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Thursday, August 29, 1963

Bhadra 7, 1885 (Saka)

# LOK SABHA DEBATES

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*[August 27 to September 9, 1963/Bhadra 5 to 18, 1885 (Saka)]*



**FIFTH SESSION, 1963/1885 (Saka)**

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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 the Member.

LOK SABHA

Thursday, August 29, 1963/Bhadra 7,  
1885 (Saka).

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Farakka Bridge

+

- \*360. { Shri Yashpal Singh:  
Shri Rameshwar Tanti:  
Shri Bishanchander Seth:  
Shrimati Renuka Barkataki:  
Shri Basumatari:  
Shrimati Renu Chakravartty:

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

(a) whether Government have fin-  
cely considered the manner in which  
the construction of the Farakka Bridge  
will be expedited; and

(b) if so, the alternative proposals  
devised to keep the pace of the con-  
struction with the present emergency?

The Minister of Irrigation and  
Power (Dr. K. L. Rao): (a) and (b).  
A two lane broad gauge railway  
bridge is provided in the designs of  
the barrage. Measures for expedit-  
ing the construction of bridge will  
depend on the progress of construc-  
tion of barrage.

श्री यशपाल सिंह: क्या मैं जान सकता  
हूँ कि प्रोपोरशनेटली इसका कितना हिस्सा  
तैयार हो चुका है और कितना बाकी है और  
इसमें कितने दिन और लगेंगे ?

994(Ai) LSD—1.

Dr. K. L. Rao: The barrage is under  
construction. The preliminaries have  
been completed and the actual con-  
struction will start in another two  
months.

श्री यशपाल सिंह: क्या इमरजेंसी को  
देखते हुए कुछ फारिन एक्सपर्ट्स को बुलाया  
गया है ताकि यह मॅटर एक्सपीडिट किया जा  
सके ?

Dr. K. L. Rao: There is no necessity  
for calling any foreign experts for  
this work.

Shri Basumatari: May I know the  
financial liability involved in the con-  
struction of this barrage?

Dr. K. L. Rao: The construction of  
this barrage will cost Rs. 36.76 crores.

Shri S. M. Banerjee: We were told  
that the construction of this project  
was confronted with certain difficul-  
ties. May I know whether those  
difficulties have been resolved and, if  
so, whether the barrage is likely to  
be completed within the scheduled  
time?

Dr. K. L. Rao: The construction  
work of this barrage is indeed a  
major work beset with a lot of diffi-  
culties. We are going to undertake  
construction on a major river, in fact,  
the biggest river of our country.  
Nevertheless, all these difficulties have  
been gone into and the programme of  
construction has been drawn up. We  
hope that the barrage will be ready  
in the last year of the Fourth Plan.

श्री ब्रज बिहारी मेहरोत्रा: क्या इस  
बराज के साथ में कैनाल भी बनायी जाएगी,  
और क्या उसके लिए जमीन एक्वायर कर ली  
गयी है ?

**Dr. K. L. Rao:** There is a feeder canal to regulate the water from this and feed the Bhagirathi river for flooding Hooghly, which is the object of this project. This canal work will be taken up in 1964 and completed in time.

**Shri S. C. Samanta:** Is it not a fact that the bridge which is mentioned in the question is the road bridge? May I know whether there is co-ordination with the railways so that both the road and rail bridge can run together?

**Dr. K. L. Rao:** The question raised here is about the road-cum-rail bridge. Both bridges are provided over the barrage and they will be completed simultaneously, or, if the programme of construction permits, one will be completed a year ahead.

#### Power in Delhi

+  
\*361 { Shri Yashpal Singh:  
Shri D. C. Sharma:

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

(a) whether the supply of power in Delhi is more than the demand;

(b) if so, whether applications for new connections or for more power are pending; and

(c) the steps taken to sanction them?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) With the commissioning of 36 MW generating unit in September, 1963 there will be surplus of power.

(b) Yes, Sir.

(c) Applications with an aggregate load of 29 MW are sanctioned and the rest are being processed.

**श्री यशपाल सिंह :** जब कि सप्लाई ज्यादा है और डिमांड कम है, फिर भी क्या बजह है कि इतनी अर्बियां पेंडिंग हैं ?

**अध्यक्ष महोदय :** वह जवाब तो दे रहे हैं कि ज्यादा हो जाएगी, अभी ज्यादा नहीं है।

**श्री यशपाल सिंह :** क्या मैं जान सकता हूँ कि यह दिक्कत इसलिए है कि बिजली का इतिजाम दिल्ली म्युनिसिपल कारपोरेशन करता है और इसकी सप्लाई का काम डिप्टी कमिश्नर करते हैं और इस ड्यूल कंट्रोल के कारण जनता को दिक्कत होती है? यदि हां, तो क्या मैं जान सकता हूँ कि इस दिक्कत का हल किस तरह होगा ?

**Dr. K. L. Rao:** Regarding availability of Power I must make the position clear. At the moment, there is no surplus because the total amount of power available is 118 MW and our demand is about 115 MW. But we are expecting the generator to go into commission by about the middle of September at the latest, when we will have surplus power. Then, again, out of this surplus power, already 29 MW have been sanctioned. Further loads will be sanctioned during the next eighteen months to meet the demand as power will be available up to about 46 MW.

**श्री यशपाल सिंह :** मेरे सवाल का जवाब नहीं आया। मेरा सवाल यह था कि सप्लाई करने वाले और हैं, कनेक्शन देने वाले और हैं और बिजली पैदा करने वाले और हैं...

**अध्यक्ष महोदय :** और इसलिए तकसीम में दिक्कत होती है ?

लेकिन वह कहते हैं कि सरप्लस नहीं है, इसलिए तकसीम का सवाल कहां उठता है। आपके सवाल के बसिस ही गलत है।

**Shri D. C. Sharma:** The hon. Minister said that some applications are pending. May I know how many of those applications are for industrial units and how many are for household consumption?



**Dr. K. L. Rao:** I am sorry, I would not have the information with me. I can supply it to the hon. Member if he wants.

**Shri Ramantham Chettiar:** As Delhi, New Delhi and the surrounding areas are expanding from day to day, may I know whether the extra power will be able to meet the increasing demands of these areas?

**Dr. K. L. Rao:** The surplus power that is going to be commissioned will be available for the next 18 months. After 18 months, somewhere about December 1964, we are going to have 15 megawatts more and after that Delhi will have further supply of 100 megawatts from thermal stations and 40 megawatts from Bhakra. So, there will be plenty of power in Delhi.

**Shri R. S. Pandey:** As the hon. Minister has said that we have got surplus power I want to know whether he will be in a position to say that he has fulfilled all the demands so far as the industrial requirements are concerned.

**Mr. Speaker:** He says that there is no surplus power.

**Shri P. Venkatasubbaiah:** We often see power breakdowns in Delhi. How can he account for these when the hon. Minister says that there is surplus power? How does it happen?

**Mr. Speaker:** Hon. Members do not listen carefully to answers.

**Shrimati Savitri Nigam:** How far is it correct that some applications have been pending for the last 1½ years and that lack of co-ordination is one of the factors which has been responsible for this undue delay?

**Dr. K. L. Rao:** Applications may have been pending because there was no power available. Power is just being added and that will be given in another ten days. Therefore the applications might be pending.

**Shri Kapur Singh:** I want to know whether Government are taking any

steps to maximize the rational utilisation of power through free availability of cheap electrical appliances.

**Dr. K. L. Rao:** I am afraid, that consideration has not been given to that aspect (*Interruption*). If the hon. Member gives any suggestions I can take up.

**Shri Kapur Singh:** I could not catch what he said. My hon. friend, Shri Barua, interrupted him.

**Mr. Speaker:** Who should suffer if his friend interrupts him? However, there was nothing material to be heard.

**श्री प्रकाशवीर शास्त्री :** दिल्ली और नई दिल्ली में जो छोटों और बड़े कारखाने हैं उनके लिए कुछ हास पैवर बिजली स्वीकृत है। क्या सरकार के पास कुछ इस प्रकार की शिकायतें आयी हैं कि ये कारखाने वाले बिजली के कर्मचारियों से मिल कर अपनी स्वीकृत पावर से ज्यादा इस्तेमाल कर लेते हैं, और इसी लिए दिल्ली में बिजली की कमी है, यदि हां, तो इसके लिए क्या उपाय किया जा रहा है?

**Dr. K. L. Rao:** We have not received any complaints in the Ministry.

**श्री शिव नारायण :** मैं यह जानना चाहता हूँ कि यह जो इयूग्रल पालिसी चल रही है उसके साल्यूशन के लिए सरकार क्या स्टेप ले रही है?

**अध्यक्ष महोदय :** अभी तक तो बिजली कम है।

#### Indo-Nepal Board for Irrigation and Power Projects

+

36. { **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**  
**Shri Bhakt Darshan:**  
**Shri Daljit Singh:**  
**Shri P. K. Deo:**

Will the Minister of Irrigation and Power be pleased to refer to the re-

ply given to Unstarred Question No. 1274 on the 28th March, 1963 and state:

(a) whether the technical board to be named as "Indo-Nepal Board for Irrigation and Power Projects" has since been constituted;

(b) if so, its composition and precise terms of reference; and

(c) the prospects for purchasing of Karnali power from Nepal by India as revealed from the talks referred to in the reply to part (b) of the previous question under reference?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) to (c). A statement is laid on the Table of the House.

#### STATEMENT

An Indo-Nepal Board for Irrigation and Power Projects has since been constituted. The Board has been set up jointly by the Government of India and His Majesty's Government of Nepal for exchange of data and relevant information in respect of projects and rivers of mutual interest to the two countries for planning their projects for the maximum utilisation of the water resources. The Board comprises two representatives each of the two countries. His Majesty's Government of Nepal is represented by (i) The Chief Engineer, Electricity Department, and (ii) The Chief Engineer, Irrigation Department; while the Government of India is represented by (i) The Chief Engineer and *Ex-officio* Joint Secretary to the Government of India, Ministry of Irrigation and Power and (ii) The Chief Engineer, Central Water and Power Commission.

With regard to the prospects for purchasing of Karnali Power from Nepal, the matter will be considered when information about the availability of power; and other relevant features of its supply from the Karnali Project is available.

**Shri P. C. Borooah:** In the statement there is no mention of the progress

so far made in setting up the Karnali Project. What will be the contribution of the Central Government for setting it up?

**Dr. K. L. Rao:** The Indo-Nepal Board for Irrigation and Power Projects has been constituted about six months back. This was with a view to exchange information regarding the hydrological and other data of the river. Nepal has asked for some information and we have passed that on to them.

**Shri P. C. Borooah:** In reply to a question of mine of the 28th March 1963 the answer given was that the Indian delegation visited Nepal to discuss about the machinery for exchange of data and other relevant information with respect to the project. May I know to what extent the discussion has progressed and whether this subject is going to be discussed with the Nepal King now on a visit to our capital?

**Dr. K. L. Rao:** It is as a result of the discussions that the Delegation which visited Nepal had that this Indo-Nepal Board has been constituted with a view to exchange information and the data about the respective rivers in the two countries.

**Shri Shree Narayan Das:** May I know whether any precise functions have been laid for the MBoard and, if so, what are they?

**Dr. K. L. Rao:** The precise function is to exchange information regarding hydrological and other data of the rivers in both the countries.

**Shri Bhakt Darshan:** Will this Board be merely advisory or will this Board's advice be accepted by both the Governments and acted upon? May I know what is the exact position?

**Dr. K. L. Rao:** It is not even advisory. I would like to point out that

it is purely for exchange of information. This is a channel by which the information will be exchanged between these two countries. It has no executive powers or other powers.

**Shri D. C. Sharma:** May I know if any information has been exchanged so far between India and Nepal and what is the nature of that information which has been supplied?

**Dr. K. L. Rao:** The Nepal Government asked us to give them information regarding the aerial surveys and aerial photographs that we have taken and the information regarding hydrology, that is, the amount of water that is flowing in the various rivers that come from Nepal and we have given this information. We asked them, in turn, to give information regarding the data that has been collected by Japanese and Swiss people who are doing the work of Karnali project in Nepal and that information is awaited.

**Shri Hari Vishnu Kamath:** Is the Minister aware that the seductive siren voice of China has been busy wooing Nepal and trying to wean her away from India by offering to build such projects better, cheaper and quicker and, if so, have recent developments climaxed by the current visit of the King and the Queen of Nepal effectively countered those Chinese moves, in holding out bright prospects of fruitful cooperation in this sphere between Nepal and India?

**Mr. Speaker:** It is premature.

#### Repayment of Bhakra Project Loan

\*363. **Shri Surendra Pal Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Government of Punjab have approached the Centre with a request that the time-limit for the repayment of the Bhakra Project Loan be extended from 15 to 20 years; and

(b) if so, the reasons given by the Punjab Government for asking for the extension of the time limit, and the Centre's reactions thereto?

**The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat):** (a) and (b). It is true that in December last the State Finance Minister approached the Finance Minister in the Centre for the purpose of postponing the repayment of the Bhakra Project Loan during the period of Emergency. The reply of the Finance Minister was that the commitment of the Central Government was also heavy during this period of Emergency—it is going to be very heavy—and while appreciating the difficulties of the State Government, it could not be agreed to.

**Shri Surendra Pal Singh:** What is the total amount of the loan and in how many instalments is it to be repayable?

**Shri B. R. Bhagat:** The total amount is Rs. 204.30 crores. The loans are repayable after 15 years, interest being payable every six months.

**Shri Surendra Pal Singh:** Did the Punjab Government approach the Central Government to postpone the payment of the first instalment only or have they asked for the postponement of all the subsequent instalments?

**Shri B. R. Bhagat:** All the instalments during the period of Emergency.

**Shri D. C. Sharma:** May I know whether this loan is only to be paid by the Punjab Government or this loan is to be shared between the Punjab Government and the Rajasthan Government which is also going to be a beneficiary of this project?

**Shri B. R. Bhagat:** A part of it will be paid by Rajasthan Government also.

**Shri Kapur Singh:** May I know whether the Government have taken due cognizance of the recent hono-

mena of recurring floods greatly impoverishing the Punjab peasants and, if so, whether they will take this factor also into account for giving liberal extension of time?

**Mr. Speaker:** It is a suggestion.

**Shri Kapur Singh:** I am seeking an information.

**Mr. Speaker:** He said that the Punjab peasants have been impoverished on account of the floods continuously visiting that State, and therefore it is a suggestion.

**Shri Kapur Singh:** With utmost respect, I seek information on two things: whether they have taken due cognizance of this and, if so, whether in view of the cognizance of this factor, they propose to consider the request of the Chief Minister of the State.

**Mr. Speaker:** The cognizance has been taken when the question has been put and he has already given the answer.

#### River Boards

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364. { **Shri Kapur Singh:**  
**Shri Bhagwat Jha Azad:**  
**Shri P. K. Ghosh:**  
**Shri Kesar Lal:**  
**Shri Yashpal Singh:**  
**Shri P. K. Deo:**  
**Shri Maheswar Naik:**  
**Shri D. J. Naik:**

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

(a) whether River Boards under the River Board Act have been set up; and

(b) if so, the number of such boards which have started functioning?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) No, Sir.

(b) Does not arise.

**Mr. Speaker:** Next Question, Shrimati Vimla Devi.

**श्री यशपाल सिंह:** क्या ग्रौरो को भी सबाल पूछने का मौका मिल सकता है ?

**Mr. Speaker:** I am sorry. Shri Kapur Singh was very vigilant, and he would have put supplementary questions if there were any. I have now passed on to the next question.

**Shri D. J. Naik:** I want to ask one supplementary question on Q. No. 364.

**Mr. Speaker:** I am sorry. I have already passed on to the next question.

#### Krishna River Water Dispute

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\*365. { **Shrimati Vimla Devi:**  
**Shri Dinen Bhattacharya:**  
**Shri Yashpal Singh:**  
**Shri P. Venkatasubbaiah:**  
**Shri Heda:**  
**Shri Vishwanath Pandey:**  
**Shri Veerappa:**  
**Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**  
**Shri Sivamurthi Swamy:**  
**Dr. P. Srinivasan:**  
**Shri Paramasivan:**

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

(a) whether the Centre's award on the Krishna River Water dispute has been accepted by the States concerned;

(b) if so, the action taken to give effect to the award;

(c) whether it is a fact that the Maharashtra Government have withdrawn their consent to the supply of 15 TMC ft. of water to the Madras city; and

(d) if so, the reasons therefor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). In his statement placed on the Table of the House on 23-3-1963, the Minister for Irrigation and Power had made certain suggestions for the

settlement of the Krishna River Water dispute. These suggestions have been under the consideration of the State Governments concerned.

(c) and (d). The Maharashtra Government have stated that they would have no objection to Madras abstracting 15 TMC ft. of water, provided it is taken through an existing Canal.

**Shrimati Vimla Devi:** May I know whether the statement made by the Maharashtra Minister to the effect that he will not abide by the Central Government's award has come to the notice of the Central Government, and if so, the attitude of the Central Government in that regard?

**Dr. K. L. Rao:** I am afraid we have not received any statement of that type from the Maharashtra Minister.

**Shri Heda:** May I know whether the hon. Minister soon after assuming office issued a statement to the effect that certain States would be given ten per cent of water extra, and if so would that not affect the quota of the other States?

**Dr. K. L. Rao:** I am afraid that that information is wrong. What I stated in a discussion with the Maharashtra Minister was that in States like Maharashtra and West Bengal, in planning, we must always provide for 10 per cent extra power over the needs, so that the industries there may not suffer.

**श्री यशपाल सिंह:** क्या मैं जान सकता हूँ कि महाराष्ट्र गवर्नमेंट और मद्रास सरकार के डिफरेंस जल्द से जल्द मेक अप हों इस के लिए सेंट्रल गवर्नमेंट क्या कर रही है ?

**Dr. K. L. Rao:** There are no differences between the Madras and Maharashtra States.

**Shri Ranga:** The hon. Member meant Andhra Pradesh.

**Shri P. Venkatasubbaiah:** May I know whether the present arrangement that has been made by the Minister of Irrigation and Power making certain allocations to different States is much below the actual allocation that has been made to Andhra Pradesh according to the earlier agreement?

**Dr. K. L. Rao:** I suppose what the hon. Member wants to know is whether the amount of water allocated to Andhra Pradesh is different from what it was according to the earlier agreement of 1951; if so, the answer is 'Yes'. I would like to submit that the former Minister of Irrigation and Power when he made the statement had taken into consideration all the requirements of the different States.

**Shri Basappa:** May I know whether the Government of Mysore have asked for some clarifications regarding the Central Government's award, and if so, whether the clarifications have been given, and in what respect those clarifications have been given?

**Dr. K. L. Rao:** The Mysore Government have asked for some clarifications with regard to the amount of water, and the various demands made and the various suggestions made by the hon. Minister, and there is continuous correspondence going on between the Government of India and the various States.

**Shri Ranga:** May I know whether Government are thinking of appointing—as the Maharashtra Government or some other Government have been asking for—another commission over the findings of the Gulhati Commission, or whether they are satisfied with the Gulhati Commission's report, and, if the latter, whether they propose to take definite action in regard to the readings that they had suggested and other researches?

**Dr. K. L. Rao:** There is no proposal to appoint any other commission.

**Shri Ramanathan Chettiar:** May I know whether after the refusal of the Government of Maharashtra in regard to the water supply for the Madras city, the Andhra Pradesh Government have agreed to give water from the Krishna river for meeting the requirements of the Madras city?

**Dr. K. L. Rao:** I did not say that the Maharashtra Government had refused. All that they said was that this water had to be taken through an existing canal, and, therefore, the matter is yet to be looked into. Since, so far, no such information has been received either from Mysore or from Andhra Pradesh, as has been referred to by the hon. Member, it should be presumed that they agree to the release of this water for the Madras city.

#### Extension of C.H.S. Scheme

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\*366. { **Shri Subodh Hansda:**  
          **Shri Yashpal Singh:**

Will the Minister of Health be pleased to state:

(a) whether any scheme to cover the Central Government employees of Bombay and Calcutta under the Contributory Health Scheme is under consideration;

(b) the difficulties Government have for not extending the facility to employees of Bombay and Calcutta so far; and

(c) in lieu of the C.H.S. facility the alternative arrangements made for the employees?

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** (a) and (b). The C.H.S. Scheme will be extended to the Central Government servants and their families in Bombay sometime in October, 1963. Lack of funds is the main difficulty in extending the Scheme to other cities.

(c) The Central Government employees are eligible for reimbursement of the cost of treatment to the extent

permissible under relevant medical attendance rules applicable to them, if they are not covered by the C.H.S. Scheme.

**Shri Subodh Hansda:** May I know how many dispensaries will be opened and whether medical personnel have already been recruited to man them?

**Dr. D. S. Raju:** Preparations are completed for the opening of about 7 static dispensaries and 5 mobile units. They are expected to be started sometime in October.

**Shri Subodh Hansda:** Is it a fact that the present arrangement for payment of medical expenses to government employees not covered by CHS is very convenient to the Government as also to the employees?

**The Minister of Health (Dr. Sushila Nayar):** It is difficult for us to say how convenient or inconvenient it is. It was considered that a comprehensive scheme is better. That was why the CHS scheme was started in Delhi and now it is being extended to Bombay.

**श्री यशपाल सिंह:** क्या यह सच है कि जो लोग एलोपैथिक सिस्टम को अपने धर्म के खिलाफ समझते हैं और प्राणों की कीमत पर भी उस दवाई को लेना पसन्द नहीं करते, उन की तन्खाहों में से भी पैसा काटा जाता है ?

**डा० सुशीला नायर:** जी हाँ। ऐसे कोई भ्रादमी अभी तक मेरी नजर में नहीं आये हैं, जो अपने प्राणों से आयुर्वेद को ज्यादा प्यार करते हैं।

**श्री यशपाल सिंह:** ऐसे बहुत से भ्रादमी हैं। माननीया मंत्रिणी जी समझने की कोशिश करें।

**अध्यक्ष महोदय:** भ्रगर माननीय सदस्य पहले मिनिस्टर साहब को नहीं मिले, तो वह धब मिल लें।

**Shri Tyagi:** Since this scheme has been put to trial in Delhi, what is the result in terms of income and expenditure? If it is a losing concern, what is the percentage of annual loss?

**Mr. Speaker:** Is it strictly relevant to this question? The question is about extending it to Bombay and Calcutta.

**Shri Tyagi:** That can be done only when we know whether it has been a paying or losing proposition.

**Mr. Speaker:** Even if it is a losing concern, if it is for the benefit of the employees, why should it not be extended?

**Shri Tyagi:** We are concerned with expenditure also.

**Dr. D. S. Raju:** From the economic point of view, it is a losing concern. There are over five lakhs of beneficiaries and there is roughly 50 per cent loss.

**Dr. Gaitonde:** Since some of the Centrally administered areas like Goa and Pondicherry do not have these facilities, what steps are Government taking to extend these facilities to Goa and Pondicherry?

**Dr. D. S. Raju:** At the moment, we have no plans to extend it beyond Bombay, Calcutta and Madras.

**Shrimati Savitri Nigam:** Will the Ayurvedic dispensaries set up here on an experimental basis be extended to other areas where the CHS scheme is prevalent?

**Dr. Sushila Nayar:** If it is considered necessary, we may do that.

**श्री भक्त दर्शन :** श्रीमन्, यह योजना दिल्ली में प्रारम्भ की गई थी, लेकिन आश्चर्य यह है कि अभी तक दिल्ली के भी कुछ भागों में इस को पूरी तरह से लागू नहीं किया गया है, जैसे शाहदरा और केन्टोनमेंट में। मैं संघ आनना चाहता हूँ कि क्या इस योजना को ऐसे स्थानों पर भी लागू करने का प्रयत्न

किया जा रहा है, यदि हाँ, तो वह कब तक लागू होगा ?

**डा० सुशीला नायर :** इन इलाकों में भी कुछ न कुछ इन्तजाम तो हो रहा है। कुछ मोबाइल डिस्पेंसरी वगैरह का इन्तजाम वहाँ पर है। बात यह है कि इन इलाकों में बहुत कम संख्या और बहुत बिखरे हुये गवर्नमेंट सर्वेंट्स हैं। इसलिए वहाँ पर इस स्कीम को एक्स्टेंड करने में दिक्कत आई थी। उस को हल करने की कोशिश हो रही है।

**Shrimati Vimla Devi:** Has the Pay Commission's recommendation to extend the CHS scheme to all Central Government employees been accepted by Government? If so, are they implementing it?

**Mr. Speaker:** Is it connected with this?

**Shri S. M. Banerjee:** Yes. The Pay Commission had made that recommendation.

**Dr. Sushila Nayar:** All the Government servants are being given medical care in some form or the other. Where there is a large concentration of Government servants we have tried to introduce the contributory health scheme which as my hon. colleague has said is being subsidised by 50 per cent by the Government of India. Where there are small numbers scattered about, the reimbursement rules which were in existence before the CHS came into being are still being followed.

**Shri S. M. Banerjee:** Government gave an assurance that this scheme is likely to be extended to Government pensioners also. I want to know whether a final decision has been taken.

**Mr. Speaker:** Where?

**Shri S. M. Banerjee:** In Delhi and outside.

**Dr. Sushila Nayar:** That matter is still under consideration.

**Shri S. M. Banerjee:** They will die in the meantime!

**श्री कछवाय :** मैं यह जानना चाहता हूँ कि क्या कुछ सरकारी कर्मचारियों द्वारा यह शिकायत मिली है कि उन को इस चिकित्सा से ठीक लाभ नहीं होता है और इस लिए उन्होंने होमियोपैथी और आयुर्वेद की चिकित्सा की मांग की है।

**डा० सुशीला नायर :** ऐसी कोई शिकायत नहीं मिली है। आयुर्वेद की एक डिस्पेंसरी तो इस वक्त चल भी रही है। जिस को आयुर्वेद की दवा लेनी हो, वह वहाँ जा सकता है।

**श्री कछवाय :** होमियोपैथी की ?

#### Flies in Soda-water Bottle

\*367. **Shri Bibhuti Mishra:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the NDMC officials recently found flies in a bottle of soda-water and after raid on the aerated water plant near New Delhi station found that the conditions there were unhygienic; and

(b) if so, whether Government have devised any method to check up the soda water bottles and other cold drinks regularly?

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** (a) Yes, Sir. The health staff of the NDMC recently found a few flies in a bottle of aerated water near New Delhi station. On inspection of the factory in question the conditions were found to be unhygienic. Necessary action against the factory was taken by the Delhi Municipal Corporation within whose limits the factory was and it was closed down on the 30th May, 1963.

(b) Surprise inspection of factories and shops dealing in aerated water and cold drinks is being carried out regularly by the Municipal health staff.

**श्री विभूति मिश्र :** मैं यह जानना चाहता हूँ कि जहाँ जहाँ इस तरह से सोडा वाटर बनता है, वहाँ पर ऐसी बातों की रोक थाम के लिए सरकार क्या कार्यवाही कर रही है।

**स्वास्थ्य मंत्री (डा० सुशीला नायर) :** डिप्टी मिनिस्टर साहब ने अभी कहा है कि म्यूनिसिपैलिटी का हेल्थ स्टाफ़ सेनिटरी इस्पैक्टर्ज वगैरह, इस्पैक्शन के लिए वहाँ पर जाते हैं और अगर कोई गलत चीज़ नज़र आती है, तो सम्बद्ध व्यक्ति के खिलाफ कार्यवाही की जाती है।

**श्री विभूति मिश्र :** मैंने यह सवाल केवल दिल्ली के बारे में नहीं पूछा है। सारे हिन्दुस्तान में सोडा वाटर बनता है और लोग उस को पीते हैं। दिल्ली तो कैपिटल है, लेकिन उन सब जगहों पर सरकार क्या कार्यवाही कर रही है ?

**अध्यक्ष महोदय :** यहाँ तो निकाल लेने दीजिए।

**Dr. Gaitonde:** I want to know whether water in these bottles is sterilised and if so what are the methods which are being used by the Ministry to find out whether it is sterilised or not?

**Dr. Sushila Nayar:** In Delhi we hope we give safe water to everybody to drink.

**Shri Tyagi:** Sterilised water to be given to everybody? Is that the Home Ministry's rule?

**Dr. Sushila Nayar:** I said safe water.

**Shri Tyagi:** I thought sterilisation was to be done in connection with family planning.... (Interruptions).

**Mr. Speaker:** Sterilised water may be given to Mr. Tyagi.

**Shri B. S. Pandey:** The hon. Deputy Minister said just now that necessary action would be taken against the factory. I want to know what would



be the necessary action and when necessary action will be taken and whether the licence has to be cancelled or not.

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** I have said that the factory has been closed, and the licence has been cancelled.

**Shri D. C. Sharma:** Recently the hon. Minister made a statement somewhere that some of these inspectors had built houses worth Rs. 50,000 and two of their sons have gone to Europe for studies. May I know if that allegation applied to these inspectors also and if so what steps are being taken to encourage integrity among the inspectors?

**Mr. Speaker:** That is not the question now.

**Shrimati Lakshmikanthamma:** According to some press reports, sometime back a lizard was found in a soda water bottle and a rat in a block of ice. Has it come to the notice of the Ministry?

**Dr. D. S. Raju:** That was also reported.

**Shrimati Savitri Nigam:** Is there a general complaint that the inspection staff is not adequate in number and is not also properly trained in NDMC?

**Shri D. S. Raju:** Of course, there is a shortage of staff. We are urging upon the Delhi Municipal Corporation and the New Delhi Municipal Committee to augment this number.

**श्री यशपाल सिंह :** क्या इस तरह का सोडा वाटर पीने वाले लोग मुजरिम नहीं हैं? अगर हैं तो उनको क्या सजा दी गई है?

**Shri Kapur Singh:** May I enquire whether the Government are prepared to undertake stringent and relentless measures to maintain the high quality of foodstuffs such as is prevalent in western countries and, if not, why? (*Interruption*).

**Mr. Speaker:** The question deals with soda water in Delhi. The hon. Member is referring to foodstuffs; the question is being extended.

**Shri Kapur Singh:** Let her answer.

**Mr. Speaker:** That would lead to many more things.

बात से बात तो निकलती है लेकिन ले बहुत दूर जाती है।

**Shri Hari Vishnu Kamath:** Has the Minister considered the desirability of giving a trial to drastic penalties such as public flogging for such potential murderers as contaminators and adulterators of food and drink in Delhi?

**Mr. Speaker:** He has been advocating this public flogging for a long time. I do not allow this question.

**Shri Hari Vishnu Kamath:** The Finance Minister gave his reaction last time. Let the Minister of Health give her opinion now. I want to know whether she has considered it and, if so, with what result. If she says "No," that is another matter.

**Mr. Speaker:** What has it got to do with this question?

**Shri Hari Vishnu Kamath:** This deals with contamination of drinks in Delhi. Soda water is a drink.

**Mr. Speaker:** The question deals with only one thing. I have disallowed the question.

**Shri Kapur Singh:** Although it was a good question.

**Mr. Speaker:** I never denied that. All questions put here are very good, and some times too good for me. But the question will not be relevant, considering the strict ambit of the main question.

**Shri Hari Vishnu Kamath:** The question deals with contaminated drinks in Delhi.

**Mr. Speaker:** But public flogging has to be decided by a wider policy and not by this bottle!

**Shri Hari Vishun Kamath:** Will she not given her opinion to the Cabinet? I am sure she has her own views on the subject.

**श्री राम सेवक यादव :** माननीय मंत्री जी ने बताया है कि उस व्यक्ति के खिलाफ कार्रवाई की जा रही है। मैं जानना चाहता हूँ कि किस प्रकार की कार्रवाई की जा रही है और वह किस स्टेज पर है?

**डा० ब० स० राजू :** वह हो चुकी है।

**प्रध्यक्ष महोदय :** इसका जवाब दिया जा चुका है, यादव साहब।

**Safdarjang Hospital, New Delhi**

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\*368. { **Shri D. C. Sharma:**  
**Shri P. C. Borooah:**

Will the Minister of Health be pleased to state:

(a) whether a control room has been set up at the Safdarjang Hospital, New Delhi to help provide quick medical attention to emergency cases, on the advice of the casualty and emergency Committee;

(b) if so, the salient features of this arrangement; and

(c) whether similar arrangement is proposed to be made in other hospitals in Delhi, and in other parts of the country, particularly the border areas of the North East?

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** (a) and (c). Yes, Sir. The Control Room at Safdarjung Hospital will coordinate and work in liaison with other hospitals in Delhi. As regards the extension of the Service in other parts of the country, a copy of the Delhi scheme has been sent to all the State Health Ministers for their consideration and adoption if they would like to do so.

(b) A statement is laid on the Table of the Sabha. [Placed in Library. See No. LT-1595/63].

**Shri D. C. Sharma:** May I know what has been the result of the working of this scheme, and how many such calls this control room has received and how have these calls been distributed among the different hospitals to which reference is made in the statement?

**Dr. D. S. Raju:** The number of calls is roughly between 20 and 30 every day at the Safdarjung Hospital control room.

**Shri D. C. Sharma:** Is there no difference between 20 and 30?

**Mr. Speaker:** It may be something between 20 and 30. In between, the number always varies.

**Shri D. C. Sharma:** May I know...

**Mr. Speaker:** The answer is not complete.

**Dr. D. S. Raju:** The working of this scheme is fairly satisfactory. Almost all the cases are immediately attended to and the cases are distributed to various hospitals. There are eight hospitals connected with this scheme. We have got direct phone connection with all the hospitals. As soon as an accident takes place or the case reported the patient is directed to report to the nearest hospital from the control room. As soon as the patient reaches the hospital he has got to inform the control room also, immediately treatment is given. So, there is no difficulty about it. The working is very satisfactory except that the maintenance of the ambulance service is causing some anxiety.

**Shri D. C. Sharma:** The hon. Deputy Minister said that similar arrangements were made in the States also. May I know in which of the States these arrangements have been made, and whether the Health Ministry has got any report about the satisfactory or unsatisfactory working of these new hospitals?

**The Minister of Health (Dr. Sushila Nayar):** The Deputy Minister said that letters have been sent conveying the Delhi scheme to all the State Governments. He has not stated that the scheme has been started in the States. But several of them, I do know, are anxious to start it, and when they start it we shall be in a position to tell this hon. House how it is progressing. All that I can say is that it has given great satisfaction to all quarters here in Delhi to the extent we have been able to operate it.

**Shri P. C. Boroah:** May I know whether this control room has been set up on account of the fact that some reports were received to the effect that some emergency cases resulted in deaths on account of delayed treatment?

**Dr. Sushila Nayar:** Yes, Sir; it is true that there were some tragedies and because of those tragedies we felt that something had to be done. This centrally controlled casualty service was set up as a result of that.

**Dr. Gaitonde:** In view of the fact that there is shortage of beds in almost all the hospitals, may I know what steps have been taken to increase the number of beds in the hospitals?

**Mr. Speaker:** That is a different question.

**श्री भक्त वंशन :** अभी बताया गया है कि जिस तरह का कंट्रोल रूम सफदरजंग अस्पताल में खोला गया है इस तरह के कंट्रोल रूम खोलने का राज्य सरकारों से अनुरोध किया गया है। मैं जानना चाहता हूँ कि क्या मुझाव मात्र ही दिया गया है या यह भी कहा गया है कि यदि वे ऐसे कंट्रोल रूप खोलेंगी तो उनको आर्थिक सहायता भी दी जाएगी ?

**अध्यक्ष महोदय :** उनको सिर्फ इतना ही दी गई है इसकी कि यों क्या हुआ है। अब उनकी मर्जी है।

**श्री भक्त वंशन :** प्रश्न के पार्ट (सी) में पूछा गया था कि क्या इस तरह की व्यवस्था अन्य राज्यों तथा संघ क्षेत्रों में स्थापित करने का विचार है, जिस के उत्तर में बताया गया है कि उनको मुझाव दिया गया है। मैं जानना चाहता हूँ कि क्या केवल मुझाव दे कर ही केन्द्रीय सरकार संतोष कर लेना चाहती है या उन्हें कोई सहायता भी देना चाहती है ताकि जल्दी से जल्दी इस तरह के केन्द्र खुल सकें ?

**डा० सुशीला नायर :** फाइनेशियल अस्सिस्टेंट तो स्टेट्स को स्वास्थ्य के विषय में बहुत दी गई है। इस योजना में कोई अलग अस्पताल खड़ा करने की बात तो नहीं है, उनकी एफिशेंसी बढ़ाने की बात है।

**Shrimati Savitri Nigam:** May I know how far it is true that some of the ambulances are so worn out and defective that in one or two cases the patients had to be taken in a taxi?

**Dr. D. S. Raju:** So far there has been on beeak-down of ambulances. They have got about ten ambulances.

**श्री राम सहाय पांडेय :** तुरन्त सहायता पहुंचाने की इस योजना का स्वागत किया जा सकता है। मैं जानना चाहता हूँ कि प्राइवेट अस्पतालों में जो तमाम शहरों में और तमाम स्टेट्स में हैं, के सम्बन्ध में भी कोई निदेश प्राप्त देना चाते हैं ?

**अध्यक्ष महोदय :** वह अलहदा सवाल है।

**यमुना नदी पर बांधों का निर्माण**

\*३६६. **श्री भक्त वंशन :** क्या सिंचाई और विद्युत् मंत्री २१ मार्च, १९६३ के अतारंकित प्रश्न संख्या १०४७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) यमुना नदी पर बांधों के निर्माण के बारे में उत्तर प्रदेश तथा पंजाब राज्य सरकारों में जो मतभद हो गये थे, उन्हें

दूर कराने में कहां तक सफलता मिली है ;  
और

(ख) यमुना नदी के लिए संयुक्त नदी बोर्ड स्थापित करने की दिशा में क्या प्रगति हुई है ?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) An inter-State Committee was formed to draw up a phased programme of investigations of the proposed dams on the river Jamuna and its tributaries. The Committee made some recommendations to the respective States with regard to collection of data etc. Action on these recommendations is being taken by the States concerned.

(b) In respect of forming a joint River Board for the Jamuna River, the matter is being pursued with the concerned States.

**Shri Bhakt Darshan:** From the reply of the hon. Minister it is clear that the differences between these two States have not been resolved. Will the Minister therefore kindly use his good offices to bring about a settlement as early as possible?

**Mr. Speaker:** A suggestion for action.

**Shri Bhakt Darshan:** May I take it that the Government of Uttar Pradesh has been given a clearance that it may proceed with the construction of Jamuna First Stage and investigation of Jamuna Second Stage, so that the works may not be held up pending finalisation of these talks?

**Dr. K. L. Rao:** Yes, Sir; Jamuna First Stage and Second Stage will be proceeded with. There will be no objection to their proceeding with the construction. I may also add for the information of the hon. Member that the actual position is that there are five dams which have got to be investigated on the Jamuna river and its tributaries. The question is as to who is to do these

investigations. As the hon. Member desired in his first question, I shall endeavour to have this expedited.

### Liquidation of Bank of China

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\*270. { **Shri Heda:**  
**Shri P. K. Deo:**

Will the Minister of Finance be pleased to state:

(a) the extent to which the business transactions of the Bank of China, liquidated by the Reserve Bank of India have been settled;

(b) whether any interim or *ad hoc* payment has been made; and

(c) the basis on which it was worked out?

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

(a) The list of creditors in respect of (a) booked depositors' claims and (b) certain other liabilities has been settled. The assets of the bank are in the course of realisation.

(b) & (c). Apart from discharging certain preferential claims under Section 530 of the Companies Act, the Liquidator has from the 1st July 1963 started paying on behalf of the Deposit Insurance Corporation, (a) depositors having claims not exceeding Rs. 1,500/- in full and (b) an initial sum of Rs. 1,500/- to all other depositors.

**Shri Heda:** In view of the security of the country and the international importance involved in this liquidation of this bank, may I know whether Government is expediting the settlement of the accounts? Is it not a fact that there is more delay in this case than in the case of ordinary banks?

**Shri B. R. Bhagat:** First of all, the Reserve Bank of India went into the accounts very carefully. Later on, it was found out that without special

powers it cannot go into the accounts further. So, power was taken under the Defence of India Rules and the whole question is being examined by the Special Police Establishment.

**Shri Heda:** May I know whether it is a fact that most of the accounts related to members of a particular political party, and if so, whether that aspect is being taken into consideration?

**Shri B. R. Bhagat:** All aspects are being taken into consideration.

**Shri Tyagi:** Has the Reserve Bank of India brought to the notice of the Finance Ministry the fact that a particular political party of West Bengal and a few politicians and their wives maintained big cash accounts with this bank and, if so, has Government enquired into the source from which this money was received and deposited in that bank?

**Shri B. R. Bhagat:** The Reserve Bank of India gave very full accounts of the names of persons and organisations which maintained accounts with that bank. But, from the point of view of banking as such they did not show any irregularities. Now, we have to go into the matter further....

**Shri Tyagi:** May question was whether Government cared to enquire into the sources from which this money had come. Because, I understand the pro-Chinese Communists and some of their friends had big accounts with that bank. I want to know whether the Minister has been able to enquire the source of their income.

**The Minister of Finance (Shri Morarji Desai):** When the police enquiry discloses all these things, necessary action will be taken.

**Shri Tyagi:** Is it being held?

**Shri Morarji Desai:** It is going on.

**Shri Hem Barua:** May I know if it is a fact that some documents of the bank written in the Chinese language reveal the fact that the real financial position and the business deals of this bank were suppressed from the Reserve Bank and also that a sum of Rs. 40 lakhs was advanced as loans to certain members of a political party? If so, may I know whether Government can give us an idea of the actual position together with the names of the privileged persons, who were Indian beneficiaries of Chinese munificence?

**Shri Morarji Desai:** May I say that the hon. Member knows far more than I know in this matter. We will have definite information about all these matters when the police after investigation gives us the final report. That has not yet come.

**Mr. Speaker:** Shri Prakash Vir Shastri.

**Shri Hem Barua:** Sir, my question has not been answered fully.

**Mr. Speaker:** They will know all the facts after the police investigation has been completed. After it has been done and the facts come to light I hope the House would also get that information.

**Shri Hem Barua:** Will it also include....

**Mr. Speaker:** The munificence would also come there.

**Shri Hem Barua:** The hon. Finance Minister has stated that the hon. Member knows more than he knows. I just want to know whether it is a kick or a compliment.

**Mr. Speaker:** It is quite a compliment, I can assure him.

**Shri Kapur Singh:** I am worried about the Chinese idiograms.

**Mr. Speaker:** I will give him an opportunity. He should wait till then. Shri Shastri.

**श्री प्रकाशवीर शास्त्री :** क्या मैं यह जान सकता हूँ कि इस चाइना बैंक में ग्रंथेडी के किसी प्रसिद्ध साप्ताहिक पत्र का भी बहुत बड़ा अकाउंट पाया गया है ? यदि हां तो क्या वित्त मंत्रालय ने यह जानने का भी यत्न किया है कि वह धन किस स्रोत से आया है, और क्या उसके बारे में भी कुछ एन्क्वायरी चल रही है ?

**अध्यक्ष महोदय :** यह बात पूछी जा चुकी है और मिनिस्टर साहब ने कहा है कि इन्क्वायरी चल रही है।

**श्री प्रकाशवीर शास्त्री :** नाम बतलाने में तो कोई आपत्ति नहीं होनी चाहिये।

**अध्यक्ष महोदय :** एक एक अकाउंट के बारे में पूछा जायेगा तो कैसे काम चलेगा ? उस की त्कीकात हो रही है। मिनिस्टर साहब एक एक अकाउंट के बारे में कैसे कह सकेंगे। पहले "पोलिटिकल पार्टी" कहा गया फिर "सम मेम्बर्स आफ ए पोलिटिकल पार्टी" कहा गया। जवाब तो वही होगा जो कि एक के लिये है।

**श्री त्यागी :** मैं आप से अर्ज करना चाहता हूँ कि यह बतलाने के लिये कि किस के नाम अकाउंट है किसी पुलिस इन्क्वायरी की जरूरत नहीं है। किस के नाम अकाउंट है, उस में किसी अखबार का नाम है या नहीं, यह तो एक फंक्चुअल स्टेटमेंट है। इस में इन्क्वायरी की क्या बात है ?

**Shri Hari Vishnu Kamath:** Why is the hon. Minister hiding these things? (Interruption).

**Shri Morarji Desai:** There are 2,500 and odd accounts. By themselves the accounts do not disclose anything immediately. The inquiry that was made was by the Reserve Bank. Now a Police investigation has been ordered. When the Police investigation will be completed, we will know all these matters.

**श्री त्यागी :** किसी पोलिटिकल पार्टी का अकाउंट है या नहीं, किसी अखबार का अकाउंट है या नहीं, इस के बतलाने में क्या दिक्कत हो सकती है ? कोई कई हजार या कई लाख अखबार तो हैं नहीं।

**अध्यक्ष महोदय :** श्री त्यागी यह तो देखेंगे वह खुद मिनिस्टर रहें हैं, किसी का अकाउंट होना इन इटसेल्फ क्या काफी है इस के लिये कि उस को डिस्क्लोज किया जाये ? अकाउंट के बाद और भी चीजें हैं जिन की तहकीकात हो रही है।

**श्री प्रकाशवीर शास्त्री :** नाम बतलाने में क्या आपत्ति हो सकती है ?

**Shri Morarji Desai:** I had once said in this House in reply to a question that the name of one publishing house was there and that was the People's Publishing House or People's Age or something. There was some account there. But about the transactions, as to where the money is coming from, it is being looked into.

**Shri Hem Barua:** We seek your protection, Sir. May I submit that for this very simple information about the people, members of a political party, who have money transactions with this Bank the hon. Finance Minister does not have to go to the Police because the Reserve Bank has already concluded its investigations and from the report of that investigation the hon. Minister can give us this information?

**Shri Tyagi:** Perhaps it is against our non-alignment policy!

**Shri Hari Vishnu Kamath:** It is secret.

**Shri Jashvant Mehta:** On what specific points is the Government conducting an inquiry and has handed over the papers to the Police?

**Shri Morarji Desai:** To find out whatever is fishy in it.

**श्री कृष्णबाय :** मैं जानना चाहता हूँ कि क्लिंटन जो पेपर है उसके सम्पादक काजिया के नाम से भी कोई अकाउंट वहाँ है ?

**अध्यक्ष महोदय :** एक एक के बारे में कैसे कहा जाय ?

**श्री प्रकाशबोर शास्त्री :** मिनिस्टर साहब जवाब दे रहे हैं ।

**श्री मोरारजी देसाई :** मेरे पास यहाँ कोई फहरिस्त तो है नहीं ।

**अध्यक्ष महोदय :** ले नीजिये जवाब ।

**Shri Kapur Singh:** In view of the fact that the transactions of the Chinese bank involve matters of high public importance and the country's security, why are matters in this case moving at a snail's pace?

**Shri Morarji Desai:** It is not moving at a snail's pace at all.

**श्री शिव नारायण :** मैं यह जानना चाहत हूँ कि किन किन संस्थाओं के विरुद्ध पुलिस इन्क्वायरी चल रही है ? गवर्नमेंट ने किस कैटेगरी के पुलिस अफसर को मुकर्रर किया है इस इन्क्वायरी के लिये ?

**अध्यक्ष महोदय :** बैंक के खिलाफ इन्क्वायरी हो रही है ।

**श्री शिव नारायण :** अकाउंट्स के संबंध में मैं जानना चाहता हूँ कि किस कैटेगरी के पुलिस अफसर को जांच करने के लिय मुकर्रर किया गया है ।

**Shri B. R. Bhagat:** We have authorised a Deputy Central Intelligence Officer to make inquiries in this Matter.

**Shri Morarka:** May I know the total amount of deposits belonging to the Indian nationals in this Bank and whether this amount is likely to be fully repaid?

**Shri B. R. Bhagat:** Rs. 45.10 lakhs after making all the deductions, but on the day of liquidation, the total liability was Rs. 1.68 crores.

**Shri Ramanathan Chettiar:** Apart from the police investigation, may I know whether normal banking procedure has been adopted by the Reserve Bank of India in regard to this Bank which comes under the Reserve Bank of India Act as one of the foreign exchange banks in the country?

**Shri B. R. Bhagat:** I could not follow the question.

**Mr. Speaker:** Besides the investigation that has been entrusted to the police, whether there are any other irregularities committed by this Bank which might be subject to control or supervision by the Reserve Bank.

**Shri Morarji Desai:** No such thing has come to notice. I would like to correct the previous reply. The sum which stood in the name of Indian nationals amounts to Rs. 28 lakhs.

**Mr. Speaker:** Next Question. Along with Q. 371, Q. 374 might also be taken.

#### Displaced Persons in Dandakaranya

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- \*371. { **Shri P. R. Chakraverti:**  
**Shri Sidheshwar Prasad:**  
**Shri Indrajit Gupta:**  
**Shri P. C. Borooah:**  
**Shri Kolla Venkaiah:**  
**Shri Surendra Pal Singh:**

Will the Minister of **Works, Housing and Rehabilitation** be pleased to state:

(a) whether it is a fact that the Dandakaranya Development Authority has asked the West Bengal Government to suspend the programme for movement of agriculturist displaced families to Dandakaranya till progress has been achieved in the reclamation work in Malkangiri;

(b) the number of ex-camp agriculturist displaced families still to be rehabilitated;

(c) the number of families moved to Dandakaranya in 1963; and

(d) whether they have been settled in sites allotted to them?

**The Deputy Minister in the Ministry of Works, Housing and Rehabilitation (Shri P. S. Naskar):** (a) The programme of movement from West Bengal has not been suspended but is now co-related with the opening up of new villages in Dandakaranya.

(b) About 3,500 families.

(c) Upto the end of June, 1963 6,682 families had been moved to Dandakaranya.

(d) At the end of June, 1963, all families, in the Work Centres except 132, had been moved to village sites for settlement.

#### Dandakaranya Development Authority

- \*374. { **Shri C. K. Bhattacharyya:**  
**Shri Jena:**  
**Shri Raghunath Singh:**  
**Shri Birendra Bahadur Singh:**  
**Shri Tridib Kumar Chaudhury;**  
**Shri Sidheshwar Prasad:**

Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether any decision has been taken regarding the appointment of a wholetime Chairman for Dandakaranya Development Authority in place of the late Shri Sukumar Sen;

(b) whether the West Bengal Government have been consulted in the matter and their reaction thereto; and

(c) when the appointment is likely to be finalised?

**The Deputy Minister in the Ministry of Works, Housing and Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) Yes, in consultation with the Governments of West Bengal, Madhya Pradesh and Orissa.

(c) Within a month or so.

**Shri P. R. Chakraverti:** May I know whether the Government has finalised the phased programme of rehabilitating agriculturist families in Dandakaranya and, if so, by what period they will be rehabilitated?

**Shri P. S. Naskar:** At the moment, in Dandakaranya, agriculturist families are being taken. There is definitely a phased programme to settle them on the land. If the hon. Member is thinking of the long-term development programme, well, Dandakaranya Authority has submitted a revised project report and it is under the consideration of the Government.

**Shri P. E. Chakraverti:** Is it a fact that the Chief Minister of Tripura has approached the Government of India for rehabilitating the new influx of more than 25,000 displaced persons from East Pakistan and, if so, is it proposed to send them on to Dandakaranya.

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** We have made an assessment through a special officer who was sent to Tripura and I also had meetings with the Chief Minister and the Rehabilitation Minister of Tripura. According to our estimate, about 3100 families have come recently into Tripura from East Pakistan. Of them, about 1800 have been able to exchange their lands with some of the Muslims who have gone from Tripura back to Pakistan. About 1200 families remain. Of these 1200 families, we have agreed to take 750 agriculturist families to Dandakaranya and for the rest we have told the Government of Tripura to make arrangements in that State. Most probably, all of them will not be agriculturists. Some of them may not be male-headed agriculturist families. Dandakaranya is only for agriculturist families.



**Shri P. C. Borooah:** May I know whether no more refugees will be taken for rehabilitation in Dandakaranya in 1963?

**Shri P. S. Naskar:** I think I should explain that. About the taking of refugees to Dandakaranya, I may point out that the work in Dandakaranya is not yearwise. It starts from September and the working season will go upto June, 1964. The DPS are taken in between that time. For 1963, we shall start taking DP's in Dandakaranya from September or October.

**Shri Mohammad Elias:** May I know if a large number of agriculturist refugee families are still in Sealdah station and, if so, whether the Government propose to take them to Dandakaranya?

**Shri Mehr Chand Khanna:** First of all, this does not arise out of the main question. The question of the squatters at Sealdah has come up in this House many a time, and we have rehabilitated them. And I accept no responsibility for any fresh squatters at the Sealdah station.

**Shri S. M. Banerjee:** The Deputy Minister had stated in reply to Question 374 that all the State Governments had met to decide about the appointment of the administrator in place of the late Shri Sukumar Sen. May I know whether any decision has been taken to have the Administrator from West Bengal only?

**Shri P. S. Naskar:** I am afraid the hon. member has not read the question properly or my answer properly. It is not a question of the appointment of the administrator, but it is a question about the Chairman of the Dandakaranya Development Authority. The Government of India have consulted the State Governments concerned, namely the Governments of West Bengal, Orissa and Madhya Pradesh, and decision will be shortly taken in the matter.

**Shrimati Jyotsna Chanda:** May I know whether Government are consi-

dering the cases of refugees who have come to Assam for being rehabilitated in Dandakaranya?

**Shri Mehr Chand Khanna:** There are about 3500 ex-camp families who are still in West Bengal. About 750 more are to be taken from Tripura. My capacity in Dandakaranya is only about 3000 or 2500 families a year, because 25 per cent of the reclaimed land is also to be given to the tribals. So, in these circumstances, it will not be possible for me to take any extra load from Assam.

**Shri Surendra Pal Singh:** Is it a fact that the tempo of the development work in Dandakaranya received a great set back after the death of Shri Sukumar Sen, and the same tempo could not be kept up by his successor who is working there?

**Shri Mehr Chand Khanna:** It is rather an unfortunate insinuation which has been made. The work is going on. The good work that was done by Shri Sukumar Sen who was one of our very fine officers and did tremendous work in Dandakaranya is being continued. I hope that we shall come up to his expectations, and we shall carry on that good work in Dandakaranya.

#### Adverse Effect of Gold Control

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- \*372. { **Shri Jashvant Mehta:**  
**Shri Indrajit Gupta:**  
**Shri Onkar Lal Berwa:**  
**Shri Balkrishna Wasmik:**

Will the Minister of Finance be pleased to state:

(a) whether Government's attention has been drawn to a public admission by the Chairman of the Gold Control Board on the 14th May, 1963 that smuggling of gold has recently revived;

(b) if so, the measures taken to check it;

(c) whether the Chairman of the Gold Control Board also mentioned

that there was some impact of the Order on the rural credit; and

(d) if so, the extent of impact and steps taken to avoid rural credit being adversely affected by the Gold Control measures?

**The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat)** (a) to (d). A statement furnishing the information which is required is laid on the Table of the House.

#### STATEMENT

(a) Yes. The reports which have appeared in the press, however, are not strictly accurate, and the statements attributed to the Chairman do not seem to be correct.

(b) Dealers and refiners are prohibited from holding stocks of gold of a purity in excess of 14 carats, their transactions in gold are required to be recorded in registers and returns which are being inspected, and the powers of entry, search and seizure of the officers administering the rules have been enhanced. Action has also been taken under the Foreign Exchange Regulation and Customs Acts to prevent the outflow of Indian currency or the accumulation of foreign exchange in illegal ways for payment against gold imports.

(c) Yes.

(d) Rural credit has not been significantly affected, and apart from the grant of a concession, in the form of a temporary liberalisation of the selective credit controls in respect of advances against foodgrains, in favour of the smaller banks and their customers, in order to compensate them for the restriction of advances against gold, no particular action has been taken or is considered necessary.

**Shri Jashvant Mehta:** The Central Excise Department has raided shops and confiscated ornaments of agriculturists mortgaged against loan advances, and as a result of it, the rural credit system has been upset. May I

know whether in the light of this development, Government are thinking of amending the Gold Control Order or changing the policy suitably so that agricultural credit may not suffer?

**Shri B. R. Bhagat:** If the gold had been mortgaged for securing credit, and if it had been declared, then that need not have been taken, and that would never be taken also . . .

**Shri Jashvant Mehta:** It has been confiscated.

**Shri B. R. Bhagat:** I do not know. If the hon. Member would give me specific instances, I shall look into them.

**Shri Jashvant Mehta:** My question has not been replied to. May I know whether Government are prepared to give an assurance on the floor of the House that Government will release all those confiscated ornaments of the agriculturists who had mortgaged them, if they are proved to be *bona fide* by the owners, so that the credit system may not suffer?

**Shri B. R. Bhagat:** Whether it is *bona fide* has got to be proved, and if that is done, certainly, we shall see that it is not confiscated. But the details of every case have got to be looked into and then only a decision can be taken.

**Shri Ranga:** May I know whether Government have attempted to collect, and if not, whether they will collect, information in regard to parts (c) and (d) of the question from the Reserve Bank of India and the other scheduled banks as to what their experience in this matter is, and to what extent rural credit has come to be affected by the Gold Control Order?

**Shri B. R. Bhagat:** We have some estimate of the same thing. Just before Gold Control was introduced, the credit advanced by the scheduled and non-scheduled and co-operative banks to the farmers was to the extent of Rs. 60 crores. Today we estimate that

this amount is Rs. 25 crores. To that extent, it has gone down. But we have taken steps, as we have said in reply to part (b) of the question, and we have liberalised credits given by the smaller banks which cater to the needs of the farmers and also liberalised the advances against foodgrains. We have taken steps to see that primary land mortgage bank and other co-operative bank credit should be extended so that this gap is filled and more advances given.

#### WRITTEN ANSWERS TO QUESTIONS

##### Squatters' Colonies in West Bengal

\*373. **Shrimati Renu Chakravartty:** Will the Minister of Works Housing and Rehabilitation be pleased to state:

(a) whether the land and development of "squatters' colonies" which were agreed for regularisation in West Bengal has not been handed over to the refugees;

(b) whether in several colonies land owners have now got decrees from courts of law and are enforcing eviction;

(c) the action Government propose to take to expedite rehabilitation of these refugees and protect them from eviction; and

(d) the total extent of the rehabilitation problem in these "squatters' colonies"?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) As and when the Squatters' colonies are regularised, 'Arpan Patras' are given to the eligible displaced families in recognition of their claims for settlement in the colony. Conveyance of right and title to such allottees will be arranged by the Government of West Bengal on their fulfilling the required terms and conditions.

(b) and (c). The Government of West Bengal have reported that some

land owners have got decrees from the Competent authority but there has not been any case of eviction to the knowledge of the State Government from any land covered by regularisable squatters' colonies.

(d) The residuary problem involves:—

- (i) completion of regularisation of 29 colonies in full and 18 in part, and
- (ii) completion of development schemes concerning which work is in progress in 35 squatters' colonies.

##### Arrangements for Compulsory Deposit Scheme

- |                       |                          |
|-----------------------|--------------------------|
| *375. {               | Shri Imbichibava:        |
|                       | Shri P. C. Borooah:      |
|                       | Shri P. R. Chakraverti:  |
|                       | Shri Hem Raj:            |
|                       | Shri S. M. Banerjee:     |
|                       | Shri Bhagwat Jha Azad:   |
|                       | Shri Warlor:             |
|                       | Shri Vasudevan Nair:     |
|                       | Shri P. Venkatasubbaiah: |
|                       | Dr. L. M. Sinha:         |
| Shri Onkar Lal Berwa: |                          |
| Shri Swell:           |                          |

Will the Minister of Finance be pleased to state:

(a) the administrative arrangements made to enforce the Compulsory Deposit Scheme;

(b) whether any new posts have been created in this connection;

(c) if so, the number of posts created; and

(d) the total expenditure to be incurred in this respect during 1963-64?

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** (a) to (d). A statement is laid on the Table of the House. [Placed in Library. See No. LT-1596/63.]

**Coal Transport Problem**

- \*376. { Shri S. C. Samanta:  
 Shri B. K. Das:  
 Shri M. L. Dwivedi:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 153 on the 28th February, 1963 and state:

(a) whether the team of foreign consultants which came to India for study of problems relating to coal transport has submitted its report; and

(b) if so, the main suggestions made therein?

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** (a) No, Sir.

(b) Does not arise.

**Catering Contracts**

\*377. **Shri Hari Vishnu Kamath:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether contracts for catering in Pataudi House and Link Road Hostel, New Delhi have been approved;

(b) if so, the name of the caterer in each case;

(c) the period for which the contract has been given in each case; and

(d) whether tenders were invited in this connection?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) to (d). It is intended to invite tenders for the Catering contract in the Link Road Hostel in the near future. As regards the Pataudi House, the position is as under:—

The Kotah House was closed when the accommodation there was transferred to the Defence Ministry some six months prior to the date on which the catering contract there was due to expire. In its place the Pataudi House State Guest House has been started. The Caterer who held the catering

contract at the Kotah House was accordingly asked to provide catering services in the Pataudi House. There was no question of inviting any fresh tenders.

**Rajasthan Canal System**

- \*378. { Shri Yashpal Singh:  
 Shri Bishanchander Seth:  
 Shri Subodh Hansda:  
 Dr. P. N. Khan:  
 Dr. L. M. Singhvi:  
 Shri Vishwa Nath Pandey  
 Shri Hem Raj:

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

(a) whether it is a fact that people whose land has been acquired by the Rajasthan canal project in Punjab will be given alternative land along the canal in Rajasthan;

(b) how long it will take for the authorities to complete the land acquisition work; and

(c) whether the Rajasthan canal would be completed according to schedule?

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

(b) The land acquisition work is likely to continue until the construction work on the Rajasthan Canal is completed.

(c) Yes Sir, subject to the availability of funds for the project.

**Import of Gold**

- \*379. { Shri P. C. Borooah:  
 Shri Yashpal Singh:  
 Shri P. R. Chakraverti:  
 Shri Mohan Swarup:  
 Shri Omkar Lal Berwa:

Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 837 on the 11th April, 1963 and state:

(a) the amendments since made in the Gold Control Rules and other related Rules/Orders, enabling imports

of gold under the scheme for export of gold ornaments, in pursuance of the Export Promotion Programme:

(b) the quantity of gold likely to be imported under the revised scheme during the current year and the quantity of gold articles likely to be exported from India; and

(c) the names of the chief importers of such articles?

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

(a) Exports of gold jewellery and of articles made of gold are now permitted under (a) the Reserve Bank of India's scheme for the export of ornaments against the import of gold in bond (b) the four schemes announced in May, 1963, by the Ministry of International Trade and (c) the zari export promotion scheme. The scheme mentioned at (a) provides for the continuance of the special arrangements under which gold is imported from the Persian Gulf area, for being processed or manufactured into ornaments in India, on behalf of the owners, and no incentives in the form of imports will be admissible against proved exports under this scheme. The export promotion schemes mentioned at (b) and (c) are intended to increase the exports of Indian jewellery and handicrafts and incentives in the form of permission to import certain specified items will be admissible against proved exports under these schemes. No amendments of the gold control rules are necessary and no orders have so far been issued by the Gold Board specifically for implementing these schemes, but the question of granting any general or special exemption under the rules, in favour of registered exporters exporting gold jewellery or articles under these schemes, will be considered, as and when applications are received.

(b) and (c). Gold is brought into India only temporarily for the purposes of the scheme which is supervised and controlled by the Reserve Bank and cannot be deemed to have been imported. As regards the other

schemes, it is not possible to indicate with precision at this stage whether any gold will be imported and, if so, how much. It is not also possible to estimate the total value of exports under all the various schemes in the current financial year or to indicate the names of the exporters, if any, who may be in a position to import gold.

**Construction Work by Bharat Sewak Samaj**

**\*380. Shri Surendra Pal Singh:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether it is a fact that there has been a saving of about Rs. 1.7 crores as a result of Government works undertaken by the construction service of the Bharat Sewak Samaj during the period from 1956 to 1962; and

(b) if so, the new works to be executed by the Bharat Sewak Samaj during 1963-64?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) and (b). The information is being collected and will be laid on the Table of the Sabha.

**Lung Cancer**

**\*381. {** Shrimati Vimla Devi:  
Shri Dinen Bhattacharya:  
Shri Bibhuti Mishra:  
Shri P. R. Chakraverti:  
Shri P. C. Borooah:  
Shri Raghunath Singh:  
Shri P. K. Deo:  
Shri C. K. Bhattacharyya:

Will the Minister of Health be pleased to state:

(a) whether the incidence of lung cancer in India is on the increase;

(b) if so, the reasons therefor; and

(c) the steps taken by Government to prevent the disease?

**The Minister of Health: (Dr. Sushila Nayar):** (a) The V. P. Chest Institute, Chittaranjan Cancer Hospital, Calcutta and the Department of Atomic Energy Commission have concluded that an increase in the incidence of lung cancer has come to their notice during the last ten years.

(b) The probable reasons for the increase may be:—(i) availability of increased facilities of diagnosis (ii) longevity leading to larger population in the susceptible age groups (iii) greater amount of air pollution occurring in industrial cities not only because of industrial gases in the atmosphere, but also because of increasing amount of automobile exhaust fumes (iv) dusty roads and heavy traffic and (v) increasing tobacco smoking.

(c) The phenomenon needs further investigation and study. Better facilities are being provided in hospitals institutions for diagnosis and treatment of cancer. Educational material indicating the hazards of smoking has been prepared by the Central Health Education Bureau.

**Smuggling on Indo-Pak. Border**

\*382. { **Shri Subodh Hansda:**  
**Dr. P. N. Khan:**

Will the Minister of Finance be pleased to state:

(a) the steps being taken by Government to check the smuggling of rice and jute across the India-East Pakistan Border; and

(b) the number of persons so far brought to book and punished in the last two years?

**The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat):** (a) Customs posts have been established at all vulnerable points on the India-East Pakistan border to prevent smuggling. Regular vigilance is maintained on the activities of suspected persons. Preventive patrols, rummag-

ing of trains, boats and other forms of carriers, and raids on suspected places are also undertaken frequently with the co-operation of the Border Police Staff.

(b) During 1961 and 1962, 137 cases were dealt with and 64 persons were involved in these cases.

**Price of Gold**

\*383. { **Shri Bhagwat Jha Azad:**  
**Shri Yashpal Singh:**  
**Shri Naval Prabhakar:**  
**Shri Kolla Venkaiah:**  
**Shri Balkrishna Wasnik:**

Will the Minister of Finance be pleased to state:

(a) whether the price of gold has gone up after the promulgation of Gold Control Order;

(b) the prevailing price of gold at present; and

(c) the steps taken to check the rise in price?

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

(a) The prices have been fluctuating and on the whole are appreciably lower than the all-time high level of Rs. 129-90 per 10 grammes which prevailed towards the end of August, 1962.

(b) The price of 14 carat gold bars in transactions between dealers is quoted round about Rs. 63/- per 10 grammes.

(c) The rise in prices is to some extent inevitable, in view of diminished supplies consequent on the reduction in the smuggling of gold and the reduced arrivals of old gold, in the form of 22 carat ornaments, in the various markets. When the demand for gold is reduced, prices should decline further.

**D.V.C. and Kosi Barrage**

- \*384. { Shri Indrajit Gupta:  
 Shri Yamuna Prasad Mandal:  
 Shri Badrudduja:  
 Shri N. P. Yadav;  
 Shri H. P. Chatterjee:

Will the Minister of Irrigation and Power be pleased to state the safeguards undertaken to save the reservoirs in the D.V.C. and the Kosi Barrage from silting and whether investigations have been undertaken to prove that such measures are considered adequate?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** The following measures have been taken to save the reservoirs of the D.V.C. and the Kosi Barrage from silting:

**1. D.V.C.**

(a) Some provision for dead storage has been made in all the four dams of the DVC, namely, Tilaiya, Konar, Maithon and Panchet.

(b) Soil conservation measures by way of afforestation, construction of check dams, etc. and Fore-shore Farming have been undertaken progressively in the Upper Valley to reduce silt flow.

The measures enumerated above should prove useful in reducing the flow of silt into the reservoirs. In Maithon and Panchet reservoirs of the D.V.C. sedimentation survey work has been undertaken to study the rate of silting.

**2. KOSI:**

(a) It is under consideration to construct detention dams in the upper reaches of the Kosi river and its tributaries. Investigations are in progress for one such dam near Kothar in Nepal.

(b) Pilot experimental soil conservation measures have also been taken up in the catchment.

**Kopili Hydrel Project**

- \*385. { Shri P. C. Borooah:  
 Shri P. R. Chakraverti:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Starred Question No. 823 on the 11th April, 1963 and state:

(a) whether American experts have since been invited to examine dam site and to tender advice on the problems relating to the execution of the Kopili Hydrel Project;

(b) whether such experts have since inspected the site and tendered their advice and if so, what is their advice; and

(c) the progress since made in the implementation of the Project?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Yes, Sir; two experts were invited.

(b) One of the experts who visited the site in April last, suggested further investigations and studies for alternative dam site.

(c) The project can be taken up for implementation after investigations have been completed, and project report approved.

**Power Generation**

- \*386. { Shrimati Vimla Devi:  
 Shri Dinen Bhattacharya:  
 Shri Warrior:  
 Shri Vasudevan Nair:  
 Shri M. N. Swamy:

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

(a) whether the Expert Committees' recommendations regarding the future organisational set up of power generation in the country have been considered by Government; and

(b) if so, the nature of the decision taken thereon?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The report of the Committee is under examination in consultation with the State Governments.

#### Technical Aid for Asian Countries

\*387. **Shri Surendra Pal Singh:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that since the coming into being of the Colombo Plan, India has donated the largest technical aid to member countries of the Colombo Plan in the South and South-East Asia Region; and

(b) if so, the quantum and the nature of this aid, and the names of the main recipient countries?

**The Deputy Minister in the Ministry of Finance (Shrimati Tarkeshwari Sinha):** (a) No, Sir. From among the member countries within the Region, however, India is the largest donor of technical assistance under the Colombo Plan.

(b) India has provided technical assistance mainly in the form of training places and experts, the monetary value of which, upto the 30th June, 1963 is Rs. 1.52 crores. The main recipient countries are: Nepal, Ceylon, Philippines, Thailand, Burma, Indonesia and Malaya.

#### Nullah near Delhi University

1114. **Shri Sham Lal Saraf:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether it has come to the notice of Government that a stinking nullah passes close to the Delhi University Campus and that on the banks of the said nullah dirt and silt are piling up;

(b) whether more educational institutes are being built around this area and in close proximity to it; and

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

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khana):** (a) and (c). The Najafgarh Nullah passes close to the Delhi University campus. It is being widened and deepened as a flood preventive measure. Silt is being taken out of the nullah and its banks are being raised at certain places. Surplus earth is being carted away from the banks. With the completion of these works, the nullah will have a free flow of water. The Municipal Corporation of Delhi is laying a trunk sewer along its left bank and this would reduce the pollution of the nullah.

(b) Yes.

#### Public Sector Industries

1115. **Shri Ramachandra Ulaka:** Will the Minister of Finance be pleased to state:

(a) whether there was any increase in the profits in Public Sector Industries during 1962-63;

(b) if so, the details thereof; and

(c) if not, the reasons thereof?

**The Minister of Finance (Shri Morarji Desai):** (a) to (c). The annual reports and Accounts of the various Public Sector Industries for the year 1962-63 are normally due to be finalized by the 30th September, 1963. The information asked for will, therefore, be available only after all the reports have been received by Government.

#### Thermal Power Schemes in Rajasthan

1116. { **Shri Dhuleshwar Meena:**  
**Shri Ramachandra Ulaka:**

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

(a) the number of thermal power schemes forwarded by the Government of Rajasthan to the Central Government during 1963-64 so far;

(b) whether necessary sanction has been accorded to them;



- (c) if so, the details thereof; and  
 (d) if not, the reasons therefor?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) to (d). The Rajasthan authorities had proposed the following two thermal power station schemes in their proposals for 1963-64 submitted to the Planning Commission:—

1. Thermal station at Palana  
 Estimated Cost Rs. 1500 lakhs.

2. Atomic power station at Ranapratap Sagar.

Scheme (1) above has not so far been included in the Plan of the State as it is only in the exploratory stage. Scheme (2) above has been accepted by the Planning Commission and the executing authorities viz., Atomic Energy Commission have been informed. This power station will have an installed capacity of 200 MW, and has been estimated to cost Rs. 34.1 crores. It is expected to be completed in 1968.

#### Cholera and Plague in Rajasthan

1117. { Shri Dhuleshwar Meena:  
 Shri Ramchandra Ulaka:

Will the Minister of Health be pleased to state:

(a) the financial assistance given to Rajasthan for prevention of Cholera and Plague in the State during 1962-63; and

(b) the number of deaths due to Cholera and Plague separately in the State during the same period?

**The Minister of Health (Dr. Sushila Nayar):** (a) Nil, as these are not centrally assisted schemes.

(b) No deaths have been reported due to Cholera and Plague in the State during the period 1962-63.

#### Officials of Dandakaranya Project

1118. { Shri Dhuleshwar Meena:  
 Shri Ramachandra Ulaka:

Will the Minister of Works, Housing and Rehabilitation be pleased to refer to the reply given to Unstarred Question No. 1243 on 28th March, 1963 and state:

(a) whether inquiries instituted against Government employees and officials of Dandakaranya Project during the period from 1960 to 1963 have been completed in the remaining three cases and punishment awarded; and

(b) if so, the details thereof?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) and (b). The requisite information has been called for from the Dandakaranya Administration and will be laid on the Table of the Sabha as soon as it is received.

#### -Drinking Water in Rajasthan

1119. { Shri Dhuleshwar Meena:  
 Shri Ramachandra Ulaka:

Will the Minister of Health be pleased to state:

(a) whether any sum has been allocated by the Central Government to Rajasthan Government for supplying protected drinking water to Rajasthan Municipalities during the Third Five Year Plan period so far; and

(b) if so, the details thereof?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). A sum of Rs. 500 lakhs has been provided in the State Third Five Year Plan for urban water supply and sanitation schemes under the National Water Supply and Sanitation Programme. The Central assistance in the form of loan so far sanctioned during the Third Plan to the Government of Rajasthan for the

implementation of these schemes is as follows:—

1961-62	Rs. 41.16 lakhs
1962-63	Rs. 60.00 lakhs

(b) 1961-62	Rs. 4,18,000
1962-63	Rs. 7,98,000 (Anticipated)
1963-64	Rs. 10,00,000 (Budget provision)

**Development of Ayurveda in Rajasthan**

1120. { Shri Dhuleshwar Meena;  
Shri Ramachandra Ulaka:

Will the Minister of Health be pleased to state:

(a) the amount allocated by the Union Government for development of Ayurveda in Rajasthan during the Third Plan period; and

(b) the amount spent so far?

**The Minister of Health (Dr. Sushila Nayyar):** (a) Rs. 70.00 lakhs (Plan allocation).

**Grants to Non-Official Organisation in Rajasthan**

1121. { Shri Dhuleshwar Meena;  
Shri Ramachandra Ulaka;  
Shri Onkar Lal Berwa:

Will the Minister of Health be pleased to state the names of non-official organisations which have received grants from the Central Government for treatment of Yaws, T.B. and Leprosy in Rajasthan during 1962-63 and 1963-64 so far?

**The Minister of Health (Dr. Sushila Nayyar):** The grants have been sanctioned to the following voluntary T.B., Leprosy and other Medical Institutions in Rajasthan during 1962-63 and 1963-64:—

Name of the institution	Year	Purpose
(1) Shri Kalyan Arogya Sadan (T. Sanatorium, Sikar	1962-63	For starting a T.B. clinic and T.B. Control Programme,
(2) Madar Union Sanatorium, Madar, Ajmer.	1962-63	Purchase of 100 M.A. X-Ray Unit. Reservation of 4 beds for poor T.B. Patients.
	1963-64	Reservation of 4 beds for poor T.B. Patients.

**Electrification of Villages**

1122. **Shri Rama Chandra Mallick:** Will the Minister of Irrigation and Power be pleased to state:

(a) the efforts made to electrify villages, State-wise, up to June, 1963; and

(b) the names of the States where largest number of villages have been electrified?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Out of the provision of Rs. 105 crores made in the III Plan for rural electrification a sum of Rs. 22.79 crores has been granted as loan to the various State Governments for the first two

years of the Plan as under:—

Name of State	Amount of loan sanctioned
Andhra Pradesh	2.41
Assam	0.04
Bihar	0.77
Gujarat	1.08
Kerala	0.94
Madhya Pradesh	2.32
Madras	8.20
Maharashtra	1.53
Mysore	0.41
Punjab	3.28
Rajasthan	0.29
Uttar Pradesh	1.24
West Bengal	0.10
Orissa	0.20
<b>TOTAL</b>	<b>22.79</b>

(Rs. in crores)

On these loans for which concessional terms apply, only interest is payable during the first five years. Thereafter the principal together with interest thereon is repayable in twenty-five annual equated instalments.

Those loans are sanctioned on the basis of reports, from the States, of the expenditure on schemes approved by the Planning Commission. The process of scrutiny for such approval has also been abridged.

Also, the use of indigenous cheaper materials, and adoption of low standards of construction consistent with safety and efficiency of service have been recommended for construction of lines in rural areas.

(b) Madras, Uttar Pradesh, Punjab, Mysore and Andhra Pradesh.

#### **Industrial Loans in Dandakaranya Project**

1123. **Shri Ramachandra Mallick:** Will the Minister of Works, Housing and Rehabilitation be pleased to state the total amount of industrial loans sanctioned to the displaced persons in Dandakaranya area during 1963-64 so far?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** During the year 1963-64, industrial loans totalling Rs. 36,426 were sanctioned to 176 settler families, up to the end of July, 1963.

#### **Cauvery Delta (Madras)**

1124. **Shri V. Thevar:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the Central Government are considering to take steps to solve the water scarcity in the Cauvery Delta, Madras State (for cultivation purposes) by augmenting the water supply from water sources in Mysore State in view of the alarming low level of water in the Metur Reservoir; and

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

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) There is no such proposal under the consideration of Government of India.

(b) Does not arise.

#### **Interest on Loans**

1125. { **Shri Yashpal Singh:**  
**Shri Bishanchander Seth:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the aid giving countries have decided to reduce their rate of interest on loans for the Third Five-Year Plan;

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

(c) the countries that have so far agreed to reduce the rate of interest?

**The Minister of Finance (Shri Morarji Desai):** (a) to (c). A statement is laid on the Table of the House. [Placed in Library, See No. LT-1597/63].

#### **Filtration Plant at Wazirabad**

1126. { **Shri Shree Narayan Das:**  
**Shri C. K. Bhattacharyya:**

Will the Minister of Health be pleased to state:

(a) the progress made in setting up a 40 million gallon filtration plant at Wazirabad;

(b) whether it is a fact that the work is not progressing according to plan and schedule;

(c) if so, the reasons therefor; and

(d) the expenditure incurred during the last year and the last five months of current financial year separately?

**The Minister of Health (Dr. Sushila Nayyar):** (a) The excavation work on this plant was started on 1st July, 1963.

(b) and (c). The work was to be started and completed during the Third Five Year Plan period. There has been some initial delay but the Corporation have reported that the work will be completed in 18 months from the 1st August, 1963 i.e. February, 1965, which will be within the Third Five Year Plan period.

(d) The expenditure has been incurred as under:

1962-63	Rs. 438.75 nP.
1963-64	Rs. 3½ lakhs.

#### Rickshaw Pulling

**1127. Shri Yashpal Singh:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that Government propose to check the growth of man-driven rickshaws in the capital; and

(b) whether these rickshaws will be replaced by the three wheeled scooter rickshaws in the near future?

**The Minister of Health (Dr. Sushila Nayar):** (a) (i) The plying of man-driven rickshaws in the New Delhi Municipal Committee areas is prohibited under the Bye-laws of the Committee.

(ii) In the Municipal Corporation area, the plying of man-driven rickshaws is being gradually eliminated by no. issuing any fresh licences.

(b) In the Municipal Corporation area, a scheme prepared by the Delhi State Transport Authority for granting auto-rickshaw licences to cycle-rickshaw pullers cooperative society and to cycle-rickshaw license holders on surrendering cycle-rickshaw licenses is already in operation.

#### इविन अस्पताल

११२८. श्री यशपाल सिंह : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगे

कि :

(क) क्या यह सच है कि इविन अस्पताल में दवा लेने के लिये रोगियों को घंटों खड़ा रहना पड़ता है ;

(ख) क्या यह भी सच है कि महिलाओं के लिये भी इस गर्मी में लाइन में खड़े रहना जरूरी होता है ;

(ग) क्या यह भी सच है कि ४-५ घंटे तक लाइन में खड़े रहने के बाद भी महिला रोगियों को कई बार बिना दवा लिये घर लौटना पड़ा है ; और

(घ) यदि हां. तो इस कठिनाई को दूर करने के लिये सरकार क्या कदम उठा रही है ?

स्वास्थ्य मंत्री (डा० सुशीला नायर) :

(क) भीड़ के समय रोगियों को लगभग २५ से ४० मिनट तक खड़ा रहना पड़ता है ।

(ख) जी नहीं। महिलाओं के लिये एक टुके हुये बरामदे में, जिसमें बेंच और बिजली के पंखे लगे हुये हैं, अलग खिड़कियां हैं ।

(ग) ऐसी किसी घटना की सूचना नहीं मिली है ।

(घ) औषधियों और टिकियाओं को देने का काम विकेंद्रित कर दिया गया है और वर्तमान तीन खिड़कियों के अतिरिक्त दो और खिड़कियां खोल दी गई हैं । रोगियों की सुविधा के लिये पंखों और बेंचों का प्रबन्ध किया गया है ।

#### Examination of Bank Lockers

**1129. Shri R. G. Dubey:** Will the Minister of Finance be pleased to state:

(a) whether the Gold Control Board have issued any instructions to get the Bank lockers examined in suspected cases; and

(b) if so, whether any complaints have been received in this respect?

**The Minister of Finance (Shri Morarji Desai):** (a) No. The power to

search vaults or lockers is available to officers of or above the rank of sub-inspectors of central excise, under the provisions of Rule-126L (2) of the Defence of India Rules read with the relevant notification issued thereunder, but suitable instructions have been issued by the Central Government for ensuring that there will be no misuse or abuse of this power.

(b) No.

#### Blood for Transfusions

1130. { **Shri R. G. Dubey:**  
**Shri Vishram Prasad:**

Will the Minister of Health be pleased to state whether any experiments are going on in India to extract blood from dead-bodies for the purpose of transfusion, as is reported to be done in U.S.A.?

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

#### Irrigation Schemes in Kerala

1132. { **Shri A. K. Gopalan:**  
**Shri Warrior:**  
**Shri Vasudevan Nair:**

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

(a) whether the Kerala Government have requested the Centre to give higher priority to the Kallada, Chitturpuzha and Pawba irrigation schemes in the State;

(b) whether the State Government have also requested the Centre to allocate more funds for these schemes; and

(c) if so, the action taken in this connection?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) No specific request from the Government of Kerala has been received for giving priority to Kallada, Chitturpuzha and Pamba irrigation schemes.

(b) A request was received from the Government of Kerala for additional allocation for 1963-64 in order to enable them to incur expenditure on their new Third Plan schemes,

which include the above-mentioned schemes.

(c) A reply was sent to the Government of Kerala stating that taking into consideration the resources available to the State, the outlay for 1963-64 was fixed at Rs. 162 lakhs which was Rs. 7 lakhs more than the original provision proposed by the State Government and that additional funds if required for new irrigation schemes should be found by readjustment from within the State ceiling, if possible.

#### Mobile X-Ray Units

1132. { **Shrimati Vimla Devi:**  
**Shri Dinan Bhattacharya:**

Will the Minister of Health be pleased to state:

(a) whether the scheme to establish mobile X-ray case finding units during the Third Plan has made any progress;

(b) if so, the number of units established so far;

(c) the number of persons examined by these Units; and

(d) the number of cases detected?

**The Minister of Health (Dr. Sushila Nayar):** (a) Orders for the purchase of 5 mobile X-ray units have been placed with the Director General, Supplies and Disposals.

(b) No unit has been received so far.

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

#### Irrigation Schemes in Kerala

1133. { **Shri P. Kunhan:**  
**Shri Jmbichibava:**

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

(a) whether the Kerala Government's request to include the Kanjirapuzha irrigation scheme in the Third Five-Year Plan has been considered by Government; and

(b) if so, the result thereof?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The Kanjirapuzha irrigation scheme is

included in the Third Five Year Plan and the project report received from the State Government is under examination in the Central Water and Power Commission.

#### **Expenditure on Maintenance of Residential Buildings**

1134. **Dr. L. M. Singhvi:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) the expenditure incurred by the Government during the last three years on the maintenance of residential buildings year-wise;

(b) the expenditure incurred on the residential buildings occupied by Ministers and Secretaries separately yearwise; and

(c) the percentage of expenditure incurred on the residences of Ministers and Secretaries to that incurred on all the other residential buildings occupied by Government Servants?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) to (c). The information is being collected and will be laid on the Table of the Sabha.

#### **New Hospitals for Delhi**

1135. **Shri P. C. Borooah:** Will the Minister of Health be pleased to refer to the reply given to Unstarred Question No. 761 on 16th August, 1962 and state the progress since made regarding the construction of the twenty new hospitals under the Master Plan for Delhi?

**The Minister of Health (Dr. Sushila Nayar):** So far no land has been allotted for the construction of additional hospitals provided for in the Master Plan for Delhi.

#### **Kasauli Institute**

1136. **Shri Raghunath Singh:** Will the Minister of Health be pleased to state whether Kasauli Institute has become self-sufficient and has begun to earn foreign exchange?

**The Minister of Health (Dr. Sushila Nayar):** The Central Research Institute, Kasauli recovered in 1962-63

Rs. 11.45 lakhs as against expenditure of Rs. 12.26 lakhs, on account of sale of Vaccines etc. The Institute has also supplied sera and vaccines to some foreign countries which earns foreign exchange.

#### **Central Electricity Board**

1137. **Shri Raghunath Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether Central Electricity Board decided at Simla on the 23rd May, 1963 that all new electric installations will be of three pin plugs to ensure safety of life; and

(b) if so, how the scheme is going to be implemented?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). At its last meeting held from the 21st to 24th May, 1963, the Central Electricity Board proposed amendment of rule 61(3) of the Indian Electricity Rules, 1956, to make the use of 3 pin-plugs compulsory in the case of low voltage new electrical installations. It was also suggested that 2 pin-plugs in existing electrical installations should be changed over to 3 pin-plugs within a period of 5 years. The third pin is to be permanently and efficiently earthed. This amendment together with other amendments suggested by the Board to the Rules will be published for public information and comments. The amendment will be reviewed by the Board in the light of the comments received, at its next meeting, before final promulgation. Breach of this Rule after its promulgation will be punishable, under Rule 141, with fine extending to 300 rupees.

#### **License Fee for Village Goldsmiths**

1138. **Shri P. C. Borooah:** Will the Minister of Finance be pleased to state:

(a) whether the Gold Control Board has taken a final decision to reduce the licence fee for the village goldsmiths; and

(b) if so, the extent of reduction made?

**The Minister of Finance (Shri Morarji Desai):** (a) and (b). The question is still under consideration

### शराबी

११३६. श्री भक्त बर्शन : क्या स्वास्थ्य मंत्री २५ अप्रैल, १९६३ के अतिरिक्त प्रश्न संख्या २३४५ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि दिल्ली के इविन अस्पताल में कुछ समय पहिले शराब पीने वालों की आदत छड़ाने के प्रयोजन से जो विशेष केन्द्र खोला गया था, उसे अब तक कितनी सफलता मिली है ?

**स्वास्थ्य मंत्री (डा० सुशीला नायर) :** व्यसन मुक्ति बहिरंग रोगी क्लिनिक लगभग ६ महीने से चालू है। यह सप्ताह में एक बार काम करता है। अब तक ८ शराबियों का इलाज किया जा चुका है। यह इलाज सलाह देने तथा उपयुक्त औषधियां देने तक ही सीमित है। सम्बद्ध व्यक्तित्व विकार के रोगियों को हस्पताल के मनश्चिकित्सा विभाग में भेजा जाता है। अनुपरीक्षण कार्य तथा अस्पताल द्वारा की जाने वाली सेवा की लोक-प्रियता नशाबन्दी समिति जैसे सामाजिक संगठनों पर निर्भर करती है, जो सामान्यतया रोगियों को इस अस्पताल में भेजते हैं।

### Expansion of Medical Studies

**1140, Shri Heda:** Will the Minister of Health be pleased to state:

(a) the financial assistance Union Government offered to State Governments for expansion of Medical studies;

(b) the target for each State;

(c) what are our requirements; and

(d) the decision taken thereon?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). A scheme for the opening of new medical colleges and expansion of existing ones has been included as a Centrally aided scheme in the Third Five Year Plan and Central assistance is offered to

State Governments according to the following pattern:

1. Non-recurring (Buildings and equipment)—75 per cent subject to a ceiling of Rs. 22,500 for equipment, and Rs. 22,500 and Rs. 37,500 for buildings for old and new colleges respectively, per admission.
2. Recurring 50% subject to a ceiling of Rs. 4,000 per admission.

Central assistance is released in accordance with the prescribed procedure. No target has been fixed for the expansion of medical colleges in each State and the State Governments are expected to be guided by the policy recommended by the Health Survey and Planning Committee. The State Governments are free, within their resources, to increase the number of admissions in medical colleges in accordance with standards laid down by the Medical Council of India and the University concerned for providing additional facilities and claim Central assistance for the purpose.

(c) and (d). The target for the Third Five Year Plan period is shown as 81,000. Our requirements are, however, rising rapidly and the target figure needs revision.

In order to increase medical manpower in the country and also to meet the defence requirements, the Government of India recently requested all State Governments to increase the number of admissions in medical colleges and offered Central assistance on the following pattern:

1. Non-recurring.—Rs. 15,000 per admission.
2. Recurring—Rs. 2,000 per admission per annum.

It has been decided to treat this emergency expansion programme as a Centrally sponsored scheme and Central assistance under the scheme will be outside the State Plan ceiling.

It is expected that under this scheme the number of admissions in the various medical colleges in the country will be increased by about 2000—3000 annually during the remaining years of the Third Plan. During 1963-64, the exact number of approved additional admissions is 1964.

**Blood Donation for National Defence**

**1141. Shri Vishwanath Pandey:** Will the Minister of Health be pleased to state:

(a) the quantity of blood collected in Uttar Pradesh during 1963-64 so far for national defence; and

(b) the number of persons in Uttar Pradesh enlisted during 1963-64 so far who are ready to offer blood in case of eventuality?

**The Minister of Health (Dr. Sushila Nayar):** (a) 29,400 cc of blood have been collected in Uttar Pradesh, during the period from 1-4-63 to 30-6-63.

(b) 3428 Blood donors have been registered in Uttar Pradesh during the same period.

**दिल्ली में बिक्री-कर के लिये पंजीयन**

**११४२. श्री नवल प्रभाकर :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली के बिक्रीकर विभाग ने १९६२-६३ में पंजीयन के संबंध में क्या प्रगति की है ; और

(ख) १९६१-६२ की अपेक्षा यह प्रगति कैसी है ?

**वित्त मंत्री (श्री मोरारजी देसाई) :**

(क) पंजीयन (रजिस्ट्रेशन) के कुल २७१० आवेदन पत्रों में से १९६२-६३ में २३१९ आवेदन पत्र निबटा दिये गये ।

(ख) १९६१-६२ और १९६२-६३ में पंजीयन के जितने आवेदन पत्र निबटाय गये उनके तुलनात्मक आंकड़े नीचे दिये गये हैं :

वर्ष	पहली अप्रैल को बाकी आवेदन पत्र	वर्ष में प्राप्त आवेदन पत्र	जोड़	वर्ष में निब-टाये गये आवेदन पत्र	शेष
१९६१-६२	२३४	२३४३	२५७७	२३०८	२६९
१९६२-६३	२६९	२४४१	२७१०	२३१९	३९१

**बिक्री कर संबंधी अपीलें**

**११४३. श्री नवल प्रभाकर :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में बिक्री कर संबंधी कुल कितनी अपीलें ३१ मार्च, १९६३ तक विचाराधीन थीं ; और

(ख) उनका निबटारा कब तक हो जाने की संभावना है ?

**वित्त मंत्री (श्री मोरारजी देसाई) :**

(क) ८२७ ।

(ख) जुलाई, १९६३ के अन्त तक उनमें से ६९८ अपीलें निबटा दी गयीं । बाकी १२९ अपीलों में से १०० अपीलों अगस्त और सितम्बर महीनों में निबटाने के लिये रख दी गयी हैं और संभव है कि इनका निबटारा इन महीनों में हो जायगा । बाकी २९ अपीलों को निबटाने का प्रबन्ध अभी नहीं किया गया ।



है क्योंकि उनमें जिन प्रश्नों का जिक्र है वे अदालतों में उठाये गये हैं और अदालतों के फैसलों का इन्तजार किया जा रहा है।

#### Issue of Capital by Companies

**1144. Shri Sham Lal Saraf:** Will the Minister of Finance be pleased to state:

(a) the total amount of capital Government authorised commercial and industrial units in 1962-63 to raise;

(b) the number of such units which needed fresh capital for extending their present business and the number of new concerns that were floated with this capital; and

(c) the names of such units, indicating the lines of business or industry they are engaged in?

**The Minister of Finance (Shri Morarji Desai):** (a) The total amount of capital Government authorised commercial and industrial units in 1962-63 to raise is Rs. 40816.48 lakhs.

(b) The number of companies which needed fresh capital for extending their present business is 186 and the number of companies that were floated or proposed to be floated with the issue of fresh capital is 131.

(c) A statement is laid on the Table of the House. [Placed in Library, See No. LT-1598/63].

#### Seized Gold Ornaments

**1145. Shri Sham Lal Saraf:** Will the Minister of Finance be pleased to state:

(a) whether gold ornaments weighing over a hundred tolas of higher quality than 14 carat were seized from a shop in Jorhat, Assam, early in June, 1963; and

(b) whether the owner of the said shop is said to be a Pakistani National?

**The Minister of Finance (Shri Morarji Desai):** (a) Gold ornaments weighing 1021.374 grammes and 329 624 grammes of non-ornament gold of more than 14 carat purity were seized from the premises of a dealer in Jorhat on 6-6-1963.

(b) Yes, but his antecedents are being verified and the matter has been referred to the Superintendent of Police, Sibsagar.

#### Arrears of Taxes

**1146. Shri S. M. Banerjee:** Will the Minister of Finance be pleased to state:

(a) whether arrears of Income-tax, Wealth Tax and Gift Tax up to 31st March, 1961 have been realized in Kanpur city;

(b) if not, the total amount under each head on 1st April, 1962; and

(c) the steps taken by the Central Government to realise the arrears?

**The Minister of Finance (Shri Morarji Desai):** (a) No, Sir. A part of the demand is still outstanding.

(b) (In thousands of Rupees).

Income-tax—5,2247

Wealth Tax—4,33

Gift Tax—8

(c) All possible steps provided for in the respective Acts are being taken to realise the arrears.

#### Thermal Power Station in Andhra Pradesh

**1147. Shri Himatsingka:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether a private party has offered to build a 2,000 M.W. Thermal Power Station for Andhra Pradesh Government; and

(b) if so, whether this offer has been accepted?

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

(b) No decision has yet been taken.

**National Water Supply and Sanitation Committee**

1148. { **Shri Ramachandra Ulaka:**  
          **Shri Dhuleshwar Meena:**

Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 78 on the 9th November, 1962, and state:

(a) whether the recommendations of the National Water Supply and Sanitation Committee have since been considered by all the States; and

(b) if so, how far this has solved the water problem in rural and urban areas?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). A statement containing the required information is laid on the Table of the House. [*Placed in Library, See No. LT-1599/63*].

**Control of T.B. in Delhi**

1149. { **Shri Ramachandra Ulaka:**  
          **Shri Dhuleshwar Meena:**

Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 320 on the 22nd November, 1962 and state:

(a) whether the pilot project for control of T.B. in Delhi area has since been worked out and finalised by Government; and

(b) if so, the details thereof?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). The pilot project for control of T.B. in Delhi area is still under consideration.

**Sharavathy Hydro-Electric Project**

1150. { **Shri Ramachandra Ulaka:**  
          **Shri Dhuleshwar Meena:**

Will the Minister of **Irrigation and Power** be pleased to refer to the

reply given to Starred Question No. 922 on the 22nd May, 1962 and state the progress that has been made so far with regard to the work on the Sharavathy Hydro-Electric Project?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** The position of the various works of the project is indicated below:—

- (i) **Linganmakki Dam:** In the masonry portion of the Dam, the masonry has been raised to the final first stage level of R.L. 1805 in the entire length except for a length of 700 ft. in the spillway portion where the level reached is R.A. 1700. The earth-cum rockfill section of the Dam has been raised to the level of R.L. 1775.
- (ii) **Talakalale Dam:** The masonry has been brought to the final level of R.L. 1705 in the entire length of the Dam except for a length of 120 ft. where the level reached is R.L. 1699.
- (iii) **Power Channel:** The cement concreting to the extent of 84 per cent of the total quantity has been completed.
- (iv) **Tunnels:**
  - (a) **Malali tunnel:** The cement concrete lining has been completed.
  - (b) **Vodenbyle pressure tunnels:** Cement concreting for a length of 3,200 ft. has been completed for tunnel No. 1. For tunnel No. 2, the concreting is in progress.
- (v) **Electrical Works:** The concreting work for the foundations for unit No. 1 has been completed. The work in connection with the erection of the first turbine is progressing well and is expected to be completed by March, 1964. Concreting work for

foundation of unit No. 2 is in progress.

The schedule of commissioning of the Project has been delayed due to shortage of steel, delay in the import of machinery and equipment, and the landslides which took place during last monsoon. The first stage consisting of two units is now expected to be commissioned in 1964-65.

#### Upper Krishna Project

**Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

1151.

Will the Minister of Irrigation and Power be pleased to refer to the reply given to Unstarred Question No. 1719 on the 22nd May, 1962 and state:

(a) whether Government have since considered the proposal of inclusion of the Upper Krishna Project in the Third Plan; and

(b) if so, the details thereof?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). Yes, Upper Krishna Project Stage I will be cleared subject to the usual technical examination and scrutiny by the Central Water and Power Commission. The project report has just been received. Stage I consists of construction of Alamatti dam to first stage, construction of Narayanpur dam to a height of 78 ft. with gates and irrigation system for ayacut of 5.3 lakhs.

#### Tawa Multipurpose Project

**1152. Shri Birendra Bahadur Singh:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether it is a fact that the Government of Madhya Pradesh have asked for additional funds for the speedy execution of Tawa Multipurpose Project; and

(b) if so, whether the demand of the State Government has been considered?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The request of the State Government for additional funds for the Tawa Multipurpose Project was considered in consultation with the Planning Commission but could not be acceded for want of resources, particularly in the context of the national emergency.

#### Aid from Japan

**1153. Shri Ram Ratan Gupta:** Will the Minister of Finance be pleased to state:

(a) whether any officials visited Japan during June-July, 1963 for talks on aid from that country; and

(b) if so, the outcome of the visit of the delegation?

**The Minister of Finance (Shri Morarji Desai):** (a) and (b). Yes, Sir. Japan indicated at the last Aid India Consortium meeting which concluded on 7th August, 1963, a credit in Yen equivalent to \$65 million (Rs. 30.95 crores) towards assistance for 1963-64. The terms and conditions of the credit will be negotiated shortly.

#### Irrigation Schemes

**1154. Shri Sivamurthi Swamy:** Will the Minister of Irrigation and Power be pleased to state:

(a) the amount of grant or financial assistance given to each State for irrigation purposes during 1961-62 and 1962-63;

(b) whether it is a fact that some of the irrigation schemes have been sanctioned money in the States of Andhra Pradesh and Madras before even getting technical clearance; and

(c) if so, the names of those schemes and how much money has been given without such technical clearance?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) Apart from the specified multipurpose river valley projects for which 100% Cen-

tral loan assistance is given, the miscellaneous development loans were used in these two years, as in other years, for financing expenditure on approved irrigation schemes. Though for purposes of accounting formalities, certain schemes are approved from year to year for utilising this assistance, the miscellaneous development loans are not related to any particular scheme or schemes. As such, it is not possible to indicate how much of the Central assistance released under Miscellaneous Development Schemes Loan to States in 1961-62 and 1962-63 has been utilized for irrigation purposes.

(b) and (c). There is only one such scheme, namely, Parambikulam Aliyar Project in Madras State which was allowed loan assistance of Rs. 376.59 lakhs during 1961-62 as a special case after its technical feasibility had been examined by the Central Water and Power Commission.

#### **Blood Bank and Research Institute**

1155. **Shri Ram Ratan Gupta**: Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether Government have allotted any accommodation to a firm named "Blood Bank and Research Institute" in 'P' Block, Raisina Road, New Delhi; and

(b) if so, when?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna)**: (a) and (b). Yes, a room in 'P' Block was allotted to the Blood Bank and Research Institute on the 30th January, 1961.

#### **Ayurvedic Research Institute**

1156. **Shri Bade**: Will the Minister of Health be pleased to state:

(a) whether the Central Government have set up the institute for advanced studies and literary research in Ayurveda at Jhansi;

(b) if so, the officers or persons entrusted with such work; and

(c) if not, when Government propose to start such an institute?

**The Minister of Health (Dr. Sushila Nayar)**: (a) to (c). The Government of India have a proposal under their consideration to set up an Institute for advanced studies and research in Ayurvedic literature at Jhansi. The details have not yet been finalised.

#### **Benefits for Pensioners**

1157. **Shri S. M. Banerjee**: Will the Minister of Finance be pleased to state:

(a) whether there is a proposal to give more benefits to pensioners; and

(b) if so, the details thereof?

**The Minister of Finance (Shri Morarji Desai)**: (a) No, Sir.

(b) does not arise.

#### **Blood Donation for National Defence**

1158. **Shri Daljit Singh**: Will the Minister of Health be pleased to state:

(a) the number of persons who have enlisted so far, State-wise, to donate blood for National Defence; and

(b) the quantity of blood collected, State-wise?

**The Minister of Health (Dr. Sushila Nayar)**: (a) and (b). A statement is laid on the Table of the House. [Placed in Library, See No. LT-1600/63].

#### **गाजीपुर का अफीम का कारखाना**

११५६. श्री सरजू पांडेय : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि अफीम फैक्टरी, गाजीपुर के विस्तार एवं आधुनिकीकरण के बारे में क्या प्रगति हुई है ?

**वित्त मंत्री (श्री मोरारजी देसाई)** : एक ऐसे संयंत्र (प्लांट) का डिजाइन तैयार किया जा रहा है जिसके जरिये अल्कलाइड का निर्माण और अधिक आधुनिक तरीके से किया जा सके। इस बात पर भी विचार किया

जा रहा है कि यह संयंत्र गाजीपुर में लगाया जाय या किसी और उपयुक्त स्थान पर।

### Industrial Housing in Kanpur

**1160. Shri S. M. Banerjee:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether it is a fact that the rent of some houses constructed in Kanpur under Industrial Housing Scheme is Rs. 19 p.m. against Rs. 10 or Rs. 12 p.m. in other colonies;

(b) if so, the reason for this increased rent;

(c) whether the residents have approached the Central Government in the matter; and

(d) if so, the steps taken to make the rent uniform?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) and (b). Yes. This is due to the increase in the cost of houses constructed under the Scheme at Kanpur. In 1954, the sanctioned cost of small two roomed houses was Rs. 2700 while in 1961, it was Rs. 5100.

(c) and (d). The Labour Welfare Committee, Benajhawar New Colony, Kanpur, has represented in the matter to the Central Government and the State authorities simultaneously. As the houses built under the Scheme are the property of the State Government, the Committee has been advised to pursue the matter with the State authorities.

### Quarters in Press Pool

**1161. Shri Sivamurthi Swamy:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) the number of quarters for Class III and IV employees of Government of India Press which are placed in the Press Pool;

(b) whether the rules regarding allotment to Class III employees in the Press pool are strictly observed;

(c) whether an employee sharing a quarter with a Class IV employee is entitled to draw House Rent Allowance; and

(d) the number of Class III employees who are denied House Rent Allowance in the Government of India Press, Rouse Avenue, New Delhi under this condition?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) 805.

(b) Yes.

(c) Yes, provided the allottee of the accommodation shared is not in allotment on a rent free basis.

(d) 4.

**चोरी से लाये गये माल की बरामदगी**

**११६२. श्री श्रींकार लाल बरवा :** क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बम्बई की पुलिस ने जुलाई, १९६३ में ११ लाख रुपये का तस्कर माल बरामद किया ;

(ख) यदि हां, तो यह तस्कर माल किन लोगों के पास निकला ;

(ग) इस तस्कर माल में क्या क्या चीजें मिलीं ; और

(घ) सरकार ने तस्कर व्यापारी के विरुद्ध क्या कार्यवाही की ?

**वित्त मंत्री (श्री मोरारजी देसाई):**(क) और (ख). १० जुलाई, १९६३ को बम्बई पुलिस विभाग के अधिकारियों ने एक कमरे से, जो श्री जेठमल निहालचन्द जैन के कब्जे में था, लगभग ६७,५०० रुपये की ऐसी चीजें बरामद की जिनके बारे में यह शक है कि वे चोरी छिपे बाहर से लायी गयी हैं।

(ग) सोना, हाथ घड़ियां और विदेशी मुद्रा ।

(घ) मामले की छानबीन हो रही है ।

### Housing Programmes

1163. **Shri D. J. Naik:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) the amount allocated by the Life Insurance Corporation for housing programme during 1963-64;

(b) the State-wise break-up of allocations; and

(c) whether village housing schemes will be covered under this programme?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) Rs. 12.64 crores.

(b) The break-up is as under:—

(Rupees in lakhs)

Andhra Pradesh . . . . .	76.04
Assam . . . . .	22.00
Bihar . . . . .	87.25
Gujarat . . . . .	42.00
Jammu and Kashmir . . . . .	14.99
Kerala . . . . .	38.50
Madhya Pradesh . . . . .	65.80
Madras . . . . .	145.00
Maharashtra . . . . .	215.75
Mysore . . . . .	80.00
Orissa . . . . .	60.00
Punjab . . . . .	100.00
Raasthan . . . . .	53.75
Uttar Pradesh . . . . .	135.00
West Bengal . . . . .	100.00
Total . . . . .	1236.04
Unallocated balance . . . . .	28.46

### Bateshwar Ghats in Agra

1164. **Shri S. N. Chaturvedi:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the revised scheme for the repair and renovation of the Bateshwar Ghats in the district of Agra has been received by the Cen-

tral Water and Power Commission; and

(b) if so, its estimated cost and when it is likely to be sanctioned?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** (a) and (b). The scheme for repairing and reconstructing Bateshwar Ghats, estimated to cost Rs. 20.8 lakhs, was examined by the Central Water and Power Commission in 1957. On the basis of the comments of the Central Water & Power Commission the scheme was further investigated and revised by the State Government to cost Rs. 15.44 lakhs. The revised scheme, however, has not yet been received from the State Government by the Central Water & Power Commission.

### दिल्ली में नल-कूप

११६५. श्री मोहन स्वरूप : क्या निर्माण, आवास तथा पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भूमिगत जल निकालने के लिये दिल्ली में जो नलकूप लगाये गये हैं, उनके मीटरों व अन्य पुर्जों की भारी संख्या में चोरी हो रही है ;

(ख) क्या यह भी सच है कि उनमें से २० नलकूप (ट्यूबवेल) विजली के मीटर चोरी हो जाने के कारण बेकार पड़े हैं ;

(ग) नई दिल्ली नगरपालिका व दिल्ली नगर निगम के क्षेत्रों में पृथक पृथक कितने नलकूप हैं ; और

(घ) जब से ये नलकूप चलने आरम्भ हुये हैं, तब से भूमिगत जल का स्तर कितना गिरा है और उसका क्या विवरण है ?

निर्माण, आवास तथा पुनर्वास मंत्री (श्री मेहर चन्द खन्ना) : (क) हां, मीटरों तथा नल कूपों के अन्य पुर्जों की कुछ चोरियां हुई हैं ।

(ख) चोरी हो जाने के कारण ३१ नलकूप इस समय काम नहीं कर रहे ।

(ग) नई दिल्ली नगर पालिका के क्षेत्र में २१८ और दिल्ली नगर निगम के क्षेत्र में ८३ ।

(घ) अभी इतना कम समय हुआ है कि भूमिगत जल के स्तर पर नल कूपों के प्रभाव का अन्दाज नहीं लगाया जा सकता । जैसा कि इस सदन में १६ मई, १९६२ को पढ़े गये तारांकित प्रश्न सं० ७३६ के उत्तर में बताया गया था, नलकूपों का प्रभाव उनके तीन साल तक काम कर चुकने के बाद ही पता चलेगा ।

### Homoeopathic Hospital

**1166. Shri Raghunath Singh:** Will the Minister of Health be pleased to state:

(a) whether a modern Homoeopathic Hospital is being set up in Delhi; and

(b) if so, the details of the scheme?

**The Minister of Health (Dr. Sushila Nayar):** (a) and (b). There is no proposal to set up a Homoeopathic Hospital by the Central Government or the Delhi administration. However, a Homoeopathic Hospital is being set up in Defence Colony, New Delhi by the Dr. Yudhvir Singh Homoeopathic Charitable Trust, a charitable institution, as part of its proposal for the establishment of a College and Hospital to be known as 'the Nehru Homoeopathic College and Hospital'. A plot of land measuring 2.19 acres has been allotted to it by the Delhi Administration. The Trust has collected donations from the public and has appealed for further donations. The first phase of construction is estimated to cost Rs. 10,30,000 as under:—

	Rs.
1. College Block (Ground floor 1st floor and 2nd floor)	3,87,000
2. O.P.D. Block (one floor only)	89,000
Ward Block (Basement)	1,43,500
Ward Block (Ground floor)	1,53,500

5. Kitchen Block (One floor)	54,000
6. Principal's flat, Medical Superintendent's flats, Nurses Dispensers' flats and secretaries' quarters	1,89,000
7. Compound Wall & Gates	14,000
Total	Rs. 10,30,000

The construction work of the buildings was started on 24-6-1962. The Government of India have under consideration a request of the Trust for payment of a grant for construction of the college block.

### Indigenous system of Medicine

**1167. Shri Ram Ratan Gupta:** Will the Minister of Health be pleased to state:

(a) whether it is a fact that the All India Unani Tibbia Conference has urged the Government to recognise the indigenous system of Medicine and to pass an Indian Medical Councils Act for its advancement; and

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

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

(b) There are educational establishments, hospitals dispensaries and research institutes functioning with the support of the State and Central Governments.

The proposal for the enactment of an Act to constitute a Central Council of Indian Medicine will be considered after a decision is taken on the nature of Ayurvedic and Unani education to be provided in future, and watching its progress.

### Rehabilitation in States

**1168. Shri Ram Ratan Gupta:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) whether the rehabilitation work in Punjab and U.P. has been handed over to the State Governments; and

(b) if so, the reasons therefor?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand**

**Khanna**): (a) and (b). The subject of relief and rehabilitation being in the concurrent list is already being dealt with by the State Governments. However, with a view to expedite the winding up of the Central Settlement Organisation, some residual work in U.P., such as collection of the balance cost of properties sold on instalment basis, recovery of arrears of rent and disposal of rural agricultural plots has been transferred to the State Government who will handle it on behalf of the Central Government on payment of certain agency charges.

In the case of Punjab, a proposal to transfer residual work to the State Government is under consideration.

**D.V.C.**

1169. { **Shri Mohammad Elias**;  
           **Shri Warrior**;

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

(a) whether it is a fact that the Damodar Valley Corporation has been supplying power to J. K. Industries at a concessional rate;

(b) if so, the loss being suffered by the Damodar Valley Corporation per year for supplying power to J.K. Industries at concessional rate; and

(c) whether there is any agreement between the Damodar Valley Corporation and J. K. Industries for supplying power at concessional rate?

**The Minister of Irrigation and Power (Dr. K. L. Rao)**: (a). The DVC does not supply any power to J. K. Industries.

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

**तस्कर-व्यापारियों को गिरफ्तारी**

११७०. **श्री श्रीकार लाल बरवा** : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि २३ जुलाई, १९६३ को दमदम हवाई अड्डे पर सीमा

शुल्क अधिकारियों ने रंगून जाने वाले तस्कर व्यापारियों को पकड़ा जिनके पास १ लाख रुपये का माल था ; और

(ख) यदि हां, तो तस्कर के माल का ब्यौरा क्या था ?

**वित्त मंत्री (श्री मोरारजी देसाई) :**

(क) सरकार को ऐसे किसी मामले का पता नहीं, पर दमदम हवाई अड्डे के सीमा शुल्क (कस्टम्स) अधिकारियों ने २२ जुलाई, १९६३ को एक व्यक्ति को गिरफ्तार किया जो हवाई जहाज द्वारा रंगून जाने की कोशिश कर रहा था। उस व्यक्ति के पास से लगभग २३,१०० रुपये का सामान पकड़ा गया।

(ख) इस सामान में अनबिधे असली मोती, कलचड मोती, उद्योगों में काम आने वाले हीरे, (बोर्ज), कपड़े सहित विविध उपभोक्ता वस्तुयें और भारतीय मुद्रा थी।

**Contributory Health Service Scheme**

1171. **Shri E. Madhusudan Rao**: Will the Minister of Health be pleased to state:

(a) whether it is a fact that the name of the Contributory Health Service Scheme is being changed into Central Government Health Scheme;

(b) if so, the reasons therefor; and

(c) when this change will take place?

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

**Calicut Municipal Corporation**

1172. **Shri Koya**: Will the Minister of Health be pleased to state:

(a) whether the Calicut Municipal Corporation has applied for any loan for augmenting its water supply scheme during 1963-64; and

(b) if so, the action taken thereon?



**The Minister of Health (Dr. Sushila Nayar):** (a) No such request has been received by the Government of India.

(b) Does not arise.

**अनुसंधान संस्थाओं और प्रयोगशालाओं की रिपोर्ट**

११७३. { श्री प्रकाशवीर शास्त्री :  
श्री प० ला० बाळपाल :  
श्री रामेश्वरानन्द :  
श्री कछवाय :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) उन अनुसंधान संस्थाओं और प्रयोगशालाओं द्वारा अपनी वार्षिक रिपोर्टों को हिन्दी में प्रकाशित न कराने का क्या कारण है जिनका प्रशासन उनके मंत्रालय के अधीन है ;

(ख) क्या अभी तक इस संभावना पर विचार किया गया है अथवा किया जा रहा है कि उपरोक्त संस्थाओं की वार्षिक रिपोर्टों के गैर तकनीकी अंश अथवा रिपोर्टों का संक्षिप्त रूप हिन्दी में भी प्रकाशित किया जाया करे ; और

(ग) यदि हां, तो कब से ऐसी व्यवस्था अमल में लाई जायेगी ?

**स्वास्थ्य मंत्री (डा० मुशीला नायर) :**

(क) स्वास्थ्य मंत्रालय के अधीन अनुसंधान संस्थाओं और प्रयोगशालाओं द्वारा अपनी वार्षिक रिपोर्टों को हिन्दी में प्रकाशित न कराने के कारण इस प्रकार हैं :—

(१) इन रिपोर्टों की विषय वस्तु तकनीकी होने के कारण केवल अनुसंधान कार्यकर्ता ही इन से लाभ उठा सकते हैं और वह सामान्यतया हिन्दी नहीं जानते;

(२) क्योंकि हिन्दी में वैज्ञानिक शब्दावली का अभी पूरी तरह विकास नहीं हो पाया है अतः कभी कभी वैज्ञानिक सामग्री को हिन्दी में ठीक प्रकार से अभिव्यक्त करना संभव नहीं होता ; और

(३) इन संस्थाओं में सुयोग्य अनुवादकों के अभाव के कारण वहां पर अनुवाद कार्य नहीं किया जा सकता ।

(ख) और (ग). इन रिपोर्टों के गैर-तकनीकी अंशों का अनुवाद करने अथवा उनके संक्षिप्त रूपों को हिन्दी में प्रकाशित करने के प्रस्तावों पर विचार किया गया था किन्तु देश की वर्तमान संकटकालीन स्थिति के कारण इस विषय को स्थगित करना पड़ा ।

**Umium Hydro-electric Project in Shillong**

**1174. Shri Basumatari:** Will the Minister of Irrigation and Power be pleased to state the progress made so far regarding the Umium Hydro-Electric Project at Shillong?

**The Minister of Irrigation and Power (Dr. K. L. Rao):** The work on the dam and concreting for the power house building is in progress. Three of the four generating units, for which orders were placed, have already reached the site. The progress of the work on the whole is satisfactory, and every attempt is being made to commission the first unit by the middle of 1964.

**D.Ps. in Gurki Mandi. Delhi**

**1175. Shri Shiv Charan Gupta:** Will the Minister of Works, Housing and Rehabilitation be pleased to state:

(a) the number of displaced persons of Gurki Mandi in Delhi eligible for alternative accommodation;

(b) the number of quarters being constructed at Gurki Mandi; and

(c) the steps being taken to provide accommodation to remaining persons?

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** (a) According to the survey conducted by the Municipal Corporation of Delhi, 317 displaced families were squatting in Gurki Mandi,

(b) 170 tenements are proposed to be constructed.

(c) As this is a scheme of the Delhi Municipal Corporation, it is for the Corporation to consider this question.

12.00 hrs.

#### OBITUARY REFERENCE

**Mr. Speaker:** I have to inform the House of the sad demise of Shrimati Uma Nehru who passed away on the 28th August 1963, at Lucknow, at the age of 79.

Shrimati Uma Nehru was a member of the First and Second Lok Sabha during the years 1952—62.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while to express its sorrow.

*The Members then stood in silence for a short while*

**Shri Ranga (Chittoor):** In regard to obituary references that are made here, may I make a suggestion, that a little more information may be given of the services rendered by the person concerned? Information may be collected from the Who's Who; other information may also be collected from other Members in the House who are in a position to give

it, so that the reference that you make would be a little more full and more satisfactory.

**Mr. Speaker:** I will keep that in mind.

12.02 hrs.

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

#### ACQUISITION OF KISANS' LAND AROUND GHAZIABAD

**श्री प्रकाशवीर शास्त्री (बिजनौर) :**  
 अध्यक्ष महोदय, मैं प्रधान मंत्री का ध्यान निम्न अविलम्बनीय लोक महत्व के विषय की ओर आकृष्ट करता हूँ और चाहता हूँ कि वह इस सम्बन्ध में अपना वक्तव्य दें :

“मास्टर प्लान के अन्तर्गत गाजियाबाद के आस पास के किसानों की भूमि अर्जित कर लेने से उत्पन्न स्थिति” ।

प्रधान मंत्री, वंदेशिक कार्य मंत्री तथा अणु शक्ति मंत्री (श्री जवाहरलाल नेहरू) :  
 अध्यक्ष महोदय, मैं इस के लिये माफी चाहता हूँ कि मैं इस के जवाब में अपना वक्तव्य अंग्रेजी में पढ़ूँगा । इस का हिन्दी में भी अनुवाद तैयार हो रहा है और थोड़ी देर में जो मेम्बर साहब इसको हिन्दी में चाहेंगे उन को वह पढ़ूँचा दिया जायगा ।

As the House is aware, a large number of peasants from Ghaziabad have come to Delhi and have been here for some days squatting in front of the Parliament House. This is not the first time that they have staged this demonstration. They have come to Delhi on many occasions during the past year or two and every time they have come, I have met them and discussed their grievances with them. The last time they met me, apart from the present occasion, was on April, 20, 1963.

I might make it clear that the proposal to acquire land in Ghaziabad has

nothing to do with the Planning Commission. It is the result of our approving of a Master Plan for Delhi which had been prepared after several years of investigation and effort by a body of experts, both Indian and foreign. Great care was taken in the preparation of this Master Plan. Delhi was growing fast and unless some steps were taken to regulate this growth, this would result in wholly unregulated growth leading to many social problems and difficulties, apart from encouraging the growth of slums and unsightly areas. It had therefore become inevitable to plan this growth so as to provide civic amenities and social services to all the residents of Delhi. This made it essential for land to be acquired on the outskirts of Delhi. As a matter of fact, much land was being acquired by private parties who profited by the transaction. It was not considered desirable to allow this kind of private acquisition to continue as this was against the interest of the peasant owners and led to unregulated growth.

At first it was proposed to acquire 35,000 acres round about Ghaziabad and this was notified for acquisition. Later when the attention of the Chief Minister of Uttar Pradesh was drawn to this matter and I pointed out that as far as possible good agricultural land should not be acquired, the U.P. Government released nearly 29,000 acres of land out of this 35,000 acres. Thus, about six thousand acres still remained notified for acquisition.

I have corresponded with the Chief Minister of the U.P. about this land many times during the past two years and he has assured me that he would do his best to meet the requests made by the peasants provided they were within the law. I had pointed out that with regard to compensation it was obvious that land in Ghaziabad had risen greatly in value and compensation, therefore, should not be paid at some fixed rates which had been calculated long ago. Further that relief might be given to the farmers quickly

and not long after the land had been taken possession of.

In addition to my correspondence with the Chief Minister of the U.P., I asked the Union Minister of Agriculture, Shri Ram Subhag Singh, to visit these areas and meet both cultivators and the local authorities and discuss their difficulties. He was good enough to go there and also discussed the matter with the Minister of Local Self-Government of U.P. As suggested by this Minister, we had the matter fully examined in detail by Shri Amir Raza, Joint Secretary in the Central Department of Agriculture. Shri Raza had been intimately connected with the land reform legislation of the U.P. and was thus aware of the problems that arose in regard to land there. Shri Raza fully examined the case and gave a detailed note. Our Minister of Agriculture broadly agreed with this note.

As a result of this note, it was clear that it would not be possible to give up the scheme of land acquisition as no planned and systematic development of Ghaziabad could take place without acquiring this land. It should be remembered that a great part of the land had already been released and only a little over six thousand acres remained. It was suggested by Shri Raza that much of the distress caused to the affected persons could be avoided if the State Government made an earnest endeavour to give rehabilitation assistance by organising a colonisation project for the resettlement of as many displaced families as possible and by giving the others some training, advice and financial assistance for taking up industrial occupation which were growing up round about Ghaziabad. I forwarded Shri Raza's report to the Chief Minister of U.P. and requested him to give full consideration to the recommendations made therein.

The Chief Minister said in reply that he had asked Shri Vichitra Narain Sharma, his Minister of Local Self-Government, to supervise personally the work of execution of the Master Plan

**Urgent Public Importance**

[Shri Jawaharlal Nehru]  
 at Ghaziabad. There was a controlling Authority for this purpose there with the Commissioner, Meerut Division, as Chairman, Secretary, Local Self-Government, Chief Engineer, Town and Village Planner, District Magistrate, Meerut, and Administrator, Improvement Trust, as members of the Authority to regulate the development of Ghaziabad according to the Master Plan which had been prepared in consultation and close coordination with the Delhi Town Planning organisation. This Authority was authorised to deal with and dispose of complaints and other matters brought before them by the affected people. The Chief Minister further said that he was having Shri Raza's recommendations carefully considered and it had been decided to be as liberal as possible within the frame work of the existing law and rules, in assessing compensation for the land acquired at Ghaziabad. He mentioned that the land was being acquired under the normal Land Acquisition Act and compensation was being given at market rates, even though it could have been acquired at a far cheaper price under the Town Improvement Act which provided for compensation on the basis of actual user as distinguished from its potential value as a building site. The whole land was being treated as potential building site and compensation being assessed as such, instead of treating it as agricultural land and giving compensation according to the multiple system applicable to agricultural lands. The compensation being given to the cultivators was in some cases ten to twenty times the compensation that would have been admissible had the land been treated as agricultural land. The cultivators have not been deprived of the standing crops, as alleged. The suggestions of Shri Raza in regard to the calculation of compensation for groves, wells and buildings and exclusion of Abadi sites from acquisition, were being adopted by State Government as far as possible and that they were also exploring the possibility of resettling the displaced persons from

the area in some other settlement if there was adequate response to such a proposal. In the end, he assured me that compensation would be assessed liberally and every possible care would be taken to avoid hardship to the peasantry whose land was being acquired.

This was the position before the present visit of a number of Ghaziabad peasants to Delhi. I saw the peasants again here and listened to them. Thereafter I communicated with the Chief Minister of U.P. again and requested him to be as liberal as possible for him within the law, in the grant of compensation and to finalise the matter without any further delay.

That is how the matter stands today. Ghaziabad is well within U.P. and the matter, therefore, lies entirely in the discretion of the U.P. Government. We have, however, in our solicitude for these peasants, gone carefully into this matter repeatedly and written to the U.P. Government about it.

**श्री प्रकाशबोर शास्त्री :** यह सवाल दिल्ली और गाजियाबाद के मास्टर प्लान से उतना सम्बन्धित नहीं है, जितना कि उन लोगों को मुआवजा देने से सम्बन्ध रखता है, जिन के गांव वहां पर उजाड़े जा रहे हैं और जिनके मूंड का टुकड़ा छीना जा रहा है। मैं यह जानना चाहता हूँ कि कृषि मंत्री, डा० राम-मुभग सिंह, और ज्वाइंट सेक्रेटरी, श्री अमीर रजा, ने प्रधान मंत्री को जो रिपोर्ट दी है, उस का मुख्य-मुख्य सिफारिशें क्या हैं और उत्तर प्रदेश सरकार ने उन को कहां तक स्वीकार कर लिया है।

**श्री जवाहरलाल नेहरू :** मैंने अभी कुछ तो इस का जिक्र किया है कि उन्होंने बाज बातें स्वीकार कर ली हैं, यानी बागात और इमारतें जो हैं, उन का देना। पहली बात तो यह है कि जो मामूली कायदा है खेती वगैरह लेने का, उस से नहीं, बल्कि शहरी सिआन से एक्जोजीशन किया गया है, जिस से उन के हक में बहुत फर्क हो जाता है।

एक बहुस-तलब बात वहाँ पर यह हुई कि वह जमीन मार्केट रेट्स पर, जो बाजारी भाव है, उस पर ली जाये, लेकिन वे मार्केट रेट्स कब के लिये जायें। यह तारीख का मामला बहुस-तलब है, क्योंकि आप जानते हैं कि दिल्ली में और उसके आस-पास जमीन की कीमत किस तेजी से बढ़ती है। कानूनन मार्केट रेट का हिसाब लगता है उस तारीख से, जब कि एक्वीजिशन का नोटिस जारी किया गया हो, भेजा गया हो। लेकिन यहाँ नोटिस जारी करके के बाद दिल्ली में कीमतें और बढ़ी हैं, क्योंकि खासकर जब वह मालूम होता है कि वह जमीन मास्टर प्लान में आयेगी और वहाँ कारखाने बनेंगे, तो कीमतें और बढ़ जाती हैं। जहाँ तक मुझे मालूम है, यत्र पेंच है इस बात का कि किस तारीख से मार्केट रेट का हिसाब लगाया जाये, सन् १९६०, या १९६२ या १९६३।

श्री प्रकाशवीर शास्त्री : मेरा प्रश्न दूसरा था। शायद मैं प्रधान मंत्री जी को समझा नहीं सका। मैं तो यह जानना चाहता हूँ कि कृषि मंत्री, डा० रामसुभग सिंह, और श्री अमीर रजा ने उन को जो रिपोर्ट दी है, उस की मुख्य सिफारिशें क्या हैं और उत्तर प्रदेश सरकार ने उन में से कितनी सिफारिशों को स्वीकार कर लिया है। मैं यह मोटी सी बात जानना चाहता हूँ।

श्री जवाहरलाल नेहरू : मैं सारी सिफारिशें तो इस वक्त नहीं कह सकता।

श्री प्रकाशवीर शास्त्री : मोटी मोटी बता दीजिये।

श्री जवाहरलाल नेहरू : कुछ तो मैंने बताई हैं।

श्री प्रकाशवीर शास्त्री : जमीन की कीमत क्या ठर्राई है ?

अध्यक्ष महोदय : माननीय सदस्य यह जानना चाहते हैं कि क्या कम्पेन्शेशन के सम्बन्ध में उन्होंने कोई रकम लिखी है।

श्री जवाहरलाल नेहरू : न उन्होंने लिखी है और न मैं बता सकता हूँ। उन्होंने एक तो यह लिखा, जो कि पहले नहीं था, यू० पी० गवर्नमेंट की तजवीज में नहीं था, कि इस में बागात, कुम्भों वगैरह की अलग कीमत लगानी चाहिये। उस को यू० पी० गवर्नमेंट ने मंजूर किया। कई और बातें उन्होंने लिखीं, जो यू० पी० गवर्नमेंट ने मंजूर कीं। इस बात पर अभी तक यू० पी० गवर्नमेंट का आखिरी फंसला नहीं हुआ है। उन्होंने यह मंजूर किया है कि मार्केट रेट हो, लेकिन सवाल यह है कि मार्केट रेट किस तारीख से लिया जाये। यू० पी० गवर्नमेंट का ख्याल था कि जिस वक्त उन्होंने नोटिस जारी किया, उस वक्त के मार्केट रेट्स लिये जायें। जाहिर है कि उस वक्त से कीमतें कहीं कहीं बढ़ गई हैं।

श्री प्रकाशवीर शास्त्री : श्री अमीर रजा का अपना सुझाव क्या है ?

श्री जवाहरलाल नेहरू : जहाँ तक मेरा ख्याल है, उन का अपना सुझाव कुछ बीच का है।

श्री प्रकाशवीर शास्त्री : कितना ?

श्री जवाहरलाल नेहरू : कितना तो मैं नहीं कह सकता हूँ। वह तो तारीख का सवाल है, कितने का सवाल नहीं है। यह मेरा ख्याल है—मुझे बताया गया है कि तारीख ६ फरवरी, १९६२ है।

श्री रामसेवक यादव (बाराबंकी) : मैं यह जानना चाहूंगा कि जब कृषि मंत्री जी इस मामले की जांच करने गये, तो क्या वहाँ के किसानों ने उन के सामने यह बात रखी कि उन्हें जो मुआविजा दिया जा रहा है, वह १५ नए पैसे से लेकर ३५ नये पैसे

[श्री राम सेवक यादव]

प्रति गज है, जब कि गाजियाबाद के समीप मेरठ जिले में ही कुछ जमीन हासिल की गई, जो ३ रुपये प्रति-गज और फरीदाबाद में ५ रुपये प्रतिगज के हिसाब से ली गई। मुआवज में यह जो भारी अन्तर है, उसको दूर करने के लिये क्या कृषि मंत्री ने कोई सुझाव दिया है, यदि हां, तो क्या ?

खाद्य तथा कृषि मंत्रालय में राज्य-मंत्री (डा० राम सुभग सिंह) : जी हां, यह बात सही है कि वहाँ के किसानों ने मेरे सामने यह बात रखी कि उनको १५ नए पैसे और १७ नए पैसे प्रति-गज मिलते हैं, लेकिन जब पूरी बातों की जांच की गई, तो हर केस में उस को सही नहीं पाया गया। यह बात भी सही है कि वहाँ कई एक जहगहों में उद्योगपतियों ने स्वयं जो जमीन खरीदी है, उस में सड़क के किनारे वाली जमीन की कीमत ३ रुपये प्रति-गज के हिसाब से दी गई। उत्तर प्रदेश सरकार की पहली नोटिफिकेशन १६ जुलाई, १९६० को हुई थी और जैसा कि प्रधान मंत्री जी ने बताया है, कि उस के अनुसार करीब ३५ हजार एकड़—वह है ३३,८७३ एकड़—जमीन पर नोटिस दिया गया। जो जमीन छोड़ी गई, उसका दूसरा नोटिस निकला ६ फरवरी, १९६२ को। इसलिए हम लोगों ने सुझाव दिया कि ६ फरवरी, १९६२ के समय जो मूल्य वहाँ की जमीनों का हो, वह रहे और वह मूल्य निर्धारित किया जाये यह देख कर कि रजिस्ट्री आफिस में किस ढंग से उन लोगों की खरीदी-बिक्री हुई है। इसी से हम लोगों ने कोई रकम का सुझाव नहीं दिया। हम ने यह सुझाव दिया कि चूँकि छः हजार एकड़ जमीन शामिल है, इस लिये रजिस्ट्रेशन के कागज का पता लगा कर जो कीमत हो १९७२ में, वह कीमत रहे।

श्री रघुनाथ सिंह (वाराणसी)  
इससे अच्छा और क्या हो सकता है ?

श्री रामसेवक यादव : यदि माननीय सदस्य की जमीन होती, तो पता चलता।

अध्यक्ष महोदय : आर्डर, आर्डर।

श्री बागड़ी (हिंसार) : अध्यक्ष महोदय, मैं यह जानना चाहूँगा कि मास्टर प्लान के तहत जो काश्त की जमीन ली गई है, इस से, जब कि देश में पहले भी भुखमरी है, लेकिन हमारी सरकार, हमारे मंत्री लोग, भुखमरी का मतलब यानी.....

अध्यक्ष महोदय : माननीय सदस्य सवाल करें।

श्री बागड़ी : जब निमिस्टर साहब सवाल समझगे नहीं, तो जवाब कैसे देंगे।

अध्यक्ष महोदय : यह भुखमरी का सवाल नहीं है।

श्री बागड़ी : इस से सम्बन्धित सवाल है। काश्त की जमीन को लेने से, देश में जो अन्न की कमी है, उस पर असर पड़ता है और उस का असर भुखमरी पर पड़ता है। उस के बारे में मैं कहना चाहता हूँ कि ...

अध्यक्ष महोदय : काश्त की जमीन लेने का असर अनाज की कमी पर पड़ेगा उस का असर भुखमरी पर पड़ेगा, इस लिए इन सब बातों के बारे में सवाल न करें। माननीय सदस्य गाजियाबाद और मुआवजे के बारे में सवाल करें।

श्री बागड़ी : गाजियाबाद के किसानों के बारे में मैं अज्ञ कर रहा था कि उन की जो जमीन मास्टर प्लान के तहत ली जायेगी, इस से जो देश में अन्न का संकट है, जिस से भुखमरी होती है, वह और बढ़ जायेगा। लेकिन सरकार के मत के अनुसार....

अध्यक्ष महोदय : माननीय सदस्य सिर्फ सवाल करें।

श्री बागड़ी : अगर मैं सब बातें खोल कर नहीं कहूंगा, तो समझ में नहीं आयेगा। एक उपवास से मौत होती है, एक कम खाने से मौत होती है, एक मौत होती है . . . . .

अध्यक्ष महोदय : मैं माननीय सदस्य से कहूंगा कि रूल १६७ के मातहत इस वक्त बिलेट नहीं हो सकती है। मैंने उनको सवाल करने का अवसर दिया है। जिस तरह बाड़ी माननीय सदस्यों ने और श्री राम सेवक यादव ने सवाल किया है, उसी तरह से वह भी सवाल करें।

श्री बागड़ी . अध्यक्ष महोदय, फिर मैं एक प्रश्न यह करना चाहूंगा कि आज जिस तरीके से किसान की जमीन १५,२० और ५० नये पैसे गज ले कर कमेटी और सरकार उस को १०, २०, ३० और ५० रुपये गज बेंच कर जो मुनाफा कमाती है, वह प्रत्यक्ष है, सरकार से छिपा हुआ नहीं है। क्या सरकार आज वह कीमत तय करते हुए कुछ इस बात का ध्यान रखेगी कि इस निर्लज्जता से किसानों को न लूटा जाये ?

डा० राम सुभग सिंह : इसमें निर्लज्जता का कोई सवाल नहीं है।

श्री बागड़ी : निर्लज्जता का बहुत सवाल है।

अध्यक्ष महोदय : आर्डर आर्डर। अब माननीय सदस्य अपने सवाल का जवाब सुनें।

डा० राम सुभग सिंह : यह बात सही है कि वह जमीन खेती वाली जमीन है। ट्यूबवेल भी वहां हैं। सिंचाई की भी व्यवस्था है और दूसरी व्यवस्थाएँ भी हैं और इसलिए यह निश्चय किया गया कि हम बिल्कुल व्यवस्थित ढंग से मुझाव दे और जो मुझाव दिया गया है, जैसा कि प्रधान मंत्री महोदय ने बताया है, उस में ऐसी कोई खास बात नहीं

है, जिस से प्रश्नकर्ता महोदय को कोई असंतोष हो।

श्री बागड़ी : अध्यक्ष महोदय, पैसे का जिक्र जवाब में आया ही नहीं है कि कितना पैसा बढ़ायेंगे या मुकर्रर करेंगे।

Shri P. K. Deo: (Kalahandi): In view of the multiplicity of authorities to implement the Greater Delhi Plan, is it not high time that all those units of the Greater Delhi, like Ghaziabad which is administered by UP and Faridabad which is administered by Punjab are brought within the periphery of the Delhi Administration so that the implementation of the Greater Delhi plan be executed by a single authority?

Mr. Speaker: It is a separate suggestion.

Shri Jawaharlal Nehru: It is a suggestion which has far-reaching effect. I do not know what he means by that.

डा० राम मनोहर लोहिया (फर्रुखाबाद) : फरवरी १९६२ के हिसाब से मेरा अंदाजा है ढाई तीन रुपये गज हरजाना पड़ेगा। मैं यह भी अंदाजा लगाता हूँ कि चार पांच साल के अन्दर अन्दर यही जमीन ५० और १०० रुपये गज में बिकेगी। गाजियाबाद के इस सवाल ने हिन्दुस्तान की उस व्यापक लूट की तरफ ध्यान खींचा है जिससे कि सारे नगर निगम, नगरपालिकाएँ और तरह तरह की दूसरी संस्थायें किसानों से रुपये दो रुपये में जमीन ले करके फिर उसी को ५० और १०० रुपये में बेच दें। मैं यह सवाल पूछना चाहता हूँ कि सरकार इस व्यापक लूट के बारे में कोई प्रस्ताव क्या लाना चाहती है? यह संविधान की मिली जुली सूची नम्बर २० में आ जाता है। २०वीं सूची में लिखा है, आर्थिक और सामाजिक योजना . . . . .

अध्यक्ष महोदय : अब सवाल हो गया

श्री जवाहरलाल नेहरू : मेरी समझ में नहीं आया है। कुछ माननीय सदस्य ने सलाह दी है.....

अध्यक्ष महोदय : उनका मतलब यह है कि जो इस वक्त कानून है, लैंड एक्वीजिशन एक्ट है, उस में कुछ परिवर्तन किया जाए ताकि जिस सस्ते भाव पर सरकार और नगर-पालिकायें जमीनें ले लेती हैं, उस तरह से न ले सकें बल्कि जो बाजार की कीमत है, उस में ले सकें।

श्री जवाहरलाल नेहरू : उन्होंने जो सलाह दी है, उस पर गौर हो सकता है। अभी कुछ दिन हुए हमें ने, कानून को बदलने की बात तो मैं नहीं कहता हूँ, लेकिन कुछ क़ायदे जिस के अन्दर यह होता है, वे लिख भेजे हैं, सब प्रदेशों को। एक तो उस में यही है कि जो अच्छी जमीन हो, खेती के लिाज़ से उसको जहाँ तक मुमकिन हो, लेना ही नहीं चाहिये। दूसरे यह कि अगर लेना ही है मजबूरी की हालत में तो कैसे उसका मुआवज़ा तय हो.....

श्री रामेश्वरगन्द (करनाल) : केवल सरकारी कामों के लिए ली जायें, कारखानों आदि के लिए नहीं।

अध्यक्ष महोदय : स्वामी जी को तो अवसर ही नहीं दिया गया है।

श्री जवाहरलाल नेहरू : मुआवज़ा किस तरह से दिया जाए, इसका सवाल उठता है। दो तरह से सवाल होते हैं। एक तो जब सरकारी कामों के लिए सरकारें जमीन को लेना चाहती हैं और दूसरे आम तौर से जो लोग लेना चाहत हैं कारखानों के लिए या किसी और के लिए। इसलिए विदायें उन्हें भेजी हैं खास, कि मुआवज़ा काफी होना चाहिए और उसकी जांच करने के लिए कमेटी वगैरह बिठायें ताकि मज़ह कोई छोटा सा अफसर न तय कर दे, बल्कि उसकी जांच पूरे तौर से हो।

डा० राम मनोहर लोहिया : इस सवाल पर सरकार से फिर आप कभी बात कर लीजिये। मैं नहीं जोर दे रहा हूँ। मैं हर बार बैठ जाता हूँ।

अध्यक्ष महोदय : आपकी मेहरबानी।

डा० राम मनोहर लोहिया : मैंने आपका ध्यान इसलिए खींचा है कि जल्दी इस सवाल को लाइये.....

अध्यक्ष महोदय : शुकुरिया अदा करने के बाद भी फिर खड़े हो गए आप।

श्री भू० ना० मंडल (सरसा) : मैं जानना चाहता हूँ कि क्या सरकार की ऐसी नीति है कि देहात के लोगों की जीविका यानी जमीन को छीन करके शहर में रहने वालों को सुख सुविधायें प्रदान की जायें ?

डा० राम सुभग सिंह : जीविका छीनने का जहाँ तक सवाल है, हम लोगों को उनके साथ उतनी ही मददनी है जितनी कि प्रश्नकर्ता महोदय को है। जैसा कि प्रधान मंत्री जी ने बताया है कि उन के पुनर्वास के लिए दर दर के सुझाव दिये गये हैं। उनको अगर यहाँ खेती करने की सुविधा नहीं होगी तो जीविका छिनने का तत्काल सवाल कुछ दतक जरूर होगा। लेकिन उसका पूरा मुआवज़ा देने की नीति के अनुसार हम चलना चाहते हैं और इसी पर सरकार विचार कर रही है।

श्री काशी राम गुप्त (अलवर) : क्या सरकार की जानकारी में यह है कि ये जमीनें इंडस्ट्रियलिस्ट्स के लिए ली जा रही हैं और क्या सरकार को यह भी पता है कि इस सदन में फूड मिनिस्टर साहब ने बार बार कहा है कि यथासंभव यह कोशिश की जाएगी कि जब जमीनें इस काम के लिए ली जाएं तो सीधे उनके लिए बातचीत किसानों और कारखानेदारों में हों ? गुड़गांव और फ़रीदबाद में ऐसा ही हुआ है। क्या यह जानकारी



आप देने की कृपा करेंगे कि यहाँ पर भी वह नीति क्यों नहीं बरती गई और जबकि इस तरह से जमीनें लिये जाने का सिलसिला जारी है तो उन किसानों को बसाने की योजना बनाने से पूर्व ही इस तरह की कार्रवाई क्यों की जा रही है ?

**डा० राम सुभग सिंह :** आल्टरनेटिव की भी छानबीन हम लोगों ने की थी और उत्तर प्रदेश सरकार ने उनके सम्मुख इस विचार को प्रस्तुत भी किया था पर जैसा कि सदन स्वीकार करेगा, गाज़ियाबाद के गांव बिल्कुल दिल्ली के करीब हैं और वहाँ के लोगों ने उस वक्त अनिच्छा प्रकट की और कहा कि हम दूर नहीं जायेंगे। एक और बात मैं साफ कर देना चाहता हूँ। केवल आठ गांव हैं जिन में पचास प्रतिशत जमीन ही ली जानी है,—और वे ही इस छः हजार एकड़ में आते हैं। थोड़ी बहुत जमीन बहुत लोगों की वचेगी। इसलिए जो पुनर्वास वाला सवाल है, हर विधि से हम लोग उस पर विचार करेंगे। वहाँ पर उद्योग धंधे खड़े करने के भी सुझाव दिये गये हैं। अगर वे लोग खुद चाहें किसी प्रकार का उद्योग खड़ा करना तो उनको प्रेरेंस दी जाएगी, उनके लड़कों को और चाहे जो आदमी काम करना चाहें, उन लोगों को बराबरी ज़्यादा से ज़्यादा सुविधा दी जाएगी। जैसा गुड़गांव में हुआ, उस चीज का जब हम लोगों ने विचार किया तो पता चला कि पहले उस चीज का प्रचलन वहाँ नहीं हो पाया था और सड़कें वगैरह बननी शुरू हो गई थीं। अब उन सड़कों को तोड़ करके फिर गुड़गांव वाली पद्धति वहाँ लागू की जाए, इस में कुछ कुछ कठिनाइयाँ थीं और इन कठिनाइयों के कारण ही यू० पी० गवर्नमेंट ने समझा कि इस मामले को टाला नहीं जा सकता है।

**श्री त्यागो (देहरादून) :** एक बात का जवाब नहीं मिला है। जब ये बड़े दामों पर बेचते हैं तो स्टेट्स को मिडलमैन प्राफिट खाने के मामले में गवर्नमेंट ने क्या कोई फ़ैसला

किया है, कितनी दूर तक इसकी इजाजत दे दी है ?

**अध्यक्ष महोदय :** इस तरह से इजाजत नहीं दी जा सकती है।

**श्री स० मो० बनर्जी (कानपुर) :** प्रधान मंत्री के जवाब से यह जाहिर है कि मुद्याबजे का कुछ फ़ैसला डा० सुभग सिंह और रजा साहब ने किया है और उत्तर प्रदेश की सरकार खबर भेजा है। मैं जानना चाहता हूँ चाँकि उत्तर प्रदेश की सरकार कुछ घरेलू संकट में मुबतला है, क्या केन्द्रीय सरकार इस मामले का फ़ैसला खुद करेगी और उनके जवाब की आशा नहीं करेगी ताकि मामला खत्म हो जाए ?

**अध्यक्ष महोदय :** यः सवाल लैंड एक्वी-जिशन में है कि किस तरह किया जाना है। डेट का मामला था और वह डेट उन्होंने लिख कर भेज दी है।

**श्री स० मो० बनर्जी :** कम्पेंसेशन तो फरवरी १९६२....

**अध्यक्ष महोदय :** मार्किट रेट प्लस १५ परसेंट इज दी ला प्रोवाइडिड। २९.००० एकड़ छोड़ दी गई है और ६००० एकड़ रद्द गई है। सैकिड डेट उन्होंने रिकोमेंड की है।

**Shri Kapur Singh (Ludhiana):** In view of the countrywide distress and resentment caused by what is believed as high-handed implementation of the Land Acquisition Act, may I know whether Government propose to set up a competent commission to enquire into all aspects of this question and then report to Parliament?

**Dr. Ram Subhag Singh:** It is a suggestion for action. There is no question of our exercising our right in a high-handed way. We refuse that charge. We shall try to be as sympathetic and liberal with the peasants as possible.

**Shri R. Barua (Jorhat):** In view of the increasing land acquisition proceedings, do Government propose to bring about fundamental changes in the Land Acquisition Act so that compensation may be given quickly without giving cause for protests?

**Mr. Speaker:** That question has been answered. Shri Yogendra Jha is not present here. Shri Rameshwaranand.

**श्री रामेश्वरानन्द :** अध्यक्ष महोदय, केन्द्रीय सरकार को यह अधिकार प्राप्त है कि संकटकाल में राज्य सरकारों के कार्य में हस्तक्षेप करके ऐसे मामलों को बड़ी सुलझा सकती है। गाजियाबाद के किसान प्रधान मंत्री जी से मिले थे और पिछले दिनों प्रधान मंत्री ने स्वयं डा० रामसुभग सिंह और एक दूसरे सज्जन को लगा कर इसके बारे में विवरण मांगा था और सारी स्थिति को स्वयं जाना था। उत्तर प्रदेश की सरकार को लिख कर अपने भेजा और डा० राम सुभग सिंह ने भी भेजा है लेकिन सी० वी० गुप्त सा ब की सरकार के कान पर जू तक नहीं चली है।

तो मैं यह कहना चाहता हूँ कि इस मामले को सरकार अपने हाथ में ले कर निपटाना . . .

**अध्यक्ष महोदय :** आर्डर, आर्डर।

**श्री रामेश्वरानन्द :** मुझे कह तो लेने दीजिए।

**अध्यक्ष महोदय :** मैं यही एतराज कर रहा था कि आप पूछना क्या चाहते हैं। आप कुछ कह रहे हैं।

**श्री रामेश्वरानन्द :** मेरा प्रश्न तो सुन लीजिए। मैं कहना चाहता हूँ कि जब हमारी केन्द्रीय सरकार को अधिकार प्राप्त है तो वह स मामले को अपने हाथ में ले कर निपटाना क्यों नहीं चाहती? अगर निपटाने में उस के पास देने के लिये पैसा नहीं है तो किसानों को

छोड़ दें कि जो जमीन लेने वाले हों उन से वह सीधी बात करके मामला तय कर लें। अगर इस में कोई आपत्ति हो तो किसानों को पहले जमीन दी जाये। ऐसा कभी नहीं होता संसार की किसी भी मार्केट में कि वस्तु पहले ले ली जाये और उस की कीमत न दी जाये। ऐसा अन्याय केवल किसानों के साथ होता है। मैं कहना चाहता हूँ कि ऐसा अन्याय न हो। उन की जमीन . . . . .

**अध्यक्ष महोदय :** अब आप बैठ जायें।

**श्री रामेश्वरानन्द :** इस का उचित निर्णय केन्द्रीय सरकार करे क्या यह मांग मैं नहीं कर सकता हूँ?

**अध्यक्ष महोदय :** अब आप बैठ जाइये। सब सवालों का जवाब आ चुका।

**श्री रामेश्वरानन्द :** मेरे प्रश्न का नहीं आया।

**अध्यक्ष महोदय :** अब आप बैठ जायें।

**श्री रामेश्वरानन्द :** मैं बैठ जाता हूँ, प्रश्न का उत्तर ले कर।

**अध्यक्ष महोदय :** कोई प्रश्न नहीं है जो नया हो।

**श्री रामेश्वरानन्द :** मेरा प्रश्न है कि केन्द्रीय सरकार क्यों न इसे निपटा दें। उसे अधिकार प्राप्त है।

**अध्यक्ष महोदय :** अब आप अपना जिद पर अड़े रहेंगे? मैंने कहा है

**श्री रामेश्वरानन्द :** मैंने प्रश्न किया है, आप मेरे प्रश्नों का उत्तर नहीं देने देते? मैं प्रति दिन देखता हूँ।

**अध्यक्ष महोदय :** आर्डर, आर्डर।

**श्री रामेश्वरानन्द :** मैं आप के साथ इतनी नम्रता करता हूँ, आप के अधिकार को मानता हूँ, लेकिन आप बिल्कुल मेरी बात नहीं सुनते।

**अध्यक्ष महोदय :** मुझे बड़े अफसोस के साथ हुना पड़ता है कि जब कभी माननीय सदस्य ने कोई सवाल पूछा है और मैंने उसे स्वीकार नहीं किया और उन से कहा कि वे बैठ जायें, तो हमेशा उन्होंने मेरे ऊपर इल्जाम लगाया कि मैं उन्हें इजाजत नहीं देता। उन्होंने मेरे ऊपर पक्षपात का आरोप लगाया है। जब यह विधान है, कानून है, कि लैंड एन्विजेशन ऐक्ट स्टेट गवर्नमेंट को लागू करना है। अगर स्वामीजी ऐसी बात करें जो इसकी उल्टी हो तो मैं कैसे यहां पर इसकी इजाजत दे दूँ ? अगर इस पर मेरे ऊपर इल्जाम लगाया जाता है कि मैं इजाजत नहीं देता, तो मैं कैसे इसकी इजाजत दे सकता हूँ, जब कि वह कानून के बरखिलाफ़ है ? मैं जानता हूँ कि साफ कानून है। हाँ, अगर पार्लियामेंट उसे बदल दे तो दूसरी बात है।

Paper: to be laid on the Table.

**Shri Ranga (Chittoor) rose—**

**श्री रामेश्वरानन्द :** अध्यक्ष महोदय, मैं निवेदन करता हूँ कि आप इस मामले में यह कह रहे थे कि यह बिल्कुल केन्द्र के अधीन है ही नहीं जो इस को स्वीकार किया जाय हालाँकि हम लोग कई दिन से कह रहे थे। अब यह केन्द्र के अधीन कैसे हो गया ? इसी तरह से मैं कहूँगा कि केन्द्र इस मामले को ले सकता है।

**अध्यक्ष महोदय :** यह मैंने खुद अर्ज किया कि कम्पेन्सेशन का सवाल किसी तरह से सेंट्रल पार्लियामेंट के अन्दर नहीं आता, और न आना चाहिये। मुझ पर जोर डाला गया हर एक तरफ से और जब मैंने गवर्नमेंट पर जोर डाला कि नहीं, इस का कोई जवाब दिया जाय तो क्या इस का यह मतलब है कि मुझ से उल्टे कहा जाय कि अगर यह सवाल लिया गया है तो क्यों लिया गया है और अगर यह लिया गया है तो इस का जवाब दिया जाये ?

**श्री रामेश्वरानन्द :** मैं प्रधान मंत्री से कहना चाहता हूँ कि उन्होंने इस के विवरण

को जानने के लिये डाक्टर साहब को पहले ही लगाया था, इसलिये . . .

**अध्यक्ष महोदय :** आर्डर, आर्डर। अब कोई दूसरी चीज पैदा नहीं होती।

12.33 hrs.

PAPERS LAID ON THE TABLE  
 CENTRAL GOVERNMENT LOANS FLOATED  
 IN 1963-64

**The Minister of Finance (Shri Morarji Desai):** Sir, I beg to lay on the Table a statement indicating the results of Central Government Loans floated in 1963-64.

**श्री बागड़ी (हिसार) :** मेरा एक व्यवस्था का प्रश्न है।

**अध्यक्ष महोदय :** यहां पर कोई व्यवस्था का प्रश्न नहीं उठता।

**श्री बागड़ी :** मेरा मतलब यह था कि धरना उठेगा या नहीं, इस के बारे में कुछ नहीं बताया गया।

**Mr. Speaker:** Shri Bhagat.

NOTIFICATION UNDER THE CUSTOMS ACT,  
 1962 AND THE CENTRAL EXCISES AND  
 SALT ACT, 1944

**The Deputy Minister in the Ministry of Finance (Shri B. R. Bhagat):** Sir, I beg to lay on the Table—

- (i) a copy each of the following Notifications under section 159 of the Customs Act, 1962 and section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960:—
- (a) G.S.R. No. 1364 dated the 17th August, 1963.
- (b) G.S.R. No. 1265 dated the 17th August, 1963.

[Shri B. R. Bhagat]

[Placed in Library. See No. LT-1593/63].

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

- (a) G.S.R. No. 1308 dated the 10th August, 1963.
- (b) G.S.R. No. 1358 dated the 17th August, 1963.
- (c) G.S.R. No. 1359 dated the 17th August, 1963.
- (d) The Customs Valuation (Amendment) Rules, 1963 published in Notification No. G.S.R. 1360 dated the 17th August, 1963.
- (e) G.S.R. No. 1361 dated the 17th August, 1963.
- (f) G.S.R. No. 1362 dated the 17th August, 1963.
- (g) G.S.R. No. 1363 dated the 17th August, 1963.

[Placed in Library, See No. LT-1594/63].

डा० राम मनोहर लोहिया (फर्रुखाबाद):  
अध्यक्ष महोदय, मैं एक अपनी निजी सफाई देना चाहता हूँ।

अध्यक्ष महोदय : आर्डर, आर्डर। इस वक्त किसी सफाई की बात नहीं है। आप के बखिलाफ किसी ने कुछ नहीं कहा।

डा० राम मनोहर लोहिया : परसों अन्न मंत्री श्री पाटिल ने हम लोगों के ईमान पर शक किया था।

अध्यक्ष महोदय : यह दूसरा सवाल था।

डा० राम मनोहर लोहिया : आप से जितनी ज़रूरी हो सके मुझे मौका दें।

अध्यक्ष महोदय : यह दूसरी बात है। आप दर्भान में कार्रवाई न रोका करें।

Shri Bhagat:

Shri B. R. Bhagat: I have laid it.

Mr. Speaker: Messages from Rajya Sabha. Secretary.

12.33 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

- (i) In accordance with the provisions of rule 135 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 27th August, 1963, agreed without any amendment to the All India Services (Amendment) Bill, 1963, which was passed by the Lok Sabha at its sitting held on the 13th August, 1963.
- (ii) I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on Wednesday, the 21st August, 1963, adopted the following motion concurring in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate one member from the Rajya Sabha to the Public Accounts Committee for the unexpired portion of the term ending on the 30th April, 1964 in the vacancy caused by the resignation of Shri Nawab Singh Chauhan from the Rajya Sabha:—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to nominate one member from the Rajya Sabha to associate with the Committee on Public Accounts of the Lok Sabha, for the unexpired portion of the term ending on the 30th April, 1964, in the vacancy

caused by the resignation of Shri Nawab Singh Chauhan from the Rajya Sabha, and do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House to serve on the said Committee."

I am further to inform the Lok Sabha that at the sitting of the Rajya Sabha held on Wednesday, the 28th August, 1963, the Chairman, declared Pandit S. S. N. Tankha, Member of the Rajya Sabha, to be duly elected to the said Committee.'

12.34 hrs.

**BUSINESS ADVISORY COMMITTEE**

**EIGHTEENTH REPORT**

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Sir, I beg to move:—

"That this House agrees with the Eighteenth Report of the Business Advisory Committee presented to the House on the 28th August, 1963."

**Shri Hari Vishnu Kamath (Hoshangabad):** Mr Speaker, I am glad to note that this time the Committee has made substantial modifications of the proposals placed before the Committee by the Government. I am glad to note that.

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

"That this House agrees with the Eighteenth Report of the Business Advisory Committee presented to the House on the 28th August, 1963."

*The motion was adopted.*

12.35 hrs.

**INDIAN SALE OF GOODS (AMENDMENT) BILL**

**Mr. Speaker:** Shri A. K. Sen.

**The Minister of Law (Shri A. K. Sen):** May the hon. Deputy Minister move the motion, Sir?

**Mr. Speaker:** Yes.

**The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra):** Sir, I beg to move:—

"That the Bill further to amend the Indian Sale of Goods Act, 1930, as passed by Rajya Sabha, be taken into consideration."

The Law Commission while examining the different provisions of the Indian Sale of Goods Act took into consideration not only the development of commercial transactions in the country since the year 1930 but also the allied law obtaining in the other countries. It also took into consideration the representations made by various commercial bodies and came to the conclusion that on the whole excepting a few changes in the law here and there no major change of the law is necessary and this amending Bill seeks to incorporate the different recommendations of the Law Commission excepting only one recommendation. That recommendation is inclusion in the definition of 'goods' water, electricity and gas. The Law Commission had recommended that electricity, water and gas be included in the definition of 'goods'. That recommendation has not been accepted by the Government. Excepting that one recommendation all other recommendations of the Law Commission have been incorporated in this Bill.

I would first of all deal with as to why it was not thought necessary to accept the recommendation of the Law Commission regarding the inclusion of water, electricity and gas in the definition of 'goods'. After the recommendation was made by the Law Commission, various representations were received from electrical undertakings of the State and also a point was raised by the Ministry of Irrigation and Power that the inclusion of

[Shri Bibudhendra Misra]

water, electricity and gas in the definition of 'goods' might have the effect of imposing sales tax on these things. The whole point was examined and it was found that this contention is without any basis at all because it is the power of the State Government under Entry 52 and 53 or 53 and 54—I am not very sure—of the Constitution to levy sales tax or octroi duty on electricity and therefore whether it is included in the Sale of Goods Act or not, it will not fetter the power of the State Government to levy sales tax. Whether sales tax is levied on electricity or not would depend on the definition given to goods in the Sales Tax Acts of the States and it will not at all matter whether electricity, water and gas are included in the definition of 'goods' in the Sale of Goods Act or not.

If the whole scheme of the Act is examined, it will be seen that the Sale of Goods Act revolves round tangible goods only and most of its provisions, like, sale by sample ascertainment of goods, appropriation of goods, specific goods are not applicable to electricity at all. Probably excepting some conditions as to warranty, no other provision in the Act is applicable to electricity. It shows that the entire scheme of the Sale of Goods Act revolves round tangible goods.

Then again there is no country in the world where in the Sale of Goods Act in the definition of 'goods' electricity, water and gas are included. So, for all these considerations it was thought that it would not be desirable to include in the definition of 'goods' water, electricity and gas because they are dealt with by separate Acts. For electricity we have the Electricity Supply Act, 1948 and the Electricity Act, 1910. Then we have the Damodar Valley Corporation Act; the Municipal Act deals with the supply of water. There are different specific Acts for water, electricity and gas. Therefore it was not thought desirable that this should be included in the definition of 'goods'.

Then, coming to the recommendations that have been incorporated in this Bill, I will first of all refer to section 13 where the Law Commission has recommended the deletion of certain words from sub-section (2).

Sub-section (2) of section 13 reads as follows:

"Where a contract of sale in not severable and the buyer has accepted the goods or part thereof, or where the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty. . . ."

The rest of it is not necessary for my purpose. The Law Commission has recommended that the words "or where the contract is for specific goods the property in which has passed to the buyer" be deleted.

First of all, if you analyse the provisions of the Act, it is a contradiction in terms. What is after all a condition and what is after all a warranty? If you look to section 12, it defines what is condition is and what a warranty is. This is what you will find:

- "(1) A stipulation is a contract of sale with reference to goods which are the subject thereof may be a condition or a warranty.
- (2) A condition is a stipulation essential to the main purpose of the contract, the breach of which gives rise to a right to treat the contract as repudiated.
- (3) A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages. . . ."

Therefore, the violation of a condition gives the right for repudiation of the contract, whereas, violation of a warranty only gives the right for

getting damages. Therefore, to say that where specific goods have passed to the buyer, a condition is to be treated as a warranty is contradiction in terms, because, after all, if it is a condition, the property cannot pass until the condition is fulfilled and if it has passed, despite the condition, it no longer remains a condition; it becomes a warranty. So, you will find that this is a contradiction in terms.

Again, section 15 of the Indian Sale of Goods Act deals with sale by description and section 17 deals with sale by sample. Under these sections there are certain implied conditions as to quality or fitness. Therefore, they thought that sub-section 2 of section 13 is also contradictory to the provisions of section 15 and section 17 of the Indian Sale of Goods Act. Therefore, their recommendation that these words be deleted from the body of sub-section 2 of section 13 has been accepted.

Then, I come to section 25 which gives the right to the seller not to part with his property and not to part with his goods until the price is paid. In these days of commercial transactions, most of the contract is by correspondence and the parties live at a distant place from each other and goods are sent either by ship or by rail. The seller while despatching the goods has a right and the right is that the property does not pass to the buyer despite it being in transit so long as he has not paid for it. This provision in the Indian Sale of Goods Act is now confined only to the bills of lading. In view of the large commercial transactions that have been going on since 1930 by the railways, the Law Commission recommended that the transit of goods by rail should also come within the purview of section 25 so as to give the same right to the seller which is given when the transit is by sea.

Lastly, I come to section 64 which says that after a contract is concluded, if there is any imposition, increase or reduction in excise or customs duty, the same has to be taken into consideration in adjustment of the contract

price. Now, since there is sales tax and purchase tax, it is proposed that not only in the case of excise or customs duty but also any imposition or increase or reduction of any sales tax or purchase tax be also taken into consideration in adjustment of the contract price.

These, in short, are the recommendations of the Law Commission which have been accepted by the Government and have been incorporated in the provisions of the amending Bill.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Indian Sale of Goods Act, 1930, as passed by Rajya Sabha, be taken into consideration."

**Shri Daji (Indore):** Mr. Speaker, Sir, as I rise to support this Bill, I cannot but remark that this Bill in more ways than one is a standing evidence of the utter incompetency and inefficiency of our Law Department. It is pertinent to recall that the Bill for the first time was passed in the Rajya Sabha as early as 1960—29th February, 1960—and the last Lok Sabha continued at least till 1962 and the reason, the explanation, given is that that Bill could not be processed through Lok Sabha before the end of its time. I would like to know why was it that the Bill which was passed by the Rajya Sabha, the Law Ministry did not think fit to bring it up in the Lok Sabha for two years and more. Is this the attitude of the Law Ministry to such measures? We have the Law Commission and the Law Commission works and gives report. It is very necessary and essential that the Law Department in keeping with the recommendations of the Law Commission speeds up the revision of our laws because we have inherited the whole system of laws from a foreign rule. Some of them are no longer in fitness of the changed conditions—they are obsolete or they require certain modifications and changes as this Bill itself shows. These modifications were long overdue. Why was it then that the Bill

[Shri Daji]

which was passed by the Rajya Sabha on 29th February, 1960 took more than three years to travel across the Central Hall and come to this Lok Sabha? Is the distance so great? In these days of fast travel, why should it take three years to come through the Central Hall..... (Interruption) Coffee buffet stopped it?

**Mr. Speaker:** Those means of transportation could not be pressed into the service here.

**Shri Daji:** That is why I say that the Law Ministry seems to be thoroughly incompetent.

Secondly, what is much more pertinent is this. The very able, young and smart Deputy Minister was arguing very eloquently just now why gas, electricity and water had been omitted. Though the original Bill of the Rajya Sabha included all that, then they introduced another amending Bill in the Rajya Sabha omitting it and he was waxing eloquent about the omission. I have no quarrel with the omission. The point that I want to submit is, how long did the Law Ministry take to realise that gas, electricity and water should not be included in that place. It was not as if that the judgment of the Bombay High Court came like a bolt from the blue. Even when the original Bill was debated in the Rajya Sabha, certain hon. Members pointed out the possible difficulties of including electricity and gas in the definition of goods and at that time the Ministry argued equally well for the necessity of continuing to keep in the definition. After that, the statement of objects and reasons shows that they examined the matter further. Then, they referred to the Bombay High Court ruling which is not a new ruling. There are other High Courts also. There is absolutely no point. On what conceivable grounds did they think that gas and electricity will be termed as moveable property. I do

not understand it. How was this intelligence, new-found intelligence shown today? When was this dawned upon the Law Ministry? Even before the Bill could be brought to the Lok Sabha, the Ministry had again to run to the Rajya Sabha to amend the Bill, which was passed, and it has been presented here, the amending Bill. This raises two important questions to which I would like to draw the attention of the House. The first thing is, we are oftentimes rushing through the legislation and, of course, the House, as it works, or the Houses as they work have little time to give deep consideration. But we expect at least the Law Ministry with a battalion of officers, Under Secretaries, Deputy Secretaries and Additional Secretaries and what not.....

**Shri Nath Pai (Rajapur):** The whole army.

**Shri Daji:** Yes, the whole army. At least, we expect the Law Ministry to be a little more careful because the Law Ministry is not just an ordinary Ministry. The other Ministers may commit mistakes. Just like the other Ministries, the Law Ministry also may commit some mistakes. But apart from mistakes, if there are obvious legal errors on the face of it, we expect that there will be a closer examination by the Law Ministry, which is unfortunately not there. We enacted the Defence of India Act here, and the Opposition shouted. Today, the entire respectful opinion of all the jurists is that the Defence of India Rules are *ultra vires* the Constitution. Even the Attorney-General conceded the position in the course of his arguments before the Supreme Court, and said that the Defence of India Rules and the Act passed as it is being put into practice in the country are *ultra vires* the Constitution. He only took shelter behind the point that the court could not give redress. I should say that it is a very dishonourable shelter for a Government to take or for the Attor-



ney-General to say that we have enacted something which is *ultra vires* or we have enacted a law which is against the Constitution, but the court cannot give redress because of certain technical reasons. The Attorney-General has been reduced to this situation, because the Law Ministry seems to be almost a sleeping Ministry; it is also a Rip-Van-Winkle Ministry which wakes up only when some jolt is received from some court or the other. Therefore, I say that this Bill itself is a standing witness to both the incompetency and the inefficiency of the Law Ministry.

Then, coming to the Bill itself, my submission is that it does not go far enough. We are enacting something here in a stop-gap manner. We are considering the Act of 1930 and we are considering also the Report of the Law Commission on the subject. We should also take into consideration the new changed social conditions as a result of the efflux of time. This Bill is for the ordinary revision of a statute which has long been on the statute-book. Therefore, I say that this Bill does not go far enough. I would like to make two propositions in this regard.

First of all, we are including transit by rail or carriage by rail also within the scope of this Bill. That is in the fitness of things, and I have no quarrel with it. But in this fast-moving world, there are other means of carriage of goods also, which are now becoming equally important and which will become more important tomorrow. So, when we put such a legislation on the statute-book, legislation not for just a temporary period, not for a year or two but a legislation which is likely to remain on the statute-book for a long time, it is our bounden duty that we should look further ahead and also provide for other means of transit, such as carriage or transit by air, for instance. If some facilities are given in the case of rail transit, I do not know why the same

facilities should not be given to transit by air. I am asking for just the same facilities, and not for something new. So, should we not have incorporated transit by air also in this Bill? Are we to wait for another ten years when air travel would become more important, before we bring forward an amendment to include carriage by air also? Should we not do that just now? Of course, I am not talking of rocket travel, because I do not see any possibility of that in the foreseeable future. But carriage by air is becoming more and more important, and it is bound to become more and more important in the days to come, and, therefore, we have to provide for it in this Bill itself.

Another important point, in fact, a much more important point, which I want to raise is this. Because of the economic conditions and the economic difficulties today, the practice of what is known as the hire-purchase sales is increasing. If this practice could be given a little statutory protection, I think that it will be a great boon to the middle classes, the upper middle class and also the lower middle class. In the European countries, as we are all aware, a large variety of goods are sold on the basis of hire-purchase, such as refrigerators, washing machines, sewing machines, cars and so on, so that with the facility of hire-purchase, a man with modest means who cannot afford to make purchases with a lump-sum is in a position to afford those things. So, there should be some provision in the statute for hire-purchase also.

As matters stand today, the purchaser under the hire-purchase system is at the entire mercy of the seller. We know the growing scandal about the hire-purchase of trucks, and we know what extortionate agreements are extorted from the truck-drivers by the big financiers who sell them on the basis of the so-called hire-purchase system, so to say, and they make the driver write down any sort of agreement, and even after the part money is paid, if there are just one or two

[Shri Daji]

instalments missing, they forfeit the whole thing. In these circumstances, we should have made some provision for hire-purchases also in this Bill, and we should have considered whether hire-purchases cannot be encouraged by means of legislation. Here was an opportunity when we could have done it, but we have not done so.

I may also point out to the House that as far as I am aware, the Law Commission has already submitted a report on this point, and that report is before Government, and if I am further right, the report has been before Government for more than a year for the purpose of enacting a legislation on hire-purchase. In England, because of this growing system of hire-purchases, they have enacted a separate legislation for it, called the Hire-Purchase Act, in order to give protection to the small middle-class buyers who buy goods on hire-purchase, so that just because they could not pay a lumpsum or they could not pay one or two instalments, on account of their poverty, they would not lose their proprietary right to the goods which they have purchased on the hire-purchase system. The Law Commission has considered this matter and submitted a report to Government. If I am not wrong, the report was submitted in early 1962, or possibly towards the end of 1961. It is more than a year now that the report has been before Government. It has been sent to the different Ministries, and it has taken more than a year, and it is surprising that even when this Bill was brought forward, Government could not make up their mind as to what they proposed to do about the system of hire-purchases which in these days of economic distress would be of great help to persons with modest means. These two points, which have struck me on a first reading of the Bill, at least could have been incorporated in this Bill.

Before I conclude, I have got one more suggestion to make, or one more

idea to throw out. It often happens that some of our Bills go to the Select Committee. In the Select Committee we can discuss things in greater detail and in a calmer atmosphere, and we are able to shape and fashion our legislation in a good form. Of course, there are some Bills which do not go to the Select Committee; that may be so because they are small or because they are considered to be non-controversial or because they involve some policy.

So far as the present Bill is concerned, I support the provisions of this Bill. But my submission is this that if such Bills which from the point of view of policy ordinarily do not go to the Select Committee, could be processed through some other committee, it would be better. At least in the Madhya Pradesh Assembly, we had such a Committee. So, I suggest, Sir, that perhaps you may consider the appointment of a committee, more or less a continuous committee for the whole life of the House, or perhaps a committee whose composition may be changed just as in the case of the Committee on Subordinate Legislation from year to year, so that such Bills as do not go normally to the Select Committee can be brought forward before this House after having been processed through such a committee. In such a committee, many additions or alterations or suggestions may be made by Members in an informal way, and it would be easier for Government to incorporate them also in the Bill; it would be easier for us also to discuss, debate and even to get some more information from Government than when it is brought before the House directly. In this particular case, I might point out that the learned Members of the Rajya Sabha argued about the omission of gas and electricity from the purview of the Bill, and they were on very strong grounds, but they were just brushed aside. In the juggernaut legislation process, their considered opinion, which has now been considered to be

right by Government, has been brushed aside. They would not have been brushed aside, if a committee would have been able to persuade the Minister to see their point of view, and in this way, we could have avoided the tremendous waste of public time and public money which goes on at present, because we can process such ill-digested legislation through such a committee.

With these words, I support the measure as it has been brought forward. I earnestly request the Government through you and the House that earnest consideration should be given for immediately bringing forward a legislation either separately or by way of further amendment to this Act, so that protection could be given in the case of hire-purchase transactions also.

13 hrs.

**Dr. Sarojini Mahishi** (Dharwar North): The Indian Sale of Goods Act, which is part of the Indian Contract Act, was mostly modelled on the provisions of the English Contract Act or the English Sales of Goods Act. But after the Act was passed in 1930, I wonder why no amendments have been made or have not been thought of during this period of 32 years, during the course of this whole lengthy period in spite of all the decisions, given by different High Courts, the Federal Court and the Supreme Court.

The Indian Railways Act was there during 1930. But section 25 deals mainly with transit of goods by ship and bill of lading. I wonder why this was not thought of. We are happy that at least after 30 years, our Law Ministry is thinking of some amendments in this direction. As pointed out by my hon. friend opposite, it is quite in the fitness of things that other modes of transit should also be included in this so that we may not have to come again with some other amendments in connection with those modes of transport also.

This particular Bill, which tries to incorporate the recommendations of the Law Commission in its 8th report was introduced in the Rajya Sabha in 1960. The definition of 'goods' was tried to be widened by the inclusion of gas, electricity and water. But now because of representation made by the Electricity Board and other boards concerned with these subjects and on account of the fact that entry 53 of the State List entitles the States to levy taxes on this, and because there are other Acts also pertaining to this or other things, the inclusion was not effected and we find an omission. As pointed out by Shri Daji, I wonder why these things were included and why a sudden omission of these things has been made immediately on representation. If there was a further delay of a year or so, I wonder what other omissions would have been made or what other inclusions would have been made in the Bill. This bespeaks hasty legislation and our not taking into consideration other statutes for the time being in force with reference to the subject with which we are dealing.

Therefore, hasty legislation should, as far as possible, be avoided, unless it is extremely urgent. The very fact that we come up again with amendments to amendments betrays the haste with which we are proceeding with these things.

In Section 13(2), the words 'or where the contract is for specific goods the property in which has passed to the buyer' shall be omitted. Where the contract is not severable or where the buyer has taken possession, accepted the goods, wholly or in part or where the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty. Here 'where the contract is for specific goods, the property in which has passed to the buyer' is sought to be omitted. I wonder why the difficulty was not felt during all these 30 years in interpreting this and it had to be left to the Law Commission to make a

[Dr. Sarojini Mahishi]

study of these things and recommend the omission of these words. In the light of decisions given by the different High Courts and the Supreme Court in this connection, why were these particular words not omitted earlier and why this confusion and complication is found out only now? These words are recommended to be omitted and we find because they create a sort of conflict or seem to be contradictory, because when the property in specific goods has already passed on to the buyer, the breach of any condition can only be treated as a breach of warranty, because the property has already passed on to the buyer. This certainly seems contradictory. But I wonder why a period of 30 years has been taken to find that it is so.

Section 17 and section 15 relate to sale by sample and sale by description. They are not in conformity with this particular clause. Sale by sample and sale by description are not possible because if the bulk does not correspond with the sample, the contract can be repudiated as the result is a breach of condition because the condition in the sale by sample is that the bulk must correspond with the sample given. Therefore, if this condition is not fulfilled, even then if the buyer accepts the goods, in that case it is nothing but a breach of warranty. In view of the fact that under sections 15 and 17 where the sale by sample and sale by description do not coincide with or are not in keeping with this particular clause 13(2), this particular portion of the clause is to be omitted.

The Sale of Goods Act no doubt deals with tangible things. There are certain rights also that go along with sale by sample and sale by description. Therefore, because this condition did not come in this particular case, the rights that the buyer has got in case of a breach of condition cannot be enjoyed here because the condition is treated as a warranty. So this particular clause is to be omitted.

I am happy that the Law Commission has recommended and the Law Minister has come forward with this amendment to section 13(2). But I wish the Ministry ought to have taken notice of this particular thing earlier in the light of the decisions given by different courts and come forward to omit this clause, thus avoiding confusion and complication.

The next section is section 25, where we find that the seller wants to retain the right of disposal of the property. Where the goods are shipped or delivered to a railway administration, in that case it is to be delivered to the order of the seller or of his agent. In this particular case, the seller retains the right of disposal of the goods with him. Secondly, where the seller draws on the buyer for the price and transmits to the buyer the bill of exchange together with the bill of lading, or, as the case may be, the railway receipt, the buyer is bound to return the bill of lading or the railway receipt if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading or the railway receipt, the seller has got the right of stopping the goods or the right of reclaiming the goods also. In these days of industrial development, in these days when transport facilities are growing, it is desired that things should be delivered as quickly as possible and prompt service is rendered. I wonder why this particular thing was not taken into consideration during all these 30 years. This is surprising and shocking too.

Then section 64A is also being amended. It is in keeping with the changes in society, the economic changes that we are having in the society. If after entering into a contract, there is any increase or decrease in the excise duty or customs or sales tax or in any particular tax that is levied, the contract price can be increased or decreased correspondingly. This is in keeping with the times and the exigencies of the

situation. It is but natural that the price is bound to be increased or decreased in that manner.

I think the amendments that are sought to be incorporated in the Sale of Goods Act are quite in keeping with the times; rather these are sought to be incorporated at a very late stage. I wish the Law Ministry had been quite prompt in making the necessary amendments in the light of the experience gained, in the light of the decisions given by different courts in the country. I welcome the Bill.

**श्री यशपाल सिंह (कैराना) :** अध्यक्ष महोदय, मैं इस बिल के मुताबिक इतना अर्ज करना चाहता हूँ कि यह बिल ला कमीशन की रिपोर्ट के मुताबिक पेश करने का वादा किया गया था। माननीय श्री सीतलवाद की रिपोर्ट पर, जिन की काबलियत पर किसी को शक नहीं है, पूरी तरह से अमल किया जाना चाहिये और जो कुछ उन्होंने कहा है, उस को पूरी तरह से इम्प्लीमेंट किया जाना चाहिये। इस रिपोर्ट में लिखा है—

"However, in the United States of America, it has been held that a contract to supply power is a contract of sale. Thus electricity has been held to be personal property capable of sale".

इस बिल में ऐसी कोई प्राविजन नहीं है कि जहाँ डिस्ट्रिबुमिनेटिंग फ़ैक्टर्ज हैं, जहाँ एक ही स्टेट अलग अलग कन्ज्यूमर्स को अलग अलग रेट्स पर पावर देती है, वहाँ पर न्याय की व्यवस्था की जा सके। इस बिल के मुताबिक उन लोगों को हाई कोर्ट या सुप्रीम कोर्ट में जाने का कोई अधिकार नहीं है, जिन से पावर के रेट्स ज्यादा लिये जा रहे हैं। इसलिये इस बारे में एक कॉम्प्रोमिसेबिल बिल लाया जाये।

यू० पी० में गरीब किसान १९ नये पैसे फी यूनिट बिजली का देता है। जब गरीब किसान अपने खेत में पानी देता है, तो उस को ट्यूब वेल को चलाने का चार्ज १९ नये पैसे

फी यूनिट देना पड़ता है। इस के मुकाबले में बिड़ला साब उसी बिजली का जो किराया देते हैं, वह ३ नये पैसे फी यूनिट होता है। ला कमीशन की रिपोर्ट में यह कहा गया कि यह एक ऐसा मसला है, जिस पर सारे हिन्दुस्तान में एक ला होना चाहिये। मैं ला कमीशन की रिपोर्ट में से थोड़ा सा पढ़ देता हूँ :—

"In view of the fact that the contracts with regard to the supply of electrical energy and water are common, we think that the matter should be placed beyond doubt and an amendment should be made in section 2(7) so as to include power in the shape of electrical energy, water and gas within the definition of 'goods'".

इस वक्त सब से ज्यादा जरूरी यह है कि एक कॉम्प्रोमिसेबिल बिल लाया जाए और उस में यह व्यवस्था की जाए कि सारे देश के अन्दर एक ही तरह से जितने भी कायदे हैं, उन को लागू किया जाए। इस वक्त स्टेट गवर्नमेंट्स हर जगह किसानों के साथ और मिल मालिकों के साथ अलग-अलग व्यवहार करती हैं। गरीब किसानों के साथ आज देखा जाता है कि स्टैप-मदरली ट्रीटमेंट किया जाता है। मैं चाहता हूँ कि इस कानून को हायर परचेज का कानून बना कर सप्लीमेंट किया जाए जैसा कि यू० के० में किया जाता है। सब से ज्यादा जरूरत इस बात की है कि जो वादा किया गया था सीतलवाद साहब की रिपोर्ट के मुताबिक—कि इस कानून को पूरी ताकत से इस्तेमाल किया जायेगा, वह वादा अभी पूरा नहीं हुआ है। जो बिल लाया गया है, उस का तो मैं स्वागत करता हूँ और उसके लिये मंत्री महोदय को बधाई भी देता हूँ और कहना चाहता हूँ कि उन्होंने जो सही रास्ता है, उस में एक कदम उठाया है, लेकिन इससे कन्ज्यूमर्स की जो दिक्कतें हैं, वे हल नहीं होती हैं। मेरी दरखास्त यह है कि जब एक रिपोर्ट को हम मान्य करते हैं, और उस रिपोर्ट को तैयार करवाने में सरकार लाखों

[श्री यशपाल सिंह]

रूपया खर्च करती है तो उस मूरत में उस रिपोर्ट के साथ, ला कमीशन की रिपोर्ट के साथ हल्के तरीके से बरताव नहीं होना चाहिये। जो ला कमीशन ने कहा है, उस को पूरे तौर पर माना जाना चाहिये। अगर ऐसा नहीं होता है तो जो काबिलतरी हस्तियां हैं, वे कभी हमारे लिये काम करने को तैयार नहीं होंगी।

मेरी दरखास्त है कि पब्लिक ओपीनियन जानने के लिये इस बिल को जनता में घुमाया जाए और यह जो प्रापर्टी है, यह स्टेट प्रापर्टी है, इसलिये इस के ऊपर सारे देश में एक ही तरह के कायदे क़ानून लागू किए जायें।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूं और इस बिल को और कम्प्रीहेंसिव बनाने की दरखास्त करता हूं।

**Shri U. M. Trivedi (Mandsaur):** Sir, this is a Bill which ought to have been placed on the statute book long ago.

**Mr. Speaker:** Is there any other hon. Member wishing to participate in this discussion?—I find two. All right.

**Shri U. M. Trivedi:** This matter has always been the subject of dispute in a court quite often. But why has Government been sleeping over the decision of the courts for so many years and why was this wholesome amendment not brought forward earlier? We know that the merchants who had to carry on the business of supplying commodities to various areas used to suffer on account of the absence of this legislation.

13.13 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

Section 25 of the Sale of Goods Act provides that where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading to the buyer

together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange and if he wrongfully retains the bill of lading, the property in the goods does not pass to him. The amendment now made is to the effect that where the seller of goods draws on the buyer for the price and transmits to the buyer the bill of exchange together with the bill of lading or as the case may be the railway receipt to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading or the railway receipt if he does not honour the bill of exchange; and, if he wrongfully retains the bill of lading or the railway receipt, the property in the goods does not pass to him.

There is merely a change in the verbal description and this could have been done long ago. If we read the law reports we find that this matter has been a constant headache to many businessmen and it has created a lot of trouble and litigation on account of the absence of proper phraseology. Why should it need a recommendation from the Law Commission? This only indicates that they generally sleep over matters and that the Ministry requires somebody else to prop up the matter and come to a conclusion on the point whether the amendment of the law for the benefit of persons for whom that law is meant is to be made or not. This is the general atmosphere prevalent in our Government departments and Ministries. Go to the railway platform or the railway carriage or the court of law; you will find that the defects which are there and which are so apparent are perpetuated and we never see any improvement unless and until somebody makes up his mind to go and point out the mistake. Then perhaps somebody would wake up in the department concerned but the officer directly concerned with the

administration will never apply his mind of his own accord. When things are brought up right to his notice, he will only then open his eyes to the defects noticeable to anybody who has got his eyes and mind open. How long this state of affairs should continue? This teaches us a lesson that for years together knowing the defect the Government slept and it required a highly paid Law Commission and its members to come to the conclusion that this state of affairs must be amended. They said so in 1958. It took us two more years to formulate the amendment and present it to the Rajya Sabha and get it passed there. This will hardly take an hour in this House but Government did not find time to bring it before this House also and allowed this to lapse. All that time was wasted. Then again the same process had to be done once more; the Bill has gone to the Rajya Sabha and has been brought here.

Then our Deputy Minister in the Ministry of Law was waxing very eloquent on the question of amending by this Bill the various clauses which were included in the previous Bill, namely, in regard to electricity and gas. In this very House, when the Inter-State Sales Tax Act was being discussed and when Shri C. D. Deshmukh was the Finance Minister here, I raised the point that electricity is not and cannot be included in the term 'goods'. The hon. Finance Minister, Shri C. D. Deshmukh, was immediately agreeable to the proposition and he dropped the word "electricity" from the definition of the word "goods". From this very House the lesson could have been learnt that electricity is not included in the term "goods". Why should not the departmental heads in this Ministry keep note of the fact that this point whether electricity is or is not included in the definition of goods has been debated in this House, and why could they not have brought it to the notice of the Ministry or the Ministers concerned, that this point has been made and has been decided in the House, namely, that the word "goods" does

not include electricity? Why did they have to wait for a decision of the Bombay High Court to come to the conclusion that the word "electricity" is not included in the term "goods"? This will only indicate that no proper records of the debates are kept by the Ministry which is directly concerned on this point. Secondly, even if they are kept, it is not done in such a manner that matters already decided by the House are immediately brought to the notice of the Ministers. Ministers go on changing; one Minister may not have been in the House when this matter was discussed; and another may still come in when this matter is discussed in the next Lok Sabha. But the permanent secretaries and the permanent civil servants are there. It was their duty to have a complete record of what directly affects their department and to bring it to the notice of the Ministry concerned. This, I say, not only applies to the Law Ministry; it applies to each of the Ministries. They thing

“नईगुल्लो, नयादांव”

A new

Minister comes and a new procedure has to be obtained and therefore they think that Ministers are probably boobies and they may mishandle or misguide them in any manner they like. I should say that Ministers should now make up their minds to be strong enough to keep the civil servants within those limits and impose upon them the duty of always keeping the records full and in a very competent manner so that for the future, the time may not be wasted.

Then, I should say that the provision that is made in the Bill, namely, the substitution of section 64A—is a very welcome provision. But, this also should have seen the light of day long ago. Now, the Sales-tax Act has become a source of income for a number of years, and as soon as the Sales-tax Act of the various States came into being, it was incumbent upon the Government to make this provision. It has led

[Shri U. M. Trivedi]

to any amount of litigation between commission agents and the buyers, with the net result that some people have suffered one way and others have suffered the other way, and we have been watching this as wooden souls.

One thing to which I will still draw the attention of the hon. Minister is this: that a new system and a vast growing system of carrying goods by public carriers, by motor transport, in every part of India has come into vogue. It is growing. The words "bill of lading" and "railway receipts" are the only words which are being used in this Bill. The documents and the vouchers which are being given to the transport carriers are neither bills of lading nor railway receipts. It will, therefore, be incumbent to include the receipts and vouchers which are given over to the transport carriers also for delivery at destination against payment in section 25 and section 64A, that is to say, in clauses 4 and 5 of this Bill. It is high time that we understood the implication. The implication is practically the same except that an expeditious method of realising the money is available. But there also there is a difficulty which arises. Therefore, the terminology which is used in this particular branch of trade, namely, that of transport carriers, must also be included when this amendment is being carried out.

With these words, I say that this amendment was essential, but it has not done full justice to the matter before it, and its application must be properly amplified to include the things which I referred to.

**Shri M. P. Swamy (Tenkasi):** I am glad that the Ministry of Law has brought this amending Bill to the parent Act. In the very first clause, rather in clause 2, it says that the word "Indian" shall be omitted. There are a number of Acts now wherein we find that the term "Indian" is still in vogue. It is important that

after Independence, the word "Indian" is not necessary in our statute-books. So, I request the Ministry to see that in any Bill which is hereafter introduced, the word "Indian" is dropped; wherever the word "Indian" appears in our statute-books, it may be dropped. But a doubt may be raised as to which country the statute belongs. Those foreigners, however, who are acquainted with India would know that the statute belongs to India or comes from India. So, it is in the fitness of things that the word "Indian" is omitted in the amending Bill.

Secondly, a concession is shown to the traders to sell the goods through the railways and a railway receipt is recognised as a document of title to the goods and they get the benefit that was accorded to the shippers. I welcome this measure on that ground also.

Thirdly, section 64A is being totally amended. In this new Bill we find that wherever a new tax is imposed or a customs duty is levied, that is added to the original price fixed in the contract of sale and a concession is given to the buyer also to claim the remission of any tax by way of customs duties. This is indeed a welcome feature for the trading public.

Apart from that, we find that this Bill does not include the recommendation of the Law Commission regarding an important article, and that is with regard to the definition of the word "goods". We find in this Bill that water, gas and electricity are not included as goods. The reason given is that a good deal of confusion may be caused as the sale and distribution of these items is largely governed by special enactments and, accordingly, this recommendation has not been given effect to in the present Bill.

Regarding electricity, Sir, I have to make one point. Recently, in the Madras High Court there came up a



case about theft of electricity. Two opinions were held by two judges. One judge held that electricity does not come under the definition of the term goods as per the Indian Penal Code and therefore he took the view that the offence of theft has not been established, whereas the other judge held that power can be the subject of theft. In such cases where there is such conflict of opinion the real culprit may go undetected. If he is not booked under the Indian Penal Code, a number of cases of power theft may arise. Therefore, it is the duty of the Government to examine whether electricity can be brought under the definition of "goods". Under the Electricity Act we find that only at the instance of the electrical authorities a case can be brought, whereas under the Indian Penal Code the police are empowered to take up the case. In this connection, I would request the Minister to see whether the definition of goods can be enlarged so as to include electricity also.

With these words, Sir, I support the Bill.

**Shri A. K. Sen:** Mr. Deputy-Speaker, Sir, not much was called for by way of reply unless the hon. Member random and, if I may say so with her opposite, Shri Daji, had made a full respect, absolutely careless and reckless allegations against the Law Ministry. I would have wished that he was here because one who makes an allegation ought to be prepared to hear the answers and it is rather unfortunate that each time allegations come from that side the Member who makes the allegation is not present when we answer. Last time, I remember, Professor Mukerjee, while I was moving the Extradition Bill for consideration made equally strong observations about our carelessness.

**An Hon. Member:** He has come.

**Shri A. K. Sen:** I am glad he has come. The hon. Member says that because this matter was not disposed of in the last Parliament it shows the

utter incompetence of the Law Ministry. The hon. Member is recent to Parliament and he possibly does not know how priority of Government business is arranged, and that it is not merely because we want a particular Bill to be rushed through that we get priority but it is decided by a committee of Ministers in which various considerations play their part. A Bill in order to get priority would have to be approved of by that committee as a very urgent measure.

After this Bill was passed by Rajya Sabha and before it was taken up for consideration here, there were strong representations from the Federation of Electricity Undertakings in India stating rather strong grounds why the definition of "goods" should not include electricity, because it was feared that electricity being an inter-State supply and most of the joint undertakings have their impact on more than one State the incidence of local taxes—purchase, sales and octroi—would have adverse effect on the development of electricity. The State Electricity Boards were the strongest opponents to this. As a result, after the passage of the Bill from Rajya Sabha and after it was brought in here, transmitted from the other House, the Irrigation and Power Ministry made very strong representations for amending the Bill before it was brought before the Lok Sabha, and if necessary to amend it here and then take it back to the Rajya Sabha in order to meet the objections raised by the Federation of Electricity Undertakings and the State Electricity Boards. In fact, the Ministry of Irrigation and Power was strongly opposed to the inclusion of electricity in the definition at that stage, because originally when it was approved of by Government before being brought before Rajya Sabha I imagine the Irrigation and Power Ministry did not appreciate the objections which have been raised by the State Electricity Boards and undertakings in various parts of the country, and also the possible adverse effect of local taxes being imposed, in such an

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eventuality, on an important inter-State supply like electricity. It was, therefore, not given government priority for the purpose of being introduced here throughout the whole of the year 1961 which was taken up, hon. Members would recollect, with more urgent measures like the revision of electoral rolls, as far as the Law Ministry is concerned, and other amendments of the Penal Code, the Representation of the People Act concerning the repeal of communal and other parochial sentiments and various other measures. In fact, this measure did not get priority at all.

If it was intended by any hon. Member on the other side that this matter should be given priority and it should be brought up and disposed of before the last Parliament was over, it was open for them to say so and the committee which go into the question of priority would have gone into it. But the committee would not have given priority to this because at that time, having regard to the objections raised by the Federation of Electricity Undertakings and the State Electricity Boards the matter was being re-examined by the Law Commission itself.

It was sent back to the Law Commission before being brought in that shape to the Lok Sabha in order to find out whether the Law Commission still thought that such a change in the definition of "goods" should be incorporated in the Bill. The Law Commission took some time to examine it after the Bill was passed by the Rajya Sabha pending the matter being brought up before the Lok Sabha on the ordinary scale of priorities, and the Law Commission after a detailed examination again and seeing all the objections raised by the Irrigation and Power Ministry as also by the State Electricity Boards did not express any opinion either way. They neither said "yes" nor "no". On the contrary, our own impression was, informally by sounding them, that they did not insist on a change of the definition of

"goods" so as to include electricity, water and gas. By the time that was finalised and the matter could have been possibly raised for discussion here and passing in the ordinary course without any special priority being given to it, the last Lok Sabha was closed and the New Parliament started. I do not know where the incompetence of the Law Ministry comes in.

**Shri Daji:** It comes in because they were pointed out in the Rajya Sabha and yet you were not prepared to consider them.

**Shri A. K. Sen:** Why should he presume that we have not considered them? He was not here when I referred to that point. It is most regrettable that he makes such sweeping generalisations and wild allegations and he is not here to hear all the answers we have. I precisely said that because these points were raised, because the Federation of Electricity Undertakings raised this point and because the Irrigation and Power Ministry raised certain important points, the matter was sent back to the Law Commission, pending its consideration by the Lok Sabha, because of the insistence of the Irrigation and Power Ministry that we should change the definition in the Lok Sabha at least and take it back to the Rajya Sabha. I also explained to the House how the Law Commission went into the entire case again, went through all the objections raised and finally did not express any opinion; they did not give a categorical answer, either one way or the other, either by making a supplementary report or by varying the original report, but they informally made a report that there is no objection if the definition of "goods" was not enlarged. That is exactly what I explained. And by the time the Law Commission had examined all these objections and we found out that they were not going to insist on the original report as it was, there was hardly any time left for the Lok Sabha to consider it, because they

were busy with more urgent measures. This Bill is not considered very urgent or important is apparent from the attendance in the House. I do not think we have even a quorum now.

**Shri Kashi Ram Gupta:** This is the lunch hour.

**Shri A. K. Sen:** Even normally, this legislation would not have got priority but for dearth of legislation, as in the case of this session. But, in 1961, hon. Members would recall, we had a series of important measures to be got through, relating to elections, national integration and various other matters. Further, in these matters, once a Bill goes away from the Law Ministry the responsibility of the Law Ministry ceases. Then it takes the precedence of parliamentary procedure here as to how a Bill will pass from one House to another and also on what reactions Government have with regard to objections raised on the floor of the House, because it often happens, as with regard to constitutional amendments, that though we want to pass a Bill rather quickly, yet we agree as a result of insistence in the House itself, to send it to a Joint Committee, as a result of which the matter is delayed. Hon. Members will recall that the last Constitution Amendment Bill, touching various matters relating to High Courts, ages of judges and so on and so forth, has not yet been passed because the Joint Committee took a long time with several extensions and then it came here and now it is in the States. That is how it happens. What can the Law Ministry do once it goes away from their hands?

I do not understand how responsible members make these rather unfortunate attacks on devoted servants who work sincerely. I know personally that the particular officer who was in charge of this Bill at that time, the Secretary of the Law Commission then,—he has now gone away from the Law Commission and has been assigned with the drafting of the patents law—he has been one of our

ablest officers. And I have no hesitation to pay my tribute to this officer, Shri Rajagopaul, for the excellent work he has done in the Law Ministry and in the Law Commission itself. I strongly object to any insinuation of incompetence or inefficiency on the part of this officer. Most of the important Bills which this Parliament has passed and which have earned the admiration of all, both inside and outside—the Wealth Tax Act, the Income-tax Act, the Gift Tax Act and the Expenditure Tax Act were all drafted by Shri Rajagopaul. But he cannot direct the course of passage of Bills in this House; nor can I. Of course, if a particular Minister feels that a particular measure ought to be given priority, there is a method of getting priority. It is considered in the Legal and Parliamentary Affairs Committee and then if a particular governmental measure is given priority, it is brought in out of turn. That is the position. Therefore, I regret that these insinuations were made.

Coupled with that, another important matter was raised, though not at all connected with the Bill under discussion, and that was with regard to the emergency legislation and the Defence of India Rules. The hon. Member brought in the question of the Defence of India Rules and said that, so far as they are concerned with the question of preventive detention they were conceded by the Attorney-General to be against article 22 and article 14, and yet he insisted that the rules should prevail because under article 359 remedies on the ground of infringement of other articles were barred. And he blamed the Law Ministry for it, because the Attorney-General has conceded it. But the Attorney-General has conceded it under instructions of the Law Ministry.

I think it is a patent conclusion. The very reading of the rules will show that they are not in accordance with article 22, and it is only an insane person who would say that that article, as specifically worded, not providing

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for the setting up of the advisory bodies, would be in accordance with article 22. The whole argument of the Government has been that in times of emergency, the framers of the Constitution thought that a strict adherence to the fundamental rights was not possible in those days when hostile troops actually occupied a particular territory and various measures have to be taken, either for acquisition or requisition of property, or acquisition of goods or billeting of troops and various other things and it is, therefore, that article 359 was specifically designed to bar remedies in times of emergency. That is the argument. What is ignoble about it? This is the interpretation we have put before the Supreme Court on articles 358 and 359 and we have said that article 359 by specifically stating that the President may by order or proclamation bar remedies in certain cases proves that in times of emergency laws may be passed which would possibly be in conflict with the strict letters or even possibly the strict spirit of some of the fundamental rights, and yet they will prevail in times of emergency, even though remedy is barred, if the President so thinks. That is still our argument. It is for the Supreme Court to hold whether that argument is valid or not. If the Supreme Court so upholds, we shall certainly obey it, but we are not at all ashamed of having put forward that argument quite openly and as a point of construction of these articles in the Constitution. I do not understand why this question was brought in when we are considering this Bill.

I know hon. Members on that side are rather touchy about preventive detention and the Defence of India Rules which the Government have been very reluctantly compelled to take recourse to in certain cases, not only with regard to members of that party but also with regard to other persons, who do not belong to that party, but who have been found, on good evidence to the satisfaction of

the Government, to have been indulging in subversive activities which were likely to help the enemy. That is all. I know they are rather concerned about it. So, are we. And I do not think we would like to continue these drastic provisions a day longer than is absolutely necessary. But, then, these things are not governed by our desires or by our inclinations. There are others outside this country who force certain measures and certain course of events on us, notwithstanding our complete reluctance to submit to them. Anyway, I say, and I say emphatically, the reference to the Defence of India Rules in this connection was not only uncalled for but was completely irrelevant.

One word more about the Hire Purchase Act. Even in England the hire purchase law is not contained in the Sale of Goods Act. It is a separate law. We want to have a separate law in this country also. Therefore, we have referred this matter specifically to the Law Commission, whose report is now available. It was placed before the House and a discussion might arise on it. In the mean time, public opinion is being ascertained and the necessary law is being drafted after which we shall certainly introduce the measure in Parliament.

With these words, I request that the motion may be accepted by the House.

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

"That the Bill further to amend the Indian Sale of Goods Act, 1930, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted*

**Mr. Deputy-Speaker:** We shall now take up clause-by clause consideration of the Bill. There are no amendments to clauses 2 to 5. So, I shall put them together to the vote of the House.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted

Clauses 2 to 5 were added to the Bill.

Clause 1—(Short Title)

Amendment made:

Page 1, line 4,—

for "1962" substitute "1963"

(Shri Bibudhendra Misra)

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted

Clauses 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

"Fourteenth"

for "Thirteenth" substitute—

"Fourteenth."

(Shri Bibudhendra Misra)

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was 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.

13.52 hrs.

EMPLOYEES' PROVIDENT FUNDS  
 (AMENDMENT) BILL

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Sir, I beg to move:

"That the Bill further to amend the Employees' Provident Funds Act, 1962, as passed by Rajya Sabha, be taken into consideration."

The Bill *inter alia* seeks to ensure that the labour engaged by contractors have no difficulty in getting the Provident Fund benefit under the Employees' Provident Funds Act and the Scheme framed thereunder.

As the House is aware, over 36 lakhs of employees working in 79 different industries and classes of establishments are now getting the benefit of Provident Fund under the Act. But in quite a few of them a number of workers are employed through contractors. It was the intention of Parliament that the parent Act would cover contractors' labour also and, in fact, employees engaged by contractors were actually enjoying the benefit upto March, 1962 even though the Act did not contain any specific provision defining the principal employer's responsibility in respect of contract labour.

But in a judgment given in March, 1962 the Supreme Court held that the principal employer could not legally recover from persons engaged by the contractors any money due by way of provident fund contributions and that the contractors were also under no obligation to pay to the principal employer amounts paid by him on this account. The amendment now proposed seeks to remove this lacuna and authorises the employers to recover such provident fund contributions from the contractors.

Now, contract labour, itself is, in many instances, an evil which we are

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seeking to remove progressively. The subject came up for consideration at a number of tripartite meetings. The general consensus of opinion was in favour of replacing contract labour by departmental labour wherever possible. Proposals for legislation on the subject are under consideration. Until, however, this happens or whenever it is found necessary to retain contract labour it is essential to ensure that they also enjoy the Provident Fund benefit as available to other workers. The House will appreciate that the proposed amendment is a very desirable step from this point of view.

Apart from this important provision, opportunity has also been taken to introduce a few other amendments which are mostly procedural in character. These have been found necessary in the light of experience gained in the working of the employees' Provident Funds Act. These proposals relate to protection from attachment of provident fund, transfer of provident fund accumulations and conditions of exemption. The definition of the term 'manufacture' is being brought in line with that given in the Factories Act, 1948, and detailed provisions regarding the Central Board of Trustees, hitherto contained in the Employees' Provident Funds Scheme, are being incorporated in the Act itself. Finally, powers are being conferred on the Central, Deputy and Regional Provident Fund Commissioners to determine the provident fund dues and the Provident Fund Inspector; are being given more powers in order to ensure better enforcement of the Act.

I hope, all sections of the House will find these proposals acceptable. With these words, Sir, I move.

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

"That the Bill further to amend the Employees' Provident Funds Act, 1962, as passed by Rajya

Sabha, be taken into consideration."

**Shri Mohammad Elias (Howrah):** Mr. Deputy-Speaker, Sir, I rise to support this Bill although it was long overdue because the workers who work under the contractors are the worst sufferers compared to the other sections of workers employed in factories and establishments. That is why not only have they been agitating their inclusion in the Provident Fund Scheme but they have also been agitating for the total abolition of the contract system and for bringing them under the direct employment of the employer. Many non-official Bills and Resolutions have been debated in this House and many times the hon. Labour Minister has assured the House that so long as the abolition of this system does not take place at least the facilities which are being given to the direct employees of the employers would be extended to the workers who work under the contractors.

About two years ago this facility was extended to them but the employers went up to the Supreme Court and denied the right of provident fund to the contract workers. Now this Bill will give the contract labour an opportunity to come under the Provident Fund Scheme which would be beneficial to the labourers.

In this connection, through you, I would like to draw the attention of the Government to the fact that unless the Government takes keen interest in it after the Bill is passed, the contractors will try their best to bypass this Act and to deprive the contract workers the facility of the Provident Fund Scheme because there are many Acts, laws and rules which are not implemented by the contractors for the benefit of their labourers. Take, for instance, the Industrial Disputes Act. If any worker who works under a contractor is dismissed and he goes to the Labour Commissioner's Office, he does not get the

facility under the Industrial Disputes Act because the contractors do not keep any record of their workers. Suppose, the dispute is brought to the notice of the Labour Commissioner. Now, if comment is wanted from the employer, the employer will say that he has got nothing to do with the contractor's labour and the contractors destroy all their books and say that there is no record of the name of this worker in their books. That is why under the Industrial Disputes Act the Labour Commissioner cannot give any relief to the workers who are dismissed.

Similarly, other facilities which have been given under the Industrial Disputes Act or under the Factories Act are not given to the workers of a contractor. For instance, workers working under the contractor work overtime. They have to work for longer hours than the directly-employed workers. But even then they do not get any overtime allowance. Under the Factories Act, if any worker is forced to work for more than 48 hours a week, the worker is to be paid double the amount; that is, for one hour's work he is to be given two hours' allowance. But the contractor's workers do not even get a single hour's wages. They are forced to do work for more than eight hours a day and for more than 48 hours a week without any remuneration.

#### 14 hrs.

We have found from our experience that there are many Acts, laws and regulations which the contractors very successfully bypass and deprive the workers of the facilities which are provided by the law. That is why I shall urge upon the Government to think again and again over the decisions which have been given by the Labour Appellate Tribunal many a time. Many a time the tribunals have held that in a factory, in an establishment, there is no necessity to keep any contractor on a permanent nature of job. The permanent nature of work must be done by the direct employees of the employer.

But just to deprive the workers, the employers employ a contractor to carry on all these works. In our country there are a large number of factories where employers employ contractors just to avoid all these facilities to be given to the workers. Unless and until this contractor system is totally abolished, the workers would not get any benefit. Even if we pass this Bill, the Act will not be implemented by the contractors. Even after passing of this Bill, the provision is, if a worker works for some time, then only he can get the benefit of the provident fund scheme. What will happen is this. We see it in many factories. As soon as this Bill will be passed, they will re-employ all the workers who are working under the contractor and after two or three weeks or after a month, they will dismiss them and again employ another set of workers. In this way, they will not implement this Act in regard to workers who work under a contractor. That is why, I say, on a permanent nature of work, there should not be any contractor. The contract system itself is a source of corruption. The contractors are parasites. These contractors do not do any work. They do not know any job to carry out inside the factory. The workers themselves do everything. These contractors go to the employers' houses and to the big officials; they bribe them heavily and take their orders and carry out all the work depriving all the facilities to the workers. Many workers who work for weeks and months do not get their actual wages for which they have worked. It is good that this Bill is being passed by this august House, but I would urge upon the Government to see that this Bill, after it is passed, is properly implemented by the employers and at the same time also by the contractors and gradually the Government must go to abolish all the contract system which is an evil for the workers and for our country. For the benefit of our country, it is necessary to abolish this contract system. With these few words, I support the Bill.

**Shri S. M. Banerjee (Kanpur):** Mr. Deputy-Speaker, Sir, I rise to support this amending Bill though I have to make certain observations regarding the various sections of the principal Act, and at the same time regarding the implementation and non-implementation of the various provisions. I fully support the contention of my hon. friend Shri Elias when he said that the contract system should be abolished. Here, in the statement of objects and reasons of this particular Bill it is said:

"(i) that there is no provision enabling the employer to recover the amount of contributions from the employees employed by or through the contractor; and

(ii) that there is no obligation on the contractor to pay to the employer the amounts paid by the employer on account of the employees of the contractor."

Well, this Bill authorises the employer to realise money from the contractor and pay it to the workers. This is a welcome feature and I must congratulate the hon. Minister for bringing such a piece of legislation which was long awaited. But what will happen is this. What is happening with the implementation of the Provident Fund Act? I must take this opportunity to bring before this House the fact that huge amounts have been accumulated and they are not paid by the employers. The result is that when the workers retire from service, they are not paid that amount. I know in certain cases—and hon. the Deputy Minister will kindly bear me out—lakhs of rupees are still outstanding which the employers have not paid as their contribution to the provident fund. They make deductions from the salary of the workers, whether it is 6 per cent or 6½ per cent—in certain industries which have been notified now under the other amending Bill, it has been raised to 8 per cent. What about the employers' contribution? Employers are not contributing and in certain

cases huge arrears have accumulated. I want to know from the Deputy Minister as to what concrete steps have been taken to realise this amount and see that this is deposited in a proper way and it is paid to the employees after retirement. That is one thing on which I would like to have an answer from the hon. Deputy Minister.

Then, the other question is about exemption. The exemption clause may be there for those who are employing less than 25 or 20. I agree they are not in a position to pay. But there should be some social benefit, the retirement benefit, to the workers also. Otherwise, we do not know what will happen to the worker who loses his job or retires at the age of 55 or at the age of 60 years if he does not get any benefit arising out of any provident fund or gratuity. I would like the hon. Minister to let us know whether the exemption has been granted very judicially and very cautiously. But what is being done by the employers? They are splitting up their units into many units. The total number of employees working in a particular unit may be 500, but they say to the inspector, the provident fund commissioner and all those officials who are connected with the implementation of the labour legislation that their unit is not having 500 employees—but it is split up into many units of 25, 30 or 40 and like that. They are trying to avoid this. They do not want to come under the purview of any labour legislation, whether it is the Factories Act or whether it is the Provident Fund Act. This is how the employer wants to dodge the workers and at the same time dodge the Government also.

Then, there is another thing that I want to mention. Recently, this Compulsory Deposit Scheme has come and we have been pleading in this House in respect of those people who are paying provident fund to the tune of 6½ per cent or to the tune of 8 per cent—and in certain cases it is 8½ per cent—why should they not be exempt-



ed from this Compulsory Deposit Scheme? At the same time, we have also pleaded that the employers in all the industries be asked to raise the contribution from 6½ per cent to 8 per cent. Then, the Government is bound to get a handsome amount, some crores of rupees, for the defence and development. This had been raised in the House and the Government of India came with a Bill which covered only small industries, for instance the cigarette industry and other industries in which the employees working may not be even a lakh. So, we do not derive any benefit out of that. If that Bill is extended to all the big industries, like, textile, jute, sugar, engineering units and all other units, then naturally there will be more resources for the Government at this hour. Even a person who gets only Rs. 125 per month is being compelled to give 3 per cent as compulsory deposit. I would request the hon. Deputy Minister to kindly let us know whether that has been done and, if not, whether they intend to take steps to raise it from 6½ per cent to 8 per cent in almost all the industries. It has been proved beyond doubt, after seeing the working of various big industries, that they are not running in loss. In certain cases they are making fabulous profits. There are. There are unknown profits also. It definitely means that they are making fabulous profits. So, I would request the hon. Deputy Minister to consider this matter.

Then, there is another point which is about this contract system. In the Labour Conference—the hon. Deputy Minister was also a party—they took a decision that the contract system should be abolished. It has not yet been abolished. Even in the Central Government undertakings, even in the public undertakings and public sector projects, it has not been abolished. It has not been abolished in railways, in defence, in other projects like steel projects, heavy electricals, etc. Previously when the Britishers were here, our greatest fight—the trade

unions' fight—was that Britishers used to discharge labour on technical grounds. They were technically being discharged. They used to be discharged on the 31st March of every year and then re-employed on the 1st of April, that is, from the new financial year, with the result that they were denied the right to earn leave, the right to have provident fund, gratuity, permanency, seniority and other things; and always they were at the mercy of the employer, and since they did not want to lose their jobs, naturally, they used to do whatever they were asked to do. Why is that same practice being followed now, which was followed by the Britishers, against which all of us from every section of the House protested and we had pleaded that this system should be abolished? And we were able to abolish it in 1946, and it was abolished throughout the public sector projects in 1947-48. But what is happening to that system today? Here, in Delhi, for instance, there are about one lakh workers who are working under various contractors, and who are engaged in building construction work. These workers are not entitled to any provident fund. They are not entitled to any compensation under the Workmen's Compensation Act. Even the Payment of Wages Act does not cover them. There is no benefit to which they are entitled at all. It is with great difficulty that Government have been able to convince these contractors at least to implement the Minimum Wages Act, and there too, the amount is only Rs. 2 or Rs. 1.50. What is happening now is that when we ask the contractors to pay the provident fund dues, they deduct the provident fund dues from the wages of the employees, but they do not deposit it with the chief employer with the result that the workers are not paid these dues when the time for payment comes. This Bill has at least enabled the chief employer to realise the dues from the contractor.

But I would like to ask one question. Are we not abolishing the con-

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tract system at least in the public sector projects? The decision to abolish this contract system was taken in Bangalore, I believe at the Twentieth Labour Conference. It is more than a year now, and yet nothing has been done. I want to know from the hon. Minister whether any decision has been taken, whether those recommendations are going to be fulfilled, and if so, in what form, and whether the contract system has been abolished in any of the public sector projects by now.

Coming to the question of payment of provident fund, I would point out that the payment is very much delayed. I can quote instance after instance in this House to prove my contention. Suppose I am working in a particular industry, and I retire today, that is, on the 29th of August, 1963. When shall I get my provident fund money? I shall have to go on starving and begging from day to day, from month to month and from year to year and still I would not get the amount. In certain cases, only the legal heirs of the person get the amount, and the person does not get the amount during his life-time. Sometimes, it takes one year and sometimes it takes two years. There is no limit to that at all. The orders issued on the subject are to the effect that the provident fund should be paid just after six months of the termination of the service; if he has resigned, or he has been discharged, or he has been removed from service but not dismissed for any disciplinary reason, then he will be given his dues after six months from the date of termination. The employer knows that a worker will retire on a particular date, because the age of retirement is 55 generally, or if it is beyond 55 in public sector projects, it is 58 years for ministerial staff and 60 years for the industrial employees. Even in the public sector projects where the machinery is so efficient according to the hon. Minister and according to the various declarations of Govern-

ment, there are such cases; there are about 17,000 cases pending even today, where persons who have retired in 1960, 1961, 1962 or even as long as 1958 and 1959 have not been paid their provident fund dues. After all, what does this provident fund mean to them, if they do not get it during their life-time? I would submit that gratuity or provident fund should be cleared within thirty days of the retirement of the person; in the event of his death, the money should be paid to his legal heirs within that period.

Because there was so much of delay in the payment of the provident fund dues, we in Kanpur started a scheme called the Death Benefit Scheme, in the defence industry, according to which every worker will pay 25 NP every month, and whatever money is accumulated will be given by the general manager of the particular ordnance factory to the heirs of any person who unfortunately dies; whether he is a class I or a class II or class III or class IV officer or even an industrial employee, the entire collection is given to his heirs. That was the scheme which we had to start; because there was so much of abnormal delay in the matter of clearance of the provident fund dues we had to start such a scheme. And we appealed to the workers to contribute that amount, and we told them that because Government had failed to get the amount paid to the workers, in time, therefore, we had thought of starting our own scheme, and we have been able to start such a scheme there.

So, taking all these into consideration, I would request the hon. Minister to kindly throw some light on these points, and not to restrict his reply only to the various provisions in the Bill. Even if he confines himself to the various provisions of this amending Bill, all the points which have been made either by me or by my hon. friend Shri Mohammad Elias would be covered, but I would request the hon.

Minister to kindly throw some light on the various points which have been raised.

I would also suggest one other thing. During this emergency, when the compulsory deposit scheme is being implemented in the case of those people who are getting only Rs. 125 a month, and they have got to contribute four per cent, is it not fair and proper for the employers to raise their contribution from 6 per cent or 6½ per cent to 8 per cent in all the industries? Have they become so poor? After all they have also to sacrifice for the interests of the country, for defence and for development.

With these words, I congratulate the hon. Minister and I would request him to kindly give answers to the various points raised.

**Dr. Melkote** (Hyderabad): I rise to support the Bill, and whilst doing so, I would like to make a couple of observations.

All sections of this House as well as workers in every part of the country have been demanding ever since Independence the ending of the contract system in the industries as well as in other places. Whatever may be the reason, Government have not so far considered it fit enough to do so. But the amending Bill which has now been brought forward at least goes a little way in helping the workers under the contractors to ease their position.

So far as this Bill is concerned, it is essentially a Bill which affects the workers in the major industries. In the Statement of Objects and Reasons, it has been stated that so far this provident fund scheme affected about 71 industries, and recently Government have added another 8, making it 79 in all, with a total worker population of 35 lakhs. In these several industries, there have been contractors, and they have been existing for ages; and under some of them, there are as many as

five hundred or even one thousand and more working day in and day out throughout the year. It is to improve the lot of some of these workers that this amending Bill has been brought forward. Thousands of other workers working under the contractors are still there who do not get the benefit of this Act. May I plead with the Ministry that they do take into consideration the effect of this Bill on the psychology of those workers who do not get this benefit? I plead with the hon. Minister that this Bill should be made to extend to all kinds of workers working under all contractors.

The second part of the observation that I would like to make is this, and it is well known, and the hon. Minister as well as the Ministry know about it, namely that the employees pay the provident fund, and Government also contribute their share of the fund, but the employers in quite a number of industries make use of this money for development purposes, and in some cases they do not contribute their share at all. Such cases are numerous. Whilst the Act provides that the utilisation of such funds by the companies is a criminal act and an offence for which they could be sent to jail for seven years and more, Government have not seemed to take stringent measures for enforcing this Act. It is, therefore, my contention that whilst this Bill is most welcome, if in the implementation of the Act, Government do not enforce it strictly, then the employees might not get the benefit that is their due. I hope that the Ministry will look into this and take stringent measures to see that the Act is enforced on everyone and especially those that go against its provisions.

There are various other clauses of this Bill which seek to help the employees to a larger extent and overcome some of the technical difficulties in the law. I welcome all these amendments.

श्री काशीराम गुप्त (अलवर) : उपाध्यक्ष महोदय, इस बिल को कुछ धाराओं का तो मैं स्वागत करता हूँ जैसा कि मुझ से पहले बहुत से सदस्य बता चुके हैं। किन्तु इस में कुछ धारग्यो ऐसी जोड़ी गई हैं कि जिन को सरकारीकरण कहा जाए तो ठीक होगा। सब से प ले में माननीय मंत्री का ध्यान पृष्ठ २ में जो सेक्शन ४ है उस की ओर दिलाना चाहता हूँ। उसमें लिखा है :

"(a) A Chairman to be appointed by the Central Government;

(b) not more than five persons appointed by the Central Government from amongst its officials;

(c) not more than fifteen persons representing Governments of such States as the Central Government may specify in this behalf, appointed by the Central Government".

श्रीर उस के बाद ६ आदमी एम्पलायर्स के होंगे और ६ आदमी एम्पलाईज के होंगे।

इस सम्बन्ध में मेरा यह निवेदन है कि रुपया देने वाले या तो मालिक हैं या मजदूर हैं। उन के मिर पर इतने आदमी बिठाए जायें सरकार की तरफ से इस का क्या तात्पर्य है। पांच आदमी सेंट्रल गवर्नमेंट के बिठाए गए हैं और १५ आदमी राज्य सरकार से ले कर बिठाएंगे। उन सब के बिठाने का तात्पर्य क्या होगा? वे किस के हितों के लिये बैठेंगे? अगर वे मजदूरों के हितों के लिये बैठेंगे तो इन के बजाए मजदूरों की संख्या बढ़ायी जा सकती थी, और अगर ये लोग मालिकों के हितों की रक्षा के लिये बिठाए जा रहे हैं, तो इतनी संख्या मालिकों के प्रतिनिधियों की बढ़ायी जा सकती थी। ये लोग बीच में किस के हित की रक्षा करेंगे यह माननीय मंत्री बताने की कृपा करें।

इस का नतीजा यह होगा, जैसा कि अभी श्री बनर्जी बतला रहे थे, कि और भी ज्यादा देर होगी। यह सरकारीकरण जो होता है यह तो अड़चन पैदा करने के लिये ही होता है और इस का और कोई नतीजा नहीं निकलता है। आज के युग में जब कि हम डिमेंटलाइजेशन की तरफ जा रहे हैं तो इस में जिन का हित है उन को अधिक तादाद न देकर, जिन का इस से कोई सम्बन्ध नहीं है उन को तादाद देना न्यायोचित नहीं है।

इसी प्रकार से आगे जा कर के इस में लिखा है कि इस के लिये सेंट्रल प्राविडेंट फंड कमिश्नर, डिप्टी प्राविडेंट फंड कमिश्नर, और रीजनल प्राविडेंट फंड कमिश्नर होंगे और इन सब की तनखाहें इसी में से दी जायेंगी। यह सिद्धान्त माना गया है कि प्राविडेंट फंड पर और उस के ऊपर जो ब्याज हो उस पर केवल मजदूर का हक है और किसी का हक नहीं है तो आप इस रुपये को किन कामों में लगायेंगे कि उस से इतना मुनाफा हो जायेगा कि ब्याज देने के बाद भी रुपया बचेगा और वह इन लोगों पर खर्च किया जायेगा? और अगर ऐसी जगह लगाया भी जाए जहां से ज्यादा पैसा आवे, तो उस का हक मजदूरों को हो सकता है और किसी को नहीं हो सकता। तो ये जो सरकार ने आदमी अपनी तरफ से बिठाए हैं इन का खर्चा देना सरकार का नैतिक कर्तव्य होना चाहिये। यह नहीं होना चाहिये कि जिस का मूंड उसी को मोगरी। यह उचित नहीं है कि इस फंड में से रुपया ले कर इन लोगों पर खर्च कर दिया जाये। यह बहुत आपत्तिजनक है इस में जो पृष्ठ ५ पर सेक्शन ६ में लिखा है कि इन अफसरों की तनखाहें इसी फंड में से दी जायेंगी यह उचित नहीं है। सरकार को इन की तनखाहें अपने फंड से देनी चाहिये और फंड का इस्तेमाल मजदूरों को ग्रेच्युइटी और पेंशन आदि देने के लिये होना चाहिये। अगर कोई इंडस्ट्री इतनी तगड़ी है कि वह इतना पैसा

दे सकती है, कि उस के ब्याज से ग्रेच्युएटी आदि दी जा सकती है तो वह दी जाए, न कि उस रुपये को इन अफसरों पर खर्च कर दिया जाए ।

स्टेट बोर्ड्स के बारे में इन में कोई जिक्र नहीं किया गया है । सरकार को तफसील में बतलाना चाहिये कि उन के क्या कर्तव्य होंगे और उन की आवश्यकता किस प्रकार है ।

इस में एक जगह लिखा है कि ये जो एम्प्लॉयमेंट किये जायें तो यूनिवर्सिटी पब्लिक सर्विस कमिशन से पूछ कर किये जायें । इस से अच्छा तो यह होता कि यूनिवर्सिटी पब्लिक सर्विस कमिशन का अधिकार होता है कि वह नियुक्तियां करती बजाय इस के कि पहले नियुक्ति कर ली जाय और फिर उन का कान्फरेंस मांगा जाए । इस में जो इस प्रकार के नियम रखे हैं इन से अड़चन ही पैदा होगी और उन से उस की जो आटोनामस प्रोजीशन है उस में भी बाधा आती है ।

इस में इस्पैक्टर्स आदि को पावर्स दी गयी है कि वे रजिस्टर और वही खाते आदि उठा कर ले जा सकते हैं । पहले तो इस में स्पेसिफिकली यह बतलाया जाना चाहिये कि किन रजिस्ट्रों आदि को वे ले जा सकते हैं, ताकि वे दूसरे रजिस्ट्रों को न ले जा सकें । लेकिन रजिस्ट्रों के ले जाने के बजाए यह अच्छा होता कि इस में यह प्राविजन रखा जाता कि उन के खास खास हिस्सों की कापी कर के ले जायें । अभी जो यह प्राविजन है रजिस्ट्रों को ले जाने का यह घातक है और इस से अष्टाचार के फैलने का अन्देश है । मेरा निवेदन है कि इन अफसरों के हाथ में इतनी पावर्स न रहनी चाहियें । यह चीज ठीक प्रतीत नहीं होती ।

अन्त में मैं एक बात यह कहना चाहता हूँ कि इस में पृष्ठ ५ पर यह लिखा है कि ये अफसर जे' फंडमें करोगे प्राविडेंट फंड के बारे में उन के बारे में एम्प्लायर किसी कोर्ट आफ ला में नहीं जा सकते । मैं समझता हूँ कि यह हमारे संविधान के भी खिलाफ है ।

और उन के व्यक्तिगत अधिकारों के भी खिलाफ है । अगर कोई समझता है कि उस के साथ अन्याय हुआ है तो उस को कोर्ट आफ ला में जाने का अधिकार होना चाहिये, अन्यथा यह उस के प्रति अन्याय होगा । और इस पावर का इन्फोर्मल अफसर गलत ढंग में कर सकते हैं ।

एक बात मैं और कहना चाहता हूँ कि जब कोई उद्योग इस कानून के तहत में लिया जाए तो यह अच्छी तरह से देख लेना चाहिये कि उस की शक्ति कैसी है । यह भी देखना चाहिये कि उस उद्योग में जो लेबर है वह संगठित है या नहीं, स्थायी है कि नहीं और उस में जो रुपया लगता है और उस से जो उत्पादन हो रहा है उस से ऐसा मालूम होता है कि नहीं कि उद्योग की जड़ मजबूत हो गयी है । ये सब देखने की बातें होती हैं और इन चीजों को स्थान पर जा कर देखना चाहिये और उन की जांच की जानी चाहिये ।

मैं निवेदन करूँ कि यह मेरी जानकारी में है कि एक प्रदेश में एक रीजनल कमिश्नर ने शिड्यूल्ड में जो लिस्ट दी गयी है उस के आधार पर एक ऐसी फैक्टरी पर नोटिस सर्व कर दिया, इलेक्ट्रिक इंडस्ट्री बता दी, जो कि बिजली के लिए लकड़ी का केसिंग तैयार करती थी । जब उन को बताया गया कि यह तो शिड्यूल्ड में नहीं आती, चूंकि वह फैक्टरी लड़कों के लिखने की स्लेट पैसिलें भी बनाती थीं, उससे कहा गया कि यह स्टेशनरी के अन्तर्गत आती है । फैक्टरी वालों ने कहा कि आ कर जांच कर लीजिये कि इंडस्ट्री छोटी है या बड़ी है तो उन को धमकी दी गयी और कहा गया कि पहले फार्म को भर कर भेज दो । तो मेरा निवेदन है कि यह जो सरकार की काम करने की नीति है इस को बदलना होगा क्योंकि इस प्रकार श्रुवहा करते रहने से काम नहीं चलेगा कि ये लोग छुपाते हैं । इस बात की सही जानकारी करना अफसरों का कर्तव्य होना चाहिये । सही जानकारी नहीं की जाती उसी का नतीजा

[श्री काशीराम गुप्त]

है कि उद्योग सही स्थिति में कायम नहीं रह पाता ।

मैं इस बात का तो समर्थन करता हूँ कि अधिक से अधिक उद्योगों को प्राविडेंट फंड स्कीम के तहत आना चाहिये, लेकिन वे कौन से उद्योग हों इस की सही जांच की जानी चाहिये। इस का जिम्मेदारी रीजनल कमिश्नर की है। वह जो रिपोर्ट भेजता है उस पर भारत सरकार विश्वास करती है। अगर वह गलत रिपोर्ट भेज दे तो उस पर गलत निर्णय ले लिये जाते हैं और इस से हमारे देश के उद्योगों को बड़ा आघात पहुंचता है। इसलिये मैं इस और मंत्री महोदय का ध्यान खास तौर से दिलाना चाहता हूँ कि जब भी ऐसी जांच हो तो उसके लिये कुछ खास निर्देश भेजे जाने चाहियें कि पूरी जांच कर के तब आगे रिपोर्ट भेजी जाए। अन्यथा इस में समय और शक्ति बर्बाद होती है और उस का नतीजा गलत निकलता है।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आप को धन्यवाद देता हूँ कि आप ने मुझे समय दिया।

**Shri K. N. Pande (Hata):** Taking into consideration the pitiable condition in which contract labour is placed at the moment in the country, I think a measure of this type was very necessary to be brought before the House. It has been found from experience that contract labour exists in every sphere, in factories, coal mines or any other place, and they are being exploited. Things concerning contract labour have gone to the extent that in spite of the Employees' Provident Funds Act they are not only able to enjoy any benefit of this scheme, but they are not getting the benefit of real wages.

After the passing of this amending Bill which has been brought before this House, two purposes will be served: firstly, it will entitle the con-

tract labourers to take the benefit of the provident funds scheme and, secondly, it will also give an opportunity to the inspectors and the officers concerned to see that the workers are given real wages that are fixed for the workers. At the moment what is happening in the country is this. Suppose a minimum wage is fixed. But as these contract workers are not so much protected under the Industrial Disputes Act, they are given less wages than what is prescribed; and when there is a demand from the workers, those workers are ousted from the factory. Now, after this Bill takes the shape of an Act, the officers concerned will be entitled to see that the labours working under the contractors not only get the exact wages that they are entitled to but also get the benefit of this provident funds scheme.

This case, after which the Government have thought it necessary to bring this measure before this House came out in U.P. where under the Industrial Disputes Act, contract labour is also covered and the employer is responsible for the labourers employed under the contractor also, but because of the decision of the Supreme Court, the workers who were already contributing or who had got benefit of this provident funds scheme, have been deprived of this after the judgment was announced and the workers were in dilemma as to what to do; because, they had contributed for some years, but after some time the whole thing was stopped because of the decision of the Supreme Court. I thank the Government that taking into consideration the necessity of this measure they have brought this Bill before the House in order to support those workers who have been put in such a miserable condition.

While supporting this Bill I want to suggest certain things. Because, it is stated in the Statement of Objects and Reasons on page 11 that it is also proposed to make some other amendments, which are felt necessary and

that the more important of these relate to, among others, "substituting for the definition of the term 'manufacture', the definition of the term 'manufacture' and 'manufacturing process' on the lines of the comprehensive definition of the term 'manufacturing process' embodied in the Factories Act, 1948". Here I have to make some suggestions. In spite of the fact that the scope of the Act has been enlarged, still there is a section of employees which will not be covered, although the Government does not wish that they should not be covered, because they are concerned. Suppose there is a factory here, take for example, the Swatantra Bharat Mill or the Delhi Cloth Mills. These factories have got distribution centres also, and different showrooms, departmental showrooms. Now, those people are not covered under the Factories Act. Therefore, unless the scope of the Act is extended even to cover those employees, who are also paid by the factories or whose names are on the rolls of the factories, the real benefit will not go to the employees.

My suggestion in this regard is that, although at this moment the Bill as it has come before the House should be passed, the Government should think over this matter that instead of applying or confining the area of workers employed by a factory under the Factories Act, the area should be determined taking into consideration the definition of 'workmen' given in the Industrial Disputes Act. That will cover a larger section of people and that will give more benefit to these workers, because those people are also employees of the factory. Similarly in other types of factories also; for instance, there are factories which have opened their offices outside; although they are situated in Delhi, some of their offices have been opened in Bombay and Calcutta. According to this Bill those people are not covered, because they do not come under the Factories Act. Therefore the trouble may arise for that section of people.

994 (A) LSD—7.

My suggestion in this regard is that if any other amendment comes before the House next, the hon. Minister will please consider over this matter so as to extend the scope and bring the definition of 'workmen' which is given in the Industrial Disputes Act, instead of confining it to the definition of 'worker' given in the Factories Act. This is what I want to suggest in this connection. And while giving this suggestion, I support this Bill.

**Shri C. R. Pattabhi Raman:** Mr. Deputy-Speaker, I wish at the outset to express my sense of gratitude to the hon. Members for the very useful suggestions that they have made. I have been particularly fortunate, Sir, that so many leaders in the labour field have taken part in the debate. They have had their own contributions to make, and they are still making, in various parts of the country.

Shri Elias was referring to contract labour. I may assure him that a Bill for the abolition and regulation of contract labour is being drafted. We agree that there is abuse of contract labour. Only in some cases there is contract labour or casual employment. Contract labour has to be engaged, but their interests must be safeguarded. The present measure is one such. For instance, we can well visualise that in the border areas some Adivasis are still not used to coming and bargaining for jobs themselves; they are still used to depending on some *mistries* who are bringing them more or less. We are trying to improve matters. It is a question of time, perhaps a very short time.

With regard to the second speaker, Shri Banerjee, I want him to know that the total arrears amount to less than 2 per cent. He was referring to many employers who do not pay the workers and the arrears are accumulating. Prosecutions are frequently launched and the arrears are realised as arrears of land revenue. The workers do not suffer as we pay them out of the reserve fund.

[Shri C. R. Pattabhi Raman]

He was also referring to the splitting of establishments for avoiding coverage. This evil does exist and prosecutions are launched wherever malpractices are detected. We are trying to the best of our ability to keep ourselves au fait with all the malpractices.

Then, with regard to the compulsory deposit scheme Shri Banerjee was referring to the exemption. We are soon amending the Act, raising the voluntary contribution to 12 per cent. This would mean . . . .

**Shri Vishram Prasad (Lalganj):** Sir, I do not think there is quorum in the House.

**Shri Hari Vishnu Kamath:** It is past 2-30 now and the Minister is making a good speech.

**Mr. Deputy-Speaker:** All right, the bell may be rung—Now there is quorum, the hon. Minister may continue.

**Shri C. R. Pattabhi Raman:** As I was saying with regard to compulsory deposit scheme, raising the voluntary contribution to 12 per cent would mean automatic exemption. Shri Banerjee's point was that the rate of provident fund should be raised to as many industries as possible. Five industries have been covered and 17 more would pay a higher rate soon. About the delay in payment of provident fund, I may say that in 63 per cent of the cases payment is made within ten days; 17 per cent within another five days. The delay factor is thus lessened progressively and only in 8 per cent of the cases it takes more than one month. Shri Gupta then said: why should there be 5 plus 5 and 20 from the Government. The reason is that each State Government should have representation. In each State there is a State advisory board to look after the implementation of the scheme. Then there is the board of trustees which is not a mere advisory body nor is it a semi political forum. All Governments, Central and States,

should have representation. Finally he referred to appointment of officers by the UPSC. UPSC is consulted always but it never appoints any one. He also said that the scheme should not be applied to industries which are coverable. A careful survey is always being done before any industry is covered. Shri Kashinath Pandey said that distribution centres are not covered. They are covered but not as factories. As commercial establishments they are covered. The branches too are covered now. I hope I have answered the various points and I commended this Bill to the House.

**Shri Kashi Ram Gupta:** My point is about the salaries of officers. This money belongs to the labourers and they are to be paid with the interest. How is it possible to raise this fund further to pay the officers? Why not Government pay them?

**Shri C. R. Pattabhi Raman:** If you refer to the regional offices, they are some of the hardest worked people because it covers so many establishments. It is not as if each State has an office; a regional office covers a much larger area. It is the Board of trustees who manage the whole show and Government comes in only to benefit the workers. The amounts collected are more than Rs. 200 crores.

**Shri Mohammad Elias:** The hon. Minister states that a Bill is being drafted to abolish the contract system. Is it so? How long will it take to come before Parliament?

**Shri C. R. Pattabhi Raman:** The hon. Members would realise that if any Ministry brings legislation frequently, it is our Ministry. We are keeping our fingers on the pulse. In this Emergency I am sure you would not like to abolish the contract system because it will affect the work in the border areas.

**Shri Mohammad Elias:** Exempt the border areas.

**Shri C. R. Pattabhi Raman:** How can we have legislation for some areas.



I am sure you are as much interested in the defence of the country as I am. Some adivasis, it may happen, would come and work only in a group which is more or less a contract labour.

The administrative charges are paid by the employers and not by the workers. I am sorry I missed his point.

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

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments. I shall put the clauses. The question is:

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clauses 3 to 14 were added to the Bill.*

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

**Shri C. R. Pattabhi Raman:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

14.47 hrs.

#### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

**The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra):**  
Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, as passed by Rajya Sabha, be taken into consideration."

This is a simple Bill which seeks to amend sections 60 and 80 of the prin-

cipal Act. Section 60 deals with properties liable to attachment in execution of a decree, other than a decree for maintenance and says that the first Rs. 100 of the salary and half of the remainder is not liable to attachment in execution of a decree other than a decree for maintenance. We now want to raise the limit of Rs. 100 to Rs. 200 on the representation of the low paid Government employees. The cost of living has gone up and they are being put to unnecessary troubles and so this section is thus amended for the benefit of the low paid employees.

The amendment to section 80 says that if a suit is instituted anywhere in the territory of India against the State of Jammu and Kashmir two months' notice has to be given. Section 80 contemplates that when a suit is to be filed against Government notice shall be given. The Act does not apply to Jammu and Kashmir and so it is not covered by section 80. It has created a difficult situation so far as Jammu and Kashmir is concerned. The Civil Procedure Code lays down that a suit can be instituted anywhere, either where the defendant resides or where the cause of action arose. This has put that State into a very difficult position and it is at their request that this is being incorporated in section 80. They have also assured that there will be a reciprocal law in Jammu and Kashmir State and so it is on the basis of reciprocity that this amendment is being incorporated.

The Civil Procedure Code has been examined by the Law Commission and as it is in the concurrent list it has been circulated to the State Governments. The House will have an opportunity to discuss the entire Civil Procedure Code when it comes before the House. We thought of coming with this Bill only with these two amendments. We thought of waiting in the first instance and of taking up the entire work, but then we felt that it would take some time, say, about a year; we had

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to get the reply from the State Governments, and so on. But since these two matters appeared to us to be urgent, we have come with this piece of legislation.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, as passed by Rajya Sabha, be taken into consideration."

**Shri Daji (Indore):** I welcome the Bill because it is needless to underline or emphasise the urgent necessity of having set right this lacuna. Previously we used to consider salary separately from the question of dearness allowance. With the rise of dearness allowance, the Government was pleased to exclude it for the purpose of section 60. Now, there is a consolidated scheme in which the salary and dearness allowance are put together. So, it is in the fitness of things that this amendment has been brought forward.

But I would submit that the principle of this Bill should be extended. It has escaped the attention of those who brought forward this Bill. It is necessary to extend the principle behind this Bill. The principle is this: we have fixed a minimum income, say, Rs. 100 or Rs. 200, for this purpose, and we consider that this income is so low that out of that sum no decretal amount should be allowed to be seized. If this is true of salaried employees or workers, it is equally true of petty shopkeepers who do not earn a salary, and whose total earnings may be just Rs. 100. There is no logic or reason why we should not extend the cardinal principle behind this Bill to such cases, though not immediately, but at least sometime later. The principle is this: we have decided that up to a minimum level of living no decree should be allowed to push the man below that level. That is the principle in

this Bill. There is no reason why this should not be extended to an agriculturist, a shopkeeper or the small *panshop-wala* or a *telawala* who may be earning much less than the salaried employees, say, from Rs. 50 to Rs. 200 a month. We have got experience, and I do not think I am exaggerating or making out a startling proposition when I say this: there are laws which we make, but in practice, we know it varies in its application to persons. Those who have money manage it in various ways; they manage it in ways permitted by law and also ways which are dubious. We know, for example, of the scandalous case from Kanpur of a decree of Rs. 17 lakhs still remaining unsatisfied though the man has got huge property. The decree was in favour of the Life Insurance Corporation, a Government corporation, and that decree of Rs. 17 lakhs still remains to be satisfied, and that man has got immense properties in Kanpur. But the Life Insurance Corporation, the law officers, the courts of law and the whole machinery at the command of the Government have failed to realise that Rs. 17 lakhs. Some people have got their own ways of avoiding such things.

I may also add that some property was actually seized but it turned out to be the property of someone else and not of the judgment-debtor at all! Even that can be managed when the man is of high standing, a very big man, a name in the city of Kanpur and known to all of us. A decree of Rs. 17 lakhs cannot be enforced. Years and years roll on. But I am sure that in the case of a poor *cycle-wala*, his cycle would be seized. Therefore, I mit that the principle of the Bill should be extended. Let us extend it to a level, a minimum level of Rs. 100. No decree should be allowed to push the man below that level. That should be considered.

Then I come to the second amendment. Section 80 of the Civil Procedure used to be a much-used and

**much-abused section**, and it is now being extended to the State of Jammu and Kashmir. It is a good provision that the Government must get notice. I can say from my own experience as a lawyer about the notices issued under this section. I know that the notice of two or three months under this section is too short for the Government. During that period, the file will not move from one table to the other. Though we have provided in the code for notices in the hope that Government will look into the matter with justice and will not precipitate litigation and the matter may even be settled quickly, in practice, we find that we are not able to derive much benefit.

Apart from that, I would like to place before the House one difficulty which my hon. friend the Deputy Law Minister will appreciate. There is now a sort of conflict and confusion of legal opinion. What has happened to section 80 in cases of suits for injunction? In such cases, the notice under section 80 becomes really very onerous to the people. Take an ordinary case. Supposing if you are to realise the money, notice can be understood; even a notice of three months can be understood because that is under the Limitation Act, and it has to run in the case of injunction. But when the Government is giving a contract, and suddenly, when it is revoked and someone else is given the contract, when the person wants to go immediately for a court injunction, the court asks: "Have you given notice?" By the time notice is given, the very purpose of the suit is lost. I do not think that is a fair advantage that the Government should take. It is almost an unfair advantage which the Government takes *vis-a-vis* the common people. In these days, when the Government is extending its activities, proliferating and has very wide ramifications—the Government also are entering into trade and industry in a general way—I think it is time they realised the point and made the matter quite clear and beyond doubt by saying that this notice shall

not be required where the Government is hurrying away with an action which is being challenged and immediate relief is not available from the court.

There are *obiter dicta* from courts to the effect that if notice is given under section 80, then the Government should stop proceeding with the case because the party is at a disadvantage *vis-a-vis* the Government. In many cases, instead of stopping, the Government have been hurrying through so that they could complete the whole thing before the period of notice is over. Therefore, section 80 really is to be re-examined and it should be re-stated so that on the one hand while the Government also gets some advantage or due benefit which is necessary, at the same time, the citizen also is not placed under an undue disadvantage because of this provision.

**Shri S. M. Banerjee (Kanpur):** I rise to speak on this Bill, and I shall finish within five minutes. I wish to raise a very important point. It is true that this Bill gives really some relief to those who are getting Rs. 150 or so as their salary, because their salary will not be attached by their employers. But this raises a very big question: the question is why indebtedness in the country has abnormally increased. This law may be there, but supposing a man has been getting Rs. 150, and he cannot be possibly supporting his family members with that income, he has to incur debts. After all, the countrymen are not interested in getting into debts, though of course, the government is getting the maximum loan possible—and is getting into debts—from the World Bank, etc. But I am a true citizen and so it may be necessary.

But what I wish to bring to the notice of the Deputy Law Minister is that people are misusing this money-lending business. It has terribly increased in the industrial belts. There are cases where I know the industrial

[Shri S. M. Banerjee]

workers in a mill just authorise somebody else to take the salary because they do not want to take the salary only because the money-lender is waiting outside the gate to snatch away the entire sum. The money-lender takes only Rs. 100 and he has to take a receipt on a stamp-paper for Rs. 120 at the initial stage, and that sum of Rs. 120 remains for 20 years. By that time, the man would have paid Rs. 1,200 or something like that. That is a very serious matter. It is true that the salary cannot be attached in respect of those who are getting Rs. 200 or less. But there is this sort of problem especially in industrial areas among the industrial workers, who are interested . . .

**Mr. Deputy-Speaker:** That is a different matter. We are concerned only with the amendment to the Civil Procedure Code.

**Shri S. M. Banerjee:** I am speaking as to why salary should be attached or not.

**Mr. Deputy-Speaker:** How is the Law Minister concerned about what the labourer does?

**Shri S. M. Banerjee:** There should be a law in regard to money-lending. That is what I feel.

**Mr. Deputy Speaker:** This has nothing to do with that.

**Shri S. M. Banerjee:** It does come in that, Sir. I would, therefore, request the hon. Minister to consider whether this limit of Rs. 150 should also be extended to those small shopkeepers who, even though they do not get any salary, get an income of Rs. 150 and below. I would request the hon. Minister to consider these points and see whether it is possible to bring in some legislation banning this money lending on exorbitant rates of interest which is ruining the entire working class of this country.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, यह बिल ५५ साल पहले लाया गया था। जो बिल ५५ साल पहले लाया गया था उसको दुबारा ठीक करने से कुछ नहीं होगा। पहले १०० रु० की जो वैल्यू थी वह वैल्यू आज १२०० रु० की है और जो आदमी आज १५० या २०० रु० माहवार पाता है उसको एग्जैम्प्ट करना कुछ माने नहीं रखता है। जो शस कम से कम ५०० रु० माहवार पाता है उसकी सलरी को ही अटैच किया जाना चाहिये। ५०० रु० माहवार से कम पाने वाले की सैलरी अटैच नहीं की जानी चाहिये। हमने वादा किया था कि यह कंट्री डैटलेस होगी। जो आदमी रुपया देने वाला है वह १०,००० रु० लिखवाता है और उसके बाद १,००० रु० देता है, वह उसकी सैलरी के पीछे नहीं है। जो कुछ कचहरी से मिलता है या जो कुछ सेक्रेटरियट से मिलता है, किसी आफिस से मिलता है, उसके पीछे वह नहीं है। रुपया देने वाला जेवर देखता है या उसकी जायदाद देखता है, उसकी लेंडिड प्रापर्टी को देखता है जो उसके पास होती है। लेकिन जो तन्खाह सरकार देती है वह बाल बच्चों की गुजर औकात के लिये देती है। उस तन्खाह को अटैच कराने का अधिकार साहूकार को नहीं होना चाहिये। और अगर हो भी तो वह ५०० रु० की सैलरी के बाद होना चाहिये। जिसको १२०० रु० माहवार मिलता है उसकी सैलरी को वह सीज करा सके, उसको अटैच करा सके यह होना चाहिये। कारण यह है कि आज से ५५ साल पहले जो कीमत १०० रु० की थी वह आज १२०० रु० की है। इसलिये जरूरत इस बात की है कि जो ५५ साल पहले का बना हुआ कानून है उसकी ओवरहालिंग की जाय और उसको रिप्लेस करने के लिये नया बिल लाया जाय। उसमें जो ५०० रु० माहवार से ऊपर पाने वाले जो लोग हों उनकी सैलरी को अटैच कराने का राइट सिर्फ होना चाहिये।

महात्मा गांधी जी ने जो वादा किया था कि यह कंट्री डेटलेस होगी, वह वादा आज पूरा होना चाहिये ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ, लेकिन यह कुछ आगे बढ़े ।

श्री दाजी : ५०० रु० टैक्स देने के बाद या टैक्स देने के पहले ?

श्री यशपाल सिंह : टैक्स देने वाले थोड़े आदमी हैं । २० आदमियों से टैक्स ले लिया जाय और सबको एग्जैम्प्ट कर दिया जाय, तो भी कोई हर्ज नहीं है ।

**Shri Bibudhendra Misra:** Sir, I am happy that this Bill has received the support of all the hon. Members who have taken part in this discussion. So far as the suggestion of Shri Daji is concerned, that this principle should be extended, I do not want to make any statement at present because, as I have said, the amendment is limited only to the scope of the provision as it exists now and the matter under considerations before the Law Commission and the State Governments as well. I can only assure him that all the suggestions that have been made, either by him or by Shri Banerjee or by my hon. friend Shri Yashpal Singh, will be taken into consideration when the Civil Procedure Code is taken up here.

As I heard Shri Yashpal Singh it seemed to me that he was under the impression that probably the limit of Rs. 150 was fixed in 1908 when the Civil Procedure Code was passed. I may point out to the hon. Members for their information that when the Civil Procedure Code was passed in 1908 the amount was Rs. 20. In 1923 it was raised to Rs. 40 and in 1937 it was raised to Rs. 100. So the original amount that was exempted from liability from attachment was only Rs. 20 and not Rs. 150 as my hon. friend seems to think.

Then, there has been a suggestion by him that salaries up to an extent

of Rs. 500 should not be attached. That is a suggestion which I cannot accept as a rational one, because even though the whole object of the law is to give some advantage to the judgment-debtor and, so far as this amendment is concerned the object is to give some advantage to the judgment-debtor after the dearness allowance has been merged with salary, at the same time, the purpose of the law would be to strike a balance between the creditor and the judgment-debtor. The object of the law should not be to deprive a creditor of his right. He gives the loan to the judgment-debtor or the person who takes it and when the creditor goes to a court of law and wins a decree the judgment-debtor says that he is poor and he cannot pay him back. If that is allowed by law, then certainly it cannot be an equitable law. Therefore, the whole purpose of the law should be to strike a balance between different interests, between the interest of the creditor as well as the interest of the debtor. Therefore, any suggestion that salaries up to the extent of Rs. 500 or Rs. 300, whatever it may be, should not be made liable to attachment is on principle not acceptable.

With these words, Sir, I move the motion for acceptance of the House.

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

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** The House will now take up the Bill clause by clause. There are no amendments to any of the clauses. I shall put them together. The question is:

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

*The motion was adopted.*  
*Clauses 2 and 3, clause 1, the Enacting Formula and the Title were added to the Bill.*

**Shri Bibudhendra Misra:** Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

15.07 hrs.

**THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1963.**

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** Sir, I beg to move\*:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, be take into consideration."

Sir, while making this motion I do not propose to make a long speech. The very principle underlying the Bill was accepted in 1958, and the necessity for the introduction of the Bill was also accepted by this House.

Now, we have to see, when during the last five years this Act has been in operation, why I have come up before this House this afternoon for the amendment of that Act. Sir, this Act was enacted with a view to see that all the public lands in Delhi which are squatted upon by unauthorised occupants are cleared so that the proper development of Delhi can take place. During the last few years we have found that we have many sites which are squatted upon but

which are meant for schools, hospitals, dispensaries and for various other public purposes, and the very object for which the Act as it stands today was enacted, I feel, has been defeated.

When this Act was enacted I had not got the figures to say what was the number of squatters. When a census was taken in Delhi in 1960 we found that the number of squatters then was about 43,000. Last year when we again went into this question our conservative figure was that it was 50,000 and, perhaps, today it is 60,000. So, in spite of the Act being there and in spite of the action that we have taken the problem of squatters in Delhi is on the increase and we have not been able to come to grips with it. Apart from that, we have found that even where the squatters have been evicted after a proper process of law, when appeals and all these things are allowed, the squatting has taken place the very next day. I have many instances which I can quote. Not even that. Since there is a provision for appeals, I have found there are a large number of frivolous appeals filed all these years simply with a view to lengthen the proceedings. Nearly 70 to 80 per cent of the appeals have been rejected by courts. So, I have come before this House with simply one object in view, and that is this. If this Act is to be effective, if we are to develop Delhi in an integrated manner, if the conditions of the Master Plan are to be fulfilled, then we cannot tolerate these unauthorised squatters.

When this Bill came before this House, it could have been very rightly asked "Well, your intention is to throw out the unfortunate people; what do you propose to do for them?". Since this subject was not in my charge at that time, I am not in a position to say what happened then. But, during the last one year, we

\*Moved with the recommendation of the President.

have formulated a scheme in Delhi, which is called the Jhuggi-Jhompri Scheme. We have made a provision of Rs. 10 crores for that scheme. Our intention is to provide alternative sites to all those unauthorised squatters who were enumerated in the census of 1960. I have even gone to the length of stating in this House that if we find that inadvertently somebody has been left out of that census, we are prepared to enumerate him. Because our position today is this. Since we are going to accept 50,000 squatters, accepting a few thousands more here or there might not make any difference. Also, since Government are willing to spend Rs. 10 crores for providing alternative accommodation, the addition of a few lakhs of rupees here or there will not matter. So, I want the support of all the hon. Members of this House to this amending Bill of mine.

There are only two or three things in this Act which I wish to amend, and I seek the help of this House in amending them. Firstly, I want this lengthy procedure to be shortened. Now the squatters are given 10 days 15 days, 60 days or even 90 days. The judiciary proceedings are fairly lengthy. And one thing which has struck me as very odd is that when a man who has squatted for more than three years is given 90 days, if another person has squatted less than three years, he is allowed to be evicted within 30 or 45 days. In other words, we have placed a premium on squatting; the longer you squat, you take advantage of the Government land and prevent the complete development of Delhi, you will get 90 days.

Another thing which I have noticed is that during the course of the proceedings temporary injunctions are issued and the result has been there is again a dilatory process.

The third point that I have brought before the House is this. If a person has been given due notice, he has

been given a hearing by the Estate Officer, his appeal has been duly heard and decided on appeal by the judicial authority, after that, if he is provided alternative accommodation, after having taken possession of the alternative accommodation, if he again comes and squats, which is a common thing to-day, it is a thing which no civic body or any responsible organisation can accept. So, we have made that a panel offence.

**Shri D. C. Sharma** (Gurdaspur): Are there many instances like that?

**Shri Mehr Chand Khanna**: I can give you many cases just now. Here is a case of a person who was evicted on the 18th January 1963. His name is Harischand. He squatted on Government land on the 19th January 1963, a day after that. Similarly, I have a number of cases with me where re-squatting has taken place, because people can do so with impunity, because if you go and squat on Government land you do not pay any ground rent; further, we are humane enough to provide them with electricity and water and schools. The policy in this matter in the past has been so loose, so lax that in a way it has encouraged the squatting in Delhi, which is the capital of the country. We have seen only today this morning, Sir—you were not in the Chair then—how there was a great cry against the acquisition of land from the zamindars in Ghaziabad. Why are we acquiring land from the zamindars in Ghaziabad or, for the matter of that, in Delhi? The population has grown and the Government of India is growing. Our demands are on the increase. So, unless we get land, we cannot build. And the land that we acquire today, or the land we have with us, if it is going to be squatted upon by anybody it is bound to affect our scheme adversely.

**Shri Kashi Ram Gupta** (Alwar): It was a quarrel about prices, not about fundamentals.

**Shri Mehr Chand Khanna:** It was not only a question about prices. When we want to develop Delhi, when we want to implement the Master Plan for Delhi, when we are taking or acquiring lands in Ghaziabad and Faridabad by dispossessing cultivators, hon. Members are genuinely concerned because they say, firstly, that the cultivators should be paid the market price of the land and, secondly, we should arrange for their rehabilitation. I can understand that. Before acquiring anybody else's land, either in Faridabad or in Munirka, if I have got my own land, if I do not take charge of that and develop that properly, I am not prepared to agree with anybody that we have the justification to acquire somebody else's land. I would go to those persons, whose lands I wish to acquire, only after I convince this House that the land that is in my possession has been properly used and used for the purpose for which it was meant. Now that purpose has been defeated because of the defects in the Act.

Now I wish to take the House into confidence by saying that this matter has been before the advisory body of Delhi, which is attached to the Ministry of Home Affairs. It was consulted and it is in agreement with it. I have consulted the Mayor of Delhi, the local body of Delhi, the NDMC and they are all in agreement with the amendment that I have brought before this House.

I have no intention of making a very long speech. I only wish to say that after having taken all possible measures to see that no squatting takes place further, that the squatting that has already taken place is removed, I have found that the law as it stands today is not effective to the extent that we would like it to be. Here I want to make it very clear again that there can be no question of any hardship to anybody. The humane angle is always before us. If I evict a person who is a squatter, if he is not eligible because he is not enumerated

in the census because he has been left out inadvertently, I am going to accept his explanation and I am going to provide him with a plot of 80 sq. yards; but in camping sites we are giving only 25 sq. yards for the migratory population of labour and the rest we provide plots.

**Shri D. C. Sharma:** What will be the dimension of the plot?

**Shri Mehr Chand Khanna:** 80 sq. yards. As I mentioned in this House earlier, during the last one year or more, we have removed 7,800 squatters from lands in Delhi. Out of them, 7,100 squatters have been provided with alternative accommodation. We have taken them to the camping sites; we have given them tenements; we have given them plots. Only 700 out of 7,800 were found to be ineligible. So, I crave the indulgence of the House because I want their help in passing this amending Bill, because this is a Bill for the very purpose which they have been pressing before us.

Today in the lobby I was talking to a Member of Parliament. He is the leader of one of the parties but I would not name him. He was allotted a house by the Chairman of the House Committee of Lok Sabha. The Deputy Speaker is the Chairman of the House Committee. He went out and came back again. But, for the last two years or 18 months, a gentleman who was with him is still with him and he is not going out; neither is he paying the penal rent. Yet, he is still there. So, a house which is meant for a Member of Parliament is being used by a non-MP. Similarly, there are ever so many instances, and I do not want to narrate them here.

What I find is that Delhi has attraction for everybody. Whether it is a friend from Rajasthan, Maharashtra or Gujarat or Vidarbha, once he has come to Delhi he does not want to leave Delhi.

**Shri Swell (Assam—Autonomous districts):** Delhi has no attraction for me.



**Shri Mehr Chand Khanna:** I am glad you are an exception. I am very happy. The population of Delhi is going up at the rate of 1½ lakh persons every year. When I came to Delhi in 1947, the population of Delhi was only about 7 or 8 lakhs; now it is 27 lakhs.

**An Hon. Member:** Because the villages are deserted.

**Shri Mehr Chand Khanna:** I hope, you will forgive me, Sir, if I quote you. You are in the Chair today. Even the Chairman of the House Committee of the Lok Sabha and the Chairman of the House Committee of the Rajya Sabha have pleaded with me to have an effective measure so that we have the power to throw out all those people who are not eligible for these houses which are meant for Members of Parliament and which are being misused.

With these words, Sir, I commend my motion to the House.

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

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, be taken into consideration."

**Shri S. M. Banerjee (Kanpur):** Sir, I beg to move:—

"That the Bill be referred to a Select Committee consisting of Shri Bhagwat Jha Azad, Shri Ramachandra Vithal Bade, Shri K. L. Balmikil, Shrimati Renu Chakravartty, Shri Tridib Kumar Chaudhuri, Shri Homi F. Daji, Shrimati Subhadra Joshi, Shri Hari Vishnu Kamath, Sardar Kapur Singh, Shri Mehr Chand Khanna, Dr. Ram Manohar Lohia, Shri Bibudhenra Mishra, Shri Diwan Chand Sharma; and Shri S. M. Banerjee with instructions to report by the 1st day of the next Session."

**Mr. Deputy-Speaker:** Both the motion and the amendment are before the House.

**Shri Daji (Indore):** Sir, I was pleased to hear the explanation given by the hon. Minister. In a way he tried to palm off these harsh and hard measures smoothly down the throat of the House.

**Shri D. C. Sharma:** Do not use the words "palm off"; they are too hard.

**Shri Daji:** But I regret that I cannot agree not only with the substance of the Bill but also with anything contained in the Bill. I disagree with every word, every comma and every fullstop in it, from beginning to end including the title.

**An Hon. Member:** Including the hon. Minister.

**Shri Mehr Chand Khanna:** That is not in his power. I am still here.

**Shri Daji:** The point is not of waxing eloquent about squatters. That, to my mind, is begging the question and is really besides the point.

**Mr. Deputy-Speaker:** Time allotted for this is one hour.

**Shri S. M. Banerjee:** Four hours.

**Shri Daji:** No, four hours.

**Shri D. C. Sharma:** It is a very important Bill.

**Mr. Deputy-Speaker:** I am sorry; it is four hours.

**Shri Daji:** That also we can extend.

**Mr. Deputy-Speaker:** I just wanted to know how many hon. Members wanted to speak. There is time now. He can go ahead.

**Shri Daji:** The problem is not really the problem of squatters or of unauthorised occupants as is being placed before the House. No one would *prima facie* in theory and in principle

[Shri Daji]

say that unauthorised occupants should be allowed to continue indefinitely. But I most strongly regret the instance that the hon. Minister has mentioned, that is, of unauthorised occupation of an M.P.'s house.

**An Hon. Member:** But he will not be affected by this.

**Shri Daji:** He may be if the reshuffle takes place...

**An Hon. Member:** It is the poor man who suffers.

**Shri Mehr Chand Khanna:** We are taking action under the Public Premises Act.

**Shri Daji:** I strongly disapprove of the example given by him because that example is a typical example of a case for which this Act is to be used. It is meant mostly to sidetrack us. Then, tomorrow he can say, "What can be done if a person goes and occupies the President's house? It is a bad thing." Everyone will say that it is a bad thing and the hon. Minister will say, "I want to remove him". The example begs the question. The whole question is that we have to face facts as they are. There are in Delhi, and outside also, lakhs and lakhs of people who happen to be living technically and legally unauthorisedly, but they have already taken possession of the place and are living there. And, as you know, Sir, possession is 99 per cent law.

You want to remove them. What for? There may be obviously two reasons why you want to remove them. One reason is: to reestablish the juridical principle of possession. The other reason is: to remove *jhuggies*, *jhompri*, shanties, clean up the whole thing and have some orderly and planned development of the city. I submit that laudable as these objects are, they are not the fundamental considerations. The fundamental consideration should be human. I say and I am saying this

with full conviction that as a citizen of India I am ashamed to live under a roof so long as another Indian is forced to sleep on the footpath or has no roof over his head.

**Shri D.C. Sharma:** Why do you not sleep on the footpath then?

**Shri Daji:** My sleeping on the footpath will not help. If my sleeping on the footpath will help, I will certainly do so. But it will only add one more problem to the problems of the hon. Minister, that of rehabilitation. Why look at the ornamental problem? Everyone comes to Delhi or Calcutta and so we want to beautify Calcutta and Sealdah station. That is not the point.

15.25 hrs.

[SHRI THIRUMALA RAO in the Chair]

**Shri D. C. Sharma:** I want to go back. I do not like Delhi.

**Shri Daji:** He can also be covered under the Kamaraj Plan. It can be extended from Ministers to Members also. He can try.

**Shri D. C. Sharma:** But I want to go back to Lahore.

**Shri Daji:** He can be covered by the Kamaraj Plan. He need not worry.

Therefore the question is not of ornamentation of a big city. The question is that the logic of life shall and must have precedence over all other considerations. It is one of the fundamentals of life that next only to sustenance must come shelter. Therefore, if this measure is meant to exploit the methods of eviction and to strengthen the hands of the Government and its officials to throw out a *jhuggiwala*, a *jhonpriwala* or a shanty-wala, both unauthorised, newly come and old, two things are relevant.

**Shri Mehr Chand Khanna:** Occupants of public premises.

**Shri Daji:** I am coming to that: If they are to be removed as per the plan suggested by the hon. Minister, I do not think there will be any difficulty. Of these unauthorised occupants who would like to stick to unauthorised occupation if they are given an alternative place? They will very willingly go because here their tenancy is not secure and they do not know what will happen to them tomorrow. So, they will certainly like to go and there will be no necessity of a notice of eviction, injunction or appeal. The question of appeal, notice or of force arises only if and when the Government tries to evict those who are living in a place and the Government is not in a position to give them alternative accommodation. I do not think any case can be pointed out where alternative accommodation was offered and still the man would not go. Then, he may be some exceptional man. That does not matter.

We all know, Sir, that some hon. Ministers have been shunted out under the Kamaraj Plan. We all know it. First of all we were told that we were going to get Ram Rajya. When Ram Rajya did not come, we are now getting Kamaraj, and Kamaraj has proved to be the Yamaraj for some persons. But even before those hon. Ministers have laid down office—they will be laying down office in a couple of days—their future accommodation has already been selected and allotted by choice. They have already gone round and have selected the house in which they would like to settle.

**Shri Mehr Chand Khanna:** May I intervene and say that an ex-Minister still remains an MP and is entitled to accommodation?

**Shri Daji:** I have my utmost sympathy for them. They must get MP's accommodation. But what I am trying to point out is something different. Even before he leaves his present house, another house is ready for him.

Before you demolish a shanty or a *jhuggi*, will you give him another *jhuggi* and not evict him by force? There cannot be two standards. Under the Indian Constitution every citizen is equal before the law, be he an hon. Minister or an ex-Minister or a great man making sacrifice under the Kamaraj Plan or a rehabilitated or unrehabilitated refugee. All must be dealt with on the same principle, that is, before they can be evicted from the place they are occupying another place or alternative accommodation must be made available to them. There cannot be two standards. This House cannot conceive that or be a party to double standards. That is what I am saying.

**Shri Ramanathan Chettiar (Karur):** I rise on a point of order, Sir. My hon. friend, Shri Homi Daji, has equated the retiring Ministers with refugees. I think, he is wrong in equating them with refugees. They are not refugees. They are honourable citizens of this country.

**Mr. Chairman:** There is no point of order in that. But are hon. Ministers occupying Government accommodation in the same category as those people to whom this Act is intended to be applied? Is it the argument of the hon. Member?

**Shri Daji:** Supposing now Ministers do not vacate their houses, under this law you can proceed against them.

**The Deputy Minister in the Ministry of Works, Housing and Rehabilitation (Shri P. S. Naskar):** Sure; they will be, if it is authorised.

**Shri Daji:** Certainly, you can proceed against them.

**Mr. Chairman:** The hon. Member may confine to this Bill.

**Shri Daji:** I am confining to this. I was only referring to this.

**Mr. Chairman:** It is meant for evicting those people under unauthorised

[Mr. Chairman]

occupation. You are comparing people who have occupied places without any authority to people who have occupied places with authority.

**Shri Ramanathan Chettiar:** Mr. Chairman, he used the word 'squatter'. (Interruption).

**Mr. Chairman:** Order, order.

**Shri Ramanathan Chettiar:** I want to clarify this.

**Shri S. M. Banerjee:** While initiating the debate, the Minister mentioned a particular case where a Member of Parliament, who is an ex-M.P., has occupied some accommodation . . . (Interruption).

**Shri Mehr Chand Khanna:** No, no. He is misquoting me. He is an MP. His house had been taken away by somebody else and in spite of our best efforts for the last one and a half years, we have not been able to evict that man. He has occupied the MP's house. If you want the name of the M.P., I am prepared to give it.

**Shri Daji:** Sir, what I was saying..

**Mr. Chairman:** There is no point here. Everybody wants to join on any point of controversy. Let us confine ourselves to the Bill. Every Member will have the chance of expressing his opinion. It need not be expressed then and there as anything arises. Yes, Shri Daji.

श्री रामसेवक यादव (वाराणसी) :  
सभापति जी, मैं सिर्फ एक जानकारी चाहता  
हूँ। चूँकि मंत्री जी ने कहा है कि . . .

**Mr. Chairman:** I will call him. If he wants to speak, then he can make his point there.

**Shri Ram Sewak Yadav:** Sir, on a point of information. . .

**Mr. Chairman:** I have ruled that Mr. Daji should continue his speech.

**Shri Daji:** The point that I was submitting was that the question of utilising the extraordinary powers now required by the Government will not arise if they really and conscientiously put into effect the scheme as suggested by the hon. Minister. That is the point. If you give an alternative accommodation, I cannot visualise a normal man, so hard-headed, as to go on sticking to unauthorised place even when authorised accommodation is offered to him.

**Shri Mehr Chand Khanna:** He wants to continue his problem.

**Shri Daji:** In that context, I was submitting that anyone of us should be ashamed to have a roof on one's head as long as a single citizen of India is forced to sleep on the footpath or without a roof.

**An Hon. Member:** Why don't you leave it then?

**Shri Daji:** I have already replied to that, because my leaving the roof will create one more problem for the Minister and that will not solve the problem of squatters. Therefore, I was going to point out that time and again such assurances have been given by this hon. Minister and by other Ministers preceding him, by some more honourables and some less honourables—all of them have given assurances. But what is the result of those assurances? I refer to the report of the Assurances Committee of the House of 1955. It says thus:

"It is constrained to observe that there has been serious failure in the implementation of those assurances by the Government".

**Shri P. S. Naskar:** What assurances?

**Shri Daji:** Assurances given by Mr. N. V. Gadgil about rehabilitation. They were given on the floor of the House as early as 1950-51. Even those assurances have not been implemented.

## Amendment Bill

Central Government in the Ministry of Works, Production and Supply to represent the interests of displaced persons;

**Dr. M. S. Aney** (Nagpur): Read out those assurances.

**Shri Daji**: I would read them out. This is assurance given by **Shri N. V. Gadgil** on 29-9-1951.

**Shri Mehr Chand Khanna**: What is the date.

**Shri Daji**: It is 29-9-1951.

**Shri S. M. Banerjee**: You know it better.

**Shri Daji**: This is what it is:

"We are of opinion that Government should exercise its powers under this clause having due regard to certain broad principles which we propose to recommend to the Government. We consider that it may not be expedient to incorporate these principles in the Bill; but we trust that the Government would give the following assurances in Parliament and we recommend accordingly that:

(1) where any displaced person, without being authorised to do so has occupied any public land or constructed any building or part of a building on such land before the 15th August, 1950, such person shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled, namely:—

(a) a sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi on the recommendation of Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation, and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the

NOTE.—The allotment Committee as reconstituted would consist of

- (1) the Deputy Commissioner of Delhi as the Chairman *ex-officio*,
  - (2) Secretary, Local Self Government to the Chief Commissioner,
  - (3) a representative of the Ministry of Rehabilitation,
  - (4) a representative of the Improvement Trust,
  - (5) a representative of the Delhi Municipality, and
  - (6) two representatives nominated by the Central Government in the Ministry of Works, Production and Supply to represent the displaced persons.
- (b) Subject to the provisions of clauses (d) and (e) alternative accommodation is provided on developed land and, as far as practicable, near the place of business or employment of the displaced person;
- (c) in every case where any construction is demolished or removed, rehabilitation grant *ex-gratia* is also made to the displaced persons either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case.

[Shri Daji]

(d) in the case of constructions which comply, or fairly comply, or with suitable modifications may be made fairly to comply, with the municipal requirements and Town Improvement plans (where such plans exist), the value of the land in authorised occupation shall be assessed, on a no-profit-no-loss basis, . . ."

**Mr. Chairman:** Is it too long a quotation?

**Shri Daji:** I was asked to read out the assurance.

**Mr. Chairman:** The hon. Member must exercise his discretion.

**Shri Daji:** So, Sir, this assurance was given and still it remains unfulfilled. This is the report of the Assurances Committee in 1955, four years after the assurance was given. I do not know how far the progress has been made. But from representations received by me, by most of the Members, I find there are colonies and colonies in Delhi of displaced persons who have come long before 1955 and who are still waiting and there are some houses built—almost pucca—numbering 8,000 or 10,000. They have built them up. Now, if they are to be demolished or changed, what alternative accommodation are you going to offer to them? Not legally. Legally, you will say, the unauthorised occupants cannot claim anything. But by our conduct or connivance, by permitting him to build a house in a particular place, we have incurred a certain moral liability. You cannot just throw them out and give them a bare land to build a house in another place. It is not a question of orderly development of Delhi, Calcutta or Bombay or any other big city. This question comes up not only in Delhi, but it comes up in every big city.

The question posed is: do you want shabby development? Do you want shanties to go up? Do you want slums? Our hon. and very much respected Prime Minister, whenever he goes to a big city from time to time, sometimes in a cyclic way, after some 5 months or 10 months, in a fit of indignation says, "Burn them all—these shanties and slums; reduce them to the ground." We are all waiting for the Minister to follow up the Prime Minister's advice, "burn them all—these shanties and slums". But how? Shall we just hold a *mashal* and burn all the shanties and slums to the ground? It is said: we are removing slums. Sir, the whole problem is of balancing, the question of planned development and of human approach to the whole problem. Unless we balance it with greater emphasis on human aspects, we cannot do it. As I said, the laws of logic and life must take precedence over all ornaments. This is the ornament. Therefore, the question is not so much of tackling a problem of unauthorised occupation of this or that land. The question is fundamentally of the planned development of rehabilitation. The plan as unfurled by the hon. Minister, was really charming, that everyone is given a plot in a developed area with electricity, with water and what not. If this plan is to be put into practice, if we make this as a condition precedent and put it in the Bill that no one shall be evicted unless he is given an alternative accommodation, then the question of operating this law will not come. People will jump; people will come running to the Minister saying, "Please allot us land and we shall go and build a house."

**Shri Mehr Chand Khanna:** I do not want to make a squatter of you.

**Shri Daji:** Don't worry. I will come and stay in your house. If you ever try it on me, I will come and stay in your house.

Now, let me go to two or three more problems. What is sought to be done? They want to be quick. So, what is to be done? The period of notice is reduced; the period of appeal is to be reduced. I was shocked to hear this Minister saying, "Why should a man who has lived for more than three years be given three months notice?"

**Shri Mehr Chand Khanna:** No, no. After the whole procedure is over, he gets 90 days, *ex-gratia*.

**Shri S. M. Banerjee:** It is a very gets 90 days, *ex-gratia*.

**Shri Daji:** 90 days for a man who has lived for years in a particular house. Why should that be given? In these days of housing scarcities, can you find out an alternative accommodation in 90 days? It is very difficult. And yet it is being posed as if a great charity is being done.

Therefore, I strongly object to all the provisions of the Bill. Firstly, I object to the proposal to reduce the period of appeal from one month to fifteen days? How can an appeal be lodged within fifteen days? You can just imagine how it will be possible at all. Suppose a man gets the order, then he has to run to his lawyer, and he has to arrange for so many things and so on. And yet only one month has been provided for appeal, and now even that is being reduced to fifteen days. I do not think that this is proper.

I shall put this matter before you from another angle also. After all, how much time are you going to save by reducing the period for appeal? By reducing the period from one month to fifteen days, the total time saved will be only fifteen days. And there is a notice of fifteen days, and so, it comes to just one month in effect. Sir, after all, we all believe in the rule of law. We have esta-

lished under our Constitution a particular system. You cannot play ducks and drakes with the rule of law. If you want to continue with the rule of law, then appeal is a part of the right of a man. Therefore, reducing the period for appeal is ridiculous; it is fantastic. Even as it is, one month's period is less enough, but now you want to reduce it to fifteen days. So, I strongly object to this provision.

I object even more strongly to the other provisions where you are trying to tamper with the due process of law, because you want to bar any court from giving any injunction. Why are you doing so? Why is there this shakiness? Why is the Ministry afraid? Why is the Ministry trembling in its shoes? If there is nothing illegal, then no court shall give any order. But if there is something illegal, it is only then that the court will come and intervene. If the order is illegal, if the processes have not been followed, if the notice is without authority and without the due process of law, then why do you want to deprive the citizen of his right to obtain an order of injunction from the court, which only means that if your action is illegal, you shall not take advantage of your illegal action to make the case infructuous? To take away the power of the court to grant injunctions, I say, is absolutely to give a halt to the rule of law. The power of injunction is only for the purpose of putting a full-stop to any authoritative action that the Ministry or any subordinate official may take. Please bear in mind that every order may not emanate from the hon. Minister. Any official may give an order. If that order is illegal, then the amendment proposed will even prevent the court from giving relief to the citizen; even if the order is illegal, no court can grant injunctions, if the proposed amendment is accepted. After all, the courts are not the citizens' courts. The courts

[Shri Daji]

are those which have been properly constituted under the Acts passed by Parliament; they are all Government-owned courts, and they consist of officers appointed by Government themselves. If your order is illegal, then the court should be in a position to give relief. But even in such cases, you want to prevent the court from intervening and granting an order of injunction. I say that this is tampering with the rule of law.

Therefore, I say, both on grounds of principle and on grounds of expediency, these amendments that are being proposed now are really speaking stinking, unconscionable, hard, harsh and meaningless, if you really want to tackle the problem of rehabilitation seriously. If, however, you do not want to tackle the problem of rehabilitation seriously and you want to substitute instead of rehabilitation only a clean sweep, the removal of *jhuggis* and the removal of squatters, then this Bill may help you. I submit that if you want to stick to the principle of rehabilitation, then you have to give each one a roof before you throw him out.

Sir, I submit that this is an objectionable measure, which is too hard and harsh, and I think that we in this House shall not be a party to this.

**Mr. Chairman:** The number of speakers who want to take part in the debate on this Bill is swelling up gradually.

**Shri Hari Vishnu Kamath** (Hoshangabad): May I submit that the time may be extended?

**Shri Daji:** Four hours have been allotted for it.

**Shri S. M. Banerjee:** The time may be extended.

**Shri D. C. Sharma:** I request that I may also be given a chance to speak.

**Shri Hari Vishnu Kamath:** After all, legislation cannot be hustled through. This is an important piece of legislation. This is very important, and, therefore, more time may be given.

**Shri Daji:** I may point out that we can add half an hour more to the time allotted for this Bill; because we have saved half an hour from the time allotted for the Bill to amend the Code of Civil Procedure.

**Shri S. M. Banerjee:** We want that this Bill should be referred to a Select Committee.

**Shri Hari Vishnu Kamath:** There are two proposals or two motions before the House. The first motion is the motion for the consideration of the Bill and the second motion is by my hon. friend Shri S. M. Banerjee for reference of the Bill to a Select Committee.

Before I proceed to speak on the merits of the Bill, let me say at the very outset that I would be happy if the hon. Minister sees his way to accepting the principle, if not the motion itself of my hon. friend Shri S. M. Banerjee; if he does not accept that motion itself, he may move on his own or *suo motu*, a motion for reference of the Bill to a Select Committee.

**Shri S. M. Banerjee:** I shall accept it.

**Shri Hari Vishnu Kamath:** I would like to state that it is not too late for him to move a motion for reference of the Bill to a Select Committee.

This Bill, as my hon. friend Shri Daji has said, is an important measure, and it is one of the most important Bills that will be put through in this session of Parliament. Very few Bills are coming up in this session, of any considerable importance, and I have no doubt in my mind that



this is one of the few important Bills, if not the only important Bill, which will be passed by Parliament during this brief, short session.

The House is well aware, and the nation is well aware, that the Government, of which my hon. friend Shri Mehr Chand Khanna is such an important member, is committed to certain principles, based on the socialistic pattern of society, committed to the maxims and ideals of a democratic socialist society. And I am sure that Shri Mehr Chand Khanna does not yield to anyone else, not even to the Prime Minister, in his loyalty and in his adherence to the principles of democratic socialism. If, however, he has got any doubts on that score, I would appeal to him to reconsider his attitude to those precepts or principles and maxims and reorientate his outlook and his actions to those concepts and to that mould of democratic socialism.

What does democratic socialism mean in essence? It means that everyone, man, woman and child must have life and have it more abundantly, and as a modest beginning, everyone, man, woman and child in our ancient but ever new land, this *Bharatvarsh* must have the primary needs of life, food, clothing and shelter. Food is not part of my hon. friend's portfolio, nor is clothing included in the portfolio of the Minister of Works, Housing and Rehabilitation. But, surely, housing is one of the important subjects listed in the portfolio of the hon. Minister of Works, Housing and Rehabilitation. His Ministry is called that Ministry of Works, Housing and Rehabilitation.

The hon. Minister has been trying during the last few years to rehabilitate the refugees who were uprooted as a result of the partition of our country. I do not wish to remind him of the fact that he himself was in a way a refugee. . . .

**Shri Mehr Chand Khanna:** Why 'n a way'? I am a refugee.

**Shri Daji:** But he is rehabilitated.

**Shri Hari Vishnu Kamath:** But by the grace of God and by the goodwill and co-operation of his colleagues in the Congress Party to which by his accession he brought strength, when he joined it, he has been completely rehabilitated, and I congratulate him on his complete rehabilitation, even exaltation and glorification. All that has happened to him and we do not grudge him that. But we wish that he has in his heart not necessarily that passionate desire for rehabilitating those unfortunate refugees, lakhs and millions of them, who have come from Pakistan, to the same extent as he himself has been rehabilitated, but certainly I expect my hon. friend—whom I have known all these years—to have at least a spark of that ambition to give to those unfortunate refugees something of what he himself has got, something of the same kind, not the entire thing that he has got but something of that kind that he himself has got. Is it so very difficult or impossible? I for one do not think so. I for one do not despair of his being able to muster up enough resources, enough will, enough desire, to provide for those unfortunate refugees, who will be adversely affected by the passage of this measure, to provide for them at least a thatched roof, if not a tiled roof, over their heads in this capital of India. If it cannot be done in the capital of India, right under his very nose, under the Prime Minister's nose—the eyes, noses and ears of all the Ministers—if it cannot be done in the capital, what will happen in those far-flung regions of this great, big country, in those villages, towns and cities? If the Minister cannot do it, if he pleads helplessness to do it here then we can only despair of any modicum of implementation of the socialistic programme of providing food, clothing and housing or shelter, for the teeming millions of our country.

[Shri Hari Vishnu Kamath]

The Minister has, in spite of the emergency through which we are passing, since last October, before him vast programmes and schemes of destruction and construction, which perhaps will cost the taxpayer a few crores of rupees. I do not know exactly now many crores they will cost—he knows the figure better. Buildings are proposed to be destroyed and demolished and residents of those buildings are sought to be given alternative accommodation. Even in the case of government employees, those who are residents of those buildings which are proposed to be demolished, this can happen to them. That being so, what exactly is the attitude that he will bring to bear upon the problem of providing shelter for these unfortunate refugees? That is the point I want to drive home.

[MR. DEPUTY-SPEAKER in the Chair]

If the residents living in a government hostel are to be provided alternative accommodation in another hostel where the rooms are not as big as the rooms which they occupied in the hostel from which they are being evicted, ill-ventilated rooms, with no window to the room—I could not believe it when I was told of this; I had to go and see the hostel for myself before I could be convinced of what I had heard—what will happen to these unfortunate refugees? Pardon me if I make a little personal reference. When I was in prison many years ago for five years—as many of my colleagues were in prison—the cells in those rooms were bigger than the rooms in the new hostel to which some of the officers—may be class II or class I—human beings, are sought to be transferred by the Minister forcibly.

The Estate Office, which works under the Minister, has taken the attitude of 'take it or leave it this is

what we can give you; if you do not take it, fend for yourself; make your own arrangements'. I venture to assert that this is the most atrocious, heartless attitude on the part of the Minister towards even government employees. If this can happen to government employees, God alone knows what will happen to those refugees, who are voiceless, who are in hundreds of thousands. . . .

**Shri Mehr Chand Khanna:** We are not dealing with refugees; we are dealing with eviction of unauthorised occupants of public premises. The Demands of the Ministry of Rehabilitation are not under discussion now.

**Shri Hari Vishnu Kamath:** I understand it. The title of the Bill is very well known. But you must get at what is between the lines and behind the lines. You can give a good title, you can give a good colour to something and make it a cover for the bad things that you are going to do.

Really, who are the unauthorised occupants here? I wish the Minister had told us in his speech about that. If he had done that, the question would not have arisen at all. What is the number of unauthorised occupants in these premises today?

**Shri Mehr Chand Khanna:** I have given it. You were not here.

**Shri Hari Vishnu Kamath:** I am sorry. The Speaker had called me.

**Shri Mehr Chand Khanna:** Not my fault.

**Shri Hari Vishnu Kamath:** Out of these unauthorised occupants, how many are refugees who came here after partition?

**Shri Mehr Chand Khanna:** This has nothing to do with refugees.

**Shri Hari Vishnu Kamath:** They came after partition. They have been in occupation of the premises.

**Shri Mehr Chand Khanna:** None of them are refugees; they are all unauthorised occupants.

**Shri Hari Vishnu Kamath:** Yes, unauthorised today. But what were they when they came from West Punjab, the Frontier Province or Sind?

**Shri Mehr Chand Khanna:** We are not concerned with that.

**Shri Hari Vishnu Kamath:** Why? Is that the socialism that you are going to implement?

**Mr. Deputy-Speaker:** In this Bill, we are not concerned with that.

**Shri Daji:** Whether he is a refugee or non-refugee, it is a matter of concern.

**Shri Hari Vishnu Kamath:** I can understand the Minister taking that attitude, but not you, sitting in the Chair—I am sorry.

**Mr. Deputy-Speaker:** I have to see that what you say is relevant.

**Shri Hari Vishnu Kamath:** I submit it is wholly relevant.

You can say that they are unauthorised occupants. But what were they before? The Minister and his Government have dubbed them as 'unauthorised occupants'. But what were they before they came on those premises? It is all right for the Minister, because, as I said, he has completely rehabilitated himself, and he does not bother about the difficulties of these people who have built a little *jhuggi* or a *jhonpri* or some shanty for themselves. Now they are no longer called refugees but unauthorised occupants—that is what the Minister, I suppose, wants to call them.

I remember the statement he once made in the First Lok Sabha that he would consider himself a successful Minister only on that day when the Rehabilitation Ministry was wound up.

**Shri D. C. Sharma:** You are right.

**Shri Hari Vishnu Kamath:** I recall that day when he said it. But unfortunately the Rehabilitation Ministry is still there. So he has not succeeded.

**Shri Mehr Chand Khanna:** It is there only for the eastern wing.

**Shri Hari Vishnu Kamath:** But I wish he may achieve success in the very near future.

16 hrs.

My hon. friend who preceded me, Shri Daji, made a very modest, reasonable demand, that when the Government serves a notice upon an unauthorised occupant for vacation of those premises, it is the bounden duty of a democratic socialist Government, if it wants to remain true to its professions and not, as often happens, let a wide gulf grow between profession and practice, if it wants to implement this programme of democratic socialism, it is its bounden duty to see that that person is not thrown on the streets, but at least some sort of accommodation—it may not be equivalent to the accommodation that he is already in possession of—is made available to him. But if he is forcibly evicted and thrown on the streets, it will be to say the least a travesty, an ignominious travesty of the high sounding principles of democratic socialism to which the Minister and the Government say they adhere. I am all for development of Delhi and of the country, for planning and development. But does planning mean humanity uprooted and thousands going without shelter over their heads? God forbid if this is the kind of planning which the Government has in mind. And where? Right in the capital of India, where from the Prime Minister and Ministers downward to the last Parliamentary Secretary live and move. Can they really have a good night's rest when they force a people, these unfortunate people out of their miserable shanties without

[Shri Hari Vishnu Kamath]

providing them any alternative accommodation. I hope and I pray that the Minister cultivates a different attitude.

Now, Sir, a resident who pays Rs. 75, a Government officer in the Constitution House hostel, is being asked to occupy a smaller room, ill-ventilated, there is no window, a miserable room—some prison cells are better than these rooms and to pay a rent of Rs. 100 per month. This is nothing less and nothing more than unconscionable profiteering on the part of Government which belies their democratic socialist professions and which completely gives the lie to the high sounding principles of socialism that they mouth from day to day. The room is 14'x8½', 125 sq. feet. One of the contractor's men told me that normally the floor area should be 150 square feet for any human being. But that man said that they had built rooms like these because they were asked to build 280 rooms. They could build 200 rooms with a floor area of 150 sq. feet but when they were asked to build 280 rooms, they could not be bigger than 125 sq. feet. 125 sq. feet, no window, 100 rupees rent while the rooms that they occupy now are bigger. I do not know why they are demolishing some buildings. Some are being demolished, others not. The Ministry must have got its own experts to certify that some buildings are fit for demolition and others are good enough.

By one of these clauses in the Bill the Minister seeks to make the orders of eviction non-justiciable. That is what it comes to. Courts are deprived of the power to issue injunctions as stated in the Statement of Objects and Reasons. In our country, I am sorry to say, Sir, there is much arbitrariness, not a little corruption and considerable high-handedness in administration from which the Ministers themselves are not exempt. I do not charge all the officers and all the Ministers, but quite

a number of Ministers and quite a number of officers are tainted, rightly, with these evils of corruption, high-handedness and arbitrariness. If ours were an ideal democracy, perhaps this provision could be allowed to go without comments. But I myself know hundreds of cases where orders have been unjust, unfair and passed without scrutiny of facts, without an honest mind being brought to bear upon the matter and the victims have had to suffer in silence. I have no doubt that the monstrous story will repeat itself here if courts are not permitted to step in and issue injunctions where they think they are justified to do so. I am sure the hon. friends on the other side who, I hope, subscribe to the programme, policies and principles of democratic socialism more than the hon. Minister does, will see to it that this provision which disfigures this measure, such provisions are not allowed to be passed by the House. The House will stultify itself if it seeks to divest courts of the power granted under the old Bill. I was not a Member of the Second Lok Sabha but I am told that when the original Bill was before the House, in 1958, the Deputy Minister Shri A. K. Chanda reiterated the assurance given by Shri Gadgil in the Provisional Parliament and solemnly told the House that those assurances will be implemented. I am told this on good authority, but I am open to correction if I am wrong.

One word more and I have done. The Statement of Objects and Reasons also refers to reduction of time to prefer appeals and for compliance with the orders of eviction. Knowing as we all do the various hurdles and difficulties that crop up before an ordinary person who wants to appeal against an order by which he feels aggrieved, I think it is very shortsighted on the part of the Minister to reduce this period from 30 days to 15 days. It is but fair that a person who feels aggrieved by an order must be given adequate time to take coun-

sel from his lawyers. Lawyers are also busy; some are Members of Parliament like my hon. friend Shri Trivedi; people like him are not always available. So, it is but fair and just that they should get sufficient time to get legal aid and this proposal to reduce that period is very wrong and improper.

In the end, Sir, I hope that better counsels would prevail and the Minister will try his best and leave no stone unturned in ensuring that these hundreds or thousands of unfortunate people who may be affected by this order are provided some decent alternative accommodation and some sort of a roof over their heads before he orders the demolition squad to act. They are always ready with their tools and implements of destruction. It is difficult to construct but easy to destroy. So, before he takes to this course I hope the Minister will see to it, in consonance with the principles of democratic socialism which he no who will be affected are provided some alternative accommodation, some decent alternative accommodation fit for human habitation, before his orders are implemented.

**श्री नवल प्रभाकर (दिल्ली-करोल बाग):** उपाध्यक्ष महोदय, यह विधेयक हमारे सामने उपस्थित है। इस बात से तो कोई भी सहमत नहीं होगा कि कोई व्यक्ति सरकारी जमीन के ऊपर अनधिकृत रूप से आकर कब्जा कर ले और वह वहाँ बैठा रहे। श्रीमन्, सन् १९४७ में जब देश का बंटवारा हुआ तो लोग झ्रर आये और उस समय जो जां भी बैठ सकता था वह बैठ गया। माननीय खन्ना जी ने बहुत प्रयत्न किया है बसाने के लिए और अभी भी इस ओर प्रयत्न कर रहे हैं और हमें आशा होती है कि वे सब को बसा दें। किन्तु कुछ ऐसी कठिनाइयाँ आ जाती हैं बीच में प्रशासनिक, जिनके कि कारण सरकार जो कुछ कर पाती है उसका श्रेय

उसको नहीं मिलता है। उसी बात को मैं माननीय मंत्री को बतलाना चाहता हूँ।

सन् १९४७ में लोग यहाँ आये और बठ गये। उसके बाद यहाँ पर इसी सदन के अन्दर सन् १९५१ में एक आश्वासन दिया गया था माननीय गाडगिल साहब की ओर से और उसमें यह कहा गया कि १५ अगस्त, १९५० तक जो लोग बठ गये थे उनको हम बदले में जगह देंगे और उन्होंने उन जगहों के ऊपर जो भी स्ट्रक्चर्स ढाँचे बगरह बनाये हुए हैं, उनका हम जो बन पड़ेगा, मुआविजा देंगे। यह शब्द उन्होंने यहाँ पर इसी हाउस में कहे थे। उसके बाद आश्वासन दिया गया और उस आश्वासन को बराबर इस हाउस के अन्दर फिर दुहराया गया। स्वर्गीय पंडित ठाकुर दास भागव ने इस बारे में प्रश्न किया था और उस प्रश्न के उत्तर में भी रेड्डी साहब जो कि उस वक्त सम्बन्धित मिनिस्टर होते थे, उन्होंने यह कहा था कि नहीं जो आश्वासन प ले दिया हुआ है वह अभी भी मौजूद है। अभी मैं माननीय मिनिस्टर साहब का जब भाषण सुन रहा था तो उन्होंने भी इस बात को दुहराया है कि हाँ, हम उनको जगह देंगे। यह मैं जानता हूँ कि आप जगह देंगे। यह सही है, किन्तु मुझ यह कहना है कि जिनको आप जगह दे रहे हैं क्या वह वास्तव में रहने लायक जगह है? अब आपने कहा कि हम इनको वहाँसे हटा कर कैम्पिंग साइट पर ले जायेंगे। कैम्पिंग साइट पर ले जाने के बाद देखेंगे कि कौन कैसा है और उसके अनुसार उनको तब बसायग। मैं आपकी जानकारी के लिये बतला भी हूँ कि आजकल जो लोगों को उठाया जाता है वह इस तरह से उनको उठाया जाता है कि उसमें मानवता नाम की तो कोई चीज होती ही नहीं है। एक बस्ती के उसमें तरफ घंरा डाल दिया जाता है। कुछ मिलटरी होती है, कुछ पुत्रिस होती है और जितनी भी यहाँ की अथारिटीज हैं। उन सब के घादमी उसमें होते हैं। कार-

[श्री नवल प्रभाकर]

पोरेशन का भी एक आदमी होता है। डी० डी० ए० का भी एक आदमी होता है, नंड और डेवलपमेंट अथारिटी का भी एक आदमी होता है। व सारे आदमी यों अंधरे में जाकर एकदम से चारों तरफ घेरा डाल कर छापा मारते हैं। छापा मार कर कहते हैं कि निकलो यहाँ से और उनको टूकों में डाल कर दूर ले जाकर फेंक देते हैं। उनको फेंकने के लिये जो स्थान चुना गया है वह मेरा निर्वाचन क्षेत्र है। मैं वहाँ गया हूँ और मैंने उनकी हालत वहाँ पर देखी है। मंत्री महोदय ने दिल्ली की एडवाइजरी कमेटी की बात कही। दिल्ली की एडवाइजरी कमेटी की जब बात कही तो मैं उनको याद कराना चाहता हूँ कि हमने यह भी तब किया था कि जो कैम्पिंग साइट बनेगी और वहाँ पर जो झुग्गी झोपड़ी के लोग ले जाकर बठाये जायेंगे उनके वास्ते वहाँ एक प्लेटफार्म बनाया जायगा। प्लेटफार्म के ऊपर पानी का नलका होगा। वहाँ पर बिजली होगी। वहाँ पर गन्दगी न फैल सके इसके लिए सीवर सिस्टम की व्यवस्था वहाँ पर होगी। इस तरह की बात तय की गई थी लेकिन अब जो कैम्पिंग साइट मैंने देखी है अगर वह वास्तव में कैम्पिंग साइट है तो वह बदतर अवस्था है।

श्रीमन्, आपके ही इलाके से लोगों को उठाया गया, पूसा रोड से। पूसा रोड से उठा कर वहाँ इंद्रपुरी के पास ले जा कर डाल दिया गया। एक हैड पम्प वहाँ पर लगा दिया गया है जिसमें आधा पानी और आधी मिट्टी आती है। वह गन्दला पानी वह पीते हैं। खुले में पड़े हैं। आज भी पड़े हुए हैं। ऊपर से बारिस आती है और धूप आती है और नल और बिजली वगैरह का जो वायदा किया गया था उसकी व्यवस्था वहाँ पर नहीं है।

इसके अलावा यह जो २५ गज जमीन की बात है तो वह भी सबको २५ गज जमीन

नहीं मिलती है। भले ही हम लोग यहाँ कोई बात तय कर लें, सही ढंग से कोई बात कह दें और तय कर दें लेकिन मैंने यह देखा है कि प्रशासन में जो लोग बैठे हुए हैं वे उसको सही तौर से अमल में नहीं लाते हैं। प्रशासन के अन्दर इतना भ्रष्टाचार है कि वह उसको चलने नहीं देना चाहते और लोगों को इतना परेशान और दुखी करते हैं कि वे बेचारे दुख के मारे बिलबिला जाते हैं। इसलिए मैं बतलाना चाहता हूँ कि वहाँ पर २५ गज का केवल नाम लिया गया है लेकिन उनको वास्तव में १५ गज जमीन भी नहीं दी गई है। सिर्फ लाइनें लगा दी गई हैं और यह कह दिया गया है कि यह तुम्हारा है और उसके आगे फिर लाइनें लगा दी गई हैं और दूसरे से कह दिया गया है कि यह तुम्हारे लिए है। इस तरीके से ऐलान कर दिया गया गया। कोई डिमार्-केशन वगैरह नहीं किया गया है। इस तरह से वहाँ पर यह किया गया है। मैं स्वयं जाकर देख आया हूँ राजोरी गार्डन के सामने आपने ८०-८० गज के प्लाट दिये थे। उसके पीछे कुछ गड्डे वाली जमीन थी और उसमें कुछ भट्टों की जमीन थी। पहले वहाँ ईंटें पका करती थीं। बरसात के दिनों में जब मैं वहाँ गया तो मैंने देखा कि वहाँ पानी भरा हुआ है। झुग्गी झोपड़ी वाले जहाँ बैठे थे वहाँ सब पानी भरा हुआ था। उन्होंने कहा कि हम लोगों के लिए छांट कर यह जगह तलाश की गई है। जब मैं उन दुखी लोगों को देखता हूँ और अपने निर्णयों को देखते हैं, जो हम ईमानदारी से निर्णय यहाँ लेते हैं, तो दिल को एक ठेस लगती है। उनको देखता हूँ, किसा कनेटो में बैठ कर यह निर्णय लेते हैं लेकिन जिस तरह से उन निर्णयों को कार्यान्वित किया जाता है उससे मुझे बड़ा दुःख होता है। इस और सरकार व मंत्री महोदय को विशेष रूप से ध्यान देना चाहिये। जब कोई बात हम कहते हैं कोई भी बात हम तय कर लेते

हैं, एक निर्णय कर लेते हैं तब उसके अनुसार हमें चलना भी चाहिये और यह देखना चाहिये कि उसको सही तौर से क्रियान्वित किया जाता है या नहीं।

मैं सन् ४७ की बात आपको कह रहा था। मेरे ही निर्वाचन क्षेत्र के अन्दर, फेज़ रोड के ऊपर विस्थापितों द्वारा बनाये गये मकानों और सरकार द्वारा उनको वहाँ से उखाड़ने के प्रश्न को लेकर बहुत सवाल किये गये। अब फेज़ रोड पर सड़क के किनारे लोगों ने मकान बनाये। वह सारे विस्थापित भाई थे। उन्होंने यह मकान बनाये। अच्छे मकान बनाये। आज भी मैं इस सदन के माननीय सदस्यों से कहा चाहता हूँ कि वहाँ जाकर आप स्वयं देख सकते हैं कि उन लोगों ने सड़क के किनारे किनारे कितने अच्छे और सुन्दर मकान बनाये हुए हैं। वे वहाँ रहते हैं और पिछले १५-१६ साल से रह रहे हैं। किसी ने १०,००० तो किसी ने १२,००० रुपये उन मकानों के ऊपर लगाया है। उनको अब नोटिस आ रहे हैं। उनको नोटिस आ गये हैं। उनको भी यह कहा जा रहा है कि आप २५ गज जमीन में आकर बैठिये। अब एक परिवार जिसमें १०, १२ या १५ व्यक्ति रहते हैं और जो आज एक अच्छे ढंग से बसे हुए रहते हैं उनको यह कहा जाये कि तुम २५ गज में जाकर बैठो बाद में तुम्हारे लिये सोचग कि तुमको ८० गज दिया जा सकता है या नहीं। यह कहाँ तक न्यायसंगत होगा? अब ऐसे लोग जो कि कायदे में बैठे हुए हैं और जिनसे कि सरकार को इस पिछले १५, १६ साल में कोई परेशानी नहीं हुई है, उनको इस तरह से उखाड़ना कहाँ तक न्यायसंगत होगा। मैं चाहता हूँ कि उन लोगों को वहीं पर बैठे रहने दिया जाय। इस तरह से न तो आपकी परेशानी बढ़ेगी और न ही उन लोगों की परेशानी बढ़ेगी।

मैं यह भी कहना चाहता हूँ कि उनको रीपारेशन उठा रही है, एन० डी० एम० सी०

उठा रही है। उनके पास कारपोरेशन का नोटिस भी आया है और डी० डी० ए० की तरफ से भी उनको नोटिस आता है . . . .

**श्री मेहरचन्द खन्ना :** मेरा दोनों से ताल्लुक नहीं है।

**श्री नवल प्रभाकर :** लेकिन वह सब इसी ऐक्ट के मातहत उठाये जा रह हैं। अब यह मालूम नहीं है कि उसमें आपका ताल्लुक है या नहीं? कहा यहाँ जाता है कि वह जो पबलिक प्रीमिसेज ऐक्ट है उसके मातहत ही उन लोगों को नोटिस दिया जाता है और उठाया जाता है।

वहाँ पर चार एयारिटीज के चार आदमी आते हैं। य-कां तय हुआ है, यह मुझे मालम नहीं है। कोई भी किसी तरह का एतराज करे, तो उन में से कोई उसका जवाब दे देता है और उसको निकल जाने का हुक्म दे देता है। अगर किसी ने क-ता कि-म तो डी० डी० ए० की जमीन पर बैठ हैं, तो डी० डी० ए० का आदमी कहता है, "मैं डी० डी० ए० का आफिसर हूँ, मैं क-ता हूँ कि निकल जाओ।" अगर किसी ने कहा कि मैं कारपोरेशन की जमीन पर बैठा हूँ, तो कारपोरेशन का आफिसर आये आ जाता है और क-ता है, "मैं क-ता हूँ कि निकल जाओ।" इस तरह से चार या पांच एयारिटीज का एक एक आफिसर वहाँ जाता है। पुलिस और मिलीटरी का घेरा उस इलाके पर डाल दिया जाता है और उन लोगों को ट्रक में बिठा कर बा-से जाने के लिए मजबूर किया जाता है। जैसा कि मैंने आपके सामने:

[श्री नवल प्रभाकर]

वर्णन किया है, तिकोनी पहाड़ी में इसी तरह से किया गया और वहाँ के लोगों को ट्रकों में डाल कर राजौरी गार्डन्ड में डाल दिया गया।

मैं निवेदन करना चाहता हूँ कि सरकार जिस इलाके को खाली कराना चाहे, जरूर कराए। मैं उसका विरोध नहीं करना चाहता हूँ। लेकिन मैं यह कहना चाहता हूँ कि इस सम्बन्ध में इस सदन में जो आश्वासन दिये गए हैं, उनको पूरा किया जाये। माननीय श्री गार्डिगिल साहब ने वे आश्वासन दिये थे। मेरे पास वे सब प्रोसीडिन्ग् रिकॉर्ड मौजूद हैं। यदि आप कहें, तो मैं पढ़ कर सुनाता हूँ। उसके बाद भी जब जब इस हाउस में सवाल हुए, तो यह माना गया कि हम उस एगोरस को मानते हैं।

मैं कहना चाहता हूँ कि एक आदमी उस जमाने में ५०० वर्ग गज भूमि पर मकान बना कर बैठा हुआ है और उसका परिवार अच्छी तरह से बैठा हुआ है। उसको उजाड़ कर, वहाँ से उठा कर, २५ गज जमीन पर बिठाना मैं न्यायोचित नहीं समझता। अगर सरकार को उस जगह की जरूरत है, तो वह उस को ले ले, लेकिन, जैसा कि मैंने अभी कहा है, सरकार अपने आश्वासनों को अवश्य पूरा करे। एक आश्वासन यह दिया गया था कि हम उन लोगों को नजदीक से नजदीक बसायेंगे। दूसरा आश्वासन यह दिया गया था कि म उनको बदले में जमीन देंगे। तीसरा आश्वासन यह दिया गया था कि उनका जो स्ट्रक्चर है, उस पर उनकी जो लागत आई है, हम उसको देखेंगे और उसके अनुसार जो बन पड़ेगा, वह देंगे। मेरा निवेदन है कि उन आश्वासनों को कार्यान्वित किया जाये।

प्रश्न यह है कि जो लोग नाजायज तरीके पर बैठते हैं, वे कैसे बैठते हैं। कुछ लोग तो १९५१ में बैठ गए। उसके बाद फिर कुछ लोगों ने बैठना शुरू कर दिया। जब यहाँ पर

दिल्ली कार्पोरेशन बनने लगी, तो एक आम हवा यह उड़ा दी गई कि जो कार्पोरेशन बनने से पहले पहले बैठ जायगा, वह एयाराइज्ड हो जायगा। इसका परिणाम यह हुआ कि लोगों ने अंधा धुंध मकान बनाना शुरू कर दिया। उस मकान बनाने में लोगों में इतना सास नहीं था, बल्कि उसमें एथारिटीज के कर्मचारियों का हाथ था। आज भी अवस्था यह है कि वे दिखावे के लिए नोटिस दे देते हैं, फाइल बना लेते हैं और उन को जमा कर लेते हैं और फिर उन लोगों को परेशान करते हैं। रिश्वात का बाजार बड़ा गर्म होता है। पिछले दिनों जब अस्सी गज के प्लॉट दिये गए, तो मैं अच्छी तरह से जानता हूँ कि बहुत से लोगों से पैसा लिया गया और जो लोग नहीं भी रते थे, उनको पचियाँ दी गईं, उनको एलाटमेंट दे दी गई। मुझे मालूम हुआ है कि अब भी जब जमना बाजार में पानी आ गया, तो सरकार ने कहा कि एक सरवे कर लिया जाये। उसमें पहाड़गंज के लोग भी बैठ गए और पचियाँ ले गए, लेकिन उन को पैसा देना पड़ा। जो जितना पे करता गया, पचियाँ लेता गया। इस तरह से आज वे लोग भी जमना बाजार के रने वाले बन गए।

इसलिए मैं कहना चाहता हूँ कि इन महकमों और विभागों की तरफ से जो कार्यवाही हो रही है, मन्त्री महोदय को प ले उसको देखना होगा। मैं मानता हूँ कि कार्पोरेशन एक आटानोमस बाडी है और उनका उस पर कोई दखल नहीं है। वह तो सिर्फ यहाँ पर जवाबदार हैं। लेकिन मैं कहना चाहता हूँ कि सरकार को उन सब को देखना चाहिए और इस प्रकार की कार्यवाहियों को रोकना चाहिए। मैं आज भी कहना चाहता हूँ कि लोगों में इतना सास नहीं है कि वे नाजायज तरीके से बैठे, लेकिन जब उन को कोई रास्ता नजर नहीं आता है, तो जब वे कोई ऐसा रास्ता देख लेते हैं कि हम बैठेंगे और हमको प्रोटेक्शन मिल जायगा, तो वे उस रास्ते को अख्तियार कर लेते हैं।



मैं बताना चाँता हूँ कि आज भी पुरानी फ़ाइल बनाई जा रही है यह दिखाने के लिए कि अमुक व्यक्ति १९५० से बैठा हुआ है, अमुक जून, १९६० से पहले का बैठा हुआ है। य केवल इस लिए किया जा रहा है कि झुग्गी झोंपड़ी वालों को बसाने का जो प्लान है, व और बढ़े और उससे फायदा उठाया जाये। जब भी सरवे हुआ है, संख्या बढ़ती चली गई है। मेरा निवेदन है कि जितने भी एथारिटीज हैं, चाहे डी० डी० ए० हो, चाहे दिल्ली म्युनिसिपल कार्पोरेशन हो और चाहे नैण्ड एण्ड डेवेलपमेंट हो, उनके अधिकारियों और कर्मचारियों को मन्त्री महोदय कहें कि अगर कोई आदमी कहीं बैठा है, तो उसको उसी समय बैठने से रोका जाये। यदि ऐसा किया जाता, तो आज इतनी बड़ी संख्या में ये लोग न होते। मेरा निवेदन है कि माननीय मन्त्री ने जो, आश्वासन इस हाउस में दिये हैं, १९५० के लोगों के बारे में ख़ास तौर पर, जिनके बारे में बिल्कुल स्पष्ट रूप से यह कहा गया था कि उनके रहने के स्थान से नज़दीक जग उनको दी जायगी, उन आश्वासनों को पूरा किया जाये। उसके बाद अगर उन को उठाना जरूरी हुआ, तो उनको उठाया जाये।

एक बात और कह कर मैं बैठ जाना चाँता हूँ। मास्टर प्लान की बात कही जाती है। मास्टर प्लान में कई जगहों पर रिपयसी जगह, रेजिडेंशल एरिया, दिखाया गया है और लोग वं बैठे हुए हैं। अब उन को यह कहा जाता है कि आप यहाँ से उठ जाइये, हम आप को दूसरी जगह बिठायेंगे। मेरा निवेदन है कि अगर सरकार ने दूसरे लोगों को वहाँ ला कर बिठाना है, तो उन को ही क्यों न वं बैठे रहने दिया जाये। अगर सरकार यह आवश्यक समझती है कि वहाँ पर अधिक आदमी बैठे हुए हैं और वह उन को कायदे से बिठाना चाहती है, तो वह देख ले कि कितने आदमी वहाँ रह सकते हैं। उन को वहाँ रहने दिया जाये और बाकी को वह बदले में आल्टरनेटिव एकापोज़ेशन और प्लाट दे दिया जाये।

जहाँ तक २५ गज ज़मीन का प्रश्न है, वह बिल्कुल नाकाफ़ी है। वह साढ़ बाइस फ़ीट लम्बी और दस फ़ीट चौड़ी ज़मीन का प्लाट है। मैं ने यह देखा है कि एक झोंपड़ी बनती है और उस झोंपड़ी के आगे रसोई बनाने के लिए भी जगह नहीं रती है और अगर रसोई बना ली जाये, तो आग कोई जगह नहीं रहती है। इस का अर्थ तो यही है कि एक जगह से हम स्लम क्लीयर करें, गन्दी बस्ती को उठायें और दूसरी जगह यह पच्चीस पच्चीस गज ज़मीन दे कर उस से भी बुरी हालत में स्लम बना दें। क्या उन को बसाने के लिए और जगह तलाश की जायगी ?

श्री मेहरचन्द खन्ना : अस्सी गज का प्लाट होगा।

श्री नवल प्रभाकर : अगर यही बात है, तो फिर उन को दो दफ़ा बसाने की क्या आवश्यकता है ? एक दफ़ा कैम्पिंग साइट में बसायेंगे और फिर अस्सी गज के प्लाट पर बसायेंगे ?

श्री मेहरचन्द खन्ना : कैम्पिंग साइट पर ले जाना है। वं पर बसाने का क्या सवाल है ?

श्री नवल प्रभाकर : मुझे मालूम है कि राजौरी गार्डन में जिन को ले जा कर आप ने कैम्पिंग साइट पर रखा है, तो महीने गुजर चुके हैं, अभी तक भी उनको अस्सी गज का प्लाट नहीं दिया गया है।

श्री मेहरचन्द खन्ना : तीन बरस और लगेंगे।

श्री नवल प्रभाकर : आपका मतलब यह है कि तीन साल और २५ गज ज़मीन पर बैठेंगे और तब जा कर उनको अस्सी गज का प्लाट मिलेगा और वहाँ व बैठेंगे ? अगर यह सही है, तो यह बहुत ही विचित्र बात है . . . .

श्री मेहरचन्द खन्ना : अब उनके पास कितनी जमीन है ?

श्री नवल प्रभाकर : उनके पास ५० गज, ६० गज और १०० गज तक जमीन है । जब मैं य़ बात कहता हूँ तो केवल झुग्गी झोपड़ी वालों की नहीं कहता हूँ, इस एक्ट के अन्तर्गत जो भी आते हैं, उनकी बात कहता हूँ । मैं आप को ले जा कर दिखा सकता हूँ कि उनके पास इतनी इतनी जमीन है । मैं चाहता हूँ कि आप हमें यह भी बतायें कि जिन के पास २५ गज जमीन है और जिन के परिवार में सात, आठ या दस सदस्य हैं, वह शो उस में कैसे रह सकते हैं ? हम आदर्श की बात करते हैं । लेकिन साथ ही साथ हम कहते हैं कि तीन बरस तक और उनको २५ गज जमीन में रहना पड़ेगा । आठ-आठ या दस-दस आदमी २५ गज में कैसे रहेंगे, कैसे बैठेंगे, इसको आप देखें । मल्टी-स्टोरी मकान बनाने के लिए उनके पास धन नहीं है । तब वह झुग्गी झोपड़ी बना कर ही रहेंगे और इस का नतीजा यह होगा कि गन्दगी उसी तरह से फैलेगी और बढ़ेगी । एक तरफ कहा जाता है कि हम स्लम्ज को हटा रहे हैं लेकिन दूसरी तरफ नए स्लम्ज इस तरह से हम क्रियेट कर रहे हैं । यह जरूर है कि हम उन को शहरी इलाकों में से जहाँ से बड़े बड़े आदमी गुजरते हैं हटा देंगे और जो उन को देखते हैं, उनकी नजरों से दूर वे हो जायेंगे और उनकी नजरों से गन्दगी को हम हटा देंगे और दूर ले जा कर पर्व के पीछे उन को हम डाल दगे । मेरा निवेदन है कि आप इस सारे मामले पर गम्भीरता से विचार करें । जो बात मैंने कही है, सच्चे दिल से कही है, दुखी दिल से कही है । सरकार को इस को देखना चाहिये, इस पर विचार करना चाहिये और विचार करके कोई हल खोजना चाहिये ।

श्री बाल्मीकी : (खुर्जा) : उपाध्यक्ष महोदय, जहाँ तक अनआयोराइज्ड आक्युमेंट्स

का सम्बन्ध है जिन के बारे में इस सदन में पले भी विचार चला है और आज यह विधेयक सदन के सामने आया है, इससे, चूंकि विशेषतः मेरा गरीब लोगों से सम्बन्ध है इसलिए विशेष सतुष्टि और हमदर्दी नहीं है । यह मैं इसलिए कहता हूँ कि दूध का जला छाछ को भी फूंक फूंक पर पीता है । बार बार विश्वास दिलाने के बावजूद भी और इस प्रकार के आश्वासन देने के बावजूद भी कि उनको बसाया जायेगा, इस बीच में, जब से य प्रश्न चला है, उनको अधिकतर उजाड़ने के ही कदम उठाये गये हैं । सन् १९५० में मैं इस सदन का मम्बर बन कर आया था । उससे पले भी यहाँ दिल्ली में मैं स्वयं जो बाल्मीकी मंदिर है, उस में र ता था । वहाँ एक दिन मैंने एक आवाज सुनी थी । मैंने सुना था कि दूर कुछ इस तरह की जग है, जहाँ पर गरीब लोग जो व्यर्थ इधर उधर रहते हैं या जो रिफ्यूजी भाई हैं या हरिजन भाई हैं, वे चलें और बसों । मुझ याद है किस तरह से चाणक्यपुरी में तथा दिल्ली के ऐसे और भी अनेक स्थानों में बहुत बड़ी तादाद में लोग गये और बड़ी मे नत और परिश्रम से किसी तरह से उन्होंने वहाँ पर अपनी झोपड़ियाँ बनाई । यह सब काम सरकार की जानकारी में चला । यह काम यों ही नहीं चलता रहा बल्कि जो एक विश्वास उनको दिलाया गया था, उसके होते चलता रहा । इस काम में जो अधिकारी थे या जो कर्मचारी थे, उनका भी सहयोग प्राप्त था, उन्होंने भी उनका इस काम में कुछ भीतरी मतव्य से साथ दिया । इस तरह से वे लोग इन जगहों में जा कर बसे । जो यह कहा जाता है कि ये लोग अचानक वहाँ जा कर बठ गये, अथवा अचानक चले गये, ऐसी बात नहीं है ।

आप जानते हैं कि १९५७ में जब हमारे देश का बटवारा हुआ था तब लाखों की संख्या में लोग इधर से उधर गये थे, लाखों

की संख्या में लोग वेस्ट पाकिस्तान में गये थे और उधर से लाखों की संख्या में हमारे हिन्दू भाई इधर आये थे। लाखों की तादाद में रिफ्यूजी भाई दिल्ली नगर में तथा भारत के दूसरे बड़े बड़े नगरों में छा गये थे। उस वक्त उनको बसाने का या उनको कहीं बिठाने का एक बड़ा भारी प्रश्न उठा था। उस प्रश्न को भी, इस विधयक पर विचार करते समय, हमें अपने मस्तिष्क में रखना पड़ेगा। वह ऐसा समय था जबकि आप कोई बहुत ज्यादा प्रबन्ध उन के लिए नहीं कर सकते थे। जहाँ भी वे बैठ सकते थे और जिस तरह से भी वे बैठ सकते थे, वे बैठ गये और बस गये। स्वर्गीय पंडित ठाकुर दास जी भागवत ने भी यहाँ इस सदन में कहा था कि वे इन स्थानों पर ऐसे ही बैठ नहीं गये बल्कि जो एक विश्वास, जो एक भरोसा, जो एक आश्वासन डिस्ट्रिक्ट आयोरिटीज ने दिया था, कलक्टर ने दिया था या दूसरे अधिकांशियों ने दिया था, उस आधार पर वे बैठे, उस आधार पर वे बसे। १९४७ या १९४८ के बाद से जब भी लोग इस तरह से बसते चले गये, वे किसी आश्वासन के आधार पर ही बसते चले गए। उन में से पैसे वाले लोग थे, जो कुछ धनी वर्ग के लोग थे या जो बड़े खानदान के लोग थे, उन्होंने ने तो अधिक जग घेरी और मकान बना लिए और जो गरीब थे, उन्होंने ने कम जग घेर कर अपने मकान बना लिये। इस तरह से जो मकान बनाये गये, उन की संख्या कम नहीं थी। दस बीस हजार नहीं पचास हजार या इस से भी ज्यादा मकान उन्होंने ने बना लिये। अब जब उन का प्रश्न १९५० या १९५१ में उठा, उस वक्त भी मैं खुद इस विचार का था और मैं ने भी उस वक्त इस के बारे में अपना पार्ट अदा किया था, कि उन को जो एश्योरेंस दिये गये हैं, उन को पूरा किया जाय। श्री गाडगील साहब ने इस सदन में २६ सितम्बर १९५१ को जो एश्योरेंस दिया था यदि उस को इन टोटो पूरा किया गया होता

और उस को कार्यान्वित किया गया होता, उसे पर अमल किया गया होता इन लैटर एंड इन स्पिरिट तो मैं समझता हूँ कि इस बिल को आज लाने की आप को जरूरत म मूस नहीं हो सकती थी। उस एश्योरेंस को मेशा ही अधूरे मन से कार्यान्वित किया गया, कभी भी पूरे दिल से उस को कार्यान्वित नहीं किया गया। आज भी वह एश्योरेंस ज्यों का त्यों पड़ा हुआ है। उस के बाद और भी एश्योरेंस दिये गये थे। एक हाई लेवल कमेटी भी बनी थी और उस का फौसला भी आप के सामने आया था। चंदा साहब उस के चेयरमैन थे। उन का जो विचार था वह भी आप के सामने आया था। इस तरह से इन एश्योरेंसिस और इन आश्वासनों का बोझ आप पर बढ़ता चला गया। लेकिन आप पर उन आश्वासनों का कोई असर नहीं पड़ा, आप ने उन को कभी पूरा करने की कोशिश नहीं की। कितने ही अनधिकृत मकान खास तौर से दिल्ली और अन्य नगरों में इस तरह के हो सकते हैं। लेकिन मैं आप को दिल्ली के ही कुछ मकानों के बारे में बतलाना चाहता हूँ—मेन फ्रैंड रोड पर १९५० से पहले कोई ४० घर थे। अशोक नगर में ४५ थे। पूसा लेन में ७ थे। अहाता किदारा में १२० थे। सुभाष नगर में १०८ थे। नानक पुरा में २५ थे। आराम बाग में ६ थे। पूर्वी मार्ग में ५ थे। और भी मकान इस तरह के हो सकते हैं। यह बात जरूर है कि जो मकान मास्टर प्लान के दायरे में आते हैं, वे विशेष रूप से प्रभावित नहीं होने चाहिए। लेकिन इन मकानों को विभिन्न आश्वासनों के बावजूद भी आज तक रेगुलराइज नहीं किया गया है। एक हाई लेवल कमेटी बनी थी और उस ने भी आप का ध्यान इस ओर आकर्षित किया था, लेकिन उस की सिफारिशों पर भी आप ने कोई ध्यान नहीं दिया। आप को इन सिफारिशों पर ध्यान ही नहीं देना चाहिए था; बल्कि इन को पूरा भी करना चाहिये था। हाई पावर कमेटी ने अपने विचार इस तरह से आप के सामने रखे थे:

## [श्री बाल्मीकी]

"For instance, no house has been regularised (a) houses on Pusa Lane, (b) Ahata Kidara, (c) Star of India College, even the third one has been served with the eviction notice under this Act.

No *ex-gratia* payment has been made to any such person evicted from his place of occupation.

Ever construction built by the displaced person before August, 1950 either *pucca* or *kucha* is being considered under *Jhuggi* and *Jhonpri* Scheme. There are constructions, which cost more than Rupees Ten Thousand.

Displaced persons who have spent thousand of rupees on these constructions before August, 1950, are being removed to the transit camp of 25 yards after evicting them from their constructions which are provided with all the amenities such as electric and water connections and which were constructed after partition by spending thousands of rupees from their hard earned money. No difference is made in a construction built up before August, 1950 and *pucca* one and person who occupied the land in 1960 or even occupies it now in 1963."

इस पर भी आप को ध्यान देना चाहिये ।

श्री मेहरचन्द खन्ना : आप ने क्या पढ़ा, मैं समझा नहीं ।

श्री बाल्मीकी : कमेटी ने जो कुछ लिखा था मैं ने आप को पढ़ कर सुना दिया है ।

मेरा पक्का विश्वास है कि इस तरह के जो आश्वासन दिये गये हैं समय समय पर, चाहे ढाई पावर कमेटी ने दिये हों या गाडगील सा ब ने दिये हों, उन को अगर आप ने पूरा किया होता तो यह अवस्था पैदा नहीं होती । और अनआथोराइज्ड आक्युपेंट्स जो हैं या

जो सक्वेटजं हैं, उन की समस्या हल हो गई होती । मैं समझता हूँ कि इस आधार पर पूरा पूरा ध्यान दिया जाता, उन को अल्टर्नेटिव जगह दी जाती, उन्हीं जगहों पर, जहां झुग्गी झोंपड़ी वाले बैठ हुए हैं, जहां पर गन्दी बस्तियां हैं, तो इतनी कठिनाई उन को न होती । जितने वहां बस सकते थे उतनों को वहां बसाया जाता, बाकी को टा कर दूसरी अल्टर्नेटिव जगह दी जाती तो ठीक होता, लेकिन यह काम बहुत मन्द गति से, बहुत धीमी गति से चला है । अगर इस आधार को ले कर सरकार चलती तो आज इस बिल की आवश्यकता न होती । अब तक इस काम में बहुत देरी हुई है, लेकिन अब जल्दी की जाय । जल्दी के लिए यह किया गया है कि जो हटने की अवधि ४५ दिन की थी अब वह ३० दिन की कर दी गई है, अपील की अवधि जो ३० दिन की थी वह अब १५ दिन की कर दी गई है और जो तीन साल से बैठ हुए हैं उन को तीन महीनों का मौका दिया जाता है कि वे अपने लिये मकान तलाश कर लें । मैं समझता हूँ कि रहने की समस्या आज इतनी भयंकर है कि तीन महीने क्या छः महीने तक घूम घूम कर, बरबाद हो कर, भी वे उस का प्रबन्ध नहीं कर सकते । मैं नहीं समझता कि इस आधार पर आप कुछ कर सकेंगे । वह आप के करने की बात है ।

सब से बड़ी खूबी जो आज आप के दिमाग के अन्दर आती है वह यह कि आप शासन के आधार पर सोचते हैं कि किस प्रकार से बड़े नगरों के अन्दर विकास करना चांिये, उन में सौंदर्य लाना चांिये । यही बात दिमाग में रती है । इस का फल कुछ भी हुआ हो, लेकिन मैं स्वयम् सारे देश में घूमा हूँ, बड़े बड़े नगरों में गया हूँ, इस विचार के फैलते हुए कुप्रभाव को देखा है । यह देखा है कि इम्प्रूवमेंट ट्रस्ट या डवलपमेंट अथॉरिटीज जो हैं वे एक तरह से व्यापारी संस्थाएँ बन गई हैं । उन की एक ही काम है, गरीबों को हटा कर फैंक देना है ।

## Amendment Bill

मैं ने स्वयं बड़े नगरों में देखा है कि किस बेरहमी से नगरों के हृदयों से, अन्दरूनी हिस्सों से उन को हटाया जाता है और उन को उस तरह की दूसरी जगह भी नहीं दी जाती। आज यहां पर कुछ थोड़े थोड़े कदम उठाये गये हैं, लेकिन जैसा अभी मेरे मित्र श्री नवल प्रभाकर जी ने कहा, उस से लोगों को कोई सन्तोष नहीं हुआ है। आज आप को समझना चाहिये कि जिन्होंने ने इस तरह से अनअधाराइज्ड तरीके से मकान बना लिये हैं उन को हटाया जायेगा, लेकिन इस बिल के उद्देश्य का प्रभाव गरीब लोगों पर पड़ेगा, उन को हटाने के लिए इस का उपयोग किया जायेगा मुझे ऐसा भय है।

मैं समझता हूँ कि इस बड़े नगर के अन्दर बाहर से बहुत से लोग आते हैं। जहाँ आप नगरों का ध्यान रखते हैं वहाँ दिल्ली की बढ़ती हुई आबादी हमारे लिये खतरा पैदा कर रही है। विशेष कर जिस क्षेत्र से मैं आता हूँ, अर्थात् बुलन्दशहर और खुर्बा के क्षेत्र से, वहाँ के लोगों को बहुत बड़ा खतरा नजर आता है। आज भी जो गाजियाबाद के हमारे किसान भाई आये हुए हैं उन में हमारे जिले से भी लोग आये हुए हैं। नगरों के बढ़ते हुए प्रभाव के संबंध में, मैं समझता हूँ, आप ने ओलिवर गोल्डस्मिथ का डेजर्टेड विलेज अवश्य पढ़ा होगा कि क्यों विलेजेज विलेज होते हैं और शहर बड़े होते हैं। प्लैनिंग कमिशन ने भी उधर ध्यान दिया है कि नगरों के अतिरिक्त ग्रामों के अन्दर यह सुविधायें प्रदान की जायेंगी। जो लोग बाहर से आते हैं, विशेष कर ग्रामों से आने वाले लोगों को रोका जायेगा। गांवों में ही उन के लिये आकर्षण पैदा किया जायेगा। लेकिन मैं कहना चाहता हूँ कि उन के लिये कोई आकर्षण पैदा नहीं किया जाता। गांव के लोगों को, किसानों को, मजदूरों को, उन की उपजाऊ भूमियों को ले कर, बरबाद किया जाता है। आज इस की मिसाल आप के

सामने है। यह ठीक है कि आज प्रधान मंत्री जी ने उन्हें आशवासन दिया। लेकिन वह अलग बात है। मैं समझता हूँ कि जिन की जमीनें ली जाती हैं उन्हें वैसी ही जमीनें दी जानी चांिये, उन्हें बसाया जाना चाहिये, उन का पुनर्वास करवाया जाना चांिये और उन को हर तरीके से कम्पेन्सेशन दिया जाना चांिये। गाजियाबाद के जो किसान भाई यहां पड़े हुए हैं उन के कम्पेन्सेशन को देखा जाय, जमीन के पैसे को देखा जाय तो जो २० नये पैसे से ले कर ५० नये पैसे तक उन्हें दिया जा रहा है वह भी निःशायत कम है। आज की मार्केट वैल्यू को देखते हुए या जब १९६२ में नोटिस दिये थे उस के बाद के आधार की भी सोचें, तो भी यह रकम ३६० या उस से ज्यादा होनी चांिये थी। यह आधार पैदा किया जाना चाहिये लेकिन वह आधार पैदा न कर के, जिस तरह से गांवों के अन्दर आकर्षण पैदा करना चाहिये उस तरह से न कर के, वहाँ नौकरियों की सुविधायें न पैदा कर के, वहाँ दूसरे रूपों को पैदा न कर के आप शहरों को सुन्दर बनाते जाते हैं। गांवों के आदमी भी दिल रखते हैं, दिमाग रखते हैं, आकर्षण की तरफ उन का भी दिल भागता है। वे सोचते हैं कि शहरों में आकर्षण ही नहीं है, रोटी रोजगार भी है, धन्धा भी है, इसलिये वे गांवों की ओर विशेष ध्यान न दे कर शहरों की तरफ भागते हैं। आज इस प्रकार का प्रभाव पड़ रहा है। यदि आप कोशिश करते, गांवों के अन्दर सुविधायें पैदा करते, नौकरियां पैदा करते, तो यह सारी समस्या इतनी गम्भीर न होती। मैं समझता हूँ कि जिस तरह से दिल्ली बढ़ रही है, जिस आधार पर वहाँ खतरा पैदा कर रही है, जिस तरह से यमुना के परले पार जा रही है, दिल्ली के दफ्तर भी यहां से वहां जा रहे हैं उस को देखते हुए इस बिल का मकसद बिल्कुल अलग ही मालूम होता है।

आप के मस्तिष्क में विशेष कर यह बात होनी चाहिये कि जिन लोगों की जमीन ली जायें, चाहे वह किसान हों, चाहे मजदूर

## [श्री बाल्मीकी]

हो या गांवों के अन्दर रहने वाले वशेष लोग, हों, उन्हें किसी तरह का खतरा पैदा न हो, उन को पुनर्वास प्राप्त करने का पूरा अवसर दिया जाय। मैं चाहता हूँ कि यह भी सोचा जाय कि जहाँ आज हमारे बड़े बड़े नगरों के अन्दर आप ऊंची ऊंची अट्टालिकायें बना रहे हैं, गगनचुम्बी अट्टालिकायें बना रहे हैं, जहाँ हजारों और लाखों लोग जो फूट पायों पर सोते हैं, जैसा कि मैंने दिल्ली के अन्दर देखा है, बम्बई के अन्दर देखा है, कलकत्ता के अन्दर देखा है, उन के पास रहने के लिये स्थान नहीं है, उन को सर ढकने के लिए जगह ही जानी चाहिये। सब से बड़ा आधार यह पैदा करना बहुत जरूरी है कि बड़े बड़े महलों और हवेलियों के पास में या बड़े लोगों के मोहल्लों में जो साधारण मकान बने हुए हैं, उन में रहने वालों का ध्यान रक्खा जाय। मैंने नागपुर में देखा है, दूसरी जगहों में देखा है, दिल्ली में भी देखा है कि उन को हटाने के लिये वड़ी खूबसूरती से प्रयत्न किया जा रहा है, ताकि वहाँ की सुन्दरता में धब्बा न आये। नई दिल्ली में ऐसी बस्तियाँ हैं, अशोक होटल है या दूसरे आफिसर्स के मकान हैं या हमारे दूतावास हैं, उन के बीच में गरीबों के मकान भी हैं। चाणक्यपुरी ऐसी जगहों में गरीबों के शानदार मकान भी बनें तब मैं माननीय मंत्री महोदय के ऐश्वर्य को समझूँ।

**एक माननीय सदस्य :** वापस लीजिये, वापस लीजिये।

**श्री बाल्मीकी :** गाडगिल साहब का ऐश्वर्य पूरा हो या न हो, कोई लेबल कमेटी का ऐश्वर्य पूरा हो या न हो, आप के ऐश्वर्य का आधार ऐसा हो कि बड़े आदमियों के बीच में गरीब आदमी भी रह सकें। जिन्हे वापस जा सकें बसा दिये जायें। इस का प्रभाव साधारण गरीब आदमियों पर पड़ेगा। हमारा विश्वास होना चाहिये कोई भी आदमी जो बड़े नगरों में फूट पाय पर सोता है, जिस के पास मकान नहीं है, रहने

का साधन नहीं है, उस के लिये रहने का आधार पैदा किया जायेगा।

अब हमारे देश के अन्दर समाजवाद की लहर आ रही है तब मैं कहना चाता हूँ कि समाजवाद यों ही नहीं आ सकता, समाजवाद ऊपर से टपकता नहीं है, पुस्तकों के अन्दर पैदा नहीं होता है, समाजवाद आप के विचारों से खाली नहीं बनता, समाजवाद तब बनता है जब गरीब को रोटी मिले, रहने के लिये सुविधायें मिलें और वे आप के द्वारा मिलें, गरीब आदमी इस तरह से बस, तब पूरा समाजवाद आयेगा।

अन्त में मैं यही कहना चाता हूँ कि आप को विशेष कर इस बात का ध्यान रखना चाहिये कि इस बिल का कुप्रभाव हमारे गरीब लोगों पर, मामूली लोगों पर न पड़े। जो इस प्रकार के हमारे भाई हैं, विशेष कर रिफ्यूजी भाई, जिन्होंने अनेक कष्ट झेले हैं, जिन्होंने बड़े मकान भी बना लिये हैं, लेकिन सन् १९५० से पहले बना लिये हैं उन्हें बिल्कुल नहीं छेड़ा जायेगा। इस बीच में भी जिन्होंने इस प्रकार अनधिकृत मकान बना लिए हैं उन के इन मकान या झोंपड़ों का सर्वेक्षण हो जाना चाहिये कि कितने ऐसे झुग्गी-झोंपड़ियों में रह रहे हैं। इस आधार पर इस बिल को पास करना चाहिये ताकि उन गरीब लोगों पर कोई प्रभाव न पड़े।

मुझे पूर्ण आशा है कि लोक के साथ अन्याय नहीं होगा और जो भी हमारे रिफ्यूजी भाई सन् १९५० से पहले बैठे हुए हैं उन्हें किसी तरह से भी छेड़ा नहीं जायेगा। इस के बाद जो दूसरे नये आदमी अनुचित रूप से बैठे हैं झुग्गी-झोंपड़ियों के बीच में अगर वे अनुचित लाभ उठाते हैं या दूसरे गलत काम करते हुए भी जाते हैं और इन्हें के बाद फिर इधर अनुचित व्यापार शुरू कर देते हैं, उन को हटाने में मैं आप को पूरी सहायता करूँगा।

**Shri U. M. Trivedi:** This Bill deals with eviction of unauthorised occupants. The first thing that strikes me as very unnatural is this. Why should there be unauthorised occupation? Why are immediate steps not taken to see that unauthorised occupation may not take place? Why create this heart-burning by allowing with open eyes unauthorised occupation of Government premises? Actually, what happens is this, that the authorities keep quite when an unauthorised occupation takes place. Afterwards, when that unauthorised occupation is ripening into a sort of a right and the man starts considering that he has got a right, the authorities wake up and the unauthorised occupation is sought to be destroyed. That creates a good deal of difficulty for Government and for the person who is in such occupation.

16.49 hrs.

[MR. SPEAKER in the Chair]

Therefore, I would say that there should be preventive measures, for preventing this sort of unauthorised occupation. The policy of Government appears to me to be penny wise and pound foolish. They allow unauthorised occupation and then set up a costly machinery for removing the man from that occupation. Naturally, we do not look to the miseries of the people whom we drive into corners and then try to deprive them of a roof over their heads. We have fine places about us. At the same time, I find that the local inhabitants of this Territory, the old Delhi Province, not the refugees, are the worst sufferers to-day. Who are the persons who are living in the *jhuggis* and *jhompri*s? Are they refugees? I was wondering about it. Shri Balmiki was saying one thing about the refugees. But are these people refugees? Or are they his own persons? The people who were here, have been made to shift from one place to another and are made to jump and no accommodation is provided for them.

How to provide accommodation for them? Certainly we would not like

to see them housed near the palatial building of the Central Board of Revenue. Certainly we do not like to see the *jhuggis* and *jhompri*s continuing to exist as an eye-sore to all those tourists who visit our country and run from Mathura to Delhi. We do not want to see near Delhi those dirty holes. We do not want that. But what is the remedy? The remedy lies in creating some habitable place for them. We have spent crores and crores of rupees for what? For setting up big national industries in our country which do not yield a farthing to us. On an investment of Rs. 1700 crores, the yield comes to Rs. 1.93 crores and that too only when we do not charge a farthing as interest on the capital invested. Out of these Rs. 1700 crores, why were not Rs. 4 crores set apart for providing residential places for all these persons? We could charge them rent and it would be easily paid. But we are not able to do it.

At the other end, we see the big guns who call themselves big persons entering into premises in an unauthorised manner. No steps are taken to evict them from there. They corner us in such a manner that it takes years and years before we can evict them. I have my full sympathy with the Minister in this respect. He finds it difficult to evict such persons. But I cannot understand what sympathy must be shown to such persons if they are in unauthorised occupation of premises. I am talking of those big guns, not of the poor persons who are there. I am talking of those big fellows who have entered into premises unauthorisedly like goondas and remain there. They cannot be driven out. They take shelter, of what? Shelter of the law. Is the law to be provided for the purpose of prostitution by these unauthorised persons?

Steps must be taken to evict them. Immediate steps must be taken to do so, and these people must be removed. Powers must be vested in Government for the purpose of getting those premises vacated. Otherwise not only MPs but government officials find it

[Shri U. M. Trivedi]

hard to drive out the persons living in those premises in an unauthorised manner. Once the question is decided that the occupation is unauthorised, to the rest of the process laid down in this Bill, I have no objection—the question of appeal or delay and all those things which are very necessary for the purpose of getting a quick decision in this matter. But for first deciding whether or not a man is in unauthorised occupation, due process of law must be allowed. Once that due process of law is exhausted, once it is determined finally and for all purposes that the man is in unauthorised occupation, I would welcome the provisions that are there for action thereafter. But I will not agree so long as the question of unauthorised occupation has not been determined, that is, whether or not he has been in unauthorised occupation. Simply by giving notice it does not become unauthorised. I fail to see how a person whom you say unauthorised can remain in occupation for more than three years. The whole conception is wrong. The officer who allows him to remain in unauthorised occupation must be punished first. Why did he allow unauthorised occupation of the Government premises or of Government land in such an unauthorised manner? Even this morning I had occasion to say that somehow or the other a tendency has grown among our officers not to keep their eyes open and not to look for themselves but wait for somebody to make a complaint and then take action. If I am an officer in charge of a particular area or of particular work and if that work is in any manner interfered with, is it not my duty to take note of it and take proper action to remedy the wrong? Somehow, our officers have started thinking: it is not my duty and I should not immediately, *ipso facto*, start taking action; I must have a complaint. The same thing happens in the railways, in the post office, why, in any department, wherever you go. Unless and until a complaint is made, their eyes are not opened. The net result is that

unauthorised occupation continues for three years. A man who lives there for three years certainly deserves some sympathy at your hands, be he in authorised or unauthorised occupation. It is not just and proper that you give a notice simply and then take action.

But I may say that I do not agree even to give 90 days notice. Section 106 of the Transfer of Property Act does not give notice even for 30 days but only for 15 days for terminating the tenancy and evicting him. I do not say that 90 days is a small period. But before you give him this notice, give him full opportunity and before a judicial officer and not before the Estate Officer. The very fundamental thing that he is an unauthorised occupant must be determined first before you contemplate action against him.

Sir, I had a mind to speak further on this but I will not take more of your time when we are at the close of today's sitting. There are four things suggested in the Statement of Objects and Reasons. The provision that no court or other authority shall have power to grant any injunction in respect of any action taken or proposed to be taken by or under the Act is not a salutary provision in a democratic set up. It is a police power. Before you exercise the police power, you must be able to determine the right to exercise that police power. That is all I have to say.

**Shri Shiv Charan Gupta** (Delhi Sadar): Mr. Speaker, some of my friends here have advanced some arguments criticising this Bill. I do not subscribe to their views but I have to make some criticisms on some other counts.

**Mr. Speaker:** He may do it tomorrow.

17.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the August, 30, 1963|Bhadra 8, 1885 (Saka)



[Thursday, August 29, 1963/Bhadra 7, 1885 (Saka)]

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	3283—3323		
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361	Power in Delhi . . . . .	1115	Public Sector Industries . . . . .
362	Indo-Nepal Board for Irr.gar.on and Power Pro(ects . . . . .	1116	Thermal Power Schemes in Rajasthan . . . . .
	3288—91	1117	Cholera and plague in Rajasthan . . . . .
363	Repayment of Bhakra Project loan . . . . .	1118	Officials of Dandakaranya Project . . . . .
	3291—93	1119	Drinking water in Rajasthan . . . . .
364	River Boards . . . . .	1120	Development of Ayurveda in Rakas'han . . . . .
365	Krishna River Water dispute . . . . .	1121	Grants to non-official organisations in Rajasthan . . . . .
	3294—97	1122	Electrification of villages . . . . .
366	Extension of C.H.S. Scheme . . . . .		3338—39
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367	Flies in soda-water bottle . . . . .	1124	Cavuary delta (Madras) . . . . .
	3301—05	1125	Interest on loans . . . . .
368	Safdarjung Hospital New Delhi . . . . .	1126	Filtration Plant at Wazirabad . . . . .
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369	Construction of dams on Jamuna river . . . . .	1127	Rickshaw-pulling . . . . .
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370	Liquidation of Bank of China . . . . .	1129	Examination of bank lockers . . . . .
	3310—16		3342—43
371	Displaced persons in Dandakaranya . . . . .	1130	Blood for transfusions . . . . .
	3316—17	1131	Irrigation Schemes in Kerala . . . . .
374	Dandakaranya Development Authority . . . . .		3343—44
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372	Adverse effect of gold control . . . . .	1133	Irrigation Schemes in Kerala . . . . .
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		1134	Expenditure on maintenance of residential buildings. . . . .
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		1135	New hospitals for Delhi . . . . .
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373	Squatters' colonies in West Bengal . . . . .		
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The Speaker made a reference to the passing away of Shri-mati Uma Nehru who was a member of the First and Second Lok Sabha.

Thereafter members stood in silence for a short while as a mark of respect.

CALLING ATTENTION TO  
MATTER OF URGENT  
PUBLIC IMPORTANCE 3370-88

Shri Prakash Vir Shastri called the attention of the Prime Minister to the situation arising out of the acquisition of land of the *kasans* around Ghazabad under the Master Plan.

The Prime Minister Shri Jawaharlal Nehru made a statement in regard thereto.

PAPERS LAID ON THE  
TABLE . . . . . 3388-90

- (1) A statement indicating the results of Central Government Loans floated in 1963-64.
- (2) A copy each of the following Notifications under section 159 of the Customs Act, 1952 and section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 :-
  - (a) G.S.R. No. 1364 dated the 17th August, 1963.
  - (b) G.S.R. No. 1365 dated the 17th August, 1963.
- (3) A copy each of the following Notifications under section 159 of the Customs Act, 1962 :-
  - (a) G.S.R. No. 1306 dated the 10th August, 1962.
  - (b) G.S.R. No. 1358 dated the 17th August, 1963.
  - (c) G.S.R. No. 1359 dated the 17th August, 1963.

## COLUMNS

## COLUMNS

PAPERS LAID ON THE  
TABLE—contd.

- (d) The Customs Valuation (Amendment) Rules, 1963 published in Notification No. G.S.R. 1360 dated the 17th August, 1963.
- (e) G.S.R. No. 1361 dated the 17th August, 1963.
- (f) G.S.R. No. 1362 dated the 17th August, 1963.
- (g) G.S.R. No. 1363 dated the 17th August, 1963.

MESSAGES FROM RAJYA  
SABHA . . . . . 3390-91

Secretary reported the following messages from Rajya Sabha :—

- (i) That Rajya Sabha agreed without any amendment to the All-India Services (Amendment) Bill, passed by Lok Sabha on the 13th August, 1963.
- (ii) That Rajya Sabha concurred in the recommendation of Lok Sabha to nominate one member from Rajya Sabha to associate with the Public Accounts Committee of Lok Sabha in the vacancy caused by the resignation of Shri Nawab Singh Chauhan and nominated Pandit S.S.N. Tankha for the purpose.

REPORT OF BUSINESS  
ADVISORY COMMITTEE  
ADOPTED . . . . . 3391

Eighteenth Report was adopted.

## BILLS PASSED . . . . . 3391-3457

- (i) The Deputy Minister the Ministry of Law (Shri Bibudhendra

## BILLS PASSED—Contd.

Mishra) moved for the consideration of the Indian Sale of Goods (Amendment) Bill, 1962, as passed by Rajya Sabha. The motion was adopted and after clause-by-clause consideration the bill was Passed as amended.

- (ii) The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C.R. Pattabhi Raman) moved for the consideration of the Employees' Provident Funds (Amendment) Bill, 1963 as passed by Rajya Sabha. The motion was adopted and after clause-by-clause consideration the Bill was passed as amended.

- (iii) The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra) moved for the consideration of the Code of Civil Procedure (Amendment) Bill, 1963, as passed by Rajya Sabha. The motion was adopted and after clause-by-clause consideration the Bill was passed.

## BILL UNDER CONSIDERATION . . . . . 3457-3510

The Minister of Works, Housing and Rehabilitation (Shri Mehar Chand Khanna) moved for the consideration of the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill. The discussion was not concluded.

AGENDA FOR FRIDAY,  
AUGUST 30, 1963/BHADRA  
8, 1885 (SAKA)—

Further consideration and passing of the Public Premises (Eviction of Unauthorised Occupants) Amendment Bill.

Private Members, Bills.