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Bhadra 6, 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

Wednesday, August 28, 1963/Bhadra 6,  
1885 (Saka)

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

National Coal Reserves

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\*330. Shri Bhakt Darshan:  
Shri Bhagwat Jha Azad:

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

(a) whether Coal Council of India  
is engaged in the reassessment of  
national coal reserves; and

(b) if so, whether the Resources  
Assessment Committee of the Council  
has prepared any report of its find-  
ings?

**The Minister of Mines and Fuel  
(Shri O. V. Alagesan):** (a) and (b).  
The Coal Council's Committee on  
Assessment of Resources is engaged  
in the assessment of the coal reserves  
of the country. So far the Commit-  
tee has submitted reports in respect  
of Raniganj, Jharia and East Bokaro  
coalfields only.

**Shri Bhakt Darshan:** By what  
time this Committee is expected to  
finish its labours and submit its final  
report?

**Shri Alagesan:** As I said, they  
have submitted reports with refer-  
976 (Ai) LSD—1.

ence to three coalfields, namely,  
Jharia, Raniganj and East Bokaro.  
These are considered to be the most  
important coalfields. There are other  
coalfields also, like, West Bokaro,  
Ramgarh, Karanpura etc. The Com-  
mittee is proceeding with the work of  
collection of data and it is understood  
that its work of collecting data would  
be completed by the end of March  
1965.

**Shri Bhakt Darshan:** Is it a fact  
that superior grade coal, like, metal-  
lurgical coal, is only about 6 per cent  
of the total coal reserves of the coun-  
try? Has this Committee made any  
recommendations in this connection  
or are the Government themselves  
taking any steps to conserve these  
reserves?

**Shri Alagesan:** This is a very  
important question. Coking coal  
reserves form only a percentage. As  
far as the Jharia coal-fields go, they  
are roughly 10 per cent, but the per-  
centage may be less in other places.  
So, it is incumbent upon us to see  
that we conserve the coking coal  
reserves in the country and try to use  
them over as long a period as possi-  
ble.

**Shri P. R. Chakraverti:** What is  
the nature of the interim recommen-  
dations of this Assessment Committee?

**Shri Alagesan:** As I said, with  
reference to three coal-fields they  
have submitted a report. It is a big  
report running over thousands of  
pages.

**Shri Surendra Pal Singh:** In view  
of the fact that the deposits of the  
superior quality of coal are very short

and are fast deminishing, what steps are being taken by the Government to popularise the use of low-grade coal by our industries, railways etc.?

**Shri Alagesan:** Instead of using coking coal certain blends are sought to be used and experiments are going on constantly in this field so that these reserves can be conserved as much as possible.

**Shri Kapur Singh:** I would like to know whether any assessment is available about how long our national coal beds are likely to suffice the requirements of a fully industrialised India.

**Shri Alagesan:** It should be possible to say that, but at present I am unable to say that. I do not want to venture a figure.

**Shri Kashi Ram Gupta:** Have any estimates been reported about the quantity and the quality of the deposits?

**Shri Alagesan:** Yes, Sir.

**Shri R. G. Dubey:** Will this assessment be confined to the existing reserves of coal or will it also take into consideration the likely or the probable areas?

**Shri Alagesan:** These reserves of which we have got figures are all clubbed together, namely, proved reserves, indicate, inferred and unclassified.

**Shri P. V. Venkatasubbaiah:** Has the attention of the hon. Minister been drawn to the geological survey that has been conducted in the Godavari Basin near Bhadrachalam area and will that also come within the purview of this Committee?

**Shri Alagesan:** I should say that this is at present restricted to reserves in the Bengal-Bihar area. Mapping operations are going on with reference to other fields.

### Lead in Katar (Rajasthan)

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\*831. { **Shri Yashpal Singh:**  
**Shri D. C. Sharma:**  
**Shrimati Savitri Nigam:**  
**Shri Warrior:**  
**Shri Vasudevan Nair:**

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

(a) whether large quantities of lead have been found in Katar, 24 miles from Udaipur in Rajasthan;

(b) if so, the estimated quantity of the mineral; and

(c) the steps being taken to exploit the same?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) The Department of Mining and Geology of the Government of Rajasthan have found good indications of lead mineralisation near Katar in Udaipur district.

(b) It will be possible to assess the reserves only after the occurrence is fully investigated.

(c) Prospecting work has recently been started by the Department of Mining and Geology of the Government of Rajasthan.

**श्री यशपाल सिंह :** क्या मैं जान सकता हूँ कि इसके इम्प्लेमेंटेशन में कितना मनी इनवेस्ट करना पड़ेगा ?

**Mr. Speaker:** How much money shall have to be invested for this exploitation.

**Shri Alagesan:** As I said, the department of Mining and Geology of the Government of Rajasthan is doing this work. I do not know what amounts they propose to invest.

**श्री यशपाल सिंह :** क्या मैं जान सकता हूँ कि इसका भंडार मिलने के बाद हमारा देश सेल्फ सफिशिएंट हो जायगा या कोई कमी रहेगी ?



**Mr. Speaker:** He wants to know whether we will become self-sufficient after the exploitation of these resources.

**Shri Alagesan:** It is too much to say.

**Shri D. C. Sharma:** I want to know why this work has been entrusted to the Mining and Geology Department of the Government of Rajasthan and why it has not been entrusted to the Geological Survey of India. What are the advantages accruing from that?

**Shri Alagesan:** Some of the State Governments have their own departments of Mining and Geology and they are entrusted with the work of proving mineral reserves. It is good that the Rajasthan Government has come forward and taken up this work. But the Geological Survey of India is doing some work in another region in Rajasthan.

**Shrimati Savitri Nigam:** May I know whether the Rajasthan Government has asked for any help in the form of equipment or otherwise from the Central Government?

**Shri Alagesan:** I am not able to say.

**Shri Ramanathan Chettiar:** May I know whether the National Mineral Development Corporation will look after this or whether a separate corporation will be set up for this purpose?

**Shri Alagesan:** The National Mineral Development Corporation should be able to look after this. As I said, it is the State Government which is at present, doing it.

**Shri Kashi Ram Gupta:** May I know how long it is expected to take to find out the results of the prospecting and whether the Rajasthan Government, after its successful drilling, will come to a conclusion about forming a corporation there for doing this work?

**Shri Alagesan:** All that will be known only after the State Government is able to get definite data.

### Examination at Secondary School Level

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322 { **Shri Surendra Pal Singh:**  
**Shri Bhagwat Jha Azad:**  
**Shri Yashpal Singh:**  
**Shri Warrior:**  
**Shri Vasudevan Nair:**  
**Shri M. N. Swamy:**  
**Shri P. K. Ghosh:**  
**Shri Kapur Singh:**  
**Shri Kesar Lal:**  
**Shri P. C. Borooah:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that Government have made some "tentative decisions" about changing the pattern of examination at the secondary school level; and

(b) if so, the nature thereof?

**The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna):** (a) and (b). A statement is laid on the Table of the Sabha.

#### STATEMENT

(a) and (b). The Government of India set up a Central Evaluation Unit five years back which is functioning as a part of the National Council of Educational Research and Training and is carrying out research in the field of examination reform. The Central Government is also giving financial assistance to State Governments to set up similar Units. The main objectives of programme for examination reform are:—

- (i) Introduction of objective-based questions in the external examination.
- (ii) Development of essential tools and a system of maintaining cumulative record for internal assessment in schools.
- (iii) Bringing about changes in curricula and syllabi so as to help objective-centred teaching.
- (iv) Improvements in the structure of examinations based on suitable research.

**Shri Surendra Pal Singh:** I learn from the statement that the Central Government set up a Central Evaluation Unit five years back to go into this whole question of examination reforms. May I know whether this Unit has made any specific recommendations uptil now, and, if not may I know how soon it is expected to do so?

**Shri M. R. Krishna:** This is really a big job and we had set up State units also to take up this work. The objects before this Unit are: introduction of objective-based questions in the external examination; development of essential tools and a system of maintaining cumulative record for internal assessment in schools; bringing about changes in curricula and syllabi so as to help objective-centred teaching; and improvements in the structure of examinations based on suitable research.

**Mr. Speaker:** It is all given in the statement.

**Shri M. R. Krishna:** By the end of the Third Five Year Plan, all these units are likely to make recommendations.

**The Minister of Education (Dr. K. L. Shrimali):** I may add that the Central Evaluation Unit which was set up five years ago has already done considerable work in this field. In bringing about reforms in the examinations, tests have to be devised and a literature has to be prepared. All that preliminary work has been done and now hundred per cent grants have been given to the State Governments for setting up State units. We hope that with the Collaboration of the State Evaluation Units the Central Evaluation Unit will be able to function more effectively and also bring about co-ordination.

**Shri Surendra Pal Singh:** In addition to what is already being done in this field, may I know whether there is also a proposal to set up a Seco-

dary Grants Commission on the lines of the University Grants Commission to evolve a uniform pattern of examination at the secondary level in the whole of the country?

**Dr. K. L. Shrimali:** This does not seem to be feasible. In the first place, the Central Government have no power to appoint such a commission. The University Grants Commission is on a different basis; there, the Central Government have the power to determine and co-ordinate standards. The same does not apply to secondary education, because primary and secondary education are entirely in the State field. But everything that is possible is being done with the help of the Central Advisory Board of Education.

**Shri Yashpal Singh:** May I know how many States are reluctant to follow this scheme?

**Dr. K. L. Shrimali:** To which scheme is the hon. Member referring?

**Shri Yashpal Singh:** I want to know how many States are reluctant to follow this changed system of secondary education?

**Dr. K. L. Shrimali:** I think the hon. Member is referring to the State evaluation units. I may inform him that grants have been sanctioned to Andhra Pradesh, Assam, Bihar, Kerala, Madhya Pradesh, Maharashtra, Mysore, UP and West Bengal. The applications from the other State Governments are also being considered.

**Shri Kapur Singh.** May I know whether this changeover in pattern is primarily aimed at separating the academic from the non-academic types at the pre-pubertal stage or whether this change is merely to orientate the education towards faculty developing ends instead of for cramming ends?

**Dr. K. L. Shrimali:** A number of objectives are involved. The main problem in examinations today is that

they are too subjective. An attempt is being made to make them a little more objective, and if the examinations become objective, the cramming element will also naturally be eliminated.

**Shri P. C. Borooah:** May I know whether the proposed change in the pattern of examination would require any real reorientation of the secondary education system also, and if so, what will be the nature of that reorientation and what will be the main difficulties in implementing it.

**Dr. K. L. Shrimali:** It is quite obvious that an examination reform cannot take place unless secondary education also is reoriented. They are both interdependent.

**Shri Daji:** The statement says that the unit has been set up for five years. May I know whether some tentative or interim recommendations at least have come about some objectivity in examinations or tests, and if so, whether those interim recommendations are being implemented?

**Dr. K. L. Shrimali:** Yes, a number of experiments have been made and the results are very promising. If the hon. Member would table a separate question, I would be able to give him detailed information on this subject.

**श्री रामेश्वरानन्द:** मैं यह जानना चाहता हूँ कि जो विद्यार्थी सब विषयों में उत्तीर्ण हो जाते केवल अंग्रेजी भाषा में उत्तीर्ण नहीं हो पाते, तो क्या उनके संबंध में कोई विचार है कि उनको भी उत्तीर्ण समझा जाय ?

**डा० का० ला० श्रीमाली :** जी हाँ, कई जगह ऐसा होता है। सप्लीमेंटरी परीक्षा की व्यवस्था है। जो किसी विषय में अनुत्तीर्ण होते हैं वे कुछ भ्रसे बाद उस विषय में फिर से परीक्षा दे सकते हैं।

**Dr. L. M. Singhvi:** The statement mentions four objectives of the programme of examination reform. I

should like to know what specific steps have been taken in pursuance of these objectives or are proposed to be taken or are being considered.

**Dr. K. L. Shrimali:** As I have said, the Central evaluation unit was set up five years back. Now, the State evaluation units also have been set up. All these units will work in collaboration to achieve the objectives that have been mentioned in the statement.

**Dr. L. M. Singhvi:** I am not concerned about the machinery set up for this. I am concerned about the specific steps taken in pursuance of this or which are being considered or which are proposed to be taken. I am not concerned about the machinery or the collaboration.

**Dr. K. L. Shrimali:** These objectives can only be achieved after the State units have been set up.

**Shri Gauri Shankar Kakkar:** May I know whether there is any proposal to give some consideration to those students who succeed in the home terminal examinations in case of their sudden illness at the time of the final examination?

**Dr. K. L. Shrimali:** This question is different from the main question.

**Mr. Speaker:** He wants to know whether the internal examinations or tests also will be taken into consideration. It is a suggestion for action.

**श्री राम सेवक यादव :** अंभी मंत्री महोदय ने कहा कि सप्लीमेंटरी परीक्षा की व्यवस्था है। मैं जानना चाहता हूँ कि क्या अगले दरजे में दाखिले के लिये सप्लीमेंटरी परीक्षा में पास होने की कोई कैंद है ?

**डा० का० ला० श्रीमाली :** जी हाँ कई जगह ऐसा प्रबन्ध है कि सप्लीमेंटरी परीक्षा के पहले ही लड़कों को अगली कक्षा में दाखिल कर लिया जाता है। बाद में अग्र

वह उस परीक्षा में पास होते हैं तो उसी कक्षा में बने रहते हैं और अगर फल हो जाते हैं तो वापस नीचे की कक्षा में आ जाते हैं।

**श्री म० ला० त्रिचेदी :** केन्द्र ने अपने केन्द्र खोले हैं और राज. केन्द्रों ने अपने केन्द्र खोले हैं। मैं जानना चाहता हूँ कि क्या ये केन्द्र माध्यमिक परीक्षा परिषदों से भी परामर्श लेते हैं जिनको कि इस क्षेत्र का ज्ञान है ? यदि हां, तो क्या ?

**डा० का० ला० श्रीमाली :** जी हां, सब से परामर्श लिया जायेगा।

**Shri S. C. Samanta:** Is it not a fact that Dr. Gayen of Kharagpur Institute of Technology is making research on the system of examination, and if so, what sort of encouragement is being given to him, and on what subjects has he done research?

**Dr. K. L. Shrimali:** Assistance was given by the Central Government for carrying on this project referred to by the hon. Member. This is one of the projects set up by the Government of India.

**Shrimati Savitri Nigam:** It has been mentioned in the statement that one of the main objects of the research centre is to bring about a change in curriculum and syllabi. Have any model syllabi or curricula been sent to this research centre to guide them or not? Also what is the pattern of the grant given to the States?

**Dr. K. L. Shrimali:** We have set up a Council of Educational Research and Training which is looking into all these matters. Modern syllabi and curricula have been prepared. This is a continuous process which is being carried on.

**Shri S. N. Chaturvedi:** Are the tests being given on an experimental basis? Also, what is actually the result of those tests?

**Dr. K. L. Shrimali:** Before a test is finalised, a lot of experiment has

naturally to be done. The test cannot be finalised unless a lot of experiment has been done in the field.

**श्री विभूति मिश्र :** अध्यक्ष जी, सन्, १९२० के असहयोग के जमाने से ले कर आज तक सरकारी और गैर-सरकारी क्षेत्रों में परीक्षा के विभिन्न तरीके निकाले गये। मैं जानना चाहता हूँ कि क्या इस अनुभव के आधार पर सरकार कोई फाइनल तरीका निकालने वाली है जिससे कि हिन्दुस्तान के विद्यार्थियों के आचार और विचार में सुधार हो ?

**डा० का० ला० श्रीमाली :** शिक्षा में कोई सुधार फाइनल नहीं हो सकता। शिक्षा के कार्य-क्रम में निरन्तर सुधार होता रहता है कभी अन्तिम लक्ष्य तक नहीं पहुँचा जा सकता। यह तो जीवन के साथ समन्वित है। जिस प्रकार जीवन में विकास का अन्तिम लक्ष्य कभी नहीं आता वैसे ही शिक्षा में भी कोई सुधार अन्तिम नहीं होता।

**Dr. Sarojini Mahishi:** In view of the fact that the lower 8th and the higher 8th classes are already combined at the secondary level in some States, is it not a fact that students of the higher 8th suffer a loss of one year?

**Dr. K. L. Shrimali:** All these problems are there in the examinations system and there is a considerable loss and wastage. It is for that reason that new methods and new techniques are being evolved.

**Dr. Gaitonde:** In view of the fact that the modern trend in education is towards the elimination of the examination system at the level of secondary education, is the same trend being followed by Government?

**Dr. K. L. Shrimali:** Government does not follow the trend; this trend has to be studied by educational bodies.

**Dr. Gaitonde:** Are the trends being studied?

**Dr. K. L. Shrimali:** Yes.

**श्री क० ना० तिवारी :** अभी मंत्री महोदय ने कहा कि जब लड़के किसी एक विषय में फेल हो जाते हैं तो उनको सप्लीमेंटरी परीक्षा का चांस दिया जाता है और उसके पहले ही उनको आगे के क्लास में भरती कर लिया जाता है। मैं जानना चाहता हूँ कि क्या यह पद्धति सभी प्रान्तों में लागू है या केवल कुछ प्रान्तों में ही ?

**डा० का० ला० श्रीमाली :** जी नहीं, यह सब जगह लागू नहीं है। कहीं कहीं है।

### Coal in Garo Hills

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\*333. { **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**  
**Shri Warrior:**  
**Shri Vasudevan Nair:**  
**Shri Dinen Bhattacharya:**

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 1400 on the 3rd April, 1963 and state:

(a) the action since taken by the National Coal Development Corporation in response to the Assam Government's request to undertake exploration and mining of coal in the Garo Hills; and

(b) whether the overall economics of production of coal in the Garo Hills region has been studied and if so, the result thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) An area of 2,220 acres of land in West Darrangiri has been notified under the Coal Bearing Areas (Acquisition and Development) Act of 1957. The National Coal Development Corporation expects to commence drilling operations in this area soon after the monsoons viz. by about mid-October, 1963. In the meantime, the State Government has been requested to take action for the im-

provement of roads, bridges and culverts in this area to facilitate transport of machinery to the site.

(b) The overall economics will be known only after sufficient prospecting data is available, and a Project Report has been prepared.

**Shri P. C. Borooah:** Has the Assam Government been able to provide funds necessary for construction of roads for developing the coal-bearing areas in Derrangiri? If not, will the National Coal Development Corporation or the Central Government come to its rescue with funds for the purpose?

**Shri Alagesan:** My information is that the Assam Government has undertaken to construct these roads and make them pucca, with bridges etc. and to strengthen them.

**Shri P. C. Borooah:** Does the prospecting done by the Geological Survey of India reveal that there is a large deposit of coal in the area? If so, what is the estimated quantity?

**Shri Alagesan:** Prospecting in respect of one mine with a production programme of 0.25 million tons is expected to be completed in a year's time. Then only the project report will be ready. And thereafter, a second mine also is proposed to be taken up.

**Shri P. R. Chakraverti:** May I know whether any survey has been made about the prospects of raising coal in this area, and if so, what is the estimated stock and the varieties of coal?

**Shri Alagesan:** I partly answered this question before. It is too early to say. Only after this prospecting has been done and the project reports prepared, we shall be able to get an idea of the reserves.

**Shri Swell:** In the prospecting proposed in this area and in making pre-

parations for its exploitation, have the views of the District Council of Garo Hills been taken into consideration, or have they been consulted?

**Shri Alagesan:** I have no information to answer that question whether the District Council of Garo Hills was consulted or not. Originally, it was the Assam Government that wanted to prospect in this area through their State Electricity Board. Then they asked the NCDC to do it. We have agreed to it.

#### Royalty on Bauxite

\*334. **Shri Hari Vishnu Kamath:** Will the Minister of Mines and Fuel be pleased to refer to the reply given to Starred Question No. 906 on the 17th April, 1963 and state:

(a) the nature of the proposals made by the Madhya Pradesh Government with regard to the royalty on bauxite;

(b) whether the proposals have been finally accepted;

(c) whether the rates of royalty are uniform in all the States; and

(d) if not, the reasons therefor?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) and (b). The proposal made by the Government of Madhya Pradesh in respect of varying the present rate of royalty on bauxite has been examined along with the proposals received from the other State Governments and the revised rates of royalty will be announced shortly.

(c) Yes.

(d) Does not arise.

**Shri Hari Vishnu Kamath:** The Minister said, if I heard him aright, that this proposal made by the Madhya Pradesh Government for revising the rate of royalty on bauxite was examined along with the proposals made by other State Governments. Is the House to understand

that the other States also made similar proposals with regard to bauxite or other minerals? If it is other minerals, how can this be lumped with the proposal for other minerals?

**Shri Alagesan:** The question relates to royalty on bauxite.

**Shri Hari Vishnu Kamath:** Bauxite only.

**Shri Alagesan:** I do not have the various recommendations of the other State Governments with me, but their recommendations were with reference to bauxite.

**Shri Hari Vishnu Kamath:** May I know when exactly the Madhya Pradesh Government made this proposals, how many months ago, and for how long Government have been sitting over it, sitting pretty I mean, and not coming to a decision?

**Shri Alagesan:** At present I am not able to mention the date on which the Madhya Pradesh Government made this recommendation. They wanted the royalty to be raised from five to seven and half per cent. Then, this question was considered at a meeting of the Mineral Advisory Board held in May, 1962 at Srinagar. Then there was a discussion between the Central Government and the various State Governments and also private interests, and then certain conclusions were arrived at. Now, they will be notified shortly.

**Shri Hari Vishnu Kamath:** On a point of order, Sir. It is amazing the Minister has said that he does not know when the proposal was made. Either there is something wrong with the files, or he has not been briefed properly by his Secretariat.

**Shri Alagesan:** I said I did not have the information just now. I am prepared to give the information.

**Mr. Speaker:** Can anything amazing be a subject for a point of order?

**Shri Jashvant Mehta:** They have received the proposals from the different States and also from Madhya Pradesh. May I know whether it is the policy of the Government to have uniform rates of royalty all over the country.

**Shri Alagesan:** Yes, it will apply uniformly.

**Shri Jashvant Mehta:** My question is whether they are going to have a uniform rate of royalty in all the States.

**Shri Alagesan:** It will apply uniformly I said.

#### Status of Teachers

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\*335. { **Shri Bibhuti Mishra:**  
**Shri Surendra Pal Singh:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that a meeting of experts from Australia, New Zealand and other countries was held in the last week of May, 1963 in New Delhi to study the status of teachers in Asia;

(b) if so, whether the conference was sponsored by Government; and

(c) the main recommendations of the conference?

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

(b) No, Sir. This meeting of experts was sponsored by the World Confederation of Organisations of the Teaching Profession.

(c) No report of the meeting has been received from the World Confederation of Organisations of the Teaching Profession.

**श्री विभूति मिश्र :** मैं जानना चाहता हूँ कि इस बारे में सरकार का क्या विचार है और वह टीचर्स को क्या स्थान या स्टेटस देना चाहती है ?

**Shri M. R. Krishna:** This is an international organisation which wanted a survey to be conducted in Asia, and they had the first meeting in Delhi. Their recommendations will be forwarded to the national governments. They will be examined and then action may be taken on them.

**श्री विभूति मिश्र :** मैं जानना चाहता हूँ कि हमारी सरकार शिक्षकों के वास्ते कौन सा स्थान और कौन सा स्टेटस चाहती है ? उसका इस बारे में क्या विचार है और वह क्या देना चाहती है ?

**अध्यक्ष महोदय :** माननीय सदस्य ने उस कांफ्रेंस की बाबत पूछा है और उन्होंने बतला दिया कि उस कांफ्रेंस की रिपोर्ट वर्ल्ड कौनफ़ेडरेशन ऑफ़ औरगनाइजेशंस ऑफ़ दी टीचिंग प्रोफ़ेशन के पास जायगी। इनके पास नहीं आयगी।

**श्री विभूति मिश्र :** इस बारे में हमारी सरकार अपने क्या विचार रखती है और वह क्या रिपोर्ट दे रही है ? आखिर इस बारे में हमारी सरकार का भी तो कोई विचार होगा ? मैं अपनी सरकार का विचार जानना चाहता हूँ ?

**अध्यक्ष महोदय :** अपनी सरकार के विचार और इस कांफ्रेंस की रिपोर्ट से क्या संबंध रहेगा ?

**श्री विभूति मिश्र :** इस कांफ्रेंस में हमारी सरकार का क्या कोई प्रतिनिधि गया था, उसने अपनी कुछ राय दी होगी। अब हमारी सरकार दुनिया से बाहर तो नहीं है।

**अध्यक्ष महोदय :** हमारी सरकार दुनिया के अन्दर ही है।

**श्री विभूति मिश्र :** मंत्री जी बतलायें कि हमारी सरकार का क्या विचार है ?

**अध्यक्ष महोदय :** क्या सरकार ने भी कोई राय बतलाई है कि वह क्या चाहती है ?

**Mr. Speaker:** The question is whether we put forward any views on behalf of our Government and, if so, what are our views on this subject. There should be a reply. At least they may say that they do not know.

**Shri M. R. Krishna:** I do not think we have sent any of our representatives to represent the Ministry at this meeting. The non-official who was there has given only his opinion about certain recommendations made in this conference for instance they wanted teachers to be allowed to take part in politics. Excepting this type we do not have any other information.

श्री विभूति मिश्र : श्रीन ए प्वांएट श्रीफ आर्डर, सर । अध्यक्ष महोदय ने जिस प्रश्न को मंत्री महोदय से जानना चाहा है उसका जवाब नहीं मिला है । मंत्री महोदय उसका जवाब दें ।

अध्यक्ष महोदय : अब मैं कोई जबरदस्ती किसी के दिमाग से तो निकाल नहीं सकता हूँ । व यह कह सकते हैं कि हमारे पास जवाब नहीं है ।

**The Minister of Education (Dr. K. L. Shrimali):** This world federation is a non official international organisation and this conference was held under its auspices. There was an Indian representative but that was in a non-official capacity. There were no Government representatives and now that these recommendations have come, Government will give due consideration to these recommendations.

**Shri Surendra Pal Singh:** While inaugurating this conference, the hon. Minister of Education made two categorically different statements on the status of teachers. Firstly, he said that the social and economic uplift of the teachers can only be brought about by the teachers themselves. In the later half of the speech he says: if a country neglects its teachers it does so at its own great peril. May I know how the hon. Minister reconciles these two views? And is it

not a clear indication of confused thinking on this subject on the part of the Ministry?

**Mr. Speaker:** I do not allow this question.

**Shri Surendra Pal Singh:** I am sorry, Sir but may I have the answer to the first part of my question?

**Dr. K. L. Shrimali:** The hon. Member is completely misinformed. I never said that the teachers themselves should raise themselves up. They are paid by society and by Government. Therefore, it is the responsibility of the Government to improve their economic status. What I said was that these legitimate demands of the teachers also give them some responsibilities. The hon. Member is not probably fully informed about this matter.

**Shri S. N. Chaturvedi:** May I know whether the Government is going to wait for the recommendations of this conference or will do something in the matter of raising the status of teachers, particularly primary school teachers who are now almost on a level with the orderlies of the local bodies?

**Dr. K. L. Shrimali:** The House is aware that Government have taken a number of measures to improve the economic and social status of teachers and I am glad to say that by this time the average trained matriculate teacher in India gets Rs. 100. It is not satisfactory and we are not satisfied with that. Government will therefore continue to make further efforts to improve their status. We have told the State Governments that they should draw 50 per cent of assistance from the Central Government for bringing about improvement in the salary of teachers.

श्री शिव नारायण : श्रीमन्, मैं यह जानना चाहता हूँ कि इस कॉर्फिस में भारत की तरफ से नान-आफिशल मेम्बर कौन था ।



**डा० का० ला० श्रीमाली :** सब के नाम तो मैं इस वक्त नहीं बता सकता हूँ। अगर माननीय सदस्य नोटिस दें, तो मैं नाम दे सकता हूँ।

**Shri P. R. Patel:** May I know whether this conference at Delhi was invited by the Government or any private organisation, and if it was by a private organisation, what contribution has been made by the Government?

**Dr. K. L. Shrimali:** The Government does not make any contribution. This is a non-official organisation and they have a branch, a regional office, in Delhi also.

**Shri P. Venkatasubbaiah:** In spite of the best efforts to raise the salary and status of teachers, many of the State Governments are not in a position to give effect to this scheme formulated by the Central Government because of the lack of finance, and if that is so, may I know whether any financial assistance outside the Plan is given to such States as need help to improve their position and meet the difficulty?

**Dr. K. L. Shrimali:** I do not know how assistance can be given outside the Plan. The Plan itself has to operate within a certain framework. They have to draw assistance from the Central Government within the Plan.

**Shri S. M. Banerjee:** May I know whether the attention of the hon. Minister has been drawn to press reports that the Delhi Teachers' Association has demanded the appointment of a Pay Commission to go into the conditions of teachers and, if so, what is the reaction of the Government?

**Dr. K. L. Shrimali:** We are shifting from this conference to salaries of primary school teachers and now from that to the Delhi Teachers' Association!

**Shri S. M. Banerjee:** He is trying to better the condition of teachers and said—

**Mr. Speaker:** One should not go from one answer to another and from one supplementary another point arises. Then we go far away from the real question. This does not arise out of the question.

**Shri Kapur Singh:** May I know from the Minister of Education whether during these deliberations the term 'status' was understood as meaning merely money-based social estimation or non-material prestigiousness, and if it was the former, is there any hope of our ever being able to raise the status of the school teachers in our country in the foreseeable future?

**Dr. K. L. Shrimali:** A copy of the report will be placed on the table and the hon. Member can refer to it.

#### Explosives and Detonators

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- \*336. { **Shri Rameshwar Tantia:**  
**Shri Basumatari:**  
**Shri Yashpal Singh:**  
**Shri Bishanchander Sefla:**

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

(a) whether it is a fact that Union Government have taken a decision to set up a Committee to review the position of explosives and electric detonators for the collieries;

(b) if so, whether any report has been submitted by the Committee; and

(c) if so, the main features thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) to (c). An Explosives Committee has been set up in the office of the Coal Controller to review the demand and supply position of explosives and detonators and their shipping programme. The Committee meets periodically and keeps the Government informed. The Com-

mittee is not required to submit any report as such.

**Shri Rameshwar Tantia:** May I know whether it is a fact that on account of the drastic cut in the imports of explosives, the coal mines' working and production have suffered and, if so, what steps are under the consideration of Government to improve the situation?

**Shri Alagesan:** Sometime last year that was the case, but now the position is very satisfactory, and we were able to import. There was some fault in the distribution arrangements; that has also been set right and this Committee, set up by the Coal Controller, is looking after this question. Now the position is comfortable.

**Shri Rameshwar Tantia:** May I know whether steps are being taken to manufacture these explosives in the country and, if so, whether they are undertaken in the public sector or the private sector?

**Shri Alagesan:** I am not able to answer that.

**Shri Basumatari:** May I know whether the indigenous production of detonators is sufficient to meet the demand of the country?

**Shri Alagesan:** As far as electric detonators are concerned, the supply is sufficient up to the middle of December, 1963.

**श्री यशपाल सिंह :** क्या मैं जान सकता हूँ कि इस कमेटी के लिये जो लोग चुने गये हैं व किस किस फ़ाइटरिया से चुने गये हैं और उन महानुभावों के नाम क्या हैं ?

**Shri Alagesan:** These detonators are required by coal mines and other mines too, and even by power projects where there is drilling.

**श्री यशपाल सिंह :** मेम्बरज के नाम और उनको चुनने के फ़ाइटरिया ?

**अध्यक्ष महोदय :** फ़ाइटरिया उनके पास नहीं है, क्योंकि वे नहीं करते हैं।

**श्री यशपाल सिंह :** कमेटी के सदस्यों के नाम क्या हैं ?

**Shri Alagesan:** This Committee has been set up by the Coal Controller. The Deputy Coal Controller, Production, is the convener of the Committee. The Joint Working Committee of the Coal Mining Industry, the Indian Chemical Industries, Ltd., the Indian Detonators, Ltd., and the Mining Machinery and Explosives, Ltd., are represented on this Committee.

रैंड बांध

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\*३३७. { श्री भक्त दर्शन :  
श्री वारियर :  
श्री वासुदेवन नायर :  
श्री दीनेन भट्टाचार्य :  
श्री स० मो० बनर्जी :  
श्री वीरेन्द्र बहादुर सिंह :  
श्री भतगवत झा आजाद :  
श्री बालकृष्ण वासतिक :

क्या गृह-कार्य मंत्री १० अप्रैल, १९६३ के तारांकित प्रश्न संख्या ९१९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या उत्तर प्रदेश सरकार तथा मध्य प्रदेश के बीच रैंड बांध से प्राप्त बिजली तथा पानी के वितरण पर के प्रश्न पर विचार करने के लिये नियुक्त उच्चाधिकारियों की समिति ने अपनी अतिम सिफारिशें प्रस्तुत कर दी हैं ; और

(ख) दोनों राज्य सरकारों में स्थायी समझौता कराने में कहां तक सफलता मिली है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हज़रतबीस) : (क) और (ख) समिति की दो बैठकें हुईं लेकिन अपनी सिफारिशों पर सहमत नहीं हो सकीं। अतः जो मध्य

क्षत्रीय परिषद की पिछली बैठक १ और २ जुलाई, १९६३ को नैनीताल में हुई, उसमें इस मामले पर पुनः विचार विनिमय किया गया। इस बैठक में मध्य प्रदेश और उत्तर प्रदेश की सरकारों के बीच रिहंद बांध से मध्य प्रदेश को बिजली देने के बारे में एक समझौता हुआ। पिछली बैठक की कार्यवाही, की प्रतियां, जिसमें परिषद के निर्माण भी होंगे, अंतिम रूप देने के बाद तथा शीघ्र संसद पुस्तकालय में रख दी जायेंगी।

[ (a) and (b). The Committee met twice but was not able to make any agreed recommendations. The matter was, therefore, again discussed at the last meeting of the Central Zonal Council held at Nainital on 1st and 2nd July, 1963. A settlement between the Governments of Uttar Pradesh and Madhya Pradesh in regard to the supply of power from Rihand Dam Project to Madhya Pradesh was reached at that meeting. Copies of the proceedings embodying the decisions of the last meeting of the Council will be placed in the Parliament Library, as soon as they are finalised).

**श्री भक्त दर्शन :** श्रीमन्, इन दो महत्वपूर्ण राज्यों की सरकारों के बीच में जो सम्मानपूर्ण समझौता हुआ है, उस के लिये हार्दिक बधाई देते हुए मैं यह जानना चाहता हूँ कि उस समझौते की स्पष्ट शर्तें क्या हैं, जिन के आधार पर यह निश्चय किया गया है ?

**Shri Kapur Singh:** Sir, can *hardik badhai* be given while putting a supplementary question?

**अध्यक्ष महोदय :** नहीं दे सकते हैं।

**गृह-कार्य मंत्री (श्री लाल बहादुर शास्त्री):** मैंने समझा था कि मझे बधाई का मौका मिल जायेगा, लेकिन आप ने इजाजत ही नहीं दी है।

जहां तक शर्तों की बात है, रिहंद डैम से १५ फीसदी बिजली मध्य प्रदेश सरकार

को मिलेगी और माताटीला डैम से एक-तिहाई बिजली उस को मिलेगी। जहां तक उस की कीमत की बात है, उस की जो कास्ट है, उस के ऊपर पांच फीसदी। वह कीमत माताटीला डैम के लिये भी है।

**श्री भक्त दर्शन :** श्रीमन्, इस से पहले कि मैं दूसरा प्रश्न पूछूँ, मैं आप की आज्ञा से कहना चाहता हूँ कि आप ने व्यवस्था दी है कि यदि हमारे मंत्री महोदय कोई अच्छा काम करें, तो हम उन को बधाई नहीं दे सकते हैं।

**अध्यक्ष महोदय :** इस वक्त आप इन्फ-मेशन, इतिला, पूछ सकते हैं। बधाई देने के और भी कई अवसर मिलते हैं।

**श्री भक्त दर्शन :** बहुत अच्छा।

मैं जानना चाहता हूँ कि यह जो समझौता हुआ है, क्या वह समझौते की तारीख से लागू कर दिया गया है, या कोई और तारीख निश्चित की गई है। और उस समझौते के पालन के लिये क्या दोनों राज्य सरकारों पर कोई जिम्मेदारियां भी सौंपी गई हैं, या वे लाभ ही लाभ उठा सकेंगी ?

**श्री लाल बहादुर शास्त्री :** जहां तक तारीख वगैरह की बात है, वह तो उन की सुविधा पर छोड़ दिया गया है। जैसे भी सहूलियत से, जितनी जल्दी, वे उस को लागू कर सकें, करें। इस बारे में दोनों राज्य सरकारों में आपस में कोई शको-शुबहा नहीं है कि कोई उस पर पूरी तरह से अमल नहीं करगी। उम्मीद है कि इस में कोई बाधा उपस्थित नहीं होगी।

**श्री दाजी :** सेंटलमेंट हो गया है। अब यह झगड़ा पंदा करना चाहते हैं।

**अध्यक्ष महोदय :** यहां तो झगड़ा न कीजिए।

**श्री स० मो० बनर्जी :** माननीय मंत्री जी ने बताया है कि उत्तर प्रदेश सरकार और

मध्य प्रदेश सरकार में संतोषजनक फैसला हो गया है। मैं यह जानना चाहता हूँ कि चूँकि इस वक्त एसी परिस्थिति पैदा हो चुकी है कि दोनों सरकारों के मुख्य मंत्री इस्तीफा दे चुके हैं, इस लिये उस समझौते को लागू कौन करवायेगा। केन्द्र करवायेगा या और करवायेगा।

**श्री लाल बहादुर शास्त्री :** सरकार तो बावजूद इस्तीफा देने के जिन्दा है और जिन्दा रहेगी। सरकार नहीं मरती है।

**श्री वीरेन्द्र बहादुर सिंह :** आपने अभी बताया है कि माताटीला डैम और रिहांद के बारे में कि १५ परसेंट टोटल पावर का प्लस ५ परसेंट वे प्राफिट देंगे और माताटीला से ३३ परसेंट पावर और ५ परसेंट प्राफिट देंगे। मैं जानना चाहता हूँ कि उत्तर प्रदेश ने क्या यह शर्त रखी है कि उसी हालत पर वह देने को तैयार होंगे जब कि मध्य प्रदेश की गवर्नमेंट अपने इलाके से रेलव लाइन माताटीला तक ले जाने के लिये हुकम दें और मध्य प्रदेश में जो सिंगरेनी कोल फील्ड्स हैं या जो दूसरे कोलफील्ड्स हैं, उन से कोल दें? यह जो शर्तें हैं, क्या यह उन को मंजूर हैं?

**अध्यक्ष महोदय :** जब सवाल इतना लम्बा है तो जवाब कितना लम्बा चाहिये?

**श्री लाल बहादुर शास्त्री :** इस का जवाब मैं बहुत संक्षेप में देता हूँ। बिना किसी शर्त के और बिना उन शर्तों के जो माननीय मद्रस्य ने बताई हैं, यह समझौता हुआ है।

**श्री रा० स० तिवारी :** माताटीला से अभी एक तिहाई बिजली देने के बारे में समझौता हुआ है। मैं जानना चाहता हूँ कि उस में पानी भी कुछ मध्य प्रदेश की सरकार को देना तय हुआ है?

**श्री लाल बहादुर शास्त्री :** जहाँ तक बिजली की बात है वह मैंने आप को बताई है।

लेकिन पानी और बिजली दोनों की बात भी मध्य प्रदेश और रिहांद बांध और माताटीला से हो सकती है। लेकिन जितनी बात हुई है, बिजली के सम्बन्ध में हुई है।

### Natural Resources under Continental Shelf

**\*338. Dr. L. M. Singhvi:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether Government have explored the possibility of exploiting natural resources under the continental shelf;

(b) if so, the nature of the work done so far and the possibilities indicated; and

(c) if the reply to part (a) above be in the negative, the reasons therefor?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) The Oil and Natural Gas Commission have started geophysical surveys for oil and natural gas in the continental shelf in the Gulf of Cambay.

(b) Seismic surveys have been started this year. Sufficient data have not yet been collected to assess the prospects of the area.

(c) Does not arise.

**Dr. L. M. Singhvi:** Is the Government aware of the very considerable progress that has been made in this field in foreign countries and, if so, may I know whether the Government has made any efforts to secure collaboration from foreign countries which have made progress in the field of exploration of resources from the continental shelf?

**Shri Alagesan:** We are just now in the stage of making surveys and if these surveys are encouraging we will have to start drilling work. We have no experience of drilling in off-shore regions. So, we may have to go in for foreign assistance at that time.

**Dr. L. M. Singhvi:** What different resources, apart from oil and natural gas, are proposed to be explored in the continental shelf and may I know whether any comprehensive programme for the exploration of the resources has been drawn up or is proposed to be drawn up shortly?

**Shri Alagesan:** We are now restricting ourselves to oil and natural gas.

**Mr. Speaker:** Next question.

**Dr. L. M. Singhvi:** Sir, he has not answered my question whether a comprehensive programme is to be drawn up for the exploration of other resources in the continental shelf. It is a very important question.

**Mr. Speaker:** He has said that he is restricting himself only to these. That is what he said.

#### Pro-Peking Communists

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\*339. { **Shri P. R. Chakraverti:**  
**Shri Sidheshwar Prasad:**  
**Shri Sham Lal Saraf:**  
**Dr. L. M. Singhvi:**  
**Shri Hem Raj:**  
**Shri Kachhavaia:**  
**Shri Raghunath Singh:**

Will the Minister of Home Affairs be pleased to state:

(a) whether the attention of the Union Government has been drawn to the statement made by the Chief Minister of West Bengal on the 30th May that pro-Peking Communists were continuing their activities in the border areas of West Bengal; and

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

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) The Government of India has seen a Press report regarding the information given to newsmen by the

Chief Minister of West Bengal on 30th May, 1963.

(b) Government keeps a close watch and adequate action is taken when required.

**Shri P. R. Chakraverti:** In view of the outspoken statement made by the Chief Minister of West Bengal, a border State of strategic importance, has the Government of India acquainted itself with the activities of these Communists and the strategy of their action?

**The Minister of Home Affairs (Shri Lal Bahadur Shastri):** Yes, Sir. We are trying to get ourselves in touch with the activities of this group of Communists and, as replied to in the answer just now read out by my colleague, necessary action will be taken as and when called for.

**Shri P. R. Chakraverti:** Is it a fact that a network of organisations has been set up interlinking the cadre of workers working underground and the leaders detained in jails?

**Shri Lal Bahadur Shastri:** They do try their level best to strengthen themselves and to make their organisation strong, but I do hope that Shri Chakraverti will not give them more credit than what is due to them.

**श्री सिद्धेश्वर प्रसाद :** क्या यह सच है कि चीनी रंग ढंग के समर्थक जो कम्युनिस्ट हैं, उन में से कुछ के पास से बेतार के तार यानी ट्रांसमिटर सैट भी पाए गए हैं, यदि हां तो कितने और कहां पाए गए हैं ?

**श्री लाल बहादुर शास्त्री :** सरकार को इस की सूचना नहीं है ।

**Dr. L. M. Singhvi:** What is the nature of pro-Peking activities alleged to have been carried on by these Communists, have any prosecutions been launched and what is the result of those prosecutions?

**Shri Lal Bahadur Shastri:** Their general activity is to carry on propaganda and preach views which in a way are helpful to the Chinese or to their way of thinking. In so far as action is concerned, a few of them have been detained and are in detention.

**श्री कछवाय :** पेंकिंग समर्थक लोगों में ऐसे कितने हैं जो चीनी भाषा जानते हैं और यहां से उस के समाचार पहुंचाते हैं. . .

**श्री हरि विष्णु कामत :** भाषा जानना कोई गुनाह नहीं है ।

**श्री कछवाय :** क्या हमारी सरकार ने ऐसी व्यवस्था की है कि उन की भाषा को समझ कर, उसकी सूचना सरकार को मिले ?

**श्री लाल बहादुर शास्त्री :** कितने उन में चीनी भाषा जानते हैं यह अगर आप अपने पड़ोसियों से भी पूछना चाहे तो वे नहीं जान सकते हैं । मुझे मालूम नहीं है ।

**Shri Nambiar:** May I know whether it is a fact that the Government are aware that all the Communists in India have agreed to the Resolution of the National Council of the Communist Party and that there is nothing like a pro-Peking wing inside the Communist Party? Has the Central Committee of the Communist Party denied. . . . . (Interruptions)?

**Shri Raghunath Singh:** You are a back member now.

**Shri Nambiar:** We want to know this because it is an accusation against the Party, that is, their saying that a section of the Party. . . (Interruption).

**Dr. L. M. Singhvi:** It is not an allegation against the Party. It is a reflection on . . . (Interruption). We have not made any allegation against the Party.

**Shri Lal Bahadur Shastri:** I very much wish what Shri Nambiar has

stated was correct; but unfortunately it is not so. In spite of the official line adopted by the Communist Party of India, there are some friends or, shall I say, comrades who do not entirely agree with the approach of the official resolution. They do not agree with that.

**Shri Kapur Singh:** Are they very considerable? (Interruption).

**Mr. Speaker:** Shri Raghunath Singh.

**श्री रघुनाथ सिंह :** प्रॉ-पेंकिंग कम्युनिस्ट जो हैं, उन की बंगाल में तादाद कितनी और उन की पालिसी ईस्ट पाकिस्तान के प्रति क्या है ?

**श्री लाल बहादुर शास्त्री :** उन की तादाद को बता कर मैं माननीय सदस्य को डराना नहीं चाहता हूं । तादाद की बात मैं कहना भी नहीं चाहता हूं, क्या संख्या है, यह बतलाना भी नहीं चाहता हूं । जहां तक ईस्ट पाकिस्तान के सम्बन्ध की बात है, जो पाकिस्तान के सम्बन्ध में साधारणतः नीति है, वही नीति उन की भी है ।

**Shri N. R. Ghosh:** Is the hon. Minister aware that in the border districts of Darjeeling and Jalpaiguri, in the tea gardens in this peak season there is another attempt being made by the Communists there to foment strikes and to create disaffection and if they succeed in that, will it not affect the foreign exchange earning capacity of the country?

**श्री रामेश्वरानन्द :** अध्यक्ष महोदय. . .

**अध्यक्ष महोदय :** क्या मैं उन को जवाब देने से रोक दूं ?

**Shri Lal Bahadur Shastri:** I am not aware if there is a threat of a strike in the tea gardens at present. If it is there, or if anything is to develop on those lines, the West Bengal Government will naturally do the need-

ful. It is true that in Darjeeling their activities are more intense than in other areas of West Bengal.

**Shri Maman:** In view of the alleged pro-Peking activities of the Communist Party of India in the border areas, particularly, in Darjeeling District, may I know what specific measures are being taken by the Government to counteract this propaganda and also to disabuse the minds of a section of more gullible people there?

**Shri Lal Bahadur Shastri:** Government, of course, will do what its duties are. But in this matter it is more important, if I may be permitted to say so, for the non-officials and for other political parties to fight that kind of approach.

**Shri Thirumala Rao:** May I know whether, the Chief Minister of West Bengal besides taking the public into confidence with regard to that situation in a press conference, has been in direct touch with the Central Government and has sought the cooperation of the Centre in dealing with this situation?

**Shri Lal Bahadur Shastri:** West Bengal and its Chief Minister are strong enough to deal with the situation. They need not take our help.

**श्री रामेश्वरानन्द :** क्या मैं जान सकता हूँ कि जो इस देश के कम्युनिस्ट वर्तमान सरकार का समर्थन कर रहे हैं वे ऊपर ऊपर से ही कर रहे हैं और अन्दर से वे पीकिंग के समर्थक हैं ? क्या सरकार के पास कोई पहचान है कि यह भारत के समर्थक हैं और यह पीकिंग के ?

**श्री लाल बहादुर शास्त्री :** जो भीतर हृदय की बात है यह तो सन्यासी ही जान सकते हैं ।

**श्री राम सेवक यादव :** मैं जानना चाहता हूँ कि उन कम्युनिस्टों में जो कि पीकिंग के पक्ष के नहीं हैं लेकिन सरकार विरोधी हैं

और दूसरे कम्युनिस्टों में जो कि पीकिंग के पक्ष के हैं सरकार कोई भेद करती है ?

**श्री लाल बहादुर शास्त्री :** सरकार विरोधी तो श्री यादव भी हैं, इसलिये यदि साम्यवादी सरकार के विरोधी हैं तो हम इस पर आपत्ति कैसे कर सकते हैं । हां पीकिंग के सम्बन्ध में कोई बात हो तो हम अवश्य ही उस पर विचार करेंगे ?

**श्री प्रकाशवीर शास्त्री :** क्या मैं जान सकता हूँ कि बंगाल के सीमावर्ती क्षेत्र के अतिरिक्त उत्तर प्रदेश, राजस्थान और बिहार के सीमा वर्ती क्षेत्रों में भी कुछ इस प्रकार का पता लगा है कि उन में पीकिंग के समर्थक साम्यवादी रहते हैं, क्या उन के पास किसी प्रकाशन सामग्री अथवा शस्त्रास्त्र होने की सूचना भी सरकार को मिली है ?

**श्री लाल बहादुर शास्त्री :** जैसा मैं ने कहा माननीय सदस्य इस दल को जरूरत से ज्यादा अहमियत और महत्व दे रहे हैं । जैसा मैं ने कहा, बंगाल या उस के आस-पास ज्यादातर इस विचार केलोग हैं । कुछ थोड़े बहुत और भी हो सकते हैं । मगर गवर्नमेंट के काम यह नहीं है कि हर वक्त जबर्दस्त तरीके से उसके पीछे लगे रहे । यह बात ठीक है कि हमें पता रखना चाहिये और जैसी जरूरत हो उस के अनुसार कार्यवाही करनी चाहिये ।

**Shri Hem Barua:** May I know if the attention of Government has been drawn to a statement made by the West Bengal Minister for Prisons in the legislature to the effect that Mr. Dange received a sum of Rs. 2,58,000 from Peking?

**Mr. Speaker:** Order, order; that is not relevant here.

**Shri Hem Barua:** I will come to that. I will connect it up.

**Mr. Speaker:** I have got another separate notice for it. Now he might confine himself to the present question.

**Shri Hem Barua:** If I fail to connect it up, then you may disallow it. This is my humble submission.

**Mr. Speaker:** That is not relevant here. I have got another separate notice for that.

**Shri Hem Barua:** If so, may I know whether Government can enlighten us on the percentage of this huge money that went into the work or activities of the pro-Peking communists in this country? This is very relevant. It can be linked up like that.

**Shri Lal Bahadur Shastri:** It is a separate question altogether. I would like that a fresh notice may be given for that.

**Shri Hari Vishnu Kamath:** Has the attention of the Home Minister been drawn to certain press reports—and have they been corroborated by reports from his own sources—to the effect that the West Bengal unit of the Communist Party of India is dominated—we do not want to know the numbers if he does not want to give them—by the pro-Peking section and China still adheres to its plan of making West Bengal the base or spearhead for its ideological and other offensive in India and, if so, has Government taken care to smash all possible links, such as, the hundreds of phoney Chinese shops and establishments, in Calcutta, Kalimpong and elsewhere by now?

**Shri Lal Bahadur Shastri:** I do not think that those who believe in the pro-Chinese policy are being led by China. This is my opinion. It may be not entirely correct. I feel that they hold those views on their own. In so far as their getting any kind of guidance or assistance from the Chinese who are living in those areas is concerned, I must say that they are not such people as are against India or are in any way indulging in any kind of anti-Indian activity. As regards those Chinese against whom we had some suspicions or doubts, as the hon. Member is aware, we detained

them, and quite a few of them are still under detention. So, those outside are from the Government's point of view quite safe people.

**Shri Hari Vishnu Kamath:** The latter part of my question has not been answered. I want to know whether the hundreds of phoney Chinese establishments and shops in Calcutta, Kalimpong and elsewhere in West Bengal are still functioning, or whether they have been closed down, particularly, those in Calcutta and Kalimpong.

**Shri Lal Bahadur Shastri:** Some of them, or rather most of them, especially in Assam are now closed, and many of them in Bengal also have been closed.

**Shri Ramanathan Chettiar:** We hear of pro-Peking group and pro-Russian group. I want to know whether Government have assessed whether there is really a pro-Indian group amongst the Communist Party of India, and if so, what the percentage of them is.

**Mr. Speaker:** Order, order. Next question.

**Shrimati Vimla Devi:** Look at the resolution of our National Council. *(Interruptions)*.

**Shri Ramanathan Chettiar:** Sir, there has been no answer to my question.

**Shri Daji:** I can give the answer. Here we are, the pro-Indian group, sitting here.

**Mr. Speaker:** Order, order.

**Shri Ramanathan Chettiar:** If so, what is the percentage? Have Government assessed the percentage?

**Mr. Speaker:** Order, order. Why should the hon. Member Shri Daji give an answer when I have not allowed the question at all?

**Shri Daji:** May I submit that we cannot allow a one-sided statement to go to the press? We cannot allow that



one-sided statement to go to the press without its being challenged.

**Mr. Speaker:** When the question itself has been disallowed, where is the need to give an answer?

**Shri Daji:** The correct position has to be explained. Otherwise, it is a wrong statement which has been made and that will have to be expunged. I cannot allow a one-sided report to go to the press. Therefore, I have given that answer. No insinuations should be allowed in the form of a question.

**Mr. Speaker:** Therefore, I did not allow it. Therefore, Members are not to answer the question.

**Shri Tyagi:** Why should he answer? Is he on the Treasury Benches?

**Mr. Speaker:** Order, order. Next question.

दिल्ली के लिये दूसरा विश्वविद्यालय

\*३४१. श्री प्रकाशवीर शास्त्री : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली में दूसरा विश्वविद्यालय स्थापित करने के सम्बन्ध में और क्या प्रगति हुई है ;

(ख) विश्वविद्यालय का भवन कब तक बन कर तैयार हो जायेगा ; और

(ग) अनुमानतः इस विश्वविद्यालय के निर्माण पर कितना धन व्यय होगा तथा क्या उस में किसी विदेशी सरकार से भी सहयोग मिलने की संभावना है ?

**The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna):** (a) The Committee appointed by the University of Delhi to undertake a study of the problem held its last meeting on the 20th August, 1963. Its report is awaited.

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

श्री प्रकाशवीर शास्त्री : क्या मैं जान सकता हूँ कि दिल्ली में दूसरा विश्वविद्यालय बनाने की योजना केवल इस दृष्टि से है कि वर्तमान दिल्ली विश्वविद्यालय में छात्रों की संख्या अधिक है अथवा कुछ और विषय इस प्रकार के हैं जिनको इस दूसरे विश्वविद्यालय के माध्यम से पढ़ाने की व्यवस्था की जायेगी ?

**Shri M. R. Krishna:** All these things are being considered by the Academic Council, these were considered at their meeting which was held on 20th August, 1963. In September, they will be having another meeting in which they will discuss these things further. . .

**Mr. Speaker:** The question is whether the necessity for a second university has arisen because there is a large number of students who cannot be accommodated in one university or whether there are other considerations for coming to that decision. I suppose that that was the question.

**Shri M. R. Krishna:** The number of students is great, this is one of the reasons and, therefore, this decision had to be taken by the Academic Council.

श्री प्रकाशवीर शास्त्री : पिछले संसद के अधिवेशन में शिक्षा मंत्री जी ने एक प्रश्न का उत्तर देते हुए बतलाया था कि वह प्रश्न विचाराधीन है । क्या मैं जान सकता हूँ कि इस पर कब तक अन्तिम निर्णय हो जाने की संभावना है ?

**Shri M. R. Krishna:** There was a slight delay in this because there was already a proposal to start a national university in Delhi with collaboration of the Ford Foundation. In the meantime, the emergency set in, and, therefore, there was delay. Since the proposal to start a national university has been dropped, the Second university might spring up.

**श्री शिव नारायण :** क्या सरकार को यह मालूम नहीं है कि लगभग ३००० विद्यार्थी दिल्ली से गाजियाबाद पढ़ने के लिये जाते हैं? इस आवश्यकता को देखते हुए, मैं जानना चाहता हूँ, सरकार को यहां एक यूनिवर्सिटी खोलने में क्या आफत है? लगभग ३००० विद्यार्थी रोज गाजियाबाद जाते हैं और इस की यहां पर इतनी मांग है।

**Shri M. E. Krishna:** Do you want me to reply to this question?

**Mr. Speaker.** If there is a reply to that question, it might be given.

**Shri M. E. Krishna:** For starting a new university we require lot of funds and also the technical people to handle them. These are the things which are being considered by the Academic Council which has rightly decided now to hold its final meeting in September and decide over the setting up of the second university.

**Shri Ranga:** Where is the need for an additional university in Delhi city, when there is already one university here? What is it that a new university is going to do? Is it going to be another college? Otherwise it would only add to overhead expenses.

**Dr. K. L. Shrimali:** The number of students has considerably increased during the last few years. After all, one university can look after only a limited number of students. The roll on the colleges was nearly 20,774, of which approximately 14,000 were studying in the colleges located at Delhi and the remaining 7,000 were catered for by the colleges in New Delhi. These figures relate to 1961. The student population is continuously increasing and it will increase further.

This question has been before Government. As the hon. Member pointed out, a number of students have to go outside Delhi for their education, which is not a satisfactory arrange-

ment. As soon as possible, we should have a new university in Delhi.

Moreover, the students have to travel 45—50 miles and have to spend two hours in going and coming from the university to their homes in New Delhi. If there is a university in New Delhi, they will not have to waste so much time. That is also an important consideration.

**Shri Man Sinh P. Patel:** Am I to understand that the circular issued by the authorities not to open additional universities in different States will be relaxed in view of this decision?

**Dr. K. L. Shrimali:** There was this reference in the last meeting of the National Development Council which took place immediately after this action. It was suggested that we might call a halt to the opening of new universities for the time being but I do not think that can stand for very long. Higher education will have to be developed in this country and to that end Government has to take action.

**Shri U. M. Trivedi:** Does the hon. Minister want to convey that the Delhi University has no right to affiliate colleges situate in New Delhi?

**Dr. K. L. Shrimali:** There is no such suggestion. At present, there are colleges in New Delhi which are affiliated. But what the pattern of the New Delhi University would be is a matter of detail which will have to be discussed by the various academic bodies. But I am quite certain that there is need for a new University in New Delhi.

#### WRITTEN ANSWERS TO QUESTIONS

##### Standardised Text-Books

\*340. **Shri Indrajit Gupta:** Will the Minister of Education be pleased to state:

(a) whether any new steps have recently been taken for preparation of

standardised text-books for secondary schools;

(b) if so, which subjects have been given priority; and

(c) whether the new textbooks will be published simultaneously in different languages?

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

(b) Physics, Chemistry, Biology, History, Geography, Mathematics and Hindi.

(c) Text-books other than those for Hindi will in the first instance be prepared in English. They will then be rendered in Hindi and also made available to the State Governments to be rendered in the regional languages, if any State Government decides to adopt the books.

**Compensation for Land Acquired in Delhi**

\*342. { **Shri Buta Singh:**  
**Shri Kapur Singh:**

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

(a) whether attention of the Government of India has been drawn to a news-item in the *Indian Express* dated the 7th June, 1963 in which it was reported that a number of cases of impersonation regarding claims for the payment of compensation of land acquired by Delhi Administration for Master Plan have come to light; and

(b) if so, the number of such cases of impersonation reported and the total amount involved?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) and (b). Ten cases of alleged impersonation, involving claims worth Rs. 76,973.57 nP. have come to the knowledge of the Government. These cases have been registered with the Police and are under investigation.

**Retired Civil Servants in Private Firms**

\*343. { **Shri V. B. Gandhi:**  
**Shri Raghunath Singh:**  
**Shri Bibhuti Mishra:**  
**Dr. L. M. Singhvi:**  
**Shri Sham Lal Saraf:**  
**Shri P. K. Deo:**  
**Shri D. D. Mantri:**

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

(a) the number of retired members of the All-India Services like I.C.S., I.A.S., and I.P.S. who sought permission of the Home Ministry during the last three years to join commercial firms;

(b) whether permission was refused in any case; and

(c) if so, the number of cases and the grounds for refusal of such permission?

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

Year	I.C.S.	I.A.S.	I.P.	I.P.S.	IMS	ISE	Total
1960	5	8	2	4	—	—	19
1961	5	8	1	3	1	1	19
1962	3	4	1	7	—	—	15

(b) Permission was refused in two cases as the officers concerned had been officially associated with the firms in which they wanted to take up employment.

**Singareni Collieries**

\*344. { Shri Ramachandra Ulaka:  
Shri Dhuleshwar Meema:

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Starred Question No. 444 on the 23rd January, 1963 and state:

(a) whether Government have since considered the question with regard to the participation between the Centre and the Andhra Pradesh Government in the equity capital of Singareni Collieries Company; and

(b) if so, the board features thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) and (b). It has now been agreed between the Government of India and the Government of Andhra Pradesh that the existing pattern of participation between the Centre and the State, in the ratio of 40:60 in the equity capital of the Company, should continue. The authorised capital of the Singareni Collieries Company is to be raised from the existing Rs. 4 crores to Rs. 9 crores in the Third Plan in view of the Company's expansion programme. The Central Government has agreed to advance a loan of Rs. 3 crores in the years 1964-65 and 1965-66 to the State Government to enable it to subscribe its share of the additional equity capital.

**New Oil Site Near Ahmedabad**

\*345. **Shri Bishwanath Roy:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether oil has been struck recently at any new site near Ahmedabad; and

(b) if so, the particulars thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Yes, Sir.

(b) Oil was struck in July, 1963 in Bareja well No. 1, located near Navagam village, about 15 miles from Ahmedabad city.

**अखिल भारतीय माध्यमिक परीक्षा**

\*३४६. { श्री भागवत झा झाजाव :  
श्री भक्त वर्मान :  
श्री मोहन स्वरूप :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय माध्यमिक शिक्षा बोर्ड, दिल्ली ने अखिल भारतीय माध्यमिक परीक्षा के लिये शिक्षा कार्यक्रम तथा पाठ चर्चा तैयार की है;

(ख) यदि हां, तो इस पाठचर्चा के अनुसार परीक्षायें करने की योजना कब कार्यान्वित की जायेगी; और

(ग) योजना की मुख्य बातें क्या हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीकाली): (क) से (ग). एक विवरण सभा पटल पर रखा जाता है [पुस्तकालय में रखा गया, देखिये संख्या LT 1583/63]

**हिन्दी माध्यम से विज्ञान की पढ़ाई**

\*३४७. { श्री यशपाल सिंह :  
श्री भागवत झा झाजाव :  
श्री प्र० कु० घोष :  
श्री कपूर सिंह :  
श्री केसर लाल :  
श्री प्र० के० देव :  
श्री सिद्धेश्वर प्रसाद :  
श्री दे० जी० नायक :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने विश्वविद्यालय स्तर पर हिन्दी माध्यम से विज्ञान की पढ़ाई की कोई योजना बनाई है ;

(ख) क्या इस कार्य के लिये कुछ विश्व-विद्यालयों में विशेष विभाग खोलने का विचार है ; और

(ग) योजना की रूप रेखा क्या है तथा यह कब से लागू की जायेगी ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली)

(क.) विश्वविद्यालय स्तर पर हिन्दी के माध्यम से विज्ञान पढ़ाने जैसी कोई योजना भारत सरकार ने नहीं बनाई है । लेकिन सरकार ने हिन्दी तथा अन्य प्रादेशिक भाषाओं के साहित्य के निर्माण के लिये एक कार्यक्रम शुरू किया है, ताकि उनका साहित्य, विशेषतया विज्ञान और टेक्नोलोजी के क्षेत्रों में समृद्ध हो सके और अंग्रेजी से हिन्दी तथा प्रादेशिक भाषाओं में शिक्षण के माध्यम के परिवर्तन में भी सुविधा हो सके ।

(ख) इस समय, हिन्दी में साहित्य निर्माण के लिये कुछ विश्वविद्यालयों में विशेष विभाग खोले जा रहे हैं ।

(ग) योजना की प्रमुख विशेषता यह है कि चुने हुए विश्वविद्यालयों में पुस्तक निर्माण के विभाग स्थापित किये जायेंगे, जहां पर स्नातक और उत्तर स्नातक स्तर के उपयोग के लिए मूल पुस्तकें लिखने और अंग्रेजी की प्रामाणिक पुस्तकों के अनुवाद के लिये पूर्ण कालिक स्टाफ रखा जायगा । इसका सारा खर्च भारत सरकार उठायेगी । इसकी एक अनिवार्य शर्त यह होगी कि पुस्तकें भारत-सरकार की भाषा-नीति के अनुसार तैयार की जायेंगी और इनमें वैज्ञानिक तथा तकनीकी शब्दावली आयोग द्वारा अनुमोदित शब्दावली का ही प्रयोग किया जायेगा ।

दिल्ली और बनारस विश्वविद्यालयों में विभाग स्थापित किये जा चुके हैं ।

अन्य दो या तीन विश्वविद्यालयों में ऐसे ही विभाग स्थापित करने के लिये बात चित चल रही है ।

#### Indian Engineers Service Abroad

\*348. { Shri Surendra Pal Singh:  
Shri Yashpal Singh:  
Shri Warior:  
Shri Vasudevam Nair:  
Shri M. N. Swamy:  
Shri S. N. Chaturvedi:  
Shri P. C. Borooah:  
Dr. L. M. Singhvi:  
Shri Sham Lal Saraf:  
Shri P. R. Chakraverti:  
Shri Sidheshwar Prasad:  
Shri Prakash Vir Shastri:  
Shri Bibhuti Mishra:  
Shri Onkar Lal Berwa:  
Shri P. K. Deo:  
Shri Kolla Venkaiah:

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

(a) whether it is a fact that during his recent visit to Europe he made a study of the problem of ever increasing tendency amongst Indian students of science and engineering in foreign countries to seek employment abroad rather than return to India after the completion of their studies; and

(b) if so, his main findings and the steps he proposes to take to solve this problem of migration of scientists and technicians?

The Minister of Scientific Research and Cultural Affairs (Shri Hamayun Kabir): (a) and (b). My visit to Europe was for certain other purposes but I took advantage of the occasion to study the Question of migration of European Scientists to U.S.A. In a Press Conference held on the 12th June, these questions were raised and I pointed out that the problem of migration of Indian scientists was not yet serious. I also mentioned some of the steps taken to assist scientists abroad to return to India.

**Barauni Refinery**

\*349. { **Shri P. C. Borooah:**  
**Shri P. R. Chakravertk**  
**Dr. Mahadeva Prasad:**  
**Shri D. J. Naik:**

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Starred Question No. 688 on the 3rd April, 1963 and state:

(a) the progress so far made in the setting up of the Barauni Refinery.

(b) when the first stage of the Refinery is likely to be commissioned so as to put the Nunmati-Barauni Pipeline into operation; and

(c) the extent of depreciation of the said pipe-line during the period when it lies idle?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) A statement is laid on the Table of the House. [Placed in Library, See No. LT-1584/63]

(b) February-April, 1964.

(c) This can be assessed only after all facilities of the pipeline have been completed and a completion report has been submitted.

**खेलकूद जांच समिति का प्रतिवेदन**

\*३५०. { श्री भक्त बशंन :  
 श्री प० कुन्हन :

क्या शिक्षा मंत्री २७ मार्च, १९६३ के तारांकित प्रश्न संख्या ६१३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) खेलकूद तथा रोम ओलम्पिक में भारत द्वारा भाग लिये जाने के बारे में नियुक्त जांच समिति ने क्या प्रगति की है ;

(ख) समिति की सिफारिशों पर क्या कार्यवाही की जा रही है ; और

(ग) आगामी विश्व ओलम्पिक में भारत गौरवपूर्ण पद प्राप्त कर सके, इसके लिये क्या ठोस कदम उठाये गये हैं अथवा उठाने का विचार है

**शिक्षा मंत्री (डा० का० ला० जीमाली)**

(क) समिति अपनी रिपोर्ट पेश नहीं कर सकी है ।

(ख) प्रश्न नहीं उठता ।

(ग) हालांकि यह विषय मूल रूप से भारतीय ओलम्पिक संस्था और राष्ट्रीय खेल संघ से सम्बन्धित है, फिर भी प्रशिक्षण और अभ्यास के लिये, इन संस्थाओं से प्राप्त वित्तीय सहायता के प्रस्तावों पर समुचित विचार किया जायेगा ।

**Research Cruises**

\*351. **Dr. L. M. Singhvi:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether a U.S. Research Vessel has been making research cruises in the Indian ocean in collaboration with Indian experts during the last few months;

(b) if so, the studies made by the teams undertaking the cruises and the personnel of the team; and

(c) the terms of collaboration and whether any Indian scientists have been trained in the field during the cruises?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) Yes, Sir, since March, 1963.

(b) and (c). A statement is laid on the Table of the House. [Placed in Library, See No. LT-1585/63].

**Promotion of Class IV S.C. and S.T. Employees**

- \*352. {  
 Shri P. R. Chakraverti:  
 Shri P. C. Borooah:  
 Shri Muthiah:  
 Shri Kachhavaia:  
 Shri Bade:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government have taken a decision to reserve 12½ per cent in the quota of promotions of employees from Class IV to Class III for Scheduled Castes and Scheduled Tribes;

(b) whether the reservation will apply to promotions on the basis of seniority; and

(c) whether the States have agreed to introduce the same reservation in the State Services?

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

(a) and (b). The question is under examination and no final decision has yet been reached.

(c) Does not arise.

**दिल्ली में अपराध**

- \*३५३. {  
 श्री प्रकाशवीर शास्त्री :  
 श्री कछवाय :  
 श्री यशपाल सिंह :  
 श्री मोहन स्वरूप :  
 श्री सिद्धेश्वर प्रसाद :  
 श्री प्र० रं० चक्रवर्ती :  
 श्री सुरेन्द्रपाल सिंह :  
 श्री प्र० के० देव :  
 श्री रामचन्द्र उलाका :  
 श्री बुलेश्वर मीना :  
 श्री बड़े :  
 श्रीसुन्दर च गुप्त :

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

(क) क्या दिल्ली में अपराधों को रोकने

से रोकने के सम्बन्ध में कोई और विशेष निर्णय किये गये हैं ;

(ख) क्या यह भी सच है कि अब भी अपराधों में निरन्तर वृद्धि हो रही है ;

(ग) क्या सरकार ने यह जानने का यत्न किया है कि इसमें पुलिस के ही कुछ कर्मचारियों का तो हाथ नहीं है ?

गृह-कार्य मंत्री (श्री लाल बहादूर शास्त्री) : (क) जैसा कि मैं सदन में पहले बता चुका हूँ, दिल्ली में अपराधों को बढ़ने से रोकने के लिये कुछ निर्णय लिये गये हैं और उन पर अमल किया जा रहा है।

(ख) पिछले साल की तुलना में जघन्य अपराधों में कोई वृद्धि नहीं हुई और अन्य अपराध थोड़े ही बढ़े हैं।

(ग) यह कहना ठीक नहीं कि अपराधों की वृद्धि में पुलिस का हाथ है लेकिन कुछ पुलिस वालों की व्यक्तिगत गलतियों के मामले जो सामने आये हैं उनके विरुद्ध कार्यवाही की गई है।

**Oil Exploration**

- \*354. {  
 Shri Bibhuti Mishra:  
 Shri Sezhiyan:

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

(a) whether it is a fact that the former Minister for Mines and Fuel had announced in Ernakulam on the 10th June, 1963 that the Oil and Natural Gas Commission would support the proposal for a joint exploration of the Cochin area, the Cauvery basin and the Andamans by foreign oil firms;

(b) if so, the brief planning for this; and

(c) whether it is in accordance with the Industrial Policy Resolution of Government?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) to (c). There have been reports in the Press broadly to this effect. According to the policy of Government on oil exploration announced from time to time, Government may invite foreign oil explorers to join in the search for oil in selected areas provided the terms are mutually acceptable, and the agreement is in keeping with the Petroleum and Natural Gas Rules as well as the Industrial Policy Resolution.

#### Drilling at Navagam

\*355. { **Shri Bhagwat Jha Azad:**  
**Shri Surendra Pal Singh:**

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

(a) whether Oil and Natural Gas Commission has found out a new structure of oil while drilling at Navagam pin point in Kaira District; and

(b) if so, the prospects thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Yes, Sir.

(b) It is too early to assess the prospects of this structure.

#### Kathmandu Valley

\*356. { **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Unstarred Question No. 1737 on the 10th April, 1963 and state:

(a) the reaction of Government of Nepal to the offer made by the Government of India to help carry out the sculptural and iconographical survey of the Kathmandu Valley;

(b) whether terms of assistance have since been settled; and

(c) if so, what are the terms?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):**

(a) The reaction of the Nepal Government was evidently favourable because the sculptural and iconographical survey by the Indian party was carried out in consultation with the Nepal Government.

(b) & (c). The following terms were agreed to:

The representatives of the Archaeological Survey of India are to carry out the iconographical survey in Nepal with the collaboration of the Directorate of Archaeology and Culture of the Nepal Government.

The field notes are to be taken by the survey party in Nepal, but the notes are to be finalized in India where comparative material and other facilities are readily available. After finalization a copy of the report together with a complete set of photographs is to be provided to the Nepal Government.

सीमा क्षेत्रों के बच्चों के लिये संस्था

\*३५७. { श्री भक्त दर्शन :  
श्री वारियर :  
श्री वासुदेवन नायर :

क्या शिक्षा मंत्री १ मई, १९६३ के तारांकित प्रश्न संख्या ११२५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) सीमावर्ती क्षेत्रों के बच्चों के लिये दिल्ली में एक संस्था स्थापित करने के प्रश्न के बारे में क्या अंतिम निर्णय किया गया है ; और

(ख) उस संस्था में पाठ्यक्रम निर्धारित करने, विभिन्न सीमावर्ती क्षेत्रों के विद्यार्थियों को दाखिला दिलाने तथा उनके निवास की व्यवस्था करने और अन्य सम्बन्धित समस्याओं के बारे में अब तक क्या प्रगति हुई है ?



**शिक्षा मंत्री (डा० का० ला० श्रीमाली)**

(क) इस प्रश्न पर अभी विचार किया जा रहा है।

(ख) संस्थान की स्थापन सम्बन्धी प्रश्न पर विचार करने के लिये विश्वविद्यालय अनुदान आयोग द्वारा नियुक्त समिति ने संस्थान में आरम्भ करने के लिये पाठ्यक्रमों का एक विस्तृत पाठ्य-विवरण तैयार किया है। अन्य समस्याओं पर अभी विचार किया जा रहा है।

**All India Service Officers**

\*358. { **Shri Surendra Pal Singh;**  
**Shri Harish Chandra**  
**Mathur:**

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that at a recent meeting of the Chief Ministers of the States, he stated that the Centre was enforcing the "Principle of Rotation" of officers between the Centre and the States in order to curb the tendency amongst All-India Service officers to migrate to the Centre from their respective States;

(b) if so, the main features of this "Principle of Rotation" scheme; and

(c) the extent to which it has been tried so far and the result thereof?

**The Minister of Home Affairs (Shri Lal Bahadur Shastri):** (a) to (c). The question of rotation of ICS/LAS officers was discussed with the Chief Ministers recently.

Officers are borrowed from the States to fill the posts of (i) Under Secretary, (ii) Deputy Secretary, and (iii) Joint Secretary and above, for a tenure of three, four and five years respectively. This system has been tried over a number of years and has been found satisfactory. During the period January 1960 to end of July 1963 167 officers of the ICS/LAS were reverted from the Centre to their States.

**Book on Oil**

\*359. **Dr. L. M. Singhvi:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether the former Mines and Fuel Minister has sought the permission of Government to write a book on oil; and

(b) whether it involves any facilities, files or assistance being made available to him by Government?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) and (b). The former Minister for Mines and Fuel, Shri K. D. Malaviya, has made a request for help from the oil and Natural Gas Commission and the Ministry of Mines and Fuel in writing a book on "History of Oil Industry in India" and for facilities to consult papers and files in the Ministry and get other connected information. This is under consideration.

**Monuments in Rajasthan**

1022. **Shri Karni Singhji:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether survey in regard to the monuments of Rajasthan has since been completed;

(b) the steps taken for their preservation; and

(c) the annual grant sanctioned for their preservation from the point of view of their national importance?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) The work is in progress.

(b) Monuments of national importance are being preserved by carrying out repairs according to their individual requirements.

(c) An amount of Rs. 1,60,064/- during 1963-64 has been earmarked for their maintenance and preservation.

**Social Defence (Care) Schemes**

1023. { **Shri Dhuleshwar Meena:**  
**Shri Ramachandra Ulaka:**

Will the Minister of Home Affairs be pleased to state:

(a) whether any financial assistance was given by the Centre to Orissa and Rajasthan Governments for the implementation of Social Defence (Care) Schemes in the States during 1961-62 and 1962-63; and

(b) if so, the details thereof?

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

(b). Orissa was given Rs. 2002 and Rajasthan Rs. 25,465 in 1961-62. In 1962-63 we have provisionally decided to give Orissa Rs. 38,677 and Rajasthan Rs. 26,250. The allotments will be finalised on receipt of figures of actual expenditure incurred by these States in that year.

**Free and Compulsory Education in Orissa**

1024. **Shri Ramachandra Ulaka:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 1688 on the 10th April, 1963 and state:

(a) whether Government have since considered the matter with regard to giving financial assistance to the Orissa Government for expansion of free and compulsory primary education in the State;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir. It has been decided to give accelerated Central assistance to State Governments in 1963-64 for their programmes of primary education. A statement of its needs has been received from the State Government of Orissa and is under consideration.

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

**Auditoria in Rajasthan Schools and Colleges**

1025. { **Shri Dhuleshwar Meena:**  
**Shri Ramachandra Ulaka:**

Will the Minister of Education be pleased to state:

(a) the amount sanctioned for construction of auditoria in various Schools and Colleges in Rajasthan during 1961-62 and 1962-63; and

(b) the details thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) 1962-63.....Nil. 1962-63.....Rs. 20,000.

(b) The above amount was paid as second instalment of grant to Shri Mahaveer Digamber Jain High School, Jaipur.

**Political sufferers in Rajasthan**

1026. { **Shri Dhuleshwar Meena:**  
**Shri Ramachandra Ulaka:**

Will the Minister of Home Affairs be pleased to state:

(a) the amount distributed to political sufferers in Rajasthan since 1952 up-to-date;

(b) whether any applications from Rajasthan are still pending; and

(c) if so, the reasons therefor?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) The scheme for grant of financial assistance to political sufferers and their families was formulated only in 1955. A statement giving the information since 1955 is laid on the Table of the House.

**STATEMENT**

Amounts distributed to political sufferers in Rajasthan State from the

**Home Minister's Discretionary Grant since 1955 to date.**

Year	Total amount given
1955-56	8,000
1956-57	1,200
1957-58	4,600
1958-59	2,500
1959-60	1,500
1960-61	200
1961-62	1,750
1962-63	1,500
1963 (till 24-8--63)	500

(b) No.

(c) Does not arise.

#### Petroleum Products

1027. { Shri Dhuleshwar Meena:  
Shri Ramachandra Ulaka:

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

(a) the total consumption of petroleum products in Rajasthan during 1962-63; and

(b) the extent to which the Indian Oil Company depots were able to cater to the needs?

**The Minister of Mines & Fuel (Shri Alagesan):** (a) The total consumption of petroleum products in Rajasthan during 1962-63 is estimated at about 210,000 metric tons.

(b) The Company has put up depots at Kotah, Jodhpur, Jaipur and Ajmer. These depots are increasingly meeting the requirements of Rajasthan. Besides, despatches are being made from installations outside Rajasthan to consumers in the State. It is not in the interest of the Indian Oil Company to disclose the extent of its sales in the State.

#### Welfare of Denotified Tribes

1028. Shri Dhuleshwar Meena:  
Shri Ramachandra Ulaka:

Will the Minister of Home Affairs be pleased to state:

(a) whether any amount was sanctioned to Rajasthan for taking up schemes for the Welfare of Denotified Tribes during 1962-63; and

(b) if so, the details thereof?

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

(b) The required information is given below:

1. Scholarships	Rs. 0.25 lakh
2. Hostels	Rs. 0.85 lakh
3. Aid to Voluntary Agencies.	Rs. 0.75 lakh
4. Residential Schools	Rs. 0.55 lakh
5. Rehabilitation	Rs. 1.10 lakh
<b>Total</b>	<b>Rs. 3.50 lakhs</b>

डाक्टर प्रसाद के देहावसान पर छुट्टी

१०२६. श्री सिद्धेश्वर प्रसाद : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या भूतपूर्व राष्ट्रपति, डा० राजेन्द्र प्रसाद की मृत्यु के कारण १ मार्च १९६३ को सार्वजनिक छुट्टी की अधिसूचना गजट में निकाल दी गयी थी ;

(ख) क्या इसी प्रकार सभी राज्य सरकारों ने सार्वजनिक छुट्टी घोषित की थी ; और

(ग) यदि नहीं, तो ऐसी राज्य सरकारों के नाम क्या हैं और किस कारण उन्होंने ऐसा नहीं किया ?

गृह-कार्य मंत्री (श्री लाल बहादुर शास्त्री): (क) जी हां ।

(ख) और (ग). क्योंकि केन्द्रीय सरकार ने पराक्राम्य सलेख (Negotiable Instruments) अधिनियम, १८८१ के अधीन भारत भर में उस दिन सार्वजनिक छुट्टी की अधिसूचना निकाली थी, इसलिए राज्य सरकारों द्वारा अलग-अलग अधिसूचनाएँ जारी करने की आवश्यकता नहीं थी ।

### शिक्षा पर व्यय

१०३०. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) गत तीन वर्षों में विभिन्न राज्य सरकारों ने अपने कुल बजट आवंटन का कितने प्रतिशत हर वर्ष शिक्षा पर व्यय किया ; [पुस्तकालय में रखा गया देखिए संख्या LT-1586/63]

(ख) किन-किन राज्यों को तीसरी पंचवर्षीय योजना की योजनाओं के अधीन शिक्षा मंत्रालय से गत तीन वर्षों में सहायता दी गयी और दी गयी सहायता की राशि क्या थी और वह किस शीर्ष के अधीन दी गयी ; और

(ग) किन-किन राज्यों ने इस प्रकार दी गई सहायता का उपयोग नहीं किया और इसके क्या कारण हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) एक विवरण सभा-पटल पर रख दिया गया है । [पुस्तकालय में रखा गया । देखिये संख्या LT/1586/63]

(ख) जिन राज्यों को केन्द्रीय सहायता दी गई, उनके नाम और दी गई राशि से संबंधित विवरण सभा-पटल पर रख दिया गया है । राज्यों को केन्द्रीय सहायता तीसरी योजना में शामिल सामान्य शिक्षा की योजनाओं को कार्यान्वित करने के लिए बजट शीर्ष-सहायक अनुदान के अन्तर्गत दी जाती है ।

(ग) वर्ष विशेष में योजनाओं पर वास्तविक खर्च के आधार पर राज्यों को केन्द्रीय सहायता दी जाती है । इसलिए सहायता के उपयोग न करने का प्रश्न नहीं उठता ।

### Central Consumer Cooperative Stores

1031. **Shri E. Madhusudan Rao:** Will the Minister of Home Affairs be pleased to state;

(a) the number of Central Government employees who have become

members of the Central Consumer Co-operative Stores; and

(b) the nature of dividend to be given to the members?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) About 15,000 Central Government employees and employees of the Corporate Public Sector have so far applied for membership.

(b) In accordance with the Bye-laws of the Society, dividend on shares may be paid to the members from the net profits of the Central Government Employees Consumer Co-operative Society, Ltd. at the rate not exceeding 6½ per cent. Further, rebate on purchase of goods by the members may be paid in accordance with the Bye-laws of the Society.

### Gift of Paper from Sweden and Australia

1032. **Shri Sezhiyan:** Will the Minister of Education be pleased to state:

(a) the State-wise figures of the allotment of the 10,000 tons of paper received as gift from the Governments of Sweden and Australia;

(b) the quantity utilised by each State;

(c) the number of text books printed; and

(d) total amount collected by sale of these text books?

**The Minister of Education (Dr. K. L. Shrimali):** (a) to (d). A statement is laid on the Table of the House. [Placed in Library, See No. LT-1587/63].

### House of Mirza Ghalib

1033. **Shri Ram Harkh Yadav:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Government propose to acquire the house in which the Urdu Poet Mirza Ghalib lived and to declare it as a protected ancient memorial and convert it into a national museum; and

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

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) No, Sir.

(b) Does not arise.

पाकिस्तानी जासूस को बिल्ली में गिरफ्तारी

१०३४. { श्री यशपाल सिंह :  
श्री कछवाय :

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

(क) क्या यह सच है कि २० मई, १९६३ को दिल्ली में एक पाकिस्तानी जासूस पकड़ा गया था ;

(ख) यदि हां, तो क्या उसके पास से कोई रहस्यपूर्ण साहित्य भी पकड़ा गया है ;

(ग) क्या यह भी सच है कि उसके पास से पाकिस्तानी नोट काफी तादाद में मिले थे ; और

(घ) यदि हां, तो कितनी कीमत के ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) : (क) जी नहीं ।

(ख) से (घ). प्रश्न ही नहीं उठते ।

#### Drilling in Khara

**1035. Shri Yashpal Singh:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether it is a fact that the Oil and Natural Gas Commission has been conducting round the clock drilling in Khara, a small village near Shahjahanpur; and

(b) if so, the result of the drilling operations?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) No. Drilling

operations are however going on near Ishra in the same district.

(b) The well near Ishra (Tilhar well No. 1) has been drilled down to a depth of 1415 metres upto 17th Augst, 1963.

#### Scientific Developments

**1036. Shri Yashpal Singh:** Will the Minister of **Scientific Research and Cultural Affairs** be pleased to state:

(a) whether any facility exists in the country to enable the engineers to keep themselves abreast with latest developments in science; and

(b) if not, whether it is proposed to arrange some sort of refresher courses for them?

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

(b) Does not arise.

#### Anti-Indian Propaganda

**1037. { Shri P. R. Chakraverti:  
Shri P. C. Borooah:**

Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 682 on the 3rd April 1963 and state:

(a) how many Chinese maps/publications carrying out anti-Indian propaganda have been found to be in circulation in India during the last nine months;

(b) how these publications continue to find their way into India, including the border areas; and

(c) the special measures taken to prevent infiltration of such literature into India, particularly into the border areas of NEFA and Ladakh?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) Some maps/publications of Chinese origin did find their way into the country.

(b) **Surreptitious** methods have been used by the Chinese to smuggle such literature into the country.

(c) Necessary measures have been taken to prevent infiltration of such literature.

**Survey of Border Areas**

1038. { **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**  
**Shri Bhakt Darshan:**

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 700 on the 3rd April, 1963 and state:

(a) whether the study into the needs of the border areas including NEFA has since been conducted by the Central Social Welfare Board;

(b) if so, the result thereof and if not, in respect of which particular border areas such study has since been completed and how far it has progressed with respect to the other areas; and

(c) the action being taken in the light of such study to improve the socio-economic lot of the people in those areas?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes sir.

(b) and (c). The study has been conducted in the border areas of Himachal Pradesh and NEFA and it is proposed to start 10 multipurpose Welfare Extension Project Centres in NEFA and one Welfare Extension Project in Himachal Pradesh. Further a proposal for holding 20 training camps in 2 border districts of Gujarat State has also been sanctioned. The Chairman, Central Social Welfare Board, visited Assam in December last and she is visiting Leh in Ladakh and Lahul (in Punjab) in the near future to study the local conditions.

**B.A. Syllabus**

1039. { **Shri Bishanchander Seth:**  
**Shri Yashpal Singh:**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Delhi University and the All India Board of Higher Secondary Education are considering a proposal regarding English syllabus for B.A. (Pass) and school students;

(b) if so, the details of this scheme;

(c) how far Government have approved the scheme; and

(d) whether this scheme will be applied all over the country?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). The University of Delhi is reviewing its B.A. (Pass) courses with a view to introducing optional English and simplifying the content of the compulsory papers with the particular aim of laying greater emphasis on the comprehension and correct use of language. The Central Board of Higher Secondary Education has no such proposal under consideration.

(c) As the Universities are autonomous bodies, the question of Government's approval does not arise.

(d) No, Sir.

**Institution of Electronics and Radio Engineers**

1040. **Shri Shree Narayan Das:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the facilities made available to the Indian Council of the Institute by the British Institute of Radio Engineers;

(b) the extent to which the facilities so offered are being utilized by the Council; and

(c) how the activities of six zones functioning in India are being co-ordinated by the Council?

**The Minister of Scientific Research & Cultural Affairs (Shri Hamayun Kabir):** (a) According to the reports received, the British Institution of Radio Engineers has offered facilities as below to the Indian Council of the Institute:

- (i) Setting up of a permanent office in India with a full time Secretary;
- (ii) Autonomy within the approved budget;
- (iii) Publication of a separate journal for Indian Members;
- (iv) Holding of examinations in India on behalf of the Institute;
- (v) Maintenance of an Appointments Register of Radio and Electronics Engineers for the benefit of both employers and employees;
- (vi) Training facilities for students;

(b) The Indian Council is utilising these facilities gradually.

(c) The Executive Committee of the Council co-ordinates the activities of the zones.

#### Jammu and Kashmir

**1041. Shri Hari Vishnu Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether any steps were taken or any consultations held with the State Government of Jammu and Kashmir since September, 1962 with a view to further and closer integration of that State with the rest of the Indian Union; and

(b) if so, the outlines thereof?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):**  
976 (Ai) LSD—3.

(a) and (b). Certain proposals made by the Government of Jammu and Kashmir are under consideration. It would not be in public interest to disclose them till final decision is taken.

#### Code of Conduct for Police

**1042. Shri Hari Vishnu Kamath:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 372 on the 13th March, 1963 and state:

(a) whether the Code of Conduct for Police is being properly implemented; and

(b) if not, the measures being taken to ensure correct practice of the same?

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

(b) Does not arise.

#### Naga Hostiles

**1043.** { Shri P. C. Borooah:  
Shri P. R. Chakraverti:  
Shri Raghunath Singh:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Naga Hostiles killed 8 Nagas, including a village headman between Touthem Khullon and Mandu in Tamenglong sub-division on or about the 18th May, 1963; and

(b) if so, the action taken by the authorities in this matter?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):**  
(a) No. There was one incident on the night of 18th/19th May, 1963, in which eight persons including a headman of Touthem Khullel and Touthem Khunou villages were killed in a raid by the followers of Rani Gaide-lieu.

(b) A case has been registered at Tamenglong Police Station and 14

suspects have been arrested. The case is under investigation.

### Standard of English

**1044. Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) whether the standard of English has gone down in the country;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken in the matter?

**The Minister of Education (Dr. K. L. Shrimali)** (a) There is a general feeling that academic standard of English in the institutions has gone down.

(b) The main reasons are:—

(i) the reduced time given to the teaching of English in Schools.

(ii) Non-availability of teachers trained in modern techniques for teaching English as a foreign language.

(iii) the medium of instruction at the Secondary stage being the regional language instead of English.

(c) The following steps have been proposed to be taken for the improvement of teaching of English:—

(i) The Central Institute of English was established at Hyderabad in 1958 with the co-operation of Ford Foundation and the British Council. The Institute's programme covers, *inter alia* the training of lecturers of Training Colleges and Secondary School Teachers, the preparation of suitable teaching materials and research work into the problems of teaching English in this country.

The suggestion of the University Grants Commission for the setting up of a few more regional institutions of

this type is under consideration of Government.

The State Governments of Bihar, Punjab, Uttar Pradesh, West Bengal and the four Southern States jointly have established their own institutes of English.

(ii) The reports of the Kunzru Committee set up in 1955 and the Special Conference of English Teachers held in 1958 to consider the recommendations of the Kunzru Committee were sent by the University Grants Commission to all the Universities and the State Governments. Most of the Universities have generally accepted the conclusions contained in these reports. On the basis of the replies received, a programme was drawn up by the Director, Central Institute of English, Hyderabad, and was circulated by the Commission to all the Universities for implementation.

(iii) The University Grants Commission appointed a Committee in 1960 to undertake a review of the University courses both at the Under-Graduate and post-graduate levels in English. The report of the Committee is expected soon.

(iv) The Chief Ministers' Conference held in 1961 and the Central Advisory Board of Education have suggested that teaching of English should begin at a fairly early stage. The matter is under consideration.

### New Techniques for Teaching Science

**1045. { Shri D. C. Sharma:  
Shri Bhagwat Jha Azad:**

Will the Minister of Education be pleased to state:



(a) whether new methods and techniques of teaching science developed in the United States were introduced in four summer Institutes in the country for the benefit of Secondary School teachers; and

(b) if so, the result thereof?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Four Summer Institutes were organised to examine improved methods of teaching Science and in this connection the new methods and techniques evolved and books prepared in the United States were also taken into consideration.

(b) The Summer Institutes benefited Secondary School teachers who attended the course and familiarised them with new developments and trends in this field.

#### **Mountaineering Institutes**

1046. { **Shri Subodh Hansda:**  
**Dr. P. N. Khan:**

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

(a) whether any financial aid is being given to mountaineering institutes of Darjeeling and Manali from the International Monetary Fund;

(b) if so, whether out-right grant is given or annual aid is given; and

(c) the items for which the aid is being given?

**The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir):** (a) No, Sir.

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

#### **Off-shore Drilling**

1047. { **Shri Subodh Hansda:**  
**Dr. P. N. Khan:**

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

(a) whether the off-shore drilling in South Indian Coasts has started;

(b) if so, the number of exploratory wells drilled in the Cauvery Basin and Cochin areas; and

(c) whether any of them proved to be successful?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) No. Geological and geophysical surveys are being conducted to decide whether or not to undertake drilling.

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

#### **Drilling in West Bengal**

1048. { **Shri Subodh Hansda:**  
**Dr. P. N. Khan:**

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

(a) whether Oil and Natural Gas Commission has finalised the programme for drilling work in West Bengal;

(b) if so, which areas have been chosen for this purpose; and

(c) when the drilling operation will start?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) No. Geological and geophysical data are being collected and analysed. The decision whether or not to drill will depend on these studies.

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

#### **Education in Rural Areas**

1049. { **Shri Jena:**  
**Shri Rameshwaranand:**

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

(a) whether it is a fact that a scheme has been formulated by his Ministry with the co-operation of the Community Development Ministry for training women workers for imparting education in rural areas;

- (b) if so, the outlines thereof; and  
 (c) the date from which this scheme would operate?

**The Minister of Education (Dr. K. L. Shrimali)** (a) A scheme is under consideration.

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

#### Grant to Bhadrak College

**1050. Shri Jena:** Will the Minister of Education be pleased to state:

(a) whether the Bhadrak College in Orissa has received any grant either direct from the Centre or through the State Government of Orissa for its development during the three plan periods; and

(b) if so, the nature of grants in cash case and the steps taken by Government to see that the money sanctioned was properly utilised by the college authorities?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Yes, Sir. Grants have been sanctioned to the College by the Ministry of Education and the University Grants Commission.

(b) A Statement is laid on the Table of the House. [*Placed in Library. See No. LT-1588/63.*]

#### दिल्ली नगर निगम अधिनियम

१०५१. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली नगर निगम ने दिल्ली नगर निगम अधिनियम में संशोधन के लिये मुझाव दिये हैं ; और

(ख) यदि हाँ, तो ये संशोधन किन लाइनों पर होगा ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबीस) : (क) और (ख). जी हाँ इस विषय पर दिल्ली नगर निगम द्वारा पास किये हुए प्रस्ताव की एक प्रतिलिपि

सभा-पटल पर रखी जाती है [पुस्तकालय में रखी गई। देखिए संख्या LT—1589/63.]

#### दिल्ली नगर निगम के चुनाव

१०५२. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली नगर निगम के चुनाव के सम्बन्ध में कितनी चुनाव याचिकाएँ अभी भी विचाराधीन हैं ; और

(ख) कितनी याचिकाओं का निर्णय हो चुका है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबीस) : (क) छः ।

(ख) कोई नहीं ।

#### Overstay of Pakistanis

**1053. Shri Raghunath Singh:** Will the Minister of Home Affairs be pleased to state the number of Pakistanis held for overstay in India during the last four months?

**The Minister of State in the Ministry of Home Affairs (Shri Hajravis):** Except for Rajasthan, from whom information is awaited, the number of Pakistanis held for overstay in India during the period from 1-4-1963 to 31-7-1963 was 454.

#### New Coal Deposits

**1054. { Shri P. Venkatasubbaiah:  
 Dr. Mahadeva Prasad:**

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

(a) whether it is a fact that new coal deposits have been discovered by the National Coal Development Corporation in an area near the Singaraui Coal belt in Madhya Pradesh;

(b) if so, the quantity of coal assessed to have been discovered; and

(c) whether mining operations have been commenced?

**The Minister of Mines and Fuel (Shri Alagensan):** (a) and (b). The Geological Survey of India, and not the National Coal Development Corporation, established the existence of coal deposits in the Singrauli coal-field after necessary investigations a few years ago. No new discoveries have been made since. The total coal reserves in this region are estimated to be of the order of 4000 million tonnes. Out of these, about 1558 million tonnes have already been proved.

(c) A project Report for Singrauli mine with an annual production of 3 million tonnes has already been approved and preliminary work has commenced. Another Project Report for the production of 1.5 million tonnes a year from a second mine at Jhingurdah is under preparation.

भारत प्रतिरक्षा नियमों के अन्तर्गत निरुद्ध व्यक्ति

{ श्री म० ला० द्विवेदी :  
१०५५. { श्रीमती सावित्री निगम :  
{ श्री स० चं० सामन्त :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि भारत प्रतिरक्षा नियमों के अन्तर्गत कितने विदेशी लोग ३० जून, १९६३ तक निरुद्ध किये गये ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबीस) : नौ ।

#### Laying of Pipe Line

**1056. Shrimati Savitri Nigam:** Will the Minister of Mines and Fuel be pleased to state the reasons for the delay in the progress of laying of a pipe line from Gauhati to Siliguri, Barauni to Delhi and Calcutta?

**The Minister of Mines and Fuel (Shri Alagensan):** There has been no

delay in the execution of the projects relating to laying of the pipe lines from Gauhati to Siliguri and from Barauni to Haldia and Barauni to Kanpur. The construction work on the Gauhati-Siliguri pipeline started in March, 1963 and the project is expected to be completed by August, 1963, as originally scheduled. The work on the construction of Haldia-Barauni-Kanpur pipelines will start in October, 1963 and is expected to be completed progressively by June, 1965.

#### Traffic Signal Research Unit

**1057. Shrimati Savitri Nigam:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that traffic signal research unit at the Road Research Institute, Delhi has been able to find out some methods with which the number of road accidents will be minimized and traffic will be able to move much faster; and

(b) if so, the details thereof?

**The Minister of Scientific Research and Cultural Affairs (Shri Hamayun Kabir):** (a) and (b). Yes, Sir. A pedestrian flashing signal, designed by the Institute, warns the approaching motorist about the existence of pedestrian 'Cross-walk' by 50-60 flashes per minute in amber colour. The Institute has also recommended the installation of a 4-phase traffic signal which will permit heavy traffic and pedestrian flow to use the intersection in different time-phases, thereby creating conditions of safety and reducing delays.

#### Untouchability in Tripura and Goa

**1058. Shri Vishwa Nath Pandey:** Will the Minister of Home Affairs be pleased to state:

(a) whether financial assistance was given by Government to any organisation to fight untouchability in Tripura and Goa during 1962-63;

(b) if so, the amount given and the names of organisations?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) and (b). Tripura did not give any financial assistance to any organisation for this purpose during the year 1962-63.

In Goa, the Scheduled Castes have not yet been notified. The question of giving assistance to any organisation during 1962-63, did not, therefore arise.

#### Post-matric Scholarships

**1059. Shri Vishwa Nath Pandey:** Will the Minister of Education be pleased to state:

(a) the amount granted to and allotted for Uttar Pradesh during 1961-62 and 1962-63 separately for granting post-Matric scholarships to Scheduled Caste Students; and

(b) the amount which was actually utilised during 1961-62?

**The Minister of Education (Dr. K. L. Shrimali):** (a) 1961-62—Rs. 60,66,400. 1962-63—Rs. 67,56,400.

(b) The entire amount granted in the year 1961-62 was utilised.

#### Libraries in Uttar Pradesh

**1060. Shri Vishwa Nath Pandey:** Will the Minister of Education be pleased to state:

(a) the names of the voluntary organisations that have received grants from the Central Government for development of Libraries in the State of Uttar Pradesh during 1960-61, 1961-62 and 1962-63;

(b) the amount sanctioned to each of them; and

(c) the condition under which the amount was sanctioned?

**The Minister of Education (Dr. K. L. Shrimali)** (a) to (c). A statement is laid on the Table of the House. [Placed in Library. See No. LT-1590/63.]

#### Braille Appliances

**1061. Shri P. K. Deo:  
Shri Buta Singh:**

Will the Minister of Education be pleased to state:

(a) Whether Braille Appliances are manufactured and Braille books are produced in regional languages in this country for providing facility of reading to the blind;

(b) if so, the regional languages in which the Braille books are produced;

(c) whether the present production is considered adequate to meet the country's demand; and

(d) if not, the steps being taken to step up the production?

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

(b) Braille books have so far been produced in (i) Hindi (ii) Bengali (iii) Gujarati (iv) Marathi (v) Punjabi (vi) Tamil (vii) Telugu.

(c) No, Sir.

(d) A statement giving the requisite information is laid on the Table of the House. [Placed in Library. See No. LT-1591/63].

#### 1964-Olympics in Japan

**1062. { Shri P. K. Deo:  
Shri P. Kunhan:**

Will the Minister of Education be pleased to state:

(a) whether India is going to participate in the Olympics to be staged in Japan in 1964;

(b) the items in which India is likely to participate; and

(c) whether intensive training and practices are envisaged for the sportsmen likely to participate in the Olympics?

**The Minister of Education (Dr. K. L. Shrimali)** (a) Very likely.

(b) Not yet decided.

(c) Yes, Sir.

#### Institutes for Handicapped Children.

1063. **Shrimati Savitri Nigam:** Will the Minister of Education be pleased to state the number of new institutes opened for the welfare of the crippled and handicapped children during 1961-62?

**The Minister of Education (Dr. K. L. Shrimali):** The Government of India did not open any new institution during 1961-62 for the crippled and the handicapped. Complete information about new institutions started by State Governments or Voluntary Organisations during 1961-62 is not available.

#### राजनैतिक पीड़ित

१०६४. श्री सरजू पांडेय : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सिर्फ उन्हीं लोगों को राजनैतिक पीड़ित माना जाता है जो ६ महीने तक किसी आंदोलन में भाग लेने के कारण बन्दी की हैसियत से जेल में रह चुके हैं ;

(ख) उन लोगों का राजनैतिक पीड़ित नहीं माना जाता जो लम्बे असें तक राष्ट्रीय आंदोलन में भाग लेने के कारण जेलों में रहे हैं या जिन्हें आर्थिक हानि उठानी पड़ी है ; और

(ग) यदि हां, तो इसके क्या कारण हैं ?

गृह-कार्य मंत्रालय में उपमंत्री (श्रीमती चन्द्रशेखर) : (क) से (ग). साधारणता गृह-मंत्री के विवेकानुदान से सहायता देने के लिये उन सब लोगों को राजनैतिक पीड़ित माना जाता है जो ६ महीने अथवा

अधिक समय तक जेल में या नजर बन्द रहें । इस के अतिरिक्त, उन सब लोगों को भी राजनैतिक पीड़ित माना जाता है जिन्होंने राष्ट्रीय स्वतंत्रता आन्दोलन में भाग लेने के कारण लड़ते हुए या जेल यातना सहते हुए प्राण त्याग दिये जो या जो चोट लगने या लाठी प्रहार से अयोग्य हो गये या अपनी आजीविका अथवा जीवन निर्वाह का साधन या अपनी सम्पत्ति का कुछ अंश खो बैठे ।

#### Houses for Policemen

1065. **Shri Koya:** Will the Minister of Home Affairs be pleased to state:

(a) whether Central Government are giving any assistance to State Governments for constructing houses for policemen; and

(b) if so, the amount sanctioned to Kerala State during 1963-64 and utilised by that State?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis).**

(a) Yes. Loans are advanced to State Governments for this purpose.

(b) Rs. 10 lakhs. Figure of the amount actually utilized is not available.

अखिल भारतीय सेवानों में अनुसूचित जातियों और अनुसूचित आदिम जातियों के लोग

१०६६. श्री मोहन स्वरूप : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि अब तक अनुसूचित जातियों तथा अनुसूचित आदिम जातियों और दूसरी पिछड़ी जातियों के कितने व्यक्ति आई० ए० एस०, आई० पी० एस० तथा अन्य अखिल भारतीय सेवानों में लगाये गये ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हजरतबीस) : आई० ए० एस० / आई० पी० एस० आदि में स्थान सुरक्षित रखने के हेतु अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के अतिरिक्त और किसी जाति के पिछड़े वर्गों को नहीं माना गया है ।

अभी तक अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के जो व्यक्ति आई० ए० एस० तथा आई० पी० एस० में नियुक्त हैं उनकी संख्या निम्नलिखित है :—

	अनुसूचित जातियां	अनुसूचित आदिम जातियां
आई० ए० एस०	७०	२५
आई० पी० एस०	४८	१४

वर्तमान काल में और कोई अखिल भारतीय सेवा नहीं है।

#### नई दिल्ली में प्राथमिक शिक्षा

१०६७. श्री मोहन स्वरूप : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नई दिल्ली नगरपालिका के क्षेत्र में एक सर्वेक्षण के अनुसार ६ से ११ साल की आयु के २७२० बच्चे स्कूल में भर्ती नहीं हैं ;

(ख) यदि हां, तो इसका क्या कारण है ; और

(ग) इस मामले में सरकार क्या कार्यवाही करने जा रही है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) जी हां।

(ख) अधिकांशतया शिक्षा के प्रति माता पिता के रुख के कारण।

(ग) (१) दिल्ली प्राथमिक शिक्षा अधिनियम, १९६० की धाराओं को, नई दिल्ली नगरपालिका के अधिकार क्षेत्रों में भी लागू कर दिया गया है और ६ से ११ वर्ष तक के आयु के बच्चों के लिए १९६२-६४ तक अनिवार्य शिक्षा लागू करने के लिए नई दिल्ली नगरपालिका ने एक क्रमिक कार्यक्रम बनाया है।

(२) दाखिले के लिए आन्दोलन किए जा रहे हैं और इन बच्चों को स्कूल भेजने के लिए माता पिताओं को आग्रहपूर्वक मनवाने के प्रयत्न किए जा रहे हैं।

#### बच्चों के लिये आकर्षक पुस्तकें

१०६८. श्री मोहन स्वरूप : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राष्ट्रीय शिक्षा अनुसंधान और प्रशिक्षण परिषद् ने बच्चों के लिये आकर्षक और सचित्र पुस्तकें तैयार कराने का कोई निर्णय किया है ;

(ख) यदि हां, तो यह योजना कब तक कार्यान्वित की जायेगी ; और

(ग) क्या यह भी सच है कि परिषद् ने यह भी निश्चय किया है कि आपातकालीन प्रकाशनों का हिन्दी एवं क्षेत्रीय भाषाओं में अनुवाद कराया जायेगा और यदि हां, तो उसका विवरण क्या है ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) और (ख). परिषद् ने ११-१६ वर्ष के आयु वर्ग के बच्चों के लिये वैज्ञानिक विषयों पर कुछ सहायक पाठ्यपुस्तकें तैयार करने की एक योजना आरंभ की है। इससे कम आयु वर्ग के बच्चों के लिए पुस्तकें तैयार करने की कोई योजना आरम्भ नहीं की गई है परन्तु इस सम्बन्ध में प्रारंभिक अध्ययन किया जा रहा है।

(ग) उड़ीसा और केरल जैसे राज्यों ने इन प्रकाशनों का प्रादेशिक भाषाओं में अनुवाद कराने की इच्छा व्यक्त की है। इन्हें एसा करने की अनुमति दी जा रही है। कागज देकर, इनकी सहायता भी की जाएगी।

#### बिन्नी-कर विभाग, दिल्ली

१०७०. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली के बिन्नी कर विभाग में कुल कितने अधिकारी और कर्मचारी हैं ;

(ख) इनमें अनुसूचित जाति के कितने हैं ;

(ग) क्या यह अनुपात के अनुसार ठीक है ; और

(घ) यदि नहीं, तो इसका कारण क्या है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) :

(क) अधिकारी १८  
अन्य कर्मचारी ४४५

(ख) अधिकारी १  
अन्य कर्मचारी ३५

(ग) और (घ). अधिकारियों की पदावली (cadre) में पदोन्नति के लिये २५ प्रतिशत तथा सीधी भरती के लिये प्रतिशत (पद) रक्षित हैं। ५० प्रतिशत अधिकारी प्रतिनियुक्ति (deputation) के आधार पर लिये जाते हैं। इस प्रकार सीधी भरती का कोटा विहित अनुपात के अनुसार ठीक है। अराजपत्रित (non-gazetted) पदों के लिये यथेष्ट योग्यता प्राप्त उपयुक्त उम्मीदवार नहीं मिलते।

#### Scholarships to Backward Class Students

1071. **Shri G. Mohanty:** Will the Minister of Education be pleased to state:

(a) the total number of scholarships awarded to the students belonging to (i) Scheduled Castes (ii) Scheduled Tribes and (iii) other Backward Classes for Post-Matric studies during 1962-63; and

(b) the total number of students who applied for the same scholarships State-wise?

**The Minister of Education (Dr. K. L. Shrimali):** (a) and (b). Information is given in the statement laid on the Table of the House. [Placed in Library. See No. LT-1592/63].

#### Copper ore in Guntur District

1072. **Shri Kolla Venkaiah:** Will the Minister of Mines and Fuel be pleased

to refer to the reply given to Unstarred Question No. 1732 on the 10th April, 1963 and state:

(a) the progress made so far in the investigations for Copper Ore in Guntur District; and

(b) when the investigations will be completed?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) The Geological Survey of India started its investigations in 1959 by undertaking mapping operations. Further intensive work was commenced in April 1963 by starting drilling operations in the Dhukonda Block. So far, 75.3 metres have been drilled. Simultaneously exploratory work is being conducted by the Indian Bureau of Mines in the Dhukonda Block. 192 metres have been drilled so far. One borehole has been completed and a second one has been taken up.

(b) The investigations of the Geological Survey of India are expected to be completed by the end of the Third Plan period and those of the Indian Bureau of Mines by March, 1967.

#### National Monuments

1073. **Shri Raghunath Singh:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state whether cases have been detected where curio-hunters have damaged the monuments of national importance in Rajasthan?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** No monuments of national importance in Rajasthan has been damaged. But some loose sculptures from an ancient protected site at Krishnavilas in District Kotah were used in the wall of a newly constructed school building on the site. To ensure safety of the loose sculptures Government of Rajasthan have been allowed to remove them to the State Museum.

**Mineral Potentialities in Ladakh**

**1074. Shri R. S. Pandey:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that a survey team was appointed to survey the mineral potentialities in Ladakh;

(b) whether the survey has been completed; and

(c) if so, the result of the survey?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) The area is being surveyed by the Geological Survey of India since 1956.

(b) The survey is still in progress.

(c) So far, occurrences of coal, limestones, borax, sulphur, chromite, gypsum, marble and slates have been found. The Geological Survey is making further investigations into these occurrences.

**Air-Conditioners**

**1075. Shri Warrior:** Will the Minister of Home Affairs be pleased to state:

(a) whether air-conditioners have been provided recently in the rooms of certain senior officials of his Ministry even though those officers are occupying centrally air-conditioned rooms;

(b) if so, the total cost of the air-conditioners; and

(c) the special reasons for providing these extra air-conditioners during the emergency when austerity is being observed?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) and (c). Room air-conditioners were provided in the office rooms of 5 Joint Secretaries in accordance with the principles laid down by the Ministry of Works, Housing and Rehabilitation as these rooms were not served satisfactorily by the old central cooling system.

(b) Rs. 37,977|-.

**Improvement in Teaching System**

**1076.** { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 384, on the 14th November, 1962 and state:

(a) whether the Committee appointed by the University Grants Commission to suggest changes and improvements in the teaching system prevailing in schools and colleges today has since finalised its recommendations;

(b) if so, the details thereof; and

(c) the decision of Government on the recommendations?

**The Minister of Education (Dr. K. L. Shrimani):** (a) The Committee appointed by the University Grants Commission, to undertake a systematic and objective investigation into the problems relating to the standards of higher education in Indian universities has not yet submitted its report.

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

**Petro-Chemical Industries**

**1077.** { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of Mines and Fuel be pleased to refer to the reply given to Unstarred Question No. 385 on the 14th November, 1962 and state:

(a) whether Government has since examined the request of Ceylon Government for assistance in preparing a project report for petro-chemical industries in Ceylon; and

(b) if so, with what result?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) and (b). The matter is still under consideration.



**Koyali Refinery**

1078. { **Shri Ramachandra Ulaka:**  
**Shri Dhuleshwar Meena:**

Will the Minister of **Mines and Fuel** be pleased to refer to the reply given to Starred Question No. 447 on the 23rd January, 1963 and state:

(a) whether the **Oil and Natural Gas Commission** have since considered and finalised the matter with regard to the formation of a limited company to run the public sector refinery at Koyali in Gujerat; and

(b) if so, the details thereof?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Not yet.

(b) Does not arise.

**State Government Officers at Centre**

1079. **Shri Birendra Bahadur Singh:** Will the Minister of **Home Affairs** be pleased to state:

(a) the names of State Governments which have asked the Central Government for the release of their high officers now serving in various departments at New Delhi or elsewhere on deputation;

(b) the number of officers of Madhya Pradesh cadre serving the Central Government; and

(c) whether a decision has been taken to send them back to their State?

**The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis):** (a) None.

(b) 29 I.A.S. officers.

(c) Does not arise.

**National Games Meet**

1080. **Shri P. K. Deo:** Will the Minister of **Education** be pleased to state:

(a) where and when the 21st National Games Meet will be held;

(b) the items on which the athletes will compete; and

(c) whether provision has been made for inclusion of country games in the Meet?

**The Minister of Education (Dr. K. L. Shrimali):** (a) At Calcutta from 25th to 29th February, 1964.

(b) Athletics, Weightlifting, Boxing, Cycling, Rifle shooting and, possibly, Volley ball.

(c) The Indian Olympic Association permits competition in Olympic items only during the National Games. The only exception made is in the case of Kabaddi. The Kabaddi Championships, however, are not being held along with the National Games in 1964.

**Tankage Capacity**

1081. **Shri Bhagwat Jha Azad:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether Government have any programme to increase the tankage capacity to meet the increasing fuel requirements of the country; and

(b) whether State Governments have programmes to build their own depots in collaboration with the Union Government?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Yes. The State-owned Indian Oil Company Limited has a programme to increase its tankage capacity to meet the increasing fuel requirements of the country.

(b) No.

**Petro-Chemical Industries**

1082. **Shri P. Venkatasubbaiah:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether Government propose to set up five joint petro-Chemical Industries complexes in the country;

(b) if so, the salient features and the financial implications of this scheme; and

(c) which are the other countries that are participating in this venture?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) to (c). The French Petroleum Institute in its Report on the development of Petrochemical Industries in India has recommended the setting up of five regional Petro-chemical complexes by stages by the end of the IV Five Year Plan. These are to be located in Bombay, Gujarat, South India, Barauni and East India. The salient features of the Report have been given in the reply to Starred Question No. 1118 answered in the Lok Sabha on the 1st May, 1963. The estimated cost of complexes recommended (excluding working capital, housing and Petro-chemical utilisation Equipment) is about Rs. 263 crores. The Report is under examination.

#### Survey of Kashmir Valley

**1083. Shri Bhagwat Jha Azad:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Survey of India has carried out any survey in Kashmir Valley between Khanabal and Pam-pore;

(b) if so, the result of this survey; and

(c) whether some promising and interesting sites have been located?

**The Deputy Minister in the Ministry of Scientific and Cultural Affairs (Dr. M. M. Das):** (a) Yes, Sir.

(b) Topographical maps of the area are under preparation.

(c) The Survey of India surveys only topographical information. Beyond picking up already existing archaeological information, Survey of India have not come across any new information of archaeological interest.

#### Espionage

**1084. { Dr. L. M. Singhvi:  
Shrimati Renuka Barkataki:  
Shri Bishanchander Seth:**

Will the Minister of Home Affairs be pleased to state:

(a) the number of persons apprehended in the country on charges of espionage during the last three years; and

(b) the number among them of Indian national, men and women separately?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) and (b). It will not be in the public interest to disclose the information.

#### Political Sufferers in Punjab

**1085. Shri Daljit Singh:** Will the Minister of Home Affairs be pleased to state:

(a) the amount distributed among political sufferers in Punjab during the last five years, yearwise;

(b) whether any applications from Punjab are still pending; and

(c) if so, the reasons therefor?

**The Deputy Minister in the Ministry of Home Affairs (Shrimati Chandrasekhar):** (a) Amounts disbursed to political sufferers in Punjab State from the Home Minister's Discretionary Grant during the last five years (from 1st April 1958 to 31st March 1963) yearwise:

Year	Total amount given
1958-59	1,100
1959-60	1,600
1960-61	700
1961-62	2,400
1962-63	700

(b) No.

(c) Does not arise.

**Nicobarese Tribes**

**1086. Shrimati Savitri Nigam:** Will the Minister of **Home Affairs** be pleased to state:

(a) the concrete steps Government have recently taken to stop the economic exploitation of the Nicobarese tribes by the monopolist-licensed-traders in Nicobar Islands; and

(b) the reasons for not raising the minimum purchase rates for Nicobarese produce, prescribed in the trade licence since 1960 consequent upon sharp increase in the selling price of Copra and betelnuts in Calcutta market?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** (a) The steps taken are:

1. The minimum purchase prices of Betelnut, Copra and Coconut have been raised with effect from 1st July 1963.
2. A special officer has been appointed to keep a continuous watch on the working of the licensed trading companies with a view to ensuring strict observation of the conditions of the trading licences.
3. The administrative set up in the Nicobar Islands has been strengthened to organise the Nicobarese to take over and handle the entire trade themselves as soon as it is feasible.

(b) The minimum purchase rates could not be raised earlier as the entire working of the licensed trading company was under examination.

**Construction of Jetty in Andamans**

**1087. Shrimati Savitri Nigam:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Unstarred Question No. 1210 on the 27th March, 1963 and state the amount of charges levied for the unauthorised construction of the jetty at Dundas

Point (Andamans) and the amount paid by the firm?

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** Charges levied amounted to Rs. 1589 which were paid by the firm in full.

**राष्ट्रीय पुस्तक प्रन्यास**

{ श्री कछवाय :  
१०८८. { श्री विश्वाम प्रसाद :  
          { श्री बजर्राज सिंह :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) गत तीन वर्षों में राष्ट्रीय पुस्तक प्रन्यास को केन्द्र से प्रति वर्ष कितना धन दिया जाता रहा है ,

(ख) राष्ट्रीय पुस्तक प्रन्यास को जो इमारत दी गयी है उसका वार्षिक किराया कितना लिया जाता है और वह किस शर्त पर दी गयी है ; और

(ग) इस समय राष्ट्रीय पुस्तक प्रन्यास के कौन कौन सदस्य हैं ?

**शिक्षा मंत्री (डा० का० ला० श्रीमाली):**

(क) १९६०-६१ १,८५,३०० रुपये  
१९६१-६२ ३,००,००० ,,  
१९६२-६३ २,५०,००० ,,

(ख) सरकार ने राष्ट्रीय पुस्तक न्यास को कई स्थान नहीं दिया है। न्यास ने, जोकि स्वायत्तशासी निकाय है, सीधे ही एक भवन २८,८०० रुपये वार्षिक किराए पर ले रखा है।

(ग) (१) डा० बी० वी० केसकर, अर्वातनिक अध्यक्ष

(२) श्री रमाप्रसन्न नायक, प्रतिनिधि, शिक्षा मंत्रालय

(३) श्री आर० एच० चिदती, प्रतिनिधि, वैज्ञानिक

अनुसंधान तथा सांस्कृतिक  
कार्य मंत्रालय

- (४) श्री के० आर० कृपलानी,  
प्रतिनिधि, साहित्य  
अकादमी
- (५) श्री पी० सी० भट्टाचार्य,  
प्रतिनिधि, वित्त मंत्रालय
- (६) श्री नवाब सिंह,  
प्रतिनिधि, सूचना तथा  
प्रसार मंत्रालय
- (७) श्री यू० एस० मोहनराव,  
निदेशक, प्रकाशन प्रभाग  
(पदेन)
- (८) श्री बी० बी० (मामा)  
बरेकर
- (९) प्रो० रामधारी सिंह  
दिनकर
- (१०) डा० निहार रंजनरे
- (११) प्रो० एम० मुजीब
- (१२) महामहोपाध्याय डी० बी०  
पोद्दार
- (१३) श्री एस० गोविंदराजुलु
- (१४) प्रो० वी० के० एन० मेनन
- (१५) डा० एक० वरदराजन
- (१६) डा० मुल्कराज आनन्द
- (१७) श्री बी० एस० केशवन
- (१८) श्री पी० एस० जयसिंघे
- (१९) श्री भगवती चरण वर्मा

ट्रांसमिटर का पकड़ा जाना

१०८६. { श्री कछवाय :  
श्री विश्राम प्रसाद :  
श्री अजराम सिंह :  
श्री बड़े :

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

(क) क्या यह सच है कि वारासिवनी  
(मध्य प्रदेश) में किसी प्रसिद्ध कम्प्युनिस्ट  
के यहां कोई ट्रांसमिटर पकड़ा गया है ;

(ख) वह ट्रांसमीटर कितने दिनों से  
उसके पास था ; और

(ग) उस व्यक्ति के विरुद्ध क्या कार्य-  
बाही की गई ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री  
हजरतबीस) : (क) २४ जून,  
१९६३ को एक ट्रांसमीटर एक ऐसे  
व्यक्ति के पास से बरामद किया  
गया था, जिसका किसी राजनैतिक दल से  
सम्बन्ध नहीं है। यह (ट्रांसमीटर) उस  
व्यक्ति के पिता की दुकान में पकड़ा गया था  
जो कि एक मुख्य कम्प्युनिस्ट है।

(ख) यह ट्रांसमिटर पकड़ने से एक  
दिन पहले ही तैयार किया गया था।

(ग) पुलिस ने इंडियन वायरलेस टेली-  
ग्राफी एक्ट, १९३३ की धारा ३, ६(१-ए)  
के अधीन चालान दर्ज कर लिया है।

गोरखपुर जिले में खुदाई

१०९०. श्री विश्वनाथ पांडेय : क्या  
बैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य  
मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या १९६२-६३ में पुरातत्व  
विभाग ने उत्तर प्रदेश के गोरखपुर जिले  
में कोई खुदाई का काम किया है ;

(ख) यदि हां, तो क्या वहां कोई पुरानी  
वस्तुयें (मूर्तियां) मिली हैं और वे किस  
संग्रहालय में रखी गई हैं ; और

(ग) उक्त खुदाई के काम पर कितनी  
राशि खर्च हुई है ?

बैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य  
मंत्रालय में उपमंत्री (डा० म० मो० दास) :  
(क) जी नहीं।

(ख) और (ग) सवाल पैदा न  
होता।

**Preservation of Tombs**

**1091. Shri Sezhayan:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Government have received any request for preservation and maintenance of the tombs of the family of Hyder Ali and Tipu Sultan at Vellore, Madras State; and

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

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) Yes, Sir.

(b) The tombs cannot be considered as monuments of national importance.

**Punjabi as Subject in Delhi Schools**

**1092. Shri G. S. Musafir:** Will the Minister of Education be pleased to state:

(a) the number of schools under Delhi Administration where the demand for teaching of Punjabi was made during 1962-63; and

(b) the number of schools where Punjabi is expected to be introduced during the current academic year on the basis of the demands made?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Eight.

(b) Out of these eight schools Punjabi has been introduced in seven schools during the current academic year. The request of the eighth school in under examination and if found justified, the teaching of the language will be introduced from the next academic session.

**M.C.C. Team to India**

**1093. Shri D. D. Mantri:** Will the Minister of Education be pleased to state:

(a) whether any foreign exchange has been allocated to Board of Control for Cricket in India for having

M.C.C. team from London for test matches in India during the coming winter; and

(b) if so, the reasons for doing this in time of National Emergency?

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

(b) This is part of Commonwealth reciprocity in this game.

**High Grade Coal**

**1094. { Shri Mohammad Elias:  
Shri Warrior:**

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

(a) the quantity of high grade coal required for steel production as per target fixed for the Fourth Plan; and

(b) how much of that can be met from existing mines and coal washeries?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) The total requirement of coking coal (including blendable coal) for metalurgical industries in the IV Plan is estimated to be about 62 million tonnes.

(b) The production of these coals at the end of the Third Plan is expected to be about 32 million tonnes, and the washing capacity in terms of raw coal input, planned to be established during this Plan is 24 million tonnes. This capacity for raw coal production and for washeries will continue to be available in the IV Plan. Planning for the additional production and additional washing capacity for the Fourth Plan is in progress.

**Coal Washeries**

**1695. { Shri Mohammad Elias:  
Shri Warrior:**

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

(a) whether there will be any new coal washeries to supply high grade

coal for steel production during the Fourth Plan; and

(b) if so, whether these new coal washeries will be built under Hindusthan Steel Ltd. or under N.C.D.C.?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) It is proposed to set up washing capacity in the Fourth Plan to wash practically all coals for supply to steel plants.

(b) So far as coal produced by the National Coal Development Corporation is concerned, the National Coal Development Corporation itself will establish the necessary washing capacity. In regard to coal produced by the private sector, the agency for washing will be determined when their plan for the production of coking coal during the Fourth Plan has been finalised.

#### **Middlings and Rejects from Washeries**

1096. { **Shri Mohammad Elias:**  
**Shri Warior:**

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

(a) the estimated value of middlings and rejects likely to be available from the existing as well as new washeries in West Bengal and Bihar coal fields during the Fourth Plan; and

(b) how this amount of rejects and middlings is proposed to be utilised during each year of Fourth Plan?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) It is estimated that the quantity of middlings which will be available in the last year of the Fourth Plan will be about 25 million tonnes, and rejects about 1.25 million tonnes.

(b) The rejects have a limited use for stowing purposes only. The utilisation of middlings will be mostly in thermal power plants, and the question of linking the supply of middlings to such power plants is presently under examinations.

#### **Scholarships to Backward Class Students in Assam**

**1097. Shrimati Jyotsna Chanda:** Will the Minister of **Education** be pleased to state:

(a) the amount sanctioned to the Assam Government for award of Post-Matric Scholarships to the Scheduled Castes and Scheduled Tribe students during 1960-61 to 1962-63;

(b) the procedure of disbursement of Scholarship amounts to students; and

(c) whether it is a fact that unusual delay in disbursement of scholarship amounts has occurred during the above period?

**The Minister of Education (Dr. K. L. Shrimali):** (a) (i) Scheduled Castes.

1960-61	Rs. 3,73,800
1961-62	Rs. 4,61,800
1962-63	Rs. 5,61,800

(ii) Scheduled Tribes

1960-61	Rs. 11,42,000
1961-62	Rs. 11,80,000
1962-63	Rs. 12,80,000

(b) and (c). Information is being collected from the State Government and will be laid on the Table of the Lok Sabha in due course.

#### **Mineral Deposits in Mysore**

**1098. Shri S. B. Patil:** Will the Minister of **Mines and Fuel** be pleased to state:

(a) whether Government are aware of the mineral deposits in the State of Mysore;

(b) if so, the places where various minerals are found; and

(c) steps taken by Government to exploit these deposits?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Yes.

(b) Minerals so far known to occur in Mysore State include gold, silver, manganese, chromite, copper, corundum, quartz, felspar, clays, lime-stones, asbestos, bauxite, dolomite, garnet, iron ores, kyanite, magnesite, mica, ochre, salt, steatite. The location of some of the more important mineral deposits in the Mysore State is as follows:—

1. Gold—Kolar, Raichur.
2. Manganese—Bellary, Chikamagalore, Chitaldrug, Tumkur, Shimoga, North Kanara, Belgaum and Dharwar.
3. Iron ores—Sandur, Chikmagalore, Chitaldrug, Bellary, Tumkur and Bijapur.
4. Chromite—Hassan, Mysore, Shimoga, Bidar and Chitaldrug.
5. Pyrite—Chitaldrug.
6. Magnesite—Hassan and Mysore.
7. Limestone—Gulbarga and Shimoga.
8. Fullers earth—Gulbarga.

(c) The Government of India have no scheme of their own for utilisation of minerals in this area at present, except for the Kolar Gold Mines.

#### **Lime Stone Deposits in Manipur**

**1099. Shri Rishang Keishing:** Will the Minister of Mines and Fuel be pleased to state:

(a) whether it is a fact that there is a rich deposit of lime stones in the hilly areas of Manipur;

(b) if so, the quantity of the deposit and the areas where the deposit is found; and

(c) the steps taken by Government for the exploitation of the deposit?

**The Minister of Mines and Fuel (Shri Alagesan):** (a) Yes. The lime-  
976 (Ai) LSD—4.

stone is considered suitable for the manufacture of cement.

(b) Reserves have so far been estimated at 12 million tonnes and deposits occur at Ukhrul, Lambui, Hungdung, Shuganu, Yaithibi, Lamgang Khunou, and Sokpa in Ukhrul sub-division and near Pallel, Chapikarong and Sugnu in Tengnupal sub-division.

(c) The Government of India have no scheme of their own for the exploitation of the deposit in this area, at present.

#### **Excavations at Baliraj Garh**

**1100. Shri Yamuna Prasad Mandal:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) the result of the excavations at Baliraj Garh (in Darbhanga District—Babu Barahi Block) in North Bihar carried on by Archaeological Department; and

(b) whether the excavations have thrown any new light on the ancient historical trends in our country?

**The Deputy Minister in the Ministry of Scientific Research and Cultural Affairs (Dr. M. M. Das):** (a) The excavations are still in progress. They have brought to light a well fortified township, which flourished approximately from the Mauryan period till medieval times.

(b) The main contribution of the excavations is that they reveal a well-planned defensive work, rectangular on plan, constructed of mud brick core encased within burnt-brick facing, with gateways on all four sides.

#### **National Discipline Scheme**

**1101. Shri Hari Vishnu Kamath:** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 35 on the 14th August, 1963 and state:

(a) the qualifications, background and previous experience of the new

Director-General of the National Discipline Scheme:

(b) where he was posted during the Sino-Indian conflict of October-November, 1962; and

(c) whether his appointment as Director-General of National Discipline Scheme is for a definite or an indefinite term?

**The Minister of Education (Dr. K. L. Shrimali):** (a) Major General A. S. Pathania, MVC, MC who has been posted as the Director General of the National Discipline Scheme was commissioned from the Indian Military Academy, Dehra Dun on the 1st February 1936, when he was attached to the 1st Battalion The South Wales Border.

Later on he was transferred to 6th Battalion 13 Frontier Force Rifles in February, 1937 and served with them till January, 1944 when he was detailed to attend a course at Staff College, Quetta. While serving with his Battalion in Eritrea he was awarded Military Cross for gallant action. After passing from Staff College, he was posted as Brigade Major of an Infantry Brigade in Fourteenth Army in Burma.

Promoted to the rank of Lt. Col. in March, 1945, he held the appointment of Deputy President of Services Selection Boards and also commanded a Gorkha Infantry Battalion in Jammu and Kashmir operations, where he was awarded the Maha Vir Chakra. He was promoted to the rank of Colonel in November 1948 and posted as Second-in-Command of a Para Brigade in Jammu and Kashmir, and later held a staff appointment at Army Head quarters in the same rank.

In the rank of Brigadier to which he was promoted in October, 1949, he commanded two Infantry Brigades and held the appointment of Director, Military Intelligence at Army Headquarters for 4 years. On promotion to the rank of Major General in July, 1959, he was given command of an Infantry Division in Jammu and Kash-

mir and was later posted as Director, National Cadet Corps in October, 1961.

(b) He was posted as General Officer Commanding of an Infantry Division in October, 1962 and took part in Nefa operations.

(c) His appointment as Director-General, National Discipline Scheme is for one year in the first instance.

### केंद्रीय संदर्भ पुस्तकालय

११०२. { श्री कछवाय :  
श्री बड़े :

क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय संदर्भ पुस्तकालय को कलकत्ते से कब नई दिल्ली लाया जा रहा है ; और

(ख) इस काम में सरकार को क्या कोई कठिनाई महसूस हो रही है ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री (श्री हुमायून कबिर) : (क) और (ख) जैसे ही संसद का पुस्तकालय राष्ट्रीय पुस्तकालय के रूप में जनता के लिये खुल जायेगा ।

### कलकत्ता का राष्ट्रीय पुस्तकालय

११०३. { श्री कछवाय :  
श्री बड़े :

क्या वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री यह बतान की कृपा करेंगे कि :

(क) राष्ट्रीय पुस्तकालय, कलकत्ता में सहायक-पुस्तकाध्यक्षों के कितने पद हैं ;

(ख) उनमें से कितने पद अनुसूचित जातियों और अनुसूचित आदिम जातियों के लिये सुरक्षित हैं ; और



(ग) उन पर कितने अनुसूचित जातियों और अनुसूचित आदिम जातियों के कर्मचारी वास्तव में काम कर रही हैं ?

वैज्ञानिक अनुसंधान और सांस्कृतिक-कार्य मंत्री (श्री हुमायून कबिर) : (क) और (ख). वाइस, जिनमें से नौ की नियुक्ति सीधे हुई है। इन नौ में से एक अनुसूचित जन जातियों और दो अनुसूचित जातियों के लिये सुरक्षित है।

(ग) कोई नहीं, पहले विज्ञापित तीन पदों के लिये संघीय लोक सेवा आयोग की अनुसूचित जातियों/अनुसूचित जन जातियों का कोई उपयुक्त प्रत्याशी नहीं मिल सका। संघीय लोक सेवा आयोग ने हाल ही में तीन और पदों का विज्ञापन किया है और इन में से एक अनुसूचित जातियों और एक अनुसूचित जातियों के लिये सुरक्षित है। संघीय लोक सेवा आयोग की सिफारिशों की प्रतीक्षा है।

केन्द्रीय हिन्दी निदेशालय का पुस्तकालय

११०४. { श्री कछवाय :  
श्री बड़े :

क्या शिक्षा मंत्री यह बतान की कृपा करेंगे कि :

(क) क्या केन्द्रीय हिन्दी निदेशालय के पुस्तकालय में पिछले तीन वर्ष में पुस्तकों की कोई जांच-पड़ताल की गई है ;

(ख) यदि हां, तो कितनी पुस्तक खोई या चोरी चली गई ; और

(ग) इससे सरकार को कितना नुकसान हुआ ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) जी, हां। १९६२ में की गई।

(ख) और (ग). शुरु में १४४७ पुस्तकें नहीं मिल पाई। तब से ४४८ पुस्तकों का पता चल गया है और बाकी पुस्तकों का पता लगाने की कोशिश जारी है।

केन्द्रीय हिन्दी निदेशालय में अनुसंधान सहायक

११०५. { श्री बड़े :  
श्री कछवाय :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय हिन्दी निदेशालय में २८ फरवरी, १९६३ तक कितने अनुसंधान सहायक लगे हुए थे ;

(ख) उनमें कितने पद अनुसूचित जातियों और अनुसूचित आदिम जातियों के लिये रक्षित हैं ; और

(ग) वास्तव में अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के कितने कर्मचारी अनुसंधान सहायक के पद पर लगे हुए हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) ६३

(ख) १२

(ग) अनुसूचित जातियों के ६

केन्द्रीय हिन्दी निदेशालय में सहायक शिक्षा अधिकारी

११०६. { श्री बड़े :  
श्री कछवाय :

क्या शिक्षा मंत्री यह बतान की कृपा करेंगे कि :

(क) केन्द्रीय हिन्दी निदेशालय में २८ फरवरी, १९६३ तक कितने सहायक शिक्षा अधिकारी काम कर रहे थे ;

(ख) इनमें से कितने पद अनुसूचित जातियों और अनुसूचित आदिम जातियों के लिये रक्षित हैं ; और

(ग) वास्तव में इन जातियों और आदिम जातियों के कितने कर्मचारी सहायक शिक्षा अधिकारी के पद पर लगे हुए हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीमाली) :

(क) १५।

(ख) १।

(ग) कोई नहीं।

**पदोन्नतियों में रक्षण**

११०७. { श्री बड़े :  
श्री कृष्णबाय :

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

(क) क्या राजपत्रित पदों (द्वितीय एवं प्रथम श्रेणी) पर पदोन्नतियों में सरकार अनुसूचित जातियों एवं अनुसूचित आदिम जातियों के लिये स्थान रक्षित करने पर पर विचार कर रही है;

(ख) यदि हां, तो यह आदेश कब दिये जायेंगे ; और

(ग) यदि उपरोक्त भाग (क) का का उत्तर नकारात्मक है, तो इस के क्या कारण हैं ?

**गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हजरतबीस) :** (क) यह प्रश्न विचाराधीन है कि क्या पदोन्नति द्वारा भरे जाने वाले पदों में अनुसूचित जातियों तथा अनुसूचित आदिम जातियों के लिये स्थान रक्षित करने चाहियें, और यदि हां, तो किस परिमाण में।

(ख) निर्णय होने पर, यदि आवश्यक हुआ, तो आदेश जारी किये जायेंगे।

(ग) प्रश्न ही नहीं उठता।

**केन्द्रीय पुस्तकालय सेवा**

११०८. { श्री बड़े :  
श्री कृष्णबाय :

शिक्षा मंत्री यह बताने की कृपा करेंगे कि।

(क) क्या विभिन्न अखिल भारतीय सेवाओं की तरह 'केन्द्रीय पुस्तकालय सेवा' बनाने की किसी योजना पर सरकार विचार कर रही है ;

(ख) यदि हां, तो इस संबंध में क्या किसी समिति के गठन का निश्चय किया गया है; और

(ग) क्या इस संबंध में भारत सरकार पुस्तकालय संघ (गवर्नमेंट आफ इंडिया लाइब्रेरीज एसोसियेशन) ने कोई प्रस्ताव सरकार को भेजा था और यदि हां, तो उस पर क्या कार्यवाही की गई है ?

**शिक्षा मंत्री (डा० का० ला० श्रीमाली) :**

(क) केन्द्रीय पुस्तकालय सेवा स्थापित करने के प्रश्न पर यह मंत्रालय विचार कर रहा है।

(ख) नहीं।

(ग) अभी तक भारत सरकार पुस्तकालय संघ की ओर से कोई प्रस्ताव प्राप्त नहीं हुआ है।

**Foreign Experts for Engineering Colleges**

1109. **Shri E. Madhusudan Rao:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that some Russian, U.K. and American experts are coming to India for teaching in various Engineering Colleges in the country;

(b) if so, the number of experts coming from Russia, U.K. and U.S.A. and the names of Engineering Colleges to which they will be attached; and

(c) the period of their stay in India?

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

(b) Fifty-six experts from these countries are expected shortly and will be attached to the institutions as indicated below:—

S. No.	Name of the Engineering College to which the expert will be attached.	Number and nationality of experts			
		U.S.S.R.	U.K.	U.S.A.	Total
1.	Indian Institute of Technology, Kharagpur.	2	—	—	2
2.	Indian Institute of Technology, Bombay.	17	—	—	17
3.	Maulana Azad College of Eng. & Technology, Bhopal.	5	—	—	5
4.	Govt. Engineering College, Raipur.	1	—	—	1
5.	Govt. Engineering College, Jabalpur.	1	—	—	1
6.	College of Engineering & Technology, Delhi	—	8	—	8
7.	Indian Institute of Technology, Kanpur.	—	—	13	13
8.	Regional Engineering College, Srinagar.	—	1	—	1
9.	Indian Institute of Science, Bangalore.	—	1	—	1
10.	College of Engineering, Osmania University, Hyderabad.	1	—	—	1
11.	College of Engineering, Guindy	—	1	1	2
12.	Regional Engineering College, Warangal.	3	—	—	3
13.	National Institute for Training in Industrial Engineering, Bombay.	—	1	—	1
Total		30	12	14	56

(c) The period varies from six months to five years.

हिन्दी में गजट

१११०. { श्री प्रकाशवीर शास्त्री :  
श्री प० ला० बारूपास :  
श्री रामेश्वरानन्द :  
श्री कछवाय :

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

(क) गजट के भाग १ सैक्शन २ के हिन्दी संस्करण की छपाई का प्रबन्ध अब तक न होने के क्या कारण हैं; और

(ख) इस प्रबन्ध को पूरा करने में और कितना समय लगने की संभावना है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हृषिकेशजी) : (क) और (ख) यह आशा की जाती है कि अक्टूबर, १९६३ के पहले ही गजट के भाग १ सैक्शन २ के हिन्दी संस्करण की छपाई होने लगेगी १ हिन्दी संस्करण की छपाई का अब तक प्रबन्ध न होने का मुख्य कारण यह है कि सैरकारी मुद्रणालय में हिन्दी के छापने की टाईप, मशीन इत्यादि की कमी थी ।

## हिन्दी शिक्षण केन्द्र

११११. { श्री प्रकाशवीर शास्त्री :  
श्री प० ला० बाहूपाल :  
श्री रामेश्वरानन्द :  
श्री कछवाय :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि गृह मंत्रालय द्वारा संचालित हिन्दी सिखाओ योजना के अन्तर्गत १९६३ में कितने और केन्द्र खोले जाने वाले हैं तथा उसी वर्ष हिन्दी टाईपिंग तथा हिन्दी शीघ्रलिपि के कितने और केन्द्र खोले जा रहे हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हरजनबीस): अभी तक १७ हिन्दी प्रशिक्षण केन्द्र खोले जा चुके हैं तथा इस वर्ष के अन्त तक १० और केन्द्रों के खोले जाने की आशा है। इस वर्ष हिन्दी टाईपिंग तथा हिन्दी शीघ्रलिपि के लिए कोई और केन्द्र खोलने का विचार नहीं है।

## हिन्दी सिखाना

१११२. { श्री प्रकाशवीर शास्त्री :  
श्री प० ला० बाहूपाल :  
श्री रामेश्वरानन्द :  
श्री कछवाय :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि केन्द्र प्रशासित क्षेत्रों में कर्मचारियों को हिन्दी सिखाने और हिन्दी टाईपिंग तथा हिन्दी शीघ्रलिपि का प्रशिक्षण देने के लिये क्या प्रबन्ध किया गया है और उस के अनुसार अब तक कितने कर्मचारी प्रशिक्षित हो चुके हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हरजनबीस): गृह मंत्रालय की हिन्दी प्रशिक्षण, हिन्दी टाईपिंग तथा हिन्दी आधुनिक लिपि प्रशिक्षण योजना के अन्तर्गत केन्द्र प्रशासित प्रदेश दिल्ली तथा हिमाचल प्रदेश में, जहाँ हिन्दी भाषा का प्रचलन है, सुविधायें उपलब्ध की गई हैं। त्रिपुरा, मनीपुर, अण्डमान

तथा निकोबार द्वीप और लकादीव, मिनीकाय तथा अमीनदीवी द्वीपों के मुख्यालयों में कर्मचारियों के हिन्दी प्रशिक्षण का स्थानीय प्रबन्ध किया गया है या किया जा रहा है।

## Delhi Rent Control Act

1113. **Shri Shiv Charan Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) the number of cases under the Delhi Rent Control Act pending in the Courts on the 31st March, 1962 and 31st March, 1963;

(b) the number out of these which are three years old;

(c) whether any representation has been received from the tenants regarding difficulties being experienced by them on account of impact of the Rent Control Act; and

(d) if so, whether Government propose to take any action in the matter?

**The Minister of State in the Ministry of Home Affairs (Shri Hajar-navis):**

(a) 3398 on 31st March 1962.  
4092 on 31st March 1963.

(b) Nil on 31st March 1962.  
151 on 31st March 1963.

(c) and (d). Representations are received from various parties from time to time and such action as necessary is taken, e.g. Section 3 of the Delhi Rent Control Act, 1958 was amended recently.

12.02 hrs.

## CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

(i) INTRUSION INTO TRIPURA BY PAKISTANI PLANES

**Shri Hem Barua (Gauhati):** I call the attention of the Minister of Defence to the following matter of urgent public importance and I

request that he may make a statement thereon:

'The reported intrusion into Tripura by Pakistan Air Force planes on the 22nd August, 1963.'

**The Minister of Defence (Shri Y. B. Chavan):** On 23rd August, 1963, Government received a wireless message from the Tripura Administration that on 22nd August 1963, at 8.20 hours, two jet air fighter planes of Pakistan flying about 500 feet high trespassed into Indian territory at Kalam Choura in Sonamura Sub-Division. At 8.25 hours, two jet air fighter planes came from East Pakistan and came down to about 500 feet over Agartala airport terminal building and runway and returned immediately to East Pakistan. (Shri Hari Vishnu Kamath: So low).

The Tripura Administration lodged a strong protest by express telegram with the East Pakistan Government on 22nd August 1963 against the violations of Indian air space, and requested that Government to instruct all concerned not to indulge in any such provocative activities with a view to maintaining friendly relations between the two countries. Full details of the violations were contained in the protest.

Government is awaiting a reply from the Government of Pakistan to the protest sent by the Tripura Administration before it considers further action.

**Shri Hem Barua:** In view of the fact that hostile activities by Pakistan have been intensified of late against us, and on top of that it is reported that Chinese army men have visited East Pakistan on a fact-finding mission, may I know why it is that Government have not considered it necessary to take sterner measures by way of shooting down these planes that violate our air space? These aircraft are said to have flown at a height of 500 feet only. Why is it that Government did not shoot them down particularly when we have the

example of Pakistan shooting our Canberra in 1959? Is it because Government do not consider it civilised behaviour, to use the words of our ex-Defence Minister?

**Shri Y. B. Chavan:** May I say that I very well appreciate the sentiment of the hon. Member, and that I share that sentiment. But this Agartala airport is a civil airport, and there we do not have any fighter planes. Then again, we have also to take into consideration the fact that Agartala airport is just on the international boundary, just on the boundary with Pakistan. The planes just came, and certainly flying at 500 feet was a provocative action, no doubt about it, but it is a question of a few minutes. They were located at two points which were about a few hundred yards on our side of the border. So, it was rather difficult to take action.

There is a misconception about shooting down planes. We have certainly given the necessary standing orders to the Air Force. The standing orders are there with the Air Force.

**Shri Hari Vishnu Kamath:** (Hoshangabad): Since you became Defence Minister, not in your predecessor's time?

**Shri Y. B. Chavan:** Certainly there are certain standing orders about these matters. But I certainly share the sentiment of the hon. Member. Really speaking, it is the intention of Pakistan to provoke us. Whether we want to be provoked is really the question.

**Shri Hem Barua:** How yong do Government want to offer these arguments that they fly very fast, we cannot shoot them down, we do not have the machinery etc.?

**Mr. Speaker:** Banerjee:

**Shri S. M. Banerjee** (Kanpur): Has the attention of the hon. Minister been drawn to the news item in some of the leading Bengali newspapers to the effect that two Pakistani jets were

[Shri S. M. Banerjee]

seen stationed in Mynamati, on the Tripura border, and that these were the planes which had flown over Agartala airport? May I know whether it is a fact that in this area there is a concentration of Pakistani planes, if so, what steps have been taken by the Government?

**Shri Y. B. Chavan:** For this, I will certainly require notice. I cannot say whether these were the two planes, but two planes did fly; there is no doubt about that.

**Shri S. M. Banerjee:** I have got the press cutting.

**Mr. Speaker:** He says he requires notice.

**Shri S. M. Banerjee:** Not for this. The first question is whether these two jets which, according to the Minister, came into our territory and flew low, were stationed in Mynamati.

**Mr. Speaker:** That is exactly what he has answered, that he cannot say whether they were there before they flew over our territory.

**Shri Hem Barua:** Will you please direct him to make a statement after he collects this information.

**Mr. Speaker:** This information might be collected, if it can be done, whether there is concentration there and they came from there.

**Shri Y. B. Chavan:** That certainly we can do, but it is difficult to say from which place they came.

**Shri Maheswar Naik (Mayurbhanj):** It is only in recent memory that our Canberra was shot down when it flew over Pakistan for a minute or so. Why is it that our Government is so very lenient that we cannot shoot down the intruding planes even if they are over our territory for not more than two minutes?

**Mr. Speaker:** That answer has been given.

**श्री यशपाल सिंह (कैराना):** क्या मैं जान सकता हूँ कि त्रिपुरा की नाजुक हालत केको देखते हुए वहाँ हमारी सरकार ने कितनी एन्टी एयरक्राफ्ट गन्स का इन्तिजाम किया है जिससे आनन्दा यें घटनायें न हो सकें?

**Shri Y. B. Chavan:** In these matters, anti-aircraft gun is not the answer.

(ii) ALLEGED HARRASSMENT TO THE PUBLIC BY THE POLICE IN DELHI ON THE 26<sup>TH</sup> AUGUST, 1963

**श्री राम सेवक यादव (बाराबंकी):** मैं गृह-कार्य 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 :-

‘२६ अगस्त, १९६३ को दिल्ली में पुलिस द्वारा यातायात नियमों को अचानक और कड़ाई से लागू करने के कारण जनता को बर्ष परेशानी।’

**The Minister of Home Affairs (Shri Lal Bahadur Shastri):** May I read it in English or in Hindi?

**अध्यक्ष महोदय:** आप अंग्रेजी में पढ़ें और उस के बाद कुछ हिन्दी में भी बतला दें।

**श्री राम सेवक यादव:** मंत्री महोदय के पास हिन्दी में भी लिखा हुआ दस्तावेज भी मौजूद है। इसलिए वे हिन्दी में ही कह दें।

**श्री लाल बहादुर शास्त्री:** यातायात के नियम और विनियम सुचारू रूप से पालन किये जायें इस हेतु दिल्ली प्रशासन ने २६-८-१९६३ को एक विशेष कार्यक्रम रखा। इस प्रकार की कार्यवाही पहले भी चलायी गई है, जो सम्भवतः इतनी तीव्र नहीं थी। इस सम्बन्ध में १६ mobile courts कार्य कर रहे थे। दिन भर में १४२० मामले दर्ज हुए, जिनमें से १३८२

(मामलों) में दोषी व्यक्तियों को दण्ड दिया गया। ३८ मामलों में उजर पेश किये गये, जिनके लिये सम्बन्धित मैजिस्ट्रेटों द्वारा अलग अलग तारीख लगाई जायेंगी। कुल १८,७५६ रुपये के जुर्माने किये गये तथा १७,७१४ रुपये वसूल किये गये। जो लोग तत्काल जुर्माना अदा नहीं कर सके, उन्हें वैयक्तिक जमानात पर छोड़ दिया गया।

जुर्माने अदालतों द्वारा लगाये गये और अभियुक्त व्यक्तियों को कानून के अधीन चारार्थों का हमेशा अधिकार है। उन सभी व्यक्तियों ने, जिनके मामले तत्काल ही निपटाये गये थे, यह स्वीकार किया कि उन्होंने यातायात के नियमों का पालन नहीं किया था।

चीफ कमिश्नर, दिल्ली की अध्यक्षता में बनी कमेटी जिसके सदस्य कई सरकारी और गैर सरकारी व्यक्ति थे, ने भी यातायात के सभी नियमों तथा नियन्त्रक उपायों को कड़े रूप में पालन करने की सिफारिश की है। इस समिति ने इस बात पर भी जोर दिया कि नियमों को कड़े रूप में पालन कराने का अच्छा उपाय यह होगा कि यातायात के खास खास केन्द्रों पर मोबाइल कोर्ट्स स्थापित किये जायें तथा जुर्माना तत्काल ही वसूल किया जाये। मुझे विश्वास है, कि गम्भीर दुर्घटनाओं को रोकने तथा यातायात को सुचारू रूप में रखने के हेतु मदन इस बात पर सहमत होगा, कि यातायात के नियम और विनियम पूरी तरह लागू किये जायें।

[The Delhi Administration launched a special drive on 26th August, 1963 to ensure observance of traffic rules and regulations. Such drives have been carried out in the past though perhaps with not the same intensity. 16 mobile courts were in operation as part of this drive. 1420 cases were instituted during the day, of which 1382 resulted in conviction. 38 cases were contested for which separate dates will be fixed by the concerned Magistrates. Rs. 18,756 was

the total value of the fines imposed and Rs. 16,714 were realised. Those persons who could not pay the fine on the spot were released on personal bonds.

It should be recalled that the fines were imposed by properly constituted courts. The remedies available in law are always open to the accused persons. All those persons whose cases were disposed of on the spot accepted that they had not complied with the traffic rules.

The Traffic Committee, with the Chief Commissioner, Delhi, as its chairman, and several official and non-official members as its members, has also recommended vigorous enforcement of all regulatory measures and traffic laws. This Committee also emphasised that the best way of enforcing the rules firmly was to establish mobile courts at principal traffic points and to realise fines on the spot. In order to prevent serious accidents and to ensure free flow of traffic, I am sure the House will agree that the traffic laws and regulations should be strictly enforced.]

**श्री राम सेवक यादव :** क्या यह सही है कि पुलिस के सिपाहियों ने दो व्यक्तियों को बुरी तरह से मारा ? क्या ऐसे भी साइकिल सवारों का चालान किया गया जिनके पास दिन में रोशनी का इंतजाम नहीं था ? तीसरी बात यह है कि क्या ऐसे पदयात्रियों का भी चालान पुलिस द्वारा किया गया जोकि लड़क पार कर रहे थे और वहां नजदीक कोई लालिग नहीं था और ऐसे लोगों का अगर चालान किया गया तो कितने लोगों का किया गया ?

**अध्यक्ष महोदय :** अभी जो जवाब दिया गया उस के बाद माननीय सदस्य द्वारा किये गये सवाल के कई हिस्से ऐसे हैं जोकि उचित नहीं हैं। अभी होम मिनिस्टर ने कहा कि जिनका चालान किया गया उन्होंने कबूल किया कि उनसे नियमों व कानून का उल्लंघन

## [अध्यक्ष महोदय]

हुआ है जबकि आप कहते हैं कि जो बेगुनाह थे उनका चालान कर दिया गया और जो दिन में बत्ती नहीं रखते थे ऐसे साइकिलसवारों का भी चालान कर दिया गया। अब इस का क्या जवाब दिया जाय ?

**श्री राम सैबक यादव :** मैंने जो प्रश्न किया है वह अखबार में आया है कि दो आदमियों को बुरी तरह से पीटा गया। बत्ती वाली भी शिकायत है और क्रीसिंग की भी शिकायत उसमें छपी है। मैं मंत्री महोदय से जानना चाहता हूँ कि यह शिकायतें कहाँ तक सही हैं ?

**श्री लाल बहादुर शास्त्री :** मुझे पूरे व्योरे की जानकारी तो है नहीं कि किन का चालान हुआ और किन का नहीं हुआ। अगर साइकिल में दिन को बत्ती नहीं लगी हुई है, मैं नहीं जानता कि उस के खिलाफ कार्यवाही हुई या नहीं हुई, लेकिन एग्जीक्यूटिव द्वारा उस का यह अर्थ निकाला जा सकता है कि वह शाम को भी नहीं लगाता है। अब हर वक्त आदमी लैप अपनी जब में तो रखता नहीं है कि जहाँ शाम हुई उसने झट से निकाल कर अपनी साइकिल में लगा लिया . . .

**अध्यक्ष महोदय :** लेकिन दिन को अगर उसने अपनी साइकिल में लैम्प न लगाया हो तो इसके लिए उसका चालान तो नहीं हो सकता ?

**श्री लाल बहादुर शास्त्री :** चालान नहीं हो सकता लेकिन एग्जीक्यूटिव द्वारा ऐसे इनफ्रैस निकाला जा सकता है कि जिसने दिन को अपनी साइकिल में लैम्प नहीं लगाया हुआ है वह शायद रात को भी नहीं लगायेगा। मैं तो नहीं जानता आप जज रहे हैं, लिहाजा आप इस के कानूनी पहलू को अच्छी तरह समझ सकते हैं, मगर एग्जीक्यूटिव जिस ढंग

से काम करती है, सरकारी प्रशासन इसका वैसा अर्थ निकाल सकता है। यह दूसरी बात है कि उस पर कार्यवाही हो या न हो लेकिन गवर्नमेंट के कर्मचारी जरूर इस बात को ले सकते हैं कि जिस आदमी के पास लैम्प है ही नहीं वह रात को कहां से एकदम से ले आयेगा और यह कि वह रात को भी उसका इस्तेमाल नहीं करता है। लेकिन दिन में बत्ती न रखने के लिए उन पर कोई कार्यवाही हुई इस की मुझे कोई जानकारी नहीं है।

दूसरी बात मुझे यह भी कहनी है कि समाचारपत्रों ने जिस रूप में इस चीज को पेश किया है मुझ उससे थोड़ा अफसोस हुआ है और मैं समझता हूँ कि उसके मानी यह है कि हम दिल्ली शहर में ट्रैफिक रैगुलेशंस का कड़ाई और मजबूती से पालन करा ही नहीं सकते हैं।

**Shri S. M. Banerjee:** I want to know whether it is a fact that this drastic action was taken by the police authorities even without a week's warning, and this was done purely in\*\*.

**Mr. Speaker:** What is that \*\* \*\* ? Is this the manner of putting a question, a supplementary question, by a seasoned Parliamentarian? He should come straight to the supplementary question.

**Shri S. M. Banerjee:** May I submit that \* \* \* \* is not unparliamentary?

**Mr. Speaker:** I do not allow that. That would be expunged.

**Shri Ranga (Chittoor):** There is nothing there to be expunged.

**Mr. Speaker:** Cannot he say, "in an arbitrary manner"? That is not the way to put a question.



**Shri Ranga:** It is not an abusive thing.

**Shri Kapur Singh (Ludhiana):** \*\*

**Shri Hem Barua:** Is it wrong to quote history, Sir? \*\* \*\*

**Mr. Speaker:** Why should he bring in certain things which are not necessary? He might put a supplementary straight.

**Shri S. M. Banerjee:** My supplementary question is this. The police authorities did not give even a week's notice, and a fine has been imposed by the magistrates on cycle-walas, scooter-walas, taxi-walas and on private car-owners and the fines ranged from Rs. 3 to Rs. 100. So, may I know whether the Government propose to institute an enquiry into the excesses and harassment committed caused by the police authorities in the name of these traffic regulations?

**Shri Thirumala Rao (Kakinada):** On a point of order. Can these points be raised on the floor of the House when the cases are pending before the courts?

**Mr. Speaker:** They have been decided. No case is pending.

**Shri Lal Bahadur Shastri:** As far as I am aware, publicity was given in the newspapers that this kind of drive would take place on such and such a date—

**Shri S. M. Banerjee:** How many days' notice?

**Shri Lal Bahadur Shastri:** Even a few days before. But besides that, I might inform the hon. Member that the police has been going round in jeeps and announcing through loud-speakers about the traffic rules and observation of the rules by those who drive vehicles and also the pedestrians and we have been carrying on this propaganda..

**Shri S. M. Banerjee:** Please hold an enquiry.

**Shri Lal Bahadur Shastri:** Let me complete my point. Either the hon. Member should speak or I should speak. I know it for a fact, and in fact I have received letters from the citizens of Delhi greatly appreciating this kind of education which was carried on by the police. In the circumstances, when this drive was to take place or when it was ordered, it was enough that a few days before, some publicity was given, and generally also everybody is expected to observe the rules.

**श्री गुलशन (भटिंडा) :** क्या मैं जान सकता हूँ कि सड़क तथा यातायात नियमों का जनता द्वारा पालन न करने पर उनको दंडित किया जायेगा और जुर्माने किये जायेगे, इसके लिए क्या जनता को पहले से सचेत किया गया था या पुलिस ने अचानक ही एकदम से उन पर हमला कर दिया ?

**अध्यक्ष महोदय :** यह तो बताया जा चुका है ।

Some hon. Members rose—

**Mr. Speaker:** Shri Kapur Singh .

**Dr. L. M. Singhvi (Jodhpur):** Sir, along with Shri Banerjee and others I had also given notice.

**Mr. Speaker:** I have not got his name.

**Shri Kapur Singh (Ludhiana):** May I know whether the Government are aware of two general public complaints in relation to this rickshaw-scooter gentry, namely, (i) that they charge fares in each case as they please in the absence of fare meters, and (ii) they refuse to take a passenger to a destination which is not of their own choice; if so, whether the Government will bear these facts in mind when making a final settlement of this dispute?

**Mr. Speaker:** That is not a dispute and that does not concern this.

**श्री बूटा सिंह (मोगा) :** मैं यह जानना चाहता हूँ कि पुलिस ने ट्रैफिक रूल्स को एन्फोर्स करने के लिए जो कैम्पेयन चला रखा है, वह कितनी देर तक रहेगा। क्या इस के लिए कोई समय निर्धारित किया गया है ?

**अध्यक्ष महोदय :** रूल्स तो हमेशा जारी रहेंगे।

पेपर्स टु बि लेड आन दि टेबल।

12.22 hrs.

**RE: ALLEGED INCORRECT STATEMENT MADE IN THE HOUSE**

**डा० राम मनोहर लोहिया (फर्रुखाबाद) :** अध्यक्ष महोदय, अध्यक्ष के आदेश ११५ के अनुसार मैं कल के प्रदोत्तर काल में मंत्री द्वारा की गई गलतबयानी की आज सफाई कराना चाहता हूँ।

**अध्यक्ष महोदय :** मैं नहीं जानता कि उसके बारे में आप को इत्तिला दे दी गई है या नहीं। आप की चिट्ठी मुझे मिली है और जैसा कि मैंने पहले भी कहा है, अगर ११५ के नीचे कोई माननीय सदस्य मुझे लिखेंगे, तो पहले मैं उस को मिनिस्टर को भजूंगा और उन का जवाब ले कर पीछे उस के बारे में फंसला करूंगा। मैंने आप की चिट्ठी को मिनिस्टर के पास उन के जवाब के लिए भेजा है। उस को आने दीजिए। इस तरह से आप कार्यवाही में दखल न दीजिए।

**डा० राम मनोहर लोहिया :** अध्यक्ष महोदय, मुझ एक निजी सफाई देनी है, क्योंकि मंत्री ने हून लोगों को बर्दमान भी बताया है, जिन्होंने भुखमरी की खबरें दी हैं।

**अध्यक्ष महोदय :** जब आप का अवसर मिलेगा, तब आप कहिएगा। मुझ पता तो लगाने दीजिए कि उस के सम्बन्ध में उन्होंने क्या कहना है।

**डा० राम मनोहर लोहिया :** अध्यक्ष महोदय, बर्दमानी और भुखमरी सेबहुत . . .

**अध्यक्ष महोदय :** आर्डर, आर्डर। अब आप और चीजें न उठायेँ। आप ने मुझे लिखा है और मैंने आप को बता दिया है कि मैंने आप की चिट्ठी को मिनिस्टर के जबाब के लिए भजा है। आप को इत्तिला भी दे दी गई है : क्या मुझे रोज कहना होगा कि आप इस तरह येँ बातें न उठाया करें ?

**डा० राम मनोहर लोहिया :** अध्यक्ष महोदय, मैं आप का हुकम बहुत ज्यादा मान रहा हूँ और अब भी मानता हूँ, लेकिन मैं कहना चाहता हूँ कि भुखमरी के साथ साथ बर्दमानी को जोड़ देना किसी मंत्री को शोभा नहीं देता। यहां पर कल . . .

**अध्यक्ष महोदय :** आप कह रहे हैं कि मैं हुकम मान रहा हूँ और मेरे हुकम के बर खिलाफ बोले भी जा रहे हैं।

पेपर्स टु बि लेड आन दी टेबल।

12.23 hrs.

**PAPERS LAID ON THE TABLE  
MINERAL CONCESSION RULES**

**The Minister of Mines and Fuel (Shri Alagesan) :** Sir, I beg to lay on the Table a copy each of the following Rules under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957:—

- (i) The Mineral Concession (Fifth Amendment) Rules, 1963 published in Notification No. G.S.R. 1214 dated the 20th July, 1963.
- (ii) The Mineral Concession (Sixth Amendment) Rules, 1963 published in Notification No. G.S.R. 1243 dated the 27th July, 1963.
- (iii) The Mineral Concession (Seventh Amendment) Rules, 1963 published in Notification No. G.S.R. 1278 dated the 3rd August, 1963.

[Placed in Library, See No. LT-1579/63].

PAPERS (ENGLISH AND HINDI VERSIONS)  
UNDER ARTICLE 323(1) OF THE CONSTITUTION

**The Minister of State in the Ministry of Home Affairs (Shri Hajarnavis):** Sir, I beg to lay on the Table a copy each of the following papers (English and Hindi versions) under article 323(1) of the Constitution:—

- (i) Twelfth Report of the Union Public Service Commission for the period 1st April, 1961 to 31st March, 1962.
- (ii) Memorandum explaining the reasons for non-acceptance of the Commission's advice in a case referred to in the above Report.

[Placed in Library, See No. LT-1580/63].

12.24 hrs.

COMMITTEE ON PRIVATE MEMBER'S BILLS AND RESOLUTIONS  
TWENTY-FOURTH REPORT

**Shri Krishnamoorthy Rao (Shimoga):** Sir, I beg to present the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions.

12.24½ hrs.

## ELECTION TO COMMITTEE

## CENTRAL ADVISORY BOARD OF EDUCATION

**The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna):** Sir, on behalf of Dr. K. L. Shrimali, I beg to move:

"That in pursuance of paragraph 3(2)(d) of the late Department of Education, Health and

Lands Resolution No. F.122-3/35-E, dated the 8th August, 1935, as amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, three members from among themselves to serve as members of the Central Advisory Board of Education for the next term, subject to the other provisions of the said Resolution."

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

"That in pursuance of paragraph 3(2)(d) of the late Department of Education, Health and Lands Resolution No. F.122-3/35-E, dated the 8th August, 1935, as amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, three members from among themselves to serve as members of the Central Advisory Board of Education for the next term, subject to the other provisions of the said Resolution."

*The motion was adopted.*

12.25 hrs.

## PERSONAL INJURIES (COMPENSATION INSURANCE) BILL—contd.

**Mr. Speaker:** The House will not take up further consideration of the following motion moved by Shri C. R. Pattabhi Raman on the 26th August, 1963, namely:—

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability, be taken into consideration."

**The Deputy Minister in the Ministry of Labour, Employment and for**

**Planning (Shri C. R. Pattabhi Raman):** Mr. Speaker, Sir, during war time special legislation becomes necessary to provide for grant of relief in respect of war injuries sustained by civilian employees. The Workmen's Compensation Act, 1923, and the Employees State Insurance Act, 1948, provided for relief in respect of ordinary industrial injuries. War injuries cannot be compensated under these Acts, because, firstly, the extent and severity of war casualties amongst industrial workers depends upon the vulnerability and strategic importance of the industrial areas. Thus, while industries located in vulnerable and strategic areas may experience large-scale and, in some cases, catastrophic casualties, the industries outside such areas may be left free. Secondly, it is obvious that if employers are made liable to pay compensation for war injuries (otherwise than by a scheme of insurance providing for pooling of risks) the burden will fall on employers who have industries in areas vulnerable to enemy action. In most cases, it will be beyond their means to meet the liability. Further, they will be in such a competitive disadvantage that they may be forced to close down sooner or later.

Accordingly, when the emergency was declared in October 1962, action was taken to undertake legislation to provide for basic relief in respect of certain personal injuries sustained during the period of emergency. Such a relief could be given only from the Consolidated Fund of India, and the amount of relief had necessarily to be restricted to the basic minimum. To provide for such relief, the Personal Injuries (Emergency Provisions) Act, 1962 was enacted in December, 1962. The Act empowers the Central Government to make a scheme or schemes providing for the grant of relief in respect of (1) personal injuries sustained by gainfully occupied persons and by persons of such other classes as may be specified and (2) personal

service injuries sustained by civil defence volunteers. A scheme called the Personal Injuries (Emergency Provisions) Scheme, 1962, was notified in December 1962. This scheme provides for the grant of relief from the Central Government funds on a scale approximately equivalent to the amount of relief granted in respect of the lowest combatant rank of the Indian Army. The civil defence volunteers are entitled to relief at a slightly higher rate as in the case of the next higher ranks of the army.

Under the Personal Injuries (Emergency Provisions) Act, 1962, the liability of employers to pay compensation for personal injuries under the Workmen's Compensation Act, 1923 and the Employees' State Insurance Act, 1948 has been removed. The rates of relief provided for under the Personal Injuries (Emergency Provisions) Scheme, 1962 do not take into account the rates of wages of the person sustaining a personal injury with the result that they do not give adequate compensation to the higher paid labour. It is impossible for Government themselves either to increase generally the scale of relief under this Scheme or to undertake liability to pay further compensation to a particular class of employees from Government funds. It is, however, reasonable that the obligation should be put on certain employers. In view of this, supplementary legislation has been proposed with a view to compensate certain classes of employees for personal injuries at a higher rate.

As the hon. Members are aware, with a view to protect industrial properties and goods which are liable to loss or damage by war-like action during the emergency, the Ministry of Finance have introduced Emergency Risks Insurance Scheme through the Emergency Risks (Factories) Insurance Act, 1962 and the Emergency Risks (Goods) Insurance Act, 1962.

These Schemes provide for compulsory insurance, the rate of premium being fixed by the Central Government from time to time. The legislation now proposed by us will to a certain extent be on the lines of the Emergency Risks Insurance Schemes.

During the last war, the War Injuries (Compensation Insurance) Act, 1943 was enacted to provide for relief to certain classes of workmen at a higher rate and to provide for compulsory insurance of the employers. It is proposed now to undertake a similar legislation with certain changes necessitated by changed circumstances as indicated in the Personal Injuries (Compensation Insurance) Bill, 1963.

The statement of objects and reasons appended to the Bill explains the object and scope of the Bill. The Notes on clauses explain in brief the provisions of the Bill. The financial implications are explained in the Financial Memorandum.

The object of the Bill is to impose on the employers of workmen in factories, mines, major ports, plantations, essential services etc. the liability to pay compensation in respect of personal injuries to the extent the amount of compensation payable under the Workmen's Compensation Act, 1923, exceeds the amount of compensation payable under the Personal Injuries (Emergency Provisions) Act, 1962. The Bill provides for a scheme of insurance of the liability by the employers with Government based on premium rates which can be varied with reference to the actual nature or extent of the liability as it may exist from time to time.

The Bill extends to the whole of India and the employers concerned whether their concerns are located in areas threatened by enemy action or not will have to insure their liability. This has been considered necessary because by distributing the burden of the liability to insure over a maximum area, it will be possible to keep the premium rates low and, at the same

time, collect sufficient sums for the Insurance Fund.

The Bill when passed into law will be brought into force from such date as may be specified by the Central Government. The intention is that the enforcement should be started only when there is a possibility of civilian casualties due to hostilities. As already stated by me earlier, the amount of compensation payable is equal to the difference between the amount of compensation payable under the Workmen's Compensation Act, 1923 and the amount paid by Government under the Personal Injuries (Emergency Provisions) Scheme, 1962.

Provision has been made for payment of compensation on a uniform basis irrespective of the fact whether a workman is covered by the Workmen's Compensation Act, 1923 or the Employees' State Insurance Act, 1948. This has been considered necessary from the point of view of practicability, equity and the fact that the quantum of benefits under the Workmen's Compensation Act is fixed automatically.

Under the Workmen's Compensation Act, 1923, the monthly wage limit for coverage is Rs. 500 and the rates of compensation are linked with the wage-slabs. Workmen in the wage slab Rs. 400.01—Rs. 500 are entitled to the maximum rates of compensation. As the Bill would cover the workmen drawing monthly wages more than Rs. 500 also, provision has been made that in their case the maximum rate of compensation provided for in the Workmen's Compensation Act, 1923, for the workmen in the wage slab Rs. 400.01—Rs. 500 would be taken into account.

It is possible that some employers may have voluntarily undertaken to pay compensation in respect of their employees on a scale even higher than what is provided for in the Bill. A provision has, therefore, been made in clause 5 of the Bill limiting the right of workmen to receive compensation otherwise than under the Bill.

[Shri C. R. Pattabhi Raman]

and the Personal Injuries (Emergency Provisions) Scheme to so much only of compensation as exceeds the amount of compensation payable under the Bill.

In the case of Government employees who are entitled to the benefits of extra-ordinary pension, gratuity etc. provision has been made in clause 6 of the Bill to the effect that their right to compensation under the Bill shall be restricted only to so much of the benefit as exceeds their entitlement to extra-ordinary pension, gratuity etc.

Every employer covered by the Bill is required to take out a policy of insurance from the Central Government and this policy will insure him until the termination of the emergency or until the date on which he ceases to be an employer, if such date is earlier.

The Bill exempts employers whose quarterly wages bill is less than Rs. 1,500. Small establishments, for example, small-scale industries, are generally scattered and in their case the cost of collecting the premium and administrative charges will be out of proportion to the realisation to be made. Hence, the exemption. A contractor whose contract is of less than one month in duration is also exempted because it will be very difficult to collect premium from contractors working for small period. The exemption given to employers, will not prejudice the claims of workers and compensation will be paid to them directly from the Insurance Fund.

The scheme of the Bill is that the total amount of the premium payable by employers will be fixed after the emergency is over in the light of the total liabilities but the employers will be required to make advance payments against the final total premium.

**Shri Hari Vishnu Kamath** (Hoshangabad): After the emergency is over?

**Shri C. R. Pattabhi Raman:** That is with regard to the advance payment.

The advance payments will be recovered from employers at intervals not more frequent than once in each quarter of a year. The premia under the Emergency Risks Insurance Schemes are also being collected quarterly, as hon. Members would have realised already. The rate of premium will be fixed by the Government from time to time in the light of the liability as it may exist from time to time.

The Personal Injuries Compensation Insurance Fund will consist of all sums received by way of insurance premiums etc. The Fund will be utilised to pay sums required for the payment of compensation to workmen of the cost of administration or expenses of agents employed for the insurance schemes; and for payment of the cost of administering the scheme. The Fund is intended to be self-sufficient but provision has been made for the Central Government to make an advance to the Fund, if it is temporarily in deficit, of any amount which may be needed for meeting the expenditure chargeable to the Fund. The advance will be recouped from the future premia. If there is ultimately a surplus in the Fund after providing for all the payments from the Fund the excess shall be disposed of in such manner as the Central Government may decide.

The Scheme of insurance will be administered through agents to be appointed by the Central Government. The agents will be paid from the Insurance Fund, as remuneration the actual expenses that may be incurred by them in operating the scheme.

I hope that the Bill will receive support from all sections of the House.

**Mr. Speaker:** Motion moved.

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining per-

sonal injuries and to provide for the insurance of employers against such liability, be taken into consideration."

**Shri Hari Vishnu Kamath:** On a point of order, Sir. I invite your attention to page 19 of this Bill which sets forth the President's recommendation under article 117 of the Constitution. The recommendation has been communicated to the Secretary of the Lok Sabha and reads as follows:—

"The President, having been informed of the subject matter of the proposed Bill . . . has, in pursuance of clauses (1) and (3) of article 117 . . . recommended to Lok Sabha the introduction and consideration of the Bill."

I submit in all humility that I take exception to the manner in which the highest dignitary of our country under the Constitution seems to have been treated in this particular matter. I submit that he has been treated in a rather informal and casual manner if we take these words literally and unless it is shown to the contrary I suppose we have to take these words literally that are there in the communication as set forth on page 19, namely,

"The President, having been informed of the subject matter of the proposed Bill . . ."

I wonder whether the President was informed on the telephone or through somebody else or through whom and how he was informed, merely to inform the President of the subject matter of the Bill is neither adequate nor appropriate, if we have to observe the spirit as well as the letter of the Constitution. I am sure, the hon. Minister and my other colleagues will agree with me that the President cannot consider anything in a vacuum unless he has got a copy of the Bill before him, that is, the complete Bill with the statement of objects and reasons and everything, all connected material, papers and documents relevant to the Bill. Unless he has all these before him how can he arrive at any reasonably sound judgment as to whether the provisions of the Bill are in accordance with the relevant articles of the Constitution or not? I submit that according to the information given to us just now by the Minister it seems that the President has been only informed of the Bill. We are not sure whether the President had before him a copy of the Bill and other papers or documents relevant to the Bill and, therefore, whether he arrived at a judgment or a conclusion after considering all the aspects of the matter. I submit, therefore, that the President's recommendation as put forward here is not quite in order and in consonance with the spirit and the letter of the Constitution. Therefore, the Bill, as it stands today without the regular recommendation of the President is out of order.

**Mr. Speaker:** Is the recommendation not in order or the information that was given to him is not in order?

**Shri Hari Vishnu Kamath:** That is exactly the point. I am glad you have hit the nail on the head. You can put yourself in the position of the President.

**Mr. Speaker:** I would not.

**Shri Hari Vishnu Kamath:** You will not literally do it.

**Mr. Speaker:** Let the hon. Member put himself in that position.

**Shri Hari Vishnu Kamath:** I certainly would not give the recommendation unless I have got the Bill and all the papers.

**Mr. Speaker:** I have put him only the question whether he says that the recommendation is not in order or the material supplied to him on which the recommendation was made was not in order. What is it than he takes exception to, out of these two?

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**Shri Hari Vishnu Kamath:** Considering that the material supplied to the President seems to have been inadequate and insufficient, the recommendation of the President is not well based on the material as it should have been presented to him. Therefore, the President has been treated in a very casual and informal manner. It is merely informing him of the subject matter of the Bill. I submit that the President's sanction is, therefore, not quite regular.

**Shri U. M. Trivedi (Mandsaur):** May I make one submission? I wanted to raise this point. The question is this. This is the first time that this type of certificate has been attached to the Bill. We have never come across this up-to-date. The question is this. Article 117(1) of the Constitution says:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States;"

Now, this is what article 117(3) says:

"A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill".

According to the language used in the Constitution, in article 117, the initiative must be from the President, not that the initiative must be taken by the Minister. The Minister shall not decide anything. Actually speaking, all Bills emanate certainly from the President. But, if further thing is necessary, as in this case, where the expenditure is to be met from the Consolidated Fund of India, then there

must be a further recommendation of the President. Here it is stated:

"... recommended to Lok Sabha the introduction and consideration of the Bill."

What he recommended is not the introduction of the Bill. The introduction of the Bill requires his recommendation. That is under article 117(1). Then, further it requires that he must further recommend if there is expenditure to be met from the Consolidated Fund of India, the consideration of the Bill to the House of People. Therefore, in this case there is absolutely nothing to indicate that the whole thing as initiated from the President or that the President has made a recommendation for its introduction and for its consideration. This only shows that the President has made a recommendation for its introduction and for its consideration. This only shows that the Minister wanted this and because the Minister wanted this, the President simply said, "Yes". The point is that it must start from the President. That is the point.

**Shri Hari Vishnu Kamath:** It has been done in a slipshod manner.

**Mr. Speaker:** Order, order. I am surprised that an objection has been taken here. What we are concerned with is this. Under article 117 it is provided:

"A Bill or amendment making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced or moved except on the recommendation of the President . . ."

Now the recommendation is there. No fault has been found with that. The recommendation is regular and when recommendation is there we can proceed with the Bill with its introduction and its consideration. Then, again, it is not enough. I am talking of this because Mr. Kamath has taken objection to the way in which the words put in are, "The President, having been informed..." and he



says that is not the way in which it ought to have been done. In fact, we are not here concerned in what way he gets the information. Whether the information that he gets is enough for him or not, that he has to decide. All those papers must be sent to him. He must have a look at them and apply his mind to that and all things would be deemed to have been done regularly unless something is found out that that was not regular or that it was against the law or rules. This is also not enough. Both the hon. Members have ignored altogether rule 348 of the Rules of Procedure. As to how this recommendation shall be obtained is put down in rule 348. It says:

"Every sanction or recommendation by the President shall be communicated to the Secretary by a Minister in the following terms..

The terms are also given.

"The President having been informed of the subject matter of the proposed Bill, motion, demand for grant or amendment...or recommends to the House the consideration of the Bill."

Therefore, if it had been in any other manner, objection would have been taken that it is not according to the rules that are laid down here. And all along the practice has been according to these rules and according to the Constitution they are perfectly in order. There is nothing wrong in it. Therefore, I overrule the objection taken.

**Shri Hari Vishnu Kamath:** On a point of clarification. I am glad you have pointed out this rule 348 of the Rules of Procedure. It refers only to the consideration of the Bill. As my hon. friend Mr. Trivedi pointed out.

**Mr. Speaker:** Every sanction or recommendation.

**Shri Hari Vishnu Kamath:** But for what?

**Mr. Speaker:** For any purpose where it is required.

**Shri Hari Vishnu Kamath:** There are two separate stages as my hon. colleague Mr. Trivedi pointed out.

**Mr. Speaker:** He would not argue still.

**Shri Hari Vishnu Kamath:** You, Sir, said in the course of your ruling that all things would be deemed to have been done regularly, that the President is deemed to have before him all the papers unless it is proved to the contrary. We have no machinery to find out whether it was so done or not.

**Mr. Speaker:** We have to presume that everything is being done regularly unless we can prove otherwise. Shri Nambiar.

**Shri Hari Vishnu Kamath:** Government should treat him in a better manner.

**Mr. Speaker:** I hope so. After all, Government will take note of the objection raised here. Shri Nambiar.

**Shri Nambiar (Tiruchirapalli):** Mr. Speaker, Sir, here I agree with the hon. Deputy Minister that this is a war-time measure, an emergency legislation. But my difficulty is this that in so far as the hostilities and troubles that are contemplated or likely to occur, I do not know whether it is necessary to proceed with such a legislation or whether we could take away the earlier legislation which speaks about the emergency provision of personal injuries. The Personal Injuries (Emergency Provisions) Act, 1962 was enacted towards the end of 1962 for the purpose of paying compensation to the employees as well

[Shri Nambiar]

as to the workmen. Here, I am concerned only with the workmen, because all citizens who are likely to be injured as a result of hostilities do not come within the purview of these two legislations. We are here concerned only with the employees working in factories etc. That being so, there is already a provision in the Workmen's Compensation Act, under which they can get the necessary compensation. If the object is one of granting compensation to all the citizens, then why should we differentiate between employees coming under the Factories Act, the workmen coming under the Workmen's Compensation Act and those coming under other Acts? If it is a question of granting sufficient compensation to the employees, then the Workmen's Compensation Act is quite enough for that purpose. But because of the previous legislation that we had passed in 1962, the right of the workers to get compensation under the Workmen's Compensation Act has been removed today. Take, for instance, a forward area. May God forbid that there should be hostility in that area, but suppose there is hostility in the forward area, and a factory is hit or bombed or damaged in any way, and some employees are injured as a result thereof, then, normally they would have got compensation under the Workmen's Compensation Act. But, now because of the Personal Injuries (Emergency Provisions) Act, the employees cannot get the compensation from the employers, but they can get it only from Government under this measure. Therefore, straightway, the employees are deprived of the compensation altogether by the Personal Injuries (Emergency Provisions) Act, 1962. That was the position until this Bill was brought forward.

**Mr. Speaker:** I understood that it was being ensured by Government that the employers would be required to make payments in that behalf.

**Shri Nambiar:** No. That is the confusion that has been created. In the Statements of Objects and Reasons, the hon. Minister himself has admitted that:

"Under section 4 of the Personal Injuries (Emergency Provisions), Act, 1962, the liability of an employer to pay compensation for personal injuries (i.e. war injury) under the Workmen's Compensation Act, 1923 or the Employees' State Insurance Act, 1948, has been removed . . ."

**Mr. Speaker:** That is because Government are taking over that responsibility.

**Shri Nambiar:** When once that is removed, Government do not give any compensation to the workmen worth its name, and instead, Government will only give some promises to give some compensation. That was the position under the Personal Injuries (Emergency Provisions) Act. But, now, the hon. Minister has improved on that. He says that because the previous Act has deprived the employees of the right of getting compensation under section 4, now, Government want to increase the compensation, which may go up to the provision that has been made in the Workmen's Compensation Act. This is how he has improved on it. Then, he has provided a scheme according to which certain premia are to be paid by the employer, and the money would be collected and put into the Consolidated Fund of India, and from that compensation will be paid. This is the provision that has now been made.

My objection to this is that this makes confusion worse confounded. The employee does not know where to go for compensation. Suppose I am an employee working somewhere in a forward area, and suppose I am injured. I am not going to get any compensation from the employer under these two Acts, but I shall have

to apply to Government for compensation. I do not know what machinery Government are providing for this purpose. So far as the Workmen's Compensation Act is concerned, there is a commissioner already, and I have got a proper channel for getting my compensation. But now that channel has been taken away, because the employer will now say 'I have nothing to do with your payment; therefore, you may ask the Government concerned'. Nobody knows whether the Compensation Commissioner will come into the picture or not. Therefore, the position becomes altogether difficult.

Of course, it may be argued that after all, this is an emergency, and I shall have to undergo some rigours and sufferings, and an employees cannot be distinguished from the ordinary citizen, and, therefore, I may be asked why I am pleading in this manner. I may be asked: 'Suppose the same thing happens to a man in the street, who while walking on the street is hit by some bomb or some such thing and he suffers; then, why do you make a differentiation between the employee and the man in the street so far as compensation is concerned?' Then I would ask: 'Why do you make a differentiation by taking away the right of the workman under the Workmen's Compensation Act by means of this provision? You could have left the employee to himself, and he could have been treated in the same manner as others.' Why do you first take away his right under the Workmen's Compensation Act and then try to improve on that position? That is my objection.

So far as the present Bill is concerned, it is an improvement on the previous Act, and to that extent, I welcome this Bill. But it confuses the whole issue and creates a very unreal atmosphere. I am not going into the question of the emergency now, whether it is necessary to have such a provision at this stage, whether we should apprehend any more hostilities and any more injuries similar to what happened last year. All

these are bigger political issues, and I do not want to enter into them at this stage, and it will be wrong on my part also to do so. But, I submit, that in the given circumstances, Government could have been well advised to repeal the Personal Injuries (Emergency Provisions) Act, 1962. If that had been repealed, then I would have been satisfied, so far as the employees are concerned, and the position that prevailed before the emergency started would have been restored once again. But when once you are not prepared to repeal that Act and you try to bring forward another legislation, then it complicates the matter. Moreover, some invidious distinctions are being made. So far as the definition of 'workman' is concerned, Government have not brought in all workmen who are covered under the Workmen's Compensation Act, within the purview of this measure.

Clause 3 of the present Bill reads thus:

"The workmen to whom this Act applies are—

- (a) workmen employed in any employment or class of employment which is or has been declared to be, an essential service under rule 126AA of the Defence of India Rules, 1962;
- (b) the workmen employed in any factory as defined in clause (m) of section 2 of the Factories Act, 1948;
- (c) workmen employed in any mine within the meaning of the Mines Act, 1952.
- (d) workmen employed in any major port;
- (e) workmen employed in any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;
- (f) workmen employed in any employment specified in this behalf by the Central Government by notification."

Instead of all this, Government could

[Shri Nambiar]

straightway have said that the term 'workman' means any workman who comes within the scope of the definition of 'workman' under the Workmen's Compensation Act. The definition contained in section 2(n) of that Act, which defines the category of workmen could have been included here also. But that has not been done. I ask why even in a Bill of this nature there should be distinction between workmen and workman? As a result of this Bill, even the important compensation rights that the workmen are likely to get will not be available to all the workmen within the meaning of the Workmen's Compensation Act. There again, Government have made a differentiation. Therefore, the whole thing remains in a confused state of affairs.

12.58 hrs.

[SHRI THIRUMALA RAO *in the Chair*]

But, Government may argue this way. Supposing there is a hostility today, or granting that after six months there is a hostility, and something unfortunate happens and injuries take place, then wherefrom will the money come to Government? Therefore, Government want to create a fund. The collections for that fund have to come from the employers. According to this Bill, the premia are to be paid by the employers. We are not taxing the common man at all in this respect but we are collecting the money only from the employers. And we collect the money according to certain rates fixed. I would like to ask why the employer should not be made responsible to pay this compensation as usual, and then he can be subsidised by Government if he has done anything out of the way, or beyond what he was expected to do. Let me make it clear. Suppose there is an employer in the forward area, and he loses Rs. 10,000 as a result of payment of compensation for war injuries and not for injuries sustained in the course of the work in his establishment by an employee; the employer pays the compensation

to the employee. Later on, Government may subsidise the employer to the extent of that sum of Rs. 10,000 or whenever it may be paying him out of the Consolidated Fund of India. Otherwise, what will happen is this. An employer who is located somewhere in Tuticorin, for example, and who is having a factory with ten thousand employees there will also have to pay the premia for what may be taking place only on the border areas. Not only that. He does not know how much he has to pay. He is asked to pay something like a small premium which will be adjusted after the claim is made. The employer does not give the money, but the Government pays and this amount is settled with the premium collected from the fund. That is why the whole thing is confused and neither the employer nor the employee is benefited. The department also cannot deal with the situation.

13 hrs.

When there is hostility, when there is injury sustained, when normal life is not there and the employee gets his limbs broken, he will have to file a petition. To whom? He will have to wait for the compensation. Who is the authority to pay it? The person who gets injured will continue to be 'injured' and the confusion will continue. In the other case, the employee has to submit his petition to the Commissioner under the Workmen's Compensation Act and he will at least get it. But here it is different.

Therefore, though this Bill is an advance on the previous Act, the position is not wholly satisfactory. It is not up-to-date. It is not in any way advantageous to the employee, nor to the employer. No provision has been made showing how the whole thing is going to be dealt with. Who is the Commissioner? How is the compensation to be paid? They say it will come in the rules? But no indication is given. I do not know whether

under the previous Act any notification has been issued, I do not know whether the previous Act is in operation today. We are multiplying Acts; everyday we pass them. But I do not know how we are going to implement them. This should not be another piece of, if I may be excused in saying so, dead legislation. But there is danger of it being so.

My straight request would be to repeal the Personal Injuries (Emergency Provisions) Act, 1962, and leave the workmen who come under the provisions of the Workmen's Compensation Act untouched and safe. If any more danger is likely to come, let the normal law of the land operate and let us see what best we can do later.

If this is not acceptable, my second request is to amend section 3 to the extent of bringing it to the level of section 2(1)(n) of the Workmen's Compensation Act, so that all workmen may come under the benefit thereof.

Another thing—regarding casual labour. The Minister said it is difficult to fix an employer so far as casual labour is concerned and also fix the premium and collect the money. But the unfortunate thing is that the casual labourer also gets injured. For the mere reason that he is a casual labourer, why should he suffer? He has to do the same work as any other worker in a factory. But still the Ministry does not feel the necessity of removing this distinction between a casual and permanent labour. This state of affairs should not be allowed to continue for long. This has been our request with other departments also, like the Railways. We say that this casual system of labour must end. They may say it is required temporarily for temporary work. We agree. But there must be some limitation. If it is for 10 or 15 days, it may so. But this must not continue like that. This distinction must vanish. The Minister will kindly look into it.

The Act applies to employers who pay a wage bill of Rs. 1,500 per quarter. That means the smaller fry are left out. I have no objection. But what is the sort of industry that will be covered, how many workers will be involved? These things are not yet understandable to me. It depends upon the rate of wages and so on. But it looks as if it is a small one. Already some are left out.

What will happen to these employees? Will they get the benefit? The premium is not paid by the employer, but the benefit will go to the employees. If that is so, it is good. But the point is not clear. Of course, there are references to it.

However, considering the present state of affairs, let us pray that there may not be any more hostilities on the border. Let us not create some more laws of this type. Let us try to function under the normal laws. I would appeal to the Minister to consider this. Let employees who are already employed and who are doing their normal work and more for the country's defence, be kept in peace. 8icsary?ddofob

**Shri Kashi Ram Gupta (Alwar):**  
Mr. Chairman, Sir, I rise to speak on this Bill with a mixed feeling, because in principle, the Bill is to be welcomed, but from the practical point of view, it must be opposed on so many grounds.

This is an emergency measure. But we all know how the emergency is going on. The very fact that this Bill has been brought in so late in this House speaks of it, that the emergency is not there, as is sought to be pictured by the Bill. We have seen the fate of two former Bills, the Factories Risk Insurance Bill and the Goods Risk Insurance Bill. What is going on is that Government is taking money all right into its coffers, but nothing is to be paid to anybody because no such emergency has arisen in practice. This Bill will also meet the same fate.

[Shri Kashi Ram Gupta]

It may be that the Government will say that they are taking powers in their hands, but experience has shown that when powers are given to them, the Government enforce them in a very peculiar way. The only result is that they take the amount into the treasury. There can be no moral justification for it when it is not utilised for the purpose. So the Bill ought not to have been brought in at all, but because it has been brought in, it will be proper to postpone its operation till an emergency arises. If that is assured, of course there can be some utility in the Bill at the proper time.

I may quote two examples. When they bring forward such Bills and get them passed into Acts, the poorer people, the small employers are affected by them. One case is that of the Employees' State Insurance Act. It covered all factories wherever they were situated and the employers who were scattered, who were unorganised, had to suffer in this way that they had to pay the premium but could never hope to get the benefit of it for their employees. After ten or twelve years Government had to notify that areas in which less than 500 people are employed would be exempted from the Act. The same will be the fate of this Bill.

I may give another example. In the present Budget we had removed the excise duty on vegetable oils. This has only resulted in destroying the smaller units, and the Khadi and Village Industries Commission has now to come forward to pay rebate to the Ghani people.

Such things happen. The difficulty is that because labour and employers in small industries are unorganised, they cannot raise their voice, and this Government hears only those voices which are organised, whether it is labour, capitalists or their own people.

So, when this Bill is passed and applied to the people, what will be their fate? Everybody knows that big industries are situated not in the villages but in cities. It is the cities that may be bombarded. So, the employees of these small people in remote places are not expected to be effected, but they will have to pay the premium, and it is the big people that will benefit by it. For, after all, the employees of the big people will be paid from the Consolidated Fund, which comes from all people.

I find that the schedule of injuries is just like the schedule in the Workmen's Compensation Act or the Employees' State Life Insurance Act. In a war one cannot say what kind of injury will be suffered. The percentages given are unreal, and if totalled they would be much more than 100 per cent. In drawing up the schedule, the practical side has been ignored. For example, percentage of disability for loss of both hands is 100, amputation of right arm through shoulder 90, amputation of left arm through shoulder 90 etc. So many amputations are there, but in a war one cannot say that only one amputation will be there and not the other. So, all these calculations are only mathematical and apply to peace-time accidents in factories only. I have tabled certain amendments and shall move them at the appropriate time. But the basic thing is and the Minister himself admits that there are certain areas, certain operations, which are outside the purview of this Bill. For instance, if the quarterly wage bill is less than Rs. 1,500, the employers will be exempted. My friend Shri Nambiar has rightly asked if their employees will be covered or not. If not, what will be their fate? I think it is better that he raises the limit to Rs. 2,500. I shall give the reasons later on.

So far as contract labour is concerned, while the quarterly instalment is there, putting it less than one month is totally negating the whole

thing. It should be less than two months, and I shall give the reasons for the same.

Reading together clauses 9, 15 and 16, some points arise. Clause 9 prescribes a punishment of Rs. 2,000 for contravention and a further punishment of Rs. 1,000 per day for continued contravention. I think this can be done only by a court of law. Once he is challaned in a court of law and fined and the amount is also realised, I cannot see how clause 15 can be applied to him. It says:

“(1) Without prejudice to the provisions of sub-section (2) of section 9, where any person has failed to insure as or to the full amount required by this Act and the Scheme and has thereby evaded the payment by way of premium of any money which he would have had to pay in accordance with the provisions of the Scheme but for such failure, an officer authorised in this behalf by the Central Government, may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2)”.

Once he has been challaned under clause 9, what will be the use of this clause?

Clause 16 reads:

“Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section, has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act may be made out of the Fund, and the

sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined....”.

There is again a penalty here. How can there be two penalties? The penalty is already there when he is challaned in a court of law. So, all these things seem to be contradictory, and I request the hon. Minister to see what the result would be of all these clauses taken together.

This House has always been ignoring the small producers and their employees, so far as the application of laws is concerned. The time has come when the Factories Act should be so amended that there may be different punishments for the small people and the big people. The present policy of the Government is resulting in protecting the big people at the cost of the small people. I have already given examples. So, just as they have taken power in the Factories Risk Insurance Scheme and the Goods Risk Insurance Scheme to exempt certain classes of factories, they should have taken power to exempt certain classes of people from this enactment. To that end I have tabled some amendments.

Clause 18 reads:

“Any offence punishable under sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by any authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.”

Sir, I am unable to understand why these should be compounded at all. If a man has done something wrong, he must be punished: there is no question of compounding when it is a

[Shri Kashi Ram Gupta]

war measure. I think it is contrary to the concept of the Bill itself. Thank you Sir, for the opportunity given to me.

**Dr. Gaitonde** (Goa, Daman and Diu): Sir, I rise to congratulate the hon. Minister as this time there is an improvement over the last Bill, at least in one respect. Last time there was no financial memorandum at all and we were told that it was no possible to have it. This time there are at least some assumptions made. But what are the basis for those assumptions, I do not know. Again and again it is said that it is not possible to make any worthwhile estimate. But I said last time that it was possible to make such an estimate because in other countries it has been made and so why not here? Last time I gave him some data to find out how these estimates are made. I think that they have been ignored.

Sir, the draft of the Schedule included in this Bill is amusing; it is more amusing than the books by Alphonse Daudet who was a great French author. The schedule divides the limbs into upper limb and lower limb..... (Interruptions). Then there is the right upper limb and left upper limb. Left is said always to be inferior to the right. Even if somebody is left handed he will get less compensation. It is extremely wrong. Then, let us take the lower limbs. It speaks of loss of two or more limbs. I would like to know whether in India people have got more than two lower limbs. In respect of the upper limbs, the hon. Minister is clear. The Minister is not clear about the number of the lower limbs.

**Shri Hari Vishnu Kamath:** Teach him some anatomy.

**Dr. Gaitonde:** I do not know from where they have copied this but it is a very bad and horrible type of copying. This has to be redrafted.

**Shri C. R. Pattibhai Raman:** I dare say that I will be able to answer at the proper time.

**Dr. Gaitonde:** On page 14, there is a description of injuries. There one finds the same percentage for the loss of two fingers on either hand. But when the loss is of four fingers, then there is no equality. Loss of four fingers (right) means 50 per cent while for left, it means 40 per cent. If the person is left-handed, is this classification justified? There is a large-percentage of cases of left-handed persons. Nobody compels any child nowadays in schools to write with the right hand. Then, there is nothing about the loss of three fingers. What would happen if one loses three fingers? I do not know.

In our studies we are told that a man has five senses. But the hon. Minister accepts only two: hearing and vision. About touch, smell and taste he is silent.

**Shri Hari Vishnu Kamath:** They have the sixth sense.

**Dr. Gaitonde:** Some have; not all. But the hon. Minister accepts only two senses. What about the other three? If the tongue is cut, he cannot be a Member of Parliament. What about the tongue?

**Shri Hari Vishnu Kamath:** That is no disqualification,—dumbness or deafness.

**Dr. Gaitonde:** Suppose I am in a factory and my tongue is cut.

**Mr. Chairman:** Hon. Member need not offer himself as an example.

**Dr. Gaitonde:** In an Emergency I may have to go to the front as a surgeon. Then what about the internal organs? Nothing is said about them. Are there only the lower limbs and upper limbs and these two senses? Are there no others? This Schedule should be redrafted completely.



**Shri Nambair:** I think with the right of redrafting we can pass it.

**Dr. Gaitonde:** I now come to the financial memorandum again. I request the Minister to ask the specialists to have this kind of studies. What should be the compensation or how many people will get injuries or die in an emergency? These calculations are possible. In other countries these have been done. I ask the Minister whether such a study has been conducted in his Ministry.

**Shri Pattabhi Raman:** I may assure him that it has been done.

**Dr. Gaitonde:** Then why do they say that it is not possible to make any worthwhile estimate of the likely number of casualties as this depends upon a very large number of uncertain factors.

**Shri Pattabhi Raman:** The conventional type of war has changed. We cannot envisage what the future war will be. Whatever was good in the old war in England, rifle shooting and machine guns, etc. may not be so now. We have endeavoured to the best of our ability to think about them.

**Dr. Gaitonde:** I am not requesting the Minister to copy England. I am saying that just as in England and in other countries of the world, we should study these things. Their calculations may go wrong. In the last war in England they calculated the compensation at £120 million. But I believe, at the end it came to much less. But at least we have to calculate. Some basis is absolutely necessary. The Deputy Minister says that the technique of war and everything changes. I quite agree. The second world war was completely different from the first world war. But the calculations were there before the war. We have to have some ideas as to what would happen. So, with this request, and with the request that these Schedules should be redrafted completely, I congratulate the Minister on having brought forward this Bill and on his including a Financial Memorandum also.

**Shri U. M. Trivedi:** Mr. Chairman, Sir, I feel that this Bill ought to have been passed long ago. The Personal Injuries (Emergency Provision) Bill, 1962 was passed and assented to by the President on 19th December, 1962. I cannot understand why it has taken nearly ten months more to bring this Bill before the House.

**Shri Kashi Ram Gupta:** Actually, there is no emergency.

**Shri U. M. Trivedi:** If there is no emergency, the Bill ought not to have been brought and the time of the House be taken on it. But we presume the Government feels that the emergency exists and the fact that it has taken such a long time will only indicate the lethargic way in which the Government machinery moves.

There is one very patent thing in the present manner in which these laws are made. When the Personal Injuries (Emergency Provisions) Bill was passed, it was provided in section 3 as follows:

“...that the Central Government may make scheme or schemes in accordance with the provisions of this Act providing for the grant of relief in respect of the following injuries sustained during the period of the emergency.....”.

Why should Government have become fond of making schemes and not placing them before the House in the form of Schedules as soon as the Bill is introduced? The Personal Injuries (Emergency Provisions) Bill 1962 was assented to by the President on 19th December, 1962, and the scheme was framed and published on 22nd December, 1962. Let me hope that the Minister pays attention to the debate here. He is talking. He may go home and talk. Here, I think at least he should listen to what I am saying.

**Shri C. R. Pattabhi Raman:** I assure the hon. Member that I am listening.

**Shri U. M. Trivedi:** He must give his ear to my speech. I am not addressing empty benches.

**Shri C. R. Pattabhai Raman:** When my colleague comes, should I not speak to him? I am listening to the hon. Member.

**Mr. Chairman:** When he has assured the hon. Member that he is listening to him, the hon. Member must take him at his word.

**Dr. Gaitonde:** On a point of order Those who speak are supposed to address the Chair and not the Minister.

**Shri U. M. Trivedi:** There I think the hon. Member is very wrong. We do address the Chair; there is no doubt about it; but it is meant for the ears of the Minister. If the Ministers close their ears I think it is no use entering into a debate.

Now, I would request that whosoever drafts these Bills must make it a point that there should not be any policy of hush-hush or secrecy about the scheme that they frame, and if the schemes can be framed within a day or two of the Bill being assented to, why could the schemes be not framed and placed before the House for the House to consider immediately when the Bills are presented?

There is one difficulty that arises. Now, I would like to draw the attention of the House to clause 8(5) (a) which says:

“Without prejudice to the generality of the provisions of sub-section (1), the scheme may make provisions regulating the payment of compensation payable under this Act and the scheme including provisions for punishment by fine not exceeding Rs. 2,000 for the contravention of any requirement of the scheme.”

Now, this is legislating for imposing a penalty by the backdoor. This will amount to a sort of colourable legislation which is not the idea of any subordinate legislation. The provision must be made in the Act itself, namely that if a contravention of any provision made by the scheme is there, then the punishment should be provided in this Act. But here you are leaving the quantum of punishment also in the scheme. What shall be the quantum of punishment, what type of punishment is to be meted out, etc., are left to be decided by a subordinate legislative body or by rules to be made. This is an inconceivable thing. The punishment must be provided in the Act itself. Apart from that, you can still provide that if any contravention of such and such a thing takes place, then a particular fine or a particular penalty may be imposed, but that imposition of the penalty must be provided in the Act. It should not be left to the sweet will of the executive which generally frames these rules, although in substance we say that they are placed before the House, that they are there for 30 days before the House, and they will continue to remain so, and if the House is prorogued, they will remain for another few days and so on and so forth. All these are very good and nice words. But how many of us study it? Once you go out, this is a thing left to the choice of the Government to publish it and publish it in the form of an SRO, and that SRO does not find any place in the minds of the Members of Parliament, unless there are some very alert Members like Shri Nambiar who want to study those things. I for one would say that I hardly come across any of the SROs; I hardly ever apply my mind to find out what these schemes and rules are, unless I go before a court of law and get myself confronted with them and try to find out what they are. I therefore say that when such schemes are contemplated and when the schemes are

in the view of the Government—the executive knows what scheme is going to be framed—such schemes must not be kept out of the knowledge of the Members of this House, but should be embodied in the form of a schedule which may be attached to the Bill so that their pros and cons can be studied.

This scheme is inter-related with the scheme that has been formulated under what we call the original Bill that was passed, the Personal Injuries (Emergency Provisions) Act, 1962. I was looking into this scheme which was published on the 22nd December, 1962. There I found one thing: I would not readily agree with the definition of eligible persons. I do not know how and with what conception it has been said that a daughter, if she is above the age of 18, if she can support herself even if she is not married, will not be given anything; and a father of a disabled person will get pension if he is 50 years of age; the mother will get it and the mother who has got married somewhere else will still get it if she again becomes a widow. So, the mother can get it; the father can get it, but the daughter cannot get it. What a queer conception we have about the dependents of the members of a family? This has been noticed by me today. Similarly, similar things are going to crop up in the new law that we will make. I do not know whether it will be meet and proper for me to make this suggestion, but I do make it with all the humility at my command that when such things are made, when the schemes contemplated are such as go very far to control the working of an Act and the schemes are already in view of the Government, then it would be very proper that the schemes are also embodied in the Bill itself as schedules.

Then, there is one thing. Very recently we had a big quarrel here over this point. Dr. Lohia was saying that the income of many people was three annas and others were

saying that it was seven annas. In these eligibility rules that you have made you are going to provide Rs. 5 a month for the maintenance of a child. What will it come to? So you are still living in those days where you can conceive of a child being maintained on Rs. 5 a month. For a grown up child you are providing Rs. 7-8-0 a month. For whom are you making these laws? Are you making these laws for street beggars? Why have such a nasty provision as that? How much can you purchase for Rs. 5 in a month? Nowadays you know, Sir, you and I cannot have even a lunch for Rs. 5, whereas you want to make a provision for giving Rs. 5 a month for a child. I should say it is inconceivable that such a thing should have been brought into this scheme. I think that probably is the reason why through back-door some arrangement is being made which white-washes all that is desirable under the Act. I do not know how it has escaped the notice of Shri Nambiar who is always up against such things.

**Shri Nambiar:** I did not go through the scheme.

**Shri U. M. Trivedi:** I thought you would have gone through it. Then, Sir, there is another thing to which I would like to draw your attention.

**Mr. Chairman:** May I request the hon. Member to expedite giving his conclusions?

**Shri Hari Vishnu Kamath:** This is an important piece of legislation, Sir, and I hope you will extend the time.

**Mr. Chairman:** The time has been agreed to. I am not stopping the hon. Member from speaking. I am only giving him a friendly warning that he should not take more time.

**Shri Hari Vishnu Kamath:** We are making a friendly request that the time may be extended.

**Mr. Chairman:** Ringing the bell is the real warning; this is only a friendly warning.

**Shri U. M. Trivedi:** There is one thing to which I would like to draw the attention of the Government. In the present day legislation I have been noticing a tendency on the part of the Government, and this tendency on the part of the Government is growing day to day and this tendency must be checked. It is that every time a provision is made that no prosecution for any offence punishable under the Act shall be instituted against any person except by or with the consent of the Central Government or an authority authorised on this behalf by the Central Government. We have gone too far with this. We know that corruption exists. We know that there are many petty officers who are corrupt. We also know there are many in sitting at the top who are also corrupt. Why should we leave it in the hands of those top people to say whether or not a prosecution should take place? Why should a corrupt officer decide whether the other officer is corrupt or not? I would, therefore, submit that in formulating such laws we should not put any such condition. Leave it in the hands of the executive authority, as soon as an offence is made out, to prosecute the person concerned if necessary on a police report or on a government servant's report. You may say, as in the Defence of India Rules, that a prosecution shall not commence except on a report in writing by a public officer. You may put it like that, but do not say that every time the Central Government, the high and mighty will have to be moved for prosecuting another high and mighty who might have swallowed thousands and thousands of rupees under this Act. He might not have kept the money in any insurance, he might have let loose the whole thing. The poor man might have been killed and he will file an insolvency report and everybody will suffer out of it. I would, therefore, submit that in such matters the Government should take care of not sowing the seeds which indicate that there is something fishy about the Bill, about the

measure which is meant for public benefit and for the benefit of an ordinary worker. This is a general criticism that I would like to offer, in all humility, and I hope it will be taken note of.

I would like to say one thing more before I close. When you draft a law why should you not have a particular method of drafting, some simple method by which no confusion can arise? A pattern must be fixed and that pattern should always be followed. In clause 8 of this Bill there is absolutely no provision whatsoever that the scheme to be framed under this law shall be placed before both the Houses of Parliament and shall remain there for so many days. I was searching for it. In the Personal Injuries Emergency Provisions Bill you have said that the every scheme and every regulation made under the scheme shall be laid before the Houses of Parliament as soon as may be available. That is in sub-clause 7 of clause 3. Here what you have done is, not having provided there in clause 8, you chose clause 24 at the end. Here you have made the provision. But in between what the Government has done is, another thing has been thrust in. You have said: "Every scheme and every rule made under this Act....". The scheme will be different and the rule will be different. The rule will govern the scheme and the scheme will govern the rule, and create confusion worse confounded in the administration of this law. I would, therefore, submit that some pattern must be followed. In this case the Government could have made this provision in clause 8 itself that the scheme shall be laid before the Houses of Parliament. It could have made this provision in clause 8 also where the scheme has been described. Why have we travelled in this manner and came down to clause 24 to make this provision? I would, therefore, submit that whoever drafts these laws must also keep it in mind that the drafting

must be uniform, that a particular pattern must be followed and that it must be easy and simple for the people to follow.

**Shri K. N. Pande (Hata):** Mr. Chairman, Sir, I am standing to support the Bill. There are two social security measures which are already in operation giving protection to the workers. One is the State Insurance scheme and the other is the Workmen's Compensation Act. In order to meet the requirements of the Workmen's Compensation Act, there are many factories which have got themselves insured against injuries sustained by their workers in accidents. When there is an injury sustained by an employee it is the insurance company which pays. They assess the percentage of injury sustained. Similarly, about 15 lakh people are covered by the State Insurance Scheme. The scheme in the present Bill is simply to protect the people under this emergency period. This is an emergency measure. The very first clause asks the Central Government to enforce the statute only when there is a possibility of civilian casualties due to external aggression. This measure has been brought before the House by the Ministry now because there is the threat of Chinese aggression. If there is any bombardment on any factory, it will cause injuries not to two or three employees, as in the case of ordinary accidents, but to so many employees. Therefore, it will be very difficult for the ordinary employers to pay such heavy compensation. This measure has been thought of and brought before the House in order to safeguard the interests of both the employees as well as the employers. Therefore, when this Bill takes the shape of an Act, I am sure it will be welcomed not only by the employees but also by the employers.

While supporting the Bill, I want to make one or two suggestions which the hon. Minister should look into. To whom does this Act apply?

To workmen employed in any employment or class of employment which is, or has been declared to be an essential service under rule 126AA of the Defence of India Rules, 1962 and to the workmen employed in any factory as defined in clause (m) of section 2 of the Factories Act, 1948. Now the scope of the Bill is limited to these two classes of people. In my opinion, the scope of the Bill should be extended to cover a larger section of the people. Because, in case of bombardment, it will not affect only those who are working in a factory; it may affect those who are engaged in road construction work also. During the period of emergency, there will be bombardment, roads and bridges will be damaged and repair work will always be going on. If workers engaged in such activities are not covered by the provisions of this Bill, their interests will not be safeguarded. I do not know whether they are covered under "essential services". I hope the hon. Minister will look into this matter and clarify the position, because there is some confusion in my mind.

Coming to the Factories Act, all the workers engaged in every factory are not, strictly speaking, covered by the Factories Act. It is applicable only to those factories where the number of workers is more than ten. Suppose there is a small factory, which is producing some essential commodity required for war purposes, which employs only six or seven workers. What will happen to the workers of such factories? Will they be covered by this Bill?

Then I find from the clauses of the Bill that some of the small factories have been exempted, depending upon their salary bills for a month. It is a good thing. But what will happen to the employees of such factories? If the Government says that even the employees of the exempted factories are covered by the provisions of the Bill, the interests of those workers are also safeguarded because they are doing something for the betterment of

[Shri K. N. Pande]

the country, for the defence of the country, then I have no objection against exemption. It is our bounden duty to see that in case such workers sustain any injuries or die, they or their dependents should be adequately compensated under this Bill, when it takes the shape of an Act. With these suggestions, I support the Bill.

श्री यशपाल सिंह (कैराना) : अधिष्ठाता महोदय, इस बिल का नाम कुछ समझ में नहीं आया। इस बिल का नाम तो Survival of the fittest Bill होना चाहिये था क्योंकि जो गरीब मजदूर हैं उनको इन्शोर किया गया है। एग्रीक्लचरल लेबर जोकि लाखों की तादाद में है उसका नाम तक इस बिल में नहीं आया है। थोड़ी सी यूनियनों हैं जिनका कि थोड़ा बहुत शोर माननीय मंत्री के कानों में पहुंच जाता है, उनके लिये यह बिल लाया गया है लेकिन जो लाखों की तादाद में एग्रीक्लचरल लेबर है उसका नाम तक इस बिल में नहीं है। इसलिये इस के बजाय कोई कम्प्रीहेंसिव बिल लाया जाय जिससे खतिहर मजदूरों को फायदा हो सके।

दूसरी बात यह है कि इस के अन्दर जो इमरजेंसी पीरियड रक्खा गया है वह बहुत बड़ा है ? इमरजेंसी के कोई माने नहीं हैं। हमारे प्रधान मंत्री जी इसी आउस में कह चुके हैं it may continue for 10, 20, 40 or 50 years. यह हमारे प्रधान मंत्री जी कनफेंस कर चुके हैं कि चीन के एग्रेशन से हम लोग ५० साल तक भी प्रभावित रह सकते हैं। इसलिये यह बड़ा बड़ा है और इस के लिये कोई फिक्सेड टर्म आनी चाहिये।

तीसरी चीज यह है कि इसमें जो १५०० रुपये रक्खा गया है वह इस जमाने को देखते हुए बिल्कुल ही नाजायज है और कतई नामुनासिब है। इसमें लिखा है :—

"Every employee or workman to whom this Act applies or is

subsequently made applicable, except an employee whose total wages for any quarter after the commencement of this Act, has never exceeded rupees fifteen hundred".

आज के दिन १५०० रुपये के कोई मानी नहीं है। कारखानेदार जो सरकार की आंखों में धूल झाँकते हैं, ढाई अरब रुपया उन कारखानेदारों के पास बकाया रहता है, व इनकमटैक्स का रुपया मिल मालिकान के पास पड़ा है जोकि ओवरड्यू है लेकिन आज तक सरकार उसको उनसे वसूल नहीं कर सकी है। सरकार न तो उनके रजिस्ट्रों का पता लगा सकी और न उनके एकाउण्ट्स को देख सकी और न ही उनकी चैकिंग कर सकी है। इसलिये एक मजदूर जोकि किसी कारखाने में काम करता है, भले ही वह कारखाना छोटा हो या बड़ा हो, सब को एक निगा से देखना चाहिये और उसके लिये एक कम्प्रीहेंसिव बिल लाना चाहिये। हर एक मजदूर को यह राहत दीजिये और उसके लिये फिक्सेशन हो। उसके लिये एक निश्चित समय हो, एक काल बिल्कुल निश्चित हो जिससे कि यह ठीक से शुरू हो। बजाय इसके कि सरकार के आँधों में इसे दिया जाय एक इस तरीके की आटोनमस कारपोरेशन हो जिसमें कि मजदूरों का सही रिप्रजेंटेशन हो। सरकार आज भी पोलिटिकल सफरस को जो पेंशन दे रही है उसमें उन लोगों को आज तक पेंशन नहीं मिली है जोकि २०, २० साल तक जल में रहे हैं। इसलिये मजदूर यूनियनों के जरिए, मजदूरों की एक कारपोरेशन हो, उनके जरिये इश्योरेंस स्कीम लाई जाय। अगर सरकार के थू किया जायेगा तो फिर उससे फेवरेटिज्म होगी, निपोटिज्म होगी और भाई-भतीजावाद चलेगा। बेहतर यह होगा कि इसके बजाय एक कम्प्रीहेंसिव बिल लाया जाय। कम से कम जो खेतिहर मजदूर हैं उनकी फसलों का बीमा करने का भी कोई इंतजाम होना चाहिये।

इसके अलावा सब से बड़ी बात यह है कि सरकार के हाथों में से लेकर इसको जो मजदूरों की कारपोरेशन हो, मजदूरों की जो कोआपरेटिव्स हैं, मजदूरों की जो सोसाइटीज हैं, मजदूरों की जो यूनियंस हैं उनके हाथ में इसे दिया जाये और खेतिहर मजदूरों के ऊपर भी इसको लागू किया जाय।

**Shri Hari Vishnu Kamath:** Mr. Chairman, I am glad the Deputy Minister has, by moving this Bill for consideration, sought to remind the House that there is an emergency in force in our country, for it was only a week ago that a senior member of the party to which he has the honour to belong, a member who was chosen as the first speaker of his party on the no-confidence motion, only the previous day, had tried to impress on the House that there was no emergency at all. It was symbolic of the awareness of the ruling party, the degree of a wareness of the ruling party, that that senior member was chosen to lead the debate from the ranks of that party. Anyway, now I am glad that he has tried in his own way to remind the House, and through the House the nation outside, that there is emergency in force.

14 hrs.

We have, by now, got used to the rule or the practice, may I say, of an enactment being made in haste and amended at leisure. This has been the tale of this Parliament which has been told so often in this House and this Bill is no exception to that rule or tale. The original Bill was passed into law last December and within eight months we have got an amending Bill. The statement of objects and reasons says that under section 4 of the Personal Injuries (Emergency Provisions) Act, 1962, the liability of an employer to pay compensation had been removed and now this Bill has been brought forward to rectify that error. I do not know why any thought was not given to this aspect of the matter when the original Bill was brought before the House and

who was responsible for this kind of remissness.

14.01 hrs.

[DR. SAROJINI MAHISHI in the Chair]

I will now try to invite the attention of the hon. Minister to certain other aspects of the Bill. I find that the malady of rather somewhat careless draftsmanship has still not been completely cured and I would request him to pay some attention to this matter. Take only one instance. I do not wish to take the time of the House by drawing your attention and of the hon. Minister to a number of instances but I would draw your attention to only one. In clause 2 and in clause 7 there is a reference to disablement that might ensue from an injury. In both these clauses the word used is 'disablement', whereas coming to the Schedule on page 13 you will find that the words used are "percentage of disability". It may mean the same thing but in legislation, I submit, we must be careful as to the words that we use and there must be consistency and identity between the words in the different parts of the same Bill. It is wrong to use one word, that is disablement in one part of the Bill and another word, that is, disability, in another part of the Bill. I hope, it will be borne in mind in future and it may be rectified even now. I do not know if there is some formal amendment to this effect but the hon. Minister, on his own, may rectify this mistake that has crept in.

Coming to the other matters that are germane to this Bill before the House, may I invite the attention of the House and that of the hon. Minister to the statement of objects and reasons. In paragraph 3 of the statement we are told:—

"The premium payable by employers for compulsory insurance will be collected at quarterly intervals as is being done under the Emergency Risks (Factories) Insurance Act, 1962."

If I heard the hon. Minister aright when he moved for the consideration

[Shri Hari Vishnu Kamath]

of the Bill and made a speech thereon, he said that the premia will be collected after the emergency is over. I could not quite follow what he said and that is why I interrupted him and asked him what exactly the point he was making was. Here it is said that it will be collected at quarterly intervals and in his speech he said that it will be done after the emergency is over. This must be clarified when he replies to the debate.

There is another matter which arises from the financial memorandum on page 24. The hon. Minister, naturally, is unable to assess or determine the extent of the liability. That is perfectly understandable. The extent of liability to pay compensation will depend upon the number of casualties. God forbid, there will be any casualties—but I can understand the difficulty in this matter—among the workmen covered by the Bill. The memorandum says:—

“It is not possible to make any worthwhile estimate of the likely number of casualties as this depends upon a very large number of uncertain factors.”

Quite so. But in the very next sentence he goes on to say:—

“The number of workers that will be covered by the Scheme of insurance will be about 6 million.”

I and my colleagues, I am sure, would like him to tell the House how this figure has been computed and what industries, what factories and what other establishments have been taken into consideration for arriving at this figure of 6 million.

Further on, he goes on to say:—

“Assuming that compensation will be required to be paid to one per cent of them....”

I hope, there will not be even 1 per cent casualties, but because earlier

he has said that it is difficult to assess the number of casualties he says that assuming that there will be 1 per cent casualties—1 per cent means 1 per cent of 6 million—the compensation will be an average of Rs. 3,000 per injury and he goes on to arrive at the figure of Rs. 18 crores and takes the administrative and agency charges as Rs. 1 crore. I wish, he gives some details of these figures when he replies to the debate.

Two more matters and I have done. My hon. friend from Goa who is an eminent surgeon, has very rightly drawn the attention of the House and of the hon. Minister to the rather confusing and incomprehensible terminology that has been employed in the Schedule which sets forth the various types of injuries that might be sustained. I would invite the attention of the hon. Minister to some other matters in this Schedule which have not been covered by my hon. colleague from Goa.

May I invite the attention of the hon. Minister to the very delightfully vague words—I should not use the word ‘delightfully’ in the matter of injuries; but it seems to be rather very vague and difficult for a layman to understand. On page 15, under the heading ‘Other disabilities’ for “Very severe facial disfigurement” it is 100 per cent; that is, it is regarded as total disability, whereas certain other injuries which might disable a worker have been awarded a percentage of 40, 50 or 60 and all that. But mere severe facial disfigurement has been classed as 100 per cent disability. I know, facial disfigurement is something which everybody would abhor and nobody would like to suffer from himself or herself. I do not know whether this particular type of injury, facial disfigurement, having been classed under total disability, will be applied with different norms or criteria to women and men workers, because, I suppose, a woman would regard severe facial disfigurement of greater consequence



to herself than perhaps a man might or would.

**Shrimati Vimla Devi (Eluru):** Thank you.

**Shri Nambiar:** Thank you for the compliment to womanhood.

**Shri Hari Vishnu Kamath:** Whatever it may be, I am glad that my Communist colleague has been very responsive to what I have said just now though I would plead with her that some such laws should be enacted in the big Communist countries of Russia and China also.

I hope, the hon. Minister would throw some light on this matter also as to what is severe disfigurement and what is very severe facial disfigurement. Let him tell us what he means by 'severe' and 'very severe', what exact injuries he contemplates; whether he contemplates a nose chopped off, a cheek mauled badly or lips mauled badly or things like that. He should tell the House what exactly he means by 'severe' and 'very severe'.

Then, there is one more thing. I come to p. 17. We have got a rather curious language used here. I do not know whether it is a printer's devil. It is: date of hearing attained. I do not know what is the meaning of saying "date of hearing attained". I cannot follow what it is.

**Shri Nambiar:** It is a printer's devil.

**Shri Hari Vishnu Kamath:** Let the Minister throw light on that as to what he means by "date of hearing attained". There have been the cases of total deafness. Look at the classification made here—total deafness. We have had the experience of that here in this House, but of a different kind.

The next one is "Shout not beyond 3 feet". What it is, audible, inaudible, I do not know. That is not clearly set forth. Here is the column "date of hearing attained". That is the head-

ing of the column. Below that comes "Shout not beyond 3 feet". What shout, what kind of a shout, I do not know. We have got different degrees of pitch. I can shout a little louder than perhaps the hon. Minister can and my hon. friend Mr. Nambiar can shout a little louder than myself. I am positive of that. It should be defined. I do not know whether my hon. friend Dr. Gaitonde can anatomically and physiologically define the pitch of the shout, as to what shout is. It is: shout not beyond 3 feet. They are all so vague. And if any assessment of the injury is based on this—God forbid, who will be in power to decide all these things—he will be an arbitrary dictator to decide what shout is, what kind of a shout is, shout not beyond 3 feet, audible or inaudible and all that. There is a question of degree also. Then, it is mentioned: Assessment of both ears used together. What does it mean, unless it means neither ear should be plugged? We normally use both the ears. Therefore, it is unnecessary and redundant. I do not think it is necessary. Normally, we hear with both the ears; both the ears are used. As a matter of fact, the phrase is: "Friends, Romans and countrymen, lend me your ears." We do not say: lend me your ear. I do not know whether this "assessment of both ears used together" is at all necessary. Therefore, I want to request the Minister to think of this.

Then, lastly, I come to p. 15 with regard to this injury of defective vision. Loss of one eye without complications, the other eye being normal—the percentage is 40. Then, below that we have got: loss of vision of one eye with complications or disfigurement, the other eye being normal—the percentage is the same, 40 per cent. The next one, below that, it is: loss of vision of one eye without complications or disfigurement, the other eye being normal—this gets only 30 per cent. The first one, the loss of one eye without complication gets 40 per cent. and this one, the loss of vision of one eye without complications or disfigure-

[Shri Hari Vishnu Kamath]

ment, gets only 30 per cent. This is rather anomalous to say the least.

**Shri C. R. Pattabhi Raman:** One is, the loss of one eye; the other is, the loss of vision of one eye. I will explain it. It is a technical matter.

**Shri Hari Vishnu Kamath:** My point is that it should get the equal percentage. Whether it is the loss of one eye or it is the loss of vision of one eye does not make any difference. Madam Chairman, you are so learned and you can understand it.

**Mr. Chairman:** The Minister will explain it.

**Shri Hari Vishnu Kamath:** I do not want to cast a burden on you. What is the difference between loss of one eye and the loss of vision of one eye? I do not know.

Therefore, while welcoming the Bill, I believe the implementation of the Bill will bristle with so many difficulties as has happened with the Compulsory Deposit Scheme. I hope this scheme at least would go through and not be attended by pitfalls and dangers that overtook the Compulsory Deposit Scheme.

**Shri Radhelal Vyas (Ujjain):** Madam Chairman, I am glad that the Government has brought forward this measure. But I would submit that it is not a very comprehensive measure. So many things have been left out. For example, if you refer to the Factories Act, 1948, in the Schedule to this Act, there is a list of notifiable diseases and under the Workers Compensation Act other diseases also are treated as injuries resulting from an accident. This has not been covered by the Bill which is before us.

I would like to invite the attention of the hon. Deputy Minister to a Government report, report No. 18 of the Ministry of Labour and Employment with regard to the survey of carbondi-

sulphide, hydrogen sulphide and sulphur dioxide. Of course, this was restricted only to the survey of viscose rayon industry in India. If you go through it, you will find that the workers, the labour, who are employed in such industries suffer from so many diseases and their whole life is ruined and their longevity is reduced. They suffer from various diseases. This survey report points out a number of diseases to which the labourers are subjected.

**Shri Priya Gupta (Katihar):** You mean trade diseases? Diseases due to the trade in which the worker is employed.

**Shri Radhelal Vyas:** Yes. This has been notified under section 9 of the Indian Factories Act also. I would like to know why these diseases have not been covered by the Bill that is before us. There are ordnance factories where silver, lead and other poisonous material are being invariably used.

**Shri S. M. Banerjee (Kanpur):** They are occupational diseases. They are provided with safety measures.

**Shri Radhelal Vyas:** Even those have been provided here. There are other Acts also for them. For example, Government employees are covered by some other Act. But in spite of that there is a provision which applies to all the workers. Similarly, I submit that the provisions of this Bill should be extended to include those occupational diseases. So, this is a lacuna which should be rectified.

**Shri Priya Gupta:** There are explosive factories in India where workers have to inhale harmful gases whereby workers become medically incapacitated.

**Shri Radhelal Vyas:** I would just like to say something about the diseases to which the workers in various factories are subjected. Even, take for exam-

ple, the factories where carbondisulphide, hydrogen sulphide and sulphur dioxide are being used as raw materials. A survey was made by a team appointed by the Government, by the Ministry of Labour and Employment and this is what it shows. Only 270 workers were examined and out of them 45.5 per cent suffered from headache, 35 per cent from chronic fatigue and 15.1 per cent suffered from the loss of libido, that is, impotency. They suffer even to that extent. I have not been able to understand, even with regard to these factories, why Government has not been able to take precautions which it ought to do. What has the Government done so far to safeguard the health and the security of the workers that work in such factories? A number of recommendations have been made in this report. I have not been able to understand why Government should have taken so much time to implement those recommendations. Almost cent per cent of the workers are obliged to suffer from some occupational disease or the other after some time. There are no proper checks, and there are no proper precautionary measures provided to safeguard the interests of the workers and to check the leaks and the drips in the various factories which lead to various diseases to which these workers are subjected.

So, I would like to submit that Government should come forward in the future with a comprehensive measure to cover all such cases so that full compensation can be paid to the workers, whether they be working in this factory or that factory, or whether they work in a factory concerned with essential supplies or in a factory to which the provisions of this Bill apply only for a limited purpose. I would submit that the provisions should apply to all the workers. For, after all, what is the object of this Bill? The object is to safeguard the interest and the welfare of the workers and to provide for compensation in certain cases. The same principle should apply to all the workers.

So, I would submit that the cases of occupational diseases mentioned in the Schedules to the Factories Act and the Workmen's Compensation Act should also be covered by the Bill that is before us.

**Shri S. M. Banerjee:** I fully agree with some of the observations made by my hon. friends. There are two questions on which I would like to throw some light. The first is that this particular Bill which was introduced after the other Bill had been passed by this House, should have covered all workers. The definition of 'workman' should be such that not only the factory worker will be covered, but even those who are working in a casual capacity will be covered. Unfortunately, the casual employees who are employed for a specified period for a specific purpose will not be covered by this Bill. This would mean that all those labourers who will be employed in huge numbers by all those contractors who accept Government contracts will be deprived of the benefits flowing out of this particular Bill. Suppose there is an invasion and there is a bombardment, and suppose a worker is injured, as a result of the bombing, while he is engaged in the process of constructing something on a purely contract basis, or he is engaged in the process of building buffer walls or safety walls or in digging trenches etc. Then, what will happen in that case? That job of the worker is for a specific purpose and for a specific period of ten or fifteen days only. What will happen to those casual workers if they sustain injuries? So, I would plead with the hon. Minister to kindly include those employees who are termed as casual workers also within the scope of this Bill. Otherwise, the vast number of workers who want to do their best, and who are doing their best to defend this country and who are prepared to sacrifice their lives also for the sake of this country will be deprived of this benefit of compensation.

I would also plead with the hon. Minister to include certain occupa-

[Shri S. M. Banerjee]

tional diseases. My hon. friend Shri Radhelal Vyas has pointed out certain occupational diseases affecting those workmen who are working in the ordnance factories. The hon. Minister knows it very well that those people who are making TNT, which is a particular material which is required for filling the shells, become absolutely paralytic after ten years of service, and they start trembling in every limb, because the fumes that come out in that place compel them to succumb to that sort of disease. What will happen to those workers? Now, the ordnance factories are on the verge of expansion or they have already been expanded. When we want to achieve a stage of self-sufficiency in the matter of defence production, when we are trying to manufacture automatic weapons and all sorts of other weapons required, conventional and non-conventional weapons required for any war or to meet any emergency, naturally, those ordnance factory workers also should be protected by some legislation. It would have been better if the Workmen's Compensation Act had been amended so as to make it a comprehensive Act covering all cases of injuries including war injuries.

Then, I would like to ask what will happen to those middle class employees who are working in the mercantile offices. The experience in Calcutta is that when a bomb fell in Calcutta near the Cossipore area, those people felt the necessity of such a security. So, I would submit that the provisions of this Bill should not be merely confined to the workmen as defined under the Workmen's Compensation Act or the Factories Act, but should also be made applicable to those middle class employees who are working in various mercantile offices.

I would request the hon. Minister to kindly throw light on these two points. I do not want to take more time of the House. I welcome this Bill. But I would only submit that

it should not be confined to only a handful of people, but it should embrace all persons, for, after all, this is part of a total war effort in which every man, whether employed or not employed, whether in a factory or in an office will do his best to see that the country's integrity is defended.

About casual employees, I would only mention this that during the war time a number of employees, in fact, lakhs of employees will be employed by the various employers. If they are deprived of this concession, then it will be a tragedy indeed. When they wish to sacrifice, and when they do sacrifice, and when they have got every idea to sacrifice more and more in the interests of the country, if they are going to be deprived of this war injury benefit, then it will really be a sad commentary on this particular legislation. So, I would request that this Bill should be made applicable to those persons also. In fact, I am even in favour of this Bill being made applicable to the Members of Parliament, because many Members of Parliament have volunteered to fight the Chinese on the borders. I would go a step further and say that it should be made applicable to even Ministers who unfortunately become casualties either politically or otherwise; they should also be given some sort of war injury benefit.

**Shri Kashi Ram Gupta:** They should pay premium out of their own pockets.

**Shri S. M. Banerjee:** That is a different matter altogether.

After all, this Bill relates to personal injuries. If somebody is an injured person, though the injury may not be due to war, or due to bombs, then he should also be provided with some compensation, and I would urge the hon. Minister to kindly consider whether those Ministers who have become casualties could also be covered under this Bill.

**Shri C. R. Pattabhi Raman:** At the outset, I wish to express my grateful thanks to the hon. Members for their useful suggestions and for the interest taken by them in this Bill.

With your leave, I should first like to deal with Shri Nambiar's points. He was stating that the wider definition of workmen as contained in the Workmen's Compensation Act should be accepted. If the scope is enlarged, so much, then it will be extremely difficult to apply the Act and to collect the premia etc. However, power has been taken to extend the Act to any kind of employment by notification. That is so far as his first point is concerned.

Secondly, it is to be noted that no employer can give compensation to workers for war injuries, because the injuries may be very extensive in a calamity. The Workmen's Compensation Act visualises only normal industrial injuries. I did not expect that my hon. friend Shri Nambiar would have missed this point, namely that the Workmen's Compensation Act really envisages normal industrial injuries only, and an insurance scheme of an all-India nature of this kind only can take note of this problem.

I thought he also referred to remote parts. With planes flying at the speed at which they are now flying there will be very few remote parts in any part of the globe if there is a modern warfare on.

He also referred to casual labour. I am afraid he has not understood the wording of the Bill. Casual workers would also be compensated from the insurance fund. Only, the contractors employing them for a period of less than a month will not pay any premium.

**Shri S. M. Banerjee:** That is exactly what I mean; they will do so to deprive them of any benefit.

**Shri C. R. Pattabhi Raman:** What Shri Nambiar was saying was just

the opposite. He was referring to casual labour. I am only answering Shri Nambiar. And then there will be difficulty also about collection. Suppose a person is engaged for one or two weeks by an employer. To collect the premium will be a big problem. As for employees in industries with a wage bill of Rs. 1,500 or less a quarter, they also will be paid from the insurance fund. He missed the point. It is not as if those workers will not be compensated.

Shri Kashi Ram Gupta said that big industries will gain and small industries in remote villages, not affected by bombing, will have to pay for the big industries. I thought I had made it clear. The whole scheme is this. Suppose there are four or five factories in an area which the aggressor or the enemy chooses to concentrate on. Those employers will be completely wiped out. They won't be able even to pay the compensation. Therefore, what happens is that it is spread over the whole of India in order that compensation may be available all over India. It is an all-India scheme. As a matter of fact, small industries are exempted from paying premium, although the employees will get the benefit. That is the position. It was said that the power of exemption should be there. Clause 21, I thought, made it clear.

With regard to the provision for compounding, Madam, as you are aware as a lawyer, for example in the Penal Code for an offence under section 420, cheating, there is compounding; for an offence under section 405, breach of trust, there is no compounding. It is found more in the revenue and other provisions at it facilitates realisation of money. After all, what happens is in some cases it is the money compensation that is more important than a mere punishment of the offender, because the other party has to be taken into account.

**Shri Kashi Ram Gupta:** Punishment also is in the form of money.

**Shri C. R. Pattabhi Raman:** I am not going to take the time of the House on this point. When the Law Minister has an occasion to speak on compounding, the rationale behind compounding, he will be able to dilate upon that. The point is there are punishments where the burden is not a penal burden. There is therefore a provision for compounding.

Then, Dr. Gaitonde, for whom I have great regard—he helped us on the last occasion, though it was a sister Ministry that was concerned, with literature on the subject, he also gave us an English book dealing with this—he found the schedule amusing. The schedule is taken from the Army Regulations. Of course, he may say that that is no excuse, that the Army Regulations are wrong. I am only stating that we are trying to preserve a sort of.....

**Dr. Gaitonde:** I was not thinking of those Regulations. I cannot believe that the Army Regulations have such a provision.

**Shri Hari Vishnu Kamath:** "More" means two and more.

**Shri C. R. Pattabhi Raman:** He may say that the Army Regulations themselves may be defective. We are only trying to keep in form.....

**Shri Kashi Ram Gupta:** We cannot have mathematical injuries.

**Shri C. R. Pattabhi Raman:** The hon. Member must be aware that we also have neutron bombs . . .

**Shrimati Vimla Devi:** And radiation bombs also.

**Shri C. R. Pattabhi Raman:** . . . . . bombs bursting forty-thousand feet above. The whole scheme of warfare is changing every day. Actually, Madam, as you are aware, they now have the most diabolical weapons which burst sixty thousand feet

above; and all the buildings are safe, and all animals like cockroaches which have some protection on the back—I was on an Atomic Consultative Committee, so I know something about it—they are safe; only breathing human beings are out; and if they are within forty-two miles they are lucky, because they die immediately; the others die a painful, slow death.

So we cannot envisage what will happen in a warfare to come, because we cannot fall in line with what has happened in England in the last war. That was a war fought with machine guns, rifles and bombing. Modern war is changing every day. Therefore we have taken the Army Regulations and are trying to keep in line with them. Dr. Gaitonde says "upper limb lower limb". I may assure him that what is meant is limb. He asks "Three limbs?" Technically, as a doctor, I know that he is on much stronger ground. I do not pretend to have the same qualifications that he has. But it is just possible that a person may lose four or five fingers. I am not saying that it refers to people with three hands. I am not saying that such an absurd thing is envisaged. But the principle behind the Schedule is that only such injuries have been taken as incapacitate a worker either completely or partially, preventing him from earning his livelihood. And if anything has to be done here we will bear what has fallen from him.

He also referred to right and left hand. I myself see the point in it. There may be a left-hander. How can we have a rule of thumb and say "right hand, so much; left hand, so much less"? Therefore, I wish to assure him that such a difficulty can be removed under power taken in clause 23. We have made a note of it. If I may say so with great respect, that is a very valuable point made by the learned doctor, because I know his record in Goa, and we have benefited much from his sug-

gestions; he actually gave us a book on the last war injuries when the debate was on when a sister Ministry was dealing with this matter.

Shri Trivedi referred to five rupees a month for the children. This is what they always get even in regard to combatant ranks; a sepoy or any army rank gets only five rupees per child. In addition there will be what is called a family pension.

Shri K. N. Pande who is a great labour leader was referring to workers repairing roads and bridges. I want to tell him that under war-time conditions such work will be notified as an essential service. Besides, such workers will in any case get a compensation under the Personal Injuries (Emergency Provisions) Act, to which frequent reference has been made. It is already on the statute-book.

Then Shri Trivedi referred to the provision regarding schemes and rules and he said that they should have been in clause 24 and should not be left to delegated legislation to be placed later on the Table of the House. It really makes no difference as long as a provision in this regard is there. It is quite common to have such a provision as this. As the Bill itself says, it is "not exceeding two thousand rupees". You will be pleased to know that clause 8(5)(a) says:

"make provisions regulating the payment of the compensation payable under this Act and the Scheme, including provisions for punishment by fine not exceeding two thousand rupees".

It is in the clause itself.

And then Shri Yashpal Singh was referring to agricultural labour. Such workers will get compensation under the Personal Injuries (Emergency Provisions) Act like any other workers. At present agricultural labour does not get the benefit of the Work-

men's Compensation Act, and that is precisely what we had in mind.

Then, Shri Kamath, with his usual erudition, was posing a number of questions. Firstly, he referred to the number of workers—I think six million workers. This is the number at present employed in registered factories, mines, plantations and essential services. Then he went on to "severe" and "very severe" so far as the Schedule is concerned—severe and very severe facial disfigurement. "Severe" is that which may not incapacitate a worker from earning his livelihood; "very severe"—these are all technical terms, I believe—is that which incapacitates a worker from earning his livelihood; that is he becomes more or less completely unemployable.

Then he referred—quite rightly; we are beholden to him for that—to the 'Date of hearing'. Actually it is a misprint; it should be 'Grade of hearing'. I have taken note of it.

**Shri Hari Vishnu Kamath:** The same word is used in the first column. What is the distinction between this 'Grade' and that 'Grade'?

**Shri C. R. Pattabhi Raman:** That is the serial number. That 'Grade' is not necessary there.

**Shri Hari Vishnu Kamath:** It should be 'Serial Number' instead of 'Grade'.

**Shri C. R. Pattabhi Raman:** Shri Radhelal Vyas referred to occupational diseases. This Bill deals only with war injuries; it has nothing to do with occupational diseases.

I do not want to keep the House longer. I have answered all the points. I move.

**Shri Hari Vishnu Kamath:** I raised a point about premium payable. He said it would be recovered after the emergency is over. In the statement, it has been said "that it will be recovered every quarter. Why this discrepancy?

**Shri C. R. Pattabhi Raman:** There is also provision for advance payment every quarter. The actual scheme of the Bill is that the total amount of premium payable by employers will be fixed after the emergency is over in the light of total liabilities, but the employer will be required to make advance payments against that every quarter. The premium under the Emergency Risks Insurance is also being collected quarterly on account; the actual rate of premium will be fixed by Government in the light of the liability ascertained later.

**Shri Hari Vishnu Kamath:** Does this Bill provide for that or will you make a provision later on?

**Shri C. R. Pattabhi Raman:** Yes, provision for fixing premium later on is there.

**Mr. Chairman:** The question is:

"That the Bill to impose on employers a liability to pay compensation to workmen sustaining personal injuries and to provide for the insurance of employers against such liability be taken into consideration".

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 2 stand part of the Bill".

*The motion was adopted.*

*Clause 2 was added to the Bill*

**Clause 3.—** (Workmen to whom the Act applies).

**Shri Kashi Ram Gupta:** I beg to move:

- (i) Page 3, line 18,—add at the end—"except in a factory, where the power used is 7 H.P. or less". (1).
- (ii) Page 3, line 20, add at the end—

"except in the case of an open cast mine where the depth of the mine does not go below twenty-five feet and the total labour employed does not go over twenty-five persons, provided no power is being used in the mines". (2).

**Mr. Chairman:** These amendments and the clause are before the House.

Shri Nambiar is absent.

**श्री काशी राम गुप्त :** सभानेत्री जी, मैं यह जो अमेंडमेंट्स दे रहा हूँ उसका मूल कारण कुछ व्यवहारिक कठिनाइयाँ हैं। वास्तव में मैंने जो अपने पहले अमेंडमेंट में लिखा है कि ७ एच० पी० या उससे कम जहाँ पावर इस्तेमाल होती है, उनको छोड़ दिया जाय उसका यह तात्पर्य तो नहीं है कि उनके साथ में कोई रिआयत की जाय। देखना तो यह है कि वह किस हालत में काम करते हैं। दरअसल ऐसी फैक्टरीज देहातों में होती हैं। शहरों में जहाँ इंडस्ट्रियल एरिया होता है वहाँ यह नहीं होती है। शहरों में इंडस्ट्रियल एरिया में जहाँ बम्बाईमेंट होने का खतरा होता है वहाँ पर यह छोटी इंडस्ट्रीज व कारखाने नहीं होते हैं। दूसरी मुश्किल यह है कि यह जो ७ एच० पी० तक के कारखाने हैं उनमें ७-८ आदमी काम किया करते हैं और वह फैक्टरी एक्ट के तहत नहीं आते हैं लेकिन १० या २० फीसदी ऐसे हो सकते हैं जिन में १० आदमी काम करने लग जाते हैं और वह बेशक इस फैक्टरी एक्ट के अन्दर आ जाते हैं। लेकिन ६० फीसदी लोग इसके लाभ से वंचित रह जायेंगे।

इसके साथ ही यह भी देखने की बात है कि इस तरह की जो छोटी फैक्टरियाँ चलते हैं, जो इन छोटी फैक्टरियों के मालिक होते हैं वे भी एक तरीके से मजदूर ही होते हैं। वह कोई बहुत कमाने वाले नहीं होते हैं। थोड़ा



पैसा बचा कर वह छोटा काम चालू कर देते हैं। अब होता यह है कि एम्पलायर होने के कारण वह स्वयं इश्योर्ड नहीं होते हैं। उनका अपना बीमा नहीं होता है हालांकि काम व मजदूरों के साथ ही करते हैं। इसके विपरीत मजदूर जिनके कि साथ वे भी काम करते हैं उन मजदूरों का बीमा होता है। यह ठीक बात है कि मजदूरों का बीमा हो लेकिन मेरा निवेदन है कि जो लोग इस तरह के मालिक हैं और जिनका बहुत थोड़ी सी आमदनी होती है उनका बीमा भी उन मजदूरों के साथ ही जाय तो ठीक होगा। लेकिन आज उनका बीमा नहीं होता है। अब वह छोटे मालिक उनके साथ काम करते हैं उनके साथ ही मरते हैं और उनको भी उन्हीं मजदूरों के साथ जख्म आते हैं। इसलिये अगर उनको इससे वंचित रखा जाता है और उनको कुछ मुआविजा नहीं मिलेगा तो यह व्यवहारिक रूप से लागू होने वाला नहीं है। इसलिये ऐसे लोगों के भी इश्योरेंस की व्यवस्था की जाय। इन कठिनाइयों को देख कर मैंने यह अमेंडमेंट मूव किया है।

मैं मंत्री महोदय से निवेदन करूंगा कि वह यह देखें कि यह कारखाने कहां स्थापित होते हैं और इन पर क्या असर होता है। क्योंकि इसका मूल उद्देश्य यही है कि कोई भी आदमी जो कारखाने में मजदूरी का काम करता है वह सुरक्षित रहे और इसके लाभ से वंचित न रहे। जहां वार मेजर्स होते हैं वहां एसी संभावना नहीं है कि खतरों की लपेट में आ जायें। इसलिये मेरा फिर निवेदन है कि जैसे पहले फक्टरज रिस्क इश्योरेंस एक्ट और गुड्स इश्योरेंस एक्ट पास हुये थे उस तरीके से मौजूदा बिल को लागू न करें। अगर इस में जैसा मैंने सुझाया है सुधार करके बिल को पास करते हैं तब तो इस बिल का पास करना कोई माने रखता है वरना नहीं। आज हालत यह है कि छोटे लोगों की इस बोझ को सहने की शक्ति नहीं है और यदि लम्बे अर्से तक इमरजेंसी चली और इस प्रकार

का कर यदि उन्हें देना पड़ा तो देते देते उनका दम ही निकल जायगा। उस हालत में उसका फायदा केवल बड़े लोग उठायेंगे और छोटे लोगों को इसका लाभ नहीं मिलेगा।

जहां तक मेरा दूसरा अमेंडमेंट है वह बिस्कुल सादा है। कारण यह है कि २५ फुट की जो दुकानें हैं वे बहुत दूर-दूर तक फंजी हुई हैं और वहां कभी लोगों को कोई लड़ाई का खतरा नहीं होता है। इसलिये उन पर यह ऐक्ट लागू करना केवल सरकार के खजाने में पैसा इकट्ठा करना है और उससे किसी मजदूर को लाभ होने का प्रश्न पैदा नहीं होता है। इन दोनों कारणों से व जो दो अमेंडमेंट्स मैंने मूव किये हैं, मैं आशा करता हूं कि उन व्यवहारिक कठिनाइयों को देखते हुये उनको कि मैंने बतलाया है, मंत्री महोदय इस पर विचार करेंगे।

**Shri C. R. Pattabhi Raman:** I regret I am unable to accept the amendments. The scheme of insurance is based on pooling of risks. Smaller units have limited capacity to pay compensation for war inquiries. The need of insurance in their case is therefore all the more necessary. However, small establishments are already exempted under clause 9(1), which excludes employers whose quarterly wage bills do not exceed Rs. 1,500. The amount of HP used cannot be a criterion for grant of exemption. As the premium rates based on the wages bill, the amount of premium to be paid by smaller units will be comparatively small and within their capacity to pay. There is therefore no justification for exempting any other class of factories or mines.

**Mr. Chairman:** I shall now put amendments Nos. 1 and 2 to the vote of the House.

Amendments Nos. 1 and 2 were put and negatived.

**Mr. Chairman:** The question is:

"That clause 3 stand part of the Bill".

*The motion was adopted.*

Clause 3 was added to the Bill.

Clauses 4 to 8 were added to the Bill.

**Clause 9.—** (Compulsory insurance)

**Shri Kashi Ram Gupta:** I beg to move:

Page 7, line 32,—for "fifteen hundred rupees"

substitute—"two thousand five hundred rupees". (4)

**Mr. Chairman:** This amendment is before the House with the clause.

श्री काशीराम गुप्त : सभानेत्री जी, मंरा अमेंडमेंट है कि १५०० की जगह २५०० हो । मैंने इस हिसाब से देखा कि एक तरफ तो हमारे मंत्री महोदय जो फैक्टरी एक्ट पास करते हैं वह दस आदमियों के ऊपर लागू होता है तो दस आदमियों पर वह किस हिसाब से यह १५०० लगाते हैं ? वे १५०० रुपये को माफ करते हैं तो इससे यह अनुपात बैठता नहीं क्योंकि १० आदमियों पर एक तिमाही पर १५०० रुपये से अधिक आयेगा । १० से कम पर फक्टरीज एक्ट लागू नहीं होता है । इसका तात्पर्य यह है कि वास्तव में किसी फैक्टरी वाले को इसका कोई लाभ होने वाला नहीं है । इसलिए यदि उनको लाभ से वंचित नहीं रखना है और व्यावहारिक कठिनाई को भी देखना है तो १५०० की जगह २५०० कर देना चाहिए अन्यथा इसको हटा देना चाहिए । और जितना भी देना हो उसके ऊपर लागू करना चाहिए ।

**Shri C. R. Pattabhi Raman:** I am unable to accept the amendment. The provision in clause 9 of the Bill, exempting employers whose quarterly

wages bill is less than Rs. 1,500 has been made because in their case the cost of collecting the premium and administrative charges may be out of proportion to the realisation expected to be made. If this limit for exemption is raised, it will have the effect of reducing the revenues expected from the premiums and increasing the liability of employers who are insured. The present limit is, therefore, reasonable and may stand.

**Mr. Chairman:** The question is:

Page 7, line 32,—

for "fifteen hundred rupees" substitute—

"two thousand five hundred rupees". (4)

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 9 stand part of the Bill".

*The motion was adopted.*

Clause 9 was added to the Bill.

**Clause 10.—** (Principals and contractors)

**Shri Kashi Ram Gupta:** I beg to move:

Page 8, line 29,—

for "one month" substitute—"two months" (5)

सभानेत्री जी, जब मैंने एक महीने की बात मंत्री महोदय से सुनी, तो मुझे याद आया कि इसके मुताबिक कंट्रैक्ट पर काम करने वाले लोगों का सम्बन्ध फ्रैक्ट्रियों और माइन्ज से होगा । ये व लोग होते हैं, जिनका कोई ठिकाना नहीं होता है, जो चलते-फिरते होते हैं, जो अनपढ़ होते हैं । वे लोग ठेकेदार बन जाते हैं और कुछ लेबरर्स को ले जाते हैं । मिसाल के तौर पर वे उनको खदानों पर ओवरबर्डन के लिए यानी ऊपर की मिट्टी हटाने के लिये और फ्रैक्टरीज में बाहर

का कुछ काम करने के लिये ले आते हैं। वह कैजुअल लेबर होती है। वह दो महीने से कम की भी होती है। एक महीने से कम तो बहुत कम होती है। कैजुअल लेबर के बारे में मंत्री महोदय ने यह दिक्कत बताई है कि उनसे वसूली नहीं होगी। वह वसूली तो इसमें भी नहीं होगी। इसलिए ऐसे झगड़ों में डालना होगा कि ३१ दिन हो गए, तो उसको पकड़ने की कोशिश की जाएगी। उसमें लिखा है कि फ्रैक्टी का ग्रोनर उसका नाम बतायेगा और फिर उससे वसूली होगी। मैं निवेदन करना चाहता हूँ कि यह व्यावहारिक नहीं है।

माननीय मंत्री जी ने और कोई अमेंडमेंट नहीं मानी है, लेकिन वह कम से कम इस अमेंडमेंट को तो मान लें कि कम से कम दो महीने कर दिया जाये बजाये एक महीने के। इस बिल के मुताबिक किस्त वे क्वार्टर्ली देते हैं। इसलिए यह क्वार्टर से कम होने के कारण ऐसे लोगों से वसूली में कठिनाई होगी। अगर इस बिल को ऐसे ही पास कर दिया जायेगा, तो अमल में बहुत कठिनाई होगी, जिसका नतीजा हमारे लिए लाभदायक नहीं होगा। इसलिए अमल की दृष्टि से, प्रैक्टिकल प्वाइंट आफ व्यू से इसको दो महीने कर दिया जाये।

**Shri C. R. Pattabhi Raman:** The Bill exempts contractors whose contract is for a period of less than one month. The workers of such contractors will, however, be compensated from the Insurance Fund for personal injuries. The scope of exemption has necessarily therefore to be kept to the minimum as otherwise the burden on the Fund and consequently on the employers who are insured will be correspondingly more. The amendment may be rejected.

**Mr. Chairman:** The question is:

Page 8, line 29.—

for "one month" substitute—  
"two months". (5)

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 10 stand part of the Bill".

*The motion was adopted.*

*Clause 10 was added to the Bill.*

**Mr. Chairman:** The question is:

"That clauses 11 to 23 stand part of the Bill".

*The motion was adopted.*

*Clauses 11 to 23 were added to the Bill.*

**Clause 24.**— (Scheme to be laid before both Houses of Parliament).

**Dr. L. M. Singhvi (Jodhpur):** I beg to move:

Pages 12 and 13, lines 37 and 1 respectively,—

for "before the expiry of the session in which it is so laid or the successive sessions aforesaid",

substitute "before the expiry of the session immediately following the session in which the aforesaid period of thirty days is completed". (6)

The amendment is self-explanatory. I do not have to add anything to it.

**Shri C. R. Pattabhi Raman:** I have already indicated that I am not able to accept it.

This clause has been drafted on the lines of section 3(7) of the Emergency Risks (Factories) Insurance Act, 1962 and section 3(7) of the Personal Injuries (Emergency Provisions) Bill, 1962. No change is necessary.

**Mr. Chairman:** The question is:

Pages 12 and 13, lines 37 and 1 respectively,—

for "before the expiry of the session in which it is so laid or the successive sessions aforesaid",

[Mr. Chairman]

*Substitute* "before the expiry of the session immediately following the session in which the aforesaid period of thirty days is completed." (6).

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 24 stand part of the Bill."

*The motion was adopted.*

*Clause 24 was added to the Bill.*

### The Schedule

**Shri C. R. Pattabhi Raman:** I beg to move:

(i) Page 13, line 12 and wherever it occurs,

for "disability", substitute "dis-  
ablement". (7).

(ii) Page 17, line 6,—

(i) omit "Grade";

(ii) for "Date", substitute  
"Grade". (8).

**Shri Hari Vishnu Kamath:** In the course of his reply to the debate, the Minister forgot to elucidate the other two matters to which I had referred earlier, possibly because he was in a hurry to get through. His lunch has been delayed, I think, and perhaps all of us are feeling a little hungrier than when we started to consider the Bill.

I referred to defective hearing and defective vision on pages 15 to 17 and requested him to throw some light on the rather obscure expressions "loss of one eye without complications" and "loss of vision of one eye with complications". What difference does it make when you lose one eye or the vision of one eye, so far as the person is concerned. In my humble judgment, he should be awarded the same percentage, that is 40. When both eyes are lost, it is 100 per cent, and when one eye is lost it should be 50 per cent mathematically speak; it may be even more.

About defective hearing, I wanted to have connotation of the word "shout". What is the norm of shouting? The word has been used by both benches. Not merely the word, shouts have been very common from both sides. Whose shout is the norm—the Prime Minister's shout, or the hon. Members' shout or the Deputy Minister's shout? It says "not beyond three feet". I do not think anybody suffers from that disability here; otherwise, shouts going on here would not have been audible that side and *vice versa*. Our hearing is not so bad I think. We have taken cognizance of shouting. He may throw some light on these points.

**Shri C. R. Pattabhi Raman:** I can assure the hon. Member of the respect I have for him. We come from the same college from Madras. He always speaks, he never shouts.

**Shri Hari Vishnu Kamath:** Very good. I am glad.

**Shri C. R. Pattabhi Raman:** But it is a technical affair. There may be a timbre in the voice. As you are aware, great speakers, even when they whisper, would be audible at the end of the hall. It is calculated in decibels.

14.48 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

As for defective vision, as the hon. Member is aware, in playing some games, cricket for example, if the ball comes right on the eye, if there is no complication, the eye is just removed and you have a glass eye. The other eye is not affected. But sometimes, complications may make it necessary to remove the other eye also, in order to prevent septic conditions etc., or if it is a spreading injury. Or, in football, while heading, the strap may hit the eye and it may be damaged, and vision may be lost. So, the wording is "loss of one eye without complications, the other eye being normal", and "loss of vision of one eye with complications or disfigurement,

the other eye being normal". Vision may go and there is dim or defective vision, while in the other case there is loss of the eye altogether. It is a technical thing. I have satisfied myself with regard to its correctness.

**Shri Hari Vishnu Kamath:** Loss of vision means complete loss. It does not say partial.

**Shri C. R. Pattabhi Raman:** The percentage is given. There may be loss of vision in the sense that he has lost the benefit of the normal effective vision he had before the injury. We are not dealing with the ordinary question of occupational injury. These are war injuries where more than one person are concerned. These are conventional expressions used in army regulations.

15 hrs.

**Shri Kashi Ram Gupta:** When are you going to enforce it? Will you enforce it when the war starts actually or even during the emergency?

**Shri Hari Vishnu Kamath:** On a point of order. If I heard him right, he referred to army regulations which may be accumulating dust somewhere. But the Minister should not take shelter behind the army regulations. Let him bring them and explain to us what it means. It is not enough if he says it is so in the army regulations. They are not gospels for us or *Veda vakya* for us. We can question the army regulations if they are bad in law or bad in form and if we cannot understand them. We can amend them. He referred to the loss of vision and said that it was to the extent of 30 per cent. Here it does not say partial vision. It says here: loss of vision. So, it is not like that. It means that one eye is gone and the other eye remains in tact. To take shelter behind the army regulations may be good for him but not for us. We cannot accept the army regulations if they are obscure and we cannot take them automatically and put them here without giving thought

to the matter. Then again it is coming from the Ministry of Labour and Employment and Planning and not from the Defence Ministry. Were it from the Defence Minister, we could have asked him to produce the army regulations. Now, the hon. Deputy Minister should have been prepared to bring these army regulations and convince this House why this has been used automatically without any thought being given to the matter. We have not been convinced at all of the percentages allowed for the loss of one eye without complications and for loss of one eye with complications. There is disparity in the percentages and there is discrimination shown. I think it should not have been done. The percentage should be 50. If not, in any case, both should be classified as 40 per cent at least and not as 40 per cent in one case and 30 per cent in another case. The explanation is halting and lame and I am sorry to say that this is not the way to treat the House. Let him bring the army regulations and show to us. We shall try to understand them and get them amended, if necessary.

**Shri C. R. Pattabhi Raman:** Mr. Deputy Speaker, I will not say whether it is lame or not; I will not use any adjective. I am only saying this. We are now talking of loss of normal vision. There is a war injury that takes place. Loss of vision without complications is one category. Loss of vision without complications or disfigurement that is what is stated here. We can also think of women workers involved in these factories. My friend is entitled to comment on the percentages. He may consider them in adequate or unjustified. I have only said that it is *pari materia*; what is available to us so far as this is concerned has been given. The only comparable thing is a group of people in an army getting injury. It is war risk injury applicable to civilian population working in factories. It is *pari materia*; nothing more nothing less. We are having this now and we have enough provisions to change it as circumstances arise.

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

- (i) Page 13, line 12 and wherever it occurs,  
for "disability", substitute "disablement". (7).
- (ii) Page 17, line 6,—  
(i) omit "Grade",  
(ii) for "Date", substitute "Grade". (8).

*The amendments\* were adopted.*

*The Schedule, as amended, was added, to the Bill.*

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

**Shri C. R. Pattabhi Raman:** Sir, I beg to move:

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

**Shri Kashi Ram Gupta:** Sir, the point I raised has not been answered.

**Mr. Deputy-Speaker:** He has referred to the calculations; he said that. The question is:

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

*The motion was adopted.*

**Shri Kashi Ram Gupta:** At least now, Sir, let us know whether application of this Bill will be only when the actual emergency arises or even from the present.

**Mr. Deputy-Speaker:** We have gone to the next business. He gave a reply.

**Shri Kashi Ram Gupta:** He has not given a reply to this point.

15 06 hrs.

#### SPECIAL MARRIAGE (AMENDMENT) BILL

**The Deputy Minister in the Ministry of Law (Shri Bibhudendra Mishra):** Sir: I beg to move:

"That the Bill to amend the Special Marriage Act, 1954, as

passed by Rajya Sabha, be taken into consideration."

Sir, this Bill provides mainly for one clause which seeks to amend section 4 of the Special Marriage Act. One of the conditions of a valid marriage, as will be seen from that section, is that the parties to the marriage must not be within the degree of prohibited relationships. Normally, the position is that marriages under this Act are between different communities or tribes or groups. But cases may arise of marriage between persons belonging to the same community or tribe or group who want to marry under the provisions of the Special Marriage Act. In that case, at present if they belong to the prohibited degrees of relationship, marriage between the parties will not be permissible. If you turn to the analogous provision in the Hindu Marriage Act, it will be seen that section 5 also prohibits marriages among persons belonging to the prohibited degrees of relationship but there is a provision that such marriage is permissible if there is a custom that permits marriage. So that if a custom permits marriage between two parties, marriage is permissible even within the prohibited degrees of relationship.

The object of this amendment is to provide that if custom permits marriage between two parties, the marriage will be permissible under this Act also. It does not matter whether they belong to the prohibited degrees of relationship. It is wellknown that in South India marriage between close relations is permitted under the personal law. These marriages take place under the Hindu Marriage Act. But supposing the parties thereto want to marry under the provisions of the Special Marriage Act, such a marriage will not be permitted because they would fall within the prohibited degree of relationship. To avoid such difficulties, it is proposed to bring custom also under section 4 of the Special Marriage Act.

\*In view of amendment No. 7 to On page 15, line 6,—for "disabilities" correction of a patent are not under

the Schedule adopted by the House, substitute "disablements", as the direction of the Speaker.

In this connection, I would refer to the explanation given in the amending Bill. It says that custom in relation to a person belonging to any tribe, community, group or family means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family. It is well known that when parties go to a court of law, the burden of proving a custom falls heavily on them and at times it becomes very difficult to prove the existence of a custom, not to speak of the time and money involved in going to a court of law. Therefore, this is the first Bill where we are trying to insert a provision whereby we want the time of the party as well as the court not to be wasted. We have provided that custom in such a tribe or community or group shall be notified by the State Governments. Therefore, the burden of proof would not fall on the parties at all. I think it is a salutary clause so that the burden of proof of proving a custom will not fall on the party nor will time and money be wasted. The custom prevailing in the different areas among the different groups and communities will be notified by the different State Governments. I think it is an experiment worth making.

In fact, many commentators of Hindu law have commented that in a vast country like this, inhabited by people of different groups and communities, whose ways and custom differ from community to community, the prevailing custom in different parts of India should be notified, so that there cannot be any doubt or dispute about it. We are trying, therefore, for the first time to authorise the State Governments to publish in their official gazettes the customs that is prevalent among the different tribes or communities so that it will be advantageous to the parties concerned.

With these words, I move that the Bill be taken into consideration.

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

"That the Bill to amend the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

**Shri U. M. Trivedi** rose—

**Shrimati Vimla Devi** (Eluru) rose—

**Mr. Deputy-Speaker:** Let the hon. lady Member have precedence.

**Shrimati Vimla Devi:** Mr. Deputy-Speaker, Sir, I am glad to rise to speak about this Bill because the Government have brought forward this amendment, and I rise to support it. Under the Hindu Marriage Act, there is a clause which prevents marriages between closely-related persons which is based on scientific knowledge. I think in 1955 they brought forward the Bill. Earlier, the Government ignored the customs which are prevalent among some tribes and some communities. So, it had to bring in an amendment providing that marriage between closely-related persons can take place provided there is a custom in the tribe or community. So, it looks that the Government could not ignore the practice of a community or tribe.

In the Special Marriage Act, a clause prohibiting the marriage between closely-related persons is there, and now this amendment seeks to provide for such persons to get married provided there is such a custom in the community, and thus the benefit is given to intending married couples.

Scientifically it may be true, and it is true also, that marriages between closely-related persons have got evil consequences. But in spite of science, in spite of scientific knowledge, without spreading the scientific idea to the people, the people try to follow their customs, and without a scientific knowledge, the people practise these things. But the scientists themselves who advocate this theory fall victims to the same problem and they want to

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get married to their own first cousins or other closely-related persons. I support this amendment because such persons, not ruled by any Act or by any science, emotionally get involved by choice or by custom and they cannot be barred under the Special Marriage Act. So, for this reason, I support the amendment.

I take this opportunity to speak about customs also, especially about the evil customs. I think it will be in place to talk about them. Government with their scientific knowledge, have made a provision in the Special Marriage Act and the Hindu Marriage Act preventing marriages between prohibited degrees of relationship, that is, closely-related persons. But the Government has not done anything to implement it. Government passes so many laws and Acts but it does not do anything to implement them. That is the fate of the country now. The only thing that Government is capable of implementing is to collect taxes from all the poorer sections and middle classes and letting off the rich classes. But ever since they have said in the Special Marriage Act that marriage between closely-related persons should not be done—I think the Act was passed in 1954—they have not done anything to educate the people not to get married between closely-related persons. I know many such cases. I come from a community where the evil custom prevails. I am a victim of that also, because my husband, though he is a doctor, fell victim to this custom—by choice and not by custom.

**Shri P. Venkatasubbaiah** (Adoni): Marriages are made in Heaven!

**Shrimati Vimla Devi**: I do not agree with it. I come from a community where, if a girl should be given to some other boy when there is an uncle's son or an aunt's son, it is considered to be an actual sin. Actually, before 10 years, the girls used to be married to their first cousins. But now the people are being educated a little, bit, not by the Government's

efforts but by the women's organisations. I must thank the women's organisations for this, because for the last 17 years we have been propagating this cause, though it was against the popular sentiment. I remember when I was very young—when I was a 17-years girl—I participated in this propaganda. A batch of college girls used to go from door to door, saying that marriages between closely-related persons is bad; we were practically chased away from the houses without being heeded. The women in the households used to consider us foolish. But it is a good thing. But then the Government has not done anything to make people realise that such marriages are bad. Scientists and scientific knowledge say that such marriages have got evil consequences.

I also know many married couples who have suffered because of the marriage between closely-related persons. I have seen abnormal children being born to such persons—children with roving eyes, children with a leucodermic body, children with loss of limbs and such other abnormalities. Such abnormal children are born. In every village such things happen. The entire lot of people of the village realise that such marriages are bad. Now, they do not go so eagerly to get themselves married between first cousins. If the Government take steps to educate the people scientifically in these matters, it would be good. But because this is an illiterate country, the Government cannot bring satisfactory results by laws or Acts, but it should take greater efforts to propagate this knowledge among the people, by visual education, by documentary films or posters. I have not seen one single poster about this. I do not remember to have seen any one documentary film about this. It is not very costly for the Government to take documentary films on this, because from the actual living examples they can make very good documentary films and then propagate this knowledge among all the people.



But, as I said, I support this Bill. Personally, I do not advocate such marriages. But there are customs and practices among the communities and they cannot be ignored. You cannot prohibit such marriages without taking the practices into consideration. If you prohibit, either by law or by now law, they will still lead a married life. So, you should not bar those people who by choice or by custom get married to their first cousins, or closely-related persons.

So, this amendment is welcome for the present, but I strongly urge the Government to take immediate steps to educate the people not to have such marriages.

**Shri U. M. Trivedi** (Mandsaur): Mr. Deputy-Speaker, Sir, when I heard the hon. lady Member I got an impression that she was going to oppose this measure but, probably, having fallen a victim to it she could not dare to say that this is not a good measure.

I say, Sir, to begin with, that there was no need to embody this provision in this particular type of Bill. The Special Marriage Act has been made for those who have been considered themselves to have become big reformers, leaders of society, leaders of those who have conceived ideas that they know things better than anybody else, who hoot down Hinduism, who hoot down any religion and who do not look upon religion as something sacrosanct. It is for them that this Special Marriage Act was passed. How is it that these persons, these so-called reformers, want to stoop so low as to consider it necessary to follow a custom, a religious custom, a communal custom or a tribal custom. The Special Marriage Act was put on the statute-book for those who do not belong to any particular religion or those who do not profess to be belonging to any particular religion. Now it looks incongruous that it is such people who want to have custom, the custom of marriage among

them. If they have a custom they will certainly marry according to that custom. If they are Hindus they will perform the marriage according to the Hindu custom. There is nothing wrong in performing the marriage like that. If they are Muhammedans the Muhammedan custom will be followed. If they are Christians, the Christian Marriage Act is on the anvil and the Christians have been crying hoarse that they must have their custom. Everybody wants the custom to be followed. For what purpose? To protect themselves for having done a wrong thing. Unfortunately, this country which talks of morality is the one and only country where incest has not yet been declared to be an offence. Anywhere else in the world incest is an offence, but incest has not been declared an offence in India. And, here we are saying that we want to perpetuate a scientifically wrong process and a morally wrong approach.

Sir, generally, among the Hindus—leave aside the custom pertaining in some parts of South India—it was always considered derogatory, most derogatory and most heinous, for any man to conceive of an idea of marrying his own sister—sister in that sense includes maternal uncle's daughter, paternal uncle's daughter or aunt's daughter. To marry a sister like that was considered most abominable in North India. In North India nobody would conceive such an idea.

**Shrimati Vimla Devi**: In North India also in some parts there is that practice.

**Shri U. M. Trivedi**: I would like to know which are those parts where this practice obtains

**Shrimati Vimla Devi**: Amongst Parsis it is there.

**Shri U. M. Trivedi**: Parsis are not Hindus. I am talking of Hindus.

**Shrimati Vimla Devi**: He mentioned about South India and North India and that is why I am pointing out this.

**Shri U. M. Trivedi:** I am talking of Hindus only; the hon. lady Member forgets that.

**Dr. Mahadeva Prasad** (Maharajanj): This law is not meant only for the Hindus.

**Shri U. M. Trivedi:** This law is meant for anybody who is non-Hindu also. What I say is, Parsis can marry according to the Parsi Marriage Act. There is nothing to prevent them from marrying under that Act. This Act is meant for those who have risen very high, those who have risen above the level of ordinary society. It is these people who are talking of custom now. Sir, once a man changes his tribe, once a man changes his religion, he does not belong to any tribe. He is a big man having no tribe or religion about him. To give protection of custom to such persons is really derogatory to them. At the same time, what I feel is that it is most humiliating to the conceptions of incestuous marriages. It is very derogatory on scientific lines also. Endogamous marriages are considered to be those marriages which used to be performed in the olden uncivilised days. Now data is available to indicate that endogamous marriages bring about prolific number of children. We all want to have family planning. We do not want to have many children. Yet we are allowing by this method that there must be numerous children. We must guard against that. So, in these days of modern ways of thinking it appears to me to be very incongruous. What data is available? I would request the hon. Minister to lay the data available on the Table of the House. What is the data which has led him to suggest that this amendment has become necessary? Has there been a demand from those who have married under the Special Marriage Act? Are there a number of applications pouring in or any petition made to the Parliament that conditions exist, that the poor people who got themselves married under the Special Marriage Act have suffered some sort of ignominy or they

are facing some difficulties, and therefore they want to have marriages solemnised between those who are within prohibited relationships?

Sir, what is being done is, what has been a measure of reform has been rooted out completely from the statute-book by this provision which is being inserted now. Every law must be so made that it must fit in with the desire of the society for which it is made. That is the fundamental principle of law, and that fundamental principle must always be there in cases where they effect social legislation.

What do we find in this social legislation? This is a sort of a domestic affair between a man and woman. No demand of any particular community is before the House or before the public. No such demand has been made known to the public, and yet this measure has been brought. Is it to satisfy some particular gentleman or lady who has been affected by this marriage and that marriage is being regularised by this as otherwise it might produce, what we call, illegitimate children? If that is so, you could have passed a law for legitimising those children. I will not stand in the way of that. A wrong done could have been corrected like that. But to make a general law for the purpose of satisfying the whims and pleasures of a few is not the function of this House. This House sits here for the good of the whole country and not for satisfying the whims and pleasures of a few who have fallen from the righteous path. Therefore, Sir, I do oppose the amendment that has been suggested and I say that it is not commensurate with the present sentiments obtaining in our country.

Then, there is an explanation added to it which is worse than the measure itself. The explanation says:

"In this section, 'custom', in relation to a person belonging to any tribe, community, group or

family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family."

Who will decide this? Who will make this application? How is the Government going to decide what rule will apply to which tribe? What are the different castes that will be coming before you? Will the Chaudes of Mathura make an application? Will the Nagar Brahmans of Gujarat make an application? Will the Kayasthas or the Khares or the Srivastavas or the Mathurs make an application? What are the particular castes that will make this application? By virtue of that application, you will make a rule or law, embodying that particular custom obtaining in that particular caste or community. This is giving too much of powers in the hands of a few persons who may claim to be the leaders of their community, make an application and then make this applicable to one and sundry, because there is no limitation put upon it. I say this explanation is itself absurd. I think there was never an instance where any Minister of this Government had the guts to come before the House and admit the mistake. Because, I remember on one occasion, the most absurd law was brought before the House and until the Secretary of the Ministry sent a chit to the Minister, he was insisting that the law was good. Similarly, all that I can say with all the emphasis at my command is, even though it may not go down the throat of the hon. Minister—I know he will be hard-headed enough not to listen to what I say, but I do pray to him to listen to me—that in the name of this House, for the betterment of our country he should realise that this explanation is absurd in the extreme and that this law should not be made into law.

**Mr. Deputy-Speaker:** Since the time allotted for this Bill is one hour, I

would request hon. Members to be brief.

**Dr. Sarojini Mahishi** (Dharwar North): The Bill to amend the Special Marriage Act of 1954 is before the House. This Bill seeks to make an amendment in section 4 of this particular Act and thus make some room for particular customs and usages prevailing in different parts of the country among different tribes and communities. Section 4 of the Act says:

"Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two persons may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely:

- (a) neither party has a spouse living;
- (b) neither party is an idiot or a lunatic;
- (c) the male has completed the age of twentyone years and the female the age of eighteen years;
- (d) the parties are not within the degrees of prohibited relationship; . . ."

This particular clause which is intended to be introduced in section 4 of the Special Marriage Act has not been introduced there. According to the Hindu Marriage Act of 1955, this is there in section 5. Section 3 of the Hindu Marriage Act defines what a custom is. It says that the expression "custom" and "usage" signify those which having been continuously and uniformly observed for a long time have obtained the force of law among Hindus in any local area, tribe, community, group or family.

The question now for consideration is: what is meant by the prohibited degree of marriage. If the parties to

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a marriage get married within the prohibited degree of relationship, the marriage will not be considered as valid and then arises the question of the legitimacy of the children and the claim to inherit property. So, the question of the prohibited degree of marriage has become a bit complicated. I do not know how far it has been made clear in the Hindu Marriage Act of 1955.

According to the ancient law-givers, this particular degree of prohibited relationship was considered as seventh generation from the father's side and seventh generation from the mother's side. The *grahyasuthras* did not place great reliance on this; neither the *grahya* rituals made a mention about this particular prohibited degree of marriage, which is called *Sapinda* relationship. The *Sapinda* relationship was defined by the ancient law-maker Gautama and he said that up to the seventh generation from the father's side and fifth generation from the mother's side would be included in the prohibited degree of relationship. But there are others also, specially mediaeval writers of law, who were very much keen and who were very much engaged in defining what the *Sapinda* relationship is. Some of the mediaeval writers have mentioned that this prohibited degree of marriage will extend up to the seventh generation from the father's side and fifth generation from the mother's side.

“पंचमात् सप्तमात् ऊर्ध्वं  
मातृतः पितृतस्तथा ।

Some of the mediaeval writers of law have also expressed the view that the *Sapinda* relationship, the validity of the marriage, the legitimacy of the children and the claim to inherit property etc. will come into force and can be taken into consideration only where a marriage has taken place according to the form of marriage recognised by the writers of Smriti and the commentaries thereon.

“ब्राह्मो देवस्तथवार्षो प्राजापत्यस्तथा-सुरः ।  
गान्धर्वा राक्षसश्चैव पैशाचश्चाष्टमोक्षमः ॥

There are the eight types of marriage that are recognised by the Smriti writers and Manu and Yagnavalkya. The former four were considered as superior and the validity of the marriage and the legitimacy of the children was not questioned in those types of marriages, whereas in the latter four types, *Sapinda* and *Gotra* never arose because Gandharva, Raksasa, Paishach and Asura were considered as inferior to the former four types of marriages. Therefore, the question of *Sapinda* has always been, so to say, a controversial subject with many of the writers of law and the later commentators also.

I do not know how far the *Sapinda* relationship has been definitely defined in the Hindu Marriage Act of 1955. If we are going to base our knowledge of this particular prohibited degree of marriage upon the definition of *Sapinda* relationship, which is also not very clear and for which we have to depend upon Gautama, Apasthamba, Manu and Yagnavalkya, I do not know how we can base this amendment of ours on our uncertain knowledge of this very issue in the Hindu Marriage Act also. Since we are making a reference here to that particular degree of prohibited relationship which has been defined in the Hindu Marriage Act, I say that one mistake cannot be corrected by another mistake, or one certain, thing cannot come out of something which is rather uncertain. No doubt, times are changing, the demands of society are changing, the social changes and economic changes are there, and we find that even from the time of the ancient law makers the ancient writers, the mediaeval writers and thereafter the commentators came to comment upon and interpret these particular aphorisms and *sutras* that were enunciated by the old *smriti* writers and there were some changes. As my hon. friend, Shrimati Vimala Devi has stated

today, in South India we find marriages between a bridegroom and his maternal uncle's daughter or his paternal aunt's daughter, which is considered as valid, even though it is not considered as valid in other parts of India. It is purely due to custom, and Mitakshara was interpreted in different parts of the country at different times in different ways, and that is why we find these conventions and usages prevailing in different parts of the country.

Now, the entire question of consanguinity depends mainly upon the partaking of the funeral cake by the forefathers. Therefore, this was called Sapinda relationship. Many of the *puranas*, specially Matsya purana, Vishnu purana and Markandeya purana, in course of time, dealt with these things at greater length, because the idea of sin and meritorious service was there. If the marriage takes place between the prohibited degree of relationship, if a person gives his daughter in marriage to such a person he does not get that much quantity of *punya* which he could have got if he had married his daughter outside the prohibited degree of marriage and the forefathers would not accept the funeral ball or the funeral cake offered to them. Some such things are there. Therefore, the first three generations running from the offerer of the *punya*, that is father, grand father and the great grand father were considered *Sapindas* and the next four, from the fourth up to the seventh were considered as *Lepabhajins* and from the eighth to the fourteenth generation were called *Samanodakas*. From eighth to the fourteenth generation were not brought within the purview of the prohibited degree of marriages. Consequently, in course of time, we find there were great developments in this very field of prohibited degree of marriages and it was reduced to a lesser number of generations in certain parts of the country. No doubt, usages have played a very important part in it. Our laws

have their sources in the old scriptures and also in the right thinking of good and great people.

श्रुतिः स्मृतिः सदाचारः स्वस्थ च प्रियमात्मनः  
सम्यक् सकल्पजः कामो धर्ममूलमिदं स्तम् ।

Therefore, not only the *srutis* and *smritis* and other things but also the right thinking of great people and the conventions and usages also form part of the law. And in the light of the observations made by the Privy Council in some of the cases, we find that usages and customs were considered more powerful than even the scripture itself.

“ शास्त्राद् रुढिर्बलमसी ”

That was how it was considered.

But what is meant by custom and usage is also a thing that has to be considered at great length and has to be taken into account before giving recognition to any particular custom and usage. Are we considering it as a particular custom or usage only because it is there for a long time persisting among the people of a particular tribe whether it is desirable or not? There are in India certain parts where polygamy or polyandry is prevailing. In Malabar and parts of Madras, I know, the matriarchal system of families is prevailing and they have got their own rights, usages and conventions also. Of course, in this particular case if the custom and usage is there to marry a person within the prohibited degree of marriage and the amendment is only to that extent, well and good. But can we always say that a particular custom and usage is desirable and that it should be followed? If custom and usage have been given certain place and significance only because they are persisting in a particular tribe for a long period and hence they are dear to us, it is no ground and, therefore, it is a weak defence. •Therefore, I oppose this particular question, that

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is, that we are recognising a particular custom and usage because it is prevailing in some parts for a long time.

Further, an explanation has also been added to this particular amending clause; it reads:—

“In this section ‘custom’, in relation to a person belonging to any tribe, community, group or family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family.”

Again, it is left to the State Government to declare whether it is a usage or a custom followed by a particular tribe or a group or a family or whether it is followed in a particular family without any discontinuity or without any break in its continuity. All these things are to be taken into consideration. I hope, the State Governments would be able to do full justice to their job and to the particular notification that means, to certain customs and usages which are there for a particular period. What is the criterion by which we call that it is a custom or usage? What is the period or length of time that we are going to take into consideration? There may be chances also that a particular custom may not remain in the form in which it was there as a custom some 20 or 50 years back but it may remain in a very deformed form. Then, are we going to call this a custom or usage? There are so many things which arise on account of the use of this particular word ‘usage’ or ‘custom’. Hence, I oppose it even though it is a desirable clause.

Of course, as the hon. Minister said that those who wish to marry under the provisions of the Special Marriage Act, 1954 are generally parties belonging to different faiths and communities but in special cases if parties belonging to the same community,

gotra or family desire to marry according to the provisions of the Special Marriage Act, they should not be put to any inconvenience or handicap for want of this particular clause therein; therefore, the necessity to introduce this particular clause. No doubt, there are people who question. If they belong to the same community, provisions of the Hindu Marriage Act are there to provide for them; but why should it be provided for again here? Of course I think, that does not make much difference and it wishes to have a more liberal outlook. But anyway whether usage and custom are in a deformed condition at present and how far the State Government is going to do full justice to all these things should be taken into consideration. I hope, the hon. Minister will take into consideration these things. In anticipation that he will take into consideration all these things I congratulate the hon. Minister for introducing this Bill.

**Dr. M. S. Aney (Nagpur):** Sir, the learned hon. Member who has just preceded me had made a learned and elaborate speech about the points involved in this Bill. I was rather surprised to find that one of the learned friends of the opposition party had suddenly got up and made a thundering speech opposing the motion out right. I only want to state that this Bill is nothing more than bringing it in time which has already been done in the case of Hindu Marriage Bill. The principle, not recognising *gotra* has already been accepted in the case of other marriages. But so far as this particular Special Marriage Act was concerned, this point was ignored and that lacuna is being made up. The rule as regards the *gotras* and *spindas* is laid down in almost all the important books of *smritis*.

असमानार्थगोत्रजाम् असपिण्डाम्  
लक्ष्यण्याम् स्त्रियमदवहेत् ।

These are the general principles laid down, as to what should be the chief characteristics for the sake of choos-

ing a bride—that she must not come from the same *gotra* and she should not be in the prohibited degree. That is all recognised.

Notwithstanding all that, the Hindu law, even from old times, has been a customary law and these things are particularly observed in the case of certain communities. There have been 12 types of marriages described in the *Smritis* four out of which were considered as approved marriages. Three of them did not recognise any of these qualities at all. Not only that. If we read *puranas*, we find the entire family of Krishna, his grandsons all married with the daughters of their uncles. The stories are narrated in *Bhagwat*. You will find hundreds of examples of that kind narrated in the *puranas* also.

#### मातुलकन्यारिपणयः

The custom to marry a daughter of a maternal uncle has been a recognised system in some parts of the south and also in certain parts of north India. That system had been recognised even in olden days. After all, the rules of Hindu law are not written in the *smritis* are not laws but they are the records of the recognised customs. In my opinion the entire code of Manu is nothing but a record of things or customs that were observed in those days. They have put them down in the form of so many *slokas*. It is a record of all those things. In Punjab at least, the customs and laws have become a code by itself. In other cases, it was generally left as the customary law of the Hindus and so on. You know *sapindas* has been practically not recognised as a condition binding upon the party now-a-days in certain marriages. It is true that the Special Marriage Act has been made, for the sake of satisfying the requirements of the so called advanced people. No reference was made in it to this particular point. On account of that, if the question of legitimacy

of the child arises—the omission of this thing has got this particular relevancy—if the difficulty arises, then it is the duty of the State to remove that difficulty. That we can do by a law of this kind. This is a progressive measure inasmuch as the entire law, the Hindu law, is concerned. In my opinion, this Bill should be welcomed and not rejected outright. That attitude is probably due to the extraordinary faith they have got in certain religious ideas. But really it can be looked upon in a different way. Social customs and other things which have grown up over a course of time require to be modified to suit the times. In fact, the entire socialistic pattern that we are wanting to bring about is really working out a revolution in the social life of the people. In virtue of that, the old social ideas as regards marriage are also under going changes.

Therefore, so far as this particular Bill is concerned, it is a step in the right direction, and it has been properly taken with a view to bring in the customary marriages also within the scope of the law, and bring them on a par with other forms of Hindu marriages which are prevailing at present. I, therefore, give my whole-hearted support to this Bill and congratulate Government on having brought forward this Bill.

**Shri D. C. Sharma** (Gurdaspur): I congratulate the hon. Minister of Law on having brought forward this Bill which is entirely in conformity with the changing trends that we are witnessing not only in India but all over the world. When I look at the history of marriage, I find—I may be pardoned for saying so—that the Hindu view of marriage was the most liberal, most catholic and most productive of happiness.

There were eight types of marriages when Hinduism was in its glory, but as Hinduism started decaying, the forms of marriages also underwent change, and some of the old forms of marriage became in-

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operative, and the result was that we came to have only one type of marriage, namely the sacramental marriage. Of course, I have every respect for the sacramental type of marriage, and I think that that is also a very good thing. But the fact of the matter is this that marriage is not something which can be subjected to uniformity of laws and customs, and uniformity of opinions or organised opinions. That is not possible. Marriage deals with two human beings, and as human beings are different from each other, so, I think, there should be a great deal of elasticity, so far as the celebration of marriages is concerned. I must admit that this elasticity was to be seen more in the old Hindu view of marriage than it is seen now in any country of the world, either in Africa or in Europe or in America or in any other part of the world.

Therefore, if this Bill has been brought forward, it is in accordance with the spirit of Hinduism. It is in accordance with the spirit of our *shastras*, because the *shastras* went on changing from day to day and from hour to hour, in conformity with the needs of the occasion. It is also in conformity with the necessities of human nature. After all, human nature also has to be taken into account when we have to discuss marriage.

One thing that has been in this Bill in this, namely that we have sanctified custom. I believe that customary law is a very important part of law. It operates all over the world. So, if we are trying to give some kind of status, and some kind of definite status at that, to this customary law, so far as marriage is concerned, I think there is no harm in that. I think we are only trying to do what is already there. A friend just now said that this Bill is meant for the reformers; it is meant for those persons who want to go one step ahead among Hindus. I do not think so. This Bill is trying to codify what already exists. Therefore, it is not revolutionary or radical in its nature.

It is said that a degree of prohibited degree of relationship will be there. I think every Hindu, whether orthodox or non-orthodox, should take heart from seeing this. The parties are within the prohibited degrees, but there is a proviso which says that they can marry provided custom allows it. This custom need not be bi-polar, it may be only unilateral; it may permit the husband to marry the woman or it may permit the woman to marry that man. Here custom has been given a rightful place in the marriage law of our country. It has been recognised in a very comprehensive way. There are certain customs which prevail among tribes—we have been discussing tribal matters these days. I do not see why we should dislocate the social organisation of that community. There are customs which prevail amongst some communities; there are customs which prevail among some members of one community, but not amongst other members of the community. There are certain social groups, ethnic groups, certain families—of course, a family does not mean a family of 5; it may mean a very large-size family—which have their own customs and I think we are doing only something which is there, which is preservative of their life, which does not dislocate the orderliness already existing. How can this Bill be disruptive of our social organisation? How can it sabotage our social values? How can it destroy all the great values of the Hindus. It certainly cannot. It is only trying to put the seal upon those things which already exist.

My quarrel is not with the Minister, is not on account of the first provision; my quarrel with him is in respect of the second provision. What is given with one hand is taken away with the other. Therefore, those of my friends who are orthodox Hindus need not be afraid. They should not think that there is going to be a kind of social revolution in this country on account of this Bill, because this Bill has so many provisos:



"Provided that no such notification shall be issued in relation to the members of any tribe, community or family, unless the State Government is satisfied—that such rule has been continuously and uniformly observed".

I do not know how the mind of the Ministry of Law works when it comes to social legislation. If I look at the other pieces of legislation which the Ministry brings, they are full of defects and imperfections, full of loopholes and gaps. But here look at the wonderful type of language used.

"such rule has been continuously. . ."—

how to define the word 'continuously'—

"and uniformly observed for a long time".

What is the length of time prescribed.

16 hrs.

Another proviso is that such rule is certain and not unreasonable or opposed to public policy. Therefore, my friends need not be afraid, because public policy is to keep the social fabric in tact, and therefore, nothing will be done which will try to disrupt the social fabric.

Another proviso is that such rule, if applicable only to a family, should have been discontinued by the family. Who is going to look into all these things. It is like saying that I can walk, while at the same time my legs are manacled, that I may talk while my mouth is sewed, that I may see when you blindfold my eyes. The Law Ministry is giving a liberal measure with one hand, and taking away the good of it by this second proviso.

I hope the State Governments will not be so short-sighted as to make the working of this law difficult or impossible, that they will not put spokes in the wheel of such marriages, that they will see that the rules are interpreted

in the most liberal manner so that they do not interfere with the happiness of two persons who want to celebrate their marriage under this law. I hope that this Bill which is liberal in content will be interpreted liberally, will be implemented liberally, will be discussed also in a way which will promote the happiness of those who want to marry under this law. After all, marriage is a partnership of happiness, and I hope that those who want to marry under this law will be happy.

Dr. L. M. Singhvi (Jodhpur): I am sorry that I cannot give my unqualified support and endorsement to this Bill. This Bill is an example of the pointless, ill-considered proliferation of legislative enactments in our country and of legislative amendments. The legislative brains trust which appears to advise the Law Ministry in bringing forth this proliferic progeny before us seems to be habituated to a sort of aimless wandering. It stumbles every once in a while on what it considers a bright new idea, and this precocious brains trust presents to us the fruit and the result of what I may be permitted to call regretfully a child of legislative adventurism. It is a pity, and we have every right to resent the fact that legislation such as this are conceived in haste and are not aided by the necessary background of research and investigation into social processes and social institutions.

I have more than once submitted before the House that in our country it is very necessary to take a cautious approach to social legislation and to create an adequate machinery for considering all the pros and cons of social legislation, of considering the consequences of a particular enactment, of studying it after the enactment is put on the statute book. None of this, however, seems to be done in our country which has a classic length of social legislation. I feel that it is as a result of this that our country suffers from extreme legislative indigestion.

[Shri L. M. Singhvi]

The distinguished Deputy Law Minister has invoked custom, or the objective of preservation of custom, as the rationale of this Bill, and this is what the Bill says in its Statement of Objects and Reasons :

"It is, therefore, considered necessary that a specific provision should be inserted in the Special Marriage Act to permit marriage between persons within the degrees of prohibited relationship, if there is a well-recognised custom applicable to one of the parties under which such marriage is permissible."

Custom can be a wonderful thing but it is also a symbol of our fossilised thinking and institutions. To insist on clinging to every custom, good, bad and indifferent, is certainly a sign of decay in thinking and Government should not encourage, promote or propagate a custom which does not promote good and proper social consequences. Legislation after all must subserve a social policy. Is it our social policy to advance or propagate the occurrence of marriages between persons who are now precluded under the Special Marriage Act from entering into marriage because they belong to prohibited degrees of relationship? The Special Marriage Act is a special machinery and any effort to transform it into a common customary agency or machinery is certainly not justified even within the four corners of the preamble and the purpose. Our Government has done precious little to defer to scientific data and doctrines in this matter. The science of eugenics appears to be of the view that marriages between close kins are eugenically speaking not good. We have been told by a lady Member of this House who claims familiarity with this custom that this practice is generally found to have yielded results which are highly injurious. If that is so, are we not entitled to know from the Government\*as to why it has rushed into asking us to enact this law

without realising that this is advancing a case which is socially not beneficial but injurious. It is very necessary for Government to defer to custom. But more often than not we find that customs which require their deference are given a go-by. Here is a custom which is preserved by the existing statute within the four corners of customary Hindu law. But Government through this legislation seeks to advance the furtherance of this custom. I cannot possibly find any justification for such a course of action, propagation or even preservation of such a custom is calculated only to preserve our society in a sort of a glass case, to preserve all the dead weight and dead habits in our society. That certainly cannot be the hallmark of any progressive legislation. This legislation deserves to be thrown out on this ground.

I have also some objection to the manner in which this legislation has been framed. We find that clause 2 of this Bill makes a proviso:

"Provided that where a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship; and"

The enforcement or the availability of custom should be when custom is mutual and not when custom is unilateral. Through this proviso an effort is being made to expand the prevalence of this custom which is entirely illegitimate, if I may say so.

Then there is the difficulty in respect of the explanation which is appended to clause 2 of the Bill. The explanation says:

"In this section, 'custom', in relation to a person belonging to any tribe, community, group or

family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family."

This explanation has a proviso which reads:

"Provided that no such notification shall be issued in relation to the members of any tribe, community, group or family, unless the State Government is satisfied—

- (i) that such rule has been continuously and uniformly observed for a long time among those members;
- (ii) that such rule is certain and not unreasonable or opposed to public policy; and
- (iii) that such rule, if applicable only to a family, has not been discontinued by the family."

My submission is that the explanation and the proviso to the explanation only make confusion worse founded. It is impossible to expect that the State Governments would be able to notify these various customs, to prepare a comprehensive inventory of customs, and to notify them with all due despatch so as to make the provisions of this legislative enactment effective. It seems almost impossible for the State Governments which are already suffering from a great deal of inertia and lack of initiative and leadership, and lack of imagination to come to such highly important conclusions in respect of customs which are after all not so well crystallised, not so well-known. I think that the proviso makes the declaration, the notification by the State Governments, justiciable. Since it does that, since it makes it justiciable, it would also take it into the arena of evidence, because as soon as it is found that these criteria are not satisfied by a notification issued by

the State Government, a person who is aggrieved by the claim of custom would be able to allege that no such custom exists. Then of course he would enter the arena of evidence and litigation which the distinguished Deputy Minister of Law says it is the purpose of this Bill to avoid and to eschew.

I feel that this machinery of notification by the State Governments in respect of a large range of customs, is highly impractical, and in providing this machinery I think the Government has not taken proper note of the conditions that prevail here. They have neither the tools nor are enough material available, and therefore there is great danger that the State Government will, in its rule-making capacity, interfere with personal laws of our people without knowledge—it will be an ill-informed interference—and that can be dangerous as we all know. I therefore submit that even now, at this late stage, the Deputy Law Minister should reconsider the propriety of introducing this Bill for its passage. I hope he would, if he is not able to accede to this request, at least agree to have the Bill referred to a Select Committee so that it may be considered in all its aspects.

**Mr. Deputy-Speaker:** Shri Yashpal Singh. Five minutes each. One hour was the time allotted, but I am extending it up to 5 O'clock.

श्री यशपाल सिंह (कैराना) : उपाध्यक्ष महोदय, मैं इस बिल की मुखालिफत करने के लिए खड़ा हुआ हूँ। इस सिक्यूलरिज्म में हिन्दू धर्म के खिलाफ कोई भी बिल पास करना बहुत ही नामुनासिब है। हमारी सोसाइटी जो लाखों सालों से खड़ी हुई है तो सिर्फ इसी आघार पर खड़ी हुई है कि शादी करते समय मां की पीढ़ियों और पिता के गोत्र में शादी न हो जाए इसका ध्यान रखते हैं। और इसी प्योरिटी आफ ब्लड की वजह से हम ऊँचे से ऊँचे व्यक्ति जैसे महात्मा गांधी,

[श्री यशपाल सिंह]

स्वामी दयानन्द सरस्वती, स्वामी विवेकानन्द, लोकमान्य तिलक जैसे लोगों को पदा कर सके।

कस्टम गलत हो सकता है लेकिन रिलीजन हमेशा सही होता है। ईश्वर का दिया हुआ रिलीजन, जो कि हमारा संविधान है, वह कहता है कि जो गलत कस्टम है उनको तोड़ा जाए। धर्म इस बात को गलत बताता है कि माता की पीढ़ियों में या पिता के गोत्र में शादी की जाए। अगर कहीं किसी सोसाइटी में या किसी प्रदेश में कोई गलत कस्टम पड़ गया है तो उस कस्टम को खत्म करना चाहिए, न कि उसको और ज्यादा ताकत देनी चाहिए। हमको ब्राह्मणों ने बतलाया था :

एतद्देश प्रसूतस्य सकाशादग्रजन्मनः।

और मुझे इसका बड़ा खेद है कि आज इस बिल को एक ब्राह्मण ही पेश करता है। इन्हीं ब्राह्मणों ने हमको प्योरिटी आफ ब्लड का सबक सिखाया और यही हमारे गुरु रहे। शादी का मसला ऐसा नहीं है कि जिसका किसी खास सोसाइटी या कस्टम से ताल्लुक है। उसका ताल्लुक सारी कम्युनिटी से है और उसका ताल्लुक सारे धर्म के साथ है। कुछ लोगों में ऐसा कस्टम है कि अगर बड़ा भाई गुजर जाता है तो छोटा भाई उसकी बीबी को अपनी बीबी बना लेता है और उसको तमाम राइट मिल जाते हैं लेकिन यह हमारे धर्म के खिलाफ है। हमारे लिए तो बड़ भाई की पत्नी माता के समान है। लक्ष्मण से जब सीता के जेबरात को दिखा कर पूछा गया कि तुम इनको पहचानते हो तो उन्होंने कहा था :

केयूरे नैव जानामि, नैव जानामि कुण्डले,  
नूपुरे त्वभि जानामि नित्यम् पादा-  
भिवन्दनात्

लक्ष्मण ने कहा कि मैं सीता के मस्तक या कानों के जेवरों को नहीं पहचान सकता

क्योंकि मैंने उनके मुख को कभी देखा ही नहीं। मैं तो उनके पैरों के जेवरों को पहचान सकता हूँ क्योंकि मैं नित्य उनके चरणों में प्रणाम करता रहा हूँ। तो यह हमारा कल्चर है, जिसको यह बिल लाकर खत्म किया जा रहा है। इसलिए मेरी दरखास्त है कि जो गलत कस्टम पड़ गये हैं उनको खत्म करके सरकार धर्म की रक्षा करे। सरकार जब देखे कि कस्टम गलत है तो उसको खत्म करके धर्म के अनुसार कानून बनाये। शादी ऐसी चीज नहीं है जिसका सम्बन्ध किसी खास खानदान या कुटुम्ब से है, या किसी खास परसन से या किसी खास प्रदेश के रिवाज से हो, उसका सम्बन्ध तो धर्म से है, और यह रिवाज धर्म के अनुसार होना चाहिये।

मने ऐसा भी देखा है कि चाइस मैरिज या लव मैरिज होती है, लेकिन ये धर्म के विरुद्ध है। हमारे यहां तो वही विवाह धर्मयुक्त माना जाता है जिसमें अग्नि, ब्राह्मण और जाति द्वारा समर्थन प्राप्त हो। और जिम विवाह में अग्नि न हो, ब्राह्मण न हो व विवाह निषिद्ध है। आज कहते हैं कि एक चाय के प्याले के ऊपर शादी हो जाती है, सिनेमाघरों में शादी हो जाती है। लेकिन जो शादी एक चाय के प्याले के ऊपर होती है व एक प्याले चाय पर टूट भी जाती है। धर्म मारे लिए ईश्वर का हुकुम है और उम हुकुम के अनुसार चलने की आज इसमें ज्यादा शक्ति होनी चाहिये है कि यह जो गिर गया है व उसे कहा जाए कि यह ठीक है। जो गिर गया है उसे उठाने को कोशिश करनी चाहिये, जो बन्धन ढीले हो गये हैं उनको कसने की कोशिश करनी चाहिए। तभी हम अपनी सोसाइटी में अरविन्द घोष जैसे, महात्मा गांधी जैसे, स्वामी विवेकानन्द जैसे, स्वामी दयानन्द जैसे महापुरुषों को पैदा कर सकेंगे। और अगर हम गलत कस्टम के अनुसार चचेरी और ममेरी बहनों से शादी को प्रोत्साहन देंगे तो उनसे वर्ण संकर संतानें पैदा होंगी। उनसे

हमारे चांद जैसे बच्चे नहीं पैदा हो सकते ।  
हमारे वेद में कहा गया है :

मम पुत्राः शत्रु हणो दुहिता में विराट्

यानी मेरे घर में ऐसे बच्चे हों जो चांद के समान हों, महान भरत जैसे पुत्र हों । अगर इस बिल को पास किया गया तो, जैसा कि डा० सिधवी जी ने कहा है, हमारी धर्म की मर्यादा लुप्त हो जायेगी । इसलिए मेरी दरखवास्त है कि माननीय मंत्री जी इस बिल को वापस ले लें और इसकी जगह कोई ऐसा बिल लाएं जिससे कि धर्म की रक्षा हो सके, सिक्कूलरिज्म की रक्षा हो सके । आपने हमसे सिक्कूलरिज्म का वायदा किया है, तो हमारे दिलों को इस प्रकार के बिल लाकर ठेस न लगाइए । मेरा निवेदन है कि इस बिल को वापस ले लिया जाए ।

**Shri R. Barua (Jorhat):** Mr. Deputy-Speaker, Sir, this is a very simple Bill and I do not think there is much to be talked about it. What it says is that the bar that was put on marriages within prohibited degrees of relationship in the Special Marriage Act should be removed. In the Hindu Marriage Act that provision was there and customs also prevailed to make such a marriage possible. The Special Marriage Act provides for marriages between Hindus and non-Hindus which have been going on for a long time. From experience it is found that there are people having certain customs, and yet they cannot perform marriages in spite of the Special Marriage Act.

Therefore, in order to remove the lacuna the Ministry has brought forward this amendment.

I think many of the controversies were whether certain customs were good or bad. In any case, some customs have come to stay after long experience and by continuous acceptance of them by the people because they are not opposed to public policy. The courts of law have also accepted them. Therefore, the incorporation of those

customs in the Special Marriage Act is in consonance with the policy followed by this Government. The question whether a particular custom is good or bad is of no importance here because the Act itself provides as to what sort of customs will be accepted in this particular enactment. It is stated in the explanation to section 2 that the customs in order to be acceptable must be continuous, uniform, reasonable and must not be opposed to public policy. The provision is stringent to see that any and every custom does not put obstacles in the way of marriages.

My main objection is to the power given to the executive to decide whether a custom is good or bad. It is a provision which is opposed to the policy so far followed by this Government. In view of the conditions mentioned in the clause, instead of making the provision more complicated, it would have been better to leave it to the courts of law to decide whether a certain custom is good or bad. Therefore, this provision to refer the matter to the executive should be deleted. It is apparent that the executive will not be in a position to say whether a certain custom is in conformity with the conditions prescribed therein. After all, the State Governments will have to hand over or delegate the function of determining this question to a certain officer, which is not at all desirable. I would have appreciated it if there had been a tribunal to go into the different customs prevailing in different States. But, that is not done. Therefore, while supporting the Bill, I will conclude by saying that the reference of this question to the State Government may be avoided.

**Shri Gauri Shankar Kakkar (Fatehpur):** Mr. Deputy-Speaker, my grouse against this piece of legislation is that sometimes Government takes a revolutionary and progressive step and then takes a false step with the result we are where we started. When the Special Marriage Act was passed, the provision was that the parties shall not be within the prohibited degree of re-

[Shri Gauri Shankar Kakkar]

lationship. Now Government has come forward with an amendment which, in effect, nullifies this provision because under the amendment if the custom governing at least one of the parties permits such a marriage, it can be performed.

Now, there are customs which are good and desirable; at the same time, there are customs which are bad and should not be encouraged. For example, the sati system was prevalent in our country for a long time. Now we are not honouring it. Similarly, there were many other evil customs which have now disappeared because we were not honouring them. Now, by this amendment, an attempt has been made to honour certain customs which were prevailing in certain communities, certain classes or even certain families.

Only such persons were attracted to the Special Marriage Act who did not actually believe in the Hindu religion because according to the Hindu law a marriage is a sacrament and those persons who were naturally attracted to contract marriages according to the provisions of the Special Marriage Act did not believe in marriages to be sacraments. So, I think, it was a mistake to keep any sort of restriction in solemnizing marriages under the Special Marriage Act. If the restriction was there, if clause (d) was enacted, now we have come to remove it.

The manner in which it has been suggested here, I would call, is a revolutionary step and that is that we are going to codify or enact certain customs prevailing in certain corners of this country. The customs which are actually prevailing are not a tangible commodity; they are not quite specific. Customs vary from State to State, from community to community, and from family to family. The State Government has been given the power to notify and actually to codify the customs prevailing in certain communities, families and tribes. What will be the result of it? If the Government is

very particular in honouring the custom and in going back from that progressive or revolutionary step which the Government had taken then I would submit that this is not the manner in which these customs are going to be honoured. If there is any notification by the State Government, I can assure you that that would never satisfy and would never fulfil the customs which are actually prevailing in the various tribes, communities and families. So, the Government has to decide once for all whether it believes in progressive or revolutionary steps and then there should be no half-hearted policy.

When the Special Marriage Act was enacted or passed, what was the necessity for restricting marriages between the restricted classes because a person who believes in the Hindu religion would never be attracted towards the Special Marriage Act? So, it is only to give shelter to certain sentiments or customs which are prevailing among one particular community. My apprehension is that if we succeed in legislating through this particular Bill, an attempt will be made through other Bills to codify these customs. As I have said, it would never be possible to define customs. They are not a tangible thing. Then, it would cause very great resentment.

What will be the effect if the State Government notifies certain imperfect or incomplete customs that are prevailing? As my hon. friend, Shri Trivedi, has said, who will approach the State Government? What will be the party or the forum? The result will be that it will be a conclusive proof if the notification of the State Government is there. If a particular family or community or tribe is not satisfied with that notification then I tell you that this attempt which is being made through this Bill will not give any sort of relief or satisfaction.

In the end, I oppose this Bill and I oppose it only for this reason. Now the time has come when once for all

our national Government should decide whether it believes in progressive or revolutionary steps with regard to social legislation or whether it believes in half-hearted measures or whether it actually believes in protecting or honouring certain customs which have been prevailing howsoever evil those customs might be. All these things are to be very seriously considered.

I would appeal to the Deputy Law Minister that at least, if he is seriously pursuing this Bill, this portion, the explanation, be deleted. Otherwise, it will cause a great hardship to all those communities and tribes to which it is related in case the State Governments are to notify their customs.

श्री० महादेव प्रसाद : उपाध्यक्ष महोदय, मुझे खेद है कि मैं इस बिल का समर्थन करने में अपने को असमर्थ पा रहा हूँ। सरकार जब इस प्रकार के सामाजिक विधेयक पास करने की इच्छा रखती है, तो उस का उद्देश्य शायद यह होना चाहिये कि जो रीति-रिवाज अपने समाज में चल रहे हों, वे अग्रर ठीक न हों, तो उन की सुविधा के अनुसार विधान में परिवर्तन न किया जाये, बल्कि इस प्रकार के विधान को लाया जाये, जिससे कि वे रीति-रिवाज बदल जायें।

जहाँ तक विवाह का संबंध है, उसके सिलसिले में कोई नया विधान लाते समय हमें ध्यान में रखना चाहिये कि इस का किस प्रकार से प्रादुर्भाव और विकास हुआ होगा। ऐसा मानना चाहिये कि समाज में प्रारम्भ में विवाह संस्था का जब प्रादुर्भाव हुआ, तो जिस प्रकार का प्राविधान हम स्पेशल मैरिज एक्ट में करने जा रहे हैं, शायद उस प्रकार के रीति रिवाज रहे हों। अभी एक माननीय विधुषी सदस्या ने हिन्दू धर्म शास्त्रों से कतिपय उद्धरण देते हुए बताया है कि हिन्दू धर्म में भी कहीं कहीं इस प्रकार का विधान र्ा है। मैं अत्यन्त विनम्रता के साथ निवेदन करना चाहता हूँ कि यदि इस प्रकार का उद्धारण 976 (A) LSD—8.

हिन्दू संस्कृति में मिला है, तो वह नियम के रूप में नहीं, बल्कि अपवाद के रूप में मिला है और इस लिए अपवाद नियम का रूप नहीं धारण कर सकते हैं।

यह स्पष्ट है कि विवाह संस्था का विकास ज्यों ज्यों हुआ और समाज आगे बढ़ा, त्यों त्यों विधान बनाने वालों ने सपिड विवाह को निषिद्ध ठहराया। सपिड विवाह का निषेध करते हुए मनोवैज्ञानिक, समाज-शास्त्री और सन्तति-शास्त्री क्या आधार प्रस्तुत करते हैं, इसके विवाद में मैं आप को ले जाना आवश्यक नहीं मानता हूँ। मैं केवल इतना काना चाहता हूँ कि भारतीय समाज में, विशेषकर हिन्दू समाज में, यह परम्परा चली आती है कि दुहिते दुरहिता कहा जाता है। "दुहिता" शब्द का अर्थ है "लड़की" और "दुरहिता" शब्द का अर्थ है "दूर फेंकना", अर्थात् लड़की को दूर भेजने का ही विधान है।

सरकार, राज्य या राजा का कर्तव्य यह होता है कि समाज में जो आचार या नियम या रीति-रिवाज गलत चल रहे हों, उनको बदले। मारी अपनी इस सरकार का तो यह एक अनिवार्य कर्तव्य है। मैं आप से निवेदन करूँ कि जिस समय भीष्म पितामह शर-शैया पर पड़े थे, तो युधिष्ठिर उनसे बढ़े सवाल पूछा करते थे। उन्होंने एक सवाल पूछा कि राजा काल का बनाने वाला होता है, या काल राजा को बनाता है। काल का मतलब जमाने से है। जमाने अर्थात् परम्परा नियम, रीति-रिवाज को राजा बनाता है, या राजा को रीति-रिवाज बनाया करते हैं। भीष्म पितामह ने बहुत ही स्पष्ट शब्दों में इस प्रश्न का उत्तर दिया, वह महाभारत के शांतिपर्व में है, युधिष्ठिर ने पूछा था, "कालस्य कारणम् राजा कालो वा राज्ञः कारणम्"। इस के उत्तर में भीष्म पितामह ने कहा था, "मांते संशयोर्भूतिराजा कालस्य कारणम्"।

राजा काल का बनाने वाला होता है, राजा रीति-रिवाजों को भी बना सकता है।

## [डा० महादेव प्रसाद]

यह बात आज की सरकार के लिये अत्यन्त आवश्यक है। होना तो यह चाँहिये था कि अगर कुछ जगहों में, समाज के कुछ समूहों और समुदायों में, एक गलत परम्परा चली आती है, गलत रीति-रिवाज चले आ रहे हैं, तो उनको हम बदलने की कोशिश करते। हमने जो स्पेशल मैरिज एक्ट, १९५४ बनाया है, उसके तहत उनको बदला ही गया है। लेकिन आज इस कानून में उनके लिए गुंजाइश करने की व्यर्थ कोशिश की जा रही है।

यह जो प्रोवाइजो है, जिस के अनुसार स्टेट को नोटिफिकेशन के द्वारा कस्टम को निश्चित करना है, वह कितना ऊल-जलूल है। यदि कानून बन गया और प्रोवाइजो इस में रहा, तो जिन को हम सुविधा देना चाहते हैं, उन बेचारों को कोई सुविधा देने के बजाये हम उनको हमेशा हमेशा के लिए मुकदमेबाजी में डाल देंगे। इस प्रोवाइजो में यह लिखा गया है :—

- “(i) that such rule has been continuously and uniformly observed for a long time among those members;
- (ii) that such rule is certain and not unreasonable or opposed to public policy; and
- (iii) that such rule, if applicable only to a family, has not been discontinued by the family.”

अब मैं निवेदन करना चाहता हूँ कि वह रूल कान्टीन्यूअस रहा है या नहीं, वह रीजनेबल है, या अनरीजनेबल है, वह पब्लिक पालिसी के खिलाफ है या नहीं, वह फैमिली में चलता आया है या नहीं, यह सब निश्चित करना सरकारी यंत्र के लिये बड़ा कठिन होगा। इस के अतिरिक्त इस में बहुत ही अष्टाचार की गुंजाइश हो जायगी।

इसलिए मैं उप-विधि मंत्री महोदय से यह दरखास्त करूँगा कि वह इस पर पुनर्विचार

करें और इस को पास कराने में जल्दी न करें। अगर जरूरी हो, तो वह इस के हर पक्ष पर विचार करने के लिए एक सिलेक्ट कमेटी नियुक्त कर दें।

धन्यवाद।

**Shri P. Venkatasubbaiah:** This Bill which has been brought forward by our modern Manu, the Law Ministry, is neither necessary nor relevant. In our country, Hindu marriage has been a sacred institution which is based more on customs and usages than on anything else. A marriage which was solemnised, and which was current as the correct type of marriage at one time was out of usage after some time.

Dr. Sarojini Mahishi has clearly narrated the types of marriage that were prevalent in this country, and she cited eight types of marriages. If you take into account all those eight types of marriages, then, no marriage, in whatever manner it would have been solemnised, could have been declared as invalid. That shows the vitality of the Hindu society which was being adjusted from time to time and which was moulding its *shastras* and *smritis* as per the usages.

My hon. friend, Shrimati Vimla Devi, had supported this Bill. According to her, her marriage which might have been invalidated by the non-insertion of this provision could now be validated by this special provision....

**Shrimati Vimla Devi:** On a point of personal explanation. I was not referring to my marriage. But what I said was this. Suppose there are two first cousins who fall in love with each other, and one of them becomes a Christian after some time. If they want to marry each other, they cannot get married under the Hindu Marriage Act, and under the Special Marriage Act, as it exists also, they cannot get married. The present Bill will cover



such cases, so that those persons will not be deprived of the opportunity to marry each other. That was what I said.

**Shri P. Venkatasubbaiah:** What I was driving at was this. Even a marriage under the Special Marriage Act can be entered into only between people belonging to different faiths and communities. In that case, there is no need for this provision. If the persons are Hindus and they want to marry then they can get married under the Hindu Marriage Act. So, in both these cases, I would submit that there is no relevancy and there is no need for the insertion of this provision in the Act.

Then, I would say a word about the discretion which is given to the State Governments. The Act has been left so vague, and the entire discretion has been left with the State Government on these three conditions. They can take shelter under these things and they can invalidate or refuse permission for any marriage or they can validate any marriage, as they like.

Therefore, what I want to impress upon the Minister is that they should first define what is usage and custom. Here they have put so many vague—a thousand and one—conditions under which anybody can take shelter or anybody can be penalised. Here it is said:

“that such rule, if applicable only to a family, has not been discontinued by the family”.

How could you know that at one time the family had been adopting it and later on discontinued it, not due to any lapses on their part, but due to certain circumstances. It may have been discontinued for some time, and when that has been discontinued, are they to be penalised.

So before passing this law, let there be rethinking on the part of the Minister of the whole matter. When we enact social legislation, we

must be very careful. When it is enacted, we must put it into effective use. There should not be any misuse of the law and people should not suffer because of the haphazard way in which it is worded. With these words, I again request the Minister to reconsider the matter.

**Shri Bibudendra Mishra:** I have heard with rapt attention the speeches made and the points raised. My impression is that most of the objections raised are due to a complete lack of understanding of not only the provisions of this Bill but also of the background. Most speakers spoke as if this is going to be an amendment of the Hindu Marriage Act and as if it is a threat to the Hindu religion. All I want to say is that this amendment has nothing to do with the Hindu Marriage Act at all. It is an amendment sought to be incorporated into the provisions of the Special Marriage Act. What does it seek to do? It only seeks to put in that provision in the Special Marriage Act which we find already in the Hindu Marriage Act of 1955, which is also provided in the Christian Marriage and Matrimonial Causes Bill now before a Joint Committee. So there is no attempt to bring in something into the Hindu law which is not there.

Dr. L. M. Singhvi, I think, said that this is opposed to the theory of eugenics on which marriage is based. Government are aware of the theory of eugenics on which the whole system of prohibited relationship is based; whether it is Hindu law, Christian law or the Special Marriage Act, the theory of eugenics has been the main criterion on which it has been based.

But we should not completely lose sight of the history of this country and its social custom. In spite of the fact that the Hindu Code we have enacted was acclaimed as very progressive throughout the country, we had to find a place in that law itself for custom, because custom has been one of the main sources of Hindu law along with *smritis* and *śrutis*.

[Shri Bibudhendra Mishra]

And that principle has been upheld by Their Lordships of the Privy Council who said that clear proof of usage would outweigh the written text of law.

Therefore, in Hindu law also we find the play of this custom so far as marriages between persons belonging to the prohibited degrees are concerned. We only wanted an enunciation of this principle in the Special Marriage Act.

It is all right if two persons belonging to different communities, groups or religions marry. The question of prohibited degree may not arise at all. But it may happen that persons belonging to the community or group may want to marry under the provisions of the Special Marriage Act. What will happen then? Supposing two near relations somewhere in the South, whose personal law permits the marriage between near relations, want to marry under the Hindu Marriage Act, they will be permitted but under the Special Marriage Act they will not be permitted. That position does not appear to be a very happy one. ||

I heard Shri Trivedi with great respect; I have always heard him with great respect, but I cannot compete with him in the use of harsh words. He is a master of that. I only want to appeal to him that harsh words cannot break ice or take the place of cold logic. He being an eminent lawyer, I wanted more of logic from him, not harsh words. He jeers, that is how I understood his language, he may correct me, and says that those who want to marry under the Special Marriage Act consider themselves reformers and reformists. That is not a very happy expression to hear from a senior Member of the House. I am one of those who have been married under the Special Marriage Act, and I do not consider my-

self to be a reformer in the sense Shri Trivedi meant.

And then he asks, and he is joined by Dr. Singhvi also, what is the hurry. Dr. Singhvi says there is no scientific data. I know Dr. Singhvi has a scientific mind, he always insists on scientific data. They think it is a hurried legislation and ask who has asked for it. I can only assure them that this Bill has come up after long consideration not only here in this Ministry, but in other Ministries as well. It is one of the revered leaders of this country, Shri Rajagopalachari, who raised this question and wanted Government to consider it and incorporate it in this Bill. He said it was the opinion in South India that whereas we had permitted under the Hindu Marriage Act marriage within the prohibited degrees of relationship provided custom permitted it, it was unfair that we had not permitted them to marry similarly under the Special Marriage Act, that we had not provided for custom here.

Then Shri Trivedi says that if they want to marry, let them marry under the Hindu law since the Hindu law provides for custom. Who is Shri Trivedi to advise two persons who want to marry under the Special Marriage Act that they should marry under the Hindu Marriage Act? There is a difference between a marriage under the Hindu law and a marriage under the Special Marriage Act. The relationship with the joint family is completely severed if one marries under the Special Marriage Act. There is also a difference so far as succession is concerned. So, it must be left to the person concerned to choose whether he should marry under the Hindu law or the Special Marriage Act. That should not be our concern.

**Shri Daji (Indore):** After all, inscrutable are the ways of the heart.

**Shri Bibudhendra Mishra:** Dr. Mahishi has raised a question about sapinda relations. I respectfully sub-

mit that is completely beside the point, because we are not concerned with sapindas here. The Hindu Marriage Act provides that a marriage will not be valid if it is performed within the degrees of prohibited relationship, or if it is performed within sapinda relationship. So far as the Special Marriage Act is concerned, there is no reference to the sapinda relationship at all. The sapinda relationship and sapindas are defined in the Hindu Marriage Act itself.

Then, a question has been raised about custom. Some people have taken the objection that by this we are going to establish again the customs that are obsolete. They ask: what about polygamy, what about sati, are you going to bring them back again? I would respectfully submit that wherever there is a direct law especially prohibiting something it could not be invoked in the name of custom. If it is opposed to public policy it could not be a custom at all. It has been said that the definition of custom has been made so difficult that nobody can get relief. Custom has been determined by many judicial decisions and pronouncements and the sum total of the principles as to what a custom is has been given in the Hindu Marriage Act and I will read out the definition in the Hindu Marriage Act. It is the sum and substance of the judicial interpretation in this country. The expression 'custom and usage' signify any rule which having been continually and uniformly observed for a long time has obtained the force of law among Hindus in any locality, area, tribe, community or group or family provided that the rule is certain and not unreasonable and opposed to public policy and provided further that in the case of a rule applicable to a family it has not been discontinued by the family. Now, we are not trying to do anything else. Whatever has been codified in the Hindu law, in the pronouncements of the judicial decisions—we have tried to incorporate them in the amending Bill. We have said that the State

Government will not have the absolute power while saying what custom or usage applicable to a particular community or group is. In any case it will be a subjective satisfaction. They shall look into these things and be satisfied that there is nothing wrong about it. Somebody asked: why should the State Government be given these powers? But somebody must have the power to decide what the custom is. If a party wants to prove a custom, he has now to go to a court of law. The decision of the court is a subjective decision of somebody. Instead of throwing the burden on the party to prove the custom who will have to waste his time and money in a court of law, we want the State Government in the interest of the tribes and communities themselves to make the necessary enquiries and codify it so that the parties may be free from the necessity to go to the court of law. It is for the first time that we are making this attempt as it is no use shirking our responsibility to the people concerned. Experience will show how it works. There may be some catches, but there is nothing to be apprehensive about it. We are trying to widen our outlook so far as legislation is concerned. There is nothing wrong in taking a step which we consider to be bold and desirable. With these words, I commend the Bill.

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

"That the Bill to amend the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** I shall put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

Clause 1 was added to the Bill.

*Enacting Formula*

*Amendment made:*

Page 1, line 1,

for "Thirteenth Year" substitute "Fourteenth Year". (1)

(Shri Bibudhendra Mishra)

**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 Bibudhendra Mishra:** I beg to move:

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

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

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

**Shri U. M. Trivedi:** This Bill has been opposed by all sections of this House. (*Interruption*) It could have been proper if the Bill was sent out and circulated for eliciting public opinion or had been sent to the Select Committee. The main difficulty about this Bill is that it has brought about a sort of absurdity in the provisions about recognising customs. This Bill originally was a modification of the Special Marriage Act of 1872. In 1954 when the Bill of 1872 was done away with, the idea of making a declaration that those who wanted to marry under this Bill had to give up their religion or at least say, "I do not belong to a particular religion," was dropped. But, at the same time, under section 19, it was added that a man who wanted to

marry—whether he was a Hindu, Buddhist, Jain or Sikh—had to have his connection severed from the family to which he belonged. Therefore, I made a point that in this particular instance, those who wanted to get themselves married under this Act were calling themselves as having risen above the position of pure Hindus; they were reformers or they were people who had risen high above society. An evolution took place, and an evolutionary process means that a man is thinking in higher terms and better terms. In thinking in higher and better terms eugenics would come to play, and scientific progress might play its role and the man will realise that he cannot have an endogamous marriage. That was the position that appeared before us. Therefore, the suggestion was made that this custom of marrying endogamously or in a manner prohibited by these degrees was to be discarded. That was the very point which was urged by me.

Another point that strikes me is this. I still persist in saying that since 1954, when this Act was discussed and passed, nine years have passed, and what is the data to indicate who are the persons who made an application to this House or to the Government or made an agitation in any part of India and through papers or through any other sources whereby we came to this conclusion that it is better to recognise custom for performing such marriages? There are no data which have been provided to us, to this House, for this purpose. That is why I submit that unless society makes demand of this particular type, a Bill of this nature ought not to be brought before the House. I therefore oppose this Bill.

**Shri Bibudhendra Mishra:** As I have pointed out earlier, no data are necessary, but eminent persons in the country brought to the notice of the Government that a lacuna exists in a law which should be removed and the

Government considered that it actually worked to the detriment or disadvantage of some people and that therefore it should be removed, and so, Government have come out with a necessary Bill. I am sure that if Shri U. M. Trivedi gives any reasonable proposition at any time that will receive the consideration of the Government also.

**Shrimati Vimla Devi:** We invite you to come to the South and see the facts.

**Shri U. M. Trivedi:** We invite you to come to the North and see how abominable it is for a man to marry like this.

**Mr. Deputy-Speaker:** Order, order. The question is:

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

Hon. Members for the motion will please say "Aye."

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Hon. Members against the motion will please say "No".

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The 'Ayes' have it.

**Shri U. M. Trivedi:** The 'Noes' have it.

**Mr. Deputy-Speaker:** Do you want a division?

**Shri U. M. Trivedi:** Yes, but we will have it tomorrow. There is no quorum even.

**Mr. Deputy-Speaker:** Let the lobbies be cleared.

17 hrs.

**Shri U. M. Trivedi:** Sir, I rise to a point of order. It is true that some

hon. Members have now rushed in, but they have not heard what the arguments are.

**Some Hon. Members:** No, no.

**Shri U. M. Trivedi:** You can shout "no, no" and I can shout "yes, yes". The point, Sir, is this, that none of them has heard the arguments that have been advanced for or against the motion. Therefore, it is meet and proper that those who have come here must be treated as rational beings, as beings who are to exercise their votes in the proper manner.

**Mr. Deputy-Speaker:** There is no point of order.

**Shri Dasappa (Bangalore):** He says that the division can be had tomorrow. Who will hear his arguments tomorrow?

**Shri U. M. Trivedi:** They can read my arguments in the proceedings. What is wrong there?

**Shrimati Vimla Devi:** He says that because they have not heard the arguments they cannot vote. I submit that because he is a North Indian he does not want to vote for a custom in the South. He has no right to say that.

**Mr. Deputy-Speaker:** There is no point of order. For the information of the hon. Members I may say that we are in the Third Reading stage of the *Special Marriage (Amendment) Bill*. At the time of putting the Bill, as amended, to the vote of the House Shri Trivedi opposed it and demanded a division. So I am putting the question again to the vote of the House. The question is:

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

*The Lok Sabha divided.*

Division No. 2]

[17.01 hrs.

## AYES

Achal Singh, Shri  
Alva, Shri A.S.  
Alva, Shri Joachim  
Aney, Dr.M.S.  
Balmiki, Shri  
Berkataki, Shrimati Renuka  
Berupal, Shri P.L.  
Besumatari, Shri  
Bhagavati, Shri  
Barooah, Shri P  
Brij Raj Singh, Shri  
Chakraverti, Shri P.R.  
Chandrasekhar, Shrimati  
Chaturvedi, Shri S.N.  
Chavda, Shrimati  
Das, Shri B.K.  
Dasappa, Shri  
Dass, Shri.  
Desai, Shri Morarji  
Dubey, Shri R.G.  
Dwivedi, Shri M.L.  
Ganapati Ram, Shri  
Ganga Devi, Shrimati  
Guha, Shri A. C.  
Hanada, Shri Subodh

Hanumanthaiya, Shri  
Jagjivan Ram, Shri  
Kabir, Shri Humayun  
Kedaria, Shri C.M.  
Kindar Lal, Shri  
Koujalgi, Shri H.V.  
Lakshmikanthamma, Shrimati  
Lalit Sen, Shri  
Laxmi Bai, Shrimati  
Mahananda, Shri  
Malaviya Shri K.D.  
Manaan, Shri  
Mehrotra, Shri Braj Bihari  
Mirza, Shri Bakar Ali  
Mohsin, Shri  
Morarka, Shri  
Murti, Shri M.S.  
Naik, Shri D.J.  
Naskar, Shri P.S.  
Paliwal, Shri  
Pandey, Shri Vishwa Nath  
Pant, Shri K.C.  
Parashar, Shri  
Prabhakar, Shri Naval  
Raj Bahadur, Shri

Ram Subhag Singh, Dr.  
Ram Swarup, Shri  
Ramakrishnan, Shri P.R.  
Rao, Shri Ramapathi  
Reddiar, Shri  
Reddy, Shri K.C.  
Roy, Shri Bishwanath  
Sadhu Ram, Shri  
Sahu, Shri Rameshwar  
Sen, Shri P.G.  
Sharma, Shri D.C.  
Shastri, Shri Ramanand  
Sheo Narain, Shri  
Shree Narayan Das, Shri  
Siddananappa, Shri  
Siddiah, Shri  
Sidheshwar Prasad, Shri  
Sinha, Shri Satya Narayan  
Sonavane, Shri  
Tula Ram, Shri  
Varma, Shri Ravindra  
Venkatasubbaiah, Shri P.  
Vimla Devi, Shrimati  
Wadiwa, Shri

## NOES

Gupta, Shri Kanshi Ram  
Kachhavaia, Shri

Kakkar, Shri Gauri Shankar  
Kapur Singh, Shri

Trivedi, Shri U.M.  
Yashpal Singh, Shri

**Mr. Deputy-Speaker:** The result of the division is:

Ayes\*—76;

Noes—6.

*The motion was adopted.*

17.05 hrs.

**BUSINESS ADVISORY COMMITTEE**

**EIGHTEENTH REPORT**

**The Minister of Parliamentary**

**Affairs (Shri Satya Narayan Sinha):** Sir, I beg to present the Eighteenth Report of the Business Advisory Committee.

17.06 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 29, 1963|Bhadra 7, 1885 (Saka).*

\*Ayes : The names of two Members could not be recorded.

[Wednesday, August 28, 1963/Bhadra 6, 1885 (Saka) ]

COLUMNS		WRITTEN ANSWERS TO QUESTIONS—contd.		COLUMNS	
S.Q. No.	Subject	U.S.Q. No.	Subject		
<b>ORAL ANSWERS TO QUESTIONS</b>					
				3037—76	
330	National Coal Reserves	3037—39	1022	Monuments in Rajasthan	3090
331	Lead in Katar (Rajasthan)	3340—41	1023	Social defence (Care) Schemes	3091
332	Examination at Secondary School level	3342—49	1024	Free and compulsory education in Orissa	3091
333	Coal in Garo hills	3049—51	1025	Auditoria in Rajasthan schools and colleges	3092
334	Royalty on Bauxite	3051—53	1026	Political sufferers in Rajasthan	3092—93
335	Status of teachers	3053—58	1027	Petroleum products	3093
336	Explosives and detonators	3058—60	1028	Welfare of Denotified Tribes	3093—94
337	Rihand dam	3060—64	1029	Holiday on Dr. Prasad's death	3094
338	Natural Resources under continental shelf	3064—65	1030	Expenditure on education	3095
339	Pro-Peking communists	3065—73	1031	Central Consumer Co-operative Stores	3095—96
341	New University for Delhi	3073—76	1032	Gift of paper from Sweden and Australia	3096
<b>WRITTEN ANSWERS TO QUESTIONS</b>					
S.Q. No.					
340	Standardised text-books	3076—77	1033	House of Mirza Ghalib	3096—97
342	Compensation for land acquired in Delhi	3077—78	1034	Arrest of Pak. spy in Delhi	3097
343	Retired civil servants in private firms	3078—79	1035	Drilling in Khara	3097—98
344	Singareni collieries	3079	1036	Scientific developments	3098
345	New oil site near Ahmedabad	3079—80	1037	Anti-Indian propaganda	3098—99
346	All India Secondary Examination	3080	1038	Survey of border areas	3099
347	Teaching of science in Hindi medium	3080—82	1039	B.A. Syllabus	3100
348	Indian Engineers serving Abroad	3082	1040	Institution of Electronics and Radio Engineers	3100—01
349	Barauni refinery	3083	1041	Jammu and Kashmir	3101—02
350	Sports Enquiry Committee Report	3083—84	1042	Code of Conduct for Police	3102
351	Research cruises	3084	1043	Naga hostiles	3102—03
352	Promotion of Class IV S.C and S. T. employees	3085	1044	Standard of English	3103—04
353	Crimes in Delhi	3085—86	1045	New techniques for teaching science	3104—05
354	Oil exploration	3086—87	1046	Mountaineering Institutes	3105
355	Drilling at Navagam	3087	1047	Off-shore drilling	3105—06
356	Kathmandu Valley	3087—88	1048	Drilling in West Bengal	3106
357	Institute for Children of border areas	3088—89	1049	Education in rural areas	3106—07
358	All India Service Officers	3089—90	1050	Grant to Bhadrak College	3107
359	Book on oil	3090	1051	Delhi Municipal Corporation Act	3107—08
			1052	D.M.C. elections	3108
			1053	Overstay of Pakistanis	3108
			1054	New Coal deposits	3108—09
			1055	Detenus under D.I.R.	3109
			1056	Laying of pipe line	3109—10

WRITTEN ANSWERS TO  
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
1057	Traffic Signal Research Unit . . . . .	3110
1058	Untouchability in Tripura and Goa . . . . .	3110-11
1059	Post matric scholarships . . . . .	3111
1060	Libraries in Uttar Pradesh . . . . .	3111
1061	Braille appliances . . . . .	3112
1062	1964-Olympics in Japan . . . . .	3112-13
1063	Institutes for Handicapped children . . . . .	3113
1064	Political sufferers . . . . .	3113-14
1065	Houses for policemen . . . . .	3114
1066	S.Cs. and S.Ts. in All India Services . . . . .	3114-15
1067	Primary education in New Delhi . . . . .	3115
1068	Attractive books for children . . . . .	3116
1070	Sales-tax Department, Delhi . . . . .	3116-17
1071	Scholarships to backward class students . . . . .	3117
1072	Copper ore in Guntur district . . . . .	3117-18
1073	National monuments . . . . .	3118
1074	Mineral potentialities in Ladakh . . . . .	3119
1075	Air-conditioners . . . . .	3119
1076	Improvement in teaching system . . . . .	3120
1077	Petro-chemical industries . . . . .	3120
1078	Koyali refinery . . . . .	3121
1079	State Government Officers at Centre . . . . .	3121
1080	National Games Meet . . . . .	3121-22
1081	Tankage capacity . . . . .	3122
1082	Petro-Chemical industries . . . . .	3122-23
1083	Survey of Kashmir Valley . . . . .	3123
1084	Espionage . . . . .	3124
1085	Political sufferers in Punjab . . . . .	3124
1086	Nicobarese tribes . . . . .	3125
1087	Construction of jetty in Andamans . . . . .	3125-26
1088	National Book Trust . . . . .	3126-27
1089	Recovery of a transmitter . . . . .	3127-28
1090	Excavation work in Gorakhpur Distt. . . . .	3128
1091	Preservation of tombs . . . . .	3129
1092	Punjabi as subject in Delhi schools . . . . .	3129

WRITTEN ANSWERS TO  
QUESTIONS—*contd.*

U.S.Q. No.	Subject	COLUMNS
1093	M.C.C. team to India . . . . .	3129-30
1094	High grade coal . . . . .	3130
1095	Coal washeries . . . . .	3130-31
1096	Middings and rejects from washeries . . . . .	3131-32
1097	Scholarships to backward class students in Assam . . . . .	3132
1098	Mineral deposits in Mysore . . . . .	3132-33
1099	Lime stone deposits in Manipur . . . . .	3133-34
1100	Excavations at Balraj Garh . . . . .	3134
1101	National Discipline Scheme . . . . .	3134-36
1102	Central Reference Library . . . . .	3136
1103	National Library, Calcutta . . . . .	3136-37
1104	Central Hindi Directorate Library . . . . .	3137
1105	Research Assistants in Central Hindi Directorate . . . . .	3138
1106	Assistant Education Officers in Central Hindi Directorate . . . . .	3138-39
1107	Reservation in promotions . . . . .	3139
1108	Central Library Service . . . . .	3139-40
1109	Foreign experts for Engineering Colleges . . . . .	3140-42
1110	Gazette in Hindi . . . . .	3141-42
1111	Hindi Teaching Centres . . . . .	3143
1112	Hindi teaching . . . . .	3143-44
1113	Delhi Rent Control Act. . . . .	3144

CALLING ATTENTION TO  
MATTERS OF URGENT  
PUBLIC IMPORTANCE . . . . .

3144-55

(i) Shri Hem Barua called the attention of the Minister of Defence to the reported intrusion into Tripura by Pakistan Air Force planes on the 22nd August, 1963.

The Minister of Defence (Shri Y. B. Chavan) made a statement in regard thereto . . . . .

(ii) Shri Ram Swak Yadav called the attention of the Minister of Home Affairs to the harassment caused to the public by sudden and strict enforcement of traffic regulations by the police in Delhi on the 26th August, 1963.



## COLUMNS

## COLUMNS

**CALLING ATTENTION TO  
MATTERS OF URGENT  
PUBLIC IMPORTANCE**  
—*contd.*

The Minister of Home Affairs (Shri Lal Bahadur Shastri) made a statement in regard thereto.

**PAPERS LAID ON THE  
TABLE . . . . .**

3156-57

(1) A copy each of the following Rules under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957 :—

(i) The Mineral Concession (Fifth Amendment) Rules, 1963 published in Notification No. G.S.R. 1214 dated the 20th July, 1963.

(ii) The Mineral Concession (Sixth Amendment) Rules, 1963 published in Notification No. G.S.R. 1243 dated the 27th July, 1963.

(iii) The Mineral Concession (Seventh Amendment) Rules, 1963 published in Notification No. G.S.R. 1278 dated the 3rd August, 1963.

(2) A copy each of the following papers (English and Hindi versions) under article 323 (1) of the Constitution :—

(i) Twelfth Report of the Union Public Service Commission for the period 1st April, 1961 to 31st March, 1962.

(ii) Memorandum explaining the reasons for non-acceptance of the Commission's advice in case referred to in the above Report.

**REPORT OF COMMITTEE  
ON PRIVATE MEMBERS'  
BILLS AND RESOLU-  
TIONS—PRESENTED .**

3157

Twenty-fourth Report was presented

**ELECTION TO COMMITTEE 3157-58**

The Parliamentary Secretary to the Minister of Education (Shri M. R. Krishna) moved for election of three Members of Lok Sabha to serve as members of the Central Advisory Board of Education. The motion was adopted.

**BILLS PASSED . . . . . 3158—3276**

(i) Discussion on the motion to consider the Personal Injuries (Compensation Insurance) Bill moved on 26-8-63 concluded and the motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

(ii) The Deputy Minister in the Ministry of Law (Shri Bibudhendra Misra) moved that the Special Marriage (Amendment) Bill, as passed by Rajya Sabha, be taken into consideration. The motion was adopted. The clause-by-clause consideration of the Bill also concluded. On the motion to pass the Bill, as amended, the House divided, Ayes: 76; Noes 6. The motion was accordingly adopted and the Bill, as amended, was passed.

**REPORT OF BUSINESS  
ADVISORY COMMITTEE  
—PRESENTED . . . . .**

3275-76

Eighteenth Report was presented.

**AGENDA FOR THURSDAY,  
AUGUST 29, 1963/BHADRA  
7, 1885 (SAKA)**

Consideration and passing of the following Bills :

(i) Indian Sale of Goods (Amendment) Bill, as passed by Rajya Sabha.

(ii) Employees Provident Funds (Amendment) Bill, as passed by Rajya Sabha.

(iii) Code of Civil Procedure (Amendment) Bill, as passed by Rajya Sabha.

(iv) Public Premises (Eviction of Unauthorised Occupants) Amendment Bill.