

LOK SABHA DEBATES

1614

Third Series

Volume VI, 1962/1884 (Saka)

[August 6 to 18, 1962/Sravana 15 to 27, 1884 (Saka)]



SECOND SESSION, 1962/1884 (Saka)

(Vol. VI contains Nos. 1 to 10)

**LOK SABHA SECRETARIAT
NEW DELHI**

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N.B.—The sign + marked above the name of a member on questions which were orally answered indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA

Wednesday, the 8th August, 1962 | Sra-
vana 17, 1884 (Saka).

The Lok Sabha met at Eleven of the
Clock.

[Mr. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Alleged Violation of Chinese Air
Space

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92. { Shri Nath Pai:
Shri D. C. Sharma:
Shri P. R. Chakraverti:
Shri M. L. Dwivedi:
Shri S. C. Samanta:
Shri Subodh Hansda:
Shri P. C. Borooah:
Shri Raghunath Singh:

Will the Minister of Defence be
pleased to state:

(a) whether Government have
received a note from the Chinese
Government dated 28th June, 1962;

(b) if so, whether in that note
Government of China has accused the
Indian Government of violation of air
space; and

(c) Government's reaction thereto?

The Minister of State in the Minis-
try of Defence (Shri Raghuramaiah):
(a) Yes, Sir.

(b) and (c). Attention is invited to
White Paper No. VI laid by the Prime
Minister on the Table of the House
on the 6th August, 1962.

Shri Nath Pai: May I know from
the hon. Minister, since we have now
become familiar with the Chinese
technique of calling their own acts of
aggression as aggression by India—
accusing India of aggression—whether
there have been recently any air
violations of our territory by China?

1355aiLS—1.

The Minister of Defence (Shri
Krishna Menon): Nothing has come
to our notice, Sir.

Shri Nath Pai: May I know, since
in this note the Chinese accuse India
of aggression,—

Mr. Speaker: Every question should
not be prefaced by a long statement.
He should put a question direct.

Shri Nath Pai: I am starting with
"may I know".

Mr. Speaker: But "since" and other
things are used to preface the
question.

Shri Nath Pai: Sometimes these are
the conjunctions in the English langu-
age which I cannot dismiss lest I
should go wrong grammatically.

Mr. Speaker: He knows it all right,
but he does this deliberately!

Shri Nath Pai: Sorry, Sir. The
Chinese Government have accused
India of aggression in this note. May
I draw the hon. Minister's attention
to a statement made by Mr. Khrush-
chev that any aggression against
China will be regarded as aggression
on USSR? In view of this accusation
by China, may I know whether any
explanation has been obtained from
the USSR as to what is their stand
with regard to these charges of
aggression?

Shri Krishna Menon: I submit that
this does not come under this ques-
tion.

Mr. Speaker: It does not.

Shri Nath Pai: There is something
from the foreign ministry. The note
accuses India of aggression.

Mr. Speaker: All those who support
China, what their reactions are, etc.,

do not come under this. This is a limited question about air violation.

Shri Nath Pai: It does not talk of violation. It talks of aggression. It is in the note.

Shri Krishna Menon: In it there is nothing about any aggression against China.

Shri D. C. Sharma: May I know the number of air violations about which the Chinese have accused us and in what part of the country they are said to have occurred?

Shri Krishna Menon: They are rather long. They are given in the White Paper.

Mr. Speaker: If they are given in the White Paper, they need not be given here.

Shri Krishna Menon: They are mentioned in the appendix, at page 140, of the White Paper.

Shri P. R. Chakraverti: In view of the fact that the Government of India brought to the notice of the Government of China 52 instances of violations of Indian airspace, shall I be justified in assuming that the persistent attempt on the part of China to bring accusations against the Government of India is a camouflage to hide the acts of commission on their part? If the answer is in the affirmative, will the Government of India—

Mr. Speaker: Then, everything amounts to an expression of opinion. Shri A. P. Jain.

Shri A. P. Jain: Is it a fact that the bill of China in respect of air violations is an ever-mounting bill, and according to the latest note, it has come to 300 violations of airspace in 1961 and up to 30th June, 1962?

Mr. Speaker: But the number is what is contained there.

Shri A. P. Jain: It is not in the White Paper. I am talking of the latest position.

Shri Krishna Menon: The White Paper refers to a particular period. In fact, the complaint made by the Chinese is, they have said that we have made 52 violations; and we have denied them. We have made enquiries and our aircraft has not been anywhere near that place.

Shri M. L. Dwivedi: May I know what is the reaction of the Government of China to our reply denying violation of their air space?

Shri Krishna Menon: The Chinese Government have protested to us and said that we have made 52 violations and we have said we have not made those violations. Our letter says:

"The Government of India deplore the aggressive attitude adopted by the Chinese forces, which is causing serious tension...."

We have contrasted their attitude with ours.

Shri Hari Vishnu Kamath: When the hon. Minister was in Geneva last month, did he during the convivial round of breakfast, lunch and cocktail party he had with the Chinese Foreign Minister, discuss all matters pertaining to India-China relations, including this one—Chinese charges of violation of their air space by us or did he merely convey to him the Prime Minister's message that the Chinese boys on the frontier were misbehaving with India and tension was mounting on the border?

Shri Krishna Menon: The question says, whether the Government have received....

Mr. Speaker: The only relevant question here is whether this issue of air violation was also taken up with him.

Shri Krishna Menon: I have, in the course of the talks, referred to all actions of China in general.

Shri Tyagi: Do the violations attributed to us pertain to air space of China proper or air space over the Ladakh area, which has been forcibly occupied by the Chinese?

Shri Krishna Menon: In the letter that I have mentioned, all the meridians are given and they pertain to this territory.

Expansion of Rourkela

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*93. { **Shri Kolla Venkaiah:**
Shri Rameshwar Tantia:
Shri Basumatari:
Shri Morarka:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any proposal for the expansion of Rourkela Steel Plant was discussed with the West German authorities;

(b) if so, the cost of expansion;

(c) ways and means of meeting the costs;

(d) the attitude of the Bonn authorities; and

(e) when the expansion will be taken up?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (e). It has been decided to expand the capacity of the Rourkela Steel Plant from 1 million tons to 1.8 million tons of ingot steel during the Third Plan period. The expansion of the Plant is estimated to cost about Rs. 90 crores of which about Rs. 50 crores will be in foreign exchange. The West German Government have agreed in principle to granting a credit for meeting the foreign exchange cost of expansion, after certain action has been taken with a view to bring the existing plant to full working. This action is expected to be completed in about two months. Meanwhile, tenders for plant and equipment for the expansion

have already been received and are being scrutinised and the preliminary work at site is in progress.

Shri Indrajit Gupta: May I know whether it is a fact that this credit which has been promised by the West German Government for the expansion project is conditional on the existing capacity of this plant first being worked to the full, in view of the fact that there has been a shortfall therein?

Shri C. Subramaniam: That is not the exact condition. They want certain steps should be taken towards the attainment of the full target in the existing Rourkela plant and we are taking those steps.

Shri Kolla Venkaiah: May I know how much time will be taken for the finalisation of this expansion project?

Shri C. Subramaniam: I have already stated that the tenders are under scrutiny and the preliminary work at site is in progress. With regard to the actual German credit, as soon as we take action on the Solveen Committee's report, I hope it will be possible to get clearance for the credit.

Shri Rameshwar Tantia: May I know whether it is a fact that out of the three steel plants under the Hindustan Steel Limited, the working of the Rourkela Plant is most unsatisfactory and if so, what are the reasons for expanding that steel plant with the help and advice of the same people?

Shri C. Subramaniam: I am afraid, Sir, I cannot go into the causes of the shortcomings in the existing plant under this question. But, there have been certain difficulties and we are overcoming those difficulties. As far as the plant is concerned, I can say that it is one of the first-class plants that we have.

Shri Morarka: May I know whether according to the progress made so far it is expected that this expansion programme would be completed by the

end of the Third Five Year Plan as envisaged?

Shri C. Subramaniam: I am afraid, there may be a slight spill-over into the fourth plan.

Shri S. M. Banerjee: May I know how many more German experts will be needed for this expansion work, and whether it is also a condition that they will send their experts for this particular work in this steel plant?

Shri C. Subramaniam: For the actual expansion work I am unable to give the exact number of German experts who will be required.

Shri S. M. Banerjee: Sir, my question has not been answered.

Mr. Speaker: It has been answered. The hon. Member asked how many more experts will be required and the answer was that it is not possible to give the exact number.

Shri S. M. Banerjee: Is it a condition laid down for this particular work? I want to know whether the country will again be flooded with experts from Germany.

Mr. Speaker: If that is a condition he should have known it.

Shri C. Subramaniam: It is not with reference to the expansion work, it is with reference to the working of the existing plant that a few more experts are required. That is a different question altogether.

Shri Hem Barua: May I know if it is a fact that the Solveen Committee has pointed out certain serious defects in the plant and, if so, whether it is a fact that the West German Government has linked up the question of expansion of the plant with the elimination of those defects, apart from achieving the rated capacity of the plant?

Shri C. Subramaniam: Yes, Sir, certain mechanical defects were pointed out in the plant which was originally supplied, and they have been rectified now.

Shri Hem Barua: What about the administrative defects?

Mr. Speaker: He wanted to know whether the removal of the defects is linked up with the expansion work.

Shri C. Subramaniam: When they have already been rectified, there is no question of linking it up with this.

Oil in Eastern Bihar and West Bengal

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*94. {	Shri Subodh Hansda:
	Dr. P. N. Khan:
	Shri Basumatari:
	Shri S. C. Samanta:
	Shri Indrajit Gupta:
	Shri Bhagwat Jha Azad:
	Shri Bhakt Darshan:

Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether it is a fact that seismic survey and aeromagnetic survey has shown oil-bearing area in Eastern Bihar and West Bengal;

(b) whether it is also a fact that trial drillings were conducted by a West German team; and

(c) if so, when the actual prospecting will start?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis): (a) No, Sir.

(b) and (c). No trial drillings have been conducted so far but a deep exploration well is proposed to be drilled in this area in the near future.

Shri Subodh Hansda: May I know whether it is a fact that certain technical data collected by the STANVAC Co., during their drilling trials in West Bengal has been sent to the Oil and Natural Gas Commission for investigation and further research; if so, what is the result of the research conducted by them?

Shri Hajarnavis: The Canadian Company carried on only aeromagne-

tical survey. That is to be followed up by drilling. No deep drilling has yet been undertaken, but the drillings undertaken so far show that there are certain areas with thickness of sedimentary rocks which would indicate a favourable condition for the occurrence of oil.

Shri Basumatari: May I know whether the terms and conditions have been settled with West Germany; if so, what are the terms and conditions so far as drilling is concerned?

Shri Hajarnavis: Does he want to know the terms of the agreement?

Shri Basumatari: Yes.

Shri Hajarnavis: I do not have the details with me. If the hon. Member writes to me I will convey the information to him.

Shri S. C. Samanta: May I know whether there was any proposal that the Oil and Natural Gas Commission itself will do some drilling work in this area?

Shri Hajarnavis: They will be associated with the task of drilling.

Shri Bhagwat Jha Azad: May I know whether on the experience of a few attempts the survey has been dropped or it is still being continued to find such oil-bearing areas in this region?

Shri Hajarnavis: No, Sir; it has not been dropped. As a matter of fact, as I said, in the Purnea-Kishanganj area we intend to undertake the drilling of a deep well as soon as the equipment is available.

श्री भक्त दर्शन : श्रीमान्, पूर्वी बिहार के वे कौन से क्षेत्र हैं, जिन में इस सम्बन्ध में श्रद्धेयी सम्भावनायें पाई गई हैं और जहां पर इस बारे में प्रागे कार्यवाही किये जाने की सम्भावना है ?

श्री हजरतबीस : पूनिया किशनगंज ।

Shri Indrajit Gupta: What is the particular qualification of this West German expert to carry out geophysical study in view of the fact that West Germany itself is not an oil producing country?

Shri Hajarnavis: I am not in a position to give their academic qualifications but I believe they know the theory on the basis of which certain deductions can be made. I also believe they have very good equipments.

श्री प्रिय गुप्त : मिनिस्टर साहब ने बताया है कि चूँकि राक्स वर्गरेह को ड्रिल करने में खर्च बढ़ेगा, इस लिए उस तेल का फायदा नहीं उठाया जा सकता है । मैं यह जानना चाहता हूँ कि बाहर से जो तेल आता है, उस पर कितना खर्च बैठता है और राक्स को ड्रिल कर के जो तेल मिलेगा, उस पर कितना खर्च बैठेगा । इन दोनों में से किस का प्रयोग करना लाभदायक होगा ?

श्री हजरतबीस : मैं ने तो ऐसा नहीं कहा है । मुझे तो खयाल नहीं है कि मैं ने ऐसा जवाब दिया हो ।

श्री प्रिय गुप्त : माननीय मंत्री ने कहा है कि चूँकि वहां राक्स हैं, इस लिए उस तेल को इस्तेमाल नहीं कर सकते ।

प्रध्यक्ष महोदय : फ्राडर, फ्राडर । इस सवाल का जवाब देना तो बहुत मुश्किल है । सवालों के दौरान में उन दोनों का मुकाबला नहीं हो सकता है ।

Drinking as a Disqualification in Public Services

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- *95. { **Shri Basumatari:**
Shri Rameshwar Tantia:
Shri D. C. Sharma:
Shri Bhakt Darshan:
Shri Hem Raj:

Will the Minister of Home Affairs be pleased to refer to the reply given

to Starred Question No. 1197 on the 31st May, 1962 and state:

(a) whether a decision has been reached in consultation with the State Governments for declaring drinking as a disqualification for public services; and

(b) if so, the details thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) A proposal to treat as misconduct the use in certain circumstances of intoxicating drinks by officers of the All India Services was referred to the State Governments. Replies from some of them are still awaited.

(b) Does not arise.

Shri Basumatari: May I know whether all the States have been contacted for their opinion about disqualification of officers for drinking?

Shri Datar: We have consulted all the State Governments because the All India Services affect all of them.

Shri Basumatari: May I know whether any objection has been raised by the officers in regard to this matter?

Mr. Speaker: Officers are not consulted; only States are consulted.

Shri Rameshwar Tantia: May I know whether it is a fact that in spite of prohibition in Maharashtra for a very long time there is still large-scale illicit distillation of liquor?

Mr. Speaker: That is not covered by this question.

Shri Man Singh P. Patel: Which of the States have not yet replied to the communication from the Centre?

Shri Datar: We have received replies from eight States. Replies are still awaited from seven States. They are awaited from Andhra Pradesh, Assam, Jammu and Kashmir, Mysore and Uttar Pradesh.

Dr. Gaitonde: May I know whether the authorities in Goa have also been contacted?

Shri Datar: The authorities in Goa must have been approached. I have not got that information.

Shri Thirumala Rao: May I know whether there is any definition of the word "drinking"? Is there any yardstick? If a man drinks privately will it come under the scope of this?

Shri Datar: That is the reason why I stated drinking "under certain circumstances". What those circumstances are has to be decided in consultation with all the States.

श्री भक्त वरान : श्रीमान् सरकारी कर्मचारियों पर यह जो प्रतिबंध लगाने का विचार है, क्या वह उन्हीं व्यक्तियों पर लागू किया जायगा, जो कि मेवा में प्रथम बार भ्रा रह हैं, प्रविष्ट हो रहे हैं, या वह पुराने कर्मचारियों पर भी लागू किया जायेगा?

गृह-कार्य मंत्री (श्री लाल बहादुर शास्त्री) : अगर यह नियम बनेगा, तो वह नये पुराने सभी कर्मचारियों पर लागू होगा। मैं चाहता हूँ कि मैं इस सदन को बताऊँ कि जिन बातों के बारे में हम नियम बनाना चाहते हैं, वे ऐसी हैं, जिन को मानना ही चाहिए। जिन बातों पर स्टेट गवर्नमेंट्स की राय मांगी गई है, उन में से एक यह है :

"Government servants shall not be under the influence of intoxicating drinks or drugs while on duty."

दूसरी यह है :

"appear in a public place in a state of intoxication".

तीसरी यह है :

"habitual use of intoxicating drinks or drugs to excess".

जहां तक आखिरी बात का ताल्लुक है, उस की जांच-पड़ताल करना तो जरा मुश्किल है

कि किसी ने कब एक्सेसिवली पी है, कब कम पी है, वगैरह। लेकिन मैं यह समझता हूँ कि गवर्नमेंट सर्वेन्ट पब्लिक ड्यूटी पर ड्रिंक न करें और पब्लिक प्लेस पर कोई स्कोउलस बात न करें, यह दो बातें बेहद जरूरी हैं। हम इस बारे में स्टेट गवर्नमेंट्स का इन्तजार नहीं करेंगे। हम उन का जवाब मांगेंगे, लेकिन अगर वह नहीं आता है, तो भी हम आल-इंडिया सर्विसेज के लिए इन दो बातों के बारे में रूलज बना देंगे।

Shri Priya Gupta: On a point of clarification?

Mr. Speaker: No. What is a clarification here? Only a supplementary question can be asked.

Shri Priya Gupta: Whether medical certificates obtained . . .

Mr. Speaker: Order, order. Can clarification be done except through a supplementary? There are so many hon. Members rising.

Shri Priya Gupta: The other hon. Minister explained it. That is why I wanted to ask . . .

Mr. Speaker: This opportunity has come to him because the other hon. Minister has explained it. I will call him.

Shri Tyagi: Why is he upset? He can drink if he chooses . . .

(*Interruption*).

Mr. Speaker: Order, order. Shri Yashpal Singh.

श्री यशपाल सिंह: क्या माननीय मंत्री जी बता सकते हैं कि मुस्तलिफ़ ग्रसेम्बलियों के मैम्बरजं और पार्लिमेंट के मैम्बरजं भी सरकारी कर्मचारियों की परिभाषा में आ सकते हैं और उन पर भी यह नियम लागू होगा ?

Shri Priya Gupta: May I know from the hon. Minister as to how many officers have been given certificates to take wine on medical grounds and whether they have been misused or not?

Mr. Speaker: That is not relevant here.

Shri Priya Gupta: It is relevant, Sir.

Mr. Speaker: If we differ, whose judgment shall prevail?

Shri Priya Gupta: Of the House.

Mr. Speaker: The House has given me the authority to exercise it.

Shri Harish Chandra Mathur: May I know whether the All India Advisory Board on Prohibition had wanted complete prohibition in the Government services and whether Government have not accepted it? If that is so, what are the reasons for Government not accepting a categorical recommendation of the All India Board that there should be complete prohibition among the services and that the Central services should give a lead to that effect?

Shri Datar: So far as the general question is concerned, it is true that the Central Prohibition Board took a decision in principle that before the end of the Third Five Year Plan there ought to be total prohibition in the whole of India. The matter is further being considered in consultation with the State Governments . . . (*Interruption*).

Mr. Speaker: The question was about total prohibition in the services.

Shri Datar: So far as the services are concerned, they passed a resolution on the basis of which this query has been addressed to the State Governments.

Shrimati Sarojini Mahishi: May I know the nature of the response received by the Government from some of the States in this connection?

Shri Datar: The nature is fairly satisfactory.

Shri Harish Chandra Mathur: Sir, I think the hon. Minister . . .

Mr. Speaker: He might ask another question.

Shri Hem Barua: He has not clarified it.

Shri U. M. Trivedi: It is a reflection on the hon. Minister.

Mr. Speaker: Order, order. Shri Mathur could ask another question if his question has not been answered.

Shri Harish Chandra Mathur: This note has been sent to the State Governments and it indicates, as read out by the hon. Minister, that it is only for certain occasions that they want to prohibit; but the recommendation of the Central Board was for complete prohibition of the use of wine by the services. I wanted to know whether the Central Government itself has not accepted that recommendation and has modified it by issuing a letter.

Shri Datar: That is not the correct position. At present there are certain States which are absolutely dry. Maharashtra and Gujarat have raised this question already. They have stated that even moderate drinking becomes an offence in their States. Therefore they have made certain suggestions. But there are other States where either there is no prohibition or there is partial prohibition. That is the reason why what the hon. Home Minister read just now was put that way (*Interruption*).

Mr. Speaker: Order, order. We should not remain under the influence of liquor for a long time. Next question.

Shri Harish Chandra Mathur: We want to take people out of that influence.

Rural Institute in Kerala

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- *96. { **Shri Basumatari:**
 { **Shri A. K. Gopalan:**
 { **Shri Rameshwar Tantia:**

Will the Minister of Education be pleased to refer to the reply given to

Starred Question No. 1212 on 31st May, 1962, and state:

(a) whether representations received from various voluntary organisations in regard to Rural Institute in Kerala have been examined by Government;

(b) if so, the reaction of the Government thereto; and

(c) whether the final selection of the site has been decided upon?

The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna): (a) Yes, Sir.

(b) and (c). A Committee was appointed to visit the various sites proposed for a Rural Institute in Kerala and to recommend a suitable location. The Committee has since submitted its report. The views of the Ministry have been communicated to the State Government.

Shri Basumatari: What is the curriculum in regard to this Rural Institute and what would be the qualifications of the teachers that are going to be appointed there?

Mr. Speaker: He wants the qualifications of the teachers now?

Shri M. R. Krishna: This institute has not yet come into being. Still the whole matter is under consideration.

Shri Rameshwar Tantia: What will be the activities of this Institute. May I know whether such Institutes will be established in other parts of the country?

Shri M. R. Krishna: Under the Third Five Year Plan, the Education Ministry has set apart a certain amount to establish Rural institutes, four of this kind. This is going to be the first of its kind. The subjects etc. are still to be decided.

Bokaro Steel Plant

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- *97. { **Shri P. R. Chakraverti:**
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri B. K. Das:
Shri M. L. Dwivedi:
Shri D. C. Sharma:
Shri Basumatari:
Shri Rameshwar Tantia:
Shri Prakash Vir Shastri:
Shri P. C. Borooah:
Shri Bhagat Jha Azad:
Shri Yallamanda Reddy:
Shri Eswara Reddy:
Shri Morarka:
Shri Bibhuti Mishra:
Shri Warlor:
Shri Vasudevan Nair:
Shri M. K. Kumaran:
Shri Sarjoo Pandey:
Shri Ram Ratan Gupta:
Shri Nambiar:
Maharajkumar Vijaya
Ananda:
Shri Yashpal Singh:
Shri Daji:
Shrimati Jyotsna Chanda:
Shri Bhakt Darshan:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the U.S.A. Survey Team has finalised its study of the Economical and Technical aspects of the Bokaro Steel Project;

(b) whether the report will be placed before the U.S.A. Department dealing with aid for International Development;

(c) if so, whether Government of India will be given an opportunity to express their opinion with respect to the findings of the Survey Team; and

(d) what will be the quantum of aid from U.S.A. for the Project?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) Not yet, Sir.

(b) The report will initially be submitted to the Agency for International Development of the United States Government who have commissioned it.

(c) and (d). The Government of India hope to have an opportunity to study and express an opinion on the findings of the Survey Team. It is premature to express an opinion on the quantum of aid that will be made available.

Shri P. R. Chakraverti: Will the Government give an estimate of the production that is to be raised from year to year from the project once it comes into being?

Shri C. Subramaniam: Just now, the team is studying the whole thing. That information will be available only when we have the detailed project.

Shri P. R. Chakraverti: What will be the area covered by the project in the two districts of Dhanbad and Hazaribagh and what are the measures proposed to rehabilitate the people to be affected?

Shri C. Subramaniam: This is with regard to the report of the survey team. Regarding all the other actions which have got to be taken, a separate question may be put.

Shri Bhagwat Jha Azad: May I know whether the team has given any indication of the time by which they would be able to submit the report, whether the report will be submitted to the Government of India or whether it will be submitted to the U.S.A. department from which it will come to us?

Shri C. Subramaniam: I thought that was the main question and I have answered it. The time taken would be 7 to 8 months.

Shri D. C. Sharma: May I know whether the Bokaro steel plant will be a going concern by the end of the Third Five Year Plan?

Shri C. Subramaniam: No.

Shri Yallamanda Reddy: May I know whether it is a fact that this team is investigating throughout the country, even outside the purview of this investigation?

Shri C. Subramaniam: I do not think it is. It is only within the purview of the investigation.

Shri Yallamanda Reddy: The teams are travelling throughout the country.

Mr. Speaker: He says, No.

Shri Morarka: In view of the reply of the hon. Minister that it is not likely to be ready by the end of the Third Five Year Plan, may I know what steps the Government is taking to ensure the required supply of steel by the end of the Third Five Year Plan particularly when the expansion programme as well as Bokaro—both are likely to be delayed?

Shri C. Subramaniam: We are trying to expedite the expansion programme as far as possible.

Shrimati Renu Chakravartty: May I know whether the examination by the team is being done within the framework of the fact that the project will be in the public sector and it will be done by Indian consultants?

Shri C. Subramaniam: It will be a public sector project and investigation is being done on that basis.

Shri Hem Barua: May I know if it is a fact that the U.S. team is engaged in a study of the problem from an American point of view, as they say, with a view to make Bokaro an American answer to Russian Bhilai and if so, may I know what is the American point of view?

Shri C. Subramaniam: The plant will be in India to satisfy Indian conditions and to satisfy Indian needs.

Shri P. K. Deo: May I know whether the American team has been in consultation with Dastur, the consultant who has submitted the project report for the Bokaro steel plant?

Shri C. Subramaniam: Yes.

Shri Basumatari: In view of the fact that in such a big project, a large area of land will be acquired and a large number of people will be uprooted, is there any scheme to rehabilitate them by giving proper land near the site itself?

Shri C. Subramaniam: I am afraid this question will not arise out of the main question.

Shrimati Renu Chakravartty: May I know if it is a fact that this team is going into the fundamental question of actual total steel requirements of India and whether we need a Bokaro or not?

Shri C. Subramaniam: They are looking into the feasibility of the Bokaro steel plant. As far as the need is concerned, I think it has been more than established that there is need for the Bokaro steel plant.

Shri P. C. Boroah: May I know whether the Government of India proposes to send out a technical delegation to U.S.A. to bring home their point of view to the U.S. Government?

Shri C. Subramaniam: We should await the submission of this report before we take any further action.

Shri Umanath: Has the attention of the Government been drawn to a press report to the effect that the Birlas have canvassed in America for getting the plant itself in the private sector and if so, what steps have been taken by the Government to see that it does not influence the survey team's report?

Shri C. Subramaniam: I have not seen any such report.

Shri Nambiar: May I know whether the Government of India or its representative had a talk with the survey team when they were here and if so, whether the Government have placed their case squarely with the team?

Shri C. Subramaniam: To which case is the hon. Member referring? I am sorry I could not follow the earlier part of the question.

Shri Nambiar: May I know whether the Government of India have represented their case or had a talk with the survey team when they were here, and if so, whether they have put their case strongly before them?

Shri C. Subramaniam: It is not a question of placing the case. They are going into the feasibility of the Bokaro plant. There is no question of placing our case before them. They have to submit their report with regard to the feasibility of the Bokaro plant.

Shrimati Jyotsna Chanda: May I know whether Government propose to have any heavy industries in the near future, like the steel plants?

Shri C. Subramaniam: Where?

Shrimati Jyotsna Chanda: And if so, where?

Mr. Speaker: The hon. Member wants to know 'where', and the hon. lady Member also wants to know 'where'.

Shrimati Jyotsna Chanda: May I know whether it is proposed to have heavy industries, and if so, where?

Shri C. Subramaniam: I would refer the hon. Member to the Third Plan document which gives an account of the heavy industries which would be coming up in the country.

Sangeet Natak Akademi



98. { **Shri Indrajit Gupta:**
Shri Mohammad Elias:
Shri S. C. Samanta:
Shri Subodh Hansda:
Shri M. L. Dwivedi:
Shri B. K. Das:
Shri A. K. Gopalan:
Shri Yashpal Singh:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the reasons for the recent resignation of the Secretary of the Sangeet Natak Akademi;

(b) whether it is a fact that the Secretary has complained of violation of assurances given to him at the time of his appointment; and

(c) whether Government have held a searching inquiry into the matter?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun

Kabir): (a) The Akademi found him unsuitable for the post of Secretary and offered him an alternative post on the same terms and conditions as that of the Secretary. He refused to accept the post and resigned.

(b) The Akademi has pointed out that there has been no violation of the terms and conditions of his appointment.

(c) This was not necessary.

Shri Indrajit Gupta: Since this gentleman in question has spent the last sixteen years of his life in Paris, may I know why he was offered this job in the first place, without the Ministry being satisfied that he was suitable for it?

Shri Humayun Kabir: The Ministry was not consulted when he was offered the appointment.

Shri Indrajit Gupta: May I know whether it is a fact that the offer for this appointment or invitation to this gentleman, which the hon. Minister said was not approved of by the Ministry, was issued by the Vice-Chancellor of the Akademi, who is an ex-ICS officer, who possibly does not know much about art or culture?

Shri Humayun Kabir: The hon. Member has not interpreted me correctly. I did not say 'approval'. I said that we were not informed before the post was offered, but only after the post was offered. The matter was not initially referred to us because the Akademi held that they were competent to make the appointment without any reference, but the Ministry held that reference was necessary, and because the offer had been made, we did not disapprove of it.

Shri Indrajit Gupta: At least this part of my question may be answered. Who made the offer?

Shri Humayun Kabir: The Akademi.

Shri Thirumala Rao: Has the attention of Government been drawn to a communication published in the press that communist minded persons controlling the organisation have made it hard for this gentleman to continue for long in that job? If the attention of Government has been drawn to it, what action has Government taken on it? Have they verified the truth of these allegations?

Shri Humayun Kabir: This is the first time that I have heard about it.

Shri Thirumala Rao: I could not follow the answer.

Mr. Speaker: This is the first time that the Minister has heard of this accusation.

Shri Thirumala Rao: Is there any machinery with Government to understand what the press is publishing about its departments?

Mr. Speaker: The hon. Member wants an opinion about the information, and when he has not got it, he starts arguing.

Shri Hem Barua: Is it not a fact that this gentleman was appointed as secretary of this Akademi, and when he came he was offered a special this officer's job in the Akademi to work out plans? Was it because the Ministry did not approve of it or was it because the Ministry did not know of it that this man was invited all the way from Paris and then insulted and humiliated and turned out of office?

Mr. Speaker: Order, order. All these inferences and arguments are not necessary. The answer has been given already that the Ministry was not consulted.

Shri Hem Barua: May I submit that.....

Mr. Speaker: Order, order.

Shri Hem Barua: On a point of information. The trouble is that this very fact has got very wide publicity.

Mr. Speaker: I know that, but the trouble is that the hon. Member puts

his question in such a manner that it is difficult to allow it to be answered.....

Shri Hem Barua: We have apprehensions that there is something rotten in the State of Denmark. That was why I wanted to know.

Mr. Speaker: It must be so. Sometimes, I might agree with the hon. Member. Now, Shri Joachim Alva.

Shri Hem Barua: The hon. Minister owes an explanation to this House.

Mr. Speaker: Now, I have called Shri Joachim Alva.

Shri Joachim Alva: Why are the affairs of this Akademi in such a bad condition? In the first place, we had a lady secretary who got into trouble; then, they wanted to appoint someone, and he was kicked off. May I know why Government cannot take a very serious view of the affairs of this Akademi in the sense of having an annual audit of accounts and appointing a very capable secretary who is au fait with cultural affairs?

Mr. Speaker: That is a suggestion for action.

Shri Joachim Alva: No, Sir. I wanted to know.....

Mr. Speaker: Now, next question.

Manufacture of Avro-748

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- *99. { Shri S. M. Banerjee:
Shri D. C. Sharma:
Shri Rameshwar Tantia:
Shri M. L. Dwivedi:
Shri S. C. Samanta:
Shri Subodh Hansda:
Shri P. C. Borooah:
Shri Sham Lal Saraf:
Shri Raghunath Singh:
Shri Basumatari:
Shri Yashpal Singh:

Will the Minister of Defence be pleased to state:

(a) the further progress that has been made with regard to manufacture of AVRO-748 in Kanpur;

(b) the number of aircrafts likely to be manufactured in 1962;

(c) whether some British technicians are still in Kanpur; and

(d) the number of such technicians?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Work on the 2nd, 3rd and 4th AVRO-748 aircraft is progressing satisfactorily. It is expected that the second aircraft will fly this year and the third and fourth aircraft will be near completion.

(c) Yes, Sir

(d) Four.

Shri S. M. Banerjee: May I know whether production will start in full swing in 1962 itself?

Shri Krishna Menon: Production is never in full swing. It is progressive.

Shri Nambiar: When will the maximum be reached?

Mr. Speaker: Order, order. He was not allowed to put a question

Shri Hem Barua: Is it a fact that recently negotiations were conducted with the Hawker Siddeley group for the manufacture of Avro 748. Series II? If so, may I know what is the outcome of the discussion?

Shri Krishna Menon: The agreement with the manufacturers for general manufacture of aircraft is not only for one particular type. There are several progressive types. The team now in England is negotiating with the manufacturers in regard to further models, various versions. That is probably what the hon. Member is referring to.

Shri D. C. Sharma: Is it not a fact that a team has gone abroad to exhibit this aircraft in order to get orders for them from some of the countries?

Shri Krishna Menon: That is altogether another team. We do not call it a team. The airmen who pilot

this aircraft took the aircraft to Indonesia and from there to Cambodia, Burma and Malaya and have come back. They are flight demonstrations at the request of the Governments concerned. Under our manufacturing agreement, it is open to us to sell them if we can.

Shri Sham Lal Saraf: May I know whether Indian technicians are fully versed in the manufacture of this aircraft now and also whether it is used for both defence and civil purposes?

Shri Krishna Menon: Indian technicians made them. They have come up to expectations. So they may be considered to be well versed.

Shri S. C. Samanta: May I know the percentage of parts that are being manufactured in our country?

Shri Krishna Menon: That does not come under this question. I want notice.

Shri M. L. Dwivedi: Has the team which has taken the aircraft for demonstration purposes to Indonesia and other countries done so of our own accord or at the invitation of those countries?

Shri Krishna Menon: It was in answer to the pressing invitation of these Governments.

Shri P. C. Borooah: What is the present installed capacity of manufacture of this aircraft in Kanpur and what is the rate of manufacture now?

Shri Krishna Menon: As I said, there are possibilities, at the present moment, of producing three aircraft at a time. How long each one of them will take to build depends upon the progress of production. On the whole, I think, the present arrangements are to produce 12 a year.

Rates of Royalty

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Shri Rameshwar Tantla:

Shri D. C. Sharma:

Shri Yashpal Singh:

Shri Bibbuti Mishra:

*100. **Shri Daji:**

Shri Hem Barua:
 Shri P. C. Borooah:
 Shri Ram Ratan Gupta:
 Dr. L. M. Singhvi:
 Shri Venkatasubbalah:

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Starred Question No. 112 on the 23rd April, 1962 regarding royalty on Assam Oil and state:

(a) whether final decision has been taken by the Government on revising the existing rates of royalty; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis): (a) No, Sir.

(b) Does not arise.

Shri Rameshwar Tantia: What are the reasons that this important question of royalty was not settled in the beginning with the Assam Government and what steps are being taken to settle this matter without hampering the progress of work of Oil India?

Shri Hajarnavis: As regards the first, there is the clause about the liability to pay royalty. We interpret it in one way and the Assam Government interpret it in another way. Till both parties have agreed upon an identical interpretation, the controversy will continue.

As regards the second question, all steps are being taken. The present position is both the Assam Government and the Government of India are determined to find an agreed solution.

Shri Rameshwar Tantia: Until this matter is settled, what is the position regarding progress of work?

Shri Hajarnavis: The Government of Assam have agreed to give us all the exploratory licence which Oil India Ltd. have asked for.

Shri P. Venkatasubbalah: May I know whether the attention of Government has been drawn to a press report which said that the matter has been referred to the Finance Minister

for arbitration? If so, at what stage does the matter stand now?

Shri Hajarnavis: That is also one of the steps contemplated. In the meantime, if there is an agreement between the Government of Assam and the Government of India and reference to arbitration may not be necessary.

Shri P. C. Borooah: What is the estimated annual loss of revenue to the Assam Government on account of the reduction?

Shri Hajarnavis: I will not be able to give the total loss. But the difference per ton is about Rs. 6.

Shri Hem Barua: May I know if the attention of the Government has been drawn to a recent statement by the Chief Minister of Assam to the effect that the issues of royalty and exploration programmes are being magnified and a fear complex is being created in the Delhi official circles; if so, whether it is not a fact that the spokesmen of the Oil and Natural Gas Commission, by issuing all sorts of nauseating statements against the State Government, are complicating the situation?

Shri Hari Vishnu Kamath: A cold war is going on.

Shri Hajarnavis: No such statement of the Chief Minister of Assam has come to my notice, nor am I aware of the statement attributed to the Oil and Natural Gas Commission.

Shri Basumatari: May I know whether it is correct that the Assam Government was not taken into confidence about this agreement for exploration?

Shri Hajarnavis: What the hon. Member has in mind is that the Assam Government did not agree to this new clarification about the liabilities; that is correct.

Shri Ram Ratan Gupta: Is it not a fact that the Planning Commission has awarded 15 per cent royalty to the State Government on the oil that may be found there?

Shri Hajarnavis: That also is one of the proposals.

Special Type of Steel

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- *101. { **Shri Subodh Hansda:**
 { **Shri S. C. Samanta:**
 { **Shri B. K. Das:**
 { **Shri M. L. Dwivedi:**
 { **Shri Yallamanda Reddy:**
 { **Shri Eswara Reddy:**

Will the Minister of **Steel and Heavy Industries** be pleased to state:

(a) whether there is any proposal to evolve a scheme for the production of special type of steel in the **Bhadra-vati Iron and Steel Works, Mysore;**

(b) whether this was also suggested by him when he visited the factory;

(c) if so, whether any assurance was given to the factory for rendering help for this; and

(d) if so, what kind of help was assured?

The Minister of Steel & Heavy Industries (Shri C. Subramaniam):

(a) and (b) Yes, Sir.

(c) and (d). We have assured the **Mysore Works** that their proposals for the manufacture of alloy and special steels will be considered favourably.

Shri Subodh Hansda: What is the principal reason for selecting the **Mysore Iron and Steel Works** for submitting this project?

Shri C. Subramaniam: Because it is advantageously situated according to expert opinion.

Shri Subodh Hansda: May I know whether they have submitted any plan for the steel plant, and if so, what kind of steel plant do they propose to establish?

Shri C. Subramaniam: We have called for proposals, and I am expecting to get the proposals within about two or three weeks.

Shri S. C. Samanta: May I know whether we are in dire need of this

special type of steel, or most of it to be manufactured will be exported?

Shri C. Subramaniam: No, Sir. It is for internal consumption. As a matter of fact, we are importing a good deal of special and alloyed steel.

Shri B. K. Das: May I know whether there is any proposal for a steel plant in **Durgapur** also; if so, which of these two will take precedence?

Shri C. Subramaniam: Yes, Sir. The **Durgapur** plant also will be put up, and if the proposals materialise, it will be taken up at **Mysore** also.

Shri M. L. Dwivedi: May I know if a scheme for this purpose has already been prepared or is in preparation; if it has been prepared, whether the Minister would like to place it on the Table of the House?

Shri C. Subramaniam: I have already stated that I have called for proposals and it is likely to be available within three or four weeks.

Shri Yellamanda Reddy: May I know the form of this assistance, whether it will be in the form of loan, aid or subsidy?

Shri C. Subramaniam: It has not yet been decided.

Shrimati Renu Chakravartty: May I know whether it is a fact that the **Financial Adviser to the Hindustan Steel Limited** has opened that it is better to give this project to a private company, and as such there is a chance that this project at **Durgapur** will not go through in the public sector at all?

Shri C. Subramaniam: For the first time I am hearing a suggestion like that.

Shrimati Renu Chakravartty: Not a suggestion.

Shri Sham Lal Saraf: Will the steel manufactured here come under the

all-India pool for distribution, or will they be allowed to distribute it themselves?

Shri C. Subramaniam: It will come for all-India distribution.

Shri Sonavane: On a point of order, Sir. We on this side have been trying to catch your eye, but it appears your eye is not on this side.

Mr. Speaker: I will consult my doctors this afternoon!

Shri A. P. Jain: Is it a fact that iron manufactured by the charcoal process, on account of its low coke content, is particularly suited for alloys and special steels; and Bhadravati being one of the works where the charcoal process is used is particularly suited for alloys and special steel manufacture and it should be given preference?

Shri C. Subramaniam: That is one of the reasons why Bhadravati Iron Works is being preferred for special steel.

Mr. Speaker: Shri Sonavane has got my ears now.

Shri Sonavane: I would like to know what is the demand for special steel in the country and whether this project would be able to meet it entirely.

Shri C. Subramaniam: Not this project alone; we have got the other Durgapur project. And, we have licenced a few in the private sector also, many of which, I find, are not likely to come through.

Shri Dasappa: May I know whether it is not a fact that the delegation composed of technicians has already left for West Germany to assess the project?

Shri C. Subramaniam: They have not already gone; they are in the process of proceeding.

M. I. G. Deal

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Shri Harish Chandra Mathur;
Shri P. K. Deo;
Shri Narendra Singh Mahida;
Shri S. M. Banerjee;
Shri D. C. Sharma;
Shri Rameshwar Tantia;
Shri Prakash Vir Shastri;
Shri P. C. Borooah;
Shri Warrior;
Shri Vasudevan Nair;
Shri M. K. Kumaran;
Shri Bhagwat Jha Azad;
*102. Shri Bhakt Darshan;
Shri Hem Raj;
Shri Sham Lal Saraf;
Shri Nambiar;
Shrimati Renu Chakravartty;
Shri P. Venkatasubbaiah;
Shri Sarjoo Pandey;
Shri Yallamanda Reddy;
Shrimati Maimoona Sultan;
Shri Nath Pal;
Shri Hem Barua;
Shri Basumatari;
Shri Yashpal Singh;

Will the Minister of Defence be pleased to state:

(a) whether arrangements for the purchase of MIGs or equivalent planes and manufacture of that type of aircraft have been finalised;

(b) whether Western countries have made any offers; and

(c) if so, the nature of the offers made?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir.

(b) and (c). Officers have been received from more than one source. They are under examination. It is not in the public interest to disclose the details.

Shri Harish Chandra Mathur: We find from various reports that there is considerable resistance from the western countries, particularly U.S.A. and the U.K. about the M.I.G.S. Even now our Ambassadors in USA in today's paper has said that the aid comes without grace. May I know

how far our deal is being influenced by the resentment from western countries and what are the reasons for such resentment and what is our reaction?

Shri Krishna Menon: It is not part of the question. (*Interruptions*).

Shri Harish Chandra Mathur: What progress has been made is in the question. Whether this progress has been retarded by the resentment from the western countries is also part of the question.

Shri Krishna Menon: I have been asked whether this question has been finalised; and I said, 'No'. I have also been asked whether other offers have been received. I said, this is under consideration and it is not desirable in public interest to give the details. (*Interruptions*).

Mr. Speaker: There is nothing further to know. But hon. Members want to know whether Government would be influenced by other extraneous things or pressures. That is all what they want to be assured.

Shri Krishna Menon: We are a sovereign country and a self-respecting people.

Shri Harish Chandra Mathur: May I know at what stage of consideration and processing this matter is and whether it is a fact that even the USSR is not now enthusiastic about this on the ground that we have not got technicians who will be able to manufacture this MIG and so will give a bad name to that country?

Shri Krishna Menon: The first part of the question comes under what I said as being not in public interest to disclose details. About the second part of the question, it is a Press canard as usual.

Shri P. K. Deo: In spite of the ideological difference between the USSR and the Peoples Republic of China, which seems to be a temporary one..

Mr. Speaker: There ought not to be any arguments. Arguments, inferen-

ces innuendoes, defamation, all those are to be avoided.

Shri P. K. Deo: May I know if the question of the supply of spare parts has been considered in case of any Sino-Indian dispute?

Mr. Speaker: How can this be put? When they go into it then we can ask for some assurance.

Shri P. K. Deo: This is the proper time to consider that.

Shri Krishna Menon: We are not negotiating with anybody for buying ideologies; we are negotiating for planes. (*Interruptions*).

Mr. Speaker: Order, order. Shri Mahida.

Shri Narendra Singh Mahida: May I know whether any political issues are involved in buying these MIGs?

Shri Krishna Menon: No, Sir.

Shri S. M. Banerjee: I want to know when the team which has been sent to the Soviet Union for finalising this deal is likely to return.

Mr. Speaker: Why should it be considered? It may return a day earlier or later.

Shri S. M. Banerjee: The deal will be finalised after they return.

Shri Bhagwat Jha Azad: May I know whether it is a fact that after careful consideration and examination by our experts of the Air force it has been decided to go in for MIGs, on the ground of convenience and desirability, as compared with the Lightnings and other aircraft that have been offered to us?

Shri Krishna Menon: That again comes under what I said that it is not possible to disclose.

श्री प्रकाशवीर शास्त्री: प्रतिरक्षा मंत्रालय के एक विशेष अधिकारी जिन का कि नाम श्री भगवन्तम् है वह रूस इन्हीं मिग विमानों की खरीद के सम्बन्ध में गये हुए हैं तो क्या उन्होंने जाने से पहले यह निश्चय कर लिया

या कि जिन दूसरे देशों ने अपना प्रोजेक्ट मिग विमानों के सम्बन्ध में दिया है उन की अपेक्षा जहां वह जा रहे हैं वहां से यह सस्ते पड़ेंगे या हमारे देश के हित में रहेंगे ?

Shri Krishna Menon: All that comes under this category and I am not prepared to disclose it.

Mr. Speaker: The only question is whether before sending a team of officers or one officer it has been assured that there are no other planes that we can get cheaper from other countries?

Shri Krishna Menon: Government have made investigations which, in their best judgment they considered necessary for the purpose of making a selection. Going into any further details would be to express an opinion on comparative merits in this House.

Shri Hari Vishnu Kamath: Sir, on a point of order. You must have noticed in this House that the Treasury Benches and particularly some Ministers are too prone to seek cover under the convenient phrase 'public interest'. May I know who is the ultimate judge, you or the Minister, to decide what is public interest?

Mr. Speaker: It has been decided even before, I think, that the Minister has got that privilege to claim; he can say that he cannot disclose certain information in public interest. The Minister has got that privilege. But when it is apparent on the fact of it that the information ought to be given I do interfere, just as I did just now, and ask him the question that was being asked.

Shri Harish Chandra Mathur: I have a submission to make on the point of order raised and the observations made by you. The hon. Minister has said now something quite contrary to what he had stated in the speech which he made while discussing the Demands on Defence. The question which was asked by Shri Bhagwat Jha Azad was definitely answered by him in that debate. Now he says that it is not in public interest. . . (Interruptions).

Mr. Speaker: Shri Azad made perhaps the same point in his speech as he had done today. He had made a speech and got the answer that it was our right and we could go wherever we liked. I remember that. But if there is a contradiction then the hon. Members can write to me and I will write to the hon. Minister and then the records can be seen. How can I decide it just now? (Interruptions).

Shri Harish Chandra Mathur: My submission is that the hon. Minister claims protection under 'public interest' on this occasion, and is, therefore, not prepared to disclose some information. But during the Defence debate he said that this was in the best interest of the country, this was the best plane available. How is it that we have gone back upon that? . . . (Interruptions).

Mr. Speaker: Hon. Members, must appreciate that after sometime we can have only recollections of what words were said at that time. Therefore, I cannot say just now without consulting the records what exactly has been said at that time, whether the same information is being withheld or there is something different. I would not be a safe guide for me to depend upon my memory so much as some other hon. friends perhaps do.

Shri Priya Gupta: I want to raise a point of order.

Shri Ansar Harvani: Sir, I want to raise a point of order.

Mr. Speaker: Order, order. When there is one point of order, how can I call another hon. Member for another point of order?

Shri Priya Gupta: My submission is,—

Mr. Speaker: Is it a submission or a point of order?

Shri Priya Gupta: It is a point of order. The point is this. When a Minister takes shelter by saying that the matter is one which cannot be disclosed in public interest, I want to know how much time is given

to him, and who is the authority to interpret whether it is in the public interest or not and whether he is correct in saying that it is in the public interest, once he takes shelter under it.

Mr. Speaker: I have given the answer to it.

Shri Priya Gupta: How long? Is it six months, or one year or two years?

Mr. Speaker: That depends upon the circumstances.

Shri Priya Gupta: Who is the authority, and when? Who is the authority to interpret it?

Mr. Speaker: Order, order. Perhaps the hon. Member himself, when he does not listen to me!

Shri Ansar Harvani: Shri Bhagwat Jha Azad said that some information was given to him in the course of the debate on the defence demands by the Defence Minister. Is it necessary that that information should be given again and again?

Shri Bhagwat Jha Azad: It was given to the House; not to me personally.

Some Hon. Members rose—

Shri U. M. Trivedi: I want to have one point cleared.

Mr. Speaker: Order, order. The whole Question Hour is to be taken by points of order! I think I could put it to the House, that no point of order should be raised during Question Hour, because, every time when points of order are raised during the Question Hour, subsequently it is found that it is very seldom that there is really a point of order. I have found it so often. Perhaps, if the House agrees, I will ask that no point of order should be raised during the Question Hour.

Shri Harish Chandra Mathur: It cannot be decided like that in a rough-and-ready method, Sir. (*Interruption*).

Mr. Speaker: Order, order. I would not have any objection to listening to the points of order and give decisions on them but I put it to the hon. Members: how this privilege, if I may be excused, it abused. (*Interruptions*).

Shri Hari Vishnu Kamath: Treasury Benches too are sometimes guilty.

Mr. Speaker: On this privilege of suspending every business, and putting the points of order. I have to suspend all business and listen to the points of order. If hon. Members want, I can calculate all these figures. It has been found that out of 100 instances there has been just one point which was really a point of order. (*Interruption*). Order, order. I do not want to take away that privileges of hon. Members, for there ought to be, I should say, greater responsibility also which should be felt by hon. Members. When there is really a point of order, it should be raised and not otherwise.

Shri Priya Gupta: We raise it only when there is need for it. We do not want to waste the time of the House.

Shrimati Renu Chakravartty: May I suggest one thing? If a point of order should be raised during the Question Hour, then at least the rule under which we raise the point of order may also be put in and then it should be allowed. Generally anybody gets up and asks anything during Question Hour. Instead of that, if a rule is quoted, on that basis, we can ask or raise a point and ask for your ruling. That would be a much better way of dealing with this.

Mr. Speaker: Shall we proceed with supplementaries now?

Shri Tyagi: Yes, Sir. (*Interruptions*).

Shri Nambiar: Let us proceed with the points. There is nothing wrong.

Shri Tyagi: I was anxious to know one thing, and that is, whether the hon. Minister, during his interview with the Russian emissaries or au-

thorities, has come to know if it is a fact that China has protested to the USSR against their deal for the MIG aircraft and the manufacture and completion of the MIG in India.

Shri Krishna Menon: I am not aware of anything. But that does not come under this question.

Shri Raghunath Singh: It is published in the papers.

Shri U. M. Trivedi: It is unfortunate that several mistakes are committed severally and the annoyance is visited upon me! I never wanted to make any submission by way of a point of order. All that I wanted to know is this. You were good enough to state that the Minister has got the right of saying that in the public interest he would not disclose it. Is this bare statement of his merely a subjective approach or is there anything objective left in the hands of the Speaker on this point? This is what I want to know.

Mr. Speaker: It has been raised many a time. I remember an instance when it was done in the presence of my predecessor. He had asked the Minister to show him the record in order that he may decide whether that privilege he claimed was really *bona fide* or based on those facts or not. But certainly, presumably in most cases, I have to take the statement of the Minister as it comes and allow him the privilege, unless there are special circumstances brought to my notice by the hon. Members.

Shri Frank Anthony: May I submit with great respect that if we have some kind of categorical ruling, it will make us functionless? You have been a distinguished Judge and you know that this kind of privilege is raised in the courts, but the courts never abdicate their right. You have an absolute right in a matter like this. The Defence Ministry is constantly putting this House in a position where it cannot function. When they claim

privilege particularly in a matter like this, you have an absolute right to call for the records and see whether the claim is anything more than an *ipse dixit*. Otherwise, any *ipse dixit* can be raised by any Minister and the House cannot get any information.

Mr. Speaker: The question has been raised earlier and I have already given my answer. The Question Hour is over.

Shri M. L. Dwivedi: 10 minutes have been taken by the points of order and the Question Hour may be extended by 10 minutes.

Mr. Speaker: Who has taken those 10 minutes?

*SUPPLEMENTARIES ON SHORT NOTICE QUESTION No. 1

REGARDING CONTAMINATED FLOUR FROM U.S.A.

Mr. Speaker: Shri Mohan Swarup. He may put his supplementary on short notice question No. 1 answered yesterday.

Shri Mohan Swarup: In the statement, it has been said that the flour was received in four steamers at Calcutta Port, which brought about 70,000 bags, out of which only 4,000 bags were despatched to Darrang and Malda and the rest were despatched to Bihar and Orissa. May I know whether these consignments were brought at the Calcutta port at the same time and all the ships were unloaded at the same time?

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): I have stated in the reply that this flour which is alleged to have been contaminated has been received in four steamers. They brought in about 70,000 bags out of which 4,000 bags were despatched to Darrang and Malda districts. (*Interruptions*). Even with regard to those 4,000 bags, it is not established that

all these 4,000 bags have been contaminated because only a small number of bags have been consumed in that particular areas from where these instances have been reported. From areas where a substantial number of bags have been consumed, no incidents have been reported to us.

Shri Hem Barua: In view of the fact that the four steamers out of which contaminated flour is reported to have been received had also discharged some bags of flour at Bombay and Madras ports, are the Regional Directors of Food at these ports not instructed whether the bags are in proper condition or not and whether they are contaminated?

Shri A. M. Thomas: They are being examined. All precautions are taken. It will be seen from the tests and examinations already conducted that the contamination would not have taken place either in voyage or at the ports.

Shri Hem Barua: The Government have said that the source of contamination has not yet been established. But now the Minister comes forward with a statement that it was not contaminated in transit. It is for the Government to enlighten us whether it was contaminated after it was delivered to the different centres in Assam or West Bengal.

Shri A. M. Thomas: That is what I have said. I am sorry the hon. Member has not gone through the reply which I have, with your permission, placed on the Table of the House. I have stated towards the close of that answer:

"...further investigations in regard to the contamination of flour and the stage where such contamination occurred are still going on and the final result of such investigations will be placed before the House in due course".

श्री यशपाल सिंह: क्या सरकार के पास कोई ऐसा इन्तज़ाम है कि आस्ट्रेलिया या

अमेरिका वगैरह जिस जगह से गल्ला सौदा किया जाता है, वहाँ ही यह देख लिया जाये कि किन्हीं ऐसे बैमिकलूज के साथ हमारा गल्ला न रखा जाये, जिससे वह पायजन हो सके?

Shri A. M. Thomas: It has not been so. In this particular case it has verified that no chemical was carried in the particular ships in which these consignments of flour were received.

Mr. Speaker: What the hon. Member wants to know is whether there are any arrangements to see that the goods are checked at the source from where they are shipped as to whether they are in perfect order or they are contaminated (*Interruption*).

Shri A. M. Thomas: There are conditions even in the charter party that chemicals or poisonous substances cannot be carried along with food-grains.

Mr. Speaker: That was not the question. The question was not whether they may be carried along with foodgrains.

Shri A. M. Thomas: Yes, Sir, at the place from where these are shipped and also at the place where they are received, checks are conducted.

श्री यशपाल सिंह: श्रीमान्, मेरे मवाल का जवाब नहीं दिया गया है।

अध्यक्ष महोदय: उन्होंने दे दिया है। माननीय सदस्य ने मना नहीं है।

Shri P. C. Borooah: It is said that this flour has been contaminated by a chemical product known as TCP. May I know whether it is an imported thing or it is manufactured in India?

Shri A. M. Thomas: These investigations were carried on by the Health Department of the West Bengal Government, and according to the Tropical School of Medicine as well as the All-India Institute of Hygiene and Public Health which have conducted these investigations, the samples were found to contain tricresyl phosphate.

Shri P. C. Borooah: Sir, my question has not been answered.

Shri A. M. Thomas: It is of foreign origin.

Shri S. M. Banerjee: It is stated in the answer that poisoning by this chemical TCP which is used by the plastics industry, causes nausea, vomiting, abdominal pain and diarrhoea and ultimately results in paralysis of lower limbs. May I know how many people are still suffering due to this disease and whether their expenses will be met by the American Philanthropic Society or the Indian Government?

Mr. Speaker: Order, order. The investigations are still going on.

Shri S. M. Banerjee: People are still suffering.

Shrimati Renu Chakravartty: May I know whether the attention of the Government has been drawn to a statement made by the head of the Catholic Mission, where the children have been affected, that this flour was contaminated at the port; if so, whether any contradiction will be issued since the Government do not think that it took place in transit?

Shri A. M. Thomas: No such statement has been made. (*Interruptions*).

Shrimati Renu Chakravartty: It has come in the papers.

Mr. Speaker: Order, order. Hon. Members say that they have read it in the papers. As the statement has appeared, they want to know whether Government proposes to take any measure to contradict it because Government is of the opinion that this contamination did not take place at the port.

The Minister of Food and Agriculture (Shri S. K. Patil): It is a highly technical matter. Because there is any thing said by anybody, Government does not rush into contradictions. This is a matter which has got to be examined by the competent authority. What my hon. colleague

said was this, that in the same consignment there were hundreds and thousands of other bags that were distributed to other places. They have been consumed and there is no complaint. Therefore, it stands to reason, although it has to be established, that the contamination did not take place at the port. But this is a matter which is still under investigation and, I think, any further questions about it cannot elicit any other information than what has been given.

Shrimati Yashoda Reddy: The hon. Deputy Minister was pleased to answer that this TCP chemical has come from a foreign source. It that is so, why was it not possible for them to find out which was the port at which this TCP arrived, which was the source which distributed it and whether there was any connection between the distribution of foodgrains and this?

Shri S. K. Patil: This is also a highly technical matter. It may be that what was found was of the odour of TCP, but may not be exactly TCP, because we know on authority that TCP was not imported here. Therefore, it may be some other combination. I am not competent to give replies as to what other combinations can be of the type of TCP.

Shrimati Renuka Ray: Is it a fact that when wheat and other foodstuffs come under PL 480 they are examined properly but in the case of foodstuffs sent from private organisations to private organisations examination does not take place in the port? Is that one of the reasons why it is not possible to ascertain whether...

Mr. Speaker: A whole speech is being made. It is a long question.

Shrimati Renuka Ray: Some examination takes place in the case of foodstuffs which Government get, under PL 480. I want to know whether the same examination takes place in the case of foodstuffs sent

by voluntary organisations to other voluntary organisations.

Shri S. K. Patil: The routine examination does take place. What my colleague has stated and which I repeat is that if it was in the port then surely the quantity that has been distributed everywhere else except these two places and has been consumed—it has not only been distributed but on enquiries we found it has been consumed—would have invited the same complaint. But there has been no complaint at all from any other centre. So, it still requires to be proved that the contamination has taken place in the port.

Shrimati Savitri Nigam: The hon. Minister has stated that the contamination has not taken place either in the voyage or in the port. What inference does he draw from that? Where was it contaminated?

Shri S. K. Patil: I draw no inferences. I leave it to the technicians to find out.

Shrimati Savitri Nigam: My question has not been answered.

Mr. Speaker: Now papers to be laid on the Table.

WRITTEN ANSWERS TO QUESTIONS

Low Cost Car in H.A.L.

*103. **Shri D. C. Sharma:** Will the Minister of Defence be pleased to refer to the reply given to Starred Question No. 86 on the 23rd April, 1962 and state:

(a) whether any foreign technical aid has been received for the manufacture of low cost car in Hindustan Aircraft Limited, Bangalore;

(b) if so, the details thereof;

(c) whether the design of the car has been prepared; and

(d) if so, the broad features thereof?

The Minister of Defence (Shri Krishna Menon): (a). No, Sir.

(b). Do not arise.

(c). Yes, Sir. Hindustan Aircraft Limited have produced a prototype and part of developmental project.

(d) It is a light weight car. The body is a four door sedan type, made of cold setting polyester reinforced with glass fibre, with seating accommodation for 5 adults and luggage space for 250 lbs.

The car is powered by a two stroke, three cylinder water cooled engine designed and developed at Hindustan Aircraft.

Admission to Delhi University

{ **Shri P. K. Deo:**
 { **Shri Yashpal Singh:**
 { **Shri P. C. Borooah:**
 { **Shri D. C. Sharma:**
 *104. { **Maharajkumar Vijaya**
 { **Ananda:**
 { **Shrimati Maimoona Sultan:**
 { **Shri Mate:**
 { **Shri Shiv Charan Gupta:**

Will the Minister of Education be pleased to state:

(a) the number of students registered with Delhi University for admission in various colleges;

(b) how many of them have been refused admission; and

(c) what action Government propose to take to provide educational facilities to those who have been refused admission?

The Minister of Education (Dr. K. L. Shrivastava): (a). 10,486.

(b). 2,939.

(c) Apart from the existing facility available to women students to enrol themselves with the University as non-collegiate candidates, the Delhi University Act has been amended to enable the University to start Correspondence Courses from the current academic year.

मूल्यों में वृद्धि

- *१०५. { श्री म० सा० द्विवेदी :
 श्री स० चं० सामंत :
 श्री ब० कु० दास :
 श्री सुबोध हंसदा :
 श्री वी० चं० शर्मा :
 श्री हरिश्चन्द्र माथुर :
 श्री स० मो० बनर्जी :
 श्री वारियर :
 श्री मे० क० कुमारन् :
 श्री वासुदेवन् नायर :
 डा० लक्ष्मी मल्ल सिधवी :
 श्री प्र० के० वेव :

क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में वस्तुओं के मूल्यों में असाधारण वृद्धि को रोकने के लिए सरकार ने क्या कदम उठाये हैं अथवा उठाने का विचार है ;

(ख) क्या सरकार ने वस्तुओं के मूल्यों में असाधारण वृद्धि की जांच कराई है या कराने का विचार है ; और

(ग) यदि हां, तो उसकी क्या रूप रेखा है ?

वित्त मंत्रालय में उपमंत्री (श्री ब० रा० भगत) : (क) सभा की मेज पर एक विवरण रख दिया गया है जिसमें बताया गया है कि मूल्यों में वृद्धि रोकने के लिए सरकार ने कौन-कौन से अधिक महत्वपूर्ण उपाय किये हैं। सरकार प्रागे जो उपाय करना चाहती है उनका पहले से संकेत देना सम्भव नहीं है।

(ख) और (ग). विभिन्न महत्वपूर्ण वस्तुओं की कीमतों पर सम्बद्ध मंत्रालयों द्वारा बराबर निगरानी रखी जाने के अलावा, समय समय पर आयात-निर्यात शुल्क आयोग (टैरिफ कमिशन) तथा दूसरी संस्थाओं और निकायों से खास-खास उद्योगों द्वारा बनायी गयी चीजों की लागत पर कीमतों के ढांचों

की विशेष रूप से जांच करायी जाती है। प्रश्न में जिस तरह की विशेष जांच का जिक्र किया गया है उसे कराने का फिलहाल सरकार का इरादा नहीं है।

विवरण

चीजों की मूल्य-वृद्धि रोकने के लिए सरकार द्वारा किये गये उपाय

सरकार ने देश में उत्पादन बढ़ाने में प्रोत्साहन देकर और विदेशों से आयात करके अनाज की पूर्ति और संग्रह में वृद्धि करने का यत्न किया है।

कुछ राज्यों में चावल के अधिक से अधिक थोक मूल्य निर्धारित किये गये हैं। चावल के एक जगह से दूसरी जगह भेजे जाने पर प्रतिबन्ध लगा दिये गये हैं, ताकि किसी क्षेत्र के अन्दर ही उसे प्राप्त करने में आसानी हो और जिस भाग को सरकारी संग्रह से पूरा किया जा सकता है उसे स्थानवद्ध किया जा सके।

देश भर में उचित मूल्य पर माल बेचने वाली लगभग ५० हजार दुकानों पर उचित मूल्य पर गेहूँ और चावल बेचा जाता है।

वायदा बाजार आयोग (फार्वर्ड मार्केट्स कमीशन) ने अनाज के वायदे के सौदे बन्द कर दिये हैं और वह कपास, तेलहनों और जूट के वायदे के सौदों का नियमन करता है।

इस्पात, कोयला, सीमेण्ट और उर्वरकों (फर्टिलाइजर्स) जैसी बुनियादी चीजों की कीमतें सरकार निर्धारित करती है और उनके वितरण पर भी नियन्त्रण रखा जाता है।

कुछ संरक्षित उद्योगों द्वारा बनायी गयी चीजों, जैसे कि रासायनिक पदार्थों के अधिकतम मूल्य और कागज व कागज गत्ते के जैसी उपभोक्ता वस्तुओं के उचित मूल्य आयात-निर्यात शुल्क आयोग (टैरिफ कमीशन) की सिफारिश के अनुसार निर्धारित किये गये हैं।

मूली कपड़े, अत्यावश्यक औषधों और औषधियों (ड्रग्स) जैसी चीजों के मूल्यों पर अनौपचारिक नियंत्रण लगा हुआ है।

अतिरिक्त वक्रय-शक्ति को समाप्त करने के लिये कर बढ़ा दिये गये हैं।

मूल्यों की वृद्धि को रोकथाम करने के लिये रिजर्व बैंक ऋणों के विस्तार पर नियंत्रण रखता है।

Training of Educational Planners

*106. **Shri Bishanchander Seth:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that Government of India in collaboration with UNESCO has established regional centre for training educational planners, administrators and Supervisors in Asia;

(b) if so, what is the method for selecting the officers for such training?

(c) how many countries have so far sent their officers for this training; and

(d) how many officers in India have so far received the training?

The Minister of Education (Dr. K. L. Shrimall): (a) Yes, Sir.

(b) Indian trainees shall be selected by the Director of the Centre from among the candidates recommended by the State Governments. In case of other Asian countries, the selection will be made by the Director General of UNESCO.

(c) The first course will start in September 1962 only.

(d) Does not arise.

Admission to Higher Secondary Classes

*107. { **Shri Surendra Pal Singh:**
Shri Prakash Vir Shastri:
Shri Raghunath Singh:

Will the Minister of Education be pleased to state:

(a) whether all the students seeking admission up to higher secondary

classes this year in Delhi were given admission;

(b) if not, the number of students who were not given admission in Delhi; and

(c) the arrangements made or proposed to be made to ensure admission to all students?

The Minister of Education (Dr. K. L. Shrimall): (a) to (c). It has been the endeavour of the Delhi Administration and the local bodies to provide admission to all students seeking admission up to higher secondary classes but the choice of a school is not guaranteed. In order to meet the rush of admissions this year the Delhi Municipal Corporation, besides adding additional sections to the existing schools, opened one higher secondary school and 101 new junior basic schools and upgraded 54 junior basic schools into senior basic schools. The New Delhi Municipal Committee arranged for the opening of 8 new primary schools. The Delhi Administration, besides adding additional sections to the existing schools, opened 16 new higher secondary schools and one middle school. The aided higher secondary schools were also instructed to increase their existing enrolment by 5 per cent. Some private middle schools were also raised to higher secondary standard. It has been reported that no child has been refused admission in schools run by Government and local bodies.

Children's Education

{ **Shri Surendranath Dwivedy:**
Shri M. L. Dwivedi:
*108. { **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri P. Kunhan:
Shri Kappen:

Will the Minister of Education be pleased to state:

(a) whether the attention of Government has been drawn to the speech

made by the Chairman, Central Social Welfare Board at Bombay to the effect that target of children's education in the Third Five Year Plan is not likely to be achieved; and

(b) what concrete steps are being taken in this matter?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) Special programmes for girls' education have been formulated so that the enrolment of girls may be increased. It may be mentioned that the targets set for the first year of the Plan have already been exceeded.

Drama Competition

*109. { Shri S. C. Samanta:
Shri Subodh Hansda:
Shri B. K. Das:
Shri M. L. Dwivedi:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the drama competitions on the theme "India's Quest for Unity" in all the languages were held;

(b) if so, when and where these competitions were held; and

(c) whether any rewards have been given to the best competitors for this?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) to (c). A competition of Drama Scripts on the theme "India's Quest for Unity" is being held in English and in the languages mentioned in the Eighth Schedule to the Constitution. The last date for the receipt of the Scripts in this Ministry was 28th February, 1962. The Scripts are now being assessed.

Advocates Act

*110. { Shri Shree Narayan Das:
Shri Raghunath Singh:
Dr. M. S. Aney:
Shri Bade:

Will the Minister of Law be pleased to state:

(a) whether a demand for exemption from the Bar Council examination of those students who had joined the LL.B. or equivalent classes before the Advocates Act came into force has been made;

(b) if so, whether the same has been considered; and

(c) if so, with what result?

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):

(a) No, sir, but representations have been received that steps should be taken to remove the difficulties experienced by the students who have passed the final law examination after 28th February, 1962, in enrolling themselves as advocates.

(b) and (c). The matter is under consideration.

Taxes on Tea

*111. **Shri P. C. Borooah:** Will the Minister of Finance be pleased to state:

(a) whether the Chairman of the Assam Tea Planters' Association on the occasion of the Silver Jubilee of the Association urged the Government to appoint a high level committee to examine the repercussions of the multiplicity of taxes on the tea industry; and

(b) if so, what is Government's decision on this demand?

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). The question will be replied to by the Minister for Commerce and Industry on a subsequent date.

Polish Aid for Coal Development

- *112. { Shri Raghunath Singh:
Shri P. C. Borooah:
Shri Daji:
Shri Yashpal Singh:
Shrimati Renu Chakravartty.
Shri Ram Ratan Gupta:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether Poland has offered substantial fresh aid for the development of coal industry in India;

(b) if so, what is the precise offer; and

(c) what is Government's decision thereon?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) to (c). There are some prospects of fresh aid from Poland for the development of coal industry. The matter is under negotiation.

Credit from International Monetary Fund

- *113. { Shri Yashpal Singh:
Shri Rameshwar Tantia:
Shri Daji:
Shrimati Renu Chakravartty:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government are seeking an immediate credit of 100 million dollars from the International Monetary Fund to tide over the foreign exchange crisis; and

(b) if so, the result achieved in this regard?

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). The Government of India have already entered into a stand-by arrangement with the International Monetary Fund for \$ 100 million on July 9, 1962. Under this stand-by arrangement, India has

so far drawn \$ 25 million on 24th July, 1962.

Delhi-Calcutta Oil Pipeline

- *114. { Shri Morarka:
Shri Indrajit Gupta:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether Government have decided to lay a pipeline between Delhi and Calcutta via Barauni;

(b) if so, the total amount estimated to be spent on this and the quantity of finalised products likely to be transported per year; and

(c) when this project is expected to be completed?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) to (c). M/s SNAM PROGETTI of Italy were entrusted with the preparation of a project report for the product pipeline from Barauni-Delhi and Barauni-Calcutta. The detailed project report has been recently received and is being examined. The details of probable cost, throughout of the line can be furnished only after the examination of the project report has been completed. According to rough estimates the Delhi-Calcutta pipeline is likely to be completed by the end of 1964.

Renaming of Durgapur after Dr. Roy

*115. **Dr. L. M. Singhvi:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is a proposal to rename Durgapur after the late Dr. B. C. Roy; and

(b) whether the Central Government have been consulted or have expressed any opinion in the matter?

The Minister state in the Ministry of Home Affairs (Shri B. N. Datar): (a) and (b). No proposal in this regard has been received from the State Government.

Singareni Collieries

- *116. { **Shri Bibhuti Mishra:**
Shri Reghunath Singh:
Shri Rameshwar Tantia:

Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether any agreement has been reached between the Central Government and the Government of Andhra Pradesh over the control of the affairs of Singareni Collieries Company; and

(b) if so, the details thereof?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) and (b). The future pattern of assistance by the Government of India to the Singareni Collieries Company Ltd., and the extent of the Centre's interest in the direction of its affairs, as a consequence thereof, are presently under consideration in consultation with the Government of Andhra Pradesh.

Artificial Rain

- *117. { **Shri Hari Vishnu Kamath:**
Shri Mohammad Elias:

Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether experiments have been and are being conducted on the artificial precipitation of rain from clouds;

(b) if so, the nature and technique of such experiments; and

(c) the degree of success, if any, achieved so far?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir.

(b) Hygroscopic (water absorbing) particles are dispersed in clouds from seed generators on the ground or in aircraft. A proportion of the seeds thus dispersed help formation of a few relatively large cloud droplets which

grow rapidly by collision and coalescence with average small cloud droplets and help initiate rain formation more readily than would occur otherwise.

(c) Out of 54 units of seeding trials conducted by the Rain and Cloud Physics Research Unit 32 were positive, 11 negative and 11 inconclusive

Prices of Coal

- *118. { **Shri Jashvant Mehta:**
Shri Rameshwar Tantia:
Shri S. B. Das:
Shri Subodh Hansda:
Shri Basumatari:
Shri S. C. Samanta:
Shri B. K. Das:
Shri M. L. Dwivedi:
Shri P. R. Chakraverti:

Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether the coal industry have represented to Government to review the issue of price increase for coal in the light of the report of Indian Coalfields Committee of 1946 popularly known as Mahindra Committee; and

(b) if so, what action has been taken by Government in the matter?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) No, Sir.

(b) Does not arise.

Steel Factory in Andhra

- *119. { **Shri P. Venkatasubbaiah:**
Shri M. N. Swamy:

Will the Minister of **Steel and Heavy Industries** be pleased to state:

(a) whether the Government of Andhra Pradesh have represented for starting of a medium-sized steel factory in Public Sector in view of availability of large deposits of iron ore; and

(b) if so, what steps have been taken to start such a factory?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) Yes, Sir.

(b) Government of India have set up a Technical Committee to consider the question of setting up a pig iron plant in Andhra Pradesh. The recommendations of the Committee are awaited.

Smuggling of Foreign Exchange

- *120. { Shri C. K. Bhattacharyya:
Shri Tridib Kumar
Chaudhuri:
Shri S. M. Banerjee:
Shri Rishang Keishing:
Shri Jashwant Mehta:

Will the Minister of Finance be pleased to state:

(a) whether his attention has been drawn to a report published in Calcutta on the 10th July, 1962 that foreign exchange totalling about Rs. 14 lakhs has been smuggled out of the country by a gang;

(b) whether it is a fact that the Police seized about 700 files from the Reserve Bank of India in this connection; and

(c) whether it is also a fact that in some cases permits for foreign exchange have been granted to persons who had no passport?

The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). Yes, Sir.

(c) Permits for foreign exchange are granted by the Reserve Bank of India in all cases without reference to the passport. Authorised dealers, however, release foreign exchange only after endorsing the passport specifying the amount of exchange released.

Fertilizer Factory in Madhya Pradesh

*121. **Shrimati Maimoona Sultan:** Will the Minister of Steel and Heavy Industries be pleased to refer to the reply given to Unstarred Question No. 2563 on the 5th June, 1962 and state:

(a) whether arrangements for the proposed fertilizer factory in Madhya Pradesh have been finalised;

(b) if so, the details thereof;

(c) whether it will be set up in the public or private sector; and

(d) when the execution of the project is likely to commence?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (c). It has now been decided to set up this factory in the public sector. Details are being worked out by the Fertilizer Corporation of India Ltd., who have been entrusted with its execution.

(d) By January, 1963.

Children's Visit to Soviet Union

*122. **Shri Hem Barua:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that a delegation of ten children left for Soviet Union to take part in 35-day international rest camp at Artek;

(b) if so, who selected these delegates;

(c) whether children were selected from all over the country; and

(d) if so, what criterion was laid down in selecting these delegates?

The Minister of Education (Dr. K. L. Shrimali) (a) to (d). The transfer of this question has since been accepted by the Ministry of External Affairs. The Minister of External Affairs will, therefore, answer the question on a subsequent date.

Steel Plant in Madras

- *123. { Shri Basumatari:
Shri Jashvant Mehta:
Shri Rameshwar Tantia:
Shri Narendra Singh
Mahida:
Shrimati Renu
Chakravartty:
Shri Eswara Reddy:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether a final report has been received from either Norway or Ger-

man Democratic Republic to the feasibility of the proposed project of a steel plant in Madras; and

(b) if so, the final decision taken by Government for the implementation of this project?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) No, Sir.

(b) Does not arise.

Surplus Civilian Goods

*124. { Shri Rameshwar Tantia:
Shri Basumatri: .

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that there some quantity of surplus civilian goods produced by Ordnance factories;

(b) if so, whether these surplus goods are sold in the open market;

(c) if so, what is the machinery set up by Government to look after the sales promotion of such goods; and

(d) what is the extent of the sale-proceeds thereof during the last year?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir.

(b) to (d). Do not arise.

Foreign Exchange for Students

*125. { Shri Indrajit Gupta:
Shri Mohammad Elias:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that under the new foreign exchange restrictions, certain categories of students have been completely banned from proceeding to foreign universities for study;

(b) whether certain subjects and courses have also been placed on the restricted list; and

(c) if so, the details thereof?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) and (b). Yes, Sir.

(c) Under the new regulations, students going abroad for higher studies for non-technical subjects are allowed exchange only for certain approved subjects taken up in approved universities/institutions provided they hold certain minimum educational qualifications. Likewise, minimum educational qualifications have also been prescribed for diploma courses in technical subjects and apprenticeship training. The list of banned subjects is placed on the table of the House. [See appendix I, annexure No. 27].

Special Alloy Steel Plant in Kanpur

{ Shri S. M. Banerjee:
*126. { Shri Rameshwar Tantia:
Shri D. C. Sharma:

Will the Minister of Defence be pleased to state:

(a) the further progress that has been made regarding establishment of Special Alloy Steel Plant in Kanpur;

(b) whether difficulties with regard to getting power have since been solved; and

(c) when this factory is likely to be established?

The Minister of Defence (Shri Krishna Menon): (a) The establishment of an Alloy and Special Steel Plant has been accepted in principle. The question of going out to tender for plant and machinery requirements is under active consideration of the Government.

(b) The supply of power in adequate quantities for present consumption and future expansion is one of the factors which Government have under consideration.

(c) It is not possible at present to give any date with precision.

Manufacture of Small Car

- { Shri Subodh Hansda:
 Shri S. C. Samanta:
 Shri B. K. Das:
 Shri M. L. Dwivedi:
 Shri D. C. Sharma:
 Shri Daji:
 Shri S. M. Banerjee:
 Shri Narendra Singh
 Mahida:
 Shri P. K. Deo:
 Shri Bishwanath Roy:
 Shri Indrajit Gupta:
 Shri Rameshwar Tantia:
 *127. { Shri Shree Narayan Das:
 Shri P. C. Borooah:
 Shri Bhagwat Jha Azad:
 Shri Bhakt Darshan:
 Shri K. N. Tiwary:
 Shri Bibhuti Mishra:
 Shri A. K. Gopalan:
 Shri Umamath:
 Shri P. Kunhan:
 Shri Raghunath Singh:
 Shri Daljit Singh:
 Shri A. V. Raghavan:
 Shri Ram Ratan Gupta:
 Shri Nambiar:
 Shri D. N. Tiwary:
 Shri Surendranath Dwivedy

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any decision has been arrived at for the manufacture of small car in the public sector; and

(b) if so, what is the final decision?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) Not yet, Sir.

(b) Does not arise.

Industrial Management Pool

*128. **Shri Harish Chandra Mathur:**
Will the Minister of Home Affairs be pleased to state:

(a) the Government's programme for replanishing Industrial (Business) Management Pool;

(b) the assessed demand for the Third Plan; and

(c) whether any training, re-orientation and refresher's course are also being arranged?

The Minister of state in the Ministry of Home Affairs (Shri Datar):

(a) The working of the Industrial Management Pool and other important matters connected with the Pool are under review and future course of action will be determined after the review is completed.

(b) Instead of a centralised assessment of demand, each undertaking, Government company, and Ministry has been asked to work out its own requirements of managerial staff during the Third Five Year Plan.

(c) There is no centralised scheme for training, etc. but individual undertakings arrange where necessary for training of I.M.P. officers posted to them.

Andamans—Police Firing

- { Shri P. K. Deo:
 Shri Narendra Singh
 Mahida:
 Shri Indrajit Gupta:
 *129. { Shri Warrior:
 Shri Vasudevan Nair:
 Shri Yallamanda Reddy:
 Shri Shree Narayan Das:
 Shri Raghunath Singh:

Will the Minister of Home Affairs be pleased to state:

(a) whether the judicial enquiry into Andamans police firing has been completed; and

(b) if so, the report of the enquiry and its findings?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): (a) No.

(b) Does not arise.

All India Secondary Education Board

- { Shri M. L. Dwivedi:
 *130. { Shri S. C. Samanta:
 Shri Subodh Hansda:
 Shri Daji:

Will the Minister of Education be pleased to state:

(a) the period since the All India Secondary Education Board, Ajmer

started functioning on an All-India level;

(b) whether applications have been received from the Secondary Schools of States other than Union Territories for affiliation to the said Board and if so, the total number of such schools;

(c) the provision made regarding the courses and the medium of instructions in order to avoid inconvenience to the children of Central Government servants at the time of their transfers; and

(d) the expenditure incurred on the Board and the sources from which it is obtained?

The Minister of Education (Dr. K. L. Shrimali): (a) From 1st July, 1962.

(b) About 40 Schools from various States have applied to the Board for rules of affiliation, courses of study, etc. Only one institution has, however, been affiliated so far.

(c) The Board will conduct examinations through the medium of Hindi and English. Syllabi and courses of study are being drawn up and till such time as the new courses of studies are introduced, the Board will conduct examinations in the existing syllabi of erstwhile Delhi Board.

(d) No expenditure has been incurred by the Government on the Board. The Ajmer Board was a running concern and had its own funds which had been built up from income from examination fees.

अखिल भारतीय माध्यमिक शिक्षा बोर्ड

*१३० { श्री म० ला० द्विवेदी :
श्री स० चं० सामंत :
श्री सुबोध हंसदा :
श्री वाजी :

क्या शिक्षा मन्त्री यह बताने की कृपा करेंगे कि :

(क) अखिल भारतीय माध्यमिक शिक्षा मण्डल, अजमेर का अखिल भारतीय स्तर पर कार्य कब से प्रारम्भ हुआ है ;

(ख) क्या संघ राज्य क्षेत्रों के अतिरिक्त और कुछ राज्यों के माध्यमिक स्कूलों से सम्बन्ध (एफिलियेशन) के लिये आवेदन-पत्र आये हैं और यदि हां, तो कितने स्कूलों से ;

(ग) केन्द्रीय सरकार के कर्मचारियों के बच्चों को उनके स्थानान्तरण के कारण अनु-विधा न होने देने के लिये पाठ्यक्रमों और शिक्षा माध्यम की क्या व्यवस्था की गई है ; और

(घ) बोर्ड पर कितना धन व्यय होता है और यह कहाँ से प्राप्त होता है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली)

(क) १ जुलाई १९६२ से ।

(ख) विभिन्न राज्यों से करीब ४० स्कूलों ने बोर्ड से पाठ्यक्रम और सम्बन्ध के नियमों की जानकारी के लिये आवेदन-पत्र भेजे हैं । केवल एक ही स्कूल का अभी तक सम्बन्धन हुआ है ।

(ग) बोर्ड हिन्दी और अंग्रेजी के माध्यम द्वारा परीक्षाएँ लेगा । अभी पाठ्यक्रम और पाठ्य-विषय तैयार किये जा रहे हैं और जब तक नया पाठ्यक्रम लागू नहीं होता तब तक बोर्ड दिल्ली बोर्ड के पाठ्य विषयों में परीक्षा लेगा ।

(घ) सरकार ने बोर्ड पर कोई खर्चा नहीं किया है । अजमेर बोर्ड एक चालू संस्था है जिसके पास अपनी निजी धन राशि है जो परीक्षा-फीसों की आमदनी से जमा हुई है ।

Violation of Foreign Exchange

*131. { श्री Nath Pai:
श्री Hari Vishnu Kamath:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 857 on the 18th May, 1962 regarding enquiry into violation of a foreign exchange regulation case and state:

(a) whether the enquiries instituted by Government have been completed; and

(b) if so, what action has been taken on the basis of the enquiry?

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat):

(a) Not yet completed.

(b) Does not arise.

Heavy Electrical Project at Hardwar

*132. { Shri Surendranath Dwivedy:
Shri S. M. Banerjee:
Shri Bhagwat Jha Azad:
Shri Bhakt Darshan:
Dr. L. M. Singhvi:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether all the stages for manufacture in the proposed Heavy Electrical project at Hardwar have been completed and a final report has been made to Government;

(b) whether any conditions have been agreed to by the Soviet Union for its collaboration in the plant; and

(c) the estimated cost of the project and what will be the share of the Soviet Union?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (c). As a first step towards the implementation of Project a contract for the preparation of the Detailed Project Report was signed on the 15th May, 1962, by Heavy Electricals (India) Limited with Messrs. Prommashexport, Moscow, in pursuance of the 1500 million rouble credit Agreement, dated the 12th September, 1959 between the Governments of India and U.S.S.R. According to the terms of the Contract, the Detailed Project Report is expected to be received by May, 1963. After the Report is received and accepted, the terms of technical collaboration for import of plant and machinery, technical knowhow, training of Indian

personnel in USSR and deputation of Soviet Specialists to India for rendering technical assistance in the erection and commissioning of the plant, will be negotiated and settled with M/s Prommashexport, Moscow.

2. A rough estimate of the capital cost of the Project is Rs. 40 crores. The foreign exchange element will be Rs. 18 crores (approximately) and will be met out of the rouble credit.

Role of Education

*133. { Shri Shree Narayan Das:
Shri Yallamanda Reddy:
Shri G. Mohanty:
Shri Inder J. Malhotra:

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 568 on the 9th May, 1962 and state:

(a) whether Dr. Sampurnanand Committee appointed to examine the role of education in promoting national integration in national life has submitted its report;

(b) if so, the important features of the same;

(c) whether the report has been considered; and

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

The Minister of Education (Dr. K. L. Shrimali): (a) No, Sir.

(b) to (d). Do not arise.

Changes in Steel Plants

*134. { Shri P. C. Borooah:
Shri P. R. Chakraverti:
Shri S. C. Samanta:
Shri Subodh Hansda:
Shri Basumatarl:
Shri B. K. Das:
Shri D. C. Sharma:
Shri P. K. Deo:
Shri Narendra Singh Mahida:
Shri Warrior:
Shri Vasudevan Nair:
Shri M. K. Kumaran:

Shri Bhagwat Jha Azad:
 Shri Bhakt Darshan:
 Shri Morarka:
 Shri Hari Vishnu Kamath:
 Dr. L. M. Singhvi:
 Shri Prabhat Kar:
 Shri Daji:
 Shri R. Barua:
 Shri Hem Barua:

Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether certain organisational changes have recently been introduced in the three public sector steel plants run by the Hindustan Steel Ltd; and

(b) if so, what main changes have been introduced?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) Yes, Sir.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 28].

Cut in Premium Rates of General Insurance

*135. Shri Yashpal Singh: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have ordered General Insurance Companies to cut premium rates upto 25 per cent. with effect from the 1st July, 1962; and

(b) if so, what will be the effects of this change on the volume of business in General Insurance?

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat):

(a) No, Sir.

(b) Does not arise.

Compulsory Deposit by Banks in Pakistan

Shri D. C. Sharma:
 Shri Bishan Chandra Seth:
 Shri Raghunath Singh:
 Shri P. C. Borooah:
 Shri R. S. Tiwary:
 Shri P. Venkatasubbaiah:

*136 { Shri Yashpal Singh:
 Shri Mohsin:
 Shri Bagri:
 Shri Basumatari:
 Shri Tridab Kumar Chaudhuri:
 Shri Hem Barua:
 Shri Ram Ratan Gupta:

Will the Minister of Finance be pleased to state:

(a) whether Government of India have protested to the Pakistan Government against its recent ordinance calling upon all foreign banks, including Indian banks to keep a minimum deposit of Rs. 20 lakhs with the State Bank of Pakistan; and

(a) if so, the nature of the reply received and the reaction of Government thereto?

The Minister in the Ministry of Finance (Shri Morarji Desai):

(a) and (b). The difficulties which are likely to be experienced by Indian banks as a result of the new ordinance have been brought to the notice of the Pakistan Government. The question will be considered further in the light of the fresh developments, if any.

Amalgamation of Collieries

*137. { Shri Basumatari:
 Shri Rameshwar Tantia:

Will the Minister Mines and Fuel be pleased to refer to the reply given to Starred Question No. 1205 on the 31st May, 1962 and state:

(a) Whether the efforts of Collieries Voluntary Amalgamation Committee have borne no success;

(b) if so, whether Government are considering to bring forward any legislation for amalgamation of small Collieries;

(c) if so, when it is likely to be introduced; and

(d) What other measures Government propose to take?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) It is not correct to say that the efforts of the Collieries Voluntary Amalgamation Committee have borne no success.

(b) to (d): Do not arise.

Whitley Councils

- *138. {
 Shri S. M. Banerjee;
 Shri Shree Narayan Das;
 Shri Bibhuti Mishra;
 Shri Nambiar;
 Shri Kappan;
 Shri Bhakt Darshan;

Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government have since taken a decision to form bodies like Whitley Councils for the Central Government employees;

(b) if so, whether any constitution has been drafted;

(c) whether rules have been framed; and

(d) if so, whether the same would be laid on the Table?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): (a) to (d): The matter is still under consideration.

Foreign Exchange Facilities to Foreign Nationals

- *139. {
 Shri Nath Pai;
 Shri P. R. Chakraverti;
 Shri Inderjit Gupta;
 Shri P. C. Borooah;
 Shri Yashpal Singh;
 Shri Raghunath Singh;
 Shri P. K. Deo;
 Shri Nambiar;
 Shri Ram Ratan Gupta;

Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Reserve Bank has issued fresh instructions to banks providing foreign exchange facilities to foreign nationals in India; and

(b) the reasons for the issue of these fresh instructions?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Yes, Sir.

(b) Due to the present difficult foreign exchange situation it became necessary to review the facilities available to foreign nationals for effecting remittances from India.

Census

*140. **Shri Shree Narayan Das:** Will the Minister of **Home Affairs** be pleased to refer to reply given to Unstarred Question No. 83 on the 23rd April, 1962 and state:

(a) whether the final figures about India's total population as ascertained in 1961 census are now available; and

(b) if so, whether a statement would be laid on the Table?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes.

(b) A statement is laid on the Table of the House. [*Placed in Library, See No. LT-292/62.*]

Loan for Pipelines

- *141. {
 Shri P. C. Borooah;
 Shri Raghunath Singh;
 Shri Prabhat Kar;
 Shri Ram Ratan Gupta;
 Shri Yashpal Singh;

Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether it is a fact that the Chairman of the Oil India Limited visited London for negotiating terms of a Rs. 14 crore loan with the Burmah Oil Company, for Oil India's pipeline; and

(b) if so, what was the result of the discussions?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) Yes, Sir.

(b) A sterling loan of £10 million would be raised in the United Kingdom by the Burmah Oil Company; it would be made available to Oil India

Limited in the middle of 1963 or a little later for meeting the foreign exchange cost of the pipeline.

Administrative set up on Union Territories

- *142. { Shri D. C. Sharma;
Shri Prakash Vir Shastri;
Shri Bhakt Darsan;
Shri Bhagwat Jha Azad;
Shri J. B. S. Bose;

Will the Minister of Home Affairs be pleased to state:

(a) whether the Committee set up under the Chairmanship of the Minister of Law on the administrative set up of Union Territories has submitted its report; and

(b) if so, what are its recommendations?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): (a) Yes.

(b) The report is being considered and the Government hope to make a statement shortly.

Iron and Steel Board

*143. **Shri Yashpal Singh:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government have dropped the idea of forming an Iron and Steel Board similar to that in Britain; and

(b) if so, the reasons thereof?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). No final decision on the subject has been taken yet.

Production of Iron Ore

215. { Shri P. K. Deo;
Shri Narendra Singh
Mahadia;

Will the Minister of Mines and Fuel be pleased to state

(a) the total production of iron ore in India at present and how it matches

with the production target set in the Third Five Year Plan and what action Government propose to take to meet the deficiencies;

(b) the present production of private iron ore mines in Eastern Zone; and

(c) the total iron ore production of captive mines worked by Government?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis):

(a) Excluding Goa, actual production in the first year of the Third Plan (1961-62) was just short of 13 million tons, against the capacity target of 32 million tons to be reached before the end of this Plan period. Production has increased by 4 million tons since 1959-60. The rate of increase has sufficed to meet all ore requirements of the iron and steel industry as well as existing export commitments.

(b) The production of iron ore by private mine-owners in the Eastern Zone during 1961 was 72,26,000 tonnes.

(c) The total iron ore production of captive mines worked by the Government during 1961 was 317,000 tonnes.

सिन्दरी उर्वरक कारखाना

२१६. श्री तन सिंह क्या इस्पात और भारी उद्योग मन्त्री यह बताने की कृपा करेंगे कि :

(क) सिन्दरी उर्वरक कारखाने के लिये सन् १९५७-५८ से अब तक प्रतिवर्ष किस-किस स्थान से कितनी-कितनी मात्रा में जिप्सम प्राप्त किया गया ;

(ख) जिप्सम की हर स्थान के अनुसार कितनी कीमत चुकाई गई थी और कितना रेल भाड़ा चुकाया गया ;

(ग) क्या यह सच है कि उस जिप्सम से जो माल बनता है उसका उत्पादन खर्च इतना अधिक है कि वह कण्ट्रील रेट से महंगा पड़ता है ; और

(घ) क्या उत्पादन खर्च को कम करने के लिये कोई कदम उठाये गये हैं; और यदि हाँ, तो वे क्या हैं ?

इस्पात और भारी उद्योग मंत्री (श्री वि० सुब्रमण्यम) : (क) और (ख). एक विवरण सदन पटल पर रखा जाता है। [देखिये परिशिष्ट १, अनुबंध संख्या २६]

(ग) जिप्सम से बनने वाले माल का कोई कण्ट्रोल रेट नहीं है।

(घ) एक विशेषज्ञ समिति ने सिंदरी उर्वरक कारखाने में अधिकतम उत्पादन बढ़ाने और उत्पादन लागत में कमी करने के प्रश्न की जांच की है। समिति द्वारा की गई सिफारिशों को कार्यान्वित करने के लिये कदम उठाये जा रहे हैं।

Aeromagnetic Survey in Rajasthan

217. Shri Tan Singh: Will the Minister of **Mines and Fuel** be pleased to state:

(a) in which parts of Rajasthan the aeromagnetic survey was conducted by a Canadian Company under the Colombo Plan;

(b) the result of survey; and

(c) achievements made so far by the follow-up programme, if any?

The Minister of Mines and Fuel (Shri K. D. Malaviya) : (a) An aeromagnetic survey in western part of Jaisalmer district and south western part of Bikaner district was carried out by SPARTAN AIR SERVICES LIMITED, OTTAWA, CANADA under the Colombo Plan.

(b) The results of the survey indicated that the area could be divided into two parts—the north-eastern part where the basement is at a shallow depth and the south-western area where the thickness of the sediments is large. The latter area is considered favourable for oil prospecting.

(c) Further survey carried out by the Oil and Natural Gas Commission have indicated possibilities of structures favourable for oil accumulation. The Commission has decided to intensify its exploration activities in this area.

Seizure of Smuggled Gold

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

(a) the amount of smuggled gold seized by Government during the months of June and July, 1962; and

(b) the nationality of the smugglers and the action taken against them?

The Minister of Finance (Shri Morarji Desai) : (a) About 193 Kgs. of contraband gold valued at Rs. 14 lakhs approximately was seized by the Customs, Land Customs and Central Excise authorities during the months of June and July, 1962.

(Information relating to the Collectorate of Central Excise, Pondicherry is not available and has not, therefore, been included).

(b) (i) The nationalities of the 44 persons involved are given below:

Indians	.. 33
Ceylonese	3
Chinese	2
British	.. 2
Austrian	1
German	1
American	1
Pakistan	.. 1

(ii) The action taken against the above persons is indicated below:

Prosecuted & convicted	1
Being prosecuted	.. 16
Dealt with departmentally	.. 4
Under investigation or departmental adjudication	.. 23

(Information relating to the Collectorate of Customs, Madras and the Collectorate of Central Excise, Pondi-

cherry is not available and has not, therefore, been included).

Hostels for Scheduled Tribes Students

219. Shri Sarkar Murmu: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 3712 on the 21st June, 1962, and state:

(a) the total number of hostels so far constructed for the students belonging to Scheduled Tribes in West Bengal;

(b) the total number of students of Scheduled Tribes who received stipends and Boarding grants in 1961-62 and 1962-63;

(c) the total number of students who received book grants in 1961-62 and 1962-63;

(d) whether there has been any Agency or Board conducting or advising the tribal welfare works in West Bengal; and

(e) if so, the details thereof?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) 54 hostels.

(b) Stipends.

1961-62—13,882.

1962-63—not yet available.

Boarding Grants:

1961-62—1,631.

1962-63—not yet available.

(c) 1961-62—2,771.

1962-63—not yet available.

(d) Yes.

At Headquarters—The Tribes Advisory Council.

At District level—The District welfare Committee for the Scheduled Tribes.

(e) Details are given in the relevant notifications of the West Bengal Government, copies of which are laid on the Table. [Placed in Library, See No. LT-293/62].

Tribal Students

220. Shri Sarkar Murmu: Will the Minister of Home Affairs be pleased to state:

(a) the total number of tribal students who have so far received training in the Social Workers' Training Institute, West Bengal;

(b) the total number of students who are receiving training therein at present; and

(c) whether the full expenses for undergoing such training have been borne by Government?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) and (b). Nil. (The building has been completed and the training programme is expected to commence shortly).

(c) The scheme will be financed under the Centrally Sponsored Programme in the Backward Classes Sector.

Jhumias in Tripura

221. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to state:

(a) whether any representation has been made to Government stating that some of the Jhumias who received allotment of lands in Raima and Sarma, Tripura under Jhumia Rehabilitation Scheme have already transferred their lands to non-tribals;

(b) if so, whether any investigation has been made by Government;

(c) if so, in how many cases, such transfer of lands has taken place; and

(d) what steps are being taken to prevent further transfer of land?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) No such representation has been received.

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

Gale in Khowai

222. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 2348 on the 31st May, 1962 and state:

(a) the number of persons who as victims of the gale in the month of April, 1962 throughout Khowai Sub-Division, applied for relief or aid from Government;

(b) the number of persons who received the aid or relief; and

(c) whether any loan was advanced to the affected people?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 1207 families;

(b) 498 families;

(c) Yes.

Land for Tribals in Tripura

223. Shri Dasaratha Deb: Will the Minister of Home Affairs be pleased to refer to the reply given to part (b) of Unstarred Question No. 3335 on the 18th June, 1962 and state:

(a) the total acreage of land which is still within the areas reserved by the ex-Ruler in Tripura for tribal people;

(b) whether it is a fact that the said reserve at present does not exist in practice and the tribals are not receiving special protection even within the boundaries of the said Tribal reserve areas, when non-tribals enter into clashes with the tribals regarding the possession of land; and

(c) the number of cases of transfers of land from tribals to non-tribals in the Maharaja's Tribal Reserve area in Tripura so far?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a), (b) and (c). The information is being collected from the Tripura Administration. A statement will be laid on the Table of the

House as soon as the information is received.

School Atlas

224. Shri Mate: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that the school atlas which is prepared by the Surveyor-General of India and brought out by his Ministry shows Goa, Daman and Diu still as Portuguese colony; and

(b) if so, what measures have been taken by Government to rectify it?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, as the maps were printed before the liberation of Goa, Daman and Diu.

(b) The word "Portuguese" occurring in the maps which were printed prior to the liberation of "Goa" "Diu" and "Daman" is being blacked out. Action is also in hand to bring out a new edition depicting the correct position.

Tribal Welfare Department of Tripura

225. Shri Sarkar Murmu: Will the Minister of Home Affairs be pleased to state:

(a) whether some persons in the post of Supervisors and Inspectors under the Tribal Welfare Department in Tripura were recruited recently;

(b) if so, the number of tribal candidates who applied for the said posts and the number of tribal persons recruited; and

(c) what steps are being taken to fill up all the posts by tribals?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) (b) and (c). Eight posts of Supervisors and two posts of Inspectors are vacant in the Tribal Welfare Department of the Tripura Administrations and for these posts 266 applications (including 65 from the tribal candidates) have been received. Selection for these posts is being finalised.

Marine Engine Factory in Madras

226. **Shri M. K. Kumaran:** Will the Minister of Defence be pleased to state:

(a) whether the details regarding the setting up of the marine diesel engine factory at Ennore in Madras State have been worked out;

(b) if so, the details thereof; and

(c) when the factory is expected to start production?

The Minister of Defence (Shri Krishna Menon): (a), (b) and (c). These are still under consideration of Government and no decisions have yet been taken.

Hill Tribes in Andhra Pradesh

227. **Shri Satyanarayana:** Will the Minister of Home Affairs be pleased to state:

(a) the amount of grants sanctioned under the Third Five Year Plan for hill tribes people in Andhra Pradesh separately for education, social reform, water supply and housing;

(b) whether the Government of Andhra Pradesh have sent any scheme to the Central Government in this respect; and

(c) if so, the details thereof and the expenditure to be incurred thereon?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) to (c). The required information has been called for from the State Government. A statement will be laid on the Table of the House as soon as the information is received.

Tribals of Belonia

228. **Shri Sarkar Murmu:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government have decided recently to acquire land belonging to tribals of Bagafa of Belonia in Tripura for the establishment of Ashram School;

(b) if so, whether Government have received any representation from the

affected tribals against the proposal for acquisition of land; and

(c) what are the reactions of Government in that matter?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) Yes.

(b) and (c). One of the two affected tribals has filed a representation against the proposed acquisition. Even after acquisition of the land in question the tribals concerned will not be rendered landless and will have sufficient land to cultivate and so the representation does not have much force.

Coal in Orissa

229. { **Shri P. K. Deo:**
Shri Ram Ratan Gupta:
Shri R. S. Tiwary:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether the coal belt of Talcher in Orissa has been prospected;

(b) what is the grade and prospective quantity of the said deposit;

(c) whether the coal is fit for Thermal Power Station and Orissa has offered its exploitation; and

(d) the reaction of the Central Government to this proposal?

The Minister for Mines and Fuel (Shri K. D. Malaviya): (a) Yes partially prospected.

(b) The existence of fairly large quantity of coal has been proved in two seams in Talcher area in Orissa out of which about 190 million tons is selected grade/grade I in quality and the balance is of poor quality.

(c) and (d). The low grade coal is fit for thermal power generation. While, the National Coal Development Corporation are developing new mines for the exploitation of these reserves; the low grade coal being made available for the Talcher power station, there is no proposal from the Government of Orissa to exploit these reserves themselves. Consequently, the question of the reaction of the

Central Government to any such proposal does not arise.

Pensioners

230. { **Shri Harish Chandra Mathur**
 { **Shri Shree Narayan Das:**
 { **Shri Bhakt Darshan:**

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 969 on the 23rd May, 1962 and state what decision, if any, has been taken by Government to give further relief to pensioners?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The matter is under consideration.

Urdu-Malayalam Dictionary

231. **Shri Koya:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether Government have received any request for assistance to publish a Urdu-Malayalam Dictionary; and

(b) if so, what action Government have taken on this representation?

The Minister for Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir.

(b) It is proposed to give suitable assistance.

Investments on Oil Exploitation

232. **Shri Sham Lal Saraf:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) the total investment made so far in exploring oil and gas within the country;

(b) how much of this amount has been spent on surveying and drilling alone; and

(c) how many spots (wells) have by now been found fit for economic exploitation?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a), (b) and (c). The required information is being collected and will be laid on the Table of the House as soon as it is collected.

Merit Scholarships in Rajasthan

233. **Shri Karni Singhji:** Will the Minister of **Education** be pleased to state:

(a) the amount of assistance given to the Rajasthan State Government for the grant of merit scholarships to poor students to prosecute their University education during 1960-61 and 1961-62 under the National Scholarships Scheme;

(b) the amount spent out of this by the State Government;

(c) the reasons for not spending the allotted money; and

(d) the amount proposed to be allotted for this purpose during 1962-63?

The Minister of Education (Dr. K. L. Shrimali): (a) The National Scholarships Scheme was started with effect from 1961-62 and not from 1960-61. During 1961-62 the amount of assistance given to Rajasthan was Rs. 44,100/-.

(b) Rs. 19,360/- only.

(c) Before payment of scholarship amount can be made, selected scholars are required to complete an application form and certain other necessary documents. The Government did not receive these documents in a number of cases before 31st March, 1962, and hence could not spend the allotted amount. Such scholars will be paid their arrears in the current year.

(d) Rs. 88,200/- only.

Extraction of Kuth Oil

235. **Shri Hem Raj:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) the names of the Central Government laboratories in which experiments for the extraction of Kuth Oil are being carried out;

(b) the success obtained in them;

(c) the countries to which it is being exported;

(d) whether indigenous machinery for its extraction is available; and

(e) if so, what is its price and its establishment charges?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a). The National Chemical Laboratory, Poona and the Regional Research Laboratory, Jammu.

(b). A process for extraction of the oil has been developed. A production unit is to be set up at the National Chemical Laboratory.

(c). This will be taken up after the production unit starts functioning. It can be exported to U.S.A.; U.K. and continental Europe.

(d). Yes, except the industrial vacuum pump.

(e). It is estimated that a plant for treating 5 tons of root per year will cost about a lakh of rupees. About another lakh per year will be required for raw materials and establishment.

Cement Factory in Kangra

236. Shri Hem Raj: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any firm has applied for the issue of a licence for the setting up of a cement factory in the Kangra District; and

(b) if so, its name and the site it has selected for the purpose?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam). (a) and (b). In March, 1961, Messrs. Surrendra (Overseas) Private Ltd., Calcutta, applied for grant of licence for setting up a cement factory at Samloti in Kangra District. Since Samloti is on the narrow gauge railway line from pathankot, the setting up of a cement factory there has not been considered suitable from the rail transport angle. The applicants have therefore agreed to the establishment of the factory on the broad gauge line

at or near Pathankot in Gurdaspur district. The exact location is yet to be decided in consultation with the Railways.

Fertilizer Corporation of India

237. Shri Kolla Venkaiah: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the different operating units of the Fertilizer Corporation of India Limited in 1961-62; and

(b) the quantity of Ammonium Sulphate and different other varieties of fertilizers produced in the different operating units in 1959-60; 1960-61 and 1961-62?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) The Sindri and Nangal factories were the operating units of the Corporation in 1961-62.

(i) Sindri

(In metric tonnes)

	1959-60	1960-61	1961-62
Ammonium Sulphate	2,89,812	3,04,852	2,84,326
Double Salt (Ammonium Sulphate Nitrate)	22,552	36,003	55,428
Urea :	4,732	10,644	13,633
(ii) Nangal Calcium Ammonium Nitrate		11,005	2,00,780

Trip to Valleys by Members of Indian Air Force

**238. { Shri Basumattari:
Shri Bishanchander Seth:**

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that 8 young Members of the Indian Air Force went trekking the country's three most beautiful valleys—Chini, Baspaa and Tons;

(b) if so, how far the trip proved successful;

(c) how much expenditure has been incurred on their trip; and

(d) what are the benefits of such trips and by whom they are organised?

The Minister of Defence (Shri Krishna Menon): (a). 8 members of the Indian Air Force went to the Satluj, Chini and Baspa valleys during June, 1962.

(b). The trek was successful.

(c). The trek was not subsidized by Government.

(d). Such treks are organised by the Indian Air Force Trekking and Mountaineering Association. These trips foster a spirit of adventure and other character qualities in the members.

चन्द्रधारी संग्रहालय

२३६. श्री योगेन्द्र झा : क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मन्त्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को यह ज्ञात है कि संस्कृति के प्राचीन केन्द्र मिथिला के दरभंगा शहर में एक चन्द्रधारी म्यूजियम है ?

(ख) भारत सरकार ने अब तक उपरोक्त म्यूजियम को क्या सहायता दी है ? और

(ग) इस म्यूजियम को भविष्य में सहायता देने के बारे में सरकार का क्या निर्णय है ?

वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री (श्री हुमायून कदिर) (क) जी हाँ।

(ख) और (ग) बिहार सरकार को दूसरे आयोजन काल में चन्द्रधारी म्यूजियम, दरभंगा के विकास के लिये ५२,००० रुपये का अनुदान दिया गया था। तीसरे आयोजन की अवधि में इसके विकास के लिये राज्य सरकार को ५०,००० रुपये और दिये गये हैं।

गांजे का तस्कार-व्यापार

२४०. श्री योगेन्द्र झा : क्या वित्त मन्त्री यह बताने की कृपा करेंगे कि :

(क) बिहार, बंगाल तथा उत्तर प्रदेश में अवैध नैपाली गांजा लाने को रोकने तथा लाये हुए गांजे को पकड़ने के ऊपर भारत सरकार का कितना सालाना खर्च होता है ?

(ख) पिछले पांच वर्षों में कितने मूल्य का अवैध नैपाली गांजा अपने देश में पकड़ा गया जिसमें बिहार राज्य का क्या हिस्सा है ?

(ग) इस समस्या पर नेपाल सरकार के साथ भारत सरकार ने कभी विचार-विमर्श किया है ? और

(घ) यदि हाँ, तो नेपाल सरकार की क्या प्रतिक्रिया है ?

वित्त मंत्री (श्री मोरारजी देसाई)

(क) चारों-छिपे गांजा लाने के रोकथाम का विषय राज्य सरकारों का है, इसलिए नेपाल से बिहार, बंगाल और उत्तर प्रदेश में गांजे का चोरी-छिपे लाया जाना रोकने के लिये भारत सरकार के पास अलग कर्मचारी नहीं इसलिए भारत सरकार इस सम्बन्ध में कुछ भी खर्च नहीं करती।

(ख) पिछले पांच वर्षों में चोरी-छिपे लाया गया जितना अवैध नेपाली गांजा पकड़ा उसका कीमत लगभग १.६६ करोड़ रुपये था। इसमें से बिहार में जो गांजा पकड़ा उसकी कीमत लगभग १.३६ करोड़ रुपये बँटती है।

(ग) हाँ, हाँ।

(घ) नेपाल सरकार ने नाजायज तौर पर गांजे का खेत करने और अवैध रूप से भारत से गांजे भेजने की रोकथाम के लिए नया कानून बनाया है।

Milk-Powder from Unicef

241. { Shri B. K. Das:
Shri Subodh Hansda:
Shri S. C. Samanta:
Shri M. L. Dwivedi:

Will the Minister of Education be pleased to state:

(a) the quantity of milk-powder received from the UNICEF during 1961-62; and

(b) the way in which it was utilised?

The Minister of Education (Dr. K. L. Shrimali): (a) 23,994,416 lbs.

(b). Milk-powder was distributed to expectant mothers, pre-school children and school children through Maternity and Child Health Centres and Schools in the different States.

I.A.F. Plane Crash

242. { **Shri Indrajit Gupta:**
Shri Mohammad Elias:
Shri D. C. Sharma:

Will the Minister of Defence be pleased to state:

(a) whether a Gnat fighter of the Indian Air Force crashed at Bangalore on 19th June, 1962 resulting in the death of the pilot;

(b) whether it is a fact that the plane was being tested when the accident occurred; and

(c) whether any investigation has been held into the causes of the mishap?

The Minister of Defence (Shri Krishna Menon): (a) and (b). Yes.

(c). The causes of the accident are being investigated by a Court of Inquiry.

Searches Under Income-Tax Act

243. **Shri A. K. Gopalan:** Will the Minister of Finance be pleased to state:

(a) how many searches were organised under Section 132(1) of the Income-Tax Act 1961 in 1961-62; and

(b) what were the results of the searches, if any?

The Minister of Finance (Shri Morarji Desai): (a). The Income-tax

Act 1961 came into force only with effect from 1st April 1962, and, therefore, there could be no searches organised under Section 132(1) of the said Act in 1961-62. However, under the corresponding provision of the Income-tax Act 1922, searches were organised in 16 cases in 1961-62.

(b). Important account books and documents, which were not produced by the assessee before the Income-tax Department, were seized.

National Metallurgical Laboratory

244. **Shri A. K. Gopalan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state the method of selection and appointment of technical, scientific and other personnel in the National Metallurgical Laboratory?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): The method of selection and appointment of staff in the National Metallurgical Laboratory, Jamshedpur is in accordance with bye-laws of the Council of Scientific and Industrial Research and is briefly as follows:—

(a) all posts are advertised on an all-India basis, except lower categories of Class III and Class IV posts which are advertised locally;

(b) selections are made by duly constituted Selection Committees;

(c). Promotion in Secretarial posts are done through a Departmental Promotion Committee.

Tagore Theatre in Kanpur

245. **Shri S. M. Banerjee:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any amount has so far been sanctioned and paid for the establishment of Tagore Theatre in Kanpur;

(b) if so, the total amount; and

(c) whether construction work has started?

The Minister for Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a). Government have no information about any such proposal.

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

Production figures in Steel Plants

246. { Shri S. M. Banerjee:
Shri D. C. Sharma:

Will the Minister of **Steel and Heavy Industries** be pleased to state:

(a) the production figures in the following steel plants during 1960 and 1961:

- (i) Bhilai
- (ii) Rourkela; and
- (iii) Durgapur; and

(b) steps taken to increase production in these plants?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) The production of steel ingots in the three public sector steel plants during 1960 and 1961 was as follows:

	Bhilai	Rourkela	Durgapur
1960	217,815	188,009	94,808
1961	701,647	300,128	386,587

- (i) By commissioning all the remaining units of the Steel Plants;
- (ii) By removing "teething" troubles to the extent possible.

M.E.S. Cases Referred to Arbitration

247. **Shri S. M. Banerjee:** Will the Minister of **Defence** be pleased to state:

(a) the number of cases referred to court|Arbitration in M.E.S. in 1961-62;

(b) the number of cases lost by Government; and

(c) the reasons for losing the cases?

The Minister of Defence (Shri Krishna Menon): (a). 117.

(b). 34 out of 69 cases decided so far.

(c). No specific reasons can be given for losing a case in a court|arbitration as the decision depends on the view taken by the court|Arbitrator of the facts placed before it.

Yarakala and Eradi Communities in Andhra Pradesh

248. **Shri Rameshwar Tantia:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 183 on the 26th April, 1962 and state:

(a) whether any decision has since been taken in regard to classification of Yarakala and Eradi Communities of Telangana area in Andhra Pradesh at par with such tribes in the State; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) No.

(b). Does not arise.

Government Loans

249. **Shri D. C. Sharma:** Will the Minister of **Finance** be pleased to state:

(a) whether some new loans have been announced by Government;

(b) if so, what are they; and

(c) the details thereof?

The Minister of Finance (Shri Morarji Desai): (a). Yes, Sir.

(b) and (c). A statement containing the information is laid on the Table. [See Appendix I annexure No. 30].

Geological Survey of Gurdaspur

250. **Shri D. C. Sharma:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether any geological survey of Gurdaspur District in Punjab State has been undertaken recently; and

(b) if so, the details thereof?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis):

(a) and (b). No survey for minerals has recently been carried out by the Geological Survey of India in Gurdaspur district. However, as a result of the survey last carried out during 1951, occurrences of Limestone, Potassium and Sodium Salts have been recorded. The details of the survey carried out are as follows:

Limestone.—Boulders and pebbles of limestone occur in the bed of Chakki river which flows along the border of Gurdaspur and Kangra district south and east of Pathankot. These are suitable for lime burning.

Potassium and Sodium Salts (Kallar).—Small Kallar patches occurring near Magar Mudian Chhamba, Marar, Jaintipura, Sarai and Barsora were examined. The samples from these yielded satisfactory results.

Steel Plant at Mohindergarh

251. { **Shri D. C. Sharma:**
 { **Shri Yashpal Singh:**

Will the Minister of **Steel and Heavy Industries** be pleased to refer to the reply given to Starred Question No. 103 on the 23rd April, 1962 and state:

(a) whether Government have since sanctioned the setting up of a steel plant in the private sector at Mohindergarh in Punjab; and

(b) if so, the progress made in the setting up of the plant?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). Government are considering two applications for starting a pig iron plant but not for a steel plant.

Manufacture of Field Telephone Cables

252. { **Shri G. K. Singha:**
 { **Shri Subodh Hansda:**
 { **Shri Basumatari:**
 { **Shri S. C. Samanta:**

Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that Government have entered into an agreement with a Japanese firm to manufacture field telephone cables.

(b) if so, where this factory will be located; and

(c) whether the project machinery will be purchased or manufactured in India or brought from Japan?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) Chandigarh.

(c) Only such machinery as cannot be made or procured in the country will be procured from Japan.

Government-owned Companies working at a Loss

253. **Shri Jashvant Mehta:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have enquired into the loss sustained by Companies fully-owned by Government;

(b) what is the number of Government-owned Companies working at a loss during 1961-62;

(c) the reasons for their working at a loss; and

(d) the remedial action taken by Government to show profit?

The Minister of Finance (Shri Morarji Desai): (a) to (d). No specific enquiry has been held into the losses incurred during 1960-61, but these were mainly attributable to the initial teething troubles of new concerns. For the year 1961-62, the

annual Balance Sheet and are due to be finalised by September, 1962.

Shifting of National Academy of Administration

254. { **Shri Surendra Pal Singh:**
Shri Bhakt Darshan:

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 1840 on the 23rd May, 1962 and state as to what difficulties are being faced by the National Academy of Administration at Mussoorie, and why Government are thinking in terms of shifting the Academy to some other place after incurring enormous expenditure in establishing this institution at Mussoorie in the first instance?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The main difficulty experienced by the Academy in Mussoorie is inadequacy of compact accommodation. The question of shifting the Academy from Mussoorie is still under careful consideration of the Government and no final decision has been reached.

Higher Secondary Students

255. **Shri Surendra Pal Singh:** Will the Minister of **Education** be pleased to state:

(a) how many students passed the Higher Secondary examination from Delhi Board in 1962; and

(b) how many got admission in the colleges in Delhi?

The Minister of Education (Dr. K. L. Shrimall): (a) 8,123.

(b) 4,411.

Gauhati-Barauni Pipe-line

256. **Shri Bishwanath Roy:** Will the Minister of **Mines and Fuel** be pleased to state whether it is a fact that the progress in laying of the pipe-line from Gauhati to Barauni has been

hampered owing to shortage of cement?

The Minister of Mines and Fuel (Shri K. D. Malaviya): No, Sir.

Mid-Day Meals Scheme in Kerala

257. **Shri P. Kunhan:** Will the Minister of **Education** be pleased to refer to the reply given to Unstarred Question No. 396 on the 1st May, 1962 and state:

(a) whether any decision has been taken for providing grant to the Kerala Government for implementation of the School Mid-day Meals scheme; and

(b) if so, the details thereof?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b). The matter is still under consideration.

Loan from Denmark

258. { **Shri S. C. Samanta:**
Shri Subodh Hansda:
Shri Basumatari:
Shri B. K. Das:

Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 3766 on the 21st June, 1962 and state:

(a) whether it is a fact that Denmark has since offered rupees one crore loan to set up various projects in India;

(b) if so, what are the projects proposed to be set up with this loan; and

(c) what are the terms of its repayment?

The Minister of Finance (Shri Morarji Desai): (a) to (c). Some preliminary discussions on the loan have taken place with the Government of Denmark and the matter is still under discussion.

Excise Duty on Plywood

259. **Shri P. C. Borooah:** Will the Minister of **Finance** be pleased to state:

(a) whether the attention of Government has been drawn to the

demand of the Calcutta Cottage Industry Plywood Manufacturers' Association, sounded by its Secretary at a Press Conference in Calcutta on the 23rd June, 1962 to reduce the excise duty on plywood; and

(b) if so, Government's view thereon?

The Minister of Finance (Shri Morarji Desai): (a) The Government have seen a Press report in which the question, *inter alia*, of exemption from duty to small-scale manufacturers of plywood has been raised.

(b) Small-scale manufacturers producing plywood of the type used for making packing boxes, whose production does not exceed 400 sq. metres a month and 4000 sq. metres a year, have been exempted from payment of central excise duty, subject to certain conditions.

Palam Airport

260. Shri P. C. Borooah: Will the Minister of Defence be pleased to state:

(a) whether there has been a demand from the Indian Air Force, to make the Palam Airport exclusively available for the Air Force; and

(b) if so, Government's decision thereon?

The Minister of Defence (Shri Krishna Menon): (a) Yes, Sir.

(b) It has been decided that for the present both the I.A.F. and the Department of Civil Aviation should continue to use Palam Airport.

Delegations sent Abroad

{ Shri Warior:
 { Shri Vasudevan Nair:
261. { Shri S. M. Bawerjee:
 { Shri Yashpal Singh:
 { Shri Ram Ratan Gupta:

Will the Minister of Finance be pleased to state:

(a) how many official delegations were sent abroad this year since the

new travel restrictions were initiated by Government; and

(b) the amount spent?

The Minister of Finance (Shri Morarji Desai): (a) and (b). The requisite information is being collected from the various Ministries/Departments and will be laid on the Table of the House when it becomes available.

Indian Oil Company

262. { Shri Bhagwat Jha Azad:
 { Shri Bhakt Darshan:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether Indian Oil Company has begun marketing world's finest quality low-sulphur highspeed diesel oil and high grade "Jyoti" kerosene oil imported from Soviet Union; and

(b) if so, where the marketing has been started?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajar-navis): (a) and (b). Yes, Sir. The Indian Oil Company is marketing High Speed Diesel Oil and Kerosene Oil imported from Soviet Union.

The marketing of HSD has been started in the States of Maharashtra, Gujarat, Rajasthan, Punjab, Delhi, U.P., Bihar, West Bengal, Orissa, Madhya Pradesh, Andhra Pradesh, Mysore and Kerala and that of Kerosene in the States of Andhra Pradesh, Maharashtra, Gujarat, Rajasthan, Jammu & Kashmir, Punjab, Delhi, Uttar Pradesh, Madhya Pradesh, Orissa and also partially in Mysore, Madras and West Bengal.

Pending Criminal Cases in Delhi

263. Shri A. V. Raghavan: Will the Minister of Home Affairs be pleased to state:

(a) whether more than 50,000 criminal cases are awaiting disposal with the Delhi Administration;

(b) the steps Government propose to take to minimise this pendency; and

(c) whether there is any proposal before Government to replace the Honorary Magistrates by stipendiary ones?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) Yes.

(b) To ensure more expeditious disposal of cases the Magisterial strength is being augmented and the working of the criminal courts has been reorganised.

(c) No.

Extension of Kerala Agrarian Relations Act to Laccadive, Minicoy and Amindivi Islands

264. Shri A. V. Raghavan: Will the Minister of Home Affairs be pleased to state:

(a) whether there is any proposal before Government to extend the Kerala Agrarian Relations Act to the Laccadive, Minicoy and Amindivi Islands; and

(b) what steps Government propose to take to carry out agrarian reforms in these islands as envisaged by the Planning Commission?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) No.

(b) Before the question of agrarian reforms is undertaken, it is necessary to complete survey and settlement operations. Survey operations are in progress in these Islands and settlement operations will follow.

Singareni Collieries

265. Shri P. Kunhan: Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 1594 on the 18th May, 1962 and state:

(a) whether any decision has since been taken in respect of upward revision of target fixed for Singareni Collieries; and

1355(Ai)LS—4.

(b) if so, the details thereof?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) and (b). The matter is still under consideration of the Government.

All-India Education Service

266. Shri D. C. Sharma: Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 307 on the 1st May, 1962, and state:

(a) the progress since made in the scheme for constituting an All-India Education Service as recommended by the Central Advisory Board of Education; and

(b) what are the broad outlines of this scheme?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). The question of constituting an All-India Education Service is still under consideration. Replies from some of the State Governments as to whether they agree, in principle, to the constitution of such a Service, are awaited.

Interest-free Loans to States

267. Shri Yallamanda Reddy: Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Central Government are considering to make the loans given by them to the States hereafter interest-free;

(b) if so, when; and

(c) if not, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) No, Sir.

(b) Does not arise.

(c) As the loans advanced to the States have to be financed from the monies borrowed by the Centre on which interest is payable by the Central Government, it is not possible to give interest-free loans to the States.

Recognition given to Maharani Usha Raje

268. { Shri Yashpal Singh:
Shri P. K. Deo:
Shri Bishanchander Seth:
Shri Rameshwar Tantia:

Will the Minister of Home Affairs be pleased to state:

(a) whether any memorandum has been received by Government from Indore demanding withdrawal of recognition given to Maharani Usha Raje Melhotra as the successor to Holkar Gadadi; and

(b) whether Government have any intention to reconsider the decision?

The Minister of Home Affairs (Shri Lal Bahadur Shastri): (a) Yes, Representations have been received from Maharaja Tukoji Rao Holkar, Shri Malhar Rao Holkar, Shri Pratap Rao Holkar and other persons.

(b) No.

Drilling Operations in Punjab

269. **Shri Hem Raj:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether drilling operations at Janauri (Punjab) have been completed;

(b) if so, the result thereof;

(c) whether it is proposed to re-start the drilling operations at Jawalamukhi in the light of these results; and

(d) if so, when?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) No, Sir.

(b) It is too early to assess the results.

(c) and (d). The question will receive due consideration by the Oil and Natural Gas Commission who will take decision at the appropriate time.

Grant of Pensions

270. **Shri Hem Raj:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that only a few diseases have been listed as attributable to Military service for the grant of pensions;

(b) if so, their names;

(c) the reasons why others have been excluded if the soldiers contact them while in service and one is either invalidated or dies because of them; and

(d) whether Government propose to revise that list and those rules?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir. If a disease or disability is caused or aggravated by military service, consequential disablement or death is accepted as attributable to, or aggravated by service. A few diseases have been classified as not normally affected by service, for instance, Sarcoma, Leukaemia, Gout, Myopia and Astigmatism, etc. But each case is considered on merits.

(b) to (d). Do not arise.

Forging of Pakistani Currency Notes

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

(a) whether Government have unearthed a conspiracy of a gang working at Amritsar and forging Pakistani currency notes;

(b) if so, the number of such gangs and the number of notes which they have released so far; and

(c) the action taken against them and the material of manufacture confiscated from them?

The Minister of Finance (Shri Morarji Desai): (a) and (b): Amritsar Police have arrested five persons and have recovered from them 200 Pakistani notes of the denomination of Rs. 100. There is no evidence yet

that these notes were forged in Amritsar or anywhere else in India.

(c) The case is still under investigation and no material for the manufacture of such notes has so far been recovered.

I.N.A. Personnel

272. **Shri Hem Raj:** Will the Minister of Defence be pleased to state:

(a) the number of I.N.A. personnel who have been registered as political sufferers by different States, State-wise;

(b) the amount of pensions granted to them, State-wise;

(c) the concessions which are available to them, State-wise, for enrolment in Civil, Military and other Government services;

(d) whether any distinction is made between civilians of the Defence Forces not subject to Indian Army Act while on field service and civilians enrolled as combatants and non-combatants, subject to Indian Army Act, while on field service; and

(e) if so, the reasons therefor?

The Minister of State in the Ministry of Defence (Shri Raghuramaiah):

(a) Ex-INA personnel who had served in the Army before joining the I.N.A. are treated at par with other ex-Servicemen and are registered as such by the Employment Exchanges for employment assistance. While sending up their names to employing authorities in response to the demands placed by them, the Employment Exchanges bring to their notice the fact that they have a political background. Otherwise, no separate statistics of their registration as political sufferers are maintained by the Employment Exchanges.

(b) The following amounts of pensions and gratuities have been granted:—

Pensions	Rs. 10,22,866 per annum approximately.
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Gratuities and Rs. 2,58,872 approximately. lumpsum awards.

No information is available regarding the state-wise distribution of these amounts.

(c) The concessions and facilities available to ex-Servicemen for re-employment have been given in reply given to part (c) of Unstarred Question No. 2599 dated the 5th June, 1962 in the Lok Sabha. These concessions are also available to ex-I.N.A. personnel who were employed in the Armed Forces before joining the I.N.A. In addition, the latter enjoy a preference over others on account of their political background.

(d) and (e). Concessions to Defence Civilians are controlled by specific orders for different areas under existing orders. Defence civilians (other than those locally recruited) serving in Jammu and Kashmir are entitled to free rations, accommodation, medical treatment, clothing etc., like combatants and non-combatants (enrolled). The question of granting similar concessions to Defence civilians serving in other border areas is under consideration of Government.

Repayment of Foreign Loans

273. { **Shri Morarka:**
Shri Rameshwaranand:
Shri Karjee:
Dr. L. M. Singhvi:

Will the Minister of Finance be pleased to lay a statement on the Table showing:

(i) the amount due for repayment to different foreign countries together with the date;

(ii) the amount of interest payable on foreign borrowings every year from 1961 onwards; and

(iii) the arrangements made for meeting this liability?

The Minister of Finance (Shri Morarji Desai): (i) A statement is

laid on the Table of the House. [Placed in Library. See No. LT-294/62].

(ii) Interest paid on foreign loans by the Government of India in 1961-62 to different countries including interest paid in Indian rupees comes to about Rs. 25.96 crores, and for the year 1962-63, the estimate of such payments is Rs. 39.96 crores.

Foreign loans are not drawn in lump but are drawn in different instalments on different dates as and when imports for the related development project or programme materialise or other expenditure incurred. The amount of interest is calculated on outstanding balances from time to time. In the case of some loans the total authorised amount has not been fully drawn. In the case of some other loans draws from the authorised amount have not commenced so far. In the circumstances, it is difficult to make a forecast of interest liability on foreign loans country-wise for the years to come.

(iii) Arrangements have been made to ensure that the instalments of repayment of the principal of the various loans and the interest on the amounts drawn are paid to the various countries, as and when they fall due.

State Governments' Indebtedness to Reserve Bank of India

274. **Shri Morarka:** Will the Minister of Finance be pleased to state:

(a) the names of the State Governments which are indebted to the Reserve Bank at present;

(b) the extent of their indebtedness;

(c) the reasons of their indebtedness; and

(d) the steps taken to adjust the accounts?

The Minister of Finance (Shri Morarji Desai): (a) and (b). In terms

of the agreements entered with the State Governments, the Reserve Bank of India act as their bankers and details of transactions between them cannot be made public.

(c) Both the Reserve Bank of India Act and the agreements with the State Governments allow the grant of temporary advances by the Reserve Bank to the States.

(d) A constant watch is kept over the situation and no State Government is allowed to have an overdraft for an indefinite period. A long-term imbalance in resources has to be met by curtailment of expenditure and loans from the Centre or other sources and not from the Reserve Bank of India.

Bye-products of Steel Plants

275. **Shri Morarka:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the total quantity of bye-products produced by each steel plant;

(b) the arrangements made by Hindustan Steel Limited for marketing the same; and

(c) the total amount realised therefrom by each steel plant during 1961-62?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) A statement is placed on the Table of the House. [See Appendix I, annexure No. 31].

(b) Hindustan Steel Limited are taking steps to persuade industries to absorb as much as possible the bye-products which can be used commercially for industrial purposes. But in respect of the by-products for which there is no demand in the country, efforts are being made to export them.

(c) The amount realised by sale of by-products during 1961-62 was as follows:

	Rs in lakhs
Rourkela	11.58
Bhilai	62.08
Durgapur	76.38
	<u>Rs 150.04</u>

Contract for Civil Engineering Works in Rourkela

276. **Shri Morarka:** Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether the contract given to Messrs. Hotchief Gammons for Civil engineering works in Rourkela has been completed;

(b) if so, the total amount paid;

(c) the amount paid as hire charges for their equipment; and

(d) whether their work has been found satisfactory?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):
(a) Yes, Sir.

(b) Rupees 81 millions and DM 8 millions.

(c) Rupees 2.65 million and DM 1.77 million.

(d) Yes, Sir.

Encouragement to Writers in Tripura

277. **Shri Dasaratha Deb:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 3076 on the 13th June, 1962 and state:

(a) the concrete steps that are being taken in Tripura to encourage writers in Tripuri;

(b) whether any monetary aid or rewards are being given to writers who produce books in Tripura or translate books of Rabindra Nath Tagore and other renowned writers in Tripuri; and

(c) whether any concrete steps has so far been taken to produce text

books in Tripura upto primary standard?

The Minister of Education (Dr. K. L. Shrimall): (a) The steps taken by the Tripura Administration to encourage writers in Tripuri includes publication of their books in Tripuri, publications of suitable articles, translation etc. in journals and payment of suitable remunerations to them.

(b) Yes, Sir.

(c) A Primer for Classes I and II for the Primary Schools has been prepared.

Smuggling of Gold

278. **Shri Dasaratha Deb:** Will the Minister of Finance be pleased to state:

(a) whether any cases of international smuggling of gold and other things have been detected on the Indian airports upto 30th June during the current year;

(b) if so, the number of cases that were detected;

(c) the valuation of smuggled goods;

(d) the names of the persons and also the companies or agencies to which such persons related; and

(e) the action taken in the cases?

The Minister of Finance (Shri Morarji Desai): (a) to (e). Necessary information is being collected and will be placed on the Table of the Sabha.

Enrolment as Voters in Tripura

279. **Shri Dasaratha Deb:** Will the Minister of Law be pleased to refer to the reply given to Unstarred Question No. 971 on the 9th May, 1962 and state:

(a) whether it is a fact that most of the applicants for enrolment as voters during the months of November, December, and January in Tripura could not appear on the day of hearing due to late receipt of notices by the applicants; and

(b) if so, what steps Government propose to take so that notices reach

the applicants of the remote tribal areas in Tripura?

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):

(a) No.

(b) Does not arise.

Unakuti Tirth, Tripura

280. Shri Dasaratha Deb: Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 1828 on the 23rd May, 1962 and state:

(a) whether any fund has been allocated to preserve the sculptures and rock-cut images in Unakuti Tirth, Tripura so far;

(b) if so, the amount allocated; and

(c) the details of the steps that have been taken so far to preserve these sculptures and rock-cut images?

The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Rs. 500 during 1962-63.

(c) None, as the place has been "protected" only recently.

Reduction in Coke In-put

281. Shri Bibhuti Mishra: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether any attempt has been made in India during recent times to devise ways so that coke in-put in the blast furnaces (Iron & Steel Industries) may be reduced; and

(b) if so, the result thereof?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). Various measures are being tried out with some success to reduce the coke in-put in blast furnaces. Mention may be made in particular of:

(1) Washing and beneficiation of coal, iron ore and limestone,

(2) Injection of Oxygen, Steam or Oil in the blast,

(3) Higher temperatures of the blast,

(4) Higher top pressure of the furnace,

(5) Sintering, and

(6) Better sizing and blending of the raw materials.

Chandigarh Aerodrome

282. Shri D. C. Sharma: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government propose to develop Chandigarh aerodrome into an air-base;

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

(c) what considerations have made Government take this decision?

The Minister of Defence (Shri Krishna Menon): (a) Chandigarh is already an Air Force Station. It is being developed to meet service requirements.

(b) and (c). It is not in public interest to divulge information in this regard.

रूस में प्राचीन भग्नावशेष

२८३. श्री रघुनाथ सिंह : क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रूस के एशियाई भाग में विशेष कर दुशाव के निकट पुराने पंजीकृत स्थान पर प्राचीन भारतीयों के घरों के भग्नावशेष पाये गये हैं जिनमें दान-पत्रों के रूप में मिट्टी और अन्य बर्तनों पर भारतीय शिलालेख भी मिले हैं ; और

(ख) उनका व्यौरा क्या है ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य-मंत्री (श्री हुमायून कबिर) : (क) और (ख). प्रेस में जो निकला है उसके अलावा सरकार को कोई जानकारी नहीं है ।

Adulteration of Cement

284. Shri Raghunath Singh: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) whether Government are aware that stone powder is being mixed in cement on a large scale; and

(b) if so, what steps are being taken to check this type of adulteration?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) The Government of Maharashtra has recently informed Government of India that there have been complaints that adulterated 'cement' was being sold in the State by some unauthorised persons without permits. No complaints have been made from other States.

(b) There is full control on distribution of cement in Maharashtra and it is released to the public on permits, issued by the State Government, through licensed stockists. If cement is adulterated by persons unauthorisedly dealing in cement, they can be proceeded against under the Bombay Cement Control Order, 1959. Selling Agents have been requested to notify in the press the names of their stockists so that the public could obtain cement only from them. Further measures to check adulteration are also under consideration.

Seizure of Gold at Santa Cruz Airport

285. Shri Raghunath Singh: Will the Minister of Finance be pleased to state whether it is a fact that on the 5th July, 1962, at Santa Cruz airport a West German student was arrested having 16 bags of gold worth 2 lakhs of rupees concealed in specially-made jackets under his shirt?

The Minister of Finance (Shri Morarji Desai): A Bombay Customs Officer recovered about 18.5 Kgs. of gold valued at Rs. 2,33,100/-, approximately, from a West German national on his arrival at Santa Cruz airport on the 5th July, 1962. The contraband was concealed in a specially stitched cotton jacket worn by him under his

clothes. He was arrested and produced before the Chief Presidency Magistrate, Bombay, who ordered him to be released on a bail of Rs. 1,00,000/-.

Manufacture of Motor Cars

286. Shri Daljit Singh: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the total number of motor cars manufactured in India from 1st April, 1961- to 31st March, 1962; and

(b) the number of cars that have been imported during the same period?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) and (b). The information is being collected and will be laid on the Table of the House.

Educational Tours

287. Shri Daljit Singh: Will the Minister of Education be pleased to state the amount of aid sanctioned to the Punjab Government during 1962-63 so far for conducting educational tours of students within as well as outside the State?

The Minister of Education (Dr. K. L. Shrimali): Rs. 11,700/-.

Assistance to Publishers of Punjab

288. Shri Daljit Singh: Will the Minister of Education be pleased to state what assistance was given to the Publishers. Printers and booksellers of the Punjab in the field of social education literature during 1961-62?

The Minister of Education (Dr. K. L. Shrimali): Rs. 750 were paid to a publisher of Punjab for the purchase of 1500 copies of a prize-winning book 'Lok Raj' in Punjabi selected under the scheme of Prize Competition for books/manuscripts for Neo-literates.

Post-Matric Scholarships

289. Shri Daljit Singh: Will the Minister of Education be pleased to state:

(a) the amount granted and allotted to Punjab during 1961-62 and 1962-63

separately for granting Post-matric scholarships to Scheduled Castes students; and

(b) the amount that was actually utilised during 1961-62?

The Minister of Education (Dr. K. L. Shrimali): (a) (i) 1961-62.

Rs. 14,92,200.

(ii) 1962-63.

A grant of Rs. 14,47,200/- has been made so far.

(b) The entire amount allotted was utilised.

Welfare of Scheduled Castes and Scheduled Tribes in Punjab

290. Shri Daljit Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether any scheme for the welfare of Scheduled Castes and Scheduled Tribes has been formulated in Punjab during the Third Five Year Plan period under the Centre and State sectors; and

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

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 32].

Services of Retired Professors

291. Shri Tridib Kumar Chaudhuri: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the University Grants Commission has prepared a scheme for utilising the services of retired professors and research workers in various Universities and Colleges; and

(b) the terms and conditions on which the services of these retired teaching and research personnel would be utilised?

The Minister of Education (Dr. K. L. Shrimali): (a) Yes, Sir.

(b) The scheme formulated by the University Grants Commission for the purpose is laid on the Table. [See Appendix I, annexure No. 32].

गुजरात तेल शोधनशाला

२९२. श्री सरजू पाण्डेय : क्या खान भौर ईंधन मंत्री १८ जून, १९६२ के तारांकित प्रश्न संख्या १५११ के सम्बन्ध में यह बताने की कृपा करेंगे कि गुजरात (कोआली) आयल रिफाइनरी की स्थापना में इस बीच क्या प्रगति हुई है ?

खान भौर ईंधन मंत्री (श्री के० दे० मालवीय) : प्रश्न संख्या १५११ का उत्तर दिया गया था और इण्डियन इंस्टीट्यूट आफ पेट्रोलियम की एजेन्सी द्वारा शोधनशाला के उत्पादों के वितरण की योजना के अध्ययन का काम पूरा हो चुका है ।

सरकारी कर्मचारियों के लिए कंटीन

२९३. श्री सरजू पाण्डेय : क्या गृह-कार्य मंत्री १८ जून, १९६२ के तारांकित प्रश्न संख्या १५१९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि सरकारी कर्मचारियों के लिये एक कंटीन बनाने के बारे में इस बीच क्या प्रगति हुई है ?

गृह-कार्य मंत्रालय में मंत्री (श्रीमती चन्द्रशेखर) : सरकारी कर्मचारियों के लिये कंटीन बनाने की योजना सरकार द्वारा मंजूर कर ली गई है । इसे मंजूर किये गये तरीके पर लागू करने के लिये आगे कार्यवाही की जा रही है ।

High Pressure Boiler Plant at Tiruchirapalli.

294. Shri Umanath: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) how many acres of poromboke lands and Patta lands (separately)

have been acquired so far for the High Pressure Boiler Plant at Tiruchirappalli;

(b) the rate of compensation paid to the owners of land;

(c) whether any representations were received pleading that compensation was too meagre; and

(d) if so, the action Government propose to take in the matter?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) Approximately 1,048 acres of Government and poramboke lands and 1,487 acres of Patta lands have so far been acquired.

(b) to (d). The acquisition of land for the Project as well as the payment of compensation to landholders is the responsibility of the Government of Madras.

Cement for Madras

295. Shri Umanath: Will the Minister of Steel and Heavy Industries be pleased to state:

(a) the requirement of the State of Madras of cement and the allotment made;

(b) whether the allotment for 1961 and 1962 has been fulfilled;

(c) if not, what is the gap and the reasons for the gap;

(d) the steps contemplated to eliminate the gap;

(e) whether Government are aware of the position as to the proper utilisation of the cement allotted and if so, what is the state of affairs;

(f) whether any representations or proposals have come from the Madras Government for the increase in allotment; and

(g) if so, details and the reactions of the Central Government on the same?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam):

(a) to (c). The following figures indicate reported demand, allotment, despatches and the gap between allotment and despatches to Madras (under State Quota):

Period	Demand	Allotment in	Despatches tonnes	Gap
1961 Jan.- March '62	566815	516200	468294	47906
April- June '62	230085	132300	123256	9044
July- Sept. '62	336555	132300	109160	23140
	393673	127800	—	—

The quarterly allotment represents the maximum quantity that could be expected to be received by the State and is based on the estimates of production by various cement factories. The gap between allotment and despatches is mainly due to the shortage in production at cement factories which has been quite considerable in April-June 1962 as a result of the power cut in Madras.

(d) All efforts are being made to increase despatches of cement by helping continuous production and keeping constantly under watch supplies of coal to all factories in consultation with the Coal Controller. Efforts are also being made to expedite the commissioning of factories already licensed within the target for the Third Five Year Plan.

(e) The Government of India make quarterly built allocation to the State and detailed distribution of the bulk quota is left to the State Government. They have, however, been advised to introduce suitable control measures and ensure equitable distribution of the available quantities according to relative priorities of demands.

(f) and (g). The Government of Madras sought an additional allocation of 50,000 tonnes of cement during the quarter July-September 1962. While the present availability does not permit additional allocations being made, an *ad hoc* allocation of 5,000 tonnes has been made to Madras State during the current quarter to help them tide over difficulties arising from the power cut.

Wagons for Andhra Pradesh for Movement of Coal

296. **Shri M. N. Swamy:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) the monthly demand of wagons to transport coal, from Andhra Pradesh Government; and

(b) the number of wagons (in terms of tons) supplied at present?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) In May, 1962, the Government of Andhra Pradesh had requested that the allocation for the State should be increased from 1,800 wagons to 2,040 wagons per and the quota has been raised to 2,030 and the quota has been raised to 2030 wagons from July, 1962.

(b) Actual despatches in wagons (of an average loading capacity of 22 tons each) to the State sponsored priorities in Andhra Pradesh during the first five months of 1962 have been as under:—

January	2036
February	1670
March	1453
April	1089
May	893
June	1158

The despatches during the period March-June 1962 were less as TOB curing industry does not take coal during the period April to July.

Legal Aid for Scheduled Castes

298. **Shri M. N. Swamy:** Will the Minister of **Home Affairs** be pleased to state:

(a) the total number of applications received from Scheduled Castes during 1961-62 requesting legal aid;

(b) the number of such applications received from Andhra Pradesh; and

(c) the total amount spent on this during 1961-62?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) and (b). Legal

aid for Scheduled Castes is a scheme included by some of the State Governments and Union Territory Administrations in the Backward Classes Sector of their III Plan and is administered by them. The Government of India share 50 per cent of the expenditure incurred by the State Government. The applications for aid are accordingly made to the State Governments/Union Territory Administrations and not to the Government of India. The question of receiving applications from Andhra Pradesh does not, therefore, arise. Further, the Government of Andhra Pradesh have not made any provision in the Backward Classes Sector of the III Five Year Plan for giving legal aid to Scheduled Castes.

(c) The position is regard to the expenditure incurred by the State Governments and Union Territory Administrations, who had made provision for the purpose during the year 1961-62, is as follows:—

Name of State or Union Territory Administration	Provision made during 1961-62	Expenditure incurred upto 30-9-61	Expenditure incurred upto 31-3-62
Gujarat	0.03	0.01	Not yet reported
Mysore	0.04	nil	Not yet reported
Orissa	0.13	nil	nil
Punjab	0.10	0.09	0.10
Tripura	0.015	nil	nil

(Rs. in lakhs)

Gujarat	0.03	0.01	Not yet reported
Mysore	0.04	nil	Not yet reported
Orissa	0.13	nil	nil
Punjab	0.10	0.09	0.10
Tripura	0.015	nil	nil

पवन शक्ति

२९९. श्री भक्त वरदान : क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री ४ मई, १९६२ के प्रतारकित प्रश्न संख्या ६७० के उत्तर के सम्बन्ध में यह बताने की कृपा

करेंगे कि पवन-शक्ति सम्बन्धी विशेष डिवीजन द्वारा उत्तर प्रदेश के गढ़वाल व अन्य पर्वतीय क्षेत्र में पवन शक्ति की संभावनाओं का पता लगाने के लिये जो सर्वेक्षण करने का विचार किया जा रहा था, उस के बारे में अब तक क्या प्रगति हुई है, और कब तक वह सर्वेक्षण कार्य पूरा हो जाने की आशा की जाती है ?

बैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री (श्री हुमायून कबिर) : उत्तर प्रदेश सरकार से कहा गया है कि वह गढ़वाल जिले में ऐसे गांवों का नाम बताये जहां पवन चक्कियां लगाई जा सकती हों। सूचना की प्रतीक्षा की जा रही है।

केन्द्रीय मद्य-निषेध समिति

३००. श्री भक्त दर्शन : क्या गृह-कार्य मंत्री ९ मई, १९६२ के अतारंकित प्रश्न संख्या ५४८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि

(क) केन्द्रीय मद्य-निषेध समिति द्वारा की गई जिन सिफारिशों को स्वीकार कर लिया गया था, उन में से प्रत्येक को कार्यान्वित करने में इस बीच क्या प्रगति हुई है; और

(ख) शेष सिफारिशों को स्वीकार करने तथा उन्हें कार्यान्वित करने के लिये क्या कदम उठाये गये हैं ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री बात्सर) : (क) और (ख). चौथी, छठी, नवीं, तथा दसवीं सिफारिशों के अलावा सूचना तथा प्रसारण मंत्रालय द्वारा वृत्त-किन्न तैयार किये जाने से सम्बन्धित ग्यारहवीं सिफारिश भी लागू की जा चुकी है। राज्य सरकारों के मार्ग-दर्शन के लिये विधान के नमूने का प्रारूप तैयार करने से सम्बन्धित सातवीं सिफारिश को मंजूर नहीं किया गया क्योंकि सरकार के ख्याल में राज्य सरकारों अपने विभिन्न विभागों और स्थानीय

जरूरतों के मुताबिक ऐसे विधेयकों का प्रारूप आसानी से तैयार करा सकती हैं। बाकी ५ सिफारिशों विचाराधीन हैं।

घरेलू नौकर

३०१. श्री भक्त दर्शन : क्या गृह-कार्य मंत्री १८ जून, १९६२ के अतारंकित प्रश्न संख्या ३३४९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) दिल्ली और नई दिल्ली में घरेलू नौकरों की रजिस्ट्री कराने का कार्य जो पुलिस द्वारा हाथ में लिया गया है उस के अन्तर्गत अब तक कुल कितने घरेलू नौकरों की रजिस्ट्री की जा चुकी है; और

(ख) इस कार्य में अब तक स्वयं घरेलू नौकरों को तथा उन के मालिकों को कितना लाभ पहुंचा है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री दातार) : (क) १५ जुलाई, १९६२ तक ४६,६५४।

(ख) कोई निश्चित उत्तर देना कठिन है। योजना के परिणामस्वरूप मालिकों में विश्वास की वृद्धि और घरेलू कर्मचारियों के लिये अधिक सुरक्षा हो जायेगी।

अध्यापन शुल्क

३०२. श्री भक्त दर्शन : क्या शिक्षा मंत्री २८ मई, १९६२ के अतारंकित प्रश्न संख्या २०९८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि दिल्ली के स्कूलों में ५००० रु० वार्षिक से अधिक भ्राय वाले अभिवाकों के छात्र-छात्राओं से जो पाठ्य-शुल्क अधिक मात्रा में लिया जाता है उस की सीमा को और ऊंचा करने के सुझाव पर क्या निश्चय किया गया है ?

शिक्षा मंत्री (डा० धीमाली) : विषय विचाराधीन है।

Primary Education and Education of Girls

303. **Shri M. K. Kumaran:** Will the Minister of Education be pleased to state the specific steps taken to ensure that resources earmarked for the development of primary education and for the education of girls are effectively utilised?

The Minister of Education (Dr. K. L. Shrimali): A statement giving the requisite information is laid on the Table. [See Appendix I, annexure No. 34].

Annual Reports of the Commissioner for S.C. and S.T.

304. **Shri M. K. Kumaran:** Will the Minister of Home Affairs be pleased to state:

(a) whether the annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes are discussed in the State Legislatures;

(b) whether any communications in this regard have been addressed to State Governments by the Central Government; and

(c) if so, the reactions of the State Governments thereto?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekharan): (a) to (c). Some years ago the Central Government suggested to the State Governments that it would be useful if the annual reports of the Commissioner for Scheduled Castes and Scheduled Tribes were discussed in the State Legislatures. The reactions of the State Governments were favourable and the reports are now discussed in most of the State Legislatures.

Anomaly in Hindu Marriage Act

305. { **Shri C. K. Bhattacharyya:**
Shrimati Renu Chakravartty:

Will the Minister of Law be pleased to state:

(a) whether his attention has been drawn to a judgment of Justice Shri

Ramakrishnan of Madras High Court in which he has pointed out an anomaly in section 16 of the Hindu Marriage Act and suggested that it be suitably amended; and

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

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):

(a) Yes, Sir.

(b) The matter is under examination of the Government.

I.A.S. Probationers

306. **Shrimati Jyotsna Chanda:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government pay any amount of money in advance to the I.A.S. probationers to meet their requirements such as expenses for clothing, travelling allowances etc. before their joining the training academy at Mussorie; and

(b) if so, what is the amount?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) No.

(b) Does not arise.

Educational Concessions to Children of Serving Personnel

307. { **Shri A. V. Raghavan:**
Shri A. K. Gopalan:

Will the Minister of Defence be pleased to state:

(a) whether there is any proposal before Government to extend educational concessions to the children of serving personnel;

(b) whether any communication has been addressed to any of the State Governments to extend educational concession to the children of serving personnel; and

(c) if so, their reaction thereto?

The Minister of Defence (Shri Krishna Menon): (a) A scheme for the grant of Children's Education Allowance of Rs. 10 per month for

Primary classes and Rs. 15 per month for Secondary and Higher Secondary classes per child, which was sanctioned with effect from 1st March 1962 for Central Government employees drawing a pay not exceeding Rs. 349 per month, has been extended to JCOs and Other Ranks in the Army and corresponding ranks in the Navy and the Air Force with effect from the same date.

(b) The State Governments of Madras, Mysore, Kerala and Rajasthan were requested to consider extension to the children of Service personnel of the educational concessions granted by them to the children of their non-gazetted employees.

(c) No reply has been received except from Kerala. The Kerala Government are not willing to extend the concessions to the children of Service personnel unless the Central Government are prepared to reimburse to the State Government the value of the concessions.

Defence Ministry's Delegation to Nigeria

308. Shri Raghunath Singh: Will the Minister of Defence be pleased to state whether a delegation of his Ministry has been sent to Nigeria on the invitation of Nigerian Government for setting up of an Air Force training institution in that country?

The Minister of Defence (Shri Krishna Menon): Yes, Sir.

I.A.S. Etc. Examinations

309. { Shri Satyanarayana:
{ Shri Raghunath Singh:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 2026 on the 28th May, 1962 and state:

(a) whether Government have taken any decision on the matter relating to appointment to Class II posts of persons who qualify in U.P.S.C., I.A.S. etc. Examinations and

(b) if so, the details thereof?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) Not yet.

(b) Does not arise.

Excise Duty on Processing of Woollen Fabrics

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

(a) whether it is a fact that some two hundred and fifty small woollen factories are facing closure due to the imposition of excise duty on the processing of woollen fabrics; and

(b) if so, whether Government have received any representation and the action taken thereon?

The Minister of Finance (Shri Morarji Desai): (a) No Sir. Government do not have any such information.

(b) Representations were received from small-scale manufacturers of woollen fabrics requesting for relief from payment of duty on processing of woollen fabrics. Certain reliefs have already been granted to such manufacturers.

Arts and Science Students

311. Shri G. Mohanty: Will the Minister of Education be pleased to state:

(a) the decision taken by Government on the recommendation of the Central Advisory Board of Education for providing equal opportunities of service and emoluments to both Arts and Science students; and

(b) what action has been taken in furtherance of the decision?

The Minister of Education (Dr. K. L. Shrimali): (a) The matter is under consideration.

(b) Does not arise.

Scheduled Castes and Scheduled Tribes

312. Shri G. Mohanty: Will the Minister of Home Affairs be pleased to state:

(a) the percentage of Scheduled Castes and Scheduled Tribes population, State-wise;

(b) whether an Assistant Commissioner for Scheduled Castes and Scheduled Tribes is appointed for each State; and

(c) the place where his head office is located?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) A statement showing the percentage of Scheduled Castes and Scheduled Tribes population, State-wise, based on the 1951 census, is laid on the Table. [See Appendix 1 annexure No. 35].

The figures on the basis of the 1961 census are not yet available.

(b) No.

(c) There are at present eleven Assistant Commissioners for Scheduled Castes and Scheduled Tribes with headquarters at Chandigarh, Jaipur, Bhopal, Lucknow, Baroda, Poona, Bhubaneswar, Hyderabad, Madras, Ranchi and Shillong. Besides, there is also an Assistant Commissioner for Scheduled Castes and Scheduled Tribes in the headquarters' office of the Commissioner at New Delhi.

Conversion of Residential Areas into Commercial Areas

313. Shri Yashpal Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Delhi Administration has decided to charge extra money from landowners for converting their land in residential areas into commercial areas in New Delhi; and

(b) if so, what has been the reaction of the land owners to such a proposal?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) It has been the policy of the Government to levy additional charges from the owners of houses built on sites, leased out to them for residential purposes in New Delhi, before granting permission for conversion of such premises into commercial premises.

(b) No lessee has objected to the levy of such charges uptill now.

Naga Hostiles

314. Shri Yashpal Singh: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that some Naga hostiles were killed in an encounter with Indian security forces on the 30th June at a place called Okolong, 20 miles from Tanenlong; and

(b) if so, the circumstances which led to this event?

The Minister of Defence (Shri Krishna Menon): (a) and (b). On receipt of information about the hide-out of a Naga hostile leader in the area of Okoklong in Manipur, our security forces raided the place on 30th June 1962. Fire was exchanged between our security forces and the hostiles. As a result, three hostiles were killed and some arms and ammunition were recovered.

भवन निर्माण अनुदान

३१५. { श्री कछवाय :
श्री बड़े :
श्री मे० क० कुमारन :

क्या वैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने सांस्कृतिक संस्थाओं को इमारत बनवाने के लिये अनुदान देने का फैसला किया है;

(ख) यदि हां, तो इस के लिये वर्ष १९६२-६३ के लिये कितनी धनराशि रखी गई है;

(ग) इस अनुदान को प्राप्त करने के लिये कौन सी शर्तें रखी गई हैं; और

(घ) अनुदान का आधार क्या होगा ?

बैज्ञानिक अनुसंधान और सांस्कृतिक कार्य मंत्री (श्री हुमायून कबिर) : (क) जी हां ।

(ख) ११ लाख रुपये ।

(ग) वे सांस्कृतिक संस्थायें, जो कम से कम तीन साल से काम कर रही हों और जो रजिस्ट्रेशन सोसायटीज एक्ट (XXI 1860) के या इसी तरह के एक्टों के अधीन रजिस्टर हो चुकी हैं, अनुदान के लिये आवेदन कर सकती हैं ।

(घ) संस्था के काम और उस की इमारत की जरूरत ।

अल्प बचत की राशि

३१६ { श्री कछवाय :
श्री बड़े :

क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) अल्प बचत योजना के अन्तर्गत १९६०-६१ और १९६१-६२ वर्ष में सरकार को कितना धन मिल सका है,

(ख) वर्ष १९६२-६३ में अल्प बचत से कितना धन एकत्र करने का लक्ष्य रखा गया है; और

(ग) इस योजना को लोकप्रिय बनाने के लिये क्या पग उठाये गये हैं ?

वित्त मंत्री (श्री मोरारजी देसाई)

(क) १९६०-६१ में लगभग १०५.६१

करोड़ रुपये और १९६१-६२ में लगभग ९०.५६ करोड़ रुपये ।

(ख) १९६२-६३ के बजट में छोटी बचतों से १०५ करोड़ रुपये की वास्तविक प्राप्ति होने का अनुमान किया गया है ।

(ग) छोटी बचतों के आन्दोलन सम्बन्ध में बराबर विचार किया जाता है और इसे अधिक लोकप्रिय बनाने के लिये समय समय पर आवश्यक उपाय किये जाते हैं । हाल में जो बड़े बड़े उपाय किये गये हैं उन में से कुछ का उल्लेख नीचे किया जाता है :—

(१) डाकखाना बचत बैंक में जमा की गयी रकमों के व्याज की दर १ अगस्त, १९६२ से व्यक्तिगत खातों की १० हजार रुपये तक की जमा रकमों के लिये २॥ प्रतिशत से बढ़ा कर ३ प्रतिशत और इस से अधिक की, १५ हजार रुपये तक की रकमों के लिये २ प्रतिशत से बढ़ा कर २॥ प्रतिशत कर दी गयी है;

(२) बढ़ने वाली सावधिक जमा योजना (क्यूम्यूलेटिव टाइम डिपॉजिट स्कीम) में १५ वर्ष वाला खाता जारी किया गया है और १० वर्ष व १५ वर्ष वाले खातों में जमा की गयी रकमों पर आयकर में छूट पाने की सुविधा दी गई है;

(३) सरकारी दफ्तरों और सरकारी क्षेत्र के प्रतिष्ठानों (अण्डरटेकिंग) में वेतन से सीधी बचत करने की योजना जारी की गयी है;

(४) १ जून, १९६२ में राजकोष बचत जमा पत्रों (ट्रेजरी सेविंग्स डिपॉजिट सर्टिफिकेट) और वाषिक की पत्रों (एन्यूइटी सर्टिफिकेट) पर दिये जाने वाले कमीशन की दर ॥ प्रतिशत से बढ़ा कर १ प्रतिशत कर दी गयी है; और

(५) वाणिज्यिक प्रतिष्ठानों की मार्फत छोटी बचतों के बारे में प्रचार किया जाता है ।

RD-9 Engine Factory

317. { **Shri A. V. Raghavan:**
 { **Shri A. K. Gopalan:**

Will the Minister of **Defence** be pleased to state:

(a) whether Government have taken any decision regarding the location of RD-9 engine factory;

(b) the details of the agreement signed between his Ministry's delegation with the Soviet Government; and

(c) when the work on the construction of the factory is likely to begin?

The Minister of Defence (Shri Krishna Menon): (a) No, Sir.

(b) It will not be in the public interest to disclose the details of the agreement.

(c) After a decision has been reached on the question of location of the factory.

Crude Oil to Gauhati Refinery

318. **Shri P. C. Borooah:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether the Oil India has begun supplying 100 per cent. high wax crude to Gauhati refinery; and

(b) if so, since when?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) Yes, Sir.

(b) Since 1st July, 1962.

Arrears of Land Revenue and Taxes in Manipur

319. **Shri Rishang Keishing:** Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount of arrears of land revenues, taxes and loans etc. in Manipur upto 31st March, 1962; and

(b) action taken by Government for effective recovery of the arrears?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The information is being collected and will be laid on the table of the house.

Naga Hostiles

320. **Shri Rishang Keishing:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of hostile Nagas surrendered, arrested and killed in Manipur during May, June and July, 1962;

(b) the respective number of local and non-local persons among them; and

(c) their present and future programme of activities as revealed from the documents seized by the security forces?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The required information is being collected and will be laid on the Table of the House when received.

(c) It will not be in the public interest to disclose this information.

Smuggling of Gold

321. { **Shri Ram Ratan Gupta:**
 { **Shri P. Kunhan:**
 { **Shri M. K. Kumaran:**
 { **Shri Nambiar:**

Will the Minister of **Finance** be pleased to state:

(a) whether a B.O.A.C captain was arrested at Palam in June, 1962 and gold worth Rs. 2 lakhs was seized from him; and

(b) if so, the action taken against the Airlines?

The Minister of Finance (Shri Morarji Desai): (a) On 27th June 1962 one Mr. Charles Maloney, Flight Engineer of British Overseas Airlines Corporation was arrested by the Customs at Palam Airport and gold

weighing about 15 kilos valued at about Rs. 1,75,000 seized from him.

(b) The case is under investigation.

Indian Army Personnel in Katanga

322. **Shri Ram Ratan Gupta:** Will the Minister of Defence be pleased to state:

(a) whether Indian Army personnel were hurt in Katanga train smash on the 27th June, 1962; and

(b) if so, the details thereof?

The Minister of Defence (Shri Krishna Menon): (a) and (b) There was no train accident in Katanga on 27th June 1962 in which any Indian Army personnel were hurt. Presumably, the reference is to the accident which took place on 26th June 1962. A train carrying Baluba refugees collided with a mixed passenger-goods train just outside Malonda railway station. It has been reported that the accident occurred due to mistake on the part of some railway employees. Five Other Ranks of Indian Army and 16 refugees received minor injuries. All of them were given medical aid on the spot by the Medical Officer accompanying the train.

Minorities in States

323. **Shri Nataraja Pillai:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is any Central Government Agency functioning in the States to enquire into and to report on the working of the safeguards provided for the minorities in the States; and

(b) if so, the designation of the agent in the Kerala State?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The Commissioner for Linguistic Minorities investigates all matters relating to the safeguards provided for linguistic minorities in all

1355 (Ai) LS—5.

States. There is no separate agent for doing this work in Kerala or any other State.

Promotion of 'Dogri' Language

324. **Shri Inder J. Malhotra:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any aid is being given by the 'Sahitya Akademi' for the promotion of Dogri language of Jammu region of Jammu and Kashmir state; and

(b) if so, how much and in what shape?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (b). No. Sir, but the Ministry sanctioned a grant of Rs. 2,000 to the Jammu and Kashmir Government during 1960-61 for bringing out the following publications:—

	Rs.
1. Dogri Folk Songs with urdu translation	1,250.00
2. A brief history of Dogri Art and Literature (English)	750.00
TOTAL .	2,000.00

Tribal People in Bihar

325. **Dr. U. Misra:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that surplus land in Singhbhum district and other districts in Bihar is being made available to landless tribal people;

(b) if so, whether any scheme has been chalked out; and

(c) number of tribal people who are landless in Bihar?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes.

(b) Information is being called for from the Bihar Government.

(c) The information is not available with the Central Government. An en-

quiry is being made from the Bihar Government, and if they can furnish the information it will be laid on the Table of the House.

Staff requirements of Iron and Steel Controller

326. Shrimati Renu Chakravartty: Will the Minister of Steel and Heavy Industries be pleased to refer to the reply given to Unstarred Question No. 319 on the 26th March, 1962 and state:

(a) whether the S.R. Unit report on the staff requirements of office of Iron and Steel Controller has been submitted; and

(b) when the remaining posts will be made permanent?

The Minister of Steel and Heavy Industries (Shri C. Subramaniam): (a) No, Sir.

(b) The question of converting additional temporary posts into permanent ones will be examined in the light of the report of the S.R. Unit of the Ministry of Finance.

Hostel in Delhi for Backward Class Students

327. Shrimati Renu Chakravartty: Will the Minister of Home Affairs be pleased to state:

(a) whether the Hostel for Backward class students at Mall Road, Delhi is receiving grants from Government;

(b) what is the amount of grant; and

(c) whether it is a free hostel?

The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar): (a) Yes, the Ministry of Home Affairs has been giving grants to the All India Backward Classes Federation for their hostel for students belonging to backward classes, at Mall Road, Delhi;

(b) The grants given yearwise to the Federation for this hostel since 1956-57 are shown in the statement below:—

Year	Amount of grant
	Rs.
1956-57	8,000
1957-58	12,000
1958-59	12,000
1959-60	12,000
1960-61	8,970
1961-62	8,760
1962-63	8,760

(c) The students residing in the hostel are provided free board and lodging. Eighty per cent of the expenditure involved is met by Government grant and the remaining 20 per cent by the Federation.

International Summer Village Camp, Japan

328. Shri Bishanchander Seth: Will the Minister of Education be pleased to state:

(a) whether it is a fact that four children have been selected from different Public Schools of the Capital to represent India at the Children's International Summer Village Camp to be held in Japan;

(b) if so, what were the criteria for selecting the boys; and

(c) what is the extent of Government assistance for this delegation?

The Minister of Education (Dr. K. L. Shrimali): (a), (b) and (c). The Ministry has no information about this delegation and has given no grant to it. An enquiry has, however, been made from the Indian Public Schools Conference about the facts of the case which will be placed on the Table of the Lok Sabha in due course.

पंजाब में कोयले की कमी

३३०. { श्री बागड़ी :
श्री गुलशन :
श्री बूटा सिंह :

क्या खान और ईंधन मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार को मालूम है कि पंजाब में कोयले की कमी के कारण इंटों के भट्टे बन्द हो रहे हैं जिस के कारण नये मकानों का निर्माण और विस्तार के कामों में बहुत रुकावट पैदा हो रही है; और

(ख) यदि हां, तो सरकार पंजाब को कोयला पट्टेजाने के लिये क्या कदम उठा रही है और हाल ही में कितनी गाड़ियां कोयला पंजाब को दिया जा रहा है ?

खान और ईंधन मंत्री (श्री बे० दे० मालवीय) : (क) जून, १९६२ से कोयला नियंत्रण ने सारे राज्यों के लिये बल्क कोटे Bulk quotas का मंशोधन किया है। यह राज्य सरकारों पर निर्भर है कि वे विभिन्न सूचियों के उपभोक्ताओं को पिछली खपत और उन की आवश्यकताओं को दृष्टि में रखते हुए उन के बीच में समस्त कोटे में से बल्क कोटे का वितरण करें। जून, १९६२ के दौरान पंजाब के लिये बी. आर. के. कोयला (B. R. K. Coal) के कोटे के १४६५ वैगनों का प्रेषण हुआ।

(ख) जुलाई, १९६२ से पंजाब के लिये बल्क कोटे में ३७२ वैगनों की वृद्धि की गई है। तो भी, पंजाब के लिये जम्मू और काश्मीर की कालाकोट खानों से इंटों को पकाने वाले कोयले की समविक सप्लाई का प्रश्न सरकार के विचाराधीन है।

विश्वविद्यालय शिक्षा समिति

३३१. श्री रा० स० तिवारी क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि विश्वविद्यालय शिक्षा समिति की स्थायी समिति की स्थापना हो चुकी है ; और

(ख) यदि हां, तो समिति में कितने सदस्य रखे गये हैं और उन के नाम क्या हैं।

शिक्षा मंत्री (डा० का० ला० श्रीमाली)

(क) जो हां।

(ख) समिति में निम्नलिखित १२ सदस्य हैं:—

डा० सी० पी० रामस्वामी अध्यक्ष (अध्यक्ष)

प्रोफेसर एस० एन० बोस

डा० गुनोति कुमार चटर्जी

डा० डी० आर० गाडगिल

डा० पी० के० केलकर

पंडित हंसय नाथ कुंजरू

प्रोफेसर एम० मुजिब

प्रोफेसर हीरेन मुकर्जी

डा० विक्रम साराभाई

प्रोफेसर एम० एन० श्रीनिवासन

प्रोफेसर ए० आर० वाडिया

श्रीमती मुरीयल वासी

(सदस्य सचिव)

Copper Mines in Rajasthan

332. { Shri Raghunath Singh:
Shri Kashi Ram Gupta:

Will the Minister of Mines and Fuel be pleased to state:

(a) whether experiments have proved that a separate smelter shall be required to be set up at Khoh-Dariba Copper Mines in Rajasthan;

(b) if not, what shall be the arrangement and mode of transport for carrying the ore from Khoh-Dariba to Khetri;

(c) in view of the fact that Khoh-Dariba and its vicinity of several

miles contain other minerals, which cannot be worked due to lack of heavy transport, whether Government are examining the question of linking Khoh-Dariba by Railway line on the one side with Khetri and on the other with Alwar;

(d) whether electricity to Khetri and Khoh-Dariba will be made available from Bhakra Nangal Project or there will be independent generating plants arranged for the Mines; and

(e) what shall be the daily out-put of ore in Khetri and Khoh-Dariba areas, and also the respective average percentage of copper present in the ores of these areas?

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis):

(a) The rate of production at Dariba envisaged being only 1,500 tons of copper per annum, a separate smelter will not be required.

(b) The quantity of ore to be mined will be about 200 tons per day which is proposed to be converted at the spot into concentrates of the order of only 15-16 tons a day which can be transported by road to the smelter to be put up at Khetri.

(c) Sufficient ore reserves to justify an independent plant have not been established and therefore the question of a railway link has not been considered.

(d) The electricity for the projects will be obtained from the Rajasthan State Electricity Board. The source of supply will be decided by them with reference to availability.

(e) The anticipated rate of production of ore at Khetri is 6,800 tons per day of 1% grade of coppers and at Dariba, 200 tons per day of 2.5% grade of copper.

Technical Personnel for Mining Industry

333. Shri D. C. Sharma: Will the Minister of Mines and Fuel be pleased to state:

(a) whether an integrated training scheme for technical personnel to

cater to requirements of the entire mining industry in the public sector is being drawn up by Government; and

(b) Two Committees have been set progressed and the details thereof?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) Yes the scheme being drawn up is to cater to the requirements of technical personnel for the entire mining industry.

(b) Two Committees have been set up—one for Senior Technical Personnel and the other for Junior Technical Personnel. These Committees are examining the question of setting up the facilities for the training of mining personnel.

Singareni Collieries

334. Shri R. N. Reddi: Will the Minister of Mines and Fuel be pleased to state:

(a) whether the Singareni Collieries Company have been permitted to purchase package generator sets of a total capacity of 18,000-20,000 kws;

(b) if so, what is the value of the same; and

(c) from which country they are going to be obtained and when they are likely to be delivered?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) To meet the shortage of power the Singareni Collieries Company propose to purchase package sets.

(b) The total value has been estimated at Rs. 2.5 crores

(c) In response to an enquiry issued by the Company tenders have been received from various countries which are under scrutiny.

Subsidy to Singareni Collieries

335. Shri R. N. Reddi: Will the Minister of Mines and Fuel be pleased to state:

(a) the amount of subsidy given to the Singareni Collieries Company for sand stowing during 1961-62;

(b) the amount claimed by the company for the first quarter of 1962-63; and

(c) the amount sanctioned and actually paid?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) No assistance on account of sand stowing for the year 1961-62 has so far been granted by the Coal Board to Singareni Collieries, as the Company submitted its application in the proper form with all the necessary particulars only on the 28th June, 1962. This application is under consideration of the Coal Board.

(b) The Company has submitted a claim of Rs. 1,05,699.69 nP. for April and May, 1962. Its claim for June, 1962 has not been received by the Coal Board so far.

(c) The application of the Company for the year 1962-63 is also under consideration of the Board.

National Scholarships Scheme

336. Shrimati Laxmi Bai: Will the Minister of Education be pleased to State the total number of students belonging to Andhra Pradesh, who got scholarships under the National Scholarships Scheme during 1961-62 academic year?

The Minister of Education (Dr. K. L. Shrimali): 163.

Armymen for Congo

**337. { Shri Buta Singh:
Shri Gulshan:**

Will the Minister of Defence be pleased to state:

(a) the total number of Armymen of all wings who were sent to Congo in 1961-62 and number of those who laid their lives there;

(b) whether their families have been paid any compensation;

(c) if so, the details thereof, and if not, the reasons therefor; and

(d) what steps are being taken for the maintenance of the said families and arranging education and employment for their children?

The Minister of Defence (Shri Krishna Menon): (a) The total number of Army personnel sent to the Congo in 1961-62 is 5661. In addition, 3 Naval and 282 Air Force personnel were sent. 15 Indian Armed Forces personnel were killed in action in the Congo.

(b) Yes, Sir.

(c) A statement is laid on the Table. [See Appendix I annexure No. No. 36].

(d) The Soldiers', Sailors & Airmen's Boards Organisation, through the network of its District Soldiers', Sailors' & Airmen's Boards, looks after the welfare of families of ex-Servicemen. Details of assistance asked for and given are not readily available.

Police Firings and Lathi Charges

**338. { Shri Gulshan:
Shri Buta Singh:**

Will the Minister of Home Affairs be pleased to state:

(a) the names of places and dates on which police firing and lathi charges took place during the last three years in the Centrally administered areas and the dates on which curfew and section 144 Cr. P.C. was imposed with the names of places?

(b) total number of persons died, wounded or disabled as a result of these firings, etc.; and

(c) total number of persons against whom cases were registered with the number of those convicted, cases withdrawn and also of those against whom cases are still pending?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) to (c). The requisite information is being collected and will be laid on the table of the House in due course.

Yoga Exercises

339. Dr. L. M. Singhvi: Will the Minister of Education be pleased to state:

(a) what steps have been taken to promote Yoga exercises and cures during the last five years;

(b) what steps are proposed to be taken during the next five years; and

(c) whether a statement giving the details would be placed on the Table?

The Minister of Education (Dr K. L. Shrimali): (a) The following steps have *inter-alia* been taken for the promotion of Yoga during the last 5 years (1957-58 to 1961-62):—

- (i) Grants amounting to Rs. 5,63,047] sanctioned for the promotion of research & popularisation of Yogic exercises including training of Yogic teachers;
- (ii) Selected Yogic Exercises included in the 'Model' Syllabi of Physical Education for Boys & Girls recommended in the 'National Plan of Physical Education & Recreation';
- (iii) Yoga has been included as one of the subjects for specialisation in the 3 year Degree Course at the Lakshmi Bai College of Physical Education, (Gwalior);
- (iv) Three Scholarships to Physical Education Teachers for specialisation in Yogic practices have been awarded; and
- (v) A Committee of Medical Experts to study and evaluate the therapeutic values of Yogic practices and to recommend

measures for development on scientific lines of the Institutions engaged in Yogic therapy was set up. The report of the Committee is under examination.

(b) and (c). During the next 5 years the programme detailed in para 2 above will be carried further. In addition, the recommendations made by the Committee of medical experts are proposed to be implemented.

Holiday on Janam Ashtmi

340. Shri C. K. Bhattacharyya: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government have not followed the Rashtriya Panchang in declaring 23rd August as holiday for Janam Ashtmi in 1962;

(b) if so, the reason therefor; and

(c) whether the attention of Government has been drawn to the fact that at variance with the Central Government the State Governments like that of West Bengal and Punjab have declared 22nd August as the Janam Ashtmi holiday following the Rashtriya Panchang?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The normal practice is to observe holidays on the dates as given in the Indian Ephemeris and Nautical Almanac for the relevant year. However, when the dates given in the Almanac differ from those on which the festivals are actually observed by the people in a particular place, Government of India offices are closed on that day. Since it is understood that Janam Ashtmi will actually be celebrated in Delhi on the 23rd August, 1962, a holiday has been declared on that day.

(c) The State Governments also observe holidays on the days on which religious festivals are actually celebrated in the State. It is open to the

Central Government offices located in the States to follow the example of the State Government.

School Atlas

341. { Shrimati Maimoona Sultan:
Shri Mohan Swarup:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it has come to the notice of Government that Atlases with wrong maps showing Kashmir or parts thereof as Pakistan territory are being used in Delhi Schools; and

(b) if so, what action has been taken by Government in the matter?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

Correspondence Courses

342. Shri D. C. Sharma: Will the Minister of Education be pleased to state:

(a) whether the committee set up to consider the details of the scheme of correspondence courses and evening colleges has finalised its report; and

(b) if so, the main recommendations and findings of the committee?

The Minister of Education (Dr. K. L. Shrimali): (a) and (b). The Committee has submitted its Report on Correspondence Courses. A statement giving a summary of the recommendations made by the Committee, is laid on the Table. [See Appendix I, annexure No. 27].

The Committee has not yet finalised its deliberations on Evening Colleges.

Exploration of Oil and Gas in Cambay

344. Shri Hem Barua: Will the Minister of Mines and Fuel be pleased to state:

(a) the progress of work in the

Cambay field in the matter of exploration of oil and gas;

(b) whether it is a fact that prospects of discovering gas are better than those of discovering oil in this field;

(c) if so, the number of wells, category-wise, discovered so far in this area;

(d) whether it is also a fact that exploration work in Cambay is not as prompt and speedy as desired; and

(e) if so, whether the causes of this slow momentum are being ascertained?

The Minister of Mines and Fuel (Shri K. D. Malaviya): (a) and (c). Upto 31st March, 1962, the Oil and Natural Gas Commission had completed 25 wells in Cambay.

(b) Yes, Sir.

(d) No, Sir.

(e) Does not arise.

Advisory Committee for Andamans

345. Shri A. K. Gopalan: Will the Minister of Home Affairs be pleased to state:

(a) the number and names of members of the Home Minister's Advisory Committee for Andaman Islands; and

(b) on what basis the members of the Committee are nominated?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) and (b). The Home Minister's Advisory Committee for Andaman and Nicobar Islands consists of the following eight members:—

- (1) Chief Commissioner of Andaman and Nicobar Islands.
- (2) Shri Niranjana Lal—Member of Parliament representing the Andaman and Nicobar Islands.
- (3) Shri K. R. Ganesh—Senior

Vice-Chairman of Port Blair Municipal Board.

- (4) Bishop John Richardson.
- (5) Shri Rajani Ranjan Sircar.
- (6) Shri Rajendra Lal Saha.
- (7) Shri Lachman Singh.
- (8) Rani Lakshmi.

The Member of Parliament representing Andaman and Nicobar Islands and the senior Vice-Chairman of the Port Blair Municipal Board are permanent members. The other non-official members are nominated from year to year from amongst the permanent residents of the islands so as to secure representation of the various interests.

12-11 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER INSURANCE ACT

The Minister of Finance (Shri Morarji Desai): I beg to lay on the Table a copy each of the following Notifications under sub-section (2) of section 20 of the Insurance Act, 1938:—

- (i) S.O. No. 1656 dated the 2nd June, 1962.
- (ii) S.O. No. 1657 dated the 2nd June, 1962. [Placed in Library, See No. LT-284/62.]

COAL MINES (CONSERVATION AND SAFETY) (FOURTH AMENDMENT) RULES

The Deputy Minister in the Ministry of Mines and Fuel (Shri Hajarnavis): I beg to lay on the Table a copy of the Coal Mines (Conservation and Safety) (Fourth Amendment) Rules, 1962 published in Notification No. G.S.R. 846 dated the 23rd June, 1962, under sub-section (4) of section 17 of the Coal Mines (Conservation and Safety) Act, 1952. [Placed in Library, See No. LT-285/62.]

ORDERS UNDER THE INTER-STATE CORPORATIONS ACT, DELHI MUNICIPAL CORPORATION (ELECTION OF COUNCILLORS) RULES AND MINISTERS' (ALLOWANCES, MEDICAL TREATMENT AND PRIVILEGES) AMENDMENT RULES

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table—

- (a) a copy each of the following Orders under sub-section (5) of section 4 of the Inter-State Corporations Act, 1957:—
 - (i) The Khadi and Village Industries (Bombay, Poona and East Khandesh) Reconstitution Order, 1961 published in Notification No. G.S.R. 1487 dated the 16th December, 1961 together with an amendment thereto published in Notification No. G.S.R. 1544 dated the 30th December, 1961. [Placed in Library, See No. LT-286/62.]
 - (ii) The Madhya Pradesh Dental Council (Reconstitution) Order, 1962 published in Notification No. S.O. 1562 dated the 26th May, 1962. [Placed in Library, See No. LT-287/62.]
- (b) a copy of Notification No. 19/108/61 Delhi published in Delhi Gazette dated the 3rd January 1962, containing the Delhi Municipal Corporation (Election of Councillors) Rules, 1962, under sub-section (2) of section 479 of the Delhi Municipal Corporation Act, 1957. [Placed in Library, See No. LT-288/62].
- (c) a copy of the Ministers' (Allowances, Medical Treatment and Privileges) Amendment Rules, 1962 published in Notification No. G.S.R. 775 dated the 8th June, 1962,

under sub-section (2) of section 11 of the Salaries and Allowances of Ministers Act, 1952. [Placed in Library, See No. LT-289/62.]

DELHI SALES TAX (AMENDMENT) RULES

The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat): I beg to lay on the Table a copy of Notification No. F. 3(31)/58-Fin.(E) published in Delhi Gazette dated the 13th July, 1961, containing the Delhi Sales Tax (Amendment) Rules, 1961, under sub-section (4) of section 26 of the Bengal Finance (Sales Tax) Act, 1941 as extended to Delhi. [Placed in Library, See No. LT-290/62].

12.13 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 6th August, 1962, has passed the enclosed motion referring the Limitation Bill, 1962, to a Joint Committee of the Houses and to request that the concurrence of the Lok Sabha in the said motion and the names of the Members of the Lok Sabha to be appointed to the said Joint Committee may be communicated to this House

MOTION

"That the Bill to consolidate and amend the law for the limitation of suits and other proceedings and for purposes connected therewith be referred to a Joint Committee of the Houses consisting of 30 members; 10 members from this House, namely Shrimati Violet Alva, Shri P. N. Saprú, Pandit S. S. N. Tankha, Shri K. K. Shah, Shri B. K. P. Sinha, Shri

S. K. Basu, Diwan Chaman Lall, Shri K. V. Raghunatha Reddy, Shri M. Ruthnaswamy, Shri Dibakar Patnaik and 20 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the first day of the next session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

ARREST OF MEMBERS

Mr. Speaker: I have to inform the House that I have received the following telegram, dated the 6th August, 1962, from the Superintendent of Police, Bhopal:—

"Sarvashri Hukam Chand Kachwai, Ramchandra Vithal Bade and Homi F. Daji, Members, Lok Sabha, were found defying ban inside regulated area of Madhya Pradesh Vidhan Sabha, at Bhopal, on 6th August, 1962, and were therefore arrested under Section 188, Indian Penal Code."

Shri S. M. Banerjee (Kanpur): Though they were arrested on the 6th of August, the intimation has been sent only on the 8th. Myself and Shri Indrajit Gupta voluntarily surrendered on the 12th of July because, a

[Shri S. M. Banerjee]

warrant was likely to be issued against us. We sent letters from Jamshedpur to the Lok Sabha Secretariat but none of them reached here. I hope my friends will not meet with the same fate.

Mr. Speaker: If something has not been done earlier, he might bring it to my notice. Here I have got only this telegram.

Shri S. M. Banerjee: That is true. He sent a letter on the 12th and that letter has not reached the Lok Sabha Secretariat even today. This is happening to Members of Parliament who are inside jails.

Mr. Speaker: He might give it in writing. I will make enquiries about it. This telegram was received yesterday.

Shri U. M. Trivedi (Mandsaur): It is a patent fact. Why has this telegram been received only yesterday when they were arrested on the 6th?

Mr. Speaker: It might have been sent on the 6th and it might have reached here only on the 7th.

Shri U. M. Trivedi: You may kindly verify it.

Mr. Speaker: All right. I will do so.

Shri Tyagi (Dehra Dun): I was anxious to know the circumstances. They have volunteered to be arrested?

Mr. Speaker: Whatever it is, the information I have I have read out to you I cannot add anything. I find this telegram was sent on the 6th.

12.15 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
FOURTH REPORT

Shri Krishnamoorthy Rao (Shimoga): Sir, I beg to present the

Fourth Report of the Committee on Private Members' Bills and Resolutions.

Shri Sonavane (Pandharpur): On a point of information, Sir, I would like like to know why such a long time is asked for the presentation of the Report and whether it was not visualised.....

Mr. Speaker: Order, order. The hon. Member is not following the proceedings.

Shri Sonavane: I want to know why so much time is asked for.

Mr. Speaker: Where has it been asked for? When has it been asked for?

Shri Sonavane: This motion is for the extension of time for the presentation of the Report.....

Mr. Speaker: No; something else has been presented. He says that he cannot catch my eye, but he does not give his ears to what is happening.

—————
BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, with your permission I rise to announce that in deference to your wishes and those of some hon. Members of the House, the Government have agreed to provide time for Short Duration Discussion on breakdown of power supply in Delhi to be raised by Shri Bishan Chander Seth, Shri Mani Ram Bagri, Shri Prakash Vir Shastri and Shri Hari Vishnu Kamath.

The discussion will take place tomorrow, Thursday, the 9th of August at 3:00 P.M.

CUSTOMS BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

Shri Krishnamoorthy Rao (Shimoga): Sir, I beg to move the following:—

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to customs, be extended upto the last day of the first week of the next session."

Mr. Speaker: Motion moved: *

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to customs, be extended upto the last day of the first week of the next session."

Now Shri Sonavane may say what he wanted to say a little while earlier.

Shri Sonavane (Pandharpur): About this inordinate delay in the presentation of the Report and asking for time of about three months I want to ask whether it was not visualised that the work of the Committee would not be completed by the first week of this Session. What is it that has hampered the completion of the Committee's work and presentation of the Report?

Shri Krishnamoorthy Rao: We wanted to finish the work of the Committee before the due date but the hon. Members felt that they should examine some more witnesses and that as they would like to attend to the legislative business in the House they would not be able to meet during the Session. So, we had to ask for time till the first week of the next Session.

Mr. Speaker: The question is:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to customs, be extended upto the last day of the first week of the next session."

The motion was adopted.

12:15 hrs.

LAND ACQUISITION (AMENDMENT) BILL*

The Minister of Food and Agriculture (Shri S. K. Patil): Sir, I beg to move for leave to introduce a Bill further to amend the Land Acquisition Act, 1894.

Mr. Speaker: Motion moved :

"That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894."

Shri S. M. Banerjee (Kanpur): Sir, I have a submission to make in this regard. After the Supreme Court's judgment, the necessary Ordinance was promulgated on the 20th July for a particular case. When it was already announced that this House would sit from the 6th August, what was the necessity for it? Was it not due to.....

Mr. Speaker: He will kindly resume his seat. I have followed him.

Shri S. M. Banerjee: I have not finished yet.

Mr. Speaker: Sometimes with the whole thing not being finished, one can understand what it is by a part of it also.

Shri S. M. Banerjee: This has been done because this case pertains to an industrialist of Kanpur and it is to protect the interests of the industrialist that even the Government of India came forward with an Ordinance. It is surprising.

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 8-8-62.

Shri Nath Pal (Rajapur): What is surprising about it?

Mr. Speaker: I could see that he was quite insistent about expressing his view; otherwise, introduction stage is not the proper time for this. When we take it up, he can take objection to it but not at the introduction stage. At this stage he can say that he objects to its introduction and he can take objection to the Ordinance at the moment we consider it. We are only at the stage of introduction of the Bill.

The question is:

“That leave be granted to introduce a Bill further to amend the Land Acquisition Act, 1894.”

The motion was adopted.

Shri S. K. Patil: Sir, I introduce the Bill.

STATEMENT RE: LAND ACQUISITION (AMENDMENT) ORDINANCE

The Minister of Food and Agriculture (Shri S. K. Patil): Sir, I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Land Acquisition (Amendment) Ordinance, 1962, as required under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-291/62.]

12-19 hrs.

EXTRADITION BILL—contd.

Mr. Speaker: The House shall now take up further consideration of the following motion moved by Shri Asoke K. Sen on the 7th August, 1962, namely:—

“That the Bill to consolidate and amend the law relating to the extradition of fugitive criminals, be passed.”

Shri D. C. Sharma may continue his speech.

Shri D. C. Sharma (Gurdaspur): Sir, I made two points yesterday. I said that the Government had given due thought and due time to the consideration and drafting of this Bill. I also said that the Ministry of Law and the Congress party were not void of legal talent and were not void of understanding in such a way that it could not understand all the implications of this Bill and all that it involved. I believe that the speeches which have been made on behalf of the Congress party here show that the Members have understood all that this Bill involved and their speeches have been as good as that of any Member of any other party.

A point has been made that we are giving perhaps preferential treatment to Commonwealth countries. I think that is a misrepresentation of facts. Of course, we have three types of countries in this Bill and three types of agreements in view. But, the fact of the matter is that the Commonwealth countries are also going to be subject to all these things to which all the other countries are going to be subjected. For instance, I draw the attention of the House to clause 12(2):

“Every such application shall be by notified order, and the Central Government may, by the same or any subsequent notified order, direct that this Chapter and Chapters I, IV and V shall, in relation to any such Commonwealth country, apply subject to such modifications, exceptions, conditions and qualifications as it may think fit to specify in the order for the purpose of implementing the arrangement”.

The first point is that these treaties are going to be bilateral treaties; they are not going to be unilateral. At the same time, we are not giving a kind of blank permission to the Government to enter into any kind of treaty that it likes with any Commonwealth country. Whatever these treaties, they will be done by notified orders. Not only Chapter III will

apply to them, but all the other chapters will apply to these countries. At the same time, these chapters can be modified in the light of experience and in the light of our relations with those countries. We can have exceptions so far as these orders are concerned and we can lay down new conditions. We can also qualify whatever is said. Therefore, I believe that to think that the Commonwealth countries are being given a kind of blank cheque to do whatever they like in the matter of extradition Act is not correct. They are subject to so many provisions of law. They are subject to so many rules of procedure. They are subject to so many modifications and other things. Therefore, the fear of hon. Members that the Commonwealth countries are going to have some kind of a general permission to do whatever they like in the matter of extradition is not proper.

Much has been made of the warrant that is to be issued. It is not that the warrant that will be issued will be enough in itself to ensure extradition of any person. I draw the attention of the House to clause 17(2) and also to clause 17(3). That warrant is subject to two conditions. "If on such inquiry the magistrate is of opinion that the endorsed warrant is not duly authenticated": that is one of the things. Much stress has been laid on the endorsement of the warrant. It is subject to a further condition: or that the offence of which such person is accused is not there. All these things will make the warrant infructuous. The Magistrate will, pending receipt of orders of the Central Government, detain such a person in custody or release him on bail. If he has any doubt, he will not extradite him at once. He will send him to custody and report the case to the Government. Clause 17(3) makes the whole thing clear. It reads thus:

"The magistrate shall report the result of his inquiry to the Central Government and shall forward together with such report any writ-

ten statement which the fugitive criminal may desire to submit for the consideration of that Government."

Therefore, the warrant is not everything, but the warrant is subject to scrutiny not only on the fact of its authentication but also on the fact of the substance of the case; and even that is not enough; it is also subject to the approval of the Central Government.

Therefore, I think that so far as the Commonwealth countries are concerned, the precautions that we have taken are more than enough. We have hedged this Bill round with so many safeguards that I think that it will be very difficult for anybody to take undue advantage of it.

A point was made that the amendment put forward by Shri Rameshwar Tantia would have improved this Bill. I have great regard for Shri Rameshwar Tantia, and I do not think that he withdrew this amendment only because he was a member of the Congress Party and was subject to the discipline of the party. I do not think so; I believe that he withdrew his amendment because he knew that his amendment had already been included in the Bill that we are now going to pass. His amendment reads as follows:

"(3A) If the Magistrate is of the opinion that the offence, though not of a political nature, is not an offence in terms of the law of the land, he shall discharge the person against whom the extradition proceedings have been instituted."

Mr. Speaker: This is the third reading stage, and the hon. Member should not go into the details of the amendments that were moved and withdrawn. This is not the stage for that.

Shri D. C. Sharma: I agree with you, Sir, but somebody referred to this matter yesterday.

Mr. Speaker: That does not matter.

Shri U. M. Trivedi (Mandsaur): My hon. friend is not the Minister who is to reply to it.

Shri D. C. Sharma: Therefore, I would say that this amendment does not bring in any new point, because it is already implicit and explicit in the Bill. Therefore, I think that this Extradition Bill as it has been placed before the House by the Law Minister should be passed.

The Minister of Law (Shri A. K. Sen): I would not normally have taken pains to make a long reply on the third reading of this Bill but for certain unfortunate remarks which were levelled against not only myself personally but against the Government and against the party which supports the Government, by the Deputy Leader of the Communist Group, and I think that it is my duty to reply to them. Before I do so, I would again say that those remarks were not only unfortunate but completely unwarranted. He said:

"I am very sorry to find that the Government party with all its wealth of legal talent, for some reason or other, put out speakers who had hardly made a study of this Bill and knew hardly a thing about what was actually being contemplated by this Bill."

Sir, the Deputy Leader of the Communist Group has been longer in this House than I, but one lesson has escaped him which has not escaped me fortunately, and that is that the paramount duty that we owe to this House and to the parliamentary institutions to which we are a party, is to be respectful to the House and to our opponents in particular. As Government is respectful to the opponents, so the opponents should be to the Government and to the party which sustains the Government.

By saying so, my hon. friend tried to convey the idea that he had made a more thorough study and a more perfect study of the Bill. I shall endeavour to show that this thorough

study of his has only succeeded in enabling him to indulge in certain fallacies which are patent, and which will be demonstrated as such, and it is only on those fallacies that he has built up this imaginary attack on Government by saying that we have treated it in a cavalier fashion, and we have done it in a hurry as if we had something to hide, and we had something up our sleeves. He said that we had done it in a cavalier fashion, and he said that I had done it and done it in a hurry. All this is because, he says, we are giving an advantage to commonwealth countries which is undue. He cites the example of Pakistan and says that that country is fettered by all sorts of restrictions—we are all agreed upon that—and, therefore, we are going to give the fugitive criminals away to Pakistan. That is his argument. He forgets that there are plenty of safeguards which make the procedure in substance the same as in regard to non-Commonwealth countries. Before Pakistan gets its fugitive criminals extradited, it has to come within the definition of a Commonwealth country by an appropriate notification by the Central Government. That is in clause 12. Pakistan does not come in automatically. A more thorough study of the Bill, more thorough than what the Congress Members have done, would have enabled the hon. Member to appreciate that. Therefore, before Pakistan can claim the benefit of Chapter III, it has to be notified as a Commonwealth country. Before notification, it has to have a bilateral arrangement with India. The bilateral arrangement will specify under what circumstances and for what offences there will be extradition as between the two countries and in enlisting the offences in the bilateral arrangement, the Government would not be able to add any offence other than those mentioned in the Second Schedule, because extradition offences are specified in the Act itself. It is within the bounds of those extradition offences that the bilateral arrangement will have to specify on what offences

there would be extradition as between Pakistan and India. Those conditions equally apply to both countries.

After the arrangement has been made, it has to be notified under clause 12(2) with such modifications and qualifications as the Central Government may specify, as pointed out by Shri D. C. Sharma. Prof. Mukerjee, in his eagerness to criticise the Congress Members as not having made a parently forgotten to mention this particular point, I hate to think that he has not studied it or had made a cursory study of it before making his speech on the Bill. So I give him the benefit of doubt by saying that he has forgotten to mention it.

A further safeguard is that the moment a warrant comes, it is not to be transmitted as a matter of course. That is in clause 15. Again I say I hate to think that Shri H. N. Mukerjee had not studied it properly. So I give him the benefit of doubt by saying again that he had forgotten to mention it.

"Where a warrant for the apprehension of a fugitive criminal has been issued in any commonwealth country to which this Chapter applies and such fugitive criminal is, or is suspected to be in India, the Central Government may, if satisfied that the warrant was issued by a person having lawful authority to issue the same endorse such warrant in the manner prescribed."

The option to endorse the warrant is given to the Central Government. With the knowledge, wisdom and experience that it possesses, it is certainly well within reason to infer that the Central Government will not endorse it as a mere automation. It is not expected to act as an automation. Shri H. N. Mukerjee says—nothing remains; the warrant comes and it is endorsed; the magistrate has only to see that the warrant is properly authenticated.

Then, if I may read his own speech:

"...and if it is certified to be in order, as having been signed by the proper authority in the country seeking extradition, then, of course, the extradition takes place."

Well, Sir, if I were to borrow his own language, I may have, with justification, said this is cavalier and not ours. He says as a matter of course, all that the Government has to see and all that the magistrate has to see is whether the proper authority has issued the warrant, and then the warrant goes. Even after endorsement by the Central Government with all the care and scrutiny that it is expected to exercise, when it goes to the magistrate, the magistrate is again enjoined upon to see two things: firstly, as pointed out by Shri Sharma, that it has been issued by the proper authority, and secondly, that the offence for which extradition has been asked for is one which is an extradition offence within the meaning of the bilateral arrangement and the Extradition Act itself. It is only after such an enquiry the magistrate may issue the warrant for arrest. Initially the Central Government is not bound to endorse, and even after the magisterial enquiry the Central Government is not bound to issue it. Even at that late stage, the Central Government has been given the discretion of only issuing the warrant if it thinks fit. The word "may" is there again, in clause 18:

"The Central Government may, at any time after a fugitive criminal has been committed to prison under this Chapter, issue a warrant for the custody and removal . . ."

Even here it is not compulsory. Shri Mukerjee's criticism, therefore, that for a Commonwealth country like Pakistan all that is necessary is that Pakistan sends a warrant, the Central Government endorses it, the magistrate issues it and the man is sent to Pakistan, is not correct. If this is thorough study, we have different ideas of thorough study, and let us not be inflicted with such ideas of thorough study which expose a complete lack of understanding, if I may say so with respect, of the essential.

[Shri A. K. Sen]

provisions of this Bill. So, if the cap fits at all, it is not the party on this side, but the party on the other side which it fits, if he represents the amount of study that is expected of a constructive critic of this Bill.

He then accuses me of not being present here when he referred to the Geneva Convention of 1937, and says no answer has been given. I do not know if you, Sir, were here. I may not be physically present, but we have arrangements for transmission of all that happens in the House for the benefit of the person who is called upon to reply on behalf of the Government. When I had the note given to me by the Deputy Minister for External Affairs on this point saying that Shri Mukerjee had referred to the Geneva Convention for Prevention of Terrorism, that the convention was still binding on us though it is not binding on England, I took pains to answer that, though I was not here to hear that. Unfortunately, he was not here to hear me answering his objections. So, he again referred to it in his third reading speech saying no answer had come with regard to the 1937 Convention thinking that we had not replied. I took pains to read not from an English or from an American book, but from a Russian book. Possibly it was not thought that with such rapidity a Russian reply would be forthcoming from the Government, but the amount of thorough study we do enables us to bring out replies even from distant corners with regard to points which may not have been properly seen from before. I read out to show that this Convention never came into force. So, the question of its still being binding on us or England not being a party does not arise. I gave three answers. I said that first of all this Convention of 1937 never came into force, and I read out from this Russian book, from the textbook on international law now translated into English by their Foreign Publishing House. It is the only edition here. It is called *Textbook of International Law in Law School*.

It says on page 171:—

"In 1937, the Convention on International Prevention and punishment of terrorism was signed in Geneva by the representatives of 24 countries."

That included India; that did not include England, but it included Russia.

"including the Soviet Union".

That is what the book says.

"The signatories undertook to punish persons guilty of terrorist activity."

Prof. Mukerjee thought that such convention would be outrageous. But the Soviet Union accuses the bourgeois governments of not giving effect to it because it thinks that suppression of international terrorism is an international obligation. Anyway it said that this Convention provided—

"that the signatories should undertake to punish persons guilty of terrorist activity, of attacks upon life and health of Heads of States, official personages, acts of sabotage, preparation of terrorist acts etc."

It says:

"Subsequent events show that the major imperialist States that signed the Convention, by no means, intended to renounce terrorism as a means of imperialist intervention in the international affairs of States. The Convention was not ratified and never came into force."

He pointed out to some Lauterpacht Edition of *International Law* and said that no answer came from Government. The answer did come; but he was not here to hear it; nor did his friends enlighten him that I read out from that Russian book to show that this convention never came into force anyway.

The second answer I gave was that even if it was effective in 1937, ter-

rorism is not mentioned as an offence in the Second Schedule, and, therefore, it should not be a subject of any extradition treaty, far less an extradition proceedings in this country. It is only in respect of such offences as are specifically mentioned in the Second Schedule that extradition proceedings can be had. What is the use of thinking of some convention? To the extent the Extradition Act specifies offences, to that extent the existing arrangements will stand modified because, to that extent, by notification, this will be made applicable. Then there are sections 4 and 12.

If this is the cavalier reading of the thing, then we have to change our notion of 'cavalier'. With a view to be precise, I took the trouble of consulting the Oxford Dictionary, for the meaning of 'cavalier'.

Shri Hari Vishnu Kamath (Hoshanabad): Concise or big?

Shri A. K. Sen: It says, cut or supercilious.

Shri U. M. Trivedi: Concise or big?

Shri Hari Vishnu Kamath: Concise or big?

Shri A. K. Sen: It is concise, not the big one. The concise one is good enough for us. I suppose even in the bigger edition that meaning would be given. It is, curt, supercilious. That is the adjective with which Prof. Mukerjee greets us. Sir, you are here to correct us if we are ever curt, if we are ever supercilious. And, if ever what we said was supercilious or curt, we certainly ask the pardon of the House as we must. But I say so with confidence that if there was any superciliousness it was from the most cursory examination of the Bill and the imaginary force built up on it which were exposed by the hon. Member that such an appellation possibly might be attracted.

Then, he said further that we should make a declaration or we should have made a declaration that we shall give asylum, that is his language—in regard

to political offences. Our duty as a country should have been to tell the world that we are going to offer political asylum to whoever is suffering for political reasons in other countries including Commonwealth countries like the U.K. or Pakistan. An extraordinary way of sponsoring legislation! Starting with a declaration for the whole world, 'Know Ye, Gentlemen of the world, here is a country to which all fugitives from political oppression are invited to have an asylum'. So long as we are in charge of legislation such fantastic declarations will never find a place on the statute book, if I may say so. The declaration is written into the Bill itself; one does not brandish of such a universal nature. Universal declarations are meant for universal bodies like the United Nations. The intention not to extradite persons because of political offences or for whom extradition is wanted as a method of political persecution is written expressly into this very Bill. There is clause 31. What other declaration he wants, I do not know. A fugitive criminal shall not be surrendered or returned to a foreign State or a commonwealth country if the offence in respect of which his surrender is sought is of a political character or if he proves to the satisfaction of the magistrate or the court before whom he may be produced or the Central Government even if he fails before a magistrate—that the request or warrant for his surrender has in fact been made with a view to try or punish him for an offence of a political character. If this is not a clear indication and a clear prohibition against any extradition of a political nature, I do not know what it is. Professor Mukerjee says that we should have a declaration that we give political asylum to whoever may be there, whether he is inside the country or not and we should have said: come here, the gates are open; you must all come in thousands whoever is politically oppressed.

Shri U. M. Trivedi: They did not want the Tibetans to come.

Shri A. K. Sen: I am obliged to the hon. Member for referring to it. Political asylum is quite a different thing from extradition on political grounds. Asylum is the exercise of sovereign authority. Asylum in international law is the exercise of sovereign authority to grant a specified individual who is not a citizen of the country asylum; in other words, a person who is not a citizen, is entitled to stay so long as the country where he is staying allows him. A citizen of another State may be given asylum by another State to stay in that State indefinitely by way of political asylum and that permission is the exercise of sovereign authority. That is quite different from extradition. I am sorry that Professor Mukerjee with all his legal talent has made such a confusion over these two matters.

Shri U. M. Trivedi: He appeared to be sure of it; he did not want asylum from communist countries.

Shri A. K. Sen: That is why when this country gave asylum to Dalai Lama, most unreasonable objections were raised in many places, forgetting that the right to grant asylum is an attribute of sovereignty. It is quite apart from extradition as I explained before.

Shri Hari Vishnu Kamath: Even Karl Marx and Lenin were given asylum.

Shri A. K. Sen: Possibly that is what inspired professor Mukerjee to induce us to make a universal declaration on asylum.

Then again, with reference to the second schedule, he says: "... (it) should not be accepted without very careful thought having been given to them. . . Here is the power which we are giving to Government . . . merely by notification to add to the list of offences . . ." Lest I may be incorrect, I have taken pains to read and re-read it. He said it and I heard him say so. He says that the offences

mentioned in the schedule are capable of being added to by a notification by the Central Government. I read what he has said. He says:

"Here is the power which we are giving to Government if we pass this Bill, as we shall I am sure, merely by notification to add to the list of offences already scheduled here in the Second Schedule of this Bill."

I am amazed at this assertion. Nowhere have we given the power to add to the list of offences already scheduled in the Second Schedule. All that we have said in that regard to commonwealth countries Government may add to the schedule, but that is a different matter altogether. But that is only when a commonwealth country is brought within the schedule because of any bilateral arrangement that is entered into between us and a commonwealth country. But where he gets that fact that we can add to the schedule of offences, I fail to see.

Then he attacks the last item, item 18, in the Second Schedule, where we say that extradition offences include the offences under the Indian Penal Code or any other law for the time being in force. He attacks it. That means if we only confine it to the Indian Penal Code we cannot ask for extradition from other countries. For instance, a food adulterer may be taking refuge, and it comes under the Food Adulteration Act. There are many chapters under the Indian Penal Code which impose punishment and make the offences penal. We want to get at those people who may flee from this country and take refuge elsewhere. Otherwise, if the food adulterers take refuge in Pakistan, for instance, we cannot get them if Shri H. N. Mukerjee's contention is to be accepted.

We have certainly made a very thorough study of the problem, but that thorough study would not lead us anywhere if we confine ourselves

to the Indian Penal Code only instead of specifying all the offences in all the other Acts. We have said: "other Acts in force". Even there we have given the right of discrimination to the Government. All these offences will be applied only by the Central Government by notification so that they may be brought within the scope of the extradition arrangements which may be entered into.

These are my submissions, in my humble opinion. I reiterate that this is a non-controversial Bill, and the heat that was introduced was completely unnecessary and completely unjustified. Shri H. N. Mukerjee was a member of the Joint Committee which went through the Bill and the unanimous recommendation of that Committee was incorporated in this Bill itself, and yet, I do not know how he came to generate such heat.

Shri Hari Vishnu Kamath: You have dispelled the heat and given light.

Shri A. K. Sen: I hope I have, but that prerogative is not mine. It must be somebody else's. My prerogative is only to assist hon. Members.

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

HINDU ADOPTIONS AND MAINTENANCE (AMENDMENT) BILL

The Minister of Law (Shri A. K. Sen): I beg to move:

"That the Bill further to amend the Hindu Adoptions and Maintenance Act, 1956, be taken into consideration."

This is a very simple Bill. There was a lacuna in the original Act which came to light. If I may read this section the lacuna would be apparent immediately. In the original Act, we made provision for adoption of

children whose parentage was known but not of children whose parentage was unknown. Children who have been brought up in orphanages or founding homes had been cast away by their unknown parents or by parents who had never married, which means illegitimate. If hon. Members would turn to the annexure, they will see the Explanation which says:

"The following persons are Hindus, Buddhists, Jains or Sikhs by religion, as the case may be:—

(b) any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jaina or Sikh by religion...."

—a child whose parentage is not known at all, and nobody knows whether he is a Hindu or any other—

"and who is brought up as a member of the tribe, community, group or family to which such parent belongs or belonged; and"

We have had cases which have been brought to our notice and to the Prime Minister's notice also, genuine cases where persons have taken in adoption children from founding homes and orphanages and whose parents are not known. They have now been told that these children will not be entitled to inherit their property because they would not be capable of being adopted legally as their children. Many such cases have been brought to our notice. We thought that we should make the law clear and enable such parents to adopt legally such children whom they want to adopt whose parentage is not known. That is why the alteration is suggested in clause 2(bb) which reads as follows:

"any child, legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh; and".

[Shri A. K. Sen]

Then, in clause 3, we have put in a substantial change, giving the power of adoption "where both the father and mother are dead or have completely and finally renounced the world". That is in the original Act. Then, we are adding in this Bill, "or have abandoned the child". Then comes "or have been declared by a court of competent jurisdiction to be of unsound mind."—this is most important—"or where the parentage of the child is not known, the guardian, of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself". We bring the court here so that the guardian, who may be *de facto* guardian, may not give unfair adoption, and that is why we have imposed the court as the final safeguard as for all the minors in this country. In many cases the guardian himself wants to adopt the child. This has come to our notice. So we give him the legal status of adopting a son or daughter so that the adopted child has all the legal attributes of an issue that can inherit legally the properties, etc.

We have also altered the definition of the word "guardian" so as to include a person having the care of the offspring or a child—"a person having the care of the person of a child or of both his person and property and includes a guardian appointed by the will of the child's father or mother". Where the parents are known, there will be a law. We have many cases where the person has brought up a child as the actual guardian and he should be given the power to give or take in adoption with the permission of the court. This is a very necessary measure intended to give the benefit to large numbers of children who are brought up in foundling homes and orphanages, when their parentage is not known to the whole world, or brought up by affectionate persons who have been *de facto* parents and who want to become legal parents, or have been brought up by guardians in orphanages or

foundling homes who want to give them in adoption to deserving people. The court's jurisdiction has been interposed so as to constitute a reasonable safeguard against any abuse of the authority by the guardian.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Hindu Adoptions and Maintenance Act, 1956, be taken into consideration."

Shrimati Vimla Devi (Eluru): Mr. Speaker, Sir, I feel very happy in rising to support this Bill, which is to amend the Hindu Adoptions and Maintenance Act, 1956. It is very kind of the Government to come forward to amend this Act. The proposed amendments are very good and I support them.

We know of many cases where children are abandoned whose parents are not known. They are abandoned at the stage of birth itself, owing to many social circumstances, or circumstances in society or other conditions or even due to some natural disasters. The problem has been there for a long time and it has not been solved effectively. Some associations here and there have taken up the cause of abandoned children and have been bringing them up. Most of the children who are abandoned and whose parentage is not known are left to themselves and they go either begging or stealing in various places. Juvenile delinquency has been on the increase in all the towns and most of them are found to be orphans whose parentage is not known.

13 hrs.

Long back from ancient times, the fate of the abandoned child is well-known to us. Karna was an abandoned child, whose parentage was not known. Though he was more skilful and courageous than Arjuna, his position in society was not accepted; he was not given proper education and

he was not taught archery, which he was very fond of, by proper *gurus*. And finally, because of the social injustice done to him, he fell before Arjuna. There are so many unknown Karnas in India. The fate of these children is being uplifted to some extent by this amending Bill.

This amendment that a child whose parentage is not known can be adopted by kind persons would help to some extent such children, but it does not solve the whole problem. Anyhow, it is very good to remove this lacuna in the Act and provide that these children can be adopted by kind persons. I hope that more fortunate and well-to-do persons will adopt one abandoned child each. Especially, the Members of Parliament can show the way and it will be very good if they will follow this Act and adopt one abandoned child each.

Shri Hari Visnu Kamath (Hoshangabad): Potential Karanas.

Shrimati Vimla Devi: It may be said that by this Act, more and more children may be encouraged to abandon their children. I do not think that will be the case, because parents abandon their children because of so many circumstances.

Mr. Speaker: Why should they fear that parents will abandon their children if it is likely that one of the Members of Parliament will adopt those children?

Shrimati Vimla Devi: My friend suggests that Ministers should adopt two abandoned children. I do not see why the number of abandoned children will be on the increase because of this amending Bill.

I think these two amendments are good. One provides for a child whose parentage is not known to be adopted. The other provision is that the man who brings up that child can give that child in adoption. In the present Act, there is only provision for testamentary guardian or guardian appoint-

ed by law giving the child in adoption. But now the person who brings up that child in kindness can give that child in adoption.

This amended Act will only help a few children. A number of them are unprovided in our society. So, Government must come forward and provide facilities to make the children grow up in proper circumstances and take their place in society as useful persons instead of choosing so many illegal professions. I do not want to elaborate this point any further.

With these words, I welcome this amending Bill.

Shri U. M. Trivedi (Mandsaur): Sir, we have now passed the stage where we can offer the cogent criticism so necessary against the question of Hindu adoption and maintenance. That stage is long past and we have now a law on the statute-book. But this law goes much farther than what has been shown in the Statement of Objects and Reasons. The farming of this clause (bb) indicates that the attribute of cavalier, which was thrown at each other by the Deputy Leader of the Communist Party and the hon. Law Minister will aptly apply to the Law Minister in this case.

Mr. Speaker: Both of them perhaps have left and now he is joining the arena.

Shri U. M. Trivedi: The whole position is, if a child whose parentage is known, but whose parents have abandoned the child—a child born of a Muslim father and a Muslim mother—this law provides that even that child can be brought up by a Hindu and be given in adoption to a Hindu. Is that the conception? If we read clause (bb), it makes us comprehend that it is so. It says:

“(bb) any child, legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not

[Shri U. M. Trivedi]

known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh".

Now, a child can be abandoned by a Muslim, a Christian or a Hindu. It is not necessary that the abandonment of children is a peculiarity of the Hindus. If such a child is brought up by a Hindu, simply by saying, "I have brought him up as a Hindu", does the child become a Hindu? The child knows in his heart of hearts that he is a Muslim.

Dr. M. S. Aney (Nagpur): How will the child know?

Shri U. M. Trivedi: The age is not specified here. The abandonment may take place at the age of 5 years. The child will know that he is a Muslim because his name is Abdul Rasual or something like that. Nothing is specified here about the age at which the child is abandoned. The law must be very specific on this point. I have suggested that instead of the word "or", let us have the word "and". The Minister is not here; I do not know whether it will be convenient to him and the Government to accept my amendment. You will understand it, Sir, if I read.....

Mr. Speaker: I consider that it is clearly indicated that the child may be of any religion, if it is brought up by a Hindu, Sikh or Jain.

Shri U. M. Trivedi: If that is the meaning of the Government, then there is serious opposition from all sides of the House to this amending. Can the religion of a Muslim child be changed by mere acknowledgement? What right have you to change the religion of a boy? There are so many cases reported all over India. You have no business to bring up a child in any religion except the religion in which it is born. So many cases will crop up. Simply by bringing up the child as a Hindu, the International position in law is not to be changed.

Mr. Speaker: But he is not to be forced on a Hindu.

Shri U. M. Trivedi: The question ought to be whether he is abandoned both by his father and mother and his parentage is not known. Abandonment will be an essential feature. Certainly, if a child is not abandoned it is not to be brought up by others. If a child is abandoned and its parentage is not known, in that case, certainly, that child may be brought up by a Hindu. There is no objection to its being brought up by a Hindu. But if its father is known or its mother is known and it is also known that that child is a Muslim or a Christian, we cannot convert that child just because that child is brought up in a Hindu institution. The Statement of Objects and Reasons makes it very clear though in the actual wording of the clauses this point has been missed. I will, Sir, with your permission, read out a portion of the Statement of Objects and Reasons. It is said:

"Children are sometimes abandoned by their parents for fear of social opprobrium, for reasons of poverty and for other reasons. If these children could be given in adoption, they might grow up in congenial home atmosphere as good citizens. These abandoned children are very often brought up in foundling homes or other children's institutions."

The word 'foundling' has got this meaning that a child as soon as it is born is put in some institution without any indication as to who the parents are. The word 'abandoned' is not defined here. What has been stated in this Statement of Objects and Reasons is that these children are put in foundling homes. What happens is that a child is placed in a box or a basket and kept outside a foundling home without any indication as to whom it belongs. The child is left to the mercy of the weather. Early morning the child is found by the foundling home and brought up there. In such circumstances a child may be

brought up as a Hindu and may be adopted as a Hindu. But the language of this law which is being propounded is very clear on this point, that an abandoned child means any child whose religion is probably known to us. Such a child cannot be converted into another religion. It is not conducive also to the healthy growth of the Hindu community, because nobody knows at what time that child will turn back to its parent religion. That will create dissensions in the whole family to which he might belong. That will also create difficulty for the reversioner. That will create innumerable difficulties as far as the Hindu law of succession is concerned. Under these circumstances, I will urge upon the hon. Minister to consider this proposition. If his object is exactly what has been stated in the Statement of Objects and Reasons, that this is to apply to children who have been abandoned and found in foundling homes without their parentage being known.....

Mr. Speaker: The words are: "very often brought in foundling homes". Therefore, that list is not exhaustive.

Shri U. M. Trivedi: Sir, you are right. You have been a member of the judiciary of a very high status. Therefore, I have no quarrel with you. My proposition is very simple. I say that this very proposition indicates that the meaning was not felt by the hon. Minister who brought in this Bill that it might apply to a case where it is known that the child does not belong to the Hindu religion. The sentence used here is indicative of it that the mind did not go with the text prepared. The mind was concentrated on this point that the abandoned child must also be a Hindu or its parentage is not known. Both these things have gone with this proposition. Not for one moment could it have been conceived that this applies to an abandoned child whose parentage is known.

Mr. Speaker: The hon. Member may have difference of opinion.

Shri U. M. Trivedi: It is true. It is possible. What you say is just possible, that the hon. Minister had also that in view that even a Muslim child or a Christian child could be brought up. Then the law of Mahomedanism or the Muslim rule may also be adopted, that when I say this is my boy he becomes my boy.

Mr. Speaker: That is what I infer from the words.

Shri U. M. Trivedi: If that was the purpose, the whole of the Hindu law has got to be amended. Sir, this law is not going to serve the purpose unless the amendment suggested by me is accepted.

In the same way, Sir, amendment of the phraseology in clause 3 would also be necessary.

The other question, which is a very indubitable proposition, is this. Permission is to be sought from the court, which would mean a district magistrate. It is said here:

"Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the child in adoption with the previous permission of the court to any person including the guardian himself."

In this there is one catch. A child may not be abandoned by the parents. It is just possible that somebody may have lifted the child. It may be that the parents are alive, they are crying for the child and yet the child is not to be found. Child lifters are there, child lifting takes place and a child is a child. Therefore, this provision, which savours of a man acting in his own interest, which allows a man who might have lifted a child to get permission to adopt that child

[Shri U. M. Trivedi]

himself, ought not to be there. Otherwise the purpose of the child lifters will be served and will be legalised. I will therefore suggest that this point may also be looked into in coming to a conclusion whether this provision of law will be a healthy provision or not. I suggest that the words "including the guardian himself" should not be there. A man may be in disguise. He might be playing the role of Dr. Jekyll and Mr. Hyde and he might be a child-lifter himself. After one or two years when he has been able to keep the child away from the parents he might come and say that he is the guardian, he has brought up the child and he may be given permission to adopt the child himself. In that way he may legalise his nefarious activity. This provision should not be there.

Sir, I do not wish to offer any further criticism because I know that it is futile in the present age and with the present position in law. When this question of adoption of child has gone a long way we are not going to go back upon it. Otherwise, Sir, I had opposed it and I do oppose it even today. I am not reconciled to the fact that this Hindu Adoption Act is in any way helpful to the Hindu community as such. The amendment which I am offering is only from my understanding as a lawyer. Realising this position, Sir, I submit that these two amendments may be accepted and then the law, of course, may be passed.

Shri Heda (Nizamabad): Mr. Speaker, I welcome this Bill. Before I offer my few comments I will refer to a point just now raised by Shri Trivedi. He was trying to make a distinction between a child which is lifted and a child which is abandoned. In fact, these two are quite different situations which can be found out very easily. The lifting of a child is a crime which can be established by law when the circumstances arise. But there are very clear cases where a child is abandoned. If you go to any big maternity home or hospital

you will find any number of poor mothers who have got a number of children who would say 'I have got a number of children; so, I would like to abandon this child; if anybody is prepared to adopt it, I am prepared to part with it'. So, there are a number of cases, good or bad, where the child is abandoned. Of course, there may be a case in a hundred or thousand where a lifted child is also posed as an abandoned child and thereby the guardian who has lifted the child misuses the child. So far as adoption is concerned, I do not think this Bill will give such a guardian any additional power. Till the crime of child lifting is detected, he is as good as a parent to the child and, therefore, adoption under this Bill will not give him any further power.

On the other hand, this will have a very good effect on the social institutions, voluntary institutions which have come forward to take care of the lost children in the foundling homes. Now they have got inadequate resources and the number of children is always increasing. We hardly come across an institution which has got further scope of taking care of more children adequately. Every institution is running short of resources. So, the big question mark, the big problem, before these institutions is how to cope up with the work. Apart from the financial aspect, this Bill permits the adoption of children by couples who are in need of a child. Therefore, the child will get the natural love and affection of father and mother and very good surroundings. So, in all cases, it is the best remedy than allowing these children to remain in the foudling homes and other institutions. There was a lacuna in the Act so far, and adoption was not legalised. So the question was who can give a child in adoption. Now this Bill gives this much power, which is a very limited power, to the manager, or superintendent, or the man in charge of the voluntary organisation that he may, as a real guardian of the child, give in adoption that child

to some person who is in need of a child. That status of the person in charge of the voluntary organisation is very clear. Nobody can suspect that he has lifted the child or he is misusing the child. So, such a person is given the status of a legal guardian so that he can give in adoption that child to a couple which is in need of a child. I think this is a very wholesome provision that we are introducing.

Further, it is not an absolute or discretionary power that is being given to the executive committee, manager or the superintendent of the home. He is further asked to take the permission of the court. It is only when the court gives the permission that adoption can take place. After that provision there hardly remain anything which can be objected to.

I welcome the idea of adoption from another angle also. These days we are all talking of national integration as the prime need of the hour. If national integration is to take place, the various differences of caste—I am not talking of religion or language or region—which, though not prohibitory, do enforce certain limits on inter-dining and more than on inter-dining on inter-marriage, should disappear. I think adoption will go a long way in wiping out these caste distinctions.

In this context I remember an old theory propounded by Thakar Bapa when he was in charge of the Harijan Sevak Sangh and Gandhiji was looking after that work. Then a time came when they were discussing how best they can solve the untouchability problem. Thakar Bapa came up with an idea that a harijan child, may be a boy or girl, may be adopted by each caste Hindu and brought up with his own children, just like one more child born to him. In that way, the adopted child becomes one more member of the new family. Gandhiji liked that idea and he later elaborated it in *Harijan*. He said that while the contact of the harijan child

with his real parents may be maintained and may not be lost, at the same time, he should become for all practical purposes like inheritance, morals, social customs and marriage part and parcel of the new family. This was a very laudable idea and Gandhiji made an appeal that at least 10,000 parents should come forward to adopt harijan children. But very few people came forward to adopt such children in response to the appeal of Gandhiji.

I started my public life, when I was only in my twenties about thirty years ago with harijan work. I have under me a number of boys who have been given scholarship or other benefits. My own experience is that many of the harijan boys and girls who have come to prominence now are those who have been adopted by good Savarna parents into their families. Because, they had no stigma attached to them, they had no feeling that they are harijans. They had no bitterness towards the caste Hindus. They took it for granted that for some historical some national wrong on a very large reasons, good or bad, there has been scale for which nobody has to be blamed or cursed and so there is no question of being vindictive. In this way, that adopted boy or girl becomes a part and parcel of our household and we treat him as one among ourselves which is a very healthy development. So, through this Bill we are trying to develop a very healthy idea which will go a long way towards national integration. With these words, I lend my support to this Bill.

Shrimati Yashoda Reddy (Kurnool): At the very outset, I would like to congratulate the hon. Minister for bringing forward this enactment. As we all know, in India from the early times in adoption only the father had the exclusive right of giving away a child. Even the mother, who was the natural guardian of the child, had absolutely no say and father treated a child more a proprietor of a property than as a guardian looking after

[Shrimati Yashoda Reddy]

the interests of the child. There is no denying the fact that times have changed and after the codification of the law we have restricted the proprietary right of the father of giving away the child in adoption without the consent of the mother. Now the mother, if the father of the child is not alive, can give the child. That is to say, the mother has got the right to give away the child. Now, through this amendment we say that if the father and mother are not there, then the brother or other effective guardian has the right to give the child in adoption to other people, of course, after getting permission from the court for such adoption. This is a very good provision which rectifies a lacuna which was there. It has not come a day too soon.

But before referring to this I should like to say a little about bad drafting even in the original Act though I have no right to bring in any amendment as far as the original Act is concerned. If you see the original section 9 in the Hindu Adoption and Maintenance Act, you will find that there are such words which should not have been there and which show bad draftmanship or, shall I say, inadvertence on the part of hon. Members that they allowed it to be passed.

Section 9, sub-section (2) says:

"Subject to the provisions of sub-section (3), the father, if alive, shall alone have the right to give in adoption."

Certainly there is no necessity here for the words "if alive" because a father can give his consent only if he is alive. I am not saying that these words should be removed now because I have no right to move an amendment to the original section. But what I say is that such words are absolutely unnecessary and we ought to have taken care in drafting.

Another thing is this. They say that the mother's consent is necessary.

But what happens if the mother is dead? Nothing has been clarified in this Act. Suppose, the mother is dead and her consent has not been taken by the father. Then, can the father give the daughter or the son in adoption? If you go a little further, can a widower ever give a son or a daughter in adoption? This sort of doubt comes in. I do not know whether any case law has been made about it after 1956.

One more thing which I would like to bring to the notice of the hon. Minister is that such a lacuna in the Hindu Marriages Act is causing a great difficulty for the children born out of a marriage. Just as here children cannot be given in adoption if there is no consent of the father or the mother, what happens to children born out of the second marriage because under the Hindu Bigamy Act the second marriage becomes null and void? The second marriage of a person is no marriage at all.

The House may know that recently in the Madras High Court there was a case where children were born to a particular person through the second marriage. As long as the gentleman was alive he was giving some maintenance to the second wife and the children, but the moment he died the other reversioners and the first wife said that there was no marriage at all. So, the marriage being null and void there could not be any children born out of the marriage. The District Munsif invoked the old Hindu law because there was no specific provision in the Hindu Marriages Act and said that illegitimate children could be provided out of the father's money. But the High Court Judge—I do not remember his name—was pleased to say that as there is no specific provision the child has no right to the property and as the marriage does not exist the children could not have been born. Though, in fact, the child is there, the Judge said that he could not take cognizance of the birth

of the child and the child does not exist in law; so no maintenance should be given. Of course, he wrote in his judgment that it is a serious lacuna and the Supreme Court may recommend that the law may be changed. So, I wanted to bring to the notice of the hon. Minister that such serious lacunae are there.

13.33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I am glad that this Bill has been brought forward because now at least orphaned children and children who do not have any means of maintaining themselves have got some scope for being adopted by a family.

Just now Shri Heda was saying as to why we should restrict it to certain religions. In India adoption has got more of a religious basis than other countries. In other countries adoption was not there in the earlier days. In countries, like America, after material prosperity adoption has been allowed. Adoption is more of a material aspect. They want the children to have better prosperity, more wealth and to become better citizens. But in India adoption has got a twofold principle, one is the religious aspect because it is said that we do not have *moksha*, or what it is called, if we do not have a son and the second aspect is that of looking after the property.

India is a secular country. Therefore why should we restrict it only to Hindus, Sikhs and Jains? It is high time that the Government brought forward a sort of a comprehensive Bill whereby all orphaned children irrespective of caste, creed or religion could be adopted by any person. If a comprehensive Bill is brought forward so that children of all religions could be adopted, it would be better.

Shri Gauri Shanker (Fatehpur):
Mr. Deputy-Speaker, Sir, the provision contained in this amending Bill will give an idea, as has been suggested by Shri Trivedi, that if a child has

been abandoned and his parents are unknown, that child could be a child of a Muslim or of a Christian. If the parents are unknown, that child may be the child of a Muslim or of a Christian in which case there would be a legal difficulty if such a child is allowed to be adopted because if a child whose parents are not Hindus is adopted, according to the cardinal principles of Hindu Law he will not be relinquishing the right to the property of his natural parents. This question can crop up very easily if after a child is abandoned his parents are traceable again, because as soon as a child is born he belongs to a certain religion and that religion itself will not relinquish him unless he offers to relinquish it. So, if a child whose parents are unknown happens to be a child of a Muslim or of a Christian and not of a Hindu and if he is given in adoption, as has been suggested in this amending Bill, he will not be relinquishing his right to his natural parents' property. This also is a legal flaw and a defect in this Bill.

As has been said just now, Hindu adoption is primarily a religious matter. There is another thing also. I have my own apprehension that if such children who are not children of Hindus are allowed to be adopted, there will be the question of impurity of blood and they would be giving birth to *varnashankars* which our religion never permits. I would suggest that the Government should come forward with revolutionary measures. Nothing will come out of these half-hearted measures or hotch-potch things. If the intention of the hon. Law Minister has been to give protection or relief to all such children who have been abandoned or who being brought up in maternity homes or founding houses, I would say that this particular Bill will not give any relief. As long as the person who has to adopt has got his own free will, can do it voluntarily and there is no compulsion, I, can assure you that it will not give relief even to one child in a thousand. I would welcome it if

[Shri Gauri Shanker]

The Government came forward with measures that make adequate provision for such children whose parents are unknown or who have been entrusted to maternity homes or foundling houses for their bringing up and education so that they may become good citizens and may have their own earning. That would have been a good measure and that would have been welcome. But if this has been done only for the purpose of giving relief then, as I have just now said, I will assure you that it will not give relief as long as the person who has to adopt has got an option. Of course, he will not like to adopt any child whose parents are unknown because there is the fear of social boycott and there are other measures. So, I support the amendment that has been put forward by Shri Trivedi, namely, that a child who has been abandoned or whose parents are unknown should not stand in the clause and it should be ascertained that his parents are Hindus; then only he should be allowed to be adopted.

This is point No. 1.

Then, again, here, it has been said in the definition of guardian:

“guardian” means a person having the care of the person of a child or of both his person and property and includes—

- (a) a guardian appointed by the will of the child's father or mother, and
- (b) a guardian appointed or declared by a court;”

Here, previously, guardian who was appointed by order of the court was allowed to do it. Now, it has been done away with. I submit there is a very great fear. There are instances of blackmailing. There are instances of such persons who would themselves lift away such children and there is a provision in the Amending Bill that they can adopt them-

selves. For the purpose of that, there can be possibility of blackmailing. I oppose this. A person has brought up a small child and he says he is the guardian of the child. He approaches the court for permission to get that child adopted. Then, nobody can challenge that this fellow is not a proper guardian because that clause has been deleted. I would submit that there should be a safeguard and the guardian should be appointed only by order of the court in order to avoid blackmailing which is still prevalent and that would be done in certain cases. This measure of making it more liberal in the case of adoption by Hindus, as has been suggested in this Amending Bill, as I have said, will not give any relief to such children who actually deserve relief.

As I have said just now, either the thing should be revolutionised completely. Let there be legislation also that a person who is in need of a child, who wants to adopt, will be compelled to adopt a certain child which has been brought up under these circumstances in rescue homes whose parents are unknown. If that measure is also there, then, of course, there may be relief. But, this half-way measure will lead us nowhere.

It has been just now suggested by a hon. Member on this side that it is a very good step towards national integration. I fear, I have got my own apprehension as to how it will lead to national integration. Only if you legislate and particularly our Central Government comes forward and legislates that inter-caste marriages are legalised and there is compulsion that one has to marry inter-caste, then only, we can have any sort of national integration. With these measures, if you say that it will lead to national integration, I will say, it will not lead to any sort of integration, what to say of national? As long as a person who has to adopt has got the free will, has got his option to voluntarily adopt anybody, it will not give any help.

I support the two amendments which have been put forward: first about guardian which has been defined here. The guardian who has been duly appointed by the court has been deleted. That should find a place. There should be a specific provision that only such a child whose parents have been Hindus should be allowed to be adopted. It has been pointed out that there may be a case of child lifting. But, it was said that it is an offence. I say, if a child is lifted actually and entrusted to some rescue home, how can distinction be made that this child is an abandoned child or it is a child which has been lifted and entrusted to a maternity home? There cannot be any distinction and there cannot arise any chance of thrashing out evidence in these circumstances. If there is no safeguard for the appointment of a guardian and if any person comes forward by his own free will and asserts to say that he is the guardian of this particular child, then, there are chances of blackmailing. It will lead to a lot of corruption in this manner. I think, unless these two amendments are incorporated, the present amendment will lead us to certain chaos and certain legal flaws. Of course, it will be a clear direct attack against the religion of the Hindus.

Shri Sham Lal Saraf (Jammu and Kashmir): Sir, I rise to support this Bill moved by the hon. Law Minister mainly on humanitarian grounds. Who does not know what happened in the country after the partition of the country? I am an eye witness in hundreds of cases where children, boys and girls, were entrusted to rescue homes. But, the managers had no authority to give them in adoption though hundreds of men and women were prepared to take these boys and girls with them and bring them up with fondling care. I would rather say that this Bill is very much belated. I wish it had been moved earlier. My hon. friends who come from States like Jammu and Kashmir, Punjab, Himachal Pradesh and

Delhi and Bengal know fully well what situation they have to face and what are the sufferings of the children who came like that from the erstwhile Indian territories now known as Pakistan. I submit that the intention of this Bill is a very pious and correct one. The sooner it is passed into law the better it is for everybody, especially to those poor children for whom there is nobody to take care at the moment.

Two amendments have been moved by my hon. friend—I am sorry, I was away from the House at the time when they were moved—Shri U. M. Trivedi and supported by my hon. friend Shri Gauri Shanker. Personally, I think, when I read the Bill itself along with the Statement of Objects and Reasons, these cannot hold water. By getting this Bill passed, the Government wants that the managers who run established rescue homes or recognised person or persons for running these homes, have also the right with the permission of the court—am I right?—to give the children in adoption. I do not know how it militates against the point that has been raised by Shri Gauri Shanker. In short, I would say that the amendments proposed are not at all inkeeping with the spirit of the Bill. Rather the explanation given goes contrary to the very spirit of the Bill and also will not help what my hon. friends wanted to say while speaking on this Bill in this House. Therefore, I submit, in order to enable rescue homes and such homes where abandoned children are brought up—it is very clear, lifting is a different matter altogether and it can be treated under the law separately; this is simply for abandoned children—the managers should also be authorised, with the permission of the court, to give these children in adoption to others. I do not see that there is anything that our friends can say against this. So, I whole-heartedly support this Bill. I would say that if it is passed today, I can assure the hon. Minister, it will help a lot especially in these areas where even now

[Shri Sham Lal Saraf]

hundreds of children are brought up in rescue homes and there are other such homes in the country. Therefore, I wholeheartedly support the Bill.

Dr. M. S. Aney (Nagpur): Sir, I am glad I am given an opportunity to express my views on this important Bill. At the outset, I state I welcome the Bill. The question as regards the condition of the children in orphanages is a very real one which ought to be taken up in view of the fact that they are the future citizens of this country. We know many children are uncared for. They are children of the soil. They may be Hindus, Mohammedans, Christians, anything. Something has to be done to bring them up properly. Many children are brought up in orphanages, and later on, we find that there is nobody to care for them, and no proper support is available to them to grow up as proper citizens. If some such arrangement as adoption is there, there is a way to provide for a better house for them, and for providing better surroundings for them to grow up as proper citizens. At present, there is always the stigma on their heads that they are children who are illegitimate, and there is nobody to care for them and so on.

I personally think that this measure is not enough. I would very much like the hon. Minister to come forward one day with a Bill to remove any such thing as illegitimate child at all from this country. Whatever may be the wrong committed, the stigma of illegitimacy covers not so much the person who is the real offender in this matter, but the poor fellow who is the victim of that offence. Therefore, the State has to take a view in this matter from the point of view of those who suffer and not from the point of view of those who are the causes of that suffering. That is a very important thing.

When we look into this matter, we find that orphanages have got limited funds. I have had occasion to go and see some of them, and even in the best of them, unfortunately we have not

got the real missionary spirit to work for the orphanages in the true interests of the boys themselves. Therefore, there is need for those boys who are brought up in those orphanages to be taken care of by the citizens of this country. What is the way to do it? The only way in which we can do it is by providing some kind of adoption of those children by the respectable people.

So far as legal adoption is concerned, Hindu law is the main statute which has to be taken note of. In the case of the Hindu law, what is required is that there must be somebody who will give the child in adoption to a person who takes the child in adoption. Unless there is somebody to give in adoption, there cannot be any adoption; and the person who can give in adoption can only be the mother or the father; other persons have no right to give the child in adoption at all. That being the case, even if there are some persons who are willing to adopt the boy, no adoption can take place unless there is somebody to give the child in adoption. Without adoption, no status can be given to that boy as a member of the family in which he is being taken.

The status of the boy is a very important thing for his growth as a proper citizen of this country. To grow without any status means to carry a stigma on the head all along. If we give a new status to the boy by making him feel that he is the son of a particular man or a child belonging to a particular respectable gentleman in the city, then he will have a new confidence in himself, and he will really feel that he is a unit of the society, and he is a proper member of the society. It is only when he grows in that spirit, that true citizenship will grow. Citizenship is not to be had by simply imparting to the boy some bookish knowledge about some ten commandments or ten thousand commandments which are there on paper; a true citizen can only grow in the company of men with the full confidence that he is one among them. Adop-

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tion has been one of the methods by which this could be achieved.

In India, adoption started with some religious idea. I also know that the present law of adoption has no such religious motive. In view of the steps already taken, why not take advantage of this, with a view to consolidate the law and to give benefit to all those persons, who, for one reason or another, for no fault of theirs, have been victims and have had to undergo life-long troubles, so that their absorption in society as proper citizens can be accelerated? When we look at the question from this moral point of view, we find that it is not merely some religious question, but in my opinion it is a question of national importance.

So far as I am concerned, let me tell you one thing. Probably many legislators here may have some wrong views about me. But let me tell them that I am personally convinced that if this country has to grow as a nation hereafter, we have to abandon many of the ideas which we regarded as very precious, very valuable and very essential for the sake of the Hindus living in this country as Hindus. We have to abandon those ideas; we have to change those ideas; we have to broaden our minds, and we must be prepared to embrace everybody in our country as being as much a part of ourselves; as it is possible for us to do. In this progressive period, the Hindus of India must rise to that level. This is not the time for me to enter into the details of those broader questions.

When I look at this question from this point of view, I feel that a small beginning is being made by my hon. friend today by bringing forward this Bill. I hope that a day will come when he will be bringing forward Bills of this kind in larger number, and many of the disabilities which hamper the proper growth of the Hindus and the consolidation of the entire nation gradually into one will be removed, and

the proper way for progress will be paved so that the nation can make proper progress. From this point of view, I welcome this measure. I would not like to enter into the criticisms which have been made by some of my hon. friends. For instance, it has been asked: 'How can a Mohammedan child be adopted by a Hindu? The child never knew its father or mother and it is an abandoned child. So, how can it be said that it is a Mohammedan or a Hindu and so on? And suppose a Hindu comes forward to adopt that child, then it is provided in the Bill that the child will also be a Hindu. If at the time of adoption, somebody, comes forward and says that he is the father of that child, then the question as to what the religion of the child is can be considered. The main thing, however, is that the stigma attached to the child should be removed.

At the time of famine, at the time of difficulties and at the time of troubles, great displacements of families have taken place in this country, and on such revolutionary occasions, some thousands of children have become orphans. We must make some arrangements whereby they can be gradually absorbed in society as members of honourable families in this country. It is only in that way that a new nation can grow. In my opinion, this Bill is a small step leading towards that higher ideal. Therefore, I welcome this Bill and I give my whole hearted support to it.

Shri P. Venkatasubbiah (Adoni): I join with the several Members who have spoken on this Bill in congratulating the Government for having brought forward this Bill. Though it is an amendment which is very small in nature, it is going to make a good beginning to remove the various social stigmas that have been attached to the birth of the children in our country. There have been several instances, as our friends have pointed out here, where for no fault of theirs, the children, because of some act of omission or sin committed by their parents

[Shri P. Venkatasubbian]

are being looked upon by society as unwanted creatures in this world.

We have noticing several instances in this country where the parents, due to poverty and other extraneous circumstances or because of the acts committed by them which are not in conformity with the social customs and regulations are abandoning their children and those children are being left uncared for. This Bill rightly provides a protection to those children, gives them self-respect, and gives them a rightful place in the society. In that respect, I can say that this Bill will lead to the formation of a casteless society in India for which we are striving hard all these days.

In some places, during the course of severe drought or famine conditions, we know how parents leave their children at the doors of somebody else and go away, and the children are left there without being looked after. Several cases have been brought to the notice of social workers, and I myself know, and I have had the good fortune of starting such destitute homes, and, therefore, I know perfectly well how these children are being left uncared for and not looked after properly.

It has been stated in this Bill that the managers of the foundling homes and other children's institutions will be given the right of the court; some hon. Members have conveniently forgotten that the court ceases to operate in this affair.

The courts are there. The managers of the institutions which are recognised institutions where children are being taken care of, will act as the guardians. They have the right to give in adoption children who are being brought up in those institutions. So there is protection of the court. So it is only to give the right to the people who have brought up these children that this amendment has been brought forward. It is a very appropriate amendment and as the revered Dr.

M. S. Aney has pointed out, though it may look small in the nature of things, it will go a long way to create a casteless society in this country and will also remove the social stigma on many children and inculcate in them a sort of self-confidence, courage and the feeling that they too are citizens of this country and have got the same rights as other children to live an honourable life.

14 hrs.

With these few words, I wholeheartedly support the amendment that has been brought forward.

Shrimati Sarojini Mahishi (Dharwar North): I join other hon. Members of this House in congratulating the hon. Minister on having brought forth this amendment at least now. I wonder whether we were not so progressive six years ago when the parent Act was passed to have made this amendment. When the Hindu law itself was codified, I think this ought to have come to the notice of the well-known legislators. But I am sorry to say that it was not brought to their notice. Now at least we have been progressive enough to welcome this amendment.

The law of adoption has greatly engaged the attention of the ancient law-makers and commentators of the ancient *smritis* also. The sutra period which followed the vedic period was a period during which we find Baudhyana, a great *pravachanakara*, as he is called, has mentioned 11 substitutes for a natural born son. The son was encouraged by the ancient law-makers because the *putra* was supposed to give the father heavenly bliss.

“पुत्राम नरकात् त्रायते इति पुत्रः”

The daughter was not encouraged; the birth of a daughter was not welcomed. Anyway, in order to see that the son was adopted by a person desirous of getting heaven, eleven substitutes were suggested by Baudhayana. I may quote a few of them. One is

‘श्रीरस’ that is, the natural born son; then “क्षेत्रज, दत्तक, कृत्रिम, गृह, अपविद्ध, कानोय, स्वयंदत्त, क्रीत” पुनर्भव and others.

All sorts of sons were recognised as sons capable of performing ablutions at the funeral ceremony of the father. That was the main thing; that was the spiritual concern with which the child was adopted. A child who was bought could be adopted, then a child born of a re-married widow, then the son born of a virgin, the son born of a bride—all such sons were recognised.—

“क त, पुनर्भव, गृह” This means that the Hindu law-makers had adopted a liberal attitude as regards the adoption of such sons into the society.

I do not know why at the time of the codification of the Hindu law, this view was not taken into consideration. Of course, this was only with the spiritual aspect. But today we have got other aspects also. With the changing circumstances in the country today, with the changing social values, changing moral values, changing political values and so on, we have to adopt a broader outlook in these matters.

What has been attempted in this case is a widening of the definition of the word ‘guardian.’ We find that certain other persons who are guardians of the person and property of the children, who are recognised as such by the court of law and who have been appointed as guardians by the will of the father and mother—all such people will be considered as ‘guardian’ within the scope of this definition. Therefore, the restriction put upon the definition of the word ‘guardian’ in section 9 (4) is being removed. Taking into consideration the changing values in society today, it is better that these people are recognised as guardians for this purpose. Here I may quote a remark made by Justice Lokur and Justice Divatia in a case in 45 (Bombay Law Reporter) *Trikangonda Gowda vs Shivappa*. Their Lordships remarked that the present Hindu

law was undesirably frozen; however, it could still make a good case before a modern legislature, if an attempt was made to remove the legal disabilities which no longer held the ground. Certain legal disabilities might have crept into the Hindu law on account of which it is now undesirably frozen. Such legal disabilities may be removed by the reasonable law makers of the present-day legislature. Therefore, the definition of the word ‘guardian’ has been widened and it is but proper that this is being done.

Then there are other questions. Who can adopt the child? Who can give the child in adoption? Who can be adopted? These are the three questions which have since a long time been engaging the attention of law-makers. There were certain restrictions as regards the person to be adopted. Sometimes a person having a number of children was himself adopted. Now, of course, there is restriction on that. Now that anomaly has been removed to a great extent. I think the difficulties that were brought before the learned Judges have also been solved to a certain extent.

There are certain restrictions on people to be adopted. It is said, ‘any child, legitimate or illegitimate...’ I wonder why the words ‘legitimate or illegitimate’ should be there at all. No child should be marked with the particular stigma that it is illegitimate. It should not come to know that it was an illegitimate child. A child is a child, legitimate or illegitimate.

Then as regards the clause ‘who has been abandoned both by his father and mother or whose parentage is not known.’ Many Opposition Members were rather keen on the definition of the words ‘abandoned by the parents whose parentage is not known.’ How will it be possible to make out the caste or creed of a particular child whose parentage is not known? Many Members of the Opposition presumed that a child may be a Mohammedan or may be a Christian. Of course, if we know exactly about the parentage,

[Shrimati Sarojini Mahishi]

we cannot say 'whose parentage is unknown.' In the case of a child whose parentage is unknown, we cannot go on presuming things at the outset. A child whose parentage is not known may belong to any caste or may belong to any particular community. After all, the definition of 'Hindu' is not so very definite, as far as my knowledge goes. 'Who is a Hindu?' is always a question before us. The definition, 'A Hindu is a person who is governed by the Hindu law', may not be a very good definition. 'A person who is not a non-Hindu is a Hindu'—that also may not be a very good definition.

Therefore, for the purpose of this law, the definition of 'Hindu' has got a very wide connotation. The fact that the Hindu religion is going to gain in numerical strength is something which must be welcome. I do not wish to criticise other religions or encourage them because India is a secular State and we do not encourage or discourage any religion. Therefore, the outlook must be that if the Hindu religion is going to be numerically strengthened by the absorption of all such children whose parentage is not known into the Hindu fold, this must be considered as an opportunity the Hindus have got of welcoming such children into their own religion, showing at the same time a liberal outlook. In this view, I do not know why there should be any objection at all.

'A child whose parentage is not known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh'—I think there is a little restriction here also, because no parent or no person will be under any compulsion or under any coercion or undue influence to adopt any child. The idea is that a person who is of sound mind, who is competent to enter into a contract or who is competent to think for himself, alone may adopt voluntarily. Therefore, there is no compulsion or anything of the kind, and therefore he is left to himself to adopt any child, legitimate or illegitimate, belonging to any

community, provided both the person giving the child in adoption and the person taking the child in adoption agree over that particular act of adoption. Therefore, I do not think that the words "legitimate or illegitimate" and the words, and "who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh" are necessary, and a time may come when the Government will be required to remove these words as mentioned by the revered hon. Member, Dr. Aney.—Especially in these days when we are talking so much about national and emotional integration and a casteless society, when we find a number of children in the foundling homes and orphanages, we must encourage and welcome such an idea of adopting these children. The person who is in charge of the foundling home or orphanage should have the right to give the child in adoption with the permission of the court, because he should not enter into an immoral transaction. There may be certain people who are managers of foundling homes who may be given the permission of the court to give a child in adoption. Permission of the court is necessary because the person taking the child in adoption and the person giving the child in adoption may agree, but the purpose may be immoral and end in undesirable social incidents, and the court may not be made aware of such adoptions. It is with a view to put an end to such immoral transactions, that the phrase "with the previous permission of the court" has been made use of. Therefore, I must congratulate the hon. Minister on having brought this particular amendment. At the same time, I must say that if the words to which I referred earlier are also removed, which will show that we are having a broader outlook and that we are a progressive people, it will be better.

श्रीमती शशांक मंजरी (पालामऊ) :
उपाध्यक्ष महोदय, हिन्दू ग्रहण और पोषण
(संशोधन) बिल, १९५६, का मैं स्वागत करती

हैं। इस से पिछड़े हुए बालकों की सुरक्षा होगी।

अभी तक बालकों को दत्तक ग्रहण करने के पहले न्यायालय से पूर्व अनुमति लेनी आवश्यक थी। अभी तक जो पिछड़े हुए बच्चे अनाथालयों द्वारा पाले जाते थे, उन बच्चों को दत्तक देने का अधिकार अनाथालयों को नहीं होता था। इस कायदे से ऐसे पालकों को यह अधिकार मिल जायेगा, जिस से कि बालकों की सुरक्षा और उनकी तरक्की के लिए गोद देने का मौका मिले।

गरीबी, सामाजिक निन्दा आदि कारणों से अक्सर माता पिता अपने बच्चों को छोड़ देते हैं। अब ऐसे बालकों को पालने वाला भी दत्तक दे सके तो अच्छे घरों में उनकी देख-भाल हो सकेगी और उनको अच्छे नागरिक बनने का मौका मिलेगा। अब तक तो ऐसे पिछड़े हुए बालकों की बहुत दुर्दशा होती थी और ऐसे बच्चों को जिन्होंने पाला पोसा है उन के दत्तक आदि करने का उनको कोई अधिकार प्राप्त नहीं होता था। इस संशोधन के द्वारा, गरीबी के कारण जो कई माता पिता बच्चों को छोड़ देते हैं और जो अनाथालयों में पाले जाते हैं, उन बालकों को अच्छे घरों में गोद दिया जा सकेगा।

मैंने स्वयं भी यथाशक्ति अपने देश के कई गरीब बालकों की देखभाल की है, उनको पढ़ाया है, और उनकी शादी करवायी है।

बहुत से देशवासी अधिक संतान होने से उनका पालन पोषण ठीक तरह नहीं कर पाते। अब ऐसे लोग अपनी सम्पत्ति से योग्य व्यक्तियों को अपनी संतान गोद दे सकते हैं।

संरक्षक द्वारा बच्चों को गोद देने समय रूपया पैसा आदि लेने की अनुमति नहीं

होनी चाहिए और इस पर सरकार द्वारा निगरानी होनी चाहिए। विशेषकर लड़कियों के मामले में ऐसा होना चाहिए कि जो उन को दत्तक लेते हैं वह उनकी बिक्री न कर सकें। इसके ऊपर सरकार को निगरानी रखनी चाहिए और जो व्यक्ति ऐसा करें उन के खिलाफ सरकार को सख्त कदम उठाना चाहिए।

Shri A. T. Sarma (Chatrapur): I thank the hon. Minister for having brought such a nice amending Bill, and I wholeheartedly support it.

First of all, abandoned children have not been neglected in our society from the Vedic ages. My hon. friend on the other side narrated one incident. Let me narrate the incident of Sakuntala. Sakuntala was abandoned by her parents, but she was not neglected in society, and she was given all honour and respect. So, from the Vedic ages you will find instances where such children were not neglected in society but were given due respect.

I will give one Vedic instance, that is the instance of Jabali. Jabali was born of Jabala, and who his father was, was not known even to his mother Jabala. When he approached a Guru, the Guru asked his father's name. He could not give it, and approached his mother, and his mother told him:

यौवने बहूपचरन्ती नाहम् वेद कस्ते पिता
त्वं जाबानाया स्तनयोडसि ।

"Jaubane bahupacharnti naham bed kaste pita. tom jabalayastanayosi."

"In my young age I had contact with so many, I do not know who your father is. You are the son of Jabala."

He approached the Guru and repeated the same thing. The Guru named him Jabali, and he became a Maharshi, and society respects him to a great

[Shri A. T. Sarma]

extent. So, from the Vedic period till now, nobody dishonours such children, as mentioned by some of my hon. friends.

Even in the Smriti, these children are treated with respect. Manu has mentioned twelve kinds of sons. He defines:

श्रीरसः क्षेत्रज्ञश्चैव दत्तः कृत्रिम एव च ।
गृहोत्पन्नोऽपविद्धश्च
दायादा बाण्डवा इत्यष्ट ।
कानीनश्चय सहोदरश्च कीतः पौनर्भवस्तथा ।
स्वयं दत्तश्च सौदरश्च षड्दायाद -
बाण्डवा । :

Out of these, first six sons are दायद and दण्डव i.e., they are entitled to paternal property and to offer pinda to their parents. These abandoned children are called अपविद्ध and occupy the sixth place among the sons. Even in the Dharma Shastra, these children are not ignored, and they are given a proper place, and they are also entitled to the paternal property. But, due to some oversight, when the Adoptions and Maintenance Bill was passed in 1956, this point was neglected and now it has been brought to the notice of our hon. Law Minister. And, this Bill deserves encouragement wholeheartedly.

From the other side, two objections have been raised to this Bill. One is, if the child is a Muslim, Christian or of some other religion, whether it would be taken as an adopted son or not. According to the existing Act, that child is not entitled to be taken as an adopted son. As per sub-section C of Section 2, the original Act is applicable only to a person who is not a Muslim, Christian, Parsi or a Jew by religion. If it is known that the child is a Muslim, Christian or of any other religion, then it cannot be taken as an adopted son and the Act would not be applicable to him.

Under section 10 of the Act, with regard to the capability of being taken in adoption, it is stated that he or she shall be a Hindu or that he or she shall not be of any other religion. Unless he is known as a Hindu or unless he is not known to be of any other religion, he cannot be adopted. So, we need not be afraid that Hinduism will be at stake.

There is another objection that has been raised by my hon. friend, Shri Trivedi. That is, if the child does not like, whether he will be taken in adoption or not. Certainly, not. There are three conditions which are essential for adoption. One is, the man who gives in adoption must have the capacity to give. The second is, the child must have the capability of being taken in adoption; and the third is that the adoptive father must have the capacity of taking such a child in adoption. Accordingly, if the child does not like, then the question ends there. He cannot be taken as an adopted son by force. So, there is nothing wrong in accepting this Bill in toto. Some of my hon. friends have criticised saying that a legitimate or illegitimate child can be adopted. Our Dharma Shastras are very clear and liberal. They allow all sorts of privileges to the citizen of Bharat Varsha. I think that if these privileges are granted they would prove good citizens of our country, useful to society.

So, I wholeheartedly support this Bill.

Shrimati Renuka Ray (Malda): Mr. Deputy-Speaker, Sir, so far as this Bill is concerned, I join with those who welcome this step in the right direction. I do not think it is a very revolutionary measure, as some people seem to think. It is a step, which, I am glad, has been taken better late than never because I think it should have been done when the original Hindu Code was adopted in this House. But, nevertheless, I am glad it has come now.

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I want to point out to my friends, particularly those who have some objections to this measure, the conditions that prevailed in undivided Bengal in 1943 when people were dying on the streets of Calcutta and in the districts, when so many of us went about picking up children and putting them in 'homes'. We did not know whether they were children of Hindus or Muslims or Christians or of any other religion. We did not know whether they were children of Brahmins or children of lower castes. They were all put in 'homes' and then the Save the Children Committees were formed. Most of these children have grown up and are having some avocations. We had a difficult task in those days because we could not get those children adopted. We had to keep them in Children's Homes because it was not known whether they were Hindus or Muslims or Christians etc. The water-tight compartments of religion stood in the way of humanity and we were not able to give those children in adoption even to those who were willing to adopt them. It is a far cry from those times today; and I am glad that in this Bill which the Law Minister has brought forward this question of what religion belonged to the parents of abandoned children has been completely waived. The Hindu Adoptions and Maintenance Act is being amended and it will go to the credit of the Hindus that they had the vision to bring about this change.

Shri Trivedi dwelt at length on the question of abandoned children, who, presumably, may not be children of Hindus. One of the reasons he brought forward was, what if the children is quite grown up and does not want to be adopted by a Hindu—supposing he is a Muslim or a Christian? I think if the hon. Member goes through section 9, he will find that before granting permission to the guardian, the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being, for

this purpose, given to the wishes of the child, having regard to the age and understanding of the child, and that the applicant for permission had not received or received etc. That is something else. This has been included in this Bill. Therefore, if the child which is a little older and can reason for himself does not want to be adopted, the Court will not give permission. So, the matter ends there. I do not think it is a valid point that has been brought forward by Shri Trivedi. I hope Shri Trivedi would listen to what I am saying and will agree with me . . .

Shri U. M. Trivedi: I am attentive, Madam.

Shrimati Renuka Ray: The other point that was raised about the guardian has already been answered. I think those in charge of the Children's Homes in the States have, certainly, a better right, perhaps, than some of the parents, to be the guardians who can give in adoption. In any case, the safeguard of the Courts permission is there.

I was pained to hear one of the speeches made here today. Even today when we are talking in terms of national integration some of us are worried about some children that do not belong to some religion or caste being adopted on the ground that the purity of blood not being there, they are beyond the pale. It is very sad that even today we have got such ideas. Of course, Shri Trivedi did not mention it; but a subsequent speaker did so. I do feel that the time has come when not only should we welcome this measure but we should go much farther and we should have a National Code of Laws and we should realise that we come first as Indians and not as Hindus or Muslims or Christians etc. Religion may be one's private and personal matter. (*Interruption*). I am sure that our Law Minister who is bringing in a Bill for codifying the laws of Christian marriage will follow that

[Shrimati Renuka Ray]

with a Code for Muslim Law. When all these have been done we shall be able to have a National Code which is the aim of everybody, I think. But it is beyond this particular Bill. I should also say that when the question of adoption was being considered by the Law Minister, he should also take up some amendments required in the chapter on maintenance. For instance, if a woman changes her religion, surely that is not a reason why her maintenance should be stopped. The House should be liberal enough to recognise that a person may change the religion. If a woman is a wife and even if she lives apart on account of change of religion, she must be entitled to maintenance; it should not be stopped on account of the change of religion. I hope that the matter will be taken up sometime in the future. So far as amendments regarding adoption are concerned, I fully support them.

श्री मोहन स्वरूप (पीलीभीत) : उपाध्यक्ष महोदय, जो बिल हमारे सामने है, उस का और उसके प्रिंसिपल एक्ट का मंशा हिन्दू धर्म, उस के सिद्धान्तों और रीति-नीति के मूलाविक एडाप्शन की व्यवस्था करना है। प्रिंसिपल एक्ट में बताया गया है :—

“This Act applies to anyone who is a Hindu by religion in any of its forms or developments, . . .”

इस से साफ जाहिर है कि हिन्दू धर्म के अन्तर्गत एडाप्शन का सवाल इस में मौजूद है।

जहां तक एडाप्शन का सम्बन्ध है, वह तबिअत से होती है। जिस भ्रादमी का कोई बच्चा नहीं है, अगर वह किसी खूबसूरत या होनहार बच्चे को देखता है, तो वह उस को गोद लेना चाहता है। यह बात तो तबिअत पर मुन्ह-सिर है। लेकिन प्रिंसिपल एक्ट और इस बिल में एक लैकुना रह गया है। जिस बच्चे को एडाप्शन में लेना है, उस की स्वीकृति का सवाल न तो

प्रिंसिपल एक्ट में आया है और न इस बिल में। जहां तक एडाप्शन में देने का प्रश्न है, वह साफ हो गया है, लेकिन मैं अर्ज करना चाहता हूँ कि पन्द्रह साल का बच्चा नासमझ नहीं होता है। यह भी पता लगाना जरूरी है कि उस की मंशा क्या है और आया वह अपने एडाप्टिड फादर के साथ रहना चाहता है या नहीं। इसलिये इस का भी स्पष्टीकरण होना चाहिये।

इस बिल में इल्लेजिटिमेंट और एवन्डन्ड चाइल्ड पर खास तौर पर जोर दिया गया है। जहां तक एवन्डन्ड चाइल्ड आबारा बच्चे, का सम्बन्ध है, यह आंकना मुश्किल है कि वह किस धर्म से सम्बन्ध रखता है। *

श्री काशी राम गुप्त (अलवर)
‘एवन्डन्ड’ “आबारा” नहीं होता है।

श्री मोहन स्वरूप : “एवन्डन्ड” को “आबारा” ही कहा जायेगा।

श्री काशी राम गुप्त : “एवन्डन्ड” तो “छोड़ा हुआ” होता है।

श्री अ० कु० सेन : परित्यक्त।

श्री मोहन स्वरूप : एवन्डन्ड चाइल्ड के बारे में यह आंकना मुश्किल है कि वह किस धर्म से सम्बन्ध रखता है, उस का वे आफ लिविंग क्या रहा है, उस की रीति-नाति क्या है। मैं समझता हूँ कि जब तक वह बच्चा किसी खास संस्था या किसी खास व्यक्ति के पास न रहता हो, तब तक उस को गोद लेने का सवाल नहीं होना चाहिये। इस किस्म का बच्चा अपने एडाप्टिड फादर के लिये अभिशाप हो सकता है। इसलिये एडाप्शन में दिये जाने वाले बच्चे का किसी आरफनेज या फाउंडेशन होम में होना जरूरी है।

इस बिल की क्लॉज २ (बी० बी०)

(Amendment) Bill

में एक लंकुना रह गया है। उस में कहा गया है :—

“Any child legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not known and who in either case is brought up as a Hindu, Buddhist, Jaina or Sikh; and”.

इस में इस बात का स्पष्टीकरण और होना चाहिये कि उम को कैसे ब्रिग अप किया गया।

इस के अलावा मैं समझता हूँ कि इस बिल को और कम्प्रीहेसिव होना चाहिये। हमारे यहां बहुत से लोग शिड्यूल्ड कास्ट्स या डिड्यूल्ड ट्राइब्स कहलाते हैं, जिन के उद्धार का जिम्मा हम ने सरकारी और गैर-सरकारी दोनों तौर से लिया हुआ है। वे लोग हिन्दू रीति-रिवाज और रहन-सहन के मुताबिक रहते हैं और पूजा पाठ करते हैं। मैं समझता हूँ कि उन लोगों को भी इस में शामिल करना चाहिये। अगर कोई ब्राह्मण, जिस का बच्चा नहीं है, शिड्यूल्ड कास्ट्स या शिड्यूल्ड ट्राइब्स के किसी बच्चे को पसन्द करता है, तो उस को ऐसा करने का अधिकार होना चाहिये, लेकिन इस बिल के अन्तर्गत वह ऐसा नहीं कर सकता है। इसलिये इस बिल को और व्यापक बनाना चाहिये।

प्रिंसिपल एक्ट के सैक्शन ६ के सब-सैक्शन (४) को सन्स्टीट्यूट किया गया है। स्टेटमेंट आफ आवर्जैक्ट्स एंड रीजन्स में कहा गया है कि फाउंडलिंग होम के मैजर को अधिकार होना चाहिये कि वह किसी बच्चे को एडाप्शन में दे सके। यह अच्छी बात है, लेकिन यह बात साफ होनी चाहिये कि वह फाउंडलिंग होम या आरफनेज किस तरीके से चलाया जाता है, वह क्रिस्टियन है या मुस्लिम है। इस की परिभाषा होनी चाहिये और साथ ही स्पष्टीकरण होना चाहिये।

एक्सप्लेनेशन में “गार्डियन” को डिफाइन किया गया है और उस में (ए) और (बी)

ये दो किस्म के गार्डियन्ज दिये गये हैं। मैं चाहता हूँ कि उस के प्रागे यह और जोड़ देना चाहिये :—

- (c) Managers of foundling homes or childrens' institutions.
(d) any other person who is looking after the abandoned child in good faith and is acceptable to the child.”

बहुत से अच्छे लोग होते हैं, जो किसी इंस्टीट्यूशन से सम्बन्ध नहीं रखते हैं, जो कोई आरफनेज या फाउंडलिंग होम नहीं चलाते हैं। उन को अगर कोई भुला-भुला बच्चा मिल गया, तो वे उस को रख लेते हैं और उस की देख भाल करते हैं। अगर कुछ बच्चे को ऐसे किसी व्यक्ति के साथ रहना पसन्द है और उस के साथ रहने में कोई ऐतराज नहीं है, तो ऐसे व्यक्ति को गार्डियन मानना चाहिये, हालांकि उस को न तो मां-बाप ने चुना और न कोर्ट ने। मैं अर्ज करना चाहता हूँ कि जो ब्राह्मण चोर-डकैत नहीं है अच्छा ब्राह्मण है, प्रतिष्ठित और वह एक बच्चे की देखभाल करता है। तो उस को भी गार्डियन माना चाहिये और “गार्डियन” की परिभाषा में उस को भी शामिल करना चाहिये।

मोटे तौर से इस बिल का समर्थन करता हूँ, लेकिन साथ ही मैं मंत्री महोदय से प्रार्थना करता हूँ कि इस बिल को ज्यादा व्यापक और कम्प्रीहेसिव बनाया जाये।

Shri Himatsingka (Godda): Mr. Deputy Speaker, I support the principles of this amending Bill as it will remove a number of difficulties felt in giving or taking a boy in adoption. I happened to be connected with an orphanage for about thirty years and I can say from my personal experience that there are instances where boys are abandoned by their parents in the sense that they are made over to the orphanages by a number of persons who cannot maintain them or by the widows and so on. A number of persons were willing to take them in

[Shri Himatsingka]

adoption when they found that a boy was good-looking or intelligent. In fact such boys were given in adoption with the consent of parents in case where the parents or the mother were living and made over the children to the orphanage for maintenance and the permission of any court was not needed. In the course of the last twenty years or so about 200—300 boys must have been given in adoption and put in good families where they were brought up as good citizens and their future also is assured.

I welcome this amendment but the provision for taking permission from the court may stand in the way to some extent. It will, firstly, mean a certain amount of expenditure in every case. Application will have to be made. If a boy is an absolute orphan with no one to look after him and if somebody is willing to take the boy in adoption, this restriction should not be there. Then there is suggestion about the consent of the boy. I do not see how it will work. Generally children are adopted when they are young. The adoptive fathers want to bring them up in their own homes so that they might come to love their mother and father. Such boys are generally of a tender age and there cannot be any question of the consent of such boys. The wishes of the child are very difficult to be ascertained unless the boy is more than 12 or 13 years of age. Therefore, no restriction should be introduced in cases of such boys being taken in adoption when they are being maintained by the recognised social institutions of a public nature.

I feel, therefore, that the Bill has been introduced is a welcome measure and here should be no objection to the boys who have been brought up as Hindus being taken in adoption even if they might have been of parents belonging to other religions. When a young child is brought up as a Hindu, I do not see what traits of any other religion can be in him. Therefore, the words that have been

used here, viz., "who in either case is brought up as a Hindu," etc., are proper, and henceforth there will be no difficulties which might have existed otherwise.

Therefore, I welcome this measure which is very timely and I hope that it will be passed unanimously.

Shri N. R. Ghosh (Jalpaiguri): I welcome this Bill which has been introduced today. I would refer now to some objections which have been raised by certain hon. Members. As a matter of fact, those objections have no substance. One hon. Member says that it will be an encroachment on our Hindu religion. He forgets that our Hindu religion was much more liberal than as it is at present. As a matter of fact, Manu actually recognised 12 kinds of sons, and if we investigate into the parentage of some of our most Venerable rishis and munis, I believe they would be by our present standards, considered outcastes. Therefore, I would submit that we should not glibly speak about Hindu religion, and let us not speak about its pollution by this Bill.

There has been another objection. Some hon. Members think that there will be great harm if a Muhammadan boy is adopted in a Hindu family. If we look into the Act, there is some doubt whether a Muhammadan boy can at all be adopted because there are certain sections in the parent Act which definitely say that only a Hindu can be adopted. But then in the present Bill, sub-clause (bb) says as follows:

"any child, legitimate or illegitimate, who has been abandoned both by his father and mother..."

Suppose the father is a Muhammadan and he has abandoned his child, this bill definitely allows the adoption of the child, though the child is a Muhammadan in a Hindu family. I wish the Minister of Law looks into this aspect, namely, whether the previous section—Section 10, will stand in the

way of the adoption of a Muhammadan boy in a Hindu family or not. My reading is that it will create some difficulty though this sub-section definitely says, without any limitation, that "any child, legitimate or illegitimate, who has been abandoned both by his father and mother" the point may be considered.

The other portion—"whose parentage is not known" of course may in some cases exclude those boys who are known to be Muhammadans. They may not be eligible to be taken in adoption. But as regards the boys whose father and mother have abandoned them, I believe a Muhammadan boy can be adopted, according to the present bill.

An Hon. Member: How will they know that?

Shri N. R. Ghosh: I suppose that even if it is proved afterwards that actually the foundling was a Muhammadan, even then, that boy can be legally adopted in a Hindu family. The adoption cannot be challenged. That is my reading. I think that is also the intention of this legislation. We should not shut out such boys if actually there is a case of adoption of this nature. We have been conservative to the disadvantage of our religion and to disadvantage of our society. Let us not be more conservative now, why not return to our pristine liberalism?

There was another objection which a lady Member mentioned. That was in regard to section 9(2) of the original Act, namely:

"Subject to the provisions of sub-section (3), the father, if alive, shall alone have the right to give in adoption, . . ."

She objected to this clause but I think she has not properly understood its meaning. The section means to say that if the father is alive, he alone has the right to give in adoption as contra distinguished from the fact that neither the uncle nor the grandfather or any other will have that right, and that is also after the consent of the mother is obtained. Therefore, I think the amendment is all right.

Then I would very respectfully to your notice one particular aspect of the Bill. Without going into the details, I shall simply mention section 11(6) of the original Act. The child to be adopted must be actually given and taken in adoption by the parents or the guardians concerned or under their authority with intent to transfer the child. . . . etc. The Law Minister certainly knows that on account of essentiality of *Dattia Homam* and other technical difficulties, many of the adoptions could not be proved in a court of law and even when a child has been adopted and has enjoyed the properties, after the suit is lost, he could not remain in that family. I would ask, while the other technical rules have been done away with, why this actual taking and giving are being insisted upon. Suppose there is a document of adoption, duly executed and registered, why should that not be sufficient? Under the Transfer of Property Act, a registered document is sufficient. I know of a case where in spite of the registered document of adoption, because the giving and taking could not be proved, the adoption was held invalid. At least the Law Minister should take into consideration this aspect of the question, namely, if there be a registered document proving that actually there was an adoption, why there should not be a very strong presumption that the giving and taking had taken place. That is a matter which I would bring to the notice of the Law Minister for his consideration.

As regards the Bill itself, there has been an objection to the deletion of the word "and". This omission has been deliberate and it is absolutely necessary. Otherwise, if it is considered to be a conjunctive "and", there will be a lot of difficulties. The omission of the word "and" makes the provision specific and clear. Therefore, this has been done properly.

Then there is sub-clause (bb) which says:

"any child, legitimate or illegitimate, who has been abandoned both by his father and mother or whose parentage is not known. . . ."

[Shri M. R. Ghosh]

Then, there is the word 'and' in the latter part here. I would like the Minister to consider my suggestion that here for the word 'and' the word 'or' may be substituted. That will make the object of the Bill more specific and will serve the purpose we have in view.

In all other respects, this Bill is very welcome. I would join with other speakers and say that instead of this piecemeal legislation about Hindu Code, etc., we should have an Indian Code, which will embrace all the people of India. Of course, there is no adoption among Mohammedans. But that does not matter. It will be an enabling section and nobody will compel anybody to take any child in adoption. All these provisions are mostly enabling legislation.

Another thing I would like to bring to the notice of the Minister is this. In the parent Act, it is said:

"Notwithstanding anything contained in sub-section (1) nothing contained in this section shall apply to the members of the scheduled tribes....." etc.

This is unduly harsh and unfair to the scheduled tribes. If the scheduled tribes want to take advantage of this legislation, they will not be allowed to do it. When this is only an enabling legislation and when it does not compel anybody, I do not see why the scheduled castes and scheduled tribes are being kept out of the operation of this Act. I know of a very sad case where a member of the scheduled tribe was taken in adoption by a registered document, and his adoption was found to be valid in the District Court and in the High Court, but it was upset in the Privy Council after several years because a particular custom was not proved. I think the time has come when we should not make any distinction of this nature about scheduled tribes. What about integration? I think this matter may be taken into consideration by the Law Minister.

श्री रघुनाथ सिंह (वाराणसी) : उपाध्यक्ष महोदय, लोकनायक भ्रणे ने जिस उदार दृष्टि को इस सदन के समक्ष उपस्थित किया है वही दृष्टि स्वतन्त्रता के बाद भारतवर्ष की होनी चाहिये। श्री त्रिवेदी ने श्रीर गोरी शंकर जी ने इस विधेयक पर इस बात के लिये आक्षेप किया है और विरोध किया है कि जो लोग हिन्दू धर्म के मानने वाले नहीं हैं उनको भी एडाप्शन में लिये जाने का अधिकार इस में दिया गया है। लेकिन अगर आप इस विधेयक के स्टेटमेंट आफ आब्जैक्ट्स एंड रीजन्स को देखें तो उस की अन्तिम लाइन जो है वह बिल्कुल स्पष्ट है। उस में लिखा है :

"who has been abandoned by both of his parents or whose parentage is not known, but who in either case, is brought up as a Hindu will be a Hindu by religion."

जब स्टेटमेंट आफ आब्जैक्ट्स एंड रीजन्स में है कि इस प्रकार का जो लड़का होगा उस का धर्म हिन्दू समझा जायेगा, तो मैं नहीं समझता कि यह विवाद कहां से उत्पन्न हो गया कि वह हिन्दू नहीं होगा। कोई मुसलमान या कोई ईसाई एडल्ट होने के बाद तो हिन्दू हो सकता है लेकिन अगर कोई बालक हिन्दू धर्म के अनुसार, हिन्दू रीति के अनुसार, रखा गया है, उस तरह से उस का लालन पोषण हुआ है, तो वह हिन्दू नहीं हो सकता, जन संघ का यह सिद्धान्त मेरी समझ में नहीं आया। जन संघ एक तरफ तो स्वाब देखता है कि भारतवर्ष एक ऐसा राष्ट्र होना चाहिये जहां सब लोग एक हों लेकिन दूसरी तरफ इस प्रकार की बात करता है। मैं उन को याद दिलाना चाहता हूं, कि मुसलमानों की तरफकी बयों हुईं। आप के कुतुब उद्दीन ऐकब, अलतमश और बहलोल लोदी, जिन्होंने यहां पर राज्य किया, वे सब "एवंडंड चाइल्ड" थे। लेकिन मुसलमानों के अन्दर यह ताकत थी कि हजरत मुहम्मद के मरने के पचास साल बाद तक जो जहां पर भी मिला उसे उन्होंने ने भ्रणे में शामिल कर लिया।

ऐबेन्डन्ड चाइल्ड भी हो, तो कानून से नहीं लेकिन एक तरह से उन्होंने ने उस एंडाण्ट कर लिया । फल यह हुआ कि पचास वर्षों के अन्दर मोरक्को से ले कर लाहौर तक उन का राज्य हो गया । लेकिन हम क्यों अलग होते चले गये ? मैं जनसंघ के भाइयों से कुछना चाहता हूँ कि आखिर क्या कारण है कि हिन्दू जाति, जिस की संस्कृति का वे इतना उल्लेख करते हैं, सिकुड़ती चली गई, हम ने एक सोमा बना ली । हम ऐसे बैंक का तरह से हो गये जिस बैंक से रोज रुपया उधार लिया जाता है लेकिन बैंक में पूंजी जमा नहीं की जाती ।

अगर आप भारत वर्ष को उदार और न्वतन्त्र दृष्टि से देखते तो आप सब को इस विधेयक का समर्थन करना चाहिये था और यह दृष्टि वह थी जिसे श्री अणे ने इस सदन के सामने उपस्थित किया ।।

श्री बेरखा : (कोटा) : जन संघ का उद्देश्य यह नहीं है कि मुसलमान अलग रहें

श्री रघुनाथ सिंह : आप को इस ढंग से मोचना चाहिये था कि किसी भी धर्म को मानने के लिये हर एक आदमी स्वतन्त्र है अगर किसी का लालन पोषण हिन्दू धर्म के अनुसार हुआ है और वह हिन्दू बालक समझा जाता है, तो हम उसे हिन्दू समझेंगे, दूसरा कुछ नहीं । इस दृष्टि में मैं इस विधेयक का समर्थन करता हूँ ।

श्री अ० क० सेन : उपाध्यक्ष महोदय, आज मूझ को भी स्वाहिण हुई है कि मैं यहां पर हिन्दी में बोलूँ ।

यह देख कर मूझे बड़ा हर्ष हुआ कि इस सदन के सभी दलों और उपदलों से इस विधेयक को सहमति मिली है ।

Shrimati Vimla Devi: We cannot understand it. At least the Minister must answer in English. I could have spoken in Telugu and expressed my-

self better, but I spoke in English so that the House may understand.

श्री अ० क० सेन : मैं तो एक ऐसे अंचल से आता हूँ, जहां पर दूसरी भाषा नहीं बोली जाती ।

Shrimati Vimla Devi: We are very eager to know what the Minister is going to say in reply.

Shri A. K. Sen: Very well, Sir. I shall accede to the request of the fair sex.

I am extremely grateful for the universal support which this Bill has evoked. It shows how changing society reflects itself on the minds of our people and more orthodox notions give way to more enlightened ideas, a desire to do justice and serve the purpose of law, which is to make life more harmonious.

The sole objection which has been raised is about the possibility under this law of a Muslim boy or girl being adopted by Hindu parents. I do not feel very apprehensive about that possibility. In fact, that is a possibility which is inherent in the provision of this very Act, because when a Hindu family wants to adopt an unknown child or a child whose parents are unknown, this possibility is inherent that a Hindu family may embrace within itself a child born of parents who might not have been Hindus. The definition, therefore, has been changed that a child which has been brought up as a Hindu or Sikh or Jain will be regarded as a Hindu child. That, I think, accords with our notions.

The argument that simply because an unknown child might have been of might not have been born of Muslim, Christian or other parents, therefore, we must bar the possibility of its being adopted into a Hindu family is an argument which, I have no doubt, will not appeal to any of us here. I personally feel, as Shri Raghunath Singh has also said, that this also

[Shri A. K. Sen]

disclose a very narrow state of mental attitude, an attitude which has certainly not done benefit to the Hindu community, even if you look at it from the narrow interests of the Hindu community, because it has made us more and more shrunk, instead of allowing us to expand more and more. I do not want to appeal to history, but it is known to all of us that by being narrow-minded, we have succeeded in driving away from our fold many who might have been of benefit or advantage to us. But we need not deal with those larger questions, suffice it for the limited purpose of this Bill that an unfortunate child whose only fault is that his parents are not known should not be deprived of the advantage of being adopted into the family where he has been brought up as a Hindu or a Sikh or a Jain. That is the only question.

15 hrs.

It is true, as Shri Ghosh has pointed out, that section 11 possibly might have to be altered in order to—I wish Shri Ghosh was here—bring it in harmony with the new alterations made. Though possibly no difficulty of substance would be created, yet I think it is a consequential change and it follows from these amendments. Sir, I give notice of this amendment and I hope hon. Members will excuse me for giving notice of it now. It is purely a consequential amendment. The amendment will be like this:

Page 2,—

after line 22, insert— ..

'4. Amendment of section 11.—

In section 11 of the principal Act, in clause (vi), after the words "from the family of its birth", the words "or in the case of an abandoned child or a child whose parentage is not known, from the place or family where he has been brought up" shall be inserted."

That means in the case of adoption of a child whose parentage is not known

we should really say not "family of its birth" but "family or place where he has been brought up". Sir, I put in this requisition now so that when we come to consider the Bill clause by clause this may be taken up as a new clause to be inserted as a consequential amendment.

Sir, these are my submission and I hope that the House will accept these amendments.

Shri Kashi Ram Gupta: What about the question of legitimate and illegitimate children? Who is going to decide this at the time of adoption? How can the question be raised at the time of adoption as to whether the child is legitimate or illegitimate?

Shri A. K. Sen: I am afraid the purpose of this amendment has not been appreciated by the hon. Member. There is no question of any inquisition about the question of legitimacy. It is an enabling provision so that any child may be adopted. That is the whole point.

Shri Kashi Ram Gupta: If the words are not there, will there be any difficulty?

Shri A. K. Sen: Why create the difficulty? Then a child may be regarded as only a 'legitimate child'.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Hindu Adoptions and Maintenance Act, 1956 be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause. Does any hon. Member want to move any amendment? I find that Shri P. R. Patel and Shri U. M. Trivedi are not in the House. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

New Clause 4 (Amendment of Section 11)

Mr. Deputy-Speaker: The hon. Law Minister has sent in a new amendment.

Sri A. K. Sen: Sir, I beg to move:

Page 2,—

after line 22, insert—

4. Amendment of section 11.—

In section 11 of the principle Act, in clause (vi), after the words "from the family of its birth", the words "or in the case of an abandoned child or a child whose parentage is not known, from the place or family where he has been brought up" shall be inserted.' (6).

Mr. Deputy-Speaker: It is a consequential amendment. I hope the House will agree. The question is:

Page 2,—

after line 22, insert—

4. Amendment of section 11.—

In section 11 of the principal Act, in clause (vi), after the words "from the family of its birth", the words "or in the case of an abandoned child or a child whose parentage is not known, from the place or family where he has been brought up" shall be inserted.' (6).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That Clause 4 be added to the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Shri Vidya Charan Shukla (Mahasamund): Sir, you expressed the hope that the House would agree with the amendment of the Law Minister. Is it in order for the Chair to express any hope of that kind?

Shri A. K. Sen: Where it is consequential, it is in order. It is for the guidance of the Members.

Mr. Deputy-Speaker: I am taking the House into confidence.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

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

Shri A. K. Sen: Sir, I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

15.07 hrs.

CHRISTIAN MARRIAGE AND MATRIMONIAL CAUSES BILL

Mr. Deputy-Speaker: The hon. Law Minister may move his motion for reference to a Joint Committee.

Shrimati Renu Chakravartty (Barrackpore): Sir, I would like to make one submission. Many of us have been put on the Joint Committee. Just as in the Hindu Code Bill where some of us were permitted to speak in the first reading of the Bill even though we were put on the Select Committee, this being a social measure of some controversy, would it not be possible for you to allow some of us to participate in the first reading of this Bill?

Shri Gauri Shanker (Fatehpur): There is no motion before the House.

Mr. Deputy-Speaker: Yes, the hon. Minister may move his motion.

The Minister of Law (Shri A. K. Sen): Sir, I beg to move:

"That the Bill to amend and codify the law relating to marriage and matrimonial causes among Christians be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

Shri Mulchand Dube, Shri Asoke K. Sen, Shri Bibudhendra Misra, Shrimati Yashoda Reddy, Shri Liladhar Kotoki, Shri Sudhanu Bhusan Das, Shri Maheshwar Nayak, Pandit Dwarka Nath Tiwari, Shri Ram Dhani Das, Shrimati Kamla Chaudhuri, Shri Baij Nath Kureel, Shri Harish Chandra Mathur, Shri Daljit Singh, Shri P. R. Patel, Shri T. H. Sonavane, Shri V. B. Gandhi, Shri Joachim Alva, Shri P. Govinda Menon, Shri Mathew Maniyangadan, Shri A. M. Thomas, Shri A. Nesamony, Shri T. Abdul Wahid, Shrimati Renu Chakravartty, Shri M. Kumaran, Shri U. M. Trivedi, Shri Rajendranath Barua, Shri Yashpal Singh, Shri A. E. T. Barrow, Shri G. G. Swell and Shri Sivamurthi Swamy; and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House, relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Sir, this measure has been long over-due. There have been persistent demands from various Christian churches in this country as also from individual members of the Christian community for a consolidated law on the subject of Christian marriage and divorce. It is an antiquated fact that Christians have so long been governed by a foreign law with regard to their conditions of marriage. The English law applied and the English statute covering marriages applied. The Indian statute only related to the procedure for marriage and substantive law of marriage was regulated by a foreign law. So, the law relating to marriage and divorce has to be gathered from several statutes.

So far as the National Christian Council of Nagpur is concerned, there has been a demand from 1955 onwards that the Government should bring a Bill as soon as possible. From 1952 there have been individual representations to the Government on the subject. In 1958, Shri N. G. Goray, a Member of the Opposition, introduced a Bill relating to Christian marriages and divorce. The Government then assured that the whole matter would be referred to the Law Commission for examination and then the Christian community as such would be consulted and then a comprehensive Bill would be introduced in this House.

We, therefore, referred the matter to the Law Commission and they were initially requested to make certain recommendations for the purpose of eliciting public opinion of the Christian community. The Law Commission gave the matter their very deep consideration and formulated their recommendations. After inviting the

opinions of responsible persons they drafted a Bill in the form of their recommendation.

Shri D. C. Sharma (Gurdaspur): Who are those responsible persons?

Shri A. K. Sen: Many people representing various interests. Why should he be so bothered about this?

Shri D. C. Sharma: I want to know who those responsible persons are.

Shri A. K. Sen: There are many excepting Shri Sharma.

Shri Shree Narayan Das (Darbhanga): So he is not a responsible person?

Shri A. K. Sen: I can assure Shri Sharma that his name does not figure in the list of responsible persons in this connection.

They made their recommendations in the form of a draft Bill. They also annexed explanatory notes and circulated the draft Bill throughout the whole country, to the different High Courts and other responsible public bodies. Thereupon they made their 15th report and placed it before the Government, and the Government have considered this and have now brought forward this Bill. Though the matter has gone through a very long and elaborate stage of eliciting public opinion and many witnesses had been examined by the Law Commission and elaborate evidence was taken, notwithstanding that, having regard to the fact that it is a Bill of very great importance touching a very important community of India, and also touching on their personal law, it is considered necessary that the matter should be considered again by a Joint Committee so that we may have again a final review of the whole matter and all persons who may like to be heard by the Joint Committee may be so heard and after hearing them the Joint Committee may send us their recommendations.

The scheme of the Act, first of all, is to deal with the conditions of

marriage which, as I have said, up to now has been regulated by the English statute. We have in the Bill followed the recommendations of the Law Commission in formulating certain conditions regarding the age of consent, the question of minor spouses, the consent of guardians in their cases and the question of prohibited degrees. In Specifying the prohibited degrees we have taken into account customs which have a long-standing application in certain areas so that the ancient notions of consanguinity may be followed to the extent customary laws in such matters could be allowed. For instance, marriages between uncles and nieces are not prohibited according to Catholic law; and according to customs obtaining among the Christian community too, as among certain Hindu communities in India, maternal uncles are not debarred from marrying their nieces. We have allowed, as in the Hindu Marriages Act, such customs to be preserved where they apply. We have, therefore, set out in Chapter II the conditions of marriage which will govern a valid Christian marriage.

Then the solemnisation of Christian marriage is dealt with in Chapter III. As is well known, under the Christian Marriage Act of 1872, which holds the field now, civil marriage was made optional and sacramental marriage was not made compulsory. We have retained the same scheme, namely, that those who want to have sacramental forms of marriage would be entitled to have them and those who want civil marriage under the Christian Marriage Act would be entitled to have civil marriage.

There was some dispute with regard to the question as to whether the Christian Marriage Act should or should not deal with civil marriages at all. Some people thought that since we have a separate law relating to civil marriages, we should not allow Christian marriages again to have a form of civil marriage. But, having regard to the fact that this form of

[Shri A. K. Sen]

civil marriage, as regulated by the Christian Marriage Act, is ancient history and having regard to the fact that as the civil marriage Act does not apply particularly to the Christian community, we thought it necessary, having regard to the majority of opinion of the Christians on the subject, that we should retain the civil form of marriage under the Christian Marriage Act.

With regard to divorce, we have introduced some of the modern elements in the law of divorce. For instance, under the existing law whereas adultery simpliciter was enough to entitle a husband for divorce, a wife could not seek divorce only on the ground of adultery unless it was coupled with desertion or cruelty.

Shrimati Renu Chakravarty: Or bigamy.

Shri A. K. Sen: Yes, or bigamy. It was the most discriminatory form of legislation, so far as women were concerned.

Shri Tyagi (Dehra Dun): What was the harm?

Shri A. K. Sen: Whereas a husband could sue his wife simply on the ground of adultery, a wife could not sue her husband if he was adulterous unless she proved cruelty, or bigamy or desertion. That is why we have made the grounds the same as under the Hindu Marriage Act and we have also given more equal treatment to the spouses in the matter of divorce. For example, we have made leprosy a ground for divorce.

Shri Tyagi: A husband, after all, is the earning member of the family and should be given some preference over the wife.

Shri A. K. Sen: If Shri Tyagi is anxious to retain the premium on adultery, I shall not quarrel with him,

but I do not think a majority of the members will support him in this matter.

Shri U. M. Trivedi (Mandsaur): Everything is adulterated now.

Shri Khadilkar (Khed): Biologists consider that man by nature is polygamous. So, in the western law relating to divorce this discriminatory treatment is there.

Shri A. K. Sen: In the Bar for a long time I have heard plenty of complaints to the effect that the other sex is also equally polygamous. We need not decide here as to which sex is more polygamous. But let us debar polygamy from the point of view of sustaining the bond of marriage and let us agree that there should be equal treatment given to both the sexes in this matter.

Leprosy and venereal diseases have been made additional grounds for divorce which is only reasonable. The old antiquated law did not recognise leprosy or venereal diseases as a ground for divorce.

With regard to judicial separation too we have introduced the modern elements in the matter of judicial separation and have made a provision for that.

These are the main features of the Christian Marriage and Matrimonial Causes Bill and I think instead of dealing with the individual clauses it will be best to deal with the principles of the Bill at this stage and to refer the Bill to the Joint Committee for a detailed consideration of the matter.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend and codify the law relating to marriage and matrimonial causes among Christians be referred to a Joint Committee of the Houses consist-

ting of 45 members, 30 from this House, namely:—

Shri Mulchand Dube, Shri Asoke K. Sen, Shri Bibudhendra Misra, Shrimati Yashoda Reddy, Shri Liladhar Kotoki, Shri Sudhansu Bhushan Das, Shri Shri Maheshwar Nayak, Pandit Dwarka Nath Tiwari, Shri Ram Dhani Das, Shrimati Kamla Chaudhuri, Shri Baij Nath Kureel, Shri Harish Chandra Mathur, Shri Daljit Singh, Shri P. R. Patel, Shri T. H. Sonavane, Shri V. B. Gandhi, Shri Joachim Alva, Shri P. Govinda Menon, Shri Mathew Maniyangadan, Shri A. M. Thomas, Shri A. Nesamony, Shri T. Abdul Wahid, Shrimati Renu Chakravartty, Shri M. Kumaran, Shri U. M. Trivedi, Shri Rajendranath Barua, Shri Yashpal Singh, Shri A. E. T. Barrow, Shri G. G. Swell and Shri Sivamurthi Swamy; and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House, relating to Parliamentary Committees will apply with such variations and modifications as the Speaker make make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

Shri Maniyangadan (Kottayam): Shri, I beg to move:

1355 (A) LS—8.

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October, 1962."

Mr. Deputy-Speaker: Both the motions are before the House now.

Shrimati Renu Chakravartty: Sir, I want to plead with you that because some of the clauses of this Bill will be quite controversial some of us who are on the Joint Committee may also be permitted to participate in this debate as was done in the case of the Hindu Code Bill. Normally, if one is on the Select Committee that is not the convention.

Mr. Deputy-Speaker: That can be done only in exceptional cases because there are 30 hon. Members on the Joint Committee and if all the 30 hon. Members want to speak other hon. Members may not at all have any time. 3½ hours is the time allotted for this and if there is time, I will permit two or three hon. Members who are on the Joint Committee.

Shrimati Renu Chakravartty: That means nobody from our Party will be able to speak on this.

Mr. Deputy-Speaker: Shri Kappen.

Shri Maniyangadan: But I would like to say a few words regarding my motion.

Mr. Deputy-Speaker: He is a member of the Joint Committee.

Shri Maniyangadan: Sir, I would like to say something about my motion.

Shri A. K. Sen: I do not know how an hon. Member who has consented to be a member of the Joint Committee can move a motion for circulating the Bill for eliciting public opinion.

Shri D. C. Sharma: I think, it is a very wholesome practice that members of the Joint Committee should not be allowed to speak.

Shri A. K. Sen: How can he oppose its reference to the Joint Committee when he has consented to be a member of the Joint Committee?

Shri Maniyangadan: I am not going to speak on that. I have moved my motion. My only submission is that I do not think that there is any strict rule in this regard. There are exceptions also. It is allowed on certain occasions, as you were pleased to say.

Shri U. M. Trivedi: You cannot have it both ways.

Shri Maniyangadan: In certain contingencies Members are allowed to speak. I have moved my motion and I only want to speak in support of my motion.

Shrimati Renu Chakravartty: This is not a new thing. It has taken place in the case of all the three Bills which we have already passed. In the case of the Hindu Code it was permitted. It is very controversial and before it goes to the Joint Committee we want to put it before the House.

Shri A. K. Sen: I am not opposing their speaking. What I was opposing was an hon. Member who has consented to serve on the Joint Committee bringing in a motion for not referring it to the Joint Committee.

Shri U. M. Trivedi: That is right. If an hon. Member agrees to be on the Joint Committee—the consent of hon. Members to serve on the Joint Committee is obtained beforehand—how can he move a motion for circulation? The very principle of its going to the Joint Committee is accepted when he agrees to serve on the Committee.

Mr. Deputy-Speaker: He has agreed to be a member of the Joint Committee. How can he move the motion for circulation?

Shri U. M. Trivedi: He must have forgotten it.

Mr. Deputy-Speaker: There is a ruling saying that a Member who has been proposed to serve on the Joint Committee is not even called if he has moved an amendment to the motion for reference of the Bill to the Joint Committee. This is something similar to that.

An Hon. Member: By the very nature of it he is excluded.

Mr. Deputy-Speaker: Shri Kappen.

Shri Kappen (Muvattupuzha): Mr. Deputy-Speaker, Sir, in discussing this Bill I want to point out certain matters which may be considered by the Joint Committee. It has been pointed out by the hon. Minister that there has been a wide demand and representations that legislation like this should be brought forward. I also find from the Fifteenth Report of the Law Commission that there was also a representation saying that this law should not be extended to the previous Travancore-Cochin State. If we go through the Report of the Law Commission, we will find that the Law Commission brushed aside that representation because, it is said, though there were written representations nobody came forward to give oral evidence. That was because, as can be seen from the Appendix, there was no sitting of the Law Commission anywhere in the Travancore-Cochin State which has now merged in Kerala. The sittings were in Bombay, Madras and Calcutta. That was the reason why there was no oral evidence given as people had to go to Madras or Bombay. Therefore I suggest that the Joint Committee may be pleased to call for evidence and take evidence, if necessary, by going to the former Travancore-Cochin State. This is a law which very vitally affects a section of the people there. For the last 1,500 years they have been getting on very well without any legislation whatsoever. As pointed out by the Law Commission, 50 per cent of the Christian population of India is Catholics and the Catholics have got very definite principles regarding marriage which are very strictly enforced. As

a result of that, family life in the Catholic community is well knit. As a result of that, they have been able to advance socially, economically and culturally. I would request the Joint Committee to go into the question how far the provisions of this Bill would be conducive to the benefit of the community.

I will just refer to one or two matters in the Bill. First with regard to the application of the law. It is mentioned in the Bill that this law is applicable to a marriage between Christians. There have been representations to the effect that the law may be made applicable to marriages between Christians and non-Christians if necessary. I do not understand why, if one of the parties happens to be a non-Christian, it cannot be brought under the purview of this Bill. I would urge that that point may be very seriously considered. At a time when we are progressing and we are encouraging inter-communal marriages, why should a provision be made that this law is applicable only to marriages between Christians? Let us encourage inter-communal marriages and provide for it in the Act. Therefore, I would request the Members of the Joint Committee to very seriously consider that question.

Then, there is the definition of Christians. A Christian is defined as a person who professes the Christian religion. I submit that that definition would mean one who professes the Christian religion at the time of marriage. Is it enough for a man to say that I am a Christian at the time of the marriage? I think the definition is inadequate. Various definitions have been suggested to the Law Commission. If we go through the 15th Report of the Law Commission, we will see that. Therefore, this definition is inadequate and vague. The Joint Committee may be pleased to go into the question and find a better and proper definition of a Christian.

Then comes the question of solemnisation of the marriage. I have already

said that the Law Commission has pointed out that more than 50 per cent of the Christian community belong to the Catholic community. The Catholic community has, as I have already said, strict rules regarding marriage. There are definite provisions in the canon law. In fact, marriage is a sacrament, a very important sacrament. According to the Catholics, it is a part of their tenets, it is a part of their religion, it is part of their belief that a marriage should be solemnised by a Catholic priest in a Catholic Church as per provisions of the canon law. This Bill allows a Catholic marriage to be solemnised by a Minister of a recognised Church. It has been pointed out by the Law Commission in its 15th Report, quoting the Supreme Court, that religion includes not only the tenets of the religion, but also the practices of religion. The Fundamental Rights provided in the Constitution allows any section of the people to practise, propagate and believe any religion they like. When marriage is a sacrament which forms a tenet of the religion, I would submit that this provision would be an inroad into the fundamental rights allowed by the Constitution. This matter also may be taken into consideration seriously by the Joint Committee at the stage of consideration.

A Minister is not defined in the Bill. It is said, Minister of a recognised Church. Who is a Minister? What are the qualifications for a Minister? That is not defined. What are the qualifications of a Minister who has to solemnise the marriage?

Shri Tyagi (Dehra Dun): How can a Minister do this job? Do you expect a Minister to solemnise a marriage?

Shri Kappen: I am sorry, Shri Tyagi probably has not gone through the Bill. It is provided in the Bill as Minister.

Shri A. K. Sen: There are Ministers in Churches. We are not the only Ministers.

Shri Kappen: I refer to the provisions of the Bill where the word 'Minister' is mentioned. I would request the Joint Committee to seriously consider the question of defining who is a Minister. According to me, the provision for declaration of a Church as recognised is defective. One or two Churches are mentioned there as recognised Churches. There is in Kerala, for example, a very important Church—our Deputy Minister Shri A. M. Thomas belongs to that Church—the Jacobite Church.

Shri Inder J. Malhotra (Jammu and Kashmir): Who is the Minister there?

Shri Kappen: That is because my hon. friends do not understand what is meant by Minister.

Shri A. K. Sen: They have seen only one type of Ministers.

Shri Kappen: They know one type of Ministers. The Bill knows several kinds. There are some recognised Churches. For example, the Roman Church is mentioned there. To get recognised they have to put in a petition before a committee. Clause 7 provides for it. Suppose that committee does not care to look into the petition. What is the remedy? There is no provision for an appeal.

Shrimati Renu Chakravarty: Minister of a recognised Church: they do not have to put in a petition.

Shri Kappen: Those who are recognised need not put in a petition. There are Churches which are not recognised. They have to put in a petition before a committee. Suppose the committee does not care to look into the petition. What is the remedy? I request that the Joint Committee may be pleased to make a provision for an appeal if the committee does not care to look into that petition.

Then, we come to the question of the conditions of a valid marriage. The Indian Christian Marriage Act of 1872 left this to the personal law of the

partes. According to me, this was very wise. Because, the conditions laid down in the Bill for a valid marriage would create some difficulties for certain sections of the Christian community. That point also may be considered by the Joint Committee at the stage of consideration of the Bill. For example, among the conditions for a valid marriage, persons standing in a certain relationship are not allowed to contract a marriage between themselves. According to the Catholic Church, there is provision for exemption in certain cases. That is a wise provision. The Pope has got the right to exempt. The relationship is recognised there. Certain relations cannot marry. But in exceptional cases—exceptional cases may arise also—the Pope is given the right to give exemption. That exemption is not provided here. For example, it may so happen that illegal intimacy may develop between two persons of very near relationship. Then, to say that such people cannot marry means that the child will be illegitimate. Therefore, I would submit that provision for exemption may be provided. And that power also may be given to the various churches concerned.

The marriageable age of a bride is fixed as fifteen, but in the next clause, it is provided that when the bride is under the age of eighteen, she has to get the consent of the guardian or has to go to the district court. We know, as a matter of fact, that there are children whose parents are not known, and who have no relations whatsoever, and this has already been spoken of in the course of the discussion on the previous Bill relating to adoptions. There are illegitimate children whose parents are not known, and who have nobody in this world. Where will they get a guardian? They will have to go to the district court, according to the provision here. Generally, they will be poor people. So, how can they go to the district court? Therefore, in such exceptional cases, I would urge that some provision may be made by the Joint Committee that without the consent of the guardian, they may be allowed to contract a marriage.

Then, there is a provision in the Canon Law for a man to marry without solemnisation in a church or going to the registrar of marriages, when he is at the point of death. Let me give an example, A man may have been living with a woman without a valid marriage, and at the point of death, he may want to legitimise his children; in the Canon Law, there is a provision that he can solemnise the marriage in the presence of two witnesses. A representation has been made to the Law Commission in this regard, but the Law Commission have brushed that aside saying that that would lead to so many difficulties and there would be spurious marriages, I do not think that that is a justification. I would request the Joint Committee to consider this matter also in the course of their deliberations, and make a provision for such exceptional cases.

Then, we come to the question of divorces. It has been repeatedly pointed out by the Law Commission that certain sections of the Christian community are averse to divorce. And I would certainly urge that divorce should not be encouraged. We have seen the result of encouraging divorce in America, where there are thousands of cases of divorce; because the husband happens to snore at night, the wife goes to the divorce court and gets divorce easily. That is not suited to the tradition of India. It is the tradition of Savitri which we are having. Therefore, I urge that the provision for divorce should be made very strict.

This measure has been described as a very progressive measure by the hon. Law Minister because the woman also can seek divorce on the ground that the man has committed adultery; that benefit has now been extended to the woman also. Formerly, the provision was that mere adultery by the man was not enough, but something more was needed such as cruelty or desertion and so on, before a woman could ask for divorce. As the hon. Minister has pointed out, that

discrimination also has now been removed.

I would suggest that divorce must be made much more strict and much more difficult to obtain, because if we enlarge the scope of divorce, then we shall have a number of illegitimate children who will have no parents to look after them. They may be legitimate, but they will be abandoned, the father or the mother gets divorce, and there will be nobody to look after them; neither the father nor the mother will then feel the responsibility to look after those children. So, that is a matter which has to be very seriously considered. Do we want such children as we have got in America or in England? Do we want such cheap divorce here? Do we want to disintegrate the family? The Indian family is a well-knit family. The obligation of the children to the parents should also be very seriously considered. Whereas in America, the parent is sent to the houses or homes for the old, here, the parents are looked after by the children; they love their parents, and they care for them, because the family is well-knit. So, there should be no question of easy divorce. Therefore, I would request the Joint Committee in the course of their deliberations to restrict the possibility of getting divorce, and to make the law very strict in this regard.

I have already mentioned one fact namely that among the recognised churches, the Jacobite and the Marthomite churches may also be included, because they form a large section of the Christian community.

I, therefore, request the Joint Committee to give serious thought to the points that I have raised.

Shri Priya Gupta (Katihar): The subject before us for discussion today is one where I would request hon. Members of the House to look to the actual perspective of the society in which we live or the social set-up of ours. Today, in India, there are

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Christians of different conventions practices and habits in different parts of India, as there are people belonging to other faiths.

Moreover, today, as the matter stands, we have got one thing to consider, namely the relationship between man and man, which cannot be in a vacuum, and which can be filled up with either full formality or full sincerity or a part of formality and a part of sincerity. This aspect of the relationship between man and man, between woman and woman and between man and woman is what governs the fundamental things which we are going to codify here.

The fact remains today that a mother has got to be satisfied by hearing from her friend that her son loves her, and only then she feels satisfied that her son loves her. Similarly the husband will not be satisfied until he hears from others that his wife is devoted to him and she loves him, and reciprocally, the wife also gets the same feeling, and the son also gets the same feeling of affection for his father and mother. This is the fundamental basis of relationship which should not be lost sight of while framing this enactment.

Apart from this, how has marriage come about in society? Let us think of the primitive days and consider the purposes for which marriage was required. This is not a matter for laughter. Marriage is not only a certain biological necessity, but there were some other aspects also which compelled society to adopt certain conventions in regard to marriage procedures and marriage rules. Our country has come to a particular status now, and it thinks that some social injustice may have been done to certain sections of society, and in the light of the experience gained, further enactments or amendments to the old laws are required, to remove those injustices.

I have seen Schedule I of the Bill, the list of prohibited relationship. There are many items mentioned there. In some societies even the maternal uncle has got *rajotak sambandh* with the sister's daughter. So the prohibition should be according to the social needs and conventions of the society. In most of the cases, these prohibitions may or may not be taken into account for that purpose. The whole matter will go to the Joint Committee and while dealing with the list of prohibited relationship the Committee will kindly take stock of the actual conventions prevailing in all parts of India.

Then the question was raised, very correctly, as to what provision should be made to cover marriage between a Christian and non-Christian. This should also be considered. Moreover, if this is a question of framing the law in respect of Christians in general, there should be separate codification for the three or four schools (including National Church) of Christians, Roman Catholics, Protestants and others.

Dr. M. S. Aney (Nagpur): May I know whether the prohibition list will not be applicable to all Christians?

Shri Priya Gupta: It is applicable. I have submitted that it should be according to the conventions. Some are to be added or some are to be eliminated. It is a two-way traffic, elimination or addition. These are my submissions.

I believe in one thing, that the relation between man and woman or between man and man or between woman and woman cannot only be governed by a codification of principles by law under the penalty of punishment for violation of the provisions thereof. Fundamentally, the matter of marriage Rules must be approached with this object in view that the conventions and feelings that are there may not be disturbed to

the extent of extending injustice to particular sections.

My submission is this. The law is there quite all right. But our Government should try to collect opinions all over the country bring civic sense, social conception upto level and then preach the required principles to be followed in the society, in addition to making laws. The time given to the Joint Committee to report on the Bill is upto the 30th October or so. But I would again urge upon the Members of the Committee to visit the different sections of this community including all its sub-sections, Catholics, Puritains and others and take their personal opinions (*Interruptions*) There are many things which have got to be known, in spite of our being satisfied otherwise. It is a social conception which is involved and we have to ascertain people's opinions.

I have not got much more to say. I only say that the perspective with which the law is going to be amended must be given due consideration, keeping in view the multifarious and heterogenous character of our society and the conventions and practices prevailing in such a vast sub-continent like India, so that nothing goes out to do injustice to any section of the people.

Dr. Colaco (Nominated—Goa, Daman and Diu): I did not want to make a speech as such. I only wanted to request you to see that some members of the Roman Catholic faith are included in the Joint Committee. But I now understand from my hon. friend that there are two Roman Catholics on the Committee. Thank you very much.

Shrimati Renu Chakravarty: I thank you for permitting me to participate in the discussion on this Bill at this stage. I would like to welcome this Bill because I hope that this will also be the precursor of the Muslim and Paree Marriage Bills which also should be reconsidered and brought up-to-date.

When we had struggled and fought for the Hindu Code Bill and the codification of our civil law, we had faced the same difficulties and the same arguments as are being brought forward today in connection with this Bill. Now, our aim is to codify the civil law. That is what we of the women's organisations and also all progressive opinion in the country had always wanted, that by and by we should try to get a codification of civil law for all the citizens of India, pertaining to matters such as marriage and matrimonial causes, inheritance, adoption and maintenance. We recognise that it is a difficult thing, but it should be attempted. Actually, when we accepted the codification of Hindu law as a first step towards that end—and it was a very big step—we came up against orthodoxy, the deadweight of custom and customary law. Religious fanaticism was put forward as tenets of religion, but modern rational thought prevailed, though there are still shortcomings in the two or three Bills which we have passed as parts of the Hindu code.

Now actually the codification of Christian law, coming after the Special Marriage Act and Hindu Marriage and Divorce Act, gives us an opportunity to examine the actual working of those Acts—the good and the bad features—and we should now incorporate all that has been found to be good and reject all the weaknesses of the earlier Acts, so that the laws which we are making later should be better than the laws which we have passed earlier.

First, let me take the question of divorce, because that is the most controversial aspect. When we passed the Hindu Marriage and Divorce Bill, we incorporated for the first time in the history of Hindu law in our statute, the provision regarding divorce. It was a completely new concept because in Hindu law also the question was always posed that

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marriage is a sacrament, exactly the same thing as my hon. christian friend on the other side first spoke. Hindu orthodox opinion said, 'our marriage is a religious sacrament and as such we do not accept divorce and we will not allow any dissolution of marriage.' I have also been educated in Roman Catholic schools and I know that Roman Catholics also put forward this same argument, saying that marriage is sacrament.

Shri Maniyangadan: All Roman Catholics put forward that argument. There is no exception.

Shrimati Renu Chakravartty: I am sorry. Did I say there was an exception? It must be a slip of the tongue. I know that all Roman Catholics say that. I did not say there was any exception. All Roman Catholics say that it is a sacrament.

The Indian Christian Act—this is the interesting part—and the English law, to which the hon. Minister alluded, also include Roman Catholics within the definition of 'Christian', and it has always applied also to Catholics. But the point which we want this House and the Joint Committee to consider is that this is an enabling legislation. It is a permissive clause. It does not mean that because Catholics have always fallen within the jurisdiction of this law which has always given the right of divorce, all Roman Catholics should go in for divorce.

We do not want divorce to be applicable to all Hindu families, for instance. Which mad man or woman is there in the whole of India who will recommend divorce and want that everybody should divorce? We want that divorce should be as small as possible, but I do not agree with my hon. friend on the other side who said that if we make it very strict, we shall have a well-knit and a moral society.

16 hrs.

[SHRI MULCHAND DUBE in the Chair]

What has happened in England, let us see that. In England there is only one ground on which you can divorce and that is adultery. That adultery clause is the dirtiest and the vilest clause in the Act, and it is used in the dirtiest ways. As a matter of fact, even though there is only one ground on which you can get divorce, there are so many divorces taking place. We have passed the Hindu Marriage Act some five, six years back. Can we claim that we have a much lower standard of morality than they have in England? It is the society, the social opinion, the situation that prevails in that country, the moral opinion that is there, the economic and the family unit and their attitudes that help in keeping the morals of family life. Therefore, there is no question that divorce should be easy. At the same time, we cannot say that just by having adultery as the one ground for divorce, we shall have a higher standard of morals. That is why you will find here a very good clause, that is the one on the question of the reconciliation court. The court is being asked to make attempts for reconciliation prior to finally going into the entire discussion of dissolution. I think it is a very good clause, which the Select Committee should consider and see how it can be made more effective. That is a point which I would recommend to the Select Committee and this House.

Actually, the Roman Catholic also have divorce in certain cases by Papal dispensation. They have always had it, just as there are certain exceptional conditions laid down by Manu in which a Hindu can also get a dissolution of marriage. Therefore, both the Catholics and the Hindus always regard marriage as a sacrament, and yet both of them, under certain exceptional conditions, are allowed to dissolve marriage. So, the question is not of an indissoluble tie. It is a tie which should not be

lightly treated or lightly torn asunder. Every one agrees on this point.

Now, let us come to the conditions of divorce. We should review the conditions under which dissolution, voidability and nullity as well as separation are permitted. I think we have tried to follow the Hindu Marriage Act in regard to void marriages, i.e., there are only two conditions, bigamy and prohibited degrees of relationship, on which marriages are voidable. I feel the grounds of divorce should on the whole be kept on a par with the law relating to other religious groups. It is not such an impossible thing either, although my Christian friends on the other side, though they said that we should tighten the grounds, did not mention the conditions in which divorce should be permitted. Actually, I am against having adultery as the only ground for divorce as it was in the Indian Christian Act earlier.

Before coming to that, I will take up another condition on which a marriage can be dissolved, and that is the question of the prohibited degrees of relationship. This is being laid down in the Schedule more or less on the basis of the Hindu Marriage Act and I think also the Special Marriage Act. In any case, my idea is that we should try to bring them as close together as possible. As a matter of fact, we have made one general provision in the Hindu Marriage Act that where custom prevails, we should permit marriage within the degrees which would fall within the prohibited degrees of relationship. For example, in South India, marriages between nieces and uncles are permitted. That would be covered by this proviso. I want to say something to this House which may not be acceptable to some people, but I think it is time we should do it ultimately. I am not at this moment proposing that we should bar marriages between the degrees of relationship customary law allows, but I think it is time that in modern India, public opinion should start thinking on

healthy lines regarding this. Marriage between close relations with blood kinship should be avoided as science and biology tell us that they are harmful, and I think that public opinion should be educated in this matter. Even the economic needs of a joint family of keeping the family property with the family etc., are things of the past in many families. So, while I agree that at the moment the law may not prohibit marriage within the degrees of relationship permitted by custom, but public opinion should be roused against it. Although the Law Commission has said that if customs permit, it, the law should not prevent, it they say that they appreciate the sense behind it. That is the idea which I want the leaders of public opinion as they are in this House to take up, because when we go to the Muslim law next, the same thing will be before them. Very close relations are permitted to marry within the Muslim law, and if we permit it in Hindu law, we have to permit it in the Christian law and in the Muslim law. When we go towards a modern law, we should try to rouse public opinion that this should stop, and in future I hope we will be able to bring the prohibited degrees of relationship in keeping with the modern scientific and biological thought.

I welcome the elimination of the difference between man and woman regarding the ground of divorce, namely adultery. I do not want to go into this, this is a very obvious thing that if a man should have the right of divorcing the woman for committing adultery, the woman should have a similar right. Adultery by itself is an ugly enough thing to permit a person to divorce. Actually in the Hindu Marriage Act, because of the same attitude of certain orthodox opinion, we had to change this clause from what it is in the Special Marriage Act, and we have said that only if a man is living in adultery, it can be a ground of divorce. But in the Special Marriage Act, as in the Christian Act, one single act of adultery is enough as a ground for divorce.

[Shrimati Renu Chakravartty]

I personally think that we should have this condition of a single act of adultery as a ground of divorce, but I want this House and the Select Committee to go into the question of the co-respondent. This is one of the ugliest things in the English Law, and unfortunately I felt as I read the Law Commission Report that they are unnecessarily enamoured of the English Law. They go on quoting the Royal Commission and the English Law every time. But I think in some respects our Special Marriage Act is much more advanced than the English Law. In the English Law you have to quote a co-respondent. What happens? It is a vile and ugly thing to try to get people, to try to get evidence, to try to get hotel bills which are completely fictitious, to insist in washing dirty linen in public, naming names which are not very healthy etc. In the Hindu Marriage Act we have not said it is necessary, and I think it should not be necessary even in the Christian law. I think the Christian community is much more advanced socially in many respects, and I think this clause should be on a par with the Hindu Marriage Act and the Special Marriage Act.

Coming to damage for adultery, this also is a peculiar hangover from the English law. In the English Law you need not even sue for divorce, but you can sue for damage. Fortunately, our Law Commission has seen the ridiculousness of this and they have said that you can have damage, because it has been accepted by the Christian law all along, but you can claim damage only if and when you apply for divorce. So, that has been incorporated. We have not incorporated that in the Hindu Marriage Act; we have not incorporated that in the Special Marriage Act. I think Christian society also would not want this to be added. As far as possible, these things should be codified and kept on the same level.

I do not want to go into details. Leprosy has also been made one of

the causes for divorce. I hope, in the Select Committee, we can see what the conditions of divorce should be, like leprosy, desertion, question of cruelty and all those things. They should be brought on a par and should apply equally to the Hindu Marriage Act, the Special Marriage Act and the Christian Marriage Act, because these are, after all, stringent conditions and yet are logically reasonable condition of dissolution of marriage. These things should apply to everybody, Hindus and Christians etc.

Regarding the judicial separation clause. It is a very good clause which has been incorporated in the Christian Act, that, if after judicial separation has been granted cohabitation does not take place for two years, automatically the marriage is dissolved. We do not have again to petition for divorce. The original decree itself is accepted. I think it is a good clause and we should try to incorporate it in the Hindu Marriage Act and the Special Marriage Act also.

Now, I will say something which may not be acceptable to many hon Members; but it is a point which I want to make. That is regarding the question of divorce by mutual consent. You know that our Special Marriage Act has been the one Act in which we have been able to incorporate this. At that time there was a terrific uproar that if we incorporate this then our family life would be completely destroyed. Some of us argued at that time that it is not so easy as it looks. All these divorces are contested by one party or the other. Personally, I know that in many cases that have occurred how difficult it is to get mutual consent. But in the very few cases where we have been able to get consent, our experience has been that the marriages have been dissolved in a clean manner, with the least rancour and

with the greatest chances of re-building one's life without bitterness.

This is a point which I would like the House to consider. What has been the level of depravity to which our society has fallen because of the mutual consent clause in the Special Marriage Act? Nothing at all. I would say that it is much better to have this clause of mutual consent added to the Christian law because this is a much more clean way than having to produce co-respondents and hotel bills and proving adultery. Although I know that there are people who will react immediately to this and say that it will throw open the flood gates of depravity and licence, I personally feel that actual life has proved just the opposite.

I am very glad that the legitimacy of children of void marriages has been granted in this Bill. It is a very good clause. We have always supported it. We do not want that sins of the parents, the mistakes of the parents should be visited upon the children. The children should not be made to suffer in any way.

Regarding the guardianship of minor children I find something to comment upon. I had always regarded Christian society as much more advanced than our society. I have fought, I still fight and would continue to fight that the guardian of the minor child should be the mother unless the court finds that she is immoral or incapable of looking after the child. In so many cases it has happened that one has to continue living in conditions of hell because if the mother goes to court she may not get the guardianship of the child. I know of a case where the father was rich and the mother was only a school teacher and the judge opined that the mother was incapable of bringing up the child to the status of the father and the child was given over to the father who was really quite a depraved man. Therefore, this question of guardianship of the minor child should be clarified.

Dr. M. S. Aney: But if the mother be not earning how will she be able to bring up the child?

Shrimati Renu Chakravartty: Normally, in our society she will never go for a divorce if she cannot bring up the child. If she goes to court for divorce she must have some source of income.

My hon. friend on the other side has raised the point why should it apply to Christians only and that has been replied to by the Law Commission. The Law Commission says there will be one difficulty if marriages between Christians and non-Christians are permitted under this law. That difficulty is that the Hindu will be governed in matters of inheritance by the Hindu law, or if he belongs to the Brahma Samaj, by the Indian Succession Act. In the case of Christians also, I think, they will be governed by the Indian Succession Act.

The second thing is that in our Special Marriage Act, registration is for the purpose of getting a marriage solemnised between persons of two castes, religions etc. After that you can always have any form of sacramental marriage that you choose to have. Therefore, I do not think that it is at all necessary that it should apply marriages between Christians and non-Christians.

There is another very big point which has been gone into by the Law Commission regarding those to whom it will apply. I am in consonance with the Law Commission when they say that it should apply to all whether they are Indians or non-Indians or Europeans, if the marriage is performed in India and that it should apply to all who are living in India. If the marriage is performed here they must conform to this particular Act. Even to the marriages of those who are domiciled in India or who intend to live in India, even those marriages of domiciled Indians abroad this law shall apply. I think that is the right

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thing and I support that particular point.

Regarding the question of the recognition of the Church, There are certain important points on which I agree with my hon. friend opposite. There are churches like the Established Church of Rome, the Church of Scotland, the Church of Ceylon, Burma and India. These are recognised straightway. We do not have to petition for recognition on that point. But, I believe there are a large number of churches which are there and which are coming up which will require recognition. And, they will have to petition. It is correct that there should be an appeal regarding recognition of churches. That is a point which we should consider, and consider seriously. Supposing the committee does not recognise a particular church, then, it should have a right to appeal.

I also agree on the question of the definition of a 'Minister'. I am not a Christian and I do not know about the churches of all denominations. But I would imagine that all ministers of churches are ordained according to certain rules of those particular churches. If they are ordained ministers there is nothing to prevent them to solemnise a marriage. If it is otherwise, then, we have to look into it. I also agree that we should not try to limit it only to persons who are licensed. If we can have our purohits, why not the Christian church have those ministers who are ordained by their churches? Why should they have to go first for recognition and then for licence? I think it is a hardship. That should be looked into. These ordained according to the canons of recognised churches must be permitted to solemnise the marriages. Further, taking licences will lead to undesirable influences also.

The last point I want to make is this. I think all our people, whether they are Christians, Muslims or Hindus boast of having well-knit

families. We all know that the Indian Christians are a separate type of entity, separate from the Christians in England although they profess the same religion. You can see that. Therefore, it is our social and economic background that really counts. It is a wrong way of looking at things and to say that because the Catholic family is not permitted to have the right of divorce, so it is well-knit and so it is socially, economically and culturally advanced. I think the hon. Member on the other side did not mean that. I think he meant that in Kerala the Christians, and especially the Catholics, are an affluent, rich and powerful society. But, if you go to Bengal you will find that they are the poorest of the poor and they are not very well-knit, in that sense. I think we have to look upon this provision from the national point of view, of what will be good for everybody. I am sure that we should try and see that this applies to the whole of India, and not exclude Travancore-Cochin. I have tried to get hold of any Bill that was there or any Act applicable there. But I think it is customary law: I do not think it is codified into any law and therefore it was not possible for us to see it. If there is anything good in the Travancore Act, we should certainly look into it and we hope that our friends who will be in the Joint Committee will advise us about them and incorporate them here for the benefit of all, not only for the Christians. We should incorporate them for the Hindu and Muslim sections also if they are good. Therefore, we should not say that this should not apply to Travancore-Cochin. It is one of the most advanced States of India. We should try to have one law for all the Christians in India and see how far we will be able to advance, step by step, towards one codified civil law. That is all I have to say.

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): Sir, I am grateful to my

learned friend Shrimati Renu Chakravarty for having clarified most of the points. She has stated that most of the objections that have been raised in this House have already been answered by the Law Commission themselves.

They have discussed the extension of the provisions of the Bill to the old Travancore-Cochin State fully and have stated that though the Syrian Christians are governed by customary marriage, they have tried to analyse the system of marriage that operates among that community and compared it with the system of marriage among the Roman Catholics and found that substantially there is no difference. Therefore, they have recommended that there is no reason why it should not be extended to that area. Incidentally, I may say that the Christian Marriage Act was not so long applicable to Manipur also and they have suggested that this should be extended to Manipur also. It is also a curious thing that while this is not applicable to the areas comprised in the old State of Travancore-Cochin, the Divorce Act is applicable to the area. That also creates anomalies, since it is now intended that the law should be codified, marriage and divorce should be put together. There should not be two Acts as has been the position till now and I do not find any reason as to why it should not be done.

I completely agree with Shrimati Chakravarty that the provisions in regard to marriage and divorce should be the same for all Communities as far as practicable as the society progresses. We have laid down in the Constitution also that there should be a uniform civil code. The Law Commission have also gone into the provisions of the Special Marriage Act and the Hindu Marriages Act and have tried to take some provisions from them. That has happened in the case of divorce. All the provisions that we find in the Special Marriage

Act have now been incorporated in the Christian Marriage Act. In this case also, formerly, only one ground was available for divorce; that was adultery. Now, all the other grounds have also been added.

Objection has been raised about divorce provisions. It is, they say, opposed to Christian faith and conception of society. The same objection was raised when the Hindu Marriage Act and the Special Marriage Act was passed. That is a thing of the distant past. Now, it has been accepted and it is going into the statute book, whatever be our personal laws. It is not working to any serious disadvantage to the community though it was completely new to the Hindus. It is not new to the Christian law; it has been in operation for the last 90 years and there is no reason why it should not find a place in the present Bill. Again, it does not compel anyone to go to the divorce courts. One can apply for judicial separation. If you are a man who believe in your religion and other things, you need not go to the court for divorce. If you have not gone so far, you may well afford not to go. But those who want to go to the law courts or divorce should not be debarred from doing so.

Many things have been stated about definitions of ministers, etc. The Law Commission has dealt with them at length. There are some chapters recognised in the old Act and they have taken them as the basis and they have taken the new provisions also. There will be a committee which will look into their recognition. Minister of course cannot be defined under this Bill; they are governed by the code of conduct of their own Church, their own rules, etc. It is not only futile but also, I think, not permissible. They are appointed by the Church, governed by their rules. The point about ministers being registered and licensed by the State has been mentioned. It is apprehended that it may be taken as an inroad into the Constitution.

[Shri Bibudhendra Mishra]

This has been sufficiently discussed in the Law Commission report. They have recommended that the form of sacramental marriages which are three under the present Act should be reduced to two: one for those who belong to recognised Churches, and the other, to the rest. Apart from that they have removed the distinction between Indian Christian and Christian, as they do not find any justification for this. They have allowed the civil marriage to remain. Instead of five forms, therefore, that exist under the present Act, they have recommended four forms.

The other things have already been replied to by Shrimati Renu Chakravarty and I need not add much at this stage. It will be considered at length by the Select Committee. There was an amendment for circulating the Bill for eliciting public opinion but of course it has not been allowed. Two reports of the Law Commission, 15th and 22nd reports, have been gone into. The Law Commission sent a questionnaire to the bar councils, High Courts and the Supreme Court as also to the Christian associations and their representations were considered. Two draft Bills were also there before the Law Commission. After all these things, a draft Bill was sent to the Government. Government thought that it would be better if the draft Bill was sent for eliciting public opinion and so it was sent again and now it is again going to the Joint Committee. All that was thought to be desirable have been incorporated and I do not think, if it is an important and serious matter as has been said, any time should be wasted again on eliciting public opinion.

Shri Kappen: May I know whether the Minister is able to provide any appeal from the decision of the committee?

Shri Bibudhendra Mishra: It is a matter for the Joint Committee; not for me.

Mr. Chairman: First, I shall put the amendment to the vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th October, 1962."

The motion was adopted.

Mr. Chairman: Now, I shall put the motion to the vote. The question is:

"That the Bill to amend and codify the law relating to marriage and matrimonial causes among Christians be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—Shri Mulchand Dube, Shri Asoke K. Sen, Shri Bibudhendra Mishra, Shrimati Yashoda Reddy, Shri Liladhar Kotoki, Shri Sudhansu Bhushan Das, Shri Maheshwar Nayak, Pandit Dwarka Nath Tiwari, Shri Ram Dhani Das, Shrimati Kamla Chaudhuri, Shri Baij Nath Kureel, Shri Harish Chandra Mathur, Shri Daljit Singh, Shri P. R. Patel, Shri T. H. Sonavane, Shri V. B. Gandhi, Shri Joachim Alva, Shri P. Govinda Menon, Shri Mathew Maniyangadan, Shri A. M. Thomas, Shri A. Nesamony, Shri T. Abdul Wahid, Shrimati Renu Chakravarty, Shri M. Kumaran, Shri U. M. Trivedi, Shri Rajendranath Barua, Shri Yashpal Singh, Shri A. E. T. Barrow, Shri G. G. Swell and Shri Sivamurthi Swamy and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House, relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appoint-

ed by Rajya Sabha to the Joint Committee."

The motion was adopted.

Mr. Chairman: There is no other business now. The House stands adjourned till 11 a.m. tomorrow.

16.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 9 1962/Sravana 18, 1884 (Saka).

[Wednesday, August 8, 1962/Sravana 17, 1884 (Saka)]

ORAL ANSWERS TO QUESTIONS		COLUMNS	WRITTEN ANSWERS TO QUESTIONS—contd.		COLUMNS	
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93	Expansion of Rourkela	551—54	121.	Fertilizer factory in Madhya Pradesh	603-04	
94	Oil in Eastern Bihar and West Bengal	554—56	122	Children visit to Soviet Union	604	
95	Drinking as a disqualification in Public services	556—561	123	Steel Plant in Madras	604—05	
96	Rural Institute in Kerala	661-62	124	Surplus civilian goods	605	
97	Bokaro Steel Plant	663—67	125	Foreign exchange for students	605—06	
98	Sangeet Natak Akademi	667—70	126	Special Alloy Steel Plant in Kanpur	606	
99	Manufacture of AVRO-748	670-72	127	Manufacture of small car	607	
100	Rates of royalty	672—75	128	Industrial management pool	608	
101	Special type of steel	675—77	129	Andamans Police firing	608	
102	M.I.G. deal	677 -86	130	All India Secondary Education Board	708—10	
SUPPLEMENTARIES ON SHORT NOTIC QUESTION No. 1 REGARDING CONTAMINATED FLOUR FROM U.S.A.			586—91	131	Violation of foreign exchange	610-11
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103	Low Cost car in H.A.L.	591-592	134	Changes in steel plants	612-13	
104	Admission to Delhi University	252	135	Cut in premium rates of General Insurance	613	
105	Rise in prices	593—95	136	Compulsory deposit by banks in Pakistan	513-14	
106	Training of Educational Planners	595	137	Amalgamation of collieries	614-15	
107	Admission to Higher Secondary Classes	595-96	138	Whitley Councils	615	
108	Children's education	596-97	139	Foreign exchange facilities to foreign nationals	515-16	
109	Drama competitions	597	140	Census	616	
110	Advocates Act	598	141	Loan for pipelines	616-17	
111	Taxes on tea	598	142	Administrative set up of Union Territories	617	
112	Polish aid for coal development	599	143	Iron and Steel Board	617	
113	Credit from International Monetary Fund	599—600	U.S.Q. No.			
114	Delhi-Calcutta oil pipeline	600	215	Production of iron ore	617-18	
115	Renaming of Durgapur after Dr. Roy	600	216	Sindri Fertilizer Factory	618-19	
116	Singareni collieries	601	217	Aeromagnetic Survey in Rajasthan	619-20	
117	Artificial rain	601-02	218	Seizure of smuggled gold	620-21	
118	Prices of coal	602	219	Hostels for Scheduled Tribe students	621-22	
119	Steel factory in Andhra	602-03	220	Tribal students	622	

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222	Gale in Khowai	623
223	Land for Tribals in Tri- pura	623—24
224	School atlas	624
225	Tribal Welfare Depart- ment of Tripura	624
226	Marine Engine Factory in Madras	625
227	Hill tribes in Andhra Pradesh	625
228	Tribals of Belonia	625—26
229	Coal in Orissa	626—27
230	Pensioners	627
231	Urdu Malayalam Dicti- onary	627
232	Investments on oil ex- ploitation	627
233	Merit scholarships in Ra- jasthan	628
235	Extraction of Kuth oil	628—29
236	Cement factory in Kan- gra	629—30
237	Fertilizer Corporation of India	630
238	Trip to Valleys by Mem- bers of Indian Air Force	630—31
239	Chandradhari Museum	631—32
240	Smuggling of Ganja	632
241	Milk-powder from UNICEF	632—33
242	I.A.F. plane crash	633
243	Searches under Income Tax Act	633—34
244	National Metallurgical Laboratory	634
245	Tagore Theatre in Kan- pur	634—35
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248	Yarakala and Eradi Com- munities in Andhra Pradesh	636
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250	Geological Survey of Gurdaspur	637
251	Steel Plant at Mohinder- garh	637
252	Mnufacture of field tele- phone cabs	638

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254	Shifting of National Aca- demy of Administra- tion	639
255	Higher Secondary stu- dents	639
256	Gauhati-Barauni pipe line	639—40
257	Mid-day meals scheme in Kerala	640
258	Loan from Denmark	640
259	Excise duty on plywood	640—41
260	Palam Airport	641
261	Delegations sent abroad	641—42
262	Indian Oil Co.	641—42
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273	Repayment of foreign loans	648—49
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276	Contract for Civil En- gineering Works in Rourkela	651
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287	Educational tours	656
288	Assistance to publishers of Punjab	656
289	Post-Matric Scholarships	656-57
290	Welfare of Scheduled Castes and Scheduled Tribes in Punjab	657
291	Services of retired professors	657-58
292	Gujrat Oil Refinery	658
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294	High pressure Boiler plant at Tiruchirapalli	658-59
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298	Legal aid for Scheduled Castes	661-62
299	Wind power	662-63
300	Central Prohibition Committee	663-64
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302	Tuition fee	664
303	Primary education and education of girls	665
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305	Anomaly in Hindu Marriage Act	665-66
306	I.A.S. probationers	666
307	Educational concessions to children of serving personnel	666-67
308	Defence Ministry's delegation to Nigeria	667
309	I.A.S. etc. examinations	667-68
310	Excise duty on processing of woollen fabric	668
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313	Conversion of residential areas into commercial areas	669-70

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318	Crude Oil to Gauhati Refinery	673
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322	Indian Army personnel in Katanga	675
323	Minorities in States	675-76
324	Promotion of 'Dogri' language	676
325	Tribal people in Bihar	676-77
326	Staff requirements of Iron and Steel Controller	677
327	Hostel in Delhi for backward class students	677-78
328	International Summer Village Camp, Japan	678
330	Shortage of coal in Punjab	679
331	University Education Committee	679-80
332	Copper mines in Rajasthan	680-81
333	Technical personnel for mining industry	681-82
334	Singareni collieries	682
335	Subsidy to Singareni collieries	682-83
336	National Scholarship Scheme	683
337	Armysmen for Congo	683-84
338	Police firings and Lathi charges	684-85
339	Yoga exercises	685-86
340	Holiday on Janam Ashtmi	686-87
341	School atlas	687
342	Correspondence courses	687
344	Exploration of oil and gas in Cambay	687-88
345	Advisory Committee for Andamans	688-89

PAPERS LAID ON THE TABLE	COLUMNS	PAPERS LAID ON THE TABLE—contd.	COLUMNS
(1) A copy each of the following Notifications under sub-section (2) of section 2C of the Insurance Act, 1938 :—	689-91	8th June, 1962, under sub-section (2) of section 11 of the Salaries and Allowances of Ministers Act, 1952	
(i) S.O. No. 1656 dated the 2nd June, 1962		(6) A copy of Notification No. F. 3(31) 58-Fin. (E) published in Delhi Gazette dated the 13th July, 1961, containing the Delhi Sales Tax (Amendment) Rules, 1961, under sub-section (4) of section 26 of the Bengal Finance (Sales Tax) Act, 1941 as extended to Delhi	
(ii) S.O. No. 1657 dated the 2nd June, 1962			
(2) A copy of the Coal Mines (Conservation and Safety) (Fourth Amendment) Rules, 1962, published in Notification No. G.S.R. 846 dated the 23rd June, 1962, under sub-section (4) of section 17 of the Coal Mines (Conservation and Safety) Act, 1952			
(3) A copy each of the following Orders under sub-section (5) of section 4 of the Inter-State Corporations Act, 1957 :			
(i) The Khadi and Village Industries Board (Bombay, Poona and East Khandesh) (Reconstitution) Order, 1961 published in Notification No. G.S.R. 1467 dated the 16th December, 1961 together with an amendment thereto published in Notification No. G.S.R. 1544 dated the 30th December, 1961		MESSAGE FROM RAJYA SABHA 691-92	
(ii) The Madhya Pradesh Dental Council (Reconstitution) Order, 1962, published in Notification No. S.O. 1952 dated the 26th May, 1962.		Secretary reported a message from Rajya Sabha that Rajya Sabha had passed a motion referring the Limitation Bill, 1962, to a Joint Committee of the Houses consisting of 30 Members, 10 from Rajya Sabha and 20 from Lok Sabha and had recommended to Lok Sabha to join in the said Joint Committee	
(4) A copy of Notification No. 19 108 61-Delhi published in Delhi Gazette dated the 3rd January, 1962, containing the Delhi Municipal Corporation (Election of Councillors) Rules, 1962, under sub-section (2) of section 479 of the Delhi Municipal Corporation Act, 1957		ARREST OF MEMBERS 692-93	
(5) A copy of the Ministers' (Allowances, Medical Treatment and other Privileges) Amendment Rules, 1962 published in Notification No. G.S.R. 775 dated the		The Speaker informed Lok Sabha that he had received a telegram dated the 6th August 1962, from the Superintendent of Police, Bhopal, intimating that Sarashri H. C. Kachwai, Bade and F. Daji, Members, Lok Sabha, were arrested under Section 188 of the Indian Penal Code, on the 6th August, 1962, for defying ban inside regulated area of Madhya Pradesh Vidhan Sabha at Bhopal.	
		REPORT OF COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS PRESENTED 693-94	
		The Fourth Report was presented.	
		STATEMENT BY MINISTER 694	
		The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha) announced that a Short Duration Discussion on breakdown of Power supply in Delhi will take place on Thursday, the 9th August, 1962 at 3 P.M.	

	COLUMNS		COLUMNS
EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE	695-96	BILLS PASSED— <i>contd.</i>	
The time appointed for the presentation of the Report of the Select Committee on the Bill to consolidate and amend the law relating to customs, was extended upto the last day of the first week of the next session.		into consideration. The motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.	
BILL INTRODUCED	696-97	BILL REFERRED TO JOINT COMMITTEE	764-800
The Land Acquisition (Amendment) Bill, 1962.		The Minister of Law (Shri A.K. Sen) moved that the Christian Marriage and Matrimonial Causes Bill, be referred to a Joint Committee.	
STATEMENT RE: ORDINANCE—LAID ON THE TABLE		An amendment for circulation of the Bill for the purpose of eliciting opinion thereon was moved by Shri Maniyangadan.	
Statement explaining the circumstances which necessitated immediate legislation by the Land Acquisition (Amendment) Ordinance, 1962, was laid on the Table.	697	The amendment was negatived and the motion to refer the Bill to a Joint Committee was adopted.	
BILLS PASSED	697-764	AGENDA FOR THURSDAY, AUGUST 9, 1962/SRAVANA 18, 1884(SAKA)	
(i) Further discussion on the motion to pass the Extradition Bill concluded and the Bill was passed.		Discussion on (i) the motion to refer the Specific Relief Bill to a Joint Committee and (ii) the motion to refer the Administrators-General Bill to a Select Committee ; Statement on manufacture of small car ; and discussion on the breakdown of power supply in Delhi.	
(ii) The Minister of Law (Shri A.K. Sen) moved that the Hindu Adoption and Maintenance (Amendment) Bill be taken			