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**Monday, September 6, 1965
Bhadra 15, 1887 (Saka)**

LOK SABHA DEBATES

(Twelfth Session)



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LOK SABHA

Monday, September 6, 1965/Bhadra 15,
1887 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Photographs of U. S. Tanks

+

- *419. { Shri Yashpal Singh:
Shri D. C. Sharma:
Shri R. S. Pandey:

Will the Minister of External
Affairs be pleased to state:

(a) whether it is a fact that Pakistan has used the aerial photographs of the American Patton tanks taken by India for anti-India propaganda alleging that they were the "Indian Army's Patton tanks" used by India in the Kutch operations;

(b) whether it is a fact that these photographs were issued to the selected newspapers in the Middle-East in May, 1965 and were published by some of them; and

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

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) and (b). The photographs of Patton tanks were published in one newspaper in Iran with the wrong caption.

(c) The matter was brought to the notice of the Editor concerned and a correction was published.

श्री यशपाल सिंह : क्या हमारे पास पैटन टैंक है जो यह झूठा प्रचार पाकिस्तान की तरफ से किया जा रहा है ?

श्री विनेश सिंह : यह प्रचार झूठा है यह तो मैं कह सकता हूँ । पैटन टैंक हमारे पास हैं या नहीं, इसकी डिटेल्स तो पूरी हमारे रक्षा मंत्री दे सकते हैं ।

श्री यशपाल सिंह : अमरीका ने जो चीज हम को दी नहीं है, उसका झूठा प्रचार हो रहा है । क्या आप ने इसके भुनालिक अमरीका से पूछा है ?

श्री विनेश सिंह : अमरीका सरकार से पूछने का कहां सवाल उठता है । जिस ने झूठा प्रचार किया उसने दूसरे दिन उसका कर्रिक्शन भी छाप दिया ।

Shri D. C. Sharma: Pakistan erases the markings of America from the tanks and other arms which it has got from the USA as a result of their collaboration in CENTO, SEATO and other things. May I know if the Government has been able to identify some of these arms and has brought to the notice of the USA that they are trying to erase the markings which were there when those were given to them?

Shri Dinesh Singh: I do not think anyone has disputed the fact that these Patton tanks were used by Pakistan in Kutch.

Mr. Speaker: The only question is whether this has been brought to the notice of America that they are trying to erase those markings.

Shri Dinesh Singh: I do not know about the markings, whether they are erasing the markings or not, but these are American tanks given to them. This is not disputed.

Shri R. S. Pandey: With regard to the question of photographs of US tanks I wanted to know whether the attention of the United Nations has been drawn to this.

Shri Dinesh Singh: Yes, Sir; the United Nations is aware that Pakistan has used these tanks. This was publicised all over.

Shri Daji: On a point of order, Sir. The question was not whether the United Nations is aware or not but whether the United Nations has been appraised of the fact that they have been using these; whether the Government has done it.

Mr. Speaker: That means that the Government has not done anything particular but otherwise they know.

Shri Hem Barua: May I know if it is not a fact that the US had given us repeatedly assurances that if US arms given to Pakistan were directed against India in aggression the US would immediately undertake appropriate action both within and without the United Nations to thwart such action? These were the words used in a letter by President Eisenhower to Shri Nehru. In the context of that may I know if (a) the USA are not as yet convinced that Pakistan has committed aggression against us in Kutch and Kashmir; and (b) if the US are not convinced that Pakistan is using US arms against us both in Kutch and Kashmir?

Shri Dinesh Singh: U.S. is quite convinced that Pakistan is using U.S. arms. I do not know as to how much they are convinced and how much they would like to say publicly of Pakistan's aggression on us.

Shri Hem Barua: Sir, my question was . . .

Mr. Speaker: It is very difficult to tell as to how much they are convinced and whether they are convinced or not.

Shri Hem Barua: I just wanted to know from them whether U.S. has given the assurance that if U.S. arms given to Pakistan were used against us in aggression—these are the exact words—U.S. would take appropriate actions both within and without the United Nations to thwart such aggression.

Shri Dinesh Singh: I am sorry I have not got the exact words that I could mention this time. But, as you are aware, Sir, we have discussed this on the floor of the House in great detail as to what was the assurance U.S. had given.

श्री म० ल० द्विवेदी : दैनिक पत्रों में यह समाचार छता था कि अमरीका के कुछ प्रायुध्दार्थों वृद्ध क्षेत्र में जायेंगे और इस बात की जांच करेंगे कि ये टैंक अमरीकी हैं या नहीं। भारत की तरफ से उनको जाने की छूट थी लेकिन पाकिस्तान ने उनको कर्नादरेंस नहीं दिया था। मैं जानना चाहता हूँ कि इसके बारे में लेटेस्ट पंजिशन क्या है ?

श्री दिनेश सिंह : ऐसा हम ने भी अखबारों में पढ़ा था कि पाकिस्तान की तरफ से उनको नहीं जाने की इजाजत नहीं मिली।

Shri M. R. Krishna: The Deputy Minister just now stated that the United States have come to know that Pakistan is using the equipment against us which they have given for a different purpose. If that is so, may I know whether the Government have, at any time, tried with the United States to stop giving spare parts and not to maintain the aircraft etc. which have been given to them?

Shri Dinesh Singh: We have mentioned to the United States Government in very strong terms that they should prevent Pakistan from using American arms against us.

Shri M. R. Krishna: Sir, I have asked a specific question . . .

Mr. Speaker: What can we say about their maintenance, whether

they should supply the spare parts or not or whether they take any other action? We can only make a protest to them that we have an assurance from them that they will not allow Pakistan to use arms against us.

Shri Kapur Singh: Is it true that despite all the 16 years' courting and blandishments, the Middle-East press and public still feel the pull of Pakistan's Pan-Islamism greater than that of the secularism of India and, if so, what do Government propose to do in this regard? This question directly arises out of the Question on the list. I doubt whether the other questions did so directly arise.

Mr. Speaker: I am sure that it does arise out of this but, at the same time, I am sure that it should not be put. That is my request.

Shri Kapur Singh: I accede to your request.

Mr. Speaker: So nice of you.

श्री बागड़ी : मंत्री महोदय ने एक प्रश्न के जवाब में कहा कि पाकिस्तान के अखबारों में छतों टूटने खबर को मैंने भी देखा है। क्या मंत्री महोदय बतलायेंगे कि उन अखबार की खबर का देख कर मंत्रालय ने उसके ऊपर क्या कार्रवाई की और अगर पाकिस्तान ने ऐसा कदम उठाया तो उसके बारे में हमारी सरकार ने क्या कदम उठाया ?

श्री विदेश सिंह : मेरे खयाल में शायद सदस्य महोदय उसका जिक्र कर रहे हैं जबकि अमरीका के लोग जाना चाहते थे पाकिस्तान की तरफ देखने के लिए। हम उसके लिए क्या कर सकते हैं ?

Shri Swell: I want to know if Government's attention has been drawn to certain newspaper reports that the United States Government consider the use of the American weapons and tanks by Pakistan as of secondary importance and, if so, has

the Government conveyed its reaction to these reports to the United States Government?

Shri Dinesh Singh: I am sorry I am not quite clear as to the implication of 'secondary importance'. But we have, as I mentioned earlier, conveyed to the United States Government in very strong terms our concern about the use of American weapons by Pakistan and, I think, the United States Government is itself quite concerned.

Shri Swell: I wanted to know whether the Government has conveyed its reaction to the reports that the United States Government consider the use of their weapons and tanks by Pakistan as of secondary importance. Did they convey their reaction immediately after that?

Shri Dinesh Singh: What is secondary importance? For us it is a matter of great importance.

Mr. Speaker: His question is whether we have reacted to their statement that it is of secondary importance.

Shri Dinesh Singh: The Americans have never said that they are of secondary importance. The assurance was very clear that the U.S. military weapons, given to Pakistan under the aid programme, would not be used against India. How can they should so many Members speak simultaneously? (Interruptions)

Mr. Speaker: Order, order. One Member has put a question. Why should so many Members speak simultaneously?

Shri Swell: Have we drawn the attention of the United States Government to these newspaper reports?

The Minister of External Affairs (Shri Swaran Singh): I have not seen any report where it has been said that it is of secondary importance.

Shri Bhagwat Jha Aad: We are surprised!

Shri Daji: Every paper has published that.

Shri Swaran Singh: We are in touch with the United States Government and they have never said that they are of secondary importance. There is nothing further for us to point out to them on something that some correspondent continues to write something.

Shri Indrajit Gupta: To our Government's knowledge, has Pakistan officially denied at any stage in any of its communications to the United States Government or the United Nations or to us that they were using American arms, particularly tanks, in Kutch and Kashmir?

Shri Swaran Singh: I do not think that they have.

Mr. Speaker: Question No. 420.

Shri D. C. Sharma: The next question is 420!

Mr. Speaker: The lady is not here. If, however, the Member is very particular about 420, I can allow it.

प्रसारण तथा सूचना माध्यम
सम्बन्धी समिति

†

- * 421. { श्री प्रकाशबीर शास्त्री :
श्री जगदीश सिंह सिद्धान्ती :
श्री प्र० चं० बहगवा :
श्री म० ला० डिंडोरी :
श्री स० चं० सामन्त :
श्री सुधीश हंसदा :
श्री प्र० चं० चक्रवर्ती :
श्री पं० बंटासुन्दरिया :
श्री रबेन्द्र वर्मा :
श्री बागड़ी :
श्री बी० चं० शर्मा :
श्रीमती उग्रोत्सना चन्दा :
श्रीमती रेणुका बड़कटकी :
श्री पु० र० पटेल :
श्री हरि विष्णु कामत :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) प्रसारण तथा सूचना माध्यम सम्बन्धी समिति ने अब तक कितना कार्य पूरा कर लिया है;

(ख) समिति ने क्या मुख्य सिफारिशें की हैं; और

(ग) उस पर सरकार ने क्या कार्यवाही की है ?

सूचना और प्रसारण मंत्री (श्रीमती इन्दिरा गांधी) : (क) चन्दा समिति ने प्रकाशवर्षा के काम के कुछ पहलुओं पर अब तक दो प्रगति रिपोर्टें दी हैं। इनमें एक "समावर्ती क्षेत्रों के लिए प्रसारण" पर है और दूसरी "ग्रामीण क्षेत्रों के लिए प्रसारण" पर।

(ख) और (ग). एक विवरण सदन की मेज पर रखा जा रहा है, [पुस्तकालय में रखा गया—बैजरे संख्या एन टी-4759/65] जिसमें इन प्रगति रिपोर्टों की मुख्य सिफारिशें और उन पर की जाने वाली कार्रवाई दी हुई है।

श्री प्रकाशबीर शास्त्री : समावर्ती क्षेत्रों में वर्तमान परिस्थितियों को ध्यान में रखते हुए प्रचार कार्यक्रम बढ़ाने के लिये मंत्री महोदय ने विस्तार से जो जानकारी विवरण में दी है, मैं जानना चाहता हूँ कि क्या उस के लिये चतुर्थ पंच वर्षीय योजना में कुछ विशेष घनराशि भी नियत की गई है। यदि हाँ, तो वह कितना है।

श्रीमती इन्दिरा गांधी : अभी पंच वर्षीय योजना तो तय नहीं हुई है। जब वह तय हो जायेगी तभी निश्चय होगा।

श्री प्रकाशबीर शास्त्री : लेकिन मंत्री महोदय ने उस के लिये कुछ सुझाव तो दिये होंगे।

श्रीमती इन्दिरा गांधी : हम ने सुझाव तो बाहर दिये हैं लेकिन जब तक वह मान न लिये जायें तब तक हम उन को नहीं बतला सकते ।

श्री प्रहाशचोर शास्त्री : इस समिति ने जो अपनी रिपोर्ट दी है उस में जिन बातों के लिये पूर्ण रूप से कहा गया है, क्या सूचना और प्रसारण मंत्री उस सदन की टेबल पर रख सकेंगे ? यदि नहीं, तो इस में क्या कठिनाई है ?

श्रीमती इन्दिरा गांधी : अभी तक पूरी रिपोर्ट नहीं आई है । केवल अन्तिम रिपोर्ट आई है । हम उचित समझते हैं कि जब पूरी रिपोर्ट आ जाये तभी हम उस को सदन की मेज पर रखें तो अच्छा ही क्योंकि वही सारी तस्वीर सामने ला सकेगी ।

श्री जगदेव सिंह सिद्धान्ती : क्या यह विचार किया जा रहा है कि प्राकाशवाणी के द्वारा प्रसारित किये जाने वाले विलासिता को बढ़ाने वाले गानों को बन्द कर के राष्ट्र रक्षा और सैनिकों को प्रोत्साहन देने वाले गानों को उन का स्थान दिया जाये ।

अध्यक्ष महोदय : यह सबाल मीडिया का है, इनलिये यह प्रश्न नहीं उठता ।

Shri P. C. Borooah: After the appointment of the Chanda Committee, another high-power Committee has been constituted to go into an identical matter. May I know what was the necessity for setting up another Committee when the matter could have been referred to the Chanda Committee.

Shrimati Indira Gandhi: No other high power Committee has been appointed. There is a Committee of technical experts to advice into technical matters about T.V.

श्री म० ल० शिरो : जी वक्तव्य सदन पटल पर रखा गया है उस के पृष्ठ 2 पर लिखा है :

"कलकत्ता और मौराष्ट्र में एक एक हजार कीलौ गट के दो ट्रांसमिटर लगाने वाले हैं ।"

और पृष्ठ संख्या 6 में लिखा है कि :

"सौराष्ट्र प्रदेश में एक हजार कीलौ-गट का एक मीडियम वेव ट्रांसमिटर लगाने के काम को सब से ऊंची प्राथमिकता दी जा रही है ।"

मैं जानना चाहता हूँ कि कलकत्ते का ट्रांसमिटर क्या बाद में लगेगा । यदि नहीं, तो यह दोनों कब तक लग जायेंगे ?

श्रीमती इन्दिरा गांधी : इन प्रश्नों के उत्तर अनेक बार दिये जा चुके हैं । जो कलकत्ते के लिए है वह हमें रूस से मिल रहा है और वह करीब साल भर में लग जायेगा । उसके लिये एस्पर्ट्स आ गये हैं जगह को चुनने के लिये । मौराष्ट्र वाले के लिये अभी बातचीत चल रही है ।

Shri S. C. Samanta: May I know when the final report of the Chanda Committee is expected to be submitted and whether wide publicity will be given to the final recommendations before any decision is taken by Government?

Shrimati Indira Gandhi: I think it will take a year for the full report to come. I do not know if it would be right to give wide publicity in the ordinary sense of the word, but we shall certainly put it to our consultative committee and get their views on the matter.

Shri Subodh Hansda: I find from the statement that only a few stations such as Srinagar, Jammu, Jullundur, and Delhi have been intensified, to counteract Pakistan propoganda. May I know why the other stations have not been intensified?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri C. R. Pattabhi Raman): Actually at page 2 of the statement we have given the full details. Even Bhuji is there. There will be one station in Rajasthan also. Calcutta and Saurashtra will have bigger transmitters. Then, we are really hurrying through the process in re-

gard to Kohima, Silchar, Goalpara, Jorhat etc. All these have been referred to as being under the Fourth Plan, but these are all being expedited.

Shri P. R. Chakraverti: In view of the specific recommendations of the committee for setting up a board of experts in the line including psychologists and linguists and publicity experts, what stands in the way of setting up of such a committee which would undoubtedly be an improvement on the committee which is functioning now?

Shrimati Indra Gandhi: I think that at this time of emergency such a board would be rather cumbersome and unwieldy. The Home Ministry is looking into the psychological aspect of publicity and we are in constant touch with the other Ministries also.

श्री हुकम चन्द कछराय : तिब्बती जनता के निचे कार्यक्रम पोन घंटे सुबह और पोन घंटे शाम को रखा गया है उसके बारे में क्या यह शिकायत आई है कि वह समय कम है और उस को बढ़ाया जाये । मैं जानना चाहता हूँ कि इस बारे में कमेटी ने क्या विचार किया है ।

Shri C. R. Pattabhi Raman: I personally am not aware of the complaint. We shall certainly look into it.

श्री बड़े : जो डेढ़ घंटा होता है क्या उस को बढ़ाया नहीं जाना चाहिये ?

अध्यक्ष महोदय : जो डेढ़ घंटे होता है क्या कमेटी का ऐसा खयाल है कि उस को बढ़ाया जाये ।

श्रीमती इन्दिरा गांधी : अभी जितना समय हमारे पास है उस में हम जितना भी कर सकते हैं वह कर रहे हैं । अभी उस को बढ़ाना हमारे लिये कठिन होगा ।

Shri D. C. Sharma: It has been stated in the statement in regard to the action proposed to be taken on

the interim report of the Chanda Committee:

"While it may not be feasible to have a district-wise system of transmitters, the possibility of having transmitters to serve various cultural units, so that local cultures may get sufficient opportunity to express themselves, is being examined."

May I know what those cultural units are to which the committee has referred, and who the persons are who are examining the set-up of these cultural units and by what time these cultural units will become visible to the eye so that the local cultures may get sufficient opportunity to express themselves?

Shrimati Indra Gandhi: These units are already visible. What is meant is this. There are areas in the country such as Telengana in Andhra Pradesh, Bundelkhand and so on, where there is a great demand that local artistes should have opportunity to participate in the programmes and there should also be regular weather bulletins because usually in such areas the weather is similar and it would be easier to give advice to farmers.

श्री भागवत झा आजाद : विवरण में आकाशवाणी के ट्रांसमिशन को मजबूत करने के लिये जिन स्टेशनों का हवाला है, उन में से कलकत्ते में लगने वाला ट्रांसमिटर एक वर्ष के बाद ही लग पायेगा । तो क्या सरकार यह समझती है कि उस के विवरण में दिये गये ट्रांसमिशन मात्र की स्थिति के लिये पर्याप्त है । अगर पर्याप्त नहीं है तो पाकिस्तानी आक्रमण के इस समय में उसे मजबूत बनाने के लिये क्या कोई शार्ट कट उपाय निकाले जा रहे है ?

Shri C. R. Pattabhi Raman: We have already planned two 250 kw. shortwave transmitters. We are augmenting it, as the Minister pointed out, by a 1000 kw. mediumwave transmitter for the eastern sector and another 1000 kw. mediumwave trans-

mitter for the western sector, which will perhaps be in Bombay. They will be coming.

Shri Bhagwat Jha Azad: That is after one year. I am asking about now.

Dr. Sarojini Mahishi: What recommendations have been made in the interim report made by the study team that went abroad to study broadcasting corporations, and how many of these do Government propose to accept?

Shri C. R. Pattabhi Raman: They have just returned from their tour abroad. They went to the U.S.S.R., U.K., Italy and U.A.R. But there is no report given.

Shri Kapur Singh: Reverting to the Committee on Broadcasting, has it ever struck the hon. Minister that there exists in this House an Akali Group which associates with the great Swatantra Party and which also might be associated with committees such as this?

Mr. Speaker: Shri P. R. Chakraverti.

Shri Kapur Singh: I want an answer, with your permission.

Mr. Speaker: He has suggested to them that they should include the Akali Group also.

Shri Kapur Singh: She must at least say whether it has struck her or not.

Mr. Speaker: Has it struck the Ministry that the Akali members who are associated with the Swatantra party. . .

Shri Kapur Singh: Great Swatantra party.

Mr. Speaker: . . . great Swatantra party should be associated in this committee?

Shrimati Indira Gandhi: At least it has now been brought to my notice.

Publicity in Border Areas

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 422. { Shri P. R. Chakraverti;
 Shri Rameshwar Tantis;
 Shri Hem Raj;
 Shri P. C. Borooah;
 Shri Surendra Pal Singh;
 Shri Rishang Keishing;

Will the Minister of Information and Broadcasting be pleased to state the steps taken or proposed to be taken to intensify the publicity efforts in the border areas?

The Deputy Minister in the Ministry of Information and Broadcasting (Shri C. R. Pattabhi Raman): A statement is laid on the Table of the House. [Placed in Libr. of Sec. No. LT-4760/65].

Shri P. R. Chakraverti: With a view to making the programmes really effective, what steps have been taken to introduce broadcasts at times suitable, of adequate duration and in the dialects fully understood by the people?

Shri C. R. Pattabhi Raman: Yes, all the time we are having in various stations stress on the regional languages. There is a certain amount of autonomy so far as those directors are concerned. Every attempt is being made to make the programmes as attractive to the local people as possible.

Shri P. R. Chakraverti: In consideration of the urgency of the problem, have Government set up any research cell to make a regular appraisal of the results achieved through the field publicity programmes?

Shri C. R. Pattabhi Raman: We have a regular listener research section. We are hoping to have a separate department for listener research.

Shri P. C. Borooah: Has the Chanda Committee recommended the use of mobile transmitters for the border areas like Assam, Nagaland and NEFA? If so, may I know how many have been proposed and how many are already installed there?

Shri C. R. Pattabhi Raman: We have already got mobile units. They have also recommended these mobile units. We are trying to have, if not smaller units, at least bigger trucks for the purpose.

Mr. Speaker: Members should also give some indication to me that they want to put supplementaries and just not leave it to me to go through all the names and call one by one.

Shri Surendra Pal Singh: Has it come to the knowledge of the Government of India that countries like the U.A.R., and Israel and others have already declared that even a 1000 kw transmitter is not powerful enough in the present-day world? If so, in the light of the experience gained by these friendly countries, do Government propose to go in for more powerful transmitters than hitherto contemplated?

Shri C. R. Pattabhi Raman: If I may venture an example, if there is a 1000 kw mediumwave transmitter near Calcutta, we expect to cover Cambodia, beyond Vietnam and even the Philippines. So you can have an idea as to whether it is adequate.

Shri Surendra Pal Singh: Other countries have found by experience that the 1000 kw transmitter is not sufficient to counteract propaganda from neighbouring countries and have said so. Hence my question.

Shri C. R. Pattabhi Raman: On technical advice, we have now planned for only two 1000 kw. mediumwave transmitters. With the one on the western sector, we may cover a wide area, to the West African edge.

Shri Sham Lal Saraf: In the areas where local dialects are used in broadcasts for publicity purposes, is there any check on the language broadcast by some competent authorities? If so, which are those authorities?

Shri C. R. Pattabhi Raman: I could not follow.

Shri Sham Lal Saraf: When local dialects are used as media for broadcasting in the frontier areas, may I know if there is any way of checking the news that is broadcast in the local dialect; if so, what is the agency, and is it a dependable agency?

Shri C. R. Pattabhi Raman: I have already said that we have listener research. So far as the area referred to by him is concerned, it is just possible that for Ladakhi and other languages it is difficult, but we are endeavouring to do it.

Shri A. N. Vidyalankar: The Minister has said that the Government has a research cell which from time to time collects evidence and evaluates the impact of publicity on the border areas. Will the Minister lay the report of that cell, with regard to the impact on the border areas, on the Table of the House.

Shri C. R. Pattabhi Raman: Actually, we had the benefit of the report from the hon. Member's committee, the Vidyalankar Committee, and the Samanta Committee also dealt with it in an indirect way. We have increased the units from 50 to 94 so far as field publicity is concerned, and out of the 50 units in the other parts of India, 25 have also been shifted to the border areas. Apart from that, so far as evaluation is concerned, we are being educated by the field publicity units. Nothing more so far.

श्री डा० ना० तिवारी : यह सभी का धन्य है कि बाण्डों के गांवों में और बाण्डर के भीतर भी बहुत तरह की गलत प्रकाशें उठती हैं। उनको दूर करने के लिए कौनसा सुगम उपाय किया जा रहा है ?

सूचना और प्रसारण मंत्री (श्रीमती इंदिरा गांधी): जब हमारे पास कोई ऐसी खबर आती है, तो हम उस के बारे में ठीक सुझाव देने की कोशिश करते हैं।

Shri Hem Barua: Are Government aware of the fact that China is at present engaged in distributing prejudicial leaflets in different local languages for consumption by people in NEFA and North Bengal; if so, what steps have our Government taken to counteract the Chinese paper war with our literature?

Shrimati Indira Gandhi: We are looking into this matter. We have also increased our field publicity units. The Song and Drama Division is putting up shows to counteract this enemy propaganda.

Shri Swell: The Minister must be aware that in the north-eastern border areas there is a very large concentration of various tribal communities. May I know whether the Government have made use of the newspapers in the different tribal languages for their publicity?

Shrimati Indira Gandhi: I do not think we have, but this is a very useful suggestion which we shall keep in view.

श्री बागड़ी : अध्यक्ष महोदय, क्या मंत्री महोदय यह बताने की कृपा करेंगे कि ऐसा प्रचार जा खुद हमारे प्राकाशवाणी से होता है और अगर उसका स्पष्टीकरण नहीं होता तो उसका नतीजा बुरा होता है, जैसा कि कल एक खबर आयी कि अमृतसर के इलाके में दो राकेट छाड़े गये, और उस के बाद उस खबर का कोई स्पष्टीकरण नहीं किया गया और उस खबर को खत्म कर दिया गया। तो इस तरह की खबरों का जब तक स्पष्टीकरण नहीं होता तो उनका गलत अमर हो सकता है। क्या इसके ऊपर भी मंत्री महोदय का ध्यान है और इस के लिए क्या किया जा रहा है ?

Shri C. R. Pattabhi Raman: The hon. Member would be pleased to know that from 15th August we have extended the transmission hours regarding this from 3½ to 6½ hours. We have got many more news items com-

ing, and the hon. Member might have noticed that frequent contradictions are issued, and they are dealt with whenever necessary.

Consumers' Co-operative Stores and Fair Price Shops

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*423. { Shrimati Tarkeshwari Sinha:
Shri Ram Harkh Yadav:
Shri K. N. Pande:

Will the Minister of Labour and Employment be pleased to state:

(a) whether it is proposed to have a Central Legislation compelling all industrial establishments to open consumers' co-operative stores and fair price shops for their employees; and

(b) if so, by what time?

The Minister of Labour and Employment (Shri D. Sanjivayya):

(a) and (b). Only industrial establishments employing 300 or more workers are required to set up consumer co-operative stores and fair price shops in terms of the conclusion of the twentieth session of the Indian Labour Conference held in August, 1962.

The question of bringing forward legislation has been under the consideration of Government for some time. Up to date, 2204 consumers' co-operative stores and fair price shops (1691 consumers co-operative stores 513 fair price shops) are functioning in 3683 industrial establishments employing 300 or more workers in the country. In addition there are 129 branch stores. The remaining establishments have been asked to set up consumers' cooperative stores/fair price shops by the end of September, 1965. The decision about legislation will be taken in the light of their response during this period.

Shrimati Tarkeshwari Sinha: May I know whether there is any phased programme to cover all the industrial establishment's during the coming years and if so what is that phased programme?

Shri D. Sanjivayya: The present programme is intended to cover only establishments which employ 300 or more workers; after we complete this programme we will probably take up others.

Shrimati Tarkeshwari Sinha: Is the Government aware of the difficulty that co-operative stores and fair price shops working in the industrial establishments do not get the supply of commodities and if so, have Government taken any steps to see that they are made available to the stores to meet the needs of the consumer?

Shri D. Sanjivayya: The answer to the first part of the question is in the affirmative. As for the second part, I may say that we have taken it up with the respective State Governments to make available all the commodities.

Shri K. N. Pande: Have not many fair price shops and consumer co-operatives closed down due to inadequate supply or no supply of food-grains? Has it come to Government's notice?

Shri D. Sanjivayya: It has not come to our notice and if it is brought to our notice, we shall try to see that they are made available.

श्री कृष्ण चन्द्र कछराय : क्या सरकार ने कुछ उद्योगपतियों को यह हिदायत दी है कि वे जल्दी से जल्दी अपने कारखानों के भन्दर या अपने क्षेत्रों के भन्दर उपभोक्ता सहकारी बंदार खोलें और क्या सरकार को ऐसी भी शिकायतें मिली हैं कि इन उपभोक्ता सहकारी बंदारों में गड़बड़ घटाला हुआ है और काफी खर्च किया गया है ?

श्रीम श्री रोजगार बंत्रालय में उपमंत्री (श्री ए० कि० मालवीय) : हम लोगों ने तो हर इन्स्टीट्यूट में जहाँ 300 से ज्यादा वर्कर्स काम करते हैं वहाँ पर दुकानें खोलने के लिए कहा है और जैसा कि अभी बतलाया गया करीब 60 परसेंट ऐसी कारखानों में दुकानें खुल चुकी हैं। अगर इस तरह की गड़बड़ी

आदि की हमें जानकारी नहीं है अगर माननीय सदस्य कोई शिकायत किसी किरम की गोलमाल की लावेंगे तो हम देखेंगे।

Shri Indrajit Gupta: What steps have been taken to persuade the Railway Administration to open grain shops for the railwaymen as they used to have in the earlier years?

Shri D. Sanjivayya: At the moment we are not persuading the Railway Ministry to revive the system which was in vogue years ago; we are impressing upon the Railway and other Ministries that they should open fair price shops and co-operative societies.

Shri A. P. Sharma: As only about sixty per cent of the establishments have opened fair price shops and co-operatives, what is the difficulty in the way of Government bringing in legislation? Will Government assure that by the next session, if the employers do not respond favourably, legislation would be introduced?

Shri D. Sanjivayya: I have already stated in my answer that we should wait till the end of September; if the progress is not satisfactory, Government would certainly think in terms of legislation.

Shri A. P. Sharma: My question is whether you would introduce legislation in the next session.

Mr. Speaker: He says that they would consider it.

Dr. Ranen Sen: There is a general complaint even from the employers to the effect that they are not getting adequate supplies and as a result of that there is industrial unrest. Have the Government thought over any new mechanism to obviate this difficulty?

Shri D. Sanjivayya: Yes, Sir; we have taken up this question with the Food Ministry as well as various State Governments.

Shri Oza: Have the Government proposed to lay down in the legislation that co-operation shall have to be evolved among the employees; it cannot be forced upon them by the employers as that is a very strange way of evolving co-operatives?

Shri D. Sanjivayya: Yes, Sir; we cannot force co-operation among the employers or employees or workers; the employees or the workers should do it. Even then we cannot force; it is a voluntary organisation.

Shri Priya Gupta: In view of the assurance held out for the last three years, may I ask how far the Labour Minister has succeeded in asking the Railway Ministry to have rice and atta, the main items of foodstuffs, to be provided in the few shops opened for the Railwaymen and whether the Railwaymen can have separate shops for them instead of fair price shops?

Shri D. Sanjivayya: Whatever decision has been taken at the Indian Labour Conference will be applicable to the Railway Ministry as is applicable to any other employing Ministry here.

किस से पत्रद्विधियाँ

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श्री विद्वनाथ पाण्डेय :

श्री बागड़ी :

श्री रघुनाथ सिंह :

श्रीमती तारकेश्वरी सिन्हा :

श्री डॉ० चं० जर्ना :

श्री कपूर सिंह :

श्री मुपमान :

श्री सेल्वी :

श्री प्र० के० देव :

श्री नरसिन्हा रेड्डी :

*424.

श्री तन सिंह :

श्री सुरेन्द्रनाथ सिंह :

श्री मधु लिमये :

श्री रामनेवक यादव :

श्री सिद्धेश्वर प्रताप :

श्री प्र० चं० बचरा :

श्री बासप्पा :

श्री हरि विष्णु कामत :

श्रीमती मैरूना सुन्तान :

श्री दे० द० पुरो :

क्या प्रतिज्ञा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह गव है कि रूस भारत को पाइप्लिनों की प्राथम्यता पूरी करने के लिए 6 पाइप्लिनों देने की तैयार है; और

(ख) यदि हाँ, तो इन सीदे के बारे में सरकार की क्या प्रतिक्रिया है ?

The Deputy Minister in the Ministry of Defence (Dr. D. S. Raju): (a) and (b). The Government of U.S.S.R. has agreed to supply some submarines to India. It is not in the public interest to disclose further details.

श्री विश्वनाथ पाण्डेय : मैं यह जानना चाहता हूँ कि यह सबमैरींस कब तक हिन्दुस्तान में पहुंच जायेंगे ?

Dr. D. S. Raju: It is not in the public interest to give any more details.

श्री विश्वनाथ पाण्डेय : यह कब तक पहुंच जायेंगे और यह कुन किसकी लागत की होंगी ?

Dr. D. S. Raju: Our enemies will be too glad to note this information.

श्री बागड़ी : पत्रद्विधियों के लिए जो रूस से बातचीत चल रही है वो क्या भारत सरकार ने दूसरे मुल्कों से भी इन के बारे में बातचीत की थी, यदि हाँ, तो क्या किसी और मुल्क ने भी उन्हें देने का वायदा किया है ?

Dr. D. S. Raju: Yes, Sir. With the USSR.

Mr. Speaker: Besides that, whether any negotiation was held with any other country—that is the question.

Dr. D. S. Raju: With the United Kingdom also we had discussions.

श्री बागड़ी : अध्यक्ष महोदय, आप ने जो सवाल किया उसका जवाब ही जवाब उन्होंने दिया है ।

अध्यक्ष महोदय : वह दूसरे हिस्से का जवाब नहीं देना चाहते ।

Shri Raghunath Singh: May I know whether the Government are making any effort to build our own submarines as Pakistan has got?

The Minister of Defence Production in the Ministry of Defence (Shri A. M. Thomas): There is no proposal at present; we will take steps when necessary.

Shrimati Tarkeshwari Sinha: May I know whether the delegation which recently went to the Soviet Union has been able to sign any agreement with them on behalf of the Government of India, or not.

The Minister of Defence (Shri Y. B. Chavan): Yes, Sir; they have signed an agreement, but I am sorry I cannot go into any details.

Shri D. C. Sharma: May I know if efforts are being made to achieve technical and quantitative parity in this matter with Pakistan, and if the Government are prepared to disclose it, may I know what are those efforts?

Shri Y. B. Chavan: Government is not prepared to disclose anything about it at this moment.

Shri Kapur Singh: Is it true that the Russians contemplate supplying an inferior category of submarines than those supplied to China?

Dr. D. S. Raju: No, Sir.

Shri Indrajit Gupta: May I know whether it is a fact, as has been widely reported in the press, that this agreement between the Government of India and the USSR has caused very adverse reactions in the United King-

dom and the Government of the United Kingdom has expressed its concern that if our fleet is equipped with USSR submarines, then they may have to cancel their agreement with us for building the Leandor class frigates which are used in the Indian submarine exercises?

Shri Y. B. Chavan: There is no adverse comment from any sector and there is no question of the Leandor project being cancelled.

Shri Surendra Pal Singh: What arrangements have been arrived at with the Russians regarding the supply of essential spare-parts for the submarines that are coming from Russia? Will they be manufactured inside the country or will they be imported as and when we require them?

Shri Y. B. Chavan: I think all these matters have been taken care of.

Shri P. C. Borooah: What arrangements have been made or are contemplated to train Indian personnel in the operation and maintenance of the Soviet submarines?

Shri Y. B. Chavan: As I said, these are all matters of detail, and when signing the agreement, all these things have been taken care of.

Shri M. R. Krishna: In view of the fact that aerial warfare has become more grave and unavoidable, may I know whether the Government has thought it fit to get MIG 21 in the place of the submarines?

Mr. Speaker: That would be a different question.

Shri Sham Lal Saraf: In view of the urgency which has cropped up, may I know whether the Government is in a position to take a decision as soon as possible in order to equip our Naval force with the most powerful submarines and, if so, how soon?

Shri Y. B. Chavan: Efforts are going on in the same direction.

Shri K. C. Pant: May I know whether, after India has entered into this agreement with the U.S.S.R., there has been an attempt to sell submarines to us on the part of the U.K.?

Shri Y. B. Chavan: I think I have given some history of the problem beforehand. U.K. certainly had indicated their willingness to sell their submarines or manufacture one for us, but the difficulty arose because of credit facilities. They could not give credit facilities because of their economic difficulties.

Shri Daji: Since Mr. Mathur is out of station on business of the House, his question should be deemed to have been put by the Chair.

Mr. Speaker: There is no rule like that; I am helpless.

India: Labour Conference

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*426. { **Shri P. R. Chakraverti:**
 Shrimati Savitri Nigam:

Will the Minister of Labour and Employment be pleased to state:

(a) whether Government have received a representation from the I.N.T.U.C. suggesting that the basis for representation of Central Trade Union Organisations on the Tripartite Indian Labour Conference be changed;

(b) whether it is a fact that during the last few years, there have been considerable changes in the membership of the labour unions to warrant a revision of the basis of their representation in the Indian Labour Conference;

(c) whether any specific membership entitling a trade union to have a seat in the Indian Labour Conference has been suggested; and

(d) whether Government have conveyed its reaction to the suggestion?

The Minister of Labour and Employment (Shri D. Sanjivayya):

(a) Yes.

(b) During the last five years ending 31st March, 1983, except the A.I.T.U.C. whose figures have remained more or less static, the other central labour unions have registered some increase in their membership figures. But these changes do not yet warrant a revision of the basis laid down for representation in the Indian Labour Conference.

(c) Yes; a minimum of 2½ lakhs verified membership strength was suggested by the I.N.T.U.C.

(d) Government have replied that any departure from existing practice will need consideration by the Indian Labour Conference or Standing Labour Committee.

Shri P. R. Chakraverti: In view of the fact that the basis was fixed a decade ago and that the INTUC has proved its leadership in the labour field by having the highest number here, may I know whether the government finds any difficulty in implementing the suggestions of INTUC?

Shri D. Sanjivayya: Firstly, it is not correct that this basis was fixed a decade ago. It was fixed on 5th September 1959, i.e. only six years ago. Secondly, if any change is desired, it has to be done in consultation with the Indian Labour Conference.

Shri P. R. Chakraverti: Taking into account the membership number of HMS and UTUC, may I know whether the government feels at this stage that they should continue to be central organisations?

Shri D. Sanjivayya: We do not want to express any opinion. Our desire is that the whole matter should go before a tripartite conference either the Indian Labour Conference or the Standing Labour Committee, and a decision should be taken there.

Shrimati Ramdulari Sinha: May I know whether the government is aware of the fact that a considerable number of labour have enrolled themselves in independent trade

unions which are not affiliated to any all-India trade union organisations, and if so, whether the government think it desirable to give them proportionate representation in the Labour Conference?

Shri D. Sanjivayya: No, Sir; it is not so, because the decision on 5th September, 1959 stated like this: Organisations claiming representation on the Indian Labour Conference should have an all-India character with a minimum membership strength of one lakh spread over a number of States and a sizeable membership at least in the majority of industries.

Shri A. P. Sharma: The practice laid down by the International Labour Organisation, which India also has accepted, is that the organisation which has the highest membership will be represented on the ILO. So, what is the difficulty of the labour ministry to follow the ILO pattern in this case also?

Shri D. Sanjivayya: The difficulty is that we have developed a tradition and I do not want that we should depart from this tradition.

Shri A. P. Sharma: It is a wrong tradition, contradictory to ILO practice.

Shri Indrajit Gupta: Has the Minister tried to ascertain the reason for the INTUC being so anxious to upset the present arrangements which are reached at a tripartite conference?

Shri D. Sanjivayya: I have not ascertained the reasons. All that I told them was that in this matter the government will not take a decision; it should go before a tripartite conference.

Shri Priya Gupta: May I ask if the same procedure of sending the major central organisations of trade unions will be recommended by this committee while sending the delegation to the ILO?

Shri D. Sanjivayya: So far as the delegates to be sent on behalf of

workers to the International Labour Conference are concerned, we have adopted a procedure. We first address all the four central organisations requesting them to submit an agreed panel. That never happens, and in the absence of that we have the most representative body, namely, the INTUC.

श्री हुलम चन्व कच्छबाय : माननीय मंत्री जी ने जो उत्तर दिया है, उस से ऐसा लगता है कि इन्टरक प्रतिनिधित्व के आधार में इसलिए परिवर्तन करना चाहता है, ताकि बाकी यूनियनों मैदान में न आये और उन की तरक्की न हो। मैं यह जानना चाहता हूँ कि क्या यह बात सत्य है।

श्री एम एच रोड्जगार मंत्रालय में उपमंत्री (श्री ए० कि० मा० शीव): ऐसा तो ख्याल मालूम नहीं होता है।

Shri K. N. Pandey: Is it a fact that INTUC demands representation on the basis of its membership and that it does not demand exclusion of any central organisation?

Shri D. Sanjivayya: That is correct

मोन्वासा में भारतीय

*427. श्री डा० ना० तिवारी : क्या शंदेशिक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मोन्वासा से भारतीयों को निकालने के लिये प्रबल भ्रान्दोलन प्रारम्भ किया गया है;

(ख) क्या यह भी सच है कि पिछले कई मास में अनेक सार्वजनिक सभाओं में एशिया वासियों को, विशेषरूप से भारतीयों को निकालने के लिये संकल्प स्वीकृत किये गये थे; और

(ग) यदि हाँ, तो इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

संबन्धित कार्य मंत्रालय में उपमंत्री (श्री विनेश सिंह) : (क) और (ख). सरकार के पास ऐसी कोई सूचना नहीं है ।

(ग) प्रश्न नहीं उठता ।

श्री ड० ना० तिवारी : क्या सरकार ने कभी यह जानने का प्रयत्न किया है कि हिन्दुस्तान के छत्रवारों में वहां की स्थिति के बारे में मई में जो खबर छरी थी, वह गलत है या सही है; अगर सही है, तो सरकार ने उस के सम्बन्ध में क्या कार्यवाही की है ?

श्री विनेश सिंह : वहां पर जो कुछ हो रहा है, सरकार उस के बारे में पता रखती है । सदस्य महोदय को शायद मालूम होगा कि केनिया सरकार ने खुले ज़ुमान से इतनी बात का एतान किया है कि वह एशिया, अफ्रीका या यूरोप के लोगों में कोई फर्क नहीं मानेगी—वह कोई रंग का फर्क नहीं मानेगी ।

श्री ड० ना० तिवारी : क्या यह सही है कि सरकार में तो नहीं, लेकिन उस देश के रहने वाले लोगों में इस प्रकार की भावना है, जिसे से एशियन लोगों—और ख़ास तौर से हिन्दुस्तानियों—के दिलों में भय सा छा गया है ?

श्री विनेश सिंह : अगर वहां के और लोगों के दिलों में ऐसी कोई बात है, तो वहां पर जो भारत-मूलक लोग हैं, उन को उन लोगों से मित्र-जुल कर इतनी बात को दूर करना चाहिए । सरकार इस बात को दूर नहीं कर सकती है ।

श्री अ० तारकेश्वरी सिन्हा : क्या सरकार की दृष्टि में यह बात आई है कि तिरु मोंम्बासा ही नहीं, बल्कि अफ्रीका और मध्य एशिया के और देशों में रहने वाले लोगों और हिन्दुस्तानियों के दिमन में कुछ अन्तर सा होता जा रहा है; यदि हां, तो सरकार उस के लिए क्या करना चाहती है और क्या कर रही है, जिससे उन में ऐक्य स्थापित हो सके ?

श्री विनेश सिंह : अन्तर सा होता जा रहा है, ऐसा तो मैं नहीं समझता हूँ ।

श्रीमती तारकेश्वरी सिन्हा : यही तो गलतफ़हमी है प्रायः को ।

अध्यक्ष महोदय : इस के बाद तो वह गलतफ़हमी दूर हो जानी चाहिए ।

श्री विनेश सिंह : जी हां ।

श्री भाग्यश भ्राजाव : अफ्रीका के देशों में भारतीयों को वहां की राष्ट्रियता प्राप्त करने की जो सुविधायें हैं क्या उन की तुलना में मोंम्बासा में जो सुविधायें प्राप्त हैं, उन में कठिनाइयां हैं, जिन के कारण वहां पर रहने वाले जो भारतीय वहां की राष्ट्रियता प्राप्त करने और वहां के राष्ट्र-जीवन में धुलने-मिलने के इच्छुक हैं, वे साधारणतः ऐसा नहीं कर पाते हैं ?

श्री विनेश सिंह : मोंम्बासा शहर में कोई ऐसी कठिनाई नहीं है । केनिया में नागरिकता का प्रश्न अभी भी खुला दूब्रा है और वहां पर जो भारत-मूलक लोग हैं, वे दिसम्बर तक वहां की नागरिकता प्राप्त कर सकेंगे हैं ।

Shri D. C. Sharma: Is it not a fact that a few members of the Government and some private agencies which are dominated, controlled and run by the population of these areas go about saying that their country is meant only for the indigenous population of that place and that the foreigners, whatever they are called, though they might have been domiciled there for a long time, have no place there; if so, has the Government through its Ambassador or through some other agency tried to counteract this propaganda and bring home to the minds of the Asiatic and Indian people there that their place is very safe there?

Shri Dinesh Singh: Which is the country that the hon. Member is referring to?

M. Speaker: Mombaza.

Shri D. C. Sharma: I think the hon. Member does not know even . . .

Mr. Speaker: I have told him that it is Mombaza. Now he should sit down.

Shri D. C. Sharma: I think he does not know geography.

Shri K. C. Sharma: He has long forgotten it!

Mr. Speaker: Order, order.

Shri Dinesh Singh: Mombaza is a city and not a country. However, the main point in all these things is that we should not mix up the question of Indian nationals with the question of people of Indian origin. People of Indian origin who are living in Kenya have the option to take out the citizenship of Kenya. So far as the relationship between the citizens of Kenya is concerned, that is a matter for them to decide. The Government of India cannot interfere in that.

Shri R. S. Pandey: Many people of Indian origin are leaving African countries for various reasons and they want to come back to India. What facilities are being offered to them?

Shri Dinesh Singh: They are entitled to facilities of transfer of residence. Some special customs facilities have also been given to them. They have been announced by me in great detail in the House.

Illicit Immigration to Ceylon

*429. **Shri Indrajit Gupta:** Will the Minister of External Affairs be pleased to state:

(a) whether Government are aware of the activities of 'touts' in South India who are persuading persons to migrate illegally to Ceylon;

(b) whether it is a fact that many persons who had earlier left Ceylon for good or had been deported from there have been going back by illicit means; and

(c) if so, Government's reaction in the matter?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Government have continued to take measures to prevent illicit immigration as and when necessary. Those caught assisting in this are also brought to book.

(b) Government have no information.

(c) Does not arise.

Shri Indrajit Gupta: Government's reply to part (a) of the question does not make it clear whether they are aware of the fact that propaganda is still being carried on in certain parts of South India to the effect that the new Government of Ceylon is now sympathetic to the immigration of Indians to Ceylon and, therefore, they can very well go back and thereby encourage these people to cross the 18 mile strait by boats or catamarans? If the Government is aware of these activities, what steps are being taken to stop this?

Shri Dinesh Singh: Government are aware of the propaganda carried on by certain people. It appeared in the newspapers also. We have tightened our security measures not to permit these people to go out of India without permission. A joint conference was held in May, in which the Government of Ceylon was represented, where measures were discussed to prevent illicit migration.

Shri Indrajit Gupta: Is it not a fact that this type of propaganda can find a fertile soil in the people if attempts are not made by Government to properly rehabilitate those people who have already come back from Ceylon? Is it not a fact that this kind of propaganda is successful only if they are not properly looked after and their rehabilitation is not satisfactory?

Shri Dinesh Singh: I do not know. It is a matter of opinion. We are doing our best to rehabilitate them. If there is any difficulty about rehabilitation, that is no incentive for them

to go back to Ceylon and come back again.

Shri Warrior: Has the Government got any information from the High Commissioner as to how many people have already gone to Ceylon in this illicit way?

Shri Dinesh Singh: If we had that information, we would have prevented them.

Demonstration before Indian Embassy in Jakarta

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- *430. { Shri D. C. Sharma:
Shri Hukam Chand
Kachhavalya:
Shri Bagri:
Shri Prakash Vir Shastri:
Shri S. M. Banerjee:
Shri A. N. Vidyalkar:
Shri Raghunath Singh:
Shri R. S. Pandey:
Shri R. Barua:

Will the Minister of External Affairs be pleased to state:

(a) whether it is a fact that over 2,000 Indonesian demonstrators stoned the Indian Embassy in Jakarta in June, 1965 and shouted slogans before they were allowed to present a memorandum demanding an end to New Delhi's support for Malaysia;

(b) if so, whether there was any loss of property or other damages; and

(c) the action taken in the matter

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) On 23rd June, 1965 about 2,000 Indonesians staged a demonstration in front of the Indian Embassy in Djakarta. The demonstrators shouted slogans against India and Malaysia. Four of the leaders were allowed to present a memorandum to the Ambassador which strongly criticised the Government of India's support for Malaysia.

(b) There was no loss of property or any other damage to it.

(c) The Indian Embassy in Djakarta immediately lodged a protest with the Indonesian Foreign Office. A protest was also lodged with the Indonesian Embassy in Delhi.

Shri D. C. Sharma: This kind of demonstration in Indonesia is now a continuous process. Our Ambassador was manhandled there (at disruptions).

Mr. Speaker: Order, order. The Minister of Parliamentary Affairs is certainly a privileged person!

Shri D. C. Sharma: Sir, I thank you for taking notice of the unparliamentary activities of the Minister of Parliamentary Affairs today. I was saying that this demonstration business on behalf of some of the Indonesians, not few of the Indonesians, in Indonesia is a continuous process and has been going on all these days. First of all, it was with regard to Malaysia; then, our Ambassador was manhandled and now it is about Kashmir. May I know as to what has led to the deterioration of relations between India and Indonesia because our relations with that country were most friendly, and what the Government is doing to restore the former cordial, friendly and brotherly relations between India and Indonesia?

Mr. Speaker: The hon. Member reached the stage of 'May I know' after travelling long distances. I do not know whether the hon. Minister remembers it.

Shri Dinesh Singh: If I may say so, it would be very difficult for me, during the Question Hour, to discuss the relations between India and another country and how they have either deteriorated or improved; but I might mention here that we are very unhappy with the way these demonstrations have been carried on against our Embassy in Indonesia and specially about Kashmir which is our internal affair and for which Indonesia has no business to make any demonstration.

Shri D. C. Sharma: The hon. Minister said just now that they had

sent some notes of protest to the External Affairs Ministry in Indonesia and, I think, to the President of Indonesia. May I know if they have received any reply to those notes which they had sent and, if any reply has been received, what is the nature of that reply?

Shri Dinesh Singh: No reply has been received.

श्री हुसम खन्ड कद्गुवाय : दूतावास को जो हानि हुई है, इस तरह की हानि प्रागे न हो और वह सुरक्षित रहे, इसके लिए क्या कोई विशेष कदम उठाये गये हैं ? विरोध पत्र जो भेजा था उसका उत्तर माननीय मंत्री जी ने कहा है कि नहीं आया है । मैं जानना चाहता हूँ क्या सरकार ने कुछ और उनको लिखा है, क्या कुछ और लिखा पड़ो हुई है ?

श्री विनेश सिंह : जैसा मैं ने प्रश्न किया है कोई हानि तो नहीं हुई । विरोध पत्र का उत्तर नहीं आया । उसके बाद हम ने यहाँ भी जो इंडोनेशिया के राजदूत हैं, उन से बातचीत की है ।

श्री हुसम खन्ड कद्गुवाय : सुरक्षा का कदम उठाया गया है क्या ?

श्री प्रकाशशेखर शास्त्री : यकर्ता में भारतीय दूतावास के बाहर जो यह प्रदर्शन हुआ और जो यह भय घटनायें हुईं क्या भारत सरकार को इन प्रकार की जानकारी भी मिली है कि उस नगर में जो चीन समर्थक तत्व हैं उनका हमके पीछे विशेष रूप से हाथ था ?

श्री विनेश सिंह : हमारे लिए इसको किसी दावे के साथ कहना बड़ा मुश्किल है । लेकिन ऐसी सूचना हमें मिली है ।

Shri Nath Pal: These incidents were only a reflection of the generally poor relations between these two countries. Was it with a view to improving them that a distinguished ex-Chief Minister was currently on a mission to Jakarta and has that visit improved relations or . . . I leave it there. Will he kindly reply?

Shri Dinesh Singh: I would not say that relations between Indonesia and India are bad. Incidents take place from time to time which are unfortunate but that does not mean that relations between the two countries are bad. So far as the visit of the ex-Chief Minister is concerned, it was a private visit.

Dr. L. M. Singhvi: May I know whether the Government are aware of the worsening lot of Indians residing in Jakarta and other parts of Indonesia of late and what steps the Government has taken to see that their lives and property are safe?

Shri Dinesh Singh: I would not say that there has been any worsening of the lot of the Indians there. From time to time there are certain trade restrictions which affect all of them.

Shri Hem Darua: Are Government aware of the fact that the ex-Chief Minister, Shri Biju Patnaik, has been giving an impression in Jakarta that he is a special envoy of our Prime Minister sent there to improve relations with Indonesia? He has given a press interview.

12.00 hrs.

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): As my colleague has said, it was just a private visit.

Shri Swell: Is it a fact that this hostility from the Indonesians which we are encountering is largely our doing by the support we give to the rickety Malaysian Federation and causing offence to the Indonesian nationalist feelings?

Shri Dinesh Singh: No, Sir.

Shri Ranga: How is it that when an important persons like Mr. Biju Patnaik makes a statement in a manner incriminating or involving our Prime Minister as well as the Government, the Government has not thought it fit to make a contradiction saying that he has gone there merely on a private visit and that his visit has noth-

ing to do either with the Prime Minister or with any kind of message that the Prime Minister might be construed to have sent through him to the Indonesian Government or its President?

Shri Dinesh Singh: There was no need; it was just a private visit. As soon as any doubt has been raised, we have clarified it.

Shri Banga: They should have done it on their own initiative.

Mr. Speaker: He said, there was no need.

SHORT NOTICE QUESTION

Reversion of C.P.W.D. Engineers

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S.N.Q. 3. { **Shri Kapur Singh:**
Shri Gulshan:

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

(a) whether Government's attention has been invited to a press report in the 'March of the Nation' Weekly dated the 7th August, 1965 that several Engineers in the Central Public Works Department are being demoted;

(b) whether Government have received any representation from the Officers concerned and if so, the details thereof;

(c) whether several Members of Parliament have taken note of this and sent a personal communication to the Prime Minister; and

(d) whether any advice from the Law Ministry was sought in this regard before taking recourse to this large scale reversion which might involve Government in endless litigation?

The Minister of Works and Housing (Shri Mehr Chand Khanna): (a) Government have seen the report mentioned.

(b) Representations were received from 2 officers. They claim that their records of service are not bad as any adverse remarks in their confidential reports were either prejudicial or un-

justified and they should not be reverted after officiating for a long period.

(c) Yes.

(d) The step has been taken after consultation with the Ministry of Law, the Ministry of Home Affairs and the Union Public Service Commission.

Shri Kapur Singh: The Deputy Law Minister to whom the file was referred for opinion stated—I have here the copy of that—that "there cannot be a period of trial for 3—15 years" and further "the circumstances in which the large-scale reductions are ordered are to be construed by the court as *mala fide* exercise of the power of reversion" and that the Ministry, if it "desires to weed out undesirable officers" should have recourse to the straightforward method of initiating proceedings in respect of definite charges of corruption and inefficiency and further, "reversion on the vague ground of unsatisfactory record, unsuitability, in respect of Officers who have been in the higher service for a long period would amount to abuse of power for ulterior purposes"; and, if so, how is it that the Ministry of Works and Housing has ignored this weighty and reasonable advice of the Law Minister?

Shri Mehr Chand Khanna: May I know what the question is?

Shri Kapur Singh: The hon. Minister wants to know the question?

The question is that your Deputy Law Minister has given you a very sensible, a very honest and a good advice which you have ignored and you have passed over his head and obtained another advice. Why have you done this and why have you not acted as an honest man should?

Shri Mehr Chand Khanna: When the file is referred to a Ministry, whether it is Law or Finance or Home or any other one, we have a number of notings on that file. Ultimately, when the file is put up to the Minister and he has given an advice, we generally follow that advice given by the Minister.

Shri Kapur Singh: Does he concede that the advice given by the Deputy Law Minister, as I quoted now, was not followed? If so, why did he find it necessary to obtain a contrary opinion?

Shri Mehr Chand Khanna: In spite of the advice given by the Deputy Law Minister, I hold and maintain that we are reverting them on account of inefficiency. There is no question of victimisation or punishment.

Shri Kapur Singh rose—

Mr. Speaker: He has already put two questions. I shall allow him later.

श्री गुलशान : यह समस्या प्रधान मंत्री जी के निर्णय के लिये भेजी गई थी। मैं जानना चाहता हूँ कि क्या उन्होंने कोई निर्णय लिया। यदि हाँ, तो क्या ?

श्री मेहर चन्द्र खन्ना : यह फाइल मेरी मिनिस्ट्री की है और उस पर हम ने जो फैसला किया है वह सॉच समझ कर किया है। हम ने उसे ला मिनिस्ट्री को भी भेजा था, होम मिनिस्ट्री को भी भेजा था। कैबिनेट सेक्रेटरी की भी राय ली है और यूनिवर्स पब्लिक सर्विस कमिशन से भी हम ने उस पर मशवरा लिया है।

श्री बागड़ी : मध्यम महोदय, सवाल तो यह था कि प्रधान मंत्री को भेजा है या नहीं।

मध्यम महोदय : सवाल यह था कि प्रधान मंत्री साहब को यह फाइल भेजी गई थी या नहीं। अगर भेजी गई थी तो उन्होंने क्या फैसला किया।

श्री मेहर चन्द्र खन्ना : प्रधान मंत्री साहब के पास हजारों बिट्टियाँ हर महीने घाती हैं ..
(Interruptions.)

Mr. Speaker: I shall get the answer. Why should the Members be so impatient? माननीय सदस्य इस का जवाब चाहते हैं कि वह फाइल प्रधान मंत्री साहब के पास भेजी गई थी या नहीं।

श्री मेहर चन्द्र खन्ना : नहीं साहब, वह फाइल मैं ने प्रधान मंत्री को नहीं भेजी।

Shri Kapur Singh: Was the file sent to the Prime Minister for orders or for instructions? वह कहते हैं कि मैं ने नहीं भेजी।

श्री खन्ना मेहरचन्द्र : प्रधान मंत्री के पास जो रिप्रेजेंटेशन जाते हैं वह जिस जिस मिनिस्ट्री से सम्बन्धित होते हैं, आम तौर पर उन मिनिस्ट्रियों के पास उन को प्रधान मंत्री जो भेज देते हैं, और हम जो कार्रवाई करते हैं उस की इतना प्रधान मंत्री जी को दे देते हैं। इस केस में मैं ने प्रधान मंत्री को इतना दे दो है कि हम यह कार्रवाई करने वाले हैं, यह एक्शन लेने वाले हैं। मैं ने फाइल नहीं भेजी है।

Shri Kapur Singh: May I know whether the Home Ministry, in its circular No. MNOF/44/1/59 dated 15th April, 1959, had laid down that O.T.s must not be kept on probation for more than two years? If so, may I know why, in compliance with these instructions, no action was taken during that period and action is taken now?

Shri S. N. Chaturvedi: On a point of order. May I know whether the cases of one or two Government servants can be raised in this House and in this manner?

Mr. Speaker: It pertains to a class of servants and not to one or two. If it had been apparent to me that it concerned only one individual, I would not have allowed it. (Interruptions.)

Order, order. Let the Minister answer.

Shri Mehr Chand Khanna: If the Hon. Member writes to me with a copy of the circular which he quoted just now, I shall certainly look into it.

Shri Daji: Does not the Government feel that the whole set-up will be upset if it starts reverting persons who have officiated for more than 8, 10 or 15 years?

Shri Mehr Chand Khanna: In this expanding Department, I have nearly 200 officers who are officiating. About 170 of them are Executive Engineers (Engineering) and about 30 of them are Electrical Engineers. The cases of all these 200 officers were seen by the Departmental Promotion Committee presided over by a member of the Union Public Service Commission and they have held that the record of these 28 officers, about whom there is an implied reference in this question, is not good and that they should be reverted. That is the position. Out of 202, we are only dealing with 28 officers now.

The other part of my hon. friend's question was why we had taken this action after all these years. I would like to submit that we have tried to give them every possible chance to improve, but when we found that they could not improve, we had to revert them.

WRITTEN ANSWERS TO QUESTIONS

Labour Co-operatives for Loading and Unloading at Ports

*420. **Shrimati Savitri Nigam:** Will the Minister of Labour and Employment be pleased to state:

(a) whether there is any proposal to form labour co-operatives for loading and unloading the goods and for handling the foodgrains at the Ports in order to avoid strikes and exploitation of the labourers; and

(b) if so, the main features of the scheme?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) No.

(b) Does not arise.

Code of Conduct for Diplomats

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

(a) whether there is any code of conduct for the Heads of Missions

and senior officers and their wives regarding public utterances and private talks on policy matters of Government;

(b) how this code of conduct is enforced; and

(c) whether any breach of the code has taken place and action taken during the last five years in this behalf?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Government have issued instructions regarding public utterances by Heads of Missions and other officials serving abroad. Besides, all officials are governed by the Conduct and Discipline Rules and Official Secrets Act. While the rules do not specifically include the wives of officers, it is well understood that officers sent abroad should ensure that their families do not act against India's interests or make statements which may embarrass Government.

(b) When any breach of the rules comes to the notice of the Government administrative action is taken against the offender.

(c) No, Sir.

Lathitilla-Dumabari Area

*428. **Shri C. K. Bhattacharyya:** Will the Minister of External Affairs be pleased to state:

(a) whether Pakistan has demanded five villages in the Lathitilla-Dumabari area in Assam; and

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

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) and (b). Near the Assam-East Pakistan border, there is a group of five villages (Lathitilla, Baraputni, Dumabari, Karkanaputni and Putni) over which there is a dis-

pute between India and Pakistan regarding the demarcation of the border, in terms of the Radcliffe Award. The dispute arose mainly due to a discrepancy between the text of the Radcliffe Award and an illustrative map attached to the Award. Pakistan claims Lathitilla and Karkanaputni in their entirety, and sizable part, of Dumabari, Baraputni and Putni. This claim is contrary to the written description in the Award, according to which the boundary line should divide the thanas of Patharkandi and Kulaura. Since the five villages have always been administered under the Patharkandi Thana in Assam, our stand is that these villages should be part of India. Radcliffe has specifically laid down that in case of discrepancy between the text of the Award and the illustrative map, the written description would prevail.

Map published in "Pakistan Times"

*431. **Shri Basappa:** Will the Minister of External Affairs be pleased to state:

(a) whether a map published in the 'Pakistan Times' of Lahore has contradicted Pakistan's claim to Indian Territory in the Rann of Kutch; and

(b) if so, what use was made of such a map to bring home to Pakistan their false claim?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Yes, Sir.

(b) Indian newspapers publicized the fact that this map contradicted the Pakistani claims. This fact was also conveyed to our Missions abroad for suitable publicity in their respective areas.

Hunter Jet-fighters from U.K.

*432. **Shri P. C. Borooah:** Will the Minister of Defence be pleased to state:

(a) whether the supply of Hunter jet-fighters from Britain has already commenced;

(b) if so, how many aircraft have so far been delivered;

(c) how many more are yet to come; and

(d) on what terms these are being supplied?

The Minister of Defence (Shri Y. B. Chavan): (a) to (d). It will not be in the public interest to disclose the information.

Price-page Schedule for Newspapers

*433. { **Shri Solanki:**
Shri P. K. Deo:
Shri Narasimha Reddy:
Shri J. B. S. Bist:

Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that the President of the Indian Languages Newspapers Association has suggested the prescribing of a price-page schedule and also a proportion between the advertisements and the reading matter in the newspapers;

(b) whether Government have considered the proposal; and

(c) if so, the decision taken thereon?

The Minister of Information and Broadcasting (Shrimati Indira Gandhi): (a) It has come to the notice of Government through Press Reports that the President of the Indian Languages Newspapers Association made such a suggestion on June 30, 1965 while addressing the 24th Annual General Meeting of the Association.

(b) and (c). In view of the Supreme Court's judgement declaring the Price-Page Schedule as invalid, no further action is contemplated at present.

Hydrographic Survey of Indian Waters

*434. **Shri Raghunath Singh:** Will the Minister of Defence be pleased to state:

(a) whether the Hydrographic Survey Committee of the National Har-

bour Board at its meeting held on the 13th July, 1965 recommended that a minimum of four survey ships with electronic aids, together with the necessary trained personnel should be continuously deployed so as to complete the revision cycle of hydrographic survey of Indian waters and offshore Islands within a reasonable period; and

(b) if so, whether Government have sufficient equipment for the purpose?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes, Sir.

(b) The Indian Navy has four survey ships for hydrographic surveys. Modern electronic aids in position fixing etc. have been introduced in the Naval Hydrographic Service. The procurement of additional equipment has to be phased taking into consideration the cost, the availability of foreign exchange and the performance of the sets already in use etc.

Employment in Public Sector

*435. **Dr. L. M. Singhvi:** Will the Minister of Labour and Employment be pleased to state:

(a) whether the employment in the public sector has recently shown a downward trend; and

(b) if so, the reasons therefor?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) No.

(b) Does not arise.

रोहडेसिया में निर्वाचन

*436. { श्री मधु लिनये :
श्री रामसेवक धावध :

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

(क) क्या सरकार का ध्यान रोहडेसिया में नये चुनाव कराने के सम्बन्ध में वहाँ की

वर्तमान अल्प संख्यक सरकार की गतिविधियों की ओर दिलाया गया है;

(ख) क्या ब्रिटिश प्रतिरक्षा सचिव के इस वक्तव्य का ज़ार भी सरकार का ध्यान दिलाया गया है कि यदि रोहडेसिया की वर्तमान सरकार विद्रोह भी करे तो वो उसके विरुद्ध वे कोई सैनिक कार्यवाही नहीं करेंगे; और

(ग) यदि हाँ, तो भारत सरकार का विचार अफ्रीकी-एशियाई तथा अन्य देशों के सहयोग से रोहडेसिया की वर्तमान सरकार के विरुद्ध क्या कार्यवाही करने का है ?

वैदेशिक-कार्य मंत्रालय में उपमंत्री (श्री विनेश सिंह) : (क) प्रॉर (ख) जी, हाँ। सरकार ने सनाचार-पत्रों में इन सम्बन्ध में खबरें देखी है।

(ग) भारत सरकार का यह दृढ़ मत है कि स्वाधीनता की घोषणा से पहले एक-व्यक्ति-एक-बॉट के माध्यम पर बहुसंख्यक सरकार बननी चाहिए और ब्रिटेन को एक्सिलेन्स रोडेसिया की आवादी के सभी तरफों का एक संबैधानिक सम्मेलन बुलाना चाहिए। राष्ट्रमंडल प्रधान मंत्रियों के सम्मेलन में हमारे प्रधान मंत्री ने ये विचार व्यक्त किये थे जो अन्य अफ्रीकी देशों के विचारों से मेल खाते हैं। सरकार अफ्रीका और एशिया के समान विचारधारा वाले अन्य देशों से बराबर संपर्क बनाये हुए है।

Gujarat-West Pakistan Border Agreement

*437. **Shri Hari Vishnu Kamath:** Will the Minister of External Affairs be pleased to refer to Prime Minister's reply given to the debate on the Gujarat-West Pakistan border agreement on the 18th August, 1965 and state:

(a) the reaction of the Pakistan Government to Government's decision to call off Ministerial level talks, and to refer the dispute straightaway to the tribunal;

(b) when the tribunal will be constituted;

(c) the names of its Chairman and two members;

(d) when it will start functioning; and

(e) its terms of reference?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) Pakistan accepted our proposal and agreed to refer the matter to the next stage, i.e. the tribunal.

(b) to (c). A tribunal will have to be constituted by the end of October, 1965, and should start functioning thereafter. The recourse to the tribunal is for determination of the border between Kutch and Sind in the light of the respective claims and evidence produced before it by India and Pakistan. The decision of the tribunal shall be final and binding on both parties. The tribunal shall remain in being until its findings have been implemented in full.

The question of selecting names for the membership of the Tribunal as well as for its Chairmanship is under consideration.

Indian Immigrants in U.K.

***438. Shrimati Maimoona Sultan:** Will the Minister of External Affairs be pleased to state:

(a) whether the British Government have decided to cut the quota of immigrants from the Commonwealth countries to an overall 7,500 a year;

(b) if so, the average inflow into that country from India during the last five years; and

(c) how far it is likely to be restricted as a result of the recent curtailment in the quota?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) to (c). A statement is

placed on the Table of the House. [Placed in Library, See No. LT-4761/65].

Remarks of a London Magistrate about India

***439.** { Shri Hem Barua:
Shri Surendra Pal Singh:
Shri Ram Harkh Yadav:
Shri Murl Manohar:

Will the Minister of External Affairs be pleased to state:

(a) whether Government's attention has been drawn to a report in 'The Hindustan Times' dated the 17th August, 1965 which states "India has been held as one of the British dominions outside the U.K. and not a sovereign independent Republic" in a recent order passed by a London magistrate; and

(b) if so, whether the matter has been taken up with the U.K. Government with a view to correcting this wrong image of India projected across the world?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Yes, Sir. Under the United Kingdom Maintenance Orders (Facilities for Enforcement) Act, 1920, a form has been prescribed for use by the Magistrates. Under this form, the court may make an order against a Defendant who is residing in "a part of Her Majesty's dominions outside the United Kingdom" to which the said Act applies. This form was prescribed in 1920 and since no special form has been prescribed for orders against a Defendant residing in the various independent Commonwealth countries, the old form is still being used.

(b) Indian High Commission in London has taken up the matter with the U.K. Government for appropriate modification in the form.

पाकिस्तानी घुसपैठियों के पास पाई गई
भारतीय मुद्रा

- *440. { श्री हुकम चन्द कछवाय :
श्री प्रकाशबीर शास्त्री :
श्री शिवमूर्ति स्वामी :
श्री श्रीकार लाल बेरवा :

क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पाकिस्तानी घुसपैठियों के पास काफी भारतीय मुद्रा मिली है;

(ख) यदि हां, तो क्या सरकार ने इस बात की जांच की है कि उनके पास भारतीय मुद्रा कहां से आई;

(ग) यदि हां, तो उसका व्योरा क्या है; और

(घ) यदि नहीं, तो उसके क्या कारण हैं ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चव्हाण) :

(क) से (घ). बन्दी बनाये गये अफसरों में से एक के पास लगभग 5000 रुपये की भारतीय मुद्रा बरामद की गई थी। बन्दी बनाये गये घुसपैठियों से मिली सूचना के अनुसार पाकिस्तानी प्राधिकरणों ने प्रत्येक कम्पनी कमांडर को, भारतीय भूक्षेत्र में खाद्यान्न इत्यादि खरीदने के लिए 9000 रुपये दिये थे।

Advertising in India

*441. **Shri Harish Chandra Mathur:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the estimated annual turnover on advertising in India and the broad break-up of this amount;

(b) whether bulk of the business is handled by fully foreign-owned companies;

(c) if so, Government's reaction thereto; and

(d) whether any further foreign collaboration has been sanctioned

since this matter was raised in the House during the last Session?

The Minister of Information and Broadcasting (Shrimati Indira Gandhi): (a) Authentic information regarding the annual turnover on advertising in India is not available, although according to non-official estimates, it is of the order of Rs. 30 crores. The break-up of this figure is not known.

(b) It is understood that fully foreign-owned advertising agencies handle about 40 per cent of the total advertising in the country;

(c) Government are interested in the growth and development of Indian advertising agencies;

(d) No, Sir.

Threat of Chinese Nuclear Attack

- *442. { श्री Hari Vishnu Kamath :
श्री Daljit Singh :
श्री Sadhu Ram :

Will the Minister of External Affairs be pleased to state:

(a) whether measures, diplomatic and military, are being devised by Government to counter a possible Chinese nuclear attack against India; and

(b) if so, the details thereof?

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) and (b): Government have drawn attention to the serious threat to international peace and security posed by China's acquisition of a nuclear weapons capability and have proposed that credible arrangements should be worked out to assure the security of all countries facing a nuclear threat, in order to prevent the further proliferation of nuclear weapons. The implications of the Chinese nuclear threat from the point of view of India's security are constantly under review.

Assets of Indians in Burma

*443. { Shri P. C. Borooah;
Shri Mohan Swarup;
Shri Ram Harkh Yadav;
Shri Narendra Singh
Mahida:

Will the Minister of External Affairs be pleased to state:

(a) whether an Indian official delegation was sent to Rangoon for talks, on the question of payment of compensation to Indians who left Burma during the past few months, in the second week of August, 1965; and

(b) if so, the result thereof?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) A Delegation of Indian Officials visited Rangoon from 10th to 14th August, 1965.

(b) The Delegation held discussions with Burmese officials on the problem of the assets of Indian nationals in Burma. This was in continuation of discussions that have been going on between the two Governments.

No-War Pact with Pakistan

*444. Shrimati Maimoona Sultan: Will the Minister of External Affairs be pleased to state:

(a) whether the Pakistan Government has rejected the Prime Minister's offer of a no-war pact between India and Pakistan; and

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

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): (a) and (b). The Government of India have on more than one occasion, offered a no-war pact to Pakistan but this offer has been persistently rejected. As recent events have shown Pakistan has deliberately chosen the path of aggression. The resulting situation is being met effectively.

विदेशों में भारतीय प्रचार अधिकारी

{ श्री हुकम कचनव छुवाय :
श्री बड़े :
श्री प्रोकार सिंह :
* 445. { श्री प्रोकार लाल बेरवा :
श्री प्रकाशचौर शास्त्री :
श्री शिवमूर्ति स्वामी :

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

(क) क्या यह सच है कि विदेशों में नियुक्त भारतीय प्रचार अधिकारी पाकिस्तान समर्थक प्रचार करते हैं;

(ख) यदि हाँ, तो क्या इस मामले की कोई जांच की गई है; और

(ग) उसका क्या परिणाम निकला, और यदि नहीं, तो उसके क्या कारण हैं ?

बंधेशिक-कार्य मंत्रालय में उपमन्त्री (श्री दिनेश सिंह) : (क) जी नहीं ।

(ख) और (ग). प्रश्न नहीं उठता ।

Secession of Singapore from Malaysia

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

(a) whether it is a fact that Singapore has seceded from the Malaysian Federation; and

(b) if so, whether the Government of Malaysia and/or the Government of Singapore have communicated to Government the reasons for the secession?

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) On the 9th of August, 1965, Singapore seceded from the Malaysian Federation and became an independent State.

(b) Both the governments of Malaysia and Singapore have informed the Government of India that the secession was by mutual agreement.

Flt. Lt. Sikka of the I.A.F.

*447. **Shrimati Maimoona Sultan:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Flt. Lt. Sikka of the I.A.F. has been returned to India by the Pakistan Government;

(b) whether it is also a fact that Flt. Lt. Sikka was stated by the Pakistan Government as a 'Stretcher case';

(c) whether Government have protested to the Pakistan Government for denying means to India to get information about Flt. Lt. Sikka's illness at an earlier stage; and

(d) if so, the reaction of the Pakistan Government thereto?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes, Sir

(b) The officer was repatriated as a 'Stretcher Case'.

(c) No, Sir.

(d) Does not arise.

External Publicity

*448. { **Shri P. C. Borooah;**
Shri Raghunath Singh;
Shri Bagri;
Shrimati Maimoona Sultan;

Will the Minister of External Affairs be pleased to state:

(a) whether it is a fact that after his recent visit abroad, the Minister of Communications gave a poor account of the External Publicity arrangements of India; and

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

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): (a) Minister of Communications is reported to have said that "Indian publicity abroad is weak".

(b) The question of improving our external publicity is kept constantly under review and necessary steps are taken wherever possible.

Violation of Industrial Truce Resolution

1525. **Shri A. K. Gopalan:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Government have received any representation that the Kannan Devan Company, Munnar (Kerala) has violated the Industrial Truce Resolution; and

(b) if so, the steps taken by Government in this regard?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) The Central Government has not received any representation. The Government of Kerala however, received a complaint that the Company was reluctant to settle disputes by voluntary arbitration as envisaged in the Industrial Truce Resolution.

(b) The matter is being considered by the State Implementation and Evaluation Committee and the Plantation Labour Committee.

Wages of Rubber, Tea and Coffee Plantation labourers in Kerala

1526. **Shri A. K. Gopalan:** Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that the minimum wages of the Rubber, Tea and Coffee Plantation labourers have not been revised in Kerala since 1952; and

(b) if so, the reasons therefor?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Minimum rates of wages for Tea and Rubber Plantation workers in Kerala have been revised with effect from 1st March, 1965. The question of revising the minimum rates of wages for Coffee Plantation workers is under the consideration of the Kerala Government.

(b) Does not arise.

Bidi and Cigar Industry in Kerala

1527. **Shri A. K. Gopalan:** Will the Minister of Labour and Employment be pleased to state:

(a) whether the employers in the Bidi and Cigar Industry in Kerala are reluctant to pay dearness allowance as recommended by the Industrial Relations Committee for the Industry;

(b) if so, the steps taken to implement the recommendations;

(c) whether Government have received representations from the workmen in the matter; and

(d) the number of workers employed in the Industry in Kerala?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Some of the managements of the Bidi and Cigar Industry in Cannanore District, Kerala did not implement in full the recommendations regarding Dearness Allowance made by the Industrial Relations Committee for the Industry.

(b) The Industrial Relations Committee for the Bidi and Cigar Industry appointed a sub-committee to go into the question and to negotiate with the concerned parties for settling the problem. The sub-committee discussed the matter with the employers' and workers' representatives but no settlement could be reached. The District Labour Officer, Cannanore, Government of Kerala, is now carrying on further discussions on the issue to bring about an amicable settlement.

(c) Yes.

(d) About 1,30,000.

Economic Co-operation with Tunisia

1528. { **Shri Ram Harkh Yadav:**
Shri Ram Sewak:
Shri P. G. Sen:

Will the Minister of External Affairs be pleased to state:

(a) whether it is a fact that the

Governments of India and Tunisia have entered into an agreement for technical, economical and scientific co-operation between the two countries; and

(b) if so, the nature and terms thereof?

The Minister of External Affairs (Shri Swaran Singh): (a) Yes, Sir. An Agreement on Friendship and Technical, Economic and Scientific Co-operation between the Government of Tunisia and the Government of India was signed on 24th June, 1965.

(b) A copy of the Agreement is placed on the Table of the House. [Placed in Library. See No. LT-4762/65].

सड़क बनाने के लिये भूमि अधिग्रहण

1529. **श्री हेम राज :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सीमावर्ती सड़क संगठन ने 1964 में कुल्लू में इलेयू, शानग तथा चचोण नामक गांवों की कृषि भूमि अधिग्रहण की थी;

(ख) यदि हां, तो क्या भूमि मालिकों को जमीनों के लिए प्रतिकर दिया गया था;

(ग) यदि नहीं, तो उसके क्या कारण हैं; और

(घ) उनको कितना प्रतिकर देना है तथा उसका कब तक भुगतान किया जायेगा ?

प्रतिरक्षा मंत्री (श्री यशवन्तर चव्हाण):

(क) कुल्लू वादी में इलेयू, शानग और चचोण गांवों में सीमा सड़कों के निर्माण के लिए कोई भूमि गृहण नहीं दी गई ।

(ख) से (घ). उपरोक्त (क) के उत्तर को सामने रखते हुए, प्रश्न नहीं उठते ।

Consumer Stores in Public and Private Sector Undertakings

1530. **श्रीमती रामदुलारी शर्मा:** Will the Minister of Labour and Employment be pleased to state:

(a) in how many private and pub-

lic sector undertakings employing more than 300 workers, Consumers Stores have been organised in each State;

(b) the number of undertakings where these stores have not so far been opened; and

(c) the reasons therefor?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) A statement is showing the position Statewise in respect of the private sector and Ministrywise in respect of the Public sector is laid on the Table of the House. [Placed in Library. See No. LT-4763/65].

(b) 1479.

(c) Difficulties about accommodation finance, and in getting regular supplies of commodities, etc have been mentioned by some employers. It would also appear that some of the defaulting employers have not given the scheme a sufficiently high priority.

Minimum Wages for Agricultural Labour

1531. Shri A. K. Gopalan: Will the Minister of Labour and Employment be pleased to state:

(a) the categories of agricultural labourers which are covered by the Minimum Wages Act in Kerala;

(b) the machinery provided for the implementation of the Act;

(c) the number of cases of non-compliance of the Act which came to the notice of Government last year;

(d) the number of prosecutions launched during the last year for non-compliance of the Act;

(e) whether Government propose to extend this Act to other agricultural operations; and

(f) if so, what they are?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) to (f). Necessary information is

being collected from the Government of Kerala and will be laid on the Table of the House.

British Voluntary Workers

1532. { Shri Ram Harkh Yadav:
Shri Murli Manohar:

Will the Minister of External Affairs be pleased to state:

(a) whether a large number of British Voluntary Workers have arrived in India on Government's invitation to work on a number of projects;

(b) if so, the details thereof; and

(c) the duration of their stay in India?

The Minister of External Affairs (Shri Swaran Singh): (a) 51 volunteers have come to India under the British Voluntary Service Overseas Programme 1965-66 and not on the invitation of Government of India

(b) The voluntary workers comprise 25 graduates and 26 school leavers (High school passed). They have come here partly to gain experience and partly to help in school teaching.

(c) Graduates are assigned for two years and the school leavers for only one year.

Quarters for P. & T. Employees in Kerala

1533. { Shri A. V. Raghavan:
Shri Pottekkatt:

Will the Minister of Communications be pleased to state:

(a) the number of class III and IV employees of the P. & T. Department in Kerala who have been provided with quarters;

(b) the number of such employees who have not been provided with quarters even after the completion of ten years of service; and

(c) the steps taken in the matter?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) 642.

(b) 4110.

(c) Proposals for construction of quarters at a number of places on available sites are under consideration. Proposals for acquisition of land at following places have been approved:

1. Ernakulam
2. Kottayam
3. Cannanore
4. Trivandrum
5. Alleppy
6. Kozikode
7. Trichur.

Commonwealth Secretariat and Commonwealth Foundation

1534. Shri Hem Raj: Will the Minister of External Affairs be pleased to state the financial burden which India shall have to bear on account of its share of contribution towards the Commonwealth Secretariat and the Commonwealth Foundation?

The Minister of External Affairs (Shri Swaran Singh): India will be contributing 11.4 per cent of the Secretariat's expenditure and 8.1 per cent of the Foundation's expenditure, totalling approximately £30,000 a year.

प्राकाशवाणी के समाचार बुलेटिन

1535. { श्री प्रकाशचोर शास्त्री :
श्री जगदेव सिंह सिद्धान्ती :

क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्राकाशवाणी का विचार 06.40 बजे प्रेसिडी के समाचारों से पहिले पांच मिनट तक हिन्दी में समाचारों का प्रसारण आरम्भ करने का है;

(ख) क्या प्राकाशवाणी रात्रि में भी एक हिन्दी समाचार बुलेटिन प्रसारित करने पर विचार कर रहा है; और

(ग) यदि हां, तो यह कब आरम्भ किया जायेगा ?

सूचना और प्रसारण मंत्री (श्रीमती इन्दिरा गांधी) : (क) ने (ग). जी, हां: ता० 29-8-65 से 6 बज कर 35 मिनट पर पांच मिनट का एक हिन्दी समाचार बुलेटिन चालू कर दिया गया है। 226-9-65 से 10 बज कर 35 मिनट पर भी इतनी ही देर का एक और हिन्दी समाचार बुलेटिन शुरू करने का फैसला किया गया है।

तिब्बत में भारतीय माल का चोरी छिपे जाना

1536. { श्री विभूति मिश्र :
श्री क० ना० तिवारी :
श्री सरजू पाण्डेय :
डा० महादेव प्रसाद :
श्री डे० व० पुरी :
श्री मधु लिमये :
श्री बागड़ी :

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

(क) क्या यह सच है कि भारतीय वस्तुओं चोरी छिपे तिब्बत भेजी जा रही हैं ;

(ख) यदि हां, तो क्या यह क्रिया चीनी प्राकृषण के बाद आरम्भ हुई है ; और

(ग) इसे रोकने के लिए क्या कदम उठाये गये हैं ?

वैदेशिक-कार्य मंत्री श्री स्वर्ण सिंह: (क) भारत सरकार की अधिसूचना संख्या 15-4-61-ई आई, दिनांक 15-12-62 के अनुसार भारत से तिब्बत को माल भेजने पर रोक लगा दी गई है। परन्तु, कुछ प्रकार का भारतीय माल सीधे ही अथवा नेपाल हो कर तिब्बत में ले जाने की खबरें कमी-कमी भारत सरकार के देखने में आई है।

(ख) 3 जून, 1962 को, 1954 की भारत-चीन संधि की अवधि समाप्त हो जाने

के बाद भारत और तिब्बत के बीच नियमित व्यापार बन्द हो जाने के तुरन्त बाद कुछ तस्करी होने का पता चला था। 1962 में चीन के भारी आक्रमण के बाद इसमें कोई खास वृद्धि नहीं हुई है।

(ग) सीमा पर तस्करी की कार्रवाहियों को रोकने के लिए बहुत से उपाय बरते गये हैं, जैसे—पड़ताल चौकियों की संख्या बढ़ाना, गश्त बढ़ाना और सीमा शुल्क अधिकारियों द्वारा तस्करी के माल का जन्त किया जाना। भारत सरकार के कहने पर नेपाल सरकार ने भी 1962-63 में कई अधिसूचनाएं जारी कर के भारत से नेपाल जाए गए माल का पुनः निर्यात करने पर रोक लगा दी है।

Assets of Central Ministers

1537. **Shri Hari Vishnu Kamath:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 861 on the 31st March, 1965 and state:

(a) whether, among the **Central Ministers**, any of the declarations show assets grossly disproportionate to his income;

(b) whether in any case the liabilities are greater than the assets;

(c) if so, whether any inquiry or action has been initiated in cases referred to in part (a) and (b) above; and

(d) if not, the reasons therefor?

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): (a) The assets declared by the **Central Ministers** do not pertain merely to the period of their tenure as **Ministers** but also include the assets acquired by them before they became **Ministers**. It would, therefore, be unrealistic to compare these assets with their income during the period they have held office as **Ministers**.

(b) No.

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

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Foreign Minister's Visit Abroad

1538. { **Shri P. C. Borooah:**
Shri Jashvant Mehta:
Shri Gulshan:
Shri Maniyangadan:

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

(a) the countries which he visited during the last three months on the eve of the Afro-Asian Conference in Algiers; and

(b) the points on which Indian view was brought home by him to these countries and with what result?

The Minister of External Affairs (Shri Swarn Singh): (a) The **Minister of External Affairs** visited Kenya, Uganda, Ethiopia and the United Arab Republic.

(b) The broad purpose of the visit was to promote goodwill and co-operation and to exchange views on matters of common concern between these countries and India. Major international issues such as colonialism, the race conflict, disarmament, strengthening of the United Nations and economic collaboration were also discussed, particularly in the context of the Afro-Asian Conference. The role of the Indian community in Africa was also examined.

The Minister of External Affairs explained India's stand on these various issues. As to the Afro-Asian Conference, he particularly emphasized the importance of seeking constructive solutions to international problems; of excluding bilateral disputes from its purview and of ensuring its representative character regardless of differences of social and political systems among member countries.

The Minister of External Affairs found that these countries shared a great deal of common ground and similarity of approach with India.

Marmagao Port

1539. { **Shri Subodh Hansda:**
Dr. P. N. Khan:
Shri S. C. Samanta:
Shri M. L. Dwivedi:
Shrimati Savitri Nigam:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Court of enquiry constituted by Government to ascertain the causes of industrial unrest and to suggest remedial measures to be adopted for improving the industrial relations between the employers and the workers of marmagao Port has submitted any report; and

(b) if not, when it will submit its report?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) No.

(b) The Presiding Officer fixed a hearing at Bombay on the 2nd September, 1965 and his report is expected shortly.

L.D.Cs. in Ordnance Corps

1540. { **Shrimati Savitri Nigam:**
Shri M. L. Dwivedi:
Shri S. C. Samanta:

Will the Minister of **Defence** be pleased to refer to the reply given to Unstarred Question No. 1344 on the 22nd March, 1965 and state whether any action has been taken to bring the Lower Division Clerks of the Army Ordnance Corps on the Central roster?

The Minister of Defence (Shri Y. B. Chavan): The matter is still under examination.

Pensions of Deceased Soldiers

1541. **Shrimati Savitri Nigam:** Will the Minister of **Defence** be pleased to refer to the reply given to Starred Question No. 619 on the 29th March, 1965 and state whether all the 350 pending pension cases relating to the beneficiaries located in Nepal have since been disposed of?

The Minister of Defence (Shri Y. B. Chavan): No, Sir. About 150 cases have since been decided, and efforts are being made to finalise the remaining cases as soon as possible.

Information Officers in Indian Foreign Service

1542. **Shrimati Savitri Nigam:** Will the Minister of **External Affairs** be pleased to refer to the reply given to Starred Question No. 618 on the 29th March, 1965 and state the number of Information Officers in the Indian Foreign Service who have no experience of Journalism and who have never worked in any newspaper or publicity Organisation?

The Minister of External Affairs (Shri Swaran Singh): There are no Information Officers in the Indian Foreign Service as such. However all Publicity Posts at Headquarters as well as abroad are manned by the Indian Foreign Service A/B and members of the Information Service of India. Of the total 75 Publicity Posts, 53 are manned by members of the Information Service of India while the remaining 22 are manned by the Indian Foreign Service A/B. Of the total number of 75 officers engaged in publicity, 37 did not have any journalistic experience before.

A.I.R. Correspondents in Asian and African Countries

1543. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether there is any proposal to appoint full-time correspondents representing the A.I.R. in the Asian and African countries; and

(b) if so, the countries chosen for the purpose?

The Minister of Information and Broadcasting (Shrimati Indira Gandhi): (a) Yes, Sir.

(b) The proposal at present is to post two Correspondents abroad. One will be stationed in Cairo to

cover Africa and West Asia, while the other will be stationed in Hong Kong to cover South and South East Asia.

नेपाल को वित्तीय सहायता

1544. श्री विश्वनाथ पाण्डेय : क्या बंबेईशक-कार्य मंत्री यह बनाने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेपाल सरकार ने एक कालेज खोलने तथा नेपाल में छोटे पैमाने के उद्योगों का प्रीर विकास करने के लिए भारत सरकार से अनिरीकत वित्तीय सहायता मांगी है ; और

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

बंबेईशक-कार्य मंत्री (श्री स्वर्ण सिंह) :

(क) हां ।

(ख) भारत सरकार इय मांग पर विचार कर रहा है । भारतीय विशेषज्ञ नेपाल भेजे जा रहे हैं जां नेपाल में एरु मैडिकल

कालेज खोलने प्रीर लघु उद्योगों का विकास करने की सम्भावनाओं का पता लगायेंगे ।

Indian Embassies in U.S.A. and U.S.S.R.

1545. Shri Vishwa Nath Pandey: Will the Minister of External Affairs be pleased to state:

(a) the number of employees working in the Indian Embassy in U.S.A. and Russia from 1959-60 to 1964-65 upto 30th June, 1965;

(b) whether any steps have been or are proposed to be taken to reduce the number of staff;

(c) if so, the details thereof and also the result achieved; and

(d) the annual expenditure incurred during the above period?

The Minister of External Affairs (Shri Swaran Singh): (a) The number of employees working in the Embassies of India, Washington and Moscow is given below yearwise:—

Year	Washington	Moscow
1959-60	87	29
1960-61	93	29
1961-62	94	30
1962-63	95	34
1963-64	93	33
1964-65	94	49
1965-66 (upto 30-6-1965)	100	45

(b) A review of all the permanent and temporary posts is undertaken every year and only those posts as are justified on the basis of workload are

continued for the next year.

(c) The activities of our Embassies in Washington and Moscow have increased greatly in recent years. No

reduction in staff has, therefore, been possible.

(d) The figures of annual expenditure are given below:—

Year	Washington Moscow	
	Rs.	Rs.
1959-60	34,03,176	8,36,301
1960-61	37,90,043	10,08,900
1961-62	37,45,937	12,54,471
1962-63	40,72,367	13,36,896
1963-64	43,46,994	15,09,182
1964-65	41,87,717	16,96,398
1965-66 upto 30-6-1965)	18,72,644	4,05,225

सेना मेडिकल कोर केन्द्र, लखनऊ में विस्फोट

इन्व्वायरी प्रगतिशील है, और अगला कार्य कार्यवाही का परिणाम पर लिया जाएगा।

1546. श्री विश्वनाथ पाण्डेय : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

Wireless Link with U.N. Headquarters

(क) क्या यह सच है कि मई, 1965 में सेना मेडिकल कोर केन्द्र (उत्तर), लखनऊ में एक हथ गोला फट जाने से एक शिक्षक की मृत्यु हो गई और कुछ प्रशिक्षणार्थी जखमी हो गये ;

1547. { Shri Heda:
Shri Vishwa Nath Pandey:

Will the Minister of External Affairs be pleased to state:

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

(ग) इस सम्बन्ध में क्या कार्यवाही की जा रही है ?

(a) whether it is a fact that Government have decided to accede to the request of the United Nations authorities for the introduction of a wireless communication link between the U.N. Headquarters and New Delhi; and

(b) if so, the total amount of expenditure likely to be incurred thereon?

The Minister of External Affairs (Shri Swaran Singh): (a) Yes, Sir.

(b) The Government of India will not incur any expenditure on this arrangement which is the responsibility of the United Nations.

Death of an I.A.F. Officer in U.K.

प्रतिरक्षा मंत्री (श्री यशवन्त राव चव्हाण) :

(क) दो हथगोलों 10 मई और 22 मई 1965 को कुकरेल हथगोला अभ्यास क्षेत्र, लखनऊ में विस्फोट हुआ, जहाँ ए० एम० सी० केन्द्र (उत्तर) लखनऊ के रंगरूट हथगोले फेंकने का, अपने प्रशिक्षण कार्यक्रम के अनुसार, अभ्यास कर रहे थे। पहले विस्फोट में एक प्रशिक्षणार्थी घायल हुआ था जबकि दूसरे में एक एन० सी० भी० प्रशिक्षक की मृत्यु हो गई और एक जे० सी० भी० और एक प्रशिक्षणार्थी घायल हुए।

(ख) और (ग) एक कोर्ट आफ

1548. Shri Vishwa Nath Pandey: Will the Minister of Defence be pleased to refer to the reply given to

Unstarred Question No. 2608 on the 26th April 1965 and state:

(a) whether the report of the Court of Inquiry conducted into the air crash, in which an Officer of the I.A.F. died, has since been received from the U.K. Government; and

(b) if so, the outcome thereof?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes.

(b) According to the Board of Inquiry held by the U.K. Government, the flight was properly authorised and all relevant orders were complied with. The primary cause of the accident was loss of power on the starboard engine due to malfunction of the barometric pressure control. The contributory cause was inability of the pilot to retain control due to his limited experience of multi-engine aircraft. The aircraft escape facilities were not used.

Some foreign body in the barometric pressure control caused loss of power from the starboard engine. There was, however, no evidence of technical inspection failure or servicing failure.

संसद में डोमालुर खान में दुर्घटना

1549. { श्री हुकम खन्व कछबाय :
श्री बड़े :
श्री बृजराज सिंह :

क्या श्रम और रोजगार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बंगलौर में डोमालुर खान में काम करते हुए 11 व्यक्ति खान के एक भाग गिर जाने से दब कर मर गये ;

(ख) यदि हां, तो इसके क्या कारण थे ;

(ग) क्या सरकार ने मजदूरों के परिवारों को कोई मुआवजा दिया है ; और

(घ) यदि हां, तो उसका क्या स्वीरा है ?

श्रम और रोजगार मंत्री (श्री बा० संजीवय्य) : (क) और (ख). डोमालुर में कोई खान नहीं है और जिस दुर्घटना का उल्लेख किया गया है वह खान दुर्घटना नहीं है। यह दुर्घटना बंगलौर निगम की सीमाओं के अन्दर डोमालुर से घाउट में हुई। जब 18 अनियत मजदूर एक बड़े गड्ढे की तह से जोकि मकान बनाने की जगह तैयार करने के लिए जमीन को समतल बनाने के लिए बनाया गया था, मिट्टी खोद रहे थे और उसे ढो रहे थे तब जमीन गिर गई। दस व्यक्ति जिन में एक चार साल का बच्चा भी था, तुरन्त मर गये और 3 घायल हुए जिनमें से दो की दो दिन के बाद मृत्यु हो गई।

(ग) और (घ). यह मालूम हुआ है कि सिटी इम्प्रूवमेंट ट्रस्ट ने दाह संस्कार के लिए 20 रुपये प्रति व्यक्ति के लिए दिये और 8 घटना-ग्रस्त व्यक्तियों के परिवारों को भी पांच-पांच सौ रुपये दिये।

उत्तर प्रदेश में अग्रयुक्त भूमि

1560. श्री प्रकाशवीर शास्त्री : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश के पश्चिमी जिलों में विशेषतः मेरठ, मुरादाबाद, बरेली, बुलन्दशहर, अलीगढ़, भागदास, सहारनपुर, देहरादून, रामपुर और नैनीताल में कुछ कृषि योग्य भूमि वर्षों से बेकार पड़ी है जो न तो सैनिक कार्यों के लिए उपयोग की जा रही है और न ही उसमें खेती की जाती है ;

(ख) यदि हां, तो उसके क्या कारण हैं ;

(ग) ऐसी उपयोग न की जाने वाली जिलेवार कितने एकड़ भूमि है ; और

(घ) क्या सरकार का विचार उसे भूमिहीन किसानों को देने का है ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चव्हाण) :

(क) से (ग). बताये हुए जिनों में कोई बेकार जमीन नहीं पड़ी है। तदपि, मेरठ जिले में अभी हाल तक 54.77 एकड़ जमीन बिना किसी इस्तेमाल के पड़ी हुई थी, क्योंकि उसके लिए कोई मांग नहीं थी। यह जमीन अब पट्टे पर बी गई है।

(घ) प्रश्न नहीं उठता।

पूर्वी क्षेत्र में विमान दुर्घटना

1551. { श्री हुकम चन्द कलवाय :
श्री बड़े :
श्री बजराम सिंह :

श्री राम हरस यादव : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या 15 जून, 1965 को पूर्वी क्षेत्र में विमान दुर्घटना में मारे गये एक पायलेट अधिकारी की मृत्यु के बारे में जांच की गई है ; और

(ख) यदि हाँ, तो जांच-परिणाम क्या है ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चव्हाण) : (क) जी हाँ।

(ख) कोर्ट आफ इन्क्वायरी के परिणाम के अनुसार विमान पूरी तरह सेवा योग्य था, और उसे ठीक ठीक लादा गया था। विमान चालक उड़ान लेने के योग्य था, उसे ठीक ठीक समझाया और प्रकृत किया गया था। दुर्घटना का मुख्य कारण जाना नहीं जा सका, परन्तु दुर्घटना का अन्तिम कारण था घाटिल का शीघ्रता से खुलना, जिस से कम रफ्तार पर और कम ऊंचाई पर इंजन से धाग निकलने लगी। सीधे प्रपवा अन्य था, कोर्ट आफ इन्क्वायरी ने किसी भी व्यक्ति को दुर्घटना के लिए उत्तरदायी नहीं ठहराया।

Sainik School, Kapurthala

1552. **Shri Daljit Singh:** Will the Minister of Defence be pleased to state:

(a) the quota reserved for the Scheduled Castes and Scheduled Tribes candidates for admission to the Sainik School, Kapurthala; and

(b) the number of Scheduled Castes and Scheduled Tribes candidates admitted in 1963-64 and 1964-65 in the said Sainik School?

The Minister of Defence (Shri Y. B. Chavan): (a) There is no quota reserved for Scheduled Castes and Scheduled Tribes candidates for admission to the Sainik Schools in India. However for candidates belonging to Scheduled Castes/Scheduled Tribes special consideration has been given, in that admission is given on securing qualifying marks without regard to the position in the merit list.

(b) Nil as none qualified in the entrance examination.

Panchayat Samities Offices

1553. **Shri Daljit Singh:** Will the Minister of Communications be pleased to state the number of Panchayat Samities Offices in Punjab where telegraph and telephone facilities have not been provided so far?

The Deputy Minister in the Department of Communications (Shri Bhagavat): 51 stations with Panchayat Samitis Offices have not been provided with telegraph facilities and 46 such stations have not yet been provided with telephone (Public Call Office) facilities.

Unemployed Persons in Punjab

1554. **Shri Daljit Singh:** Will the Minister of Labour and Employment be pleased to state:

(a) the number of unemployed persons registered with the different Employment Exchanges in Punjab as on the 30th June, 1965;

(b) the number of the educated above Matric among them; and

(c) the number of educated women among them?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) 1,01,785.

(b) 35,682.

(c) 8,525.

Upgrading of Post Offices in Punjab

1555. Shri Daljit Singh: Will the Minister of Communications be pleased to refer to the reply given to Unstarred Question No. 3370 on the 10th May, 1965 and state the criteria followed in upgrading Post Offices and the special consideration given in upgrading Post Offices in the backward hilly areas of Punjab?

The Deputy Minister in the Department of Communications (Shri Bhagavati): The following criteria are observed in upgrading Branch Post Offices, Extra Departmental Sub Post Offices and Sub Post Offices;

(a) Branch P.Os. and Extra Departmental Sub Post Offices are upgraded into Departmental Sub Post Offices if such offices have a minimum of 5 hours work and also in rural areas the loss to the Department on account of such upgradation does not exceed Rs. 500/- per annum.

(b) Each district should have a Head Post Office provided that at least 20 sub-offices can be attached to it. In other cases a Sub Post Office is upgraded into a Head Post Office when the number of Sub Offices attached to its parent Head Office (which is to be bifurcated) exceeds 60. It is also necessary that as a result of this change the old and new Head Offices should have at least 20 Sub Offices under each. In the case of backward areas or where there will be a definite improvement in financing Branch Offices and Sub Offices, however, a lower standard may be followed.

The upgrading of Post Offices situated in the backward hilly areas of Punjab will be governed by the above standards.

Indian Repatriates from Mozambique

1556. { Shri Surendra Pal Singh:
Shri Jashvant Mehta:
Shri Narendra Singh Mahida:

Will the Minister of External Affairs be pleased to refer to the reply given to Starred Question No. 1252 on the 10th May, 1965 and state:

(a) whether the report from the Mexican Minister in Lisbon about the total assets left behind in Mozambique by the Indian repatriates has been received; and

(b) if so, the action taken or proposed to be taken by Government in the matter?

The Minister of External Affairs (Shri Swaran Singh): (a) Yes, Sir.

(b) The report is being examined by Government.

Recruiting Centres

1557. Shri Hem Raj: Will the Minister of Defence be pleased to state:

(a) the number of recruiting centres existing in the country both permanent and temporary, State-wise;

(b) the number of centres which have been closed during the last year;

(c) whether any representations have been received to make the Recruiting Centre at Hamirpur, District Kangra, a permanent one; and

(d) if so, action taken thereon?

The Minister of Defence (Shri Y. B. Chavan): (a) A statement giving the required information is laid on the Table of the House. [Placed in Library. See No. LT-4764/65].

(b) Seven Recruiting Offices were closed in May, 1964.

(c) Representations were received against the intended closure of the Recruiting Office at Hamirpur.

(d) It was decided to defer the closure of that office for the time being and to review the matter later.

Delhi-Bangkok Radio Telephone Link

1558. **Shri P. C. Borooah**: Will the Minister of Communications be pleased to state:

(a) whether a Delhi-Bangkok radio telephone link was opened on the 21st June, 1965;

(b) if so, at what cost; and

(c) the countries with which such links have already been established?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) Yes, Sir.

(b) No extra expenditure has been incurred in providing the service which was opened by utilising the existing equipment and staff.

(c) Direct radio-telephone service is available from India to twenty-six countries, including Thailand. The names of these countries are given in the statement laid on the Table of the House. [Placed in Library See No. LT-4765/65].

Strength of N.C.C.

1559. **Shri Ram Harkh Yadav**: Will the Minister of Defence be pleased to state:

(a) whether Government propose to raise the strength of the National Cadet Corps during the Fourth Five Year Plan;

(b) if so, the details thereof; and

(c) the approximate expenditure likely to be incurred thereon?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes.

(b) Since the Universities have made N.C.C. training compulsory for male students, the Senior Division N.C.C. has to expand in order to absorb the increased intake in Universities during the Fourth Plan. It is expected that the expansion will be

from about 11 lakh cadets at present to about 15 lakh cadets at the end of Fourth Plan. It is also proposed to achieve parity in strength between the Senior and Junior Divisions N.C.C. by the end of the Fourth Plan. The Junior Division N.C.C. is expected to increase from 6 lakh cadets to 15 lakh cadets.

(c) The proposals are under discussion with the Planning Commission. The approximate expenditure will be Rs. 4919 lakhs out of which the Central Government will bear Rs. 3174 lakhs, the rest being borne by State Governments.

कोटा में मकानों पर श्रवण कब्जा

1560. { श्री भोंकार लाल बेरवा :
श्री गुलशन :

क्या प्रतिरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि स्टेशन रोड, कोटा (राजस्थान) में मकानों पर श्रवण कब्जा के सम्बन्ध में जोकि सैनिक क्षेत्र में है, कुछ मुकदमों में प्रदालतों में चल रहे हैं ;

(ख) यदि हां, तो उन मुकदमों के निपटारे में अब तक कितनी प्रगति हुई है ; और

(ग) मकान मालिकों को किन परिस्थितियों में मकानों पर कब्जा करने दिया गया था ?

प्रतिरक्षा मंत्री (श्री यशवन्तराव चव्हाण) :

(क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

(ग) कोटा में स्टेशन रोड पर बेरवाली पुरोहित जी तथा डडवारा में 54 बीघा पैदाइश का भूमि क्षेत्र अन्य भूमि क्षेत्रों सहित संघीय वित्तीय सहायक योजना के अन्तर्गत 1950 में सेना के हिस्से में आया था । परन्तु बाद में पता चला कि सिटी इम्प्रूवमेंट ट्रस्ट कोटा ने

सबद्ध भूमि क्षेत्रों में से कुछ प्लाट निजी क्षेत्र में लोगों को बेच दिए थे। विधि मंत्रालय के साथ मंत्रणा द्वारा इम्प्रूवमेंट ट्रस्ट द्वारा किए गए बंटनों की वैधता का निरीक्षण हो रहा है।

अल्जीयर्स में पत्रकार सम्मेलन में पाकिस्तान के विदेश मंत्री द्वारा एक भारतीय सम्वाददाता को घमकी

1561. { श्री हुकम चन्द कछवाय :
श्री श्रींकार लाल बेरवा :
श्री राम सेवक :
श्री फ० गो० सेन :
श्री राम हरल्ल यादव :

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

(क) क्या यह सच है कि पाकिस्तान के विदेश मंत्री मि० जैड० ए० भुट्टो ने अल्जीयर्स में 27 जून, 1965 को रात को एक पत्रकार सम्मेलन में बोलते हुए एक भारतीय पत्रकार द्वारा एक सीधा तथा स्पष्ट प्रश्न पूछ जाने पर उसे बाहर फेंकवा देने की घमकी दी थी ;

(ख) क्या यह भी सच है कि उक्त पत्रकार को उस पत्रकार सम्मेलन में बुलाया गया था ; और

(ग) यदि हां, तो इस मामले में सरकार ने क्या कार्यवाही की है ?

बंबेशिक-कार्य मंत्री (श्री स्वर्ण सिंह) :

(क) जी हां। सम्बद्ध पत्रकार से और वहाँ उपस्थित अन्य पत्रकारों से ऐसी ही मूचना मिली है।

(ख) यह प्रेस कॉन्फेंस सभी सम्वाद-दाताओं के लिए खुली थी।

(ग) पाकिस्तान के विदेश मंत्री की घमकी की सम्वाददाताओं ने प्रवहेलना की इसलिए यह प्रावश्यक नहीं समझा गया कि भारत सरकार कोई कदम उठाए।

Film Festival at Venice

1562. { **Shri Heda:**
Dr. Mahadeva Prasad:

Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of films sent for the Film Festival at Venice; and

(b) the Indian films which were accepted by the Preliminary Screening Committee of the Film Festival?

The Minister of Information and Broadcasting (Shrimati Indira Gandhi): (a) The following three feature films were entered by the Government of India in the International Film Festival to be held at Venice from the 24th August, 1965 to 6th September, 1965:—

- (1) "Kapurush"
Produced by M/s R.D.B. & Co., Calcutta.
- (2) "Geet Gaya Pattharon Ne"
Produced by M/s V. Shantaram Productions, Bombay.
- (3) "Anustup Chhanda"
Produced by M/s B. K. Productions, Calcutta.

(b) Prints of the two films "Kapurush" and "Geet Gaya Pattharon Ne" were sent by the Producers for selection by the Preliminary Screening Committee but only "Kapurush" was accepted for competition by the Committee.

Writ Petition by "Deccan Herald" against "Indian Express"

1563. **Shri Basappa:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the Union Government has been impleaded in a writ petition filed by the "Deccan Herald" against the "Indian Express" in the High Court of Mysore; and

(b) if so, why the Union Government has been impleaded and whether the Union Government has filed any affidavit?

The Minister of Information and Broadcasting (Shrimati Indra Gandhi): (a) Yes, Sir. The Union of India has been cited as one of the Respondents in writ petition filed in the Mysore High Court by Messrs Printers Mysore (Private) Ltd., publishers of 'Deccan Herald', English daily and 'Prajavani', Kannada daily.

(b) The Petitioners have sought a writ of mandamus or any other appropriate writ or order or direction forbidding the Union of India, the Registrar of Newspapers for India and the Chief Controller of Imports and Exports, New Delhi, from granting any newsprint or newsprint quota or permitting the diversion or use or otherwise appropriation of any newsprint allotted to the Indian Express etc. published from any other centre, for the publication of the Indian Express and Sunday Standard, Bangalore. The counter-affidavit has been filed on behalf of the Government.

Telephone Connections in Maharashtra

1564. { Shri M. L. Jadhav;
Shri Jedhe;
Shri D. S. Patil;
Shri Tulshidas Jadhav;
Shri Kamble:

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

(a) whether there has been a heavy demand for telephone connections in Maharashtra;

(b) whether this demand is held up for want of adequate supply of telephone wires and other material; and

(c) the efforts being made to connect important centres in the rural areas with telephone connections?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) The demand for telephone connections is heavy in all the large towns and in all the States.

(b) The demands are held up for want of adequate resources in general. In particular cases hold-ups occur due to various causes like delays in acquisition of land, construction of buildings, shortage of equipment and other material etc. including wires.

(c) Telephone facilities are available at 237 important centres in rural areas including Block Development Headquarters and Mahals, and sanctions have been issued for opening 38 more long distance Public Call Offices at such other places in Maharashtra.

Visit of Japanese Rocket Expert

1565. { Shri Solanki;
Shri Vasudevan Nair;
Shri Narasimha Reddy:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a Japanese rocket expert was on a visit to India;

(b) the purpose of his visit; and

(c) the nature of the discussions held with him?

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): (a) Yes.

(b) To discuss scientific and technical aspects of rocketry.

(c) Various aspects involved in the setting up of a Rocket Research and Development Group and a Space Science and Technology Centre were discussed with him.

Ministers' Visit to Foreign Countries

1566. **Shri Bagri:** Will the **Prime Minister** be pleased to state:

(a) whether Government propose to lay down clear rules of conduct for Ministers visiting foreign countries;

(b) if so, the purpose intended to be achieved by such rules of conduct;

(c) whether Ministers can express their personal opinion on the policies of the Government of India while on tour abroad; and

(d) if so, whether it is not against the concept of joint responsibility of the Council of Ministers?

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): (a) Government do not consider this necessary.

(b) Does not arise.

(c) and (d). In view of the joint responsibility of the Council of Ministers, the Ministers while on tour abroad are expected only to explain and propagate the policies of Government.

Training of I.A.F. Personnel in Air-to-Ground Firing

1567. Shri Raghunath Singh: Will the Minister of Defence be pleased to state whether it is a fact that Indian Air Force personnel have designed a Simulator to train pilots in air-to-ground firing?

The Minister of Defence (Shri Y. B. Chavan): Yes, Sir.

Overtime Arrears in Ordnance Factories in U.P.

1568. Shri S. M. Banerjee: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the over-time arrears from the 1st June, 1961 have not yet been paid to Non-Industrial Staff in the Ordnance Factories in U.P.;

(b) if so, the reasons therefor; and

(c) the steps taken by Government to pay the arrears?

The Minister of Defence Production in the Ministry of Defence (Shri A. M. Thomas): (a) No, Sir. If the reference is to orders dated 27th November, 1963, as these orders widen the scope of allowances, they are not clarificatory in nature. It is not, therefore, possible to give these orders retrospective effect from 1st June, 1961.

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

U.N. Funds

1570. Shri Raghunath Singh: Will the Minister of External Affairs be pleased to state:

(a) whether India's stand on U.N.

arrears issue has been supported by any other country; and

(b) if so, their names?

The Minister of External Affairs (Shri Swaran Singh): (a) and (b). The XIX Session of the U.N. General Assembly has adopted the consensus that the question of past arrears should be settled by the method of voluntary contributions and that the General Assembly should resume its normal functioning.

Transit facilities for Indian Nationals

**1571. { Shri Kindar Lal:
Shri Vishwa Nath Pandey:**

Will the Minister of External Affairs be pleased to state:

(a) whether it is a fact that no Indian national is allowed transit facilities by road or rail to Afghanistan through Pakistan by the Pakistan Government; and

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

The Minister of External Affairs (Shri Swaran Singh): (a) The Government of India have received no such reports.

(b) Does not arise.

Tea Plantation Workers

1572. Shri Tridib Kumar Chaudhuri: Will the Minister of Labour and Employment be pleased to state:

(a) whether Government's attention has been drawn to the complaint of Tea Plantation workers of Darjeeling, Terai and Dooars areas in West Bengal about the non-payment of their legitimate dues by way of dearness allowance as prescribed under the provisions of the Minimum Wages Act, 1948 and the agitation that has commenced amongst the Tea Plantation Workers in the said areas against their employers on that basis; and

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

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Yes.

(b) The matter falls in the State sphere, and it is understood that the State Government is seized of the matter.

Faucity of Literature for Technical Workers

1573. Shri Sham Lal Saraf: Will the Minister of Labour and Employment be pleased to state:

(a) whether Government are aware that while literature is adequately available for the Engineers, there is dearth of handbooks and elementary text-books for common technical workers like, Fitters, Riggers and others;

(b) whether some difficulty on this account was being felt when steel plants and other big engineering projects were built or are being built; and

(c) whether any steps have been taken to meet this paucity and the agency or agencies employed to feed our workers entrusted with technical jobs on projects under construction or to be built hereafter?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Yes.

(b) No.

(c) This difficulty is being overcome by giving class notes to craftsman trainees under training.

Area under Illegal Occupation of China and Pakistan

1574. Shri D. D. Puri: Will the Minister of External Affairs be pleased to state the location and total area under illegal occupation of China and Pakistan.

The Minister of External Affairs (Shri Swaran Singh): The total area of Indian territory under the illegal occupation of China is approximately 14,500 square miles in Ladakh.

The total area of Indian territory illegally occupied by Pakistan is approximately 32,500 square miles in Jammu and Kashmir.

Accident in New Kenda Colliery (West Bengal)

1575. Shri Mohammad Elias: Will the Minister of Labour and Employment be pleased to state:

(a) whether an accident took place at the New Kenda Colliery, West Bengal in May, 1965;

(b) if so, the number of persons killed or injured in the accident;

(c) the nature of the accident;

(d) whether any enquiry has been conducted into this accident; and

(e) if so, the findings thereof?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Yes.

(b) Three persons were killed and two injured.

(c) While the shot-firer with his helper was charging the shot-holes with explosives and two drillers were waiting behind him and two loaders were cleaning the machine cut in the rise face, the coal roof measuring, 6 metres x 5.4 metres x 0.7 metre thick fell from a height of 2.1 metres without any warning, inflicting serious injuries on the shot-firer and his helper and fatal injuries on the two drillers and one of the loaders. The other loader escaped unhurt.

(d) Yes.

(e) Misadventure.

Post Office Saving Bank Accounts

1576. Shri Raghunath Singh: Will the Minister of Communications be pleased to state:

(a) whether 44 lakhs Accounts of Saving Bank Depositors in the Post Offices worth Rupees 11 crores are lying as silent accounts as these have not been operated for more than six years; and

(b) if so, whether the amount will be freed or accounts closed for non-operation?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) Yes, Sir.

(b) No, Sir. The Government do not propose to resort to any of the two courses. The amounts do not lapse to Government but payment of the amount in such accounts is made with interest when the depositor or his heir applies for the same.

Assault on Indian Student in London

1577. { Shri M. N. Swamy:
Shri Laxmi Dass:
Shri Kolla Venkalah:
Shri Ram Sewak:
Shri P. G. Sen:

Will the Minister of External Affairs be pleased to state:

(a) whether an Indian student, Kumar Roy, was assaulted and robbed of his typewriter by a group of white teen-agers in London in July last; and

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

The Minister of External Affairs (Shri Swaran Singh): (a) Shri Mihir Kumar Roy has brought this matter to the notice of the High Commission of India.

(b) Our High Commission contacted the London Police. The case is still under investigation by the British Transport Police.

Underground Nagas

1578. { Shri Narendra Singh Mahida:
Shri Maghnath Singh:

Will the Minister of Defence be pleased to state:

(a) whether it is a fact that most of the 1,700 underground Nagas who had gone to Pakistan earlier this year to procure arms have returned to Nagaland leaving their arms in dumps in Burma;

(b) if so, whether the Burmese Government have been informed

about the dumping of arms in their territories;

(c) whether the underground Nagas forcibly collected taxes in Nagaland; and

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

The Minister of Defence (Shri Y. B. Chavan): (a) A gang of about 1500 Nagas who were proceeding to East Pakistan for training and collection of arms was reported to have reached the Somra tract area in Burmese territory. According to unconfirmed reports, small groups from this gang have entered Nagaland via Ukhrul Sub-Division of Manipur. The remaining members of the gang are presumably planning to enter Manipur in small parties and create disturbances in areas of Manipur not covered by the cease-fire agreement. The security forces are aware of the situation and are taking various measures to prevent this.

(b) The Government of Burma are aware of the presence of the armed Naga gangs in their territory.

(c) There are instances of Naga hostiles collecting money by way of taxes and donations.

(d) The Government of Nagaland is taking action in accordance with law to protect the lives and properties whenever there are complaints of extortion or forcible collection. All important cases of such violation of the terms of suspension of operations are also brought to the notice of the Peace Mission.

प्रखारी कागज की घोर बाजारी

1579. श्री सिद्धेश्वर प्रसाद: क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को इस बात का पता है कि ऐसे समाचार-पत्र तथा पत्रिकाएं भी प्रकाशित हो रही हैं जिनके लिए प्रखारी कागज मंजूर नहीं किया जाता ;

(ख) यदि हां, तो क्या सरकार ने उन साधनों का पता लगाया है जहां से इन प्रकाशनों को प्रखबारी कागज प्राप्त होता है ; और

(ग) प्रखबारी कागज की चोर बाजारी को रोकने के लिए क्या पग उठाये गये हैं ?

सूचना और प्रसारण मंत्री (श्रीमती इन्दिरा गांधी) : (क) जी, हां ।

(ख) सामान्यतः ये प्रखबार और पत्रिकाएं प्रखबारी कागज इस्तेमाल नहीं करने । वे बाजार में मिलने वाला अन्य देशी कागज इस्तेमाल करते हैं ।

(ग) प्रखबारी कागज प्रखबारों की प्रचार संख्या, प्रकाशन-अवधि, आकार आदि के आधार पर दिया जाता है । इन सब की पूरी जांच-पड़ताल की जाती है ताकि किसी को बेजा ज्यादा कागज न मिले जो चोरी से बिके ।

Cantonment Fund Servants Rules

1580. **Shri A. N. Vidyalkar:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that draft amendments to the Cantonment Fund Servants Rules, 1937 were published in October, 1964 and the same are still awaiting finalisation; and

(b) if so, when Government proposes to finalise the same?

The Minister of Defence (Shri Y. B. Chavan): (a) Yes, Sir.

(b) The large number of objections and the suggestions received from the various interested parties need detailed consideration in consultation with the other concerned Ministers, viz. Ministries of Labour and Employment, Home Affairs and Law. This consultation is in progress, and it is hoped to finalise the draft amendments to the Cantonment Fund Servants Rules 1937 in the near future.

मिग विमानों को करवाने के लिये नासिक में भूमि का अर्जन

1581. श्री मधु लिमये :

श्री रामसेवक यादव :

क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) उन व्यक्तियों को बसाने के लिए क्या कदम उठाये गये हैं, जिनकी भूमि नासिक में मिग विमानों के निर्माण के लिए एक कारखाना स्थापित करने के लिए अर्जित कर ली गई है ; और

(ख) क्या प्रशिक्षण और रोजगार के मामले में अर्जित के स्थानीय लोगों को प्राथमिकता दी जायेगी ?

प्रतिरक्षा मंत्रालय में उत्पादन मंत्र (श्री ए० म० टामस) : (क) जिन परिवारों पर असर पड़ा है उनके लड़कों को वायुयान फैक्टरी में तकनीकी पदों पर काम करने योग्य बनाने के लिए विशेष प्रशिक्षण कोर्स चलाए गए हैं । गैर-तकनीकी पदों पर अधिक से अधिक व्यक्तियों को काम पर लगाने की दिशा में भी प्रयत्न किये गये हैं ।

(ख) नासिक में फैक्टरी खड़ी करने के लिए जिन लोगों की भूमि अधिग्रहण की गई है उन्हें प्रशिक्षण तथा रोजगार के मामलों में अन्य लोगों पर तरजीह दी जाती है ।

भटान में कारखाने

1582. श्री मधु लिमये :

श्री रामसेवक यादव :

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

(क) क्या केन्द्रीय सरकार की सहायता से भूटान में कुछ कारखाने स्थापित करने का कोई प्रस्ताव विचाराधीन है ; और

(ख) यदि हां, तो भूटान सरकार ने क्या सहायता मांगी है ?

वैदेशिक-कार्य मंत्री (श्री स्वर्ण सिंह) :

(क) जी, नहीं; कोई निश्चित प्रस्ताव नहीं है।

(ख) भूटान की सरकार भारत की प्रतिष्ठित औद्योगिक संस्थाओं में इस बात के लिये दिलचस्पी पैदा करने की कोशिश कर रही है कि वे भूटान में सीमेंट और दियासलाई जैसे उचित उद्योग स्थापित करें। भूटान सरकार जिस किसी सहायता के लिये भारत सरकार से मांग करेगी उस पर वह सहानुभूतिपूर्वक विचार करेगी।

बम्बई की टेलीफोन व्यवस्था

1583. { श्री मधु लिमये :
श्री रामसेवक यादव :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बम्बई क्षेत्र की टेलीफोन व्यवस्था में बढ़ते हुए दोषों तथा इसके विरोध में टेलीफोन उपभोक्ताओं द्वारा की गई शिकायतों की ओर सरकार का ध्यान दिलाया गया है; और

(ख) यदि हाँ, तो दोषों को दूर करने के लिये क्या कदम उठाये जा रहे हैं।

संचार विभाग में उपमंत्री (श्री भगवती) :

(क) इस वर्ष मानसून शुरू होने पर जून और जुलाई में जबकि बहुत से टेलीफोन खराब हो गये थे जमीन के नीचे बिछे कुछ केबल तारों में गड़बड़ी हो गई थी। इन केबलों के भंग होने के कारण हुई गड़बड़ी के अलावा हाल ही में पिछले कुछ समय के दौरान खराबियों और शिकायतों की संख्या में कोई वृद्धि नहीं हुई है।

(ख) मानसून के बाद केबल प्रणाली में पूरी तरह से सुधार किया जाएगा जबकि कुछ पुराने केबलों के स्थान पर नये केबल बिछाये जायेंगे। उपलब्ध साधनों के अनुसार पुराने उपस्कर के स्थान पर नये उपस्कर लगा कर,

प्राधुनिक किम्म के उपस्करों का इस्तेमाल कर के नये एक्सचेंज खोल कर, मौजूदा एक्सचेंजों का विस्तार आदि करके बम्बई में टेलीफोन सेवा में यथामुम्भव अधिक से अधिक सुधार करने के प्रयत्न भी किये जा रहे हैं।

Post Offices in Delhi

1584. **Shri Surendra Pal Singh:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that many Post Offices in Delhi are housed in dilapidated buildings;

(b) whether it is a fact that adequate security arrangements do not exist in many Post Offices in Delhi;

(c) whether it is also a fact that many Post Offices in Delhi are not properly equipped and are understaffed; and

(d) if so, the steps proposed to be taken to remedy the defects in the working of the Post Offices in Delhi?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) It is a fact that some Post Offices in Delhi are housed in rather dilapidated buildings owing to acute difficulty in securing suitable accommodation.

(b) No.

(c) No.

(d) Efforts are continually being made to secure better buildings or rent wherever possible or to put up departmental buildings.

पश्चिम क्षेत्रों में तैनात सैनिक दस्तों की यात्रा सम्बन्धी रियायतें

1585. **श्री श्रीकार लाल बोरवा :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पश्चिम क्षेत्रों में तैनात सैनिक दस्तों को यात्रा संबंधी रियायत देने का सरकार का विचार है ;

(ख) यदि हां, तो योजना की मुख्य बातें क्या हैं ;

(ग) क्या यह रियायत अधिकारियों को भी दी जाएगी ; और

(घ) यदि नहीं, तो इसके क्या कारण हैं ?

प्रतिरक्षा मंत्री (श्री बहाबतराव बाहाण्य) : (क) से (घ). अधिम क्षेत्रों में स्थित अफसरों, तथा कनिष्ठ आयुक्त अफसरों और अवर श्रेणी सैनिकों को देय यात्रा सुविधायें इस प्रकार हैं :—

(1) अधिम क्षेत्रों को/सि, ड्यूटी पर प्रस्थान करते समय व्यक्तियों को वारंट पर निःशुल्क यात्रा की अनुमति है। अपने पुराने (शांति) सेवा स्थान से वास्तव के लिये चुने स्थान तक उनके कुटुम्बों और सामान के लिये निःशुल्क संचार भी देय है ; और व्यक्तिक के लौटकर शांति क्षेत्र में ड्यूटी स्थान पर पुनर्निमित्त पर भी।

(2) व्यक्तियों को प्रतिवर्ष, अधिम क्षेत्रों से छुट्टी पर, अपने कुटुम्बों से मिलने के लिये सरकारी खर्च पर भेजा जाता है।

और कोई सुझाव विचाराधीन नहीं है।

कारों में टेलीफोन

1586. श्री मोहन स्वरूप : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को मालूम है कि यूरोप और अमेरिका में एक ऐसे टेलीफोन का प्राविष्कार किया गया है जो कार में लगाया जा सकता है ;

(ख) यदि हां, तो क्या भारत में भी ऐसे टेलीफोन बनाने का सरकार का विचार है ; और

(ग) यदि हां, तो इस योजना का ब्यौरा क्या है ?

संचार विभाग में उपमंत्री (श्री भगवती) :

(क) जी, हां।

(ख) और (ग). भारत के नगरों के लिये उपयुक्त साज सामान का विकास करने की सम्भावनाओं की जांच की जा रही है।

Money Order Forgers

1587. Shri D. C. Sharma: Will the Minister of Communications be pleased to state:

(a) whether a gang of money order forgers has been unearthed recently in New Delhi;

(b) if so, whether any assessment has been made of the amount paid through forged money orders; and

(c) the action taken in the matter?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) Yes, Sir.

(b) 21 forged money orders involving a sum of Rs. 4097/- have been detected so far.

(c) The police have arrested six persons including 2 departmental officials. A sum of Rs. 1,564/- has so far been recovered by departmental and police action.

Indian Support to Malaysia

1588. Shri Hari Vishnu Kamath: Will the Minister of External Affairs be pleased to state:

(a) whether it is a fact that the Government of Indonesia have reacted strongly against India's sympathetic support to Malaysia on the issue of confrontation between Indonesia and Malaysia;

(b) if so, whether Government have firmly reiterated its stand in the matter; and

(c) if not, the reasons therefor?

The Minister of External Affairs (Shri Swaran Singh): (a) and (b). No, Sir.

(c) Does not arise.

कलई कुडा के सरीर भारतीय वायु सेना के डिमन की दुपटना

1589. श्री हुकम चन्द्र कछबाय : क्या रक्षा मंत्री 29 मार्च 1965 के प्रतारकित प्रश्न संख्या 1698 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या कलई कुडा के पात भारतीय वायु सेना के दो विमानों की दुई दुपटना के संबंध में जांच करने के निम्ने नियुक्त की गई जांच समिति का प्रतिवेदन सरकार को प्राप्त हो चुका है ; और

(ख) यदि हां, तो उसका स्वीरा क्या है ?

प्रतिरक्षा मंत्री (श्री यशवन्त राव बहाण) : (क) तथा (ख) रिपोर्ट वायु सेना मुख्यालयों द्वारा विवाराधीन है।

Decrease in Number of Coal Mines

1590. Shrimati Maimoona Sultan: Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that the number of working coal mines in India has come down considerably during 1964;

(b) if so, the number of mines working at the beginning and at the end of 1964 and also the mines working at present;

(c) the number of workers employed at the beginning and end of 1964 and at present by these coal mines; and

(d) the reasons for the closure of the coal mines?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) No, not considerably, the number of working coal mines decreased by 19 only in 1964, as compared with 1963.

(b) The number of working mines in January 1964 was 803, in December 1964, 823 and in March 1965 (latest figure available) was 837.

(c).

Month	No. of workers employed.
January 1964	4,22,508
December 1964	4,03,936
March 1965	
(latest available)	4,14,233

(d) The decrease in the number of working mines is not due to closure of mines but due to amalgamation of some independent units.

Report of the Directorate of Employment

1591. Shrimati Maimoona Sultan: Will the Minister of Labour and Employment be pleased to state:

(a) whether the quarterly report of the Directorate of Employment, Delhi has revealed that in a number of occupations in which vacancies were reported unfilled by employers, a large number of applications were found on the live registers;

(b) if so, the reasons therefor; and

(c) Government's reaction thereto?

The Minister of Labour and Employment (Shri D. Sanjivayya): (a) Yes.

(b) The main reasons are:—

(i) Lack of mobility and unwillingness on the part of the applicants to serve in rural areas;

(ii) applicants' preference for Government jobs; and

(iii) unattractive terms and conditions of service offered by employers and their insistence on long experience.

(c) Government is aware of the situation and, in appropriate cases, the Employment Exchanges advise the employers to be more realistic in regard to the terms and conditions offered by them and the length of experience demanded. In such cases the employers are also apprised of the cur-

rent labour market conditions for their guidance.

Installation of Telephones on Top Priority Basis in Government Offices

1592. Shri Ramshekhar Prasad Singh: Will the Minister of Communications be pleased to state:

(a) the number of requests received for the installation of telephones on top-priority basis in Central Government office; and at the residences of the officers in Delhi during the period from April, 1965 till date;

(b) the number of telephones installed both at the Offices and Residences during the above period;

(c) the number of telephones not so far installed;

(d) the reasons for the delay in the installation of the above telephones in spite of top-priority basis; and

(e) the persons responsible for the delays and action taken against them?

The Deputy Minister in the Department of Communications (Shri Bhagavati): (a) Number of requests received in Delhi during the period April '65 to 23-8-1965 for provision of telephones in Central Government offices is 318 and that for residences of officers is 202.

(b) 284.

(c) 234.

(d) and (e). Top Priority demands are generally met without delay. Limitations of exchange capacities, cables and resources in general, do not permit meeting of the demand in full.

हिन्दी में टेलीफोन निर्देशिका

1593. श्री प० ला० बाबूपाल :
श्री बालूनाथ सिंह :

क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि राजस्थान,

उत्तर प्रदेश, मध्य प्रदेश, बिहार आदि हिन्दी भाषी राज्यों के नागरिकों ने डाक तथा तार प्राधिकारियों से टेलीफोन निर्देशिका को हिन्दी में प्रकाशित करने का अनुरोध किया है ; और

(ख) यदि हाँ, तो यह कब तक छप जाएगी ?

संचार विभाग में उपमंत्री (श्री भगवती):

(क) तथा (ख). राजस्थान, उत्तर प्रदेश, मध्य प्रदेश तथा बिहार की कुछ प्रतिष्ठित टेलीफोन निर्देशिकाएँ हिन्दी में आपने के अनुरोध जारी किये जा चुके हैं। इन निर्देशिकाओं की यथासंभव शीघ्र निकालने के प्रयत्न किये जा रहे हैं।

People of Fiji

1594. Dr. Ram Manohar Lohia: Will the Minister of External Affairs be pleased to state:

(a) whether his attention has been drawn to the Reuter News Agency Report emanating from London, dated the 10th August, in which one section of the people of Fiji has been referred to as "Fijian nationals" and the other section as "Indian national." and "persons of Indian origin of Pacific Islands"; and

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

The Minister of External Affairs (Shri Swaran Singh): (a) The Government have seen a Reuter News Agency report emanating from London, dated 10th August, 1965, regarding the outcome of the Constitutional Conference on Fiji held recently in London. It is presumed that this is the one referred to in this question. This report does NOT speak of "Indian nationals" or "persons of Indian origin of Pacific islands". It does, however, mention the "Pacific Islands Indian Community". It also speaks of the "The Fijians", "Indians" and "Europeans" in Fiji, and to that extent is somewhat misleading, as it gives the

impression that only the Fijians are Fijian nationals. The report, however, does clarify the multi-racial composition of Fiji's population.

(b) The Government of India has expressed its views on the subject in the U.N.O., and called upon the British Government to speed up the pace of Constitutional reforms in Fiji with a view to ultimate independence.

12.10 hrs.

PAPERS LAID ON THE TABLE

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES, PROMISES, UNDERTAKINGS ETC. GIVEN BY MINISTERS

The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various sessions of Third Lok Sabha:—

- (i) Supplementary Statement No. III—Eleventh Session, 1965.
- (ii) Supplementary Statement No. VII—Tenth Session, 1964.
- (iii) Supplementary Statement No. IX—Ninth Session, 1964.
- (iv) Supplementary Statement No. XIV—Seventh Session, 1964.
- (v) Supplementary Statement No. XVI—Sixth Session, 1963.

[Placed in Library. See Nos. LT-4752 to LT-4756/65].

MAIN CONCLUSIONS OF FIRST SESSION OF INDUSTRIAL COMMITTEE ON BUILDING AND CONSTRUCTION INDUSTRY

The Minister of Labour and Employment (Shri D. Sanjivayya): I beg to lay on the Table a copy of main conclusions of the first session of the Industrial Committee on building and

construction industry held at New Delhi on the 13th July, 1965. [Placed in Library. See No. LT-4757/65].

NOTES EXCHANGED BETWEEN INDIA AND CHINA

The Minister of State in the Ministry of External Affairs (Shrimati Lakshmi Menon): I beg to lay on the Table a copy each of the following papers:—

- (1) Government of India's note dated the 2nd September, 1965, given to the Embassy of China in India in reply to the note dated the 27th August, 1965, given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China.
- (2) Note dated the 27th August, 1965, given by the Ministry of Foreign Affairs, Peking, to the Embassy of India in China.

[Placed in Library. See No. LT-4758/65].

12.11 hrs.

STATEMENT RE. ADVANCE OF INDIAN ARMY ACROSS BORDER IN LAHORE SECTOR.

The Minister of Defence (Shri Y. B. Chavan): Hon. Members are aware that I have been keeping them apprised from time to time about the aggression being committed on our territory by the armed forces of Pakistan, clandestinely at first and openly thereafter. The first wave of aggression was through armed infiltrators constituted from regular and irregular soldiers of the Pakistani Army, though Pakistan assumed a posture of innocence with regard to these happenings. On 1st September, the Government of Pakistan threw off this posture and put in its regular forces in the shape of a massive armed attack in the Chhamb sector of our State of Jammu & Kashmir. This

[Shri Y. B. Chavan]

attack was mounted with a large force of infantry and tanks and accompanied by air cover. Naturally, we have had to repel all these attacks and our armed forces have been giving an exceedingly good account of themselves, notwithstanding the difficulties which they had to face.

We have, as I informed Hon'ble members earlier, had to carefully watch the developing situation and have had to take an overall view of the defence of the country.

On the afternoon of 5th September Pakistani aircraft intruded across the International boundary at Wagan near Amritsar and fired rockets at an Air Force Unit. Anti-aircraft action drove them away. This violation was reported but there were further violations over the same border by the Pakistan Air Force and it was quite apparent that Pakistan's next move was to attack Punjab across the International border. The indication that this was going to happen was building up over some time. In order to forestall the opening of another front by Pakistan, our troops in the Punjab moved across the border in Lahore Sector for the protection of the Indian border.

In the Kashmir Sector in Chhamb, violating the International border, Pakistan came across with a large number of Patton and Sherman tanks, supported by both heavy and medium Artillery. We repulsed these attacks and have taken positions in the vicinity of Jaurian where we have held the enemy. The position is well and strongly held and the strategic importance of it is fully realized. I would like to say that in the last 24 hours we have destroyed three more Pakistani Sherman tanks. Fighting is still going on and two positions into which the enemy had infiltrated have been cleared of the enemy.

In the Valley and along the Cease Fire Line, within the last 24 hours the

situation has been generally quiet. I would like to bring to the notice of Hon'ble Members action taken two days ago at North of Tithwal where our troops occupied three Pakistani positions which were overlooking us and covering the road to the Northern Sector intensively used by the infiltrators.

Our aircraft carried out a number of sorties over West Pakistan this morning and attacked a number of military installations including a goods train carrying military stores and inflicted considerable damage. All our aircraft returned safely.

We have taken the decision to effectively repel Pakistani aggression in the full knowledge that the whole nation, irrespective of party alignments, is one with the Government in this matter. The Prime Minister has received the fullest assurances from all quarters in this regard. I am sure Hon'ble Members and the country will show appreciation of the great gallantry with which our Army has been fighting against odds in our State of Jammu and Kashmir, in extremely difficult terrain as in the Kargil and Hari Pir areas. The House is undoubtedly also proud of the performance of our boys in the Air Force who have destroyed several Pakistani Sabre jets. I have no doubt now that our Armed Forces will give a worthy account of themselves.

12.16 hrs.

STATEMENT RE. PUNJABI SUBA

The Minister of Home Affairs (Shri Nanda): Sir, it is natural for the House to be concerned about the recent developments arising from Sant Fateh Singh's intention to fast from September 10 to achieve Punjab Suba and to immolate himself on September 25, if it was not conceded by then and also from Master Tara Singh's repeated demand for an "independent and self-determined status within the Indian Union".

I have already laid on the Table of the House the record note of Prime Minister's talks with Sant Fateh Singh. As has been made clear by the Prime Minister both during his talks with Sant Fateh Singh and in his speech in Rajya Sabha on August 24, no efforts would be spared by Government to remove the sense of grievance from the mind of Sant Fateh Singh in regard to the language question and the functioning of regional committee. The Prime Minister had also assured Sant Fateh Singh that the question regarding the regional formula, sacri-lege cases, amendment of the Gurudwara Act and other points would be looked into and that if there was any shortcoming or deficiency, he would see to it that things were put right. The Government is also prepared to associate Sant Fateh Singh's representative with an inquiry that may be instituted or with any other step that may be taken to remove his complaints.

It may be recalled that in recent years, several steps have been taken to arrive at an amicable arrangement for meeting the needs of the Punjabi speaking region and the Hindi speaking region of the Punjab State. Controversy over the reorganisation of the Punjab State was at rest in 1956, when the Government of India evolved the Regional Committee scheme in consultation with the Akalis. The demand for a Punjabi speaking State was, however, taken up again and on this issue Sant Fateh Singh entered upon an indefinite fast on the 18th December, 1960. The late Prime Minister, Pt. Jawaharlal Nehru, made a statement on the 8th January, 1961, in the course of which he declared, "The Punjab itself is, broadly speaking a Punjabi Suba as it is with Punjabi as the dominant language there.

(ਸ੍ਰੀ ਚਾਰੰਗ ਸਿੰਘ ਸਿਧਾਂਤੀ : ਕੇਵਲ ਪੰਜਾਬੀ ਖੇਤਰ ਦੇ ਹੀ ਸਾਰੇ ਪੰਜਾਬ ਹੋਣ ?) It is true that some parts of the Punjab have Hindi; but essentially Punjabi is

the dominant language and it should be encouraged in every way."

Sant Fateh Singh gave up his fast on receiving the following telegram from Master Tara Singh:

"Am satisfied with today's speech of the Prime Minister at Sardarnagar. Request you to break your fast. It fulfils the requirements of your vow."

The agitation was then withdrawn.

The demand for a Punjabi Suba has now been revived by Sant Fateh Singh. It seems to stem mainly from a sense of dissatisfaction with the manner in which the previous undertakings have been implemented. The Prime Minister's assurance that effective steps will be taken for the redress of grievances and the full implementation of arrangements agreed upon earlier should meet the needs of the situation. Sant Fateh Singh, however, persists in the demand for the creation of the Punjabi Suba. I may submit that recourse to fasts and counterfasts to exert pressure on the Government to accept or reject a demand should be avoided; otherwise it will not be possible for the Government to carry on normal administration and discharge its responsibilities to the people. A considerable element of the population in the Punjab insists that a separate State should be formed for the Punjabi speaking area on the linguistic basis. There is also a considerable section which is strongly opposed to the adoption of such a course. Strong sentiments of any section of the people have, however, to be given consideration.

The whole question can be examined afresh with an open mind. Government would be prepared to have further talks on the subject. We may hope that a cooperative solution will be discovered based on

(Shri Nanda)

goodwill and a reasoned approach. The final test of the good of the various sections in conformity with the national interest should prevail. In these discussions, all unresolved matters can be taken up. For this, an atmosphere of goodwill and amity should be created.

I would urge that the present is not the time for doing anything which may deflect the energy of the Government and the people from the task of facing the very serious threat to our security from across our borders. As the House is aware, our security forces are engaged in dealing with the armed infiltrators from Pakistan and attacks by Pakistani armed forces and we are facing a situation with very serious possibilities. Important developments are taking place now. I hope, the House will join me in an appeal to Sant Fateh Singh to give up the proposed action and to join in the mighty effort the country is putting forth for thwarting Pakistan's aggression and the preservation of the integrity and independence of India.

It is not necessary for me at all to say much about the stand of Master Tara Singh. No demand which impinges in any manner on the sovereignty and territorial integrity of the country can possibly be given any consideration. I am confident that all the people of India, and among them Sikhs have a notable and honoured place, will wholeheartedly endorse Government's views on this vital matter.

Shri Surendra Pal Singh (Bulandshahr): From the statement just made by the hon. Home Minister, would I be correct in understanding that the Government of India is not rejecting consideration of this entire question of a Punjabi Suba on the basis of the linguistic principle?

Shri Nanda: It is clear from what I have already said that we are prepared to discuss and consider this ques-

tion in all its aspects. It is obvious, therefore, that we are not ruling out any arrangement or proposal on the ground of any objection to the principle of adopting the linguistic basis in dealing with this question, but I may add that several aspects and implications of various proposals which are made in this connection will, however, have to be studied and discussed.

श्री यशपाल सिंह (कौता) : क्या मैं सरकार से यह जान सकता हूँ कि यह बातचीत के लिए दरबाजा कब तक खला रखा जायगा और यह मसला कब तक हल हो जायेगा ?

Shri Nanda: I am not in a position to specify the period. The process can start immediately, subject, of course, to the exigencies of the national emergency created by Pakistan aggression in Kashmir. It will be our effort to settle the question as quickly as possible.

Shri D. C. Sharma (Gurdaspur): May I know if the Government, as stated in the statement, will open the door for negotiation not only with those who make a demand for the Punjabi Suba, but also for those, as stated in the statement, who are strongly opposed to this kind of thing? May I know, what kind of *modus operandi* the Government is going to evolve so that both the sides of the question can be considered, as the hon. Minister said, in a dispassionate, reasonable and objective way?

Shri Nanda: It is going to be, as I said, a co-operative solution. Therefore, every one who is concerned will certainly have an opportunity to participate in the process.

श्री प्रहलादबीर शास्त्री (बिठौर) : हिन्दू और सिख दोनों एक वक्त्र की दो बाजाएँ हैं, दोनों के पारिवारिक और

सामाजिक राष्ट्रिय भावना में इनके प्रतिष्ठित हैं जिन शरीर में खूब और मांस का संबंध रहता है और दोनों को ही संत जी के इस असामायिक भ्रनशन से और मास्टर तारासिंह की धमकी से पंजाब में बड़ा कण्ट है मगर जैसा श्री गृह मंत्री जी ने संत जी से संकटकालीन परिस्थिति में भ्रनना भ्रनशन त्यागने की अपील की है तो क्या साथ ही साथ वह यह भी प्राश्वासन इस सदन के द्वारा पंजाब के उन प्रतिनिधियों को या उन लोगों को दे सकेंगे कि देश में संकटकालीन स्थिति समाप्त होने पर, वातावरण शांत होने पर दोनों ओर के प्रतिनिधियों को बुलाकर बात करेंगे और समस्या का कोई समाधान देंगे।

Shri Nanda: I am thankful to the hon. Member. I would welcome a meeting with the representatives of Sant Fateh Singh to be able to explain to them the value and significance of what has been stated. I am sure that all that is known about the present situation and what has been stated here, these should enable Sant Fateh Singh to give up his intention to go on a fast.

श्री हुकम चन्द कछराय (देवास): इस समय हमारे देश में काफी संकट है ऐसी परिस्थिति में मैं इस संबंध में कुछ नहीं पूछना चाहता।

श्री गुचराम (भटिंडा): सिकखों के साथ घन्याय करने से देश के बाहुबल की बहुत हानि होती है और यह देश विद्रोह है इसलिए जो पंजाब का वर्तमान रूप है उस के पंजाबी क्षेत्र को पंजाबी सूबा क्यों नहीं घोषित कर सकते और ऐसा करने में सरकार को क्या रुकावट है?

श्री नन्दा: मैंने जो कुछ कहना था वह मैं कह चुका हूँ।

Shri Kapur Singh rose—

Mr. Speaker: I cannot allow; if I allow him now and make a departure, it will open up the floodgates.

Shri Kapur Singh (Ludhiana): Would it be proper to stick to the formalities of procedure on a grave occasion like this? If I am permitted to say a few words, I am sure the matter which is before the House will be better understood than it would otherwise be.

Mr. Speaker: Some other opportunity might be taken. I will be putting myself in a very awkward position.

Shri Kapur Singh: It will be unfortunate if you stick to the letter of the procedure and do not go into the spirit of the procedure.

Mr. Speaker: If I start allowing one Member, I would open the floodgate.

Shri Kapur Singh: It is a matter of vital concern to those whom I represent here.

Mr. Speaker: If he just finds another proper recourse or some other method I will certainly try to help him.

Shri Kapur Singh: This is the proper psychological moment.

Mr. Speaker: If the House wants me to make a departure....

Some hon. Members: No.

Shri Nanda: I shall invite him to meet me immediately after this and I shall have a talk with him.

Shri Kapur Singh: If in this august House I am not allowed to say even a few humble words to the representatives of 440 million people of India, I have nothing more to say; that is enough for my case.

श्री बूटा सिंह (मोगा) : अध्यक्ष महोदय, मैंने एक बात निवेदन करनी थी ।

अध्यक्ष महोदय : चूंकि आपका नाम नहीं था इसलिए मैं आपको इजाजत नहीं दे सकता हूँ ।

श्री बूटा सिंह : जिस प्रश्न के ऊपर चुनाव लड़कर हम लोग यहां पार्लियामेंट में आये हैं उस पंजाबी सूबे की चर्चा हम इन हाउस के अन्दर न करें यह कैसे हो सकता है ?

अध्यक्ष महोदय : अब आप यह भी देखें कि जहां आप महसूस करते हैं वहां ही और लोग भी महसूस करते हैं और मैं भी करता हूँ लेकिन जो एक यहां कार्यवाही चलाने का हमने ज़मान व कायदा बना रखा है उस को कायम रखने में मैं आप की मदद चाहता हूँ ।

श्री बूटा सिंह : अध्यक्ष महोदय, मैं यह सोच रहा था कि शायद होम मिनिस्टर साहब के स्टेटमेंट से कोई हल निकलना है या गिविंग में कुछ सुधार होने वाला है मगर बड़े अफ़ोस के साथ कहना पड़ता है कि इन से न तो कोई हल निकलता है न वर्तमान स्थिति में कोई सुधार हो सकता है । केवल चार दिन बाकी रह गये हैं जबकि संत जो आमरण बात शुरू करने वाले हैं और एक मनेबा अगर व्रत शुरू हो गया तो वह टूट नहीं सकता है इसलिए इस गम्भीर स्थिति को देखते हुए मैं गवर्नरेंट से दरखास्त करता हूँ कि वह पंजाबी सूबे की घोषणा कर दे ।

Shri Kapur Singh: I shall say in just half a dozen sentences, what I want to say.

Shri Ranga (Chittoor): We may have a discussion this evening.

Mr. Speaker: This evening? I cannot say. If some notice is there it

can be considered. That is what I am telling him again and again.

श्री बूटा सिंह : परिस्थिति बड़ी गम्भीर है केवल चार दिन रह गये हैं व्रत शुरू होने में । अदिलभ इस पर विचार होना चाहिए ।

अध्यक्ष महोदय : आपको नोटिस भेजना चाहिए ।

श्री बूटा सिंह : एक बात....

अध्यक्ष महोदय : मैं अब बिल्कुल इजाजत नहीं दे सकता और अब आप बैठ जायें । मेरा मना करते रहने के बावजूद भी आप को जो कुछ कहना था आपने उरत कह लिया है ।

12.30 hrs.

BUSINESS ADVISORY COMMITTEE THIRTY-NINTH REPORT

The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House agrees with the Thirty-ninth Report of the Business Advisory Committee presented to the House on the 3rd September, 1965."

Mr. Speaker: I shall now put the motion to the vote of the House.

12.30½ hrs.

STATEMENT RE: PUNJABI SUBA— contd.

Shri Ranga: Sir, I would like to make a suggestion. In the light of the statement made by the hon. Home Minister and the strong feelings expressed by some of the hon. Members, I would like to suggest that the Government themselves would take the earliest possible opportunity of

giving a chance for this House to express itself in regard to this particular matter that is agitating all the people in Punjab pertaining to the threatened fast of Sant Fateh Singh in regard to the demand for a Punjabi Suba. It is in the interests of the country as a whole and this Government in particular that they should take the earliest possible opportunity in this House to have a discussion at least for one day, and then ascertain the views of the people as reflected in this House also.

श्री बूटा सिंह : अध्यक्ष महोदय, मैं इसी सिलसिले में कुछ प्रश्न करना चाहता हूँ ।

अध्यक्ष महोदय : यह तो गवर्नमेंट ने कनसिडर करवा है । माननीय सदस्य ने गवर्नमेंट को कहा है । वह इस को कनसिडर करेगा ।

12.32 hrs.

BUSINESS ADVISORY COMMITTEE
—contd.

THIRTY-NINTH REPORT—contd.

Shri Daji (Indore): Sir, I want to say a word about the motion that has just been moved. Only two hours have been set apart for the discussion of oil policy. If the discussion is to be in anyway fruitful, more time should be allowed for that. Two hours for oil policy will not give even five to seven minutes to each Member. Even important groups will not be able to speak. Therefore, at least four hours should be the minimum that would be required for discussing the oil policy. Otherwise, the discussion will not be fruitful.

Shri Satya Narayan Sinha: The time has been decided by the Business Advisory Committee. I have no objection if the House wants to extend the time.

Mr. Speaker: I am told that the

allotment for the discussion of oil policy is not here.

An hon. Member: It is for Thursday. Is that not here?

Mr. Speaker: It does not contain the time for oil policy.

श्री बूटा सिंह : अध्यक्ष महोदय मैं इसी प्रश्न के बारे में प्रश्न करना चाहता हूँ । मैं जाना कि आचार्य रंगा ने कहा है, यह बहुत महत्वपूर्ण विषय है । मिनिस्टर साहब ने इस विषय का प्रोग्राम एराउन्ड किया है । हम चाहते हैं कि अगर आप इजाजत दें, तो यात्रा होना के बारे में थोड़ा सी चर्चा हो जाये । अगर आप इस की इजाजत दें, तो आप की बहुत मेहरबानी होगी ।

अध्यक्ष महोदय : मेम्बर साहब जानते हैं कि अगर कोई डिस्कशन रख करना हो, तो उस के लिए नोटिस देना पड़ता है । अगर मेरे सामने कोई बाकायदा नोटिस हो, तो मैं उस को देख सकता हूँ । वरिष्ठ किसी नोटिस के कोई डिस्कशन करना हो सकता है ? श्री रंगा ने गवर्नमेंट को कहा है । या तो गवर्नमेंट खुद यह डिस्कशन लाये और या कोई मेम्बर साहब नोटिस दें । इन दोनों में से एक बात होनी चाहिए । मैं अपने आप कभी कोई डिस्कशन ला सकता हूँ ?

श्री बूटा सिंह : आप हमारी तरफ से गवर्नमेंट को रिक्वेस्ट करें ।

Shri Satya Narayan Sinha: Government will consider the suggestion which has been made.

श्री इकबाल सिंह (फ़ीरोज़पुर)

अध्यक्ष महोदय, मिनिस्टर साहब ने बहुत अच्छे माहौल में प्रपोज की है । माननीय सदस्य इस प्रपोज के अमर को रखने दें । इन वक्त हमारे मुल्क पर हमला हो रहा है और सड़कें ही रही हैं । इसलिए माननीय सदस्य को सारी बातों को सोच कर बात

[श्री रफ़वाल सिंह]

करनी चाहिए। आखिर हमारा मुल्क सब
उं बड़ा है। माननीय सदस्य इस माहौल
। खराब क्यों करना चाहते हैं ?
(Interruptions).

श्री बपूर सिंह : माननीय सदस्य को
फंसे पा है कि हम उस माहौल को खराब
करना चाहते हैं। हम माहौल को खराब
नहीं करना चाहते हैं। यह तो उन के मन
में है कि हम माहौल को खराब करना चाहते
हैं। हम तो माहौल को बेहतर बनाना चाहते
हैं। (Interruptions)

Mr. Speaker: The question is:

"That this House agrees with the
Thirty-ninth Report of the
Business Advisory Committee
presented to the House on the 3rd
September, 1965."

The motion was adopted.

12.34 hrs.

ALIGARH MUSLIM UNIVERSITY
(AMENDMENT) BILL—contd.

Mr. Speaker: The House will now
resume consideration of the following
motion moved by Shri M. C. Chagla
on the 3rd September, 1965, namely:

"That the Bill further to amend
the Aligarh Muslim University
Act, 1920, be passed."

श्री यशपाल सिंह (कैरना) : अध्यक्ष
महोदय, मैं आप से क्षमा चाहता हूँ कि मेरी
किसी एजेंडेगन की वजह से हाउस को
तकलीफ पहुंची। मैं बिल्कुल नया आदमी
हूँ। आप ने मुझे सत्रह बजे पहले बुला लिया।
मेरा इजाल यह था कि.....

अध्यक्ष महोदय : प्राइंर, प्राइंर।
माननीय सदस्य जरा ठहर जायें।

Shri Raghunath Singh (Varanasi):
Sir, again the Minister of Parliamen-

tary Affairs is here, away from his
seat.

The Minister of Communications
and Parliamentary Affairs (Shri Satya
Narayan Sinha): He has raised a
point and I would like to reply to it

Shri Raghunath Singh: He is not in
his seat. He cannot speak

Shri Satya Narayan Sinha: I can
speak from anywhere.

Mr. Speaker: Order, order.

The Minister of Education (Shri M.
C. Chagla): Sir, the matter has been
discussed at very great length. So,
some time-limit should be fixed. I
submit that I have to leave for New
York this afternoon, and I shall be
very grateful to this House. . . .

Mr. Speaker: One hour may be
enough, I think.

Shri M. C. Chagla: I thought half-
an-hour would be sufficient. I has
been discussed three hours. I would
not take more than two minutes.

Mr. Speaker: Whatever the time
that was allotted has been spent and
I have allowed every opportunity to
everyone that I should conceive of.

श्री यशपाल सिंह : अध्यक्ष महोदय, मुझे
बीस मिनट मिलने चाहिए।

Shri M. C. Chagla: I would not
take more than two minutes to reply.
I do not want to say anything more.

Mr. Speaker: One hour should be
enough. Those who have already
spoken should not try to speak. Be-
cause Mr. Yashpal Singh had a grievance
that he was not allowed to reply,
I have called him first. He will have
10 minutes.

Shri Satya Narayan Sinha: May I
say a word, Sir? Twice or thrice it
has happened—today also it has hap-

pened—that some of my friends said that I am in the midst of everybody. In the House of Commons, Sir, the Chief Whip is always considered to be invisible. Other men's movements are noticed, but he is not noticed. The nature of the work I have to do is such that sometimes I have to move like the fire-brigade, which has no rules to observe. I would, therefore, request you to consult what happens in other Parliaments. In the Mother of Parliaments, the Chief Whip is considered to be invisible.

Shri Surendranath Dwivedy (Kendrapara): But he is also Minister of Communications.

Mr. Speaker: That is exactly what I was going to say. We cannot lower the status of our minister. In other parliaments, it is only the Chief Whip who is invisible. But here we have got a Minister for Parliamentary Affairs. How can he be invisible? At that moment, my observation was that the minister is a privileged person. I implied that he has to move sometimes in connection with his business. But I have also to request him that he should conduct his business in such a way, his movements should be such that they should not be so much noticed and so prominent.

श्री यशपाल सिंह : अध्यक्ष महोदय, मैं आप का बहुत आभारी हूँ कि आप ने मुझे बोलने का मौका दिया। मेरे पचास मिनट इन इन्टरपोज में खत्म कर दिये गये थे। इसलिए इस वक्त कम से कम पच्चीस मिनट दे दिये जायें। साथ ही मैं आप से यह भी दरखास्त करना चाहता हूँ कि मैं बिस्कुल नया भादमी हूँ। जो बात मेरे कहने की थी, वह अध्यक्ष महोदय ने कह दी। मेरा फर्ज यह था कि मैं खड़े हो कर एगलेंजाइज करता। मेरे कारण इस हाउस में जो अन-प्लेजन्स आ गई, उस के लिये अध्यक्ष महोदय, मैं आप से, इस सदन से धीरे डिप्युटी स्पीकर साहब से एगलेंजाइज करता हूँ। आप ने जिस तरह मुझे धरमिन्दा किया है,

उस को देखते हुए मैं आप को बचन देता हूँ कि धरमिन्दा मेरी तरफ से कोई ऐसी कार्यवाही नहीं होगी।

मैं आप से धीरे धीरे आप के द्वारा माननीय शिक्षा मंत्री से यह जरूर कूंगा कि इन तीन सालों में आज तक मैंने किसी भी मेम्बर के बोलने के दौरान में बेक या इन्टरप्ट करने, किसी को इन्डिग्न करने या किसी के मामले में कोई गड़बड़ करने की कोशिश नहीं की है। मैं माननीय शिक्षा मंत्री से यह जरूर प्रार्थना करता हूँ कि जब तक मैं बोलूँ, तब तक मुझे बीच में इन्टरप्ट न किया जाये, क्योंकि मेरे पचास मिनट पहले ही इन्टरपोज में खत्म हो चुके हैं।

अध्यक्ष महोदय, जिस तरह से आप ने बीच में आ कर शालीनता, सौष्ठव और कल्चर के साथ हमारे इस विवाद को निपटा दिया है, मेरा अपना ख्याल यह है कि अगर फर्लीगड यनिवर्सिटी के वाइस चांसलर साहब उस यनिवर्सिटी के मामले का शांति के साथ, बर्षों के प्रति प्रेम और प्रोफेसरों के प्रति एकेशन रखने हुए निपटाना चाहते, तो वह जरूर निपट जाता। मैं निवेदन करना चाहता हूँ कि फ्रीहण्ड साहब में हमारे स्वर्गीय प्रधान मंत्री जी के साथ ज्यादाती हुई। वहाँ पर स्वर्गीय पंडित जवाहरलाल नेहरू के साथ मास्टर तारासिंह की पार्टी ने ज्यादाती की, मास्टर तारासिंह की पार्टी ने उन की इज्जत पर हमला भी किया और पंडित जवाहरलाल नेहरू को बगैर बोले हुए, बगैर स्पीच दिये हुए, इस हाउस में बापन भाना पड़ा। अगर पंडित नेहरू राष्ट्रपति जी से जा कर यह कहते कि पहले पंजाब के गवर्नर को बरखास्त करो, फिर पंजाब के कमिश्नर को बरखास्त करो, फिर पंजाब के गवर्नमेंट को बरखास्त करा, तब मैं प्र इम मिनिस्टर रह सकूंगा, तो क्या यह उन के कहने योग्य बात थी? एक बड़े भादमी के लिए यह बात संभा नहीं देती। लेकिन वहाँ पर बड़े गरीब के साथ हमारे शिक्षा मंत्री जी यह ऊरमाते

[श्री यशपाल सिंह]

हैं कि श्री अर्ल दाधर जंग ने कहा कि जब तक अल्लो गढ़ यूनिवर्सिटी का कॉन्स्टीट्यूशन म्यूटिसिल न किया जायेगा, जब तक वहाँ की एग्जीक्यूटिव कौंसिल को बरखास्त नहीं किया जायेगा, जब तक वहाँ की कौर्ट को काम करने से नहीं रंका जायेगा, जब तक इस बारे में प्राविनेंस लागू नहीं किया जायेगा, तब तक वह वहाँ वापस नहीं जा सकते हैं। यह बड़े आदिमियों के लिए कभी भी शोभा नहीं देता है। बड़े आदिमियों को शोभा यही देता है कि वे अरबों में एजेन्शन के साथ काम करें, प्राफेसर्स को प्रेम के साथ सम्भालें और सब को साथ ले कर चलें। हिन्दुस्तान में और भी यूनिवर्सिटियाँ हैं। हमारी रङ्गी की यूनिवर्सिटी सबसे बड़ी यूनिवर्सिटी है। वह संतार भर में सबसे बड़ी है। उस यूनिवर्सिटी के वाइस चांसलर साथ जब निकलते हैं तो शहर के लोग जर्नल चूमते हैं, उनके पंरों की धूल को अपने माथे पर लगाना चाहते हैं। दारुन उल्म, देवबन्द की यूनिवर्सिटी इस्लामी काल्चर की सब से बड़ी यूनिवर्सिटी है। उस यूनिवर्सिटी के सब से बड़े आदिमी मौलाना कारी मुहम्मद तैयब साहब जब चलते हैं तब लोग उन के दर्शनों के प्यारे रहते हैं, उनके दर्शन करने धरो से बाहर निकल आते हैं। वहाँ का हर फर्द और बर्र उनका इज्जत करता है, उनका सम्मान करता है। हर एक का सम्मान उनको हासिल है। जब वे चलते हैं तो ऐसे मालूम होता है जैसे किसी सल्तनत का राजा चल रहा हो। पुजायियों की तरह लोग उनके दर्शनों के लिए ब्याकुल रहते हैं। अलीगढ़ मुस्लिम यूनिवर्सिटी के वाइस चांसलर कब तक संगीनों के साथे में वाइस चांसलर रह सकेंगे? मैं पूछना चाहता हूँ कि जब जनता का प्रेम उनके साथे नहीं है, वहाँ यूनिवर्सिटी की जो सब से बड़ी ताकत है अर्थात् लड़के, प्रोफेसर, स्टूडेंट्स, स्टाफ, वे उन्हें नहीं चाहते हैं तो प्राविनेंस के सहारे उनको कब तक वहाँ धाप कायम रख सकते हैं। कब तक

उनको वहाँ वाइस चांसलर संगीनों के साथे में बनाये रख सकते हैं? मैं शिक्षा मंत्री से कहना चाहता हूँ कि यूनिवर्सिटी की सब से बड़ी चीज होती है, वाइस चांसलर के प्रति लोगों का एक्शन, सब से बड़ी चीज होती है वाइस चांसलर का विरिद्विर। अगर वह ठीक नहीं होता है, अगर प्रेम भावना नहीं होती है, अगर एक्शन नहीं होता है तो संगीनों उसको कायम नहीं रख सकते हैं।

हरम सगा की डिफरन्स को वेग ही न रही काम देगें; ये चिलमन की तं निना कब तक

हमारे शिक्षा मंत्री जिस दख्त बम्बई में चीफ जस्टिस थे उसा वक्त उन्होंने क्या फौला दिया था, उसको वह देखें। आज वह चीफ जस्टिस नहीं हैं वरिफ मिनिस्टर बन गये हैं। लेकिन उस समय जब वह चीफ जस्टिस थे उन्होंने एन फौले में कहा था :—

"Under Art. 30(1) not only is a minority given the right to establish and administer educational institutions, but the educational institutions must be of their own choice. It is not open to the State to dictate to a minority what the nature of educational institutions should be. What a citizen enjoys in a democracy and what he values most is liberty of thought, and it cannot be disputed that one simple and easy method of controlling thought is to control the education of the young."

मैं पूछना चाहता हूँ कि चीफ जस्टिस का जब यह विचार था तो क्या आज उनके मिनिस्टर बन जाने के बाद उनके विचार बदल गये हैं? आज मिनिस्टर छागला जस्टिस छागला नहीं हैं। आज तो वह हाउस को यहाँ तक कहते हैं कि तुम पेश करो और मैं पास कर दूंगा कि अल्लो गढ़ यूनिवर्सिटी में से मुस्लिम नाम भी हटा दिया जाए। वह मुस्लिम शब्द तक को भी हटा देना चाहते हैं। लेकिन वह कोई इलोल ऐसी नहीं दे सके हैं कि क्यों मुस्लिम नाम को हटा कर वह दूसरा नाम

देना चाहते हैं। मैं सर सैमर अइनद खां का ब्यान पढ़ देना चाहता हूँ....

अध्यक्ष महोदय : नाम बताने का अब सवाल नहीं है। अब आप इतनी डिटेल्स में न जायें।

श्री यशपाल सिंह : कोई बात नहीं है। जैसे आप कहें मैं वहीं हो करने के लिए तैयार हूँ। मैं ऐं हो बिना पढ़े बतना देना चाहता हूँ कि सर सैमर अइनद ने इन इंडीट्यूट को इसलिए कायम किया था कि यह मुत्तमानों को रिलिजन को ट्रेनिंग देगी। लेकिन आज हमारे छागला साहब एक भी डाकुमेंट पेश नहीं कर सके हैं, एक भी तारीख पेश नहीं कर सके हैं, एक भी लाजिक पेश नहीं कर सके हैं कि क्यों इस इंडीट्यूशन को मुस्लिम यूनिवर्सिटी न कहा जाए या यह माइनोंरिटीज की इंडीट्यूशन नहीं है।

यहां 42 यूनिवर्सिटीज थीर हिन्दुस्तान में हैं जहां लड़के पढ़ते हैं। अलागड में 35 परसेंट गैर मुस्लिम हैं। थोड़े से हमारे छात्र तालीम हासिल कर सकते हैं। अगर सारे हिन्दुस्तान को देखा जाए तो थोड़े से मुस्लिम छात्र यहां तालीम हासिल कर सकते हैं। लेकिन आज हमारे छागला साहब उनको हटाना चाहते हैं। मैं मंत्री महोदय से पूछना चाहता हूँ कि सिवाय जो हिन्दुओं की मेजरिटी बहां है धीर कौन लोग चाहते हैं उसको जो कुछ आप कर रहे हैं। क्या सारा हिन्दुस्तान इसको चाहता है? जब तक आप हिन्दुस्तान से न पूछ लें, जब तक हिन्दुस्तान की जनता से न पूछा जाए, तब तक इतनी बड़ी यूनिवर्सिटी के ऊपर हाथ डालना ठीक नहीं है, शिक्षा मंत्री को कोई अधिकार नहीं है कि यह.....

श्री बड़े (बारगोन) : प्वाइंट ऑफ ऑर्डर सर.....

श्री यशपाल सिंह : मैं जानता हूँ आपके प्वाइंट ऑफ ऑर्डर को। मैं अब आप बोलते

हैं तो कोई प्वाइंट ऑफ ऑर्डर नहीं उठाता हूँ। मैं चाहता हूँ कि आप मुझे बोल लेने कीजिये और बॉब में इंटरप्ट न कीजिये। इस में कोई प्वाइंट ऑफ ऑर्डर एराइज नहीं होता है।

कानून क्या होता है। कानून जनता की इच्छा होता है। जनता की इच्छा को ही कानून कहते हैं। मैं इन बात को जानता हूँ। हमारे विधान शास्त्रों भी इसी बात को कहते हैं :

"Law is nothing but the will of the people expressed in terms of law."

जनता की इच्छा के बगैर, जनता से पूछे बगैर अलीगड यूनिवर्सिटी के ऊपर हाथ डालने का प्राणको कोई अधिकार हासिल नहीं था। आज भी बहुत सी बातें हो रही हैं। जस्टिस बशीर अहमद सैयद को गिरफ्तार कर लिया गया है। उनको इसलिए गिरफ्तार किया गया है कि श्री अली यावर जंग साहब के साथ नहीं है।

अध्यक्ष महोदय : ऐसी बातें न कही जायें जिन की कानून इजाजत नहीं देता है। उनके ऊपर केस चलेगा। उनको स्टेट गवर्नमेंट ने.....

श्री यशपाल सिंह : मैं छोड़ देता हूँ। मैं जानना चाहता हूँ कि यह नासूर कब तक बना रहेगा, यह जुबाम कब तक चलेगा। सिर्फ छः हफ्ते से यूनिवर्सिटी का एटमोसफीयर बंदा हुआ। छः हफ्ते पहले तक यूनिवर्सिटी ठीक तरह से काम कर रही थी, उसकी सारीक स्वर्गीय पंढित जबाहरसाल नेहरू ने की थी, हमारे वर्तमान प्रधान मंत्री श्री लाल बहादुर शास्त्री ने की थी, सारे संसार ने की थी। मैं जानना चाहता हूँ कि छः हफ्तों में कौन सा ऐसा जहर धा कर मिला गया कि उस यूनिवर्सिटी का सारे का सारा वायुमंडल विनाश हो गया।

[श्री यशपाल सिंह]

मैं कहना चाहता हूँ कि माइनोरिटी के नाम पर नहीं बल्कि देश के सैक्युलरिज्म के नाम पर इतना मामला को लाना जाए। यह जो बिल लाया गया है यह बिल मैन्स था है। इस में माननीय शिक्षा मंत्री ने...

Shri Raghunath Singh: How can he say that it is one man's show? The proposal has been passed by the whole House. We must protest against it.

अध्यक्ष महोदय : ये भ्रमर कोई बात गलत भी कहते हैं तो दूसरों की बारी भी आएगी और वे उसका जवाब दे सकते हैं। इनको मैं कैसे रोक सकता हूँ। उनका जो बहाव है, उसको जरा थल लेने दीजिये। उनको खत्म कर लेने दीजिये।

Shri Bhagwat Jha Azad (Bhagalpur): We are simply protesting in the parliamentary way and saying that he is wrong.

श्री यशपाल सिंह : शिक्षा मंत्री से मेरी अपील है कि बगैर भारत की जनता से पूछे हुए इस वक्त प्रयोगशु बुनियादों को इस तरह से पामाल करने का इरादा छोड़ें। हमारा देश सैक्युलरिज्म को कायम करना चाहता है। इसकी बुनियाद महात्मा गांधी ने डाली थी। उसका आज यह सकारा है कि हम कैसे से कंवा मिलान कर काम करें।

अध्यक्ष महोदय : मेरी प्रार्थना है कि आप कितने भी जोश में आये लेकिन उस तरह के शब्द इस्तेमाल न करें जैसे आप कर रहे हैं।

श्री यशपाल सिंह : जैसा हुआ हो, वैसा ही कहेंगा।

श्री बालकृष्ण शास्त्री : होना में भी हैं।

अध्यक्ष महोदय : ऐसे शब्दों का आपकी प्रयोग नहीं करना चाहिये जैसे "पामाल"

श्री यशपाल सिंह : आपका जैसा हुआ। आसान से आसान शब्द मैं कहना चाहता हूँ, मुलायम से मुलायम शब्द मैं इस्तेमाल करूँगा।

अध्यक्ष महोदय : "पामाल करना" यह इतना मुलायम शब्द नहीं है। यह बहुत खतरा है।

श्री यशपाल सिंह : मैं दरखवास्त करना चाहता हूँ कि इस छंटे से वच्चे के ऊपर आप थोड़ा सा रहम करें। भारत की जनता की इसके मतालिक जहर राय पछें। हम उस सैक्युलरिज्म को कायम करना चाहते हैं जिस सैक्युलरिज्म का बुनियादों पर पत्थर पत्रों की सदी में पांवों गुरु अर्जुन देव जी महाराज ने गोलडन टैम्पल में रखवा था। और हरि-मंदिर का बुनियादों पर पत्थर मिनामंदिर से रखवाया था। हम चाहते हैं कि हिन्दु-स्तान के अन्दर यह बुनियाद कायम रहे, सैक्युलरिज्म कायम रहे। मेरी एक बात समझ में नहीं आई है और मैं ने इनको बहुत जानने की कोशिश की है। यह कहा गया है कि इस बिल में हाउस उन के पोछे है। मैं ने इतिहास पढ़ा है। द्रोपदी का जब चौर खींचा जा रहा था, द्रोपदी को जब नंगा किया जा रहा था तो एक भी बोट दुर्घटना के खिलाफ नहीं थी...

Shri Raghunath Singh: Sir, we have to protest against this. This is incorrect. Such kind of expressions should not be allowed to be used in the House.

Dr. L. M. Singhvi (Jodhpur): It is very wrong to use such expressions. We protest against it.

श्री यशपाल सिंह : द्रोपदी का चौर खींचा जा रहा था, उसकी जो उपना इन्होंने इस हाउस से दी है, इस से इन्होंने सारे हाउस का अपमान किया है। यहाँ द्रोपदी का चौर कोई नहीं खींच रहा है। द्रोपदी

का चीर खींचने वाले यहाँ नहीं बँडे हैं।
 हम हिन्दुस्तान के रिप्रिजेंटेटिव हैं।

श्री यशपाल सिंह : इतिहास की घटना यहाँ नहीं बताई जा सकती है तो मैं उसको नहीं बतलाऊंगा।

श्री बड़े : इनको अपने शब्द दापिस लेने चाहिये।

श्री यशपाल सिंह : मैं उन घटना को नहीं कहता हूँ। मैं वापिस लेता हूँ।

मैं जानना चाहता हूँ कि हिन्दुस्तान की जनता से क्या इसके बारे में पूछा गया है? इसी हाउस में हमारे भाई माननीय प्रकाशचर शर्मा जो ने अयोग मुस्लिम यूनिवर्सिटी के ऊपर इनकार लाये थे। उन इनकारों को एक-एक कर के बच्चों कोटी ने झूठा साबित किया है। कोई भी बात ऐसी नहीं करता हूँ जो लजिक से, मंत्रक से, दल्लल से, पार्लियामेंटरी सिस्टम से अलग हो। इसी हाउस में डा० नरद महमूद पर इज्जाम लगाया गया। मेरे पास वह लेटर है। अगर माननीय शिक्षा मंत्री पढ़ कर उसे सुना दें तबरे हाउस को अंदर में एक लफज भी ऐसा मिल जाये जो अनरिफिक इज हो तो मैं वादा करता हूँ कि मैं इस पार्लियामेंट में बोलना छोड़ दूंगा। लफजों को तंडु मरोड़ कर रखने से कोई फायदा नहीं होगा।

एक बात मैं करना चाहता हूँ कि 75 फी-सदी लड़के अयोग मुस्लिम यूनिवर्सिटी के इंजिनियरिंग की एन्केशन हासिल करते थे। अब उनको 50 फी सदी कर दिया गया है। अब मूझ को बतलाया जाये कि अयोग मुस्लिम यूनिवर्सिटी से निकले हुए जो लड़के होंगे उनको कौन सी यूनिवर्सिटी लेगी। यह तो जगि तरह से है कि
 "To give a bad name and kill the dog"

अयोग मुस्लिम यूनिवर्सिटी को इस कदर बदनाम किया गया है, अयोग मुस्लिम यूनिवर्सिटी को इस कदर डिफेंस किया गया

है कि मेम्बरान का मूह उस का नाम लेने से बाधमा होता है। मैं जानना चाहता हूँ कि 25 फी-सदी लड़के जो यहाँ से निकल कर जायेंगे उन का क्या होगा। जब उन पर अयोग मुस्लिम यूनिवर्सिटी की मूहर लगी होगी तो उन के कैरियर का क्या होगा। बच्चों के कैरियर के इंटेरेस्ट में ऐसा नहीं होना चाहिए। मेरा तात्लुक लड़की यूनिवर्सिटी से है। मैं जानता हूँ अगर एक लड़के का भी कैरियर खराब हूँ जाता है तो उस के मां बाप पर मूसीसत भा जाती है, उस के रिश्तेदारों पर मूसी-बत भा जाती है। जिन बच्चों का कैरियर अयोग मुस्लिम यूनिवर्सिटी में खराब किया गया है वह बच्चे श्रम कर्ता जायेंगे। इसी मूझ के अन्दर हैदराबाद की यूनिवर्सिटी है। हैदराबाद की उस्मानिया यूनिवर्सिटी में एक लड़का भी बाहर भा नहीं लिया जाता। लेकिन अयोग मुस्लिम यूनिवर्सिटी से कहा जाता है कि वह बाहर के लड़के लें।

इसी हाउस में श्री प्रकाशचर शारखी ने जनरल शाहनवाज खां के बारे में बहुत कुछ कहा। जनरल शाहनवाज खां मेरे डिफेंस के मूहताज नहीं हैं, लेकिन अगर उन के बारे में मैं एक बात न कहूँ तो मैं अपनी आत्मा के साथ धोखा करूँगा। जब मैं पकिस्तान गया तब मैंने वहाँ पर सरदार अब्दुरब निस्तर से कहा कि मैं जनरल शाहनवाज खां का गाँव देखना चाहता हूँ। उस गाँव को देखना चाहता हूँ जिसने जनरल शाहनवाज खां जैसा सभूत पैदा किया है जिस की जवाहरलाल नेहरू ने कुछ गाउन पहन कर पँचवी की। जो नेताजी सुभाषचन्द्र बोस का सब से बड़ा जनरल उस का गाँव देखना चाहता हूँ, जिस के लिये पंडित नेहरू ने यह कहा था कि :

"The most efficient General I have seen in my life."

पकिस्तान में सरदार अब्दुरब निस्तर ने कहा :

[श्री यशपाल सिंह]

बताव दिया कि तुम हमारे मेहमान हो यशपाल सिंह, हम तुम को वदश देते हैं, लेकिन पाकिस्तान में जनरल शाहनवाज खां का नाम लेने वाले को हम जेल में डाल देते हैं। जिया गरस के करेक्टर का पाकिस्तान वाले इस तरह देखते हैं, जो पाकिस्तान का का इतना बड़ा दुश्मन है जो नेता जी सुभाष चन्द्र बोस का इतना बड़ा विश्वासपात्र है जो पंडित नेहरू का सच्चा साथी है उस के लिये श्री प्रकाशशर मारव्री हलके सज्र कहें या इस पानियामेंट की तोहीन है। अगर इस यूनियसिटी के लिए कोई जांच होनी है तो मनी दरवास्त है कि इस मामले को जनता की अदालत में लाया जाये। इस मामले को जस्टिस चागला पर न छोड़ा जाये बल्कि जनता की अदालत में इसे ले जाया जाये।

मैं सच्चे दिल से अगिल करता हूँ कि श्री चागला इस बिल को वापस लें और इस को दियासलाह के हवाले करें और इसकी राख भी भारत की भूमि पर नहीं रहनी चाहिये।

अध्यक्ष महोदय : माननीय सदस्य बुधालिपत कर सकते हैं लेकिन जो चीज पार्लियमेंट में तय हो गई है उस के लिये दियासलाह के हवाले करने की बात करना सामुनासब बात है।

Shri H. N. Mukerjee (Calcutta Central): Mr. Speaker, Sir, I shall be very brief. Actually, I had no intention of taking part in this debate but having read the report of the discussion in this House I am rather disturbed by much of what is being said both in support of Shri Chagla's position and against him. That is why I wish him even at this stage to reiterate emphatically certain assurances which he has given and also to try to remove certain misapprehensions which obviously have been created.

There is a misgiving in many Muslim minds, whether rightly or not is a different matter, that the special character of Aligarh is likely to be violated under the new arrangement. Shri Chagla has been a judge and you, Sir, also have been in that elevated position and you know of the judicial maxim that justice should not only be done but it must also appear that it is being done. It is the Government's responsibility to assure Muslim opinion all over the country that this apprehension is wrong.

I know that Shri Chagla is right in so far as he is trying to put a real, secular, democratic complexion to Aligarh University; but if this misapprehension has arisen in the minds of many people about all of whom we cannot be sure that they are reactionaries, then certainly something more has got to be done about that. That is why I say that a regular Bill has got to be brought forward as soon as ever that is possible. If it is possible, in the very next session let this Bill be brought forward. No avoidable delay should take place.

We have swallowed a bitter pill—the principle of nomination and all that kind of thing, the exclusion of representatives of teachers in the court and the executive council and so many other items into which I need not go; but we have swallowed a bitter pill only for the time being so that the regular medicine follows a little later.

I wish also to say that it is time when we discuss a matter of this sort that Muslims and Hindus and all, we remind ourselves of the role of Aligarh University in the context of the composite culture of our country. Aligarh has been a symbol cherished by Muslims no doubt, more than by other people in India, but it is cherished also by the rest of the Indian people. In the traditions of Aligarh there have been many bad things—no doubt about it; good and bad are mixed together as far as the traditions of Aligarh

garh or of any other comparable place are concerned. But we cannot forget that in the great days of non-cooperation men of Aligarh came out and started a national Muslim University. We cannot forget that Mohammed Ali, Shaikat Ali, Khan Abdul Ghaffar Khan, Hasrat Mohani, Mukhtar Ahmed Ansari, Rafi Ahmed Kidwai, Zakir Hussain and Hafiz Mohammed Ibrahim. . . .

An hon. Member: Raja Mahendra Pratap.

Shri H. N. Mukerjee: . . . and Raja Mahendra Pratap have all been brought up in Aligarh.

Besides, Aligarh is not merely a foundation set up by the minority community. It is a foundation which the whole country has taken to its heart and that is why today we find 1,625 non-Muslim students and 130 foreign students from 23 different countries in Aligarh. The reputation of Aligarh is not merely the responsibility of the Muslim community. The reputation of Aligarh is something which the entire country has got to look after. Therefore it is very important that more positive efforts are made towards the cultural integration of Muslim and Hindu students residing in the hostels.

I should also like to say in this regard that Muslim opinion in our country has a special responsibility in trying to point out the position of Aligarh in the totality of Indian life. I find Pakistan exploiting against us the international freemasonry of Islam and we should try to counter it and say that here in this country Islam has found a hospitable home; this is the one country in all the world where Islam has found itself in a position to become acclimatised and that is why we have got this total composite culture. Islam has its uniqueness—no doubt about it. Our unity is not a rigid structure; it is a unity in diversity but the uniqueness of Islam with its militant affirmations has come to terms with the infinite eclecticism of

Hindu thought and the result has been the creation of a composite culture which at least we should try to tell the world that we really and truly cherish.

The Muslims in the country should also perhaps in fairness to the Government remember that apart from Aligarh we have the Jamia Milia Islamia, the Khudabaksh Research Library which Shri Chagla is going very soon to elevate to the status of a university, the Dar-ul-Alam at Deoband to which reference was made by Shri Yashpal Singh; we have the seminaries at Lucknow, Saharanpur, Azamgarh and Hyderabad; we have faculties of Islamic history and culture in different universities. "Islamic Culture" is the name of a periodical brought out by Osmania University's Oriental Publications Division which is known all over the world. These are matters which we should utilise in the counter-propaganda against Pakistan's telling all the world that here in India Muslims are an oppressed minority. I know that the Muslims have their grievances and I have not hesitated to point out the grievances of Muslims when I have found them to suffer in spite of the secular democracy which we have got, but that is no reason for yielding to Pakistani counter-propaganda which is winning friends for them today. Even in the present situation they are telling all the world that Islamic culture is ignored in India. As a matter of fact, in spite of whatever one might think about this particular piece of legislation, there are in this country institutes of Islamic learning which can compare with their prototypes anywhere in the world. And I say this because I am convinced and I am sure this House will agree that the Muslims in India have never been an alien element. The impact of Islam has never violated the integrity of Indian life. A stupendous man like Amir Khusro, for example, said, "I am an Indian Turk and I can reply to you in Hindawi"—that was the language—and he said, "As I am a parrot of India, ask me something in Hindawi that I may talk sweetly."

[Shri H. N. Mukerjee]

He said, in the fourteenth century, "Do you know why the air of this country is hot?"—he was referring to Delhi in his famous ghazal—"It is because of the wormth of loyalty and devotion that the sun demonstrates towards this country."

13 hrs.

In the grand days of non-cooperation when at Gandhiji's magic call, Hindus and Muslims and all came together, what do we find. A grand team of Muslims who were national leaders of this country, men like Hakim Ajmal Khan, Mohammad Ali, Shaukat Ali and Maulana Abdul Kalam Azad, were leaders of all, not merely of Muslims or Hindus in the separatist fashion, the leaders of everybody. I am reminded of a Muslim who was talking of the grievances of the Muslim community, proclaiming his loyalty to India in terms which have struck in my memory. He said, when a Hindu dies, his body is burnt and the ashes are thrown into the river to be carried by the current—God knows where—but when a Muslim dies, he wants six feet by three of Indian soil; and he belongs to India in life as well as in death.

What has happened in Kashmir? Who is fighting in Kashmir? Only the other day, Mr. Dwivedy, who is not here, told us in this House that he went to Kashmir, that he went to the hospitals, to see some of those injured army men, and everybody he talked to was a Muslim. Who was the first Indian who, in free India, got the Param Vir Chakra? It was Brigadier Usman, brother of a dear friend of mine, who was the first recipient of the Param Vir Chakra. He gave his life for his country. Greater love than this hath no man than that he gave his life for his country. This is how the world goes on; this is how our country goes on; this is how, in our country, Hindus and Muslims and all have to combine. Let us forget footling little differenc-

es; let us forget the differences we have in regard to small matters here and there; let us forget what particular things we can bring up against Government on particular issues. But the issue that matters is: let us remember that India is one and we have got to fight together. For that purpose, let us purge the Aligarh institution of its dross and keep the Aligarh institution as a shining example just as we should keep the Banaras institution also as a shining example of the totality of Indian culture where the uniqueness of different trends of life and thought have come together in a beautiful stream. For that purpose, I want Mr. Chagla to reiterate more emphatically some of the assurances he has given and to seek to remove persistently, by repeated effort, the mis-giving which continue in the minds of many Muslims in our country, all of whom I am not ready to brand as reactionaries, that this legislation is going to hurt the Aligarh institution and to hurt the interests of this country.

श्री मुहम्मद साहिर (किशनगंज) :

जनाब स्पीकर साहब, मुझे इस बात की बहुत खुशी है कि आज तक हमारी कांग्रेस ने या उसकी वकिंग कमेटी ने या कांग्रेस के किसी हाई कमान्डर ने कोई लफ्ज ऐसा नहीं कहा कि जिस का मतलब यह हो कि श्रीलीगढ़ यूनिवर्सिटी की शकल और मूरत को बदला जाए। लेकिन इस सवाल को सब से पहले प्रपोजीशन ने उठाया, इस हाउस में, और इस के बाहर भी।

मैं आप से यह अर्ज करता हूँ कि यह बिल जो अभी लाया गया है, उसके बारे में हमारे मिनिस्टर साहब यह फरमाते हैं कि यह बिल इसलिए लाया गया है कि 25 अप्रैल, जो जो वाक्या हुआ उस में वाइस चांसलर को कल्ल करने की साजिश की गयी थी। ऐसा बराम काम, ऐसा

हीनस क्राइम करने के लिये कांसपिरेसी क्यों हुई उस की वजह आप बताते हैं कि वह नेशनलिस्ट खयाल के थे । मैं उन से पूछना चाहता हूँ कि डा० जाकिर हुसेन क्या थे, करनल जैदी क्या थे, तैयब जी क्या थे ? अगर वह नेशनलिस्ट नहीं थे तो मुझे मजबूर हो कर यह कहना पड़ता है कि मुल्क में सिर्फ दो नेशनलिस्ट हैं, एक नवाब साहब और दूसरे चागला साहब ।

मैं कहता हूँ कि यह बिलकुल हकीकत के खिलाफ बात है कि उन का भरडर करने की साजिश की गयी थी, बल्कि साजिश इस बात की की गयी थी कि ऐसे हालात पैदा किए जाएं कि ब्राडिनेन्स जारी हो जाए और अलीगढ़ मुस्लिम यूनिवर्सिटी को कल किया जाय, और इस साजिश को मैं इस पालियामेंट की कार्रवाई से साबित करूंगा ।

आप खयाल करमाइए कि 1960 में, मार्च, के महीने में हमारे दोस्त श्री प्रकाशवीर शास्त्री ने कई दफा इस हाउस में ऐसे सवालात उठाए कि जिन में सक्षत से सक्षत इल्जामात एमबैजिलमेंट वगैरह के अलीगढ़ मुस्लिम यूनिवर्सिटी के खिलाफ लगाए गए । वह इल्जामात यकीनन ऐसे थे कि उनकी वजह से ब्राडिनेन्स घाना चाहिये था । मुझे प्रकाशवीर शास्त्री से शिकायत नहीं है इसलिए कि उन को इनफारमेशन मिली, और बहैसियत पालियामेंट के एक मेम्बर के उन्होंने अपना फर्ज भ्रदा किया । लेकिन उस के बाद इस तरह से कार्रवाई की गयी कि किसी तरह से ब्राडिनेन्स लागू किया जाए । लेकिन उस वक्त जो हमारे मिनिस्टर मिस्टर श्रीमाली साहब थे उन्होंने निहायत प्रकलमन्दी और इन्साफ से काम लिया और उन्होंने एनक्वायरी के लिए एक कमेटी मुकर्रर की । जब वह कमेटी मुकर्रर हो गयी तो श्री प्रकाशवीर शास्त्री को करार न धाया, उन्होंने 2 मार्च को हाउस में एक हाफ एन धावर

डिसक्शन किया । उस में तमाम इल्जामात लगाए गए और वह तमाम रिक्वाई कमेटी के सामने गया । कमेटी ने उस की रोशनी में हर चीज की जांच की और कोई इल्जाम अलीगढ़ मुस्लिम यूनिवर्सिटी के खिलाफ साबित नहीं हुआ । ऐसी हालत में वह कांसपिरेसी कि कोई सूत्र से ब्राडिनेन्स लाया जाए फिर फेल हो गयी ।

उस सिलसिले में मैं आपको उस रिपोर्ट का पैरा 55 का खुलासा बताए देता हूँ । उस में अलीगढ़ मुस्लिम यूनिवर्सिटी के स्टूडेंट्स के डिसिप्लिन की तारीफ की गयी बमुकाबले और यूनिवर्सिटियों के, खूमूसन बनारस यूनिवर्सिटी के । उस में कहा गया है कि अलीगढ़ यूनिवर्सिटी का डिसिप्लिन निहायत बेहतर है ।

अब कमेटी की रिपोर्ट से यह सवाल पैदा हुआ कि सभी इल्जामात गलत साबित हुए और एनक्वायरी कमेटी कहती है कि वहां का डिसिप्लिन बहुत अच्छा है । हमारे महबूब लीडर पंडित जवाहरलाल नेहरू जी वहां तशरीफ ले गए, शान्त्री जी वहां तशरीफ ले गए । उन्होंने भी वहां के डिसिप्लिन की तारीफ की । अब कांसपिरेटर्स को यह खयाल हुआ कि किस तरह से ऐसे हालात पैदा हो सकते हैं कि ब्राडिनेन्स जारी हो । चुनावों के बाद, जैसा कि हमारी बहिन रेणु चक्रवर्ती ने कहा था, एक भीम सिंह को जो कि जनसंघ का था, जम्मू से बुलाया गया, उसको हिदायत दी गयी कि तुम जाओ, वहां के लड़कों से घुल मिल जाओ और किसी तरह से उन से एजीटेशन कराओ । आप जानते हैं कि मुसलमान लड़कों में से भी कुछ ऐसे लड़के बद-तमीज होते हैं जो खराब से खराब काम करने के लिए तैयार हो जाते हैं । आप जानते हैं कि पांच हजार लड़के मुस्लिम यूनिवर्सिटी में हैं, उन में से सिर्फ डेढ़ सौ लड़कों ने इस

[श्री मुहम्मद ताहिर]

एजीटेशन में हिस्सा लिया। कांसपिरेटर्स का खयाल था कि भलीगढ़ यूनी-वरसिटी के लड़के जब तक मुश्तैल नहीं होंगे तब तक एजीटेशन नहीं करेंगे और वह मुश्तैल तभी होंगे जब उन के सामने पुलिस लाकर खड़ी कर दी जाएगी और उन पर गोली चला दी जाएगी। चुनावे ऐसा ही हुआ। पुलिस को लाया गया और गोलियां चलाई गयीं और इस लिये वहां के लड़के मुश्तैल हो गए और एक नाजायज हरकत कर बैठे। तो यह एक कांसपिरेसी थी कि वहां किसी तरह से ऐसे हालात पैदा करो कि प्राइनेन्स लागू हो जाए।

मुझे इस का सक्त्त अफसोस है कि यह कहा गया है कि मरडर करने के लिए साजिश की गयी थी। यह बिल्कुल गलत है। मेरा कहना है कि हमारे मिनिस्टर साहब को गलत इत्तला मिली जिस से वह ऐसा कहते हैं, दरअसल बात यह थी कि यह कांसपिरेसी भलीगढ़ यूनी-वरसिटी को कल करने के लिए की गयी थी।

मैं कहता हूं कि कांस्टीट्यूशन की दफात 30, 13 और 123 के मुताबिक यह प्राइनेन्स और बिल बिल्कुल नाजायज है और नहीं धा सकता।

दूसरी बात मिनिस्टर साहब ने कही कि हम इसको नेशनल यूनीवरसिटी बनाना चाहते हैं। हमारे दोस्त रघुनाथ सिंह जी ने कहा कि भलीगढ़ यूनीवरसिटी को मुसलमानों ने नहीं बनाया है।

श्री रघुनाथ सिंह : मैं ने कहा कि यह मुसलमानों की बनायी हुई है, लेकिन अब उस में 95 पर सेंट पब्लिक मनी लग रही है जिसको कि पार्लियामेंट घांट करती है।

श्री मुहम्मद ताहिर : पार्लियामेंट घांट करती है तो कांस्टीट्यूशन की इजाजत से करती है। आपका कहना है कि यह माइनारिटी इंस्टीट्यूशन नहीं है और नेशनल यूनीवरसिटी है जैसीकि बनारस यूनीवरसिटी में जानता हूं कि बनारस यूनीवरसिटी के बारे में पार्लियामेंट ने मुहर लगा दी है कि यह हिन्दू यूनीवरसिटी है, अलबत्ता यह नेशनल इम्पारटेंस की है। बनारस हिन्दू यूनीवरसिटी की ज्वाइंट कमेटी की रिपोर्ट हमारे सामने आ गयी है। आप देखें कि इस ज्वाइंट कमेटी को पार्लियामेंट ने बनाया है और इस में दोनों हाउसेज के मेम्बर हैं, पर इन में से एक भी मुस्लिम, या सिख या एंगलोइंडियन नहीं है। माइनारिटीज का एक मेम्बर भी इस में नहीं है। और हमारे रघुनाथ सिंह जी ने इस में काम किया, हमारे मिनिस्टर साहब ने इस में काम किया है। क्या नेशनल यूनीवरसिटी इस तरह की यूनीवरसिटी हो सकती है। जिसकी ज्वाइंट कमेटी में एक भी मुस्लिम न हो। मुझे खुशी है कि पार्लियामेंट ने इस पर मुहर लगा दी है।

कि यह बिल्कुल हिन्दुओं के लिए हिन्दू यूनीवरसिटी है लेकिन नेशनल इम्पारटेंस की भी जरूर है उसी तरीके से मुस्लिम यूनीवरसिटी मुसलमानों ने बनाई है लेकिन वह भी नेशनल इम्पारटेंस की जरूर है।

इस सिलसिले में जनाब मिनिस्टर साहब ने यह कहा कि मजलिस मन्नावरती की मीटिंग में जिस में डा० महमूद शामिल थे उन्होंने जमायत इस्लामी और मुस्लिम लीग को साथ लेकर हमारे इस प्राइनेन्स के खिलाफ प्रोपेगैंडा किया। यह सही है कि प्रोपेगैंडा किया मगर उन को मान्य होना चाहिए कि डा० महमूद ने वह काम किया जिसे किसी ने नहीं किया। तीन

रास्ते पर चलने वाली जमायत को एक रास्ते पर लाये और उस के मुताल्लिक जितने जलसे और भीटिंगस हुई, उन बड़े-बड़े जलसों की हिन्दू भाइयों ने सदारत की है और उन में सिवाय कौमी एकजहती और हिन्दू मुस्लिम इतिहाद के और दूसरी किसी चीज पर जोर नहीं दिया गया। हां प्राप के प्राडिनेन्स के खिलाफ एक धर्मीय मुसलमानों से जरूर की। उन्होंने यह कहा कि भाइयों 16 तारीख को जब तुम नमाज में जाओ तो यह दुआ करो वा फल्लाह हमारी गवर्नमेंट को डीप्रीक नेक घता फरमा और चागला साहब के जुल्म से मुस्लिम यूनिवर्सिटी को बचा ले। यह सिम्पल, बिलकूल मासूम और बेगुनाह एजिटेशन किया गया है लेकिन यह एजिटेशन करने वाले भी डी० धार्द० धार० के शिकार हो गये। धरब सवाल यहां प्रैस्टिज का हो गया है और वह यह कि चागला साहब ने एक काम किया है वह मिनिस्टर हैं वे एक बिल यहां पर लाये हैं तो धरब इस को पास होना चाहिए तो मैं धरनी बदनमेंट से कहूंगा कि चागला साहब की प्रैस्टिज को वह एक हाथ में रखे और मुसलमानान् ने हिन्द की प्रैस्टिज को वह दूसरे हाथ में रखे और बजन करें। धरर चागला साहब की प्रैस्टिज बजनी है तो इसे फौरन पास कर दे और धरर मुसलमानान हिन्द का बकार ज्यादा बजनी हो तो बिल नामंजूर कर दें।

प्राखिर में मैं सिर्फ एक बात कह कर बैठ जाता हूँ :-

“धर को लगी है धरान धर के चिरान है।”

[धर मुसद टापर (कहीं कहीं): जलब
सहकर साहब - मुझे इस बात की
बहुत खुशी है कि आज तक हमारी

लाकरिस लै - या अस की वरकलक कहेली
ने - या लाकरिस के किसी हानी कान्द ने
कोनी लफ्ता नेहण कहा जिस का مطلب
ये हो की मली कुरा येनेवुरस्ती की
शलक और वुरव को बदला जाँ - लेकिन
अस मवाल को सब से पहले एवुरेशन
ने अताया - अस हावस में लुर अस
ने बाहर भी -

में आप से ये मरुष कुरता हों कि
ये बल जो अभी लाया गया है - अस के
बार में हमारे मन्सुक् साहब ये
फरमाते हैं कि ये बल अस लै लाया
गया है कि २५ एप्रिल को जो वाल्मे हो
अस में वान्स चासलर को कल करने
की साज्श की लगी थी - असा
खुाब काम - असा मेलस कुराम करने
के लै लाकरिस को लै - अस
की र्जे आप बताते हैं कि वे
नेशलसक खेाल के लै - में लन से
ये जेला जाहता हों कि लाकर फाकर
हसन क्या लै - कुरनल लैसी कहा
लै मेलब जी कहा लै - अकर वे
नेशलसक नेहण लै तो मुझे मजबूर
हो कर ये केल्ला योता है कि मलक
में मरुफ दु नेशलसक हों -
अक नुाब साहब और दुसरे
जाले साहब -

में ये केल्ला हों कि ये बालक
हकलत के खलफ बात है कि लन का
मरुफ करने के लै साज्श की लगी थी -
लैके साज्श लन बात की लगी थी

[شری محمد طاہر]

کہ ایسے حالات پیدا کئے جائیں کہ آرڈینمنٹس جاری ہو جائے اور علیگڑھ مسلم یونیورسٹی کا قتل کیا جائے۔ اس سائز کو میں پارلیمنٹ کی کارروائی سے ثابت کرونگا۔

آپ خیال فرمائیے کہ ۱۹۶۰ میں مارچ کے مہینے میں ہمارے دوست شری پرکاش ویر شاستری نے کئی دفعہ اس ہاؤس میں ایسے سوالات اٹھائے کہ جن میں سخت سے سخت الزامات - ایمنیٹی و غیرہ کے - علیگڑھ مسلم یونیورسٹی کے خلاف لگائے گئے۔ وہ الزامات یقیناً ایسے تھے کہ ان کی وجہ سے آرڈینمنٹس آنا چاہتے تھے۔ مجھے پراکٹس شاستری سے شکایت نہیں ہے اس لئے کہ ان کو انفارمیشن ملی۔ اور بحیثیت پارلیمنٹ کے ایک ممبر کے انہوں نے اپنا مرض ادا کیا۔ لیکن اس کے بعد اس طرح سے کارروائی کی گئی کہ کسی طرح سے آرڈینمنٹس لگو کیا جائے۔ لیکن اس وقت جو ہمارے ماسٹر مسٹر شری مالی صاحب تھے انہوں نے نہایت عقل مندر اور انصاف سے کام لیا اور انہوں نے ایگوائری کے لئے ایک کمیٹی مقرر کی۔ جب وہ کمیٹی مقرر ہو گئی تو شری پراکٹس شاستری کو قرار نہ آیا۔ انہوں نے ۲ مارچ کو ہاؤس میں ایک ہانڈ لین اور تسکین کیا۔ اس میں تمام الزامات لگائے گئے۔ اور وہ تمام رکارڈ کمیٹی کے سامنے کیا۔

کمیٹی نے اس کی روشنی میں ہر چیز کی جانچ کی اور کوئی الزام علیگڑھ یونیورسٹی کے خلاف ثابت نہیں ہوا۔ ایسی حالت میں وہ کانس پریسی کہ کوئی صورت سے آرڈینمنٹس لایا جائے پھر فیل ہو گئی۔

اس سلسلہ میں میں آپ کو اس رپورٹ کا پورا ۵۵ کا خلاصہ بتائے دیتا ہوں۔ اس میں علیگڑھ مسلم یونیورسٹی کے اسٹوڈنٹس کے قتل کی تعریف کی گئی ہے مقابلہ اور یونیورسٹیوں کے خصوصاً بئارس یونیورسٹی کے۔ اس میں کہا گیا ہے کہ علیگڑھ یونیورسٹی کا قتل نہایت بہتر ہے۔

اب کمیٹی کی رپورٹ سے یہ سوال پیدا ہوا کہ سبھی الزامات غلط ثابت ہوئے۔ اور انکوئی کمیٹی کہتی ہے کہ وہاں کا قتل نہایت اچھا ہے۔ ہمارے محبوب لیڈر پلڈت جواہر لال نہرو وہاں تشریف لے گئے۔ شاستری جی وہاں تشریف لے گئے۔ انہوں نے بھی وہاں کے قتل کی تعریف کی۔ اب کانسپریسی کو یہ خیال ہوا کہ کس طرح سے ایسے حالات پیدا ہو سکتے ہیں کہ آرڈینمنٹس جاری ہو۔ چنانچہ اس کے بعد چھ ماہ ہمارے ہمیں رہے چکرورتی نے کہا تھا۔ ایک بھیم سنگھ کو جو چھ ماہ کا تھا۔ جس سے بچایا گیا۔

اس کو حد اہمیت دی گئی کہ تم جاؤ۔
وہاں کے لوگوں سے گہل مل جاؤ۔ اور
کسی طرح سے ان سے ایجنڈے پیش نہ کرو۔
آپ جانتے ہیں کہ مسلمان لوگوں
میں بھی کچھ لوگ ایسے ہدتمیز ہوتے ہیں
کہ ذرا بے خراب کام کرنے کے لئے
تیار ہو جاتے ہیں۔ آپ جانتے ہیں
کہ پانچ ہزار لوگ مسلم یونیورسٹی
میں ہیں۔ ان میں صرف
سرو تھوہہ سر لوگوں نے اس ایجنڈے پیش
میں حصہ لیا کانسٹیبلوں سے اس کا خیال
تھا کہ علی گڑھ یونیورسٹی کے لوگ جب
تک مشغول نہیں ہیں۔ تب تک
ایجنڈے پیش نہیں کریں گے اور وہ
مشغول تبھی ہوں گے جب ان کے
سامنے پولیس لا کر ڈھری کر دی
جائیگی اور ان پر گولی چلا دی
جائیگی۔ حلیانچہ ایسا ہی ہوا۔
پولیس اور لیا گیا اور گولیاں چلائی
گئیں اور اس لئے وہاں کے لوگ مشغول
ہو گئے اور ایک ناچائز حرکت کر
بیٹھے۔ تو یہ ایک ڈسپوسٹی تھی
کہ وہاں کسی طرح سے ایسے حالات
پیدا کرو کہ آرٹیکل ۱۵ کو ہو جائے۔
مجھے اس کا سخت افسوس ہے
کہ یہ کہا گیا کہ سرکار کرنے
کے لئے۔ زہن کی گئی تھی۔
یہ بالکل غلط ہے۔ میرا کہنا ہے کہ
ہمارے منسٹر صاحب کو غلط اطلاع ملی
جس سے وہ ایسا کہتے ہیں۔ دراصل
ہات یہ تھی کہ یہ کانسٹیبلوں سے علی گڑھ

یونیورسٹی کو قتل کرنے کے لئے کی
گئی تھی۔
میں کہتا ہوں کہ کانسٹیبلوں میں
کی دفعات ۳۰-۱۳- اور ۱۲۳ کے
مطابق یہ آرڈینانس اور بل بالکل
ناچائز ہے اور نہیں آ سکتا۔
دوسری بات منسٹر صاحب نے
کہی کہ ہم اس کو نیشنل یونیورسٹی
بنا دیا جاتے ہیں۔ ہمارے دوست
رگھوناتھ سنگھ جی نے کہا کہ علی گڑھ
یونیورسٹی کو مسلمانوں نے نہیں
بنا دیا ہے۔
شری رگھوناتھ سنگھ۔ میں نے کہا
کہ یہ مسلمانوں کی بلائی ہوئی ہے۔
لیکن اب اس میں ۹۵ پورسنت پبلک
پارٹ لگ رہا ہے جس کو کہ پارلیامنت
پسند کرتی ہے۔
شری محمد طاہر۔ پارلیامنت
گوانٹ کرنی م تو کانسٹیبلوں کی
اجازت سے کی ہے۔ آپ کا کہنا
ہے کہ یہ مائٹرائی کانسٹیبلوں میں نہیں
ہے اور نیشنل یونیورسٹی ہے جس سے کہ
پارلیامنت یونیورسٹی۔ میں جانتا ہوں
کہ پارلیامنت یونیورسٹی کے بارے میں
پارلیامنت نے مہر لگا دی ہے کہ یہ
ہلڈو یونیورسٹی ہے۔ البتہ یہ نیشنل
امپارنٹس کی ہے۔ پارلیامنت ہلڈو
یونیورسٹی کی جوائنٹ کمیٹی کی
رپورٹ ہمارے سامنے گئی ہے۔ آپ
کہتے ہیں اس جوائنٹ کمیٹی کو
پارلیامنت نے بنا دیا ہے اور اس میں
دونوں ہاؤسز کے ممبر ہیں۔ پر ان
میں ایک بھی مسلم پاسکو یا ایملکو

[شری محمد طاہر]

انڈین نہیں ہے۔ مائٹرائٹیز کا ایک بھی ممبر اس میں نہیں ہے۔ اور ہمارے رگھوناتھ سنگھ جی نے اس میں کام کیا۔ ہمارے منسٹر صاحب نے اس میں کام کیا ہے۔ کیا نیشنل یونیورسٹی اس طرح کی یونیورسٹی ہو سکتی ہے۔ جس کی جوائنٹ کمیٹی میں ایک بھی مسلم نہ ہو۔ مجھے خوشی ہے کہ پارلیامنت نے اس پر مہر لگا دی ہے۔ یہ بالکل ہلکے ہلکے لوگوں کے لئے ہندو یونیورسٹی ہے لیکن نیشنل اسمارٹینس کی بھی ضرورت ہے اس طریقے سے مسلم یونیورسٹی مسلمانوں نے بنائی ہے لیکن وہ بھی نیشنل اسمارٹینس کی ضرورت ہے۔

اس سلسلے میں جناب منسٹر صاحب نے یہ کہا کہ مجلس مشورتی کی میٹنگ میں جس میں ڈاکٹر مصدق شامل تھے انہوں نے جماعت اسلامی اور مسلم لیگ کو ساتھ لے کر ہمارے اس آرڈیننس کے خلاف پروپیزیشن کیا۔ یہ صحیح ہے کہ پروپیزیشن کیا مگر ان کو معلوم ہونا چاہئے کہ ڈاکٹر مصدق نے وہ کام کیا جسے کسی نے نہیں کیا۔ تھیں راستے پر چلنے والی جماعت کو ایک رائے پر لے کر اور اس کے متعلق جتنے جلسے اور میٹنگس ہونے لگی ہیں بڑے بڑے جلسوں کی ہلدو ہاتھوں نے صدارت کی ہے اور ان میں سوائے

قومی یکجہتی اور ہلدو مسلم اتحاد کے اور دوسری کسی چیز پر زور نہیں دیا گیا۔ ہاں آپ کے آرڈیننس کے خلاف ایک ایپل مسلمانوں سے ضرور کی۔ انہوں نے کہا کہ ہاتھوں ۱۶ تاریخ کو تم جب نماز میں جاؤ تو یہ دعا کرو کہ یا اللہ ہماری گورنمنٹ کو توفیق نہک عطا فرما اور چائلہ صاحب کے ظلم سے مسلم یونیورسٹی کو بچا لے۔ یہ سب بالکل معصوم اور بے گناہ ایجوکیشن کیا گیا ہے لیکن یہ ایجوکیشن کرنے والے بھی تھے۔ ان کے شکوے ہو گئے۔ اب سوال یہاں پرستیج کا ہو گیا ہے اور وہ یہ کہ چائلہ صاحب نے ایک کام کیا ہے وہ منسٹر ہیں وہ ایک بل یہاں پر لائے ہیں تو اب اس کو پاس ہونا چاہئے تو میں اپنی گورنمنٹ سے کہونگا کہ چائلہ صاحب کی پرستیج کو وہ ایک ہاتھ میں رکھیں اور مسلمانان ہلدو کی پرستیج کو وہ دوسرے ہاتھ میں رکھیں اور وزن کریں۔ مگر چائلہ صاحب کی پرستیج وزنی ہو تو اسے پاس کر دیں۔ اور اگر مسلمانان ہلدو کا وقار زیادہ زنی ہو تو بل منظور کر دیں۔ اب آخر میں میں صرف ایک بات کہہ کر بیٹھ جاتا ہوں۔

گھر کو لگی ہے آگ گھر کے چراغ سے۔

Dr. M. S. Awey (Nagpur): I rise to support the motion for the third reading of the Aligarh University Bill moved by the Hon. Minister for Education. I most heartily congratulate the Hon. Minister, Shri Chagla, not merely for piloting the Bill wisely, skilfully and ably in the debate through the House but also for placing before the whole of India our ideal of what a high-souled Muslim nationalist should be.

The storm of criticism that was raised was not so much to vindicate the position of the great Aligarh University as to vilify the Hon. Member who was taken for a villain. The dignified way in which the Hon. Member treated his opponents both inside and outside the Parliament is exemplary.

The debate on this Bill was lively and at times reached a high level of forensic eloquence which is very seldom attained in this House. If the argument based on the fundamental right provided for the minorities in Article 30 of the Constitution was plausible and capable, the subtle distinction between the words 'Institution' and 'The University' which you and another Congress friend—Shri Shree Narayan Das I suppose—made was felt convincing by the House, if not crushing for the time being, and won both applause and approval of the great majority of the House in favour of the Bill.

Mr. Anthony's contention was that the legislation of the Aligarh University Act by the Parliament or the Government of India was only an official recognition and nothing more and that the fact of its establishment by the Mohammedan community is not wiped out thereby. In his zeal to champion the cause of a community, Mr. Anthony lost sight of the simple and most obvious fact that there is recognition only for a thing that exists. There was no Aligarh University run by the Muslim community in existence and, therefore, the demand of the Muslim community was for the creation of a Muslim University at Aligarh just as they

had created a Banaras Hindu University at Banaras. A. M. College was offered by them to the Government to be the nucleus of the educational centre which it was the object of the Government to develop at Aligarh by establishing the University.

In the case of Banaras Hindu University, Banaras Hindu College, started and run by the theosophical society, was offered as a nucleus for that centre to develop. And, in my opinion, the words "Hindu" and "Muslim" are retained in the names of these two Universities by the Legislature mainly for the recognition of the historic association of the institutions which the Universities started and not for emphasizing the denominational character of the Universities themselves.

In the course of the debate, great emphasis was given by some Members on the point that donation and grants to the funds of the old college and later on to the University for various purposes connected with educational work of the University were made by the Muslim population of India. I think that it is partially true, but all those funds belonged to the Aligarh University and they will remain so. The Muslim community has no concern with the funds. This point has some legal importance. Aligarh University is a legal person and has a legal entity. In case, for any unforeseen calamity, this object ceases to exist, the funds will be in the hands of the Government of India to be disposed of in accordance with the law of public trust and will not go back to the Muslim community as such. The principle of Cypres doctrine trust might apply. So long as the Indian Republic exists, the funds and properties of the University will be used for the aims and objects of the Aligarh University and no other purpose. Muslim community as such has no voice to determine the nature of its disposition.

Now, lastly one word more and I conclude. The Hon. Member assured the House—and the nature of the Bill

[Dr. M. S. Aney]

itself indicates—that it is a temporary measure, intended to be replaced by permanent measure at the earliest possible opportunity. It is intended to enable the Government to take steps and place the University authority in a position of strength to deal firmly to restore normal conditions. At present the University is in a state of disorder and bad temper. The malady has to be cured in order to bring it back to normal condition.

A man in disease has to be taken to a nursing home and treated by the Doctors keeping him on diet. Food in disease is different from food in health. The patient generally complains against bitter pills and doses and injections given to him. He chafes at the tasteless, though nourishing, food that is given to him. But we all know that that is the only way for his cure under the treatment of an expert and conscientious doctor.

I have no doubt that Dr. Chagla is there to personally supervise the administration and things which are bad and evil will soon disappear and normal conditions will be restored. We shall have the pleasure to welcome a new Bill of the Aligarh University Act at the earliest possible date.

I end with a note of Hindu-Muslim unity and the urgency of the feeling of national unity and national integrity, congratulating our brave soldiers who are today fighting shoulder to shoulder to end aggression of Pakistan on India. This Bill should serve to strengthen Hindu-Muslim unity still further. That is the need of the day.

With these words, I support the Bill.

Mr. Speaker: Now, Shri Muhammad Ismail. Hon. Members should not take more than five minutes each, so that I could accommodate one or two more hon. Members. Those who have spoken already should not desire to speak again now.

Shri D. C. Sharma (Gurdaspur): Shri Muhammad Ismail also has spoken already.

Mr. Speaker: I know that.

Shri Muhammad Ismail (Manjeri): In opposing the Bill, I say that it offends many of the provisions of the Constitution of India. How it offends has been pointed out by the previous speakers already, and I do not want to tire the patience of the House by repeating it once again.

The Education Minister wants to get over constitutional difficulties by merely quibbling on the word 'establish' found in article 30. I think there are lawyers who will say that that quibbling does not and cannot really deliver the goods in the face of the solid provisions of the Constitution and the solid facts of history. This institution has been what it is and has been belonging to the Muslims for the last century or so, and there has been no doubt whatever about that fact during all these years excepting now.

It has been pointed out by some of the previous speakers that everything was all right with this university. In 1961, the Chatterjee Committee, and then the late Prime Minister of India and the present Prime Minister of India and Shri Tyabji who was the last vice-chancellor have all spoken about the discipline of the university. They had said that the discipline of the university compared very favourably with the discipline obtaining in many other university. That was the opinion of all these people and yet all of a sudden this thing has happened and indiscipline is said to have been there.

Then, the hon. Minister speaks of conspiracy. I do not know how a conspiracy is hatched or executed. But one cannot understand how these people who wanted to execute the conspiracy came with tom-tomming and slogans and with a coffin. The hon. Education Minister during his career as a judge must have dealt with many cases of conspiracies. I do not know whether he knows that conspiracies are hatched and executed.

ed in this manner, and that too, whether such a thing could happen within five weeks of the departure of the previous vice-chancellor and the advent of the new one. If the malaise, as has been claimed by some hon. friend, is deep-rooted, which it really strange, and if such a malaise should have overtaken the authorities and overtaken the much-talked of discipline of the university in such a short time as that, if such were the case, then a judicial inquiry ought to have been instituted to find out what this terrible malaise was which had taken such a vicious and deep root in the university within those five weeks.

In dealing with that, the Education Minister has gone out of his way to malign and attack people and parties. He attacked also Dr. Syed Mahmud. Dr. Syed Mahmud has been in the Congress for more than sixty years, and he had been one of the staunchest disciple of Mahatma Gandhi, and he has done everything to advance the cause of nationalism in the country. If such a man as that is to be treated in this manner by people who entered the Congress only the other day, then it is the concern of the Congress Party and it is for them to decide. But so far as the public know, he has done good to the people.

Then, the Education Minister has spoken of the Mushwaraat and its component parts. What has this Mushwaraat done? It has gone round the country for uniting the people, Hindus as well as Muslims. There was not a single meeting that was convened under the auspices of the Mushwaraat which was not attended by Hindus not merely by ordinary Hindus but by Hindu leaders including Congressmen. Let my hon. friend find out a single instance in which anything was said either by the Mushwaraat Committee or by the Muslim League members or by the Jamiate Islami which would injure the interests of the country. There have been people and Congress leaders who have paid eulogiums in such meetings for the

step that was taken by the people who were touring the country under the Majlise Mushwaraat.

Then, my hon. friend speaks of the Muslim League. He it was who had taken the support of the Muslim League with regard to the Congress policy on Kashmir and Pakistan, to the United Nations, and he spoke of it with great approbation and commendation. But today he comes here and speaks disparagingly of that organisation....

Shri Sham Lal Saraf (Jammu and Kashmir): Why should my hon. friend make it personal?

Shri Muhammad Ismail: The Muslim League stands for equally honourable existence of all the people and for hearts harmony; it stands for the defence of the country; it stands for the integrity, strength and honour of the country. After having paid in the world forum approbation for this organisation, now he comes and tries to disparage that organisation.

In regard to the Jamiate Islami, I would like to point out that it is a religious organisation. It is concerned and distressed at a section of the youth of the Muslim community falling into the pit of narrowness and godlessness, and gross and vulgar materialism. That organisation is doing what it can to reclaim the Muslim youth from that terrible pit into which nobody, either Muslim or Hindu or Christian should fall. With all that, my hon. friend in his own one-sided manner attacks them where they could not defend themselves, and all this he is doing for buttressing this Bill. What do we say? Once again, we insist we stand on the provisions of the Constitution in our opposition to this Bill and nothing more. The claims of Shri M. C. Chagla cannot satisfy the lawyer-Members here and the lawyers outside the country. That is a point on which he may expatiate and he may enlighten us. But instead of that he is going and attacking unnecessarily people who have been serving the cause of the country.

श्री सिद्दासन सिंह (गोरखपुर) : अध्यक्ष महोदय, जब मैं माननीय सदस्य, श्री यशपाल सिंह, का भाषण सुन रहा था, तो मुझे यह अनुभव हो रहा था कि क्या वह प्रलीगढ़ यूनिवर्सिटी की महत्ता और इस बिल की आवश्यकता पर बोल रहे हैं या हिन्दू-मुस्लिम तवाल पर बोल रहे हैं। माननीय सदस्य अपने भाषण में सैकुलरिज्म का नाम भी ले रहे थे, देश की जनता का नाम भी ले रहे थे, जन-प्रतिनिधित्व का नाम भी ले रहे थे और एक सम्प्रदाय का नाम भी ले रहे थे। पता नहीं यह पार्लियामेंट जन प्रतिनिधित्व की छोटक है, जनता की आवाज की छोटक है या केवल श्री यशपाल सिंह ही जन-प्रतिनिधित्व और जनता के छोटक है। मैं निवेदन करना चाहता हूँ कि इस सदन में पांच सी मेम्बरान हैं। उन पांच सी मेम्बरान में श्री यशपाल सिंह के प्रस्ताव का कितने मेम्बरों ने समर्थन किया, इस से ही पता लग जाना है कि जनता किस तरफ है।

श्री यशपाल सिंह : भासमान में पांच एक ही होता है।

श्री सिद्दासन सिंह : माननीय सदस्य दोनों तरफ की बात कह रहे थे—वह सैकुलरिज्म की बात भी कह रहे थे और एक सम्प्रदाय की बात भी कह रहे थे। वह कभी सैकुलरिज्म के भाव से बोल रहे थे और कभी कम्युनलिज्म के भाव से बोल रहे थे। पता नहीं, वह किस भाव से बोल रहे थे।

मैं निवेदन करना चाहता हूँ कि प्रलीगढ़ यूनिवर्सिटी की तरह हिन्दू यूनिवर्सिटी, बनारस का भी समय आया। उस के लिए भी ऐसा ही कानून बना, लेकिन उस को से कर देश में इतना हल्सा नहीं हुआ, "हिन्दू" के नाम को ले कर देश में इस तरह झगड़ा नहीं

हुआ। उस यूनिवर्सिटी में क्या खराबियाँ थीं, यह देखने के लिए एक कमेटी बनी। उस ने एक गलत या सही रिपोर्ट दी, जिसे पर गवर्नमेंट ने एक एक्शन लिया और बाद में उस के भुताबिक एक कानून बनाया। इस कानून का आप ने हवाला दिया। आप ने कहा कि उस में नान-हिन्दू नहीं है। वह भी गलत है। एंग्लो इंडियन कमेटी का मेम्बर है। वह नान हिन्दू नहीं है? और अगर नान-हिन्दू नहीं रखा गया तो इस के हम लोग दोषी नहीं हैं। उस कमेटी में भी यह प्रश्न उठा था कि जब देश इस पार्लियामेंट के द्वारा शासित होता है और यह पार्लियामेंट राष्ट्रीय विश्वविद्यालयों को अनुदान देती है और अनुदान ही नहीं बल्कि खर्चा देती है तो वे क्यों हिन्दू और मुस्लिम नाम से कायम रखी जाएं? मैंने भी यह प्रश्न उठाया था और अब भी कहना चाहता हूँ कि सतरह अठारह बरस के बाद भी क्या हमारे लिए यह उचित है कि एक धर्म निरोधक राज्य होने के नाते हम हिन्दू यूनिवर्सिटी, मुस्लिम यूनिवर्सिटी क्रिश्चियन यूनिवर्सिटी आदि यूनिवर्सिटीज के नाम कायम रखें? जब यूनिवर्सिटीज इस तरह से शासित हों, इस तरह से उन को वैसे आते हों कि जिस में हर धर्म के व्यक्ति का हिस्सा होता है, जन समूह के द्वारा दिये गये टैक्सों से उन को वैसे मिलते हों, जिन में हिन्दू भी है, मुस्लिम भी हैं, ईसाई भी हैं, क्रिश्चियन भी हैं, पारसी भी हैं, सब हैं, तो क्या यह उचित नहीं है कि उन के नामों को भी बदल दिया जाए? यह कब तक चलता रहेगा और कब तक हम इन नामों को बनाये रखेंगे?

अभी वहाँ कहा गया है कि संविधान के विरुद्ध हम काम कर रहे हैं। संविधान के आर्टिकल 30 का उल्लंघन किया गया है। उस में जो कुछ दिखा गया है, उस को बढ़ कर सुनाया गया है। चाणला साहब का भी नाम इस में खिया गया है और कहा गया है कि इन्होंने इस तरह से इस को

व्याख्या की थी। मेरा खयाल है कि चागला साहब उस व्याख्या पर भ्रम भी कायम है। मैं समझता हूँ कि प्रॉटिकल 30 केवल ऐसी इंस्टीट्यूशंस के लिए है जोकि व्यक्तियों द्वारा बनाई जाती हैं और गवर्नमेंट की मर्जी है उन को जितना अनुदान दे या न दे। लेकिन जहां तक यूनिवर्सिटीज का सम्बन्ध है, उन पर प्रॉटिकल 30 लागू नहीं होता है। यूनिवर्सिटीज किसी धर्म विशेष की कभी भी केन्द्र नहीं हो सकती हैं। वहां पर भूगोल, साइंस, अरिथमेटिक, इतिहास आदि की शिक्षा दी जाती है जो किसी धर्म विशेष से सम्बन्ध नहीं रखती है। ये विषय तो सार्व-भौमिक हैं। उसका नाम ही यूनिवर्सिटी रखा गया है यानी यूनिवर्सल।

अलीगढ़ यूनिवर्सिटी में धर्म की शिक्षा का प्रश्न हो, इसका कोई मना नहीं करता है। इस को बिल में भी मना नहीं किया गया है। वह चाहे तो धार्मिक शिक्षा दे सकती है। वहां पर अरबी में, इस्लामिक धर्म की, इस्लामिक कल्चर की पढ़ाई हो सकती है। लेकिन वे हिंदी को इसे पढ़ने के लिए मजबूर नहीं कर सकते हैं। नान-मुस्लिम किसी को पढ़ने के लिए मजबूर नहीं किया जा सकता है यह नहीं, कोई भी यूनिवर्सिटी किसी को कोई विशेष धार्मिक शिक्षा पाने के लिए मजबूर नहीं कर सकती है। हिन्दू यूनिवर्सिटी भी ऐसा नहीं कर सकती है।

बनारस हिन्दू यूनिवर्सिटी का जो विधे-यक यहां आने वाला है सिनेक्ट कमेटी से उस में हमने यह इस बिल की भी व्यवस्था की है कि वहां मुस्लिम कल्चर की पढ़ाई की सुविधा हो, वहां मुस्लिम धर्म, हिन्दू धर्म, बौद्ध धर्म, जैद अबस्ता आदि सबकी पढ़ाई की व्यवस्था हो। उन सबको शामिल किया है। जो विद्यार्थी जो पढ़ना चाहे, उसके लिए उसको पढ़ने की सुविधा होगी। यही यूनिवर्सिटी का काम है। वैसे ही मुस्लिम यूनिवर्सिटी में सबके लिए इस तरह की व्यवस्था होनी चाहिये।

हमारे माननीय श्री यशपाल सिंह जी ने कहा है कि एडमिशन जो उस कालेज के लड़कों का साइंस, इंजीनियरिंग आदि में हुआ करता है वह भ्रम पचास परसेंट हो गया है और पचास परसेंट बाहर से लिये जायेंगे उनका कहना था कि पचास परसेंट कहां जायेंगे। मैं आपसे कहना चाहता हूँ कि किसी कालेज विशेष या किसी यूनिवर्सिटी विशेष के लड़कों को उसी यूनिवर्सिटी में मान्यता मिले, ऐसा नहीं होना चाहिये, उसी यूनिवर्सिटी में एडमिशन मिले, ऐसा नहीं होना चाहिये। योग्यता के आधार पर यह होना चाहिये। हर यूनिवर्सिटी में योग्यता के आधार पर एडमिशन मिलना चाहिये, सबको प्रवेश मिलना चाहिये। उसके लिए कम्पीटीशन हो। साइंस के जितने विभाग हैं, इंजीनियरिंग के जितने विभाग हैं, टेक्नालोजी के जितने विभाग हैं, उन सब में किसी विशेष यूनिवर्सिटी के विद्यार्थी को ही लिया जाय, ऐसा नहीं होना चाहिए। उसको हर विद्यार्थी के लिए, हर यूनिवर्सिटी के विद्यार्थी के लिए धोपन करना चाहिये। उसके लिए कम्पीटीशन हो। सब कम्पीटीशन में बैठें और जिसके अधिक से अधिक मार्क्स प्रायें, उसे एडमिशन मिले। बिस्कुल उस तरह से जिस तरह से प्राई० ए० एस० में होता है। लेकिन आज हां क्या रहा है है आज अनुपात फिक्स कर दिया गया है स्टेट्स में कि इतने उस स्टेट के लिए जायेंगे, इतने बाहर के लिए जायें। यह बूँक झगड़ा है इस बिना पर किया गया है। लेकिन योग्यता के आधार पर एडमिशन मिलना चाहिये यूनिवर्सिटीज के अन्दर।

धरम समय आ गया है कि अगर इस बिल में नहीं तो एक अलग से स्वतन्त्र बिल लाकर आप यह व्यवस्था करे कि जाति के नाम से धर्म के नाम से, से कोई भी एजुकेशनल इंस्टीट्यूशन हिन्दुस्तान में नहीं रहेगा और अगर जाति या धर्म विशेष के नाम पर कोई होंगे तो उसे राज्य नहीं चलायेगा। हमारा

[श्री मिहासन सिंह]

धर्म निरपेक्ष राज्य है। हम किसी धर्म को आघात नहीं पहुँचाना चाहते और न ही किसी धर्म को हम प्रोत्साहन देना चाहते हैं अपने सरकारी पैसे से। मैं चाहता हूँ कि यह जो धर्मों का अगड़ा है जहाँ तक एजुकेशनल इंस्टीट्यूशंस का सम्बन्ध है, यह नहीं रहना चाहिये। हिन्दू अलग हैं, मुस्लिम अलग हैं और आपस में कल्चर के नाम पर जो लड़ाई होती है यह नहीं होनी चाहिये। हमारे देश का कम्पोजिट कल्चर है जैसाकि एक बार हमारे प्रधान मंत्री श्री जवाहरलाल नेहरू ने कहा था। हमारा सब का मिला जुला कल्चर है, कम्पोजिट कल्चर है।

अध्यक्ष महोदय : अब और मौका देने का यत्न खत्म हो गया है। शास्त्री जी परसनल एक्सप्लेनेशन देना चाहते हैं। एक दो मिनट में यह जो कुछ कहना चाहते हैं कह लें।

Shri Sham Lal Saraf: May I make a submission? I come from a State where my friends have very strong feelings, mixed feelings about the Bill. So I may be given a few minutes.

Mr. Speaker: You have come from one corner. It is not necessary that every State should have representation in this matter.

श्रीमती लक्ष्मी बाई (विकाराबाद) :

मझे भी दो मिनट मिलने चाहियें।

Shri Sham Lal Saraf: The reason for my asking for being allowed to speak is obvious. So please allow me.

श्री मुञ्जफ्फर हुसैन (मुरादाबाद) :

इन के बाद मुझे भी बोलने की इजाजत दी जाएगी? अगर इन्होंने कोई इलजाम लगाया तो मझ को भी मौका दिया जाएगा कि मैं उसका जवाब दे सकूँ। ताहिर साहब पर इन्होंने कोई इलजाम लगाया तो हम को भी जवाब देने का मौका दिया जाएगा न?

अध्यक्ष महोदय : अगर इस तरह से इलजाम लगाते जायेंगे और उन का जवाब दिया जाता रहेगा तो यह सिलसिला कहीं खत्म ही नहीं होगा। इन को मैं इलजाम नहीं लगाने दूँगा। मैं चाहता हूँ कि शास्त्री जी भी रहने दें और कुछ न कहें तो ज्यादा अच्छा है।

श्री प्रकाशबीर शास्त्री (बिजनौर) : अच्छी बात है। मैं कुछ नहीं कहता हूँ।

Shri M. C. Chagla: Mr. Speaker, as we all know, we are facing a very serious crisis just now. There is aggression, there is undeclared war, We should do everything in our power to maintain communal peace and harmony. We should not say a word which will interfere with that harmony which exists and which should continue to exist. Today we should think of ourselves not as Hindus or Muslims, but as Indians, one and all.

Now, I am a great deal in agreement with what Shri Mukerjee said. I have said this before and I repeat it—I repeat it with all the emphasis I possess—that this Bill will not in any way, affect what Shri Mukerjee chooses to call the special character of the University.

The Academic Council has not been interfered with. This Bill does not touch the academic studies in the University. The academic studies will go on as they are. I also reiterate what I said before, that this is a temporary measure, an emergency measure, and a permanent Bill will be introduced as soon as possible, if possible in the next session.

May I say again, echoing what Shri Mukerjee said, that Aligarh University should be the symbol of our composite culture?

Some hon. Members: Yes.

Shri M. C. Chagla: It should be the symbol of Muslim culture in the context of secular India. It should be an example to the rest of the world how different communities can

live together in peace and harmony in our country. It should also be an example to the world how in the midst of diversity we have found unity in our policy.

My hon. friend, Shri Yashpal Singh, has used rather strong expressions against me. He said I wanted to trample upon Aligarh. My hon. friend over there said "जुल्म किया है"

I do not understand how I have trampled upon Aligarh.

Dr. L. M. Singhvi: We use stronger words. He said that he wanted to 'murder' it.

Shri M. C. Chagla: मैं नहीं समझ सका हूँ कि क्या जुल्म मैंने प्रयोग किया है। I assure him that my sole intention is

to preserve the glory of Aligarh. I know it has made a great contribution to our academic life, our scholarship and our nationalism, I want to assure this House that I have brought in this ordinance and the Bill, as a temporary measure, in order that Aligarh should be strengthened and should become a modern progressive University, that it should be a shining light not only in India but abroad, of our great composite culture.

With these words, I move.

Mr. Speaker: The question is:

"That the Bill be passed".

The Lok Sabha divided:

Division No. 15]

AYES

[13.45 hrs.

Ancy, Dr. M.S.
Rade, Shri
Bal Krishna Singh, Shri
Besumatari, Shri
Bears, Shri
Bhanu Prakash Singh, Shri
Boroosh, Shri P.C.
Chakraverti, Shri P.R.
Chandrabhan Singh, Shri
Chaturvedi, Shri S.N.
Chaudhury, Shri Chandramani Lal
Chavda, Shrimati Joraben
Daljit Singh, Shri
Das, Shri Sudhansu
Dora, Shri Kasinatha
Dwivedy Shri M. L.
Ganga Devi, Shrimati
Gokaran Prasad, Shri
Guba, Shri A.C.
Gupta, Shri Kashi Ram
Hanada, Shri Subodh
Haq, Shri M.M.
Harvani, Shri Anwar
Jamir, Shri S.G.
Jamunadevi, Shrimati
Joshi, Shrimati Subhadra
Jyotishi, Shri J.P.
Kachhavaia, Shri Hukam Chand
Kappen, Shri
Kedaria, Shri C.M.
Keising, Shri Rishang
Khan, Dr. P.N.

Kotaki, Shri Liledhar
Krishna, Shri M.R.
Krishnapal Singh, Shri
Kureel, Shri R.N.
Lalit Sen, Shri
Laskar, Shri N.R.
Laxmi Bai, Shrimati
Maimoona Sultan, Shrimati
Malaiçhami, Shri
Maruthiah, Shri
Mehrotra, Shri Braj Bihari
Mehta, Shri J.R.
Melkote, Dr.
Minimata, Shrimati
Mohanty, Shri Gokulananda
More, Shri K.L.
More, Shri S.S.
Muthiah, Shri
Paliwal, Shri
Pande, Shri K.N.
Pandey, Shri R.S.
Pandey, Shri Vahwa Nath
Patel, Shri Chhotubhai
Patel, Shri Rajeshwar
Patil, Shri D.S.
Prabhuakar, Shri Naval
Pratap Singh, Shri
Raghunath Singh, Shri
Rai, Shrimati Sahodra Bai
Rajdeo Singh, Shri
Ramanathan Chettiar, Shri R.
Rameshkar Prasad Singh, Shri

Rane, Shri
Rao, Shri Krishnamoorthy
Rao, Shri Rameshwar
Raut, Shri Bhola
Sadhu Ram, Shri
Saha, Dr. S.K.
Saigal, Shri A.S.
Saraf, Shri Sham Lal
Satyabhama Devi, Shrimati
Sen, Shri P.G.
Sharma, Shri A.P.
Shastri, Shri Prakash Vir
Shastri, Shri Rama Nand
Shukla, Shri Vidyacharan
Siddananjappa, Shri
Siddhanti, Shri Jagdev Singh
Singhvi, Dr. L.M.
Sinha, Shrimati Ramdulari
Sinha, Shrimati Tarkeshwari
Sinhaan Singh, Shri
Sivappraghassen, Shri Ku.
Snatak, Shri Nardeo
Subbaraman, Shri
Tiwary, Shri D.N.
Tiwary Shri K.N.
Tiwary, Shri R.S.
Uikey, Shri
Upadhyaya, Shri Shiva Dutt
Varma, Shri Ravindra
Vishhadra Singh, Shri
Vyss, Shri Radhehal
Yadav, Shri N. P.
Yadava, Shri B. P.

NOES

Kanclappan, Shri S.
Koya, Shri

Maurya, Shri
Muhammad Ismail, Shri
Mazaffar Hussain, Shri

Sezhiyan, Shri
Tabar, Shri Mohammad
Yashpal Singh, Shri

Shri P. L. Barupal (Ganganagar): 1 am for Ayes.

Mr. Speaker: What is reflected there?

Shri P. L. Barupal: Abstention.

Mr. Speaker: That will be noted.

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): Mine has not worked.

Mr. Speaker: The hon. Minister has not voted, or something is wrong?

Shrimati Soundaram Ramachandran: Something is wrong.

Mr. Speaker: That will be noted.

Ayes: 97; Noes 8.

The motion was adopted.

13.41 hrs.

STATUTORY RESOLUTION RE:
PAYMENT OF BONUS ORDINANCE;
AND PAYMENT OF BONUS BILL

Mr. Speaker: Before I call upon Shri Masani, out of the five hours allotted, how much time should be given to the general discussion?

Shri Indrajit Gupta (Calcutta South West): Five hours is too inadequate.

Shri N. Dandekar (Gonda): There is a very large number of amendments tabled, and a very large number of Members want to speak.

Mr. Speaker: Three hours would be enough for general discussion?

Shri N. Dandekar: Four hours, and at least four hours for clause by clause consideration, and one hour for the third reading.

Mr. Speaker: Not that one hour afterwards.

Shri N. Dandekar: Amendments are in hundreds.

Mr. Speaker: That would be too much then. Five plus three, eight hours in all. I will add three more with the consent of the House.

Shri N. Dandekar: Three hours for general discussion, four for clause by clause consideration, and one for third reading. Or, you could have 3½ hours for general discussion.

Shri Indrajit Gupta: Four, three and one.

Mr. Speaker: This is the concensus, four, three and one.

Shri N. Dandekar: I am quite certain that clause by clause consideration would require much longer.

Shri M. R. Masani (Rajkot): I beg to move:

"That this House disapproves of the Payment of Bonus Ordinance, 1965 (Ordinance No. 3 of 1965) promulgated by the President on the 29th May, 1965."

[**MR. DEPUTY-SPEAKER** in the Chair]

May I, while moving this resolution, make it clear that my purpose at this stage is not to discuss the merits or demerits of the ordinance or the Bill which now takes its place? I am concerned at the moment with the justification for promulgating the ordinance on 29th May last. In so far as the merits of the Bill are concerned, my colleague will address the House on that matter, and we have tabled a large number of amendments which explain our stand. Therefore, what I say now has no implications in so far as the contents of the Bill are concerned. I am concerned with the use of the ordinance-making power to which recourse was had.

If we turn to the preamble of the Ordinance, we find that it says:

"Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action,

"The President is pleased to promulgate the following ordinance, the Payment of Bonus Ordinance."

It baffles one's imagination as to how the hon. President could allow himself to be satisfied so easily by these concerned, namely the Labour Ministry and the Government, that the requirements of this constitutional article and of the preamble, which is couched in the language of the Constitution, had been satisfied. We all know that the President, in this context, represents the Government of the day, and therefore, the responsibility for the misuse of this Ordinance-making power falls squarely on the shoulders of the hon. gentlemen who sit opposite.

Let us examine the nature of this alleged emergency to which the President referred. The facts are stated in the Statement of Objects and Reason to the Bill that has now been introduced. It points out that a tripartite commission was set up by the Government of India by a resolution dated 6th December, 1961, 4½ years back. This commission made its report to Government on 24th January, 1964. Over two years were taken by this commission in examining this matter. Then, Government sat over this matter for six months before even expressing their comment or view on the report of the commission, because it was only on 2nd September, 1964 that Government at last announced acceptance of the commission's recommendations, subject to a few modifications. This was their idea of emergency or urgency, that for six months they sat over the commission's report and did not even say whether they accepted it or not. After six months, they said, "Yes, 1159 (A) LSD—6.

we accept it." That was on 2nd September, 1964.

From that date till May 29, which is a whole nine months or so, the urgency of the situation was so pressing that Government again went to sleep or dickered with the problem. Then Parliament was in session from February to May. Over and over again during the Budget session, when numerous other Bills were also introduced, various hon. Members kept on asking the Minister as to when he was going to introduce the Bonus Bill, and the Minister and the Parliamentary Affairs Minister kept on saying that they would do their best to bring it in that session. Obviously, the Bill was ready. If it was ready, why was it not introduced during the last session? If it could not be passed, why was it not referred to a Select Committee and the valuable period of three months used for a better scrutiny by us of this Bill? But the House was allowed to adjourn early in May without the Bill even being introduced in spite of, as I said, repeated reminders. Then suddenly on 29th May, the Government awakens to the urgency of the matter, and, behind the back of this Parliament, enacts an ordinance. If this thing could have waited from 1961 to 1964 and 1965, surely the heavens were not going to fall if this Bill had been brought before the House now. What possible justification can there be for avoiding its being brought before the House in the beginning of May and then saying: "We cannot wait till August", when they waited for four years and certainly for more than a year after the report of the Commission?

In other words, if I put a question: "was there any emergency before the House adjourned early in May?" the answer is obvious. If there had been some emergency the hon. Minister would have introduced the Bill and said: let us rush it through. Obviously when the House dispersed in early May, there was no emer-

[Shri M. R. Masani]

gency, no urgency. Has something new happened after the House adjourned that created an emergent situation? Certainly not. Nothing happened between the adjournment of the House and the 29th of May, nothing at all. Why this Ordinance, then?

The answer seems to be: a very dangerous habit is overcoming those in office today; they have got so used to taking liberties with the Constitution and so used to ply in ducks and drakes with the articles of the Constitution, that it has now become an addiction. They simply cannot resist the temptation to take this drug of violating the Constitution at any given moment. This is a dangerous habit, using emergency powers for normal, routine legislation. That is what it is. This Bonus Bill is a piece of routine, normal economic legislation, labour legislation. There is no crisis involved, no emergency involved, no urgency involved. Nothing would have happened if the Bill had been introduced in August. If half a dozen labour disputes had been filed, so what? Do we not have enough labour disputes as it is? A few more.

Let me say this. The passing of this Ordinance has solved nothing. If the idea was that it would bring about industrial peace, it has not served that purpose. If the idea was that the House would be faced with an accomplished fact, even that has not been achieved. From the number of amendments tabled to this Bill, including those of the Minister, it is seen that there is nothing final about the Bill. It is not even a *fait accompli*. If that was the somewhat dubious motive, even that has been frustrated. The point is this. Out of sheer slovenliness and sloppiness, lack of care for the Constitution, lack of respect for parliamentary institutions, lack of respect for democratic procedures, this Government is allowing this country to slip step by step, from the correct path which this country has chosen. I consider it a public

duty that we should ventilate this point by tabling this motion because every Ordinance that is allowed to slip through like this without protest would be apt to drive one more nail into the coffin of our Constitution, if these reckless people across were allowed to have their way.

I am not questioning the validity of the Constitution. It is for the Courts; maybe, it is valid because the hon. President has unfortunately thought it fit to make himself a party to this expedient. But I do question the propriety of this Ordinance. I wish that the hon. President, who has the power to make himself a moral censor of those in office by occasionally questioning their improper activities, had said: I will not be a party to this rather dubious expedient; face the House when it meets next time; do your business, carry on your burden and do not make me a party to this cutting the corners and shortcuts you are indulging in.

Many years ago, this House had discussed this matter; it had an opportunity on 16th February 1954. There was a full dress debate eleven years ago because even at that time, those in office then and now—they are the same people largely—were getting used to this habit and several Members of the then opposition, including one or two Congress Members like that very fine constitutionalist, Pandit Thakur Das Bhargava, joined hands and ventilated this concern of theirs, that if this Government were allowed to go on with the misuse of the ordinance making power, our constitutional integrity was in danger. There was a long debate over a number of hours and many outstanding people took part in the debate. The debate was published in this paper, Ordinance and Taxation by Ordinance, published by the Lok Sabha.

During that debate, the then Speaker, he was a very great Speaker, as I recall from my own experience of the House in those days, Speaker Mavalankar, said what is the final

word on the subject. I do not think that even the Treasury Benches would question the validity of the proposition that he advanced. He said; "It would be recognised that that is not the democratic way of doing things; it is only in exceptional circumstances that Government may issue Ordinances. They can only if they must." I urge that in this case they have done so even though they need not have done so. There was no 'must' about it. They make lightly use of a power that should be reserved for very special and very onerous circumstances which do not exist in this case. I hope the hon. Minister, when he speaks now will take the trouble of telling the House and justifying himself as to how he comes before the House and justifies his action in having this Ordinance promulgated. After that, we shall judge whether he has any excuse or not; and if he has not, the best thing he can do is to apologise to the House and promise not to do it again.

Shri Bade (Khargone): My motion is also there.

Mr. Deputy-Speaker: He can speak. I shall place the motion before the House first. Motion moved:

"This House disapproves of the Payment of Bonus Ordinance 1965 (Ordinance No. 3 of 1965) Promulgated by the President on the 29th May, 1965."

The Minister of Labour and Employment (Shri D. Sanjivayya): Sir, I beg to move:*

"That the Bill to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith be taken into consideration".

While moving this motion, I would like to recall as to how this question relating to bonus has been a question of great controversy over a long period. During the Second Plan, the Planning Commission suggested that this question might be carefully

studied before an arrangement acceptable to all parties could be evolved. In the meanwhile, the suggestion made was that the current practice of settling these disputes by resorting to industrial tribunal or by making reference to industrial tribunals should be continued. Therefore, several disputes were either settled by mutual negotiations or discussions or they went before the industrial tribunals or industrial courts when references were made by the Government. Ultimately, the labour appellate tribunal evolved certain principles on which these disputes could be settled. This formula evolved by the labour appellate tribunal is popularly known as the LAT formula. In one particular case relating to bonus disputes these principles or this formula involving these principles came before the Supreme Court which upheld the principles evolved by the tribunal. During that time, the Supreme court also observed in its judgment that if the legislature feels that the claims of social and economic justice made by labour should be re-defined on a clearer basis, it can step in and legislate in this behalf. They have also said that in the alternative, Government may consider the question of appointing a high-power Commission to go into this matter. Therefore, the Government thought it fit that this question should be discussed in a tripartite body. In the year 1960—March—April—the matter was placed before the standing labour committee and ultimately a decision was taken to appoint the Bonus Commission.

14 hrs.

Another decision taken in that tripartite body was that the terms of reference also should be settled in a meeting of a tripartite nature. Therefore, a small tripartite committee was constituted to settle the terms of reference and ultimately the Bonus Commission was constituted on the 6th December, 1961. It

*Moved with the recommendation of the President.

[Shri D. Sanjivayya]

was presided over by an eminent judge, and the employers and workers were represented and, as usual, a member of Parliament and an economist were nominated to the Commission. For the first time, through a legislation, we were compelling the public sector also to be covered by the recommendations of this Commission. After long deliberations, as was correctly pointed out by my hon. friend, Shri Masani, spreading over a period of two years or so or more, the Commission submitted its report on the 24th January, 1964. Most of the recommendations of the Commission are unanimous excepting a Minute of Dissent by a representative of the employers . . .

An. hon. Member: In the private sector.

Shri D. Sanjivayya: . . . in the private sector. The Government have carefully considered all these recommendations including the Minute of Dissent. The Minute of Dissent relates to issues like disallowance of super-profits tax and rehabilitation allowance as prior charge, rate of return on capital and concessional treatment for certain industries. Therefore, the Government as I said, earlier, had to take into consideration not only the unanimous recommendations of the Commission, not only the Minute of Dissent by a representative of the employers but also keep in view the economy of the country as a whole. Therefore, after careful consideration the Government accepted almost all the unanimous recommendations without any modification..

An Hon. Member: Question.

Shri D. Sanjivayya: Almost all, I said. And with regard to the recommendations in which there was a Minute of Dissent, Government, after careful consideration, accepted them with certain modifications. This decision was announced by the Government on the 2nd September, and on the 7th September, a statement containing the decisions of the Government was placed on the Table of the Lok Sabha.

One or two things, I would like to submit to the House, with regard to these modifications. One important modification relates to the allowance of all direct taxes to be deducted as prior charges, and also, the tax concessions and subsidies given should not be taken into account for the purpose of calculating gross profits or calculating the bonus. Then, one other important modification relates to the rate of interest recommended by the majority of the members; they recommended that the rate of interest should be six per cent on equity and four per cent on reserves. We modified them and improved them, and made the rates 8.5 on equity and six per cent on reserves. Here, one important factor has to be borne in mind. These rates of six per cent and four per cent also existed at a time when these recommendations of the Bonus Commission were not available, but at that time, this six per cent or four per cent was not subject to tax. Here today, this eight per cent and six per cent are taxable. If this is taken into consideration, then probably the modification made by the Government is justifiable.

Not only that. The present or the prevalent market rate of interest is also taken into consideration. Then, one other important recommendation of the Commission is that these recommendations should have retrospective effect from the accounting year ending on any day in 1962. Here, the Government thought that if that recommendation were to be accepted without any modification, it would result in the reopening of even those cases which had already been settled. Therefore, we said that this recommendation of the Commission should be applied retrospectively to bonus matters other than those cases in which settlements had been reached or decisions had been given already. After this decision of the Government was announced, several representations were made to the Government by various workers'

organisations that according to the present formula evolved by the Bonus Commission and as modified by the Government, certain workers would get a lesser quantum of bonus than what they used to get before, under the LAT or the Full Bench formula. Thereafter, the Government carefully considered the representations made by the various workers' organisations, and ultimately, on the 18th September, 1964, I made a statement on the floor of this House. In that I made it clear that in the legislation to be promulgated to give effect to the recommendations of the Bonus Commission as accepted by Government, suitable provision will be included so as to safeguard that labour would get in respect of bonus, benefits on the existing basis or on the basis of the new formula whichever be higher. I may state here that clause 34 of the Bill seeks to implement this assurance.

Shri Daji (Indore): It does not do it properly.

Shri Priya Gupta (Katihar): The clauses are contradictory in this respect.

Mr. Deputy-Speaker: Order, order.

Shri D. Sanjivayya: Hon. Members will have ample opportunities; there are four hours for the general discussion. The Speaker just now announced it. (*Interruption*). Therefore

Shri Indrajit Gupta: Please tell us how it has been done.

Shri D. Sanjivayya: I do not know how hon. Members are able to know what is passing on in my mind. Let me complete the sentence.

Shri Indrajit Gupta: Your mind is in the Bill!

Shri D. Sanjivayya: My mind is within myself and it will be made known to you in due course. Clause

34 gives effect to the assurance given by me on the floor of the House. Hon. Members are really worried about the fact that this particular clause might not convey the intention of the Government clearly and in an unambiguous way. As I said earlier, they will have four hours for general discussion, three hours for clause-by-clause consideration and one hour for the third reading. When we take up that particular clause, I will certainly deal with that aspect of the question at length and try my best to clear the doubts and dispel any misapprehension or misconception in the minds of hon. members.

Shri Priya Gupta: On a point of order, Sir. Clause 34(1) negatives the assurance held out in the Bill about the quantum of bonus to be paid. How can the Bill contain contradictory clauses?

Mr. Deputy-Speaker: He can oppose clause, if he wants. There is no point of order.

Shri D. Sanjivayya: I do not want to take the precious time of hon. members at this stage, in which case the time-allotted for general discussion will be curtailed. When we take up this clause during clause-by-clause consideration, probably this clause would take much of the time of the House and I will explain it then.

Mr. Masani, who moved the motion to disapprove of the ordinance pointed out that the government have not been taking steps expeditiously to bring forth the contemplated legislation. He quoted from the statement of objects and reasons and said that the government announced the decision on 2nd September, 1964, but till 29th May 1965, for a period of 10 months, government went to sleep and never took any urgent steps. I will explain what we have been doing during this period. Immediately after taking the decision, government drafted the Bill and in accordance with the

[Shri D. Sanjivayya]

tradition and convention that we have developed in relation to the formulation of labour policies, we had to place the draft Bill before a tripartite conference. So, on 9th and 10th December, 1964, the tentative Bill was placed before the Standing Labour Committee. After considerable deliberations, the Standing Labour Committee felt that it would be desirable to refer this matter to a sub-committee. A sub-committee was constituted with instructions to report to the Standing Labour Committee within a short time. The sub-committee met on 3rd January and ultimately came to the conclusion that it would not be possible for them to evolve an agreed solution to this troublesome question and felt that the whole matter should again be placed before the Standing Labour Committee as early as possible. The sub-committee recommended that in view of the divergent views of workers' and employers' representatives, it should be left to the government to take a decision, keeping in view the various views expressed by all the parties concerned. Again the Standing Labour Committee met on 27th March 1965 and approved the recommendation made by the sub-committee.

Thereafter, we tried our best to finalise the Bill. In fact, this is an original Bill, not an amending one and certain decisions taken and certain assurances given by the government are really very difficult to be put in a legal form. Even the drafting department of the law ministry said that some of these were really very difficult. In any case, we tried our best to see that the Bill was introduced in the budget session itself. That is why every Friday when the Minister of Parliamentary Affairs rose to announce the business for the next week, hon. members opposite asked when the Bonus Bill would be introduced and he always said that government would try their best to introduce the Bill. In spite of our best efforts, we could not introduce it

during the budget session. But all the same, ever since we took a decision and announced it on 2nd September 1964, we have been appealing to all the employers to implement the resolution of the government on the Bonus Commission's recommendations without waiting for legislation. In the very same announcement, we made it clear that government would certainly bring forth legislation incorporating their decisions. The employers turned round and said that they would not implement the recommendations of the Bonus Commission as modified by the government in the resolution, but would do so if an enactment was passed.

So many disputes have been pending since a long time. There have been agitations and attempts to have Bombay bundh, Ahmedabad bundh or sometimes Bharat bundh also. All kinds of agitations have been going on.

Shri Indrajit Gupta: Now we are having bonus bundh!

Shri D. Sanjivayya: At the same time, even the employers have been objecting to certain provisions and they have been making representations. So, we thought that any delay would cause immense harm to industrial peace in the country at a time when we are passing through difficult times. Today it is more aggravated. So, we thought the best thing would be to promulgate an ordinance, so that the disputes could be settled in the light of the provisions of the ordinance. I have placed a statement on the Table of the House on the 16th August, detailing the reasons why it became necessary for us to promulgate an ordinance. Now I hope that the employers and workers would give their full cooperation to the government in implementing the provisions of the ordinance and of the Bill when passed.

The most important feature of this new scheme is that while according to the LAT and full bench formula, bonus was paid on the basic wage, here bonus will be paid on basic wage plus dearness allowance. There are certain other important features like 4 per cent or Rs. 40 minimum or 20 per cent maximum bonus and also the principles of set on and set off. I hope these would go a long way to improve the lot of the working classes in this country.

Another unique feature of this formula is, according to this formula, nearly 45 lakh workers, who had never enjoyed bonus before would be made eligible to get bonus. Even if they get the minimum of Rs. 40 per year, it will be Rs. 18 crores per year. This is a great boon, I think, to the poor workers in our country. It may not be possible and it might not have been possible for either the government or the commission to meet the aspirations of the working class fully. In a similar way, probably the industrialists or employers might not have been pleased with the decisions of the government. But, on the whole, we feel that with the goodwill and co-operation of both the employers and workers we will be in a position to create peaceful conditions in this country of ours so that production may not suffer, so that the economic growth of the country may not be hampered. Economic growth and increase in productivity and production are really essential today because we are passing through critical times. Unless we are economically sound, unless our production in the industrial sector goes up, it will not be possible for us to prepare ourselves to meet any emergency which may be in the nature of external aggression or internal trouble.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the payment of bonus to persons employed in certain establishments and for matters connected therewith be taken into consideration."

Shri Daji: Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of 15 members, namely:—

Shri Ramchandra Vithal Bade, Shri Tridib Kumar Chaudhuri, Shri Homi F. Daji, Shri Indrajit Gupta, Shri Hari Vishnu Kamath, Shri Madhu Limaye, Shri M. R. Masani, Shri Harish Chandra Mathur, Shri B. P. Maurya, Dr. G. S. Melkote, Shri Kashi Nath Pandey, Shri D. Sanjivayya, Shri A. P. Sharma, Shri Diwan Chand Sharma, and Shri S. M. Banerjee. (81).

with instructions to report by the 22nd September, 1965."

Mr. Deputy-Speaker: Both the original motion and the amendment are now before the House. The time for speeches will have to be limited and I leave it to hon. Members to take the minimum possible time.

Shri N. Dandekar: Mr. Deputy-Speaker, Sir, I want, in the course of my observations, to touch upon only three salient features of what has been evolved in this Bonus Bill. The first is to express my sense of regret, which I did also in my minute of dissent, that it has not been found possible to evolve a bonus scheme linked to production. Sir, when this matter came up for anxious thought in the course of my work on the Bonus Commission, I found that we had been pretty well hamstrung by the terms of reference which almost wholly excluded any consideration of any other form of bonus except bonus related to profits. I still think that this is a grave error on the part of our whole industrial nexus, both employees and employers, that they have rejected and the Government have not had the courage to evolve a bonus scheme geared more to production and productivity or having that as its central element than is the case here. I know, and I am appreciative of the fact, that in clause 32 a provision has been made to allow employers and employees to work out, if they can,

[Shri N. Dandeker]

alternative schemes geared to production and productivity in lieu of the profit bonus scheme. I think that is a very good thing, but I wish the Government had gone further. I do not blame here only the Government. I blame both the employers, because they apparently are lazy and do not want to undertake the more difficult task of gearing the bonus to production and productivity, and also the workers because they seem in these days to be increasingly concerned with getting more and more for doing less and less, and not particularly concerned or bothered about any question of production or productivity. And it would seem that the Government have not had the courage to tell both of them where they get off on a matter of that kind so essential and important to the country and to the consumers. I will leave it there. Sir, because it is not, unfortunately, an essential part of the Bill.

Now, Sir, I would like to deal, in the rest of the remarks that I will make, with two main aspects of the Bill. I will deal first with the legal framework which it presents,—the legal structure within which the whole bonus question is presented; and, secondly, the substance or the scheme of the bonus matter itself.

On a *prima facie* view of the Bill, it would seem that it is rather well drafted. For instance, the Act applies to all factories and establishments having more than 20 employees at any time but not to certain specified classes of employees which are enumerated in clause 32. In so far as it applies to those factories or establishments that are not exempted, it would be effective in relation to accounting years commencing in 1964 and also, in certain circumstances, retrospectively to earlier accounting years not earlier, however, than the accounting year ending in 1942. That is in accordance with the recommendations of the Bonus Commission and that again is something that I support.

It also displaces, quite rightly,—I will come to the confusion it subsequently creates, I will come to that later on—in sub-clause (1) of clause 34 all the existing laws on the subject. That is to say, Labour Appellate Tribunal Formulae, Supreme Court Rulings, all the awards, whether of tribunals or arbitrators, all the agreements and settlements, and terms of all existing contracts. It pretends to sweep this whole clutter out of the way and to start the new bonus scheme in a clean legal framework. It also allows, quite rightly, in the cases to which it applies, the continuance of existing alternative schemes where the payment of bonus is linked to production or productivity in lieu of bonus based on profits, under clause 32(vii)(a). And it also allows for fresh agreements of that kind to come into being as between employers and employees voluntarily agreeing to such arrangements, under clause 32(vii)(b). Finally it permits under clause 34(3) new agreements to come into being where bonus, even though related to profit, is computed in accordance with a scheme different from the one propounded in the Bonus Bill.

As I said, at first sight, the *prima facie* view is a very good one and it accords with the main recommendations, in so far as the legal framework is concerned, of the Bonus Commission. But no sooner has one conceded this and when one turns to certain other clauses, one discovers that this whole admirable legal framework to which I referred is completely ruined by other provisions in the Bill. Indeed, in regard to the final legal structure of the Bill, I would like to say that I have rarely come across a Bill so badly drafted, containing so many conflicting provisions that it is exceedingly difficult to know which provision, supersedes which. I would like to give here the example of clause 32 and clause 34(3). Both of them begin with an extraordinary statement of law. Clause 32 begins by saying: "Nothing in this Act shall

apply to..." a whole series of enumerated specific classes of excluded employees. Then, clause 34(3) also says: "Nothing contained in this Act shall be construed to preclude employees employed in any establishment or class of establishments from entering into agreement with their employer. . . ." On a reading of this it would seem as if, although under clause 32 a whole lot of employers and employees have been totally excluded from the ambit of this Act, because it is said that nothing in this Act shall apply to them, sub-clause (3) of clause 34 says that nothing contained in this Act can apply to employees who want to bring about a new profit-sharing bonus agreement with their employers including the employers who have been excluded. I frankly think. . . .

Shri Bade: Only this clause is applicable, all the other clauses are bogus.

Shri N. Dandekar: When some of these provisions go on to say that **nothing in this Act shall apply to (A)** and, then, certain other provisions say that nothing in this Act shall apply to (B), I begin to wonder what applies to whom.

Then, Sir, I would like to deal with yet another part of this Bill, at some length, because it also destroys, in my judgment, the main legal framework altogether. I refer to sub-clause (2) of clause 34. The Minister referred to this particular sub-clause of clause 34, as the sub-clause designed for carrying out some assurances.

I would like briefly to recapitulate what, I think, is the effect of this in terms of the total destruction of the whole legal framework in which the Bill is otherwise conceived.

In the first place, it resurrects all the old laws at one stroke, not uniformly, but in some cases any pre-existing tribunal awards, in other cases any pre-existing arbitration awards, in yet other cases any pre-existing agreements, and in yet other cases any pre-existing settlements or terms of contracts of service. I wonder what this would mean, when any tribunal or

adjudicating body is going to sit in judgment over disputes arising out of this Bonus Bill. It would have to undertake a tremendous amount of research in any particular case to find out what law applies: is it the previous law, or is it the preceding award or the preceding arbitration award, or the preceding settlement, or preceding contract of terms of service, or only this Act?

Similarly, Sir, there is complete confusion—although, as I said, it would seem that *prima facie* there is no confusion,—there is a complete confusion, once again, as to which particular year's award or arbitration etc. would apply. In some cases the position as in 1961, which is the earliest year preceding the earliest accounting year relevant to the Bonus Bill, will apply; so, in some cases it will be the law or the legal position applicable to the employees as prevailing in the year 1961; in other cases it will be the position prevailing in 1962; in yet other cases it will be the legal position as prevailing in 1963; and yet in another lot of cases it will be the position prevailing in 1964. Sir, I am not a mathematician, but I imagine that the theories of permutation and combination would yield something like 24 different legal positions in respect to the law governing bonus that will operate in this country when this Bill is passed! That is the utter monstrosity, of a jungle of laws in which both the employers and the employees, as well as the tribunals and the arbitrators and the courts would have to wallow, jumping from one legal position to another legal position, in an endeavour to ascertain which was best for the employees depending upon the particular facts and circumstances of the particular case before them.

I would like in this connection to bring to the notice of the House the problem arising in a case which is within my knowledge of late. What happens, for instance,—I do not know what the answer is,—But I have been asked what would happen under this

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Bill in a case where, if there were several separate departments, undertaking, and branches of an establishment in more than one state, and where bonus was paid on the basis of all the undertakings being taken as one, and where the employees of one undertaking but not the others raised a dispute in relation to a particular accounting year, another went into dispute in relation to another particular accounting year, and a third went into dispute in relation to a third accounting year. What is the law? Who is to apply it? In which state? And what will be the result and state of industrial relations in this particular concern, between itself and its employees, at the end of it, is something I am not in a position to answer.

If that were all, it would be confusion enough. But on turning to the provisions of clause 34(2) I find a curious statement. I am referring to this particular provision, because I say this,—and this is the entire burden of what I am trying to say,—that the Bill starts to build up a good legal framework within which bonus disputes are to be adjudicated, and then promptly proceeds by clause 34(2) to destroy the whole of it. This clause says:

"If in respect of any accounting year the total bonus payable to all the employees in any establishment under this Act is less than the total bonus paid or payable...."

... what this means, I will come to later, because that is concerned not with law but with the substance of the matter....

"to all the employees in that establishment in respect of the base year under any award, agreement, settlement or contract of service etc."

Any award in the whole country; it does not restrict the exercise to any award or terms of agreement applicable to the particular employees and the particular employ-

yer; the employer or the employees, particularly the employees are free to look round the whole country and find any award, settlement or terms of settlement where... (Interruptions). That is the wording here.

Shri D. Sanjivayya: In respect of the base year.

Shri N. Dandeker: I have read it over and over again. It does not matter about the base year.

Shri D. Sanjivayya: We have only one base year. There cannot be hundred awards.

Shri N. Dandeker: I am saying, whether it is this base year or the second base year or the third base year, the law applicable would be, any award in the whole country, any settlement, any term of contract, anything, relative to that base year. One can pick up any such award and say: In relation to my particular base year, namely the year preceding the year to which any dispute under section 33 relates, in that year there is such and such an award, and I wish to pick up that one from the shelf, and I am entitled to claim... (Interruption)... Sir, I am not giving way,—I am entitled to claim under that particular award a particular mode of computation of bonus. If that is the meaning,—and it is quite capable of being the meaning,—I suggest we are in a mad house. I suggest that we are unable in this particular matter even to know, in any particular case what the law on the subject is,—something than which I cannot imagine a worse type of legislation.

Finally, Sir I want to turn to the substance of the Bill, the substance of the scheme of bonus. Here again, when one takes a quick look, at first sight it is an admirable scheme. It conforms to the general approach adopted by the Bonus Commission. In one or two matters they have departed from the Bonus Commission, in most of them they have not. The tribunal adjudicating a dispute would

have to proceed with ascertaining first, the gross profits of a concern subject to certain adjustments, but before deducting depreciation, income-tax, development rebate or anything of that kind. And having ascertained that, you next proceed to deduct certain essential concomitants of running a business, namely, depreciation, development rebate, income-tax. Having done that, you then further deduct certain prior charges specified in Schedule III, and so you get what is called the available surplus from which a certain portion is regarded as the allocable surplus; and that is the surplus allocable to the purpose of bonus. That is the general scheme evolved by the Bonus Commission. It also conforms broadly to the general scheme prevalent before this Bill, in what is known as the LAT formula as approved and modified by the Supreme Court from time to time, but subject to one important difference, namely, that the allowance for rehabilitation which the Supreme Court thought was necessary is not, under this particular scheme, allowed. I will deal with that matter during the clause-by-clause discussion. What I am concerned with here is that the outlines of the bonus scheme are fair enough and recognisable. One more feature of this bonus scheme, not previously prevalent in any law or terms of contract or anything at all, is the provision for a minimum bonus. As the Minister pointed out the minimum bonus clause alone will bring as many as 4-1/2 million workers actively within the ambit of the bonus which they had not previously got or heard of. This is something which, before this Bill, neither the Supreme Court nor any other court felt, in law or on merits, justifiable in an award. It was never possible to go to any court and say, "Never mind if there are no profits, I must nevertheless have a certain minimum bonus". The minimum proposed in the Bill, is also a minimum much higher than any minimum ever agreed to before or accepted by mutual settlement between workers and employers, as for instance in the tex-

tile industry in Ahmedabad and in Bombay where it was always accepted that if a minimum was all that was possible of payment, that minimum should be restricted to an amount equal to two weeks' basic wages.

That, Sir, is a recognisable scheme, and that is more or less the scheme evolved by the Bonus Commission of which, as I say, I was a member. I can recognise this in this Bill. But, once again, when I proceed to read certain other provisions in this Bill, I find the whole thing, this whole bonus scheme can be thrown right out of the window at any time anybody chooses, if it become difficult. For, once again, sub-section (2) of section 34 is concerned with propounding the most remarkable proposition,—not just a remarkable proposition but the most remarkable proposition—that this law need not apply. And one starts groping around for some other law which might be more beneficial. But, even assuming that there is no groping around in a miasma, that there is no uncertainty on that particular point, what does sub-section (2) of section 34 say? It begins with a pious statement, which I accept, that if the total amount of bonus payable in accordance with this scheme is less than the total amount payable under some other possible scheme, the bonus will be paid according to the earlier or previous scheme. Then, one could say, all right, there is an alternative clear solution to the problem. But it is not that way at all. It may well be that the total bonus payable under this bonus scheme is actually greater than the bonus actually paid under some other scheme in a base year, but the ratio of bonus to the gross profit of that year may be more favourable than the ratio of this year under the Bill. In other words, you are comparing in this case, not the amounts at all, but the ratio; it is not the amount that is in comparison. It may well be that the bonus in the base year was merely the minimum of two weeks' basic wage and, as such, obviously less than the minimum appli-

[Shri N. Dandeker]

cable under this bonus scheme, mentioned in clause 10, where it is 4 per cent of the wages plus D.A. for the whole year. Nevertheless, notwithstanding the fact that the amount of bonus payable under this scheme is substantially more than the amount of bonus payable under some other scheme, if the present ratio of bonus to the gross profit is different from the corresponding ratio of a certain base year, under this particular clause they are still entitled to throw the whole thing out of the window. I will content at this stage by giving by way of illustration just one example. I have hundreds of examples but I will give only one. I have before me the example of a case where the so-called gross profit in accordance with section 34(2) was only Rs. 20 or so for the base year. Nevertheless, the bonus paid, let us say, was Rs. 10,000. So, the ratio of bonus paid to the gross profit was 500 times or some such thing. Therefore, the employees are entitled now to claim that they must have 500 times the gross profit, during the current year subject only to the maximum of 20 per cent. In other words, quite irrespective of merits, they are entitled to an amount equal to 20 per cent of their dearness allowance and pay; that is to say, one-fifth of the year's dearness allowance and pay, irrespective of any consideration whatsoever as to the capacity of that concern to pay.

I will conclude by briefly recapitulating what I said. Firstly, I think it is very sad that the whole concept about production and productivity is now completely lost sight of. Secondly, the Bill begins by creating a legal structure that holds good, but then they knock it right down and you have in its place a jungle of law, any of which may apply from case to case. Thirdly, it begins by building a good scheme for payment of bonus which is immediately thrown right out of the window.

I think, Sir, in many respect, the Bill is bad. It is an instance of schizophrenia in the Minister, on the

one hand a certain sense of responsibility as Minister in charge of the labour problems for the whole of this country and, on the other hand, a certain loyalty to the labour movement as a labour leader. The result is this particular Bill, which is just too bad to be really thought of in its present form for consideration by this House.

Shri K. N. Pande (Hata): Mr. Deputy-Speaker, Sir, I am standing here really to support the Bill. But, while supporting the Bill, I have to make certain observations. Before going into the merits of the Bill, I want to refer to the history of bonus. I could understand Shri Masani opposing it, because he is against promulgating the Ordinance. No authority, not even the Government, can keep the labour force for long under control merely by force without considering and conceding their legitimate rights. For example, for the last two years the issue of bonus is pending in the sugar industry of Bihar. Those cases have not been decided because no decision has been taken on the Bonus Commission Report. Similarly, there are cases pending with tribunals and other machinery. Therefore, one can easily imagine the worry and anxiety of the workers on this problem.

But why did the Government promulgate such an Ordinance when there was an emergency? There was an attack on our border at Kutch. I think every citizen of this country, including every worker, knows that this is not the time for starting an agitation. Therefore, several labour organisations approached the Government and requested them to do something to protect the interests of the workers instead of putting them to the necessity of agitating for the removal of their grievances. Government wanted to do something for them. Therefore, they promulgated an Ordinance, which is a very good weapon with the Government for doing things in a constitutional way.

Shri N. Dandeker: Constitutional way?

Shri K. N. Pande: Yes, because that would be ratified by the Legislature. Of course, Shri Dandeker is always against paying any bonus. He has said just now that the payment of bonus should be linked up with productivity and other things. I agree with him there. But if in the normal working of a factory there is profit, is labour not entitled to get a share out of it as bonus? Labour is entitled to bonus. If labourers are entitled to bonus, there must be some machinery, some formula, to determine the quantum of bonus to be paid to the workers. If there is higher productivity and higher production because of the efforts of labour, naturally the labour force is entitled to a share of the increased profits because the increased profits have accrued as a result of their work. But that should not be linked up with bonus. With all great respect to Shri N. Dandeker, who is an enlightened man, I would request him to consider the other aspect. No Government can control the country and the people, including the labour force, by force. They have to consider the difficulties of the people and find some solution for them. Unless they do that, the people are not going to be satisfied with the Government. The labour will not be satisfied by mere lectures or promises.

In respect of the bonus that is being paid in the sugar industry, an announcement was made by the Labour Minister on the 18th September 1964. Under the old arrangement the workers used to get Rs. 18 crores to 17 crores every year as bonus. Now, as a result of the Bonus Commission's recommendations, as modified by Government, the workers are going to get much less unless their interests are protected by Government. Do you think that the Bonus Commission was formed with a view to reduce the quantum of bonus? Was it meant to reduce the quantum of bonus available to the workers? No, that was not the purpose of appointing the Bonus Commission. The object of appointing the Bonus Commission was to see that justice is done to the workers and

that they get their legitimate and reasonable share in the profits of the company, even if they are unorganised and there is nobody to look after them. The Bonus Commission was formed because of the observations of the Supreme Court. When the Commission submitted its report, the Government modified it. Even according to the Labour Appellate Tribunal formula the direct taxes were deducted first. It is not a new thing. There may be some modification here and there but the system is the same. It was deducted first and then out of the remaining sum the workers were given a certain part as bonus.

The formation of the Bonus Commission was not with a view to reducing the quantum of bonus. If the workers were getting higher bonus, naturally their interests were required to be protected by the Government. Therefore the Government was approached in that regard and the announcement that was made by the Labour Minister reads like this:—

"The decisions taken by Government on the Bonus Commission's Report will provide for the payment of bonus to a large number of workers who were not getting any bonus previously and also given enhanced bonus to many others who were getting less in the past. At the same time, it was not Government's intention that benefits which labour may have been enjoying in the matter of bonus in any establishment or industry should in any way be curtailed by the adoption of a new formula for the payment of bonus. In the circumstances, Government desire to clarify that in the legislation to be promoted to give effect to the recommendations of the Bonus Commission as accepted by Government suitable provisions would be included so as to safeguard that labour would get in respect of bonus the benefits on the existing basis or on the basis of the new formula, whichever be higher."

[Shri K. N. Pande]

This was the announcement made by Government.

As Shri Dandekar said—and he laid very great emphasis against sub-clause (2) of clause 34—I say that this sub-clause (2) of clause 34 does not indicate that the old quantum of bonus is going to be protected. I have every doubt about that although the Government says otherwise. Therefore I want a categorical clarification in this regard. I do not want to be entangled in legal words because bonus has to be determined either by the employer or by the courts. We can only pass the legislation; after that it is the property of the courts and it is they who interpret it. In my humble opinion this sub-clause does not clarify the position and does not protect the right of workers to get higher bonus if they used to get higher bonus according to the old formula. I want that a categorical assurance should be given by the Labour Minister in this regard that the workers would continue to enjoy the benefits that they used to enjoy in the past according to the old formula.

While speaking on this matter I want to say a few sentences about the special features prevailing in the sugar industry. The sugar industry works only for four to five months in a year—somewhere it is six to seven months—and the production of these four to five months or of six to seven months gives so much profit to the factory that one sugar factory owner has built several textile factories. The old basis in the sugar industry was that the quantum of bonus was determined and the distribution was made on the monthly income in the season. Now, here a permanent worker will get more but a seasonal worker will get proportionately less. It is at the cost of the seasonal worker production that the permanent workers continue their services for the whole year and will earn more bonus than the seasonal workers whose bonus will be cut. Previously it was not done. For example, where a factory was

liable to pay Rs. 2 lakhs as bonus, we saw as to how much the salary bill of one month during the season was. Suppose, the salary bill of a factory was Rs. 1 lakh then it meant and it clearly indicated that every employee, whether he was getting a minimum wage or a higher wage, was entitled to get two months' salary as bonus. But here the things have been changed.

The sugar industry employs two lakh workers. I made several representations to the Government and tried to urge upon them to give some consideration to this matter. A large number of workers employed in the sugar industry are seasonal and if they are going to get less amount, according to this new formula, nobody can guarantee that there will be peace in the sugar industry; at least I have no confidence that I can assure anybody that there will be peace in the sugar industry unless the sugar workers are assured at least about the mode of distribution. Nobody has to pay anything extra. The formula is given and a certain amount of bonus to the workers of each factory is there. They want that their old mode of distribution should be employed and not this new one. There is a lot of conflict here and it is creating a rift between the seasonal and permanent workers. Do you want to create a battlefield in the sugar industry? If that is the intention of Government, I have nothing to say; but if that is not the intention, specially when there is an emergency in the country and you want peace, kindly take all possible steps so that struggle and conflict will be avoided. Therefore I want that the Labour Minister should clarify not only in respect of the higher amount but also in respect of those factories where due to loss the workers are going to get the minimum.

There is another apprehension also in my mind. As Shri Dandekar said, I know that there are two writ cases

pending before two High Courts. The factory owners say that when there is no profit, the factory should not be liable to pay any bonus. On this ground they have gone to the High Court. I do not know what is going to happen. The Government will also defend it because it is their responsibility to defend their own legislation. But anyhow if something otherwise happens, how will the wrong be corrected? This should also come from the Labour Minister. If in the middle of negotiations any judgement comes which is contrary to the interests of the workers, what will the workers do because the employers will immediately refuse to pay any bonus to the workers. You have to tell us what the workers will do in such a circumstance and how to stop them from agitating in order to get bonus as this is a crucial thing so far as the workers are concerned. For example, in Calcutta at the time of Dussehra there is a lot of hue and cry for bonus and nobody can stop the workers from demanding bonus. If it is not settled amicably and peacefully, naturally I do not think any kind of force can stop them from making any demand or from going ahead with their demand and agitations.

The labour problem, apart from being an economic problem, is more or less a psychological problem also. Labour is not by habit a fighter at least in our country where democracy is prevailing. The workers are not like those in other countries. I have not seen China and I do not know how the workers behave there because they do not go on strikes—I have never heard of that. They are crushed by force. Here that is not the condition because here we have got the liberty to form associations, to put our demands and also agitate for our problems that we face. Naturally here there is some difficulty and their problems require a psychological treatment. If psychological treatment is not given to the workers and their questions are not decided in a peaceful manner, you can judge what is the other course open to them to

get the matter decided or to get their problems solved.

Therefore I want that the Labour Minister will consider all these difficulties of the workers. This is a complicated issue. At the moment I am speaking and after I have spoken my Communist friends will speak. They will also oppose it because from the trend of amendments I see that a lot of opposition is coming from them also. Naturally, you have to give some serious and very special consideration to the matter so that some solution may be found out in order to ease the situation. This is what I wanted to say.

15 hrs.

Shri Indrajit Gupta: Mr. Deputy-Speaker, Sir, the Labour Minister, while moving the motion for consideration of the Bill just now tried to give this House the impression that the Bonus Commission's recommendations, that is to say, the majority recommendations of the Bonus Commission, had in almost all respects been accepted by Government and embodied in the terms of the Ordinance and now in the terms of the Bill.

Sir, I suggest, in all seriousness, that the Labour Minister knowing fully well that this statement of his is a distortion of the truth has been trying to mislead the House. The point of the matter is not as to what is the number of recommendations of the Bonus Commission which they have accepted or modified or rejected—it is not a quantitative question—but the question is as to what was the core of the Bonus Commission's recommendations. Any matter which deals with the question of bonus has naturally to deal primarily with the question of how bonus is to be computed, how the quantum of bonus which is payable is going to be calculated or computed. That is the core and the kernel of any scheme of bonus. Other things are only incidental. Surely, the Minister remembers very well that it is in respect of the computation

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proceedure that the most serious departures have been made by the Government from the majority recommendations of the Bonus Commission in the name of modification and it is on this ground, that is to say, a deliberate and wilful attempt to reduce the quantum of the allocable surplus which can accrue to the workers as bonus, that organised labour all over the country is most indignant against the Bill in the form in which it has been put before the House and there is the apprehension which my friend Mr. Pandey, on the other side, entertaining that as a result of this Bill there may not be greater peace but greater unrest and the apprehensions are very well founded precisely because of this factor.

I wish to make some general remarks at this stage. When we come to clause-by-clause consideration of the Bill, I shall speak in detail on the clauses concerned. First of all, just as Mr. Masani waxed so eloquently with his indignation about the propriety or otherwise of the Government functioning by an Ordinance—he is entitled to his views—I must also raise my voice of indignation and protest against the precedent and a very dangerous precedent, which has been introduced by this Government in the manner in which it has dealt with the recommendation of the Bonus Commission. There was the Commission consisting of seven persons. Just now, the Minister made a passing reference to the composition of the Commission. He talked of an eminent Judge who was appointed as the Chairman he reminded us that there was an Economist there; he reminded us that a Member of Parliament was there, that representatives of the employers both of the public and private sectors were there and the representatives of the two biggest trade unions organisations in this country were there including the organisation which is now headed by my friend Mr. Pandey. Out of these seven Members, he said, six Members, that is to

say, an overwhelming majority, agreed on certain recommendations while one member representing the employers of the private sector put in a minute of dissent.

Shri A. P. Sharma (Buxar): He is sitting here.

Shri Indrajit Gupta: I am not aware of who is sitting here. My quarrel is not against any individual and, to me, Mr. Dandekar is only a symbol of something, of Mr. Kriiloskar perhaps who, from outside, is offering a new kind of bonus to individual Congressmen as the Chairman of the Federation of Indian Chambers of Commerce and Industry and saying that if you champion the cause of FICCI, he will give you the bonus. I am not concerned here with the individuals. I am concerned here with the representative who put in a minute of dissent and, that is the form in which the Report came to the Government, six Members on one side and one Member on the other, and the basic core of this minute of dissent—I am sure Mr. Dandekar will not contradict me—was precisely relating to the method of computation of the bonus.

Now, what is the precedent that the Government has set before the country where democracy is supposed to be practised and where sermons of democracy are handed out to us every day by the hon. gentleman opposite? We are always told that democracy means that the verdict of the majority will prevail. But in this particular case, we found that a veto power was given to one Member—practically, it amounted to the veto power—representing the private sector capital and the Government obligingly incorporated the main essence of Mr. Dandekar's minute of dissent into the Ordinance and now into the Bill. There was much in the majority recommendations of the Bonus Commission which were not at all palatable even to the workers; perhaps, they were

not palatable to the employers of even the public sector—I do not know—but our representatives, I mean, the representatives of the trade unions including Mr. Vasavada who was the President of the INTUC at that time, put their signatures on the majority recommendations precisely in the interests of getting some sort of an overall settlement which would settle this vexed question of bonus to some extent in the nature of a package deal, taking the good and the bad in it together. An honest attempt was made that some sort of a cease-fire on this question of bonus should be brought about through a package deal. I suggest that one Member representing the private employers was allowed to carry out an infiltration across that cease-fire—Mr. Dandekar by his minute of dissent committed that infiltration—that infiltration was not stopped but encouraged by the Government and, step by step, the Government has gone on retreating in the face of that attack, that pressure, and now we have before us a very much emasculated version of the Bonus Commission's recommendations and the essence of it is that the method of computation has been revised in such a way that the amount which will eventually emerge as the allocable surplus for bonus has been drastically cut down and, in some cases, may be reduced to an almost vanishing point. The Minister could have been fair enough to remind this House that, for example, on the question of deduction of prior charges, before arriving at the allocable surplus for bonus, the majority of the Bonus Commission's recommendations had said that as far as taxes were concerned, only income-tax and super-tax should be deducted as prior charges—that is a fact—and now the Bill which is before the House says that not only income-tax and super-tax but also companies' sur-tax on profits, agricultural income-tax and any other tax which may be declared by the Central Government to be a direct tax for the purpose of this Act can all be deducted. It is not a very ser-

ious departure from the Bonus Commission's recommendations?

Then, on the question of development rebate, with your permission, Sir, I would just read out an extract from the Bonus Commission's Report. It says:

"Under the Income-tax Act, development rebate is not part of the depreciation allowance and is granted over and above the depreciation allowance. It is a special allowance to encourage Companies to instal new machinery. In a year in which installations of machinery are very large, the inclusion of the whole of the development rebate together with the statutory depreciation, as prior charge, might wipe out or substantially reduce the available surplus, even though the working of the concern may have resulted in very good profit . . ."

Now, here the prior deduction of the whole of the development rebate has been permitted in this Bill. I do not wish to go into further details on this just now but it is easy to see that every possible opportunity has been provided in this Bill for companies to make prior deductions under various heads in such a manner that the allocable surplus that will emerge at the end as payable for bonus will be either drastically reduced or in some years, when profits may have been made, may disappear altogether.

As my friend Mr. Pandey put it just now on the other side, what is the purpose of this whole Bonus Commission's recommendations and this Bill? Is it that the whole concept of bonus should be put on an equitable basis which would assure the working classes of this country that they will get a due share in the profits which are the result of their toil or is it that they may be landed either in a mess of litigation or in a condition where for some years they will not get bonus at all despite having built profits for the employers? How the INTUC,

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which is always fighting as the sole representative of the working class, find themselves able to lend their support to this Bill when their representative had signed the majority report of the Bonus Commission which has been violated now, is beyond the comprehension of ordinary mortals like us. Of course, we do not represent the workers' they are all represented by the INTUC.

This is the situation now. We find in the Bill itself that, not only content with reducing the allocable surplus in this manner, the number of conditions, the number of restrictions, the number of exemptions or powers to exempt, with which this whole provision for bonus has been circumscribed and hemmed in are such that, I think, in the end it would be more fitting to change the long title of this Bill from 'payment of bonus' to 'non-payment of bonus' because that seems to be the real object.

The minimum number of people should qualify for bonus—this seems to be the object of the Bill as it has come in its present shape. The Minister has made much ado about this provision for minimum bonus. In itself, I admit that, even if this clause guaranteeing minimum bonus irrespective of profit or loss, could be ensured, it would be some substantial gain for at least those workers in our country who are unorganized in small industries or who have never enjoyed the benefit of bonus—not only small industries, but very big public sector concerns where they have never had a pie as bonus all these years. Even there you will find that there is no guarantee of recovery of minimum bonus in the event of an employer refusing to pay. Please go through the clause carefully. The only way to get their bonus, if it is due under the Act and if a particular recalcitrant employer does not pay, is through a long process of either raising the dispute under the Industrial Dispute Act or litigation or something like that; there is no other way of recovering the money.

As regards public sector concerns, the conditions, restrictions and exemptions allowed are such that, I think, the Government itself, which in this case happens to be the employer, should at least practise enough honesty not to discriminate between employer and employer since in this case the boot is on its own foot. They have put a clause here. I shall, in this connection, give an example which is fresh in my mind since I dealt with it only day before yesterday. In the Durgapur Steel Works or rather in the Hindustan Steel Works, a dispute has arisen whether they have to get the minimum bonus this year or not. According to the terms of this Bill, they have to show that, in that year, 1958-59, this Durgapur or Hindustan Steel Works was actually in production. The management holds that, in 1958-59, the production which took place was a trial one, an experimental production, and, therefore, cannot be reckoned as regular production. The employees have proved—and it has not been controverted—that, in 1958-59, the production of Hindustan Steel Works fetched a sale price in the market of Rs. 20 lakhs. Of course, the production was on a much smaller scale than what it is today. If it was trial production, an experimental production, how was it sold in the market and how does the Balance Sheet of the Hindustan Steel Works for that year reveal that, by sales, they got an income of Rs. 20 lakhs? Because of an invidious clause in this Bill, which is put in there for some obscure purpose, we find that there is a very big dispute there; the situation is heading towards a strike and we do not know what is going to happen.

The Minister is going on inundating this House with amendments to the very eleventh hour, which only shows that his own mind is not very clear; even this morning he supplied us with a list of amendments (No. 9); yesterday he introduced a new amendment adding to that huge list of exemptions and in that he adds all em-

ployees of inland and water transport companies which are operating on routes between two countries, I know what he has in mind. I am the President of the Union of that Company, which sent a telegram only three days ago from Calcutta, the River Steam Navigation Company of Lord Inchcape, whose control and management have been taken over recently by the Government though the shares of Lord Inchcape have remained intact. Because of the British Company's mismanagement all these years and because that Company has been showing losses over the last three years, that management put in a petition to the Government that they should be exempted altogether from this Bill and Mr. Sanjivayya comes forward obligingly and on the brink of this consideration of the Bill, he puts in an amendment like that.

Further, I say that this is a very dangerous form of legislation which is being undertaken. I agree with Mr. Dandekar on one point. There are so many contradictions, so much of confusion, in the drafting of the legislation and in its outlook too. Provided the company has completed at least six years, provided so many other things, once it starts functioning as a regular company—it does not matter even if it makes a loss—it will have to pay a minimum bonus. But if it is not six years' old, if its production has been a trial production if it operates a water route which passes through a river in Pakistan, then it is not to pay any bonus. Wonderful! What kind of outlook is this? What does this mean except to try and cut out people as far as possible.

Then, take for example the question of the category of workers who have been completely excluded. All apprentices are excluded altogether. Why should they be excluded from getting even the minimum bonus? Contract labour is totally excluded. In the definition of wages for the purpose of calculating bonus where Mr. Sanjivayya very proudly said that hitherto

it was only basic wages that was taken into account, but now it would be basic wages and dearness allowance, I may remind you that there are several lakhs of employees in this country working in the distributive and such trades who function mainly on the basis of commissions. Their regular fixed salary amounts to Rs. 50 or 60 per month; the balance has to be earned from commissions on sales. Let us take the popular example of the salesmen of Bata Shoes or the salesmen of Usha Company, who make fans and sewing machines. They are all educated middle-class people and some of them are graduates. Their fixed salary is Rs. 50 or 60 per month and the balance has to be earned by them on the basis of commissions on sales. But this Bill comes forward and excludes all commission from the computation of wages for the purpose of calculating bonus. Is this a correct thing to do? It means that, in such cases, those employees will get practically no bonus whatsoever. Here in their cases, where they are functioning as salesmen and so on, their commissions, the rate of commission and the basis of commission are an integral part of the contract of service; it is not just something in the air; it is in the contract of service. Yet, these commissions have been excluded. In such cases it means that the whole body of employees will be clearly denied any bonus at all. I could go on for a long time dealing with many points and we shall bring many of them up when it comes to the question of concrete amendments and clause by clause consideration. Now, I must say a word about the famous clause 34, which my hon. friend Shri K. N. Pande has dealt with already. Of course, I hold my patience a little bit because the hon. Minister has assured us that when he comes to that clause, he would enlighten us to our complete satisfaction. That was why I was interrupting my hon. friend only to a little extent earlier on because I would have liked him to have explained at the outset of this discussion

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exactly what the implication of this clause 34, is. I fully share and my organisation namely the AITUC fully shares, the misapprehensions and misgivings of my hon. friend Shri K. N. Pande that what might emerge ultimately as a result of this clause 34 may not be protection of higher bonuses at all. It may be so in some individual cases but in many cases it may not be so, and in some cases it may lead to a fall from the previous higher bonuses. My hon. friend Shri K. N. Pande is quite right when he asks what the object of any progressive legislation is if it cannot give a fool-proof guarantee that the existing rights and privileges of the workers will not be curtailed. If existing rights and privileges are going to be curtailed, then whatever else may happen, that act cannot lead to industrial peace, but it will lead to more bitter discontent and unrest and more intensive strife, which I am sure the hon. Minister does not want just as none of us wants it too.

Here, in clause 34, all that we are guaranteed is the ratio. How that ratio will work out in practice is something which I would be very glad to know from the hon. Minister. For the ratio is in relation to a base year. In that particular base year, we do not know what condition the particular establishment or company may have been in. If I am linked on a ratio basis to a base year, then the result in the present year when I am going to get bonus may be completely to my disadvantage. On the other hand, my hon. friend Shri N. Dandekar has pointed out some example where it may work the other way round. I do not know. The whole thing is a confusion. Even if the ratio is maintained, the quantum of bonus per worker may fall down considerably because in the meantime the number of workers may have increased in that concern and only the ratio would be maintained; in that case, the quantum of bonus accruing to each worker is bound to fall.

Therefore, as far as clause 34 is concerned, we have not been able to appreciate yet what sort of fool-proof protection it embodies. We have got grave misgivings. I believe and I am told that the recent strike which took place by the *Times of India* employees and Bennet Coleman and Co. employees was called off by that union on the basis of some assurance given to them by the hon. Minister that clause 34 was being formulated in such a way that there was no possibility whatsoever of their previous higher bonus—I take it that higher bonus means higher quantum of bonus—being reduced; I am told that on the basis of some such assurance, that strike was withdrawn. But in the pages of this draft Bill and in the language of this draft Bill we find no such assurance whatsoever. Therefore, we would certainly like to be enlightened on this point.

Finally, I would conclude with one other observation. Since there seem to be so many misgivings, and they are being expressed from various sides of the House regarding the way this Bill is drafted, and since many anomalies and contradictions are being pointed out, and since we find also that the hon. Minister himself on the morning of the 6th of September, 1965 is still not having his mind at rest and has still come forward with sheaves of amendments himself, I would request him to please consider once again whether it is not possible even at this stage to refer this Bill to a limited Select Committee; the duration of the Select Committee may be limited. I do not want the whole thing to go on for months and months, but let it be limited to just a couple of weeks or ten days. Let a chance be given to some committee to go into the Bill and try to remove some of these anomalies and these contradictory things and clarify certain things so that it may not land us in endless disputes and litigation and endless strife hereafter. This, I think would be a correct reflection of the views of those who are entertaining doubts and

misgivings on this question throughout the country.

Mr. Deputy-Speaker: Now, Shri A. P. Sarma.

Shri Sham Lal Saraf (Jammu and Kashmir): You are calling only representatives of labour. We have no place here?

Shri Daji: There is enough confusion already. Let not the confusion be worse confounded.

Shri Sham Lal Saraf: My hon. friend may rest assured that we shall point out where the confusion lies.

Shri A. P. Sharma: I wish to congratulate the Government and the Labour Minister for having brought forward this Payment of Bonus Bill, 1965 before this House for its passage. Before the amendments were tabled by Government, I had also some observations to make regarding this Bill. But after the tabling of the amendments, particularly to clauses 33 and 34, I support this Bill wholeheartedly. That is why I congratulate the Government and the Labour Minister for having come forward with this Bill.

I also congratulate Shri N. Dandekar and Shri Indrajit Gupta because they agree to at least one thing and that is to cause confusion. All along they have been talking about confusion. I shall come to them later on in the course of my speech while dealing with the Bill proper. At this stage, I would merely point out that both of them are interested in it for the same purposes, although they may be talking in different language. And that is why they are opposing this Bill.

From a close study of the Bill it will be found that about 45 lakhs unfortunate workers who, as the Labour Minister has said, have never seen what is called bonus are going to get a minimum bonus of four per cent. My hon. friend Shri N. Dandekar objects to 4 per cent minimum bonus.

But this Bill will protect also the right of the workers to get higher bonus wherever they have been getting higher bonus as a result of some award or some settlement. The total amount according to this Bill will be about Rs. 25 to 30 crores. Therefore, I would like to say that this is definitely a gain for the workers, and particularly, as I have said, to those workers who have never received any bonus at all in the past.

I shall be very happy if this bonus formula is extended to other industries, and particularly to the workers in public sector undertakings, and some method is found out by the employing Ministries to include those workers also who unfortunately have been left out of the scope of the present Bill.

To have a proper appreciation of this Bill, the amendments that have been tabled, particularly, to clauses 33 and 34 have to be appreciated in the background of the character of bonus originally recognised in this country. Originally bonus was regarded as *ex-gratia* payment to the workers. But, according to this Bill now, it will be a matter of right for the workers. Therefore, this Bill substantially changes the character of bonus hitherto paid to the workers in this country. This bonus Bill will ensure social justice to the workers, and it will be definitely laying down a healthy tradition for settling the bonus disputes of the workers.

Shri N. Dandekar and the employers have opposed this Bill because in their opinion the employers were getting some rehabilitation allowance under the Labour Appellate Tribunal formula and that is not provided in this Bill, and, therefore, they are opposed to this Bill. We have to examine how much they were getting under the Labour Appellate Tribunal formula for rehabilitation charges. They were allowed 6 per cent return on the capital and two to four per cent as reserve. The Bonus Commission re-

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commended 7 per cent and 4 per cent respectively, and according to the modification now made by Government, which is incorporated in this Bill, the rates will be 8½ per cent and 6 per cent respectively. From all this you will find that whatever modification Government have made so far in the bonus report and incorporated in this Bill is such that the employers are definitely the gainers. There is no doubt about it. Over and above that, they are also entitled to a certain development rebate. Therefore, I do not understand why the employers are opposed to this Bill.

15.30 hrs.

[DR. SAROJINI MAHISHI in the Chair]

They are opposed to the payment of minimum bonus of 4 per cent, because their argument is that if an industry runs at a loss, the workers cannot be entitled to a bonus. Here we have to see that these workers do not suffer. If at the same place where there are two industries, one running at a profit, and the other running at a loss due to mismanagement or inefficiency on the part of the management, if one industry is running at a profit, naturally the other industry should also run at a profit. Therefore, to say that minimum bonus is not justified is not correct. If at all any industry runs at a loss on account of mismanagement of the industrialist or employer, it is the employer who should suffer, not the workers. Therefore, I agree that it is absolutely justified to fix a minimum of 4 per cent and a maximum of 20 per cent bonus as laid down in the Bill.

In spite of all these modifications which are mostly in favour of the employers, they are not satisfied. When these modifications were announced by Government, the workers' organisations, particularly the organisation to which I belong, the

Indian National Trade Union Congress, protested against them, but later on when the Prime Minister and the Government of India assured us that wherever the workers are getting a higher bonus than that laid down in Bonus formula they will continue to get that, we reconciled to the idea of the modifications.

While concluding my observations at this stage, I would record my support to the Bill because it ensures the payment of a minimum bonus to more than 45 lakh workers who have never got bonus, it protects the interest of about 15 lakh workers who have been getting a higher bonus than that laid down in the Bonus formula and at the same time industry will also get sufficient allowance for development and expansion and their expenses. This Bill is quite in order and I record my support and that of my organisation to it.

Only one word regarding the Opposition friends who are opposing the Bill. I wish to say that some of these people are not interested in solving certain problems. This is particularly so in the case of our friends sitting opposite, that is, the Communist Party and the All India Trade Union Congress. They are never interested in solving the problems of the workers because they know if the problems are solved through peaceful or constructive methods, their utility will cease to exist. They will only be useful at a place where confusion reigns. That is why I have said that I want to congratulate Shri Dandekar and Shri Indrajit Gupta for the fact that at least they can agree in one respect, that is to cause confusion. That is why they are trying to create confusion so far as this Bill is concerned.

Otherwise this Bill is quite in order. It is a progressive step, it is a step towards socialism in this country. Over and above that, it lays down a peaceful, constructive method

for the settlement of disputes of workers regarding bonus. I hope that the same formula will be extended to the rest of the workers in the country who are working in employing ministries like railways, defence and other departments.

With these words, I support the Bill.

श्री बड़े : माननीया सभापति महोदय, मैंने इस प्रकार का संकल्प दिया है कि मैं इस प्रॉडिनेन्स से सहमत नहीं हूँ, लेकिन मैं ने जो प्रस्ताव दिया है वह इस बास्ते नहीं कि मैं पूरे प्रॉडिनेन्स से सहमत नहीं हूँ। मेरा इतना ही कहना है कि बोनस कमीशन ने जो सिफारिशों की थीं अगर उन को बैसे का बीसा ही इस में रखा गया होता तो शायद मैं इससे सहमत होता। लेकिन मैं ने देखा कि बोनस कमीशन ने जो सिफारिशों की हैं उनसे यह प्रॉडिनेन्स और बिल विपरीत जाता है, और इससे मजदूरों में और कारखानों में काम करने वालों में असंतोष है। इसी कारण मैं ने यह संकल्प दिया है।

श्री दांडेकर और श्री मसानी के जो संकल्प हैं उनमें और मेरे संकल्प में अन्तर है। उन का यह कहना है कि इस प्रॉडिनेन्स के निकालने की जरूरत नहीं थी, मेरा कहना है कि इतने पड़ने ही यह प्रॉडिनेन्स निकालना चाहिए था या बिल लाना चाहिए था।

अब बिल पर आते हुए मैं पहले तो बोनस कमीशन के सदस्यों को धन्यवाद और बधाई देना चाहता हूँ कि उन्होंने ने इस बहुत कठिन विषय पर विचार कर के बोनस की परिभाषा दी है। पहले बोनस ऐसा समझा जाता था कि कुछ एक्स प्रेशिया पेमेंट कर दिया या जैसे कुछ इनाम दे दिया। उस के बाद समझा जाता था कि अगर प्राफिट हो गया तो उसमें कुछ हिस्सा मजदूरों को दे दिया, उसके बाद यह समझा जाता था कि और उत्पादन बढ़ गया तो मजदूरों को कुछ दे दिया वही बोनस है। लेकिन बोनस कमीशन

ने कहा है कि उन को लिजिंग वेज देना चाहिए और अगर एक्चुअल वेज और लिजिंग वेज में अन्तर है तो लिजिंग वेज देनी चाहिए और उन्होंने ने मिनिमम और मैक्सिमम बोनस कर दिया है जिस से ब्यापारियों को नुकसान न हो, और मजदूर उत्पादन का भी ध्यान रखें और दोनों में संतुष्ट रहे। उन्होंने ने पेज 19 में यह व्याख्या दी है :

"It is difficult to define in rigid terms the concept of bonus, but it is possible to urge that once profits exceed a certain base, labour should legitimately have a share in them. In other words, we think it proper to construe the concept of bonus as sharing by the workers in the prosperity of the concern in which they are employed".

मैं समझता हूँ कि जो इनमें कनव्यूजन था उसके बारे में उन्होंने बीव का रास्ता निकाला है और यह व्याख्या दी है। उन्नी के अनुसार उन्होंने अपनी रिपोर्ट दी है।

मैं यह दिशा-दर्शक कि शासन ने समाजवाद की धोरणा करने हुए और समाजवाद का डिहोरा पीटने हुए भी मजदूरों के साथ उस प्रकार न्याय नहीं किया है जैसा कि कमीशन ने सिफारिश की है। मजदूरों को जो न्याय बोनस कमीशन ने देने का प्रयत्न किया है उस को वापस लेने की शासन ने कोशिश की है। कमीशन ने कहा है कि कनसेशन देने में एम्प्लेड प्राफिट्स टैक्स और डायरेक्ट टैक्स इनक्यूब करने चाहिए लेकिन शासन ने कहा :

"All direct taxes for the time being in force will be deducted as prior charges; tax concessions given to the industry to provide resources for development will also be accepted as prior charges; the rate of return on capital to be allowed as a prior charge shall be 8½ per cent. on

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paid up capital and 6 per cent. on reserves (as against 7 per cent. and 4 per cent. respectively) as recommended by the Bonus Commission".

हमारे दांडेकर साहब ने जो असहमति पत्र दिया है उसी को स्वीकार किया गया है। मैं नहीं जानता कि मंत्री महोदय ने इस को क्यों स्वीकार किया। इतना हार्ड पावर्ड कमीशन था और इस की बात शासन ने नहीं मानी और इस प्रकार उस के एक चपत लगाया और उस का आदर नहीं किया।

Dr. Ranen Sen (Calcutta East): Government has been pressurised by big business.

श्री बड़े : सरकार मिक्स्ट इकानमी की नीति पर चल रही है। वह एक और मजदूरों को खुश करना चाहती है और दूसरी तरफ मिल मालिकों को भी खुश करना चाहती है। यह कनफ्यूजन इसी कारण पैदा हो रहा है। एक्सेस प्राफिट्स टैक्स के बारे में कमीशन ने उदाहरण दिया है। उन्होंने कहा है :

"The Super Profits Tax has been notified by the Government as a tax on excess or abnormal profits under Section 349 (4) (d) of the Companies Act".

जब काफी फायदा होता है तो स्वाभाविक तो यह है कि लेबर, जो कर्मचारियों को जो कि वहां पर मेहनत से काम करते हैं उन को भी उस प्राफिट में से नफ़ा मिलना चाहिए लेकिन वैसा न करते हुए यह जो किया गया है कि मिल मालिकों के पास पैसा रहना चाहिए, तमाम नफ़ा उन्हीं के पास जमा रहना चाहिए ऐसा कर के शासन ने कोई वृद्धिमत्ता नहीं बताई है।

कमीशन ने डेवलपमेंट रिबेट के बारे में अपने विचार व्यक्त किये हैं। उन्होंने बिल

के क्लॉर्ज़ के पीछे कारण दिया है कि ऐसा हम क्यों करते हैं वैसे कारण नहीं बताया है लेकिन कमीशन ने खाली यह कह दिया है कि डेवलपमेंट रिबेट क्यों नहीं निकालना चाहते।

"As regards the development rebate, the commission observed: "We now come to the question of development rebate and the saving tax on account of development rebate. It is a special allowance to encourage companies to instal new machinery. In a year in which installation of machines are very large, the inclusion of the whole of the development rebate together with the statutory depreciation, as prior charge might wipe off or substantially reduce the available surplus, even though the working of the concern may have resulted in very good profit.'"

अब काई भी साधारण आदमी यह जानना चाहेगा कि इसमें यह डेवलपमेंट रिबेट क्यों नहीं शामिल करना चाहिए ? इस के लिए उन्होंने कोई खास वजह नहीं बतलाई है कि वैसा क्यों नहीं किया जाना चाहिए।

"(12) "direct tax" means—

(a) any tax chargeable under—

- (i) the Income-tax Act;
- (ii) the Super Profits Tax Act, 1963;
- (iii) the Companies (Profits) Surtax Act, 1964;
- (iv) the agriculture income-tax law; and

(b) any other tax which, having regard to its nature or incidence, may be declared by the Central Government, by notification in the Official Gazette, to be a direct tax for the purposes of this Act."

बाइरेक्ट टैक्स की शासन ने परिभाषा बतलाई है और वही पर उस ने लिखा है कि कोई भी टैक्स जिसे कि सरकार गजट में शायी कर दे बाइरेक्ट टैक्स माना जाएगा और वहां पर सरकार को यह प्राफिट या बोनस बांटना चाहिए ।

इस के बाद मुझे समझ में नहीं आता कि नई इंडस्ट्रीज जो हैं उन को 6 साल की विशेष छूट कैसे देते हैं ? यह 6 साल की छूट देने का क्या कारण है ? 6 साल तक नई कम्पनियों को बोनस नहीं देना चाहिए ? यह 6 साल आप ने कहां से निकाला है ?

उसके बाद मैं ने यह देखना चाहा कि पबलिक इंडस्ट्रीज को आप में शामिल किया है या नहीं । उसके वास्ते उन का कहना है कि गवर्नमेंट इंडस्ट्रीज में यह बोनस बिल लागू नहीं होगा । आखिर यह बोनस बिल पबलिक इंडस्ट्रीज के वास्ते क्यों नहीं लागू होना चाहिए ? आप व्यापार करते हैं, आप की इंडस्ट्रीज कम्पटीशन करती है और इस वास्ते इस कमिशन ने अपने पेज 88 पर यह कहा है :—

"A number of representatives of public sector enterprises appeared before us or submitted their representations. In one way or another they emphasised the special character of public sector enterprises stating that their primary objective was to assist in the economic growth of the country with a view to promoting employment and the well-being of the community in general; that profit motive was a secondary consideration and that whatever gains ultimately accrued would be utilised for further growth to the ultimate good of the entire community;

that most of them were of a basic character designed to promote dependent industries in the private sector; that certain financial institutions recently set up were not intended to restrict or retard the business activities of established private financial institutions, but were primarily designed to provide cheap credit for the development of industries..."

आपे चन कर उन्होंने कहा कि 20 परसेंट का जब कम्पटीशन होगा तो वह कम्पटीशन फ्रील्ड में तैयार होंगे । उस का एक रेशियो दिया है तब उस पर बोनस बिल लागू होगा । लेकिन यदि इस प्रकार से किया जायगा तो फिर झगड़े हो जायेंगे । आप ने जो बोनस के लिए 20 परसेंट का रेशियो रक्खा हुआ है और कहा है कि उस पबलिक कंसर्न को और उस सरकारी कारखाने को बोनस बिल लागू होगा जिसमें कि उनका किसी से कम्पटीशन होगा, प्राइवेट कंसर्न जिसमें कि 20 परसेंट सेल्स और प्राइवेट कंसर्न का होगा यह रेशियो आप ने रक्खा हुआ है । मैं समझता हूँ कि कमिशन ने भी दिया हुआ है । यह कमिशन ने कहा है कि हमें इस में कोई रैफेंस नहीं था ।

"The term 'industrial employment' will include employment in the private sector and in establishments in the public sector not departmentally run and which compete with establishments in the private sector".

उनको रैफेंस इस प्रकार दिया है कि पबलिक सेक्टर के कारखाने जितने होंगे उनके वास्ते बोनस कमिशन को विचार नहीं करना है तो भी उन्होंने विचार किया है ।

"In the strict economic sense competition covers not only service rendered and/or the production of an industrial unit but also the resources utilised (competition for labour, capital and materials); but if this were in-

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tended there could hardly be any significance in a specific use of the expression 'which compete with the establishments in the private sector', because every industry must employ and compete for resources for running it, and therefore, there can be no exemption".

अब यदि आप कम्पटीगन को टैस्ट रजो है तो प्रत्येक इंडस्ट्री चाहे वह पबलिक सेक्टर की हो या प्राइवेट सेक्टर की और वह प्राफिट करती है तो कोई बतव नहीं है कि उनको इस बोनस देने से क्यों छूट दी जाये ? अब दोनों ही रा मैटीरियल लगी है तो रा मैटीरियल से कम्पटीशन होगा, लेबर से कम्पटीशन होगा और कंपिटल से कम्पटीशन होगा तो यह बोनस पबलिक सेक्टर और प्राइवेट सेक्टर दोनों में मिलना चाहिए । शासन ने यह एक बड़ा अभ्याय किया है कि उसने प्राइवेट सेक्टर पर तो यह बोनस बिल लागू किया है लेकिन पबलिक सेक्टर को उससे महकम रक्खा है । बोनस फारमूला उन पर भी लागू होना चाहिए । चूँकि ऐसा नहीं किया जा रहा है इसलिए इस बारे में कामगारों में बड़ा असन्तोष है ।

जैसा कि श्री डांडेकर और इन्द्रजीत गुप्ता ने 34 के बारे में कहा है वहाँ पर दरअसल बड़ा कनफ्यूजन है । इसके साथ में एक प्राविजो एड किया गया है :—

"Provided that nothing contained in this sub-section shall entitle any employee to be paid bonus exceeding twenty per cent. of his salary or wage for the accounting year."

मैक्सिमम कितना होना चाहिए इस के वास्ते आप ने यहाँ बलाज डाल दिया है जो कि आप अपने एग्रीमेंट के अनुसार ले सकते हैं । यह तो बहो हुमा है कि आपने इस में एक हाथ से दिया और दूसरे हाथ से ले लिया । एक हाथ से आप ने दिया कि एग्रीमेंट के अनुसार ले सकते हैं लेकिन दूसरी तरफ कह दिया कि किसी भी हालत में जो मैक्सिमम 20 परसेंट का रक्खा है उससे अधिक बोनस कोई भी कर्मचारी नहीं पा सकता है ।

यह सेक्शन 34 में ने पूरा पढ़ा तो धुसे तो उससे कोई मतलब निकलता दीखता नहीं है । मालूम ऐसा पड़ता है कि इन के मन में कोई दूसरो बात है यह कल्पना डालने के वास्ते सेक्शन तैयार किया, सेक्शन का मतलब कुछ होता नहीं है और इतने साफ साबित हो जाता है कि आप कुछ करना नहीं चाहते हैं और इस शगड़ेबाजी को उत्पन्न करना चाहते हैं ।

जो आपने अग्रेडमेंट दिया है उसमें आपने छोटे छोटे इस्टैबलिशमेंट्स नहीं लगाये हैं । उसमें आप ने यह कहा है :—

"32. Nothing in this Act shall apply to—

(i) employees employed by any insured carrying on general insurance business and the employees employed by the Life Insurance Corporation of India."

आपने इस में यह कहा है कि जनरल इश्योरेंस बिजनेस पर यह बोनस लागू नहीं होगा लेकिन एल० आई० सी० को नहीं लेते हैं । लेकिन जनरल इश्योरेंस को इस बोनस से क्यों छूट दे रहे हैं यह

मेरी समझ में नहीं आता है और न ही इनके लिए उन्होंने कोई वैलिड आर्गुमेंट दिया है ?

आप ने यह कहा है :—

“(c) institutions (including hospitals, chambers of commerce and social welfare institutions) established not for purposes of profit;

“(vi) employees employed through contractors on building operations;”

मेरा कहना यह है कि बिल्डिंग प्रीपेरेशंस हमने स्टार्ट किये हुए हैं और वह इस प्रकार के ठेकेदार लेते हैं। एक क्लाइंट इस में और डाला है जिसमें उन्होंने लिखा है। एक विचित्र धारा है।

“If the appropriate Government, having regard to the financial position and other relevant circumstances of any establishment or class of establishments, is of opinion that it will not be in public interest to apply all or any of the provisions of this Act thereto, it may, by notification in the Official Gazette, exempt for such period, as may be specified therein.”

ऐसी छोटी छोटी कम्पनियों के लिए शासन यह समझता है कि बोनस बिल लागू नहीं होना चाहिए। दरअसल होता यह है कि किन्हीं बड़े कम्पनी लीडर जो कि किसी इंडस्ट्रियल कारखाने में इंटरैस्टेड होते हैं उनको बोनस कमिशन से छूट दिलवाने के लिए अपना प्रैसर गवर्नमेंट पर डालते हैं और इसलिए यह इस तरह का इसमें प्राविजन रख दिया गया है। लेकिन इस तरह का छूट का प्राविजन रखना उचित नहीं है।

आपने इसमें मैक्सिमम और मिनिमम रक्खा हुआ है कि इतना बोनस मिल सकेगा लेकिन क्या आपने यह देखा नहीं है कि जो कारखानेदार हैं उनके पास में ज्यादा एमाउंट रह जाता है और बोनस बांटने के वास्ते कम होता है ? 60 : 40 का रेशियो रक्खा है। 60 परसेंट उस के पास रहेगा और 40 परसेंट इनके पास रहेगा, सरप्लस बांटने का लेकिन इस 60 परसेंट में भी देखते हैं कि जो जनरल रिबेट होगा वह 30 परसेंट के इक्विवलेंट रिबेट मिलता है। इस तरह कारखानेदार के पास 70 रुपये रह जायेंगे, अर्थात् मेजर पोर्शन, ज्यादा हिस्सा, उस के पास रहेगा।

मैं समझता हूँ कि जब कारखानेदारों के पास काम करने वाले मजदूरों ने बिल्लाना शुरू किया और वे पिछले दो तीन साल से मंत्री महोदय के पीछे लग गए, तो मंत्री महोदय यह बिल ले आए। जैसे मां बूझ न आने पर बच्चे के मुँह में भ्रगंडा दे देती है, वैसे ही मंत्री महोदय ने यह बोनस बिल मजदूरों के सामने पटक दिया है। लेकिन मजदूर इस से संतुष्ट नहीं होंगे। कमिशन और शासन ने यह मैक्सिमम और मिनिमम बोनस की व्यवस्था कर के मजदूरों के साथ अन्याय किया है।

मैं ने कुछ एमेंडमेंट्स दिये हैं। मैं उन एमेंडमेंट्स के साथ इस बिल का समर्थन करता हूँ।

Dr. Melkote (Hyderabad): Madam Chairman, during the short period of 1½ or 2 hours, we can clearly discern three kinds of thought being viewed today. One set of members on this side are for supporting this Bill altogether. On that side are the people who are criticising it. Among these two groups on the other side also, a distinction could be made.

[Dr. Melkote]

One group likes to thwart the Bill altogether so that the working class conditions may not improve, whereas the other group wants to imperil the provisions of the Bill.

Sir, on behalf of the workers and on behalf of the labour, I would like to say this. This bonus Bill that has been introduced here has a long and historic past and it has ultimately culminated in this Bonus Bill today and I stand here to offer my strong support to it. I do so for certain good reasons, one reason being this. One group which would like the thwart it had been continuously saying that the workers have no right to claim this kind of bonus whatsoever. It is that section of the Opposition here which has been raising questions as to why the Ordinance was promulgated; they were indulging in legal quibbles and other things in the Bill and ultimately would oppose, if possible, the Bill altogether. They were not for the betterment of the working class at any time; they had never been and even today if they could help it they would like to see to end of this Bill. The second group in the Opposition side seized the various flaws in the Bill, saying that the quantum of profit and other things had been nibbled away by the industrialist class so that the working class may get less and so on. How to improve the living conditions of working class, is the question. The Supreme Court itself had to give a decision. There was a case of a strike between the workers of a mill and an industrialist referred to the Supreme Court which said: this is a fit case for a commission to be appointed by the Government to go into the whole question. That is how the Bonus Commission got appointed with representatives of Government, industry and working class. There is one question which I would like to highlight today; that is that the representative of industry in the Commission, Mr. Dandekar, had given

a minute of dissent. Were it a unanimous report, it would have been easy for the Government to introduce the Bill immediately. But he had appended a dissenting minute and so it is a majority report. We still expect that the representatives of the industrialist class would play the game in order that the bonus is given at an early date. There is no want of money as crores of rupees are held back and they are not being paid. Interest accrues on it but we do not know to whom it goes to. Today also, this Bill is being opposed with a particular motivation, the industrialists have been doing so all along. They have never accepted that the workers are due to be given a bonus of this type but they say that they could participate in the profits of the company, if productivity improves. One of them said that it should be related to productivity. Supposing it is not and still there is a profit made as one Member pointed out, are not workers entitled to a share of it? How does this profit come in? What is happening in other European countries? Today, after Independence what do these industrialists pay us as wages? The establishments in this country managed by private industrialists get raw materials cheap; they also pay cheap wages; they earn enormous profits. Our charge is that they are not giving even a living wage today. What happens in other parts of the world? I was in Europe two or three months back; this was my third visit. An ordinary worker of any type in Europe gets a minimum wage of £16-20 per week which is nearly 1½ times the wage of a worker per month here. So, it means that the workers here are not given their due and yet the industrialists oppose even a small quantum of bonus that is being given to them. The working class comprises 12 million workers in this country and they would have risen in revolt but for this Bill. The Government wants to allay that unrest and it has done so by promulgating the Ordinance. I

do not see what is the unreasonable-ness in it. It is only in the fitness of things that Government have done so; they have done a very wise thing. Otherwise there would have been an upheaval of the working class. I congratulate the Minister for bringing forward the Ordinance at the proper time. The quantum of wages that is given is very low. So, the Bonus Commission has arrived at certain conclusions. In committees of this type there have always various points of view to be taken into consideration. If we the workers, support the Bill that is here, it does not mean that we support every clause of the Bill. It only means this. In all committees, we have ultimately to arrive at some unanimous decision and there is some and give take. It is in that light that our support has to be given. Nobody should take law into his own hands and say he will not do this or that whatever be the decision of that Commission. We accept our objections again because nothing is final in this world and we can raise it at some other time. This thing, the question of the bonus, has been hanging fire for the past 10-15 years and let there be some decision arrived at on the bonus we are entitled to. We can always raise other issues later on. It is from that point of view that we accept it and in that light this Bonus Bill has to be considered. It is not as if we are entirely satisfied with all the provisions of the Bill and therefore we support it. But ultimately we have to accept some such recommendations of a committee. It was a high-powered commission which the Government had appointed and so we accept it with all its drawbacks. We congratulate the Minister for bringing in this Bill at this appropriate time.

There are certain findings that the Commission had recommended and they will come up before you for discussion. It is said, some of the workers who have got a higher bonus may get affected adversely, that is what has been decided in the report.

There were numerous representations, possibly, about a thousand representations, on this matter and being a democratic socialist type of Government, the Government wanted to see that the working class got its just share in the profits. It would be the most unreasonable thing if anybody were to curtail what had already been getting which means helping the industrialist capitalist class again. So, certain modifications had been brought in to the advantage of the workers and we congratulate the Government on this.

There is one clause here in the Bonus Bill about the apprentices. An apprentice who earns a wage is included to receive all advantages that any other worker derives under the Industrial Disputes Act. But an apprentice in this Bill is excluded from getting the benefits of the bonus. I do not know how it has been done. He is entitled to it and it has got to be given and that is our feeling in the matter.

16 hrs.

[SHRI KHADILKAR in the Chair]

About one or two clauses, I would like to mention, but I may say it clearly that we have not given any amendments so far, thinking that during the discussion, we might speak out what is working in our minds regarding the meaning to be attached to certain clauses and when the Government's clarification and our views, if similar, the matter may be allowed to rest there. Otherwise, we would like to press our feelings in the matter.

I do not want to take more time of the House. The Ordinance was necessary. The Bill as it has come forward has come none too soon, seeing the situation and the conditions that exist in the country now. The Bill has come at the appropriate time. There have already been certain cases reported where taking advantage of the situation, the industrialists have told the workers that there will be considerable delay in

[Dr. Melkote]

the finalisation of the report of the Bonus Commission and the results may not prove to be very encouraging to the workers. And, this they have already come to an agreement paying the workers less. The workers have already accepted some of these things. This Bill seeks to protect the workers from the operation of such things, and therefore this Bill is most welcome and we support it strongly.

Shri Alvarez (Panjim): Mr. Chairman, Sir, at long last, the Bonus Bill is before the House, and I must welcome it straightaway. For many years, a large part of labour legislation has been concerned with the settlement of bonus, and I am now glad that is being placed on a statutory basis. May I also say straightway that the Bill, in its provisions, displays a great deal of confusion, and I would at this stage join in the appeal made by the hon. Member, Shri Indrajit Gupta, that in order to make the Bill more precise and to remove some cobwebs and confusions that abound in it, a small Select Committee may be appointed to report within a week, if necessary, so that the Bill can become a model of precision, and its contradictions could be resolved, and the Bill can be passed in this very session of the House.

In this introductory speech, I intend to deal with three main points. For a long time, as I said earlier, a large part or a large effort of the trade union movement has been towards the securing of bonus and to the extent that a labour Bill like this Bonus Bill finds itself on the statute today, it is a signal victory for labour. But there is a word of warning I would like to sound on this occasion. As I said, a large proportion or an increasingly large proportion of the efforts of the trade union movement has been in getting a bonus, and a diminishingly reduced proportion of that effort has been put in the organisation of the trade

union movement itself, in the sense that they find it difficult to make the unions viable by the collection of trade union dues from month to month or from year to year. An examination of the accounts of any trade union will prove this. My hon. friend Shri K. N. Pande opposite will agree with this proposition: that a large proportion of the total income of the trade union movement comes from bonus, and I hope that with this bonus becoming statutory, the trade union movement does not lose either its dynamism or its principles, and that labour leaders will come together and agree that a higher basic wage is much better than any amount of bonus that they may get by the legislation that is being brought before this House.

Secondly, it is necessary to look at the financial provisions. The financial provisions, the organisational set-up or the structure, and those who are entitled to get the bonus and those who are liable to pay the bonus constitute the main provisions in this Bill. In regard to the issue of the quantum of bonus payment, it has been decreed that the minimum bonus is four per cent, or Rs. 40 and the maximum would be 20 per cent. I would like to question the wisdom of this set on and set off of allocable surplus that is being introduced in the Bill. I can understand if payment of bonus was made on pool, either a pooling of the industrial economy of this country or by the pooling of particular industry. The question of limiting the bonus to four per cent at the minimum and 20 per cent at the maximum has no relationship to the economy. The relationship would be proper if, having accepted the principle, it is put down that each industry or each company will be liable to pay bonus on the basis of its profitability or viability. I do not see why this set on and set off have come in. I think that once a minimum bonus has been

agreed to, it should be the minimum under all circumstances and no company which has to meet this liability of the minimum bonus should be able to claim any compensation in a year, so to say of reasonable profitability, because the principle is that bonus must be paid. I am sure this issue of minimum bonus introduces another implication: the implication is that bonus is not given on profitability; if bonus is paid on profitability, then obviously the Bonus Commission would not have recommended this four per cent minimum bonus to those companies that have not made any profit. The fact that the Bonus Commission has recommended that even those companies that have not made any profit should be liable to pay the minimum bonus would go to imply that bonus has a connotation more than the mere participation in profit-sharing, and that it has all the implications of an approximation to a fair wage. Therefore, both these principles are here incorporated; one by implication and the other by connotation.

Then there is the point that confusion has been caused by the drafting of clause 34. The wisdom of this clause is not understandable. The Government had given an assurance, many times over, that where there is an agreement of the bonus being paid at a higher rate, the Government would not put in any limitation upon the payment of bonus at a higher rate. In a number of industries, it has been the practice to pay bonus at a rate higher than this 20 per cent limitation placed statutorily in this Bill. I would say that if a company can make a higher rate of profit because of the direct co-operation and participation of the working classes in the working of the company, there is no reason why the limitation on bonus should be kept at 20 per cent. After all, if it is participation, let us share a fair proportion. Why should there be any limitation of 20 per cent of the allocable surplus, as it is technically termed here? After meeting all the liabilities, taking it for granted, the stated in the

Bill, the amount should be brought together and the working classes should have a claim over a share of it. If it has been found feasible in the past to pay higher bonus than 20 per cent as now limited in this Bill, I would like to ask where has all the extra money, after setting aside the 20 per cent, gone? Is it going to be utilised by the company for any investment? This question is not being answered. The reason is not being given as to why the Government should place a limitation. It is a legitimate question and I hope that the Labour Minister in his reply, will explain why this promise to abide by the award of a bonus which had been higher than this limitation of 20 per cent is not being honoured.

According to the structure, we are aware that all workers in a company which employs a minimum of 20 workers should be given the bonus. There are a vast number of factories... I think these are larger in numbers than the others—where the company employees less than 20 workers. It may be a margin of 19: from 10 to 19. If the Government's economic policy is of economic diversification, a larger and larger number of companies will be such as will work with a smaller complement of workers than that stipulated in the Bill. What is going to happen to them? Those small companies also make a certain amount of profit. Apart from the losses that they incur the small companies, small engineering shops, are also viable; if the workers can get a share of the bonus, I do not see why those people who work in companies employing less than 20 persons should be deprived of the minimum bonus of four per cent or Rs. 40 which is laid down and stipulated in this Bill.

Secondly, there is a class of workers who are excluded. I am referring to the stevedore labour, the seamen and other shore labour. Surely they perform as important an economic function as any other worker in any other industry. They also perform some very vital tasks and some strategic

[Shri Alvares]

operations at all times of the year. People who employ them also earn a certain amount of profit which is not less than the quantum earned in other industries. So there is no justification why these people should be excluded from the benefit of this Bill and I do urge that the minister gives his consideration to this matter in his reply, so that we may be able to extend the provisions of this Bill to include such workers.

There are workers in the public sector and those employed by the ministries of the government. As far as public sector employees are concerned, it has been laid down that in the case of those public sector companies whose income from its products is equal to 20 per cent of its gross produce in competition with the private sector, the workers will be entitled to bonus to the extent of the proportion of that 20 per cent which is earned in competition with the private sector. This is a very tortuous way of denying workers in the public sector the benefits of their efforts. After all, these public sector corporations or companies are set up by government as a matter of policy. They are public sector in the sense that they contain an overdose of government investment. The working class produce in any private company as much as they produce in the public sector. Why is it that the workers in the public sector should be subjected to a tortuous procedure and denied the benefits of this Bill? I do urge on the minister that the workers in the public sector also be brought on the same level as workers in the private sector.

There is the ministerial sector. If government's policy were to encourage public sector—both ministerial and other public sector enterprises—and if this is to form the basis of our economy, will it not be reasonable to argue that as the public sector grows in importance, volume and dimensions, a larger and larger number of work-

men employed in industry in this country will belong to these two sectors? If they are going to be the larger section of the working class movement in this country, it would mean that government is a party to progressively denying a larger section of workers from the benefits of the Bonus Bill.

I am associated with the organisation of railwaymen. I am surprised, my hon. friend over there did not mention it.

Shri A. P. Sharma: I mentioned it; you did not hear.

Shri Alvares: Railways are not merely an industrial concern; they are also a commercial undertaking. Railways earn large profits not merely to finance their own development upto a certain extent, but profits in order to pay to other States in the country certain amount of subsidies on the basis of certain other liabilities, like the passenger tax, in lieu of which Rs. 1 crore are paid to each State. If railways are able to earn money on a commercial-cum-industrial basis, there is no justification for them to be excluded from the provisions of this Bill. After all, one can argue that the railwaymen, employees of the defence department and people working in P&T perform an economic function. The Bonus Bill has laid down once and for all that bonus accrues not merely because of the principle of participation in profits, but also because of certain other liabilities. Therefore, 4 per cent minimum is given even in case of loss. If it is conceded that 4 per cent must be paid under any circumstance and it does not accrue because of the principle of participation in profit-sharing I cannot understand why the same principle cannot be extended to the public and ministerial sectors also. It can be argued that just as workmen in other sectors work and get bonus irrespective of profits, because they perform an economic function and contribute to the total industrial output of the country, so also the workers employed in the public and

ministerial sectors should be able to get a share of the bonus. I am sure that is an eminently justifiable demand.

My last point is about plantation labour in sugar industry, etc. My friend, Shri K. N. Pande, rightly raised this issue. Take the sugar industry. Those who work permanently and those who work seasonally are perhaps in the ratio 1:10. Hitherto, all bonus given to these people was paid on a flat basis. Those who work seasonally and those who are working permanently got the same quantum of bonus. Now this Bill alters everything. In the manner of accounting what proportion of bonus the seasonal labour would be entitled to, this Bill has removed an economic benefit which these seasonal workers were getting, on the same basis as permanent workers. Of course, the Bill gives the permanent workers their share according to the maximum of 20 per cent or minimum of 4 per cent, but it has consigned the seasonal workers to a much lesser amount of bonus. That is the basis on which they will be made to work. It is conceivable that the industrialists and the company managers, taking advantage of it, may be tempted to reduce the amount of days of seasonal labour which these seasonal workers are accustomed to put in for working the factory. It will lead to any number of abuses. After all, the sugar mills were paying it willingly in the past. The principle was accepted that seasonal labour contribute as important an economic function as permanent labour. If they do not perform their task, the permanent labour cannot proceed forthwith. Therefore, the bonus commission had not treated seasonal and permanent labour on the same basis. Therefore, this lacuna may be remedied by an amending clause bringing the seasonal labour on the same basis as permanent labour.

श्री स० ना० विद्यालंकार (होशियारपुर) : सभापति महोदय, मैं इस बात के लिये लेबर मिनिस्टर साहब को बधाई

पेश करता हूँ कि उन्होंने यह बिल पेश किया और पहली मर्तबा बोनस का मामला हमारे कानून के अन्दर धाया। मैं ऐसा समझता हूँ कि शायद इसी वजह से लेबर मिनिस्टर साहब ने यह बिल जल्दी से पेश किया कि यह कानून की शकल प्रकल्प्य कर ले और बोनस एक वर्कर का कानूनी राइट बन जाये। इस हिसाब से मैं समझता हूँ कि यह बिल बहुत अच्छा है और स्वागत करने के योग्य है। इसके लिये मैं मिनिस्टर महोदय की सराहना करता हूँ। हमारे बहुत से वर्कर्स ने भी बाबजूद कई नुक़ायस के इस बिल को इस दृष्टि से स्वीकार किया कि चलो एक दफ़ा तो पैर जमाने के लिये जगह मिल जाये फिर उस के भागे हम धीरे धीरे उन्नति कर लेंगे और इस में और थोड़े से इम्प्रूवमेंट्स कर लेंगे। इस दृष्टि से इस बिल का मैं स्वागत करता हूँ।

जहाँ तक इस बात का सवाल है कि इस में कई खामियाँ रह गई हैं जिन का यहाँ पर काफी जिक्र हुआ, मैं ऐसा महसूस करता हूँ कि कई खामियाँ ऐसी हैं जो कि बुनियादी खामियाँ हैं और उन की दुरुस्ती होनी चाहिये। उस की एक बुनियादी वजह है जिस से बुनियादी खामियाँ पैदा होती हैं। बोनस के बारे में हमारी जो धारणा है हमारा जो कंसेप्ट है बोनस का वह हमारे सामने साफ नहीं है। इस बिल में और चीजों की तारीफ है लेकिन बोनस की कहीं पर तारीफ नहीं है। बोनस के बारे में जब भी अधिकारियों में कुछ झगड़े चलते थे तो अक्सर इस बात पर बहस चलती थी कि यह एक्स-प्रैजिया पेमेंट है या डैफ़र्ड वेज है। बिजिनेस में फायदा हुआ मालिक को, बहुत सारा फायदा हुआ, मुनाफा हुआ और वह खुश हो

[श्री प्र० ना० विद्यालंकार]

गया। उस मुनाफे से उस के दिल में खुशी पैदा हुई। उस खुशी का इजहार करने के लिए उस ने कुछ मजदूरों को इनाम बांट दिये। अब मालिक तो यह कहता है कि हम इनाम बांटते हैं, एक्स-ग्रेशिया पेमेंट है। मैं पूछता हूँ कि इनाम की क्या बात है? यह मेहनत करते करते मर गये, हमारी मेहनत की वजह से तुम्हारे पास यह इतनी दौलत आ गई। हमें जो तनख्वाह तुम देते हो वह बहुत कम है, हमारा गुजारा भी नहीं चलता। लिबिंग वेज भी नहीं है मजदूर का। हक ज्यादा का था हम ने मालिक से पूरी मजदूरी पूरी उजरत नहीं ली। अब जब तुम्हें फायदा हुआ है तो हमारा हिस्सा तुम हमें दे दो। इसी पर बहस चलती रही, कि बोनस एक्स-ग्रेशिया पेमेंट है या डेफैक्ट वेज। जब भी भ्रदालतों में इस मामले को ले गये तो काफी काफी बोनस वर्कर्स को मिलता रहा। सुप्रीम कोर्ट तक में, वहां का दरवाजा जब मजदूरों ने खटखटाया तो वहां पर भी काफी उनको बोनस मिला और अकसर हमेशा बोनस मिलता रहा। जितना मुनाफा होता था उसके प्रपोरशन में इस बात को ध्यान में रखते हुए कि वर्कर्स की वेज जो है वे बहुत कम हैं। मैं ऐसा मानता हूँ कि दरअसल में बोनस कोई इनाम नहीं उजरतों का ही हिस्सा है। मैं ऐसा मानता हूँ कि जितना मजदूर काम करते हैं, और जितनी दौलत को पैदा करने में जो अपनी मेहनत खर्च करते हैं उस मेहनत का पूरा हिस्सा उस को मिले तो बोनस कोई अलग चीज नहीं है। वह पूरा हिस्सा उसको बैजज की शकल में, उजरत की शकल में, मिलना चाहिए। अगर उसको उजरत का पूरा हिस्सा मिले तो बोनस की कोई गुंजाइश नहीं रहती है लेकिन चूंकि मेहनत के मुताबिक जो उसकी उजरत होनी चाहिए वह इस वक्त उसे नहीं मिलती है।

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इसलिए यह बोनस की बात आती है। आज तो लिबिंग वेज भी नहीं है और अगर हम फेयर वैज की शकल में इतना मांग सकते हैं कि मेहनत के मुताबिक उसे फेयर वैज मिल जाए, उस के बाद भी जो बचता है उसके बाद उसमें से कुछ वह मालिक देता है तो मैं मानने को तैयार हूँ कि वह बोनस है लेकिन आज तो फेयर वेज उनको मिलती नहीं है। लिबिंग वेज भी उस को नहीं मिलती फिर उसको मुनाफे में से कुछ मिलता है तो हम उसको प्राफिट शेयरिंग नहीं मानते। मैं उसको यह समझता हूँ कि वह वेजेज का एक हिस्सा है। जब तक उसकी वेज पूरी फेयर वेज की लिमिट तक नहीं चली जाती जो भी उसे मिलता है वह उसकी वेजेज का, उजरत का हिस्सा है और उसके अन्दर कोई इनाम नहीं है और एक तरह से उसकी यह प्राफिट शेयरिंग भी नहीं है। हां, फेयर वेज मिलने के बाद जो मुनाफा बचता है उसमें से उस को प्राफिट शेयरिंग में जो मिलता हो उस को आप बोनस का नाम दे सकते हैं। चाहे मजदूर को लिबिंग वेज भी नहीं मिली, उसे मालिक ने जो उजरत दी उसके बाद मालिक को मुनाफा हुआ उसमें से दो, चार परसेंट निकाल कर लेबर को दे दे और यह कह दे कि तम्हें इनाम बांट दिया यह गलत धारणा बोनस के बारे में है जोकि हमारे दिमाग में से निकल जानी चाहिये। हम लोग भी कुछ यह सोचते रहते हैं कि जब बोनस मिल गया तो बोनस कोई ऐसी चीज है जो हम मालिकों से छीन कर वर्कर्स को दे रहे हैं दरअसल वर्कर्स का हक नहीं था लेकिन वह इनाम छीन कर हम उस को दे रहे हैं इस धारणा से मालूम होता है कि हम कितना भ्रमक भ्रमक कर चलते हैं। मालिक से कुछ ले लिया तो समझते हैं पता नहीं हम कुछ अ-धाय कर रहे हैं पता नहीं उस से कुछ छीना झपटी कर रहे हैं, मैं ऐसा नहीं मानता जब

तक उस को पूरी फेयर बेज नहीं मिलती तब तक जो भी उस को मिलता है वह उस को उजरत का हिस्सा है, उस की बेज का हिस्सा है। उस के अन्दर कोई प्राफिट शेयरिंग नहीं है। प्राफिट शेयरिंग उस के बाद होती है। इसलिये यह जो बोनस बिल है उसको मैं प्राफिट शेयरिंग नहीं मानता। मैं तो ऐसा मानता हूँ कि बेज का एक अधूरा हिस्सा ही वर्कर्स को मिला है और उस में कोई बड़ी चीज नहीं मिली है। बोनस के बारे में हम अपनी धारणा, अपना कंसिप्ट साफ करें। मैं ने जैसे कहा यहाँ इस बिल में बोनस की कोई तारीफ नहीं है मैं यह नहीं कहता कि बोनस की जरूर तारीफ की जाय लेकिन उसका मकसद आपके दिमाग में साफ होना चाहिये। यह बिल जिस तरीके से जितना बोनस देता है उसके अन्दर प्राफिट का हिस्सा नहीं है। मैं इस को प्राफिट शेयरिंग नहीं मानता। मैं ऐसे ही मानता हूँ कि जो मजदूर की उजरत है, उसका कुछ हिस्सा यह बोनस बिल पूरा करने की कोशिश करता है इससे अधिक मैं इसे और कुछ नहीं मानता। यह एक दृष्टिकोण है जिससे कि मैं इस बिल को देखना चाहता हूँ। अब से पहले जब तक यह बिल नहीं था तब तक बोनस का झगड़ा चलता था। कुछ इस प्रकार के इंडस्ट्रियल डिस्प्यूट्स हुए और वह अदालतों में जाते थे तो मजदूर को अदालतों में कुछ मिलता था। इस बिल के बन जाने से हर एक वर्कर का फायदा नहीं हुआ कहीं पर फायदा हुआ और कहीं पर फायदा नहीं नुकसान हुआ। यह ठीक है कि इससे बड़ी तादाद में वर्कर्स को कुछ न कुछ मिलेगा लेकिन अदालतों से अभी तक जो कुछ वर्कर्स को मिलता था उससे वर्कर को कुछ ज्यादा बेहतर मिलेगा अभी मुझे इस बात में तसल्ली नहीं है क्योंकि उसमें मुझे ऐसा दीखता है कि जहाँ पर अदालतें कुछ दिलाती थीं वर्कर्स को उससे अब कम ही मिलेगा। अदालतों का अब सवाल नहीं रहा चूँकि कानून बन जायेगा। चार अरब से अब ज्यादा देने की बात अदालत

भी नहीं करेगी। आपने ज्यादा से ज्यादा 20 परसेंट रख दिया है तो उससे अगर पहले कुछ ज्यादा मिल सकता था तो यह कानून बना कर आपने उस पर रोक लगा दी है। मैं इस बात को बराबर सोचता हूँ कि आया वर्कर्स की पोजीशन इस बिल के बनने से पहले से बेहतर हो गयी या पहले से कुछ खराब होगयी? इस बात को हमें इस दृष्टि से भी देखना है, विचार करना है कि हमारे पहले बेहतर हालात हों, पहले से खराब न हों। यह मैं अरु मानता हूँ कि एक संकणन ऐसा होगा जोकि अदालतों में नहीं जा सकता था या कहीं पर उसे बहुत कम मिल पाता था, वह वर्ग भी इसके अन्दर शरीक हो जायगा लेकिन उन वर्कर्स के अलावा जिनको कि ऐग्जम्प्ट कर दिया गया है और उनको कुछ मिला नहीं, ऐसों की भी बहुत बड़ी तादाद है। यह मैं ने कुछ बुनियादी बातें कही हैं।

अब जो बिल के अन्दर कुछ नुकस है उनका जिक्र करना चाहता हूँ। ऐसा लगता है कि एक तो जो तारीफ शुरू में की यह इस्टैबलिशमेंट की जिसमें नम्बर 2 के पांचवें सेक्शन में इस बात का खतरा काफी है इस्टैबलिशमेंट में या फैक्टरी में टैबेसी यह होगी कि वहाँ पर फ्रेगमेंटेशन शुरू हो जाता है। मालिक क्या करते हैं? वे अपनी फैक्टरी को, अपने इस्टैबलिशमेंट को कुछ छोटा करने की कोशिश करते हैं और काटछांट कर अहाँ पर एक फैक्टरी है, एक छोटी सी हलकी सी दीवार खड़ी कर दी और कह दिया कि यह दो फैक्टरी हैं और वर्कर्स की तादाद कम कर दी। वर्कर्स की तादाद कम है या नहीं इसका पक्का फैसला कर लेना चाहिये। यह जो बिल बनता है उससे पहले जो उनकी तादाद थी वर्कर्स की, उस में से जो फ्रेगमेंटेशन होता है उसकी तादाद कम करके दिखलाई जानी है इसे रोका जाय। इस बात का क्या इंतजाम है? यह अभी मुझे इस बिल में देखने को नहीं मिला? इस बात का हमें

[श्री प्र० ना० बिद्यालंकार]

इंतजाम करना चाहिये कि जितने भी हम लोग कानून बनाते हैं उन तमाम में जहां वर्कर्स की तादाद डिफाइन करते हैं उसे कम करके प्रोग्रेशन न किया जाय इस का हम पूरे तरीके से कोई प्रच्छा इंतजाम नहीं कर पाये हैं ।

जहां तक डाइरेक्ट टैक्सेज का ताल्लुक है मैं इस बात को मानता हूं कि यह सुपर टैक्स, कम्पनीज प्राफिट टैक्स और एग्रीकल्चरल इनकमटैक्स वगैरा का जिम्मा नहीं होना चाहिये । बोनस फारमूला बनाते समय हमें इस बात का ध्यान रखना चाहिये था । लेकिन मैं समझता हूं कि शायद उस की दिक्कत है जैसे कि इस बात पर चर्चा हुई, काफी बहस हुई, यह काफी बहस में कोई फैसला नहीं होता और इरादा यह था कि ट्राईपार्टाइट कान्फेंस में फैसला हो, तीनों सब जितने दल हैं वे सब मान जायें, मजदूर भी मानें, मालिक भी मानें, सर्वसम्मति से फैसला हो । लेकिन मुझे एक खतरा मालूम पड़ता है और वह यह कि जब हमने एक बुनियाद डाल दी तो उस बुनियाद को फिर बदलना हमारे लिये मुश्किल होगा । मैं चाहूंगा कि मिनिस्टर साहब इस दृष्टिकोण से देखें क्योंकि यह अधिकार बन जाता है, वैस्टेड इंटरैस्ट बन जाता है । एक तरफ बोनस की तारीफ करते हुए जब उन्होंने यह सब फारमूले निकाले, उस को एक दफा मान लिया तो मालिक उस को घासानी से छोड़ने के लिये तैयार नहीं होगा ।

16.29 hrs.

[Dr. SAROJINI MAHISHI in the Chair]

मुझे कंट्रैक्ट लेबर के बारे में भी कहना है । फैक्टरी को आप कंट्रैक्ट पर दे दीजिये । जहां आपने कंट्रैक्ट पर दे दिया फैक्टरी को बोनस की कैद से आप छूट गये । इस बात को आप को साफ करना चाहिये कि अगर आप फैक्टरी कंट्रैक्ट पर देते हैं या कंट्रैक्ट लेबर हो उस चीज को भी आप सेफगार्ड

कीजिये वहां बोनस से निकलने का रास्ता न बन जाय । जो उस में रास्ता है आप कंट्रैक्ट पर देकर किसी भी फैक्टरी को या इस्टैबलिशमेंट को इस कैद से आप निकाल ले जाते हैं । कंट्रैक्ट लेबर का इंतजाम करना चाहिये और बाद में जो कि भ्रोनर है, भ्राल्टी-मेट भ्रोनर, जितना भी पेमेंट है उस की जिम्मेदारी उस के ऊपर ही होनी चाहिये ।

फिर मैं ऐसा मानता हूं कि जहां पर आपने वर्कर्स को यह सहुलियत दी है कि छुट्टी पर जाता है और कहीं उस को लाजिमी तौर पर रिट्रैच किया जाता है वहां पर आपने उसको सही तौर पर बोनस से महकूम नहीं किया । लेकिन उस के साथ जहां पर लौकभाउट हो जाता है उसको आपने शामिल नहीं किया है । जहां पर वह इल्लीगल स्ट्राइक पर जाता है उस के लिये नहीं बल्कि जहां पर वह लीगल स्ट्राइक पर जाता है उसको तो इसमें शामिल होना ही चाहिये । अगर कोई वर्कर लीगल स्ट्राइक पर जाता है तो उसका अधिकार सुरक्षित रहना चाहिए । अगर लोक भाउट होता है उसका अधिकार मारा नहीं जाना चाहिये । उसको आपने शामिल नहीं किया है उसको शामिल करना चाहिये था ।

मैं समझता हूं कि सब से ज्यादा सीर पायंट यह है कि वर्कर्स को जो अधिकार दिया गया है, पब्लिक सेक्टर में वह अधिकार उन को नहीं दिया गया है । यह जरूरी है कि गवर्नमेंट के भ्रदारों में भी वह अधिकार उन को मिलना चाहिये । इस बारे में यह कहा गया है कि रेलवेज और सीमैन के बारे में गवर्नमेंट ने एग्जम्पशन दे दी है । पब्लिक सेक्टर में वर्कर्स को उन सहुलियतों से महकूम कर दिया गया है, जो कि उन को प्राइवेट सेक्टर में प्राप्त हैं । मैं समझता हूं इस तरह हम ईक्वालिटी के सिद्धान्त, ईक्वल प्रापर-ट्रिनिटी के उसूल की खिलाफबर्जी करते हैं । इसलिये यह मुनासिब है कि गवर्नमेंट के जो कार्मिथियस और इंडस्ट्रियस एस्टाबलिशमेंट

है, उन को भी साथ लेना चाहिये। मैं जानता हूँ कि मिनिस्टर साहब चाहते हैं कि उनको शामिल किया जाये और उन को साथ लिया जाये, लेकिन स्थिति यह है कि कुछ मिनिस्टरों के सिवाय तरीके से नहीं सोचती हैं।

16.31 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

गवर्नमेंट को इस बात का फंसला उसूलों तौर पर टाप लेवल पर लेना चाहिये और पब्लिक सेक्टर को इन एस्टाब्लिशमेंट्स को शामिल करना चाहिये। उन को छोड़ देना कोई बहुत अच्छी बात नहीं है।

हर एक स्टेट गवर्नमेंट अपने यहां ट्रांसपोर्ट चला रही है, यह ठीक है कि इन्हें डिपार्टमेंटल तरीके से चलाया जाता है। ट्रांसपोर्ट वर्कर्स को हममें शामिल नहीं किया गया है। उन को शामिल करना चाहिये और इसी तरह और भी बहुत से लोगों को शामिल करना चाहिये।

सरकार ने एक फार्मूला बनाया है और ध्रम तौर पर सब ने चार परसेंट की बात कहना शुरू कर दिया है। एक यूनिन—पी० टी० आई० फेडीरेशन—से मेरा भी ताल्लुक है। पिछले कई सालों से लगातार उन लोगों को ज्यादा बोनस मिलता रहा है, काफी मिलता रहा है, क्योंकि पी० टी० आई० के मैनेजमेंट को प्राफिट हुआ है। लेकिन दूसरों की तरह उन्होंने भी ध्रम कह दिया कि हम चार परसेंट से ज्यादा नहीं देंगे, क्योंकि जो कानून धरा रहा है, उस में चार परसेंट तय किया गया है और इस लिये हम उस से ज्यादा नहीं देंगे। यह गलत तरीका है। एम्प्लायर्स इस बारे में कोई न कोई रास्ता और बहाना निकाल लेते हैं लेकिन हम ऐसा उपाय करें और क्लॉज 34 की डेफिनीशन को इस तरह से क्लियर करें कि इस तरह के नकारात्मक निकल सकें।

जितने इंडस्ट्रियल डिस्प्यूट्स होते हैं, उन में रिकवरी का प्रोसीड्यर इतना लम्बा चौड़ा और डिफिक्टिव है कि वर्कर्स को लाखों रुपयों का घाटा होता है और वे बेचारे छोड़ कर चले जाते हैं। रिकवरी का प्रोसीड्यर उसी तरह डिफिक्टिव है, जैसा कि इंडस्ट्रियल डिस्प्यूट्स एक्ट के और रिकवरी के मामलों में होता है। चाहे क्लॉज में और चाहे किसी और तरीके से इस प्रोसीड्यर को सिम्प्लीफाई करना चाहिये। जब सरकार इतना लम्बा-चौड़ा बोनस का कानून बनानी है, तो उस को कम से कम ऐसी व्यवस्था करनी चाहिये कि बोनस घाटोमैटिक हो सके और वर्कर्स को उस के लिये लम्बे-चौड़े झगड़े में न फंसना पड़े, उन को कोर्ट में न जाना पड़े। इस वक्त प्रोबिजन यह है कि ऐसे मामले में गवर्नमेंट सर्टिफिकेट देगी और कलेक्टर लाइक एरियर्स आफ लैब रेवेन्यू रिकवरी करेगा। मैं चाहता हूँ कि इस तरह की कानूनी पेचीदगियों से वर्कर्स को धाजाद किया जाये। अगर रिकवरी के प्रोसीड्यर को सिम्प्लीफाई नहीं किया जायेगा, तो सरकार वर्कर्स को जो फायदा पहुंचाना चाहती है, वह फायदा उन को नहीं पहुंच सकेगा।

इस वक्त मैंने कुछ बातें आप के सामने रखी हैं। जब मुक़्तलिफ क्लॉजिज पर डिस्कशन होगा, उस वक्त मैं दूसरे ऐतराज का जिक्र करना चाहूंगा।

Shri N. Sreekantan Nair (Quilon): Mr. Deputy-Speaker. I am sorry to find the hon. Labour Minister, after all these months of deliberations, has finally decided to toe the line of Shri Dandekar.

Shri D. Sanjivayya: No, no.

Shri N. Sreekantan Nair: Look at the Bill and its Statement of Objects and Reasons. Look also at the dissenting note of Shri Dandekar. Shri Dandekar wants super-profit tax and rehabilitation allowance to be included in the charges. The employers

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want 8.5 per cent return on capital and 6 per cent return on reserves. These are the two main, important and insistent demands placed by big business of India before Government and these are the only demands raised by Shri Dandekar in his dissenting report. The Bill has been drafted on the basis of the dissenting report presented by Shri Dandekar. This is the first time in the history of Parliament—of course, I am only referring to democratic governments; I am not competent to say about other governments that a Bill is being formulated on the basis of the dissenting report, paying no heed at all to the majority report. Shri Dandekar has done his job very cleverly.

There was Shri Ganguli, a very independent and honest man, who was a theoretician. He also expressed a dissenting voice. He could not accept the idea of public sector undertakings being exempted from the purview of this Bill. And the two arguments he raised are very pertinent ones. Firstly, the same work must be rewarded similarly. It is unfair to deny the workers of public undertakings the benefit of bonus which has become part of wages. Secondly, bonus is an incentive to the workers to produce more. The public sector undertakings should also take advantage of the payment of bonus to increase the incentives of workers so that they can get more profits. It is human psychology that in order to extract more work from the workers you must give them some incentives. So, the incentive bonus should be paid by public sector undertakings also. These were the two very relevant factors which he pointed out.

While the representatives of employers and the independent economists expressed their views outspokenly, at least towards the close of the report, the representatives of workers were prepared to go to any length to have an agreed formula with the result that finally they were cheated out of it. Therefore, what happened was

that both in the Bonus Commission Report and in the Ordinance, and also the Bill which is based on the Ordinance, the claims of the workers were simply brushed aside.

There were certain misconceptions in the minds of the representatives of workers. Firstly, they hankered after the mirage of compromise settlement. Another misunderstanding is that there is no correlation between maximum and minimum bonus.

The minimum bonus is granted only in certain kind of industries. In a growing country like India, where the industries deal with the day to day requirements of the country, where the industries do not handle controlled or highly technical commodities, they fall under one group. There is a group of industries which cater to the requirements or needs of the country, which depend on imported or controlled goods which are protected. The protected industries get a very high profit. They continue to get high profits as long as they are protected. The other group of industries will have very serious competition to face and so their profits will be limited. So, one group of industries will always be paying the minimum or somewhere near the minimum bonus, they can never give the maximum. The second group of industries will always be paying the maximum, and they have been paying 40 or 50 per cent in the preceding years. Now, this Bill says that the second group of industries need not pay that high rate of bonus. Why should they not pay it? To whom will this additional profit go? The additional profits, according to me, should go to the workers straightway. If it cannot be done, at least an educational fund should be created for the children of the workers out of the surplus profits which accrue after four years.

Now there is a definite lacuna in the Act. It refers to four years. What

happens after four years? The hon. Minister is very clear enough not to mention it. The surplus money should go to the educational fund.

An hon. Member: Why not to the national defence fund?

Shri N. Sreekantan Nair: I think all my friends in the INTUC and other sections of the trade union movement will agree to the utilisation of this surplus for the defence of India. Alternatively, it can be put in a pool fund so that the marginal industries which always run at a loss can give at least 4 per cent. I have no objection. The workers would not have felt the limiting clause of this Bill and would not have taken it so much to heart had the employers, who are now rolling in wealth, were not allowed to enjoy much more benefit out of this Bill. This limiting clause is meaningless.

Then there are certain *ad hoc* payments. The PTI is supposed to be an institution which does not earn any profit. They sell news and they get money. What they do with it I do not know; but their workers are paid only *ad hoc*, an *ex gratia* payment which was in existence in India 20 or 30 years ago. That is followed by the PTI and many of the other newspaper concerns. These workers are not included here because one word has been omitted. It is not by settlement; it is not by award but it is by some sort of an *ex gratia* payment or the so-called willing contribution of the employer because the employer knew that the workers would create trouble and force them to pay. So, they have made it. So some voluntary payment by the employer in the base year must also be taken into consideration for the purpose of this Bill.

Then there is a long list of exemptions. Why not delete the other clause because all the interests of Government are protected by other clauses?

Then, a reference was made to contractors. The Government wants

only to cover workmen under contractors engaged in building operations. What about workmen under contractors engaged in the ordinary processes of running a factory or a mine? You may, of course, say that is not very strictly legal; but such illegal things are going on for a long time. The Bill does not definitely preclude them but there is no means of getting them bonus unless you lay down specifically that the principle employer is responsible for the payment to the contractor's men in such cases; otherwise you will be letting them down.

The four per cent minimum is a very disputed issue. I admit that even if it is taken to a court of law, it may be very difficult to be accepted. It is a very dangerous thing. If tomorrow that falls, the entire working class in India will rise in revolt and there will be all sorts of struggles including perhaps bloodshed. So, this 4 per cent minimum cannot be taken away. But if you want to enforce it, there is only one method, namely, take this law and its provisions out of the jurisdiction of the courts or say that this is something like a deferred wage.

My hon. friend, Shri Vidyalankar, was referring to it. This 4 per cent is not a new innovation of the Bonus Commission. Shri Dandekar said that he had never heard about it except perhaps in Ahmedabad. I can say that for 18 years it had been existing in the State of Kerala—4 per cent of the total earnings had been paid—not only in the private sector but in the public sector also under a tripartite agreement in 1946 under Sir C.P. Ramaswami Ayyar. The employers, Government and the workers decided to enforce payment of 4 per cent of the total earnings as minimum bonus and it was reiterated by the Congress Government in 1948 by another tripartite conference.

The concept is very simple. Every industry should pay its workmen a minimum of 4 per cent of the annual earnings of the workers irrespective of profit or loss whereas in case of

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profit the bonus should be on the basis of higher profits. It is a very simple formula that had been working very effectively for the last 18 years in the State of Kerala which is supposed to be a problem State, a disrupted State. But there the employers, the employees and the State Government accepted it and enforced it.

When the Labour Appellate Tribunal formula came there were for two years some disturbances but the employers themselves came back to the original formula of 1946 and it is continuing to function there even now. That formula also would be shaken now if this Act is taken to a court of law and questioned there.

Then, I come to the question of disqualification for bonus, that is clause 9. If you understand the working of any industrial establishment and the attitude of the employers towards the trade union workers, you will find that they are all victimised in one way or the other and the easiest method of dismissing any worker is to say that his behaviour has been riotous or indisciplined. If he is dismissed on that account, then he loses the benefit of getting the bonus which he earned by his hard work during the previous year. The Supreme Court looked into this question and said that dismissed workers have a right to get bonus because it is the part of the remuneration for the previous year's work. Now, this Bill takes away the advantage of the ruling given by the Supreme Court which was in favour of the workers. It is a very rare occasion when the workers got something from the Supreme Court and that is being denied.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri N. Sreekantan Nair: Only one thing I want to bring out and that is the exclusion of 8.5 per cent on the capital and 7 per cent on the reserves. These are the things which

the Bonus Commission definitely opposed in their Report. As to how they found a place in this Bill is something beyond my understanding. That is why I say that the hon. Labour Minister is catering to the demands of the big businessmen.

Lastly, I come to the proviso to clause 34 which takes away what has been given on one hand and which goes against the undertaking that has been given on the floor of the House. In the past, certain workers were getting more than twenty per cent. When you are having a new formula or you are going by the existing formula—you can say so anywhere else, not in clause 34—why should you say that it cannot go beyond twenty per cent? That will create bad blood in the workers. Even if you do not allow more than twenty per cent under this Bill, in those cases where the percentage calculation of bonus in the base year is accepted, why don't you allow them a higher bonus? Let at least those people enjoy a higher bonus.

Shri Sham Lal Saraf: Mr. Deputy-Speaker, Sir, I rise to support this Bill with a few observations that I would like to make.

Firstly, I personally do not like to get such measures passed through an Ordinance. I wish the Government had taken time and got introduced a Bill, as they are doing it now. Otherwise, a democratic set-up, to get things passed into law from an Ordinance cannot be appreciated.

A few observations had been made by my friends. I am very much in agreement with what Mr. K. N. Pande and other friends have said. The workers' minds have been exercised for many years in the past that some formula should be arrived at so that they are in a position to derive some benefit out of the labour that they put in in diversified industries, in diversified fields, in our country. I am really very happy and congratulate the hon. Minister that he has taken courage in his both hands and

has come forward with this Bill. Any law can never be the last word on the statute book. Any change can be effected at any time. If my friends, whether it is Mr. Dandekar or Mr. Indrajit Gupta, do not agree with this or that clause of the Bill, it is open to them to get an amendment moved at any time they like, in whatever way they think.

There are one or two things which are uppermost in my mind and which I want to place before the hon. Minister. In the present economic condition of our country and the industrial growth of our country, it may not be correct to treat everybody at par.

I strongly feel that capital-intensive industries should be treated absolutely separate from labour-intensive industries. With regard to labour-intensive industries, Shri K. N. Pande mentioned one aspect of it, i.e., about the labour in sugar industry; that is a very important point he has made. Those workers who work only for a part of the year should certainly be given a separate treatment, when you compare them with the others, whether they work in labour-intensive industries or in capital-intensive industries. How difficult it is for a worker, who works only for a few months in a year, to see things through as far as his life is concerned. He also pointed out one more important factor; people make huge profits, but what do they do with the workers? That should be treated separately. I am reminded of another point: take the plantation industry, tea industry. I know a little about this industry in the north-east, namely, Assam, Bihar, Darjeeling and Dehra Dun and a little about Himachal Pradesh. As far as tea planters are concerned, today they are in a very bad position. If you see their Balance-Sheet, you will find that they are running in losses year after year. To place everybody on par will not be correct. When this Bill is taken up clause by clause, perhaps I may get an oppor-

tunity of placing before the Government certain points and I would like the Minister to listen to them and see that the things are set right.

I have to point out another thing, which my Hon. Friend should pay attention to. As was pointed out by Dr. Melkote, today our productivity cannot compare favourably with any other country in the world, both in quality and in quantity. That is the position. Therefore, the end product, the earnings of end product cannot compare in any way favourably with any other country in the world. It is not simply for the reason that labour cannot work. There are so many other reasons; they have better machinery, better working conditions and so many other things. Therefore, we have to make up this deficiency. We have remained so backward, when compared to other countries, in a number of ways. The difficulty is that we do not put our heads together, whether it is textile industry or plantation industry, to see where the lacunae are. If we remove all the lacunae, I am sure that we shall have better productivity and much more earnings; everybody will prosper, particularly the worker. My point is that, when we take up a Bill like this, we should not view it only from one point. We have to see it from various angles and if we do that, I am absolutely sure that we can go ahead. No doubt, interests differ. For instance, Shri Indrajit Gupta and Shri Alvares talked about those who work in ports steamer and other services or, what you would call, those industries where the conditions of work are different. Labour working in different fields, in different walks of life, have to be treated separately. Therefore, it would be incumbent on our Labour Minister to understand these problems very well and see that all categories of labour are treated in a manner that they are benefited in the proper manner and get whatever they deserve. If we try to cover all with one article, it will not help anybody. It may help a few but most of the people or the majority of the people might suffer. Therefore, my

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submission would be this, namely that the lacunae should be properly rectified. I have seen several lacunae in the present Bill. All the same, I would not like to discourage the hon. Minister from going through with this Bill. Let him go through with this now and have it passed. But after that, let him think over the matter, and let others also think over it, and in the next session, let the hon. Minister bring forward amendments to some sections and see that the people are benefited.

Before I conclude, I would once again say that I welcome this Bill, but I would say again that it will not be correct to bracket all types of labour in the same category and cover them under the same clause or the same phrase. We should see on the other hand that we accommodate different types of labour in their own way so that they get the benefit to which they are entitled, which is the purpose of the Bill that is now being enacted.

With these words, I support the Bill.

Shri Seshiyam (Perambalur): The bonus Bill, after many years of consideration after many weeks of drafting, has at last come before us now. But it is highly regrettable that even after the considerable time taken by Government, the Bill has not been put on a firm or clear basis, and it bristles with many lacunae and tends to defeat the very purpose for which it was recommended and expected by the workers. Government have been slow but they have not been steady. They have been pressurised to take the line given by the capitalist class, to the detriment of the workers and the working class. Even my hon. friends opposite who rose to support the Bill have not been quite happy. They themselves want some improvements. That shows that the Bill has not been drafted or considered from the proper angle from which it should have been done. Even the

hon. Minister is sending in his amendments at the eleventh hour. I do not know whether we shall be receiving some more amendments tomorrow.

I hope that Government will accept the Opposition's point of view that after having waited for four years it would not make matters any the worse if they could allow a week or two more to refer it to the Select Committee and get the report within a limited time and get the things straightened.

As one of the previous speakers had pointed out correctly, bonus is no longer considered to be an *ex-gratia* payment or a payment in a charitable way by the benevolent employer. It is a right of the workers, and as defined in the correct way it is deferred wages. Even under the Wages Act of 1936, the workers' wages have been defined clearly to include bonus also. That shows that bonus is not an *ex-gratia* payment but a part of the wages, but only a deferred one in a certain sense.

Moreover, the outlook of the Government as per the provisions of the Constitution has been to provide a fair and decent return to the workers. Under article 43 of the Constitution,

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities . . ."

When that is the provision in the Constitution and when we bring forward a Bill, it is not fair to exclude certain categories or types of workers and to include only certain other types. After all, the Constitution stresses that all workers, whether they be agricultural, industrial or otherwise, whether they are employed in life insurance or in the Ministries, in the railways or in the P. & T.

Department, should all get this benefit. After all, a worker is a worker, whether he works in the public sector or in the private sector, whether in the Government offices or in the companies, and as such, all workers should be given the same facilities. The law should show equal concern for all workers. So, the present Bill should be made applicable to all the employees whether they are in Government or in firms or elsewhere.

I would also like to point out that even though the intentions have been good and the objects have been laudable, the provisions have not been put in the correct way so far as the computation of the bonus is concerned. The previous speakers also have referred to this in a detailed way. I have also to point out that there have been three formulae. First, there was the Labour Appellate Tribunal formula; then the bonus formula given by the Bonus Commission and then the formula as modified by Government.

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If we go through these three formulae, we find that the calculation of the quantum, what they call "the

available surplus", has not been given in the same way. It has been steadily deteriorating from the point of view of the workers who are not getting a square deal even after considerable deliberations by Government, even after much representation made by the workers' unions on various organisations. The bonus formula, as recommended by the Commission is, gross profit for the year less depreciation less income-tax and super tax less return at the actual rate payable on pref. share capital and at 7 per cent on ordinary capital plus at 4 per cent on reserves . . .

Mr. Deputy-Speaker: Is the hon. Member likely to take some more time?

Shri Seehyan: Yes, another ten minutes.

Mr. Deputy-Speaker: Then he may continue tomorrow.

17.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, September 7, 1965/Bhadra 16, 1887 (Saka).