I can say, whether the KGB or KBG, whatever it is, has supported any particular number of candidates, etc. But I must say this. I must share this view here, that I have reason to believe or I have reason to doubt that foreign money from both the sides was amply used in the last General Elections.

**SOME HON. MEMBERS :** Shame, shame.

#### WRITTEN ANSWERS TO QUESTIONS

##### ESPIONAGE ACTIVITIES OF CHINA AND PAKISTAN SPIES

\*781. **SHRI BABURAO PATEL :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it has come to the notice of Government that some personnel of the Indian army were found aiding the Chinese and Pakistani agents in Assam and NEFA; and

(b) if so, the nature of the action taken against them?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) and (b). Only one incident has come to notice in which an O.R. was involved. He has

been arrested in Lakhimpur district of Assam on 23rd August 1967 for having committed an offence under the Indian Official Secrets Act. He was found in possession of some secret documents of security interest. The case is under investigation.

##### FINANCIAL ASSISTANCE FOR VICTIMS OF DELHI FIRE ACCIDENT

\*784. **SHRI YASHPAL SINGH :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Delhi Administration has asked for financial assistance to compensate the loss sustained by the Delhi businessmen in the fire which broke out in Chandni Chowk on the 18th November, 1967; and

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

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) :** (a) Yes, Sir.

(b) The proposal is being examined.

##### TRAINING OF NAGA HOSTILES IN WARFARE IN EAST PAKISTAN

\*788. **SHRI D. C. SHARMA :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that another group of about 300 Naga hostiles is reported to have reached Katang in the subdivision of Manipur on their way to East Pakistan for getting arms and training in guerilla warfare; and

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

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) and (b). Government have received information that several gangs of Nagas were likely to go across the border to Pakistan. Security forces have been alerted and are vigilant. Some gangs have been intercepted and forced to turn back.

##### COMMUNALISM AND LINGUISTIC

\*789. **SHRI PREM CHAND VERMA :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have under consideration any scheme for national in-

tegration to meet the menace of communalism and linguism in the country; and

(b) the underlying principles and details of the scheme and when it is expected to come into operation?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) and (b). It has been decided to revive the National Integration Council which is expected to consider issues like communalism and linguism which are impeding national integration and to make recommendations to Government.

CHINESE AND PAKISTANI SPIES IN  
J & K STATE

\*790. SHRI CHENGALRAYA NAIDU: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that some Chinese and Pakistani spies are active in the Jammu & Kashmir State;

(b) if so, whether it is a fact that the Chinese were giving training to certain people there who are against Government and are apt to create trouble in that State; and

(c) the steps being taken to clear the State from these elements?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) to (c). Government have no information to suggest that Chinese spies are active in the J & K State or that the Chinese were giving training to anti-Government elements in the State. Government are vigilant in the matter. Efforts are made continuously to detect spies, and several Pakistani spy rings have already been uncarthed in the State.

INTERCEPTING MIZOS THROUGH HELICOPTER  
OPERATIONS

\*791. SHRI INDRAJIT GUPTA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether recently special helicopter operations have been undertaken to intercept Mizo and Naga hostiles trying to cross the international border; and

(b) if so, the extent to which this experiment has proved successful?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) and (b). Whenever operational considerations require quick movement of security forces, all available transport facilities are pressed into service. No special experiment as such was undertaken.

AIR INDIA 'P' FORM SCANDAL

\*792. SHRI YAJNA DATT SHARMA:  
SHRI ATAL BIHARI  
VAJPAYEE:

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether the enquiry being conducted by the Nadkarni Inquiry Commission into Air India 'P' form scandal has since been completed; and

(b) if so, the details thereof and the action taken thereon?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) and (b). No such Commission has been constituted. Air India had, however, set up a Departmental Enquiry Committee with Shri K. Y. Nadkarni, Personnel Officer, as the Convener, to enquire into the alleged violation of 'P' Form Regulations by 5 Officers of the Corporation. As a result of the enquiry, proceedings have been dropped against two of the officers as no substantial evidence was available about their complicity. The cases of the remaining 3 officers are pending decision of the Enforcement Directorate on the adjudication cases against them on the same charges.

ARMING OF LOYAL MIZOS

\*793. SHRI D. N. PATODIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that a plan to arm loyal Mizos and to raise of a civil defence organisation has been finalised for implementation;

(b) if so, the details thereof; and

(c) when it is likely to be implemented?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) No, Sir.

(b) and (c). Do not arise

## REQUISITION OF MILITARY BY STATES

\*794. SHRI SAMAR GUHA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have laid down any policy or rules for the guidance of State Governments in regard to the requisitioning of the military help for dealing with the law and order problem; and

(b) if so, the broad outlines thereof ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). Sections 129 to 131 of the Code of Criminal Procedure lay down the procedure for the requisitioning of armed forces by the civil authorities for maintaining law and order.

## NATIONAL CHRISTIAN COUNCIL

\*795. SHRI RANJIT SINGH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether he has seen the reports in the *Organiser* dated the 19th November, 1967 that the National Christian Council of India has declared that it would do everything to promote the freedom of the people of India;

(b) whether Government consider this as an incitement to secession; and

(c) the action proposed to be taken against the said Council ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Government have seen the press reports in the *Organiser* dated 19th November, 1967

(b) and (c). Facts are being ascertained.

## PRIVATE PAPERS OF JAWAHARLAL NEHRU

\*796. DR. RANEN SEN : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that in the second and operative part of his last will, the late Prime Minister, Jawaharlal Nehru had desired that his entire private papers and correspondence should go to either the National Library, Calcutta or the National Archives, New Delhi;

(b) whether it is also a fact that these papers and correspondence have not yet been sent to the institutions mentioned by the late Prime Minister; and

(c) if so, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) to (c). The portion of Shri Jawaharlal Nehru's Will and Testament so far published does not contain any reference to this matter. It is, however, understood that he did make a reference to the effect that all important documents of historical value, bearing on the history of the Freedom Struggle and post-independence period be offered to the Institutions mentioned. The implementation of this part of the Will involves sorting out very voluminous papers in the light of his wishes, and is an arduous and a time consuming process. The work is in hand and attempts are being made to expedite it.

## दिल्ली प्रशासन को वित्तीय सहायता

\*797. श्री जगन्नाथ राव जोशी :

श्री अटल बिहारी वाजपेयी :

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

(क) क्या यह सच है कि वर्ष 1965-66 और वर्ष 1966-67 के दौरान केन्द्रीय सरकार द्वारा दिल्ली में व्यय के लिये नियत राशि दिल्ली से प्राप्त राजस्व की आय की राशि से कम थी;

(ख) यदि हां, तो इन राशियों का व्यौरा क्या है ;

(ग) क्या यह भी सच है कि नियत की गई पूरी राशि भी दिल्ली प्रशासन को नहीं दी गई है ;

(घ) यदि हां, तो इसके क्या कारण हैं ;

(ङ) क्या इस सम्बन्ध में दिल्ली प्रशासन ने सरकार को कोई प्रस्ताव भेजे हैं ; और

(च) यदि हां, तो उन पर सरकार की क्या प्रतिक्रिया है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्याचरण शुक्ल) : (क) जी नहीं,

श्रीमन् । दिल्ली के लिए राजस्व व्यय की जो राशि नियत की गई थी वह राजस्व की आय से अधिक थी ।

(ख) प्रश्न ही नहीं उठता ।

(ग) और (घ). सम्भवतः चालू वर्ष में नियत राशि की ओर संकेत है । योजना आयोग विभिन्न योजनाओं के लिये वर्षवार आधार पर अधिकतम सीमा निर्धारित करता है । किन्तु, आय-व्यय की व्यवस्था करते समय बहुत से तथ्यों को ध्यान में रखा जाता है, यथा योजनाओं की प्रगति और उन्हें क्रियान्वित करने की ओर इस प्रकार नियत की गई राशियों का उपयोग करने की क्षमता । इस प्रकार आय-व्यय में दी हुई राशियां सदा अधिकतम सीमा के अनुरूप नहीं भी हो सकती हैं । 1967-68 में दिल्ली के लिये आय-व्यय में 2645.99 लाख रुपये की राशि निर्धारित की गई है जबकि दिल्ली के लिये योजना में 2750.00 लाख रुपये की राशि नियत की गई थी ।

(ङ) और (च) दिल्ली प्रशासन ने चालू वित्तीय वर्ष के दौरान विभिन्न मदों के लिए 1060.73 लाख रुपये की अनिश्चित राशियों के लिये प्रार्थना की थी । इन प्रस्तावों पर सम्बन्धित मंत्रालयों में विचार किया गया और वर्तमान स्थिति इस प्रकार है : -

- (i) 15.77 लाख रुपये के सात प्रस्ताव स्वीकार कर लिए गए हैं,
- (ii) 382.40 लाख रुपये के सात प्रस्ताव अस्वीकार कर दिये गये हैं; और
- (iii) 31 प्रस्तावों के बारे में अभी तक अन्तिम रूप से कोई निश्चय नहीं किया गया । इनका सम्बन्ध 662.56 लाख रुपये की राशि में था । इनमें से 16 प्रस्ताव दिल्ली प्रशासन से विस्तृत सूचना प्राप्त होने के अभाव में बाकी हैं ।

INSTRUCTIONS TO MADHYA PRADESH GOVERNMENT FOR PUBLISHING MADHYA PRADESH BUDGET

\*797-A. SHRI J. H. PATEL :  
SHRI MADHU LIMAYE :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether an inquiry has been made into the reasons that induced the Joint Secretary of the Finance Ministry to issue instructions to the Madhya Pradesh Government during the last session of the Lok Sabha; and

(b) if not, the reasons therefor ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). No such instructions whether written or oral were given to the Madhya Pradesh Government by any Officer of the Finance Ministry. The circumstances leading to the printing of the Budget have been explained in the report of the State Government which was laid on the Table of the House on 31st July, 1967.

JAIL MANUAL

\*798. SHRI SHIVA CHANDRA JHA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that all the Jail Manuals have not been revised after Independence; and

(b) in how many States Jail Manuals have been revised and what new facilities have been provided in the classification of imprisonment, diet, clothing etc. (State-wise)?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b) A Statement giving the information so far received from the State Governments/ Union Territories is laid on the Table of the House. [Placed in Library. See No. LT-2092/673.] Information from the remaining State Governments/ Union Territories will be laid on the Table of the House on receipt.

प्रतिलिप्याधिकार अभिसमय

\*799. श्री शशि भूषण बाजपेयी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत सरकार का विचार प्रतिलिप्याधिकार अभिसमय के अधीन ग्रेट ब्रिटेन

और अमरीका द्वारा प्रकाशित पुस्तकों पर रायल्टी सम्बन्धी करार रद्द करने का है; और

(ख) यदि हां, तो इस बारे में ज्योरा क्या है ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री मोर सिंह) : (क) ऐसा कोई विचार नहीं है।

(ख) प्रश्न नहीं उठता।

#### U.S. SCIENCE FOUNDATION DELEGATION

\*800. SHRI HIMATSINGKA : Will the Minister of EDUCATION be pleased to state :

(a) whether a 5-member delegation of the United States National Science Foundation recently visited New Delhi to discuss with Government and educational institutions the development of science education in India;

(b) if so, the result of the discussions and the improvements proposed to be made in science education in India in the light of these discussions; and

(c) the specific steps proposed to be taken to inculcate initiative in research work amongst the science students in India ?

#### THE MINISTER OF EDUCATION

(DR. TRIGUNA SEN) : (a) and (b). Four members of the Governing Body of the National Science Foundation of the United States and the Head of International Science Activities of the Foundation visited India recently. The main purpose of their visit was to study personally the progress of Summer Science Institutes and their follow-up programme for improving science education for which the National Science Foundation is giving assistance.

As a result of the discussions held, it has been agreed that the University Grants Commission, National Council of Educational Research and Training and other agencies concerned will expand further and accelerate science education programmes, and the National Science Foundation will extend the maximum assistance possible.

(c) To promote higher scientific education and research in universities, the Uni-

versity Grants Commission has taken the following major steps :—

- (i) Establishment of Centres of Advanced Studies at selected universities and award of special scholarships to students to study at these Centres;
- (ii) Development and expansion of science departments of universities, and other institutions;
- (iii) Award of science research scholarships and fellowships;
- (iv) Summer Institutes for the in-service training of science teachers;
- (v) A special programme for student participation in Scientific research at Universities and other institutions.

The National Council of Educational Research & Training has instituted a scheme of Science Talent Search to identify brilliant and talented students at the school stage and help them with scholarships, summer schools and other means in their scientific studies and research at Universities up to the highest stage including the Ph.D. degree.

#### राजस्थान में सीमावर्ती सड़कें

\*801. श्री ओंकार लाल बोहरा : क्या परिवहन तथा नौबहन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या पाकिस्तान के साथ लगने वाले राजस्थान के 700 मील लम्बे सीमा क्षेत्र के साथ-साथ सड़क बनाने का काम पूरा हो चुका है;

(ख) यदि नहीं, तो इस संबंध में सरकार को किन-किन कठिनाइयों का सामना करना पड़ा है;

(ग) क्या सरकार ने राज्य सरकार को इस काम के लिये पर्याप्त धन देने का आश्वासन दिया है; और

(घ) उपर्युक्त क्षेत्र में अब तक कितना धन खर्च किया जा चुका है तथा इस योजना के अन्तर्गत और कितना धन व्यय किया जायेगा ?

परिवहन तथा नौवहन मंत्रालय में उपमंत्री (श्री भक्त बर्षान) : (क) और (ख). यह आशा की जाती है कि राजस्थान के सीमान्त क्षेत्रों में सामरिक महत्व की सड़कों का निर्माण कार्यक्रम निर्धारित तिथियों तक पूरा हो जायेगा; और फिलहाल इस मामले में कोई विशेष कठिनाई प्रतीत नहीं होती है।

(ग) जी, हाँ श्रीमान्।

(घ) राजस्थान में सामरिक महत्व की सड़कों पर 31 अक्टूबर, 1967 तक 10.19 करोड़ रुपये का कुल व्यय अंकित किया जा चुका था, और अभी लगभग 10.50 करोड़ रुपये के और व्यय किये जाने की संभावना है।

#### PAK. INFILTRATION IN ASSAM

\*803. SHRI HEM BARUA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that hundreds of huts have sprung up on the Pakistan side of Goalpara-East Pakistan border housing deportees from border;

(b) whether these deportees are periodically pushed into Assam as infiltrators; and

(c) if so, the measures taken by Government in this regard ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) According to the Government of Assam, a large number of huts have been put up on the Pak side of the Garo Hills/Goalpara-East Pakistan border, for housing deportees.

(b) There have been occasional attempts by deportees to enter Assam. Whenever detected, they are pushed back.

(c) Vigil is being maintained and patrolling has been intensified along the border.

#### उत्तर प्रदेश और मध्य प्रदेश के बीच सीमा विवाद

\*804. श्री. नाथू राम अहिरवार : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश और मध्य प्रदेश के बीच सीमा निर्धारित करने का

प्रश्न पिछले कई वर्षों से केन्द्रीय सरकार के विचाराधीन रहा है ;

(ख) यदि हाँ, तो इस बारे में सरकार ने अब तक क्या कार्यवाही की है ; और

(ग) उक्त सीमा-विवाद को निपटाने में कितना समय लगने की सम्भावना है ?

गृह-कार्य मंत्री (श्री यशवंत राव चव्हाण) :

(क) जी नहीं, श्रीमान्। हाँ, दोनों राज्यों के बीच सीमा की समुचित व्यवस्था करने के प्रश्न की एक समिति द्वारा जांच की जा रही है। यह समिति, जिसमें दोनों राज्यों के राजस्व सचिव शामिल हैं, 19 सितम्बर, 1964 को भोपाल में केन्द्रीय क्षेत्रीय परिषद की बैठक द्वारा स्थापित की गई थी।

(ख) और (ग). प्रश्न ही नहीं उठते।

#### DELHI TEACHERS' DEMANDS

\*805. SHRI M. L. SONDHI :  
SHRI YASHPAL SINGH :

Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that about 40 Delhi teachers who took part in strikes and demonstrations outside Parliament House have been suspended;

(b) whether as assured by him, he is going to meet the teachers soon; and

(c) what immediate demands are being considered by Government ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a). Orders for suspension were issued against 7 teachers and 1 principal of Government Higher Secondary Schools, 4 teachers of aided Higher Secondary Schools and 9 teachers of Delhi Municipal Corporation Schools out of these who took part in the strikes and demonstrations in connection with the revision of scales of pay. These orders were subsequently revoked in all cases.

(b) The meeting was held on 7th December, 1967.

(c) These demands relate to the revision of the salary scales.



ALLOCATION OF FUNDS TO DELHI  
ADMINISTRATION

\*806. SHRI DHIRESWAR KALITA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Chief Executive Councillor of Delhi has pleaded for a special status for the Union Territory of Delhi, as has been done in the case of Kashmir in the matter of allocation of funds; and

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

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) No proposal for giving special status for Delhi as has been done for Jammu and Kashmir has been received by Government from the Chief Executive Councillor of Delhi. However, a proposal for additional allocation of Rs. 10.61 crores during the current year was received from the Delhi Administration.

(b) (i) Seven proposals involving Rs. 15.77 lakhs have been accepted.

(ii) Seven proposals involving Rs. 382.40 lakhs have been rejected; and

(iii) No final decision has yet been taken in the case of 31 proposals involving Rs. 662.56 lakhs. Of these, 16 proposals are pending for want of detailed information from the Delhi Administration.

RECOVERY OF ANTI-NATIONAL DOCUMENTS  
NEAR KARIMGANJ

\*807. SHRI HUKAM CHAND KACHWAI : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the Customs Officers raided the house of an Indian national situated at a distance of five miles from Karimganj on the East Pakistan border and recovered some anti-national documents;

(b) if so, the number of persons arrested and the number of those against whom cases have been registered in this regard;

(c) whether hundred rupee notes in the Chinese currency were recovered from an Indian National entering into the Indian territory from Pakistan; and

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

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) On 1st December, 1967, the house of an Indian national of Chandesikona (Cachar) was searched by the Customs staff assisted by the local police. An incriminating document, written in Bengali, which was neither signed nor addressed to anybody, was recovered from the house.

(b) One Indian national was arrested in this connection and a case was registered against him. Vigorous enquiries by local police are in progress.

(c) Some Pak currency notes were recovered from a person, who claimed to be a refugee from East Pakistan, by the Customs staff at Lakhi Bazar (Cachar) on 29th November, 1967

(d) Enquiries are being made by the local police.

SEIZURE OF ANTI-INDIAN DOCUMENTS ON  
EAST PAKISTAN BORDER

\*808. SHRI KANWAR LAL GUPTA :  
SHRI SHASHIBHUSHAN  
BAJPAI :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that several anti-State documents and some Chinese currency was recovered from an Indian who was arrested at Chandesikona near East Pakistan border;

(b) if so, the details thereof; and

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

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). An Indian national of Chandesikona (Cachar) was arrested by the local police on the 30th November, 1967, in connection with a case registered by the police under the Indian Penal Code. An unsigned and un-addressed document, written in Bengali, containing material, involving security, was recovered from his house on a search made by the Customs staff and the police.

(c) Enquiries are in progress in this case. A close watch is maintained by the State Government on persons suspected to be engaged in anti-national activities.

OFFICERS OF BIHAR GOVERNMENT

\*809. SHRI BHOGENDRA JHA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the Union Government have decided to down grade eleven top Officers of the Bihar Government who were being treated as I.A.S. officers with effect from 1948;

(b) if so, the reasons therefor;

(c) whether it is a fact that this decision of the Union Government is contrary to the recommendations of the State Government in this regard; and

(d) whether Government have taken into account the complications and anomalies it will cause in the State Administration ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) The seniorities of 12 I.A.S. officers of Bihar Cadre have been recently revised downwards.

(b) On the representation of three other I.A.S. Officers, it was decided, in consultation with the Ministry of Law, that the period of service when these 12 officers were holding lower posts should be excluded for purposes of determining their seniorities.

(c) Yes Sir.

(d) Determination of seniority being governed by statutory rules, administrative complications and anomalies, if any, cannot be the over-riding considerations

बिहार में साम्प्रदायिक दंगों सम्बन्धी जापन

\*810. श्री क० मि० मधुकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार के दो संसद सदस्यों और एक प्रसिद्ध व्यक्ति ने बिहार में साम्प्रदायिक दंगों के बारे में राष्ट्र-पति, प्रधान मंत्री तथा गृह-कार्य मंत्री को एक जापन भेजा है ;

(ख) यदि हां, तो इस पर सरकार का क्या कार्यवाही करने का विचार है ; और

(ग) यदि कोई कार्यवाही करने का विचार नहीं है तो इसके क्या कारण हैं ।

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) : (क) सरकार को बिहार के साम्प्रदायिक दंगों के सम्बन्ध में बहुत से जापन प्राप्त हुये हैं, जिनमें से कुछ संसद के माननीय सदस्यों द्वारा भी भेजे गये हैं ।

(ख) और (ग). केन्द्रीय सरकार ने जांच आयोग अधिनियम, 1952 की धारा 3 के अधीन एक जांच आयोग नियुक्त किया है, जो अभी हाल के महीनों में होने वाले उन बड़े बड़े साम्प्रदायिक दंगों के कारणों तथा घटना क्रमों की जांच करेगा जिनमें रांची और हाटिया के दंगे भी शामिल थे ।

EXPLOSION IN SHAHDARA (DELHI)

\*810-A. SHRI BAL RAJ MADHOK :  
SHRI NIHAL SINGH :  
SHRI HARDAYAL DEVGUN :  
SHRI KANWAR LAL  
GUPTA :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there was a big explosion in Shahdara, Delhi on the 10th December, 1967; and

(b) if so, the causes thereof and what was the extent of loss ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) Yes, Sir.

(b) The enquiries made so far reveal that the explosion took place due to the accidental combustion of certain chemicals stored in a house. 11 persons are reported to have died so far and 37 persons have been treated for injuries. The loss to the building is estimated to be about Rs. 40,000/- and of other moveable property is estimated at Rs. 35,000/-.

संघ राज्य क्षेत्रों में स्कूल

4985. श्री मोल्लू प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) प्रत्येक संघ राज्य क्षेत्र में कानवेंट, नर्सरी मान्टेसरी, शिक्षु विद्या मन्दिर और सरस्वती विद्या मन्दिर जैसे स्कूलों की संख्या कितनी है और इन स्कूलों में प्रति विद्यार्थी

प्रति मास कितना प्रोसत व्यय होता है; और

(ख) प्रत्येक संघ राज्य क्षेत्र में सरकारी और नगर निगमों के स्कूलों की संख्या कितनी है और उनमें विद्यार्थियों पर प्रति विद्यार्थी मासिक व्यय की प्रोसत क्या है ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री भागवत झा आज़ाद) : (क) और (ख), संघ राज्य क्षेत्रों से अपेक्षित सूचना एकत्र की जा रही है और वया समय सभा पटल पर रख दी जायगी ।

#### ADVERTISEMENTS BY AIR-INDIA

4986. SHRI BABURAO PATEL : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the names of newspapers and periodicals who were given advertisement by the Air-India in the country and abroad during the year ending the 31st March, 1967 with amount spent on each newspaper and periodical;

(b) the circulation data of 'On-looker' and 'Skyways' and reasons for patronising these for a number of years;

(c) the criteria by which the selection of media is made;

(d) the nature and cost of other media used in the country and abroad for Air-India advertisement during this period;

(e) the number and names of persons who travelled on exchange tickets in lieu of advertisements with dates, countries and value of each ticket issued during the last 3 years; and

(f) the advertising business given to M/s. J. Walter Thompson (Pvt.) Ltd. annually during the last 5 years and reasons for patronising this Company when equally good Indian advertising agencies were available ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) The requisite information pertaining to Indian newspapers/periodicals is laid on the Table of the House. [Placed in Library. See No. LT-2093/67]. Information regarding foreign newspapers/periodicals is not readily available.

(b) The present circulation of the 'Onlooker', according to the Audit Bureau of Circulation, is 3,200 and that of the 'Asian and Indian Skyways' is estimated to be 1,500. Air-India consider it useful to advertise on the 'Onlooker' because it is a prestige magazine read by potential air travellers on which many other airlines also advertise. They also advertise on the 'Asian and Indian Skyways' because it is a trade journal devoted to aviation.

(c) The criteria for selection are quality of publication, its readership and usefulness to generate traffic.

(d) Cinema slides, Window displays, Hoardings, Radio, TV, Films, Direct Mail, Brochures, Calendars etc.

The approximate expenditure on these media in India during the year 1966-67 is :—

In cash :	Rs. 10.74 lakhs.
In transportation/ service contract :	Rs. 2.00 lakhs.

Information regarding expenditure on different media incurred in foreign countries, is not readily available.

(e) About 450 Transportation/Service Contracts were signed by Air-India all over the world. The details regarding the number and names of persons, who travelled on exchange tickets with dates of their travel, countries and the value of each ticket issued, are not readily available.

(f) M/s. J. Walter Thompson Co. Pvt. Ltd. is a company registered in India under the Companies Act, 1956 and has been handling Air-India's advertising business for nearly 30 years. Air-India are fully satisfied with their services. The value of advertising against cash payments placed through this Company during the last five years is as under :—

1962-63	Rs. 3.66 lakhs.
1963-64	Rs. 3.55 lakhs.
1964-65	Rs. 4.10 lakhs.
1965-66	.. Rs. 3.98 lakhs.
1966-67	.. Rs. 3.42 lakhs.

#### TOURIST TRANSPORT FACILITIES AT PLACES OF TOURIST'S INTEREST IN GUJARAT

4987. SHRI NARENDRA SINGH MAHIDA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the amount spent on providing tourist transport facilities at the places of tourists interest in Gujarat during the last five years;

(b) the steps taken to attract more tourists to the places of tourist's interest in the State during the current year; and

(c) the number of foreign tourists who visited Gujarat during 1966-67?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) Rs. 62,031/- were released to the State Government during the Third Plan period for providing transport facilities between Keshod airport and Sassan Gir.

(b) A provision of Rs. 1.50 lakhs has been made in the Central budget to give subsidy to the Govt. of Gujarat during the current year for providing additional facilities to tourists at Sassan Gir, Porbander, Lothal, Modhera and Ahmedabad.

(c) 4,072 foreign tourists visited places of tourist interest in Gujarat State during 1966-67. This assessment has been made by the Government of Gujarat.

#### NATIONAL HIGHWAY NO. 47

4988. SHRI G. P. MANGALATHUMADOM: Will the Minister of TRANSPORT AND SHIPPING be pleased to state:

(a) the total length of National Highway No. 47 falling within Kerala State;

(b) the total length of the above road widened and improved according to the specifications of National Highways;

(c) when Government propose to complete the improvement of National Highway 47 throughout Kerala State; and

(d) the steps taken to expedite the work of improvement of National Highway 47 in Kerala?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN):

(a) About 236 miles.

(b) Reaches totalling 74 miles, have been improved and/or widened since 1956, the year of the formation of the Kerala State.

(c) and (d). Rest of the National Highway length has the capacity and riding comfort adequate for the traffic volume obtaining at present and the need of improving and widening it is not considered to be so urgent as to require this work being taken up in the present stage of financial stringency.

#### HOTELS IN GUJARAT

4989. SHRI NARENDRA SINGH MAHIDA: Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state:

(a) whether there is any proposal to establish hotels in the public sector in Gujarat;

(b) if so, the places selected for the purpose;

(c) whether Government propose to give subsidy to private parties for putting up hotels in Gujarat;

(d) if so, the broad features of the proposal; and

(e) the steps taken for the provision of adequate and suitable accommodation for tourists in Gujarat?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH): (a) The Government have no proposal at present to establish hotels in public sector in Gujarat.

(b) Does not arise.

(c) No subsidy is given, but private hoteliers will be eligible for loans from the Hotel Loan Fund.

(d) Does not arise.

(e) Certain proposals to finance in part rest houses, holiday homes and retiring rooms which have been sent up by the State Government are under consideration.

#### CENTRAL ASSISTANCE FOR GIRLS' EDUCATION

4990. SHRI NARENDRA SINGH MAHIDA: Will the Minister of EDUCATION be pleased to State:

(a) the quantum of Central assistance proposed to be given to the Gujarat State for girls education in the Fourth Plan; and

(b) the allocation made to Gujarat State in 1967-68 for this purpose?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD): (a) Central assistance is allocated Statewise, every year for the head of development "General Education" as a whole and not for each individual scheme separately. As such no separate allocation of funds for Girls' Education alone during Fourth Plan is made.

(b) For the year 1967-68 an amount of Rs. 143.50 lacs has been allocated for Gujarat as Central assistance for the head of development "General Education" and "Technical Education" which *inter alia* includes some assistance for the programmes of Girls' Education.

#### DELHI AND HIMACHAL PRADESH CADRE OF I.A.S.

4991. SHRI NARENDRA SINGH MAHIDA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that Government are contemplating to abolish Delhi and Himachal Pradesh Cadre of the I.A.S. and reconstitute a Union Territories cadre;

(b) if so, the broad outlines of the scheme;

(c) whether it is also a fact that pending the reconstitution of his cadre, the appointment of the existing incumbents of the Delhi and Himachal Pradesh Cadre to the Selection Grade of the I.A.S. has been held in abeyance;

(d) whether Government have received any representations to this effect also; and

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

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) Yes, Sir.

(b) A copy of the scheme has already been laid on the Table of the House, *vide* reply given to part (b) of Unstarred Question No. 4158 on 13th December, 1967.

(c) Yes, Sir.

(d) Yes, Sir.

(e) The question of filling vacancies in the Selection Grade of the IAS Cadre for the Union territories would be considered after appointments to the Cadre at its constitution have been made and seniority of persons appointed to the Cadre at its initial constitution is fixed.

#### STRENGTH OF JUDGES

4992. SHRI M. N. REDDY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the present number of Judges of the Supreme Court of India and as well as the number of permanent Judges of various High Courts in the country;

(b) the approved quota or strength of permanent Judges of various High Courts;

(c) the basis or principles governing the fixation of such strength; and

(d) whether Government propose to review these principles in view of the experience of last few years?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) and (b). A statement is laid on the Table of the House. [*Placed in Library. See No. LT-2094/67.*]

(c) The requirement of permanent Judges in each High Court is determined taking into account the institutions and the rate of disposal in the High Court.

(d) The strength of Judges in the various High Courts is reviewed and re-fixed from time to time, in the light of the state of work.

#### SALARIES OF HIGH COURT JUDGES

4993. SHRI M. N. REDDY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the salaries and free amenities, if any, of the Chief Justice and puisne judges of the Federal Court of India under Government of India Act, 1935;

(b) the salaries and free amenities, if any, of the Chief Justices and Judges of the Presidency High Courts and Allahabad High Court before 1950 and after the enforcement of Government of India Act, 1935;

(c) the changes effected at different times in the salaries of High Court Judges between 1919 to 1950; and

(d) the present rules applicable to leave and pension of Supreme Court and High Court Judges?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :

(a) Chief Justices or Acting Chief Justice .. Rs. 7,000 p.m.  
Any other Judge or an acting Judge .. Rs. 5,500 p.m.  
No free amenities.

(b) and (c). A statement is laid on the Table of the House. [*Placed in Library. See No. LT—2095/67.*]

(d) The leave and pension of Judges of Supreme Court and of High Courts are governed by the provisions of the Supreme Court Judges (Conditions of Service) Act, 1958, and High Court Judges (Conditions of Services) Act, 1954, respectively.

ANDHRA PRADESH OFFICER ON DEPUTATION AT CENTRE

4994. SHRI M. N. REDDY : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of officers of Andhra Pradesh Government on deputation at present in the Central Government category-wise; and

(b) the maximum period of deputation allowed under the rules?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) Information is being collected and will be laid on the Table of the House as soon as possible.

(b) Attention is invited to the answer given to part (d) of the Unstarred Question No. 3139 on 6th December, 1967 in the Lok Sabha.

#### INDIAN SHIPPING

4995. SHRI SRINIBAS MISRA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) the total shipments to and from India during the year 1966-67 and the

total coastal shipments during that period; and

(b) the percentage of Indian share in both the categories?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) and (b). The requisite information is being collected and will be laid on the Table of the Sabha.

#### PAK RAIDS IN ASSAM

4997. SHRI R. R. SINGH DEO :  
SHRI BEDABRATA BARUA :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the number of raids by the East Pakistan Riflemen on the Assam border have increased during the last six months;

(b) whether it is also a fact that Indian villagers were kidnapped recently; and

(c) if so, what step the Government have proposed to get them released?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) No, Sir.

(b) Yes, Sir.

(c) Protests have been lodged with Pakistani authorities. They have been requested in every protest, as well as during periodical border meetings, to control the criminal elements in the border areas and to prevent recurrence of such incidents. Vigilance and patrolling have been intensified. Steps to recover such persons are promptly taken and pursued.

#### केन्द्रीय हिन्दी निदेशालय के तकनीकी कर्मचारी

4999. श्री शिवचरण लाल : क्या शिक्षा मंत्री 29 नवम्बर, 1967 के प्रतारंकित प्रदन संख्या 2273 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय हिन्दी निदेशालय में 1 नवम्बर, 1967 को तकनीकी कर्मचारियों और अनुसूचितीय कर्मचारियों की पृथक्-पृथक् संख्या कितनी थी; और

(ख) कितने तकनीकी कर्मचारी गैर-तकनीकी कार्य कर रहे हैं ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री शेर सिंह) : (क) शैक्षिक और हिन्दी प्रचार कार्य के लिए नियुक्त स्टाफ की संख्या 59 है, जिसे "मिनिस्टीरियल" के नाम से पुकारा जाता है। जो मिनिस्टीरियल स्टाफ लिपिकीय कार्य कर रहा है उसकी संख्या 49 है। शैक्षिक और हिन्दी प्रचार कार्य से सम्बन्धित लिपिकीय कार्य भी इस लिपिकीय स्टाफ द्वारा किया जाता है।

(ख) प्रश्न नहीं उठता।

**EMPLOYMENT OF A GERMAN NATIONAL IN A MAHARASHTRA FIRM**

5000. SHRI RAM CHARAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that a German national who came to India in 1966 on transit visa has been employed by Khandewala Tube Company in Maharashtra in violation of visa instructions; and

(b) if so, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) and (b). Under an agreement between Messrs Mannesmann & Meer AG of West Germany and Messrs Khandelwal Tubes, the former firm who supplied the Tube Mill Plant to the latter, were to provide a German technician for commissioning of the plant. As Mr. Croonenbrock, a technician of the suppliers, happened to be in India at the time of commissioning of the plant, although on a tourist visa, it was decided to authorise him to extend his stay in India for the above mentioned purpose. He, however, left India before the above decision could be implemented.

**CATHOLIC CHARITIES, INDIA NEW DELHI**

5001. SHRI BABURAO PATEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the amounts spent by the Catholic Charities, India, New Delhi, State-wise, for running different agricultural and other projects;

(b) whether the Catholic Charities are contemplating a Rs. 16 lakh scheme in North Arcot and a similar one in Salem in Madras State to be implemented in early 1968 for extending loan facilities to farmers at interest-free rates, for installing pumpsets, sinking wells, providing tractors and giving sheep free to farmers etc;

(c) whether Government are aware of the fact that Mother Lubia and Father Stanislaus Miranda, Christian Missionaries, have similarly purchased 275 acres of paddy-growing land at Vadoli and Talasari in the Thana District of Maharashtra and formed Warli-Adivasi cooperatives, opened churches of "Our Father in Heaven" have already converted over 5000 adivasi Warlis to Christianity out of 40,000 Warlis in the area with bribes of free sheep and paddy growing lands; and

(d) if not, what immediate steps Government propose to take to stop these Christian missionaries from acquiring a permanent foothold in the country by purchasing large agricultural estates in various parts of the country ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). The facts are being ascertained and will be laid on the Table of the House.

(c) It is not a fact that Mother Lubia and Father Stanislaus Miranda have purchased 275 acres of land in Thana District, formed Warli-Adivasi cooperative and opened churches of "Our Father in Heaven". Out of 40,000 total Warlis Adivasis 4,000 have been converted to christianity and further enquiries are being made regarding these conversions.

(d) Does not arise.

**INDIAN ARMS IN POSSESSION OF CHINESE AND PAKISTANI AGENTS IN INDIA**

5002. SHRI BABURAO PATEL :  
SHRI HEM RAJ :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that a large number of cartridges and mortar shells bearing Indian Army markings were recovered from the banks of the Ganga Canal near Roorkee in the second week of September, 1967 and if so, the quantity of the arms recovered and their value;

(b) whether it has come to the notice of Government that such arms are being sold by some of our Army personnel to the Communists, Chinese and Pakistani agents and saboteurs; and

(c) if so, the steps taken by Government in the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) The following ammunition value approximately Rs. 4,600 was recovered from the banks of the Ganga Canal near Roorkee during the period August—November, 1967 :—

1. Ammunition for rifles, etc.	14,866 rounds.
2. Sten Carbine ammunition	1,287 ..
3. Pistol V.I. ammunition	45 ..
4. 2" & 3" Mortar	43 ..
5. Switches	17 ..

(b) and (c). No, Sir. However, the Military Authorities have ordered a Court of Enquiry which is investigating into the matter. Suitable further security measures will be taken on the recommendations of the Court of Enquiry.

#### भुवनेश्वर की घटना

5003. श्री अर्जुन सिंह मधोरिया : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत फरवरी में सामान्य निर्वाचनों के दौरान भुवनेश्वर में हुई एक सार्वजनिक सभा में प्रधान मंत्री श्रीमती इन्दिरा गांधी घायल हो गई थीं;

(ख) उन व्यक्तियों के क्या नाम हैं जिनके सम्बन्ध में अपराध सिद्ध हो चुके हैं;

(ग) इस घटना के लिये कौन सा दल जिम्मेदार है; और

(घ) इस सम्बन्ध में केन्द्रीय सरकार द्वारा क्या कार्यवाही की जा रही है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) जी हाँ, श्रीमान् ।

(ख) और (ग). मामला न्यायाधीन है ।

(घ) इस प्रकार की घटनाओं की पुनरावृत्ति को रोकने के लिये आवश्यक उपाय किये जा रहे हैं ।

#### COMPLAINT AGAINST A MEMBER OF CANADIAN MISSIONARY SOCIETY FOR KIDNAPPING

5004. SHRI UMANATH :  
SHRIMATI SUSEELA  
GOPALAN :  
SHRI A. K. GOPALAN :  
SHRI K. RAMANI :  
SHRI GANESH GHOSH :  
SHRI JYOTIRMOY BASU :  
SHRI BHAGABAN DAS :  
SHRI K. M. ABRAHAM :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received any complaint against a member of the Canadian Missionary Society in Calcutta for kidnapping one Miss Jayashree Bose on the 8th November, 1967;

(b) whether Government have taken up the matter with the Canadian High Commission; and

(c) the steps taken by Government to check such activities of foreign missionaries ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) to (c). It is reported that Miss Bose was kidnapped by some unknown persons but as no formal complaint was lodged, it is not possible to take any action in the matter.

#### INCIDENT IN FRONT OF CHINESE EMBASSY ON THE 1ST OCTOBER, 1967

5005. SHRI B. K. MODAK :  
SHRI P. P. ESTHOSE :  
SHRI BHAGABAN DAS :  
SHRI K. M. ABRAHAM :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Prime Minister has received any representation regarding the incident on the 1st October in front of the Chinese Embassy from one Shri Haas Raj Rabber;



(b) if so, whether Government have investigated into the matter; and

(c) the steps taken on the findings ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Yes, Sir.

(b) and (c). No incident as alleged in the representation occurred in front of the Chinese Embassy. The allegations are baseless and no investigation is considered necessary.

#### NEPALI INTRUSIONS

5006. SHRI R. S. VIDYARTHI : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether any case of Nepali soldiers intruding into the Indian territory has come to the notice of Government recently;

(b) if so, the details thereof; and

(c) the action taken to protect the borders ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) No, Sir.

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

#### MEMORIALS OF NATIONAL LEADERS

5007. SHRI MRITYUNJAY PRASAD : Will the Minister of EDUCATION be pleased to state :

(a) the names of places in Delhi and outside Delhi where Government have constructed or helped the States to construct the memorials of the National Leaders;

(b) the amount incurred so far on the construction of the memorials at Rajghat, Shantivana, Teen Murti Bhavan, Vijay Ghat, Buddha Garden and Ravindra Bhavan;

(c) the amount still to be incurred for completing construction plan of each one of them; and

(d) the amount incurred annually on their maintenance and repairs ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) to (d). Information is being collected and will be laid on the Table of the Sabha.

#### राष्ट्रीय नेताओं के स्मारक

5008. श्री मृत्युंजय प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली तथा दिल्ली के बाहर उन स्थानों के नाम क्या हैं जहां भारत सरकार ने स्वर्गीय पंडित मोतीलाल नेहरू, पंडित मदन मोहन मालवीय, लाला लाजपत राय, लोकमान्य तिलक, डा० राजेन्द्र प्रसाद, नेताजी सुभाष चन्द्र बोस, देशबन्धु चित्तरंजन दास, श्रीमती सरोजनी नायडू, श्री दादाभाई नौरोजी आदि के स्मारक बनाये हैं अथवा उनके निर्माण की सहायता की है; और

(ख) क्या उक्त राष्ट्रीय नेताओं के स्मारक बनाने अथवा उन के निर्माण में सहायता करने की कोई योजनायें सरकार के विचाराधीन हैं अथवा उनकी स्वीकृति दी गई है ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री शेर सिंह) : (क) और (ख). सूचना एकत्र की जा रही है और सभा पटल पर रख दी जायगी ।

#### बलिया (उत्तर प्रदेश) में खेती

5009. श्री चन्द्रिका प्रसाद : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को मालूम है कि बिहार सरकार बलिया, उत्तर प्रदेश के लोगों को उस भूमि पर खेती करने से रोक रही है जो नदी के मार्ग परिवर्तन के कारण गंगा नदी के दूसरी ओर हो गई है; और

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

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बिद्या चरण शुक्ल) : (क) सरकार को बिहार सरकार द्वारा की गई ऐसी किसी कार्यवाही का ज्ञान नहीं है। उत्तर प्रदेश की सरकार से परामर्श किया गया था। उन्होंने भी यही

बताया है कि उन्हें इस प्रकार की किसी कार्यवाही की कोई सूचना नहीं मिली।

(ख) प्रश्न ही नहीं उठता।

NATIONAL ACADEMY OF ADMINISTRATION,  
MUSSOORIE

5010. SHRI P. VISWAMBHARAN :  
Will the Minister of HOME AFFAIRS be  
pleased to state :

(a) the number of horses maintained in  
the National Academy of Administration,  
Mussoorie; and

(b) the average monthly expenditure per  
horse ?

THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS (SHRI  
VIDYA CHARAN SHUKLA) : (a)  
Thirty, Sir.

(b) During the months of June to Nov-  
ember, 1967, average monthly expenditure  
per horse was approximately Rs. 360/-

केन्द्रीय सरकार में प्रतिनियुक्ति पर राज्य  
सरकार के अधिकारी

5011. श्री मोलहू प्रसाद : क्या गृह-  
कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय राज्य सरकारों के  
कितने अधिकारी केन्द्रीय सरकार की सेवा  
में प्रतिनियुक्ति पर हैं;

(ख) उन में से कितने दो वर्ष से अधिक  
समय से केन्द्रीय सरकार के अधीन सेवा कर  
रहे हैं ;

(ग) क्या यह भी सच है कि राज्य सर-  
कारों ने केन्द्रीय सरकार से उन अधिका-  
रियों को सम्बन्धित राज्यों में वापिस भेजने  
के लिये निवेदन किया है; और

(घ) यदि हां, तो इस बारे में सरकार  
की प्रतिक्रिया क्या है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री  
बिद्या चरण शुकल) : (क) से (घ).  
सूचना एकत्रित की जा रही है और यथाशीघ्र  
सदन के सभा-पटल पर रख दी जायेगी।

L103LSS/67-3

भूतपूर्व नरेशों के शस्त्रों पर कर की  
छूट

5012. श्री शशि भूषण बाजपेयी : क्या  
गृह-कार्य मंत्री यह बताने की कृपा करेंगे  
कि :

(क) क्या यह सच है कि भूतपूर्व नरेशों  
द्वारा आयात किये गये शस्त्रों (पिस्तौलों,  
बन्दूकों आदि) पर कर की छूट दी जाती  
है ;

(ख) यदि हां, तो उसके क्या कारण  
हैं; और

(ग) जिन भूतपूर्व नरेशों ने ऐसे शस्त्र  
आयात किये हैं उनकी कुल संख्या कितनी  
है और इस प्रकार कुल कितने कर की छूट  
दी गई है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) और (ख). भारतीय रियासतों के  
उन भूतपूर्व नरेशों के बारे में, जिन्हें 19 या  
उस से अधिक तोपों की सलामी प्राप्त करने  
का स्थायी अधिकार था, स्वीकृत व्यक्तिगत  
विशेषाधिकारों में से एक यह है कि उन्हें  
सीमा-शुल्क दिये बिना अपने व्यक्तिगत  
उपयोग के लिये वस्तुएं आयात करने का अधि-  
कार है जिनमें शस्त्र भी शामिल हैं।

(ग) 1966 के दौरान दो नरेशों ने ऐसे  
शस्त्र आयात किये और कर के रूप में उन्हें  
6,191 रुपये की छूट दी गई।

SINO-PAKISTAN SPYING ACTIVITY

5013. SHRI KANWAR LAL  
GUPTA :  
SHRI SAMAR GUHA :

Will the Minister of HOME AFFAIRS  
be pleased to state :

(a) whether it is a fact that the arrest  
of a Pakistani Spy at Dhubri in Goalpara  
District on the 12th November, 1967 has  
yielded clues to Sino-Pakistani spying ac-  
tivities in Assam and in some other border  
States;

(b) if so, the details thereof;

(c) whether it is a fact that some Pakistanis took training of spying through Chinese experts;

(d) if so, the details thereof; and

(e) the action Government proposes to take against such activities ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) and (b). One Pak national who was loitering in suspicious circumstances, was arrested on the night of 11th/12th November, 1967 at Dhubri Railway Station. An Indian national was also arrested in this connection. The case is still under investigation. A case under the Arms Act has also been started against the Pak national for the possession of an unlicensed revolver.

(c) The Government have no information.

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

**RELEASE OF DOCUMENTS ON TRANSFER OF POWER BY THE BRITISH**

**5014. SHRI HUKAM CHAND KACHWAI :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware of a remark in the book, "The Last Days of British Raj" by Leonard Mosley that "official documents dealing with the transfer to power in India will not be officially released until 1999"; and

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

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) :** (a) Yes, Sir.

(b) Presumably the reference is to the official documents of the British Government about which the Government of India have no information.

**REORGANISATION OF ASSAM**

**5015. SHRI MADHU LIMAYE :  
DR. RANEN SEN :  
SHRI HARDAYAL DEVGUN :**

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have taken a

final decision in regard to the re-organisation of the State of Assam;

(b) if so, the details thereof; and

(c) when the plan will be implemented ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) No, Sir.

(b) Does not arise.

(c) Government are examining the matter further with a view to evolving a basis for reorganisation of Assam acceptable to all sections of the people. In view of this it is not possible at this stage to indicate the time when any plan or scheme for re-organisation of Assam could be implemented.

**PAKISTANI INTRUSION IN GOALPARA DISTRICT**

**5016. SHRI MAYAVAN :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that 12 Pakistani nationals trespassed into Satharithari village in Goalpara near Assam-East Pakistan border;

(b) if so, whether it is a fact that Pakistani nationals were fishing at a pond forcibly and illegally;

(c) whether it is also a fact that on the 18th November, 1967, a mail runner was kidnapped by Pakistani forces; and

(d) the steps taken by Government to check activities of Pakistanis on the Assam-East Pakistan border ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) and (b). Yes, Sir. On 19-11-67 about 10/12 Pakistani nationals trespassed into an Indian village under P. S. Mankachar, District Goalpara, and started fishing in a pond. Civil police intervened and when Pakistanis offered defiance fired two shots. The intruders thereupon retreated to Pakistan.

(c) No, Sir.

(d) Vigilance is being maintained and border patrolling has been intensified.

**PROTEST BY WORLD FEDERATION OF TRADE UNIONS**

**5017. SHRI YASHPAL SINGH :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the World Federation of Trade Unions has protested against the attack on democratic rights of the Indian People after the dismissal of the West Bengal Ministry; and

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

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Yes, Sir.

(b) The developments in West Bengal are purely internal matters with which organisations outside the country have no connection.

नागालैंड में विदेशी धर्मप्रचारक

5018. श्री शशि भूषण बाजपेयी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने विदेशी धर्म-प्रचारकों के नागालैंड में घुसने पर प्रति-बन्ध लगाने के बारे में कोई आदेश जारी किया है;

(ख) यदि हां, तो कब; और

(ग) इस समय नागालैंड में कितने धर्मप्रचारक कार्य कर रहे हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री विद्या चरण शुक्ल) : (क) और (ख). नागालैंड विदेशी (सुरक्षित क्षेत्र) आदेश 1958 के अधीन सुरक्षित क्षेत्र है। किसी भी विदेशी को, जिनमें धर्म प्रचारक भी शामिल हैं, जो ऐसे क्षेत्र में प्रवेश करना या रहना चाहता हो निर्धारित प्राधिकारियों से अनुमति प्राप्त करनी पड़ती है।

(ग) उपलब्ध सूचना के अनुसार नागालैंड में इस समय मौजूद विदेशी धर्म-प्रचारकों की संख्या 7 है।

केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी भण्डार, दिल्ली

5019. श्री निहाल सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि केन्द्रीय सरकारी कर्मचारी उपभोक्ता सहकारी भण्डार, नई दिल्ली में सभी वस्तुओं पर समान विक्री कर नहीं लिया जाता है;

(ख) यदि हां, तो इसके क्या कारण हैं; और

(ग) इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में उप-मंत्री (श्री के. एस. रामास्वामी) : (क) से (ग). दिल्ली प्रशासन द्वारा नियत किये हुए विक्री कर की दरों के शीड्यूल के अनुसार विक्री कर लिया जाता है। कर की दरें निम्न-निम्न वस्तुओं के लिये निम्न-निम्न हैं।

VACANCIES IN HARYANA AND PUNJAB HIGH COURT

5020. SHRI SHRI CHAND GOEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of vacancies on the Bench of the Punjab and Haryana High Court at present;

(b) since how long the vacancies have been existing; and

(c) the reasons for the delay in filling them up and the likely date by which they will be filled up ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Five vacancies of Additional Judge.

(b) One vacancy arose on 30th May, 1966, another on 30th March, 1967, and a third on 27th September, 1967. The remaining two vacancies were in posts created in July, 1965, in the former Punjab High Court which were left unfilled because of the decision for the creation of a separate High Court for Delhi.

(c) The need to fill the vacancies has been impressed on the State authorities and proposals for appointment are awaited from them.

JOBS FOR ARCHITECTS

5021. SHRI MANIBHAI J. PATEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether his attention has been drawn to the statement made by the President of the Indian Institute of Architects recently about a serious lack of proper job opportunities for architects in the country and their consequential migration abroad; and

(b) if so, the remedial steps proposed to be taken by Government to enable them to serve the community by absorbing them suitably in the country?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : (a) and (b). Yes, Sir. Such information as is available indicates that there has been some deterioration in the employment prospects for architects. This is generally due to the slackening in the pace of construction activity during the last few years. It is to be expected that the position will improve as the economy recovers.

The facilities of the Scientists' Pool are available to architects as to other highly qualified and experienced Indian scientists and technical personnel.

SEIZURE OF ARMS AND AMMUNITIONS FROM A MANIPUR M.L.A.

5022. SHRI M. MEGHACHANDRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that a case (under the Arms Act) was pending against Sri Demjalam Kipgen, MLA of Manipur and he was arrested by the Police at the Bishenpur Police Gate while moving towards Churachandpur in a vehicle with a huge collection of arms including a large number of unlicensed guns and ammunitions;

(b) whether it is also a fact that his case went up to the court of the Judicial Commissioner, Manipur and the court has remanded the case for trial afresh;

(c) whether it is also a fact that the case is kept pending for a number of years; and

(d) if so, the reason for not taking up the case for so long a period?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) Yes,

Sir. Shri Demjalam Kipgen along with some others was arrested for carrying some unlicensed guns and ammunition.

(b) Yes, Sir.

(c) The case is pending since November 1964.

(d) The reasons for not taking up the case are being gone into.

CALCUTTA-HALDIA ROAD LINK

5023. SHRI S. C. SAMANTA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) the steps taken to provide a second road link between Calcutta and Haldia via Kolaghat which will be a shorter route and can be effected by extending the National Highway No. 6 from Kolaghat to Haldia;

(b) whether it is a fact that the State Government of West Bengal was asked to acquire land for the purpose; and

(c) whether it is also a fact that all preliminaries were done by the State Government long before but final order was not passed?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) : (a) It has been decided recently to include the road connecting Kolaghat on National Highway No. 6 with Haldia Port in the National Highway System and to finance the development of this road from National Highway funds.

(b) and (c). The Haldia link road is a new project, involving a total capital liability of over Rs. 4 crores and needed examination in detail before final acceptance by the Government of India. Before the completion of this examination, the State Government could not be asked, and were not asked, to take action either towards land acquisition or any other preliminaries involving financial liability. They were, however, reported to have been taking action, on their own, in regard to both these items in anticipation of the approval of the Government of India.

पश्चिम बंगाल वाणिज्यिक कर कार्यालय  
के निकट बम का पाया जाना

5024. श्री प्रकाशवीर शास्त्री :  
श्री रामाबतार शर्मा :  
डा० सूर्य प्रकाश पुरी :  
श्री क० मा० कौशिक :

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

(क) क्या यह सच है कि पूर्व कलकत्ता में बोनियाघाट के पास पश्चिम बंगाल वाणिज्यिक कर कार्यालय के निकट मिट्टी खोद कर काफी विस्फोटक शक्तिवाला एक टाइम बम पाया गया था;

(ख) क्या सरकार ने इस सम्बन्ध में राज्य सरकार से कोई विस्तृत रिपोर्ट मांगी है तथा क्या इस घटना में किसी विदेशी शक्ति का हाथ होने का प्रमाण मिला है; और

(ग) यदि हां, तो तत्सम्बन्धी व्यौरा क्या है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री विद्या चरण शुक्ल) : (क) से (ग). जी नहीं, श्रीमान् । मामूली आतिशबाजी की किस्म का एक सुतली के धागे वाला पटाखा कर्माशियल टैक्सेशन बिल्डिंग के पश्चिम की ओर एक खुले प्लाट पर राख के ढेर पर मिला था । सम्बन्धित पुलिस मजिस्ट्रेट से अनुमति प्राप्त करने के बाद उसे नष्ट कर दिया गया ।

भूतपूर्व नरेशों की निजी धूलियां

5025. श्री रघुबीर सिंह शास्त्री :  
श्री हेम बहआ :  
श्री स० चं० सामन्त :

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

(क) क्या यह सच है कि भूतपूर्व नरेशों की निजी धूलियां देना बन्द करने के बारे में बातचीत करने के लिये उन्होंने दिसम्बर,

1967 के पहले सप्ताह में कुछ भूतपूर्व नरेशों को आमंत्रित किया था;

(ख) यदि हां, तो जो बातचीत हुई उसका व्यौरा क्या है; और

(ग) इस मामले में क्या अन्तिम निर्णय किया गया है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) भारतीय रियासत के भूतपूर्व नरेशों के साथ दिसम्बर के प्रथम सप्ताह में कोई बातचीत नहीं हुई थी ।

(ख) प्रश्न ही नहीं उठता ।

(ग) अभी तक निर्णय नहीं किया गया है ।

पंचायती राज संस्थाओं का अध्ययन

5026. श्री रघुबीर सिंह शास्त्री :  
क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) भारतीय लोक प्रशासन संस्था ने प्रशासनिक सुधार आयोग की ओर से देश के विभिन्न भागों में पंचायती राज संस्थाओं के सम्बन्ध में अध्ययन किया है;

(ख) यदि हां, तो क्या निष्कर्ष निकला है; और

(ग) इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री विद्या चरण शुक्ल) : (क) से (ग). इंडियन इंस्टीट्यूट ऑफ पब्लिक एडमिनिस्ट्रेशन ने 'पंचायती राज संस्थानों पर नियन्त्रण तथा देखरेख के तरीकों' के बारे में मद्रास, महाराष्ट्र तथा राजस्थान में प्रशासनिक सुधार आयोग के लिये अध्ययन किया था तथा आयोग को अपना प्रतिवेदन प्रस्तुत किया था । यह प्रतिवेदन आयोग के विचाराधीन है, अतः शासन द्वारा उक्त प्रतिवेदन पर अभी कोई कार्यवाही किये जाने का प्रश्न नहीं उठता ।

विदेशी पर्यटकों के लिये होटल

5027. श्री महाराज सिंह भारती : क्या पर्यटन तथा असेनिक उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) गत दस वर्षों में केन्द्रीय सहायता से देश में विदेशी पर्यटकों के लिये कितने होटल बनाये गये हैं;

(ख) गत दस वर्षों में प्रति वर्ष उन होटलों में कितने भारतीय तथा कितने विदेशी पर्यटक ठहरे हैं; और

(ग) क्या कोई ऐसा भी होटल है जिस में केवल विदेशी पर्यटकों को ही ठहरने दिया जाता है ?

पर्यटन तथा असेनिक उद्योग मंत्री (डा० कर्ण सिंह) : (क) पिछले दस वर्षों में, नई दिल्ली में दो होटलों, रणजीत ग्रीर लोधी, का निर्माण किया गया और वे सरकार द्वारा चलाये जा रहे हैं। सरकार ने इसी दौरान उदयपुर में लक्ष्मी विलास पैलेस होटल भी खरीदा है जोकि भारत पर्यटन विकास निगम द्वारा जोकि एक सरकारी क्षेत्र का उद्यम है, चलाया जा रहा है। लेकिन ये केवल मात्र विदेशी पर्यटकों के लिये नहीं है।

(ख) अपेक्षित सूचना इकट्ठी की जा रही है और सभा-घटल पर रख दी जायगी।

(ग) जी, नहीं। देश में ये सभी होटल विदेशी पर्यटकों सहित सभी व्यक्तियों के लिए खुले हैं।

#### TEXT BOOKS AT CHEAP RATES

5028. SHRI S. M. BANERJEE : Will the Minister of EDUCATION be pleased to state :

(a) whether any scheme has been chalked out to make education less expensive; and

(b) if so, the salient features of this scheme ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a) and (b). A scheme regarding supply of free books

to children at Primary stage and building up of textbook libraries at the Middle and Secondary stage is under consideration.

#### BOOK BANKS

5029. SHRI YAJNA DATT SHARMA : Will the Minister of EDUCATION be pleased to state :

(a) whether Government propose to open book banks in schools in the country to help poor students; and

(b) if so, the details of the proposal and the time likely to be taken to give effect to the proposals ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a) and (b).

A scheme regarding supply of Free Books to poor and needy Children at Primary Stage and building up of Text-Book Libraries at the Secondary stage is under consideration of the Government of India.

अनिवार्य विषय के रूप में अंग्रेजी

5030. श्री यशवन्त सिंह कुशावाह : क्या शिक्षा मंत्री 12 जुलाई, 1967 के अतारांकित प्रश्न संख्या 5423 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश, मध्य प्रदेश, और बिहार आदि राज्यों में शिक्षा संस्थाओं में अंग्रेजी को अनिवार्य विषय के रूप में जारी न रखने से सम्बन्धित जानकारी इस बीच प्राप्त करली गई है; और

(ख) यदि हां, तो उसका व्यौरा क्या है ?

शिक्षा मंत्रालय में राज्य मंत्री (श्री भागवत झा आजाद) : (क) जी हां।

(ख) बिहार तथा उत्तर प्रदेश सरकारों ने माध्यमिक स्तर पर अंग्रेजी का वैकल्पिक अध्ययन करने का निश्चय किया है। मध्य प्रदेश सरकार द्वारा ऐसा कोई निर्णय नहीं किया गया है।

## ACTIVITIES OF AN AMERICAN MISSIONARY

5031. SHRI BABURAO PATEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) how long has Rev. Railley, an American Missionary been in India and the number of missionaries working with him with the name of his mission;

(b) the number of foreign missionaries in Bihar, country-wise, and the names of missions and places where they operate; and

(c) the precise steps Government have taken to check the activities of certain Christian missionaries ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) Rev. Reilley, who is in fact an Australian national, belongs to the Society of Jesus. Further information is being collected and will be laid on the Table of the House.

(b) A statement showing nationality-wise the number in Bihar of registered foreign missionaries as on 1-1-1967 and Commonwealth missionaries as on 1-6-1967 is laid on the Table of the House. [Placed in Library. See No. LT—2096/67]. Further information is being collected and will be laid on the Table of the House.

(c) Government have sufficient powers under the Foreigners Act, 1946, and the Rules and Orders made thereunder. Suitable action has been/is being taken against foreigners, including missionaries, who come to notice for anti-national or objectionable activities.

दिल्ली में स्पिरिट का पकड़ा जाना

5032. श्री निहाल सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 23 नवम्बर, 1967 के हिन्दुस्तान में प्रकाशित यह समाचार सही है कि दिल्ली में एक ट्रक से 3,600 लिटर रेक्टिफाईड स्पिरिट पकड़ी गई थी;

(ख) यदि हां, तो यह स्पिरिट कहां से लाई गई थी; और

(ग) इस सम्बन्ध में कितने व्यक्तियों के विरुद्ध कार्यवाही की गई है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बिष्णाचरण शुक्ल) : (क) जी हां, श्रीमान् । किन्तु जो रेक्टिफाईड स्पिरिट पकड़ी गई थी उसका परिमाण 2600 लिटर था ।

(ख) और (ग). दो व्यक्ति गिरफ्तार किये गये और उनके विरुद्ध भ्रामकारी अभिनियम के अधीन मामला दर्ज किया गया । मामले की अभी तक जांच चल रही है ।

दिल्ली में मोटरों तथा स्कूटरों के टायरों तथा ट्यूबों की चोरी

5033. श्री निहाल सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मोटरों और स्कूटरों के टायरों और ट्यूबों की कमी के कारण दिल्ली में इन की चोरी की घटनायें बढ़ गई हैं; और

(ख) पिछले छः महीनों में टायरों और ट्यूबों की चोरी के आरोप में पकड़े गये लोगों की संख्या कितनी है और उन के विरुद्ध क्या कार्यवाही की गई है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बिष्णा चरण शुक्ल) : (क) जी नहीं, श्रीमान् ।

(ख) पिछले छः महीनों के दौरान टायरों और ट्यूबों की चोरी के अपराध में तीस व्यक्ति गिरफ्तार किये गये थे । उन में से 11 व्यक्तियों के ज्वलान किये गये और 17 व्यक्तियों के विरुद्ध मामलों में जांच बाकी है । दो व्यक्तियों को बरी कर दिया गया ।

पाकिस्तानी जासूस की गिरफ्तारी

5034. श्री निहाल सिंह : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हाल ही में कामरूप जिले में एक रसोइये के रूप में



एक जासूस-गिरफ्तार [किया गया था] जैसा कि 24 नवम्बर, 1967 के 'हिन्दुस्तान' में छपा है;

(ख) यदि हाँ, तो इस बारे में सरकार ने क्या कार्यवाही की है; और

(ग) पिछले छः महीनों में आसाम, बंगाल तथा पंजाब के राज्यों की सीमाओं पर कितने जासूस गिरफ्तार किये गये और उनके विरुद्ध क्या कार्यवाही की गई है ?

गृह-कार्य-मंत्री (श्री यशवन्त राव चव्हाण):  
(क) और (ख) कामरूप जिला में ऐसी कोई गिरफ्तारी नहीं की गई थी ?

राज्य का नाम	जून से नवम्बर, 1967 तक गिरफ्तार जासूस	की गई कार्यवाही
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आसाम	6	4 को भारत प्रति-रक्षा नियमों के अधीन नजरबन्द किया गया; और दो के मामलों की जांच की जा रही है।
पंजाब	20	अधिकतर मामलों की जांच जारी है।
पश्चिम बंगाल	4	जांच की जा रही है।

#### ANTI-NATIONAL ARTICLE IN "RADIANCE" WEEKLY

5035. SHRI BENI SHANKER SHARMA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that an article was published in a local weekly "Radiance" dated the 22nd October, 1967, wherein our valiant Jawans of the Indian Army have been attacked in a most disgraceful and insulting language;

(b) whether it is also a fact that similar remarks were made about Judges of the Supreme Court of India in an article published in a Lucknow weekly "Albaas-el-Islam"; and

(c) if so, the action taken against these magazines ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) The article captioned "More Light on the Ranchi Riots" has come to the notice of Government.

(b) Information is being collected from the State Government.

(c) Since the disturbances at Ranchi and Hatia are being enquired into by a Commission of Enquiry, the Government would prefer to await the report of the Commission.

#### MILE-POSTS

5036. SHRI BENI SHANKER SHARMA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) when the decision to convert the mile-posts on Highways into kilometre-posts was taken; and

(b) the cost of such conversion up-to-date and the mile-posts converted so far including road mileage ?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) : (a) August, 1961.

(b) The required information is being collected and will be laid on the Table of the Sabha in due course.

#### REMODELLING OF MAJOR PORTS

5037. SHRI S. KUNDU : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether the Ministry have any schemes to remodel the existing major ports in order to fit in the big ships ordered by the Ministry abroad; and

(b) if so, the nature of the schemes and names of such ports ?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) :

(a) Yes, Sir.

(b) Provision has been made in the draft outline of the Fourth Five Year Plan of major ports for schemes designed to cater to the requirements of big size and deep-draft ships. The schemes are as follows :—

A new Dock System with 7 berths, and an oil jetty are under construction at Haldia near Calcutta Port.

*At Bombay*, the Dock Expansion Scheme and Ballard Pier Extension Scheme, designed to add 8 berths, are in progress. A scheme has been formulated for improving the berthing capacity of the breasting dolphins of the oil tanker berths at Butcher Island. The feasibility of setting up a satellite port to Bombay Port on the eastern side of the existing harbour is being studied by the Consultants of the Bombay Port Trust as part of the preparation of a Master Plan for the future development of the Port.

*At Madras*, an outer harbour (ore-cum oil dock) is under construction.

*At Cochin*, the feasibility of constructing an off-shore terminal is proposed to be investigated.

The feasibility of providing additional facilities at *Visakhapatnam* or constructing a new harbour in the vicinity or providing an off-shore terminal in the region to cater

to large scale exports of iron ore is under investigation.

*At Kandla*, the question of constructing a sixth cargo berth is under consideration.

*At Mormugao*, the provision of an ore pier with modern mechanical handling facilities and a mineral oil jetty is under consideration.

*At Paradip*, the question of developing the Port to cater to vessels of 60,000 DWT is proposed to be considered as part of the second stage development of the Port.

#### ORISSA HIGH COURT

5038. SHRI S. KUNDU : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether his Ministry is aware that the Orissa High Court is functioning with less number of judges for the last five years; and

(b) if so, the steps taken to appoint new judges to fill the prescribed quota of five judges for the said High Court ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b).

The Orissa High Court had been functioning with less number of Judges as the quantum of work in the High Court did not justify the appointment of more Judges. Since, of late, the work in the High Court has increased, the strength of Judges was augmented recently by the appointment of one Additional Judge and one more permanent Judge will be appointed shortly, thus raising the strength to five permanent Judges and one Additional Judge.

#### DEVELOPMENT OF CHANDIPORE AS A TOURIST CENTRE

5039. SHRI S. KUNDU : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether his Ministry has any scheme to develop Chandipore-on-Sea in Orissa at Balasore as a tourist centre;

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

(c) if not, whether his Ministry proposes to investigate the feasibility of any such scheme ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) No, Sir.

(b) Does not arise.

(c) As funds are not likely to be available during the next few years for a Project of this nature, there is no proposal to investigate its feasibility.

#### DREDGING EQUIPMENT

5040. SHRI C. JANARDHANAN : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether there is any proposal under consideration of the Economic Commission for Asia and Far East to create a regional pool of dredging equipments to help the countries of the ECAFE region; and

(b) if so, the details thereof ?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) and (b). The question of constitution of a regional pool of dredging equipment to help countries of the ECAFE region was considered by the Water Transport Sub-Committee of the Transport & Communications Committee of the ECAFE at its eighth session held at Bangkok in October-November 1967. The Sub-Committee decided to defer further consideration of the question pending the collection by the ECAFE of basic information from the member countries relating to their dredging activities, their available dredging equipment and a firm programme of their dredging requirements with the quantum involved for a stipulated period of time.

मध्य प्रदेश में पर्यटन केन्द्र

5041. श्री गं० च० दीक्षित : क्या पर्यटन तथा असेनिक उड्डयन मंत्री यह बताने की कृपा करेंगे कि :

(क) चौथी पंचवर्षीय योजना में मध्य प्रदेश में पर्यटन केन्द्रों का विकास करने के लिये उस राज्य के लिये कितनी राशि नियत की गई है; और

(ख) इस सम्बन्ध में बनाये गये कार्यक्रम का व्यौरा क्या है ?

पर्यटन तथा असेनिक उड्डयन मंत्री (डा० कर्ण सिंह) : (क) और (ख). चौथी पंचवर्षीय योजना में केन्द्रीय तथा राज्य सैक्टरों में पर्यटन केन्द्रों के विकास के लिये मध्य प्रदेश के लिये 80.40 लाख रुपये की राशि नियत की गई। इस राशि का व्यौरा विवरण में दिया गया है जो सभा पटल पर रखा गया है। [पुस्तकालय में रखा गया है। देखिये संख्या LT-2097 /67]।

मध्य प्रदेश में विदेशी पर्यटक

5042. श्री गं० च० दीक्षित : क्या पर्यटन तथा असेनिक उड्डयन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या गत तीन वर्षों में मध्य प्रदेश की यात्रा करने वाले पर्यटकों की संख्या में कोई कमी हुई है ;

(ख) यदि हां, तो उसके क्या कारण हैं; और

(ग) इस मामले में क्या उपचारात्मक कार्यवाही की गई है अथवा करने का विचार है ?

पर्यटन तथा असेनिक उड्डयन मंत्री (डा० कर्ण सिंह) : (क) पर्यटन विभाग अलग-अलग पर्यटन केन्द्रों अथवा राज्यों के बारे में पर्यटक आंकड़े नहीं रखता। तथापि राज्य सरकार तथा भारत के पुरातत्व सर्वेक्षण विभाग से उपलब्ध (स्मारकों पर प्रवेश टिकटों की बिल्ली पर आधारित) सूचना से पता चलता है कि मध्य प्रदेश में महत्वपूर्ण पर्यटन केन्द्रों पर आने वाले पर्यटकों की संख्या में कोई ह्रास नहीं हुआ है।

(ख) और (ग). प्रश्न नहीं उठते।

TREATMENT MET OUT TO MISS MANUBAHEN BY ANDHRA GOVERNMENT

5043. SHRI G. C. DIXIT : Will the Minister of EDUCATION be pleased to state :

(a) whether Government's attention has been drawn to a news item appearing in the Statesman dated 21st November, 1967 that Miss Minaben Gandhi, grand-daughter of Mahatma Gandhi, who was on a country-wide tour under an assignment from the Union Education Ministry to spread the message of Gandhiji among the school children bitterly complained about the treatment meted out to her by the Andhra Government's Education Department; and

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

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) Yes, Sir. The reference is, however, to Miss Manubaben Gandhi.

(b) The position is being ascertained from the State Government.

#### मध्य प्रदेश के विद्यार्थियों को छात्रवृत्तियाँ

5044. श्री गं० ख० बीक्षित : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश के कितने विद्यार्थियों ने 1965-66 और 1966-67 में विदेशी छात्रवृत्तियों के लिये आवेदन-पत्र भेजे; और

(ख) उन में से कितने विद्यार्थियों को वास्तव में छात्रवृत्तियाँ प्राप्त हुईं और वे विदेशों में गये ?

शिक्षा मंत्रालय में राज्य मंत्री (श्री शेर सिंह) : (क) और (ख). छात्रवृत्तियों के आवेदन-पत्रों के राज्यवार आंकड़े नहीं रखे गए हैं क्योंकि योग्यता के सम्बन्ध में अखिल भारतीय आधार पर चुनाव किए जाते हैं। फिर भी मध्य प्रदेश से चुने गए तथा बाहर भेजे गए विद्यार्थियों की संख्या नीचे दी जाती है:—

वर्ष	चुने गए	बाहर भेजे गए
1965-66 . . .	18	16
1966-67 . . .	16	14

#### सड़क परिवहन सुविधाओं के लिये मध्य प्रदेश को धन नियतन

5045. श्री गं० ख० बीक्षित : क्या परिवहन तथा नौवहन मंत्री यह बताने की कृपा करेंगे कि

(क) क्या केन्द्रीय सरकार ने मध्य प्रदेश सरकार को 1967-68 में सड़क परिवहन सुविधाओं के विकास के लिये कोई आवंटन किया है; और

(ख) यदि ऐसा है तो कितनी राशि आवंटित की गई है और अब तक कितनी सड़क परिवहन सुविधायें दी गई हैं ?

परिवहन तथा नौवहन मंत्रालय में उप-मंत्री (श्री भक्त दर्शन) : (क) और (ख). सन् 1967-68 में मध्य प्रदेश राज्य सड़क परिवहन निगम में पूंजी-लगाने के लिये रेल मंत्रालय द्वारा 30 लाख रुपये की व्यवस्था की गई है। किन्तु अभी तक कोई भी धन राशि उपलब्ध नहीं की गई है।

वर्ष के दौरान में की गई सड़क-परिवहन की सुविधाओं के बार में राज्य सरकार से सूचना प्राप्त की जा रही है और प्राप्त होने पर सभा-पटल पर रख दी जायगी।

#### PUBLICITY TO ATTRACT FOREIGN TOURISTS

5046. SHRI D. C. SHARMA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that a very small number of foreign tourists are attracted towards India due to inadequate publicity abroad; and

(b) if so, the steps taken or proposed to be taken in the matter ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). Though there has been an increase in the number of foreign tourists visiting India in recent years, this number is still small compared to the tourist potential of the country. To attract more tourists, it is necessary to improve

tourist publicity abroad and also simultaneously to improve the facilities available within the country for the tourists. Efforts are being made in both these directions, subject to the resources available for these purposes. In the matter of publicity abroad, steps are being taken to ensure closer co-ordination with Air-India Offices and our Embassies abroad in the promotion of tourist travel to India.

#### LIAISON BODY FOR KASHMIR'S ECONOMIC DEVELOPMENT

5047. SHRI D. C. SHARMA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether a liaison body for Kashmir's economic development has been constituted recently; and

(b) if so, the details thereof ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). It has been decided that a Committee consisting of the Minister of Revenue and Expenditure, Minister of State for Industrial Development and Company Affairs and Minister of State for Communications, should regularly review the progress of the development schemes of Jammu and Kashmir.

#### TRAVEL AGENTS

5048. SHRI D. C. SHARMA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to refer to the reply given to Starred Question No. 459 on the 14th August, 1967 in the Rajya Sabha and state :

(a) the reasons justifying the payment of 10 per cent commission to the Travel Agents by the Guides;

(b) whether it is a fact that in allowing the Travel Agents to get 10 per cent commission from the guides, the latter were not consulted;

(c) whether it is also a fact that in the package deals, the amount charged by the Travel Agents from the tourists for payment to the Guides for their services is already more than what they are actually paid afterwards by the guide; and

(d) if so, the steps being taken to protect the interests of Guides ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) Travel Agents, being servicing agents, insist on 10% commission from all agencies offering services to their clients including guides.

(b) Yes, Sir.

(c) The costing of a package tour by a travel agent is done on an overall basis of all their services including establishment charges etc. A precise breakdown of the price charged for such tours to indicate the cost of engaging guides is not possible.

(d) While guide fees were revised the element of commission paid to travel agencies was taken into account and the guide fees were proportionately enhanced.

#### "TOURIST GUIDES"

5049. SHRI D. C. SHARMA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to refer to the reply given to Starred Question No. 459 on the 14th August, 1967 in the Rajya Sabha and state :

(a) whether it is a fact that while the Dearness Allowance of all lower grades Government servants has been increased six times since February, 1964 by about 60 per cent, the increase in such allowance in the case of guides is only to the extent of 17½ per cent and that too from 1st October, 1967; and

(b) if so, the reasons therefor ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). The average increase in the guides fees since February, 1964 has been of the order of 20% to 50%. This is considered reasonable taking into account the general price rise and the paying capacity of tourists both foreign and Indian.

The comparison between Government servants and tourist guides is not valid as, firstly, guiding is an occupation often pursued part-time in addition to other professions, and secondly, the increase given to Government servants is only in the element of dearness allowance while increases allowed to guides are in the basic fees themselves.

**नागा मिजो**

5050. श्री ओ० प्र० स्यागी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि नागाओं और मिजो लोगों की पृथक् पृथक्-जनसंख्या कितनी है और उनमें से कितने लोगों ने अब तक ईसाई धर्म अपना लिया है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) : 1961 की जनगणना के अनुसार नागाओं और मिजो लोगों की जनसंख्या के आंकड़ों को बताने वाला और उनमें से ईसाई धर्म ग्रहण करने वाले लोगों की संख्या बताने वाला एक विवरण सभा पटल पर रखा गया है। [पुस्तकालय में रखा गया। देखिये संख्या LT 2098/67]

**विदेशी ईसाई धर्म प्रचारक**

5051. श्री ओ० प्र० स्यागी : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विदेशी धर्म प्रचारकों सम्बन्धी सरकार के निर्णय पर अमरीकी दूतावास ने सरकार को एक विरोध पत्र भेजा है; और

(ख) यदि हां, तो इस सम्बन्ध में सरकार की क्या प्रतिक्रिया है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बिद्याचरण शुक्ल) : (क) जी नहीं, श्रीमान्।

(ख) प्रश्न ही नहीं उठता।

**पाकिस्तानी राष्ट्रिक**

5052. श्री हुकम चन्द कछवाय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) 1962 से अब तक मध्य प्रदेश, उत्तर प्रदेश तथा राजस्थान से कितने छिपे पाकिस्तानी राष्ट्रिकों को पाकिस्तान भेजा गया ;

(ख) उक्त अवधि में उपर्युक्त राज्यों में गिरफ्तार किये गये कितने पाकिस्तानी राष्ट्रिकों को गिरफ्तार किया गया और उनके विरुद्ध अभियोग चलाया गया ; और

(ग) कितने पाकिस्तानी राष्ट्रिकों को दण्ड दिया गया और कितने मामले अभी विचारार्थन हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री बिद्याचरण शुक्ल) : (क) से (ग)। सूचना एकत्रित की जा रही है और उपलब्ध होते ही सदन के सभा-पटल पर रख दी जायेगी।

**उत्तर प्रदेश और मध्य प्रदेश में भारतीय पुलिस तथा प्रशासनिक सेवा के अधिकारियों की मुअत्तली**

5053. श्री हुकम चन्द कछवाय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) उत्तर प्रदेश और मध्य प्रदेश में भारतीय पुलिस सेवा, भारतीय प्रशासनिक सेवा तथा इण्डियन सिविल सर्विस के कितने राजपत्रित अधिकारियों को वर्ष 1967 से अब तक मुअत्तल किया गया है ;

(ख) कितने अधिकारियों को पदावनत किया गया है और कितने अधिकारियों को सेवा-मुक्त कर दिया गया है; और

(ग) उक्त राज्यों में कितने अधिकारियों पर अपने पद का गलत प्रयोग करने का आरोप लगाया गया है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) 1967 के दौरान उत्तर प्रदेश में एक भारतीय पुलिस अधिकारी तथा दो भारतीय प्रशासन सेवा अधिकारी तथा मध्य प्रदेश में एक भारतीय पुलिस सेवा अधिकारी निलम्बित किए गए थे। दोनों राज्यों में से किसी में भी कोई आई० सी० एस० अधिकारी इस अवधि में निलम्बित नहीं किया गया था।

(ख) कोई नहीं।

(ग) उत्तर प्रदेश में दो अधिकारियों पर (एक भारतीय पुलिस सेवा का और एक भारतीय प्रशासन सेवा का) अधिकारियों का दु-स-

पयोग करने का आरोप लगाया गया था, किन्तु मध्य प्रदेश में किसी पर यह आरोप नहीं लगाया गया ।

**PAK. AND CHINESE AGENTS IN ASSAM**

5054. SHRI D. N. PATODIA :  
SHRI R. BARUA :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that Pakistani and Chinese agents have become very active in the State of Assam and there is distinct indication that these elements are spreading a 'separatist psychology' among the people of Assam particularly among the tribal people;

(b) whether it is also a fact that many pamphlets and posters issued by these elements have come to light; and

(c) if so, the steps Government have taken to check the spread of the virus ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) to (c). While Government do not have any information that Pakistani and Chinese agents have become very active in the State of Assam, the Government are vigilant about any activity which poses a threat to national security. The House has been informed on a number of occasions about the assistance extended by Pakistan to Mizo hostiles. We are in close touch with the State Government in regard to these threats.

**QUALIFICATIONS FOR VICE-CHANCELLORSHIP**

5055. SHRI D. N. PATODIA : Will the Minister of EDUCATION be pleased to state :

(a) whether taking into consideration the recommendations of the Kothari Commission and the M.P.'s Committee on Education, Government has taken steps to formulate a model Act specifying the academic and other qualifications for the appointment of a Vice-Chancellor of a University; and

(b) if so, the progress made in this direction ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) The recom-

mendations of the Kothari Commission are still under consideration.

(b) Does not arise.

**EQUIPMENT FOR ENGINEERING INSTITUTES**

5056. SHRI D. N. PATODIA : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that while presiding over the meeting of the Council of Institutes of Technology at New Delhi recently, he had stressed that the technical Institutes should also design and fabricate the equipment and apparatus which the engineering institutions need urgently;

(b) whether any scheme has been drawn up to implement the suggestion; and

(c) if so, the details thereof ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) Yes, Sir.

(b) and (c). The details of the scheme are being worked out.

**ADDITION OF NEW VESSELS BY SHIP-PING COMPANIES**

5057. SHRI D. N. PATODIA : Will the Minister of TRANSPORT AND SHIP-PING be pleased to state :

(a) whether it is a fact that the private shipowners have expressed their desire to add new vessels to their fleet provided they were available at competitive price and on credit; and

(b) if so, the steps taken by Government to help meet the demand of the shipping companies ?

**THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) :**

(a) and (b). Shipowners in the private as well as the public sector are desirous of ordering new tonnage from abroad subject to availability of credit facilities and price being competitive. The shipowners negotiate with the shipyards abroad regarding the terms of supply, including credit facilities and price etc. and then submit proposals to Government for approval.

At present credit facilities for building ships are available only in Yugoslavia and Bulgaria. Efforts are, however, being made to secure such facilities from U.K. and West Germany also.

**INCREASE OF FREIGHT RATES BY  
INDIA-PAKISTAN-U.K. CONFERENCE**

5058. SHRI YASHPAL SINGH : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether the India-Pakistan-U.K. Continent Conference Lines have decided to increase freight rates on goods carried by sea;

(b) if so, by how much; and

(c) its effect on Indian economy ?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) and (b). Yes, Sir. Consequent upon the devaluation of pound sterling, the India-Pakistan/U.K. Continent Conference have decided to apply a devaluation surcharge of 12.5% on all gross tariff rates with effect from 24th November, 1967.

(c) The matter is under examination by the Ministry of Commerce.

**AIR LINKS**

5059. SHRI YASHPAL SINGH : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether State Governments are being permitted to link important towns in the State by air; and

(b) if so, how many licences have been given to the State Governments so far ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) No such proposal has been received from any State Government.

(b) Does not arise.

**AIRSTRIP AT SUJANPUR (HIMACHAL  
PRADESH)**

5060. SHRI PREM CHAND VERMA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government propose to construct an airstrip at Sujampur or Palampur in Kangra District of Himachal Pradesh;

(b) if so, the stage at which the proposal stands;

(c) if the reply to part (a) be in the negative, whether Government have any

other proposal under consideration to link Himachal Pradesh by air with the rest of the country; and

(d) if so, the details thereof ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) No, Sir. There is no such proposal at present.

(b) Does not arise.

(c) and (d). There is already a Civil Aerodrome at Kulu (Bhuntar). There is no present proposal for any other airstrip in Himachal Pradesh.

**HINDI SAHITYA SAMMELAN**

5061. SHRI PREM CHAND VERMA : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the elections of the Governing Body of the Hindi Sahitya Sammelan have not been held for the last five years;

(b) whether it is also a fact that there is a provision in the law that the Sammelan should have an elected body;

(c) if so, the circumstances which did not allow for bringing into being an elected Governing Body for such a long time; and

(d) the steps taken by Government to ensure that the elected Governing Body comes into being and when it is expected to do so ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) Yes, Sir.

(b) Yes, Sir, after the First Governing Body has framed Rules in accordance with Section 12 of the Hindi Sahitya Sammelan Act and the Rules have been approved by the Central Government.

(c) Due to the delay in framing of Rules by the First Governing Body.

(d) The draft rules have since been received from the first Governing Body and are under examination by the Central Government. Elections will be possible after the rules have been finalised.

**HINDI SAHITYA SAMMELAN**

5062. SHRI PREM CHAND VERMA : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the Hindi



Sahitya Sammelan finances are in the doldrums and it has approached the Central Government for grants; and

(b) if so, the causes of financial crisis and whether any enquiries have been made and how it is proposed to rectify the situation?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH): (a) According to the information received from the Sammelan, it had a bank balance of Rs. 5,74,298 on the 31st March, 1967. The organisation is thus not faced with any financial crisis. The Hindi Sahitya Sammelan has been approaching the Central Government for financial assistance for implementation of schemes relating to the development and propagation of Hindi from time to time. Each request is examined on merit and grants sanctioned, wherever found necessary.

(b) The question does not arise.

#### HINDI SAHITYA SAMMELAN

5063. SHRI PREM CHAND VERMA : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the number of students who take examinations of the Hindi Sahitya Sammelan has dropped to extremely low figures during the last two years; and

(b) the steps taken to attract larger number of students to its examinations?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH): (a) No, Sir. It has been intimated by the Hindi Sahitya Sammelan, Allahabad that the number of students who took its examinations has risen from 27010 in 1965 to 29376 in 1967.

(b) Does not arise.

#### राज्यपालों पर खर्च

5064. श्री मोलहू प्रसाद : क्या गृह-कार्य मंत्री 9 नवम्बर, 1966 के अतारांकित प्रश्न संख्या 972 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) अन्य राज्यपालों की तुलना में पश्चिम बंगाल और महाराष्ट्र के राज्यपालों पर अधिक खर्च करने के क्या कारण हैं ; और

(ख) इन राज्यों के राज्यपालों पर खर्च कम करने के लिये क्या कार्यवाही की गई है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण): (क) और (ख). स्वतन्त्रता प्राप्ति से पूर्व तत्कालीन बम्बई तथा बंगाल प्रांत "प्रजिडेंसिया" थे और उनमें अपेक्षाकृत बड़े राज भवन थे और कर्मचारियों की संख्या भी अधिक थी। ये राज भवन पश्चिम बंगाल और महाराष्ट्र में राज भवनों के रूप में प्रयुक्त हो रहे हैं। फलस्वरूप वहां के कर्मचारियों की संख्या अथवा भवनों के रख-रखाव के व्यय में कोई विशेष कमी करना सम्भव नहीं हो सका। प्रमुख रूप से इन्हीं दो मद्रों के अन्तर्गत अन्य राज्यों की अपेक्षा अधिक व्यय होता है।

शिक्षा मंत्रालय द्वारा हिन्दी में जारी किये गये आफिस आर्डर

5065. श्री मोलहू प्रसाद : क्या शिक्षा मंत्री 5 जुलाई, 1967 के अतारांकित प्रश्न संख्या 4578 के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) उनके मंत्रालय में 326 में से केवल 4 आफिस आर्डर, परिपत्र और सूचनाएं हिन्दी में जारी किये जाने के क्या कारण हैं ;

(ख) क्या भविष्य में इस प्रकार की सभी सूचनाएं हिन्दी में जारी किये जाने का विचार है ; और

(ग) यदि नहीं, तो इसके क्या कारण हैं ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री भागवत झा आजाद): (क) से (ग). सूचना एकत्र की जा रही है और सभा पटल पर रख दी जाएगी।

#### EXHIBITION OF PORTRAITS OF CHINESE LEADERS

5066. SHRI KANWAR LAL GUPTA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the Kerala Minister Shri E. K. Imbichibava, justified

the exhibition of posters containing the sayings of the Chinese leader and their portraits in the country, as reported in the *Indian Express* dated the 27th November, 1967;

(b) whether it is also a fact that he praised Mao and asked the people to follow him; and

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

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). The Government have seen the news item in the *Indian Express* dated November 27, 1967. According to information furnished by the State Government, Shri Imbichi Bava did not justify the exhibition of posters containing the sayings of Mao Tse Tung and his portraits but he did praise Mao's thought and ideology.

(c) The legal aspects of the matter are being examined.

#### SURVEY OF COASTAL SHIPPING IN ECAFE REGION

5068. DR. RANEN SEN : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether the Economic Commission for Asia and Far East has taken up a survey of coastal shipping in different countries of the region; and

(b) if so, the details thereof ?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) Yes, Sir.

(b) The project aim is improvement and development of coastal and inter-island shipping of countries of the region including economic aspects and those in relation to other modes of transport. The work content of the project is as follows :

#### (i) Assistance to Governments

To advise, upon request, on matters relating to coastal and inter-island shipping.

#### (ii) Studies

To review the present status including economic aspects of coastal and inter-island shipping, includ-

ing navigation, ship repairing and construction.

The project is proposed to be implemented in 1968—70.

C.S.I.R.

5069. DR. RANEN SEN :  
SHRI SRADHAKAR SUPAKAR :  
SHRI ATAL BIHARI  
VAJPAYEE :

Will the Minister of EDUCATION be pleased to state :

(a) whether the group set up to consider the proposals and guidelines drawn up earlier this year by the Atma Ram Committee on the Fourth Plan programme of the C.S.I.R. has submitted its report;

(b) if so, the main recommendations contained in the report;

(c) whether the governing body of the C.S.I.R. which met recently in Delhi had considered these recommendations; and

(d) if so, the decisions taken thereon ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) Yes, Sir.

(b) The Group was unanimously of the view that the guidelines and the recommendations of the Committee on the various proposals were sound and realistic. The main recommendations of the Group are given in the statement laid on the Table of the House. [*Placed in Library. See No. LT-2099/67.*]

(c) Yes, Sir.

(d) The Report of the Committee along with the recommendations of the Group of Scientists were accepted.

#### DEPUTY PRIME MINISTER'S STATEMENT REGARDING CHANDIGARH

5070. SHRI SHRI CHAND GOEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Deputy Prime Minister made a statement at Chandigarh on the 12th November, 1967 that the citizens of Chandigarh could not decide the future of Chandigarh; and

(b) whether he also made a statement that Chandigarh was constructed for Punjab ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) No, Sir. What he said was that this was no time for people to agitate on this question of the future of Chandigarh and create further controversies as the matter was already before the Prime Minister for arbitration.

(b) He said that it is true that Chandigarh was constructed after partition for the whole of Punjab and therefore neither Punjab nor Haryana could claim that it was constructed by either of them.

#### DECLARATION OF ASSETS BY MINISTERS

5071. **SHRI BHOGENDRA JHA :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that all the Ministers of the Government of Bihar declared their assets in the Assembly on becoming Ministers; and

(b) if so, whether Central Government have any proposal to follow the same procedure with regard to the Ministers of the Union Government ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) At the Chief Ministers' Conference held at New Delhi in April, 1967, the Chief Minister of Bihar stated that the Ministers of his Cabinet had already furnished statements of their assets and liabilities which had been placed on the table of the State Legislature.

(b) No, Sir.

#### STRIKE BY AIR INDIA ENGINEERS

5072. **SHRI BHOGENDRA JHA :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that the strike of the Air India engineers ended on the 22nd November, 1967; and

(b) if so, the terms and conditions of the termination of the strike and the steps being taken by Government to meet the demands of the striking men ?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :** (a) Yes, Sir.

(b) The main demands of the All India Aircraft Engineers Association were :

1. No one excepting Aircraft Maintenance Engineers should be allowed to inspect or certify the maintenance of aircraft in terms of an existing agreement;
2. The appointment of an engineer on local terms in the Air-India office in Rome was in breach of an agreement requiring consultation with them and should therefore be revoked; and
3. The Association should be recognised as the sole representative of another section of Officers in Air-India, called 'Technical Officers'.

Of these, the first demand has been referred to adjudication. On the second and the third points in dispute it was agreed that they would be discussed by Government with representative of the Management and of the Association. These talks have been initiated.

#### CENTRAL INSTITUTE OF EDUCATION

5073. **SHRI MAYAVAN :** Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that N.C.E.R.T. has decided that the Central Institute of Education be transferred to Delhi University;

(b) if so, the reason for such transfer;

(c) how far this decision will help the Institute; and

(d) whether the Council has also approved in principle the research project for the development of teacher-education programme ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) Yes, Sir.

(b) and (c). The Institute is already functioning as a constituent college of Delhi University and the University is anxious to develop it as a full-fledged Department of Education with inter-disciplinary co-operation from other Departments. The proposed transfer will therefore help the Institute to grow into a university centre of education.

(d) No specific research project in teacher-education has yet been started in the Central Institute of Education. The Department of Teacher Education of the National Council of Educational Research and Training has undertaken several projects in this field.

\*DEVELOPMENT OF EZHUMALAI AS A  
TOURIST CENTRE

5074. SHRI P. GOPALAN :  
SHRI A. K. GOPALAN :  
SHRIMATI SUSEELA  
GOPALAN :  
SHRI E. K. NAYANAR :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the progress made by Government so far in establishing a Tourist Centre at Ezhumalai, Cannanore District, Kerala;

(b) when the construction is likely to begin;

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

(d) the reasons for the delay, if any ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) There is no proposal to establish a tourist centre at Ezhumalai in the Cannanore District of Kerala. A proposal for a Tourist Bungalow at Cannanore was, however, included in the draft Fourth Plan.

(b) to (d). Do not arise.

CIVIL SUPPLIES POPULAR COMMITTEE IN  
KERALA

5075. SHRI P. GOPALAN :  
SHRI A. K. GOPALAN :  
SHRI C. K. CHAKRAPANI :  
SHRI K. ANIRUDHAN :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the Kerala Government have asked the Centre to give permission for granting statutory powers to the Civil Supplies Popular Committee constituted in the State;

(b) if so, whether permission has been granted; and

(c) if not, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) Yes, Sir.

(b) and (c). The Ordinance is under consideration of Government.

FUNDS FOR DEVELOPMENT OF REGIONAL  
LANGUAGES

5076. SHRI P. GOPALAN :  
SHRI VISWANATHA MENON :  
SHRIMATI SUSEELA  
GOPALAN :

Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the Union Government has set up a revolving fund for the development of different regional languages;

(b) if so, whether the Kerala Government has asked the Centre for financial assistance from this fund for the development of Malayalam language;

(c) the total amount asked for;

(d) the total amount sanctioned; and

(e) if no amount has been sanctioned, the reasons therefor ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) No, Sir.

(b) to (e). Do not arise.

AERODROME OPERATORS

5077. SHRI NAMBIAR :  
SHRI MOHAMMAD ISMAIL :  
SHRI K. RAMANI :  
SHRI UMANATH :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that the Aerodrome Operators grade II perform duties of Aerodrome Operators grade II for years together yet they are not promoted to Aerodrome operators Grade I;

(b) if so, the reasons therefor;

(c) whether Government are considering the proposal to promote Aerodrome Operators Grade II to Aerodrome Operators Grade I; and

(d) if not, the reasons therefor ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) to (d). Excepting 23, all the Aerodrome Operators Grade II in the Civil Aviation Department have been promoted as Aerodrome Operators Grade I. These 23 Aerodrome Operators Grade II are ineligible for promotion; 13 of them are non-matriculantes and the remaining 10 have not passed the training course at the Civil Aviation Training Centre successfully. The question of relaxing the educational qualification in favour of the non-matriculantes is under consideration.

#### ASSISTANT AERODROME OFFICERS

5078. SHRI MOHAMMAD ISMAIL :  
SHRI BHAGABAN DAS :  
SHRI K. RAMANI :  
SHRI UMANATH :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the total number of selection grade Aerodrome Operators who have passed the departmental examination and have not been promoted Assistant Aerodrome Officers so far;

(b) the reasons therefor;

(c) whether it is a fact that the Assistant Aerodrome Officers are recruited directly; and

(d) if so, the reasons therefor ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) There are in all 62 Aerodrome Operators Grade I (Selection Grade) of whom 61 have passed the Departmental Examination.

(b) According to the Recruitment Rules, as they stand at present, these Operators are ineligible for promotion as Assistant Aerodrome Officers as :

- (1) They have not completed a course of training in Air Traffic control at the Training Centre;
- (2) Fortyone of them are not permanent.

A proposal is, however, under consideration to equate the Departmental Examination with the course of training in Air

Traffic Control at the Training Centre and to make the temporary Grade I (Selection Grade) Operators also eligible for selection for promotion as Assistant Aerodrome Officers.

(c) As provided in the Recruitment Rules, 75% of the vacancies in the Grade of Assistant Aerodrome Officers are filled by direct recruitment. Departmental candidates who fulfil the qualifications prescribed for direct recruitment are also eligible to apply and compete with direct recruits for selection against these vacancies;

(d) As Air Traffic Control involves safety of aircraft operations and understanding of complicated techniques which are becoming progressively more sophisticated, it is considered necessary to provide for recruitment of younger persons with higher qualifications.

#### CHOWKIDARS OF CIVIL AVIATION DEPARTMENT

5079. SHRI MOHAMMAD ISMAIL :  
SHRI P. RAMAMURTI :  
SHRI JOYTIRMOY BASU :  
SHRI UMANATH :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that Chowkidars of the Civil Aviation Department are not supplied with rain coats and gum boots whereas class IV employees are supplied uniforms regularly; and

(b) if so, the reasons therefor ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) Chowkidars of the Civil Aviation Department are supplied with rain coats and gum boots from a general pool, as and when needed.

(b) Does not arise.

#### ROADS IN KERALA

5080. SHRI A. K. GOPALAN :  
SHRI E. K. NAYANAR :  
SHRI K. ANIRUDHAN :  
SHRIMATI SUSEELA GOPALAN :

Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) the total amount allotted for the

construction of roads under the rural man-power scheme in Kerala State;

(b) whether Government are considering the proposal to remove the restrictions on the construction of roads under the rural man-power scheme in view of the inadequate transport facilities in Kerala especially in the hilly areas like Cannanore District; and

(c) the steps Government propose to take to allot more funds for road construction in Kerala State?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN):

(a) to (c). A total sum of Rs. 35.03 lakhs has been allocated for the Rural Man-Power Scheme in the Kerala State during 1967-68. However, as allocations under this Scheme are made for the programme as a whole and not according to particular heads of development, there is no specific allocation for roads as such under this Scheme. The State Government can, however, if they so desire, spend on village-market roads up to 50% of the total expenditure on the scheme as a whole during the year. The Kerala Government have intimated that, as a special case, they have lifted this limit of 50% in respect of blocks in the Cannanore district. But they have added that, as there is necessity to take up more agriculturally productive works under this programme, more funds for road works cannot be allocated.

QUARTERS FOR EMPLOYEES OF NATIONAL LIBRARY, CALCUTTA

5081. SHRI P. RAMAMURTI :  
SHRI GANESH GHOSH :  
SHRI BHAGABAN DAS :  
SHRI K. ABRAHAM :

Will the Minister of EDUCATION be pleased to state :

(a) the criteria adopted for the allotment of quarters to Class III and IV employees of the National Library, Calcutta;

(b) whether it is a fact that some employees who have got their own house were allotted quarters; and

(c) whether Government propose to investigate the matter?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) Prior to the framing of draft rules for allotment of government residences under the administrative control of the Librarian, National Library, the quarters were allotted by the Librarian at his discretion keeping in view the requirements of public service.

(b) Yes, Sir, but only those officers who had either their house outside Calcutta or beyond the radius of 6 miles from the place of duty.

(c) Does not arise.

LIBRARIANSHIP COURSES

5082. SHRI P. RAMAMURTI :  
SHRI GANESH GHOSH :  
SHRI BHAGABAN DAS :  
SHRI P. P. ESTHOSE :

Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the Bengal Library Association is conducting Librarian-ship training course within the premises of National Library, Calcutta;

(b) if so, whether the classes are taken by officers of the National Library and Central Reference Library;

(c) whether Government have received any complaints that the officers are taking classes during office hours and are taking money from students; and

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

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) Yes, Sir.

(b) Yes, Sir.

(c) No, Sir.

(d) Does not arise.

LIBRARIANSHIP COURSE IN NATIONAL LIBRARY, CALCUTTA

5083. SHRI GANESH GHOSH :  
SHRI JYOTIRMOY BASU :  
SHRI K. RAMANI :  
SHRI UMANATH :

Will the Minister of EDUCATION be pleased to state :

(a) the criteria adopted for the selec-

tion of candidates to study Diploma in Librarianship from National Library, Calcutta;

(b) whether it is fact that some junior employees with less academic qualifications, experience have been selected; and

(c) if so, whether government propose to investigate the matter ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) Since the academic session 1965-66 the selection of candidates for the Diploma Course in Librarianship of Calcutta University from among the applicants of the National Library, Calcutta has been made by the authorities of the University. Government are not aware of the criteria followed by the University. The authorities of National Library have been forwarding all the applications received from their employees.

(b) Does not arise, as the selection is not done by the authorities of the National Library.

(c) Does not arise.

### केन्द्र और राज्यों के बीच वित्तीय सम्बन्ध

5084. श्री रघुबीर सिंह शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या प्रशासन सुधार आयोग ने केन्द्र और राज्य सरकारों के बीच वित्तीय सम्बन्धों के बारे में कोई प्रतिवेदन प्रस्तुत किया है ;

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

(ग) उस पर सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) जी नहीं, श्रीमान ।

(ख) और (ग). प्रश्न ही नहीं उठते ।

### EDUCATION COMMISSION

5085. SHRI RABI RAY : Will the Minister of EDUCATION be pleased to state :

(a) the number of commissions set up by the Government of India after August, 1947 to enquire into the system of education at University, secondary and primary levels; and

(b) the members of these commissions and money spent on these commissions ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) Three Commissions were set up by the Government after August, 1947, viz. (i) University Education Commission, (ii) Secondary Education Commission and (iii) the Education Commission. The first two Commissions enquired into University and secondary education systems respectively whereas the third Commission looked into all the aspects of educational system of the country.

(b) A statement is laid on the Table of the House. [Placed in Library. See No. LT-2100/67].

### CENTRAL RESERVE POLICE

5086. SHRI RABI RAY : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of times the Border Security Force or the Central Reserve Police has been called to stand by the State Police Forces to suppress communal troubles or political movements during the last five years; and

(b) the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) and (b). In the last five years Units of the Central Reserve Police or Border Security Force contingents were made available to the State Government and Union Territories at their request for maintenance of law and order on 123 occasions.

**EDUCATIONAL CONFERENCES ABROAD**

5087. SHRI R. K. AMIN ;  
SHRI D. R. PARMAR :

Will the Minister of EDUCATION be pleased to state :

(a) the number of conferences held abroad during the year 1966-67 in which Government of India sent their delegates; and

(b) the number of such conferences in which the teachers from the Universities were sent as delegates of India with details thereof ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) Twenty-nine.

(b) Two; details are as under :

(i) Commonwealth Conference on Education and Training of Technicians held at Huddersfield, U.K. in October, 1966. The delegation included Prof. A. C. Roy, Vice-Chancellor of North Bengal University, and former Principal of Bengal Engineering College.

(ii) 7th International Congress of Crystallography held at Moscow from the 12th to 21st July, 1966. Professor G. N. Ramachandran, Professor of Physics and Director, UGC Centre for Advanced Study in Physics, University of Madras, and Chairman, National Committee for Crystallography in India, attended the Congress.

**RESIDENTIAL UNIVERSITY AT BHAVNAGAR**

5088. SHRI R. K. AMIN : Will the Minister of EDUCATION be pleased to state :

(a) whether Central Government are aware of the reported decision of the Government of Gujarat to establish one residential University at Bhavnagar and one university at Rajkot for the Saurashtra Division of Gujarat State; and

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

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) The Saurashtra University was established at Rajkot

in 1966. The Government are not aware of the decision of the State Government to set up a University at Bhavnagar.

(b) Does not arise.

**VICE-CHANCELLORS OF UNIVERSITIES**

5089. SHRI R. K. AMIN : Will the Minister of EDUCATION be pleased to state :

(a) whether there is any convention followed by the Government that the Vice-Chancellors of the Universities should not be the Ministers in the Centre as well as in the States; and

(b) if so, whether it is being adhered to ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) and (b). In the case of Central Universities, with which the Central Government is concerned, the Vice-Chancellors are whole-time salaried officers. The question of appointing Ministers of Central/State Government concurrently as Vice-Chancellors of these universities does not arise. At present, no Minister is Vice-Chancellor of any State University.

**CARD INDEX OF CALCUTTA UNIVERSITY PROFESSORS**

5090. SHRI K. R. GANESH : Will the Minister of EDUCATION be pleased to state :

(a) whether Government are aware of the compilation of a complete card index of Calcutta University Professors by the Mass Institute of Technology (USA); and

(b) if so, the sources from which such information was gathered ?

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) and (b). Information is being collected from Calcutta University and a statement will be laid on the Table of the Sabha in due course.

**BRIDGE NEAR SHANTI VANA, DELHI**

5091. SHRI HARDAYAL DEVGUN : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether any provision to construct an overbridge near Shanti Vana, Delhi has



been made to facilitate traffic between Delhi, Shahdara and other Colonies across the river;

(b) if so, when the construction work will start; and

(c) if not, the reasons for not providing a overbridge near Shanti Vana ?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) :

(a) to (c). Presumably, the word "over-bridge" in the question refers to the proposed High-level road bridge over the Yamuna near Shantivana in Delhi. Such a bridge is contemplated in the Master Plan for the development of Delhi. Since the bridge across the barrage near 'C' Power Station, which was not included in the Master Plan has been taken up, and is shortly going to be completed the necessity or otherwise for the construction of the proposed bridge near Shantivana is at present under the consideration of the Delhi Development Authority.

#### PAKISTANI INTRUSIONS IN GOALPARA DISTRICT

5092. SHRI HEM BARUA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that some Pakistanis attacked a village in Assam called Sarkarpur, Goalpara District on the 26th November, 1967; and

(b) if so, the number of people injured on the Indian side and the nature of provocation for this sudden attack by Pakistan ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (d). On the night of 26th November 1967, some Pakistani criminals trespassed into Indian territory in village Sarkarpara (not Sarkarpur), District Goalpara, and lifted two heads of cattle. The criminals were chased by the village defence party and a police party of the Jhotdanga watch-post. In the encounter which ensued, the miscreants fired one round, causing minor injuries to a member of the village defence party and two police constables.

The incident was unprovoked. The gangsters were apparently cattle-lifters.

#### नेताजी की तलवार

5093. श्री ओंकार लाल बोरबा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेताजी की तलवार दिल्ली लाई जा रही है; और

(ख) यदि हां, तो क्या गुरु गोबिन्द सिंह के हथियारों की तरह इसे भी समस्त देश में धुमाया जायगा ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री जे. ए. सिंह) : (क) जी हां। नेताजी की तलवार के स्वागत के लिए 'सर्व दल संसदीय समिति' ने सरकार को ऐसा ही सूचित किया है।

(ख) स्मृति-चिह्नों के दिल्ली में प्रदर्शन के बाद के समिति के कार्यक्रम के बारे में सरकार को कोई जानकारी नहीं है।

#### मध्य प्रदेश में पाकिस्तानी शस्त्रास्त्र

5094. श्री शिव कुमार शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मध्य प्रदेश के श्यापुर गांव के दो व्यक्तियों को सवाई माधोपुर में गिरफ्तार किया गया था और उनसे पाकिस्तानी शस्त्रास्त्र बरामद किये गये थे ;

(ख) क्या यह भी सच है कि ये व्यक्ति डाकुओं के अपने तेल को निरन्तर शस्त्रास्त्र देते रहें हैं ;

(ग) क्या सरकार ने इस बारे में कोई अग्रेतर जांच की है, और

(घ) इस मामले का पूरा व्यौरा क्या है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्याचरण शुक्ल) (क) से (घ), राज्य सरकारों द्वारा दी गई सूचना के अनुसार सवाई माधोपुर में दो व्यक्ति गिरफ्तार किये गये थे और उनके पास से शस्त्रास्त्र बरामद हुए थे। अब तक की गई जांच के आधार पर ऐसा विश्वास किया जाता है कि ये दो व्यक्ति डाकुओं को शस्त्रास्त्र दिया करते थे। इन

दोनों व्यक्तियों के खिलफ़ शस्त्र अधिनियम की धारा 25 और 27 के अर्धन एक मामला दर्ज किया गया है और इसका जांच क जा रही है ।

NATIONAL EMBLEM

5096. SHRI YAJNA DATT SHARMA: Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Madras State has replaced the words 'Satyameva Jayate' by the words 'Vaimaiye Vellum' in the State emblem;

(b) if so, the reaction of Government thereto; and

(c) the steps taken by Government to prevent alterations in the National Emblem ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : (a) to (c). The motto "Satyameva Jayate" is still there in the State Emblem of Madras but when it is inscribed in Tamil, the words "Vaimayae Vellum" being the Tamil equivalent of the motto are used. According to the instructions issued by the Government, a State can adopt a distinctive emblem of its own or the National Emblem with or without modifications. Where the National Emblem is adopted with modifications, the modifications should not detract from the dignity of that emblem. The action taken by the State Government does not go against these instructions.

REVENUE FROM AIRPORT ENTRANCE TICKETS

5097. SHRI GEORGE FERNANDES : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) the total revenue earned from airport entrance tickets since their introduction;

(b) the cost of printing, issuing and collecting the tickets and other administrative expenses incurred during the same period;

(c) whether Government propose to introduce these entrance tickets at all airports; and

(d) the net revenue expected from these tickets after deducting all expenses ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). During the period from 16th August, 1967 to 30th November, 1967, a total revenue of Rs. 74,952.50 was earned from the sale of airport entry tickets at Palam airport and a sum of Rs. 16,344.49 was spent on the printing, issuing and collecting these tickets.

(c) Yes, Sir. It is proposed to introduce such tickets soon at the remaining three international airports at Santa Cruz (Bombay), Dum Dum (Calcutta) and Meenambakkam (Madras).

(d) The net revenue expected from the sale of airport entry tickets at all the four international airports is approximately Rupees six lakhs a year.

दिल्ली के गवर्नमेंट हायर सेकेंडरी स्कूल

5098. श्री रघुबीर सिंह शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में गवर्नमेंट हायर सेकेंडरी स्कूलों के प्रिंसिपलों के कुछ स्थायी पद इस समय खाली पड़े हैं ;

(ख) क्या यह भी सच है कि कुछ व्यक्ति पिछले सात अथवा आठ वर्षों से इन पदों पर काम कर रहे हैं और वे अभी तक स्थायी नहीं बनाए गये हैं ; और

(ग) यदि हाँ, तो उसके क्या कारण हैं ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री भागवत शा आजाब) : (क) से (ग) जी नहीं । 91 अस्थायी पदों को केवल 1965 और 1966 ही में स्थायी रूप में परिवर्तित किया गया है और इन पदों पर काम करने वाले उपयुक्त व्यक्तियों को स्थायी करने के संबंध में आवश्यक औपचारिकतायें पूरी की जा चुकी हैं ।

दिल्ली पुलिस के लिए ऊनी बर्दों

5099. श्री ओंकार लाल बेरबा :

श्री रा० स्व० विद्यार्थी :

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

(क) क्या यह सच है कि दिल्ली में सभी पुलिस कर्मचारियों को सरकार ने ऊनी वर्दी नहीं दी है; और

(ख) यदि हां, तो इसके क्या कारण हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) और (ख). सरकार ने दिल्ली पुलिस के सभी अराजपत्रित कर्मचारियों को वर्तमान वर्दी के अलावा गर्म वर्दी दिये जाने के आदेश जारी कर दिये हैं। इस वर्दी में एक गर्म कमीज और सर्ज की दो पतलूनें शामिल हैं। इस स्व-कृति के फलस्वरूप 15,000 कमीजें और 29,000 पतलूनें बनाने के लिये कपड़ा प्राप्त करने की आवश्यकता पड़ी। गर्म कपड़े का तैयार स्टॉक उपलब्ध नहीं था। अतः 10,000 पतलूनें प्रतिरक्षा मंत्रालय से उधार ले कर कर्मचारियों को बांटी गई। और वर्दियों के लिये कपड़े के आर्डर दे दिये गये हैं, और ज्यों-ज्यों उत्पादकों से स्टॉक प्राप्त होता जा रहा है, त्यों-त्यों वर्दियां जारी की जा रही हैं।

#### RECOGNITION OF SATYAGRAHIS AS POLITICAL PRISONERS

5100. SHRI SHIVA CHANDRA JHA : Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether satyagrahis have been recognised as political prisoners in any State; and

(b) if so, in which States and the facilities *vis-a-vis* the other political prisoners in the country are provided to them ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) and (b). A statement giving information received so far from the State Governments/Union Territories is laid on the Table of the House. [Placed in Library. See No. LT-2101/67]. Information from the remaining States/Union Territories will be laid on the Table of the House on receipt.

#### SHEIKH ABDULLAH

5101. SHRI SHIVA CHANDA JHA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Sheikh Abdullah is a political prisoner or a security prisoner; and

(b) the reasons for treating him in either category and the facilities provided to him ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). Certain restrictions have been imposed on Sheikh Abdullah under the Defence of India Rules in the interest of public safety and security. The main facilities provided to him are a rent-free residence, a cook and a bearer, and a maintenance allowance of Rs. 1,500.00 per month.

#### JUMBO JETS

5102. SHRI SHIV CHANDRA JHA : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Jumbo Jets are produced in India;

(b) if not, the reasons thereof;

(c) how many Jumbo Jets are there in the country, both indigenous and foreign make; and

(d) how much foreign exchange is spent, if any, on purchasing each foreign Jumbo Jet ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). No, Sir. There is no proposal under consideration of the Government for the manufacture of Jumbo Jets in India, as this is a project entirely beyond our technical and financial resources.

(c) None.

(d) The foreign exchange cost of a Jumbo Jet (Boeing 747) including necessary spare parts is about \$ 30 million.

#### CARGO AND PASSENGER SHIPS

5103. SHRI SHIVA CHANDRA JHA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) the number of mercantile and passenger ships with India at present;

(b) the number of passengers and cargo carried in those ships every year during the last 3 years; and

(c) the earnings per year on the passengers and cargo account during the above period?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V.

RAO): (a) There were 20 passenger vessels and 214 cargo ships as on 1-11-1967.

(b) and (c). The number of passengers carried, cargo carried and the freight and passage earnings of Indian ships during the years 1964-65 and 1965-66 were as shown below:

Year	No. of Passengers carried	Cargo carried (Lakhs tonnes)	Passenger and Freight earnings (Rs. in crores)	
1964-65	{ Overseas	1,03,210	46.44	51.36
	{ Coastal	9,63,757*	40.58*	13.35
1965-66	{ Overseas	99,167	55.78	55.66
	{ Coastal	8,94,905@	38.24@	12-43
1966--67	Figures not yet available			

\*These figures pertain to the calendar year 1964.

@These figures pertain to the calendar year 1965.

#### JOINT ADMINISTRATIVE CADRE FOR UNION TERRITORIES

5104. SHRI M. MEGHACHANDRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there is any proposal before the Government for having a joint administrative cadre for the Union Territories;

(b) if so, the details thereof;

(c) how far the proposed plan has progressed and when it is being implemented;

(d) whether it is a fact that Government are not making much headway in the implementation of the same; and

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

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) It has been decided to constitute a combined Indian Administrative Service cadre for all the Union territories.

(b) A copy of the scheme prepared for the purpose has already been placed on the Table of the House, *vide* reply given to Unstarred Question No. 4158 on 13th December, 1967.

(c) to (e). The scheme is in final stages and is likely to be brought into effect soon.

#### MANIPUR RIFLES

5105. SHRI M. MEGHACHANDRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of battalions of Manipur Rifles so far raised for the Union Territory of Manipur and the total strength of Riflemen to date;

(b) whether it is a fact that out of 12 vacancies in the rank of Assistant Commandants, eight or so have been directly recruited from outside Manipur without proper notice and in contravention of Rule 5 of the Manipur Police Service Rules, 1965; and

(c) if so, the reason therefor and the manner in which the said appointments were made?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) There are 4 Battalions of Manipur Rifles. The total strength of Riflemen at present is 3146.

(b) and (c). Of the 12 vacancies of Assistant Commandants, 10 have been filled in by obtaining officers on deputation in view of the urgent need of filling up the vacant posts. The concurrence of the Union Public Service Commission is being sought for the above appointments.

नागाओं का सीमा पार करके  
पाकिस्तान जाना

5106. श्री निहाल सिंह : क्या गृह-  
कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि तामेंगलॉग  
तहसील के निन्दीराम क्षेत्र में 500 विद्रोही  
नागाओं का एक दल पूर्वी पाकिस्तान की ओर  
जाते हुए देखा गया था जैसा कि 30 नवम्बर,  
1967 के 'हिन्दुस्तान' में सामाचार प्रकाशित  
हुआ है; और

(ख) यदि हां, तो इस सम्बन्ध में सरकार  
ने क्या कार्यवाही की है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) और (ख). सरकार को सूचना मिली  
है कि नागाओं के अनेक गिरोह सीमा पार  
पाकिस्तान में जाने वाले हैं। सुरक्षा सेनाओं  
को सावधान कर दिया गया है और वे सतर्क  
हैं। कुछ गिरोहों को रोक कर लौटा दिया  
गया है।

अनुवाद अधिकार के लिये रायल्टी

5107. श्री शशि भूषण बाजपेयी : क्या  
शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार अमरीका और ब्रिटेन  
की पुस्तकों का भारतीय भाषाओं में अनुवाद  
करने के लिये उन्हें कुछ रायल्टी देती है; और

(ख) गत बीस वर्षों में इन पुस्तकों के  
अनुवाद के सम्बन्ध में उन्हें कुल कितनी  
राशि रायल्टी के रूप में दी गई है ?

शिक्षा भंडालय में राज्य मंत्री (श्री शेर  
सिंह) : (क) जी हां।

(ख) 1962-63 से अब तक ब्रिटेन तथा  
अमरीका से अनुवाद अधिकार प्राप्त करने  
के लिये विज्ञान तथा तकनीकी शब्दावली  
आयोग द्वारा केवल 3,84,587 रुपए की  
रकम अदा की गई है। इससे पहले रायल्टी  
के लिए ऐसा कोई भुगतान भारत सरकार ने

नहीं किया था। अनुदान प्राप्त दूसरी एजें-  
सियों तथा निजी प्रकाशकों के बारे में सूचना  
हमारे पास नहीं है जो इक्ठ्ठी की जा रही है।

TRAINER CUM PRIVATE FLYING AIRCRAFT  
"REVATI"

5108. DR. KARNI SINGH : Will the  
Minister of TOURISM AND CIVIL AVIA-  
TION be pleased to state :

(a) whether it is a fact that the Indian  
Institute of Technology, Kanpur is experi-  
menting with a new trainer-cum-private fly-  
ing aircraft called "Revati"; and

(b) if so, the performance figures of the  
proposed Revati aircraft stating its endur-  
ance, rate of climb, service ceiling and  
speed ?

THE MINISTER OF TOURISM AND  
CIVIL AVIATION (DR. KARAN  
SINGH) : (a) Yes, Sir. The prototype air-  
craft "Revati" designed and developed by  
the Technical Centre of the Research and  
Development Directorate of the Civil Avia-  
tion Department is now undergoing flight  
tests at the Indian Institute of Technology,  
Kanpur.

(b) The report of the flights tests includ-  
ing performance data of Revati aircraft is  
awaited.

मध्य प्रदेश सरकार द्वारा भारत के  
गलत नक्शों का प्रकाशन

5109. श्री नाथूराम अहिरवार : क्या  
शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को पता है कि मध्य  
प्रदेश सरकार के एक प्रकाशन 'सामाजिक  
अध्ययन' के भाग 3 और 4 में प्रकाशित  
भारत के मानचित्र में नेपाल, तिब्बत, भूटान,  
और सिक्किम को चीन का क्षेत्र दिखाया गया  
है ;

(ख) यदि हां, तो केन्द्रीय सरकार ने  
इस बारे में मध्य प्रदेश सरकार से कोई स्पष्टी-  
करण मांगा है ; और

(ग) यदि कोई स्पष्टीकरण मांगा गया है तो उसका ब्यौरा क्या है और क्या उत्तर प्राप्त हुआ है ?

शिक्षा मंत्रालय में राज्य मंत्री (श्री भागवत झा आझाब) : (क) इन पुस्तकों में शामिल कुछ नकशों में दिखाई गई भारत की बाहरी सीमा सामान्यतया गलत है।

(ख) और (ग). मध्य प्रदेश सरकार से अनुरोध किया गया है—या तो इन गलत नकशों को सही नकशों में बदल लें अथवा स्कूलों में इन पुस्तकों को प्रयोग न करें। राज्य सरकार के उत्तर की प्रतीक्षा है।

#### पाकिस्तान द्वारा घुसपैठ

5110. श्री नाथूराम अहिरवार : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) 1 मिनम्बर, 1967 और 30 अक्टूबर, 1967 के बीच पाकिस्तान घुसपैठियों ने कितनी बार सीमा का उल्लंघन किया था ;

(ख) ऐसे घुसपैठियों की संख्या कितनी थी ;

(ग) इन घुसपैठियों की गतिविधियों से भारत को कितनी क्षति हुई है ;

(घ) भविष्य में फिर ऐसी घटनाएं न हों इसको रोकने के लिये सरकार क्या कार्यवाही कर रही है ;

(ङ) क्या इस सम्बन्ध में पाकिस्तान सरकार से कोई पत्र व्यवहार किया गया है ;

(च) यदि हां, तो इस सम्बन्ध में क्या उत्तर मिला है ; और

(छ) यदि कोई पत्र-व्यवहार नहीं किया गया, तो उसके क्या कारण हैं ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) 70

(ख) 349

(ग) 17,297 रुपये की सम्पत्ति की क्षति हुई। इसके अलावा दो जूट और 113 मवेशी भी उठाये गये।

(घ) से (छ). सीमा सुरक्षा दल द्वारा सारी सीमा के साथ-साथ निगरानी रखी जाती है। खास तौर पर नाजुक क्षेत्रों में लोगों के भारत में अवैध प्रवेश पर निगरानी रखने के लिये विशेष प्रबन्ध किये जाते हैं। जब कभी भी ऐसी घटना होती है, तब प्रत्येक मौके पर ऐसे अवैध और अनाधिकृत प्रवेश को रोकने के लिये प्रभावपूर्ण कदम उठाने के लिये पाकिस्तान में स्थानीय अधिकारियों का ध्यान एकदम इस ओर आकर्षित किया जाता है। भारतीय और पाकिस्तानी अधिकारियों की सीमा सम्बन्धी बैठकों में भी इन मामलों पर विचार किया जाता है। इसके अलावा इस बारे में उचित स्तर पर विरोध पत्र भी दिये जाते हैं।

#### विद्रोही नागाओं द्वारा मारे गये सैनिक

5111. श्री नाथूराम अहिरवार : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) पिछले तीन महीनों में विद्रोही नागाओं के साथ हुई झड़पों में कितने भारतीय सैनिक मारे गये और घायल हुए और ये झड़पें किस-किस तिथि को तथा किन-किन स्थानों पर हुई ; और

(ख) मृतकों के परिवारों को सरकार द्वारा कितनी वित्तीय सहायता दी गई और अन्य प्रकार की क्या-क्या सहायता दी गई ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) 15 सितम्बर से 15 दिसम्बर, 1967 तक की अवधि के दौरान नागा विद्रोहियों के साथ झड़पों में सेना के कोई कर्मचारी हताहत नहीं हुए।

(ख) साधारणतः नागा विद्रोहियों से झड़पों के फलस्वरूप मारे जाने वाले कर्मचारियों के सम्बन्धियों को सामान्य पेंशन

सम्बन्धी लाभों के अलावा सेना सहायता कोष से निम्नलिखित दरों पर उदारता अनुदान के रूप में वित्तीय अनुदान दिये जाते हैं :

अधिकारी	1,000 रु०
जूनियर कमीशन्ड अधिकारी	300 रु०
ओ० आर० एस/एन० सी० एस ई०	200 रु०

#### PAY REVISION OF MANIPUR EMPLOYEES

5112. SHRI M. MEGHACHANDRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have considered the pay revision of the employees of the Wireless Section of Manipur Police;

(b) if so, the details thereof;

(c) whether it is a fact that the pay-scale of the employees of this Section has not been revised along with that of the other employees of the Union Territory of Manipur; and

(d) if so, the reason for the non-revision ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) to (d). The pay and allowances of the employees of the Government of Manipur are based on the pay and allowances of the employees of the Government of Assam for equivalent posts. The Government of Assam revised the scales of pay of their employees. So the scales of pay of the employees in Manipur were also revised on this pattern. The scales of pay of the employees of Wireless Section of Manipur Police have not been revised as their existing scales of pay were not based on the Assam pattern. Government however, are considering the question.

#### PROFIT OF INDIAN SHIPPING COMPANIES

5113. SHRI DHIRESWAR KALITA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether the sub-committee set up by the National Shipping Board to go into the question of point which the Indian Shipping Companies, both in the public and private sectors, should make, has submitted its report;

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

(c) the decisions taken thereon ?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) to (c). The report of the sub-committee of the National Shipping Board on profit of Indian Shipping Companies was adopted by the National Shipping Board at its meeting held in New Delhi on 2nd December, 1967. A copy of the report has been received by Government on 15th December, 1967 and is being examined. A summary of the conclusions and recommendations made by the sub-committee is laid on the Table of the House. [Placed in Library. See No. LT-2102/67].

#### CORPORAL PUNISHMENT IN SCHOOLS

5114. SHRI HIMATSINGKA : Will the Minister of EDUCATION be pleased to state :

(a) whether Government's attention has been drawn to the article published in *the Statesman* on the 1st December, 1967 captioned 'Rod is not spared';

(b) if so, how far, according to Government information, the use of rod in the schools in general and in the Union Territories particularly has been abolished; and

(c) the further steps being taken by Government to abolish the use of rod in schools ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a) Yes, Sir.

(b) Delhi Education Code provides for certain standard forms of disciplinary measures including corporal punishment that may be adopted by the schools in dealing with the pupils according to the degree of offence.

(c) No such proposal is at present under consideration of the Government of India.

#### LAND PRICE CONCESSIONS TO PUBLIC SCHOOLS

5115. SHRI HIMATSINGKA : Will the Minister of EDUCATION be pleased to state :

(a) whether Government's attention has been drawn to the decision of the Delhi Administration to withdraw from public

schools the concessions formerly extended to such educational institutions in the matter of land prices;

(b) the circumstances leading to the withdrawal of such concession; and

(c) whether it is in pursuance of any policy to discourage public schools in which the medium of instruction is English?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD): (a) No such general policy decision has been taken by the Delhi Administration so far.

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

#### C.B.I. INVESTIGATIONS IN MANIPUR

5116. SHRI M. MEGHACHANDRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of cases of corruption among the Gazetted officers of the Union Territory of Manipur taken up for investigation by the Vigilance Department, Manipur and the C.B.I. respectively during the last 5 years;

(b) the progress of the investigation and how many of the cases have been completed and finally disposed of; and

(c) the number of officers against whom investigation is actively going on?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): (a) Number of cases of corruption taken up for investigation against gazetted officers of Manipur Administration during the last five years by—

(i) Vigilance Department Manipur (upto 31st March, 1967)	.. 117
(ii) C.B.I. (from 1-1-1963)	.. 6

(b) Number of cases in which inquiries have been completed by—

(i) Manipur Administration	.. 86
(ii) C.B.I.	.. 4

(c) Number of officers against whom investigation is in progress in—

(i) Manipur Administration (at the end of September, 1967)	.. 31
(ii) C.B.I.	.. 3

#### CHANGES IN ADMINISTRATIVE SETUP

5117. SHRI G. S. MISHRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether the Prime Minister, in her Convocation Address at the Roorkee University, very recently, advocated radical changes in the present administrative set-up viz. its base should be on "pay and utility" and not "pay an power"; and

(b) if so, the steps taken to implement her suggestions?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) and (b). While delivering the Convocation Address at the University of Roorkee on November, 18, 1967, the Prime Minister expressed the view that the administrative system must reflect an individual's contribution to human welfare and economic gain. In this context, she deplored the tendency of the administration to be hierarchical and status-bound, and pay being equated with power instead of with utility.

The Administrative Reforms Commission is going into the whole question of the reform of the administrative system. A copy of the Prime Minister's remarks has been made available to the Commission.

#### श्री बीजू पटनायक द्वारा दिल्ली बिक्री कर विभाग को दिये गये चैक

5118. श्री यशवन्त सिंह कुशवाह : क्या गृह-कार्य मंत्री यह बातने की कृपा करेंगे कि :

(क) क्या यह सच है कि उड़ीसा के भूत-पूर्व मुख्य मंत्री श्री बीजू पटनायक द्वारा दिल्ली के बिक्री कर कार्यालय के पक्ष में जारी किये गये हजारों रुपये के चैकों पर घन का भुगतान नहीं हुआ है ;

(ख) यदि हां, तो इसके क्या कारण हैं ;

(ग) ऐसे चैक कुल कितने हैं और वे किन तारीखों को जारी किये गये थे; और



(घ) इस बारे में सरकार ने क्या कार्यवाही की है।

गृह कार्य मंत्रालय में राज्य मंत्री (श्री बिष्णु चरण शुक्ल) : (क) बंगाल विक्त (बिक्ती कर) अधिनियम 1941 के उस रूप के अधीन जैसा कि वह संघ राज्य क्षेत्र दिल्ली में लागू है, फर्मों के नाम से रजिस्ट्रेशन सर्टिफिकेट जारी किया जाता है, न कि उसके मालिक, भागीदार या संचालक के। इस बारे में नाम तथा व्यापार की प्रकृति आदि के सम्बन्ध में पूरे विवरण के अभाव में कोई निश्चित सूचना देना सम्भव नहीं है ?

(ख) से (घ). प्रश्न ही नहीं उठते।

#### राजस्थान में विमान सेवाओं

5119. श्री ओंकार लाल बोहरा : क्या पर्यटन तथा असेनिक उड्डयन मंत्री यह बताने की कृपा करेंगे कि :

(क) राजस्थान में विमान सेवाओं का विस्तार करने के लिये इस वर्ष कुल कितनी धन राशि नियत की गई है और उदयपुर में वाइकाउंट विमानों के उतरने की व्यवस्था करने के लिये क्या कार्यवाही की जा रही है ;

(ख) उदयपुर में रात्रि के समय विमानों के उतरने की व्यवस्था कब तक पूरी हो जायेगी और सायंकालीन विमान सेवा कब आरम्भ हो जायेगी; और

(ग) क्या उनके लिये राजस्थान के प्रमुख नगरों जैसे जयपुर, बीकानेर, जोधपुर, उदयपुर, अजमेर, तथा कोटा में अन्तर्राज्य विमान सेवा आरम्भ करना संभव होगा ?

पर्यटन तथा असेनिक उड्डयन मंत्री (डा० कर्ण सिंह) : (क) इंडियन एयरलाइन्स कार्पोरेशन के पास किसी राज्य विशेष के लिये यात्रियों के यातायात के विकास के लिये कोई पृथक् नियत नहीं होता। एफ-27 विमानों के परिचालन के लिये उदयपुर के धावन पथ को हाल ही में बढ़ा कर 5400

फुट कर दिया गया है। मगर आई० ए० सी० वाले वाइकाउंट विमान द्वारा यहां के लिये एक सेवा इस समय भी परिचालित कर रहे हैं।

(ख) इस हवाई अड्डे पर धावन पथ पर (बिजली की) रोशनी लगाने की व्यवस्था के जनवरी, 1968 में पूरा हो जाने की आशा है।

(ग) जयपुर और उदयपुर पट्टे ही विमान सेवा द्वारा संबद्ध हैं। कोटा को विमान सेवा में जोड़ने के बारे में विचार किया जा रहा है। यातायात संभावनाओं के अत्यल्प होने के कारण जोधपुर को विमान सेवा से जोड़ना व्यावसायिक दृष्टि से उचित नहीं समझा गया। बीकानेर और अजमेर का यातायात मंत्रालय अभी किया जाना है।

#### राजस्थान में पर्यटक स्थान

5120. श्री ओंकार लाल बोहरा : क्या पर्यटन तथा असेनिक उड्डयन मंत्री यह बताने की कृपा करेंगे कि :

(क) राजस्थान में ऐतिहासिक महत्व के प्रमुख नगरों में परिवहन तथा अन्य सुविधाओं की व्यवस्था के लिये केन्द्रीय सरकार ने इस वर्ष कुल कितनी धनराशि नियत की है ;

(ख) राजस्थान में पर्यटक होटलों के निर्माण के लिये बनाई गई योजनाओं का व्यौरा क्या है और वे होटल कहा-कहाँ स्थापित किये जायेंगे ; और

(ग) उदयपुर तथा चित्तौड़ गढ़ में पर्यटक सुविधाओं की व्यवस्था करने के लिये केन्द्रीय सरकार ने इस वर्ष कितनी राशि मंजूर की है ?

पर्यटन तथा असेनिक उड्डयन मंत्री (डा० कर्ण सिंह) : (क) चूंकि पर्यटन केन्द्रों पर परिवहन सुविधाओं की व्यवस्था करना राज्य सरकार की जिम्मेदारी है इसलिए इस प्रयोजन के लिए कोई निधि नियत नहीं की गई

है। उदयपुर के निकट ससबाहू मन्दिर को जाने वाली सड़क का सुधार और सरिसिका, माउण्ट-जाबू और जयपुर में आवास व्यवस्था की वृद्धि जैसी अन्य सुविधाओं के विकास के लिए चालू वित्तीय वर्ष के दौरान 1,52,997 रुपये की बजट व्यवस्था की गई है।

(ख) राजस्थान में सरकारी क्षेत्र के अन्तर्गत पर्यटक होटल बनाने का फिलहाल कोई प्रस्ताव नहीं है।

(ग) उदयपुर के निकट ससबाहू मन्दिर को जाने वाली सड़क के सुधार के लिए अन्तिम किस्त के तौर पर पर्यटन विभाग के चालू वर्ष के बजट में 8,327/- रुपये की व्यवस्था मौजूद है।

#### अध्यापकों का आर्थिक उत्थान

5121. श्री ओंकार लाल बोहरा : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) अध्यापकों के सामाजिक और आर्थिक उत्थान के लिये केन्द्रीय सरकार क्या कार्यवाही कर रही है; और

(ख) क्या केन्द्रीय शिक्षा निधि के नमूने के किसी ऐसे प्रस्ताव पर विचार किया जा रहा है जिसे राज्यों में भी अध्यापकों के कल्याण के लिये क्रियान्वित किया जा सके और जिसके लिये केन्द्रीय अनुदान मिल सके ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री भागवत झा आजाद) : (क) शिक्षकों की सामाजिक और आर्थिक दशाओं को सुधारने के लिए शिक्षा आयोग ने बहुत से उपायों की सिफारिश की है और उन पर विचार किया जा रहा है।

(ख) ऐसा कोई प्रस्ताव विचाराधीन नहीं तथापि, अभावग्रस्त अध्यापकों और उनके आश्रितों को सहायता प्रदान करने के उद्देश्य से राष्ट्रीय अध्यापक कल्याण प्रतिष्ठान की स्थापना की गई है और राज्य सरकारों को प्रत्येक राज्य में एकत्र किए गए धन का 80 प्रतिशत भाग के उपयोग के अधिकार दे दिए गए हैं।

#### स्वेच्छा से सरकारी कर्मचारियों का सेवा-निवृत्त होने की योजना

5122. श्री शिव कुमार शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि ऐसे सरकारी कर्मचारी जो 25 वर्ष की नौकरी पूरी कर चुके हों, स्वेच्छापूर्वक सेवा-निवृत्त हो सकते हैं;

(ख) क्या यह भी सच है कि यद्यपि इस सम्बन्ध में घोषणा की जा चुकी है परन्तु इस बारे में अभी तक कोई सरकारी आदेश जारी नहीं किये गये हैं; और

(ग) यदि हां, तो इसके क्या कारण हैं तथा किस तारीख तक आदेश जारी कर दिये जाने की सम्भावना है।

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्याचरण शुक्ल) : (क) से (ग). वर्तमान नियमों के अधीन सरकार को सरकारी सेवा में 1-10-1938 से पहले प्रविष्ट होने वाले कर्मचारियों की कुछ विशेष श्रेणियों को 25 वर्ष की अर्हतादायी सेवा पूरी कर लेने पर लोकहित की दृष्टि से सेवा-निवृत्त कराने का अबाध अधिकार है, और ऐसे कर्मचारियों को भी इसी प्रकार से निवृत्ति ग्रहण करने का ऐसा ही अधिकार है। अन्य सरकारी कर्मचारियों के बारे में सरकार को उनके 55 वर्ष की आयु प्राप्त कर लेने अथवा 30 वर्ष की अर्हतादायी सेवा पूरी कर लेने पर उन्हें सेवा-निवृत्त कराने का अबाध अधिकार प्राप्त है, यदि ऐसा करना लोक-हित की दृष्टि से आवश्यक हो और सरकारी कर्मचारियों को भी बदले में इस प्रकार सेवा-निवृत्ति ग्रहण करने का अधिकार है।

प्रकाशन को सशक्त बनाने के उपाय के रूप में यह निश्चय किया गया है कि यदि लोक-हित की दृष्टि से आवश्यक हो तो सरकार को सरकारी कर्मचारियों को 50 वर्ष की आयु प्राप्त कर लेने या 25 वर्ष की पेंशन के लिये अर्हतादायी सेवा पूरी कर लेने में से जो भी

पहले हो उसके बाद तीन माह का नोटिस देकर सेवा-निवृत्त कराने का अधिकार होना चाहिये। यह भी निश्चय किया गया कि बदले में सरकारी कर्मचारियों को भी उपरोक्त आयु प्राप्त कर लेने अथवा अर्हतादायी सेवा पूरी कर लेने पर तीन माह का नोटिस दे कर सेवा-निवृत्ति ग्रहण करने का अधिकार प्रदान किया गया।

किन्तु ऐसी सेवाओं/पदों के बारे में जिनमें प्रवेश के लिये आयु की सीमा 35 वर्ष और उससे ऊपर है, इस अधिकार का उपयोग केवल तभी किया जा सकेगा जबकि सरकारी कर्मचारी 55 वर्ष की आयु प्राप्त कर चुका हो, अथवा उसने 25 वर्ष की अर्हतादायी सेवा पूरी कर ली हो। हां 55 वर्ष की आयु अथवा 25 वर्ष की सेवा में से जो भी पहले पूरी हो जाय उसके बाद इसका उपयोग किया जा सकेगा।

इस मामले पर संयुक्त परामर्शदात्री व्यवस्था के अन्तर्गत स्थापित राष्ट्रीय परिषद् की पिछली बैठक में भी विचार किया गया था जो 6/7 नवम्बर 1967 को हुई थी। इस बैठक में कर्मचारी वर्ग पक्ष ने अपनी असहमति प्रकट की थी। मामले पर सरकार द्वारा आगे विचार किया जा रहा है।

#### सरकारी कर्मचारी

5123. श्री शिव कुमार शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) ऐसे सरकारी कर्मचारियों की संख्या कितनी है जिन्होंने स्वयं आवेदन-पत्र प्रस्तुत किए हैं कि उनको फालतू घोषित किया जाये ;

(ख) क्या सरकार ने उनके आवेदन-पत्रों पर निर्णय कर लिया है; और

(ग) यदि नहीं, तो इसके क्या कारण हैं तथा उन पर कब तक अन्तिम रूप से निर्णय किये जाने की सम्भावना है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बिष्णु चरण शुक्ल) : (क) से (ग). प्रशासनिक सुधार आयोग द्वारा किये गए अध्ययनों के अथवा वित्त मंत्रालय के कर्मचारी वर्ग निरीक्षण एकक द्वारा किये गए पुनर्विचार के फलस्वरूप पदों की संख्या में कमी हो जाने पर कर्मचारियों को फालतू घोषित करते समय दृढ़ता के साथ बरिष्ठता क्रम का प्रतिकूल दिशा से पालन किया जाता है। बरिष्ठ व्यक्ति स्वेच्छा से सेवा-निवृत्ति की मांग नहीं कर सकते। अतः स्वेच्छिक सेवा-निवृत्ति का लाभ प्राप्त करने के लिये वे केवल स्वेच्छया सेवा-निवृत्ति की ही मांग कर सकते हैं।

#### PORBANDAR-OKHA COASTAL HIGHWAY

5125. SHRI HARDAYAL DEVGUN : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether Government propose to construct a costal highway connecting Porbandar with Okha on one side and with Veraval on the other;

(b) whether Government also propose to construct a road between Miyani and Mool Madhavpur; and

(c) if not, the reasons therefor ?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) : (a) to (c). The Government of Gujarat have been requesting for some time past for Central financial assistance for the development of a coastal highway along the Saurashtra Coast from Baroda to Maliya. The road sections mentioned in parts (a) & (b) form part of this coastal highway. This is a State road and the development of the proposed road Sections is primarily the responsibility of the State Government. The State Government have, however, reiterated their request for Central financial assistance under the Fourth 5-Year Plan also and have supplied some essential data in justification of the Project. This is being examined; but a decision in the matter can be taken only after the Fourth Plan Allocations have been finalised and the *inter se* priorities between

the various works are decided upon. The State Government do not attach any immediate urgency to the construction of the missing link between the Miani and Mul Madhavpur on the Miani-Porbandar-Mul Madhavpur-Veraval Section, as there is already an existing alternative road in this Section.

#### PORBANDAR PORT

5127. SHRI HARDAYAL DEVGUN : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether Government have any proposal to develop Porbandar as an all-weather Port;

(b) if so, the progress made in implementation of the Eastern and Western sector break water walls;

(c) whether the cement and chemical industries at Porbandar have urged the Central Government for early completion of the project; and

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

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) and (b). Executive responsibility for the development of ports other than major ports vests in the State Governments concerned. The Government of Gujarat are developing Porbandar Port as an all-weather port. In the first stage, the construction of the Western break-water, 1700 ft. in length and costing about Rs. 23 lakhs has been taken up and a length of 1000 ft. completed so far. The rest is expected to be completed by March, 1968. Tenders for the construction of an additional length of 2500 ft. of the breakwater, estimated to cost Rs. 1.5 crores, have been invited. The State Government are also taking steps to finalise the design of a further length of 6000 ft. of breakwater on the basis of model studies at the Central Water and Power Research Station, Poona. As it is proposed to provide a berth on the Western breakwater only for the present, the eastern breakwater has not yet been taken up for construction.

(c) and (d). The Cement and Chemical Industries have been urging the State Government to complete the project early. The work is expected to be completed within about four years.

#### दिल्ली-आसाम राजपथ

5128. श्री गुजानन्द ठाकुर : क्या परिवहन तथा नौबहन मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली और आसाम के बीच राष्ट्रीय राजपथ के निर्माण पर प्रतिमील कितना व्यय हुआ ;

(ख) क्या प्रतिरक्षा सम्बन्धी आवश्यकताओं को ध्यान में रखते हुए सरकार का विचार बिहार के सहरसा जिले में सोनबरसा और महेशखुट के बीच आठ मील के टुकड़े को राष्ट्रीय राजपथ से मिलाने का है ;

(ग) यदि हां, तो कब, और

(घ) यदि नहीं, तो इसके क्या कारण हैं ?

परिवहन तथा नौबहन मंत्रालय में उप-मंत्री (श्री भक्त दर्शन) : (क) राष्ट्रीय मुख्यमार्ग के प्रतिमील निर्माण की लागत ३ लाख और ७ लाख के बीच की होती है। यह कई तथ्यों पर निर्भर करती है जैसे, सड़क की स्थिति, मिट्टी का प्रकार, भूखंड, सड़क का प्रकार, सड़क की सतह की चौड़ाई, सामग्री की लागत, मजदूरों की उपलब्धता इत्यादि।

(ख) जी नहीं

(ग) प्रश्न नहीं उठता।

(घ) सोनबरसा राज और महेशखुट के बीच की सड़क राज्य सड़क है। अतः उसके विकास/निर्माण का दायित्व बिहार सरकार का है।

#### NEW UNIVERSITIES AT COCHIN AND KOZHIKODE

5129. SHRI VASUDEVAN NAIR : Will the Minister of EDUCATION be pleased to state :

(a) whether the Kerala Government has requested the Central Government for permission to start two new Universities at Cochin and Kozhikode respectively; and

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

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) :** (a) A proposal has just been received from the State Government for the establishment of a university each at Calicut and Ernakulam.

(b) The matter is under consideration.

**NATIONAL RIFLE ASSOCIATION OF INDIA**

**5130. SHRI NARENDRA SINGH MAHIDA :** Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the National Rifle Association of India is in receipt of aid from Central Government for its national championships and other activities; and

(b) whether Government are satisfied with the accounts of the National Rifle Association of India as no audited accounts were submitted this time at the Annual General Body meeting on the 29th November, 1967 ?

**THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) :** (a) Yes, Sir.

(b) Government are primarily concerned with the accounts of the Association in respect of grants sanctioned by them. Submission of audited accounts for all such grants, sanctioned by Government, is insisted upon and is being complied with by the Association.

**WEST COAST ROAD**

**5131. SHRI LOBO PRABHU :** Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) for how long the contracts for By-passes on the West Coast Road in the South Kanara District have been pending; and

(b) the reasons for which Central Government refused to finance the latest estimate for the Bye-pass of Udipi town ?

**THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) :** (a) The necessary information is being collected from the State Government and will be laid on the table of the Sabha when received.

(b) The latest estimate for the Udipi bye-pass received by us is the one amounting to Rs. 13.65 lakhs. This was accepted

in full in August, 1966 and a grant-in-aid for an equal amount was sanctioned. No other request has been received from the State Government so far.

**WEST COAST ROAD**

**5132. SHRI LOBO PRABHU :** Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) the sections of the West Coast Road (National Highway) from Goa to Calicut which remain to be completed:

(b) the reasons for the delay in completion; and

(c) when these sections will be completed ?

**THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) :** (a) The road from Goa to Calicut is not a National Highway but is a State Road within the State territories of Mysore and Kerala. The only sections remaining to be completed are :—

(i) a length of 9 miles from Karwar to Goa border including the bridge over the Kalinadi; and

(ii) some small stretches aggregating in length 17 miles, including a few by-passes.

(b) and (c). There has been no delay in the completion of the road. The road is expected to be completed including all the bridges by March 1971, the target date fixed at present.

**TOURIST CENTRE AT VENOOR**

**5133. SHRI LOBO PRABHU :** Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that Venoor Village has been selected for development as a Tourist centre for Jain pilgrims;

(b) whether Government are aware that Moodibidree is of greater importance to Jain religion and history is more accessible and is a much larger town, on the way both to Karkal and Venoor which are smaller pilgrim centres; and

(c) if so, the reason for selecting Venoor village ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). The Department of Tourism has no plans to develop Venoor or Moodibidree as tourist centres.

(c) Does not arise.

AD HOC APPOINTMENTS IN DELHI ADMINISTRATION

5134. SHRI K. P. SINGH DEO : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of the gazetted and non-gazetted officers (Department-wise) of Delhi Administration who have been promoted on *ad hoc* basis and the reason for continuing *ad hoc* appointments for a long time; and

(b) the number of Grade I and Grade II officers out of the list prepared under Delhi Administration sub-ordinate Ministerial/Executive Service Rules, 1967, who are working in the same seat for more than three years and the reasons of such long tenure ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) . (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

साम्प्रदायिक दंगे

5135. श्री रामावतार शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का ध्यान बम्बई से प्रकाशित होने वाले एक उर्दू समाचार-पत्र "इन्कलाब" में छपे इस समाचार की ओर आकषित किया गया है कि 1950 में नेहरू-लियाकत करार के बाद 670 साम्प्रदायिक दंगे हुए हैं;

(ख) यदि हां, तो उनका ब्योरा क्या है और इन दंगों में कितने व्यक्ति मारे गये हैं ;

(ग) क्या सरकार का विचार इन सब दंगों के कारणों की जांच कराने का है ; और

(घ) यदि नहीं, तो इसके क्या कारण हैं ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) : (क) और (ख) सूचना एकत्रित की जा रही है और यथासमय सदन के सभा-पटल पर रख दी जायेगी ।

(ग) और (घ) अभी हाल ही के कुछ साम्प्रदायिक दंगों के बारे में जांच करने के लिये एक जांच आयोग का गठन किया गया है । सन् 1950 से अब तक जितने दंगे हुए हैं उन सब की जांच करना सम्भव नहीं हो सकेगा ।

राजगीर का पर्यटक केन्द्र के रूप में विकास

5136. श्री रामावतार शास्त्री : क्या पर्यटन तथा असेनिक उद्भयन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बिहार में राजगीर एक महत्वपूर्ण पर्यटन केन्द्र है;

(ख) क्या इस स्थान का विकास करने का सरकार का विचार है;

(ग) क्या इस स्थान के विकास के लिये बिहार सरकार समय-समय पर वित्तीय सहायता मांगती रही है; और

(घ) यदि हां, तो केन्द्रीय सरकार ने अब तक कितनी वित्तीय सहायता दी है और कितनी सहायता देने का विचार है ?

पर्यटन तथा असेनिक उद्भयन मंत्री : (डा० कर्ण सिंह) : (क) और (ख) जी, हां ।

(ग) केन्द्रीय और राज्य सरकारों की राजगीर में निम्नलिखित सुविधाएं प्रदान करने की योजना है :—

(i) एक पय- 2,81,130 इसकी वित्तीय टक शाला रुपये व्यवस्था केन्द्रीय और राज्य सरकारों

(ii) एक एरि- 9,51,000 द्वारा मिलकर यल चेंबर रुपये की जायेगी विष्ट

(iii) एक पर्य- लगभग 5 इसकी टक स्वागत लाख रुपये वित्तीय व्यवस्था केन्द्रीय-सरकार द्वारा की जायेगी ।

(घ) उपयुक्त (ग) (i) और (ii) में दी गई मदों के लिए केन्द्रीय सरकार द्वारा अब तक 1,92,000/- का उपदान दिया जा चुका है । 4,240,65/- रुपये की बाकी राशि राज्य सरकारों को इन योजनाओं के पूरा हो जाने पर दी जायेगी ।

#### TOURIST TAXIS IN DELHI

5137. SHRI G. Y. KRISHNAN : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government are aware that a large number of private cars are running as tourist taxis in Delhi;

(b) whether the police have received complaints from tourists of exploitation by these unauthorized operators;

(c) whether considerable smuggling of illicit liquor and other drugs is going on in these cars; and

(d) if so, the action taken by the Delhi Police to stop plying of unauthorized taxis ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) and (b). There have not been complaints from tourists about unauthorised taxis but one case has come to the notice of Delhi Police so far during this year about plying of a private car as a taxi. Nine such cases also came to the notice of Directorate of Transport, Delhi Administration.

(c) Seven private cars indulging in the smuggling of illicit liquor were detected by the police during the year 1967 (up to 30-11-67).

(d) Delhi Police keep a strict watch at various bus stands and taxi stands and other possible places to detect the plying of unauthorised taxis.

बिहार में अध्यापकों की समस्याएं

5138. श्री रामाक्षतार शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बिहार के शिक्षा मंत्री ने प्राथमिक तथा हाई स्कूलों के अध्यापकों की समस्याओं के बारे में उनसे बातचीत की थी और उनके समाधान के लिये उनसे वित्तीय सहायता की मांग की थी;

(ख) यदि हां, तो उसका व्यौरा क्या है ;

(ग) क्या बिहार सेकेन्डरी अध्यापक संघ के प्रतिनिधियों ने उनसे उनकी पटना की यात्रा के दौरान बातचीत की थी;

(घ) यदि हां, तो उसका व्यौरा क्या है;

(ङ) क्या बिहार सेकेन्डरी अध्यापक संघ ने उनसे निवेदन किया था कि सरकार को गैर-सरकारी स्कूलों का प्रबन्ध अपने हाथ में ले लेना चाहिये; और

(च) यदि हां, तो इस बारे में सरकार की क्या प्रतिक्रिया है ?

शिक्षा मंत्रालय में राज्य-मंत्री (श्री भागवत झा आजाद) : (क) से (च). बिहार के शिक्षा मंत्री ने स्कूलों के अध्यापकों की सेवा शर्तों में सुधार संबंधी समस्याओं पर केन्द्रीय शिक्षा मंत्री के साथ विचार-विमर्श किया है । इस विषय पर प्राथमिक और माध्यमिक स्कूलों के अध्यापकों के संगठनों से भी अभ्यावेदन प्राप्त हुए हैं । फिलहाल भारत सरकार की ऐसी कोई योजना नहीं है जिसके अन्तर्गत स्कूलों के अध्यापकों के वेतनमानों में सुधार करने के लिए राज्य सरकारों को वित्तीय सहायता दी जा सके । इस विषय में शिक्षा आयोग द्वारा की गई सिफारिशों पर विचार किया जा रहा है ।

#### TENURE SYSTEM OF SERVICE

5139. SHRI M. N. NAGHNOOR : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether there is any tenure system for service in the Central Secretariat and whether any rules have been framed in this regard and published in Gazette;

(b) in how many cases the tenure rule, if any, was enforced during the last 10 years;

(c) in how many cases of I.C.S., I.A.S. and Officers of other Central Services, the tenure rule was relaxed and for what reasons;

(d) how many I.C.S. Officers have been serving in posts under the Central Government for the last (i) 25, (ii) 20, (iii) 15, (iv) 10 years continuously;

(e) the general considerations on which the tenure of officers is extended and who makes the final decision in this behalf; and

(f) whether officers who stayed long enough in Delhi to become Additional Secretaries and Secretaries are exempted from the tenure rule ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Yes, Sir, the rules regulating tenure in posts of and above the rank of Deputy Secretary in the Government of India have been published in the Gazette of India on 26th October, 1957 vide Ministry of Home Affairs Resolution No. 34(3)-EO/57 dated the 17th October, 1957.

(b) and (c). The rule prescribes the period of tenure and also provides for extensions of these tenures in exceptional circumstances where the public interest so demands. The rule was not relaxed in any case to continue an officer governed by the rule indefinitely at the Centre.

(d) The number of ICS officers who have been serving continuously in posts under the Central Government for the last 25 years, 20 years, 15 years and 10 years is 4, 6, 7 and 15 respectively. Among these, the tenure rule is not applied to 20 officers who have been appointed to the Finance Commerce Pool Cadre or were earmarked for the Central Administrative Pool.

(e) The tenure of officers is extended as laid down in the Resolution referred to in (a) above. The decision is taken by the Government on the recommendation of the Central Establishment Board.

(f) The tenure rule applies to posts of Additional Secretary/Secretary also except that when public interest so require,

an officer on expiry of the normal tenure may not revert to the State but may be shifted to another post.

#### NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

5140. SHRI K. M. ABRAHAM : Will the Minister of EDUCATION be pleased to state :

(a) the quantum of American assistance received by the National Council of Educational Research and Training since its establishment in 1961 and the manner in which it has been utilized;

(b) the number of foreign experts working in the Council;

(c) whether it is a fact that the Council undertook some research projects on matters relating to health, education and welfare; and

(d) if so, the main findings thereof ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) The total amount of U.S. assistance received or promised under various aid programmes is estimated at about 4.693 million dollars plus about 1.327 million rupees. This assistance has been or is being utilised for scientific and technical equipment and library books for the Regional Colleges of Education, research departments of the National Institute of Education and Extension Service Centres, services of U.S. experts, fellowships for the training of Indian faculty personnel in USA and to meet in part rupee expenditure on research projects.

(b) U.S. experts	15
UNESCO experts	.. 11

(c) and (d). Under the International Cooperative Research Programme of the U.S. Department of Health, Education and Welfare, the National Council has completed nine research projects in Indian education. A list of these projects is given in the attached statement and a brief description of them in the Annual Report for 1966-67. Under the same Programme, five more research projects have just been undertaken as listed in the statement laid on the Table of the House. [Placed in Library. See No. LT-2103/67.]



## TEACHERS OF DELHI UNIVERSITY

5141. SHRI C. K. CHAKRAPANI :  
SHRI V. VISWANATHA  
MENON :  
SHRI K. ANIRUDHAM :  
SHRI P. RAMAMURTI :

Will the Minister of EDUCATION be pleased to state :

(a) the terms and conditions of service of teaching staff of the Delhi University and colleges affiliated to the Delhi University;

(b) whether the same terms and conditions of service are also applied to the non-teaching staff of the Delhi University and colleges to Delhi University; and

(c) if not, the reasons therefor ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) The information is given in Ordinances XI, XII, XIII and XVIII of the University of Delhi, a copy each of which is laid on the Table of the House. [Placed in Library. See No. LT-2104/67.]

(b) No, Sir. The non-teaching staff is governed by a different set of rules.

(c) The terms and conditions of service are framed with reference to the nature of the posts in each cadre and the duties assigned thereto; as such it is not practicable for any two cadres to have the same terms and conditions of service.

## N.C.E.R.T. EMPLOYEES

5142. SHRI GANESH GHOSH : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that there is a general discontent among the employees of the National Council of Educational Research and Training; and

(b) if so, the action Government have taken or propose to take in the matter ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) Government is not aware of any general discontent.

(b) Does not arise.

मंत्रियों द्वारा कारों का प्रयोग

5143. श्री रघुबीर सिंह शास्त्री : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या स्वर्गीय प्रधान मंत्री लाल बहादुर शास्त्री ने औपचारिक अथवा अनौपचारिक तौर पर एक निदेश जारी किया था कि मंत्री बहुत कीमती तथा विदेशी कारों का प्रयोग न करें;

(ख) यदि हां, तो इस निदेश का कहां तक पालन किया गया है; और

(ग) मंत्रियों द्वारा बहुत कीमती तथा विदेशी कारों का प्रयोग किये जाने के बारे में वर्तमान स्थिति क्या है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री के० एस० रामास्वामी) : (क) से (ग). स्वर्गीय प्रधान मंत्री श्री लाल बहादुर शास्त्री का यह विचार था कि सरकारी विभागों को भारामदायक मोटर गाड़ियों के उपयोग से बचना चाहिये और इसीलिये उन्होंने निदेश दिये थे कि सरकारी विभागों को तब तक इस प्रकार की गाड़ियां खरीदने की आवश्यकता नहीं है जब तक कि कोई विशेष मामला न बना दिया जाय। सितम्बर, 1966 में इस प्रकार के अनुदेश भी जारी कर दिए गए हैं कि प्रत्येक मंत्रालय अथवा विभाग को विदेश की बनी हुई बड़े आकार की एक से अधिक गाड़ी (अर्थात् 20 अश्वशक्ति से अधिक शक्तिशाली कार) नहीं रखनी चाहिये।

## प्रशिक्षित कुत्ते

5144. श्री ओंकार लाल बेरवा : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार द्वारा खरीदे गये सभी कुत्ते चोरी के मामलों का सुराग लगाने में सफल रहे हैं;

(ख) यदि हां, तो अब तक कितने कुत्ते खरीदे गये थे और उनके लिये कितना मूल्य देना पड़ा था;

(ग) ये कुत्ते किन-किन स्थानों से खरीदे गये थे; और

(घ) कितने कुत्ते अपने कार्य में असफल सिद्ध हुए हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) जी हां, श्रीमान्/दिल्ली पुलिस के कुत्ता दस्ते के सारे कुत्ते सफल रहे हैं ।

(ख) इस समय इस दस्ते में 5 कुत्ते हैं । इनमें से केवल 2 खरीदे गये थे, एक 200 रुपये का और दूसरा 300 रुपये का ।

(ग) एक गुजरात में देवगढ़ (बरिष्ठा) से खरीदा गया था और दूसरा हिमाचल प्रदेश के पुलिस विभाग से ।

(घ) कोई नहीं । जहां कहीं अपराध स्थल पर सम्बन्धित वस्तुओं/व्यक्तियों की गंध में गड़बड़ी नहीं हुई थी, वहां कुत्ते सफल रहे हैं ।

#### मध्य प्रदेश में राजपथ पर पुलों का निर्माण

5145. श्री राम सिंह अयरवाल : क्या परिवहन तथा नौबहन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सागर (मध्य प्रदेश) से नरसिंहपुर के राष्ट्रीय राजपथ पर अभी तक पुलों का निर्माण नहीं हुआ है;

(ख) यदि हां, तो इसके क्या कारण हैं;

(ग) क्या सरकार को मालूम है कि वर्षा ऋतु में नदियों में बाढ़ आ जाती है और याता-यात रुक जाता है और दिजोलो, नरसिंहपुर, जैसे नगरों का सागर से सम्पर्क टूट जाता है; और

(घ) यदि हां, तो सरकार का कब तक पुल बनाने का प्रस्ताव है ?

परिवहन तथा नौबहन मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) और (ख). राष्ट्रीय मुख्यमार्ग के इस अनुभाग पर पड़ने वाले सात बड़े पुलों में से दो का निर्माण किया जा चुका है, तीन अन्य पुलों पर काम प्रगति पर है, एक और पुल का निर्माण कार्य मंजूर कर दिया गया है और शीघ्र ही कार्य हाथ में लिया

जावेगा । राज्य सार्वजनिक निर्माण विभाग की सलाह से सातवें पुल के प्रस्ताव को अंतिम रूप दिया जा रहा है ।

(ग) यह ठीक है कि यातायात में बाधा उत्पन्न होती है, और कुछ नगर सागर से कट जाते हैं किन्तु यह बाधा भारी वर्षा के समय में कुछ घंटों के लिए ही रहती है ।

(घ) धन के उपलब्ध होने पर शेष पांच पुलों को शीघ्रतिशीघ्र पूर्ण कर देने के समस्त प्रयास किये जायेंगे ।

#### REPAIR OF DWARKADISH TEMPLE

5146. SHRI C. K. BHATTACHARYYA : Will the Minister of EDUCATION be pleased to state :

(a) whether H. H. Shri Sankaracharya of Sharda Peeth, Dwarka, Gujarat has appealed to the Central Government through the Prime Minister requesting the Central Government to take up the work of repair and renovation of the historic temple of Dwarkadish at Dwarka;

(b) whether Government have taken any decision thereon; and

(c) when the work is likely to be taken up ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) Yes, Sir.

(b) and (c). Government hence decided to have the urgently required repairs carried out during the current financial year.

#### DEATH OF A WOMAN IN FLIGHT

5147. SHRI HUKAM CHAND KACHWAI : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether it is a fact that Shrimati S. N. Gandhi died in an Indian Airlines plane while travelling from Nagpur to Calcutta on the 3rd December, 1967;

(b) whether she had informed in advance the medical officer of the plane about her being unwell;

(c) whether there is any provision for the doctors being present in the planes of the Indian Airlines during their flight; and

(d) if so, the number of doctors and air hostesses in each plane during its flight ?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :** (a) Smt. S. N. Gandhi expired in an Indian Airlines plane when travelling from Bombay to Calcutta.

(b) No, Sir. There is no Medical Officer attached to the plane.

(c) There is no such provision, nor is it practicable to provide a doctor for planes on scheduled service.

(d) There are four Cabin Attendants in Caravelle aircraft, two in Viscount, Sky-master, HS-748 and Fokker Friendship and one in Dakota aircraft. A Cabin Attendant is either an air hostess or a steward.

#### CLOSURE OF SUEZ CANAL

5148. **SHRI VIRENDRAKUMAR SHAH :** Will the Minister of TRANSPORT AND SHIPPING be pleased to state the details of the extra expenditure being borne by Government on their shipments consequent upon the closure of the Suez Canal ?

**THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) :** An additional expenditure of about Rs. 1.65 crores per month is being incurred on account of the higher freight charges which have to be paid for Government imports from the West.

#### SOCIO-ECONOMIC PROGRAMME TO CURB DISINTEGRATING TENDENCIES

5149. **SHRI HIMATSINGKA :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) the details of the socio-economic programme formulated by Government to tackle the disintegrating tendencies as manifested in Shiva Sena in Maharashtra and some other organisations in other parts of the country;

(b) the steps taken or being taken to implement the programme; and

(c) the time likely to be taken through a programme to do away with such organisations ?

**THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) :** (a) to (c). The social and economic problems of any community or region can only be solved by rapid economic development within the framework of the Five Year Plans. It is hoped that the National Integration Council will devote thought to these problems which aggravate linguism and regionalism.

#### RESERVATION FOR S.C. AND S.T. CANDIDATES

5150. **SHRI A. S. KASTURE :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that even in the case of the reserved vacancies, the Scheduled Castes/Tribes candidates possessing the minimum required qualifications are not selected and vacancies are filled up by non-scheduled Castes/Tribes candidates;

(b) if so, whether Government propose to invite applications for reserved vacancies only from the Scheduled Castes/Tribes candidates; and

(c) if not, the other specific steps Government propose to take in this matter ?

**THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) :** (a) For appointment to the reserved vacancies, the Scheduled Caste and Scheduled Tribe candidates, besides possessing the minimum educational qualifications prescribed for appointment to the post concerned, have to reach the minimum standard of competence considered necessary for that Service/post. Scheduled Caste and Scheduled Tribe candidates, who come up to the required minimum standard, are selected. Appointment of non-Scheduled Caste/Tribe candidates can be made against the remaining vacancies for which Scheduled Caste and Scheduled Tribe candidates are not available, after deserving such vacancies, the reservation being carried forward to two subsequent recruitment years.

(b) No, Sir. In advertisements, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes is specified. Against vacancies reserved for Scheduled Castes and Scheduled Tribes, the Scheduled Caste/Tribe applicants only are considered in the first instance. Such of the Scheduled

Caste/Tribe candidates who come up to the required standard are selected. It is only when there are no Scheduled Caste/Tribe applicants, or if the applicants of these categories are not found suitable for the vacancies reserved for them, that others are considered. If applications from Scheduled Caste/Tribe candidates only are invited for the vacancies reserved for them, in the event of there being no Scheduled Caste/Tribe applicants, or of the unsuitability of such applicants, the vacancies will need to be readvertised, involving avoidable expenditure on advertisement and delay in recruitment.

(c) Does not arise.

### महाराष्ट्र में छोटी बन्दरगाहें

5151. श्री बसवन्त : क्या परिवहन तथा नौबहन मंत्री यह बताने की कृपा करेंगे कि :

(क) महाराष्ट्र में बन्दरगाहों के नाम और उनकी संख्या कितनी है और उनमें से तीसरी पंचवर्षीय योजना की अवधि में विकसित किये गये बन्दरगाहों की संख्या कितनी है;

(ख) क्या सरकार ने महाराष्ट्र में छोटी बन्दरगाहों, विशेषतः कोकपा के लिये, जो वर्षा के मौसम में रेत से भर जाता है, के विकास के लिये कोई योजना तैयार की है; और

(ग) यदि हां, तो उसका व्यौरा क्या है ?

परिवहन तथा नौबहन मंत्री (डा० बी० के० आर० बी० राव) : (क) महाराष्ट्र में 49 लघु पत्तन हैं यथा दहानू, तारापुर, नावापुर, सतपती, केलवा महिम (केलवा सहित), अरनाला (दातीवारा सहित), बसोन, उत्तन, भिवंडी, चनोरी कल्याण, थाना, वारसीवा बांद्रा, एलिफैंटा, ट्रांबे (मेहुल सहित), पर्ण-बल (उलवा), मोरा, करंजा, मांडवा, थाल (रेवास), अलीबाग, रेवदाला, वोरलई मांडला, नादगांव मुश्द (जंजीरा), राजपुरी, मान्देद, कुंभारू, श्रीवर्धन, वंकोट, क्लशी, हरनई, वमील, पलशेट, वीरया, जैगढ़, बरूदा (तिवरी), रत्नागिरि, पुरनागढ़, जैतापुर, विजयदुर्ग, देवगढ़, अचरा, मलवान, निवती, नैनारुवा, रेडी और किरनापानी ।

तीसरी योजना अवधि में इन पत्तनों में से बीस में विकास कार्य किया गया था ।

(ख) से (ग) लघु पत्तनों के विकास के लिये कार्यकारी दायित्व संबद्ध राज्य सरकारों का है । महाराष्ट्र सरकार ने चतुर्थ पंचवर्षीय योजना काल में कोंकण पत्तन सहित अपने लघु-पत्तनों के विकास के लिये लगभग 13.19 करोड़ रुपये के लागत के अनुमान की योजना प्रस्तावित की थी । योजना आयोग ने इस प्रयोजन के लिये चौथी योजना की प्रारूप रूपरेखा में 683.67 लाख रुपये की व्यवस्था के लिये सहमति दी थी । इस कार्यक्रम के ब्यौरे को अभी अन्तिम रूप नहीं दिया गया है ।

कोंकण पत्तन में जमा बालू के निकर्षण के लिये महाराष्ट्र सरकार का एक सागरगामी निकर्षक खरीदने का प्रस्ताव है । इस प्रयोजन के लिये राज्य सरकार ने निविदायें मांगी हैं । निविदा प्राप्त होने की अन्तिम तिथि 26 दिसंबर, 1967 है ।

### पाथेरान और लोनावाला पहाड़ी स्थानों का विकास

5152. श्री बसवन्त : क्या पर्यटन तथा असेनिक उद्भयन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या तृतीय पंचवर्षीय योजना अवधि में महाराष्ट्र के पाथेरान और लोनावाला पहाड़ी स्थानों का किसी प्रकार विकास किया गया है;

(ख) यदि हां, तो उसका व्यौरा क्या है;

(ग) क्या यह सच है कि बम्बई में जन-संख्या अधिक होने के कारण वहां पर मध्यम वर्ग के लोगों के लिये आवश्यक सुविधायें उपलब्ध नहीं हैं; और

(घ) यदि हां, तो क्या इन स्थानों पर अवकाश शिविरों की व्यवस्था करने का सरकार का विचार है ?

पर्यटन तथा असेनिक उद्भयन मंत्री (डा० कर्ण सिंह) : (क) और (ख) तीसरी योजना में लोनावाला के निकट कारला में एक

हालीडे कैंप स्थापित करने के लिये राज्य सरकार को 50,000 रुपये का उपदान दिया गया।

(ग) चूंकि पर्वतीय स्थानों को यातायात मौसम विशेष में ही होता है यह संभव है कि छुट्टियों में यात्रियों के आधिक्य के कारण माथेरान और लोनावाला में उन महीनों में सुविधायें अपर्याप्त सिद्ध हों।

(घ) उस हालीडे कैंप के अतिरिक्त जो कारला में पहले से काम कर रहा है केन्द्रीय सरकार के पास माथेरान और लोनावाला में हालीडे कैंप स्थापित करने के कोई प्रस्ताव नहीं है।

#### SAPDARJUNG AIRPORT

5153. SHRI RAM CHARAN : Will the Minister of TOURISM AND CIVIL AVIATION be pleased to state :

(a) whether Government propose to close Safdarjung Airport and shift it to Palam; and

(b) if so, when ?

THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) : (a) and (b). There is no proposal to shift flying operations from Safdarjung to Palam, but the feasibility of shifting such operations to another site is being examined.

#### SCIENCE TALENT SELECTIONS

5154. SHRI N. R. DEOGHARE : Will the Minister of EDUCATION be pleased to refer to the reply given to Unstarred Question No. 6773 answered on 26th July, 1967 and state :

(a) whether Government propose to review the cases of candidates further below the 366th candidate who have fared satisfactorily and give them incentives to develop their science talent in view of the large number of scholarships that go abegging due to selected students opting for other courses; and

(b) if so, when a decision in this regard is likely to be taken ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) and (b). The matter will be considered by the Advisory Board for National Science Talent Search Scheme at its next meeting proposed to be held shortly.

#### KERALA KALAMANDALAM KATHAKALI TROUPE

5155. SHRI A. K. GOPALAN :  
SHRI E. K. NAYANAR :  
SHRI P. GOPALAN :  
SHRIMATI SUSEELA GOPALAN :

Will the Minister of EDUCATION be pleased to state :

(a) whether our diplomatic mission or any other concerned authorities in Beirut have received complaint regarding the alleged theft of a box containing money and valuable belonging to the Manager of the Kerala Kalamandalam Kathakali troupe which had been touring Europe and Canada;

(b) if so, the steps taken to recover it; and

(c) the total amount of foreign exchange earned by the tour of this troupe abroad after deducting the daily expenditure of the troupe ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a) and (b). After participating in the India Week Celebration during Expo'67 in Montreal in June-July, 1967, the Kathakali Troupe of the Kerala Kalamandalam toured Europe and West Asia on a commercial basis.

The Manager of the Troupe informed the Indian Embassy in Beirut on 5th September, 1967 about the loss of a suitcase containing valuables. The matter was immediately taken up with the Ball Beck Festival authorities and the Middle East Airlines. The suitcase was traced in Frankfurt on 9th September from where it was sent to Athens on 11th September and then on to Paris on 14th September. It is presumed that the suitcase has since been delivered to the owner.

(c) The Troupe returned to India towards the end of September, 1967 and the impressario in Paris who arranged the tour,

has yet to settle the accounts. Information regarding foreign exchange earnings will become available after the accounts are settled.

#### FAIR PRICE SHOPS IN ANDAMANS

5156. SHRI K. R. GANESH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of Fair Price Shops opened by the Andaman and Nicobar Administration in the Andaman group;

(b) whether any Fair Price Shops have been opened in large compact labour areas; and

(c) if not, the reasons for the same ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) to (c). Seventy-six fair price shops have been opened by Andaman and Nicobar Administration in the Andaman group of Islands keeping in view the needs of people, including labourers, in various localities. 26 of these fair shops are functioning in areas where labourers are concentrate in large numbers.

#### FAIR PRICE SHOPS IN NICOBAR

5157. SHRI AMRIT NAHATA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of fair price shops opened by the Andaman Administration in the Nicobar group;

(b) the total population of the area in which such shops have been opened;

(c) whether commodities are sold in Government Fair Price Shops at lesser rates than in the Nancowry Trading Company;

(d) whether under Andaman Nicobar Tribal Protection Regulations Government was required to fix prices in Nicobar group; and

(e) the reasons for the failure to fix prices ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) and (b). Civil Supply Stores were opened by the Andaman and Nicobar Administration at the following places and the total

population of these places, according to the 1961 census, is indicated against them :

<i>Name of the place</i>	<i>Population</i>
Car Nicobar	9879
West Bay Katchal	} 904
East Bay Katchal	
Teressa	547
Kondul	82
Pilomillo	40
Campbell Bay (Gr. Nicobar)	203
Camorta	795
Kapanga	107

One store was opened at each of the places mentioned above.

The Civil Supply Store at Kapanga was opened temporarily on 10-10-67 and was closed when the regular store was opened at East Bay Katchal.

Except the stores at Car Nicobar and Camorta all other stores have since been closed in compliance with the orders of the Calcutta High Court.

(c) Commodities at these stores were sold at rates worked out on 'no profit, no loss' basis and the rates charged by the Nancowry Trading Company were generally higher. However, the rates for controlled commodities like atta, rice and sugar were the same.

(d) In accordance with the terms of the licence for trade issued under the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, the Chief Commissioner or an officer so authorised by him fixes the maximum retail sale price of the commodities sold. There is no bar to licensee selling commodities at rates lower than the maximum fixed.

(e) Maximum retail prices are being fixed as per the rules.

#### WRIT PETITIONS AGAINST ANDAMAN ADMINISTRATION

5158. SHRI AMRIT NAHATA : Will the Minister of HOME AFFAIRS be pleased to state the number of writ petitions filed in the Calcutta High Court in the years 1963—67, year-wise against Andaman and Nicobar Administration ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : The number of writ petitions filed in the Calcutta High Court against the Andaman and Nicobar Administration so far since 1963 is as follows :

<i>Year</i>	<i>Number</i>
1963	1
1964	2
1965	2
1966	6
1967	8 (upto 13th Dec. 1967).

**LANDING CHARGES ON PASSENGERS TRAVELLING IN ANDAMAN VESSELS**

5159. SHRI K. R. GANESH : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether any landing charges are levied on passengers travelling in the Andaman vessels for landing in the Nicobar group ports;

(b) if so, the reasons thereof; and

(c) whether it is not the responsibility of the shipping department to land passengers ashore?

if MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) : (a) to (c). Information is being collected and will be laid on the Table of the Sabha.

**INTERNATIONAL HOCKEY FESTIVAL AT LAHORE**

5160. SHRI K. P. SINGH DEO : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that India has agreed to participate in the forthcoming International Hockey Festival at Lahore in Pakistan;

(b) whether it is also a fact that Pakistan has declined India's invitation to participate in the Hockey Festival to be held in India; and

(c) if so, the reasons for India's acceptance of Pakistan's invitation, when Pakistan declined India's invitation on a reciprocal visit?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI BHAGWAT JHA AZAD) : (a) to (c).

The Indian Hockey Federation have agreed to participate in the International Hockey Festival to be held in Pakistan during January 1968 subject to Pakistan agreeing to reciprocate by a visit to India and playing the same number of matches in India as India is expected to play in Pakistan. The Indian Hockey Federation, however, do not propose to hold any International Hockey Festival in India like the one being held in Pakistan.

**INDIAN FOREST SERVICE**

5161. SHRI A. S. KASTURE : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of State Forest Officers selected in the Indian Forest Service constituted with effect from 1st October, 1966;

(b) the number of State Forest Officers belonging to the Scheduled Castes and Scheduled Tribes selected in Indian Forest Service;

(c) whether these communities are adequately represented; and

(d) if not, what steps Government propose to take to increase the number of their members in the Indian Forest Service?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) to (c). 703 State Forest Officers were adjudged suitable for appointment to the Indian Forest Service at its initial constitution with effect from 1-10-1966, including 9 Scheduled Castes and 8 Scheduled Tribes officers.

(d) For recruitment to the service through the competitive examination, the rules/regulations provide reservation for the Scheduled Castes/Tribes candidates. Moreover certain cases are being reviewed where the adverse remarks in the character rolls had either not been conveyed or the representations received against such remarks had remained pending.

**LEAVE TRAVEL CONCESSION TO WORKERS IN ANDAMAN AND NICOBAR ISLANDS**

5162. SHRI K. R. GANESH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the total number of workers in the Andaman and Nicobar Islands entitled to Leave Travel Concession;

(b) the category of workmen who are entitled;

(c) whether those getting regular leave under Government orders are also entitled; and

(d) if not, the reasons therefor ?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA):**

(a) to (d). Leave travel concessions is admissible to all the industrial and work charged staff who are entitled to regular leave and have completed one year of service; their number is not readily available. However, contingency paid staff and casual labourers are not entitled to leave travel concession, because of the nature of their employment.

#### ANDAMAN SPECIAL PAY

5163. SHRI K. R. GANESH : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether industrial staff recruited from mainland are entitled to Andaman Special Pay;

(b) if so, whether they are entitled to free passage as others recruited from mainland are; and

(c) if not, the reasons therefor ?

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA):**

(a) to (c). Andaman Special Pay is being allowed to the industrial staff under the general orders contained in the Ministry of Home Affairs letter dated the 22nd January, 1951. However, the grant of free passage is governed by separate provisions contained in the Fundamental and Supplementary Rules. As the industrial staff are not governed by those Rules, they are not entitled to free passage.

#### हिन्दी अधिकारी

5164 श्री शिवचरण लाल : गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि.

(क) क्या यह सच है कि भारत सरकार के कुछ मंत्रालयों में हिन्दी सलाहकार समिति के सुझावों की उपेक्षा की गई है और हिन्दी

अधिकारियों की नियुक्ति अभी तक नहीं की गई है और इसके बजाय अवर-सचिवों अथवा अन्य उच्च अधिकारियों के लिये मासिक मानदेय मंजूर किया गया है;

(ख) यदि हां, तो क्या यह मानदेय मंजूर करने से पहले हिन्दी सलाहकार समिति की सहमति प्राप्त की गई थी;

(ग) यदि नहीं, तो इसके क्या कारण हैं; और

(घ) उन मंत्रालयों में हिन्दी अधिकारियों की नियुक्ति करने के लिये उनके मंत्रालय द्वारा क्या कार्यवाही की जा रही है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बिद्या चरण शुक्ल) : (क) और (घ) 17 मंत्रालयों/विभागों में हिन्दी अधिकारी पहले ही से काम कर रहे हैं। 9 मंत्रालयों/विभागों में वरिष्ठ अधिकारी अपने सामान्य काम के प्रतिरिक्त हिन्दी संबंधी काम की देखभाल बिना मानदेय लिए कर रहे हैं। केवल स्वास्थ्य एवं पैट्रोलियम तथा रसायन मंत्रालय में ही एक एक अधिकारी को हिन्दी सम्बन्धी काम के लिये मानदेय दिया गया है।

(ख) और (ग). हिन्दी सलाहकार समिति की सहमति प्राप्त करना आवश्यक नहीं था।

#### हिन्दी असिस्टेंट

5165. श्री शिवचरण लाल : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत सरकार के विभिन्न मंत्रालयों में कार्य कर रहे हिन्दी असिस्टेंटों/भनुवादकों को पदोन्नत के कोई अवसर उपलब्ध नहीं हैं;

(ख) क्या यह भी सच है कि स्नातकोत्तर डिग्री धारी अधिकांश व्यक्तियों को हिन्दी में कार्य का 7-8 वर्ष का जो भनुभव है वह हिन्दी प्रफ़्तर के पद के लिये अपेक्षित न्यूनतम योग्यताओं से कहीं अधिक योग्यता है ;



(ग) क्या मंत्रालयों में, जहाँ अभी तक हिन्दी अफसर नियुक्त नहीं किये गये हैं, हिन्दी अफसरों तथा अनुवादकों में से ही हिन्दी अफसरों का काम कराया जा रहा है ; और

(घ) यदि हाँ, तो उन्हें हिन्दी अफसरों के पदों पर पदोन्नत न करने के क्या कारण हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) से (घ). सूचना एकत्रित की जा रही है तथा सदन के सभा-पटल पर रख दी जायेगी ।

**हिन्दी अधिकारियों के पद**

5166. श्री शिवचरण लाल : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) 1960 के बाद भारत सरकार के अर्धीन हिन्दी अधिकारियों के कितने पद बनाये गये और उनमें से अब तक कितने पदों पर नियुक्तियाँ की गईं ;

(ख) उनमें से कितने पदों पर सीधी भर्ती से नियुक्तियाँ की गई हैं और कितने पदों पर विभागीय पदोन्नतियों द्वारा नियुक्तियाँ की गई हैं ; और

(ग) क्या उपरोक्त पद पर भारत सरकार के किसी हिन्दी सहायक की भी पदोन्नति की गई है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री विद्या चरण शुक्ल) : (क) से (ग). सूचना एकत्रित की जा रही है और सदन के सभा पटल पर रख दी जायेगी ।

**SECTION OFFICERS OF CENTRAL SECRETARIAT SERVICE**

5168. SHRI DHANDAPANI : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that at the instance of his Ministry, the Union Public Service Commission recommended in August, 1967 a panel of names of Section Officers of the C.S.S. for appointment to Grade I of that Service;

(b) if so, whether this panel has been published; and

(c) if not, the reasons for the delay of nearly four months in giving effect to the recommendations of the U.P.S.C. ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) to (c). A Selection Committee presided over by a Member of the U.P.S.C. has prepared a panel of names of officers for appointment to Grade I of the C.S.S. This panel is still under consideration in consultation with the U.P.S.C.

**NATIONAL LIBRARY, CALCUTTA**

5169. SHRI NITIRAJ SINGH CHAUDHARY : Will the Minister of EDUCATION be pleased to state :

(a) whether 1,200 books, including some rare books and manuscripts, have been stolen during the last year from the National Library, Calcutta;

(b) if so, the details of the rare books and the manuscripts; and

(c) the steps Government intend to take to check this in future ?

THE MINISTER OF STATE IN THE MINISTRY OF EDUCATION (SHRI SHER SINGH) : (a) No, Sir.

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

**हिन्दुस्तान एयरोनाटिक्स लिमिटेड,  
बंगलौर में पकड़ा गया जासूस**

5171. श्री यज्ञदत्त शर्मा :  
श्री बो० प्र० त्यागी :  
श्री जगन्नाथ राव जोशी :  
श्री ओंकार लाल बेरवा :  
श्री नारायण स्वरूप शर्मा :

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

(क) क्या यह सच है कि हिन्दुस्तान एयरो-नाटिक्स लिमिटेड, बंगलौर के मुहम्मद रहम-तुल्ला को पाकिस्तान के लिये जासूसी करने के आरोप में तीन वर्ष की सजा दी गई थी ;

(ख) क्या उसने 1965 में हुए भारत-पाकिस्तान संघर्ष के दौरान पाकिस्तान को महत्वपूर्ण जानकारी दी थी;

(ग) यदि हां, तो उसका व्यौरा क्या है; और

(घ) इसी प्रकार के अन्य मामलों को रोकने के लिये सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण) :

(क) से (ग). भारतीय सरकारी गोपनीयता अधिनियम की धारा 3(1) (ग) के अधीन अपराधों के आरोप पर मुहम्मद रहमतुल्ला नामक एक ऐसे व्यक्ति पर मुकदमा चलाया गया था। न्यायालय के मतानुसार अभियुक्त ने भारतीय वायुसेना के वायुयानों की गतिविधियों के बारे में सूचना प्राप्त एवं संकलित करके शत्रु के एक एजेन्ट को दी। अभियुक्त का उद्देश्य अपने कारनामों से शत्रु को लाभ पहुंचाना था और उसने जो कार्य किये वे राज्य की सुरक्षा तथा हितों के लिये हानिकारक उद्देश्य के लिये किये गये थे। अभियुक्त को भारतीय सरकारी गोपनीयता अधिनियम की धारा 3(1) (ग) के अधीन तीनों आरोपों के लिये दण्डित किया गया, और प्रत्येक अपराध के लिये तीन वर्ष के सश्रम कारावास का दण्ड दिया गया। उसे भारत प्रतिरक्षा नियमों में से नियम 39(1) और (3) के अधीन अपराधों के लिये भी दण्डित किया गया और इनमें से प्रत्येक के लिये डेढ़ वर्ष का सश्रम कारावास दिया गया। सारी सजायें एक साथ चलनी थीं।

(घ) ऐसे मामलों को रोकने के लिये पर्याप्त सुरक्षा व्यवस्था विद्यमान है।

MEMORANDUM AGAINST ORISSA CHIEF MINISTER

5172. SHRI NATH PAI : Will the Minister of HOME AFFAIRS be pleased to refer to the reply given to Unstarred Question No. 2323 on the 29th November, 1967 and state :

(a) whether any reply has since been received from the Chief Minister of Orissa L103LSS/67—6

regarding the memorandum submitted by the Orissa Congressmen levelling certain charges against him; and

(b) if so, the nature thereof ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) Yes, Sir.

(b) The Chief Minister of Orissa has stated that steps are being taken in the matter in the light of the decision of the Conference of Chief Justice held in March, 1965.

FORCIBLE OCCUPATION OF LAND BY NAGAS

5173. SHRI R. BARUA :

SHRI K. P. SINGH DEO :

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether a large number of Nagas from Nagaland have forcibly occupied sizeable areas in Kakodonga Forest Reserve of Assam during the last few days; and

(b) if so, whether any preventive measure has been taken to throw out the intruders and with what result ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) and (b). There is no information regarding any forcible occupation. Information available with the Government of Assam indicates that some Nagas had recently cleared a portion of the jungle in Kakadonga Reserve Forest in Sibsagar District. Assam State Officials, visited the area but did not find any person there.

WORLD ASSEMBLY OF YOUTH

5174. SHRI SARJOO PANDEY : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the World Assembly of Youth (WAY) has created a Trust for rupees two million for the purpose of construction of a multi-storeyed building in Chanakyapuri, New Delhi;

(b) the source of this money; and

(c) how many buildings have been constructed by this Trust so far and the purpose of construction ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : (a) The WAY India Youth Centres Trust set up by the Indian Assembly of Youth (formerly

known as World Assembly of Youth India) have launched a programme for establishing an International Youth Centre (Vishva Yuvak Kendra) at Chanakyapuri, New Delhi at a total cost of Rs. 21.02 lakhs.

(b) The Indian Assembly of Youth is reported to have received funds from U.S. Foundations including the Foundation of Youth and Student Affairs. The Government have also sanctioned a grant of Rs. 6,00,000/- on the condition that the Trust raise a matching amount from public donations.

(c) Government have no information regarding any buildings other than the one mentioned in part (a).

#### **JOB'S FOR DISPLACED AGRICULTURISTS AT HALDIA PORT PROJECT**

5175. SHRI S. C. SAMANTA : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether the agriculturists who have been displaced from their lands in Haldia would be given due preference in employment in the new port project and that training facilities for them, as necessary would also be provided;

(b) if so, the steps taken for the purpose so far;

(c) whether it is a fact that there is not much employment at present at Haldia on the port project which can be offered to the agriculturists; and

(d) if so, whether those agriculturists or their sons will be offered some employment in Calcutta Port itself as the Haldia Port is regarded as subsidiary port to Calcutta ?

**THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) :** (a) and (b). New recruitment of non-technical staff for the Haldia Dock Project are made through the Employment Exchange at Sutahata District, Midnapur specially opened with the idea of absorbing as many displaced persons as possible. While intimating the staff requirements for Haldia, the Calcutta Port Commissioners indicate that, as far as possible, displaced persons answering to the requirements, should first be sent for consideration. The contractors engaged on the project work

have also been instructed by the Port Commissioners to recruit personnel required by them from the local people. As regards technical personnel, the recruitment is made either by transfer from Calcutta Port or by advertisement in the press.

The responsibility for providing training facilities to the displaced persons as well as others at Haldia to enable them to secure gainful employment when the Haldia region develops is the responsibility of the West Bengal Government. It is understood that the West Bengal Government are considering the question of setting up an industrial training centre to train the displaced personnel.

(c) The opportunities offering to the displaced personnel to secure gainful employment were so far few but it is expected that, with the placement of an order for the main civil engineering works on which work has just commenced, the opportunities will increase and a larger number of people will secure employment.

(d) It will not be possible to absorb the displaced agricultural personnel of Haldia in Calcutta Port as it carries personnel in excess of actual requirements and there is a fall in the volume of traffic handled.

#### **RECOVERY OF OUTSTANDING DUES FROM CATERER AT PALAM AIRPORT**

5176. SHRI SHAMBHU NATH :  
SHRI RAJDEO SINGH :

Will the Minister of TOURISM AND CIVIL AVIATION be pleased to refer to the reply given to Unstarred Question No. 2394 on the 29th November, 1967 and state :

(a) whether it is a fact that an amount of Rs. 150,000 is due from the present caterer at the Palam Airport; and

(b) if so, the action taken for the recovery of these dues by the Controller of Aerodromes, Delhi region in his capacity as the Estate Officer ?

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH) :** (a) An amount of Rs. 58,604.80 on account of damages and electricity and water charges for the period 1-3-67 to 31-7-67 is outstanding against the catering contractor at Palam Airport. Dues for the further period are being assessed.

(b) The Controller of Aerodromes (in his capacity as Estate Officer) has issued a notice for recovery of the amount under the Public Premises Eviction Act. Similar action will be taken for subsequent dues.

**CANCELLATION OF THE VISA OF  
DR. SOMMERVILLE**

5177. SHRI SRINIBAS MISRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received any representation from the All India Nationalist Christian Association requesting for the cancellation of visa of Dr. Somerville; and

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

**THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS  
(SHRI VIDYA CHARAN SHUKLA) :**  
(a) No, Sir.

(b) Does not arise.

**NATIONAL FEDERATION OF P. & T.**

5178. SHRI S. M. BANERJEE : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that the National Federation of Post and Telegraph has demanded discussion for full neutralization of dearness allowances to employees by the Joint Consultative Machinery; and

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

**THE DEPUTY MINISTER IN THE  
MINISTRY OF HOME AFFAIRS (SHRI  
K. S. RAMASWAMY) :** (a) and (b). At the meeting of the National Council held on 29th and 30th May, 1967, the staff side representatives had raised the question of grant of increased dearness allowance on the average ten point increase in the cost of living over a period of 12 months.

The subject was subsequently discussed by the representatives of employees' organisations outside the JCM with the Deputy Prime Minister on 29-8-67. The agreement

reached at this meeting is self explanatory and is reproduced below.

*Agreement reached in the meeting on  
29-8-1967*

1. Dearness allowance as payable from 1st February, 1967 upto the 31st August, 1967 to the Central Government employees will be held in deposit in their Provident Fund Accounts.
2. Dearness Allowance accruing from 1st September, 1967 will be paid fully in cash according to the recommendation of the Gajendragadkar Commission.
3. Provident Fund deposits in accordance with (1) can be withdrawn in one instalment in April, 1968 but in case the financial position of Government so warrants, the employees representatives undertake to make an appeal to the employees not to ask for withdrawal.
4. The Central Government employees will be free to bring up their demand for cent per cent neutralisation of the price rise, in the J.C.M. or any other forum from April, 1968.

**C.G.H. SCHEME FOR STUDENTS AND STAFF  
OF COLLEGES**

5179. SHRI M. L. SONDHI : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that Government propose to formulate a scheme to provide a comprehensive Contributory Health Service for students and staff of Colleges all over the country on the lines of C.H.S. Scheme;

(b) if so, the details of the scheme proposed and whether there is any marked departure from the C.H.S. Scheme already in vogue in Delhi; and

(c) the total number of beneficiaries likely to benefit and what will be the estimated expenditure involved from the Central budget ?

**THE MINISTER OF EDUCATION  
(DR. TRIGUNA SEN) :** (a) The University Grants Commission have decided to implement the University Health Service Programme, as recommended by a Committee set up by them for the purpose, subject to availability of funds.

(b) A statement is laid on the Table of the House. [*Placed in Library. See No. LT-2105/67.*] The programme varies from the Central Government Health Service Scheme in certain respects.

(c) The overall financial implications of the Scheme have not been worked out. The number of beneficiaries will depend on the number of Universities and colleges to be covered under the Scheme.

#### DOUBLE TAXATION ON PUBLIC CARRIERS

5180. SHRI N. K. P. SALVE : Will the Minister of TRANSPORT AND SHIPPING be pleased to state :

(a) whether Government's attention has been drawn to the instances of double taxation on public carriers engaged in inter-State operations by the States in which such carriers operate; and

(b) if so, whether Government propose to take any steps in consultation with the States to coordinate the taxation measures so as to remove the instance of double taxation ?

THE DEPUTY MINISTER IN THE MINISTRY OF TRANSPORT AND SHIPPING (SHRI BHAKT DARSHAN) : (a) and (b). Representations have been received that goods vehicles operating on inter-State routes traversing more than two States, are required to pay motor vehicles tax and goods tax to each of the intervening States. To avoid hardship to operators on this account, the Road Transport Taxation Enquiry Committee, in its first interim report on "Inter-State Transport", has suggested a "standard tax" for inter-State operation of goods vehicles, in addition to the tax payable in the "home" State. According to the Committee, the quantum of this tax should eventually be settled after consulting the State Governments, but, as an interim measure, it should be fixed at Rs. 2,500 per annum on a truck with RLW of 11 tonnes and Rs. 3,000/- per annum for vehicles exceeding 11 tonnes RLW. Under the scheme recommended by the Committee, the tax liability of vehicles plying on inter-State routes will be as follows :

Distance	Tax payable
Upto 150 miles (240 kms) outside the home State	25% of the standard tax
From 151 to 350 miles (241 to 560 kms) outside the home State.	50% -do-
From 351 to 600 miles (561 to 960 kms) outside the home State.	75% -do-
Over 600 miles (960 kms) outside the home State.	100% -do-

The Committee has further suggested that the responsibility for recovery of standard tax will be that of the "home" State, which issues the route permit. The Union Transport Ministry may, in consultation with the Comptroller and Auditor General, evolve a suitable procedure for the deposit of the standard tax in the "home" State and for its accounting and distribution to the concerned States.

The above recommendations of the Committee are under consideration, in consultation with the State Governments and Administrations of Union Territories.

#### MANUFACTURE OF T.V. SETS AT PILANI

5181. SHRI K. M. KOUSHIK : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that the Central Electronics Engineering Research Institute, Pilani manufactured a television set and presented it to the Prime Minister;

(b) if so, whether the same has been tried and found satisfactory; and

(c) the cost thereof ?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN) : (a) Yes, Sir. A 23" screen Television Set made at the Central Electronics Engineering Research Institute, Pilani was presented to the Prime Minister on 19th May, 1967.

(b) The set was last checked on 10th December, 1967 and was found to be working satisfactorily.

(c) The selling price of a 23" screen television set is Rs. 1500/- approximately (exclusive of excise duty and local taxes).

## FINANCE FIRMS IN DELHI

5182. SHRI SHRI CHAND GOEL : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government have received any complaint that some finance firms in Delhi have cheated people of thousands of rupees with the help of some highly placed Government officials;

(b) whether some such cases were reported to the police; and

(c) if so, the action taken by Government in this behalf and the success achieved in the matter of bringing to book such firms ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) There were complaints about cheating by some finance firms in Delhi. But there were no complaints about cheating with the help of any highly placed Government officials.

(b) Yes, Sir.

(c) Ten cases against such finance firms have been registered by the Delhi Police and are under investigation. A special cell in the Crime Branch of the Delhi C.I.D. has also been created to enquire into the cases of complaints against bogus firms.

## RECRUITMENT OF CLASS I OFFICERS FROM EMERGENCY COMMISSIONED OFFICERS

5183. SHRI VASUDEVAN NAIR : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the number of vacancies of Class I Officers advertised by the U.P.S.C. for recruitment from amongst the Emergency Commissioned Officers;

(b) the number of applications received;

(c) the number selected for interview and the number recruited;

(d) whether it is a fact that a separate minimum for *viva voce* was prescribed for these Officers, while there was no such minimum for open market candidates;

(e) if so, the reasons therefor; and

(f) how many vacancies remain to be filled up and whether another chance will be given to those Emergency Commissioned

Officers who had passed the written examination in 1966 ?

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : (a) to (f). A statement containing the information is placed on the Table of the House. [Placed in Library. See No. LT-2106/67].

## INDUSTRIAL MANAGEMENT POOL

5183-A. SHRI S. R. DAMANI : Will the Minister of HOME AFFAIRS be pleased to state :

(a) the strength of the Industrial Management Pool since its inception;

(b) the number of those who declined to join after the appointment;

(c) whether all of those who joined are still continuing; and

(d) whether it is proposed to hold fresh recruitment for the Pool ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) The initial authorised permanent strength of the Pool was fixed at 200. But only 130 candidates actually joined the Pool.

(b) 69 candidates declined the offer of appointment.

(c) No, Sir. Only 105 are continuing at present.

(d) No, Sir.

पत्तनों में भाण्डागारों को  
आधुनिक ढंग का बनाना

5183-ख श्री महाराज सिंह भारती : क्या परिवहन तथा नौबहन मंत्री यह बताने की कृपा करेंगे कि :

(क) पत्तनों में भाण्डागारों के आधुनिकीकरण योजना के अन्तर्गत 1970-71 तक कितने भाण्डागारों को आधुनिक बना दिया जायेगा और उनकी क्षमता क्या है ; और

(ख) आयात और निर्यात व्यापार को ध्यान में रखते हुये किन वस्तुओं के भाण्डागारों के आधुनिकीकरण को प्राथमिकता दी गई है ?

परिबहन तथा नौबहन मंत्री (डा० बी० के० आर० बी० राव) : (क) और (ख). विभिन्न पत्तनों की स्थिति नीचे दी जा रही है :—

**कलकत्ता पत्तन** : आयात और निर्यात की विभिन्न मर्दों के रखने के लिये 39 भांडागारों हैं जिनमें लगभग 51 लाख वर्ग फीट गोदाम की जगह है, इनमें से 5.78 लाख वर्ग फीट गोदाम-जगह वाला लिन्थान डिपो पर का चाय-भांडागार पहले ही आधुनिक ढांचे का है और चाय के अन्य भांडागार भी सीमित तौर पर नये ढंग के हैं। मौजूदा भांडागारों के और आधुनिकीकरण का या नये भांडागारों के बनाने का कोई प्रस्ताव नहीं है।

**बम्बई पत्तन** : यहां पर कुल मिलाकर 73192 वर्ग मीटर तल क्षेत्रफल और 29214 टन गोदाम क्षमता के दस भांडागार हैं। इनमें से एक भांडागार (प्रिसेज डाक पर का नं० 5 भांडागार), जिस का तल क्षेत्रफल 1600 वर्ग मीटर और क्षमता 711 टन है, को गिरा कर फिर से 12 लाख की लागत पर नये ढंग से निर्माण करने का प्रस्ताव है। नवीनीकरण के बाद इस भांडागार का तल क्षेत्रफल 17280 वर्ग मीटर होगा और इसकी क्षमता 12644 टन की होगी। एक दूसरे नये भांडागार को फ्रेटी वेसिन पर 19.00 लाख रुपये की लागत पर निर्यात करने का प्रस्ताव है। इसका तल क्षेत्रफल 20371 वर्गमीटर और गोदाम क्षमता 14674 टन होगा। प्रस्तावित नये भांडागार ऐसे सामान्य माल के लिये हैं जो खतरनाक न हो और भांडागार की सुविधाओं का जहां तक संबंध है भिन्न भिन्न वस्तुओं की पारस्परिक कोई प्राथमिकता नहीं है। समय-समय पर विकसित किये जाने वाले यातायात के तरीके और आयतन के अनुसार निर्यात यातायात के लिए कुछ स्थान अलग नियत किया जाता है।

**मद्रास पत्तन** : यहां पर अब 14 भांडागार हैं जिनका क्षेत्रफल कुल मिलाकर 82342 वर्ग मीटर है। मौजूदा भांडागारों के नवीनी-

करण का कोई प्रस्ताव नहीं है। पोर्ट ट्रस्ट ने 24 लाख रुपये की लागत पर 7920 वर्ग मीटर क्षेत्रफल वाला एक अतिरिक्त भांडागार बनाने का काम शुरू कर दिया है। इस के जनवरी, 1968 तक पूरा हो जाने की संभावना है।

**कोचीन पत्तन** : पत्तनचेरी घाट पर 4 ट्रांजिट शेड, 7 गोदाम शेड, 3 भांडागार और 2 जोखिम शेड हैं, जिनका क्षेत्रफल कुल मिलाकर 4.33 लाख वर्ग मीटर है। इनाकुलम घाट पर 4 ट्रांजिट शेड, दो भांडागार और एक जोखिम शेड है जिनका क्षेत्रफल कुल मिलाकर 2.69 लाख वर्ग मीटर है। कोचीन पत्तन के चौथी पंचवर्षीय योजना कार्यक्रम में 7.7 लाख रुपये की लागत पर दो नये भांडागार बनाने का प्रस्ताव है निर्माण कार्य जारी है और उसके 1968-69 के दौरान पूरा होने की आशा है। मौजूदा भांडागारों के नवीनीकरण का कोई प्रस्ताव नहीं है।

**बिशाखापत्तनम पत्तन** : यहां पर दो भांडागार हैं जिनमें से प्रत्येक की 10,000 टन माल रखने की क्षमता है और ये जहाज में लाने से पहले सामान्य निर्यात माल को रखने के लिये प्रयुक्त किये जाते हैं। इन भांडागारों के नवीनीकरण की कोई योजना नहीं है। चौथी योजना के दौरान लगभग 41 लाख रुपये की लागत पर 12000 टन माल गोदाम क्षमता के दो नये भांडागार बनाने का प्रस्ताव है। इन नये भांडागारों को जहाज की प्रतीक्षा करने वाले निर्यात-माल के लिये जैसे चावल का चोकर, माइरावोल्लान, खली, कुटी हड्डियां, तंबाखू इत्यादि, और ऐसे आयातित माल के लिये भी जो निकासी के लिये रुका हो मुख्यतः खाद्यान्न और रासायनिक खाद के लिये ओवरफ्लो शेडों के रूप में प्रयुक्त किया जायेगा।

**कांठला पत्तन** : यहां पर बोरियों में बंद सामान्य माल के लिए 60,000 टन गोदाम-क्षमता के चार दो मंजिल वाले भांडागार, कैल्सियम कार्बाइड के लिए 48 क्षमता का एक भांडागार और जोखिम वाले माल के लिए

320 टन क्षमता का एक भांडागार है। मौजूदा भांडागारों के नवीनीकरण या नये भांडागार बनाने का कोई प्रस्ताव नहीं है।

**मारभोगाव पत्तन :** यहां पर 4 ट्रांजिट गेड और 7 भांडागार हैं जिनकी क्षमता क्रमशः 8,000 टन और 16,750 टन है। इनमें कुल मिलाकर 3,750 टन क्षमता के 5 भांडागारों का चौथी योजना में लगभग 16 लाख रुपये की लागत पर नवीनीकरण करने का प्रस्ताव है जिससे उनकी क्षमता बढ़ाकर 6750 टन हो जाएगी। नवीनीकरण के बाद ये भांडागार रासायनिक खाद, खाद्यान्न, खली और सामान्य माल के लिए प्रयुक्त किये जायेंगे।

**पारादीप पोत :** इस पत्तन पर अब दो ट्रांजिट गेड हैं। इनमें से प्रत्येक का क्षेत्रफल 15,000 वर्ग फीट है और ये खाद्यान्न रखने के लिए हैं। नये भांडागार बनाने या मौजूदा भांडागारों के नवीनीकरण का कोई प्रस्ताव नहीं है।

#### CALLING OF ARMY TO HELP CIVIL AUTHORITIES

5183-C. SHRI RABI RAY : Will the Minister of HOME AFFAIRS be pleased to state how many times the Army has been called to stand by the civil authorities to suppress the communal disturbances and political demonstrations like hartals and general strikes during the last three years; and the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : A statement indicating particulars of army assistance provided to the Civil authorities for maintaining law and order during the years 1965, 1966 and 1967 is laid on the Table of the House. [Placed in Library. See No. LT-2107/67].

#### ENGINEERS

5183-D. SHRI G. S. MISHRA : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that Engineers are employed in Government Departments

to work under administrators and are required to share higher responsibilities whereas they are paid at par with non-technical staff; and

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

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : (a) Engineering departments under the Government are generally headed by engineers.

(b) Does not arise.

#### DEATH IN THE LOCK-UP OF SEALDAH G.R.P.

5183-E. SHRI JYOTIRMOY BASU : Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that a young-man named Tarun Banerjee had died in the lock-up of Sealdah Government Railway Police;

(b) if so, the details thereof; and

(c) whether any enquiry has been instituted?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : (a) No, Sir.

(b) and (c). One Shri Tarun Banerjee was brought to Sealdah Railway Police Station in a drunken state on 28-11-1967. He was unable to give his name and address. He was kept in the police lock-up and in the morning on 29-11-67 was found unwell and was removed to Sircar Hospital in an unconscious state. His identity was revealed by a post card found in his pocket. He died in the hospital on 30-11-1967. An enquiry is being instituted by the West Bengal Government in the matter.

#### COMMITTEE ON CENTRAL INDIAN MEDICAL PLANT ORGANISATION

5183-F. SHRI MAYAVAN : Will the Minister of EDUCATION be pleased to state :

(a) whether it is a fact that a committee which was set up by Government



to review the scope and functions of the Central Indian Medicinal Plant Organisation has submitted its report;

(b) if so, the recommendations thereof; and

(c) the reaction of Government thereto, particularly in regard to the setting up of a public sector corporation to run farms for producing medical and aromatic plants for home consumption and exports?

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN): (a) A Committee to review the scope and functions of the Central Indian Medicinal Plants Organisation was set up by the Council of Scientific and Industrial Research and it has submitted its Report.

(b) The recommendations of the Committee are given in the Statement laid on the Table of the House. [*Placed in Library. See No. LT-2108/67.*]

(c) This is under examination.

DR. DHARMA TEJA

5183-G. SHRI SHIVA CHANDRA JHA: Will the Minister of TRANSPORT AND SHIPPING be pleased to state:

(a) whether it is a fact that Dr. Dharma Teja, as reported in the Indian newspapers some days ago, has made a so-called counter-charge against the Indian Government involving millions of rupees, etc.; and

(b) if so, the so-called counter-charges of Dr. Dharma Teja against the Indian Government and the reaction of Government thereto?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO): (a) and (b). According to newspaper reports, Dr. Teja has made the false allegation that Govt. have expropriated the Jayanti Shipping Company without compensation. The fact is that the management of the Company has been taken over by the Government for a period of five years under the Jayanti Shipping Com-

pany (Taking Over of Management) Act, 1966.

#### AFFLOAT ESTABLISHMENT, ANDAMAN ISLANDS

5183-H. SHRI K. R. GANESH: Will the Minister of TRANSPORT AND SHIPPING be pleased to state:

(a) whether the staff of the Afloat Establishment, Andaman Islands went on protest strike recently;

(b) if so, the reason therefor; and

(c) the decision taken by Government on their demands?

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO): (a) Yes.

(b) The workers demanded immediate settlement of their demands regarding T.A., D.A. concessions to non-regular employees, supply of uniforms, revision of scales of pay of certain categories, etc.

(c) All the demands were discussed at a tripartite meeting of the Government, employers and workers' representatives. Further action is being taken in pursuance of the decisions taken at the meeting.

#### AREAS INHABITED BY SCHEDULED TRIBES

5183-I. SHRI G. C. NAIK: Will the Minister of HOME AFFAIRS be pleased to state the names of the Scheduled areas predominantly inhabited by the Scheduled Tribes people, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDHYA CHARAN SHUKLA): Scheduled Areas are declared under the provisions of paragraph 6 of the Fifth Schedule to the Constitution. A list of the Scheduled Areas declared as such under the Presidential Orders of 1950 and subsequent Orders is laid on the Table of the House [*Placed in Library. See No. LT-2109/67.*] Information as to which of these areas is predominantly inhabited by Scheduled Tribes is being collected and will be laid on the Table of the House as early as possible.

12 Hrs.

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

**DAMAGE TO THREE IAC AIRCRAFT DUE TO ACCIDENT AT DUM DUM**

**श्री कामेश्वर सिंह (खगरिया) :** मैं अबिलम्बनीय लोक महत्व के निम्नलिखित विषय की ओर पर्यटन तथा अर्सेनिक उड्डयन मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि वह इस बारे में एक वक्तव्य दें :

“डमडम हवाई अड्डे पर हुई दुर्घटना के कारण इंडियन एयरलाइंस कारपोरेशन के तीन विमानों को पहुंची क्षति।”

**THE MINISTER OF TOURISM AND CIVIL AVIATION (DR. KARAN SINGH):**

I regret to inform the House that on the 17th December, 1967 at about 1.20 a.m. Skymaster aircraft VT-CZW, while being taxied by an Aircraft Maintenance Engineer of the Indian Airlines Corporation, hit Viscount aircraft VT-DOE and another Skymaster VT-DAW which were parked in bays 2 and 3 at Dum Dum Airport for operating the morning services. This resulted in substantial damage to the stationary Viscount and the Skymaster which was being taxied. The other Skymaster suffered minor damage. The aircraft was being taxied out of the hanger for a check up of brakes after replacement of its right hand main wheel. The Aircraft Maintenance Engineer had to carry out the taxi test and certify the aircraft, and in this manoeuvre the aircraft appears to have gone out of control.

2. According to the information available so far, the stationary Skymaster suffered only minor damage and has already been put back into service after necessary repairs. In the case of the Viscount, its outer wing, including wing tip and aileron, was badly damaged and requires complete replacement. On a rough estimate, an expenditure of about Rs. 3 lakhs will have to be incurred on this. In the case of the Skymaster which was being taxied, its right-hand wing leading edge has been damaged and the nose-

wheel door and front fuselage badly dented. The cost of repairs is likely to be around Rs. 10,000.00. It will take about four weeks to carry out the repairs of this aircraft to make it serviceable for operations. All the three aircraft are covered under the Corporation's Self-Insurance Scheme.

3. In accordance with the procedure applicable in cases of such incidents, an Indian Airlines Corporation Investigation Board consisting of senior officers at Calcutta, namely, Operations Manager, the Chief Engineer and the Chief of Inspection are carrying out detailed investigation to ascertain the cause and the full extent of the damage. The Senior Air Safety Officer of the Director General of Civil Aviation at Calcutta will be associated with the investigation.

**SHRI NATH PAI (Rajapur) :** How did they manage to collide? They were being taxied, they were not flying.

**श्री कामेश्वर सिंह :** अध्यक्ष महोदय, अभी मंत्री महोदय ने बतलाया कि कलकत्ते के उच्च अधिकारी, इंजीनियर्स वगैरह इस की जांच करेंगे परन्तु मैं जानना चाहता हूँ कि कलकत्ते के लोकल आफिसर्स के अलावा क्या दूसरे डिवीजन के इंडिपेंडेंट आफिसर्स इस इनक्वायरी में आयेंगे तथा इस मंत्रालय के कुछ उच्च अधिकारी भी आयेंगे क्योंकि ये कलकत्ते के आफिसर्स हैं। अध्यक्ष महोदय, वह तो बराबर उन लोगों को फेवर की बात करेंगे जिनसे कि गलती हुई है तो क्या मंत्री महोदय इस पर्सनल के बारे में कोई तबदीली करेंगे?

**डा० कर्ण सिंह :** मैं समझता हूँ कि वहां के जो आफिसर्स हैं वह बड़े सीनियर आफिसर्स हैं और वह कोई ऐसी बात नहीं करेंगे। इसमें दो तरह के इन्वेस्टिगेशन करने वाले आफिसर्स होते हैं एक तो आई०ए०सी० के और दूसरे डी०जी०सी०ए० के, यह बिलकुल स्वतंत्र हैं। दोनों प्रकार के आफिसर्स उस की जांच कर रहे हैं। मुझे विश्वास है कि कोई उसमें पक्षपात नहीं होगा। यदि हमें कोई ऐसी सम्भावना होगी तब हम यहां से भी आफिसर्स भेज सकते हैं।

**MR. SPEAKER :** But there is a doubt in the minds of so many hon. Members as to how this collision did occur while they were taxiing. Is it due to carelessness? Many hon. Members wanted to ask, but they could not ask that question.

**DR. KARAN SINGH :** It is very surprising like very often people slip in their bath rooms. It is surprising how they can get hurt in the bath room. Similarly, it is very surprising that while taxiing instead of going straight, the plane took a 90° turn. The incident is still under investigation. So far it appears that one of the pins perhaps which controls the steering had not been put in when it started. But, Sir, it will be a little premature to give the exact cause.

12.07 Hrs.

#### PAPERS LAID ON THE TABLE

##### REPORT OF ADMINISTRATIVE REFORMS COMMISSION ON PUBLIC SECTOR UNDERTAKINGS

**THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JAGANNATH PAHADIA) :** On behalf of Shri Morarji R. Desai I beg to lay on the Table a copy of the Report of the Administrative Reforms Commission on Public Sector Undertakings. [Placed in Library. See No. LT-2087/67].

##### ANNUAL REPORT ON SEAMEN'S PROVIDENT FUND SCHEME FOR 1966-67

**THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO) :** I beg to lay on the Table a copy of the Annual Report on the working of the Seamen's Provident Fund Scheme, 1966 for the year 1966-67. [Placed in Library. See No. LT-2088/67].

##### NAMES OF NON-OFFICIALS WHO WERE GIVEN DIPLOMATIC PASSPORTS DURING AUGUST TO OCTOBER, 1967

**SHRI JAGANNATH PAHADIA :** On behalf of Shri Bali Ram Bhagat I beg to lay on the Table a list showing names of non-officials who were given Diplomatic Passports during August to October, 1967. [Placed in Library. See No. LT-2089/67].

##### NOTIFICATIONS UNDER ALL INDIA SERVICES ACT

**THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) :** On behalf of Shri Vidya Charan Shukla, I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951 :—

- (1) The Indian Administrative Service (Appointment by Promotion), Sixteenth Amendment Regulations, 1967, published in Notification No. G.S.R. 1738 in Gazette of India dated the 15th November, 1967.
- (2) The Indian Police Service (Appointment by Promotion), Fourteenth Amendment Regulations, 1967, published in Notification No. G.S.R. 1739 in Gazette of India, dated the 15th November, 1967.
- (3) G.S.R. 1786 published in Gazette of India, dated the 9th December, 1967, making certain amendments to the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.
- (4) G.S.R. 1787 published in Gazette of India, dated the 9th December, 1967, making certain amendments to the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.
- (5) G.S.R. 1788 published in Gazette of India dated the 9th December, 1967, making certain amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954. [Placed in Library. See No. LT-2090/67].

##### DELHI MOTOR VEHICLES (FIFTH AMENDMENT) RULES

परिवहन तथा नौवहन मंत्रालय में उप-मंत्री (श्री भरत दर्शन) : श्रीमान्, मैं मोटर गाड़ी अधिनियम, 1939 की धारा 133 की उपधारा (3) के अन्तर्गत, दिल्ली मोटर गाड़ी (पांचवां संशोधन) नियम, 1967, की एक प्रति, जो दिनांक 19 अक्टूबर, 1967, को दिल्ली के राजपत्र में अधिसूचना संख्या एक०

3(39)/66-67—ट्रांसपोर्ट में प्रकाशित हुये  
ये, समा-पटल पर रखता हूँ।

[Placed in Library. See No. LT-2091/67].

12.09 Hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following messages received from the Secretary of Rajya Sabha :—

- (i) "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 Indian Penal Code (Amendment) Bill, 1967, by Diwan Chaman Lall, M.P., which has been passed by the Rajya Sabha at its sitting held on the 15th December, 1967."
- (ii) "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 Haryana State Legislature (Delegation of Powers) Bill, 1967, which has been passed by the Rajya Sabha at its sitting held on the 19th December 1967."

BILLS AS PASSED BY RAJYA SABHA

SECRETARY : Sir, I lay on the Table of the House the following Bills as passed by Rajya Sabha :—

- (1) The Indian Penal Code (Amendment) Bill, 1967, by Diwan Chaman Lall, M.P
- (2) The Haryana State Legislature (Delegation of Powers) Bill, 1967.

12.10 HRS.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS  
EIGHTEENTH REPORT

श्री रामावतार श.स्त्री (पटना) : श्रीमन्,  
मैं गैर-सरकारी सदस्यों के विधेयकों तथा संकल्पों संबंधी समिति का 18वां प्रतिवेदन पेश करता हूँ।

COMMITTEE ON PUBLIC UNDERTAKINGS FIFTH REPORT

श्री प्रेम चन्द वर्मा (हमीरपुर) : अध्यक्ष महोदय, मैं गन्धर्व के आयात के लिये भारत के राज्य व्यापार निगम द्वारा मैसर्स ओबल इन्डस्ट्रीज, न्यूयार्क के साथ किये गये करार के सम्बन्ध में सरकारी उपक्रमों सम्बन्धी समिति का पांचवां प्रतिवेदन पेश करता हूँ।

12.10½ Hrs.

STATEMENT (UNDER DIRECTION 115) BY MEMBER AND MINISTER'S REPLY THERETO

SHRI D. N. PATODIA (Jalore) : Mr. Speaker Sir,

Under direction 115 of the Directions by the Speaker I wish to point out inaccuracies in the statement made by the hon. Minister for Information and Broadcasting while replying to a calling attention notice on the 4th December, 1967 relating to an agreement signed between 'Novosti' (or APN) and Press information Bureau.

The hon. Minister made a categorical statement saying : "We have made enquiries. This Agency are not the sponsors . . ." This is not a correct statement as will be seen from the following :

- (a) A news item published in the 'Hindu' on 13th August, 1967 quotes one employee of the Radio Peace and Progress station interviewed by the Reuter representative saying that the station was founded in 1964 by a group of public organizations consisting of among others APN News Agency. Similar report was published in the 'Hindustan Times' on 1-12-1967.
- (b) Such reportings in the Indian press are also supported by the announcements made on Moscow Radio from time to time, and the English translation of two such announcements reads like this :
  - (i) This is a quotation from the broadcast over Moscow Radio in Swedish language to Sweden on 26th January, 1967 at 19.00 hrs. GMT. This radio station belongs to Soviet Social

[Shri D. N. Patodia]

Organisations. Its originators are Soviet Trade Union Associations, the Composers' Union and the Journalists' Union, the News Agency APN, etc. etc."

- (ii) This is a quotation from another broadcast from Moscow Radio Peace and Progress in German language to Germany on 19th October, 1967 at 15.30 hrs. GMT: "This is Radio Peace and Progress. You are listening to the transmitter of Soviet public opinion. Radio Peace and Progress is the voice of social organisations. It was founded in 1964. The founding organisations were: The Journalists' Association of USSR, the Novosti News Agency, etc. etc."

Relation between Novosti and Radio Peace and Progress is no more a concealed or an unknown fact and is known the world over.

- (c) This Agency's (Novosti's) material was being distributed regularly via Press or Information Departments of the Soviet Embassy. The Delhi correspondent of Novosti was reported to have returned back to Moscow in 1964 and his duties to represent Novosti were taken over by the Information Department of Soviet Embassy.

MR. SPEAKER: He has to make his statement only by way of correction.

SHRI D. N. PATODIA: I am giving only the facts.

MR. SPEAKER: He has only to point out the corrections in the hon. Minister's statement. He need not give the whole history. He should only point out where the mistake was.

SHRI D. N. PATODIA: This is the second correction.

The hon. Minister, while justifying this agreement further stated that "the difference in language leaves no doubt that PIB is not obliged to distribute whereas APN is obliged to distribute", and that "as

compared to what is done with other countries not one inch more or one item more is done under this agreement . . ."

This statement is also not correct:

- (a) The element of difference is clear and definite. In case of a reciprocal goodwill arrangement, the publicity materials are kept for reference by the respective countries at their own option and discretion, without any obligation. In the case of the present agreement with Novosti, the UIB is no more left with any option or discretion and is obliged to make all Novosti materials available not only for reference but also for publication whenever demanded by any journal, magazine or newspapers.

I, therefore, demand that the hon. Minister will kindly acquaint this House with true facts in the matter.

With your permission, I want to lay these papers on the Table of the House.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI K. K. SHAH): I will be failing in my duty to the Chair if I were not to bring it to the notice of the Hon'ble the Speaker of the House, who is the custodian of our rights and privileges, the extraordinary developments to this statement. On 11th December, the Hon'ble Member sent a statement (hereinafter called the first statement) which reached under Direction 115 to which I sent a reply on 13th December, 1967. In the afternoon of 19th December, 1967 I received an advance copy of his statement (which hereafter will be referred to as second statement). This was replaced by another statement (hereinafter referred to as the third statement) which reached in the evening of 19th December, 1967.

SHRI D. N. PATODIA: There was no third statement. There were only two altogether.

SHRI K. K. SHAH: I am going by record. Paragraph 3 of the first statement which had accused me of misleading the House on the ground that the agreement could not have been signed in

Moscow even though the copy of the agreement laid on the Table of the House on 4th December, 1967 left on doubt that it was so. This was dropped. The third statement which replaced the second was altered materially. It was received at 7 P.M. on 19-12-67, leaving hardly any time to examine fresh points mentioned in the 3rd statement. It also varies materially in some places from the contents of the second statement. A comparison of all the three documents throws considerable flood of light and raises a number of questions. One thing, however, is certain that the Hon'ble Member for reasons best known to him has been shifting his ground. The additional information contained in the third statement about Moscow Radio's announcement in Swedish language on 26-1-67 and in German language on 19-10-67 raises difficult questions. The hon. Member does not state who monitored these statements and how and when he came into possession of these statements. The time lag between his second and the third statement is very short. The language used in both raises serious doubts about its veracity. Paragraph (b) starts with hon. Member's assertion that the announcements were made on Moscow Radio whereas b(i) purports the quotation from broadcasts on Moscow Radio. While (b) (ii) again, purports a quotation from another broadcast from Moscow Radio Peace and Progress; (b) (i) mentions composers' union and journalists union whereas (b) (ii) mentions Journalists Association of USSR; (b) (i) mentions the news agency APN whereas the (b) (ii) mentions Novosti News Agency which can only be in an abridged form ANN tell their own tale. If it were possible to collect information on Swedish and German broadcasts I do not know what additional anomalies could have been brought to light.

I submit with respect that I have not made any wrong statement. Enquiries made by the Government have not been able to support the statement contained in the issue of the 'The Hindu' dated the 13th August, 1967. The issue of the 'The Hindu' dated the 13th August says as under :—

"An employee of the station said that it had been founded in 1964 by a

group of public organisations—among them the Union of Soviet Journalists, the Union of Soviet Writers, the APN News Agency, the Union of Soviet Youth Organizations and other groups.

It further states as under :

'The station is controlled by its own broad and broadcasts over equipment rented from Radio Moscow the official Soviet Radio System', the employee said".

The Hon'ble member has also stated in his 2nd statement I quote 'Similar report was published in the *Hindustan Times* on 1-12-1967.' I unquote. I wish the hon. Member had fully quoted the *Hindustan Times* dated 1-12-67. It also stated and I quote, 'although the Government of India does not accept the lame excuses made by the Russian Govt. it has decided on the advice of the External Affairs Ministry not to pursue the matter further' I unquote. That means according to *Hindustan Times* that the Government of India does not accept the excuse of the Government of the USSR about Radio Peace and Progress having been started by the organisations mentioned therein. This supports my stand. On the contrary if it is compared with what Shri Krishan Bhatia, correspondent. The *Hindustan Times* vide issue of the *Hindustan Times* dated the 12th December, 1967 quoting his report from Washington dated the 11th December, 1967, under the caption 'Moscow's Third Man in Delhi'; sub-head 'Mirdin's tasks' says my stand is vindicated. He says, 'Radio Peace and Progress' is a Soviet Propaganda machine which is allegedly independent and unconnected with the Soviet Govt. but which is known to be located in Moscow and functioning under direct Russian supervision'. This supports my statement completely and gives credence to my argument that for whatever happened on the soil of Russia, Government of USSR is responsible. Enquiries made by the Government of India do not support or lend credence to the statement appearing in the 'Hindu' dated the 13th August, 1967, about the sponsorship of Novosti.

In the 1st and 2nd statement of the Hon'ble Member it was suggested that I

[Shri K. K. Shah]

had not accepted that Novosti and APN were the same. I have not denied that 'Novosti' and APN are the same. The copy of the Agreement laid on the Table of the House leaves no doubt whatsoever. Even the statement made by me mentions in brackets 'APN' after 'Novosti'. The question is why does the hon. Member make insinuations which are not supported by facts in his possession.

Points made out by the hon. Member in Paragraph (c) of his 3rd statement which were (b) and (c) of his 2nd statement support the contention that the Government of USSR must be held responsible for 'Novosti' and do not contradict the statement made by me about 'Novosti' not being the sponsor of the Radio Peace and Progress. If Novosti's material was distributed by information department of the Soviet Embassy and if the duties of the Delhi correspondent of Novosti were taken by the information department of Soviet Embassy as suggested by the hon. Member Shri Patodia, they support my argument that Government of USSR must be held responsible for 'Novosti'. How these assertions support the contention of the Hon'ble Member that 'Novosti' was the sponsor of Radio 'Peace and Progress' one fails to understand.

The hon. Member also refers to my argument which says 'This difference in language leaves no doubt that P.I.B. is not obliged to distribute whereas APN is obliged to distribute.' I submit that the argument is correct. The agreement was laid on the Table of the House and the contention is based on facts mentioned in the agreement. If the hon. Member does not accept my contention, he cannot say that a wrong statement has been made. He is requested to compare the wordings of clauses (a) and (b) of the agreement. The words for distribution etc. are not used in clause (a) which defines the obligation undertaken by P.I.O. It mentions the words 'to make it available etc.' I submit 'to make available' can never mean 'to distribute'. When we say, a thing is available it does not mean it is distributed. As an illustration if a person from Hyderabad writes asking for material of 'Novosti' he will not be supplied with it, i.e., the material will not be distributed. He can come to PIB's library and have a

look. That is why in the last paragraph of my statement I have stated, 'P.I.B. receives material from other agencies, BIS, USIS, . . . . which is kept for reference in the library and can be seen by any journalist. This is the meaning of making available'. In the same way the material supplied by 'Novosti' is made available, i.e., it is kept for reference in the library and can be seen by any journalist. The hon. Member had added a new argument which was not there either in the 1st or the 2nd statement. He has now copy of the agreement. How does he say for publication whenever demanded. I submit that my statement about 'Novosti' not getting any additional advantage as compared to other countries is correct. The material received from other countries is also made available to others for reference. In the 1st statement dated 11th December, 1967, written to the hon. Speaker, the hon. Member had stated and I quote 'The reply of the hon. Minister was incomplete and misleading when he said that the agreement was entered into when P.I.O. went to Russia, etc.' and I unquote. This was dropped in the 2nd statement. The copy of the agreement laid on the Table of the House clearly shows that the Agreement was entered into at Moscow. In spite of such cogent evidence the hon. Member could accuse me of giving incomplete and misleading reply. Such an attitude I must say with regret shows that the hon. Member somehow wants to keep the Question alive. In fact it is he who owes an explanation to the House.

According to the hand out released by Soviet Embassy 'Novosti' has established broad contacts with press organs like the 'Washington Post', 'New York Times' of the U.S.A. and *Financial Times* of the U.K. which negatives any such suggestion as mentioned in 'The Hindu'.

It is, therefore, submitted with regret that it is not possible for me to correct the statement or own the mistake. While making the statement, I also said, 'but I will go a step further: whatever happened on the soil of USSR, can any body say that USSR, is not responsible?' That summarises the correct position. Under the political system prevalent in the USSR, it is the Government of USSR which is

supposed to sponsor everything that happens on the soil of Russia.

It is respectfully submitted that the contentions of the Hon. Member are not correct.

SHRI D. N. PATODIA : He made certain irresponsible charges. . . .

MR. SPEAKER : I made a mistake. Let me not make second mistake. I thought it was a correction and allowed a long statement to be made, and a bigger, longer statement in reply. No please.

12.23 hrs.

UNLAWFUL ACTIVITIES (PREVENTION) BILL—Contd.

MR. SPEAKER : We have to take up Clause 5. I would like to tell the House that the Business Advisory Committee had allotted 2 hours, but we have already taken 3 hours and we are still on Clause 5.

There are some amendments.

श्री प्रेम चन्द वर्मा (हमीरपुर) : अध्यक्ष महोदय, मेरा पायंट आफ आडर है।

अध्यक्ष महोदय : क्या इम विल के बारे में ?

श्री प्रेम चन्द वर्मा : नहीं, इस हाउस के 107 मेम्बरों ने दस्तख्त कर के आप को लिखा है कि इस हाउस में हजारी रिपोर्ट पर बहम की जाये। उस का कोई जवाब नहीं दिया गया है।

अध्यक्ष महोदय : आर्डर, आर्डर।

श्री प्रेम चन्द वर्मा : अध्यक्ष महोदय, आपको मेरी बात सुननी पड़ेगी।

अध्यक्ष महोदय : आर्डर, आर्डर। आन-रेबल मेम्बर ब्रैठ जायं।

श्री प्रेम चन्द वर्मा : नहीं, अध्यक्ष महोदय, आप को यह सुनना होगा।

MR. SPEAKER : No point of order. I have taken up the Bill.

SHRI S. KUNDU (Balasore) : He says *sunna hoga*. It is a threat to you.

श्री प्रेम चन्द वर्मा : अध्यक्ष महोदय, हमारे पत्र का जवाब नहीं दिया गया है। हमें जवाब कब मिलेगा ?

अध्यक्ष महोदय : नहीं मिलेगा।

श्री प्रेम चन्द वर्मा : क्यों नहीं मिलेगा ? ऐसे काम नहीं चल सकता है। हमेशा इस बहस को टाल दिया जाता है। पिछले सेशन में भी टाल दिया गया था और इस सेशन में भी टाला जा रहा है।

श्री इसहाक साम्मली (अमरोहा) : मैंने भी उम खत पर साइन किये हैं। विजिनेस एड-वाइजरी कमेटी ने यह तय किया था कि हजारी रिपोर्ट पर बहस होगी।

MR. SPEAKER : No, no. I cannot allow you. If I do not allow him, I am not going to allow you also. I am not going to answer it. The Business Advisory Committee's meeting is there. You can go there if you want. Mr. P. C. Verma may also go there. All of you can go to that meeting. Please sit down.

श्री प्रेम चन्द वर्मा : अध्यक्ष महोदय, आप को हमारे पत्र का जवाब देना चाहिये और इस बहस के लिये वक्त मुकर्रर करना चाहिये। इस को लगातार टाला जा रहा है।

SHRI NATH PAI (Rajapur) : Sir, I move that the hon. Member be named.

SHRI V. KRISHNAMOORTHY (Cuddalore) : He may be named.

MR. SPEAKER : I request the hon. Member not to raise that point again and again. I have already requested him to sit down.

SHRI NATH PAI : Sir, I move that the hon. Member be named for persistently defying the Chair.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : I second that motion. He should be stopped from doing like that. (Interruption).



MR. SPEAKER: Order, order. No, no. I appeal to the hon. Member not to press it. I think we should avoid it. I have already requested that hon. Member to sit down.

SHRI NATH PAI: Because you appealed to me, I withdraw my motion.

MR. SPEAKER: All right.

Clause 5—(Tribunal)

SHRI ATAL BIHARI VAJPAYEE (Balrampur): I beg to move:

Page 4, line 5,—

for "one person" substitute—

"three persons" (48)

SHRI NAMBIAR (Tiruchirappalli): I beg to move:

Page 4, line 6,—

add at the end—

"and two persons by the State Government wherein the headquarters of the association notified as unlawful situations." (49)

SHRI ATAL BIHARI VAJPAYEE: I beg to move:

Page 4,—

for lines 7 and 8 substitute—

"Provided that the Chairman shall be a Judge of the Supreme Court and the remaining two persons shall be Judges of High Courts." (50)

SHRI P. RAMAMURTI (Madurai): I beg to move:

Page 4, lines 5 and 6,—

for "one person, to be appointed by the Central Government" substitute—

"three persons, appointed by the Supreme Court" (93)

Page 4, line 10,—

for "in the office" substitute—

"in an office" (94)

Page 4, line 11,—

for "Central Government" substitute—  
 "Supreme Court". (95)

SHRI SEQUEIRA (Marmagoa): I beg to move:

Page 4, lines 5 and 6,—

for "one person to be appointed by the Central Government"

substitute—

"three persons, to be appointed on the advice of the Chief Justice of the Supreme Court of India."

(167)

MR. SPEAKER: Shri Kanwar Lal Gupta.

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, क्लॉज 5 में एक ट्रिब्यूनल बनाने की व्यवस्था है। उसमें कहा गया है कि उस ट्रिब्यूनल में एक ही व्यक्ति रहेगा। मेरा संशोधन यह है कि उस ट्रिब्यूनल में एक के बजाये तीन व्यक्ति होने चाहिये। जैसा कि मंत्री महोदय ने कल कहा है यह कोई नामल कानून नहीं है। यह बहुत ड्रास्टिक स्टैप है।

गृह-कार्य मंत्री (श्री यशवन्त राव चव्हाण):  
 ड्रास्टिक भी नामल होता है।

श्री कंवर लाल गुप्त : यह कानून ड्रास्टिक भी है और डेंजरस भी है। इसके द्वारा संविधान के द्वारा दिये गये हमारे फंडामेंटल राइट्स में काफी रुकावट डाली गई है। जिन कार्यवाहियों को दृष्टि में रख कर यह रुकावट डाली गई है, हम लोग उनके विरुद्ध हैं। लेकिन हम चाहते हैं कि इससे पहले कि एसोसियेशन बनाने के हमारे फंडामेंटल राइट्स में रुकावट डाली जाये सरकार को यह बताना चाहिये कि वह जो कार्रवाई करने जा रही है, उसकी कोई जस्टिफिकेशन है या नहीं। जिस संस्था के खिलाफ सरकार कार्यवाही करे, जिसको वह अवैध घोषित करे, जब तक उसके जनता के और सरकार के पास उसकी जस्टिफिकेशन न आ जाये, तब तक सरकार को कोई कार्यवाही नहीं करनी चाहिये।

12.28 Hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

जैसा कि मैंने अभी कहा है, किसी संस्था को अनलाफुल डिक्लेयर करना एक बहुत सीरियस और एक्स्ट्रीम स्टेप होगा। मैं समझता हूँ कि इस सम्बन्ध में जो ट्रिब्यूनल बनाया जायेगा, उस में केवल एक व्यक्ति को रखना उचित नहीं होगा। सुप्रीम कोर्ट और हाई कोर्ट में कांस्टीट्यूशन बगैरह के बारे में जितने बड़े और सीरियस कैंस जाते हैं, उन सब के लिए हमेशा एक के बजाये तीन चार, पांच या छः जज होते हैं और कई बार तो फुल बेंच होती है, क्योंकि हो सकता है कि उन मा में अलग अलग जजिज में आपस में डिफरेंस आफ ओपीनियन हो। मैं निवेदन करना चाहता हूँ कि यह मामला भी उतना ही संगीन है। जब यह सरकार लाखों लोगों को अधिकारों पर कुठाराघात करने जा रही है, उनकी एक्टिविटीज को खत्म करने जा रही है, तो यह उचित नहीं है कि इस बारे में निर्णय लेने का काम केवल एक व्यक्ति पर छोड़ दिया जाये।

तो मैं यह कहा रहा था कि अभी जैसे सुप्रीम कोर्ट के एक फैसले के ऊपर नाथ व जी का प्रस्ताव था कांस्टीट्यूशन के बारे में। उस में दो राय थी कि कांस्टीट्यूशन बदलना हो तो इस पार्लियामेंट को अधिकार नहीं है लेकिन कुछ की राय थी कि अधिकार है। अब मेजरिटी का डेसीशन हुआ क्योंकि एक बहुत बड़ा ईशू था अध्यक्ष महोदय। इसी तरीके से किसी अग्र संस्था के ऊपर पाबन्दी लगती है तो वह भी बहुत बड़ा ईशू है। तो मेरा कहना यह है कि आप पाबन्दी लगाएँ। ठीक है लेकिन जिसके खिलाफ पाबन्दी लगाते हैं जनता को, और उस आदमी को, उस संस्था को पूरा मौका दिया जाना चाहिये। ऐसा नहीं होना चाहिए कि उस में किसी प्रकार का शुबहा हो, चाहे एक भी परसेंट क्यों न हो। इसलिए ज्यादा जरूरी है उस की सीरियसनेस देखते हुये कि आप एक के बजाय तीन आदमियों का ट्रिब्यूनल बनायें। अभी माननीय मंत्री जी

ने कल कहा था कि हाई कोर्ट के जज नहीं मिलते हैं, यह एक व्यावहारिक कठिनाई धाती है। मैं गृह मंत्री महोदय से कहूंगा कि आप रोजाना तो इस तरह का करेंगे नहीं। यह मान कर मैं चलता हूँ, जो आप यहां कहते हैं उस को मानते हुये कि आप का विस्वास डिमोन्स्ट्री में है, उस के अनुसार रोजाना आप एक बड़े से एक सिरे से तो शुरू करेंगे नहीं कि एक से शुरू किया और आखिर तक पाबन्दी लगाते चले ग और उसके लिए इतने हाई कोर्ट के जज आप को नहीं मिलेंगे, ऐसा तो होने वाला नहीं है। यह ठीक है कि नान-कांग्रेस सरकारें तोड़ना आप ने जैसे शुरू कर दिया एक सिरे से दूसरे सिरे तक तो इस तरह से पार्टियों पर तो कम से कम आप पाबन्दी नहीं लगायेंगे। तो क्या हुआ दो चार वर्ष में कोई कंस हो गया? भ्रबल तो पार्टियां कोई ऐसा काम नहीं करेंगी लेकिन अग्र करे तो कभी कभी ऐसा मौका प्रायेगा चार साल में, दस साल में, बीस साल में ऐसा सीरियस कोई मामला हो सकता है। तो उसके लिए जैसे एक तरमीम बड़े फराखदिलि से आपने मंजूर कर लिया था, उस के लिए हम आप के आभारी हैं, उसी तरह से यह भी इतना ही जरूरी है, मैं मंत्री महोदय से अनुरोध करूंगा कि इस को भी आप मंजूर कर लें।

MR. DEPUTY-SPEAKER: Yesterday while discussing clause 2, we have taken half an hour on the question of the tribunal I postponed the discussion on only one point whether the tribunal should consist of 1 Judge or 3 Judges. The Law Minister who was here said Government would consider it. I would like to bear the Home Minister or the Law Minister on that particular point.

SHRI Y. B. CHAVAN: The Law Minister said that the question of Tribunal should be considered when we take up the concerned clause. According to my view, a tribunal of one judge is the only thing that is just in this matter and I am not going to reconsider the issue.

SHRI V. KRISHNAMOORTHY: Now the climate has changed, Sir. Yesterday the Law Minister said he would consider

[Shri V. Krishnamoorthi]  
it and we thought Government would agree.

THE MINISTER OF LAW (SHRI GOVINDA MENON): I only said it will be considered when clause 5 is taken up.

SHRI V. KRISHNAMOORTHY: Now that the Home Minister thinks that one judge is enough, we want to convince him that one judge is not sufficient. While commending my amendments Nos. 126, 127 and 128, I would like to plead that instead of entrusting the question whether a particular political party's existence is necessary or not to a single judge of a High Court, we must entrust it to a larger number of judges, preferably 3. If there is a bench of 2 judges, there may be a difference of opinion. Therefore, to arrive at a majority opinion, the tribunal must consist of 3 judges, who should be appointed not by the Central Government, but by the Supreme Court. As Mr. Gupta said, there are judges holding different views even on fundamental rights. Therefore, there may be judges holding different views about political parties also. The judges must be impartial. Their partiality or impartiality must not be decided by the Home Minister who wants to ban a particular party. That must be left to the Supreme Court. That is why we say that the tribunal should consist of 3 judges to be appointed by the Supreme Court. Then only justice will be rendered

SHRI S. M. BANERJEE (Kanpur): Sir, I refer to my amendment No. 146 which says that for lines 7 and 8 substitute— "Provided that the Chairman shall be a Judge of the Supreme Court and the remaining two persons shall be Judges of the High Courts". Yesterday, Sir, we have expressed ourselves enough, and we wanted to impress upon the Law Minister, in the absence of the Home Minister, that when a party, a recognised party, recognised by the Election Commission, recognised by the people, is going to be declared unlawful, it is not fair on the part of this Government to seal the fate of that party or try that party in a court which comprises of one judge. I have a feeling that by that justice is going to be denied to that particular political party. What does the Bill say? It says:

"(1) The Central Government may, by notification in the Official Gazette, constitute, as and when necessary, a tribunal to be known as the 'Unlawful Activities (Prevention) Tribunal' consisting of one person, to be appointed by the Central Government: Provided that no person shall be so appointed unless he is a Judge of a High Court."

[The hon. Law Minister, when he was replying, did not reject it as such. What he said was that there was the financial aspect and the question of availability of judges from the High Court. When it is a question of expenses, as very ably argued by my hon. friend, Shri George Fernandes, there is a provision in sub-clause (4) which says that all expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India. So some fund will be necessary for implementing this particular Bill and further funds that may be necessary will also be made available. Therefore, it is no question of funds, it is no question of availability of judges, it is a question of denying justice and implementing this law in such a manner that any decision taken by the Government, legal or illegal, lawful or unlawful, is held also by the court as correct. This is absolutely wrong and I would press my amendment to vote.

MR. DEPUTY-SPEAKER: Before I call Shri Ramamurti, I would like to say that I will not permit more than three minutes on any amendment. Even if I permit three minutes on each amendment, looking to the number of clauses and the amendments tabled thereto, this Bill will not be finished in another six hours. Therefore, no argument need be repeated, and I will not allow more than three minutes on any amendment.

AN HON. MEMBER: Do not steam-roller like that.

MR. DEPUTY-SPEAKER: It is not a question of steam-rolling. In the Business Advisory Committee you agreed to two hours. We have already taken more than three hours. It is not possible to give more time.

SHRI P. RAMAMURTI: Mr. Deputy-Speaker, Sir, I was really surprised when

the Home Minister stated that in his opinion, justice can be done only by a single Judge. He did not disclose the reasons which impelled him to think that a single Judge alone will be able to dispense justice. In that case, I do not know why the Supreme Court and the High Courts appoint benches. Are we to take it that these benches do not dispense justice or they dispense only justice? After all, when you are making a draconian law—the law is very drastic, according to the Home Minister himself—why do you not agree to a bench of three Judges. After all, what is the tribunal going to do? The tribunal is not going to have any interpretation of the law. The function of the tribunal is to go into the evidence adduced by the government, assess the evidence and come to the conclusion whether on the evidence as assessed there is sufficient ground for declaring any particular organisation unlawful. That is all the function of the tribunal. Why should we say that the question of assessment by one individual, however eminent he might be, should be the basis for the final verdict on the question? After all, we know it for a fact that judges differ in their assessment of evidence. Therefore, instead of one judge, if there are three judges, the assessment is bound to be more balanced. All the three judges need not belong to the same High Court; they can be drawn from different High Courts. These are all matters of detail on which we do not want to stand on formality. It may be either a bench of the High Court or a tribunal consisting of three High Court judges, if necessary, from different High Courts.

I would even now request the Home Minister not to take up an unreasonable position. He is not doing the right thing by taking up this rigid and absolutely unreasonable attitude. Could you say that it is a reasonable stand? In fact, the reasonableness of our request was such that even two members of the Congress Party said there is something in it. Therefore, why should the Home Minister take such a rigid attitude and say that he is not prepared to accept any modifications? Even the Chairman has said that there is something valid in this suggestion. Why don't you consider all these comments and at least now change the provision?

Then I would say that in the case of elections, while no doubt there is a tribunal to decide cases, there is a direct appeal to the Supreme Court against the decision of the tribunal. But here, in this case, there is no such provision. Therefore, unless you are prepared to provide such a provision for appeal, the final arbiter of the whole thing will be one single individual. It is something very strange, particularly when he is deciding not the fate of one individual but hundreds of thousands of people throughout the country who may be members of some organisation or association. So, I submit that there should be at least three judicial members to assess the evidence and the majority decision should ultimately prevail. In the end, I would again request the Home Minister to reconsider the whole question.

**SHRI RANDHIR SINGH (Rohtak):** The amendment, as pointed out by my hon. friend, Shri Ramamurti, stands to reason. After all, to err is human and a judge is not a prophet. I feel that in a case like this, where the question of wiping out a party or association hinges on the sole discretion of the tribunal, it should consist of at least three judges and not one judge. The tribunal has to decide on crucial matters like cession or secession of a territory and whether the integrity of the nation is involved, keeping in view, at the same time, the fundamental rights of a citizen who may be a member of an association or a party. So, it should consist of three judges, as contemplated in the original Bill. What I say is that instead of leaving the fate of one party or individual to be decided by one judge, it should be left to be decided by a tribunal of at least three judges.

Then, regarding the composition of the tribunal, I do not feel that only a High Court Judge is a person who is sanctified and who is not assailable in his judicial position. If the Home Minister feels that three High Court judges may not be available, then I will go even to this extent that a working Judge of the High Court should preside and two working District and Sessions Judges could be there in the Tribunal. At least three minds should be there to make the adjudication.

I support the amendment moved by Shri Ramamurti.

श्री श्रीचन्द्र गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, मैंने इस के सम्बन्ध में दो संशोधन ४८ तथा ५० दिये हैं। मेरा नं० ५० का जो संशोधन है, उसमें मैंने यह मांग की है कि तीन जजेज का पैनल हो और उस का अध्यक्ष सुप्रीम कोर्ट का जज हो। हमारे गृह मंत्री जी ने अभी इस के सम्बन्ध में अपना मत बताया, लेकिन मैं यह समझता हूँ कि उन्होंने इस सदन के माननीय सदस्यों के विचार अभी नहीं सुने हैं। कल चूँकि इस सदन के सभी सदस्यों ने इसका समर्थन किया था, उसको दृष्टि में रखते हुये कल हमारे विधि मंत्री जी उसको कुछ मानते हुये नजर आते थे, मुझे विश्वास है कि हमारे गृह मंत्री जी भी सब के विचार सुन कर इस संशोधन को स्वीकार करेंगे।

उपाध्यक्ष महोदय, मैं तीन चीजों की तरफ आपका ध्यान दिलाना चाहता हूँ—पहला ला-कमीशन ने अपनी रिपोर्ट में यह कहा है कि Even High Court Judges are appointed on consideration other than merit.

यानी कई बार हाई कोर्ट जजेज की एप्वाइन्ट-मेन्ट भी दूसरे और विचारों के अधीन होती है। केवल योग्यता के आधार पर नहीं। इसलिये एक हाई कोर्ट जज के हाथ में किसी संस्था के भाग्य का निर्णय करने का हक सुपुर्द कर दिया जाय। मैं इस को उचित नहीं समझता। उपाध्यक्ष महोदय आप एक बहुत काबिल बैरिस्टर हैं, आप जानते हैं कि एक जज के फैसले के लैटर्स-पेटेन्ट अपील का प्रोवीजन होता है, इसके अधीन अनेकों बार अनेकों फैसलों के विरुद्ध निर्णय बदल जाते हैं, इसके अलावा सुप्रीम कोर्ट में अपील की भी व्यवस्था है। जब किसी की सम्पत्ति का झगड़ा हो, शहरी ज्यादती का झगड़ा हो, तो इस के लिये अपील का विधान है, परन्तु जब किसी संस्था के अस्तित्व को आप नष्ट करने जा रहे हैं, तो उसका निर्णय करने के लिये यदि कम से कम तीन जजे की राय आप लेंगे, तब उस संस्था को इस बात का विश्वास होगा कि उनके साथ न्याय किया जा रहा है। मौजूदा कानून से पैदा होने वाले शायद मैं समझता हूँ कि साल में

या कई सालों में कोई एक आघ ही कैसे आयेगा, तब मैं नहीं समझता कि आप तीन जजेज की व्यवस्था को नहीं कर सकते। ऐसी स्थिति में आप की इस दलील के कोई मायने नहीं हैं कि आप तीन जजेज की व्यवस्था नहीं कर सकेंगे। जब हम डीअरनेस एलाउन्स या दूसरे मामलों को तय करने के लिये हाई कोर्ट के जजेज को एप्वाइन्ट करते हैं, तो एक प्रति गम्भीर समस्या अर्थात् किसी संस्था के भाग्य का निर्णय करने के लिये इस लिये तीन जजेज के एप्वाइन्ट-मेन्ट की व्यवस्था निश्चित रूप से होनी चाहिये और मुझे भरोसा है कि आप हमारे इस संशोधन को जरूर स्वीकार करेंगे।

SHRI SEQUEIRA : Sir, my amendment is No. 167. I submit that there are two questions here. One is as to how many members a tribunal should have and the other is how they should be appointed. The hon. Home Minister has stated that he feels that one member is enough. The Bill states that he should be appointed by the Central Government. I have suggested that instead of one there should be three persons and that they should be appointed on the advice of the Chief Justice of the Supreme Court of India. I want to recommend this amendment by drawing to the Home Minister's attention the following.

Firstly, this tribunal is going to decide whether a whole political organisation or any kind of organisation is to be banned. It is a very serious matter. Secondly, if the organisation is declared unlawful, every member who belongs to it is liable to an imprisonment of two years and they may be hundreds of thousands. Thirdly, there is a fear—and I believe, a just fear—in the mind of the Opposition that this law may be used in order to stifle opposition. We have the assurance of the Home Minister that this is not so. I would request him to make this amendment to show to the House and to give the Opposition the satisfaction of knowing that if the Government, not this government but may be future government, moves to ban a party that party will at least be reasonably sure of being able to get justice at least from the tribunal.

That is all that I have to say.

**SHRI NAMBIAR:** Sir, I do not want to add much because much has been said on this. I only appeal to the hon. Minister to accept this. The entire Opposition is united on this. After all, the difference between the Government and the Opposition is only 20 or 30 votes. We are all demanding only one thing. You want to condemn a party saying that this party is illegal. You have got the right to say that by an order to be published in the Gazette and then you have to refer the whole matter to the Tribunal and the Tribunal can give judgment within six months. What we want is only this that let that Tribunal be manned by three Judges instead of one Judge.

The hon. Minister says that his idea is not to suppress any party and he also says that everyday we are not going to bring the law into use because, occasionally, one case might happen. If that is so, he may kindly agree to have three Judges either of one High Court or another High Court. That is a different thing. I appeal to him to agree to that. It is a very moderate demand.

Then, there is reasonableness in my amendment No. 49 which says :

"add at the end—

'and two persons by the State Government wherein the headquarters of the association notified as unlawful situations.'

This is to be added so that he will get the cooperation of the State Government as well to implement this Act. Otherwise, whatever he writes and issues orders from here, if the State Government is not there to implement it, this cannot be implemented. This is my request.

I have got two amendments, one is that instead of one Judge, there should be three Judges and the other is that two persons may be nominated by the State Government. If he does not agree to the nomination of two persons by the State Government, let him agree to this at least that instead of one Judge, there should be three Judges. We are all united on this. This is not a political fight or a question of simply saying 'Yes' or 'No'. This is only an understanding to see that when we provide a legislation, let us do it in a proper manner. I hope he will agree to this.

**SHRI D. C. SHARMA (Gurdaspur):** Sir, I think, it is the business of the Government and the duty of the Government, the function of the Party in power, to allay the fears of the Opposition, whether they are justified or not. Personally speaking, I think, these fears are not justified. But since all the Parties are united on this matter, since they are all expressing fears about this, I think, the Government's duty is to see to it that they do not harbour any kind of fear in their hearts. The question is whether there should be one Judge or three Judges.

There are some persons who want that justice should be swift and not a long-drawn out process. I think, what the hon. Home Minister has to say is this that he wants that the thing should be decided soon and that it should not take a very long time. But, I think, in this matter, when it concerns the cession or secession of our country, when an individual or a party or an association is involved, it is best that justice should not look to the public as a kind of summary justice but it should look to the public that the justice has been meted out in a proper and regular manner and after the utmost deliberation on the part of the Judges. Therefore, I think, there is no use having the Supreme Court to nominate Judges and I do not want that one Supreme Court Judge should preside over the Tribunal or that two Judges should come from one State and the third Judge should come from another State. I think, we can leave it to the Home Ministry to nominate the Tribunal. But I must say that the Tribunal must consist of three High Court Judges. I am very sorry that some aspersions have been cast on the merits of the High Court Judges, on the reputation of the High Court Judges. . . . .

**SHRI SHRI CHAND GOEL:** We have not cast any aspersion. The Law Commission has done it.

**SHRI D. C. SHARMA:** Some hon. Member said that there is *obiter dictum* of the Law Commission. We all have these *obiter dicta*. But I must submit very respectfully that our Judges are impartial and their merit is unquestioned. But at the same time I would like that this should be a Tribunal consisting of three judges to be nominated by the Home Ministry and that a time limit should be

[Shri D. C. Sharma]

set to give the decision on the question. If the proceedings go on hanging, then I think justice will not be there. Therefore, I would say that there should be a Tribunal consisting of three judges of High Court to be nominated by the Home Ministry, but they must decide the issue within three months and should not keep it hanging for a long time.

SHRI Y. B. CHAVAN: I am sorry, I cannot agree to the suggestion made by the hon. members. I will give the history behind it. The original Bill proposed a Tribunal consisting of three persons, if I can take you back to that thing. Really speaking, this matter was discussed in the Joint Committee and I was told that it is much better to have only one man.... (Interruptions)

AN HON. MEMBER: No, no... (Interruptions)

SHRI Y. B. CHAVAN: He never said that.

Are you prepared to go back to the original position of the draft....

SHRI V. KRISHNAMOORTHY: In the original Bill, it was, one High Court judge and two District Judges....

SHRI Y. B. CHAVAN: No, no. I cannot agree.

The only point is this. We are thinking of having some sort of a full bench of a High Court sitting as a Tribunal because in some places the High Court consists of three judges only. Therefore, what is this? In order to meet the feelings of the Opposition, I agreed to one position and that is this. Originally the position was that the Chairman of the Tribunal could be a retired judge also, and I said, alright, it is much better to have a sitting judge. I agreed to one more position that the entire proceedings should be completed within a period of six months. If this has to be done, it is much better to have one judge, one-judge Tribunal would certainly expedite matters. This is not something which you can just carry on for months together....

SHRI KANWAR LAL GUPTA: You have put a time-limit.

SHRI Y. B. CHAVAN: I have put a time limit. Putting a time-limit does not

mean this. Suppose there is no provision and you do not punish within six months, what is to be done? (Interruptions)

SHRI V. KRISHNAMOORTHY: If there are three judges, would they take more than six months? (Interruptions)

SHRI Y. B. CHAVAN: I am giving my opinion. Let him not interrupt me. It is not fair to say that only when three judges sit, there will be more justice. Here is a sitting judge of the High Court....

SHRI V. KRISHNAMOORTHY: Definitely, justice will not be there.

SHRI Y. B. CHAVAN: I do not agree with this.

SHRI KANWAR LAL GUPTA rose—

MR. DEPUTY-SPEAKER: He may sit down. No argument now.

SHRI KANWAR LAL GUPTA: I am not arguing at all.

SHRI V. KRISHNAMOORTHY: If the whole House agrees, he is prepared to go back?

श्री कंबरलाल गुप्त: उपाध्यक्ष महोदय, मैं आप के जरिए गृह मंत्री जी से कहना चाहता हूँ कि जो बातें कही गई हैं और जो शंकाएं प्रकट की गई हैं उनका वह स्पष्टीकरण करें लेकिन इस तरह से उन का गुस्से में आ जाना और कहने लगना कि मैं नहीं करूंगा तो वह तो कोई जवाब नहीं है।

SHRI Y. B. CHAVAN: Somebody was shouting. I can also shout like that.

Now I have given my reasons. I cannot agree.

SHRI D. C. SHARMA: Mr. Chavan is a person of imperturbable temperament.

SHRI KANWAR LAL GUPTA: I want to press my Amendment, No. 48.

MR. DEPUTY-SPEAKER: I will put Amendment 48 separately to the vote of the House.

The question is:

"Page 4, line 5,—

for "one person" substitute—

"three persons". (48)

The Lok Sabha divided:

Division No. 26]

AYES

13.05 hrs.

Ahmed, Shri J.  
Amat, Shri D.  
Amin, Shri R. K.  
Amin, Shri Ramchandra J.  
Anbuhezhan, Shri  
Anrudhan, Shri K.  
Banerjee, Shri S. M.  
Chakrapani, Shri C. K.  
Chaudhuri, Shri Tridib Kumar  
Deiveekan, Shri  
Deo, Shri K. P. Singh  
Fernandes, Shri George  
Goel, Shri Shri Chand  
Gopalan, Shri P.  
Gowd, Shri Gadilingana  
Guha, Shri Samar  
Gupta, Shri Indrajit  
Gupta, Shri Kanwar Lal  
Joshi, Shri S. M.  
Kalita, Shri Dhireswar  
Kameshwar Singh, Shri  
Khan, Shri Ghayoor Ali  
Kiruttinan, Shri  
Krishnamoorthi, Shri V.  
Kundu, Shri S.  
Kashwah, Shri Y. S.  
Maiti, Shri S. N.  
Majhi, Shri M.  
Mayavan, Shri  
Meghachandra, Shri M.  
Meghrajji, Shri

Menon, Shri Vishwanatha  
Mody, Shri Pilloo  
Mohamed Imam, Shri  
Naik, Shri G. C.  
Naik, Shri R. V.  
Nair, Shri N. Sreekantan  
Nair, Shri Vasudevan  
Nambiar, Shri  
Nihal Singh, Shri  
Pandey, Shri Sarjoo  
Parmar, Shri D. R.  
Paswan, Shri Kedar  
Patil, Shri N. R.  
Rai, Shri Charanjit  
Ramabadrán, Shri T. D.  
Ramamurti, Shri P.  
Ramji Ram, Shri  
Rao, Shri V. Narasimha  
Samanta, Shri S. C.  
Saminathan, Shri  
Satya Narain Singh, Shri  
Sequeira, Shri  
Sezhiyan, Shri  
Shalwale, Shri Ram Gopal  
Sharma, Shri Beni Shanker  
Sharma, Shri Yajna Datt  
Thakur, Shri Gunanand  
Tyagi, Shri O. P.  
Yajnik, Shri

NOES

Agadi, Shri S. A.  
Arumugam, Shri R. S.  
Babunath Singh, Shri  
Bajpai, Shri Shashibhushan  
Barua, Shri Bedabrata  
Baswant, Shri  
Besra, Shri S. C.  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhanu Prakash Singh, Shri  
Bhargava, Shri B. N.  
Bhattacharyya, Shri C. K.

Bhola Nath, Shri  
Birua, Shri Kolal  
Bist, Shri J. B. S.  
Bohra, Shri Onkarlal  
Chanda, Shri Anil K.  
Chandra, Shrimati Jyotsna  
Chandrika Prasad, Shri  
Chatterji, Shri Krishna Kumar  
Chaturvedi, Shri R. L.  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shri D. R.  
Chavan, Shri Y. B.



Choudhary, Shri Valmiki  
 Choudhury, Shri J. K.  
 Damani, Shri S. R.  
 Dasappa, Shri Tulsidas  
 Dass, Shri C  
 Desai, Shri Morarji  
 Deshmukh, Shri B. D.  
 Deshmukh, Shri K. G.  
 Dhuleshwar Meena, Shri  
 Dinesh Singh, Shri  
 Gajraj Singh Rao, Shri  
 Gandhi, Shrimati Indira  
 Gavit, Shri Tukaram  
 Ghosh, Shri Parimal  
 Girja Kumari, Shrimati  
 Gupta, Shri Lakhan Lal  
 Iqbal Singh, Shri  
 Jadhav, Shri Tulshidas  
 Jadhav, Shri V. N.  
 Jagjiwan Ram, Shri  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kedaria, Shri C. M.  
 Kesri, Shri Sitaram  
 Kinder Lal, Shri  
 Kripalani, Shrimati Sucheta  
 Kushok Bakula, Shri  
 Lakshmikanthamma, Shrimati  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Mahajan, Shri Vikram Chand  
 Mahida, Shri Narendra Singh  
 Malimariyappa, Shri  
 Manikya Bahadur, Shri  
 Mehta, Shri P. M.  
 Menon, Shri Govinda  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mohammad Yusuf, Shri  
 Mrityunjay Prasad, Shri  
 Mukerjee, Shrimati Sharda  
 Nahata, Shri Amrit  
 Oraon, Shri Kartik  
 Padmavati Devi, Shrimati  
 Pahadia, Shri Jagannath  
 Pandey, Shri K. N.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patel, Shri Manibhai J.  
 Patil, Shri S. B.  
 Patil, Shri S. D.  
 Poonacha, Shri C. M.  
 Pramanik, Shri J. N.  
 Radhabai, Shrimati B.

Raj Deo Singh, Shri  
 Rajani Gandha, Kumari  
 Rajasekharan, Shri  
 Raju, Shri D. B.  
 Ram, Shri T.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Rana, Shri M. B.  
 Rane, Shri  
 Rao, Shri Rameshwar  
 Rao, Shri Thirumala  
 Rao, Dr. V. K. R. V.  
 Reddy, Shri Surendar  
 Rohtagi, Shrimati Sushila  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sant Bux Singh, Shri  
 Sarma, Shri A. T.  
 Savitri Shyam, Shrimati  
 Sen, Shri Dwaipayana  
 Sen, Shri P. G.  
 Sethi, Shri P. C.  
 Shah, Shrimati Jayaben  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sheo Narain, Shri  
 Shinde, Shri Annasahib  
 Shinkre, Shri  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri S. N.  
 Siddayya, Shri  
 Singh, Shri D. N.  
 Singh, Shri D. V.  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Tarkeshwari  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Sursingh, Shri  
 Suryanarayana, Shri K.  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tiwary, Shri K. N.  
 Uikey, Shri M. G.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Prem Chand  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra

13 hrs.

MR. DEPUTY-SPEAKER: The result of the Division, as it is:—corrections will be made later—Ayes .. 59....

SHRI S. M. BANERJEE : Sir how can you announce the result now, in case correction is to be made later on ?

MR. DEPUTY-SPEAKER : It is not going to affect the position. I said that correction will be made. Instead of waiting for correction, I said I am going to announce it.

The result\*of the Division is : Ayes—59; Noes—133.

*The motion was negatived*

MR. DEPUTY-SPEAKER : I shall now put all the other amendments to the vote of the House.

*Amendments Nos. 49, 50, 93, 94, 95 & 167 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 5 stand part of the Bill."

SHRI NAMBIAR : We want a Division on this. We would not allow any clause to go uncontested.

MR. DEPUTY-SPEAKER : Now the doors are closed. You want them to be opened ?

SOME HON. MEMBERS : Yes.

SHRI NAMBIAR : No clause will be allowed to be passed without a division. Every clause will be voted upon by division. They may have their majority, but that is a different point. We are not going to leave it like that.

MR. DEPUTY-SPEAKER : The question is :

"That clause 5 stand part of the Bill.

*The Lok Sabha divided.*

Division No. 27]

AYES

13.11 hrs.

Agadi, Shri S. A.  
Arumugam, Shri R. S.  
Awadesh Chandra Singh, Shri  
Baburath Singh, Shri  
Barua, Shri Bedabrata  
Basu, Dr. Maitreyee  
Baswant, Shri  
Besra, Shri S. C.  
Bhagat, Shri B. R.  
Bhakt Darshan, Shri  
Bhargava, Shri B. N.  
Bhattacharyya, Shri C. K.  
Bhola Nath, Shri  
Birua, Shri Kolai  
Bohra, Shri Onkarlal  
Chanda, Shri Anil K.  
Chanda, Shrimati Jyotsna  
Chatterji, Shri Krishna Kumar  
Chaturvedi, Shri R. L.

Chaudhary, Shri Nitiraj Singh  
Chavan, Shri D. R.  
Chavan, Shri Y. B.  
Choudhury, Shri J. K.  
Damani, Shri S. R.  
Dasappa, Shri Tulsidas  
Dass, Shri C.  
Desai, Shri Morarji  
Deshmukh, Shri B. D.  
Deshmukh, Shri K. G.  
Devinder Singh, Shri  
Dhuleshwar Meena, Shri  
Dinesh Singh, Shri  
Gajraj Singh Rao, Shri  
Gandhi, Shrimati Indira  
Gavit, Shri Tukaram  
Ghosh, Shri Parimal  
Girja Kumari, Shrimati  
Gupta, Shri Lakhna Lal

The following Members also recorded their votes :

Ayes : Sarvshri Mohammad Ismail,  
C. Janardhanan, Yageshwar Yadav  
and Ranjit Singh.

Noes : Sarvashri Chengalraya Naidu,  
G. S. Reddi and M. N. Reddy.

Iqbal Singh, Shri  
 Jadhav, Shri Tulshidas  
 Jadhav, Shri V. N.  
 Jagjiwan Ram, Shri  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kedaria, Shri C. M.  
 Kesri, Shri Sitaram  
 Kinder Lal, Shri  
 Kripalani, Shrimati Sucheta  
 Kureel, Shri B. N.  
 Kushok Bakula, Shri  
 \*Lakkappa, Shri K.  
 Lakshmikanthamma, Shrimati  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Mahajan, Shri Vikram Chand  
 Mahida, Shri Narendra Singh  
 Malimariyappa, Shri  
 Manikya Bahadur, Shri  
 Mehta, Shri P. M.  
 Menon, Shri Govinda  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Misra, Shri Srinibas  
 Mohammad Yusuf, Shri  
 Mrityunjay Prasad, Shri  
 Mukerjee, Shrimati Sharda  
 Nabata, Shri Amrit  
 Naidu, Shri Chengalraya  
 Padmavati Devi, Shrimati  
 Pahadia, Shri  
 Pandey, Shri K. N.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patel, Shri Manubhai  
 Patel, Shri N. N.  
 Patil, Shri S. B.  
 Patil, Shri S. D.  
 Poonacha, Shri C. M.  
 Pramanik, Shri J. N.  
 Radhabai, Shrimati B.  
 Raj Deo Singh, Shri  
 Rajani Gandha, Kumari  
 Rajasekharan, Shri

Raju, Shri D. B.  
 Ram, Shri T.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Rana, Shri M. B.  
 Rane, Shri  
 Rao, Shri Rameshwar  
 Rao, Shri Thirumala  
 Rao, Dr. V. K. R. V.  
 Reddi, Shri G. S.  
 Reddy, Shri Surendar  
 Rohatgi, Shrimati Sushila  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sant Bux Singh, Shri  
 Sarma, Shri A. T.  
 Savitri Shyam, Shrimati  
 Sen, Shri Dwaipayana  
 Sen, Shri P. G.  
 Sethi, Shri P. C.  
 Shah, Shrimati Jayaben  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sheo Narain, Shri  
 Shinde, Shri Annasahib  
 Shinkre, Shri  
 Shukla, Shri S. N.  
 Siddayya, Shri  
 Singh, Shri D. N.  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Tarkeswari  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tiwary, Shri K. N.  
 Uikey, Shri M. G.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Prem Chand  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra  
 Yadab, Shri N. P.

## NOES

Ahmed, Shri J.  
 Amat, Shri D.

Amin, Shri R. K.  
 Amin, Shri Ramchandra J.

Banerjee, Shri S. M.  
 \*Bist, Shri J. B. S.  
 Chakrapani, Shri C. K.  
 Deiveekan, Shri  
 Deo, Shri K. P. Singh  
 Fernandes, Shri George  
 Ghosh, Shri Ganesh  
 Goel, Shri Shri Chand  
 Gopalan, Shrimati Suseela  
 Gounder, Shri Muthu  
 Gowd, Shri Gadilingana  
 Gupta, Shri Indrajit  
 Gupta, Shri Kanwar Lal  
 Janardhanan, Shri C.  
 Joshi, Shri S. M.  
 Kalita, Shri Dhireswar  
 Kameshwar Singh, Shri  
 Khan, Shri Ghayoor Ali  
 Kirutinan, Shri  
 Kundu, Shri S.  
 Kushwah, Shri Y. S.  
 Majhi, Shri M.  
 Mayavan, Shri  
 Meetha Lal, Shri  
 Meghachandra, Shri M.  
 Meghrajji, Shri  
 Menon, Shri Vishwanatha  
 Mody, Shri Piloo  
 Mohammed Imam, Shri J.

Mohammed Sheriff, Shri  
 Naik, Shri G. C.  
 Naik, Shri R. V.  
 Nair, Shri N. Sreekantan  
 Nambiar, Shri  
 Nihal Singh, Shri  
 Pandey, Shri Sarjoo  
 Parmar, Shri D. R.  
 Paswan, Shri Kedar  
 Patil, Shri N. R.  
 Ram Gopal, Shri  
 Ramabadran, Shri T. D.  
 Ramamurti, Shri P.  
 Ramji Ram, Shri  
 Ranjit Singh, Shri  
 Rao, Shri V. Narasimha  
 Samanta, Shri S. C.  
 Sambhali, Shri Ishaq  
 Saminathan, Shri  
 Satya Narain Singh, Shri  
 Sequeira, Shri  
 Sezhiyan, Shri  
 Sharma, Shri Yajna Datt  
 Shastri, Shri R.  
 Thakur, Shri Gunanand  
 Tyagi, Shri O. P.  
 Uikay, Shri M. G.  
 Viswanatham, Shri Tenneti  
 Yadav, Shri Jageshwar

13.10 hrs.

MR. DEPUTY-SPEAKER: The result† of the Division is: Ayes: 133; Noes: 61

*The motion was adopted.*

*Clause 5 was added to the Bill*

MR. DEPUTY-SPEAKER: After lunch, we shall take up clause 6. We shall now adjourn and meet again at 2.10 p.m. as I have already promised.

\*Wrongly voted for "NOES"

†The following Members also recorded their votes:

Ayes: Sarvashri Bhaun Prakash Singh, Kartik Oraon, J.B.S. Bist, Shashibhushan Bajpal, Valmiki Choudhary, Shiv Chandika

*The Lok Sabha adjourned for Lunch till Ten Minutes Past Fourteen of the Clock.*

*The Lok Sabha reassembled after lunch at Ten Minutes Past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

UNLAWFUL ACTIVITIES (PREVENTION) BILL—contd.

Clause 6—(Period of operation and cancellation of Notification)

Prasad, Sursingh, Dr. Govind Das, and Sarvashri K. Suryanarayana, M. N. Reddy.

Noes: Sarvashri Tridib Kumar Chaudhuri, K. Lakkappa, Mohammad Ismail, K. Anirudhan, Baidhar Behera, Charanjit Rai and Anbuhezhan.

SHRI GEORGE FERNANDES (Bombay South): I beg to move:

Page 5, line 13, for "two years" substitute "one year". (9)

SHRI NAMBIAR: I beg to move:

Page 5, line 14,—add at the end "after the Parliament approves it". (52)

Page 5, line 13,—for "two years" substitute "six months". (96)

MR. DEPUTY-SPEAKER: These amendments and the clause are now before the House.

श्री जार्ज फर्नेन्डिस: उपरोक्त बिल, इस धारा में यह व्यवस्था की गई है कि सरकार द्वारा जारी की गई नोटिफिकेशन कितने साल के लिए प्रमल में रहें। पहले बिल में यह अवधि दो साल रखी गई थी। हम चाहते हैं कि उस अवधि को कम करके एक साल कर दिया जाये। जब यह बिल जायंट सिलेक्ट कमेटी के पास गया था, तो उस ने इस में भी गई प्रमल प्रमल सजाओं में कटौती की थी। मैं नहीं समझ पाता हूँ कि पहले बिल में नोटिफिकेशन को जारी रखने के सम्बन्ध में जो दो साल की अवधि रखी गई थी, उस में कमी क्यों नहीं की गई है। जब सरकार की ओर से किसी संस्था को प्रवैधानिक घोषित किया जायेगा, तो उस के लिए सरकार को इतनी लम्बी अवधि रखने की क्या जरूरत पड़ेगी, यह समझ में नहीं आता है।

इस बिल में कई ऐसी धारयाँ हैं, जिन में सम्बन्धित लोगों को सजा देने की व्यवस्था की गई है। अगर यह नोटिफिकेशन दी साल तक जारी रहे तो उस से अन्य लोगों को काफी दिक्कतें पहुँच सकती हैं। जिस संस्था को प्रवैधानिक घोषित किया जायेगा, उस के जैसे ओर उस के द्वारा इस्तेमाल की जाने वाली शक्तों की ओर सरकार का ध्यान रहेगा। सब से महत्वपूर्ण बात यह है कि जिस जगह से उस

संस्था का काम चलता था, उस जगह से जान जाने के सम्बन्ध में उस संस्था से सम्बन्ध न रखने वाले लोगों को भी कई परेशानियाँ होंगी। हम यह चाहते हैं कि वे परेशानियाँ लम्बे समय तक न रहें। इस लिये हमने यह तरकीब रखी है कि नोटिफिकेशन को जारी रखने के लिये दो साल की अवधि न रखी जाये।

SHRI NAMBIAR: My argument is more or less on the basis of what Shri Fernandes has said. I want the period to be one year instead of two years, and after that I wish to add, "after Parliament approves it."

Why should the period be two years? After all, the purpose of declaring an association unlawful is to prevent it from acting prejudicially to the nation. Once it is notified and the tribunal also confirms it, by that time six months are over by that time, more or less that association's activities will come to a standstill, and if at all anything is left out, another six months you can allow. All told, within one year that association cannot function. If it is extended to two years, that will be a source of irritation and nuisance and trouble to many innocent people. We know how the bureaucracy acts when powers are given to them. The hon. Minister, Mr. Chavan, is not going to do everything. He is a good man, subject to qualifications later on. However, I suggest that it be confined to one year, and then it must get the approval of the House. At any stage, whether it is immediately after the notification or immediately after the tribunal's verdict, it must come to the House.

He says that rules will be framed later on and will be placed on the Table of the House. That is not a speciality for this law; for every law whatever Rules are framed are placed on the Table of the House, that is not sufficient. What we want is that the party which is declared unlawful must be quoted in this House and let the House say that it gives its seal to the declaration. Then, at least something like democratic content will be there. So, I

request that he may accept both my amendments.

SHRI Y. B. CHAVAN : Certainly I have always been very considerate about these demands. Even in the Select Committee I conceded certain points. As you know, in the original draft there was a provision for extending the period of two years to three years. Then, it was the desire of the members of the opposition in the Select Committee that without further enquiry by the tribunal this further extension of one year should not be made, and I agreed to that proposition. Therefore, it has become two years.

There is nothing very sacrosanct about two years or one year, I can see that point, but when we declare a certain organisation to be illegal under the Act, and we propose to take certain action, we do not do it for fun's sake. We do it because there is certainly some extraordinary situation, and one has to deal with it.

Further, in sub-section 2 of the same clause, it is said that Government on its own motion or on the application of any aggrieved party can cancel it even before the expiry of two years. So, really speaking, the period of two years is not the minimum period, it is the maximum period, and I therefore think that there is nothing unreasonable in the period as it is.

SHRI NAMBIAR : What will happen after the two years period? I want to know whether you will again do it, because, under the Preventive Detention Act, as soon as one is released, one gets again a two-year period. What is the idea?

SHRI Y. B. CHAVAN : After two years, if the Government thinks it necessary to extend the period further, they will have to constitute a tribunal again and the whole thing will have to be put afresh before the tribunal. If the tribunal again confirms the notification, then it is a further period of two years.

SHRI NAMBIAR : Then, one year will be all right.

SHRI Y. B. CHAVAN : Two years. That is the maximum period. It can also be converted into one year if the necessity arises.

MR. DEPUTY-SPEAKER : I shall put all the amendments together to the vote : amendment Nos. 9, 52 and 96.

*Amendments Nos. 9, 52 and 96 were put and negatived.*

MR. DEPUTY-SPEAKER : I shall now put clause 6 to the vote. The question is :

"That clause 6 stand part of the Bill."

*The Lok Sabha divided :*

Division No. 28]

AYES

[14.27 Hrs.

Agadi, Shri S. A.  
Aga, Shri Ahmad  
Arumugam, Shri R. S.  
Awadesh Chandra Singh, Shri  
Babunath Singh, Shri  
Barua, Shri Bedabrata  
Barupal, Shri P. L.  
Basu, Dr. Maitreyee  
Baswant, Shri  
Besra, Shri S. C.  
Bhattacharyya, Shri C. K.  
Bhola Nath, Shri  
Bohra, Shri Onkarlal

Chanda, Shrimati Jyotsna  
Chandrika Parsad, Shri  
Chatterji, Shri Krishna Kumar  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shri D. R.  
Chavan, Shri Y. B.  
Choudhary, Shri J. K.  
Dalbir Singh, Shri  
Dasappa, Shri Tulsidas  
Dass, Shri C.  
Desai, Shri Morarji  
Deshmukh, Shri K. G.  
Dhillon, Shri G. S.

Dhuleshwar Meena, Shri  
 Dixit, Shri G. C.  
 Gajraj Singh Rao, Shri  
 Gandhi, Shrimati Indira  
 Ganesh, Shri K. R.  
 Gavit, Shri Tukaram  
 Gupta, Shri Lakhna Lal  
 Heerji Bhai, Shri  
 Hem Raj, Shri  
 Jadhav, Shri Tulsidas  
 Jadhav, Shri V. N.  
 Kasture, Shri A. S.  
 Kavade, Shri B. R.  
 Kedaria, Shri C. M.  
 Kesri, Shri Sitaram  
 Kinder Lal, Shri  
 Krishna, Shri M. R.  
 Kureel, Shri B. N.  
 Lakshmikanthamma, Shrimati  
 Lalit Sen, Shri  
 Laxmi Bai, Shrimati  
 Mahadeva Prasad, Dr.  
 Mahajan, Shri Vikram Chand  
 Malimariyappa, Shri  
 Mandal, Dr. P.  
 Marandi, Shri  
 Mehta, Shri P. M.  
 Menon, Shri Govinda  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mohammad Yusuf, Shri  
 Mohinder Kaur, Shrimati  
 Mondal, Shri J. K.  
 Nahata, Shri Amrit  
 Naidu, Shri Chengalraya  
 Oraon, Shri Kartik  
 Pabadia, Shri  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patel, Shri Manubhai

Patil, Shri S. B.  
 Patil, Shri S. D.  
 Poonacha, Shri C. M.  
 Pramanik, Shri J. N.  
 Raj Deo Singh, Shri  
 Raju, Shri D. B.  
 Ram, Shri T.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Randhir Singh, Shri  
 Rane, Shri  
 Rao, Shri J. Ramapathi  
 Rao, Shri Rameshwar  
 Rao, Shri Thirumala  
 Reddy, Shri Surendar  
 Rohatgi, Shrimati Sushila  
 Roy, Shrimati Uma  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sarma, Shri A. T.  
 Sayyad Ali, Shri  
 Sen, Shri Dwaipayana  
 Sen, Shri P. G.  
 Shah, Shrimati Jayaben  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sharma, Shri D. C.  
 Sharma, Shri M. R.  
 Sheth, Shri T. M.  
 Shinde, Shri Annasahib  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri S. N.  
 Siddeshwar Prasad, Shri  
 Singh, Shri D. N.  
 Sinha, Shri Mudrika  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Suryanarayana, Shri K.  
 Tiwary, Shri K. N.  
 Uikey, Shri M. G.  
 Ulaka, Shri Ramachandra  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra

## NOES

Amat, Shri D.  
 Amin, Shri R. K.  
 Amin, Shri Ramchandra J.  
 Anirudhan, Shri K.

Badrudduja, Shri  
 Banerjee, Shri S. M.  
 Basu, Shri Jyotirmoy  
 Behara, Shri Baidhar

Bharat Singh, Shri  
 Chakrapani, Shri C. K.  
 Deb, Shri D. N.  
 Dipa, Shri A.  
 Fernandes, Shri George  
 Ghosh, Shri Ganesh  
 Gowda, Shri M. H.  
 Gowder, Shri Nanja  
 Gupta, Shri Indrajit  
 Halдар, Shri K.  
 Jha, Shri Shiva Chandra  
 Joshi, Shri S. M.  
 Kalita, Shri Dhireswar  
 Khan, Shri Ghayoor Ali  
 Khan, Shri M. A.  
 Kiruttinan, Shri  
 Krishnamoorthi, Shri V.  
 Kushwah, Shri Y. S.  
 Maiti, Shri S. N.  
 Majhi, Shri M.  
 Mayavan, Shri  
 Meetha Lal, Shri  
 Meghachandra, Shri M.  
 Menon, Shri Vishwanatha  
 Modak, Shri B. K.  
 Mohamed Imam, Shri J.  
 Molahu Prasad, Shri

Mukerjee, Shri H. N.  
 Naik, Shri G. C.  
 Naik, Shri R. V.  
 Nambiar, Shri  
 Nihal Singh, Shri  
 Pandey, Shri Sarjoo  
 Parmar, Shri D. R.  
 Paswan, Shri Kedar  
 Patil, Shri N. R.  
 Ramamoorthy, Shri S. P.  
 Ramamurti, Shri P.  
 Ramji Ram, Shri  
 Rao, Shri V. Narasimha  
 Roy, Shri Chittaranjan  
 Samanta, Shri S. C.  
 Sequeira, Shri  
 Sezhiyan, Shri  
 Sharma, Shri Ram Avtar  
 Sharma, Shri Yogendra  
 \*Sheo Narain, Shri  
 Sreedharan, Shri A.  
 Surei Bhan, Shri  
 Thakur, Shri Gunanand  
 Viswanatham, Shri Tenneti  
 Viswanathan, Shri G.  
 Yadav, Shri Jageshwar

MR. DEPUTY-SPEAKER : The result of the division is Ayes 113, Noes 61.

*The motion was adopted.*

*Clause 6 was added to the Bill.*

CLAUSE 7.—(Power to prohibit the use of funds of an unlawful association.)

SHRI GEORGE FERNANDES : I move amendments 10, 11, 12 and 13.

SHRI NAMBIAR : I move amendments 53, 54 and 55.

SHRI P. RAMAMURTI : I move amendment 99.

MR. DEPUTY-SPEAKER : Amendments 129, 147 and 148 are the same as amendments already moved.

SHRI GEORGE FERNANDES : I beg to move :

Page 5, line 25,—  
 omit "or are intended to be used"  
 (10)

Page 5, lines 29 and 30,—  
 omit "or with any other moneys, securities or credits which may come into his custody after the making of the order" (11)

Page 6, line 9,—  
 omit "or are intended to be used"  
 (12)

\*Wrongly voted for 'NOES'

AYES : Shri R. Barua and Shri Sheo Narain.

†The following Members also recorded their votes :

NOES : Shri Mohammad Ismail and Shri S. S. Kothari.



Page 6, lines 15 to 17,—

omit "or by leaving it or sending it by post addressed to the corporation, company, bank or other association". (13)

SHRI NAMBIAR : I beg to move :

Page 5, line 24.—

after "think fit" insert—... ..

"on hearing the objections raised by the association so declared illegal" (53)

Page 6,—

for lines 3 to 10 substitute—

"of the Government it may select" (54)

Page 6,—

omit lines 28 to 34 (55)

SHRI P. RAMAMURTI : I beg to move :

Page 6,—

for lines 23 to 25, substitute—

"on business or personally works for gain, the Central Government shall have to establish that the moneys, securities or credits in respect of which the prohibitory order has been made, are being intentionally used or are intended to be used intentionally for the purpose of" (99)

MR. DEPUTY-SPEAKER : Shri Fernandes.

SHRI S. M. BANERJEE : Sir, neither the Home Minister nor the Minister of State in the Home Ministry nor the Deputy Minister in the Home Ministry is present. Have they taken it for granted that the Bill is going to be passed? The House should not be treated with such contempt.

MR. DEPUTY-SPEAKER : The Deputy Prime Minister and the Law Minister are here.

SHRI V. KRISHNAMOORTHY : Yesterday the Law Minister conceded something, but today the Home Minister said, no

SHRI GOVINDA MENON : I did not concede anything.

श्री शिव नारायण (बस्ती) : अध्यक्ष महोदय, असूल है पालियामेंट्री सिस्टम में कि एक कैबिनेट मिनिस्टर रहना चाहिए।

A Cabinet Minister must be here. The Deputy Prime Minister and the Law Minister are already here.

SHRI S. M. BANERJEE : But the reply is to be given by the Home Minister—either the Cabinet Minister or the Minister of State—or by the Deputy Home Minister. I am not concerned with other Cabinet Ministers; they are as good as Mr. Sheo Narain. I am only concerned with the Home Minister.

MR. DEPUTY-SPEAKER : The Home Minister was just here. Let the debate continue.

श्री जार्ज फरनेन्डीज : अध्यक्ष महोदय, मैं एक बार फिर आप से यह निवेदन करना चाहता हूँ कि मंत्री महोदय यहां पर हाज़िर रहें क्योंकि कई बड़े मसलों पर इस घारा में लिखा हुआ है और उस पर बहस होनी है तो हम यह चाहेंगे कि उन से कुछ इन चीजों के बारे में उत्तर मिले वरना जैसे कल हुआ कि कानून मंत्री ने कुछ चीजों के बारे में कहा कि सोचेंगे और आज गृह मंत्री बोले कि उस में कुछ नहीं हो सकता तो इस किस्म की परेशानी हम लोगों के सामने आ जायगी और सारी बहस बेमतलब हो जायगी। इसलिए गृह मंत्री जी को बुलाए जो इन मसलों पर जिम्मेदारी से सोच सकते हैं और जवाब दे सकते हैं. . . . .

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : I shall reply to it if necessary.

श्री जार्ज फरनेन्डीज : अमेंडमेंट तो मैं भूब कर चुका हूँ और मुझे उस पर बोलना है। यह क्लॉज 7 सब-क्लॉज (1) में मैंने लाइन 25 में अमेंडमेंट दिया है। वह इस प्रकार है :

"any person has custody of any moneys, securities or credits which are being used or are intended to be used for...."

तो उसमें मैंने तरमीम पेश की है कि—

"or are intended to be used"

इस को हटाया जाय। और प्रागे 30 नम्बर की लाइन में है :

"securities or credits or with any other moneys, securities or credits which may come into his custody after the making of the order...."

इसको हटाया जाय :

"or with any other moneys, securities or credits which may come into his custody after the making of the order"

इस के प्रागे सब-क्लाज (2) की लाइन नं० 9 में फिर वही शब्द—

"or are intended to be used"

को हटाया जाय।

इस के बाद सब-क्लाज (3) में लाइन 15 में—

"or by leaving it or sending it by post addressed to the corporation, company, bank or other association"

इसको हटाया जाए।

अब अध्यक्ष महोदय, मैं चाहता हूँ कि गृह मंत्री जी इसके महत्व को अच्छी तरह से समझ लें। जो पैसा किसी भी व्यक्ति के पास अथवा संस्था के पास जमा है या खर्च किया जा रहा है, उसको रोकने के लिये सरकार का अदालत निर्णय देंगे—मैं यह समझता हूँ कि सरकार को या इस कानून को अमल में लाने वाले अधिकारी को जो अधिकार दिये गये हैं, वे बहुत ज्यादा हैं, हम समझते हैं कि ये अधिकार उनके साथ में नहीं जाने चाहियें—क्योंकि इनका दुरुपयोग हो सकता है। जब से इस कानून पर यहां बहस हो रही है, तब से एक चीज हम लोगों के सामने बहुत सफाई से आई है कि राजकीय-दल मजदूर संगठनों अथवा

अन्य किसी भी ऐसे संगठन पर, जिसको कि वे पसन्द नहीं करते हैं, इस कानून का इस्तेमाल कर सकते हैं। ऐसी हालत में यदि आप अधिकारियों के हाथ इतनी सत्ता देंगे कि वे ऐसा निर्णय कर सकें कि वे किसी भी व्यक्ति के पास जो पैसा है उस पैसे का इस्तेमाल ऐसे किसी भी काम के लिये किया जा चुका है जो सरकार की राय में भ्रवैधानिक है, उसको रोकने का अधिकार यदि आप अधिकारियों को देंगे, तो इसमें बहुत परेशानी हो जायगी।

इससे प्रागे की धारा में आपने कहा कि जिस व्यक्ति के पास वह पैसा है, उसके पास आपका हुकम जाने के बाद भी, उसके पास जो पैसा है, उसके लिये सरकार दावा कर सकती है, उस के इस्तेमाल पर बन्धन लगा सकती है। इस देश में ऐसे व्यक्ति हो सकते हैं, चाहे मामूली व्यक्ति हो जो मान लीजिए किसी काम को अच्छा समझता है, उस काम के लिये वह दान दे सकता है, अनुदान दे सकता है, लेकिन अब अगर इस कानून को जिस रूप में आपने लिखा है उसी रूप में स्वीकार करते हैं, तो उस व्यक्ति के रुपये पर भी सरकार अपना दावा कर सकती है। मेरे विचार में यह अनुचित है।

तीसरे क्लोज में नोटिस देने की व्यवस्था के बारे में प्रावीजन है। इसके बारे में आपने जो व्यवस्था की है—वह यह है कि—

"or by leaving it or sending it by post addressed to the Corporation, company, bank or other association."

मैं इसका सख्त विरोध करता हूँ। प्राप इतना महत्वपूर्ण निर्णय लेने जा रहे हैं—किसी इस्टीचूशन को भ्रवैधानिक घोषित करने जा रहे हैं, उस इस्टीचूशन के पैसे पर दावा करने जा रहे हैं, उसको प्रागे मिलने वाला जो पैसा है, उस पर भी अपना दावा लगा रहे हो ऐसी स्थिति में जब नोटिस देने की बात आती है—वहां ऐसी व्यवस्था क्यों

[श्री जाजं फरनेन्डीज]

कर रहे हैं कि हम नोटिस दें और वह व्यक्ति न मिले, तो फिर उनके दफ्तर में रख कर चले आयेंगे अथवा पोस्ट से भेज देंगे—यह पर्याप्त नहीं है। जब हम इतना गम्भीर निर्णय करते हैं कि अमुक संस्था अवैधानिक है और जब हम उसकी सम्पत्ति पर अधिकार कर रहे हैं, तो उसको अपने संरक्षण का पूरा मौका देना चाहिए। कल ऐसी स्थिति भी आ सकती है कि जब अदालत में जायेंगे, तो आपका अधिकारी वह कह सकता है कि हम ने नोटिस डाक से भेज दिया है या हमारा चपरासी उनके दफ्तर में रख कर आ गया है, जब कि इस की असलियत कुछ और हो, वह नोटिस उन के घर या काम की जगह पर न पहुँचा हो—तो ऐसी स्थिति में वह कुछ भी नहीं कर सकता, उसके पास अपना पक्ष रखने की इसमें कोई व्यवस्था नहीं है। आप तो इतना ही कह देंगे कि हम ने नोटिस दिया है और अदालत के पास आपकी जुबान के अलावा और कोई सुबूत नहीं होगा। उसका नाम तो आपने पहले ही बदनाम कर दिया है कि अमुक आदमी मुलक को खतरा पहुँचाने वाला है, अब अदालत के सामने आने पर भी उसके लिये आपने कोई गुंजाइश नहीं छोड़ी है। अदालत के सामने उस व्यक्ति की बात नहीं मानी जायगी, अदालत सरकार की बात को ही मानेगी। कल कोई भी अधिकारी जान-बूझ कर उस को ठीक प्रकार से नोटिस नहीं भेजता, तो अदालत में अधिकारी की बात सही मानी जायगी, उसकी बात को अदालत स्वीकार नहीं करेगी। मैं चाहता हूँ कि इतने महत्वपूर्ण कानून को स्वीकार करते हुए सरकार इसमें कोई ऐसी व्यवस्था करे कि जिसमें किसी अधिकारी को बेइमानी करने का मौका नहीं मिले। इस लिये मैं सरकार से अनुरोध करता हूँ कि मेरी तरमीम को स्वीकार करें।

SHRI S. M. BANERJEE : Mr. Deputy-Speaker, I have moved my amendments Nos. 147 and 148. I fully support the arguments advanced by my hon. friend,

Shri George Fernandes. What does section 7 say? It reads :

“Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section and the Central Government is satisfied after such inquiry as it may think fit, that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purpose of the unlawful association....”

The term employed here is not “used” but also “intended to be used” which is a vague term. I think the government will never take action on that. So, it should be deleted.

Sir, you will remember that after the Chinese aggression in 1962, when we were collecting funds for the National Defence Fund, an amount of Rs. 2½ crores was misappropriated by the ex-Chief Minister of Uttar Pradesh, Shri C. B. Gupta and no inquiry was made even though we have been putting questions.

AN HON. MEMBER : No.

SHRI S. M. BANERJEE : Do not say “No”. You have not got a share from it, I agree. No action has been taken for this misappropriation of Rs. 2½ crores. They are not doing anything. Even though he is a member of a big association called Congress and he has misappropriated money, what action have they taken? Nothing. If the government is serious about taking action against people who have misappropriated money, they should have done it in this case. This money was collected from poor people getting Rs. 50 or 60 a month. Out of the total collection of Rs. 62 crores, about Rs. 40 crores came from people who are earning not more than Rs. 50 a month.

My amendment is practically the same as that of Shri George Fernandes. I have suggested the omission of the words “or with any other moneys, securities or credits which may come into his custody after the making of the order”. Even if you have forfeited certain things, you have seized certain documents, money and so on, even after that, whatever money comes should not be used. I am concerned with one

thing. Under the Indian Trade Unions Act, 1926 those associations and unions which are registered maintain some funds. If it is an association of government employees political funds are not allowed.

Suppose, there is one particular union representing the textile workers. It is registered under the Act of 1926 under which there is no bar. I can maintain a political fund. As to how we use it can be seen by the Registrar of Trade Unions because my accounts are audited every year and I submit a copy of the audited balance sheet to the Registrar of Trade Unions.

I am affiliated to the All India Trade Union Congress. Even Shri Nambiar is there. Both the Left CPI and the Right CPI are members of the All India Trade Union Congress. They are affiliated to the All India Trade Union Congress. Because a particular trade union is affiliated to the All India Trade Union Congress and is also registered under the Trade Union Act of 1926, it can maintain a political fund and use it for political purposes. Now there is no safety for me whether I have used for the unlawful association or person or who has been declared by the Government as unlawful. How is it to be proved? I cannot prove it even by this. So, I request you kindly to see that this amendment is accepted.

MR. DEPUTY-SPEAKER : The hon. Member's time is up.

SHRI S. M. BANERJEE : Sir, as long as you are in the ruling party you have no clear view about it, but I belong to the Opposition and I may be hauled up tomorrow.

SHRI S. K. TAPURIAH (Pali) : He has been gheraoed.

SHRI S. M. BANERJEE : I am used to gheraos. I arrange gheraos. That is not the thing. Then somebody says that I was manhandled. I say, I was given a mandate for handling the Congress properly. That is manhandling.

Then, it says :—

"A copy of an order made under this section shall be served in the manner

provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or other association, it shall be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or other association at its registered office".

Now, suppose, my union is registered with the Registrar of Trade Unions who is in Kanpur and I am working in a particular union situated at Bareilly or Dehra Dun. Where will the notice be sent? It will be sent to that office. How am I to know of it?

Then, I have got an all-India association. Shri Joshi and myself are the Vice-President and President of a particular all-India organisation called the All India Defence Employees' Organisation. Its office is at 17 Market Road, Kirkee, Poona-3. The notice will be served there, but we have got our 163 unions throughout the country. Now what will happen?

So, there is no safety. The Home Minister is not here and the Deputy Prime Minister has not read the Bill carefully. He was trying to read it. Who is to answer? We are absolutely left in the lurch.

SHRI MORARJI DESAI : Why do you say that it will not be replied to?

SHRI S. M. BANERJEE : If the Deputy Prime Minister will reply, I shall be very happy because he gives a very straight reply. But the Home Minister is not here, his deputy is not here and the Minister of State is not here. The Law Minister is unable to convince us. I do not know what is going to happen. So, let the Deputy Prime Minister reply at least.

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : Sir, it is rather unfortunate that although this Bill was examined fully in the Joint Committee in which some of the hon. Members who are now moving amendments were present, amendments are being now pressed like this I feel that there is some psychology of obstruction prevailing with them. They are entitled to their parliamentary right; I have nothing

[Shri Krishna Kumar Chatterji]

to say about that, but this clause is a logical conclusion of the previous clauses.

If you once accept that a particular organisation has been carrying on certain unlawful activities as incorporated in the Bill, then the question of freezing its money in the bank and elsewhere also comes in. Not only that its account should be freed but also the future amount of money that would be pouring in has to be prevented from being utilised for unlawful purposes. That is why this particular clause is there.

The question of notice or summons also comes in. Suppose, this unlawful assembly members or its executive try to evade the notice or summons. Then there is no alternative left with the Government or any authority whatsoever to adopt some course to be followed. That provision has been incorporated in the Bill and I do not know why these amendments have been moved. I strongly oppose these amendments and I would appeal to the Members not to obstruct, at every stage, this Bill when it has already been examined threadbare in the Joint Committee.

**SHRI NAMBIAR :** Sir, what Mr. Chatterji has said is absolutely wrong and it is a very bad procedure also. Here, the question of obstruction does not come at all. Even for reading the whole clause 7, it takes 10 minutes. It is such a long clause. It is so badly worded that it requires changes.

**SHRI KRISHNA KUMAR CHATTERJI :** Why didn't you take it up in the Joint Committee ?

**SHRI NAMBIAR :** I have given my amendments No. 53, 54 and 55; please go through them.

My submission is that this is a very dangerous clause, as other hon. Members have said. I may just give the gist of this clause. It says that if the Central Government feels that some money of a particular organisation which they have declared illegal is being used for the purpose of an unlawful association, the Government can immediately take possession of that money. What they say is :

"...if the Central Government is satisfied..."

That is all what is required that a particular money is likely to be used for that purpose and they can immediately take it. But that money is in possession of somebody else and that person is not given an opportunity to say that this money is not the money which is intended for that purpose. That is the lacuna there. Even before a person is hanged, he must be given a hearing. Here, instead of giving him a hearing to explain the position, that money is taken

You say :

You say :

"Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section and the Central Government is satisfied, after such inquiry as it may think fit, that any person has custody of any moneys, securities or credits which are being used or are intended to be used for the purpose of the unlawful association, the Central Government may, by order in writing prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with such moneys..."

This is the position. What I say is that it is a wrong method. Whenever the Central Government feels that the money is going to be used or misused, you must give an opportunity to explain. That is why my amendment is :

after 'think fit' insert—

"on hearing the objections raised by the association so declared illegal."

That should be incorporated here. You should give an opportunity to explain and then do it. That is the first part of the clause.

The second part of the clause is still worse. Here, the power is given to the police to go and search any house, anywhere, taking this order as a warrant, and enter into any premises and take the possession of the money. That power of warrant is also given in sub-section (2). It says :

"That Central Government may endorse a copy of the prohibitory order made under sub-section (1) for investigation to any gazetted officer of the Government it may select, and such copy shall be a warrant..."

So, that copy is to be declared as a warrant for this purpose. A fresh warrant need not be issued. These are very peculiar provisions. After all, granting that the money is going to be used for a particular purpose for an association which is declared illegal and the Government wants to take possession of the money, after giving an opportunity to the accused, the officer of the Government who goes there must go with a specific warrant from the Magistrate to take possession of 'X' or 'Y' or 'Z' money. But here, with a prohibitory order saying that this organisation is declared illegal, and that copy is endorsed to any gazetted officer of the Government, any gazetted officer of the Government can get into any premises he likes without any specific warrant from the Magistrate, and that is to be executed as a warrant. The hon. Law Minister has known law for such a long time, for the last 20 to 30 years and he has had the opportunity of taking very important positions. Leave alone the question of opposition from this side. Even in the case of an ordinary law, will he allow such an obnoxious thing to get into the Statute Book? This is very strange. Therefore, this has to be changed. After all, the dog is given a bad name and you are going to hang it. I do not mind your declaring a party as illegal, you may do whatever you like, but there must be a certain etiquette, certain procedure, certain civilised behaviour. Even that, is not there. Even without a specific warrant, the officer can go and search the premises. This is absolutely wrong. This has to be changed.

Finally, I want to say one more thing. Initially the person is not given an authority or opportunity to say that this money is not that money which is used for something else; that is not given. Finally when the money is taken, when the premises are searched, when the officer even without a warrant has gone in and played havoc, afterwards, the person is given an opportunity to go and tell the court that it is his money and it is not used for that purpose. That opportunity will be given afterwards. How can he do it? All the money, papers and everything are taken away and how can he prove? For instance, 'X' has got Rs. 10,000 in some bank and somebody comes and says that this 'X' is connected with an organisation which is declared

illegal; the Government gets some suspicion and the Government takes the money. This person afterwards is given an opportunity to go to a district court and say that this money has nothing to do with that. How can he prove that this money has nothing to do with the illegal organisation? That cannot be proved. He can only prove that this money is his own money; he got the money by selling goods or as profit from some business and that this money is his own money. How can he prove that this money is not connected with that? The onus of proving this is on the accused; he has to disprove that this money is used for that purpose. This is something very strange.

I find that the whole wording of Clause 7 is topsy-turvy, is wrong and is without any sense of justice, any sense of civilisation, any sense of even a democratic symptom in it. Leave alone the question of notice to be given, which Mr. Fernandes mentioned and with which I agree. What I want is that these points must be clarified and they should see that whatever amendments are required for this purpose, those amendments should be accepted; they can accept our amendments. Of course, there is no sanctity that our own amendments should be accepted. Whatever amendments are necessary to see that this minimum is guaranteed, may be accepted. This is my request. Otherwise, people will laugh at this legislation and will say that this is ridiculous and is so badly worded.

SHRI D. C. SHARMA (Gurdaspur) : I have supported my hon. friends on the other side on certain things. But I must submit very respectfully that so far as Clause 7 is concerned, it is a self-healing clause; it is a clause which carries its own remedy in its body. It is a clause that need not be taken in the sense in which my hon. friend, Mr. Banerjee, has taken it or in which my hon. friend, Mr. Nambiar, has taken it. After all, what does it say? If a man has some money and is going to use it or he intends to use it for an unlawful purpose, he will be caught. I think, that provision has already been accepted. My friend has not read sub-section (4) of Clause 7. I wish he had read the sub-section (4). If he had read it, he would not have called it topsy-turviad, wrong, this and that. He would have said that the malady has also its own cure. This malady

[Shri D. C. Sharma]

also provides for justice. This clause also has a built in provision that :

"Any person aggrieved by a prohibitory order made under sub-section (1) may, within fifteen days from the date of the service of such order, make an application to the Court of the District Judge within the local limits of whose jurisdiction such person voluntarily resides or carries on business or personally works for gain, to establish..." etc.

So he can go to the District Judge.

SHRI NAMBIAR : How is he to establish ?

SHRI D. C. SHARMA : Do you mean to say that the District Judges have no eyes, have no ears, have no sense of justice, have no knowledge of jurisprudence, have no knowledge of democratic values, and have no proficiency in the field of jurisprudence ? I do not think that our District Judges are so incompetent as you have put it. You can go to the District Judge and establish that the monies in respect of which the prohibitory order has been served are not being used or are not intended to be used for the purpose of the unlawful association and the District Judge will judge. The whole thing is there. I think that my friends are unnecessarily excited over this section. I believe Sub-section (4) in Clause 7 contains the remedy they want. It gives them the kind of 'Amrit Dhara' they want, it gives them the kind of 'Oushadi' they want. They should not feel so much excited about it and I feel that the Government of India as also the Joint Select Committee have acted in conformity with the democratic thinking and procedures of this country by having this clause (4) put in this section.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : Without excitement I am going to say only one thing. Here it is said 'If the Central Government as satisfied, after such inquiry as it may think fit etc.' If this inquiry includes giving an opportunity to the person concerned to explain before any order is made against him, it would satisfy us to some extent. Will the hon. Home Minister be able to say it, Sir ?

SHRI Y. B. CHAVAN : Naturally, when an inquiry is whether the money which a certain person, say 'X' has, is being used, naturally the inquiry will include his statement.

SHRI TENNETI VISWANATHAM : The point is : the person against whom or the Association against which an order is going to be made should be given a reasonable opportunity to explain before an order is passed. If that assurance is given, it will go a long way to meet the objection and if that can be done, an amendment like that can be included here.

SHRI Y. B. CHAVAN : When it is said, 'after such inquiry as it may think fit', certainly that point is taken care of. It is a question about the procedure. But when it is an inquiry, naturally the inquiry will give an opportunity to the person concerned to explain his position regarding the money.

SHRI TENNETI VISWANATHAM : After that assurance, this inquiry will include an opportunity being given.

SHRI Y. B. CHAVAN : If you see clause (4) there the person concerned has got a right to go to the District Judge.

SHRI TENNETI VISWANATHAM : Generally, no man is hanged without being given an opportunity of being heard in the first instance. Going to the High Court after the sentence of hanging is different, but he is given also, prior to the sentence, an opportunity to explain.

SHRI Y. B. CHAVAN : That is what I said, an inquiry will be done.

SHRI TENNETI VISWANATHAM : I am glad that an inquiry will include this. The Home Minister has said that it certainly includes an opportunity to the person concerned. That will go a long way to allay the suspicion.

15 Hrs.

The phrase 'touching the origin of any dealing in any moneys' is somewhat difficult to understand. I wish the Home Minister explains that phrase. We do not know the scope of such inquiry, what kind of inquisitorial proceedings will be held and so on. Government must be satisfied about

only one thing, namely that when an association is declared unlawful, it should not be given the opportunity of using its funds for any unlawful purpose. But to go further than that and find out the origin of those moneys, where the money has come from, through how many hands it has changed, for what purpose it came, through what route and so on would cause only an inquisition and may, not lead to any concrete result ultimately. Government should be satisfied with seeing that once an association is declared unlawful, the funds belonging to it shall not be used for and unlawful purpose. If that is all that is intended, then he can say it and then we shall try to understand the entire clause in the light of that.

**SHRI RANDHIR SINGH :** You may recollect that the provision in clause 7(4) is analogous to section 47 of the CPC. You may further recollect that order 21 and rules 91—96 of the CPC are very relevant here. If anybody is aggrieved by an attachment order under the CPC, whether it be a tenant or anybody else, the remedy is provided under section 47 of the CPC, and he can go to the sub-judge or district judge or whoever else is there. I cannot appreciate why my hon. friends are taking objection to that. This is something very advantageous to the aggrieved party. The district judge is open to conviction, and, therefore, the aggrieved party can prove that it is his property which is attached or in respect of which a prohibitory order has been issued and it has nothing to do with the object of the attachment and that is not being used for the purpose in respect of which it is attached. I would submit that this is something which is justiciable and it is something which goes to the benefit of the aggrieved party. I do not know why they want that it should be deleted and it should not be there. If any amendment is made in this regard, and if they want any modification in this, that will go to the detriment of the aggrieved people. Therefore, I feel that whatever provision is there is complete and full and should not be deleted lest it might go to the detriment of the aggrieved party. Therefore, the present provision should continue.

**SHRI NAMBIAR :** He did not ask for the deletion of.

**SHRI RANDHIR SINGH :** Perhaps, the hon. Member did not catch it.

**SHRI Y. B. CHAVAN :** I would like to make one thing clear in regard to what Shri Tenneti Viswanatham has raised, because I do not want to keep any vagueness in this matter. Let us see how exactly the whole thing will function. Once it is known that certain amounts or certain accounts are being utilised by an unlawful association, naturally they will have to make an inquiry. But, first of all, they will have to issue a prohibitory order. That will have to precede all the inquiries. The inquiries will follow later on. What is the use of issuing a prohibitory order if the money is already made use of or is transferred or spent? Then, the very purpose of the order will be defeated.

I would like to make it clear that the order of prohibition on the use of the money will be made first of all. Then, the person concerned has remedies open to him. He can go to the district judge and get the order cancelled if he wants to get that done. Once we accept the position that the decision of the tribunal that an association is unlawful is a just or correct decision, then all other things must follow. Once we say that an unlawful association is using certain funds for unlawful purposes, even then if it is to be made easy for them to make use of the money, that really speaking is the complete antithesis of the Bill itself, and, therefore, I am sorry I cannot accept it.

Then, I come to the phrase 'intended to be used'. What is the use of prohibiting the use of money which is already used? If we have information that certain money are intended to be made use of, then we have to prohibit it. Otherwise, it becomes meaningless. Therefore, I cannot accept Shri George Fernandes's amendment.

Then, a question was raised in regard to the serving of notice. I think that this question was discussed when we discussed the other clause. These are the most accepted forms of serving notice. Otherwise, it can never be served. These are the only accepted methods of serving of notice. I do not think I can find any other alternative.



MR. DEPUTY-SPEAKER : Shall I put all the amendments together to the vote of the House ?

SOME HON. MEMBERS : Yes.

SHRI NAMBIAR : What is the use ? They are not even prepared to issue a fresh warrant. Why do they want to say that this very order is the warrant itself ? Let there be a fresh warrant issued in which at least they can specify the details, place and other things.

SHRI Y. B. CHAVAN : All these difficulties arise out of the fact that he is not reconciled to the very concept of the Bill.

MR. DEPUTY-SPEAKER : I shall now put amendments Nos. 10—13, 53—55, and 99 to the vote of the House.

*Amendments Nos. 10 to 13, 53, 54, 55 & 99 were then put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 7 stand part of the Bill."

*The Lok Sabha divided :*

Division No. 29]

[15.12 HRS.

### AYES

Agadi, Shri S. A.  
Ahirwar, Shri Nathu Ram  
Aga, Shri Ahmad  
Arumugam, Shri R. S.  
Babunath Singh, Shri  
Bajpai, Shri Shashibhushan  
Barua, Shri Bedabrata  
Barua, Shri R.  
Barupal, Shri P. L.  
Baswant, Shri  
Besra, Shri S. C.  
Bhagat, Shri B. R.  
Bhanu Prakash Singh, Shri  
Bhattacharyya, Shri C. K.  
Bhola Nath, Shri  
Bohra, Shri Onkarlal  
Bose, Shri Amiyannath  
Chanda, Shrimati Jyotsna  
Chandrika Prasad, Shri  
Chatterji, Shri Krishna Kumar  
Chaturvedi, Shri R. L.  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shri D. R.  
Chavan, Shri Y. B.  
Choudhury, Shri J. K.  
Dasappa, Shri Tulsidas  
Dass, Shri C.  
Desai, Shri Morarji  
Deshmukh, Shri B. D.  
Deshmukh, Shri K. G.  
Dhillon, Shri G. S.  
Dinesh Singh, Shri  
Dixit, Shri G. C.

Gajraj Singh Rao, Shri  
Ganesh, Shri K. R.  
Gavit, Shri Tukaram  
Ghosh, Shri Parimal  
Gupta, Shri Lakhan Lal  
Himatsingka, Shri  
Jadhav, Shri Tulshidas  
Jadhav, Shri V. N.  
Jaggiwan Ram, Shri  
Kasture, Shri A. S.  
Kavade, Shri B. R.  
Kedaria, Shri C. M.  
Krishna, Shri M. R.  
Kureel, Shri B. N.  
Kushok Bakula, Shri  
Lalit Sen, Shri  
Laskar, Shri N. R.  
Laxmi Bai, Shrimati  
Mahadeva Prasad, Dr.  
Mahajan, Shri Vikram Chand  
Mahida, Shri Narendra Singh  
Malhotra, Shri Inderjit  
Malimariyappa, Shri  
Mandal, Dr. P.  
Marandi, Shri  
Mehta, Shri P. M.  
Menon, Shri Govinda  
Mishra, Shri Bibhuti  
Mishra, Shri G. S.  
Mohinder Kaur, Shrimati  
Mondal, Shri J. K.  
Mrityunjay Prasad, Shri  
Murthi, Shri B. S.

Naghnoor, Shri M. N.  
 Nahata, Shri Amrit  
 Narayanan, Shri  
 Nayar, Dr. Sushila  
 Oraon, Shri Kartik  
 Pandey, Shri K. N.  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patil, Shri S. B.  
 Patil, Shri S. D.  
 Poonacha, Shri C. M.  
 Pramanik, Shri J. N.  
 Radhabai, Shrimati B.  
 Raj Deo Singh, Shri  
 Rajasekharan, Shri  
 Raju, Shri D. B.  
 Ram, Shri T.  
 Ram Kishan, Shri  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Rana, Shri M. B.  
 Randhir Singh, Shri  
 Rane, Shri  
 Rao, Shri J. Ramapathi  
 Rao, Shri Rameshwar  
 Rao, Shri Thirumala  
 Rao, Dr. V. K. R. V.  
 Reddy, Shri P. Antony  
 Reddy, Shri Surendar  
 Rohatgi, Shrimati Sushila

Roy, Shrimati Uma  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sapre, Shrimati Tara  
 Sarma, Shri A. T.  
 Sayyad, Ali, Shri  
 Sen, Shri Dwaipayan  
 Sen, Shri P. G.  
 Sethi, Shri P. C.  
 Shah, Shrimati Jayaben  
 Shah, Shri Shantilal  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sharma, Shri D. C.  
 Sharma, Shri M. R.  
 Shashi Ranjan, Shri  
 Sheo Narain, Shri  
 Shined, Shri Annasahib  
 Shiv Chandika Prasad, Shri  
 Siddayya, Shri  
 Singh, Shri D. N.  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Sursingh, Shri  
 Suryanarayana, Shri K.  
 Tarodekar, Shri V. B.  
 Tiwary, Shri K. N.  
 Ujkey, Shri M. G.  
 Venkatasubbaiah, Shri P.  
 Virbhadr Singh, Shri  
 Vyas, Shri Ramesh Chandra

#### NOES

Adichan, Shri P. C.  
 Amin, Shri Ramchandra J.  
 Banerjee, Shri S. M.  
 Basu, Shri Jyotirmoy  
 Bhagaban Das, Shri  
 Bharti, Shri Maharaj Singh  
 Chakrapani, Shri C. K.  
 Dhandapani, Shri  
 Esthose, Shri P. P.  
 Fernandes, Shri George  
 Gajraj Singh Rao, Shri  
 Gounder, Shri Muthu  
 Gowder, Shri Nanja  
 Gupta, Shri Indrajit  
 Jha, Shri S. C.

Joshi, Shri Jagannath Rao  
 Joshi, Shri S. M.  
 Kalita, Shri Dhireswar  
 Kameshwar Singh, Shri  
 Khan, Shri H. Ajmal  
 Khan, Shri Ghayoor Ali  
 Khan, Shri Latafat Ali  
 Krishnamoorthi, Shri V.  
 Mangalathumadom, Shri  
 Meetha Lal, Shri  
 Meghachandra, Shri M.  
 Menon, Shri Vishwanatha  
 Misra, Shri Srinibas  
 Modak, Shri B. K.  
 Mody, Shri Piloo

Molahu Prasad, Shri  
Mukerjee, Shri H. N.  
Naik, Shri G. C.  
Naik, Shri R. V.  
Nair, Shri N. Sreekantan  
Nambiar, Shri  
Nihal Singt, Shri  
Paswan, Shri Kedar  
Patil, Shri N. R.  
Ramamoorthy, Shri S. P.

Ramamurti, Shri P.  
Rao, Shri V. Narasimha  
Saminathan, Shri  
Satya Narain Singh, Shri  
Sequeira, Shri  
Sezhiyan, Shri  
Sharma, Shri Yogendra  
Suraj Bhan, Shri  
Thakur, Shri Gunanand  
Viswanatham, Shri Tenneti

MR. DEPUTY-SPEAKER : The result\* of the division is Ayes : 131; Nces : 50;

*The motion was adopted.*

*Clause 7 was added to the Bill.*

**Clause 8**—(Power to notify places used for purpose of an unlawful association)

SHRI GEORGE FERNANDES :

Page 7,—

omit lines 9 to 23 (14)

Pages 7, lines 27 and 28,—

omit "and may detain any such person for the purpose of searching him" (15)

Page 7,—

omit lines 31 to 35 (16)

Page 7, lines 37 and 38,—

omit "or by an order made under sub-section (3) or sub-section (4)" (17)

Page 7, lines 38 and 39,—

omit "or order, as the case may be" (18)

Page 8,—

omit lines 5 and 6 (19)

SHRI NAMBIAR : I beg to move :

Page 7,—

omit lines 24 to 35 : (56)

SHRI P. RAMAMURTI : I beg to move :

Pages 6 to 8,—

for clause 8, *substitute*—

"8. Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, the Central Govern-

ment shall make an application; to declared any place which in its opinion is used for the purpose of unlawful activities, to the Court of the District Judge of local limits in whose jurisdiction the place is situated and on receipt of the application the Court of the District Judge shall, after giving the parties an opportunity of being heard, decide the question." (100)

SHRI N. SREEKANTAN NAIR (Quilon) : I beg to move :  
Page 7, line 7,—

for "trivial" substitute "utilitarian" (101)

श्री जार्ज फरनेन्डीज : अध्यक्ष महोदय, मेरी जो तरमीमें हैं उस में पहले दो तरमीमें महत्व की हैं और उस के आगे की जो हैं कांसीक्वेंसियल प्रमॉडमेंट है। सब-क्लाज 3, 4 और 5 को पूरा हटा दिया जाय यह मेरी पहली तरमीम है। इस में 3 को अगर आप पढ़ेंगे वह इस प्रकार है :

"if in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purpose of the unlawful association, he may make an order prohibiting any person from using the articles save in accordance with the written order of the District Magistrate."

अब यह जो 2 नम्बर सब-क्लाज में सूची बनाने का अधिकार डिस्ट्रिक्ट मजिस्ट्रेट को दिया है और 3 नम्बर में कुछ धरेल चीजों

\*The following Members also recorded their votes :

*Ayes* : Sarvashri N. Sethuramae, Chengalraya Naidu, Bhagwat Jha Azad, Shrimati Savitri Shyam and Shrimati Sharda Mukerjee.

*Noes* : Sarvashri Mohammad Ismail, Ranjit Singh and Shri Chand Goel.

को छोड़ कर बाकी तमाम चीजों के इस्तेमाल पर बन्धन लगाया जा रहा है, हम चाहते हैं कि सरकार जरा इस के मतलब को अच्छे ढंग से समझे। सरकारी दल में बैठने वालों को और हम सभी को यह अनुभव है कि जो सार्वजनिक संस्थाएँ हैं हिन्दुस्तान में राजनैतिक अथवा मजदूरों की अथवा दूसरे किसी भी प्रकार की सार्वजनिक संस्थाएँ, वह ज्यादातर बहुत ही लाचारी और गरीबी की हालत में काम करती हैं। मजदूरों का अगर एक संगठन हो तो एक ही संगठन अपने लिए दफ्तर ज्यादातर नहीं चला पाता है। आठ दस बारह यूनियनों एक जगह पर अपना दफ्तर चलाती हैं। किसी मजदूर संगठन के दफ्तर में किसी पार्टी या किसी दल का दफ्तर रहता है। एक टाइपराइटर, एक माइक्रोस्टाईलिंग मशीन, एक टेलीफोन, इन का इस्तेमाल कई संगठन करते रहते हैं। जब मैजिस्ट्रेट की ओर से यह हुक्म होगा कि धरेलू चीजों को छोड़ कर और तमाम चीजों के ऊपर हम बन्धन लगाएंगे, उन के इस्तेमाल पर तो जिन संगठनों का गैर-कानूनी कामों से कोई भी सम्बन्ध नहीं रहा उन को भी तकलीफ़ में और अड़चन में डालने का काम इस विधेयक के जरिए हो जायगा। इस तरीके से हो जायगा कि किसी अमुक संगठन की जानकारी न रहते हुए उसी दफ्तर में चलाया जाने वाला दूसरा संगठन गैर-कानूनी कामों को कर रहा था जिस के ऊपर आप बन्धन लगा रहे हैं और वह संगठन इस पहले वाले संगठन के किसी भी सामान का इस्तेमाल कर रहा था, उस को यह न जानते हुए कि यह गैर-कानूनी कामों में फँसा हुआ है, तो आप पहले संगठन के कामकाज के लिए भी कुछ अरसे के लिए ही क्यों न हो मगर बन्धन लगाने का काम जरूर करने वाले हैं। इस मुल्क की गरीबी और लाचारी को ख्याल में रख कर, हमारे संगठनों को आज जिस परिस्थिति में काम करना पड़ना है अपनी गरीबी को वजह से, दूसरे किसी कारण से नहीं, उस को ख्याल में रख कर

में गृह मंत्री से यह निवेदन करना चाहूंगा कि ऐसा कोई भी कदम वह न उठाए कि जिससे जो बेगुनाहगर व्यक्ति है अथवा संस्था है उस को भी वह कानून पास होने के बाद तकलीफ़ में डाला जाये।

आगे का जो है नम्बर 4 वह इस प्रकार है :

"The District Magistrate may thereupon make an order that no person who at the date of the notification was not a resident in the notified place shall, without the permission of the District Magistrate enter, or be on or in, the notified place : provided that nothing in this sub-section shall apply to any near relative of any person who was a resident in the notified place at the date of the notification."

इस बात को लिखते हुए गृह मंत्री जी एक चीज को तो मंजूर कर रहे हैं कि जो हमारे संगठन हैं यह तो ऐसी जगहों पर भी अपने छोटेमोटे दफ्तरों को चलाते हैं जहां लोग रहते हैं। मैं तो बम्बई के कई उदाहरण दे सकता हूँ कि जहां किसी व्यक्ति के घर में या कोई दफ्तर में काम करने वाला मजदूर है उस के घर में उस के संगठन का दफ्तर, उसकी पार्टी का दफ्तर या दूसरी जो भी संस्थाएँ हैं उन के चलाने का काम होता है। वह प्राबिन्धों यहां पर लिखते हुए गृह मंत्री ने इस चीज को कबूल भी किया है कि यह असलियत है और इस असलियत को आप मानते हैं। फिर जब आप यह कह रहे हैं कि डिस्ट्रिक्ट मैजिस्ट्रेट की इजाजत के बिना कोई भी व्यक्ति वहां पर नहीं जा पायेगा तो मैं एक दो चीजें आप के सामने रखना चाहूंगा कि अगर वह किसी का भी मकान हो तो आप उन लोगों के जीवन पर बन्धन लगाना चाहते हैं। सरकार इस चीज के बारे में जरा सोचे कि इस किस्म का बन्धन लगाना कहां तक मुनासिब है? आप का रिश्तेदार तो आ सकेगा लेकिन उस रिश्तेदार के भी आने पर अगले कदम में जो दिक्कत निर्माण कर

## [श्री जार्ज फरनेन्गी]

दी कि कोई पुलिस वाला उस को सर्च करे, उस को रोके जाने से, तो यह जो इकावट डाली जा रही है, एक तो इस चीज के बारे में जरा सोचें और दूसरे, वह जो मुद्दा मैं ने पहले कहा था कि मान लीजिए दस संगठन चलते हों, एक संगठन को अवैध घोषित किया हो तो दूसरे संगठन के सदस्यों के वहाँ जाने में जो दिक्कत आने वाली है, उस के बारे में सोचें। जिस को आप ने गैर-कानूनी संगठन घोषित किया है उस से कोई भी रिश्ता न रहे यहाँ तक तो ठीक हो सकता है। लेकिन वह जो दूसरे संगठन उसी दफ्तर में चलने वाले हैं, उन के आदान-प्रदान को उन के व्यवहार को अड़चन में डालने वाली बात इस क्लॉज के द्वारा कर रहे हैं। इस को भी आप को सोचना चाहिए।

इस के बाद नम्बर 6 सब-क्लॉज में मैंने यह कहा है—

"in the notified place and may detain any such person for the purpose of searching him :"

इस को हटा दिया जाय। इस का मतलब है, अगर कोई व्यक्ति उस मकान में जाना चाहे तो पुलिस को अधिकार होगा कि उस को रोके और उस की जांच कर ले। उस की जब मैं या उस के साथ मैं उस के पूरे शरीर में कोई चीज मिलेगी तो उस को रोकने और उस की तत्काल जांच करने का अधिकार पुलिस को दिया गया है। लेकिन यह डीटेन जो करेंगे वह कितने समय के लिये कर सकेंगे? कहां डिटेंन करेंगे इस का कोई खुलासा नहीं है। इसलिए इस का कितना गलत इस्तेमाल हो सकता है, इस का क्लॉज आप कीजिए। कोई भी रिश्तेदार या घर का आदमी मिलने को जाता है, पति हो सकता है, पत्नी मिलने को जा सकती है या किसी का बूढ़ा बाप या मां मिलने जा रही है और मामूली पुलिस अधिकारी वहां खड़ा हो कर उन लोगों को जो बिल्कुल बेगुनाहगार हैं, उन के जीवन को कितने

अड़चन में डाल सकता है, जरा इस के बारे में भी सोचें। इसलिए मैं तो गृह मंत्री जी से यह निवेदन करूंगा कि जब आप ने सर्च करने का अधिकार पुलिस अफसर को दिया तो यह मामला वहां पर रुक जाना चाहिए। लेकिन आगे भी उस को डीटेन करेंगे और कहां करेंगे, कब तक करेंगे, कैसे किस जगह करेंगे इस के बारे में भी आप ने कोई खुलासा नहीं किया है। इसलिए यह जो डीटेन करने का अधिकार दिया जा रहा है उसको हटा देना चाहिए। ये जो अधिकार आप देने जा रहे हैं, इनको हटा देना चाहिये। ये दोनों बुनियादी तर्कों में आपको मंजूर कर लेनी चाहिये, तीसरी जो है वह कम्प्लीकेशन है। गृह मंत्री जी ने प्रथा पर पेश की है, अभी तक किसी भी अमेन्डमेंट को नहीं माना है, मुझे उम्मीद है कि कम से कम ये इन संशोधनों को जरूर कुबूल कर लेंगे।

SHRI N. SREEKANTAN NAIR : While supporting the other amendments moved from this side, I would like to plead for the acceptance of a very small amendment No. 101. Knowing the attitude of the Government towards our amendments, I thought they might accept at least something of a trivial nature. My amendment No. 101 seeks to substitute the word 'trivial' in sub-clause (2) by the word 'utilitarian'. Even cattle and other things are considered to be sacred by Jan Sanghis and many other people. Can you call it a trivial thing?

AN. HON. MEMBER : What about you?

SHRI N. SREEKANTAN NAIR : I do not consider the cow as sacred. That is something which I would like to have as a dish.

So, instead of saying things of a trivial nature, I want it to be substituted by "things of a utilitarian nature". I was having the same thought as Mr. Fernandes had. We have got several trade unions in the same building. There is the same typewriter and same typist used by all the trade unions. These are utilitarian things which should not be tampered with in the interest especially of the modern life where the same building houses so many organisations

and institutious and so many people. Any search itself is obnoxious. At the same time, such articles of use should not be tampered with.

15.23 Hrs.

[SHRI G. S. DHILLON *in the Chair*]

SHRI NAMBIAR : Apart from the facts narrated by Mr. Fernandes, I ask if sub-clauses (6) and (7) are removed from clause 8, what is going to be the harm? Sub-clause (6) says :

"Any police officer not below the rank of a sub-inspector or any other person authorised in this behalf by the Central Government may search any person entering, or seeking to enter, or being on or in, the notified place and may detain any such person for the purpose of searching him;"

The scheme is this. A party is declared illegal. It has got some building as its headquarters. That place is kept under police control. Certain inmates living there are allowed to go and come; otherwise nobody can enter it. If anybody other than the authorised person seeks to get in, he will be subjected to police search and detention.

SHRI Y. B. CHAVAN : Not detention.

SHRI NAMBIAR : He will be detained for the purpose of searching him. You put him in the lock-up for interrogation. Searching can be in the police lock-up also. When police use the word 'interrogation', it means upto killing anything can be done. After killing they will say, it is an accidental death. After all, an organisation may be big, but its office may not be big like the Parliament House; it may be a small one. Some may be living there and some may not be living there. The moment it is declared illegal, it will be like a ghosthouse and everybody will run away from it. Why do you want to give another handle to the police officers to torture, and tease anybody who goes there?

This is something that is unwarranted, something that is unnecessary here. After

all, if you read the whole clause 8 without these sub-clauses (6) and (7) it reads well. I quite understand the Home Minister's feeling, but what I would suggest to him is, please do not do a thing with a feeling of poison or a feeling of venom. You do your job without that feeling. You have to do your job and I have also to do my job. My job is to shout and your job is to deny what I ask for. That is something different, but a provision like this looks very harmful. Anybody may come to a house or go from that house. That person who comes or who goes out on his own work should not be teased. My amendment, therefore, is a simple one, and that is to delete lines 24 to 35 and by that sub-sections (6) and (7) go. Then you will have to re-number the lines which we can do. Otherwise, it has got to go to Rajya Sabha and then come back here. There will be no difficulty of its coming back here if you accept this here and now and then send it to Rajya Sabha. Let us not have so much of this police, police to search, police to detain, police to do other things, all added on to a legislation like this.

SHRI D. C. SHARMA : Mr. Chairman, Sir, I am amazed at what has been said this afternoon by hon. Members of the Opposition. One hon. Member of the Opposition has taken exception to sub-sections (3), (4) and (5) and another hon. Member has blessed those very sub-sections.

SHRI NAMBIAR : I did not bless, I supported him.

SHRI D. C. SHARMA : But he has taken exception to sub-section (6) and (7).

SHRI NAMBIAR : In particular.

SHRI D. C. SHARMA : Another hon. Member of the Opposition has said that we should not use the word 'trivial' but we should use the word 'utilitarian'. I agree with his entirely. The word 'trivial' says that it is of the trivial nature, it is a trivial Bill, a trivial postulate. Therefore, I think the word 'trivial' should be changed to the word 'utilitarian'.

But I cannot understand these good friends who are today taking exception to these powers being given to the police. On the floor of this very House they have been

[Shri D. C. Sharma]

pleading the cause of the police. They have been saying that the Union Government has not been dealing fairly with the police; the police, are honourable persons, they should be given housing, their children should be given free education and all that. They have been standing for the police as I also have been standing for the police. But today the weather being cloudy their minds are clouded and I think they are now saying something against the police. I think this is something which is happening everyday in life all over the world except in those countries which do not follow a democratic policy, a democratic procedure. Therefore, the policemen who are our own people should not be looked upon with so much suspicion as they are doing.

In this Bill provision has been made that you can go to a District Magistrate and prefer an appeal to him. Therefore, if the sub-inspector of police behaves in a high-handed way there is a loop-hole in this very clause to off-set his high handedness.

My hon. friend, Shri Fernandes has been saying that one building may be utilised by two or three labour unions or by two or three organisations. My very good friend is arguing about a hypothetical case.

**SHRI N. SREEKANTAN NAIR :** It is a real thing.

**SHRI D. C. SHARMA :** It is a hypothetical case. If a union is getting money for disrupting this country, if an organisation is getting money for sabotaging the unity of this country, if an organisation is getting funds from some other country in order that the unity of the country may be subverted, do you mean to say that they will have a small office, to which a reference was made by Shri George Fernandes? Certainly, they will have a very big office to prove their *bona fides*, to prove that they are acting in broad daylight. Nobody is going to catch the secretaries of those unions which are so poor, as poor as church mice, which cannot afford to have even an office of their own. Nobody is going to do it. Therefore, I think my hon. friend, Shri George Fernandes and my hon. friend, Shri Nambiar, have fears which are unfounded.

I think in this Bill nothing has been done which is not already there now in the Indian Penal Code. In this clause nothing extra has been said, which is not said already in the IPC. Therefore, I say, they should not make much ado about nothing. They should not talk of an imaginary office, imaginary buildings, imaginary relatives coming and going, imaginary friends entering in and going out and their being searched. But, then, why should they protect those persons who want to subvert the unity of India? We should not give them any concession which they are normally entitled to, on account of their unlawful activity. I do not think any union that undertakes any lawful activity will be penalised on account of this clause. Therefore, I say that this clause should be accepted by my hon. friends, as it is.

**SHRI Y. B. CHAVAN :** I think most of the objections of the hon. Members arise from the fact of their having not reconciled to the basic idea of declaring any association an unlawful association. Once we accept this fact that because of certain anti-national activities certain association has to be declared unlawful; once we accept that, and once government accept it as a responsibility, all other powers must automatically flow from that position.

Now, the hon. Member, Shri George Fernandes, mentioned some of the difficulties of small unions etc. I think he is rather imagining things. It is unnecessary to bring in such small things. The idea is not to harass any genuine trade unions. There is no doubt about it. Why should he have any apprehension I do not imagine any of his organisations can be thought of as indulging in anti-national activities and, therefore, unlawful. The idea is not to do that. But once we accept that a certain association is functioning as an unlawful association, then we must take into account all the techniques of underground activities and my hon. friends, Shri Nambiar and Shri Sreekantan Nair would agree with me that all those steps would have to be taken.

Here I may say, for example, that sometimes they are trying to misread the clause. Here the term is "detention for the purpose of searching him". The word "detention" has unfortunately some association because

of the Preventive Detention Act. That detention follows arrest. In this case, arrest is not contemplated. Here detention is stopping him, making him stop, so that he can be properly searched. Otherwise, stopping a person can also be an offence under the Indian Penal Code.

Therefore what really speaking is being conveyed is that stopping any person, that is, detaining a certain person for a certain time, for carrying out the search will not be an offence.

AN. HON. MEMBER : How long ?

SHRI Y. B. CHAVAN : Till the search is over.

SHRI DHIRESWAR KALITA (Gauhati) : Then it may mean many days.

SHRI Y. B. CHAVAN : It cannot be. Then certainly he has the remedy to go to court and it would absolutely be an offence under the ordinary law of the land... (Interruption).

If it is the question of searching a female, naturally she would not like and she should not be searched on the open road; possibly, she may be requested to go somewhere where she can be searched by another female person in a proper place.

So, detention does not mean that he is going to be arrested and put in jail. Please do not misread the English language.

SHRI K. LAKKAPPA (Tumkur) : He has to commit another offence, wrongful confinement.

SHRI Y. B. CHAVAN : Otherwise it will become wrongly confinement.

SHRI K. LAKKAPPA : When he is going to detain him, that officer will commit an offence falling under wrongful confinement under the Indian Penal Code. Therefore he has to commit another offence and he has to file a case against him.

SHRI Y. B. CHAVAN : Unfortunately, he has not understood me nor the Bill. What can I do about it ?

The other amendment, which Shri Sreekantan Nair says is a very trivial amendment, is a most clever amendment, if I may say so. He says that the word 'trivial' should be replaced by 'utilitarian', that is, utilitarian for the unlawful association.

SHRI TENNETI VISWANATHAM : Wearing apparel, cooking vessels, beds and beddings.

SHRI Y. B. CHAVAN : That is mentioned there.

SHRI N. SREEKANTAN NAIR : They are all trivial.

SHRI Y. B. CHAVAN : Beddings, tools of artisans, implements of husbandry, cattle, grain and food-stuffs and such other articles as he considers to be of a trivial nature—that is mentioned there. But he mentioned, for example, telephone and typewriter. These are certainly the most important articles which could be made use of for unlawful activities.

SHRI TENNETI VISWANATHAM : Is a typewriter such a dangerous weapon ?

SHRI NAMBIAR : Is it not possible to purchase a typewriter anywhere ?

SHRI Y. B. CHAVAN : A fountain pen does not matter because it is a trivial thing but a telephone is not.

श्री अटल बिहारी वाजपेयी : अगर टाइप-वियल नेचर की जगह पर्सनल यूज कर दिया जाय तो आपको आपत्ति होगी ?

श्री यशवन्तराव चव्हाण : अब पर्सनल यूज में टाइपराइटर हो सकता है ।

It is rather a very difficult thing. That is why we have rather knowingly put the words 'of a trivial nature'.

SHRI INDRAJIT GUPTA (Alipore) : What about the furniture ? Take away all the office furniture. Is that for underground purposes ? Chairs, tables, everything is for underground purposes ?

SHRI Y. B. CHAVAN : If it is of a trivial nature, it is exempted. That is why we have left it for the interpretation of the person who passes the order.

Some other hon. Members suggested that sub-clauses (6) and (7) should be dropped. That was said I think, by Shri Nambiar. If I take away those two clauses, it will really speaking be taking away the teeth of the Act itself. I do not



[Shri Y. B. Chavan]

want to make it a toothless Act. I want it to be an effective Act, if the Act is to be accepted, I say that it is a drastic measure but it is a drastic measure for a drastic situation.

SHRI NAMBIAR : I think, the hon. Minister should understand what I said. What I said was that you have declared some party as illegal, you have taken possession of the house, you have taken possession of the property, money and everything and you have notified as to who can live in that particular house. Now, somebody may be going to that house to visit the remaining persons. You say that those persons must be searched and the police must have the powers to search them. I say that that need not be there. Is that the teeth of the whole Bill? I do not know what else I can speak to make you understand.

SHRI Y. B. CHAVAN : I have some personal experience of underground activity. . . . (Interruption). That is a known thing; I am not bring in a novel thing. It is a fact of life. What we have said is that members of the family or near relatives who normally reside in that house can reside. but if anybody who is not in normal residence of that house, after knowing that the place is declared as an unlawful place, wants to go he must have the intention of doing certain unlawful activity.

SHRI P. RAMAMURTI : I cannot understand. You say, you have underground experience. . .

SHRI Y. B. CHAVAN : I have not come to that.

SHRI P. RAMAMURTI : If the place is declared unlawful, if anyone wants, he will find some other place.

SHRI Y. B. CHAVAN : If nobody is going there, why have you got any difficulty?

SHRI NAMBIAR : Some relatives may go; the milkman may go. . . .

SHRI Y. B. CHAVAN : The near relatives are exempted. This point was gone into in more details in the Joint Committee. The normal residents of the house and the near relatives are exempted. If

other people are likely to go, then, certainly, one will have to be very careful about it as to why they are going there. It is not that any of the milk vendors will be suspected. But, certainly, such milk vendors and other people who are made use of will have to be very carefully watched.

MR. CHAIRMAN : I will first put amendments Nos. 14 to 19 moved by Shri George Fernandes.

*Amendments Nos. 14 to 19 were put and negatived.*

MR. CHAIRMAN : Then, Amendment No. 56 moved by Shri Nambiar.

*Amendment No. 56 was put and negatived.*

MR. CHAIRMAN : Now, Amendment No. 100 moved by Shri Ramamurti and others.

*Amendment No. 100 was put and negatived.*

MR. CHAIRMAN : I will not put Amendment No. 101 moved by Shri Sree-kantan Nair.

*Amendment No. 101 was put and negatived.*

MR. CHAIRMAN : There is Amendment No. 131 by Shri V. Krishnamoorthi. It is the same as Amendment No. 100. So, I am not going to put that to vote. Now, I put clause 8 to vote.

The question is :

"That Clause 8 stand part of the Bill."

*The motion was adopted.*

*Clause 8 was added to the Bill.*

**Clause 9**—(Procedure to be followed in the disposal of applications under this Act.)

SHRI GEORGE FERNANDES : I move :

"Page 8, lines 15 to 17,—

omit "and the decision of the Tribunal or the Court of the District Judge, as the case may be, shall be final." (20)

आप एक सख्त कानून बनाने जा रहे हैं। आप जिन लोगों को इस कानून के अन्तर्गत सजा देंगे फिर चाहे वह कौसी भी सजा क्यों न हो, उनको अपील करने का उस सजा के विरुद्ध अधिकार होना चाहिये।

किसी भी गुनहगार को नीचे की अदालत से जब सजा मिल जाती है तो वह ऊपर की अदालत में जाकर उस सजा के खिलाफ अपील कर सकता है और यह उसका माना हुआ एक अधिकार है। जो खून करता है, जो चोरी करता है या जो डाका डालता है उसको भी आप यह अधिकार देते हैं कि वह जो सजा उसको निचली अदालत से मिलती है उसके खिलाफ वह अपील कर सकता है। यहां पर कई लोगों के विचारों का मुकाबला करने की बात कर रहे हैं। कानून का मकसद तो यही है कि सरकार जिन लोगों के विचारों से नफरत करेगी और जिनके विचारों को वह अपने विचारों से खत्म करना कठिन समझगी उन विचारों को प्रकट करने वाले संगठनों को खत्म करने का अधिकार सरकार अपने हाथ में ले रही है। यही इस कानून का बुनियादी मकसद है। मैं पूछना चाहता हूँ कि जब आप खून करने वाले को, चोरी करने वाले को, डाका डालने वाले को खुद ऊपर वाली अदालत में जाने का अधिकार देते हैं और आपने दिया हुआ है, उसको अपने आपको बचाने की हर प्रकार सुविधा दी हुई है, नीचे की अदालत में अगर कहीं गलती हो गई हो तो वह ठीक ढंग से न्याय प्राप्त कर सके और ऊपर की अदालत में अपील कर सके, जब यह अधिकार आप उसको देते हैं तो यहां क्यों नहीं देते हैं। भारत में तो यहां तक प्रथा है कि जिसको फांसी की सजा दी जाती है वह राष्ट्रपति तक भी अपील कर सकता है और इसकी सुविधा उसको आपने दे रखी है। अपने विचारों को प्रकट करने वाले संगठन के बारे में अगर आपको कोई आपत्ति है, उसको गैर कानूनी संगठन आप घोषित करते हैं तो उसके मामले को आप एक ही जज के सामने रखेंगे।

L103LSS/67-9

आपको याद होगा कि पांच नम्बर धारा के बारे में जब यहां पर बहस चल रही थी तो मांग की गई थी कि एक जज की जगह पर आप तीन जज रखें। दो नम्बर पर भी जब बहस हो रही थी तब भी इस मसले को उठाया गया था।

मैं इतना ही कहना चाहता हूँ कि एक व्यक्ति की राय पर यह सारा मामला न चले। कम से कम तीन व्यक्तियों को बिठाया जाए। उस चीज को गृह मंत्री ने नहीं माना है। कानून जिस ढंग से तैयार होते हैं, सरकार की राय को जिस तरह से उसके नौकरशाह बनाते हैं और नौकरशाह और सरकार की राय को किसी भी अदालत के सामने जब आप ले जाते हैं तो हो सकता है कि हजारों ही नहीं लाखों लोगों के जो बुनियादी अधिकार हैं उन अधिकारों को आप इस विधेयक के द्वारा छीन लें। जब इतना सख्त आप कानून बनाते हैं तो कम से कम इतनी तो इंसानियत आप बरतें कि जो सुविधायें आप दूसरे गुनहगारों को देते हैं उतनी तो इनको भी दें। मैं इसको गुनाह नहीं मानता हूँ। किसी भी व्यक्ति को अपनी राय प्रकट करने की खुली छूट है, ऐसा मैं मानता हूँ फिर चाहे उसकी राय कुछ भी हो। अपनी राय प्रकट करने का जो उस संगठन का अधिकार है उसको जब आप छीनते हैं तो आपको कम से कम इतना तो उनको अधिकार दे देना चाहिये कि वे न्याय पाने के लिए अपील में जा सकें, अपील करने की गुंजाइश तो आपको इसमें रखनी चाहिये।

MR. CHAIRMAN: Is Mr. Ramamurti moving his amendments?

SHRI P. RAMAMURTI: Yes.  
I beg to move:

Page 8,—

for clause 9, substitute—

"9. Inquiries under sections 7 and 8 by the Court of a District Judge shall be treated as suits subject to all the provisions of the Code of Civil Procedure

[Shri P. Ramamurti]

1908, including provisions for appeal, revision and review." (102)

Page 8,—

for lines 16 and 17, substitute—

"appeals against the decisions of the District Judge shall be to the High Court and against the decisions of the High Court or Tribunal shall be to the Supreme Court if preferred within a period of three months from the infringed order." (103)

SHRI V. KRISHNAMOORTHY rose—

MR. CHAIRMAN: He will get his time. I have called Mr. Ramamurti.

SHRI V. KRISHNAMOORTHY: There is no question of getting time. Sir. When a particular Clause is taken into consideration, those who have given amendments to that Clause must be called first and they must move their amendments. Afterwards, the discussion will start.

MR. CHAIRMAN: He is correct. But his amendments are identical with those of Mr. Ramamurti.

Mr. Ramamurti.

SHRI P. RAMAMURTI: I would appeal to the Home Minister to think of the consequences of the position that he took in the morning. In the morning he had taken up the position that there cannot be a Tribunal composed of even three judges. Ultimately, one gentleman is going to decide the fate of millions of people, hundreds and thousands of people. After all, in our country, the right of appeal is not provided only in those cases which are considered to be trivial, i.e. those cases where the punishment is just below six months, only in those cases where summary trial is provided for. Even there, there is the revision in the High Court, i.e., on the facts we cannot go, but we can go on the question of sentence. This is the position. Excepting in the case of trivial offences, the ordinary understanding is that, when somebody is accused of something very grave, then it is not enough if a single person

comes to a judgment on assessing the facts. May be his assessment may be wrong, may be his assessment may be clouded. All these factors are there. The ordinary law provides that in all serious cases there must be a right of appeal, but here, even according to the Home Minister, it is a very drastic measure and the punishment you are meting out to an organization is that that organization should not function altogether. May be that decision itself is a wrong decision. Therefore, I say, 'Why not allow your decision be tested by a higher tribunal. On the facts there is not going to be another case. The facts are there. The appellate court has only to go into the records and on the basis of the records and arguments based on the recorded evidence, it will come to a decision. Therefore, it is a question of assessment, whether the Tribunal has come to a proper assessment of the evidence that was tendered before that, that is all that is meant there. I do not see what you lose by it. After all the Tribunal is going to pronounce it within six months, I do not know if it is going to pronounce, but we are providing that. No provision is there that if it does not pronounce its judgment within six months, it will be automatically cancelled. Therefore, I want an appeal to the High Court. I know it will take nearly one year. Immediately a case is registered in the calendar it does not automatically come the next day. At least it will take one or one and a half years. Then there will be only 1 or 2 months by the time the appeal is over. It comes to a question of moral right. You are coming to a judgment that an association is an unlawful association, but let it be got properly judged. Why do you deny the right of the association to establish its *bona fides* before the highest Tribunal in the country even though during that period that association has already been punished and that Association has got to function with the difficulties of being an unlawful association. After all even that moral right to establish its *bona fides* why are you denying? It does not in any way take away the effect of the Act. But once you pass this Bill the Association is going to be unlawful, and pending appeal all these things are going to happen. Therefore, I would say, you should at least give the right of appeal to the Association to establish its *bona fides*. Why do you deny that?

**SHRI V. KRISHNAMOORTHI :** In moving my amendments 131 and 132 and in supporting the amendments moved already, I would like to say that this is a question whether a political party is to be allowed to function or not. The decision of the Tribunal may even debar the Parties sending their representatives to the very Parliament here. That decision about a Party will deny several lakhs of people representation here. This is a very drastic measure. My submission is : in such cases, a revision petition to the Tribunal or appeal from the judgment of the District Judge should be provided. I do not understand the hon. Minister's contention, 'I am going to make certain parties unlawful, but I will refer the case only to such and such Judge in whom I have got confidence. I will not even increase the number of Judges and there would not be any appeal or revision against the order of the single Judge Tribunal. Sir, it does remind me of the procedure which was adopted in the Nazi courts. This is a military procedure where martial law is followed. I do not know whether this is the way in which the hon. Home Minister is going to deal with the parties, democratic parties existing or recognised by the Election Commission here. Why is the judiciary being shut in this manner even without providing either revision or appeal? What harm is there if you provide that? Heavens are not going to fall. Why should not the hon. Minister show this piece of justice for the political parties before he bans a particular Party. I will rather accuse this Government that in order to oppose or suppress political parties in each and every section they are opposing this judicial review. Thank you, Sir.

**SHRI RANDHIR SINGH :** I feel that what has been said by my hon. friends Shri P. Ramamurti and Shri V. Krishnamoorthi has substance. I take an absolutely legal view of the matter. In fact, it is not only a legal view but it is something which is to be weighed by the principles of justice, equity and good conscience.

This Bill is a special legislation and some special procedure has been laid down, and in some cases the law of the land, namely the CPC and the Evidence Act would be applicable. From my point of view, there is some lacuna but that has not been filled up.

In this country we have many special tribunals. For instance, we have the industrial tribunal; than formerly we had the election tribunals, and then there are tribunals which try cases of corruption. An appeal lies against the decisions of all these special tribunals. Under this Bill also we are having a special tribunal. Then appeals are allowed against the decisions of all other special tribunals to the High Courts as well as to the Supreme Court, I do not know what special character is attached to the special tribunal under this Bill which makes it distinct from the other special tribunals. I quite accept that much weight is there so far as this tribunal is concerned, and as my hon. friend Shri D. C. Sharma has said, no doubt should be created. But I would submit that ours is a democracy. If on the question of cession or secession which is involved there is a special tribunal or a special court which goes into the matter and whatever they do is final, I submit that the powers that we would be vesting in the tribunal would be arbitrary powers, and if further we shut out all appeals again to the decision of this tribunal that would be an inroad into the Constitution itself. I feel that a tribunal of two or three judges should have been created. But that has not been done. So, one man will have the final word. After all, even a judge is a man; he is not God or a Prophet, and he can also err. Of course, there is still some remedy left under article 226 of the Constitution in the shape of a writ petition before the High Court. But the High Court can only go into the legality or the constitutionality of the matter. In a case like this where evidence is to be weighed and where facts are gone into, we find that no appeal is provided. The High Court would, therefore, say that there is no intricate question of fact involved and they would only go into the legality of the whole thing. What I earnestly feel is this. Just as we have letters-patent appeal against a Bench of the High Court, likewise there should be an opportunity to file a letters-patent appeal against this single-judge tribunal's decision also.

So far as the order of the district judge is concerned, it is a matter of normal course that an appeal would lie against his orders. For, his order can be challenged under article 226 of the Constitution. But

[Shri Randhir Singh]

in the case of the tribunal, there is absolutely no avenue left open and no forum is left open where the matter can be raised in appeal. So, democracy demands, justice demands, equity demands and the laws of natural justice demand that the benefit of appeal should be made available, and let the appeal lie even to a single judge; it does not matter much, but some forum should be provided for the purpose of appeal. I strongly support the amendment.

16 Hrs.

SHRI NAMBIAR : I do not want to add much to what has already been said. I would only say this that the right of association is a fundamental right guaranteed under the Constitution and it is that which is being restricted now. An association which has got the right to exist under the Constitution can be declared unlawful by an order of Government under this Bill. That declaration goes before a Judge. That Judge has given his verdict. Now the question is whether there should not be an appeal. Let us approach the question from its real perspective. Normally, a fundamental right cannot be taken away. There is a provision that it can be restricted. It is restricted. Once it is restricted, there must be a limit on the restriction. Once the harm is done, if the association is declared unlawful and has ceased to exist, the moment it is declared unlawful and all its properties are taken away and all its members are prosecuted, the question remains whether that decision has not to be ratified by an appellate court. What harm is there in Government allowing the court to come in. If access to the appellate court is allowed, it does not come in the way of the executive discharging its duties with regard to the prevention of the unlawful activities. After all, the court goes through the papers and sees whether the order issued by a particular judge is right or wrong, whether the association has got the right to continue or not. On the facts placed before it, the court may take a decision. I cannot understand the difficulty of the Home Minister in providing for the right of appeal if his intention is not to deprive the citizen of his normal legitimate right. Therefore, he must agree to this appeal. Or is it his intention to deprive the citizens of their legitimate rights under the

cloak of some legality or unlawful activity allegedly committed by that organisation and that the final say must be with the executive? By referring it to only one judge, it may not be looked into properly. Therefore, the right of appeal is a normal right which a citizen can expect. The executive does not lose anything thereby; its hands are not tied thereby. After all, here an organisation has been declared illegal and its members feel aggrieved. They are branded as anti-national and so on. It only stands to reason that those persons must have the opportunity to go to a court and clear themselves. Why should Government grudge that opportunity?

I therefore request the hon. Minister to grant the right of appeal. It is an elementary thing we are pleading for. It will go in the records of Parliament's proceedings that we are fighting for a legitimate, elementary right of the citizen under the Constitution.

श्री श्रीचंद गोयल : अध्यक्ष महोदय, मैं इसके सम्बन्ध में एक दो मिनट लेना चाहूंगा। जिस संशोधन पर मेरे मित्रों ने अभी विवाद किया है। मैं उसका समर्थन करना चाहता हूँ। मैं दो चीजों की तरफ आपका ध्यान दिलाऊंगा। एक तो हमारे देश का जो संविधान है उसमें न्यायालय की व्यवस्था इस प्रकार से की गई है कि जब किसी एक डिस्ट्रिक्ट जज या ट्रिब्यूनल का फैसला होता है, तो उसकी पहली अपील हाईकोर्ट में जाती है। एक जज के फैसले के खिलाफ दो जजों के सामने लेटर्स पेटेंट अपील जाती है और उससे भी यदि किसी की तसल्ली नहीं होती तो फिर सुप्रीम कोर्ट में अपील दायर करने की व्यवस्था है। मैं यह समझता हूँ कि जब साधारण सम्पत्ति के झगड़ों में, अथवा व्यक्तिगत स्वतन्त्रता छीनने के बारे में या किसी और प्रकार के विवाद के बारे में हमारे संविधान ने न्यायालय की इस प्रकार की व्यवस्था की है, तो ऐसे गंभीर प्रश्न पर जब कि हम एक संस्था को अवैध घोषित करने जा रहे हैं, और जब हमें अपने न्यायालय के ऊपर पूर्ण विश्वास है तो मैं यह समझता हूँ कि यह क्यों हमारे गृह मंत्री इस बात को स्वीकार नहीं करते और जो साधारण न्यायालय की प्रक्रिया हमारे संविधान

में दे, उससे इस केश में क्यों डिपार्चर किया जा रहा है? आखिर यह सिद्धान्त तो मानते हैं कि ए जज कौन डिसाइड थिंग्स राइटली ऐंड रॉगली। नो जज इज इनफैलिबल। किसी जज के बारे में हम यह नहीं कह सकते कि जो कुछ वह फैसला करेगा वह हर हालत में दुरुस्त होगा। जज भी गलती कर सकता है और इसलिए इसके विरुद्ध ऐसी अपील की व्यवस्था की जाती है ताकि अगर एक जज ने किसी कारण कोई गलती की है।

16.05 Hrs.

[Mr. DEPUTY-SPEAKER in the chair]

तो उस गलती का सुधार हो सके, इसलिए यह अपील की, रिवीजन की न्यायालयों की सारी व्यवस्था है। मैं गृह मंत्री जी से कहना चाहता हूँ, मैंने उनके लिए कुछ निवेदन किया है, उनका ध्यान दूसरी तरफ था। मैंने निवेदन यह किया है कि हमारे संविधान के अंदर न्यायालयों की जो साधारण प्रक्रिया है कि एक हाई कोर्ट के जज के निर्णय के विरुद्ध लेटर्स पेटेंट अपील के द्वारा दो जजों के सामने मुकदमे जाते हैं और उससे भी कोई असंतुष्ट है तो सुप्रीम कोर्ट में जा सकता है। गंभीर मामले का गम्भीर इलाज चाहिये यह सिद्धान्त भी जब स्वीकार किया गया है कि एक जज फैसला दुरुस्त भी कर सकता है और गलत भी कर सकता है, मान लीजिये उसने गलत फैसला कर दिया किसी संस्था को अवैध घोषित कर दिया तो उस संस्था के अधिकारियों के पास उसका इलाज या रेमिडी ही न रहे यह तो उचित नहीं है। मैं समझता हूँ कि इस सिद्धान्त पर आप दोबारा विचार करें और किसी न किसी अपील के प्रोवाइड करने की व्यवस्था करें क्योंकि आर्टिकल 226 और 32 के द्वारा यह मामला हल नहीं होगा। जब तक आप इसमें अपील की व्यवस्था नहीं करेंगे तब तक लोगों को विश्वास नहीं होगा।

SHRI RANGA (Srikakulam) : I do not know why the Home Minister has

not thought it fit to make provision for the appeal that is asked for. If it is only an individual involved, it is bad enough not to provide that right of appeal. When a group of people is involved as an association, as a party, it becomes much more serious.

If Government wishes to take action against any organisation for indulging in unlawful activities, then before they do that they would have had to go through a lot of procedure, they would have found some of those individual members behaving badly, and they would come within the mischief of the ordinary law. The organisation also would have indulged in so many activities before the conviction is born in the mind of the Government that it was indulging in unlawful activities. By that time also, there would have been so much material before the Government to get it committed. It is only after that they come to the decision that it is indulging in unlawful activities. So, I do not see any reason why Government should fight shy of an appeal, because they would have had all that material before them. With the support of that evidence before them, they would have taken the decision and gone before a Judge and the judgment would have been obtained by them.

With the support of all these things, if they fight shy of meeting an appeal, then either there must be something wrong with the materials that would have been obtained by the Government, or there would be some substantial justice on the side of the association concerned, and therefore Government fights shy of an appeal. So, I am particularly anxious that the Government should be willing to concede this right of appeal to whatever organisation might be sought to be brought within the mischief of this law.

One point I take for granted, that the Government has the prior right to declare an organisation unlawful, and they may take the additional power of not allowing any opportunity for that organisation to continue the kind of mischief of which it is accused while these appeals are pending. that is a kind of writ petition or something like that, to set aside the decision of the Government, the Government declares it unlawful, but while the organisation is

[Shri Ranga]

declared unlawful and it is prevented from functioning under this disability, they should be willing to allow that organisation and its members to go on appeal and seek redress in the court.

SHRI HIMATSINGKA (Godda) : Sir, I feel that there is some misunderstanding about this section. The Government comes to a decision before declaring an association unlawful; that decision is placed before the judge and the judge, by way of appeal, goes into the facts and comes to a decision as to whether the decision of the Government is right or wrong. And when the tribunal agrees with the finding of the Government and holds the association unlawful, then this section comes into the picture. Therefore, practically, the tribunal acts more or less in the capacity of the court.

AN HON. MEMBER : How can it be ?

SHRI HIMATSINGKA : Because it goes into the correctness or otherwise of the decision of the Government. The other two sub-sections refer to the subsequent orders; when an association has been declared illegal, certain things follow. The money is there; they may be prohibited from using it, and this section provides for an appeal against the order of the magistrate prohibiting the use of the money. So, that order of the magistrate should be certainly treated as final. I do not think there is anything wrong in this.

Then again, this provision does not take away the right of the Supreme Court under article 136.

SHRI V. KRISHNAMOORTHY : That is about special leave; not a matter of the right of appeal.

SHRI HIMATSINGKA : Yes; but if there is sufficient cause, certainly the Supreme Court can go into it and give special leave and the matter can be thrashed out there. Article 136 is very clear. It can give special leave against any order by any court or tribunal in the territory of India. Therefore, there is sufficient provision for this.

SHRI TENNETI VISWANATHAM : Sir, the hon. Member who has just now spoken drew our attention to the fact that the tribunal is going to look into the matter but he has been thinking that the

tribunal corresponds to a court of appeal. I submit it is not. The scheme of the Act is not that. The scheme of the Act is that the Government, on its own enquiry, comes to the conclusion that the association is unlawful and then places it for approval before the tribunal. (Interruption) But in other cases, under the proviso to section 3, it need not come even before the tribunal. They can immediately declare an association unlawful and other consequences follow. The plea of the Opposition Members is that the right of appeal must be provided because, as he says, an extraordinary situation is now existing in India and the Government have to take extraordinary powers. Now, according to the admission of the Government, if it is extraordinary power, there should not be any harm in giving the right of appeal. Actually, there are certain rights which the accused possesses under the ordinary procedure of the criminal law, the criminal procedure code. All that is now being taken away. For example, where the accused feels that he cannot get justice before a criminal court, he has got the right to get a transfer. Here, he has not got that right of transfer. There is another section where the high court on its own can transfer a case from one court to another. That also is denied to the High Court. All that the Opposition Members are saying is that having taken the power, a drastic power, give the right of appeal to the high court. That is to say, you ask only such power as is absolutely necessary for you to declare an association unlawful, and so far as the rest is concerned, let the ordinary course of criminal procedure and let the working of the high court go unrestricted, unimpaired and unaltered. The Government must be satisfied with that position. All that they want is the power to declare an association unlawful, to seize it, to take hold of the money, and also, they propose to detain them, and place the person under house arrest also. In a previous clause, you have taken powers for house arrest also. Nobody else can go there. Everybody coming under that clause will be in the position of Sheikh Abdullah. So, Government have obtained all that they wanted. The rest is only a matter of procedure. In this country the only thing which an accused has is some procedural right to get justice assuming that some injustice has been done. That is all that

is wanted. Government having had the initial right of declaring an association unlawful and do everything with the house, property, etc., at least the right of appeal must be given. It does not harm the Government in any way, but it does a lot of good to the judicial conscience of this country.

SHRI D. C. SHARMA : Sir, I have been supporting the earlier clauses, but this clause jars on my sense of democratic value. There are two types of jurisprudence operative in this world today. One is that you catch hold of 20 innocent persons so that one wrong-doer may not escape. The other is, 20 wrong-doers may escape, but no innocent person should be convicted. This clause goes against the basic principles of jurisprudence we have in our country. After all, we are working under the jurisprudence which Macaulay had framed and which my hon. friend has been advocating in courts of law. We should go by that jurisprudence which gives a man the chance of proving himself innocent, even though he is accused of treason and other things. Therefore, the right of appeal should be there.

It is said that power corrupts and absolute power corrupts absolutely. I know my friend is incorruptible. But if you give this absolute, unbridled power to the district magistrates and to High Court judges, our magistracy and our High Courts will be corrupted. Therefore, in the interest of purity of judicial administration in the country, the right of appeal should be conceded. The hon. Minister is smiling and I am sure he is getting up to concede this.

SHRI Y. B. CHAVAN : If I were convinced that this provision is against the sense of justice, certainly I would have agreed. But I am not convinced. The very idea of having a tribunal would be defeated if you provide for that type of second appeal here. As far as I know, there is no provision for appeal against the decision of any tribunal under any Act.

SHRI V. KRISHNAMOORTHY : There is an appeal against the decision of an election tribunal.

SHRI Y. B. CHAVAN : There is no election tribunal now. (*Interruptions*). Let us try to understand what is the purpose in having a tribunal. Certainly we can leave it to a High Court judge as a High Court judge. Why convert him into a tribunal? The idea is, when an extraordinary situation is developing, quick action is necessary. If you provide a second and third appeal, the purpose would be defeated.

SHRI V. KRISHNAMOORTHY : You only want a judicial stamp for your actions.

SHRI Y. B. CHAVAN : In the normal course, if you go to a High Court in appeal certainly they can give a stay. That position is there.

SHRI RANGA : That you can prevent.

SHRI Y. B. CHAVAN : How can I prevent that? Once you give the right of appeal, the right of appeal means benefit. If at all I have to give the right of appeal, it is better not to give that right at all. I am not convinced it is necessary. As far as District Judges are concerned, most of the orders that they will pass will be orders on appeal. He will sit as an appellate court. Most of the orders passed by District Magistrates come under clause 8 and sub-section (4) of clause 4 on appeals. So you cannot say there is no appeal provided. Really speaking, as I said, orders of District Judges will be orders on appeal.

MR. DEPUTY-SPEAKER : There are three amendments to this clause—amendments Nos. 20, 102 and 103. I shall put them all together.

*Amendments Nos. 20, 102 and 103 were put and negated.*

MR. DEPUTY-SPEAKER : The question is :

“That clause 9 stand part of the Bill.”

*The Lok Sabha divided :*



## AYES

Division No. 30]

[16.28 Hrs.

Agadi, Shri S. A.  
 Aga, Shri Ahmad  
 Arumugam, Shri R. S.  
 Babunath Singh, Shri  
 Bajpai, Shri Vidya Dhar  
 Barua, Shri Bedabrata  
 Barua, Shri R.  
 Barupal, Shri P. L.  
 Basu, Dr. Maitreyee  
 Baswant, Shri  
 Besra, Shri S. C.  
 Bhagat, Shri B. R.  
 Bhakt Darshan, Shri  
 Bhanu Prakash Singh, Shri  
 Bholu Nath, Shri  
 Bohra, Shri Onkarlal  
 Bose, Shri Amiyanath  
 Chanda, Shri Anil K.  
 Chanda, Shrimati Jyotsna  
 Chandrika Prasad, Shri  
 Chatterji, Shri Krishna Kumar  
 Chaturvedi, Shri R. L.  
 Chaudhary, Shri Nitiraj Singh  
 Chavan, Shri Y. B.  
 Choudhary, Shri Valmiki  
 Damani, Shri S. R.  
 Dasappa, Shri Tulsidas  
 Dass, Shri C.  
 Desai, Shri Morarji  
 Deshmukh, Shri B. D.  
 Deshmukh, Shri K. G.  
 Dhillon, Shri G. S.  
 Dhuleshwar Meena, Shri  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Gajraj Singh Rao, Shri  
 Ganesh, Shri K. R.  
 Ghosh, Shri Parimal  
 Gupta, Shri Lakhan Lal  
 Hazarika, Shri J. N.  
 Heerji Bhai, Shri  
 Hem Raj, Shri  
 Himatsingka, Shri  
 Jadhav, Shri Tulshidas  
 Jadhav, Shri V. N.  
 Jamir, Shri S. C.  
 Kasture, Shri A. S.  
 Kavade, Shri B. R.  
 Kedaria, Shri C. M.  
 Kinder Lal, Shri  
 Kripalani, Shrimati Sucheta  
 Krishna, Shri M. R.  
 Kureel, Shri B. N.  
 Laskar, Shri N. R.

Laxmi Bai, Shrimati  
 Mahadeva Prasad, Dr.  
 Mahishi, Dr. Sarojini  
 Malhotra, Shri Inderjit  
 Malimariyappa, Shri  
 Mandal, Dr. P.  
 Marandi, Shri  
 Mehta, Shri P. M.  
 Menon, Shri Govinda  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mohinder Kaur, Shrimati  
 Mondal, Shri J. K.  
 Mrityunjay Prasad, Shri  
 Mukerjee, Shrimati Sharda  
 Nagnhoor, Shri M. N.  
 Nahata, Shri Amrit  
 Naidu, Shri Chengalraya  
 Nayar, Dr. Sushila  
 Oraon, Shri Kartik  
 Padmavati Devi, Shrimati  
 Pahadia, Shri Jagannath  
 Pandey, Shri K. N.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Pratap Singh, Shri  
 Parthasarathy, Shri  
 Patil, Shri S. B.  
 Patil, Shri S. D.  
 Poonacha, Shri C. M.  
 Pramanik, Shri J. N.  
 Radhabai, Shrimati B.  
 Raghu Ramaiah, Shri  
 Raj Deo Singh, Shri  
 Raju, Shri D. B.  
 Ram, Shri T.  
 Ram Dhan, Shri  
 Ram Kishan, Shri  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Rana, Shri M. B.  
 Rane, Shri  
 Rao, Shri J. Ramapathi  
 Rao, Shri Thirumala  
 Rao Dr. V. K. R. V.  
 Reddy, Shri P. Antony  
 Rohatgi, Shrimati Sushila  
 Roy, Shrimati Uma  
 Saha, Dr. S. K.  
 Saigal, Shri A. S.  
 Sambasivam, Shri  
 Sapre, Shrimati Tara

Sarma, Shri A. T.  
 Savitri Shyam, Shrimati  
 Sayyad Ali, Shri  
 Sen, Shri Dwaipayan  
 Sen, Shri P. G.  
 Shah, Shri Shantilal  
 Shambhu Nath, Shri  
 Shankaranand, Shri  
 Sharma, Shri M. R.  
 Shashi Ranjan, Shri  
 Shastri, Shri B. N.  
 Sheo Narain, Shri  
 Sheth, Shri T. M.  
 Shinde, Shri Annasahib  
 Shinkre, Shri  
 Shiv Chandika Prasad, Shri  
 Siddayya, Shri

Siddeshwar Prasad, Shri  
 Singh, Shri D. N.  
 Sinha, Shri Mudrika  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Tarkeshwari  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Supakar, Shri Sradhakar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tiwary, Shri K. N.  
 Uikey, Shri M. G.  
 Ulaka, Shri Ramachandra  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Prem Chand  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra

#### NOES

Amin, Shri R. K.  
 Amin, Shri Ramchandra J.  
 Anbazhagan, Shri  
 Anirudhan, Shri K.  
 \*Bajpai, Shri Shashibhushan  
 Banerjee, Shri S. M.  
 Behera, Shri Baidhar  
 Bhagaban Das, Shri  
 Bharti, Shri Maharaj Singh  
 Deo, Shri K. P. Singh  
 Devgun, Shri Hardayal  
 Dhandapani, Shri  
 Dhirendranath, Shri  
 Esthose, Shri P. P.  
 Fernandes, Shri George  
 Gajraj Singh Rao, Shri  
 Ghosh, Shri Ganesh  
 Goel, Shri Shri Chand  
 Gopalan, Shri P.  
 Gopalan, Shrimati Suseela  
 Gounder, Shri Muthu  
 Gowda, Shri M. H.  
 Gupta, Shri Indrajit  
 Gupta, Shri Kanwar Lal  
 Haldar, Shri K.  
 Joshi, Shri Jagannath Rao

Kalita, Shri Dhireswar  
 Khan, Shri H. Ajmal  
 Khan, Shri Ghayoor Ali  
 Khan, Shri Latafat Ali  
 Kundu, Shri S.  
 Kushwah, Shri Y. S.  
 Mahato, Shri Bhajahari  
 Maiti, Shri S. N.  
 Majhi, Shri M.  
 Mangalathumadom, Shri  
 Manoharan, Shri  
 Meghachandra, Shri M.  
 Menon, Shri Vishwanatha  
 Modak, Shri B. K.  
 Mody, Shri Piloo  
 Mohamed Imam, Shri J.  
 Mohammad Ismail, Shri  
 Mukerjee, Shri H. N.  
 Muthusami, Shri C.  
 Naik, Shri R. V.  
 Nambiar, Shri  
 Nihal Singh, Shri  
 Patil, Shri N. R.  
 Ramamurti, Shri P.  
 Ranga, Shri

Samanta, Shri S. C.  
Sambhali, Shri Ishaq  
Satya Narain Singh, Shri  
Sequeria, Shri  
Shah, Shri Virendrakumar  
Sharma, Shri Ram Avtar  
Sharma, Shri Yogendra  
Shastri, Shri R.  
Shastri, Shri Raghuvir Singh

Shastri, Shri Shiv Kumar  
Shivappa, Shri N.  
Sondhi, Shri M. L.  
Suraj Bhan, Shri  
Tyagi, Shri O. P.  
Vidyarthi, Shri R. S.  
Viswanatham, Shri Tenneti  
Viswanathan, Shri G.

MR. DEPUTY-SPEAKER : The result † of the division is as follows :

Ayes 142; Noes 68.

*The motion was adopted.*

*Clause 9 was added to the Bill.*

**Clause 10.**—(*Penalty for being members of an unlawful association*)

SHRI GEORGE FERNANDES : I beg to move :

Page 8, line 26,—

for "may extend to two years".  
*substitute—*

"shall not extend one year". (21)

Page 8,—

*after line 27 insert—*

"Provided, however, that if the member concerned is able to establish that he had no personal knowledge of the unlawful activity conducted by the association declared unlawful, no action shall be taken against him, and the provisions of this section shall not apply to him." (22)

SHRI NAMBIAR : I beg to move :

Page 8, line 20,—

for "is" *substitute—*

"continues to be" (57)

Page 8,—line 22 and wherever it occurs in the clause,—

for "or" *substitute* "and" (58).

Page 8, line 26,—

for "two years" *substitute* "six months" (59).

SHRI SHRI CHAND GOYAL : I beg to move :

Page 8, line 26,—

*after "two years" insert—*

"or for a period upto which the notification issued under section 3" (60).

Page 8, line 26,—

*after "two years" insert—*

"or for a period upto which the notification issued under section 3, operates under sub-section (2) of section 6, which ever period is shorter" (76).

SHRI INDRAJIT GUPTA : Mr. Deputy-Speaker, clause 10 of the Bill reads as follows :

"Whoever is a member of an association declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, or takes part in meetings of any such unlawful association, or contributes to, or receives or solicits any contribution for the purpose of, any such unlawful association, or in any way assists the operations of any such unlawful association, shall be punishable with imprisonment for a term which may extend to two years, and shall also be liable to fine."

Our amendment is to the effect that at the end of this clause, after the words "liable to fine" the following should be added :

"Provided, however, that if the member concerned is able to establish that he had no personal knowledge of the unlawful activity conducted by the association declared unlawful, no action shall be taken against him, and the provisions of this section shall not apply to him."

As the hon. Minister knows, the right of individual liberty is also involved here. An association, which may be a political party or some trade union, or any other kind of

† The following Members also recorded their votes :

Ayes : Shri Shashibushan Bajpai and Shri Sadhu Ram.

Noes : Sarvashri Mohammad Ismail, C. K. Chakrapani and S. S. Kothari.

body, may have thousands or hundreds of thousands of members, scattered throughout the country and it may be found guilty and declared unlawful under this Act. Am I to believe that the government cannot imagine a situation where the people who are in charge of running that organisation, the leadership of that organisation or a part of the leadership of that organisation, let us say for the sake of argument, has taken part in something which comes under the mischief of the Act, but can they not imagine a case where an individual member of that association or party may be totally ignorant or unaware of what is going on? Is it such a fantastic thing to imagine? And yet here the clause says that any individual, simply by reason of the fact that he is a member of that association—the other parts, of course, say or talk of involving or taking part in some positive activity, taking part in a meeting or contributing to that meeting and things of that sort—if he simply goes to a meeting without being conscious of the fact that somebody in that organisation has been indulging in unlawful activity, he is also made punishable with imprisonment for two years and fine and so on.

I think that the hon. Minister will agree that some reasonable safeguards should be provided to see that some innocent individual is not penalised. Why should he be? In a big organisation it is very likely that a particular individual may not have anything to do with that unlawful activity; he may not even know that it was being carried on. Can he not imagine such a situation? But he is not prepared to provide the slightest safeguard for him.

My amendment only says that if that particular individual member concerned can satisfy the tribunal and establish that he had no personal knowledge of this unlawful activity, no action should be taken against him and the provisions of this section should not apply to him. The onus is being put on him by my amendment. The Government does not have anything to do about it; the onus is put on the member. I think, it is elementary justice. At least some arrangement should be provided whereby unjustified and arbitrary action is not taken against an individual who may be completely innocent in this matter. Therefore let the onus of proof be put on him. Let him be considered guilty unless he has pro-

ved that he is innocent. But give him a chance to prove his innocence. If he can prove that he is innocent, then he should not be brought under this blanket illegality with all the consequent penalties. This is the meaning of my amendment and I request the hon. Minister to consider this dispassionately and see whether this much safeguard at least can be provided for an individual.

श्री श्रीचन्द्र गोयल : मेरे दो संशोधन एक ही आशय के हैं। पंक्ति नम्बर 26 जहाँ यह कहा गया है :

"imprisonment for a term which may extend to two years, and shall also be liable to fine."

मैंने दो वर्ष के बाद ये शब्द एड किये हैं :

"or for a period upto which the notification issued under section 3".

संस्थाओं का जो इतिहास है वह यह बताता है कि अनेकों बार संस्थाओं के इतिहास में अवैध घोषित होने के प्रसंग आते हैं। सत्तारूढ़ संगठन कांग्रेस के इतिहास में भी ये प्रसंग आए हैं, जब कि उन संस्थाओं को अवैध घोषित किया जाता है। उसके बाद फिर ऐसे अवसर भी आए हैं जब उन संस्थाओं को दुबारा वैध घोषित किया गया है। अगर किसी संस्था को किसी आन्दोलन के कारण या किसी विशेष परिस्थिति के कारण अवैध घोषित किया जाता है और बाद में केन्द्रीय सरकार इस निष्कर्ष पर पहुँचती है कि संस्था को वैध घोषित किया जाये और बाद में अपने नोटिफिकेशन द्वारा पहले नोटिफिकेशन को वापिस लेती है तो फिर जिन लोगों को दो वर्ष या इससे अधिक का दंड दिया गया हो, वे संस्था के वैध घोषित हो जाने के बाद भी जेल में ही पड़े रहेंगे। मुझे पता है कि अनेकों बार कई आन्दोलनों को वापिस लिये जाने के बाद भी जिन लोगों को उस आन्दोलन में भाग लेने के कारण दंड मिले होते हैं वे कारावास में ही पड़े रहते हैं। इसलिए मैंने इसमें यह संशोधन उपस्थित किया है कि दो वर्ष के बाद नोटिफिकेशन के या जो

[श्री श्रीचंद गोयल]

पीरियड है उससे पहले अगर नोटिफिकेशन को वापिस ले लिया जाये और एक संस्था को वैध घोषित कर दिया जाये तो उसी अवधि तक उसको सजा दी जा सकती है। मेरे इस संशोधन का आशय यही है कि जो लोग संस्था के वैध घोषित होने के बाद भी दंड भोगें उनको उस दंड से निजात मिल सके।

श्री जार्ज फरनेन्डीज : श्री इंद्रजीत गुप्त और मेरा भी संशोधन एक जैसा है। दो चीजें इस धारा से हम समझ पा रहे हैं। एक तो सदस्यों के बारे में और दूसरे हालांकि वह बिल्कुल साफ नहीं कहा गया है गृह मंत्री जी की ओर से, कोई भी नागरिक के बारे में। इसका कारण यह है कि जब यह कहा जाता है कि :

"Whoever is a member of an association declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section".

यह हो गई बात मੈम्बर के बारे में, सदस्य के बारे में। लेकिन आगे आप देखें

"or takes part in meetings of any such unlawful association, or contributes to, or receives or solicits any contribution for the purpose of, any such unlawful association, or in any way assists the operations of any such unlawful association."

मैं यह समझता हूँ कि यह जो आगे का एक हिस्सा है यह सिर्फ सदस्यों के बारे में नहीं है बल्कि किसी भी नागरिक पर यह लागू होता है। जिस संगठन को आप गैर कानूनी संगठन घोषित करते हैं उसकी ओर से जो सभायें होती हैं उन सभाओं में सिर्फ उसके सदस्य ही जाते हों, ऐसी बात नहीं है। कोई भी नागरिक उनमें जा सकता है। आर्थिक मदद की बात को भी आप लें। सदस्य ही उस संगठन की आर्थिक मदद करेगा ऐसी बात नहीं है। कोई भी दूसरा व्यक्ति, कोई भी नागरिक, मामूली मजदूर वह हो सकता है, करोड़पति हो सकता है, कोई भी मदद ऐसे

संगठन की कर सकता है जिसको आपने गैर कानूनी घोषित किया है। कोई विज्ञापन दे सकता है, अगर उस संगठन की ओर से सोवनीयर निकलने वाला हो, पर्चा निकलने वाला हो उसमें विज्ञापन देकर मदद करने का काम वह कर सकता है। इस वास्ते मैं चाहता हूँ कि सदस्य के बारे में और सामान्य नागरिक के बारे में बात साफ होनी चाहिये और दोनों को अलग-अलग दृष्टिकोणों से देखा जाना चाहिए।

आगे जाकर सदस्य हो या मामूली नागरिक हो उन्हें सजा दी जाएगी। इसमें कहा गया है, ही शैल बी पनिशड, ही शैल बी सेंटेंसड। ऐसी कोई इसमें सुविधा नहीं है कि वह किसी प्रकार से बच सके। अगर वह सदस्य है तो उसको जरूर जेल जाना चाहिये और अगर उसने इस संगठन की कोई भी मदद की हो तो भी उसको जरूर जेल जाना चाहिये। यह इस धारा में लिखा गया है। हमने यह मांग की है अपने संशोधनों में कि दो साल की सजा को एक साल किया जाए। आगे की क्लॉजिज में भी दो तीन तरमीमें हमने पेश की हैं जो कि सजा के बारे में हैं। यहां और आगे भी सजा को कम करने के बारे में मैं चाहता हूँ कि आप हमारी कुछ तरमीमों को मान लें।

एक तरफ आप किसी संगठन को गैर कानूनी संगठन घोषित करते हैं, उसके तमाम दफ्तरों, तमाम चीजों को आप दबा रहे हैं और उस संगठन के लिए काम करना असम्भव बना रहे हैं और उसके बाद उस संस्था से सम्बन्ध रखने वाले सदस्य अथवा अन्य लोगों को इतने बरसों के लिए जेल में रखने जा रहे हैं तो यह तो कोई इंसानियत नहीं है। यह तो कोई इंसाफ नहीं है। हमारा निवेदन है कि आप सजा को कम करें।

कौन जेल जाता है। गरीब लोगों को जेल जाना पड़ता है। बीस साल जो गुजर चुके हैं इनमें आपने देखा होगा कि कांग्रेस वाले जेल में नहीं गए हैं। हम लोग काफी बार जा चुके हैं। मैं बता सकता हूँ कि अंग्रेजों के जमाने में

हिन्दुस्तान की जेलों की जो हालत हुआ करती थी उससे कहीं खराब हालत उनकी आज हो चुकी है। जैसे मुल्क रोज-रोज गिरता जा रहा है वैसे ही जेलों में जो परेशानियों का सामना करना पड़ता है वे भी बढ़ती जा रही हैं। मैं इस बात को अपने अनुभव के आधार पर आपको बता रहा हूँ। मैंने दिल्ली से लेकर बीसापुर तक की जेलों को देखा है। इतनी हालत उनकी बिगड़ती जा रही है कि वहाँ जाकर रहना आज कल बहुत ही मुश्किल हो गया है। अंग्रेजों के सामने मैं इतनी मुसीबतें और मुश्किलें नहीं थीं जितनी आज हैं।

गरीब आदमियों के लिए आप जब दो साल से लेकर सात साल तक जेल भेजने का इंतजाम कर रहे हैं, कारखाने में काम करने वाले मजदूर को या नौकरी करने वाले मजदूर को या राजनीतिक कार्यकर्ता को आप अगर इस तरह से जेल भेजने का काम करने जा रहे हैं तो उनके कुटुम्ब वालों का क्या होगा क्या आपने कभी इस पर सोचा है। इस प्रकार से राजनीति में भाग लेना क्या असम्भव आप नहीं बना रहे हैं। पिछले कई बरसों से आपने प्रिवेंटिव डिटेनन एक्ट बना रखा है, उसके अंतर्गत रूज बना रखे हैं और उसके तहत भी आप लोगों को जेलों में बन्द करते हैं। बापूराव बापट को तो आप जानते ही हैं। आज वह इस दुनिया से चले गए हैं। उनके कुटुम्ब की क्या हालत हो गई थी जब उनको जेल में डाला गया था, उनका कुटुम्ब कैसे बरबाद होने लगा था, इसकी आपको व्यक्तिगत रूप से जानकारी है। मैं उनका इसलिए जिक्र कर रहा हूँ कि आप सियासी कार्यकर्ताओं को उनके मत से चूँकि आपका मतभेद है इस वास्ते उनको लम्बे असें के लिए जेल भेजते हैं तो उनके कुटुम्बों के बारे में भी सोचना आपका कर्तव्य हो जाता है। जेल जाने वाले के जो स्कूल जाने वाले बच्चे होते हैं वे बरबाद हो जाते हैं, उनकी पढ़ाई बरबाद हो जाती है। उसके परिवार वालों की जिन्दगी बरबाद हो जाती है। जो तरीका आप अपनाते हैं इसके

बारे में भी आपको सोचना होगा। सियासी क्षेत्र में काम करने वाले लोगों को किसी भी कारण से अगर आप जेल भेजते हैं तो उनके कुटुम्बियों की जिम्मेदारी सरकार को उठा लेनी चाहिये, हमेशा के लिए यह प्रथा सरकार को चलानी चाहिये कि वह उनका भरण पोषण करे। वर्ना सियासत में काम करना और खास तौर पर आपकी सरकार के मुकामबले में अपने विचारों का प्रचार करना दूसरे लोगों के लिए करीब-करीब असम्भव हो जाएगा।

अन्त में मैं निवेदन करता हूँ कि एक तो आप सज़ा कम करें क्योंकि सदस्य और नागरिक की बात इसमें आ जाती है। दूसरे जो सदस्य समझते हैं कि वे गुनाहगार नहीं हैं उनको इसको साबित करने का मौका आप जरूर दें और तीसरे इस क्लज में और आगे की दो तीन क्लजिज में जो आपने बहुत लम्बे असें की सज़ा रखी है उसको आप कम करें। अगर आप इसमें इसको नहीं जोड़ सकते हैं तो कुछ नियम ऐसे बनायें जिससे राजनीतिक कार्य करने वाले अगर जेल में डाले जाते हैं तो उनके बच्चों के शिक्षण, उनके मकान के किराये जैसी मामूली चीजों के बारे में आप ध्यवस्था करें ताकि उनके कुटुम्बीजन बर्बाद न हों।

SHRI NAMBIAR : My amendments 57, 58 and 59 are as follows :

Page 8, line 20,—

for "is" substitute—  
"continues to be".

Page 8,—

line 22 and wherever it occurs in the clause,—

for "or" substitute "and"

Page 8, line 26,—

for "two years" substitute—  
"six months".

I want to ask the hon. Home Minister about these things. These are things which he must explain. Today is the 20th December, 1967, and an organisation is declared illegal. 'X' is a member of that organisation. On the 21st morning, i.e., tomorrow morning, that 'X' is arrested and told that

[Shri Nambiar]

he is a member of an organisation which is declared illegal and, therefore, he has to undergo imprisonment for two years. This is the sum and substance of this clause. The Clause reads thus :

"Whoever is a member of an association declared unlawful by a notification issued under section 3 . . ."

Whatever may be the reason, Government finds that a particular association is illegal—by Government's understanding—and Government notifies it and it comes in the Gazette. All these members do not know what has actually happened and they do not automatically get dissolved. So, any one can be hauled up in a court and said that he is a member of this organisation which is declared illegal. That is why, I have given this amendment. It should read as follows :—

"Whoever continues to be a member of the association . . ."

It should be altered in this way. Today you are declaring it as illegal. Till today he does not know whether he is committing any illegal act. Tomorrow after seeing the notification, he feels that this an illegal organisation, according to the Government's law. You should give him an opportunity to decide whether he should continue to be a member or not. You cannot call every member and say that he is punishable under the law. This Clause as it is reads like that. That is what exactly Mr. George Fernandes and Mr. Indrajit Gupta have said. If this is not so, let the hon. Minister explain this; let him explain what is the meaning of the construction of this Clause. Automatically, *suo moto*, a member, without even knowing what has happened, lands himself into the jail; he gets no opportunity to defend himself. He might have become a member of that association unknowingly . .

SHRI INDRAJIT GUPTA : He has to resign from the jail.

SHRI NAMBIAR : Yes; he has to send his resignation from the jail! We want justice. The hon. Minister may make it clear and say what he wants. A member of an organisation, which is likely to be declared illegal on a particular day, cannot become a non-member before that day without knowing anything. These are the provisions. The provisions say that any-

thing and everything under the Sun can be hauled up as an unlawful activity. That, we have decided earlier. Clause 2 makes it very clear. What is meant by an 'unlawful activity'? 'Unlawful activity' started with cession and secession of any part of India and now it has stretched itself to anything that comes under this. I will just remind you what exactly is meant by 'unlawful activity'. 'Unlawful activity' is an omnipotent, omnipresent and something like an all-pervading thing. I will just read this out. 'Unlawful activity' means any act,

"(i) which is intended, or supports any claim, to bring about on any ground whatsoever the cession of a part of the territory of India or the secession of a part of the territory of India from the Union . . . ." etc., etc.

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and integrity of India."

Which disclaims what, which disrupts what, which questions what? Which disrupts the sovereignty of India. Sovereignty is such a big thing. Holding a meeting against the Language Bill is disruption of the sovereignty of India. Why? Because you will create trouble. Holding up the train or the pulling the chain of the train is also unlawful.

SHRI Y. B. CHAVAN : Language Bill does not mean 'sovereignty'.

SHRI NAMBIAR : All right, did you define it anywhere? Therefore, it is an all pervading Act. At least there must be justice. A Member must know what it is by becoming a member of an organization. By becoming a member of that organization he is committing an offence, must be told that member, and that member must be conscious of that. Still if he continues to be so, he should be penalised. Is he to be penalised for his ignorance and innocence? Is that purpose of this Bill? After all if the mischief is done, you have done it. You have disorganized that organization which is supposed to be a legal organization. Why cannot you accept my amendment which reads 'whoever continues to be'? Then he can say, 'I do not become. Or I will not continue to be a member. Or I was a member

but I am not a member to-day'. You give him an opportunity to say so.

Then instead of 2 years I have wanted this to be reduced to 6 months. Then there are many 'or's. Instead of 'or' I want 'and' to be put so that the overt act continues, and he continues to be a member, therefore he is punished. Then I want the punishment to be reduced to 6 months. There is some justice, there is some reason, in that.

AN HON. MEMBER : We accept your amendment.

SHRI NAMBIAR : You must accept something, you do not accept anything except my throat.

श्री रणधीर सिंह : डिप्युटी स्पीकर साहब, यह एक मज़ाक है कि देश के साथ गद्दारी करने वाले के लिए सिर्फ़ दो साल की सज़ा रखी गई है। जो आदमी देश के साथ गद्दारी करे, देश के खिलाफ़ सरगमियों में भस्करू हों, उसको सिर्फ़ दो साल की सज़ा। मैंने पहले तरमीम दी थी कि पिनेल्टी क्लोज़ में बहुत कम सज़ा प्रोवाइड की गई है, इसलिए उसको बढ़ाया जाये। जो आदमी देश के हिस्से-बख़रे करना चाहे, देश को पाश-पाश करना चाहे, देश को तोड़ना चाहे, पाकिस्तान या चीन को देश में बुलाना चाहे, जयचन्द बनना चाहे, उसको सिर्फ़ दो साल की सज़ा देना वाफ़ई एक मज़ाक की बात है।

जो भाई कानून से वाकिफ़ हैं, वे जानते हैं कि अगर कोई आदमी किसी को धप्पड़ दिखाता है, आई० पी० सी० की दफा 323 में उसको तीन साल की सज़ा होती है। लेकिन जो शरूस माओ-त्से-तुंग या रूस के अपने आका को बुलाए कि वे आकर हिन्दुस्तान पर कब्ज़ा कर लें, उनको कहें कि नीफ़ा उनका है, नागालैण्ड उनका है, मिजोरैण्ड उनका है, सारा कश्मीर उनका है, जो इस किस्म की एक्टिविटीज़ में हिस्सा ले, लेक्चर दे, ऐसी बात कहने वाली पार्टी को चन्दा दे, उसके लिए दो साल की सज़ा बहुत थोड़ी है।

मैं अपने फ़्राज़िन दोस्त के साथ हूँ कि मासूम आदमियों को सज़ा न मिले। जैसा कि फ़ारसी के एक स्टान्जा में कहा गया है, चाहे गुनाहगार आदमी एक हजार बच जायें, लेकिन एक भी मासूम आदमी को सज़ा नहीं मिलनी चाहिए। यह ठीक है कि मासूम आदमियों को सज़ा न मिले, लेकिन जिन आदमियों के बारे में यह साबित हो जाये कि वे देश-दुश्मन सरगमियों में मसरूफ़ हैं और देश-दुश्मन पार्टीज़ या श्रुप्स की एक्टिविटीज़ में हिस्सा लेने पर बजिद् हैं, उनके लिए दो साल की सज़ा नाकाफ़ी है। मैं आपको बताना चाहता हूँ कि इस जुर्म की सज़ा चीन और रूस में फांसी है और कई दूसरे देशों में ट्रांसपोर्टेशन फ़ार नाइज़ है। मैंने यह तरमीम दी थी कि इस बिल में जो दो साल की सज़ा रखी गई है, उसको और बढ़ाया जाये। शायद होम मिनिस्टर साहब ऐसा नहीं कर सकते हैं, लेकिन इस सज़ा को किसी भी हालत में कम नहीं किया जाना चाहिए।

श्री क० ना० तिवारी (बेतिया) उपाध्यक्ष महोदय, माननीय सदस्य श्री नम्बियार, ने यह संशोधन रखा है कि किसी दल या संगठन को अनलाफ़ुल डिक्लेयर किये जाने के बाद अगर उसका कोई सदस्य यह कहे कि मैं अब उस दल का मँबर नहीं हूँ, तो उसके विरुद्ध कार्यवाही न की जाये। मैं समझता हूँ कि होम मिनिस्टर साहब को उस संशोधन को मान लेना चाहिए।

श्री जार्ज फ़रनेन्डीज़ ने यह सुझाव दिया है कि अगर किसी व्यक्ति को इस कानून के अन्तर्गत कैंद की सज़ा दी जाये, तो उसके कुटुम्ब का भार गवर्नमेन्ट को उठाना चाहिए। इसका अर्थ यह है कि अगर सब लोग जेल चले जायें, तो गवर्नमेन्ट उनके कुटुम्बों का भार उठा लेगी और इस प्रकार हमारी अनएम्पलायमेंट की समस्या हल हो जायेगी। मैं इस सुझाव के विरुद्ध हूँ।



**SHRI Y. B. CHAVAN :** I think Shri Nambiar is moving some amendment to the amendment.

It is not enough that the member is a member but he should continue to be a member. I think that that was the point that the hon. Member had raised. So, the words should be 'is and continues to be'. I suppose his objection was on that score. Suppose a notification is issued declaring some association as an unlawful association, then the hon. Member's point is that immediately the member must have some opportunity to dissociate himself from such an association so, he has to make further effort to continue to be a member; I think that is what he wants should be put in. I am prepared to accept that principle. But let that amendment be moved separately. I have consulted the Law Minister and according to him that amendment will have to be for the purpose of adding the words 'and continues to be'. If that is the amendment, I am prepared to accept it.

**SHRI NAMBIAR :** My amendment is here, and it seeks to substitute the words 'continues to be' in place of 'is'. With the permission of the House I would like to change it to 'and continues to be a member'. The new amendment would be as follows :

I beg to move :

Page 8, line 20, *after 'is' add 'and continues to be'.*

**SHRI Y. B. CHAVAN :** I accept it.

**MR. DEPUTY-SPEAKER :** According to the rules of procedure, at this stage I am not suppose to do in, but with the concurrence of the House I can accept it. I suppose the House agrees.

**SEVERAL HON. MEMBERS :** Yes.

**MR. DEPUTY-SPEAKER :** The new amendment is now before the House.

**SHRI Y. B. CHAVAN :** I quite see that point. Any person who happens to be a member of an unlawful association must have an opportunity further either to discontinue or to continue. Once he exercises his choice to continue the membership, he must face all the consequences of his action. I accept this point in principle. Therefore, I have no hesitation in accepting the new

amendment that he has just now moved with the consent of the House.

As far as I could see, this was the most important point that was raised by most of the Members. I think this was the point that Shri Indrajit Gupta had also raised.

**SHRI INDRAJIT GUPTA :** But my amendment is different.

**SHRI Y. B. CHAVAN :** I know that he has another amendment, but I think he made the same argument.

**SHRI INDRAJIT GUPTA :** In case he is able to show that he had no personal knowledge, and this onus is put on him, why should he be proceeded against ?

**SHRI Y. B. CHAVAN :** After this amendment is accepted, we give him one more opportunity to discontinue his membership. Really speaking I must say that this was certainly a deficiency in the original draft. When I saw it I felt that it must be remedied. Therefore, I am prepared to accept this new amendment. After this, I do not see any reason why the other amendments should be pressed.

As regards the term of imprisonment, two years is the maximum period. It is the maximum punishment that is provided, and the court will go in all cases into the facts while deciding the quantum of punishment. This is the maximum punishment, and, therefore, I feel that the present provision should be accepted.

**MR. DEPUTY-SPEAKER :** I shall now put the amendment of Shri Nambiar to vote. Amendment No. 57 was his amendment. He has slightly amended it, and the new amendment would read like this.

**SHRI Y. B. CHAVAN :** Let it be treated as a fresh amendment.

**MR. DEPUTY-SPEAKER :** The question is :

Page 8, line 20, *after 'is', add 'and continues to be'.*

*The motion was adopted.*

**MR. DEPUTY-SPEAKER :** I shall now put the other amendments to this clause, namely amendments Nos. 21, 22, 57, 58, 59, 60 and 76 to vote. Shri Indrajit Gupta's amendment No. 150 is covered by

another amendment and, therefore, that is dropped.

*Amendments Nos. 21, 22, 57, 58, 59, 60 & 76 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

That clause 10, as amended, stand part of the Bill.

*The motion was adopted.*

*Clause 10, as amended, was added to the Bill.*

**Clause 11—***(Penalty for dealing with funds of unlawful association)*

MR. DEPUTY-SPEAKER : There are some amendments.

SHRI GEORGE FERNANDES : I beg to move :

Page 8, lines 32 and 33,—  
for "may extend to three years"  
substitute "shall not extend one year"  
(23)

Page 8, line 33,  
after "fine", insert—  
"which shall not exceed rupees one hundred," (24)

SHRI NAMBIAR : I beg to move :

Page 8, lines 32 and 33,—  
for "three years" substitute—  
"three months" (61)

SHRI SHRI CHAND GOEL : I beg to move :

Page 8, line 33,—  
after "years" insert—  
"or for a period upto which the notification issued under section 3, operates under sub-section (2) of section 6, whichever period is shorter"  
(62)

SHRI VISWANATHA MENON : I beg to move :

Page 8, line 30,—  
after "otherwise" insert "intentionally"  
(104)

Page 8,—

for lines 32 to 38, substitute—

"punishable with imprisonment for a term which may extend to three months or with fine not more than one hundred rupees" (105)

SHRI NAMBIAR : My amendment No. 61 is very simple. Instead of three years, I want it to limit it to three months. The person on whom a prohibitory order is issued shall be punished if he deals in any manner with the property in contravention of the order. It is a technical order. He has been asked that so much money should not be taken or that he should not take a cooking utensil or that he should take a table instead of a desk and so on. If there is contravention, he is proposed to be punished with three years. I say it is too much; it should be only three months. The association itself is declared unlawful only for two years, but here the proposed punishment is three years.

श्री जार्ज फर्नेन्डीस : सजा कम करनी चाहिए । दंड कम होना चाहिए ।

SHRI Y. B. CHAVAN : I have nothing to add to what I have said.

MR. DEPUTY-SPEAKER : I shall now put all these amendments together to the vote of the House.

*Amendments Nos. 23, 24, 61, 62, 104 & 105 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 11 stand part of the Bill".

*The motion was adopted.*

*Clause 11 was added to the Bill.*

**Clause 12—***(Penalty for contravention of an order made in respect of a notified place)*

MR. DEPUTY-SPEAKER : There are some amendments.

SHRI GEORGE FERNANDES : I beg to move :

Page 8, line 41,—  
for "one year" substitute—  
"three months" (25).

[Shri George Fernandes]

Page 8, line 42,—

*add at the end—*

"which shall not exceed rupees one hundred" (26).

Page 9, line 2,—

*for "one year" substitute—*

"three months" (27).

Page 9, line 2,—

*add at the end—*

"which shall not exceed rupees one hundred" (28).

SHRI NAMBIAR : I beg to move :

Page 8, line 41,—

*for "one year" substitute—*

"one month" (63).

SHRI SHRI CHAND GOEL : I beg to move :

Page 8, line 41,—

*after "one year" insert—*

"or for a period upto which the notification issued under section 3, operates under sub-section (2) of section 6, whichever period is shorter" (64).

SHRI NAMBIAR : I beg to move :

Page 9, line 2,—

*for "one year" substitute—*

"one month" (65).

SHRI SHRI CHAND GOEL : I beg to move :

Page 9, line 2,—

*after "one year" insert—*

"or for a period upto which the notification issued under section 3, operates under sub-section (2) of section 6, whichever period is shorter" (66).

SHRI VISWANATHA MENON : I beg to move :

Page 8, line 39,—

*after "Whosoever" insert "intentionally" (106).*

Page 8, lines 41 and 42,—

*for "one year, and shall also be liable to fine," substitute "one month or shall be liable to fine not more than fifty rupees" (107).*

Page 9, line 2,—

*for "one year, and shall also be liable to fine" substitute "one month or shall be liable to fine not more than fifty rupees" (108).*

MR. DEPUTY-SPEAKER : Shri V. Krishnamoorthi's amendment No. 134 is the same as 106 already moved.

Whatever has to be said has been said already. Let us dispose of these first. Then we will have some more time at the third reading stage.

I shall now put all these amendments together to the vote of the House.

*Amendments Nos. 25 to 28, 63 to 66 and 106 to 108 were put and negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That clause 12 stand part of the Bill".

*The motion was adopted.*

*Clause 12 was added to the Bill.*

Clause 13— (*Punishment for unlawful activities*)

MR. DEPUTY-SPEAKER : There are a number of amendments. I shall read them out.

Shri George Fernandes : Nos. 29, 30, 31, 32, 33.

Shri Nambiar : 67, 68, 71, 109, 110, 111, 112, 113.

Shri Shrichand Goel : 69, 70, 72.

These are treated as moved. The other amendments Nos. 135, 136, 137, 138, 139, and 151, are the same as those already moved.

As regards No. 159, the member is absent.

SHRI GEORGE FERNANDES : I beg to move :

Page 9, line 8,—

*for "seven years" substitute—*

"two years" (29).

Page 9, line 8,—

*add at the end—*

"which shall not exceed rupees two hundred" (30).

Page 9, line 13,—  
for "five years" substitute—  
"one year" (31).

Page 9, line 13,—  
after "fine" insert—  
"which shall not exceed rupees one  
hundred" (32).

Page 9,—  
omit lines 14 to 17 (33).

SHRI NAMBIAR : I beg to move :

Page 9, line 6,—  
omit "advocates, abets, advises or"  
(67).

Page 9, line 8,—  
for "seven years" substitute—  
"one year" (68).

Page 9, line 13,—  
for "five years" substitute—  
"six months" (71).

SHRI P. RAMAMURTI : I beg to move :

Page 9, line 4,—  
after "Whoever" insert "intentional-  
ly" (109).

Page 9, line 8,—  
for "seven years, and shall also liable  
to fine" substitute "three months or  
with fine not more than two hundred  
rupees" (110).

Page 9, line 9,—  
after "Whoever" insert "intentionally"  
(111).

Page 9, line 13,—  
for "five years, or with fine, or with  
both" substitute "three months or  
with fine not more than two hundred  
rupees" (112).

Page 9, line 17,—  
add at the end,—  
"and nothing shall be an offence for  
any group of persons to either advoca-  
te, abet or assist for concluding  
any treaty, agreement, or convention  
or negotiations" (113).

SHRI SHRI CHAND GOEL : I beg to  
move :

Page 9, line 8,—  
for "seven years" substitute—  
"three years, or for a period upto  
which the notification issued under  
L103LSS/67-11

section 3, operates under sub-section  
(2) of section 6, whichever period is  
shorter" (69).

Page 9, line 13,—  
for "five years" substitute—  
"three years or for a period upto  
which the notification issued under  
section 3, operates under sub-section  
(2) of section 6, whichever period  
is shorter" . (70)

Page 9,—  
after line 17, insert—  
"Provided that the Central Govern-  
ment shall obtain prior approval of  
the Parliament for entering into such  
treaty, agreement, convention or  
negotiations with the Government of  
any other country" (72).

श्री जार्ज फरनेन्डीस : अध्यक्ष महोदय, मैं  
तो एक ही वाक्य कहना चाहूंगा। 13(3) को  
हटाया जाय यह मेरा कहना है। (3) में यह  
लिखा है

"Nothing in this section shall apply  
to any treaty, agreement or convention  
entered into between the Government of  
India and the Government of any other  
country or to any negotiations therefor  
carried on by any person authorised in  
this behalf by the Government of India".

अध्यक्ष महोदय, सरकार यह छूट चाह  
रही है. . . . .

सरकार यह चाहती है कि कांग्रेस पार्टी  
चाहे तो अनलाफुल एक्टीविटी करे, उनको  
अनलाफुल एक्टीविटी करने की माफ़ी दी  
जाय, और उनके लिये अनलाफुल एक्टीविटी  
करने के लिये इस कानून में इन्तज़ाम कर दिया  
है।

17 Hrs.

उपाध्यक्ष महोदय, हम इस सब क्लॉज  
को बिलकुल हटा देना चाहते हैं। सरकार को  
भी इस मुल्क का कोई भी हिस्सा दूसरे किसी  
मुल्क को देने के लिये हम इस कानून में संमत  
मनाही चाहते हैं। इसलिये मैंने यह तर्कमीन  
पेश की है और मैं उम्मीद करता हूँ कि गृह  
मंत्री जी इसको ज़रूर मंज़ूर करेंगे, यदि वह  
इस कानून को ईमानदारी से अमल में लाना  
चाहेंगे।

श्री श्रीचन्द्र गोयल : उपाध्यक्ष महोदय, मैंने सब-क्लाउज़ तीन के बाद यह संशोधन किया है कि इसमें ये शब्द एड किये जायें—

"Provided that the Central Government shall get the approval of Parliament for entering into such treaty."

चूँकि कांग्रेस का आज का इतिहास इस प्रकार का रहा है कि इन्होंने बेरूवाड़ी को संसद का परामर्श लिये बगैर दुश्मनों के हवाले सौंप दिया। हिन्दुस्तान और पाकिस्तान के युद्ध में हमारे नौजवानों ने जिस हाजीपीर, कारगिल के इलाके को बड़ी वीरता के साथ जीता था, इन्होंने उसको ताशकन्द स्प्रिट का शिकार बना दिया और वे जीते हुए इलाके बगैर देश की और संसद की राय लिये पाकिस्तान के सुपुर्द कर दिये गये। इसलिये मैं यह संशोधन पेश कर रहा हूँ कि जब इस प्रकार का प्रसंग आये तो ये संसद को विश्वास में लें, उसकी अनुमति लें, उसमें मोहर लगावायें, तब हिन्दुस्तान का कोई इलाका दुश्मनों के हाथ में सौंपे, यदि ऐसा नहीं हुआ तो इस कानून से तो इनको हक मिल जायगा—मेरी दृष्टि में यह अनुचित है।

SHRI V. KRISHNAMOORTHY: Without political party advocating whether a particular treaty or agreement is necessary or not; treaty cannot be made or an agreement cannot be entered into, because this is democratic country. If it is China, Mao Tse-tung can straight away enter into it; if it is Pakistan, Ayub Khan can straight-away enter into an agreement with the Government of India or other countries, but ours is democratic country, and whether it is an agreement or treaty favourable to India may be debatable point. The whole Act goes into the air if this clause 3 is applied strictly. Therefore, my amendment is to add at the end :

"and nothing shall be an offence for any group of persons either to advocate, abet or assist for concluding any treaty, agreement, or convention or negotiations."

According to this particular sub-section, if the hon. Home Minister enters into a

treaty, he escapes from the liability of the law, but if some party wants some peaceful settlement, then the law applies. That is why the amendment should be accepted. Moreover, if this clause 3 is strictly applied the entire Act is going to be annulled by the court.

SHRI NAMBIAR : My amendment No. 67 wants to take away the words "advocates, abets, advises or". Then, it will read, "Whoever takes part in or commits, or incites the commission of any unlawful activity...". The man who commits an unlawful act must be punished; otherwise, anybody can be hauled up. It is so vague that whomsoever the police does not like can be hauled up. That is the point.

My next amendment is that seven years punishment should be changed to one year. After all, for unlawful activity in organisation becomes illegal only for two years, but whoever commits an offence is given seven years, in inverse proportion, that is not proper. So, the amendment of Mr. Goel may be accepted, or mine may be accepted which is very moderate, that it may be one year. After all, a man cannot escape. Once his association is declared illegal and he undergoes one year's imprisonment and he comes out, if he again does the same thing, you can give him one year every time. You give him terms like that. But do not give him seven years imprisonment. That is too much. That is not proportionate. Please alter it to one year and six months.

SHRI S. KUNDU : Sir, in this clause, very deterrent punishments have been provided for. I have two points to make in respect of this clause. One is that in clause 13(b), a punishment of seven years' imprisonment is provided for. It is therefore giving a long handle to the executive and the police to use the provisions in any way they like. It is something to haul up a person for unlawful activity, such as trying to sabotage the integrity of the country and to award him a punishment of imprisonment for a certain number of years. But to say that somebody is inciting and so he should be given seven years' imprisonment as a punishment, is too much. After all, it is easy to manufacture such evidence, to cook up such evidence, to show that some one has incited. Therefore, this is wrong.

When I was imprisoned under DIR I know how it is misused. Under section 109 of the Criminal Procedure Code, some people have been hauled up because they have been found to be moving like vagabonds. This is their crime because they have been found to be moving like vagabonds. Therefore, under section 109 of the Cr.P.C. they were given punishment, and their civil liberty was taken away. Therefore, my fear is this. When you take such powers on yourself, it is liable to be misused.

Then, about sub-clause (3), I would like to say one thing. This clause is also very deterrent, because anybody who wants to meddle or who wants to interfere with the integrity—may be some government or may anybody—is attracted by this provision and he is hauled up. Sub-clause (3) says: "... entered into between the Government of India and the Government of any other country." This should not come into force; this is a discriminatory provision. I suspect and I strongly believe that this is a discrimination, and this clause will be hit by the Constitution and would be thrown out if it is taken to a court of law. Therefore, I would plead that sub-clause (3) of this clause should be deleted.

MR. DEPUTY-SPEAKER : Mr. Ramamurti, would it not be better if you speak at the final stage? I will give you time then.

SHRI P. RAMAMURTI : I did not speak on the other amendments. I am now speaking on this amendment because this is particularly important in view of what the Home Minister stated yesterday. Yesterday, the Home Minister stated that he understood Mr. Daphtary to say that he logically agreed, that it was logical. We were not having a class on logic. What we were having before us was the observation of the Attorney-General. In his statement, while giving evidence on the Bill, he said that this Bill comes within the reasonable restrictions clause of the amendment to the Constitution. It was my task as well as the task of other Opposition Members to point out certain facts more or less as a sort of cross-examination and then draw out things from him. Therefore, that is what has taken place. Actually, there in the course of that examination,—I do not go very much into the details I quoted at one time certain judgements and asked him what exactly was his view. I asked him how he could call the restrictions

provided for in the Bill as reasonable. He said, "May I answer, though it is not easy to answer. Let me start with the judgment first. That was in 1952." It was said that the Supreme Court was taking a liberal view. It was a stricter view. It may have been liberal from the point of view of the Government. And let us hope that in future, they will take a stricter view. Therefore, he put the whole thing on the basis of an astrological prediction that the Supreme Court might give later on. I am not concerned with that. I am only concerned with this particular thing : here again, I tried to ask him only on the question of reasonable restriction. I asked him, "Therefore, the Government of India is authorised to negotiate with any other country even for the purpose of cession of a part of our country or territory. Now, you said, an expression of opinion is not barred. Supposing, a political party thinks that the policies that the Government of India is pursuing in a certain border dispute is not correct and, therefore, it thinks that there must be a political settlement which may be 'give and take', while an expression of opinion by an individual is considered to be correct, but a political party, in the interest of the country and genuinely thinking it to be in the interests of the country, in view of the power which the Government is authorised to exercise, in order to make the Government do that thing, it tries to mobilise the people and canvass support for the public opinion, will that be wrong?" The Attorney-General replied : "As I understand it, if you express an opinion collectively or singly, provided it is an opinion." This was the answer. Then I further pursued the matter. I did not leave it at that. I said :

"It is a question of acting when you say 'it incites other people', when it asks the Government of India to act in this particular manner. Therefore, it is wrong to ask the Government to do a particular thing which the Government is entitled to do under this Act. This Act provides that the Government of India can enter into negotiations etc. and act in a particular manner."

"How do you say that it is reasonable? Section 13 is very clear that the Government can act. If I ask the Government to act—after all democracy means popular opinion—and the popular

[Shri P. Ramamurti]

opinion asks the Government to act in a particular way, how is it wrong?

Without supporting any claim—I need not support any claim—but in the interests of peace and in the interests of our country....”

In the interests of peace, if I say that there must be a political settlement, how do you say that it is wrong? He said :

“The party collectively expresses an opinion; you meet together and say, ‘We express the opinion’....”

I further pursued :

“Political parties in this country function not only among its members; in a democracy, the political parties go to the people, ask their opinion, give their opinion and ask the people to express themselves in favour of that. That means something—going, inciting people to act in a particular way. Therefore, if we in- under section 13, then you say, ‘You can cite the people in a way as provided for express an opinion but you cannot ask the people to do that’.... If the government is prohibited from ceding anything, then I can understand your saying ‘You cannot do that’, but the government is empowered with those powers.”

He said : “Why do you put into the Constitution ‘integrity and sovereignty of India’? It is to preserve it.”

I said :

“But the Government in certain circumstances is authorised to do certain things. Therefore, in a democracy people can certainly ask the Government to do a thing in a particular way. How is it unlawful?”

Then, when I finally pinned him down, after waiting for 5 minutes, he said, “I agree. It did not strike me then.”

Therefore where is the question of putting some interpretation which is not warranted? The whole question was about ‘reasonable restriction’. That is why I have moved an amendment.

Apart from that, are we responsible for the state of affairs on the borders today? It is the Government of India which referred the Kashmir issue to the U.N. in 1947 on the advice of Mountbatten and today it has become an international issue. Are

we responsible for that? Are we responsible for the fact that in Aksaichin China is there and not we? We are not responsible for that. It is the Government of India that has given us this situation. It was the Prime Minister of this country who said on the floor of the House in 1959, 12 years after independence, “I do not know to whom this area belongs”.

17.13 Hrs.

[MR. SPEAKER *in the Chair*].

We are not upholding the claim of anybody. But the Government of India is authorised to have a settlement. After all, a political settlement means give and take. You may give something and get Kailash. By some give and take, you may solve the problem. Without supporting any claim, we are only interested in seeing that the problem is settled somehow or other. So, can we not ask for a political settlement? Yesterday, the Home Minister said, “You appoint me as your lawyer and I will tell you”. Sir, I have never defended my cases with the help of lawyers; I have done it myself and I have proved myself to be a good lawyer.

In view of the specific evidence given by the Attorney General and in view of the democratic practice, why should you deny this right to a political party? I agree that no claim is to be supported. But if it is open to somebody to have a settlement, it is open to me to rally public opinion to say that the Government of India must take the initiative to have a political settlement. That should not be penalised.

SHRI TENNETI VISWANATHAM : Sir, we have passed clause 10 which says :

“Whoever is a member of an association declared unlawful by notification... or takes part in meetings of any such unlawful association or continues to or receives or solicits any contribution for the purpose of, any such unlawful association....”

Clause 13 says the same thing :

“Whoever takes part in or commits or advocates, abets, advises or incites the commission of any unlawful activity....”

In clause 10 also it is said “assisting the operation of any unlawful activity”. There we get two years. Here the same thing is paraphrased again into two clauses, in one

it is a punishment of seven years and in another it is five years. Therefore, for the same thing there are two clauses, one is clause 10 and the other is clause 13 with two sub-clauses. I submit that the Government should make up its mind whether it would like to proceed under clause 10 or clause 13 instead of leaving to the judge. The tribunal cannot understand any of these dubious things. Will they make it clear?

**SHRI GOVINDA MENON :** The main criticism has been against sub-clause (3) of clause 13 regarding treaty, agreement convention etc. The Government thinks that this Act will be on the statute-book only for a limited period. When the situation becomes normal certainly Government will be interested in repealing this Act, characterised extraordinary by the Home Minister himself. With respect to treaty and other things, in all governments everywhere in the world it is the duty of government and its privilege to enter into treaties with other sovereignties. But Government do not go about propagating their views in regard to this matter and inciting people in this regard. Shri Ramamurti was saying that they may like to plead for a certain settlement of certain outstanding questions in a certain manner. This Bill does not prohibit propagation of these views within the four corners of Parliament. That is my answer to the several points made against sub-clause (3) to clause 13. Government are not in a position to accept the amendments.

**MR. SPEAKER :** What about Shri Viswanatham's point?

**SHRI GOVINDA MENON :** Under clause 10 the maximum is two years for being a member. Under clause 13 the maximum is 7 years. That is because clause 13 provides for overt activity. In clause 13 the activities are specified. Whatever is contained in clause 13 should be taken to be not contained in clause 10.

**MR. SPEAKER :** I shall put all amendments to clause 13 to the vote of the House.

*Amendments Nos. 29 to 33, 67 to 72 & 109 to 113 were put and negatived.*

**MR. SPEAKER :** The question is :

"That clause 13 stand part of the Bill."

*The motion was adopted.*

*Clause 13 was added to the Bill.*

**MR. SPEAKER :** We have spent already ten hours on this Bill when only 7 hours were allotted. Just now the Business Advisory Committee met and it has been decided that this Bill should be concluded today. According to rules also I can put all the amendments together and all the remaining clauses together. But if hon. Members will co-operate we may be able to finish it in another 25 to 30 minutes. It must be over today, because the financial business and other items have to be taken up from tomorrow. The Business Advisory Committee has met and has fixed up the whole thing. It has decided that the discussion on this Bill should be over by today evening, including the third reading, so that from tomorrow other items of work can be taken up. Otherwise, the discussion on foreign affairs and other items which have been fixed up by the BAC will go and I will be helpless. The rules clearly say that when the BAC has fixed some time and the House has accepted it, the Speaker can put all the clauses to the vote together after that allotted time is over. I can extend the time by half an hour or one hour. I cannot extend it for days together.

**SHRI TENNETI VISWANATHAM :** But the rules did not ask government to bring such a contentious measure.

**MR. SPEAKER :** The BAC fixed up the time after seeing the nature of the Bill.

I find that there are no amendments to clause 14. I will put it to the vote of the House.

**SHRI P. RAMAMURTI :** You may put the rest of the clauses to the vote now and give the rest of the 40 minutes or so for the third reading.

*Clauses 14 to 21*

**MR. SPEAKER :** It is a very good suggestion.

All the amendments to clauses 15, 16, 17 and 19 will be treated as moved.

**SHRI GEORGE FERNANDES :** I beg to move :

Page 9,—

*after line 26 insert—*

"Provided, however, that such members or associations shall be given an opportunity to prove to the contrary before the Tribunal set up under this Act". (34)



SHRI RAJDEO SINGH (Jaunpur) : I beg to move :

Page 9, line 24,—

after "name" insert—

"or change of complexion" (171)

SHRI NAMBIAR : I beg to move :

Page 9, line 31,—

after "court" insert—

"except a High Court" (73)

SHRI P. RAMAMURTI : I beg to move :

Page 9, line 32—

for "or by way of" substitute "except by way of" (114)

SHRI GEORGE FERNANDES : I beg to move :

Page 10,—

after line 4 insert—

"Provided that on the coming into force of this Act, any citizen of India shall have the right notwithstanding anything contained in any other enactment to take appropriate legal proceedings in an appropriate court of law against any authority on the ground that it has been guilty of some unlawful activity as defined in clause (f) of section 2 of this Act." (35)

SHRI NAMBIAR : I beg to move :

Page 10, line 1,—

after "court" insert—

"except a High Court" (74)

SHRI GEORGE FERNANDES : I beg to move :

Page 10, line 14,—

after "may," insert—

"with the prior approval of Parliament," (36)

SHRI P. RAMAMURTI : I beg to move :

Page 10, line 23,—

add at the end—

"who shall not be less the rank of a Chief Secretary" (115)

SHRI SEQUEIRA : I beg to move :

Page 10, line 22,—

for "person" substitute—

"Gazetted Officer" (172)

MR. SPEAKER : I shall put all these amendments to vote.

Amendments Nos. 34, 171, 73, 114, 35, 74, 36, 115 & 172 were put and negatived.

MR. SPEAKER : I shall now put the remaining clauses to vote.

The question is :

"That clauses 14 to 21 stand part of the Bill"

The motion was adopted.

Clauses 14 to 21 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI Y. B. CHAVAN : I beg to move :

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

MR. SPEAKER : Motion moved :

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

SHRI SRADHAKAR SUPAKAR (Sambalpur) : According to the agenda, there is to be a discussion on Paradip port today. When will it be taken up ?

MR. SPEAKER : Let this Bill be over. Then we will see whether that can be taken up.

श्री कंबरलाल गुप्त : इस बिल के द्वारा सदन ने मंत्री महोदय को और सरकार को वे अधिकार दिये हैं जो कि अभी तक किसी और बिल में नहीं दिये गये हैं। ये इतने अधिक अधिकार हैं कि अगर एक तरह से देखा जाए तो विधान में जो फंडेमेंटल राइट्स हैं उनको भी किसी मात्रा में छोड़ दिया गया है। ये अधिकार इसलिए उनको दिये गये हैं कि सदन समझता है कि देश की सुरक्षा के लिए, एकता की रक्षा के लिए, प्रभुसत्ता की रक्षा के लिए अगर सरकार को कुछ फंडेमेंटल राइट्स भी दबाने की जरूरत पड़े तो भी उसको ऐसा करने का अधिकार दे देना चाहिये। इतनी आधिकारी पावर्ज

और एक तरह से फ़ैसलिस्ट पावर्ज देने के बाद भी सवाल आएगा कि क्या सरकार इस बिल को जिस तरीके से इसको अमल में लाया जाना चाहिये लाती है या नहीं लाती है। बिल पास करना एक बात है और उसको इम्प्लेमेंट करना दूसरी बात है।

मैंने आर्विद्रेरी पावर्ज का जिफ़ किया है। मैं इस बात को मानता हूँ कि मंत्री महोदय ने हमारे एक संशोधन को जोकि टैरिटरियल इंटग्रेटी के बारे में था मान लिया है। इस का मैं स्वागत करता हूँ। उससे कुछ बात स्पष्ट भी हो गई है। वह एक अच्छी बात थी।

मुझे दुख है कि ट्रिब्यूनल के जजों के बारे में जो बात हमने कही थी उसको मंत्री महोदय ने नहीं माना है। ओरिजिनल बिल जब यहां इंट्रोड्यूस किया गया था उस में उस वक्त यह था कि तीन आदमियों का वह ट्रिब्यूनल बनेगा। सिलैक्ट कमेटी में जब यह बिल गया तो वहां यह तय किया गया कि एक सदस्यीय यह ट्रिब्यूनल होगा और वह सदस्य हाई कोर्ट का कोई जज होगा। यहां सदन में यह मांग की गई है कि तीन जजिज का एक ट्रिब्यूनल होना चाहिये। मंत्री महोदय ने गुस्से में आ कर कह दिया है कि नहीं जो मैं कहता हूँ वही होगा। मैं इसको नहीं मानता हूँ। उन्होंने इस मांग को न मानने के बारे में कोई तर्क नहीं दिया है।

मैं यह भी समझता हूँ कि बिल को पास करवाने से पहले यह अच्छा होता अगर इसको जनता की राय जानने के लिए भेज दिया जाता यह एक एक्सट्रा-आर्डिनरी लैजिस्लेशन है। धक्केशाही से इसको पास करवा लिया गया है। चूकि इनकी पार्टी की मैजोरिटी है इस वास्ते आप इस तरह से पास करवा लें तो यह गलत चीज होगी, गलत परम्परा होगी। क्यों आप लोगों के फ़ेडरमेंटल राइट्स को कर्ब करने जा रहे हैं यह आपकी लोगों

को बताना चाहिये था, इसके बारे में आपको लोगों को विश्वास में लेना चाहिये था। जिस तरह से दूसरे देशों में होता है सरकार को साफ बताना चाहिये कि हमारे देश में ये एक्टिविटीज हो रही हैं और इसलिये हम यह बिल लाना चाहते हैं। गृह मंत्री ने कोई विशेष बात नहीं कही है। यही कहा है कि मिजोरलैंड में कुछ हो रहा है, इधर उधर कुछ हो रहा है। ब्लाइट पेपर निकाल कर उनको बताना चाहिये था कि ये ये चीजें हैं जो डैफीनिटली हो रही हैं देश में और इस वास्ते हम इतना सब्त लैजिस्लेशन लाने जा रहे हैं और इसके बिना हमारा काम नहीं चल सकता है। इस तरह की चीजों को बताये बिना इस बिल को जस्टिफ़ाई नहीं किया जा सकता है और न जनता को विश्वास में लिये बगैर काम चल सकता है। मैजोरिटी के केसिस पर इस तरह का काला कानून पास कर देना उचित नहीं होगा। यह डेमोक्रेसी के भी खिलाफ होगा। अच्छा होता अगर सरकार बताती कि क्यों वह इस कानून को लाना चाहती है और इस चीज को उसे स्पष्ट तौर पर बताना चाहिये।

फिर इस बिल में आपको यह भी चाहिये था कि आप लोगों को अपील करने का राइट देते। तीन आदमियों का ट्रिब्यूनल होता और उसके बाद अपील का राइट दिया जाता ताकि जो मुल्जिम हैं, अगर उसने कुछ गलत काम भी किया है, चाहे वह जनता के सामने न भी कहे कि उसने गलत काम किया है, लेकिन उसकी आत्मा जरूर कहेगी कि उसने गलत काम किया है और सरकार ने उसे पूरा मीका दिया है सेंटस के खिलाफ अपील करने का और इन्साफ पाने का। इस तरह का प्राबिजन और इस तरह की मशीनरी इस बिल के अन्दर नहीं बनाई है। मंत्री महोदय को चाहिये कि तीन आदमियों का ट्रिब्यूनल बनायें, अपील की व्यवस्था करें और ब्लाइट पेपर के जरिये यह बतायें कि यह लैजिस्लेशन क्यों वह ला रहे हैं। क्लीयर कट इस्टैसिस

[श्री कंवर लाल गुप्त]

भी, दस बारह या पंद्रह दे कर उनको बताना चाहिये था कि ये कारण हैं, देश की यह यह स्थिति है, इसलिए हम फंडेमेंटल राइट्स के ऊपर थोड़ी भी रोक लगाना चाहते हैं।

इम्प्लेमेंटेशन की बात मैंने कही है। यह सरकार अधिकार बहुत इकट्ठे करना चाहती है। इतने अधिक अधिकार इसने ले लिये हैं कि शायद इनकी कमर इन अधिकारों के बोझ से दब गई है। सबाल पैदा होता है कि माओ का फोटो या अयूब का फोटो क्यों लगाया जाता है, माओ का नारा क्यों लगाया जाता है देश में, होस्टाइल कंट्रीज जो हैं उनके समर्थक यहां कैसे हैं और उन पर रोक क्यों नहीं लगाई जाती है? इसका जवाब यह दिया जाता है कि इस तरह की चीजों पर रोक लगाने का हमारे पास कोई कानून नहीं है। यह बड़ी अजीब बात है। इतने कानून हैं आपके पास और आप कहते हैं कि कानून नहीं हैं। कानूनों का इस्तेमाल नहीं होता है और हो भी नहीं सकता क्योंकि इस सरकार की कोई स्पष्ट नीति नहीं है। मैं मानता हूँ कि यहां लायल लोग हैं और देश की रक्षा करना चाहते हैं, जो हमारे देश की प्रभुसत्ता की रक्षा करना चाहते हैं और आप उनको पूरा मौका दें और डेमोक्रेसी की मांग है कि उनको अपनी एक्टिविटीज को जारी रखने का आप मौका दें। लेकिन जो लोग देश के प्रति लायल नहीं हैं, जो एंटी-नेशनल एक्टिविटीज में लगे हुए हैं, उन के साथ बैठकर प्रधान मंत्री एक बार नहीं अनेकों बार बात करें और गवर्नमेंट के गैस्ट हो कर वे यहां आयें और फिर वापिस जा कर हमारे सिपाहियों को मारें, उन पर हमले करें, ट्रेनों को लूटें और फिर भी आप उन से बातचीत का दौर जारी रखें इस तरह से तो देश की एडमिनिस्ट्रेशन मिट्टी में ही मिल जाती है। ऐसी अवस्था में आप कानून भी बना लेते हैं तो भी कोई अन्तर नहीं पड़ता है। कानून बनाने का कोई जस्टिफिकेशन भी नहीं रहता है।

मिजोरा की बात मैंने कही है। मिजोरा का आज पहले के मुकाबले में सुधार क्यों हुआ है। इसलिए नहीं हुआ है कि यह बिल आ रहा है। इसलिए सुधार हुआ है कि आपने पिछले दो तीन महीने से कुछ सख्त कदम उठाये हैं। जब तक आप सख्त कदम नहीं उठाते आप उन पर काबू नहीं पा सकते थे। वे आपके कंट्रोल से बाहर जा रहे थे यह कानून अगर लगना चाहिये तो नागालैंड में लगना चाहिये, मिजोरा में लगना चाहिये, असम के कुछ हिस्सों में जो लोग गड़बड़ कर रहे हैं उन पर लगना चाहिये, काश्मीर में उन लोगों के खिलाफ लगना चाहिये जिन के बारे में यह ख्याल है कि वे देश के वफादार नहीं हैं और जो परसुएशन से भी देश के वफादार नहीं हो सकते हैं। आपके भाषण देने से वे वफादार नहीं हो सकते हैं। उन पर यह कानून सख्ती से लागू हो।

हमारे यहां डेमोक्रेसी है। डेमोक्रेसी को चलाना बड़ा डैलीकेट मामला है। ऐसा न हो कि आपकी पार्टी का मामला कहीं आ जाए तो आप लालच में आ कर ऐसा कदम उठा दें जिससे मालूम हो कि अपनी पार्टी की स्टैबिलिटी के लिये आप इसका इस्तेमाल कर रहे हैं। इसका मैं विरोध करता हूँ। मैं समझता हूँ कि अभी तक सरकार ने कोई केस इस बिल के बारे में बना कर सदन के सामने नहीं रखा है।

SHRI H. N. MUKERJEE (Calcutta North East): Mr. Speaker, Sir, I oppose this measure because it is all obnoxious from A to Z. The discussion on the clauses has shown that the Government is not even willing to make a few changes which could have made it conceivably slightly less obnoxious.

I am rather deeply disturbed about recent developments which have led to Government trying to push through Parliament this kind of legislation. I am just coming from West Bengal where certain things are happening which show that there is a scheme, a deliberate planned effort, to terrorise sections of the popula-

tion. I am not going into the matter. But I think, at least we should look at a picture which has appeared in today's *Patriot* where Mr. Renu Chakravarty who was in this House for 15 years is shown to be treated in a manner which should bring shame to everybody in this House and in the country. I have noticed the emergence of what is something like the beginnings of fascism when an effort is made to terrorise sections of the population. And here is a measure whose objective can be nothing else than the terrorisation of sections of the population.

I quite appreciate Mr. Chavan's parliamentary manner and I am quite ready to admire the cleverness with which he can manoeuvre many things in Parliament and outside. I appreciate the way in which he smiles at political opponents. But I cannot understand why he is trying to hide the kind of animus against a certain political philosophy about which there is no doubt whatever. I want to know for instance, what exactly is the provocation for this kind of legislation. What has been happening lately except for the fact that the position of the Congress Party is jeopardised in large parts of India? Is there any movement anywhere afoot where the territorial integrity of our country is in danger? Is there any party in this House, and we represent almost the totality of the political life of our country, which does not stand by the integrity of this country? The other day, when Mr. Chavan and Mr. Nambiar had an exchange, was it not clear that a very irrelevant matter was being brought into the picture that no party in this country, no organised opinion in this country, was going to attack the territorial and other integrity and the sovereignty of this country? There is no doubt about it. When there are such people, I want to know, as a Member of Parliament, what is Government doing about it. Why are they not being prosecuted? Why is there even one single case where a man who is allowed to assist certain nefarious designs of hostile neighbours is not being brought to book? Why is it, on the contrary, that espionage cases are put up and then those chaps are allowed to go scot-free? Why one man whose name was mentioned in connection with the name of Mr. Atulya Ghosh, of great reputation, is not prosecuted? He is now wandering

freely in Calcutta and attending the swearing in ceremony of the new Ministry, the puppet Ministry, of Shri P. C. Ghosh in Raj Bhavan, Calcutta. That kind of thing goes on and there is no prosecution of elements which are supposed to be carrying on nefarious activities.

We want to be satisfied as to what exactly is the danger to the country. There is no danger. Mr. Chavan has told us repeatedly in the House that in so far as the demands of such people as the Nagas and the Mizos are concerned, we have to have a political solution of the matter, the exact expression used by my friend, Mr. Ramamurti. If we want to have a political solution of this matter, why keep this Damocles' sword hanging over everybody. Why not give an impression to the country that by persuasion, that by argumentation by justification of whatever proposals Government has to offer, these different claims can and ought to be satisfied. That is the position which we have got to take it.

I was flabbergast a little while ago—I was trying to attend as much of the debate as I could—during the discussion on the clauses, when a very innocent suggestion was made, a suggestion sought to be fortified by my friend, Mr. Tenneti Vishwanatham in particular, in regard to judicial determination of the guilt or lack of guilt of persons or parties or associations involved, Mr. Chavan said—I noted down his words—as follows: "If I have to give the right to appeal, it is better I do not have the Act at all." That shows the mentality. Exactly these were the words which I took down; possibly these gentlemen could verify this later if a reference is made to it. He is not willing and ready to let the man have recourse to appeal. This is the kind of thing which is being done and that is why we feel, in view of what has happened, in view of the Government's present attitudes, in view specially of what is happening in West Bengal today, we have every suspicion that this Bill is utterly nefarious, this is most disgusting piece of legislation. No wonder, he called it a black Act. It is something like lawless law of the old dispensation when we were unfree and it is a matter of shame that, after 20 years of freedom, we have to have this kind of legislation. I have no words to express

[Shri H. N. Mukerjee]

the kind of disgust that the decent people in this country would feel in regard to this legislation, and I totally and unequivocally oppose this Bill.

**SHRI P. RAMAMURTI:** I do not want to go into the whole gamut of this legislation at this late hour. We have had a discussion. But during the course of the discussion, there was an exchange between Comrade Nambiar and the Home Minister. Some other members also, while interrupting, were bringing in certain things. For example, when I asked Mr. Chavan as to what was his interpretation of the Clause and why does he say, if some members of an organisation, which we call an organisation, have indulged in some such thing, that the whole organisation should be penalised, Mr. Chavan at that time did not answer that. But later on, it became clear as to what exactly they meant. Time and again, this Naxalbari is being brought in. Mr. Chavan is presiding over the Home Department and the Home Department is getting, what they say 'our papers'. For example, as early as June 20, the Political Bureau of our Party passed a Resolution and that Resolution was published in the newspapers. That Resolution stated this. I will read it out for him if he has not gone through it.

"The PB has considered the activities of certain individual Party members, especially in West Bengal and has come to the conclusion that they are no more a political trend in the Party but that they have grouped themselves into an organized anti-Party Group advocating an adventuristic line and actions challenging the Party Programme and resolutions and directives passed by the Central Committee.

"The PB declares that all those belonging to such Groups are outside the pale of the Party. The PB directs the State Secretariates, especially the West Bengal State Secretariat, to immediately expel them from Party membership.

"The PB has decided to launch a political and ideological campaign against this trend in People's Democracy and other organs of the Party."

Mr. Chavan must be reading our People's Democracy from time to time or, at any rate, his officers must be reading,

and they would have seen that right from that time consistently we have been carrying on an ideological campaign against this trend. Secondly, Mr. Chavan also knows this. In spite of our declaring certain people to be outside the pale of the Party, in spite of throwing many people outside the Party—as a matter of fact, certain District Committees have been reorganized because of this—if some people call themselves Communist Marxists and they hold meetings, how are we responsible? There is no law in this country which prevents anybody from calling himself anything and holding a meeting.

**SHRI BIBHUTI MISHRA (Motihari):** The law is for that.

**SHRI P. RAMAMURTI:** That is not the point. He did not say that. It was said, "extremists in our Party". This is why I say this. For example, my apprehension is fortified by my own experience. After all, we have to go by what this Government has done in the past. I know, as a matter of fact, in 1965, when this Government detained us in jail—he was not presiding over the Home Department at that time, but Mr. Nanda, a great votary of truth was there—what did he say in that White Paper? In that White Paper, he said this. I will give an instance. He quoted our Resolution. All that the Resolution stated was—I quote the very Resolution—this. It asked the Government of India to take the initiative in order to have negotiations, not for the border settlement, in order to see whether a basis can be laid for discussions on the border question. That was considered to be an anti-national activity and he had quoted that in that White Paper. Asking the Government to take the initiative to find whether a basis exists for negotiations, that itself was considered to be an anti-national activity by the Government then. It is there in the White Paper.

Again, I know the only evidence that White Paper contained was from one of our newspapers, a rag, a paper called 'Chengodi'—Red Flag—whose editor and which paper we have boycotted. By a resolution of the Tamilnad Committee we have warned the Party members publicly that nobody should have anything to do with this gentleman. He is an *agent provocateur*. And in spite of all these things, that was

the evidence that was quoted by Mr. Nanda in the White Paper to show that we have been indulging in certain anti-national activities. This is the evidence he had quoted and on that basis he said, 'These people's detention is perfectly justified'. As a matter of fact we had a hell of trouble with him in jail. That gentleman was in jail throughout. Out of 13 months, for 11 months he was all along on parole. Every one of us had to fight him, and we wanted that he should not be brought into our place. That is the gentleman whose paper was quoted as evidence of our anti-national, unlawful activity. When this is the record of the Government, that they do not even give an opportunity, is there any wonder that Mr. Nambiar suspected you? After all, if you had behaved properly, then things would have been different. Therefore, I say, Sir, I can quite understand why this thing is being brought. I can also quite understand why again and again in this Parliament—Mr. Chavan, I definitely say you inspire, I definitely say that the Home Ministry is inspiring you again and again without any evidence. Somebody says something in some paper, 'The Left Communists are doing this', therefore, a call attention motion must be there. Something must be there. All these things are taking place. What is the purpose of all this? That we understand. Therefore, without knowing facts—no facts will be given, for the Home Minister to come and say, 'We have got reports that they are indulging in this kind of thing' what is this? If you have any facts to show, what is the fun of saying that you have got reports. That only means that you are trying to create propaganda and build up opinion. That is the sort of thing that is happening.

Therefore, I can say, I can quite conceive why all these things are being done. For example, to-day the Government finds our Party to be the bitterest opponent of its policies. It mobilises the people. It struggles. That is the whole trouble and their policies are collapsing, their entire economic policies are collapsing, unemployment is raging like a hell. Under the circumstances, when the bitterest opponent of that political, of that economic policy tries to mobilise the people, you want to dampen them by saying something else.

I want you to know one thing. We are not afraid of these things. We are accustomed to these things. In spite of the fact that you dubbed us, people have judged us properly and will continue to judge us properly. If you want to take action on these flimsiest grounds once again, I warn you, that your attacks against us are not going to weaken us. We will be put to difficulties, but I tell you the Communist Party of India will go forward because we depend upon the masses of people, our ideology is such that we can mobilise the people wherever we are. You cannot to-day prevent these ideas. Ideas cannot be fought by this kind of draconian law. Ideas will have to be fought with ideas, policies will have to be fought with policies. Let us fight on policies.

Therefore, I could only warn you. I can very well understand to-day the fact that the Home Minister is not able to give us a single instance and is only talking. When asked if any Party indulges in this kind of thing, he was not able to say that there are some parties which are indulging in these things. We are not legislating for hypothetical things. Therefore, I could only warn, it is left to him to do what he pleases. I cannot to-day influence him. I can only place the facts before him. I can only place the facts before the people of this country. In spite of that the Government tries to utilise this Bill which is certainly going to be passed in spite of the united opposition by the entire Opposition including the Swatantra Party, if in spite of that they are going to misuse it, then as the country revolted against them in the last General Elections as a result of their misuse of the Defence of India Rules—once again I warn you—the country will also teach you a lesson in the coming days.

Thank you, Sir.

**श्री आर्जुन करनेजी :** अध्यक्ष महोदय, हमें बड़ा दुख और शर्म लगती है, कि आजादी के बाद इस मामले को ले कर सरकार को इस सदन के सामने आना पड़ता है कि जिनमें देश की एकता को बचाने के लिए कुछ अधिकार सरकार अपने हाथों में लेना चाहती है। इस विषय पर अध्यक्ष महोदय जो दो-दोई दिनों तक बहस चली हममें एक चीज तो

[श्री जार्ज फर्नेन्डीज़]

बिल्कुल साफ हो चली है कि सरकार खुद के दल के बारे में एक राय रखती है और तमाम गैर-कांग्रेसी दलों के बारे में एक और राय रखती है। मुल्क की एकता की ही बात अगर इस विधेयक में होती तो फिर दो दो तरमीमों को सरकार को इस बिल में स्वीकारना आवश्यक था। 13 बलाज के सब-बलाज 3 वाली तरमीम जहां सरकार को इस बिल के अन्दर अपने देश की भूमि दूसरे किसी भी देश को देने से मनाही करने का प्रयास हम लोग कर रहे थे और दूसरी तरमीम 17 नवम्बर के बलाज की जिसमें हम यह अधिकार देना चाहते थे हिन्दुस्तान के किसी भी नागरिक को कि अगर किसी भी सरकार अथवा दूसरी संस्था की ओर से इस मुल्क की जमीन को दूसरे किसी भी मुल्क को देने का प्रयास होता हो तो फिर उस संस्था को, वह सरकार हो या कोई दल हो, अदालत में ले जाने का अधिकार इस मुल्क के किसी भी एक नागरिक को रहना चाहिए। वह अधिकार देने के लिए सरकार तैयार नहीं है।

इस बिल में जब कि दूसरों के ऊपर प्रतिबन्ध लगाने की बात सरकार करती है तब खुद को यह छूट दिलाती है कि जो छूट कि 20 सालों में यह सरकार ले चुकी है। कश्मीर के मामले को ले कर कहिए या चीन के मामले को ले कर कहिए खुद के लिए जो छूट वह ले चुकी है वह हमेशा के लिए खुद के साथ रखने की बात इस बिल के आधार पर सरकार कर रही है। असलियत और है। वह इस बिल के शुरूआत में मैंने कहा है कि विचारों की टक्कर में कांग्रेस पार्टी मुल्क में हार रही है। एक चीज उनको आज साफ दिखाई दे रही है कि 38 प्रतिशत लोगों ने हमारा अब की बार साथ दिया है 1967 के चुनाव में और अगर पांच साल के कहीं एक बार फिर मौका लोगों के सामने जाने का आया तो 15 या 20 प्रतिशत लोग भी उसके साथ नहीं रहेंगे। यह अधिकार आखरी बार जनता के आधार पर वह यहां आ कर

बैठे हैं, यह उन्हें मालूम हो चुका है। मगर सत्ता तो हाथ में रखनी है क्योंकि आखिर किस की ओर से यह लोग यहां आ कर बैठे हैं? मैं यह मानने के लिए बिल्कुल तैयार नहीं हूँ कि जनता की ओर से उसके प्रतिनिधि के रूप में आये हैं। यह तो हिन्दुस्तान के सरमायेदार और पूंजीपति जो हैं उनकी ओर से चलाये जाने वाला दल, उनके हितों के संरक्षण के लिए चलाये जाने वाला दल है कांग्रेस दल। दस साल के पहले भले ही नागपुर में जा कर कोआपरेटिव फार्मिंग का प्रस्ताव पास किया हो या दस महीने पहले प्रिवी पर्स हटाने का प्रस्ताव किया हो, जो प्रस्ताव मंजूर करके कागज के ऊपर लिखे जाते हैं उनकी भी कोई कीमत नहीं रही तो फिर समाजवाद या जनता के हितों की हिफाजत करने का कोई भी मामला इस सरकार के बस का नहीं है . . . .

(व्यवधान) में खत्म कर रहा हूँ। मुझे इतना ही कहना है कि जिनका संरक्षण करने के लिए यह सरकार यहां आई है, यह सरमायेदार-दुनिया के किसी भी मुल्क में इन सरमायेदारों ने वोट के जरिये अपने अधिकारों को दूसरे के हाथ में कभी नहीं दिया है और हम तो यह बेवकूफी कभी नहीं करेंगे। हम यह मानने को तैयार हैं कि यह भी सरकार और यह भी दल कभी भी उस जनमत के आधार पर सत्ता दूसरे के हाथ में देने की तैयारी नहीं करेगी और उसी की तैयारी है अध्यक्ष महोदय, यह जो कानून यहां पर लाया गया कि जब और सारी चीजें अपने हाथ से चली जयेंगी तब इन कानूनों का इस्तेमाल कर के दूसरे दलों को गैर-कानूनी करके सत्ता का अधिकार हमेशा के लिए अपने हाथ में रखेंगे। इस प्रकार की जो फासिस्ट मनोवृत्ति हमें दिखाई दे रही है उसका खण्डन करते हुए हम इस कानून का पूर्णतया विरोध करते हैं।

SHRI G. VISWANATHAN (Wandiwash) : Today is a sad day in the history of Indian democracy. The Black Bill is going to be passed by the brutal majority,

by the road-roller majority, consisting of yes-men.

**SHRI RANDHIR SINGH :** You are an yes-man of your party.

**SHRI G. VISWANATHAN :** Dictatorship comes to a country through a military junta or by a revolution. But this is a unique occasion where democracy marches towards dictatorship by passing a legislation.

This legislation is going to be a weapon in the hands of the Congress Party to fight other political parties. The enactment of this legislation means that the Congress Party is not prepared to fight other political parties at the political level. They are going to use this Black Act to fight other political parties with a legal weapon. They are not going to fight them with political weapons. Whichever party crosses the path of the Congress or its interests, they are going to declare it unlawful. These drastic powers are being given to the Government and they are going to pass this bill for that purpose.

Yesterday the Home Minister, Shri Chavan, said that this Act is not going to be used against the DMK. I am very thankful to him for that. At the same time, may I request him to explain how is it that the phone calls of our Law Minister, Shri Madhavan, are being tapped and how is it that he is being shadowed by the Central police? Where is a Minister of a State elected by the people, in a State where the Congress has been overthrown, I mean the Madras State, who is being meted out this kind of treatment at the hands of the Central authorities. Because the Central Government is in the hands of the Congress Party, our Ministers, specially our Law Minister, are being shadowed. What is the meaning of all this? If this be the case when the law has not yet been passed, when it is only in the stage of a Bill, what will be the position of other Ministers and other political parties when it is put on the statute-book, when the ruling party here will be armed with these drastic draconian, fascist powers?

This Bill may be passed. But I warn the Government that if the Congress is going to use this against other political

parties, then we will be resorting to other means also. That will be our fate. Because the Congress is not willing to fight other political parties at the political level but is contemplating resorting to other weapons as represented by this Bill, other parties will be forced to resort to other means in pursuance of their aims and objectives.

The Home Minister assured us at one stage—and I hope he will keep it—that this would not be used against political parties and registered trade unions. If trade unions are going to be affected by this Act, the labour community, labourers and the trade unions, will be resorting to other violent methods. Now they have as their weapons peaceful agitations and strikes. But if this is going to be used against them when they are striking or otherwise agitating peacefully, they will be using other violent methods. The Government must ponder over this.

I have already pointed out that these powers are now enjoyed by the Government of India under the Defence of India Act and Rules thereunder. By the enactment of this legislation, Government must at least come forward and withdraw the emergency tomorrow or the day after. That must be the attitude of the Government. Then Government must also assure us that this Act will not be misused or abused at any stage.

**श्री नुलसीवास जाधव (बारामती) :**  
उपाध्यक्ष महोदय, सरकार यह जो अनलाफुल एक्टीविटीज बिल यहां पर लाई है, में समझता हूँ कि यह बहुत खुशी से नहीं लाई है, लेकिन जब कोई ऐसी चीज पैदा होती है, जो देश के लिये घातक हो या देश के लिये खतरा पैदा करनेवाली हों, तो जैसे किसी आदमी को इंजैक्शन दिया जाता है, उसी इंजैक्शन जैसी चीज यहां पर लानी पड़ी है।

पहले जब हम लोग बम्बई असेम्बली में थे और जब कोई ऐसा कानून आना था तो हम लोग ही उस का विरोध करते थे, लेकिन इस वकत देश की जो हालत है, उस को देखते हुए, ऐसा विधेयक लाना जरूरी हो



[श्री तुलसी दास जाधव]

गया था। अभी तक इस देश में डी० आई० आर० लागू था, कई जगहों से उस को हटा दिया गया है, लेकिन कई ऐसी जगहें हैं जहां उस का रखना जरूरी था, वहां उस को रखा गया है। इस कानून के पास होने के बाद मेरी सरकार से विनती है कि बाकी जगहों से भी उस को निकाल दे और मैं ऐसा समझता हूँ कि यह कानून उन सब जगहों की परिस्थितियों को सम्भालने के लिये पूरी मदद करेगा।

दूसरी बात मुझे यह निवेदन करनी है कि डी० आई० आर० के वक्त में हम सुप्रीम कोर्ट में नहीं जा सकते थे, क्योंकि उस के अण्डर फण्डामेंटल राइट्स को निकाल दिया गया था। लेकिन इस कानून के अन्दर हमारे फण्डामेंटल राइट्स को निकाला नहीं गया है। इस के अन्दर तो आप चाहें तो अपील कर सकते हैं, इस दृष्टि से यह कानून पहले से कहीं अच्छा है।

तीसरी बात—कुछ लोगों का कहना है कि यह कानून ब्लैक-ला है। अंग्रेजों के राज्य में जब ऐसे कानून थे, तब उस का विरोध करने में हम लोग शामिल थे, लेकिन उस वक्त एक खास बात यह थी कि हिन्दुतान के रहनेवालों के कोई फण्डामेंटल राइट्स नहीं थे। आज जो हक हमको प्राप्त हैं, उस वक्त वें हक हमारे पास नहीं थे, ऐसी दृष्टि में इस कानून को ब्लैक ला कहना ठीक नहीं है।

चौथी बात—मेरे से पहले जो सम्माननीय सदस्य श्री फरनांडीस ने कहा वह चीज यहां लागू नहीं होती है। उन्होंने कहा कि जो पार्टी सत्ता में है, वह हट न जाये, दूसरे को सत्ता में न आने दिया जाये, इस लिये इस कानून का इस्तेमाल होगा—ऐसा कहना ठीक नहीं है। इस का मुबूत तो इन लोगों ने ही सात-आठ प्रान्तों में बताया है। कभी भी कांग्रेस ने वहां जा कर उन को तोड़ने का प्रयत्न नहीं किया, लेकिन वे लोग आपस में ही जम नहीं पाये, इस लिये आपस के भेद की बजह से टूटे। इस कानून में ऐसा भी

नहीं है कि यह हमेशा के लिये चन्द्र-सूर्य के समान बना रहेगा, जब इस की जरूरत नहीं होगी तब इस को हटाया भी जा सकता है।

मेरे इन साथियों ने कहा कि यहां सब येस-मैन हैं—ऐसा कहना गलत है। उन की पार्टी में भी जो लीडर कहता है, उस के मुताबिक सब चलते हैं, ऐसी ही बात यहां है।

आखिरमें मैं एक ही विनती सरकार से करना चाहता हूँ कि इस कानून का इस्तेमाल जब भी किसी आदमी, जगह या एसोशियेशन पर हो, तो ऐसा ध्यान रखना चाहिये कि किसी के साथ अन्याय न हो।

SHRI SEQUEIRA : This Bill seems to be based on the concept that we can increase the powers of the Government and thereby, in consequence, reduce the troubles of the country. I want to submit that this concept is wrong, that the powers that the Government is seeking are unsuited to the problem that they want to solve, and also that these powers are dangerous for the continuation of democracy in this country.

Does an organisation become a danger to the country merely by virtue of the fact that it preaches secession or cession or whatever else you may call it ?

SHRI Y. B. CHAVAN : Of course.

SHRI SEQUEIRA : Or, does it become dangerous only when sufficient number of people back it ? And if a sufficient number of people back it, then it is a danger, and what are you going to do about it ? If you ban it, you put a nail on its head, if you drive the people underground, you cannot keep track of them; if you convict the people and jail them, you send them in as agitators and they come out as heroes.

Why are the people backing these organisations. They are backing them, if such organisations exist, because there is hunger in this country, because there is frustration, because there is poverty, because there is insecurity. If you want this movement to stop, then you have to solve the problem

politically and not by banning or sending to jail or things like that.

**18.00 Hrs.**

A bait is being dangled in front of us. We hear that if this law is passed, the emergency would be removed. But this seems to be the worst poison than the other one, because this Government cannot continue with the emergency. Public opinion is against it and you will have to remove it whether this law is passed or not.

I said that the powers were dangerous; they are dangerous because they put in the hands of the executive the power to smash an entire organisation; they also put in the hands of the executive the power to eliminate individuals. I want to submit to this House that the coats of patriots can be tarred and feathered by merely being arrested under clause 13. It will slur their reputation. So I submit that this Bill should be rejected, lock, stock and noose, a noose that can be used to throttle democracy, agonise the opposition and even individual opponents of the ruling clique of a ruling party.

**SHRI PILOO MODY (Godhra)** : Sir, in the history of human affairs, it has been found that Governments which are about to fall and who are tottering will continue to arm themselves with more and more powers. This is not the first instance in the history of the world and it probably will not be the last. But it is unforgivable that this Government should not have learnt this history. This is not the act of a responsible Government. This is not the act of a popular government. This is not the act of a stable Government. These are powers to fortify a group of incompetent people with whom the country has become disenchanted. This is the act of a disappearing government.

**AN HON. MEMBER** : Vanishing.

**SHRI PILOO MODY** : As a matter of fact, they say that those whom the Gods want to destroy, they first turn mad. We have today in this country reached that stage. (*Interruption*) If I may be permitted to say so, I am really ashamed. I am ashamed of this Government. I am ashamed of this country; I am ashamed because I find that my Government, and it

is mine as well as it is theirs, has to resort to these low means to arm themselves with such sweeping powers without once having defined or justified why they want to arm themselves with these powers.

Sir, I would like to warn this Government that they will be here only for another year or two, at the very most four. Let the ruling party realise that the same Act will be on the statute-books and the same Act may some day be used against them.

**MR. DEPUTY-SPEAKER** : The hon. Minister.

**SHRI NATH PAI** : Sir, we have not spoken on the third reading.

**SEVERAL HON. MEMBERS** rose—

**MR. DEPUTY-SPEAKER** : It is very difficult for me to accommodate all the Members. I am very sorry. I tried my best to accommodate all those who were persistently following the proceedings. (*Interruption*)

**SHRI SEZHIYAN (Kumbakonam)** : Please give a few minutes.

श्री शिव नारायण : अगर बुलाना ही था तो आखिर हम लोगों को आप क्यों नहीं बुलाते ? उपाध्यक्ष महोदय, यह हमारे साथ अन्याय किया जा रहा है ।

**MR. DEPUTY-SPEAKER** : Please resume your seat.

श्री शिव नारायण : कोई आखिर दल है या नहीं ? आप ने होम मिनिस्टर को रिप्लाई के लिए बुला लिया था : . . .

**MR. DEPUTY-SPEAKER** : Those who were persistently taking part, I was trying to help them.

**SHRI TENNETI VISWANATHAN** : Sir, . . .

**SHRI SHEO NARAIN** : After calling the Home Minister, why are you going back, Sir ? (*Interruptions*).

**MR. DEPUTY-SPEAKER** : Will you kindly resume your seat ? You ought to realise that the hon. member was making useful contributions to the debate.

**SHRI TENNETI VISWANATHAN :** Sir, the hon. Home Minister has admitted that it is a very drastic measure and he said the situation requires it. But he has not told us what the situation is. Secondly, he has taken power either by himself or through delegated authority to declare a whole association as unlawful without disclosing the reasons. Firstly he has not disclosed the dangerous conditions in which we are situated now calling for a legislation of this kind and secondly he does not disclose the reasons. Yesterday during the course of the debate, he said that when the tribunal asks for the reasons, we will certainly disclose the reasons to the tribunal. But the people who are affected are not given the reasons. They have simply got to stand looking at the stars and the moon, when the tribunal is going through the reasons.

We asked for a simple, normal, right of appeal. But the Home Minister was frank enough to say, if that is done, if the right of appeal is to be given, it is much better we do not pass this Act. Sir, this only shows the direction in which the mind of Government is working. That is why strong adjectives have been used by everybody and I have put in concrete words the reasons for those adjectives.

**SHRI NATH PAI :** Sir, I have been trying very hard to find any virtue in this Bill before I made up my mind to oppose it. I think this is a measure introduced by a group of men who have lost faith in the people of India. I know that things are happening in this country which should cause some concern and even alarm. I know things are said by certain elements, things are tried to be resorted to by certain groups, which should make us sit up and find suitable measures. But I would like to ask Mr. Chavan, will the baton of the police be the final guardian of the liberties, freedom and unity of this country? Can we trust the police to be the only fighter for the delicate fabric of our democracy? If there are dangers in this country, has the Congress made up its mind that it cannot trust the people of India? If they can trust the people of India, there was not an iota of necessity for this Bill.

I disagree with certain philosophies. We do not have double standards. When I disagree, I have the courage to tell those

with whom I disagree that I disagree and I try to get the one sanction that I know of as a democrat—the sanction of the people of India. If the Government of India is worried about certain tendencies and ideologies, what should be the power to combat them and if possible to defeat them? Not the baton of the police, not the Preventive Detention Act; not banning the party, but appeal to the people to combat those things which we regard as against the people. What is the Government of India doing today? What a fall, Mr. Chavan, there is for you and for all of us! Instead of asking the people of India to come into the picture, what have the Government done? I have come back after touring the quake-affected areas of Kayna. What did the Home Minister say about the standard arguments being advanced by us? Firstly, there is ample power for the Government in the armoury of all the Acts beginning from the IPC to the Preventive Detention Act. If they want to use it, if they are capable of using it. . . .

**MR. DEPUTY-SPEAKER :** He should conclude now.

**SHRI NATH PAI :** Sir, you should give me some more time. We regard it as a very serious thing.

**AN. HON. MEMBER :** How long?

**SHRI NATH PAI :** How long? Till obduracy and obstinacy are won over and I hope to do it.

The danger is, often the danger to the Congress Party is made synonymous with the danger to the country. If we disagree with the Congress immediately it is regarded by the Congress spokesmen and protagonists as danger to the unity of India, to the fabric of freedom. It is not so.

I would like to say this to Shri Chavan, it is not late to ponder about these things. There are enough powers with the Government of India to combat all the dangers that may be either to territorial integrity or freedom or democracy of India. Some of us got very alarmed at how this Party tries to throttle any opposition to the party by pretending that opposition aimed at Congress is to the State of India. State and the Party are totally different things. I

have a thousand quarrels with Shri Chavan, but I have no quarrel with my country. When I attack Congress I do not attack India.

What the Congress time and again tries to do is this. The other day I was in Sangli.

MR. DEPUTY-SPEAKER : He should try to conclude now.

SHRI NATH PAI : Sir, why should the name Sangli make you press the Bell.

MR. DEPUTY-SPEAKER : We are at the final stage now.

SHRI NATH PAI : I am also at the final stage. Sangli is a part of India. What happened when a demonstration against this party was organised? There I found that the entire force of the Congress is brought to make a counter demonstration. The police at once act and the demonstration is beaten down. It is this danger that I see in this country.

Finally, I ask, are you worried about danger to India's unity? It is no use trying to ban. When I disagree, I am not afraid. I am prepared to go to the people of India. I would not like the police to come when I challenge Shri Ramamurti because the police will not fight for the freedom of India, it is the people of India who must fight the battle against those who may challenge the freedom.

Let us try to ban poverty, unemployment and suffering in this country to the extent that we can. Does Shri Chavan and his Government have any policy to put a ban on poverty, on suffering, on misery, on exploitation, on unemployment and all the evils from it? If they can bring a Bill to ban poverty, suffering, unemployment and corruption which are eating the very vitals of this democracy I will support it. This Bill, far from strengthening democracy, will create misgivings in this country, and the misgiving is this that this Government is beginning to lose faith in the ultimate sanction of democracy, the people of India. Let Shri Chavan even at this stage ponder over it and do the needful.

SHRI J. B. KRIPALANI (Guna) : Mr. Deputy-Speaker, Sir, I really do not know

why anybody should get nervous about this Act. I do not think that the Communist Party need get nervous about it because this Government cannot afford to irritate or to do anything that would be unpleasant to our Russian friends. Same is the case with the Marxist Party. The people who would not allow even persons from Formosa to come here, who would not give them visas to come here, who will have nothing to do with people who would advocate the cause of the admission of China into UNO, do you think they are going to use this Act? They cannot do it. They cannot do it against Jan Sangh because many Congress men are Jan Sanghites, Communists etc. All sorts of people are there. There are many who are Swatantrites. All these parties are represented there. There are many crypto-Communists. I do not know why these people are afraid of this legislation. It is not going to be used against any party or against any individual even. It may be used against one or two unwary individuals here and there. There are many unhung murderers going about in India, about which they do nothing. So, I am not disturbed by the Acts that this Government pass. I know their writ do as not run in the country.

SHRI Y. B. CHAVAN : Mr. Deputy-Speaker, Sir, two points of views were expressed here,—that this Act, which is certainly an extraordinary Act, is going to be used against all political parties, that is one line of argument. The other line of argument, as advocated by Shri Kripalani, is that it is not going to be used on anybody.

SHRI PILOO MODY : That is not his line of argument. He has exposed your incompetence.

SHRI Y. B. CHAVAN : I do not want to abuse anybody.

SHRI PILOO MODY : I was only explaining his speech.

SHRI Y. B. CHAVAN : I understand Shri Piloo Mody very well. Certainly, I can also speak in the same language; not that I cannot do that, but I do not want to do that.

**SHRI PILOO MODY :** In Marathi ?

**SHRI Y. B. CHAVAN :** He knows Marathi also very well.

Again and again, after hearing the speeches on the third reading, I have a feeling, that we were listening to people who have closed their minds; who feel all virtues are on their side, all people are on their side and they are the only lovers of democracy. I say I can understand people trying to persuade others, but this is arrogance, some sort of intellectual arrogance. If they want to make a demonstration, it is for the people, because they are the people, but if we try to do the same, then we are police—well, I thought Shri Nath Pai was a politician, but he talked like a literary figure. When sometimes he comes to power, he will completely abolish the police and the army. Well; the country be save from such politicians. The police has to be used, because no government can function without police. I am not living in that sort of paradise to believe that government can run its administration without police or the army at all. I believe in police. The police is certainly useful, inevitable, a necessary instrument to be made use of; but, it has to be made use of under the law. It is to be used for the establishment of law. That is why I have come to this House. And I know that when I ask for extraordinary powers, I must plead from the beginning till the end why these powers are necessary in the interest of democracy and in the interest of the sovereignty and integrity of this country.

Some members tried to ask us : why have I not mentioned A and B. I did not mention A and B because, I am sure, that even A and B will change after this Bill becomes an Act. I have faith in the people. I have faith in democracy. But there are also some people, like the hon. Member, Shri Piloo Mody. In anger against government he said that he is ashamed of Government. I can understand that. We will be ashamed if he is not ashamed of us. I am very glad that he has dissociated himself from this government. I am very happy about it. But he has also said—if he has not said it, I am prepared to stand corrected; I heard it—that he is ashamed of this country. It

is a shameful matter that there are people who can say that they are ashamed of this country. There was another young man who was telling us : why should not people secede, people are wanting to secede because this country is poor.

**SHRI SEQUEIRA :** I am sorry, I did not say that.

**SHRI Y. B. CHAVAN :** Yes, he said : why people are thinking like that.

**SHRI SEQUEIRA :** I asked : does secession become a danger to the nation merely by the fact that it is preached ?

**SHRI Y. B. CHAVAN :** Surely it does. If cession or secession is preached, it is a dangerous matter. That is the very basic principle of the Bill.

**SHRI SEQUEIRA :** If I stand in the middle . . .

**SHRI Y. B. CHAVAN :** Well, I cannot convert him. Yesterday, in the course of some argument, some people said "Why people think of cession ? Because, there is poverty." This country has poverty and that is why we struggled for independence. We have to struggle in this country to see that it does not remain poor any more. We must put all our energies to see that we have a new India, a great India of the future. If the sons and daughters of mother India just want to run away from mother India because she is poor, they do not deserve to be the sons and daughters of this country.

The hon. Member, Shri Hiren Mukerjee, for whom I have got all the respect, said that this Government has got some sort of an animus against some political party. Let me assure him that only because we differ from them on certain matters it does not mean that we have got any animus against any political party. I can certainly assure him again and again that there is no political animus against even the Communist Marxists or the Swatantra. These are the two extremes in this country. We have not got any animus. But I was asked again and again.

He made a reference to a certain exchange between me and Shri Nambiar. I was telling him from the very beginning

that I have no political party in my mind but all the time he went on asking whether his political party was in my mind and I said, "No". He wanted me to explain and illustrate. I said, "Do not ask me about illustrations" but he still wanted to know and asked about the illustration of disclaiming, questioning or disrupting the sovereignty and the integrity of the country and I therefore gave the illustration, "Suppose, some group of people invites any neighbouring country, what happens?"

**SHRI J. B. KRIPALANI:** Then they will repudiate them.

**SHRI Y. B. CHAVAN:** They may repudiate. I do not want to do that. Therefore it is absolutely wrong to think that we have brought this Bill because we are afraid and we are unstable. We know how stable we are. I would like them to examine their own minds to see how stable they are. But I must say that Shri Piloo Mody is very stable. I am very happy about it.

**SHRI PILOO MODY:** He is only a short head behind.

**SHRI Y. B. CHAVAN:** He certainly provides us quite humorous things here when he is present. But we do not want that sort of stability.

**SHRI PILOO MODY:** Do not use the law against me.

**SHRI Y. B. CHAVAN:** But even in stability there must be some sort of dynamism. When the world is changing we will have to change and if there are ele-

ments which come in the way of change in a manner which is dangerous to the stability, sovereignty and integrity of this country, certainly the instrument of law will have to be used. This is why I came to this hon. House to have this instrument.

The hon. Member, Shri Kanwar Lal Gupta, asked, "What about implementation?" I have got the greatest sense of responsibility. When I was speaking during the first reading, I said—I admitted—that it is a very extraordinary measure because we are certainly asking for extraordinary powers. I can assure this hon. House that the powers under this extraordinary Act will be used only in extraordinary circumstances and not otherwise.

**SHRI P. RAMAMURTI:** We are not participating; we do not want to participate.

**SHRI H. N. MUKERJEE:** We do not want to participate in this stinking Bill.

श्री जार्ज फरनेन्डीज : हम भी विरोध-स्वरूप बाहर जा रहे हैं ।

**MR. DEPUTY-SPEAKER:** You are free to do whatever you like.

*At this stage Shri P. Ramamurti, Shri H. N. Mukerjee, Shri George Fernandes and some other hon. Members left the House.*

**MR. DEPUTY-SPEAKER:** The question is :

"That the Bill, as amended, be passed."  
*The Lok Sabha divided :*

AYES

DIVISION NO. 31]

[18-30 Hrs.

Ankineedu, Shri  
Arumugam, Shri R. S.  
Azad, Shri Bhagwat Jha  
Bajpai, Shri Shashibhushan  
Barua, Shri R.  
Baswant, Shri  
Besra, Shri S. C.  
Bhakt Darshan, Shri  
Bhanu Prakash Singh, Shri  
Bhattacharyya, Shri C. K.

Bhola Nath, Shri  
Chanda, Shri Anil K.  
Chanda, Shrimati Jyotsna  
Chandrika Prasad, Shri  
Chatterji, Shri Krishna Kumar  
Chaturvedi, Shri R. L.  
Chaudhary, Shri Nitiraj Singh  
Chavan, Shri Y. B.  
Choudhary, Shri Valmiki  
Choudhury, Shri J. K.

*Bill*

Dass, Shri C.  
 Desai, Shri Morarji  
 Deshmukh, Shri B. D.  
 Deshmukh, Shri K. G.  
 Dhillon, Shri G. S.  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Ering, Shri D.  
 Gajraj Singh Rao, Shri  
 Ganesh, Shri K. R.  
 Gavit, Shri Tukaram  
 Ghosh, Shri Parimal  
 Gupta, Shri Lakhan Lal  
 Hem Raj, Shri  
 Himatsingka, Shri  
 Jadhav, Shri Tulshidas  
 Jadhav, Shri V. N.  
 Jagjiwan Ram, Shri  
 Kasture, Shri A. S.  
 Kavade, Shri B. R.  
 Kripalani, Shrimati Sucheta  
 Kureel, Shri B. N.  
 Laxmi Bai, Shrimati  
 Mahadeva Prasad, Dr.  
 Mandal, Dr. P.  
 Mehta, Shri P. M.  
 Menon, Shri Govinda  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Mondal, Shri J. K.  
 Mrityunjay Prasad, Shri  
 Mukerjee, Shrimati Sharda  
 Nageshwar, Shri  
 Nahata, Shri Amrit  
 Nayar, Dr. Sushila  
 Oraon, Shri Kartik  
 Pahadia, Shri Jagannath  
 Pandey, Shri K. N.  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Parmar, Shri Bhaljibhai  
 Partap Singh, Shri  
 Parthasarathy, Shri  
 Patil, Shri S. D.  
 Pramanik, Shri J. N.  
 Radhabai, Shrimati B.  
 Raghu Ramaiah, Shri  
 Raj Deo Singh, Shri  
 Rajani Gandha, Kumari

Ram, Shri T.  
 Ram Dhan, Shri  
 Ram Kishan, Shri  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr.  
 Ram Swarup, Shri  
 Rana, Shri M. B.  
 Randhir Singh, Shri  
 Rane, Shri  
 Rao, Shri J. Ramapathi  
 Rao, Shri Thirumala  
 Rao, Dr. V. K. R. V.  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Sarma, Shri A. T.  
 Sayeed, Shri P. M.  
 Sen, Shri Deven  
 Sen, Shri P. G.  
 Shah, Shri Shantilal  
 Shambhu Nath, Shri  
 Sharma, Shri D. C.  
 Sharma, Shri M. R.  
 Shastri, Shri B. N.  
 Shastri, Shri R.  
 Sheo Narain, Shri  
 Sher Singh, Shri  
 Sheth, Shri T. M.  
 Shinde, Shri Annasahib  
 Shinkre, Shri  
 Shiv Chandika Prasad, Shri  
 Shukla, Shri Vidya Charan  
 Siddeshwar Prasad, Shri  
 Singh, Dr. B. N.  
 Singh, Shri D. N.  
 Sinha, Shri Mudrika  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Sudarsanam, Shri M.  
 Supakar, Shri Sradhakar  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Tiwary, Shri K. N.  
 Uikery, Shri M. G.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Prem Chand  
 Virbhadra Singh, Shri  
 Vyas, Shri Ramesh Chandra

## NOES

Amersey, Shri M.  
 Ayarwal, Shri Ram Singh  
 Berwa, Shri Onkar Lal  
 Chauhan, Shri Bharat Singh  
 Deo, Shri K. P. Singh  
 Goel, Shri Shri Chand  
 Gupta, Shri Kanwar Lal

Joshi, Shri Jagannath Rao  
 Majhi, Shri M.  
 Misra, Shri Srinibas  
 Mody, Shri Piloo  
 Naik, Shri R. V.  
 Sequeira, Shri  
 Sharma, Shri Bani Shankar  
 Vidyarathi, Shri R. S.

MR. DEPUTY SPEAKER : The result\* of the Division is :

Ayes	....	117
Noes	....	15

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The Bill, as amended, is passed.

SOME HON. MEMBERS : Shame, shame !

18.27 hrs.

## BUSINESS ADVISORY COMMITTEE

### TWELFTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : I beg to present the Twelfth Report of the Business Advisory Committee.

MR. DEPUTY SPEAKER : Now, there is a Half-An-Hour Discussion, I am sorry, before that, there is a Motion of Shri Shrinibas Misra. Shri Srinibas Misra.

18.28 hrs.

[SHRI G. S. DHILLON in the Chair]

SHRI S. S. KOTHARI (Mandsaur) : May I make a submission? I would appeal to the Minister of Parliamentary Affairs to instruct his Members not to raise the question of quorum during the Half-An-Hour discussions. If the Congress Government does not want Half-An-Hour discussions, let them say so. Why make a farce of it? Everyday, the Half-An-Hour discussion is being scuttled by the Congress Members on the other side because they do not want the Half-An-Hour discussions. I would suggest that either the rule should be changed or a convention established that during the Half-An-Hour discussions, the question of quorum shall not be raised. (Interruptions)

SHRI SHEO NARAIN (Basti) : It is their duty . . . (Interruption)

श्री प्रेम चन्द बर्मा (हमीरपुर) : माननीय सदस्य उधर से अकेले ही बोल रहे हैं। उन

के साथ उन की पार्टी का और मेम्बर नहीं है।

श्री कंबर लाल गुप्त (दिल्ली सदर) : सभापति महोदय, मैं आप के जरिये से मंत्री महोदय, डा० राम सुभग सिंह, से यह पूछना चाहता हूँ कि पार्लियामेंटरी सिस्टम में कोरम रखने की किस की जिम्मेदारी होती है। मेरा कहना यह है कि यहां पर कोरम रखने की जो सरकार की जिम्मेदारी है, उस की ये निभाते नहीं हैं, जिसकी वजह से हाफ-एन-आवर डिस्कशन में पिछली चार दफा से गड़बड़ हो चुकी है। मैं यह चाहता हूँ कि आप मिनिस्टर आफ पार्लियामेन्टी अफेयर्स से कहें कि वे इस चीज को देखें कि यहां पर आखिरी समय तक कोरम रहे। यह जिम्मेदारी सरकार की है, उस को वह पूरा नहीं करती है, इसलिये मैं यह चार्ज लगाता हूँ कि ये जानबूझ कर—एक-दो पट्टे इन्होंने यहां छोड़ रखे हैं—कुछ शोर मचाने वाले इकट्ठे कर रखे हैं—जो जानबूझ कर हमेशा इस को उठाते हैं और यहां पर गड़बड़ करते हैं। इस का नतीजा यह होता है कि जो कोरम यहां पर आखिर तक होना चाहिये, वह नहीं होता है। आप इन को वार्न कीजिये, इनको इंस्ट्रक्शन दीजिये, अगर फिर भी ऐसा नहीं होता है, तो इन को सजा दीजिये।

श्री प्रेम चन्द बर्मा : ये कह रहे हैं कि हमारी जिम्मेदारी है, हमारी जिम्मेदारी नहीं है, इन के खुद के पांच आदमी कहां पर नहीं होते हैं। ये लोग खुद अपनी जिम्मेदारी को यहां पर पूरा नहीं करते हैं और हम से कहते हैं कि हम यहां बैठे रहें।

श्री कंबर लाल गुप्त : अगर नहीं कर सकते तो छोड़ दो सरकार को।

\*The following Members also recorded their votes :

AYES .. Shri R. Barua.

NOES .. Shri S. S. Kothari.



श्री प्रेम चन्द्र वर्मा : दो आदमी साथ नहीं हैं . . . . . (व्यवधान) . . . . . अकेले बातें करते हैं ।

SHRI P. RAMAMURTI (Madurai) : May I make an appeal to the members that, instead of discussing as to whose responsibility it is to maintain quorum, we get on with the subject under discussion.

श्री स्वतन्त्र सिंह कोठारी : हमारा सङ्केत नहीं है, लेकिन फिर भी हम इस बात को आपकी नालिज में ला रहे हैं ।

श्री कंवर लाल गुप्त : सभापति महोदय, मैं चाहता हूँ कि मिनिस्टर साहब इस का जवाब दें ।

MR. CHAIRMAN : He must have some regard for the dignity and decorum of the House. This is an august body. He must behave properly.

डा० राम सुभग सिंह : गुप्त जी ने जैसा कहा, इस बात को मैं मानता हूँ कि सरकारी कार्यक्रम जो भी हो उस में कोरम रखने का दायित्व हम लोगों का है, लेकिन इस सारे सदन का भी दायित्व है और जनसंघ का भी उतना ही दायित्व होना चाहिये । मैं इस सदन के सभी सदस्यों से, सभी दलों से निवेदन करूँगा कि वे अपने अनुपात में जरूर अपने सदस्यों को यहां पर रखने का प्रयास करें । जहां तक हम लोगों का सम्बन्ध है, उस में तनिक भी कमी नहीं पायेंगे और जो अपने दायित्व से चुकते हैं और खास कर इस वक्त भी, इस समय भी, उस के लिये गुप्त जी को सजा होनी चाहिये ।

श्री कंवर लाल गुप्त : सभापति महोदय, अगर हमारी जिम्मेदारी है तो हम सजा लेने के लिये तैयार हैं, लेकिन अगर सरकार की जिम्मेदारी है तो डाक्टर साहब को सजा लेनी चाहिये । इस में मेनली सरकार की जिम्मेदारी है ।

श्री रणधीर सिंह (रोहतक) : आप अकेले सबा लाख बैठे हो जनसंघ की तरफ से ।

सभापति महोदय : बहुत बातें हो गई हैं ; अब बैठिये ।

एक दफा इस हाउस में पहले भी आ चुका है कि जब हाफ-एन-आवर डिस्कशन होता है, कोरम कम हो जाता है । इसलिये जहां मिनिस्टर आफ पार्लियामेन्टरी अफेयर्स का फर्ज है कि कोरम रखें, वहां मुझे अफसोस है कि इस तरफ की सीटें भी खाली पड़ी हैं । इस लिए हर एक पार्टी का फर्ज है, उनके व्हिप्स का फर्ज है ; कि वे अपने मेम्बरों को यहां हाजिर रखें ।

श्री कंवर लाल गुप्त : मेनली जिम्मेदारी किस की है ।

सभापति महोदय : अपोजीशन पार्टीज की भी जिम्मेदारी है ।

18.34 hrs.

#### MOTION RE PARADIP PORT TRUST RULES

SHRI KANWAR LAL GUPTA : (Delhi Sadar) : You are the Chairman and not a member of the Congress Party.

MR. CHAIRMAN : I object to that. I am speaking as the Chairman. It is the duty of all the whips of the Parties to keep the members present. (Interruption). My ruling is that it is the duty of all the whips in this House to keep the members present. (Interruptions)

SHRI SRINIBAS MISRA (Cuttack) : I beg to move :

"This House resolves that in pursuance of sub-section (3) of section 122 . . . . .

SHRI SHEO NARAIN (Basti) : There is no quorum in this House.

SHRI SRINIBAS MISRA : ". . . . . of section 122 of the Major Port Trusts Act, 1963 the following modifications be made in the Paradip Port Trust (Procedure at Board Meetings) Rules, 1967, published in the Gazette of India by

Notification No. GSR 1669, dated the 31st October, 1967, and laid on the Table.....”

SHRI SHEO NARAIN : There is no quorum in the House.

MR. CHAIRMAN : Shri Srinibas Misra may just wait for a minute. I would very much like that there should be no objection raised about the quorum. But when once it is raised it is very difficult. I have no option but to have the bells rung.

SHRI S. S. KOTHARI (Mandsaur) : We regret very much that this kind of

thing should happen. So, we would like to walk out in protest.

(*Shri S. S. Kothari left the House*)

MR. CHAIRMAN : Let the bells be rung—

There is no quorum. I am very sorry. There is no alternative but to adjourn the House.

18.38 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on December 21, 1967/ Agrahayana 30, 1889 (Saka).*