

LOK SABHA DEBATES

(THIRD SERIES)

Volume XXXVII, 1964/1886 (Saka)

[*December 14 to December 24, 1964/Agrahayana 23 to Pausa 3, 1886
(Saka)*]



Tenth Session, 1964/1886 (Saka)

(Vol. XXXVII contains Nos. 21 to 29)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Wednesday, December 23, 1964/ Pausa
2, 1886 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

भ्रष्टाचार विरोधी कार्यवाही

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* 634. { श्री विभूति मिश्र :
श्री क० ना० तिवारी :

क्या गृह कार्य मंत्री यह बताने की कृपा करेंगे कि भारत सरकार की विशेष पुलिस स्थापना को भ्रष्टाचार दूर करने में तथा इसका काम करने में कितनी सफलता मिली है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हाथो) : विशेष पुलिस संस्थान ने भ्रष्टाचार के मामलों को प्रकाश में लाने और अपराधियों से स्पष्टीकरण मांगने में बहुत काम किया है। फिर भी, इस बात का ठीक ठीक अनिमान लगाना कठिन है कि विशेष पुलिस द्वारा उठाये गये कदमों के परिणामस्वरूप भ्रष्टाचार को रोकने में कहीं तक सफलता मिली। परन्तु 1-11-63 से 31-10-64 तक की अवधि में विशेष पुलिस संस्थान की कार्यवाहियों पर एक विवरण जो सभी दिशाओं में इस बुराई के विरुद्ध आन्दोलन की गति के बढ़ने का सूचक है सदन के सभा-पटल पर रखा जा रहा है।

1986 (A1) LSD—1.

[पुस्तकालय में रखा गया, संख्या
एल० टो०—3713/64]

श्री विभूति मिश्र : इस विवरण को देखने से पता चलता है कि अभी जो सरकार के बड़े बड़े अफसरान आई० सी० एस०, आई० ए० एम० आदि के सी० पी० डब्लू० डी० और पुलिस डिपार्टमेंट में रहते हैं वे रिटायर होने के बाद प्राइवेट कम्पनियों में चले जाते हैं और वहाँ पर उनके जाने से उनके सरकारी कार्यकाल के दौरान जो माताहत कर्मचारी रहे हैं उन पर एक अवांछनीय असर पड़ता है और जो कि बुराई पैदा करता है तो इस सम्बन्ध में सरकार क्या कोई रोकथाम कर रही है कि सरकार के यह जो बड़े बड़े अफसर रिटायर हों वे कुछ दिनों तक प्राइवेट कम्पनियों में न जा सकें ?

अध्यक्ष महोदय : माननीय सदस्य ने सवाल तो पूछा है कि भ्रष्टाचार के निराकरण में इस विशेष पुलिस संस्थान का असर क्या पड़ा है और अब वह चले गये एक दूसरे ही मजमून पर।

श्री विभूति मिश्र : इस स्टेटमेंट को पढ़ने से पता चलता है . . .

अध्यक्ष महोदय : आप ने पूछा तो है कि यह स्पेशल पुलिस इस्टैबलिशमेंट कितने भ्रष्टाचार और रिश्वत आदि को रोक सकी है लेकिन अब आप चले गये अफसरों के रिटायर होने के बाद बड़ी कम्पनियों में उनके सर्बिस करने की तरफ

श्री विभूति मिश्र : अध्यक्ष महोदय, मेरी सुन तो लीजिये। मेरा कहना यह है कि

इस कारण यह जो स्पेशल पुलिस इस्टैबलिशमेंट भ्रष्टाचार और रिश्वतखोरी के केसेज पकड़ नहीं पाता है तो मैं जानना चाहता हूँ कि क्या सरकार ने स्पेशल पुलिस द्वारा ऐसे मामले पकड़ में लाने के लिए कोई इन्तजाम किया है ?

श्री हाथी : संधानन कमेटी की जो रिपोर्ट है उसमें उन्होंने एक सुझाव यह भी दिया है कि सरकारी अफसरान के रिटायर होने के बाद वे दो साल तक किसी भी प्राइवेट कर्मागलय. इंटरप्राइज में काम न कर सकें और सरकार ने उनके उस सुझाव को मान्य किया है और उसके अनुसार अभी किसी को हमने उस अवधि से पहले काम करने की मंजूरी नहीं दी है।

श्री बिभूति मिश्र : यह जो स्पेशल पुलिस है वह स्टेट गवर्नमेंट के जो कारिन्दे हैं उन पर भी यह निगरानी रखती है या केवल सेंट्रल गवर्नमेंट के कारिन्दों पर ही यह निगरानी रखती है ?

श्री हाथी : विशेष पुलिस संस्थान का जो अधिकार क्षेत्र है वही तक वह स्टेट्स में काम करती है लेकिन सभी काम वह नहीं करती है।

श्री क० ना० तिवारी : इस स्टेटमेंट में दिया गया है कि बहुत से लोग पकड़े गये हैं तो मैं यह जानना चाहता हूँ कि "हिन्दी टाइम्स" के 16 नवम्बर, 1964 के अंक में जो यह छपा :—

"होटल इजारेदार जनता और सरकार को धोखा दे रहे हैं सार्वजनिक क्षेत्र को धोखा देने वाले अधिकारियों का गोरखधन्धा"

और ब्लिट्ज अखबार के 14 नवम्बर, 1963 के अंक में जो यह छपा:—

"प्राइवेट होटल टाईकुंस, प्लाट टु स्कटल दी अशोका"

क्या इस की तरफ सरकार का ध्यान गया है, यदि गया है तो क्या स्पेशल पुलिस ने इस सम्बन्ध में कोई इनक्वायरी की है, यदि की है तो सरकार ने उस सम्बन्ध में अब तक क्या कार्यवाही की है और यदि नहीं की है तो क्यों नहीं की है ?

श्री हाथी : मैं मैम्बर साहब के सवाल का पहला भाग नहीं समझा हूँ।

श्री क० ना० तिवारी : मैंने पूछा था कि हिन्दी टाइम्स के 16 नवम्बर, 1963 में जो यह खबर छपी है जिसका कि शीर्षक है :—

"होटल इजारेदार जनता और सरकार को धोखा दे रहे हैं सार्वजनिक क्षेत्र को धोखा देने वाले अधिकारियों का गोरखधन्धा"

और ब्लिट्ज अखबार के 14 नवम्बर, 1963 में जो यह छपा है :—

"प्राइवेट होटल टाईकुंस, प्लाट टु स्कटल दी अशोका" . . .

अध्यक्ष महोदय : अब स्पेशल पुलिस इस्टैबलिशमेंट से इसका क्या सम्बन्ध आता है ?

श्री क० ना० तिवारी : यह कर्प्शन में आता है इसलिये उससे सम्बन्धित हो जाता है।

अध्यक्ष महोदय : वह कर्प्शन केम में नहीं आता है।

श्री क० ना० तिवारी : अब मंत्री महोदय ने अपने स्टेटमेंट में जो यह बतलाया है कि हमने विभिन्न भ्रष्टाचार आदि के मामलों में स्पेशल पुलिस द्वारा जांच कराई है और विभिन्न विभिन्न जगहों के इनने केसेज पकड़े हैं, तो इस सवाल को पूछने से मेरा मतलब यह है कि यह जो समाचार हिन्दी टाइम्स और ब्लिट्ज अखबार में निकला है क्या इन के ऊपर सरकार का ध्यान

गया है और यदि गया है तो क्या उन्होंने स्पेशल पुलिस द्वारा इन की जांच कराई है और अगर नहीं कराई है तो क्यों नहीं कराई है और फिर क्या कार्यवाही की है ?

अध्यक्ष महोदय : अभी आप पूछ रहे हैं कि स्पेशल पुलिस के जरिये जांच कराई गई है या नहीं और फिर आप ने यह भी पूछा हुआ है कि स्पेशल पुलिस ने जहां जांच की है और कुछ कार्यवाही की है वहां करप्शन में कितनी कमी हुई है ?

श्री क० ना० तिवारी : वह तो आगया है स्टेटमेंट में । इसलिये मैं यह जानना चाहता हूं क्योंकि पब्लिक अंडरटेकिंग्स के बारे में भी स्पेशल पुलिस ने कुछ कदम उठाया है ?

Shri Harish Chandra Mathur: In taking this commendable step by the Special Police Establishment to minimise corruption, may I know what steps have been taken by Government to ensure that there is no demoralisation in the services and officers not being prepared to take responsibility? May I know whether this fact has been brought to the notice of Government?

The Minister of Home Affairs (Shri Nanda): Yes, Sir; there was some talk at some stage that because strong action was being taken against corrupt practices, there was demoralisation and unpreparedness to take decisions. I was certainly disturbed by that and I thought it should not be that while trying to root out an evil, we create another evil. I had it looked into and I am assured by a very proper survey of the whole field of the services that that apprehension was unfounded.

Shri Hari Vishnu Kamath: Is it not a fact that there have been several instances or cases where the working of the SPE has been hamstrung or impeded owing to interference in investigation by interested Ministers and other high-ups, and if so, have

Government devised a code of conduct for Ministers to ensure that there is no interference by Ministers in investigations by the SPE?

Shri Nanda: I thought that the hon. Member will have something on which to base a general reflection like this. There is no truth in that. As far as my knowledge is concerned, there is no interference in the working of the SPE by any Minister, including the Home Minister.

Dr. Sarojini Mahishi: In view of the fact that an enquiry was carried on against some of the *prima facie* charges of corruption against the Director-General of Tourism and probably in consequence of that...

Mr. Speaker: Why should she anticipate? There is a separate question on that subject on the list today.

Shri Kapur Singh: May I know whether any complaint or evidence has been received by the Government indicating non-rectitude on the part of the personnel of the SPE and if so, what action has been taken?

Shri Hathi: No, Sir; there have been no complaints about the SPE.

Shri R. Ramanathan Chettiar: May I know what are the functions that are allotted to the SPE and what are the functions that are allotted to the CBI?

Shri Hathi: SPE is the Special Police Establishment, for which we have an Act of Parliament. Their functions are defined there. The CBI is the Central Bureau of Investigation. They collect information.

श्री यशपाल सिंह : क्या सरकार यह बतलाने की कृपा करेगी कि इस स्पेशल पुलिस से यह जरायम और भ्रष्टाचार आदि रोकने में कितनी मदद मिल सकी है जब कि यहीं नई दिल्ली में प्रधान मंत्री जी के बंगले के पास के बंगले में भारत के सीली-मिटर जनरल को कुछ बदमाशों द्वारा मच्छर की तरफ से मसल कर मार दिया

गया तो उस पुलिस से कौन सहयोग लिया जा सका ?

श्री हाथो : पुलिस ने उस मामले में तहकीकात की थी।

Shri Nath Pai: Will the hon. Home Minister, Mr. Nanda, tell us if he has finally made up his mind as to the desirability of employing the SPE for investigating charges of corruption against Ministers, in view of the opposition from some of his Cabinet colleagues, including his very distinguished colleague sitting at his right, who has given his opinion that the SPE should not be made to look into charges of corruption against Ministers?

Shri Nanda: Even in the Orissa case, the SPE did not enquire into the case. All that they did there was, in relation to the allegations, they went with the consent of the Government there to get the records which pertain to those allegations.

Shri Nath Pai: Sir, Shri Nanda is developing the art to almost perfection of getting out of a difficult question and for that he deserves all credit as a parliamentarian.

Mr. Speaker: Another art is developed on my left side to create some difficulty.

Shri Hari Vishnu Kamath: The Opposition's duty is to do that.

Shri Nath Pai: You must help us, Sir, to get the information asked.

Mr. Speaker: Surely I will do that. I assure the hon. Members that I will do my best. Let us go to the next question.

श्री म० ला० द्विवेदी : मेरा एक व्यवस्था का प्रश्न है। मैं पूरक प्रश्न पूछने के लिए प्रारम्भ में ही खड़ा हुआ था लेकिन चूंकि माननीय सदस्य, श्री मालवीय जी सामने हैं, इसलिए आप की दृष्टि इधर नहीं आती है। हम लोगों को

इतने महत्वपूर्ण प्रश्न पर खड़े होने के बावजूद नहीं बुलाया जाता है और जो माननीय सदस्य खड़े नहीं होते हैं, उन को पहले बुला लिया जाता है।

Shri Bhagwat Jha Azad: Sir, we also tried to catch your eye. There is no point of order in that.

अध्यक्ष महोदय : मैं हैरान हूँ कि इस में व्यवस्था का प्रश्न कैसे आ सकता है। मैं हर एक सवाल में सब माननीय सदस्यों को कैसे बुला सकता हूँ? मैं ने दोनों तरफ के माननीय सदस्यों को बुलाने की कोशिश की है।

Shri D. C. Sharma: His was an appeal for mercy and not a point of order.

Mr. Speaker: I will ask Shri D. C. Sharma to pity me under these circumstances.

दिल्ली में विदेशियों की मूर्तियां

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* 635 { श्री प्रकाशवीर शास्त्री :
श्री जगदेव सिंह सिद्धांती :
श्री बागड़ी :
श्री विश्राम प्रसाद :
श्री राम सेवक यादव :
श्री हरि विष्णु कामत :

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

(क) दिल्ली तथा नई दिल्ली में विदेशियों की कितनी मूर्तियां अभी नहीं हटाई गई है ;

(ख) उन के कब तक हटा दिये जाने की सम्भावना है ;

(ग) क्या उन स्थानों पर प्रसिद्ध भारतीय नेताओं की मूर्तियां लगाई जायेंगी ; और

(घ) यदि हां, तो किन किन स्थानों पर तथा किन किन नेताओं की मूर्तियां लगाने का विचार है ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री ल० ना० मिश्र) : (क) चार ।

(ख) कोई तिथि निश्चित नहीं की गई, किन्तु उन्हें हटाने में बहुत ज्यादा देर नहीं लगेगी ।

(ग) और (घ) ऐसे कोई प्रस्ताव विचाराधीन नहीं हैं । इस मामले पर उस समय विचार किया जायेगा जब गैर-सरकारी संस्थाओं से ऐसे उपर्युक्त प्रस्ताव प्राप्त होंगे जिनके लिये वे काफ़ी धन भी देने को तैयार हों ।

श्री प्रकाशबीर शास्त्री : मंत्री महोदय ने (ग) और (घ) के उत्तर में बताया कि ऐसा कोई प्रस्ताव सरकार के विचाराधीन नहीं है । जहां तक मेरी जानकारी है, इस संसद् में भी और संसद् के बाहर भी कई बार इस प्रकार की चर्चा आती रही है कि दिल्ली में कुछ इस प्रकार के ऐतिहासिक स्थान हैं, जहां प्रसिद्ध भारतीय नेताओं की मूर्तियां लगाई जानी चाहिये, जैसे लाल किले के आगे जॉर्ज मंदिर है, वहां पर नेताजी सुभाषचन्द्र बोस की प्रस्तर प्रतिमा लगाई जाये । ऐसे और भी कई स्थान हैं । बार-बार यह चर्चा आ चुकी है । मैं यह जानना चाहता हूँ कि सरकार ने अभी तक इस पर विचार क्यों नहीं किया है ।

श्री ल० ना० मिश्र : बातें और चर्चा हुई हैं, लेकिन ऐसा कोई प्रस्ताव नहीं आया है और न कोई संस्था आगे आई है, जो चर्चा देने को तैयार हो और मूर्ति की स्थापना करने को तैयार हो । अगर ऐसी बात होगी, तो उस पर विचार किया जायेगा और मंत्रिमंडल के स्तर पर फैसला होगा ।

श्री प्रकाशबीर शास्त्री : अभी ३ दिसम्बर, का रवर्गीय राष्ट्रपति, डॉ० राजेन्द्र प्रसाद, का जन्म-दिन दिल्ली के सप्रू हाउस में मनाया गया । उसमें गृह-मंत्री, श्री नन्दा, ने यह घोषणा की थी कि राजेन्द्र बाबू के गौरव के अनुरूप दिल्ली में उनका कोई उचित स्मारक बनाया जायेगा । प्रधान मंत्री, श्री लाल बहादुर शास्त्री, ने भी लन्दन जाने समय इस बारे में अपनी महमति दे दी । लेकिन इसी सम्बन्ध में जब इस हाउस में चार दिन पहले एक प्रश्न पूछा गया, तो श्री हार्थ ने जवाब दिया कि ऐसा कोई प्रश्न सरकार के विचाराधीन नहीं है । मैं यह जानना चाहता हूँ कि एक ही विभाग के दो मंत्रियों में परस्पर इतना विरोध क्यों ।

अध्यक्ष महोदय : नन्दा जी ने वहां यह कहा कि उनके मन में है कि ऐसा होना चाहिये, लेकिन सरकार के सामने यह बात नहीं है । नन्दा जी के मन में हो सकता है । गायद गवर्नमेंट के मन में न हो ।

गृह-कार्य मंत्री (श्री नन्दा) : कोई विरोध नहीं है । दोनों बातें सही हैं और अलाहदा-अलाहदा कुछ नहीं कहा गया है । जो मैंने कहा है, वह दुरुस्त है । डॉ० राजेन्द्र प्रसाद जी के बारे में जो एक फंक्शन हुआ उसमें मैंने यह कहा था कि एक अच्छी से अच्छी, मौजू और मुनासिब जगह इस काम के लिए चुनी जायेगी और उसके लिए बन्दोबस्त किया जायेगा । लेकिन वह सरकार की तरफ से करना हो, वह बात नहीं थी । श्री लाल बहादुर जी से भी बात हुई और आपस में यह फैसला हुआ कि जहां तक गवर्नमेंट का सम्बन्ध है, जगह देने की बात है, लेकिन वहां पर

स्टैटू लगाने की बात तो गवर्नमेंट की बात नहीं है।

श्री जगदेव सिंह सिद्धान्ती : क्या सरकार को यह सूचना मिल चुकी है कि दिल्ली नगर निगम ने स्वामी श्रद्धानन्द जो महाराज की मूर्ति को घंटा घर के स्थान पर स्थापित करने का निश्चय कर लिया है और क्या यह भी सूचना मिली है कि किसी संस्था ने उसका सारा भार उठाने के लिए भी लिख दिया है ?

श्री ल० ना० मिश्र : यह बात सही है कि वह प्रस्ताव था, लेकिन कहा गया कि घंटाघर के सामने जो स्थान है, वहां न हो कर अन्यत्र किया जायेगा, तब ज्यादा अच्छा होगा।

श्री रामसेवक यादव : द्वितीय लोक सभा में स्वर्गीय प्रधान मंत्री, श्री नेहरू, ने कहा था कि विदेशी शासकों की मूर्तियां हटाई जायेंगी, उस पर विचार हो रहा है। अभी मंत्री महोदय ने बताया कि केवल चार मूर्तियां हटाई गई हैं और बाकी के लिए कोई योजना नहीं है। यह प्रश्न बार-बार यहां उठाया जाता है। मैं जानना चाहता हूं कि क्या सभी विदेशी शासकों की मूर्तियों को हटाने की कोई योजना शीघ्र बनाई जायेगी और जहां पंचम जार्ज की मूर्ति है, वहां पर राष्ट्रपिता महात्मा गांधी की मूर्ति शीघ्र स्थापित की जायेगी ?

श्री ल० ना० मिश्र : यह बात सही है कि पंडित जवाहरलाल नेहरू ने मई, 1957 में कहा था कि इन मूर्तियों को हटाया जायेगा, लेकिन उन्होंने यह भी कहा था कि धीरे-धीरे, जैसे-जैसे स्थान प्राप्त होंगे, उनको हटाया जायेगा। यह बात नहीं है कि केवल चार मूर्तियां हटाई गई हैं। दिल्ली में बारह मूर्तियां थीं, जिनमें से आठ को हटा दिया गया है और चार रह गई हैं। उनको हटाने की बात भी विचार-

धीन है। जहां तक नीति का सवाल है, यह फैसला हो चुका है कि जैसे-जैसे जगह प्राप्त होती जायेगी, उनको हटा दिया जायेगा।

श्री रामसेवक यादव : क्या पंचम जार्ज की मूर्ति की जगह महात्मा गांधी की मूर्ति स्थापित की जायेगी ?

श्री ल० ना० मिश्र : यह सुझाव है।

Shri Hari Vishnu Kamath: From the answer given by the junior Minister, the Deputy Minister to the first supplementary of my hon. friend, Shri Prakash Vir Shastri, is the House to understand that the Government is not prepared or does not propose to set up the statue of Netaji Subhas Chandra Bose, one of the greatest leaders India has produced, anywhere in the capital, either at Red Fort or on the denuded pedestal, the empty pedestal on Parliament Street facing Parliament House? Is it the position of the Government that such statues will be put up only when presented by some organisation?

Shri L. N. Mishra: So far the policy has been to accept presentations from organisations. We help those organisations to set up the statues Government of its own does not set up any statue anywhere in the capital. The present policy is that we only accept offers from some organisations which are prepared to present the statues. So far as Netaji Subhas Chandra Bose is concerned, the land before the Red Fort has been named Netaji Maidan and the Elgin road has been renamed as Netaji Subhas Chandra Bose Road.

Shri Ranga: May I know whether Government are not prepared to consider any revision of that particular policy even in the case of the Father of the Nation? Is it not a shame that there is no statue at all of the Father of the Nation in the capital? God only knows when that policy was laid

down. Is it not the duty of the Government to take upon itself the responsibility of raising a statue of the Father of the Nation? (Cheers)

Shri Nath Pai: They remember him only at the time of the elections

Shri Nanda: I am very glad that the hon. Member has deep feelings on the subject. Perhaps he imagines that we on this side have no feelings or are less keen. The manner in which hon. Members on this side have reacted to this question should have allayed all such misgivings. So far as the second part of the question is concerned it is a suggestion. We have mentioned the present policy; if anything more has to be done, it would be done.

Mr. Speaker: Is there no statue of Mahatma Gandhi in the capital now?

Some hon. Members: No, no.

Shri Ranga: Because of the personal interest that Shri S. K. Patil took, there is at least a statue of Sardar Vallabhbhai Patel; otherwise, there would have been nothing at all. We cannot expect anything from this inept Government.

Shri Hari Vishnu Kamath: No statue of either Netaji or Mahatma Gandhi.

Shri Ranga: He is now acting for the Prime Minister and he was as dear a follower of Mahatma Gandhi as myself. Merely because he is saddled with the Ministership why should he fight shy of associating himself wholeheartedly with my suggestion? (Interruptions.)

Mr. Speaker: Shri Ranga would kindly resume his seat. This is not the manner of proceeding in the question hour.

Shri H. N. Mukerjee: Sir, you had asked the Minister but he did not answer it.

Mr. Speaker: They could not give any answer to it.

Shri H. N. Mukerjee: When the question is "what steps are being taken or are in contemplation", they must have an answer here and now.

Mr. Speaker: That answer has been given by the Deputy Minister, that so far the policy has been to put up statues offered by some society or organisation. If any new policy is to be evolved, they will consider it.

Shri H. N. Mukerjee: Shri Ranga asked a question and a complete answer was not forthcoming. Then, Sir, you interjected and your interjection was ignored by the Home Minister.

Shri Nanda: I do not know what is meant by the hon. Member. Some suggestion is made and I express complete appreciation of the intention behind the suggestion. I do not think the Government can be forced to give an answer to a suggestion here and now.

Shri H. N. Mukerjee: Have you got that in contemplation?

Shri Nanda: No.

Shri H. N. Mukerjee: You have no mind of your own.

Shri Nanda: I say that the Government is going to consider this. Sir, it has its implications.

श्री हुकूम चन्व कछवाय : नेहरू जी का सिक्का आप चला सकते हैं...

अध्यक्ष महोदय : इस तरह से बोलते चले जायेंगे तो कैसे काम चलेगा। यह नहीं होना चाहिये।

श्री रामसेवक यादव : मेरा एक निवेदन है....

अध्यक्ष महोदय : आप जरा बैठ जायें।

श्री रामसेवक यादव : ऐसे उत्तर देंगे तो कैसे काम चलेगा?

Shri Harish Chandra Mathur: Are we commenting on the answer given? It is a very fair answer given.

Mr. Speaker: I do not know why this excitement should be there. We are dealing with a subject which all of us consider is of the utmost importance. We have just to ask questions so that information can be obtained. There is no need to fight against it.

Shri Nath Pai: Sir, on a point of order.

श्री हुकम चन्द कछवाय : नेहरू जी का सिक्का चला सकते हैं, लेकिन गांधी जी की मूर्ति नहीं लगा सकते हैं।

Mr. Speaker: I have not called him. No. hon. Member shall speak unless I have called him.

Shri Sham Lal Saraf: Sir, you had called me.

Mr. Speaker: There is a point of order. I have to give preference to that.

Shri Nath Pai: May I bring to your notice and seek your help in making our minds clear? There is complete contradiction in the statement....

Mr. Speaker: He told me that he was raising a point of order.

Shri Nath Pai: Can you make up your mind with your quick grasp even before I adumbrate it?

Mr. Speaker: Certainly, when he changes his attitude and wants something else, I have to intervene.

Shri Nath Pai: I was pointing out the contradiction and, therefore, the point of order arose.

Mr. Speaker: If I may intervene again, if there is only a contradiction, there is no point of order.

Shri Nath Pai: The House is entitled to your protection. You did not hear me, otherwise by now the point would have been cleared and I would

have been bound to abide by your decision. The late Prime Minister, during the course of discussion on the Gandhi Samadhi Bill had this to say when I raised the question of Gandhi's statue and the statue of Netaji. The policy was not this, what the Home Minister said. The late Prime Minister said, "We are not quite sure whether Netaji is still alive or not; therefore, Government is lacking". It was not because no society came forth with the offer of a statue. Are we to understand that anybody anywhere in the country can get up and offer a statue which this Government will install and that regarding the founding fathers it will not take any initiative on its own?

Mr. Speaker: Shri Sham Lal Saraf.

Shri Sham Lal Saraf: How far is it correct that Government are contemplating to remove all the statues of foreigners from Delhi and place them somewhere in some museum; if that be correct, how soon will they do it?

Shri L. N. Mishra: I have stated that eight of them have been removed and four are to be removed.

Shri Ranga: Look at the importance given to this question. The Deputy Minister is answering it.

Shri L. N. Mishra: We are not getting space in the museum; therefore, we are putting them in the exhibition grounds.

Shri Sham Lal Saraf: How soon?

Shri L. N. Mishra: Very soon.

Shri D. C. Sharma: May I know as to who paid for the statues of these foreigners which are in Delhi and whether the policy of the Government at that time was that the statues were erected at the expense of Government; if so, what has necessitated the Government to say that the statues which are to be erected now will be given by the public?

Shri Hari Vishnu Kamath: Tenders?

Shri Nanda: Of course, I am not exploring into past history, but the present practice was what has been stated.

Shri Nath Pai: We are children of the past.

Shri Nanda: There is a suggestion that possibly this is not quite satisfactory. All right; then, I said that this would be considered. That was the answer. I could not straightaway say, because there are considerations...

Shri Hari Vishnu Kamath: The Cabinet will have to consider it.

Shri Nath Pai: Seventeen long years.

Shri D. C. Sharma: On a point of order, Sir.

Shri Nanda: So far, the idea was that the people themselves should show their regard for the memory of a great leader.

Shri Hari Vishnu Kamath: The Government has no regard for them?

Shri Nanda: The Government has; but should the people be deprived of that opportunity to do so?

Shri Hari Vishnu Kamath: Oh! Thank you. Well done.

Shri D. C. Sharma: Sir, my point of order is this. How are we to distinguish the utterance of a Minister, when he is making it, whether he is making it in his personal capacity or he is making it as a member of the Cabinet. If that is not made clear, how are we to take it that the hon. Home Minister is not prepared to answer my questions? If he is the Home Minister, then it is a sequential thing, and how is it possible for him to say that he does not want to delve into the past and he is only concerned with 11.25 a.m. now? I say that the Government of India is the successor of the British Government, and as such they are supposed to know as much about the past as they are supposed to know about 11.25 a.m. now.

Mr. Speaker: When I call upon some hon. Member just to exercise

restraint or to keep discipline, that is neglected or ignored altogether. I am very sorry. We ought to keep a greater amount of discipline and act according to the rules.

Shri Bhagwat Jha Azad: As regards the practice to which the hon. Minister has referred, may I know whether it is the considered policy of Government that the statues of men like the Father of the Nation or the late President of India can only be installed when they are donated by some private individuals or whether it is the policy of Government that such statues can be installed at the cost of Government?

Shri Nanda: I have already answered that questions.

Shri Bhagwat Jha Azad: He has not answered it.

Mr. Speaker: He has already answered it.

Shri Bhagwat Jha Azad: No. He only said that the practice was up till now. Now, I am asking a specific question whether it is the considered policy of Government that the statues will be installed only if they are donated by private individuals or whether they can be installed at the cost of Government.

Mr. Speaker: That has been the policy so far, and since a suggestion has now been made, Government say that they will consider this. That is the answer that has been given.

Shri Bhagwat Jha Azad: Was there any other Father of the Nation to say that this has been the practice so far and now they will consider the suggestion?

श्री मधु लिमये : जनता के ऊपर यह असर पड़ रहा है कि महात्मा जी, नेताजी, श्रद्धानन्द जी, राजेन्द्र बाबू आदि नेताओं के नामों को मिटाने की कोशिश की जा रही है

कुछ माननीय सदस्य : नहीं, नहीं ।

श्री मधु लिमये : इसलिये मैं यह जानना चाहता हूँ कि क्या सरकार विदेशियों की मूर्तियाँ दिल्ली से हटा कर उन लोगों की मूर्तियों की स्थापना करेगी जिन का जिक्र मैंने किया है, क्या इसके बारे में कम से कम कोई निश्चित आश्वासन सरकार देने की स्थिति में है ?

अध्यक्ष महोदय : इसका जवाब तो आ चुका है, शायद आपने सुना नहीं है ।

श्री मधु लिमये : इसका नहीं आया है ।

Mr. Speaker: Next question.

Shri Kapur Singh: You nodded your head on three occasions indicating a promise to call me.

Mr. Speaker: I nodded only to indicate that the hon. Member might sit down.

Fertilizer Plants

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 Shri Himatsingka;
 Shri Rameshwar Tantia;
 Shri P. C. Borooah;
 Shri Bishwanath Roy;
 Shri P. R. Chakraverti;
 Shri Hem Barua;
 Shri Umanath;
 Shri Nambiar;
 Shri Imbichibava;
 Shri Mohan Swarup;
 Shri Gokulananda Mohanty;
 Shri Rama Chandra Mallick;
 Shri Surendra Pal Singh;
 Shri K. C. Pant;
 Shri M. L. Jadhav;
 Shri Ram Sewak;
 Shri P. G. Sen;
 Shri T. Subramanyam;
 Shri M. Rampure;
 Shri Koya;

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether it is a fact that a joint U.S.-Indian Corporation is considering a proposal for setting up five Fertilizer Plants in India;

(b) the conditions and terms for this joint venture; and

(c) the main features of the proposed scheme?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) No, Sir. An American Company has been permitted to undertake a feasibility study for the establishment of an additional capacity of one million tonnes of nitrogen.

(b) and (c). The terms and conditions and main features of the scheme will be known only after the feasibility report is received.

Shri Himatsingka: Has any discussion preceded this decision, and if so, may I know whether any discussion has taken place about any place or the basic materials that will be used for these fertilisers?

Shri Alagesan: Yes, there were some preliminary discussions as a result of which this study has been entrusted to this corporation. There were also suggestions made about the locations; there are suggestions about five or six locations such as Madras, Cochin, Haldia, etc. The feed-stock is naphtha.

Shri Rameshwar Tantia: May I know the reasons why even after seventeen years of Independence we are so short of fertilizers which are the most necessary things for improving our agricultural production?

Shri Alagesan: That is certainly a very pertinent question. We were unable to fulfil our Third Plan targets, but we are trying to make up for the deficiency by going in for a crash programme of establishment of fertiliser factories?

Shri P. C. Borooah: May I know whether there is any difference of opinion between the U.S. consortium and our Government about the size of the plant, and if so, what that difference is, and why Government are thinking of having a smaller plant?

Shri Alagesan: The question has not yet arisen; we have not yet received the report. As far as I am able to see there is no difference of opinions.

Shri Bishwanath Roy: Before taking the decision to invite a foreign company to set up these plants, may I know whether any Indian company was consulted in this connection for the same purpose?

Shri Alagesan: There are several factories licensed in the private sector also.

Shri P. G. Sen: Is the Corporation sending an expert to go into the matter?

Shri Alagesan: Already some field teams are in India and they are studying the question.

Shri Muthiah: May I know whether the Government has any intention of setting up a fertiliser factory in Tuticorin?

Shri Alagesan: A private party was licensed to put up a fertiliser plant there but unfortunately that party surrendered his licence.

Shri Tulshidas Jadhav: May I know the quantity which is produced and the quantity which is in demand by the people?

Shri Alagesan: We produced according to last year's figures about a quarter million tons of nitrogen and I think we imported an equal amount the two put together make the demand.

Shrimati Sharda Mukerjee (Ratnagiri): The hon. Minister said that some private sector people were licensed. What was the amount for which it was licensed and why has it not been fulfilled by the private sector?

Shri Alagesan: I am not able to give the quantity off-hand. In Vizag I think a private party had been licensed for about 80,000 tons in terms of nitrogen. So, also in Kothagudam another factory has been licensed.

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): A number of private firms were licensed. Unfortunately many of them failed even though the size of these plants were economical, units being for 60,000 tons or 80,000 tons. That is one of the major reasons why the Third

Plan target had not been fulfilled. Government had to step into the breach and in certain cases will themselves put up factories which the private sector was not able to do.

Shrimati Sharda Mukerjee: My question has not been answered. Why did they not put up factories?

Mr. Speaker: We will take some other opportunity.

Shri Humayun Kabir: They had difficulties in finding foreign collaboration; about 50 per cent of each fertiliser factory's cost is foreign exchange and in most cases they were not able to get foreign exchange; in some cases they were not able to raise even internal capital.

Shri Surendra Pal Singh: Is it a fact that the spokesmen of the American consortium assured the Government of India that if they are allowed to put up plants in this country, they will be able to produce fertilisers at a much cheaper cost than at present?

Shri Alagesan: All this will be available to us viz., at what cost it will be produced and how far it will be cheaper, etc.—when the report is before us.

Shri A. P. Jain: According to the Industrial Policy Resolution licences were to be in the public sector. In making allocation to the private sector, why was proper care not taken that licensees were in a position to fulfil their demands?

Shri Alagesan: As far as the Industrial Policy Resolution goes, it is possible to put up factories both in the public and the private sectors. As Mr. Kabir answered, unfortunately the Private Sector was not able to fulfil the targets. We are stepping in wherever they have not done so.

Shri Humayun Kabir: I may add that some of the licences were issued when my hon. friend was in-charge of the Food and Agriculture Ministry.

Shri A. P. Jain: On a point of order: it is totally incorrect to say that the Food and Agriculture has anything to

do with the issue of licences; he wants to cover up his mistakes by accusing others.

Pipe-line to carry Naphtha from Barauni Refinery

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- *637. { **Shri Hukam Chand Kachhawaiya:**
Shri Chandak:
Shri Bakliwal:
Shri Wadiwa:
Shri Surya Prasad:
Shri R. S. Tiwary:
Shri J. P. Jyotishi:
Shri Uikey:

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether Government are considering to lay a pipe-line for carrying Naphtha from Barauni Oil Refinery to Gorakhpur in Uttar Pradesh;

(b) if so, the progress made in this regard; and

(c) whether a proposal has also been received from the Government of Madhya Pradesh requesting that this pipe-line should also pass from the border of Madhya Pradesh so that arrangements could be made for allowing Naphtha to be tapped for development of petro-chemical industries in the State of Madhya Pradesh?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

(c) Yes, Sir.

श्री हुकम चन्द कछवाय : मैं जानना चाहता हूँ कि मध्य प्रदेश सरकार ने जो पत्र दिया है उस सम्बन्ध में सरकार का क्या विचार है। क्या सरकार ने इस सम्बन्ध में मध्य प्रदेश सरकार को कुछ लिखा है। यदि लिखा है तो वह क्या है ?

Shri Humayun Kabir: We have asked the Madhya Pradesh Government to give us some information about the quantities involved and the type of industries which they have in mind. No reply has so far been received to this query.

श्री हुकम चन्द कछवाय : यह जो पाइप लाइन बिछाने की योजना है उस के सम्बन्ध में माननीय मंत्री ने बतलाया कि वह नहीं कर रहे हैं। मैं जानना चाहता हूँ कि क्या सरकार ने कुछ इस का अन्दाजा लगाया है कि यदि वह किया जाये तो उस से सरकार को कितना लाभ होगा।

Shri Humayun Kabir: It is not correct to say that we are not laying the pipeline. We are laying the pipeline and we shall lay pipelines wherever they are profitable.

Shri P. C. Borooah: In spite of Assam being 70 years ahead of other States so far as oil industry is concerned,—the source of naphtha that is produced in Barauni lies somewhere in Naharkotiya oil fields in Assam,—may I know why Assam has been excluded from the map of petrochemical industries of the country?

Shri Humayun Kabir: Assam is not 70 but 60 years ahead. But in any case, the major reason is that till now naphtha-based petrochemical industries were not known throughout the world. Only in the last ten years they have grown. It will depend upon the amount of naphtha that is available and the gas that will be available. These have been taken into consideration and the two expert committees which have examined this question have suggested that only some minor industries may be put up in Assam. At the present time it would not be possible to put up any large petrochemical complex in Assam.

श्री रा० स० तिवारी : बरोनी से जो पाइपलाइन पेट्रोलियम की जा रही है उस के बीच में मध्य प्रदेश पड़ेगा। मैं जानना चाहता हूँ कि सरकार इस पाइपलाइन को बनाने के साथ साथ मध्य प्रदेश में भी पाइपलाइन बनाने की मंजूरी देगी या बाद में उसे बनाने का विचार है।

Shri Humayun Kabir: I have already stated that we have asked the

Madhya Pradesh Government to inform us what quantities of naphtha they require and for what purpose. It will pass very near Madhya Pradesh, between Mirzapur and Allahabad. If the necessary information is given to us, we will examine the question.

Shri Bhagwat Jha Azad: May I know the reason why, instead of using the naphtha at Barauni for which there was a proposal from a firm at a local place, the Government contemplate to carry it from there and use at somewhere else? From an economic point of view it may not be good.

Shri Humayun Kabir: I do not know wherefrom my hon. friend has got this information. We propose to use some of the naphtha at Barauni also.

Shrimati Savitri Nigam: May I know whether the enquiries were made from the Madhya Pradesh Government, whether any proposal was also made and what would be their share of contribution and what would be the gain they are going to have, etc.

Shri Humayun Kati: All these questions will arise only when we know what the Madhya Pradesh Government wants.

Shri Radhelal Vyas: May I know whether any survey about the use of this naphtha was made—what are the regions and how much will be consumed etc.,—and, if so, whether any such survey covered Madhya Pradesh area also?

Shri Humayun Kabir: An all-India survey is continuously being made because we have to know the position of the distribution of petroleum products in different parts of the country, and Madhya Pradesh is not outside India.

अध्यक्ष महोदय : प्रश्न 638।

श्री जगदेव सिंह सिद्धान्ती : मेरा व्यवस्था का प्रश्न है और वह यह है कि हिन्दी

अनुवाद में लिखा है कि प्रवाजकों को बसायेंगे, यह गलत है। आप्रजोंको को बसायेंगे, यह होना चाहिये।

Resettlement of Migrants

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- *638. { **Shri Hukam Chand**
Kachhavaiya;
Shrimati Minimata:
Shri Uikey:
Shri Bade:
Shri Chandak:
Shri Vidya Charan Shukla:
Shri Ram Harkh Yadav:
Shri Murli Manohar:
Shri D. C. Sharma:

Will the Minister of Rehabilitation be pleased to state:

(a) whether Government have taken a decision that it would be desirable to arrange as far as possible industrial resettlement of new migrants from East Pakistan on account of paucity of agricultural land; and

(b) if so, the broad outlines of the schemes so far worked out in this behalf?

The Deputy Minister in the Ministry of Rehabilitation (Dr. M. M. Das): (a) Owing to paucity of agricultural land, Government propose to resettle as many new migrants as possible in industries. Some families will also be settled in poultry farming, dairy farming, cattle breeding and other agro-industries.

(b) A statement showing the measures already taken and the measures contemplated is laid on the Table of the Sabha. [Placed in Library. See No. LT-3714/64].

श्री हुकम चन्द कच्छवाय : मैं जानना चाहता हूँ कि अभी तक जितने लोग आये हैं उन में से कितने लोगों को उद्योग देने की सरकार की योजना है और कितनों को जमीन देने की योजना है, और ऐसे कितने लोग हैं जिन को कुछ भी देने का सरकार का विचार नहीं है।

Dr. M. M. Das: The total influx since January last is 8.32 lakhs up till now. Out of this, 2.80 lakhs are in

our camps. Out of these, only 17,000 families can be rehabilitated on agricultural lands. For the rest of the people, we have to find out other means for resettling them.

श्री हुकम चन्द कछवाय : मैं यह जानना चाहता हूँ कि मध्य प्रदेश और उत्तर प्रदेश के इन दोनों राज्यों में कितने शरणार्थी आये हैं, क्या उन शरणार्थियों को सरकारी नौकरी में, केन्द्रिय सरकार में और राज्य सरकार में भी लेने का विचार है ?

Dr. M. M. Das: All these details are not with me at present. But there are proposals for admitting these refugees into Government service whenever suitable candidates among them are found.

Shri Basumatari: We have been hearing that money has been allotted for the schemes. May I know what are the industries established up till now?

Dr. M. M. Das: We have given the details in the statement laid on the Table.

श्री आंकार लाल बेरवा : मैं यह जानना चाहूँगा कि जिन लोगों को व्यवसाय में लगाने हैं या जिन्हें कृषि भूमि दी गई है, उन्हें भारतीय नागरिकता देने के लिए भी सरकार क्या कार्यवाही कर रही है और और कितनों को दे दी गई है।

अध्यक्ष महोदय : यह तो दूसरा सवाल हो गया।

श्री आंकार लाल बेरवा : अध्यक्ष महोदय, इसी के अन्दर आता है क्योंकि जब उन को पैसा दिया गया है जब उनको कर्ज दिया गया है और कृषि भूमि भी दी गई है तो मैं सरकार से यह जानना चाहता हूँ कि क्या उन्हें भारतीय नागरिकता के अधिकार भी दिये जायेंगे ?

अध्यक्ष महोदय : इसमें यह नहीं आता है, माननीय सदस्य मेरी बात को मान लें।

Shri Narendra Singh Mahida: If Government are not able to employ the migrants in industries, will they recommend these migrants for employment in the private concerns or industries in Government sector?

The Minister of Rehabilitation (Shri Tyagi): If there are Government concerns started in the area, they will be given employment there. In case any private party is given licence for a suitable industry, that party will be helped on the condition that they employ the migrants.

Dr. Ranen Sen: The DPs from East Pakistan are being distributed throughout India. Wherever they are distributed in other States, are there arrangements made to absorb those refugees in industries located in those areas?

Mr. Speaker: He has answered that.

Shri Kapur Singh: Are Government alive to the fact that Bengalis are generally non-adaptive to shocks of transplantation and if so, are Government taking steps to absorb the Bengalis in Bengal alone?

Dr. M. M. Das: The contention of the hon. Member is not true.

श्री रामेश्वरानन्द : सरकार ने यह मुर्शि-पालन और सुन्नर पालन आद में जितने व्यक्ति लगाये हैं तो क्या उन्होंने गऊ पालन के धंधे में भी यह पूर्वी पाकिस्तान से आने वाले शरणार्थियों को लगाया है, यदि लगाया है तो कितनों को लगाया है ?

Dr. M. M. Das: We are making arrangements for the establishment of dairies, for cattle breeding and so on.

श्री हुकम चन्द कछवाय : मेरे प्रश्न के पहले भाग का उत्तर दिलवाया जाय कि उत्तर प्रदेश और मध्य प्रदेश में कितने शरणार्थी बसाये गये हैं।

अध्यक्ष महोदय : उन्होंने बतला तो दिया है कि इस के आंकड़े उनके पास इस समय मौजूद नहीं हैं।

श्री हुकम चन्द कल्लवाय : मैं ने पूछा था कि कितने बसाये गये हैं . . .

अध्यक्ष महोदय : अब यह आंकड़े ही तो आप मांग रहे हैं और क्या मांग रहे हैं ?

Shri Hari Vishnu Kamath: Has Government explored or re-explored the possibility of resettling these hapless migrants from East Pakistan in the State of Jammu and Kashmir and if not, what are the reasons therefor?

Mr. Speaker: The question is about starting industries for resettlement of refugees.

Shri Hari Vishnu Kamath: Yes, I am asking about settlement in industries in Jammu and Kashmir.

Shri Tyagi: None has so far been established in Jammu and Kashmir.

Mr. Speaker: Is there a proposal to start any industries there?

Shri Tyagi: Not yet.

Shri Hari Vishnu Kamath: What are the reasons?

Mr. Speaker: We cannot enter into arguments. He has said, there is no proposal to start industries there yet.

Shri Hari Vishnu Kamath: Why not? When all the States are absorbing refugees, why not Jammu and Kashmir?

Shri Tyagi: We are not enforcing anything on the States in regard to this matter. The States voluntarily come forward to help.

Shri S. C. Samanta: May I know whether new industries will be opened; if so, whether the settlement of these people nearby the industries will also be arranged?

Mr. Speaker: That he has answered already.

श्री विभूति मिश्र : पहले भी जब पूर्वी पाकिस्तान से रेफ्यूजीज आये थे और वह चम्पा-

रन में बसाये गये थे तो सरकार ने कहा था कि उन के लिए हम व्यवसाय लगायेंगे तो क्या अब भी यह जो रेफ्यूजीज कैम्पों में पड़े हुए हैं उन रेफ्यूजीज को बसाने के लिए सरकार उन के वास्ते इंडस्ट्री लगाने की बात सोच रही है और जैसा कि पहले उनको व्यवसाय में लगाने के लिए कहा गया था और नहीं लगाया गया तो क्या अब भी वही बात है ?

Dr. M. M. Das: The hon. Member wants to have some information about a particular camp in Orissa. I have not got that information with me.

Application of certain Articles of Constitution to J. & K.

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640. { **Shri Ravindra Varma:**
Shri P. Venkatasubbaiah:
Shri Surendra Pal Singh:
Shri Rameshwar Tantia:
Shri Sidheshwar Prasad:
Shrimati Renuka Barkataki:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Government of Kashmir have requested the Central Government to make certain Articles of the Indian Constitution applicable to the State of Jammu and Kashmir; and

(b) if so, what are these Articles, and the action the Central Government propose to take on the request of the State Government?

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

(b) (i) Articles 356 and 357; and

(ii) article 81 (Without modification). A Presidential Order under article 370 of the Constitution has been issued in respect of articles 356 and 357. As regards article 81, a Presidential Order will be issued after all formalities have been gone through.

Shri Ravindra Varma: May I know whether it is a fact that the Govern-

ment of Kashmir has approached the Central Government to find out their attitude to making the Concurrent List applicable to the State of Jammu and Kashmir and also to the application of the Indian Penal Code and the Criminal Procedure Code?

Shri Hathi: So far as the Indian Penal Code is concerned I do not think they have approached; but for some Concurrent List subjects they have approached.

Shri Ravindra Varma: It has been reported in the Press that the Prime Minister of Kashmir recently stated in Delhi that his Government had approached the Centre for the application of more articles and laws to that State in order to quicken the process of integration. May I know from the Government what these articles and laws referred to are, which are not covered by articles 356 and 357?

Shri Hathi: It would be difficult to give a full list of all those articles and laws. We are also thinking of entry 43, entry 78, entry 33 and entry 34. These are really entries in the list and not laws individually.

Shri P. Venkatasubbaiah: May I know what exactly stands in the way of the Government in abrogating article 370 and bringing in full integration? Is it because of any reluctance on the part of the State Government or is it because of hesitancy on the part of this Government?

Mr. Speaker: That we discussed the other day and a detailed discussion took place.

श्री प्रकाशचर शर्मा : गृह-मंत्री जी ने जम्मू, काश्मीर राज्य के सम्बन्ध में 370वीं धारा हटाने सम्बन्धी एक विधेयक पर उत्तर देते हुए कहा था कि चूंकि 356 और 357 धाराओं को जम्मू व काश्मीर राज्य पर लगाने के बाद धारा 370 स्वतः प्रभाव शून्य हो जायेगी और दूसरे भी हम कुछ इसी तरह के पग उठा रहे हैं जिस से कि यह धारा 370 निर्विवाद हो जाये, मैं यह जानना चाहता हूँ कि इस प्रकार के अन्य

उपाय करने के बजाय कि जिस से धारा 370 प्रभाव शून्य हो धारा 370 ही क्यों नहीं हटाई जाती और ऐसा करने में सरकार के मार्ग में क्या बाधा है ?

अध्यक्ष महोदय : यह तो बता चुके हैं ।

श्री प्रकाशचर शर्मा : यह उन्होंने साफ तौर से . . .

अध्यक्ष महोदय : वह उन्होंने कह दिया है ।

श्री प्रकाशचर शर्मा : मंत्री महोदय उत्तर देना चाहते हैं उन को उत्तर देने दिया जाय ।

अध्यक्ष महोदय : वह देना भी चाहें तो भी मैं उसकी उन्हें इजाजत नहीं दूंगा ।

It does not need any answer.

Shri Sham Lal Saraf: May I know whether while applying the Indian Penal Code to the State of Jammu and Kashmir care has been taken or is being taken to see that such other laws as are prevalent there for more than 150 years like the prohibition on killing of cows continue?

The Minister of Home Affairs (Shri Nanda): When we say that there is a process, that process will take care of all these other considerations.

श्री रामसेवक यादव : क्या यह सही है कि काश्मीर के प्रधान मंत्री भारत सरकार से काश्मीर के सम्पूर्ण विलयन के लिये वार्ता चला रहे हैं ; यदि हाँ, तो वह वार्ता किस स्थिति में है ?

श्री हाथी : अभी जो आर्टिकल 356 और और 357 बगैरह काश्मीर में एप्लाइ किये गए हैं, उस से जो पीजीशन हम चाहते हैं, वह आहिस्ता-आहिस्ता हो जायेगी ।

श्री योगेन्द्र झा : संयुक्त राष्ट्र संघ में काश्मीर के मुताल्लिक हम ने दुनिया के सामने कई वादे किये हैं। क्या संविधान की इन धाराओं को काश्मीर में लागू करने से हमारे उन वादों पर कोई प्रभाव पड़ेगा और क्या दुनिया में हमारे प्रति कोई मुहत्तलिफ धारणा पैदा होगी?

श्री नन्दा : मैं नहीं समझता हूँ कि किसी किस्म की मुश्किल हमारे लिए पैदा होगी।

श्री सिद्धेश्वर प्रसाद : समाचारपत्रों में इस आशय के समाचार प्रकाशित हुए हैं कि जम्मू-काश्मीर के प्रधान मंत्री ने माननीय गृह मंत्री से भेंट की और काश्मीर के सम्बन्ध में कुछ आगे बातचीत की। मैं यह जानना चाहता हूँ कि वह बातचीत कहां तक आगे बढ़ी है।

श्री नन्दा : सब बातों के बारे में तो मैं क्या कह सकता हूँ, लेकिन पहले यह बता दिया गया है कि इस चीज को आगे बढ़ाया जायेगा।

श्री श्रींकार लाल बेरवा : मैं यह जानना चाहता हूँ कि काश्मीर को हिन्दुस्तान में विलय करने के बारे में कोई विदेशी दबाव तो नहीं डाला जा रहा है, जिस के कारण विलय नहीं किया जा रहा है।

श्री नन्दा : कोई सवाल ही नहीं है।

श्री भागवत झा आजाद : काश्मीर के प्रधान मंत्री ने कल संसद-सदस्यों के सामने कहा कि वह चाहते हैं कि संविधान की अन्य धाराओं को भी जल्द से जल्द काश्मीर पर लागू किया जाये। स्वयं गृह मंत्री ने कहा है कि आर्टिकल 370 सिर्फ एक जरिया है, जिससे हम और धाराओं को काश्मीर पर लागू करेंगे। जब सब हमारे पक्ष में हैं, तो सरकार की "ग्रैटुअली" वाली नीति के अनुसार अन्य धाराओं को कब से कब तक काश्मीर पर लागू किया जा सकता है ?

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श्री नन्दा : मैं पहले ही कह चुका हूँ कि यह किया जा रहा है—और भी ज्यादा किया जायेगा।

श्री भागवत झा आजाद : बहुत आहिस्ता-आहिस्ता किया जा रहा है। जरा दौड़िए—आहिस्ता-आहिस्ता न कीजिए।

Shri D. C. Sharma: Is it not a fact that Pakistan has taken exception to the application of articles 356 and 357 to the State of Jammu and Kashmir and has threatened to take this issue to the United Nations? If so, may I know whether the Government will take up with the United Nations the issue of Azad Kashmir and the negation of democratic liberties in that area as a counter-measure to this?

Shri Nanda: I do not recognise the right of Pakistan to question the action that we have taken.

Shri Kapur Singh: I want to ask in a specific form a question already asked. Have the Government properly studied the likely repercussions of our action in the Council of the United Nations Organisation and on our neighbour Pakistan?

Shri Nanda: Yes, Sir.

Coal Briquettes

*641. **Shri Surendra Pal Singh:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Central Fuel Research Institute at Jealgora, near Dhanbad, has evolved a successful method of producing coal briquettes for metallurgical use from non-coking coal;

(b) whether these coal briquettes have been put through blast furnace trials to ascertain their efficacy; and

(c) if so, the result thereof?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir, the Institute has carried out laboratory-scale experiments on utilisation of non-coking coal for metallurgical purposes,

which have yielded encouraging results.

(b) Not yet, Sir.

(c) Does not arise.

Shrimati Lakshmikanthamma: In view of the acute shortage of metallurgical coal, will this process be speeded up so that we will get results very soon?

Shri M. C. Chagla: We are trying to speed up the process but it will take some time.

बौद्ध सम्मेलन

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*643. { श्री विद्वनाथ पांडेय :
श्री हेम बरुआ :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नवम्बर 1964 में सारनाथ (वाराणसी, उत्तर प्रदेश) में विश्व बौद्ध सम्मेलन हुआ था ;

(ख) यदि हां, तो इस में कितने देशों ने भाग लिया था ; और

(ग) उस सम्मेलन के लिये सरकार ने किस प्रकार की सहायता दी थी ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) जी, हां 29 नवम्बर से 4 दिसम्बर 1964 तक ।

(ख) 25.

(ग) सरकार ने सम्मेलन के आयोजकों को रेल-रियायत, सम्मेलन के लिए स्थान, सीमा शुल्क व वीसा-सुविधाएं प्राप्त करने में और सम्मेलन के लिए सामान्य प्रबन्ध करने में सहायता दी थी ।

श्री रामसेवक यादव अध्यक्ष महोदय, प्रश्न संख्या 642 रह गया है ।

अध्यक्ष महोदय : अभी मैं देखता हूँ । अगर हो सका, तो बाकी वक्त में उसे ले लिया जायेगा ।

श्री विद्वनाथ पांडेय : मैं यह जानना चाहता हूँ कि जो ईसाई सम्मेलन बम्बई में हुआ था, सरकार ने उस को जो सहायता प्रदान की थी, क्या वह सहायता बुद्धिस्ट सम्मेलन को भी दी गई थी ।

Shri M. C. Chagla: As a matter of fact, we gave much more assistance to the Buddhist Conference than we gave to the Eucharistic Congress. Initially the idea was that it would be managed by the Buddhist Society in India; but when we felt that the arrangements were not proper, we came to the rescue of the Conference and sanctioned a sum of Rs. 50,000.

Mr. Speaker: Shri Rameshwar Tantia.

Shri Rameshwar Tantia: Question No. 642.

Mr. Speaker: I rather thought that he was going to ask a supplementary question. Then, next question. Shri Dwivedy.

Shri Surendranath Dwivedy: Question No. 644.

Shri Harish Chandra Mathur: What about Question No. 642?

Shri Hari Vishnu Kamath: Passed over.

Enquiry into allegations against
Orissa Chief Minister

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*644. { Shri Surendranath Dwivedy:
Shri Jashvant Mehta:
Shri D. C. Sharma:
Shri S. M. Banerjee:

Will the Minister of Home Affairs be pleased to refer to his statement in the House on the 18th November, 1964 to the effect that further action on

the enquiry made into allegations against Chief Minister of Orissa and others would be decided by the end of November or it might be earlier and state:

(a) what action has been taken on the matter so far;

(b) whether it is a fact that the Minister has told the Press that decision could be taken only by the end of December; and

(c) what are the reasons for this delay?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Further steps have already been taken and the matter is being actively pursued.

(b) Home Minister had expressed a hope that conclusions might be reached before the present session of Parliament ended.

(c) There has been no delay.

Shri Hari Vishnu Kamath: Only a hope?

Shri Surendranath Dwivedy: It has been reported in the press that a tentative conclusion has been arrived at in the Cabinet Sub-Committee about the charges made against these Ministers and Shri B. Patnaik. In view of the fact that these allegations were made to the President and a *prima facie* case has been established by the report of the CBI, why is it that the Cabinet Sub-Committee is considering this matter and the Minister is not yet able to give any decision and inform the House?

The Minister of Home Affairs (Shri Nanda): I do not agree with the assumption that a *prima facie* case had been established.

Shri Surendranath Dwivedy: Has it not been?

Shri Nanda: No, Sir. It is still in the process of inquiry by me and my colleagues. Therefore, it is not possible at this stage for me to give a precise answer. There are allegations and we have been trying to collect information about them and

obtaining clarifications. This is where the stage is.

Shri Hari Vishnu Kamath: Incipient stage.

Shri Surendranath Dwivedy: The memorandum itself categorised certain charges or allegations and these were to be processed by the CBI which had made a comprehensive report. It is also reported that in some matters the files were missing and were not produced before them. Still, they have come to the conclusion at least in 15 cases that a clear case of corruption has been established, according to their own declaration.

Mr. Speaker: What information does he want?

Shri Surendranath Dwivedy: When after this facts were available to Government, why is it that even in view of the declaration made by the Prime Minister that as soon as a *prima facie* case is made out the persons concerned would resign and the matter would be referred to a judicial commission, the Cabinet Sub-Committee is grappling with this matter and although they have reached some conclusion, on account of political pressure they do not want to announce it here in this House?

Mr. Speaker: He does not want any information.

Shri Surendranath Dwivedy: Because he has threatened....

Mr. Speaker: Order, order.

12.00 hrs.

Shri Nanda: I repudiate this insinuation strongly, that any pressure is at work or that there is going to be any wavering in whatever our duty is on account of any kind of pressure. There is no pressure actually. Answering the other part of the question, as I stated before, I reiterate that there was collection of material from certain records. We are examining those records. We have not yet finalised that process of scrutiny.

Shri Hari Vishnu Kamath: How long will it take?

Shri H. N. Mukerjee: May I know if it is Government's idea that in a case of this description when the Chief Minister of a State has the most serious imaginable charges made against him at the very highest level and the matter hangs fire for a very long time, they should take no interim steps in the matter only on the plea that a *prima facie* case has not been entirely and totally and categorically and unequivocally established, and if so, what the reasons for it are?

Shri Nanda: A string of epithets will not take the place of a *prima facie* case.

Shri Hari Vishnu Kamath: Adverbs, not epithets.

Shri D. C. Sharma: May I know whether it is conducive to good government in the State of Orissa and to the good reputation which our Home Minister enjoys in this country to keep these matters pending for such a long time and not to come to a conclusion as early as possible?

Shri Surendranath Dwivedy: He has threatened to expose him also.

Shri Nanda: If the hon. Members would bear with me, I can give them an account of every day that has elapsed since the matter came into our hands. I can give a chronology of the day-to-day action on this matter.

Shri Surendranath Dwivedy: Please do so. Let the hon. Minister give it. We are prepared to listen to him.

Mr. Speaker: But I am not giving him permission now.

Shri Hari Vishnu Kamath: He may lay it on the Table of the House.

Mr. Speaker: If he is prepared to give that information, then some other means may be found for that.

श्री योगेन्द्र झा : उड़ीसा के मामले में जो जांच विधि अपनाई गई है क्या गृह मंत्री जी यह आश्वासन देंगे कि बिहार के मुख्य मंत्री के विरुद्ध जो आरोप लगाये गये हैं उनके बारे में भी वही जांच विधि अपनाई जाएगी ?

अध्यक्ष महोदय : इस में से यह सवाल नहीं उठता है ।

श्री रामसेवक यादव : उड़ीसा के मुख्य मंत्री के खिलाफ कुछ आरोप लगाये गये हैं और उनको अभी मंत्री महोदय समाप्त नहीं कर पाये हैं, उनकी छानबीन पूरी नहीं कर पाये हैं । मैं जानना चाहता हूँ कि इस काम में वह और कितना समय लगायेंगे और आरोप यदि सिद्ध हो गये तो क्या उन से वह इस्तीफा दिलवायेंगे और यदि नहीं तो क्या दो वर्ष पूरे होने तक वहाँ वह तो बने रहेंगे और नन्दा जी स्वयं चले जायेंगे ?

अध्यक्ष महोदय : पिछले हिस्से का जवाब देने की जरूरत नहीं है । पहले हिस्से का जवाब दे दिया जाए ।

श्री नन्दा : छानबीन के दौरान में अगर कोई नया सवाल आ जाता है तो उस में कुछ समय लग जाता है । मेरा यह ख्वाल था और मेरी यह आशा थी कि इस सेशन के खत्म होने से पहले मैं रिपोर्ट प्राइम मिनिस्टर साहब को दे दूँ । लेकिन मुझे अफसोस है कि कुछ नई चीज की बजह से नहीं कर सकूँगा . . .

श्री सुरेन्द्र नाथ द्विवेदी : क्या नई चीज है ?

श्री रामसेवक यादव : दबाव है या कोई और कारण है ?

श्री Surendranath Dwivedy: It is only political pressure and nothing else.

SHORT NOTICE QUESTIONS

अखबारी कागज की कमी

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- S.N.Q. 12. { श्री प्रकाशवीर शास्त्री :
श्री हुसम चन्व कछवाय :
श्री बी० चं० शर्मा :
श्री कपूर सिंह :
श्री सोलंकी :
श्री नरेन्द्र सिंह महीडा :
श्री हिम्मतसिंहजी :

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

(क) क्या अखबारी कागज की कमी के कारण समाचार पत्रों के सामने फिर किसी संकट के आने की आशंका है ;

(ख) क्या सरकार को इस सम्बन्ध में कोई जापण अथवा प्रस्ताव मिले हैं ;

(ग) क्या यह भी सच है कि इससे पत्रों के सर्कुलेशन और आकार-प्रकार पर प्रभाव पड़ने के अतिरिक्त कुछ पत्रों, विशेष कर देशी भाषा के पत्रों, के बन्द होने की आशंका है ; और

(घ) यदि हां, तो क्या कारण है कि बरसों से चली आ रही इस समस्या को अब तक हल नहीं किया जा सका ?

सूचना और प्रसारण मंत्री (श्रीमती इंदिरा गांधी) : (क) जी, नहीं ।

(ख) जी, हां । इन्डियन एण्ड ईस्टर्न न्यूजपेपर सोसाइटी ने मद्रास में 10 दिसम्बर को जो प्रस्ताव पास किया था उसकी नकल उन्होंने सरकार को भेजी है ।

(ग) जी, नहीं । अखबारों के बन्द होने का डर नहीं । वास्तव में भारतीय भाषाओं के समाचार पत्र, अखबारी कागज की बांट के सम्बन्ध में पहले से कहीं अच्छी हालत में हैं । अखबारों को यह

इजाजत है कि वह मन्जूर किये गये कोटे के अन्दर, पृष्ठों, आकार-प्रकार और सर्कुलेशन में अदल बदल कर सकते हैं ।

(घ) अखबारी कागज की कमी को दूर करने का हल विदेशी मुद्रा पर निर्भर है । पत्र पत्रिकायें प्रकाशित करने के उद्योग को लगभग 80 प्रतिशत जरूरत विदेशी अखबारी कागज से ही पूरी होती है ।

नीपा न्यूजप्रिंट की उपलब्धि अखबारी सीमा तक पहुंच चुकी है और जब तक इसका उत्पादन न बढ़ाया जाय (जिसमें शायद दो तान साल लगे), यह सम्भव नहीं कि अखबारी उद्योग की आयात किये गये कागज पर निर्भरता में कमी हो ।

श्री प्रकाशवीर शास्त्री : क्या मंत्री महाादय के ध्यान में प्रेस रजिस्ट्रार की वह रिपोर्ट आई है जिसमें उन्होंने यह कहा था कि भागन में चलने वाले समाचारपत्रों को अगर अपेक्षित मात्रा में न्यूजप्रिंट दे दिया जाए तो दस परसेंट सर्क्युलेशन उन सब का बढ़ सकता है ? यदि ऐसी स्थिति है तो फिर क्या कारण है कि जब सरकार की नीतियां देश को ऊपर उठाने की हैं और समाचार पत्रों का माध्यम सब से उपयुक्त माध्यम भी है और नेपा की पेपर मिल जब हमारी मांग को पूरा नहीं कर पाती हैं तो क्यों नहीं दूसरे साधन अब तक इस्तेमाल किये गये ?

श्रीमती इंदिरा गांधी : हम पूरी कोशिश कर रहे हैं कि नेपा में कागज और अधिक बने । लेकिन जैसा मैंने कहा उस में कुछ समय लगेगा क्योंकि इंडस्ट्री हमारा बहुत माथ नहीं दे रही है । विदेशी मुद्रा का जहां तक सवाल है वह भी हमारे हाथ में नहीं है । वह हमें जब मिलेगी हम जरूर उसमें न्यूज प्रिंट बाहर से मंगावेंगे ।

श्री प्रकाशबोर शास्त्री : देश में जो सफेद कागज तैयार होता है उसके लिए विदेशों से पल्प मंगाया जाता है और उसमें भी विदेशी मुद्रा लगती है। पल्प वहां से आये और आ कर उसका न्यूजप्रिंट तैयार हो और तब मंहगा जा कर वह लोगों को मिले, इसके बाजाय क्या सरकार ने इस पर भी विचार किया है कि भले ही कुछ विदेशी मुद्रा अधिक खर्च हो जाए लेकिन न्यूजप्रिंट बाहर से आ जाए और देश की आवश्यकताओं की पूर्ति कर दी जाए ?

वाणिज्य मंत्री (श्री मनुभाई शाह) : सफेद कागज विदेशों से नहीं मंगाया जाता है। वह तो जो हिन्दुस्तान की कागज की फैक्ट्री है उस में जो उत्पादन होता है उसको दिया जाता है। इसलिए सदस्य महोदय का जो ख्याल है कि वह मुद्रा जो हम सफेद कागज पर इस्तेमाल करते हैं, हम अखबारी कागज के लिए इस्तेमाल करें, ठीक नहीं है।

श्री प्रकाशबोर शास्त्री : पल्प बाहर से मंगाया जाता है। उस पर हम जो विदेशी मुद्रा खर्च करते हैं, वह न करके न्यूजप्रिंट ही क्यों नहीं सीधे मंगाया जाता है ?

श्री मनुभाई शाह : पल्प अलग चीज है। वह तो कागज की मिल चलाने के लिए आता है। पल्प की मुद्रा को कम कर देंगे तो कागज की फैक्ट्री बन्द हो जाएगी।

The import of pulp is meant for a different industry than the newspaper industry, which consumes the final product. Pulp is meant for the manufacture of paper.

श्री हुकम चन्द कछवाय : जो समाचार पत्र दैनिक अथवा साप्ताहिक पिछले दस वर्षों में चल रहे हैं उनकी सर्कुलेशन काफी बढ़ गई है। क्या सरकार ने इसका पता लगाया है कि उनका जो कोटा है वह बहुत कम है और ब्लैकमार्केट में खरीद करके उनको अपना काम चलाना पड़ता है, यदि हां तो सरकार ने इसके बारे में क्या किया है ताकि

उनको ब्लैकमार्केट में खरीद करके अपनी आवश्यकताओं की पूर्ति न करती पड़े ?

श्रीमती इंदिरा गांधी : जो हमें विदेशी मुद्रा प्राप्त है और जो बाहर से न्यूजप्रिंट का इम्पोर्ट हो सकता है उसके दरम्यान में ही हम चल सकते हैं। 1957 को जो सर्कुलेशन का लेवल था और 1961-62 को जो लेवल था, उसके आधार पर ही न्यूजप्रिंट दिया जाता है। हमें मालूम है कि कई अखबारों को कठिनाई का सामना करना पड़ रहा है लेकिन हमारे लिए यह बदलना मुश्किल है।

श्री हुकम चन्द कछवाय : "ब्लैकमार्केट" में कहां से मिल जाता है ? ब्लैकमार्केट में यह कैसे चला जाता है और वहां से कैसे प्राप्त हो जाता है।

Shri Kapur Singh: Are Government aware of the general impression that in many cases small papers obtain excessive quotas of newsprint on the basis of inflated figures and then pass it on to the black market and if so, what steps are proposed to be taken to remedy this situation?

Shrimati Indira Gandhi: There is the Audit Bureau of Circulation and the Registrar of Newspapers; they look into this question of circulation.

श्री यशपाल सिंह : सरकार ने एडमिट किया है कि दस हजार से अधिक जिन पेपर्स का सर्कुलेशन है उनको बड़े पेपर माना जाएगा और जिन का दस हजार से कम है, उन्हें छोटा माना जाएगा। जो छोटे पेपर्स हैं उनको जो वक्त पर कागज नहीं मिलता है तो कैसे उन से यह आशा की जा सकती है कि वे बड़ों की श्रेणी में आ जायेंगे ? मैं जानना चाहता हूँ कि सरकार लॉकल पेपर्स की इमदाद के लिए क्या कर रही है।

श्रीमती इंदिरा गांधी : छोटे पेपर्स की कठिनाइयों को देखने के लिये एक कमेटी बनी है श्री दिवाकर के चेयरमैनशिप में और वह सब प्रश्नों को देख रही है।

Shri Inder J. Malhotra: Since a large quantity of newsprint has found its way to the black-market, may I know what steps the Government have taken recently to check this black-marketing in newsprint?

Mr. Speaker: That question was put already.

Shri Ansar Harvani: Is the Government aware that a big newspaper at Calcutta was recently caught selling newsprint in the black market and that the West Bengal Government suppressed it instead of taking action against it?

Shri Manubhai Shah: It is not at all true. I have repeatedly answered this question on the floor of the other House also. The case was launched by the authorities and an investigation was carried out and it was not possible to legally prove that really the theft has taken place, from all the data available, and therefore, we have placed all the papers on the Table of the House, giving full information. The West Bengal Government fully co-operated with us in the investigation into the matter. Still, some of the items in the matter are under investigation.

Shri R. S. Pandey: Since there is a good lot of difference between the quality of paper that is imported from abroad and the paper produced indigenously, may I know what measures they are going to introduce to improve the quality of our newsprint?

Shri Manubhai Shah: About the quality of the newsprint produced by NEPA, as the House will bear us out, the improvement in quality has already been considerable. The complaint about the yellowness of the paper is now fast vanishing. As a matter of fact, in the third Plan and the fourth Plan, we are undertaking to double the NEPA production from 30,000 tons to 60,000 tons. Also another factory in the Punjab with Canadian collaboration exclusively meant for very high class newsprint has been ap-

proved. All the formalities have been completed. I hope that if the project goes through in three or four years' time, this factory in the Punjab will also come up.

Shrimati Savitri Nigam: In view of the fact that there is scarcity of newsprint in the country, may I know what steps the Government are taking to stop the quota of such papers as are indulging in yellow journalism like *Observer* and others?

Shrimati Indira Gandhi: There has been considerable discussion about this matter. We are going into this matter. But since we have proposed the formation of a Press Council, we felt that this matter should be left to the Press Council.

Shri Bhagwat Jha Azad: Is it not a fact that the recommendation of the Ministry of Information and Broadcasting, which is in charge of the distribution of this scarce newsprint material, for the import of the same has in the past been invariably turned down by the Finance Ministry?

Shri Manubhai Shah: If I may say so, it is not so, because over the years, with the quota of foreign exchange allowed, the total quantity of import has continuously gone up.

Shri Bhagwat Jha Azad: We have also the information that it is not a fact.

Mr. Speaker: Order, order.

Shri Manubhai Shah: The House should remember that we are passing through an acute foreign exchange crisis and we are trying to do the best possible.

Shri Nambiar: May I know whether the Government have taken steps to see that the representation made by the Seshasayee Paper Mills in Madras State to convert their production of paper into newsprint is conceded?

Shri Manubhai Shah: It is not possible, technically, but the white printing paper is very widely used by the newspaper industry today.

Shri U. M. Trivedi: Has it been brought to the notice of the Government that there are certain small newspapers which are supported by one of the Ministers in Bihar, which have got hardly a circulation of hundred each.....

Mr. Speaker: We should not make those reflections against Ministers in the States. He might say anything against the Ministers here but not against Ministers in the States.

Shri U. M. Trivedi: So, in this case, will there be an investigation to find out whether those who are publishing only about a hundred copies each are getting a quota for 5,000 copies—an inflated figure—and those papers who have got actual figures supported by the Government record and audit and by the Collector himself to the effect that their sale exceeds 10,000, are not getting the quota, while others get it?

Mr. Speaker: That question was put—about inflated circulation—and the answer was given.

Shri U. M. Trivedi: I want an answer to this question.

Mr. Speaker: She said that the department would look into this question.

Shri U. M. Trivedi: I want to know whether those who have given such inflated figures have been caught. How is it that those who have got the actual circulation are not getting any quota?

Mr. Speaker: Because there is scarcity! Shri Kamath.

Shri Hari Vishnu Kamath: May I remind the Minister of the statement made by her earlier in this session on this subject to the effect that the allocation of newsprint is based solely and wholly on the circulation of the paper concerned, and may I

know whether the attention of the Government has been drawn to the fact that the allocation of newsprint to a certain newspaper or newspapers in the capital or outside the capital has been such as is not justified by the circulation and, if so, what are the reasons for such an allocation?

Shrimati Indira Gandhi: If the hon. Member can give us some specific information, we will look into it.

Shri Hari Vishnu Kamath: I will pass it on to you.

Curtailment of Air India Flights

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S.N.Q. 13.	{	Shri Nath Pai:
		Shri Hem Barua:
		Shri Rameshwar Tantia:
		Shri D. C. Sharma:
		Shri Harish Chandra Mathur:
		Shri Sarojini Mahishi:

Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that the Air India has decided to curtail with immediate effect certain flights; and

(b) if so, the reasons for this sudden curtailment of flights and the extent to which this is likely to affect our air traffic?

The Minister of Civil Aviation (Shri Kanungo): (a) Yes, Sir.

(b) Due to delay in recruiting the additional Pilots as programmed by the Corporation, one out of the ten services per week to the United Kingdom and one out of the three services per week to Tokyo had to be curtailed. As a result of this curtailment and the consequent reduction in traffic carried by them, the Corporation have estimated that their operating profit would be reduced to the extent of Rs. 18 lakhs during the current year.

Shri Nath Pai: Is it not a fact that the Pilots' Guild of India had warned the Government and the management that there was going to be a shortage

of trained and competent commanders for this aircraft and therefore a long-range estimate should be drawn of the requirements of the AII and training facilities be provided and, if so, what was the reaction of the Government and why was this rejected?

Shri Kanungo: The recruitment of pilots for the Air India in the required numbers was completed by about June, but the men could not be placed because the pilots' organisation raised a dispute, and until the dispute was decided, the pilots could not be put in position.

Shri Nath Pai: Is it not a fact that for nearly three years, nearly 90 per cent of the pilots of the AII have gone without any leave—this present shortage is not a sudden thing that has developed—90 per cent of the pilots have not gone on any leave for three years, a very dangerous thing for such a complicated and sophisticated machine like the Boeing Jet and also, is it not a fact that not a single pilot in the AII has been given a refresher course because, again, there was a shortage of pilots?

Shri Kanungo: There has been some delay in providing refresher courses, but the pilots of the AII have not been flying excessively. The maximum hours to be flown per month is 80. Barring two cases, the average for the last two years has been roundabout 50 to 60 hours per month. It is true that some of the commanders have not been able to get leave which, at their own request, was accumulated. Normally, they are expected to take leave and not to accumulate leave, but at their own request, they were allowed to accumulate leave for three years.

Shri Nath Pai: The other part of my question was equally important: whether any of our pilots have been given refresher courses which, under the requirements, is an obligation on all companies, and, if so, how many, and if not, why not?

Shri Kanungo: I said that full refresher courses have not been provided, but some refresher courses have been given.

Mr. Speaker: The hon. Member wants to know how many could avail themselves of that and how many could not. That is what he wants to know.

Shri Kanungo: I have not got the number.

Shri Harish Chandra Mathur: When and at what cost the seventh Boeing was purchased when the new route very recently started? How could this be done when the situation regarding the pilots was as stated by the Minister?

Shri Kanungo: Because it was understood by an understanding with the Pilots' Guild that pending refresher courses and training of commanders, the existing hours of work will be continued.

Dr. Sarojini Mahishi: Knowing about the shortage of pilots, may I know what remedies were taken by Government during the last two years to overcome this shortage?

Shri Kanungo: The shortage of pilots has been observed this year only because of the insistence on the limitation of flying time. We hope in the course of three months, we will have adequate number of pilots.

Shri Vidya Charan Shukla: There has been a long-standing dispute between the management of AII and the Pilots' Guild and there have been intermittent strikes. May I know what steps AII have taken to settle the long-standing matters of dispute pending before them, so that there may be no strikes?

Shri Kanungo: There has been no intermittent strikes or disputes. There is a dispute raised last year and that is under consideration by the tribunal, which is seized of the matter.

Shri Bhagwat Jha Azad: Our specific question is this. In spite of the fact that Air-India is turning out to

Government very good surplus in the form of foreign exchange, why were not refresher courses given to the pilots? Is it a fact that this shortage of pilots has come overnight or Air-India did not take precautionary steps in due time?

Shri Kanungo: I have already said that the recruitment of pilots for Air-India was completed in June, but it could not be given effect to because of the dispute raised by the Pilots' Guild with IAC.

श्री हुकम चन्द कछवाय : मैं यह जानना चाहता हूँ कि वर्तमान समय में हमारे पास कितने चालक हैं, कितनों की कमी है और कितने नये भर्ती करने वाले हैं और यह कमी कब तक पूरी हो जायेगी ?

श्री कानूनगो : तीन महीने में यह कमी पूरी हो जायगी ।

श्री कछवाय : पूरा उत्तर मंत्री महोदय ने मेरे प्रश्न का नहीं दिया है ।

अध्यक्ष महोदय : अभी कितने हैं, कितने चाहिए, कितनों की कमी है और वह कमी कब तक पूरी हो जायगी ?

Shri Kanungo: In Air-India, the number is about 90. They require about 30 more. The field of recruitment for Air-India is only IAC. In IAC there are about 220 line pilots and some executive pilots. The shortage is about 30 to 40, which will be made good in the course of three to six months.

Shri P. C. Borooah: The Minister himself has said that not only AII but IAC also is suffering from shortage of pilots. Are we to understand that the fourth Caravelle which has arrived on 2nd December will be lying idle till April next for want of pilots?

Shri Kanungo: No; the fourth Caravelle has not arrived yet. The difficulty is about getting competent commanders, for which training has got to be provided.

Shrimati Sharda Mukerjee: The Minister has given figures about the hours of flying that the pilots have to put in. Considering the very vital question of flying fatigue which the pilots have to suffer from if they over-fly beyond the period which is normally accepted by international standards, may I know how our figures compare with the internationally accepted standards?

Shri Kanungo: The international figure for flight of jet craft per month ranges between 80 to 120 hours. As far as Air-India is concerned, barring two cases, the average flight hours have been round about 55 to 60 hours.

Shri Nath Pai: No.

Shrimati Savitri Nigam: May I know whether the Minister is aware that while on the one hand there is great shortage of pilots, on the other hand, very many smart young people who have been trained by various flying clubs are still awaiting their chances for employment?

Shri Kanungo: In the case of pilots with commercial licences who have done certain hours of flying with flying clubs, we have got to expedite their training. That is why I said in three to six months time they will be available.

Shri Nath Pai: Sir, would you kindly apply your mind to devising a deterrent rule which will preclude and prevent Ministers from making statements which are palpably wrong and misleading? Unless you do something about it, we will be in very great difficulty.

Mr. Speaker: If I find there is something glaring, then I certainly point it out.

Shri Harish Chandra Mathur: May I know whether the understanding of the House from the Minister's reply is that the pilots have gone back upon their word and therefore there is difficulty or the pilots are not doing half as much as is expected of them?

Mr. Speaker: He has clarified it.

WRITTEN ANSWERS TO
QUESTIONS

Recovery of Loans from Refugees

*639. **Shri P. R. Chakraverti:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the Union Government have made a study of the difficulties in the realisation of business and other loans advanced by Government to refugees from East Pakistan;

(b) whether the West Bengal Government have pointed out their own experiences in realising loans distributed among the refugees through them; and

(c) whether the Central Government have decided to give certain concessions to the loanees in consideration of their readiness to repay by a specified period in the context of their financial position?

The Minister of Rehabilitation (Shri Mahavir Tyagi): (a) to (c). The Central Government advanced funds to the extent of Rs. 80 crores to the State Governments for granting loans to the displaced persons from East Pakistan for their rehabilitation and to recover them back in easy instalments. As the borrowers were not able to repay the loans in accordance with the instalments laid down, the periods of repayment with respect to certain loans were extended in 1959.

Therefore, the West Bengal Government represented its difficulty in recovering the loans from the displaced persons in view of their financial condition and other circumstances and suggested grant of remissions. The recommendations were considered by the Central Government and orders were issued in May 1964, sanctioning a scheme for remissions involving a sum of about Rs. 50 crores.

Model Universities

*642. { **Shri Ram Harkh Yadav:**
Shri Rameshwar Tantia:
Shri Vishwa Nath Pandey:
Shri Hem Raj:

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

(a) whether Government propose to set up a model Central University in each-State in the country;

(b) if so, whether the scheme has been finalised; and

(c) the time schedule for the implementation of the plan and the estimated expenditure on the scheme?

The Minister of Education (Shri M. C. Chagla): (a) The proposal that there should be a Central University in each State has been referred to the Committee on New Universities set up by the University Grants Commission.

(b) The report of the Committee is awaited.

(c) Does not arise at present.

I.O.C.

*645. **Shri Yashpal Singh:** Will the Minister of **Petroleum and Chemicals** be pleased to state:

(a) whether his attention has been drawn towards the speech delivered by the Chairman of the Indian Oil Corporation Ltd. on 24th November, 1964 wherein he referred to the losses incurred by the Corporation due to the refusal by the consumers to pay the Central Sales Tax as well as under-recovery of freight charges on the Gauhati products;

(b) if so, whether the Corporation had approached the Central Government about two years back drawing their attention towards this matter; and

(c) if so, the action if any taken thereon?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):
(a) Yes, Sir. However, it may be

pointed out that in his speech the Chairman of the India Oil Corporation has attributed the losses in question to the refusal of the other oil companies (and not of the consumers) to pay the Central Sales Tax and to unrecovered freight on the ground that these are not recoverable from the consumer and they are allowed to sell products only at the ceiling selling prices fixed by the Government on the basis of import parity.

(b) Yes, Sir.

(c) The question of exemption from Central Sales Tax is under correspondence with the Assam Government and the question of mitigating the burden of under-recovery of freight to the I.O.C. due to the location of the Gauhati Refinery and its pattern of production is under consideration.

पूर्वी पाकिस्तान में बड़ी संख्या में शरणार्थियों का आना

*646. श्री ओंकार लाल बेरवा : क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पूर्वी पाकिस्तान से अभी भी बड़ी संख्या में शरणार्थी आ रहे हैं ; और

(ख) यदि हां, तो अक्टूबर 1964 के महीने में कितने शरणार्थी भारत आए ; अब तक उनकी संख्या कितनी कम हो गई है तथा उनके कब तक आते रहने की संभावना है ?

पुनर्वास मंत्री (श्री त्यागी) : (क) जी हां ।

(ख) अक्टूबर के महीने में 56,386 शरणार्थी भारत में आये जिसका दैनिक औसत 1818 था । नवम्बर, के महीने में 37,695 शरणार्थी भारत में आये जिसका दैनिक औसत 1257 था ।

शरणार्थियों का आना कब तक जारी रहेगा इसका अनुमान नहीं लगाया जा सकता ।

Hindustan Antibiotics

*647. Shri Kolla Venkaiah: Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether the Hindustan Antibiotics, Limited has approached Government for the sanction of the expansion of Hamycin Project in view of the increasing demand from the U.S.A.;

(b) the increase in the present capacity sought for;

(c) the additional cost involved; and

(d) the action taken by Government in the matter?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) to (d). The Government of India approved of the manufacture of Hamycin on a pilot plant scale and accordingly an industrial licence for the manufacture of 15 kg. of Hamycin was issued to the Hindustan Antibiotics Limited, Pimpri, on the 15th January 1962. Before this scheme was implemented, the results indicated that the project should be expanded to 50 kg. per annum. After considering the detailed project scheme, Government of India approved of the company's scheme for the expansion of the plant for the manufacture of Hamycin from 15 kg. to 50 kg. per annum at an estimated cost of Rs. 30 lakhs including a foreign exchange component amounting to Rs. 16 lakhs on the 7th December 1963.

2. Hamycin was released for sale in the country in September 1963. On the basis of latest trends of reception given to Hamycin, both in India and abroad, the production of Hamycin was reviewed and the capacity of the project was increased from 50 kg. to 250 kg. per annum in October 1964. The total additional cost on

the expanded project has been estimated at Rs. 25 lakhs including a foreign exchange component of Rs. 11 lakhs.

3. Some foreign firms including one from U.S.A. have shown interest in Hamycin and the terms offered by them are being examined.

Primary Education

*648. { Shri D. C. Sharma:
Shri Rameshwar Tantia:

Will the Minister of Education be pleased to state:

(a) whether the free primary education scheme has not proved successful in the States;

(b) if so, the States in which the scheme has not been a success; and

(c) the steps taken or proposed to be taken to make it successful?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The reference appears to be to the principle of making primary education free throughout the country. Barring special schools and some primary schools in urban areas of West Bengal, primary education is free throughout the country.

If the question also covers the principle of universality of primary education, the measure of success achieved differs from State to State and even from areas to areas within a State. It is estimated that as against 191.5 lakh children in primary schools at the beginning of the first Plan, 512.07 lakh children would be studying in primary schools at the end of the IIIrd Plan. This works out roughly to 77.8 per cent of children in the age group 6—11. The States which are less advanced from this point of view are Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, Orissa and Jammu and Kashmir.

(c) In regard to making education free in primary schools of urban areas of West Bengal, the Govern-

ment of India have moved the State Government to take necessary steps. For making education universal, adequate programmes are being formulated and executed within the limitations of available resources, both human and financial. The Government of India are also considering a proposal to give more liberal assistance to less-advanced States to make up the leeway.

Conference of Chief Ministers

*649. { Shri Rameshwar Tantia:
Shri P. C. Borooah:
Shri Prakash Vir Shastri:

Will the Minister of Home Affairs be pleased to state:

(a) whether he had recently convened a Conference of the Chief Ministers of States; and

(b) if so, the main problems discussed therein?

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

(b) The main problems discussed were measures for introduction of Hindi as Union Official Language from Jaunary 26, 1965, enforcement of food-grains control Laws, student indiscipline and communalism.

Declaration of Assets and Liabilities of Ministers

*650. **Shri D. J. Naik:** Will the Minister of Home Affairs be pleased to state:

(a) whether all the Ministers of the Central Government and State Governments have disclosed details of their assets and liabilities and of their business interest as well as that of members of their families as per code of conduct issued by the Union Government; and

(b) if not, the reasons therefor?

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

(a) and (b). According to information available 49 Central Ministers, 6 Parliamentary Secretaries and one Chief Minister of State have furnished details of their assets and liabilities.

The Code requires a Minister only to furnish a declaration regarding his assets and liabilities annually by the 31st March. The Ministers were no doubt informed on 29th October 1964, that the initial statement was expected to be given within one month, but the period of one month was evidently not adequate in all cases.

The Code will apply to Ministers of State Governments and of the Governments of Union Territories after the respective Governments have adopted it. According to information available eight States including Union Territories have adopted the Code.

प्राथमिक अध्यापकों का न्यूनतम वेतन

- * 651. { श्री रणजय सिंह :
 श्री प्रकाशवीर शास्त्री :
 श्री प्र० चं० बरुआ :
 श्री सुरेन्द्रनाथ द्विवेदी :
 श्री रामेश्वर टांटिया :
 श्री श्रींकार लाल बेरवा :
 श्री हुकमचन्द कछवाय :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) प्राथमिक स्कूल के अध्यापकों का न्यूनतम वेतन 100 रुपये प्रतिमास निश्चित करने के बारे में लखनऊ में की गई उनकी गोपणा तथा इस व्यय का 50 प्रतिशत केन्द्र द्वारा देने का प्रस्ताव कब तक क्रियान्वित हो जाने की संभावना है ;

(ख) योजना की मुख्य बातें क्या हैं ;
 और

(ग) यह सहायता क्या केवल उत्तर प्रदेश राज्य सरकार को दी जायेगी अथवा अन्य राज्य सरकारों की भी दी जायेगी ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) और (ख). अध्यापकों की सेवा शर्तों और वेतन में सुधार की योजनाओं को यदि राज्य सरकारें अपनी अपनी आयोजनाओं में सम्मिलित कर लें तो इन योजनाओं पर होने वाले व्यय का 50 प्रतिशत सहायता के रूप में दिया जाता है । यह सहायता खंड (ब्लॉक) अनुदानों के रूप में दी जाती है ।

(ग) इस योजना के अन्तर्गत सभी राज्य सरकारों को सहायता मिल सकती है ।

Non-Implementation of the three-Language Formula

*652. **Shri Jashvant Mehta:** Will the Minister of Education be pleased to state:

(a) the names of the States which have not implemented the three-language formula;

(b) the reasons given for its non-implementation; and

(c) the action taken by Government in this regard?

The Minister of Education (Shri M. C. Chagla) (a) and (b). The States have generally accepted the formula and introduced it with modifications to suit local conditions.

(c) The Ministry of Education has been persuading the States to adhere to the formula.

आसाम के कुछ क्षेत्र पर पाकिस्तान का कब्जा

- * 653. { श्री हुकमचन्द कछवाय :
 श्री हरि विष्णु कामत :

क्या मूह-कार्य मंत्रों यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि आसाम केलाठी-टीला क्षेत्र में पाकिस्तानी सैनिकों ने लगभग 500 बीघा भूमि पर कब्जा कर लिया है ;

(ख) क्या यह भी सच है कि पाकिस्तानी सैनिकों ने सीमावर्ती गांव गुलमानी में लूट मार की थी ;

(ग) क्या यह भी सच है कि वे कई अन्य गांवों में घुस गये थे तथा वहां से पशुओं को चुरा ले गये और फसल को काट कर ले गये; और

(घ) यदि हां, तो सीमावर्ती गांवों की सुरक्षा के लिए सरकार ने क्या व्यवस्था की है तथा 500 बीघा जमीन का वापस लेने के लिये क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में राज्य-मंत्री (श्री हाथी): (क) आसाम-पूर्वी पाकिस्तान सीमा पर लाठी टीला गांव -ममूह के ऊपर, उस क्षेत्र में सही सीमा रेखा के बारे में, पाकिस्तान के साथ विवाद चल रहा है, इस सीमा का सीमांकन अभी होना है। इस क्षेत्र में कुछ भूमि अब पाकिस्तान के सचमुच नियंत्रण में है। यह अन्तिम सीमांकन होने तक यथा पूर्वस्थिति बनाये रखने के लिए हुए करारों के प्रतिकूल है।

(ख) और (ग) जहां तक हमारे पास जानकारी है, यह सही नहीं है परन्तु आगे पूछताछ हो रही है।

(घ) हमारी सीमा सुरक्षा सेना सारी सीमा के साथ-साथ फैली हुई है। वे लगातार चौकसी रखती हैं और गश्त करती रहती हैं। अन्तिम कार्यवाही भूमि के सीमांकन पर, जो अभी होनी है, निर्भर रहेगी।

Military Science in University Education

*654. **Shri Hari Vishnu Kamath:** Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 189 on the 9th September, 1964 and state:

(a) whether the special committee set up by the University Grants Commission to examine the question of inclusion of military science as a subject of study in the Universities has submitted its Report;

(b) if so, its recommendations;

(c) whether the report will be laid on the Table; and

(d) if not, the reasons therefor?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

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

Deputation of All Party Hill Leaders' Conference

*655. { **Shri P. C. Borooach:**
Shri D. C. Sharma:
Shrimati Renuka Barkataki:
Shri Prakash Vir Shastri:

Will the Minister of Home Affairs be pleased to state:

(a) whether a deputation of the All-Party Hill Leaders' Conference from Assam called on him and the Prime Minister in the second week of December; and

(b) if so, the specific demands made by the deputation and the assurances given to them?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) Yes, Sir; a deputation of the All-Party Hill Leaders' Conference from Assam called on the Home Minister and the Prime Minister in the second week of December.

(b) The delegation urged the immediate appointment of a Commission to work out the details of the scheme for grant of the largest possible autonomy to hill districts subject to their functioning within the framework of the State of Assam. They were informed that the Commission was likely to be appointed soon.

Three Language Formula for Secondary Schools

*656. **Shri Yashpal Singh:** Will the Minister of Education be pleased to state:

(a) whether Government have under consideration any proposal to

give 100% grant to the Northern States for introducing modern Indian Languages of the Southern States in the Secondary School curriculum;

(b) if so, the reasons therefor; and

(c) when this proposal will be implemented?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The question of providing for the teaching of a modern Indian Language other than Hindi in the Hindi speaking States is under examination.

(b) For promoting emotional integration.

(c) It is hoped that this will be implemented during the Fourth Five Year Plan.

Removal of Educational Backwardness in States

*657. { Shri Rameshwar Tantia:
Shri Ram Harkh Yadav:
Shri Murli Manohar:
Shrimati Savitri Nigam:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that he has assured the Uttar Pradesh Government that the Central Government will be considering as a special case the question of giving grants for removal of educational backwardness in the States;

(b) whether it is also a fact that there are other States also which do not have enough resources to cope with similar problems; and

(c) if so, the nature and quantum of aid Government propose to give to these State Governments?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir, I expressed recently that a measure of special assistance from the Centre would be considered for Uttar Pradesh.

(b) Yes, Sir.

(c) The matter will be considered while finalising the Fourth Five Year Plan for Education.

काशी विद्यापीठ को डिग्री

*658. { श्री प्रकाशवीर शास्त्री :
श्री यु० सि० चौधरी :
श्री हुकमचन्द कच्छवाय :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि काशी विद्यापीठ द्वारा दी गई डिग्रियों पर अंकित भारत के मानचित्र में काश्मीर को भारत का भाग नहीं दिखाया गया है ;

(ख) क्या विद्यापीठ ने जान बूझ कर ऐसा किया है अथवा ऐसा असावधानीवश हो गया है ; और

(ग) भविष्य में इसको ठीक करने केलिये क्या कदम उठाये गये हैं ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) काशी विद्यापीठ द्वारा प्रयोग में लायी जाने वाली मुहर 1924 में तैयार की गई थी और इसकी आकृति वृत्ताकार होने के कारण, काश्मीर सहित भारत में कुछ भाग इसमें नहीं आ सके और उन्हें छाड़ दिया गया था ।

(ख) और (ग). प्रश्न नहीं उठता ।

Director-General of Tourism

*659. **Shri Surendranath Dwivedi:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Central Bureau of Investigation has enquired into the allegations of corruption against the Director-General of Tourism and whether any report has been submitted; and

(b) if so, what action has been taken?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). Some allegations have

been inquired into and others are under inquiry. Government are waiting for a final report.

Expenditure in Bastar District

1733. { Shri Lakhmu Bhawani:
Shri Wadiwa:

Will the Minister of Home Affairs be pleased to state:

(a) the total amount spent on the works done in Bastar District by Dandakaranya Development Authority upto March, 1964:

(b) the amount out of that spent towards rehabilitation of landless Adivasis on 25 per cent of reclaimed land: and

(c) the amount spent towards General Development?

The Minister of Rehabilitation (Shri Tyagi): (a) to (c) The information is being collected and will be laid on he Table of the Sabha.

Tribal Employment

1734. { Shri Lakhmu Bhawani:
Shri Wadiwa:

Will the Minister of Rehabilitation be pleased to state:

(a) the percentage of Tribal employment in Dandakaranya Project;

(b) the percentage of tribals employed from Bastar District in Madhya Pradesh; and

(c) the percentage of tribals employed from Orissa?

The Minister of Rehabilitation (Shri Tyagi): (a) to (c). The information is being collected and will be laid on the Table of the Sabha.

As far as agricultural settlements are concerned, 25% of the land reclaimed by the Dandakaranya Development Authority is allotted through the State Governments to landless
1986 (Ai) L.S.D.—3.

Adivasis. Grants are also given by the Authority for house building, bullocks, seeds and implements and for provision of common amenities in the new villages where the landless Adivasis are resettled.

नेशनल बुक ट्रस्ट

1735. श्री रणजय सिंह : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) नेशनल बुक ट्रस्ट द्वारा किस भाषा के कितने मौलिक तथा अनूदित ग्रन्थ अब तक प्रकाशित किए गए हैं ;

(ख) उपयुक्त ग्रन्थों के प्रकाशन में कितना खर्च हुआ है ;

(ग) नेशनल बुक ट्रस्ट द्वारा नई दिल्ली में आयोजित प्रदर्शनी में किस किस भाषा के कितने ग्रन्थ रखे गये थे ; और

(घ) उक्त ट्रस्ट द्वारा किस किस विषय के ग्रन्थ प्रकाशित किये जाते हैं ?

शिक्षा मंत्री (श्री मू० क० चागला):

(क) एक विवरण जिस में अपेक्षित सूचना दी गई है। सभा पटल पर रखा गया है। [पुस्तकालय में रखा गया—बेल्जिये संख्या एल० टी०—3715(I)/64]

(ख) ट्रस्ट की ओर से दिनांक 30-9-64 तक ₹ 2.64 लाख व्यय हुआ है, सूचना और प्रसारण मंत्रालय के प्रकाशन विभाग द्वारा भी इन प्रकाशनों पर व्यय हुआ है जो इसके अतिरिक्त है।

(ग) एक विवरण जिस में अपेक्षित सूचना दी गई है सभा पटल पर रखा गया है। [पुस्तकालय में रखा गया—बेल्जिये संख्या एल० टी० 3715(II)/64]।

(घ) मुख्य विषयों में सम्मिलित हैं :— कला, साहित्य, समाज विज्ञान तथा प्राकृतिक विज्ञान।

यूनेस्को के साथ सहयोग के लिये भारतीय
राष्ट्रीय आयोग

1736. { डा० राम मनोहर लोहिया :
श्री किशन पटनायक :

क्या शिक्षा मंत्री यह बताने की कृपा
करेंगे कि :

(क) यूनेस्को के साथ सहयोग के लिये
भारतीय राष्ट्रीय आयोग (इंडियन नेशनल
कमीशन फार कोऑपरेशन विद यूनेस्को) के
वर्तमान सदस्यों के नाम क्या हैं और इसकी
बिगत कार्यवर्ष और इस वर्ष में कितनी बैठक
हुई और उसमें क्या क्या मुख्य निर्णय किये
गये ;

(ख) पूर्वी भाषाओं के साहित्य के
अनुवाद की यूनेस्को की योजना के अर्धीन
विदेशी (यूरोपीय) भाषाओं में अनुवाद के
लिये भारत के कौन कौन से प्राचीन ग्रंथ
चुने गये हैं ; और

(ग) कौन कौन से ग्रंथों का अब तक
विदेशी भाषाओं में (उन भाषाओं के नाम
बिहित) अनुवाद हो चुका है और अब तक
प्रकाशित किये अनुवादित संस्करणों का क्या
ब्योरा है और शेष संस्करणों के प्रकाशन में
यदि कोई विलम्ब हुआ हो, तो उसके क्या
कारण हैं ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) 1963-64 की अवधि के
दौरान, यूनेस्को के साथ सहयोग के लिये
भारतीय राष्ट्रीय आयोग की मार्च, 1964 में
एक बैठक हुई थी। आयोग के गठन और
उसके सदस्यों की सूची अनुबन्ध 1 में दी गई
है [पुस्तकालय में रखा गया देखिये संख्या
LT—3716/64]

आयोग की पिछली बैठक में किए गए
मुख्य-मुख्य निर्णय अनुबन्ध II में दिये गये
हैं। [पुस्तकालय में रखा गया है, देखिये
संख्या LT—3716/64]।

(ख) और (ग) : विदेशी भाषाओं में
अनुवाद के लिये यूनेस्को को जिन भारतीय
श्रेण्य ग्रंथों की सिफारिश की गई है तथा जिन
ग्रंथों को अब तक विदेशी भाषाओं में अनुवादित
किया जा चुका है उनकी सूची, आवश्यक
विवरण सहित अनुबन्ध III और IV में
दी गई है। [पुस्तकालय में रखे गये,
देखिये संख्या LT—3716/64]
चुंकि श्रेण्य ग्रंथों का विदेशी भाषाओं में अनु-
वाद करने के लिए, मूल रचनाओं की जानकारी
रखने वाले योग्य व्यक्तियों की कमी है
इसलिए इस प्रयोजन के लिए चुने गये सभी
श्रेण्य ग्रंथों का अनुवाद और प्रकाशन पूरा
करना यूनेस्को के लिए संभव नहीं हो सका है।
अनुवादित रचनाएं विशिष्ट प्रकार की होने के
कारण इनकी लोकप्रियता सीमित होती है
और व्यापारिक प्रकाशकों के लिए आकर्षक
नहीं होती, इसलिए उपयुक्त प्रकाशन ढूढ़ने
में भी यूनेस्को को कठिनाई होती है।

Theft Cases in New Delhi

1737. { Shri D. C. Sharma:
Shri Yashpal Singh:
Shri P. C. Borooah:

Will the Minister of Home Affairs
be pleased to state:

(a) whether the number of cases
of thefts in New Delhi has been quite
large during the last three months;

(b) the figures as compared to the
corresponding period during the last
year; and

(c) the action taken in the matter?

The Deputy Minister in the Minis-
try of Home Affairs (Shri L. N.
Misra): (a) and (b). 1,165 cases of
thefts were reported in New Delhi
during the period from 1st Septem-
ber 1964 to 30th November 1964 as
against 977 during the corresponding
period last year.

(c) Patrolling in the affected areas
has been intensified. Special pat-

rolling and naka bandi is also being done from time to time to check thefts. Constable's beats have been reorganised to make patrolling more effective and meaningful. Activities of goondas and other anti-social elements are being kept under check by stringent surveillance.

Bibliography on Children's Books

1738. **Shri Yashpal Singh:** Will the Minister of Education be pleased to state:

(a) whether it is intended to take up the work of compilation of an annotated bibliography on children's books other than text-books, for being recommended for school libraries;

(b) if so, the procedure adopted for the screening of such books; and

(c) when this work is likely to be completed?

The Minister of Education (Shri M. C. Chagla): (a) There is no proposal in the Ministry for compilation of an annotated bibliography for school libraries. However, some of the State Governments have taken up the compilation of bibliographies of children's books in regional languages on the recommendation of the Central Advisory Board of Education.

(b) and (c). This information is not available with the Ministry.

मुगलकाल के सिक्के

1739. **श्री यशपाल सिंह:** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि मुगलकाल के 90,000 सिक्कों की देहरादून स्थित पुरातत्ववीय रसायनयज्ञ द्वारा रासायनिक परीक्षा की जा रही है; और

(ख) यदि हां, तो उस से अभी तक क्या परिणाम निकले हैं ?

शिक्षा मंत्री (श्री म० क० चागला) :

(क) लगभग 90,000 सिक्कों की रासाय-

निक परीक्षा की जा रही है। परन्तु वे मोहम्मद-बिन-तुगलक के राज्य के समय के प्रतीत होते हैं।

(ख) सिक्कों को पढ़ने योग्य बनाए जाने से पहले, रासायनिक-परीक्षा में काफी समय लगेगा।

Nehru Bhavans

1740. { **Shri Subodh Hansda:**
Shri S. C. Samanta:
Shrimati Savitri Nigam:
Shri M. L. Dwivedi:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that Government propose to set up Nehru Bhavans in each State;

(b) if so, whether any scheme for such Bhavans has been prepared;

(c) the manner in which these Bhavans will be utilised; and

(d) when the construction of these Bhavans will start?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

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

Pardons Granted by President

1741. **Shri Shree Narayan Das:** Will the Minister of Home Affairs be pleased to state the number of cases in which the President exercised the power vested in him under Article 72 of the Constitution regarding the granting of pardons, reprieves, or remission of punishment and other matters during 1964?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): Death sentence was commuted to imprisonment for life by the President in the case of 62 prisoners but in no case was pardon granted by him during the period from 1st

January to 20th December, 1964. (These figures exclude the cases tried by Courts Martial).

P.M.'s Letters to Chief Ministers

1742. { **Shri R. G. Dubey:**
Shri Yashpal Singh:
Shri Visram Prasad:

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

(a) whether it is a fact that the Hindi Salahkar Samiti has made recommendation that the Prime Minister should address his fortnightly letters to the Chief Ministers from the 26th January, 1965 onwards both in English and Hindi;

(b) whether they have also suggested that the letters should be only in Hindi to Chief Ministers of the Hindi-speaking States; and

(c) the other recommendations made by the Samiti?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Misra): (a) The Hindi Salahkar Samiti recommended that on 26th January, 1965 or the following day, the Prime Minister may send his fortnightly letter to the Chief Ministers of all States in Hindi also.

(b) No.

(c) A statement is laid on the Table of the House. [Placed in Library. See No. LT-3717[64].

Refixation of Seniority of Assistants

1743. { **Shri R. G. Dubey:**
Shri Yashpal Singh:

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

(a) whether the Central Secretariat Assistants' Association has demanded for the refixation of their seniority according to the length of their service; and

(b) the Government's reaction thereto?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Misra): (a) Yes, Sir.

(b) After full consideration, it has been decided not to revise the seniority rules.

दिल्ली में खाली प्लाटों पर अधिग्रहण नोटिस

1744. श्री नवल प्रभाकर : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली में जिन प्लाटों को अधिग्रहण करने के नोटिस दिये गये हैं उन पर इमारतें बनाने के लिये सीमेंट आदि सामान उपलब्ध करने में बड़ी कठिनाई हो रही है ;

(ख) यदि हां, तो क्या दिल्ली विकास प्राधिकरण ऐसे लोगों को और समय देने का विचार कर रहा है ; और

(ग) यदि हां, तो कितना समय और दिया जायेगा ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री ल० ना० मिश्र) : (क) दल्लो को दी जाने वाली सीमेंट का अनुपात और जगहों से अधिक है । जिन व्यक्तियों की इमारतों के नक्शे सम्बन्धित प्राधिकरण द्वारा मंजूर हो जाते हैं । उन्हें उनकी स्वीकृत जरूरत के अनुसार किशतों में सीमेंट दी जाती है । अन्य इमारती सामान उपलब्ध होने में कठिनाई नहीं है ।

(ख) और (ग) : भूमि अधिग्रहण अधिनियम, 1894 की धारा 4 के अधीन अधिसूचना, जिसमें सरकार का यह आशय बताया गया कि वह विकसित बस्तियों में खाली बिना बने प्लाटों को अधिग्रहीत कर लेगी, दिल्ली प्रशासन ने जारी की थी, न कि दिल्ली विकास प्राधिकरण ने । इसलिए

दिल्ली विकास प्राधिकरण द्वारा ऐसे लोगों को और समय दिये जाने का प्रश्न ही नहीं उठता। भूमि अधिग्रहण अधिनियम, 1894 की धारा 6 के अधीन खाली प्लॉटों के अधिग्रहण के बारे में अधिसूचना केवल उन्हीं प्लॉटों के लिये जारी की जायेगी जिनके मालिक न तो आवश्यक आशवासन देंगे और न ही निर्माण में अपनी असमर्थता के लिये पर्याप्त कारण दिखा सकेंगे। दिल्ली प्रशासन इसी अधिसूचना जारी करने से पहले सम्बन्धित मामलों की प्रामाणिकता पर विचार कर लेगा।

Agricultural Schemes for Dandakaranya

1745. { Shri Yashpal Singh:
Shri Bhagwat Jha Azad:
Shri Y. S. Chaudhary:

Will the Minister of Rehabilitation be pleased to state:

(a) whether several new agricultural schemes are proposed to be introduced or have already been introduced for the working season ending in September, 1965 in the Dandakaranya Project; and

(b) if so, the details thereof?

The Minister of Rehabilitation (Shri Tyagi): (a) and (b). Yes, on the basis of experience gathered so far, some old schemes have been modified or re-oriented and some new schemes have been formulated for the working season 1964-65. The more important features of these steps are as follows:

- (i) Diversification of the crop pattern on an extensive scale on the basis of tested results and cultivation of cash crops such as castor, hybrid maize, turmeric, gingeli, etc.
- (ii) Distribution of fertilizers for making up soil nutrients, e.g., nitrogen, phosphoric acid and potash.
- (iii) Providing plant protection measures as a free service for the first three years.

(iv) Supply of improved agricultural implements, the utility of which has now been accepted by the settlers.

(v) Provision of small wells for more intensive use of the homestead plots for horticulture.

(vi) Level terracing of selected areas with a view to improving the yield and ensuring the effective utilization of irrigation facilities.

(vii) Establishment of larger number of demonstration centres and plots to show correct methods of application of fertilizers, best cropping patterns, use of improved agricultural implements etc.

(viii) Holding of demonstrations in the villages and giving of prizes to the best farmers at the village, zonal and project levels to give encouragement to the best producers of various crops.

(ix) Providing training in Agricultural Extension to village Sewaks.

(x) Programme for holding rural forums for dissemination of knowledge about improved methods of agriculture through mass media of communication and for discussion of common problems relating to agriculture by the settlers with the assistance of agricultural Extension Officers.

Educational Psychology

1746. { Shri P. R. Chakraverti:
Shrimati Savitri Nigam:

Will the Minister of Education be pleased to state:

(a) whether Government endorse the viewpoint of eminent educationists that the educational psychology

that was taught to pupil-teachers was thoroughly un-Indian, being derived from foreign books;

(b) whether it is a fact that the Indian books on education were pale copies of the works of American authors; and

(c) if so, the measures devised by Government to give a social direction in the country's educational system?

The Minister of Education (Shri M. C. Chagla): (a) and (b). Government are not aware of any particular views referred to generally in part (a) of the question.

The theories and methods of Educational Psychology, like those of other sciences, are of universal applicability and hence know no national barriers. The books used in teacher training institutions have been mostly written by foreign authors. There are three broad categories of books written by Indians on the subject; (i) original works in English, (ii) books in English on principles of education, methods of teaching, curriculum, etc. and (iii) books written in the Indian languages; the second and third categories of books are generally based on works of foreign (including American) authors.

(c) The measures taken include: (i) compulsory primary education with introduction of basic crafts at all stages of school education, (ii) preparation of new syllabi and changes in the curriculum, and (iii) preparation of text books in various subjects specifically relating to Indian problems based on researches done in India.

National Institute of Sports, Patiala

1747. **Shri Subodh Hansda:** Will the Minister of Education be pleased to state:

(a) the specific functions of the National Institute of Sports at Patiala;

(b) whether this Institute is financed by the Government of India;

(c) if not, what kind of assistance is given; and

(d) the mode of recruitment of trainees in this Institute and the period for which they are trained?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) To produce high calibre coaches by imparting advanced training in coaching methods.

(b) Yes, Sir.

(c) Does not arise.

(d) Admissions for three-year and one-year courses are made, on an all-India basis, by *ad-hoc* selection committees consisting of the Director of the Institute, Instructor of the game in question and a member of the Board of Governors, nominated by the Chairman.

Training of Refugees

1748. { **Shri Subodh Hansda:**
Shri Bibhuti Mishra:
Shri K. N. Tiwary:

Will the Minister of Rehabilitation be pleased to state:

(a) whether it is a fact that the Government of West Bengal have asked for funds for the creation of training facilities for the refugees in that state;

(b) whether this request has been turned down; and

(c) if so, the reasons therefor?

The Minister of Rehabilitation (Shri Tyagi): (a) No, Sir.

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

Excise Duty on Plastics

1749. **Shri P. C. Borooah:** Will the Minister of Petroleum and Chemicals be pleased to state:

(a) whether the Planning Group for Petro-chemicals has recommended a

drastic cut in the excise levy on plastics to bring the prices near the level in other countries;

(b) if so, what was the extent of the cut recommended;

(c) what other suggestions were made by the Group to encourage production of plastics under the Fourth Plan; and

(d) if so, Government's decision thereon?

The Minister of State in the Ministry of Petroleum and Chemicals (Shri Alagesan): (a) The Planning Group for Petro-chemicals recommended that excise levies on plastics and in general on all petro-chemicals be set at as low a level as possible in order that production costs could compare with those in other countries;

(b) No specific extent of the cut in the excise duty has been recommended;

(c) To encourage production of plastics and petro-chemicals in the Fourth Plan, the Group recommended the following measures as well:

(i) Exemption of excise duty on intermediates;

(ii) Exemption of import duty on Catalysts;

(iii) "Adoption of single point Sales-Tax" on finished products;

(iv) Reduction in rail transportation costs and

(v) Keeping the cost of naphtha and other petro-chemical feed-stocks at as low a level as possible.

(d) The recommendations of the Planning Group are currently being examined in the light of the developments which have taken place recently.

Expenditure on Rehabilitation

1750. { Shri P. C. Borooah:
Shri P. R. Chakraverti:

Will the Minister of Rehabilitation be pleased to state:

(a) the total amount spent by the

Central Government since partition on the rehabilitation of displaced persons from Pakistan;

(b) the break up of this expenditure on various principal items of rehabilitation; and

(c) the amount given by Government to each State as loans and as grants for rehabilitation of these refugees?

The Minister of Rehabilitation (Shri Tyagi): (a) Rs. 401.66 crores upto 31st March, 1964.

(b) and (c). Two Statements have been laid on the Table of the House. [Placed in Library. See No. LT-3718/64].

पाकिस्तानियों का अनधिकृत प्रवेश

1751. श्री बादशाह गुप्त : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि 1963-64 में पूर्वी तथा पश्चिमी पाकिस्तान से अलग-अलग कितने पाकिस्तानी अनधिकृत रूप से भारत के विभिन्न राज्यों में घुस आये हैं ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : एक विवरण संलग्न है।

विवरण

राज्य	पूर्वी पाकिस्तान से अवैध प्रवेश करने वाले पाकिस्तानियों की संख्या	पश्चिमी पाकिस्तान से अवैध प्रवेश करने वाले पाकिस्तानियों की संख्या
आन्ध्र प्रदेश	1	2
असम	3045	..

बिहार	47	3
दिल्ली	4	27
गुजरात		171
जम्मू तथा काश्मीर		318
		(जून, 64 तक)
केरल	..	3
मनीपुर	22	..
मध्य प्रदेश	6	17
महाराष्ट्र	82	31
मैसूर	3	2
नेफा	9	..
उड़ीसा	4	..
पंजाब		462
राजस्थान	..	638
त्रिपुरा	1159	..
उत्तर प्रदेश	23	53
पश्चिम बंगाल	13,538	

Bomb Explosion in Uri Town

1752. Shri Rameshwar Tantia: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Pakistani Saboteurs recently exploded bombs at Kashmir guest house in Uri town;

(b) if so, the damage caused thereby;

(c) whether any arrest has been made; and

(d) whether any protest has been lodged with the Pakistan Government?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) We have received no information that any explosion took place in the guest house at Uri.

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

Arrest of Pak Nationals

1753. Shri Rameshwar Tantia: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that nine Pakistani armed nationals were arrested at Poonch on the 23rd October, 1964, one-and-half-mile inside the Indian territory;

(b) if so, the action taken against them; and

(c) the steps taken to tighten the security measures in every inch of the Indian territory?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). Our information is that on the night of October 23, 1964, Indian Army personnel apprehended nine persons without arms in village Degwar-Derwan, Police Station Poonch, on suspicion that they were Pakistani infiltrators. They were handed over to the Jammu and Kashmir civil police and a case was registered.

(c) All possible precautions have been taken.

Candidates for I.A.S. Examination

1754. { Shri Murli Manohar:
Shri Yashpal Singh:
Shri Vishwa Nath Pandey:
Shri Ram Harkh Yadav:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the number of candidates appearing and qualifying for the I.A.S. examinations has declined during the period 1957-1962;

(b) if so, to what extent;

(c) whether any study has been carried out to find out the causes thereof; and

(d) the remedial measures proposed to be taken in the matter?

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

(a) and (b) The information regarding the number of candidates who appeared and were called for interview for personality test at the I.A.S. etc. Examination held during the period from 1957--1962 is as follows:—

S. No.	Year of Examination	No. who appeared	No. called for interview for P.T.
1.	1957	5245	734
2.	1958	6327	712
3.	1959	6572	821
4.	1960	5873	956
5.	1961	5659	1060
6.	1962	5391	834

(c) and (d). The matter is under consideration of the Government.

Regional Engineering College, Srinagar

1755. Shri Sham Lal Saraf: Will the Minister of Education be pleased to state:

(a) whether, of late, trouble has been brewing among a section of the students, reading in the Regional Engineering College, Srinagar;

(b) whether the said section of the students resorted to violent attacks on the rest of the students, when they were celebrating the victory won by our sportsmen in the Olympic Hockey in Tokyo, and also very much misbehaved otherwise; and

(c) if so, the action taken to restore order and discipline to punish the miscreants and to step forthwith anti-national activities in that institution?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir; however, an isolated incident occurred on 23rd October, 1964 involving a small minority of the total student population of the college.

(b) A small group of students objected to the celebration of our

victory in the Olympic Hockey Tournament and behaved in a rowdy manner. This group assaulted the students of the other group causing mostly simple injuries. The College authorities and the Police arrived immediately and brought the situation under control.

(c) An Enquiry Committee has been appointed by the authorities to enquire and recommend punishment for those found guilty of breaking college discipline. The report is nearly ready and is expected to be followed by suitable departmental action. After the report is received, the State Government and the Board of Governors of the College will consider appropriate and long term measures to prevent recurrence of such incidents.

Extraction of Diesel Oil from Coal

1756. Shri Himatsingka: Will the Minister of Education be pleased to state:

(a) whether the Central Fuel Research Institute has launched any scheme for studying the possibility of extracting high speed diesel oil from low grade coal; and

(b) if so, the details thereof?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The Central Fuel Research Institute, Jealgora, has conducted researches on the production of high speed diesel oil from tar obtained as a by-product from low temperature carbonisation of low grade coals. The process has been developed on a laboratory scale and has been patented vide Indian Patent No. 65891.

A Pilot Plant of 100 gallons per day capacity is being installed for assessing the commercial feasibility of the process.

World Chess-Olympiad

1757. { Shri Ram Sewak:
Shri P. G. Sen:

Will the Minister of Education be pleased to state:

(a) whether India is going to take part in the World Chess Olympiad to be held at Tel-Aviv (Israel); and

(b) if so, the number of players who are going there?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) and (b). An Indian Chess team consisting of six players and a non-playing Manager has already participated in the World Chess Olympiad held at Tel-Aviv from 2nd to 25th November, 1964.

National Book Trust

1758. Shri Y. S. Chaudhary: Will the Minister or Education be pleased to state:

(a) whether it is a fact that the National Book Trust is running at a loss; and

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

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) The National Book Trust is not a commercial venture, but has been set up to produce and to encourage the production of good literature and to make such literature available at moderate prices to the public.

(b) Does not arise.

All India Secondary Teachers' Demands

**1759. { Shri P. C. Borooah;
Shri P. R. Chakraverti;**

Will the Minister of Education be pleased to state:

(a) whether a memorandum containing teachers' demands has been submitted to Government by the All India Secondary Teachers' Federation in this month;

(b) if so, what are their demands; and

(c) Government's response thereto?

The Minister of Education (Shri M. C. Chagla): (a) A memorandum was submitted in November, 1964.

(b) and (c). The demands refer mainly to Plan outlay for education, a uniform pattern of secondary education and improvement in the service conditions of teachers. The Ministry is already seized of these problems and has been taking suitable action.

दिल्ली में विदेशियों के साथ मारपीट

1760. श्री प्रकाशबीर शास्त्री : क्या गृहकार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गत दो महीनों में दिल्ली में रिंग रोड पर लडाखी बुद्ध विहों के पास और कुछ अन्य स्थानों पर विदेशियों के साथ मारपीट की कुछ घटनायें और कुछ सड़क दुर्घटनायें भी हुई हैं ;

(ख) क्या यह भी सच है कि इस प्रकार की घटनायें के लिये दोषी व्यक्तियों को पर्याप्त सजा नहीं दी जा सकी है ; और

(ग) यदि हां, तो राजधानी में ऐसे समाज विरोधी तत्वों को दबाने के लिये क्या कदम उठाये गये हैं ?

गृह कार्य मंत्रालय में उपमंत्री (श्री ल० ना० मिश्र) : (क) और (ख) : 1. 10. 64 से 30. 11. 64 तक की अवधि में विदेशियों से दुर्व्यवहार की किसी घटना की सूचना दिल्ली पुलिस को नहीं मिली। परन्तु 20-10-64 को रिंग रोड पर लडाखी बुद्ध विहार के पास एक घातक दुर्घटना हुई जिस में एक अनजान निजी कार ने दो तिब्बती लड़कियों को मार दिया। यह मामला दर्ज कर लिया गया है और जांच की जा रही है। अभी तक अपराधियों का पता नहीं चला है।

(ग) प्रश्न ही नहीं उठता।

Assistant Directors of National Laboratories

1761. Shri Hukam Chand Kachhawaia: Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Director General of C.S.I.R. has promoted some of the Assistant Directors from the Regional Research Laboratory, Hyderabad as Directors in other Laboratories under the C.S.I.R.; and

(b) if so, the qualifications of these persons and the names of the respective laboratories where they have been posted?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir, the Director-General, Council of Scientific and Industrial Research is not the promoting or appointing authority for the post of Directors.

(1) Dr. M. G. Krishna, Assistant Director in the Regional Research Laboratory, Hyderabad, on the recommendation of a duly constituted Selection Committee and presided over by the Vice-President, C.S.I.R. and Minister of Scientific Research and Cultural Affairs, was appointed Deputy Director-in-Charge at the Indian Institute of Petroleum, Dehra Dun in November, 1962. The vacancy of Director, Indian Institute of Petroleum, was subsequently widely publicized, and on the recommendation of a Selection Committee, which met in June, 1964, presided over by the Vice-President, C.S.I.R. and Minister of Education, recommended the promotion of Dr. M. G. Krishna to the post of Director, Indian Institute of Petroleum, Dehra Dun.

(2) Dr. G. S. Sidhu, Assistant Director in the Regional Research Laboratory, Hyderabad on the recommendation

of a duly constituted Selection Committee, presided over by the Vice-President, C.S.I.R. and the Minister of Scientific Research and Cultural Affairs, was appointed Deputy Director-in-Charge of the Regional Research Laboratory, Hyderabad in January, 1963. The vacancy of Director of R.R.L., Hyderabad was subsequently widely publicized, and on the recommendation of a Selection Committee, which met in June, 1964, presided over by the Vice-President, C.S.I.R. and Minister of Education, recommended the promotion of Dr. G. S. Sidhu to the post of Director, Regional Research Laboratory, Hyderabad.

(3) Shri G. S. Chowdhury, Assistant Director, Regional Research Laboratory, Hyderabad, on the recommendation of a duly constituted Selection Committee, presided over by the Vice-President, C.S.I.R. and Minister of Scientific Research and Cultural Affairs, was appointed Deputy Director-in-Charge at the Central Mechanical Engineering Research Institute, Durgapur, in March, 1963. The vacancy of the Director of the Regional Research Laboratory, Bhubaneswar was widely publicized, and on the recommendation of a Selection Committee, which met in April, 1964, presided over by the Vice-President, C.S.I.R. and Minister of Education, recommended the promotion of Shri G. S. Chowdhury to the post of Director, Regional Research Laboratory, Bhubaneswar.

(b) The qualifications of the above mentioned three Directors are given in the Statement laid on the Table of the House. [Placed in Library. See No. LT-3719/64].

I.G. of Police, Gujarat

1762. Shri Man Singh P. Patel: Will the Minister of Home Affairs be pleased to state:

(a) the number of cases of criminal misconduct and forgery against the suspended Inspector-General of Police, Gujarat State forwarded to the Central Government for seeking permission to prosecute him; and

(b) whether permission has been granted in all such cases?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). Of the three cases for sanction of prosecution received from the Government of Gujarat, one has been finalised and the State Government were informed that it would not be appropriate to accord sanction to prosecute the officer, but they were advised to proceed against him departmentally. The two other cases which have been received very recently are under examination of the Government.

Remnants of Harappan Civilization

1763. { **Shrimati Savitri Nigam:**
Shri Vishwa Nath Pandey:
Shri Yamuna Prasad Mandal:
Shri Bal Krishna Singh:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that the remnants of Harappan civilization have been found in village Gulistan situated in the ravines of Yamuna and Hindon rivers about 90 miles from Bulandshahar in Uttar Pradesh;

(b) if so, the details of the find and the historical value thereof; and

(c) whether Government have any proposal for excavating the site?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) The western part of the mound has yielded Harappan pottery and

the eastern part only Painted Grey Ware and Plain Grey Ware which succeeded the Harappan culture.

(c) There is no immediate proposal for excavating the site.

Financial Assistance to Schools in Mysore

1764. Dr. Sarojini Mahishi: Will the Minister of Education be pleased to state:

(a) the reasons for the inordinate delay in recommending the financial assistance to the upgraded higher secondary schools in Mysore State; and

(b) the steps Government have taken to see that the assistance is given in time?

The Minister of Education (Shri M. C. Chagla): (a) and (b). The scheme for upgrading of high schools to the higher secondary pattern is in the State sector and is eligible for 50 per cent Central assistance if included, in the State annual plan. The question of recommending financial assistance by the Government of India, therefore, does not arise. Assistance for approved pattern schemes is released according to an agreed formula; this ensures that assistance is given in time.

Wage Board for Education Workers

1765. Dr. Sarojini Mahishi: Will the Minister of Education be pleased to state:

(a) whether Government are setting up a Wage Board for workers in the field of education; and

(b) whether, in view of the different scales and problems of fixation of seniority and allied matters prevailing all over the country in the field of Education, the Government will take measures to expedite the setting up of the said Board?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir.

(b) There being numerous categories of workers in the field of education with conditions varying from State to State and education being a State subject, the setting up of a Central Wage Board is not feasible.

शिक्षा कर

1766. श्री दे० शि० पाटिल : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) किन किन राज्यों में शिक्षा कर लगाया गया है ; और

(ख) इस कर से कितने रुपये की प्रतिवर्तन आय राज्य सरकारों को होती है ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) और (ख) : राज्य सरकारों से सूचना एकत्रित की जा रही है ।

पेट्रोल शुल्क का न दिया जाना

1767. { श्री हुस्म चन्द कछवाय :
श्री बड़े :
श्री युवराज दत्त सिंह :

क्या गृहकार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली पुलिस नियंत्रण कक्ष को 17 मई, 1964 की सुबह ऐसा कोई संदेश मिला था कि कुछ लड़के नई पालम सड़क, नई दिल्ली, पर एक पेट्रोल पम्प से पेट्रोल भरने के बाद बिना दाम चुकाये मोटरगाड़ी में बैठ कर भाग गये ;

(ख) क्या इस मामले की कोई जांच की गई थी ; और

(ग) यदि हां, तो उसका क्या नतीजा निकला ?

गृह कार्य मंत्रालय में उपमंत्री (श्री स० ना० मिश्र) : (क) जी हां ।

(ख) जी हां ।

(ग) जांच की पूरी रिपोर्ट अभी प्राप्त नहीं हुई है ।

Ex-Chief Minister of Kerala

1768. **Shri Koya:** Will the Minister of Home Affairs be pleased to state:

(a) whether his attention has been drawn to the allegation of corruption against the ex-Chief Minister of Kerala made by some responsible leaders of the Kerala Congress; and

(b) if so, whether any enquiry has been made in the matter?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). A Memorandum signed by four Kerala Congressmen was received. At this stage no enquiry into the allegations therein is considered necessary.

Riots in Ranchi

1769. **Shri H. C. Soy.** Will the Minister of Home Affairs be pleased to state:

(a) whether Government's attention has been drawn to the press report in the weekly magazine, 'Organiser', dated 16th November, 1964 wherein it has been alleged that the main reasons for communal riots in Ranchi and Singhbhum district of Bihar are the practice of Muslim Polygamy at the cost of Adivasis and alienation of lands from the Adivasis to Muslims; and

(b) if so, the reaction of the Government of India thereto and the action taken in this respect?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). Yes, Sir. Government, however, do not consider that these two grounds were responsible for the last communal riots in Ranchi and Singhbhum district of Bihar.

आधुनिक संसार में स्वर्गीय श्री जवाहरलाल नेहरू का कार्य

1770. श्री श्रींकार लाल बेरवा : या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि यूनेस्को से इस आशय का एक प्रस्ताव प्राप्त हुआ है कि आधुनिक संसार में स्वर्गीय श्री जवाहर लाल नेहरू के कार्य के बारे में एक अन्तर्राष्ट्रीय सम्मेलन आयोजित किया जाये ;

(ख) यदि हां, तो प्रस्ताव की संक्षिप्त रूपरेखा क्या है ; और

(ग) प्रस्तावित सम्मेलन कहाँ होगा ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) से (ग) भारत सरकार को अभी तक कोई प्रस्ताव प्राप्त नहीं हुआ है। फिर भी यूनेस्को के तेरहवें महासम्मेलन ने, अन्य बातों के साथ साथ जवाहरलाल नेहरू की स्मृति में नीचे दिए हुए कदम उठाने के बारे में एक प्रस्ताव स्वीकार किया था :—

(क) जिन वर्षों में महासम्मेलन न हो, उन में हर दूसरे वर्ष एक बार नेहरू-स्मारक सम्मेलन संयोजित किया जाए। जवाहरलाल नेहरू भावना के अनुरूप इन सम्मेलनों के निर्माण से संसार के कुछ उच्च कोटि के विचारक, दार्शनिक, कलाकार तथा लोक-लेखक मानव सभ्यता के ऐसे महान विषयों पर जिनसे पूर्वीय तथा पश्चिमी संस्कृतियों की विभिन्नताओं और समानताओं का दिग्दर्शन होता हो, विचार करने के लिए एक दूसरे के नजदीक आयेंगे। 1965 में होने वाले नेहरू-स्मारक-

सम्मेलन का विषय स्थान आदि, अन्तर्राष्ट्रीय समिति की सलाह से यूनेस्को के महानिदेशक द्वारा निश्चित किया जाएगा। इस समिति में छः से अधिक सदस्य नहीं होंगे जो कि महानिदेशक द्वारा मनोनीत होंगे।

(ख) आधुनिक संसार में जवाहरलाल नेहरू के योगदान पर सांस्कृतिक नेताओं का एक गोल-मेज-सम्मेलन आयोजित किया जाएगा, जिसमें संसार के विचारक, दार्शनिक, वैज्ञानिक, शिक्षाविज्ञ, लेखक, कलाकार तथा लोक-प्रचारक सम्मिलित होंगे। पूर्वीय तथा पश्चिमी सांस्कृतिक-मूल्यांकन के पारस्परिक गुण-दोष-विवेचन के लिए मुख्य परियोजना के बारे में अन्तर्राष्ट्रीय परामर्शदात्री समिति द्वारा इस गोल-मेज-सम्मेलन के आयोजन पर विचार किया जाएगा। आशा है कि 1965-66 के दौरान किसी समय इस समिति की बैठक होगी।

बम्बई में भारत के साम्यवादी दल का सम्मेलन

1771. { श्री श्रींकार लाल बेरवा :
श्री सित्देवर प्रसाद :

क्या गृह कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सितम्बर से बम्बई में हुये साम्यवादी दल साम्यवादी दल के सम्मेलन में माओ के चित्र को हार पहनाया गया था ;

(ख) क्या यह भी सच है कि महाराष्ट्र सरकार ने इसकी सूचना भारत सरकार को दी थी ; और

(ग) यदि हां, तो भारत सरकार ने इस और क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री हाथी) : (क) और (ख) । जी हां ।

(ग) यदि कोई ऐसा कार्य कानून के खिलाफ होगा, तो उस पर कानून के अनुसार कार्यवाही की जायेगी ।

Strike by Municipal Sweepers

1772. **Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Municipal sweepers in three city zones are on strike as a protest against the contract system for removal of refuse; and

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

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) Lorry sweepers engaged in the three city zones had resorted to a strike in sympathy with the cause of the lorry sweepers in the Karol Bagh zone. They however, resumed work from the 25th November, 1964 following an agreement to the effect that the dispute arising from the demand for the abolition of contract system for removal of refuse, be left to the decision of the Mayor.

(b) Does not arise.

Training of Officers of Delhi Education Directorate

1773. **Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that some officers of the Directorate of Education, Delhi Administration who are on the verge of retirement have been sent to the United Kingdom for cer-

tain training on Government expenses;

(b) if so, the reasons therefor;

(c) whether any complaints have been received in this regard; and

(d) the action taken thereon?

The Minister of Education (Shri M. C. Chagla): (a) No, Sir, the only officer who went abroad recently is not on the verge of retirement and training expenses were not borne by Government.

(b) Does not arise.

(c) One communication was received suggesting that a younger man who may serve at least for two decades should have been sent at Government cost.

(d) No action was considered necessary.

Confidential Letter Regarding I.G.P. of Kerala

1774. **Shri Mani Yangadan:** Will the Minister of Home Affairs be pleased to state:

(a) whether any enquiry has been held as to how the photostat copy of a confidential letter regarding the Inspector General of Police, Kerala, happened to be published in certain Malayalam newspapers; and

(b) if so, the result of the enquiry?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) An enquiry regarding the publication of the photostat copy of a confidential letter is being made by the local police in Kerala State.

(b) The matter is still under investigation.

Officers of C.S.S.

1775. **Shri S. M. Banerjee:** Will the Minister of Home Affairs be pleased state:

(a) whether it is a fact that a large number of Under Secretaries of the

C.S.S. who were approved for appointment to Class I service in 1951 are stagnating at the maximum of their grade;

(b) whether officers of comparable merit and seniority in other services like I.A.S., I.A.&A.S., Indian Postal Service have been promoted to higher posts; and

(c) if so, the steps proposed to be taken to ensure equitable treatment to the C.S.S. Officers?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) the number of Under Secretaries of the C.S.S., who were approved for appointment in that grade in 1951 and who have reached the maximum of the grade is four.

(b) and (c). Promotion to higher posts depend on (i) the requirements of the post, and (ii) experience, background, merit and suitability of available eligible officers of various Services. There can be no common basis to equate officers belonging to various Services.

Backward Classes Christian Federation

1776. Shri Maniyangadan: Will the Minister of Home Affairs be pleased to state:

(a) whether a satyagraha movement was launched by the Backward Classes Christian Federation before the Kerala Secretariat;

(b) whether the satyagraha was preceded by any representation regarding their grievances;

(c) if so, what are the grievances; and

(d) what, if any, steps have been taken to redress the same?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (d). A statement is attached.

STATEMENT

According to the Government of Kerala, the members of the Backward Classes Christian Federation have started satyagraha to press their demands presented in their Memorandum dated the 24th March, 1964, before the State Government.

Their demands are:—

1. Adequate representation and preference may be given to the converted Christians in public services.

2. (a) All concessions granted to Scheduled Castes Students in Law Arts and Professional Colleges may be given to the converted Christians also.

(b) Admissions and concessions may be given in private Professional Colleges as in the case of Government Professional Colleges.

(c) Admission and concessions may be given to the converted Christians in private and Government Industrial Schools as in the case of Scheduled Castes.

3. Financial assistance may be rendered for starting cottage industries.

4. Representation may be given to the community in the Development Committees and Land Assignment Committees.

5. An area of 100 acres of land may be assigned to the Backward Classes Christian Federation for establishing a rubber estate.

6. Steps may be taken to secure representation in the Union Public Services.

7. The age limit for recruitment of converted Christians in Public services should be the same as for Scheduled Castes.

8. A bill may be introduced to reserve seats for converted Christians in panchayats.

9. The Harijan Welfare Department may be reorganised and brought under the control of an officer belonging to a Harijan converted Christian.

10. The benefits of the housing scheme for Harijans may be extended to the converted Christian also.

11. The community certificates issued by the Backward Classes Christian Federation may be accepted for the purpose of granting educational concessions.

12. The Head Coolies employed in Kuttanad area may be brought within the purview of the Industrial Laws and may be given necessary protections.

13. Viswakarmas, Ganakar, Pandithar etc. Communities may be given educational concessions.

All these demands which were presented on 24th March 1960 were considered in detail by Government and the then President of the Backward Classes Christian Federation was given a reply as early as 13th July 1960. The convener of the Backward Classes Christian Federation, pressed for a reconsideration and acceptance of their earlier demands by his letter dated the 6th August 1964. The matter is under examination.

Study of Sanskrit by Muslims

1777. **Shri C. K. Bhattacharyya:** Will the Minister of Education be pleased to state:

(a) whether his attention has been drawn to a speech of Shri Badruddin Tyabji, Vice-Chancellor, Aligarh Muslim University, while inaugurating the Sanskrit Association and Sanskrit Seminar in the University, asking the Indian Muslims to study Sanskrit "to understand the bulk of their countrymen and Indian civilisation";

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(b) whether Government have any programme to encourage such studies particularly in the Universities; and

(c) whether there is any proposal to include the suggestion of Shri Tyabji in the programme of national integration?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) and (c). Almost all the Universities have got provision for the teaching of Sanskrit and a student is free to join the courses in Sanskrit. There is, however, no scheme under which inducement is given to students of any community to study Sanskrit.

Tokyo Olympics

1778. **Shri Karni Singhji:** Will the Minister of Education be pleased to state:

(a) the positions secured in the Olympic events by the Indian sportsmen who went with the Indian contingent to the Tokyo Olympics in October, 1964;

(b) whether it is a fact that the National Rifle Association of India do not so far have any suitable place for training in rifle, pistol and clay pigeon shooting;

(c) whether it is also a fact that the N.R.A.I. do not own modern clay pigeon trap shooting equipment to train Indian shooters; and

(d) if so, the assistance which Government propose to render to the N.R.A.I. in the matter of provision of land for building ranges and necessary equipment for training purposes?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): (a) Hockey—Secured first position and won the Gold medal

Wrestling—One of the 8 wrestlers secured 6th position and won an Olympic Diploma in Bantam weight. 5 wrestlers reached upto the 3rd or 4th round and 2 reached upto the 1st or 2nd round.

Athletics—One of the 13 athletes secured the 5th position in Men's 110 Meters Hurdles. The 400 Meters Relay team and the only woman athlete in the 400 Meters race reached the Semi-Finals. In the Marathon, the Indian runners were 33rd and 43rd. Others were eliminated in preliminary rounds.

Weight-lifting—one placed 13th and the other 14th.

Shooting—One obtained the 26th place and the other the 49th.

Diving—One obtained the 25th place and the other the 30th.

Gymnastics—Last position.

Cycling—Last position.

(b) and (c). Yes, Sir.

(d) Government will give due consideration to requests for assistance from the N.R.A.I. in this behalf.

Employment in Central Government

1779. { **Shri Manoharan:**
Shri Kapur Singh:

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

(a) whether employment in the Central Government cannot be made without the candidates having been sponsored by the Employment Exchanges;

(b) if so, whether complaints have often been made for violation of these rules; and

(c) if so, the action taken against the defaulting offices?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):
(a) According to the existing instructions, recruitment to various services posts under the Government of India is made through the agency of the Employment Exchange, except where appointments are required to be made in consultation with the Union Public

Service Commission, or by transfer, or by deputation, or by departmental examinations or selections recognised for the purpose. Further, the power to waive the Employment Exchange procedure in individual cases can be exercised by the Administrative Ministries in consultation with the Directorate General, Employment and Training.

(b) and (c). A statement showing the required information for the period 1963-64 is laid on the table of the House. [Placed in Library. See No. LT-3720/64].

New Delhi Municipal Committee

1780. { **Shri P. C. Borooah:**
Shri Surendra Pal Singh:

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

(a) whether a deputation of the New Delhi Municipal Committee called on him recently to urge upon him to intervene for expeditious payment of its dues by the Central Government and other Government organisations;

(b) if so, the extent of dues in question; and

(c) Government's reaction thereto?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra):
(a) No.

(b) The bulk of the claim is in respect of House-Tax/Service charges which, according to the New Delhi Municipal Committee, amounts roughly to Rs. 4.45 crores. It is, however, understood that the amount of the claim in actual may be much less. The Ministry of Works and Housing which is mainly concerned has made an on-account payment of Rs. 1.75 crores.

(c) The Ministry of Works and Housing which is the main Ministry

concerned are taking necessary action to settle the claims early.

Rock Shelters near Fatehpur Sikri

1781. { Shri Vishwa Nath Pandey:
Shri Bal Krishna Singh:
Shri Yamuna Prasad Mandal:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that rock shelters supposed to be pre-historic have been brought to light five miles north of Fatehpur Sikri (Uttar Pradesh) on the Agra-Baryan Road by excavators of the Department of Archaeology; and

(b) if so, a brief account of the find and its historic value?

The Minister of Education (Shri M. C. Chagla): (a) Four rock shelters were discovered in 1959. But there is no evidence that they are pre-historic.

(b) The rock shelters appear to be natural and are fairly large. They contain faded paintings (in black and red colours) of men, animals and birds on the ceilings. These cannot be assigned to any particular period and have no artistic importance. The discovery of rock shelters was reported in the "Indian Archaeology—a Review 1959-60".

National Democratic Convention

1782. { Shri D. S. Patil:
Shri P. C. Borooah:
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government's attention has been drawn to the resolutions passed at the National Democratic Convention held in New Delhi recently, high-lighting the so-called problems of Muslim minority in the country, including the one demanding a ban on all communal parties in India; and

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

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

(b) The various suggestions and recommendations made will be considered in due course.

Land Reforms in Andaman and Nicobar Islands

1783. { Shri Vishwa Nath Pandey:
Shri Kolla Venkaiah:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government are considering the question of land reforms in the Islands of Andaman and Nicobar;

(b) if so, the broad outlines of such proposed land reforms; and

(c) when such reforms will be introduced?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (c). A proposal for the promulgation of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation is under consideration. It, among other things, provides for the classification of Revenue officers and their powers, proper survey and settlement operations and preparation of land records, revision of maps and records, appointment and duties of village officers, collection of land revenue, regulation of land tenures, devolution of tenancy rights, consolidation of holdings and formation of co-operative farms.

The proposed Regulation will be promulgated as soon as it finalised.

Archaeological Exploration near Bhopal

1784. { Shri Vishwa Nath Pandey:
Shri Ram Harkh Yadav:
Shri Murli Manohar:

Will the Minister of Education be pleased to state:

(a) whether it is a fact that explorations around the city of Bhopal

have revealed an extensive site containing early, middle and late stone age tools on the Northern and Southern banks of Bara and Chhota Talaos; and

(b) if so, the details of this archaeological discovery?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) Early and Middle Age tools made of quartzite pebbles have been found. They consist of pebble-choppers, chopping tools, hand-axes, cleavers, ovoids and discoids. Late Stone Age tools containing specimens of burins, blades and points have also been found.

Overseas Scholarships for S.Cs. and S.Ts. in Kerala

1785. { Shri P. Kunhan:
 { Shri Pottekkatt:
 { Shri A. V. Raghavan:

Will the Minister of Education be pleased to state:

(a) the number of applications received from Scheduled Caste and Scheduled Tribe candidates in Kerala for overseas scholarships in 1962-63 and 1963-64; and

(b) the number of candidates so far selected?

The Minister of Education (Shri M. C. Chagla): (a)—

Year	No. of applications received
1962-63	1
1963-64	2

(b) Nil.

Central Secretariat Staff

1786. **Shrimati Savitri Nigam:** Will the Minister of Home Affairs be pleased to state:

(a) whether it has been disclosed

in a report of survey conducted by the Planning Commission that 30 per cent of the staff in the Central Secretariat is employed on house-keeping functions; and

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

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

(a) Presumably, the reference is to a tally made a few year ago by the Special Re-organisation Unit of the Ministry of Finance, which revealed that approximately 30 per cent of the sections in the Central Secretariat attended to house-keeping work.

(b) This tally underlined the importance of simplifying and rationalising the procedures adopted in these house-keeping sections, in the interest of economy and speedy disposal of work. Consequently, the simplifications proposed by the Special Re-organisation Unit on the basis of their studies were carefully considered, leading to the issue, by the O&M Division, of a Hand Book containing standardised procedures, model forms and check lists for a number of house-keeping jobs to facilitate the work of these sections.

Jalagandeswarar Temple at Vellore

1787. { Shri M. P. Swamy:
 { Shri M. Malaichami:
 { Shri V. G. Naidu:

Will the Minister of Education be pleased to state:

(a) whether the Central Government have received any representations from the public of Madras, urging the Archaeological Department to allow the installation of idol and performance of Pooja in Jalagandeswarar temple at Vellore;

(b) whether the Madras Government have recommended the above proposal; and

(c) if so, the action taken thereon by the Central Government?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir, in 1961 and earlier.

(b) Yes, Sir.

(c) As the revival of worship and installation of idols is against the spirit of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the Rules framed thereunder, 30th September, 1964 and state:

Investigations against an Orissa IAS Officer

1788. Shri Surendranath Dwivedy: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1571 on the 30th September, 1964 and state:

(a) whether the investigation against Shri Somanath Misra, I.A.S. (Orissa), who has been suspended, has been completed;

(b) whether any case is proposed to be instituted in law courts against him; and

(c) what are the main points of charges against him?

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

(a) Yes, Sir.

(b) No, Sir. The question of taking departmental action is under consideration of the State Government.

(c) It would not be in public interest to disclose the charges at this stage.

बरीनी में कैलमिनेशन प्लांट

1789. श्री श्रीकार लाल बेरवा : क्या पेट्रोलियम तथा रसायन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बरीनी में एक कैलमिनेशन संयंत्र स्थापित करने के लिए रूप में संयंत्र और मशीनें मंगायी जा रही हैं ;

(ख) यदि हाँ, तो उसके कब तक आने की संभावना है ; और

(ग) वह कितनी लागत की होगी ?

पेट्रोलियम और रसायन मंत्री (श्री हुमायून कबिर): (क) बरीनी में पेट्रोलियम कोक के कैलमिनेशन की स्कीम का वैकल्पिक प्रक्रिया स्कीमों (alternative processing schemes) के माध्यम से अद्ययन किया जा रहा है ।

(ख) और (ग). प्रश्न नहीं उठते ।

Oil from Gujarat Oil Fields

**1790. { Shri D. J. Naik:
Shri Jashvant Mehta:**

Will the Minister of Petroleum and Chemicals be pleased to state:

(a) the cost incurred on the exploration of oil in the various fields of Gujarat from the beginning to date, year-wise;

(b) the price proposed to be charged by the Oil and Natural Gas Commission for crude oil to be supplied from Ankleshwar and Kalol oil fields to the oil refinery at Koyali; and

(c) the transport charges from oil fields to the refinery at Koyali?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir):

(a) to (c). The information is being collected by the Oil and Natural Gas Commission and will be laid on the Table of the House.

National Fire Service College

**1791. { Shri Rishang Keishing:
Shri Nambiar:
Shri Imbichibava:
Shri P. Kunhan:**

Will the Minister of Home Affairs be pleased to state:

(a) whether the National Fire Service College was established in 1955

and a sister institute named as the Central Emergency Relief Training Institute in 1957;

(b) if so, to what extent the two institutions differ from each other;

(c) whether employees of the latter have all been confirmed but those of the former have not been confirmed; and

(d) if so, the reasons therefor?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Misra):

(a) Yes, Sir.

(b) The National Fire Service College mainly conducts professional courses for Fire Services personnel, while the Central Emergency Relief Training Institute conducts courses in Emergency Relief including Civil Defence.

(c) and (d). In the Central Emergency Relief Training Institute, a majority of the employees have been confirmed. As regards the National Fire Service College, some employees have been confirmed, and necessary formalities for the confirmation of the others are being completed.

Central Sanskrit Institute, Tirupati

1792. Shri Kolla Venkaiah: Will the Minister of Education be pleased to state:

(a) whether the Government of Andhra Pradesh have provided the building site for Central Sanskrit Institute, Tirupati; and

(b) if not, the reasons therefor?

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan):

(a) and (b). Tirupati Tirumalai Devasthanams have already leased out an area of 26.36 acres in favour of the Central Sanskrit Institute (Kendriya Sanskrit Vidyapeetha), Tirupati. Negotiation are still going on with the Government of Andhra Pradesh and Shree Venkateswara University for additional plots of land; and it is

hoped that final decisions will be taken soon.

Bomb Explosion in Srinagar

1793. { Shrimati Savitri Nigam:
 { P. C. Iyer:
 { Shri Onkar Lal Berwa:
 { Shri Hukum Chand
 { Kachhavaia;

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a bomb exploded on the 4th December, 1964 in the Civil Supplies Godown compound in Srinagar, J&K State;

(b) if so, the number of casualties that took place thereby; and

(c) the details of other explosions in Jammu and Kashmir during the past three months?

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

(b) There was no casualty.

(c) A statement showing the bomb explosions during the period from 1st September, 1964 is placed on the Table of the House. [Place in Library. See No. LT-3721|64].

"No Meeting" Day

1794. { Shri R. Barua:
 { Shri H. V. Koujalgi:
 { Shrimati Savitri Nigam:
 { Shri M. L. Dwivedi:
 { Shri L. N. Bhanja Deo:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Prime Minister's suggestion for having a "no meeting day" in a week has been accepted for implementation; and

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

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

(b) On the basis of the instructions issued in this behalf by the Ministry of Home Affairs, orders have been issued in the Ministries that Wednesday should be treated as a meetingless day, exception to this rule being made only when a meeting is absolutely necessary, and then too, with the specific and written approval of the Secretary to the Ministry concerned.

Arrest of Pakistanis in Delhi

1795. { Shri Rameshwar Tantia:
Shrimati Savitri Nigam:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that some Pakistanis were held and some precious stones were also recovered from them in Delhi;

(b) if so, whether it is also a fact that some local residents were also arrested who were helping these Pakistani nationals;

(c) whether any investigations were ordered; and

(d) if so, what action has been taken against them?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) and (b). One foreign national and one resident of Nizamuddin Basti were arrested on 6-12-64 in connection with a theft of precious stones etc. and jewellery from a New Delhi shop. A part of the stolen property was recovered from near the *jhuggi* of the latter person.

(c) and (d). Investigations have not yet been completed.

Scientific Research

1798. { Shri Ram Harkh Yadav:
Shri Murlidhar Manohar:
Shri Rameshwar Tantia:

Will the Minister of Education be pleased to state:

(a) the recommendations made at

the conference of Directors of National Laboratories recently held at Lucknow in regard to the measures to be taken for improvement of scientific research in the country; and

(b) the decision of Government on those recommendations?

The Minister of Education (Shri M. C. Chagla): (a) A statement is laid on the Table of the House. [Placed in Library. See No. LT-3722/64].

(b) The recommendations will be considered by the Governing Body of the Council of Scientific and Industrial Research at its next meeting.

संस्कृत का प्रचार

1797. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) संस्कृत प्रचार के लिए केन्द्र से 1963-64 में किन-किन राज्यों को कितनी राशि किन मदों के लिए दी गयी है ;

(ख) 1962-63 में उन्हें जो राशि दी गयी थी वह पूरी खर्च की गई या नहीं; और

(ग) जिन राज्यों को इसके लिए धन-राशि दी जाती है उनके कार्यों के निरीक्षण और मूल्यांकन के लिए क्या कोई व्यवस्था है ?

शिक्षा मंत्रालय में उपसत्री (श्री भक्त वसंत) : (क) हाई/हायर सेकेंडरी स्कूलों में संस्कृत अध्ययन के लिए विद्यार्थियों को छात्रवृत्तियां प्रदान करने के लिए केन्द्र द्वारा संचालित योजना के अन्तर्गत, राज्यों को निम्नलिखित निधियां नियत की गई

थी :—

राज्य का नाम	नियत राशियां
1. असम, बिहार, गुजरात, जम्मू तथा काश्मीर, केरल, मैसूर, पंजाब, राजस्थान, महाराष्ट्र, उड़ीसा, पश्चिम बंगाल और मद्रास	प्रत्येक राज्य के लिए 6,000 रुपये
2. आंध्र प्रदेश और मध्य प्रदेश	प्रत्येक राज्य के लिए 8,880 रुपये
3. उत्तर प्रदेश	6,480 रुपये
4. हिमाचल प्रदेश	2,400 रुपये
5. त्रिपुरा और मणिपुर	प्रत्येक संघीय क्षेत्र के लिए 600 रुपये
6. दिल्ली	3,600 रुपये
7. गोवा और अंडमान तथा निकोबार	प्रत्येक संघीय क्षेत्र के लिए 480 रुपये

(ख) 1962-63 वर्ष के दौरान कोई राशि नियत नहीं की गई थी।

(ग) चूंकि ये राशियां विद्यार्थियों को छात्रवृत्तियों के लिए नियत की गई थीं,

इसलिए निरीक्षण करने की आवश्यकता नहीं है। राज्य सरकारों और संघीय क्षेत्रों के प्रशासनों को, चुने गये विद्यार्थियों के बारे में विवरण देना होता है।

हिन्दी में पाठ्य पुस्तकें

1798. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या शिक्षा मंत्रालय ने सभी विषयों के उच्चतम स्तर के पाठ्य ग्रन्थों को हिन्दी में तैयार कराने की कोई योजना बनायी है ;

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

(ग) यदि नहीं, तो इसके क्या कारण हैं ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) और (ख). एक विवरण सभा-पटल पर रखा गया है। [पुस्तकालय में रखा गया। देखिये संख्या एल० टी०—3723/64]।

(ग) प्रश्न नहीं उठता।

Book Exhibition

1800. { Shri Ram Harkh Yadav:
Shri Murl Manohar:
Shri Onkar Lal Berwa:
Shri Gulshan:

Will the Minister of Education be pleased to state:

(a) whether the Book Exhibition in New Delhi organised by the National Book Trust is over now;

(b) if so, its achievement;

(c) whether Government propose to organise such exhibitions in other parts of the country; and if so, where; and

(d) the approximate expenditure to be incurred on the scheme?

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) Promotion of interest in the production and circulation of good books. Judging from the response received this object has been served.

(c) The National Book Trust proposes to take the exhibition to other places viz., Ahmedabad, Bombay, Poona, Madras and Calcutta.

(d) About Rs. 1 lakh inclusive of expenditure on exhibitions referred to in part (c) of the question.

Deoli Camp

1801. { Shri Ram Harkh Yadav:
Shri Murli Manohar;
Shri Onkar Lal Berwa:
Shri Hukam Chand
Kachhavaia:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Government propose to disband the Deoli Camp and release the Chinese Detenus kept there; and

(b) if so, the broad details thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). The cases of Chinese internees in the Deoli Camp have been screened. As a result, some of them have been, or are being, released; others will be transferred for detention in jails in States. It is proposed to wind up the Camp after the internees have been dispersed in the above manner.

Statues of Ministers

1802. { Shri Narasimha Reddy:
Shri Himmatsinhji:
Shri Y. N. Singha:
Shri Kapur Singh:
Shri Solanki:
Shri P. H. Bheel:

Will the Minister of Home Affairs be pleased to state:

(a) the total number of statues of

the Central Ministers (in office and out of office) erected so far in various parts of the country; and

(b) whether any portion of the expenditure on the said statues has been contributed by the Central Government?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Mishra): (a) The information is being collected and will be laid on the Table of the House in due course.

(b) It is generally for non-official organisations to take initiative in such matters and come forward with appropriate schemes, backed by adequate funds. The question of any contribution being made by the Central Government does not therefore arise.

Sumptuary Allowance to Ministers

1803. **Shri Hari Vishnu Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that every member of the Union Cabinet has been granted a sumptuary allowance of Rs. 500 per mensem with retrospective effect from 12th August, 1952; and

(b) if so, the reasons therefor?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) and (b). No, Sir. Cabinet Ministers of the Union are, under the provisions of section 5 of the Salaries and Allowances of Ministers Act, 1952, entitled to a sumptuary allowance of Rs. 500 p.m. They are drawing this allowance with effect from the 12th August, 1952, when the Act came into force.

Booking of Passage to Andamans

1805. { Shri Nambiar:
Shri Imbichibava:
Shri P. Kunhan:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that Indian

passengers going to Port Blair from Calcutta and Madras have to apply to the Andamans Administration for booking the passage by ship; and

(b) if so, the reasons therefor?

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

(b) Because of the limited accommodation on board the ships, the booking of passages is regulated by the Andamans Administration to ensure that passages are available for different categories of passengers according to the needs and requirements.

पूर्वी पाकिस्तान के विस्थापित छात्र

1806. { श्री हुसम चन्द कछवाय :
श्री रामेश्वरानन्द :
श्री श्रीकार लाल बेरवा :

क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि :

(क) पूर्वी पाकिस्तान से आये हुए कितने विस्थापित छात्रों को केन्द्रीय सरकार से सहायता मिल रही है और उमकी वार्षिक रकम कितनी है ;

(ख) क्या छात्रवृत्तियां देते समय छात्र की योग्यता को भी ध्यान में रखा जाता है ; और

(ग) यदि हां, तो वह क्या है ?

पुनर्वास मंत्री (श्री त्यागी) : (क) से (ग). 1960-61 में जिन छात्रों को छात्रवृत्तियां दी जाती थीं उनको ही शिक्षा के कोर्स को पूरा करने के लिए छात्रवृत्तियां दी जाती हैं। राज्य सरकारों की आवश्यकताओं की सूचना के अनुसार धन-राशि मंजूर की जाती है। ऐसी मंजूरीयों को पूरा करने के लिये चालू वर्ष में 5,53,000 रुपये की व्यवस्था की गई है। जिन छात्रों

को छात्रवृत्तियां दी जा रही हैं उनकी संख्या के बारे में जानकारी एकत्रित की जा रही है और सभा-पटल पर रख दी जायेगी।

जहां तक नये विस्थापितों का सम्बन्ध है, उनके बच्चों की शिक्षा के लिये प्राइमरी तथा मिडल स्कूल आवाजाही तथा सहायता शिविरों में स्थापित कर दिये गये हैं। राज्य सरकारों तथा शिविर कमांडरों द्वारा स्कूलों, कालिजों तथा औद्योगिक प्रशिक्षण केन्द्रों में उन पुराने छात्रों के प्रवेश की व्यवस्था कर दी गई है जिनके माता-पिता शिविरों में हैं। शुल्क के भुगतान तथा पुस्तकें आदि खरीदने के लिये जो व्यय होगा इस की मंजूरी के सम्बन्ध में राज्य सरकारों तथा शिविर कमांडरों ने जो प्रस्ताव भेजे हैं वे विचाराधीन हैं। यह विचार किया गया है कि सैकण्ड्री स्कूलों तथा कालिजों में शिक्षा की सहायता उन छात्रों को दी जाये जो योग्य हों।

संस्कृत शिक्षा संस्थाओं को सहायता

1807. { श्री हुसम चन्द कछवाय :
श्री रामेश्वरानन्द :
श्री श्रीकार लाल बेरवा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि संकट काल में पंजाब की संस्कृत शिक्षा संस्थाओं को केन्द्र ने सहायता देना बन्द कर दिया है ;

(ख) क्या यह भी सच है कि पंजाब शिक्षा सभा ने केन्द्र सरकार का इस ओर ध्यान आकृष्ट किया है ;

(ग) क्या सहायता देने के सम्बन्ध में सरकार ने कुछ निश्चय कर लिया है ; और

(घ) यदि हां, तो वह क्या है और यदि नहीं, तो इस के क्या कारण हैं ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) जी. नहीं। कम से कम भारत सरकार ने ऐसा कोई निश्चय नहीं किया है।

(ख) से (घ). प्रश्न नहीं उठने।

केन्द्रीय संस्कृत शिक्षा बोर्ड

1808. { श्री हुकम चन्द कछवाय :
श्री रामेश्वरानन्द :
श्री श्रींकार लाल बेरवा :

क्या शिक्षा मंत्री यह बनाने की कृपा करेंगे कि :

(क) केन्द्रीय संस्कृत शिक्षा बोर्ड के कितने सदस्य हैं ;

(ख) क्या सदस्य मनोनीत होते हैं अथवा निर्वाचित ; और

(ग) इस बोर्ड के क्या कार्य हैं ; और इसके सदस्यों की क्या योग्यता है ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) केन्द्रीय संस्कृति मंडल में निम्नलिखित सदस्य हैं :-

अध्यक्ष

- श्री दत्तो वामन पोतदार,
महाराष्ट्र राष्ट्रभाषा भवन,
387, नारायणपेठ, पूना।

सदस्य

- श्री जे० एच० दवे,
भारतीय विद्या भवन,
चीपाटी रोड, बम्बई।
- डा० आर० एन० दाण्डेकर,
विभागाध्यक्ष, संस्कृत और
प्राकृत भाषाएं,
पूना विश्वविद्यालय, पूना।
- प्रो० विश्वबन्धु,
निदेशक, विश्वेश्वरानन्द

वैदिक अनुसन्धान संस्थान,
होशियारपुर।

- श्री एम० एन० एम० त्रिपाठी,
उप-कुलपति, वाराणसी
विश्वविद्यालय,
वाराणसी।

- डा० उमेश मिश्र,
सचिव, गंगानाथ आ अनु-
संधान संस्थान, इलाहाबाद।

- डा० सिद्धेश्वर भट्टाचार्य,
संस्कृत विभागाध्यक्ष, वना-
रस हिन्दी विश्वविद्यालय,
वाराणसी।

- डा० वी० राघवन,
संस्कृत विभागाध्यक्ष,
मद्रास विश्वविद्यालय,
मद्रास।

- डा० ए० एम० डी० राजारामो,
संयुक्त सचिव, भारत सरकार,
शिक्षा मंत्रालय।

- श्री प्रेम नागयण,
उप-वित्त सलाहकार (शिक्षा),
भारत सरकार।

सचिव

- डा० राम करण शर्मा,
विशेषाधिकारी (संस्कृत),
शिक्षा मंत्रालय

(ख) सदस्य मनोनीत होते हैं।

(ग) केन्द्रीय संस्कृत मंडल भारत सर-
कार को निम्नलिखित विषयों पर सलाह
देता है :-

- (1) देश में संस्कृत के प्रचार
और विकास से सम्बन्धित
नीति के मामलों पर ;

- (2) विभिन्न स्तरों पर संस्कृत शिक्षा की पद्धति, पाठ्यक्रमों, शिक्षण तथा ऐसे ही अन्य कार्यकलापों में समन्वय, पाठ्यविवरणों, परीक्षाओं और उपाधियों के मानकीकरण, विभिन्न प्रकार के अध्यापकों की योग्यताएं और उन के प्रशिक्षण की व्यवस्था के सम्बन्ध में ;
- (3) शिक्षा की पाठशाला पद्धति और गैर-सरकारी तौर पर संचालित अनुसंधान संस्थानों के विकास और सुधार के लिए अपनाई जाने वाली प्रणालियों के सम्बन्ध में ;
- (4) प्रार्थना किए जाने पर, उच्च पाठशालाओं में अनुसंधान विभाग खोलने और पाठशालाओं के विद्यार्थियों को अनुसंधान छाववृत्तियां तथा वृत्तिकाएं प्रदान करने के प्रश्न पर ;
- (5) सुधरी हुई संस्कृत पाठ्य-पुस्तकों के निर्माण और प्रकाशनार्थ अपनाई जाने वाली विधि के संबंध में ;
- (6) पंडितों को राज्य-सम्मान और पुरस्कार प्रदान करने तथा ऐसे सम्मानों और पुरस्कारों के लिए संस्कृत विद्वानों के नाम सुझाने के सम्बन्ध में ; और
- (7) मण्डल को भेजे गए, संस्कृत के विकास और प्रचारार्थ सहायक-अनुदान से सम्बन्धित मामलों पर ।

भारत सरकार के प्रतिनिधियों के अतिरिक्त, मंडल के सभी सदस्य, प्रायः प्रख्यात

संस्कृत विद्वानों में मे नियुक्त किये जाते हैं ।

संस्कृत संगठनों की सहायता

1809. { श्री रामेश्वरानन्द :
श्री हुक्म चन्द कछवाय :
श्री श्रींकार लाल बेरवा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार ने 1963-64 में स्वयंसेवी संस्कृत संगठनों को किननी रकम दी ; और

(ख) उस का क्या व्यौरा है ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) 5,90,372 रुपये ।

(ख) विवरण सभा-पटल पर रख दिया गया है । [पुस्तकालय में रखा गया, देखिये संख्या एल0 टी0--3724/64] ।

गुरुकुलों की सहायता

1810. { श्री रामेश्वरानन्द :
श्री हुक्म चन्द कछवाय :
श्री श्रींकार लाल बेरवा :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में विभिन्न गुरुकुलों की उन्नति के लिये केन्द्रीय सरकार प्रति वर्ष कितनी रकम का अनुदान देती है ;

(ख) किन-किन गुरुकुलों को केन्द्रीय सरकार कोई अनुदान नहीं देती ; और

(ग) इस के क्या कारण हैं ?

शिक्षा मंत्रालय में उपमंत्री (श्री भक्त दर्शन) : (क) से (ग). संस्कृत के प्रसार के लिए संस्कृत गुरुकुलों को वित्तीय सहायता

की इस मंत्रालय की योजना के अन्तर्गत केवल उन्हीं 11 संस्थाओं को अनुदान दिए जाते हैं जिन्हें केन्द्रीय संस्कृत मंडल के परामर्श से गुरुकुलों के रूप में मान्यता दी गई है। इस योजना के अधीन प्रत्येक वर्ष अनुमोदित मर्दानों पर होने वाले वास्तविक व्यय का केवल 60 प्रतिशत वित्तीय सहायता के रूप में दिया जाता है।

Mysterious Callers in R. K. Puram, New Delhi

1811. Shrimati Savitri Nigam: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have made any inquiries regarding the mysterious callers at the doors of some inhabitants of Ramakrishnapuram, New Delhi on the 8th December, 1964; and

(b) if so, the result thereof?

The Deputy Minister in the Ministry of Home Affairs (Shri L. N. Misra): (a) and (b). An urgent call was received at 11:45 P.M. in the Control Room on the 7th December, 1964, from certain residents of Ramakrishnapuram. The Deputy Superintendent of Police on duty immediately rushed to the spot and found that three persons who were observed moving under suspicious circumstances, had been apprehended by the residents. On interrogation, however, it was established that these persons had come to visit an acquaintance living in a Government Quarter in that locality. They were, therefore, allowed to go after necessary enquiries.

Law on Management of Gurdwaras

1812. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) whether the working Committee of the Nationalist Sikh Party has asked Government to enact a law to cover all the gurdwaras in the country and ban the election of persons with political background to the Managing Committees of the Gurdwaras; and

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

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

(b) The suggestions made will be considered in due course.

विदेशी भाषा संस्थान

1813. श्री सिद्धेश्वर प्रसाद : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) देश के किन्-किन विश्वविद्यालयों, संस्थानों में रूसी, जर्मन, फ्रेंच, अरबी, चीनी, स्वाहिली, बर्मी, मित्रोनी और इंडोनेशियाई भाषायें पढ़ाने की सुविधायें हैं ;

(ख) क्या 'विदेशी भाषाओं' की अंग्रेजी और भारतीय भाषाओं, दोनों ही माध्यमों से पढ़ाने के लिये एक विदेशी भाषा संस्थान स्थापित करने के प्रश्न पर सरकार ने विचार किया है ; और

(ग) यदि हां, तो वह सम्भवतः कब स्थापित किया जायेगा ?

शिक्षा मंत्री (श्री मु० क० चागला) :

(क) विश्वविद्यालयों और रक्षा मंत्रालय के "स्कूल ऑफ फॉरेन लैंग्वेजिज" में उपलब्ध पाठ्यक्रमों से सम्बन्धित विवरण समा-पटल पर रख दिया गया है। [नुस्तकालय में रखा गया, देखिये संख्या एल० टी०—3725/64]।

(ख) और (ग) अंग्रेजी और हिन्दी दोनों माध्यमों से विदेशी भाषाएं पढ़ाने के लिए एक विदेशी भाषा संस्थान स्थापित करने का कोई विचार नहीं है।

Refugee Camps

1815. Shrimati Renuka Barkataki: Will the Minister of Rehabilitation be pleased to state:

(a) whether Government have decided to increase the number of

refugee camps for the migrants from East Pakistan as at present run by the State Governments; and

(b) if so, the number of additional camps expected to be opened and in which States?

The Minister of Rehabilitation (Shri Tyagi): (a) Yes.

(b) The number of camps, State-wise, whose opening is under consideration, is as under:—

Name of the State	Number of Camps to be opened
1. Bihar.	1
2. Gujarat.	3
3. Maharashtra.	2
4. Mysore.	2
5. Madhya Pradesh.	1 (to be run by the Central Government)
6. N. E. F. A.	1

M/S Serajuddin and Co. Affairs

1817. Shri Hari Vishnu Kamath: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 727 on the 16th September, 1964 regarding the affairs of Serajuddin & Co., and state:

(a) the progress made in the trial of the various cases; and

(b) when the trials are likely to be concluded?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) In one case, the prosecution evidence has been completed and statement of accused under section 342, Criminal Procedure Code, is being recorded. In the remaining three cases the prosecution evidence is still being recorded.

(b) It cannot be said with any certainty as to when the trials will be completed.

O.N.G.C. Files

1818. Shri Hari Vishnu Kamath: Will the Minister of Petroleum and Chemicals be pleased to refer to the reply to Unstarred Question No. 714 on the 16th September, 1964 regarding two missing folders of the Oil and Natural Gas Commission found at a pan shop in New Delhi and state:

(a) whether the police inquiry into this matter has since been completed; and

(b) if so, the result thereof?

The Minister of Petroleum and Chemicals (Shri Humayun Kabir): (a) No, Sir.

(b) Does not arise.

Aerial Photo-Interpretation Institute

1819. Shrimati Renuka Barkataki: Will the Minister of Education be pleased to state:

(a) whether it is a fact that Government have entered into an agreement with the Government of Netherlands for setting up an aerial photo-interpretation institute in India; and

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

The Minister of Education (Shri M. C. Chagla): (a) Yes, Sir.

(b) The Agreement provides for the training of scientific and technical personnel in the techniques of aerial photo-interpretation and in their use in surveys of natural resources. The Netherlands Government will provide expert assistance, fellowships and equipment over a period of 5 years and the Government of India will ensure the continuity of the Institute afterwards as an institution of specialised education, research and consultation according to the needs at that time.

Protest Hunger Strike in Kerala

1820. Shri P. Kunhan: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the

non-Gazetted Officers in Kerala observed protest hunger strike on the 27th November, 1964;

(b) if so, what were their demands; and

(c) the steps taken by Government to avert the hunger strike?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) Yes. The Government of Kerala have reported that a number of non-Gazetted officers of the State Government attended offices without taking food on the 27th November, 1964.

(b) Their demands were: (1) parity with the pay-scales and conditions of service admissible to Central Government employees, (2) appointment of a Pay Commission and (3) grant of interim relief of Rs. 25 per mensem.

(c) The Government of Kerala have reported that the demands of their employees are such as would involve large-scale financial commitment on their part. The State Government have requested the Central Government for financial assistance. The matter is under consideration of the State Government in consultation with the Central Government.

सदाचार समिति

1821. { डा० राम मनोहर लोहिया :
श्री किशन पटनायक :

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

(क) सदाचार समिति को 31 अक्टूबर, 1964 तक ऐसी कितनी शिकायतें प्राप्त हुईं जो भारत सरकार के विभिन्न मंत्रालयों को (मंत्रालय-वार) उन पर कार्यवाही आरम्भ करने के लिए भेज दी गई थीं ;

(ख) उन में से कितनी शिकायतों पर अब तक कार्यवाही की गई है और किस प्रकार की कार्यवाही की गई है ;

(ग) क्या सरकार को उन व्यक्तियों के उत्पीड़न और नीकरी से बर्बास्त किये जाने

के बारे में, जिन्होंने अपने वरिष्ठ अधिकारियों के विरुद्ध सदाचार समिति के समक्ष अपने मामले पेश किये थे, कोई शिकायतें प्राप्त हुई हैं ; और

(घ) यदि हां, तो ऐसी शिकायतों पर सरकार ने क्या कार्यवाही की है ?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) 733 complaints in respect of the various Ministries and Departments of the Government of India were received in the Ministry of Home Affairs from Sanyukta Sadachar Samiti upto 30th November, 1964. A Ministry-wise break-up of these complaints is given in the Statement laid on the Table of the House. [Placed in Library. See No. LT-3726/64].

(b) All complaints were forwarded to the Ministries or Departments concerned. Suitable replies in respect of 359 of them were sent by 30th November, 1964.

(c) Yes.

(d) They are under inquiry.

तस्कर व्यापारियों का फरार हो जाना :

1821-A. { श्री म० ला० द्विवेदी :
श्री सं० चं० सामन्त :
श्री सुबोध हंसदा :
श्रीमती सावित्री निगम :
श्री बृजराज सिंह :

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

(क) क्या यह सच है कि तस्कर व्यापारियों के एक अन्तर्राष्ट्रीय गिरोह के तीन सदस्य, अब्दुल हकीम, अब्दुल अजीज तथा अफजल हुसैन जो हाल में ही तस्कर व्यापार में लगे हुए थे को भारतीय सीमा शुल्क अधिकारियों ने गिरफ्तार किया था ,

(ख) क्या यह भी सच है कि उन में से एक व्यक्ति, जिस को जमानत पर दिल्ली जेल से रिहा कर दिया गया था, पुलिस विभाग के निगरानी कर्मचारियों की आंख में धूल ड़ोक कर पाकिस्तान पहुंच गया तथा अन्य दोनों व्यक्ति, उन के विरुद्ध की जाने वाली जांच-पड़ताल के दौरान गायब हो गये ;

(ग) यदि हां. तो इन अपराधियों का पता लगाने के लिए सरकार ने क्या कार्यवाही की है ; और

(घ) इस मामले में सम्बन्धित अधिकारियों ने जे जे असावधानी बरती क्या उस के बारे में कोई जांच की गई है ; और यदि हां. तो उस का क्या परिणाम निकला ?

गृह-कार्य मंत्रालय में उपमंत्री (श्री ल० ना० मिश्र) : (क) केवल एक ही व्यक्ति सीमा-शुल्क अधिकारियों द्वारा पकड़ा गया था । एक और व्यक्ति पर तस्कर व्यापार के मामले में लगे होने का आरोप है । तीसरे के बारे में कोई सूचना उपलब्ध नहीं है ।

(ख) ऐसा समझा जाता है कि जो व्यक्ति पकड़ा जा कर जमानत पर छोड़ा गया था, वह बच कर पाकिस्तान को भाग गया है । दूसरा व्यक्ति जांच की प्रारम्भिक अवस्था में और उस के तस्कर व्यापार से सम्बन्धित होने के बारे में सबूत उपलब्ध होने से पहले, गायब हो गया था ।

(ग) अपराधियों का पता लगाने की चेष्टाएं की जा रही हैं ।

(घ) एक विभागीय जांच की गई थी और उसके परिणामस्वरूप एक महायुक्त उप-निरीक्षक का दर्जा बढ़ाया गया और एक हेड कांस्टेबल को नाकरी से निकाल दिया गया ।

Revenue on Gas and Carbide

1821-B. {
Shri Gulshan:
Shri Hukam Chand
Kachhaviya:
Shri Onkar Lal Berwa:
Shri Y. D. Singh:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 1171 on the 27th September, 1964 and state:

(a) whether it is a fact that the Delhi Administration have not so far deleted gas and carbide from the registration certificates of many merchants in Delhi and there is a heavy loss to Government;

(b) if so, the action Government propose to take in the matter to prevent this loss of revenue; and

(c) whether Government have received any representation in this respect and if so, the result thereof?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) to (c). The requisite information is being collected and will be laid on the Table of the House.

12.26 hrs.

RE: CALLING ATTENTION NOTICE
(Query)

अध्यक्ष महोदय : श्री मौर्य ।

श्री बागड़ी (हिमाचल) : अध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है

श्री मौर्य (अलीगढ़) : अध्यक्ष महोदय, मैं तो व्यवस्था का प्रश्न उठाने के लिए पहले से ही खड़ा हुआ हूँ ।

अध्यक्ष महोदय : बागड़ी साहब ठहर जायें । चूँकि यह पहले से खड़े हुए हैं इसलिए पहले उनको मैं सुन लूँ ।

श्री मोर्य : मैंने एक व्यवस्था का प्रश्न . . .

अध्यक्ष महोदय : वह तो मैंने आपका कॉलिंग अटेंशन नोटिस बुला लिया है ।

श्री मोर्य : मेरा व्यवस्था का प्रश्न उसी से सम्बन्धित है ।

अध्यक्ष महोदय : अच्छा कहिये कि आपकी कौन सी व्यवस्था है ?

श्री मोर्य : 6th दिसम्बर, 1964 को रिपब्लिकन पार्टी द्वारा चलाये अन्दोलन और सरकार द्वारा उसके वॉलंटियर्स को देशव्यापी गिरफ्तारियों के बारे में मैंने एक कॉलिंग अटेंशन नोटिस उस समय मूव किया था । सोलह तारीख को मुबह को मुझे यह बतलाया गया कि उसकी मंजूरी नहीं मिली । 17 तारीख को मुझे पता चला कि वहां राज्य सभा में उसकी स्वीकृति मिल गई है और अभी 18 तारीख को राज्य सभा में ठीक उसी प्रकार का एक कॉलिंग अटेंशन मोशन स्वीकृत हुआ तो इस भेद के बारे में मैं श्रीमन्, यह व्यवस्था जानना चाहता था

अध्यक्ष महोदय : ठीक है आपके इस व्यवस्था के प्रश्न में काफ़ी वजन है और मैं आपसे इस्तफाक करता हूँ । जो कुछ आपने शिकायत की है वह बिलकुल दुरुस्त है । लेकिन यह तो माननीय सदस्य जानते ही होंगे कि दोनों हाउस अपनी अपनी कार्यवाही के मालिक हैं । अब यह हो सकता है कि एक चीज जिसे कि मैं मुनासिब न समझूँ और उसके हाउस में पेश होने और विचार होने की इजाजत न दूँ और कहूँ कि यह स्टेट मैटर है, वही मामला हो सकता है कि अगर वहाँ दूसरी जगह पर उठाया जाए तो वहाँ के प्रोसाइडिंग आफिसर दूसरा खयाल करें और ऐसा अपनी विज्डम में समझ कि यह मामला हाउस में पेश करने की इजाजत देना चाहिए तो वह चीज उसके खयाल के मुताबिक दुरुस्त ही होगी
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और किसी वक्त ऐसी स्थिति पैदा हो सकती है जब कि दोनों में इत्तिफाक नहीं और यह दो तरह की कार्यवाही चले और अगर ऐसा होता है तो इसमें कोई चीज अजीब नहीं है । लेकिन मेरी तकलीफ़ यह है कि जब वही चीज जिमको मैं अपने यहाँ नामंजूर कर चुका हूँ, वहाँ वह एडमिट हो जाती है तो मेरे पर नुक्ताचीनी होती है और आप उसको मूव करने की इतनी प्रबल इच्छा को देखते हुए मैंने उसे मंजूर कर लिया और आज उमे रख दिया है ।

श्री दे० शि० पाटिल (यवतमाल) : यह पहला ही मामला नहीं है जब कि वही चीज जिसे आपने यहाँ नामंजूर कर दिया वहाँ उसे स्वीकार कर लिया गया और उमे पेश करने की इजाजत राज्य सभा में दे दी गई है तो यह कहाँ तक

अध्यक्ष महोदय : जी हाँ, यह कई दफ़ा हो चुका है और मैंने इसके लिए गवर्नमेंट को भी कहा है कि दोनों जगह एक तरह से कार्यवाही चले इसका वे खयाल रखें लेकिन इसके आगे कुछ करना मेरे वश की बात नहीं है ।

Shri Kapur Singh (Ludhiana): I am afraid the precise point made by the hon. Member has been somewhat missed. The precise point is not that sometimes calling attention notices get admitted there and they do not get admitted here. But the precise point is that it almost invariably happens that some calling attention notices which are refused here are admitted there and it almost never happens that calling attention notices refused there get admitted here.

Mr. Speaker: If that is the opinion of the hon. Member, there may be something wrong with me.

Shri Kapur Singh: Not an opinion, Sir, but facts.

Shri H. N. Mukerjee (Calcutta Central): If it is the case that it is on account of the Ministers respond-

[Shri H. N. Mukerjee]

ing in a different manner to the Rajya Sabha than to your summons, it is a serious matter. Previously you have been pleased to observe that there have been cases where on account of ministerial obstruction, you did not allow a calling attention notice. If that is the case, it is a serious matter.

Mr. Speaker: That was a different thing. It happened at that time and I had made that observation.

Shri Hari Vishnu Kamath (Hoshangabad): If I heard you aright, Sir, you said: "मेरे वस की बात नहीं है" If I have followed what you said, the treasury benches are deliberately acting contrary to your directive or they ignore your directive. It comes to that and you are helpless in the matter. Then, how can parliamentary democracy work in this country, Sir?

Mr. Speaker: This is not the case. मेरा मतलब यह है कि वायजूद एक ही जवाब मिनिस्ट्री से आने के यह प्रिजाइडिंग आफिसर का अन्याय है कि वह उसको एडमिट कर ले या रिजेक्ट कर दे। एक ने उसकी मिफारिश को मंजूर कर लिया और दूसरे ने नामंजूर कर दिया, तब तो फर्क हो सकता है। इसलिए मेरे वश की बात यह नहीं है कि उन्होंने इंडिपेंडेंट जजमेंट एक्सप्रेसाइज करना है और इसलिए हो सकता है कि अपनी समझ और अपने खयाल के मताबिक वह समझे कि फर्क चीज को आना चाहिए।

श्री बागड़ी : मेरा व्यवस्था का प्रश्न यह है कि एक ही किस्म के विचार और एक ही किस्म के कायदे से इस देश की इस

उच्च संस्थो को चलना है, एक ही किस्म के कायदे-कानून से दो प्रधानों को चलना है। अगर एक ही कायदे-कानून के होते हुए दोनों अलग-अलग चलते हैं, तो यह तो कायदे में कमी है, या फिर उस बुनियाद में बोड़ा बहुत फर्क है, जो कि नहीं होना चाहिए। मैं निवेदन करूंगा कि न तो लोक सभा में और न राज्य सभा में मंत्रियों की राय के बगैर कोई चीज मंजूर होती है। जैसे यह रिपब्लिकन पार्टी वाला प्रश्न गम्भीर प्रश्न था, सारे देश का प्रश्न था और सारे देश की जनता का प्रश्न था।

अध्यक्ष महोदय : माननीय मन्त्र्य अपने प्वाइंट आफ ऑर्डर को मुश्किल तौर पर कहें। वह इसको इतना लम्बा न ले जायें।

श्री बागड़ी : कम से कम मैं तो मुश्किल में नहीं समझ जाता, क्योंकि मैं छोटी बृद्धि का आदमी हूँ और इसलिए जरा विधेयण करके कहना चाहता हूँ। अगर आप थोड़े में समझ सकें, तो बात यह है कि एक विधान, एक कायदे-कानून के होते हुए अगर एक ही प्रश्न के बारे में दो प्रधानों की अलग अलग राय है, तो कहीं कमी है और जो पीछे करता है, उस में कमी है। वह कमी सारे रुद पर आती है। इसको रोकना बहुत जरूरी है।

अध्यक्ष महोदय : यह हो सकता है कि जो पीछे करता है, उस में कमी है। तो मुझ में कमी होगी। लेकिन मैंने कहा है कि मैं इस राय का था और मैंने यह फ़ैसला लिया कि यह नहीं आना चाहिए, लेकिन चूंकि उसके बाद मेम्बर साहबान यहां पर नुक्ता-चीनी करते हैं कि इसको मौका नहीं मिला, इसलिए मिर्किस विहाय से मैंने कर दिया। मैंने यह नहीं कहा कि मेरी राय गलत थी।

श्री बागड़ी : मेरा एक व्यवस्था का प्रश्न है। आप का फ्रैंसला जायज था, लेकिन नुबना-चीनी की वजह से आप ने गलत फ्रैंसला कर लिया ?

अध्यक्ष महोदय : जी हां, मूझे करना पड़ता है।

श्री बागड़ी : आप खुद कमजोरी में आ कर कानून को तोड़ते हैं।

श्री रामसेवक यादव (बाराबंकी) : अध्यक्ष महोदय, मैं इसी सिलसिले में सिर्फ एक जानकारी चाहता हूँ। मैं जानना चाहता हूँ कि क्या कहीं इस मामले में ऐसी अड़चन तो नहीं आती कि गृह मंत्री या दूसरे सम्बन्धित मंत्रालय स्वीकृति देने में रुकावट डालते हैं—“हां” “न” में देर लगाते हैं।

12.33 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

AGITATION LAUNCHED BY THE REPUBLICAN PARTY ON 6-12-1964 AND THE COUNTRY-WIDE ARRESTS OF ITS VOLUNTEERS

Shri Maurya (Aligarh): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

“Agitation launched by the Republican Party on the 6th December, 1964, and the country-wide arrests of its volunteers.”

The Minister of State in the Ministry of Home Affairs (Shri Hathi): Sir, a satyagraha was started by the Republican Party of India on December 6, 1964 with a view to drawing the attention of the Government to its charter of demands. In the course of the satyagraha, workers of the party courted arrest by trying to enter Government Reserved Forests in different States and cutting the trees, and trespass into municipal or Government land and public places and buildings. Workers of the Party

who violated the law or were likely to disturb the peace were arrested by the State Government but several of them have since been released.

The main demands of the party are: installation of a portrait of the late Dr. B. R. Ambedkar in the Central Hall of the Parliament, enjoyment of the land of the nation by actual tillers, allotment of possession of idle and waste land to landless labourers, adequate distribution of foodgrains and control over rising prices, improvement of the lot of slum-dwellers, full implementation of the Minimum Wages Act, 1948, extension of privileges guaranteed by the Constitution to such of these scheduled castes who have embraced Buddhism, completion of reservation in services to scheduled castes and scheduled tribes by 1970 and proper enforcement of the Untouchability (Offences) Act, 1955. It will be observed that these demands deal with broad and general issues which cannot be decided on the spur of the moment. As the House is aware, Government has kept the interest of backward classes constantly in view and devoted considerable amounts to various schemes in this regard. The leaders of the Republican Party of India will, therefore, be well advised to take up these issues in a Constitutional manner with the State Governments and the appropriate Ministry of the Union Government instead of adopting an agitational approach.

श्री बागड़ी (हिमाचल) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : इस वक्त कोई व्यवस्था का प्रश्न नहीं उठाया जा सकता है। माननीय सदस्य का नाम आगे है।

श्री बागड़ी : मंत्री महोदय ने जो जवाब दिया है, मैं उस के बारे में व्यवस्था का प्रश्न उठाना चाहता हूँ। आप एक मिनट मुन लें।

अध्यक्ष महोदय : नहीं। श्री पाँच।

श्री मोर्य : भारतीय रिपब्लिकन पार्टी ने अपने चार्टर आफ डिमांड्स में जो मांगें रखी हैं, क्या वे आदरणीय महात्मा गांधी के सिद्धान्तों और कांग्रेस दल के सिद्धान्तों, जिस की आज सरकार है, के अनुसार, उन के मुताबिक, उन से सम्बन्धित और उन से मिलती-जुलती हैं या नहीं, वे हुबहू वही हैं या नहीं; अगर हैं, तो अब तक उन का इम्प्लीमेंटेशन क्यों नहीं हुआ ?

श्री हाथी : जहां तक इम्प्लीमेंटेशन का सवाल है, मैं ने कहा है कि इम्प्लीमेंटेशन कर रहे हैं ।

श्री मोर्य : पहली बात का जवाब दिया जाये ।

अध्यक्ष महोदय : माननीय सदस्य यह जानना चाहते हैं कि चार्टर आफ डिमांड्स कांग्रेस की पालिसी और महात्मा गांधी के उम्बों के मुताबिक है या नहीं ।

श्री हाथी : डिमांड्स में अलग अलग बाने हैं । जैसे एक पोट्रेट रखने की बात है । वह कोई सिद्धान्त की बात नहीं है । जो मांगें सिद्धान्तों के अनुसार हैं, क्वैस्टियन है उन के इम्प्लीमेंटेशन का अगर गवर्नमेंट इम्प्लीमेंट कर रही है । लेकिन जहां कायदे और व्यवस्था का प्रश्न आता है, वहां उन के खिलाफ कार्यवाही करनी होती है ।

अध्यक्ष महोदय : श्री बागड़ी । पहले वह व्यवस्था का प्रश्न रख लें ।

श्री बागड़ी : मैं आप से रक्षा चाहता हूँ कि जो प्रश्न किया जाये, जो कि देशव्यापी प्रश्न हैं, उस का उत्तर देने हुए अगर मंत्री महोदय उन सारी बातों को छोड़ जायें कि किन किन प्रान्तों में गिरफ्तारियां हुई हैं,

कितनी गिरफ्तारियां हुई हैं, कहां लाठी चार्ज हुआ है, क्या उसका नतीजा हुआ है, तो वह उत्तर बिल्कुल अपूर्ण रह जाता है । दो तीन माननीय सदस्य प्रश्न पूछते हैं अगर आप एक एक सवाल पूछने की इजाजत देते हैं । इस तरह देश को प्रश्न की बुनियाद का बिल्कुल पता नहीं चलता है । मैं आप से व्यवस्था चाहता हूँ कि मंत्री महोदय को प्रश्न की मोटी मोटी चार पांच बातें तो बतानी चाहिएं ।

अध्यक्ष महोदय : वे सब बातें बयान नहीं हो सकती । कालिंग एटेंशन नोटिस में ये बातें नहीं आ सकती कि फ्लॉय स्टेट में इनने गिरफ्तार हुए थे, इनने रिहा हुए, उन को इननी सजा दी गई । माननीय सदस्य सवाल करें ।

श्री बागड़ी : हिन्दुस्तान बार-बार विदेशी मुल्कों से पिटा रहा है और उस का कारण यह है कि हिन्दुस्तान के चन्द ऊंची जात के लोग हमेशा इस देश में राज्य के मुखों को भोगते रहे हैं और बाकी

अध्यक्ष महोदय : यह सवाल किस तरह हुआ ? अगर माननीय सदस्य पहले एक लैन्चर देंगे और फिर सवाल पर आयेंगे, तो बड़ा मुश्किल है । मैं उस की इजाजत नहीं दे सकता हूँ । इस तरह मैं नहीं चल सकता हूँ ।

श्री बागड़ी : आप को चलना चाहिए ।

अध्यक्ष महोदय : मेरी मजबूरी है ।

श्री बागड़ी : आप की मजबूरी जरूर है, लेकिन आप सोचें कि हिन्दुस्तान की यह जो लोक सभा है, वह सब लोगों की है, जिन में आप भी सम्बन्धित हैं । आप को तो खुले दिल से इजाजत देनी चाहिए, ताकि सरकार की ओर से कुछ उत्तर मिले और यह सत्रायत बन्द हो । (Interruptions)

अध्यक्ष महोदय : पहले तो मुझे लेक्चर होगा कि मैं क्या करूँ, मुझे क्या करना चाहिए। उस के बाद एक भाषण होगा। उस के बाद सवाल आयेगा या नहीं, यह भी मालूम नहीं है।

मैंने आप से दरुवास्त की है कि आप सवाल करें जिस से एन्युसिडेशन मिल जाय

श्री बागड़ी : यह सब कुछ आप को करना है, हमारी बात सुननी है और सुन कर के सत्य असत्य जो है वह बतलाना है। हाथ उठाने से ही काम नहीं चल सकता है। उस के लिए ही हम यहाँ नहीं आये हैं।

अध्यक्ष महोदय : अब आप सवाल करें।

श्री बागड़ी : इसी कारण हिन्दुस्तान चीन के मुकाबले में पिट गया था . . .

अध्यक्ष महोदय : आप सवाल करना चाहते हैं या नहीं ?

श्री बागड़ी : सवाल कर रहा हूँ।

हिन्दुस्तान के गरीब लोगों की जो बुनियादी आवश्यकतायें हैं उन की पूर्ति कहां तक हुई है, यह आप को बतलाना चाहिये। साथ ही मैं जानना चाहता हूँ कि कुल हिन्दुस्थान में कितनी गिरफ्तारियां हुई हैं, किन किन स्थानों पर कितनी कितनी बार लाठी चार्ज हुआ है और क्या सरकार जिन को उस ने गिरफ्तार किया है, उन को फौरी तौर पर रिहा कर के उन की जो मांगें हैं, उन मांगों पर पुनर्विचार करने का एलान करने को तैयार है या नहीं ?

अध्यक्ष महोदय : यह स्टेट गवर्नमेंट्स का काम है बतलाना कि कितनों को सजा हुई है . . .

श्री बागड़ी : स्टेट्स से सवाल नहीं पूछा गया है, सेंटर से पूछा गया है। यह सेंटर को बतलाना है। केन्द्र से प्रश्न पूछा गया है।

अध्यक्ष महोदय : श्री राम सेवक यादव।

श्री बागड़ी : मेरे सवाल का जवाब आ जाना चाहिये।

अध्यक्ष महोदय : श्री राम सेवक यादव क्या सवाल पूछना चाहते हैं ?

श्री बागड़ी : मेरे सवाल का जवाब आप दिलायेंग

अध्यक्ष महोदय : आप के सवाल की इजाजत नहीं दी जा सकती है।

श्री बागड़ी : यह लोक सभा है, मुगल दरबार थोड़ा है। हिन्दुस्तान की गरीब जनता का सवाल है। उस का जवाब आना चाहिये।

अध्यक्ष महोदय : मैं ने बहुत सब्र किया है। आप को इस को वापिस लेना चाहिये।

श्री बागड़ी : सब्र न कीजिये बेशक। मैं यह नहीं कहता हूँ कि आप सब्र करें। कायदे और कानून के मृताविक चलना चाहिये।

अध्यक्ष महोदय : मैं बागड़ी जी को कहता हूँ कि वह अपने शब्दों को वापिस लें। क्या वह वापिस लेंग उन को जो उन्होंने ने कहा है ?

श्री बागड़ी : मैं ने यह नहीं कहा है कि यह मुगल दरबार है। मैं ने यह कहा है कि मुगल दरबार नहीं है, लोक सभा है। इस मे कौन सी आपत्तिजनक बात है।

अध्यक्ष महोदय : मुगल दरबार नहीं है तो यह कोई मार्किट भी नहीं है।

श्री बागड़ी : यह जनता का दरबार है।

अध्यक्ष महोदय : लेकिन मैं इस का मछली मार्किट किसी भी हालत में बनने नहीं दूंगा।

श्री बागड़ी : अगर हिन्दुस्तान की गरीब जनता की आवाज जहाँ पहुँचाई जाती है, वह मछली मार्किट है तो हिन्दुस्तान की . .

अध्यक्ष महोदय : अगर आप जिद्द करेंगे तो मुझे एक्शन लेना पड़ेगा ।

श्री बागड़ी : आपका एक्शन मेरी तरफ अच्छा चलता है । एक्शन की वजह से गरीब जनता की आवाज लोक सभा में दबनी नहीं चाहिये ।

श्री राम सेवक यादव (वाराणसी) : एक व्यवस्था का प्रश्न है ।

अध्यक्ष महोदय : इस को पहले खत्म हो जाने दीजिये ।

श्री राम सेवक यादव : व्यवस्था का प्रश्न अगर मुन लेंगे तो फैमला आसानी से हो जायगा ।

जहाँ तक इन के उन शब्दों का सवाल है, उन के सम्बन्ध में मुझ और कुछ नहीं कहना है सिवाय इस के कि यह लोक सभा है, जनता की सभा है, कोई मुगल दरबार नहीं है, यह मेरी नाकिस समझ में ऐसी चीज नहीं है जिस को आपत्तिजनक माना जाय । मैं साफ इस पर आपकी व्यवस्था चाहता हूँ ।

अध्यक्ष महोदय : व्यवस्था यही है कि जो कहा कि मुगल दरबार नहीं है तो उन की शिकायत यह है कि जिस तरह से कार्रवाई चल रही है वह लाज के अनुसार, नियमों के अनुसार नहीं चल रही है बल्कि मुगल दरबार की तरह से चल रही है । पार्लिमेंट और स्पीकर पर भी, सब पर इस में नुकताचीनी है और इसलिए इस की इजाजत नहीं दी जा सकती है । इन शब्दों को वह वापिस लें । मैं उन से जानना चाहता हूँ कि वापिस इन शब्दों को लेंगे या नहीं ?

श्री बागड़ी : मैं इस को जनता का दरबार मानता हूँ और मानूंगा, मुगल दरबार न मानता हूँ और न मानूंगा ।

अध्यक्ष महोदय : वापिस लेंगे या नहीं ?

श्री बागड़ी : जो मैंने कहा है उस को आप देखें . .

अध्यक्ष महोदय : अगर वापिस लेने को तैयार नहीं हैं तो मैं नाम ले कर कहता हूँ कि बागड़ी जी आप ने अनुचित शब्द कहे हैं, ऐसे शब्द कहे हैं जो आप को नहीं कहने चाहिये थे । अगर आप उन को वापिस लेने को तैयार नहीं हैं तो मुझे मजबूर हो कर यह कहना पड़ेगा कि आप बाहर चले जायें ।

श्री बागड़ी : मैं आप . .

Shri U. M. Trivedi (Mandsaur): He should not be allowed to explain it.

श्री मधु लिमये (मुंगेर) : एक व्यवस्था का प्रश्न है

अध्यक्ष महोदय : इसका खत्म हो लेने दीजिये । बागड़ी साहब बाहर चले जायें ।

श्री बागड़ी : जनता का दरबार कहूंगा ।

अध्यक्ष महोदय : मेम्बर साहब जायेंगे या नहीं ?

श्री बागड़ी : मैं जनता का दरबार मानता हूँ ।

अध्यक्ष महोदय : स्पीकर की अथोरिटी को माननीय दसम्य फ्लायट कर रहे हैं । इस चीज को अब मैं हाउस के सामने रखना चाहता हूँ ।

Shri Muthyal Rao (Mahbubnagar): Sir, I move:

"That Shri Bagri may be suspend from the service of the

House for the rest of the session."

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न मुन लीजिये। यह इसी के सम्बन्ध में है। इस सवाल को सदन के सामने रखने से पहले मेरी अर्ज आप मुन लें।

अध्यक्ष महोदय : मैंने कहा है कि जो सवाल उठा है हुआ, उसको पहले हल कर लेने दीजिये। इस पर बहस नहीं हो सकती है, जब एक मॉशन आ गया है।

श्री मधु लिमये : बहस नहीं है। व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : आप बैठ जायें।

श्री मधु लिमये : व्यवस्था का प्रश्न पहले आ जाना चाहिये।

अध्यक्ष महोदय : लिमये साहब बैठ जायेंगे।

मेरे सामने एक मॉशन आया है।

The question is:

"That Shri Bagri may be suspended from the service of the House for the rest of the session."

श्री किशन पटनायक (सम्बलपुर)
मेरा एक संशोधन है।

अध्यक्ष महोदय : हाउस के फैसले के अनुसार

श्री किशन पटनायक : मेरा संशोधन है।

श्री मधु लिमये : गलत कार्रवाई हो रही है। व्यवस्था का प्रश्न था।

श्री किशन पटनायक : जब प्रस्ताव आया है तो संशोधन देने का हक रहता है सदस्यों को या नहीं ?

श्री राम सेवक यादव : "नहीं" की वक्ता अधिक है, डिबिजन होना चाहिये।

श्री मधु लिमये : मेरा व्यवस्था का प्रश्न यह है कि किन नियम के अन्तर्गत आपने कहा है कि इन शब्दों को वापस लिया जाए। क्या मैं यह जान नहीं सकता हूँ ?

अध्यक्ष महोदय : क्यों नहीं ? यह मेरा अधिकार है।

श्री राम सेवक यादव : जब "नहीं" कहा जाता है और मत विभाजन की मांग की जाती है तो वह होना चाहिये या नहीं। आपका जो दृक्म है वह चलेगा। लेकिन कायदे से काम हो और मत विभाजन हो जाए। नियमों का उल्लंघन तो न हो।

अध्यक्ष महोदय : मत विभाजन पर मैंने क्या ऐतराज नहीं किया है। जब भी मैंने किसी चीज को पुट किया है और मत विभाजन की मांग की गई है तो मत विभाजन हुआ है। इस वकन बहुत शोरगुल हो रहा है। आप मत विभाजन चाहते हैं तो मैं करा देता हूँ।

श्री किशन पटनायक : मेरे संशोधन का क्या होगा ?

Mr. Sheker: Order, order. The Obbies have been cleared. I must make it clear that it is not for the first time that I have not allowed this amendment; the same has been held every time the question has arisen. This motion cannot admit of any amendments. In 1962 also the same was held. This is clear in the previous decisions.

श्री किशन पटनायक : एक डिजिजन से तो ऐसा नियम नहीं बन जाता।

Mr. Speaker: Therefore, this is not a new thing. Now, the question is:

"That Shri Mani Ram Bagri be suspended from the service of the House for the rest of the Session."

The Lok Sabha divided:

Division No. 13]

AYES

[12.53 hrs.

Abdul Rashid, Bakshi
 Achal Singh, Shri
 Achuthan, Shri
 Aney, Dr. M. S.
 Ankineedu, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bade, Shri
 Bajaj, Shri Kamalnayan
 Bal Krishna Singh, Shri
 Balmiki, Shri
 Barman, Shri P. C.
 Basaant Kunwari, Shrimati
 Basppa, Shri
 Basumatari, Shri
 Basawant, Shri
 Besra, Shri
 Bhagwati, Shri
 Bhakat Darshan, Shri
 Bhanja Deo, Shri L. N.
 Bhanu Prakash Singh, Shri
 Bhattacharyya, Shri C. K.
 Bheel, Shri P. H.
 Bist, Shri J. B. S.
 Borooah, Shri P. C.
 Brajeshwar Prasad, Shri
 Brij Basi Lal, Shri
 Brij Raj Singh, Shri
 Brij Raj Singh-Kotah, Shri
 Chanda, Shrimati Jyotsna
 Chandak, Shri
 Chandrabhan Singh, Shri
 Chandriki, Shri
 Chattarjee, Shri N. C.
 Chaturvedi, Shri S. N.
 Chaudhury, Shri Chandramani La
 Chaudhuri, Shrimati Kamala
 Chavan, Shri D. R.
 Chavda, Shrimati Joraben
 Chunilal, Shri
 Dandekar, Shri N.
 Das, Dr. M. M.
 Das, Shri B. K.
 Deo, Shri P. K.
 Desai, Shri Morarji
 Dhuleswar Meena, Shri
 Dighe, Shri
 Dubey, Shri R. G.
 Dwivedi, Shri M. L.
 Gaekwad, Shri Fateshinhrao
 Gajraj Singh Rao, Shri
 Goni, Shri Abdul Ghani
 Guha, Shri A. C.
 Gupta, Shri Shiv Charan
 Haq, Shri M. M.
 Harvani, Shri Ansar
 Hazarika, Shri J. N.
 Heda, Shri
 Hem Raj, Shri
 Himatsingka, Shri
 Jadhav, Shri M. L.

Jadhav, Shri Tulshidas
 Jagjivan Ram, Shri
 Jain, Shri A. P.
 Jamunadevi, Shrimati
 Joshi, Shrimati Subhadra
 Jyotishi, Shri J. P.
 Kachhavaia, Shri Hukam Chand
 Kajrokar, Shri
 Kamble, Shri
 Kanaungo, Shri
 Kapur Singh, Shri
 Kedaria, Shri C. M.
 Keishing, Shri Rishang
 Khan, Shri Osman Ali
 Khanna, Shri Mehr Chand
 Kohor, Shri
 Kotoki, Shri Liladhar
 Konjalgi, Shri H. V.
 Kripa Shankar, Shri
 /Krishna, Shri M. R.
 Krishnamachari, Shri T. T.
 Krishnapal Singh, Shri
 Lahtan Chaudhury, Shri
 Lakshmikanatham, Shrimati
 Lalit Sen, Shri
 Laxmi Bai, Shrimati
 Mahadeva Prasad, Dr.
 Mahtab, Shri
 Mahishi, Shrimati Sarojini
 Malaichami, Shri
 Malaviya, Shri K. D.
 Malhotra, Shri Inder J.
 Manaen, Shri
 Mandal, Dr. P.
 Mandal Shri J.
 Mandal, Shri Yamuna Prasad
 Mantri, Shri
 Masani, Shri M. R.
 Marandi, Shri
 Masuriya Din, Shri
 Mathur, Shri Shiva Charan
 Mehrotra, Shri Braj Bihari
 Melkote, Dr.
 Mengi, Shri Gopal Datt
 Minimata, Shrimati
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Misra, Shri Mahesh Dutta
 Misra, Shri Shyam, Dhar
 Mohanty, Shri Gokulananda
 Morarka, Shri
 More, Shri K. L.
 More, Shri S. S.
 Mukherjee, Shri H. N.
 Mukherjee, Shrimati Sharda
 Munzni, Shri David
 Naik, Shri D. J.
 Nallakoya, Shri
 Nanda, Shri
 Naskar, Shri P. S.

Nayak, Shri Mohan
 Nigam, Shrimati Savitri
 Niranjan Lal, Shri
 Oza, Shri
 Pandey, Shri R. S.
 Pandey, Shri Vishwa Nath
 Panna Lal, Shri
 Pant, Shri K. C.
 Parashar, Shri
 Patel, Shri Chhotubhai
 Patel, Shri Man Singh P.
 Patel, Shri N. N.
 Patel, Shri P. R.
 Patel Shri Rajeshwar,
 Patil, Shri D. S.
 Patil, Shri S. B.
 Patil, Shri S. K.
 Patil, Shri V. T.
 Patnaik, Shri B. C.
 Pattabhi Raman, Shri C. R.
 Pillai, Shri Nataraja
 Prabhakar, Shri Naval
 Pratap Singh, Shri
 Rai, Shrimati Sahodrabai
 Rajdeo Singh, Shri
 Raju, Dr. D. S.
 Raju, Shri D. B.
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramakrishnan, Shri P. R.
 Ramdhani Das, Shri
 Rampure, Shri M.
 Rananjei Singh, Shri
 Rane, Shri
 Rao, Shri Hanmanth
 Rao, Shri Jaganatha
 Rao, Shri Krishnamoorthy
 Rao, Shri Muthyal
 Rao, Shri Ramapathi
 Rao, Shri Thirumala
 Rattan Lal, Shri
 Raut, Bhola
 Rawandeke, Shri
 Reddy, Shri Narasimha
 Reddy, Shrimati Yashoda
 Sadhu Ram, Shri
 Shah, Dr. S. K.
 Sahu, Shri Rameshwar
 Saigal, Shri A. S.
 Sanji Rupji, Shri
 Saraf, Shri Sham Lal
 Satyabhama Devi, Shrimati.
 Sen, Shri P. G.
 Shah, Shri Manabendra
 Shah, Shrimati Jayaben
 Sham Nath, Shri
 Sharma, Shri A. P.
 Sharma, Shri D. C.
 Shashi, Ranjan, Shri

Shastri, Shri Ramanand
Sheo Narain, Shri
Shree Narayan Das, Shri
Shukla, Shri Vidya Charan
Shyam Kumari Devi, Shrimati
Siddananjappa, Shri
Sidheswar Prasad, Shri
Singh, Shri A. P.
Singh, Shri D. N.
Singh, Shri Y. D.
Singha, Shri Y. N.
Sinhasan Singh, Shri
Solanki, Shri

Sonvane, Shri
Soy, Shri H. C.
Srinivasan, Dr. P.
Subbaraman, Shri
Subaramaniam, Shri C.
Subaramanyam, Shri T.
Surendra Pal Singh, Shri
Tahir, Shri Mohammad
Thimmaiah, Shri
Tiwary, Shri K. N.
Tiwary, Shri R. S.
Trivedi, Shri U. M.
Tyagi, Shri

Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Valvi, Shri
Varma, Shri
Varma, Shri Ravindra
Veerappa, Shri
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind
Vidyalankar, Shri A. N.
Virbhadra Singh, Shri
Vyas, Shri Radhelal
Yadava, Shri B. P.
Yudhvir Singh, Shri
Yusuf, Shri Mohammad

NOES

Bagri, Shri
Limaye, Shri Madhu
Maurya, Shri B. P.

Patnaik, Shri Kishan
Rameshwaranand, Shri

Shinkre, Shri M. P.
Yadav, Shri Ram Sewak

श्री किशन पटनायक : यह मद्दली
बाजार वाला हिस्सा भी ठीक नहीं है ।

Shri P. K. Deo (Kalahandi): Sir, I
am for "Ayes".

Mr. Speaker: The result of the
division is: Ayes—221; Noes—7.

The motion was adopted.

Mr. Speaker: Now I ask Shri Bagri
to leave the House in pursuance of
this decision of the House. Then, I
will have to ask the Marshal to go
and remove the Member.

Shri Surendranath Dwivedy
(Kendrapara): I completely dissociate
myself and disapprove of what has
happened in the House. I think, he
should obey the decision of the
House and leave the House immedi-
ately.

Shri Bagri:**

Mr. Speaker: Nothing said by him
after the decision of the House
should be recorded.

12.55 hrs.

(Shri Bagri then left the House).

Shri Kapur Singh (Ludhiana): It
is going to be a day of martyrs in
this House. So it appears.

Mr. Speaker: I am glad that the
Leader of the SSP declared it un-
equivocally that he dissociates him-
self. I applaud that spirit. That
precedent would be set, I think, and
we will follow that procedure. I am
thankful to him.

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष
महोदय, मैं निवेदन करना चाहता हूँ कि
आज आप हमारे अधिकारों के रक्षक हैं
और हम चाहते हैं कि आपका आदर हो,
मैं स्वयं चाहता हूँ कि आपकी किसी आज्ञा
का उल्लंघन न हो। हमारा यह मनोभाव
है, परन्तु मैं कई बार ऐसा देखता हूँ कि जब
मंत्री महोदय उत्तर देना चाहते हैं तो आप
उनको उत्तर नहीं देने देते। इससे
(Interruptions) हम लोगों में यह भावना
उत्पन्न होती है कि जो अध्यक्ष महोदय हैं,
जो कि इस कुर्सी पर परमेश्वर की तरह
हमारे अधिकारों के रक्षक के रूप में बैठे हैं,
वह मंत्री महोदय के प्रभाव में आ जाते हैं।
इसलिये मैं चाहता हूँ कि कोई भी कार्य आप
की तरफ से ऐसा न हो जिसके कारण हमारी
तरफ से ऐसा भाव निकले जिससे आपके
हृदय को कष्ट पहुँचे। मेरा मतलब यह नहीं
है कि जो ऐसे काम यहां होते हैं वे केवल

[श्री रामेश्वरानन्द]

आपको कष्ट पहुंचाने के लिये होते हैं। परन्तु थोड़ा सा आपको भी अपने को वश में रखना चाहिये, आप हमारे अधिकारों के रक्षक हो कर यहां बैठे हैं।

अध्यक्ष महोदय : मैं स्वामी जी से विनय के साथ कहूंगा कि उनका मश्वरा तो बड़ा अच्छा है मगर अगर किसी वक्त वह मेरे पास आ जायें या मैं उनके चरणों में चला जाऊं और तब वह शिक्षा दिया करें तो ज्यादा अच्छा होगा। श्री राम मेवक यादव कोई प्रश्न पूछना चाहें तो पूछ लें।

श्री रामसेवक यादव : जो इस देश के हरिजन और दलित लोग हैं जिनके लिये संविधान में, और जैसा कि मंत्री महोदय ने बतलाया, कई कानूनों में उनके लिये सुरक्षा है, उनके बारे में सारी चीज आ कर अटकी है केवल कथनी और कर्नी के सवाल को लेकर। उन पर अमल नहीं होना है। ऐसी स्थिति में मैं जानना चाहूंगा कि क्या मंत्री महोदय तत्काल कोई ऐसा कदम उठावेंगे कि जो उनकी न्यायोचित मांगें हैं, जो कि कानून के अनुसार मान भी ली गई हैं, उन पर अमल हो और उनको रिहाई मिले और उसके बाद उनको तत्काल छोड़ दिया जाये।

श्री हाथी : वही मैंने स्टेटमेंट में कहा है कि जो जो बातें ऐसी हैं जिनको गवर्नमेंट को करना है, वह होती है। लेकिन जिसके लिये हम तेजी से कदम उठाना चाहते हैं उनके बारे में मंत्रालय गवर्नमेंट भी ऐक्शन लेती है और स्टेट गवर्नमेंट के साथ भी सारी बातों को वह लेती है। इस सम्बन्ध में जिस तरह से त्वरित गति से काम होना चाहिये उस तरह से गवर्नमेंट करेगी।

श्री किशन पटनायक : मैं प्रश्न पूछने के पहले एक बात कहना चाहता हूँ।

अध्यक्ष महोदय : आप केवल प्रश्न पूछिये।

श्री किशन पटनायक : क्या मंत्री महोदय को जानकारी है कि अभी तक इस एजिटेशन के मिलसिले में कितनी गिरफ्तारियां हुई हैं और कितने रिहा हुए हैं, और क्या अभी तक गिरफ्तारियां हो रही हैं ?

श्री हाथी : गिरफ्तारियां अलग अलग स्टेटों में हुई हैं। उनके आंकड़ अभी मेरे पास नहीं हैं।

श्री मधु लिमये मेरी जानकारी के अनुसार करीब करीब 40 हजार लोग गिरफ्तार हो चुके हैं और लाखों लोगों ने इस में हिस्सा लिया है। मंत्री महोदय ने यह मान लिया कि उन की मांगें जो हैं वह न्यायपूर्ण हैं। इसलिये मेरा प्रश्न है कि क्या उन सभी लोगों को छोड़ कर, उन के नेताओं को सम्मानपूर्ण ढंग से समझोते और बातचीत के लिये गृह मंत्री बुलाने के लिये तैयार है।

श्री हाथी : जो गिरफ्तारियां हुई हैं वह तो अलग अलग स्टेट्स में हुई हैं, और जो वहां की शांति और व्यवस्था का प्रश्न है उस को उन्हें ही सम्भालना है। इसलिये इस में मेरा कोई एक्थोरेंस काम नहीं आयेगा, और मैं दे भी नहीं सकता।

श्री मधु लिमये : यह तो कानूनी जवाब हो गया। आप सलाह तो दे सकते हैं राज्य सरकारों को।

श्री शौर्य : मैं सूचना के आधार पर एक प्रश्न करना चाहता हूँ।

अध्यक्ष महोदय : जी नहीं। आप दूसरा काम चलने दीजिये।

श्री मधु लिमये : अध्यक्ष महोदय, मैं एक बात आप से कहना चाहता हूँ। मैं ने एक विषयाधिकार प्रस्ताव की सूचना दी थी। आप उस के बारे में भी कुछ कहें।

अध्यक्ष महोदय : मैं ने आप से कहा कि आप काम चलने दीजिये ।

Shri Nath Pai (Rajapur): In view of the confusion about the admissibility of our notice, some of us are in a quandary. Since this matter is vital, you may kindly permit us to....

Mr. Speaker: I want to be excused now.

Shri Nath Pai: Towards the fag end of the session, you can always extend the time.

Mr. Speaker: I want to be excused now.

श्री मौर्य : इस मूचना के आधार पर

अध्यक्ष महोदय : आर्डर, आर्डर ।

श्री मधु लिमये : अध्यक्ष महोदय, मैं ने कल एक बात

अध्यक्ष महोदय : अब आप चलने दीजिये ।

श्री मधु लिमये मैं ने कल एक विशेषाधिकार प्रस्ताव की मूचना संसद्-कार्य मंत्री के खिलाफ दी थी उस के बारे में मैं कुछ कहना चाहता हूँ ।

13.01 hrs.

PAPERS LAID ON THE TABLE

HALF-YEARLY REPORT ON ACTIVITIES OF COIR BOARD AND WORKING OF COIR INDUSTRY ACT FOR THE FIRST HALF OF THE YEAR 1964-65.

The Minister of State in the Ministry of Home Affairs (Shri Hathi): On behalf of Shri Manubhai Shah, I beg to lay on the Table a copy of the Half-yearly Report on the activities of the Coir Board and the working of the Coir Industry Act, 1953 for the period from the 1st April to 30th September, 1964, under sub-section

(1) of section 19 of the Coir Industry Act, 1953. [Placed in Library. See No. LT-3706/64].

NOTIFICATIONS UNDER ALL INDIA SERVICES ACT

Statement correcting answer given to S. Q. 304 answered on 2nd December, 1964

Shri Hathi: I beg to lay on the Table:—

(1) a copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1961:—

- (i) G.S.R. 1716, dated the 5th December, 1964, making certain amendments to Schedule III to the Indian Administrative Service (Pay) Rules, 1954;
- (ii) The Indian Administrative Service (Cadre) Amendment Rules, 1964, published in Notification No. G.S.R. 1718, dated the 5th December, 1964.
- (iii) The Indian Police Service (Cadre) Amendment Rules, 1964, published in Notification No. G.S.R. 1719, dated the 5th December, 1964.

[Placed in Library. See No. LT-3707/64].

(2) A statement correcting the answer given on the 2nd December, 1964 to a supplementary by Shri S. M. Banerjee, on Starred Question No. 304 regarding Indo-Pak Border Violations.

STATEMENT

Question (Supplementary):

33 persons have been killed. Men are also being lifted. How does he say that there were only incidents of cattle lifting?

Answer:

There were 17 cases of cattle lifting. 16 cases of theft and 19 cases of kidnapping and men entering our territory. Wherever they have entered we have tried to chase them.

[Shri Hathi]

In a number of cases we have also fired and the casualties are more in their case than in our case.

NOTIFICATION UNDER EMPLOYEES' PROVIDENT FUNDS ACT

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): I beg to lay on the Table a copy of Notification No. G.S.R. 1723, dated the 5th December, 1964, under sub-section (2) of section 4 of the Employees' Provident Funds Act, 1952, adding the milk and milk products industry to Schedule I to the said Act. [Placed in Library. See No. LT-3709/64.]

13.02 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS
MINUTES OF FIFTIETH AND FIFTY-FOURTH SITTINGS

Shri Krishnamoorthy Rao (Shimoga): I beg to lay on the Table the Minutes of the Sittings (50th to 54th) of the Committee on Private Members' Bills and Resolutions held during the current Session.

13.02½ hrs.

COMMITTEE ON PETITIONS
MINUTES OF FOURTEENTH AND FIFTEENTH SITTINGS

Shri Thirumala Rao (Kakinada): I beg to lay on the Table the Minutes of the Fourteenth and Fifteenth Sittings of the Committee on Petitions held during the Ninth and Tenth Sessions, respectively.

13.02½ hrs.

COMMITTEE ON GOVERNMENT ASSURANCES
MINUTES OF NINTH SITTING

Shri Siddananjappa (Hassan): I beg to lay on the Table the Minutes of the Ninth Sitting of the Committee on Government Assurances held during the current Session.

13.03 hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha, that the Rajya Sabha, at its sitting held on the 21st December, 1964, agreed without any amendment to the Payment of Wages (Amendment) Bill, 1964, which was passed by the Lok Sabha at its sitting held on the 1st December, 1964."

13.03¼ hrs.

PUBLIC ACCOUNTS COMMITTEE
THIRTIETH REPORT

Shri Morarka (Jhunjhunu): I beg to present the Thirtieth Report of the Public Accounts Committee on Appropriation Accounts (P. & T.) 1962-63 and Audit Report (P.&T.), 1964, and Para 62 of Audit Report (Civil), 1964.

13.03½ hrs.

STATEMENT RE. FORMATION OF SOUTH-CENTRAL RAILWAY ZONE

Mr. Speaker: Now, the hon. Railway Minister.

Shri Nambiar (Tiruchirapalli): It is good. It is about the formation of a new zone in the South. (Applause).

Shri Hari Vishnu Kamath (Hoshangabad): What is this new alliance between the Railway Minister and Shri Nambiar? Did my hon. friend know it beforehand?

Shri Nambiar: It is about a new zone which is going to be created in our parts.

Shri Hari Vishnu Kamath: Is there any collusion between the Minister of Railways and my leftist communist friend?

Mr. Speaker: It looks like one.

Shri Nambiar: It had come in the newspapers.

The Minister of Railways (Shri S. K. Patil): It is a very nice feature and I welcome it.

I beg to make the following statement.

In the speech introducing the Railway Budget for 1964-65 in the Parliament, the Railway Minister had stated that the Efficiency Bureau of the Railway Board has been continuing its study on the workload and operating-cum-efficiency indices of the different Railways, with a view to having data handy for any reorganisation that may be necessary at an time on operational and administrative considerations or on considerations for improving the service to railway users.

In the context of rapidly developing economy, the workload of railways has been mounting phenomenally and as compared to 1951-52, the tonnage lifted in 1963-64 has increased by 96 per cent and tonne kilometres by 132 per cent. Adjustments in the jurisdiction of Zonal Railways based on the workload studies of the Efficiency Bureau of the Railway Board have been made from time to time and new zones formed in 1955 and 1958.

Recent studies made by the Efficiency Bureau reveal that of all the Zonal Railways, the Central and Southern Railways have the heaviest workload. The somewhat unwieldy size of some of the Railway Zones—more particularly of the Central and Southern Railways—has also been commented upon on a number of occasions during debates and questions

on Railways, both in the Lok Sabha and in the Rajya Sabha. The Railway Accident Enquiry Committee, 1962 (Kunzru Committee) also went into the question of workload on the Railways and were of the view that the workload on these two railways was heavy, and it was necessary to create more zones. Taking all relevant aspects into account, it is considered that the stage has been reached when a new zone should be carved out of the existing Central and Southern Railways.

Having regard to different criteria of workload, earnings, route kilometrage etc., it has been decided that the new zone should comprise the Sholapur (minus Poona-Dhond-Manmad sections) and Secunderabad Divisions of the Central Railway and the Hubli and Vijayawada divisions of the Southern Railway with some marginal adjustments to correspond with the main streams of traffic.

It has been decided to set up the headquarters of the new zone to be called the South-Central Railway, at Secunderabad (Hyderabad). The choice of the headquarters has been influenced by the fact that it is near the centre of gravity of the new zone and having been the headquarters of the old Nizam's Railway involves less capital expenditure than normally would have been necessary for developing a new railway headquarters.

It is hoped that this reorganisation will bring about the necessary relief to the Central and Southern Railways, and improve the efficiency in operation of the Railways generally.

Shri Alvares (Panjim): Am I to understand that in course of time each railway zone will be coterminous with the boundaries of each linguistic State?

Shri S. K. Patil: There is not the slightest indication of that.

श्री तुलशीदास जाधव (नांदेड़) : मुझे एक बात मिनिस्टर साहब से पूछनी है। उन्होंने यह मिकन्दराबाद का जो जोन बनाया उस के लिए हमें कोई आपत्ति नहीं है। लेकिन यह शोलापुर डिवाइजन इस जोन में डाला इसलिए एक डेलीगेशन आकर मिनिस्टर साहब से मिला था और उन्होंने विरोध किया था। मिलने के बाद भी यह शोलापुर डिवाइजन इस जोन में शामिल किया गया है तो यह तो ठीक नहीं है और मैं उन से यह जानना चाहूंगा कि यह जो मनमाड़ और दौद का हिस्सा निकाला है तो वह कहां तक गया है ?

श्री स० का० पाटिल : यह चीज किसी डेलीगेशन के कारण नहीं की गई है बल्कि हकीकत यह है कि यह जोन बनाने का काम रेलवे बोर्ड का एक्जिक््यूटिव ब्यूरो करता है और वह यह काम ऑपरेशनल और एड-मिनिस्ट्रेटिव कंसिडरेशंस का ध्यान में रख कर करता है ताकि रेलवेज के उपभोक्ताओं को वह अच्छी सेवा प्रदान कर सके। इसलिए जब शोलापुर डिवाइजन का सवाल आया तो उस में बतलाया गया कि मनमाड़ और दौद सेंटर में रहेगा तो अच्छा होगा। इस बारे में हम ने जांच की और उस के बाद जब हमें यह मालूम हो गया कि उनका वह कहना ठीक था तब ही यह किया गया। मैं मानता हूँ कि करीब 40 टका जितना शोलापुर डिवाइजन सेंटर में रहा।

Shri Hari Vishnu Kamath: I noticed with some surprise, may be pleasant surprise, that hardly had the hon. Minister stood up when my hon. friend Shri Nambiar applauded. Since the Communist Party, both right and left, have been, as the House is aware, allergic to the Railway Minister always does this new development signify or indicate that there has been either a leak somewhere in the Railway Ministry operating in favour of the Leftist Communist or a shift in the policy of the Left Communist

Party in favour of the hon. Minister or of the Government?

Mr. Speaker: The news item had appeared in the newspapers. Does not Shri Kamath know it?

Shri Hari Vishnu Kamath: He alone applauded; nobody else had applauded. So, I want to know whether there has been any change in his party's attitude?

Shri Nambiar: On a point of personal explanation...

Mr. Speaker: No explanation is needed now.

Shri Thirumala Rao (Kakinada): On behalf of the friends that represent that region comprised in the new South-Central railway zone, I should like to express my thanks to the hon. Minister for having solved this long standing problem....

Mr. Speaker: Is this the elucidation that the hon. Member wants?

Shri Thirumala Rao: May I know whether the Guntakal division has been dismembered or taken out of this zone? That is my first question. My second question is....

Mr. Speaker: Only one question is allowed.

Shri Thirumala Rao: I want to know about Visakhapatnam also.

Shri S. K. Patil: The Guntakal division remains where it was. The only change that has been made is in regard to the entire Secunderabad division and the Sholapur division minus that part which I had mentioned earlier, namely the part from Dhond to Manmad. The rest of it is *status quo*.

Shri A. P. Sharma (Baxar): May I know whether the division of Sholapur will not create administrative difficulties and difficulties in regard to

staff and in regard to facilities for the staff?

Mr. Speaker: The hon. Member should not give his opinion now but only ask a question.

The hon. Member wants to know whether it would not create more difficulties.

Shri S. K. Patil: The advantages will far outweigh the difficulties in the beginning.

Shri Nambiar: While welcoming this step though belated, may I know whether it is not a fact that still what remains of the Southern Railway is too big, and if so, whether it is not possible, as the hon. Member Shri Thirumala Rao had suggested earlier, to detach the Guntakal division as well? At the same time as this new zone is being created so that we may not have complications afterwards, administrative or otherwise?

Mr. Speaker: That is a suggestion which can be considered.

Shri Basappa (Tiptur): May I know whether there was representation that the headquarters of this new zone should be in Hubli and whether it has been considered? Now Mysore division and Hubli division are segregated; one is attached to Secunderabad and the other to the Southern region and therefore it is causing great inconvenience to these two divisions?

Shri S. K. Patil: There was representation but this has caused no inconvenience and now I think Mysore will have the best relations with two States instead of one.

Shrimati Savitri Nigam (Banda): In view of the fact that the load on the Central division is too much and the result is that the entire Bundelkhand area is suffering because of that, may I know whether the hon. Minister has been thinking of dividing this area also into a new zone?

Shri S. K. Patil: That is always under consideration by the efficiency bureau and if they advise, I would do it.

Shri P. Venkatasubbaiah (Adoni): While welcoming the announcement made by the hon. Minister, may I know whether he will consider the desirability of joining Guntakal division which will facilitate the railway passengers and other users?

Mr. Speaker: He will consider it. Mahishi.

Dr. Sarojinia Mahishi (Dharwar North): May I know whether the Government will take into consideration the many representations made by industrial and commercial concerns in Mysore State to keep both the divisions of Hubli and Mysore in the same zone?

Mr. Speaker: Mahida.

Shri Narendra Singh Mahida (Anand): May I know whether any change is contemplated on the Western Railway Zone and if so is there any move to change the headquarters from Bombay....

Shri S. K. Patil: There is no such move.

Mr. Speaker: Mr. Krishna. He has got the headquarters. What does he want more?

Shri M. R. Krishna (Peddapalli): When will it come into force?

Shri S. K. Patil: As immediately as we can make it because we require the co-operation of the State in getting land, etc.

Shri Sonavane (Pandharpur): While carving out this new zone, the hon. Minister has said that efficiency bureau has gone into all these questions. But has the efficiency bureau gone into the question that all the zones should be re-organised on an efficient basis? That aspect of the question has been overlooked.

Mr. Speaker: We will discuss it when the Railway Budget comes.

Shrimati Yashoda Reddy (Kurnool): Is the Waltair terminus included in the new zone?

Shri S. K. Patil: It is not because it is in the S. E. Railway.

श्री तुलशीदास जाधव : अध्यक्ष महोदय,

अध्यक्ष महोदय : माननीय सदस्य नबाल पृष्ठ चुके हैं ।

श्री तुलशीदास जाधव एक ग्राम प्रश्न है ।

अध्यक्ष महोदय : ग्राम नहीं ।

Shri D. C. Sharma (Gurdaspur): I welcome this decision. I want to ask whether the efficiency bureau is directing all its attention to south, west, and east and whether it is also directing its attention to the north and if so what are the results?

Shri S. K. Patil: The whole of the Railways is under their review.

Mr. Speaker: He may come to the north when the Budget is discussed.

13.18 hrs.

GOLD (CONTROL) BILL—contd.

Mr. Speaker: We shall take up further clause-by-clause consideration of the Gold (Control) Bill. Of the 4 hours allotted, 45 minutes have been taken and 3 hours and 15 minutes remain. We should proceed with some speed so that we may conclude the clause-by-clause consideration in two hours and 15 minutes and one hour might be left for the third reading. **Shri Dandeker.**

Shri N. Dandeker (Gonda): In view of amendments Nos. 238 and 239 filed by the Finance Minister, I am not pressing my amendment No. 79.

Shri Hem Raj (Kangra): Sir, I have got an amendment No. 227 to clause 5. This clause deals with the restrictions on possession and sale of gold. In clause 1 gold has been defined certain persons are specified in clause 2 (a), (b) and (c). According to clause 5 there is this difficulty. Supposing a person has got about 7 or 8 tolas of gold. Will he be required to apply to the Administrator and only after getting his sanction he will be in a position to sell his gold? A person in a village may be compelled to sell or pledge the gold that he has. Will he apply to the gold administrator. By the time permission comes, he will not be in a position to sell it or his necessity might have gone. So, I want that he may be allowed to sell it without the prior permission.

The Minister of Finance (Shri T. T. Krishnamachari): In regard to the last amendment, I think Government amendment No. 239 partly covers that situation. It would not be possible to make the disposal of undeclared gold easy.

There is one other point which I would like to mention in regard to amendment No. 239. There seems to be a mistake in printing. It says: "... but the person to or with whom such gold is sold or otherwise transferred or hypothecated, pledged, mortgaged or charged....." It should be 'charged' and not 'changed'. I think that amendment meets the position raised by Mr. Hem Raj. There is the provision in clause 4(3) also which has been passed already:

"Notwithstanding anything contained in sub-section (1) or sub-section (2), the Administrator may by or general or special order permit any person to make, manufacture....."

There is that provision. I do not think it is necessary to enlarge it any further.

Shri Hem Raj: I do not press my amendment, Sir.

Mr. Speaker: Have the hon. Members leave of the House to withdraw their amendments?

Amendments Nos. 79 and 227 were, by leave, withdrawn.

Mr. Speaker: I shall put amendments Nos. 107 and 28 to the vote of the House.

Amendments Nos. 107 and 28 were put and negatived.

Mr. Speaker: I shall put Government amendments Nos. 238 and 239 to the vote of the House.

The question is:

(i) Page 6, line 13,—

for "a permit has been obtained under sub-section (3)" substitute—

"the dealer complies with the provisions of sub-section (3)". (238).

(ii) Page 7, lines 3 and 4,—

for "under and in accordance with a permit granted by the Administrator in this behalf", substitute—

"but the person to or with whom such gold is sold or otherwise transferred or hypothecated, pledged, mortgaged or charged shall give to such officer as may be authorised by the Administrator in this behalf, intimation thereof in such form and manner and within such period as may be prescribed." (239).

The motions were adopted.

Mr. Speaker: The question is:

That clause 5, as amended, stand part of the Bill.

The motion was adopted.

Clause 5, as amended, was added to the Bill.

1986 (Ai) LSD—6

Clause 6— (*Prohibition of loans on by pothecation of gold*)

Mr. Speaker: We take up clause 6.

Shri T. T. Krishnamachari: Sir, I move my amendment No. 240.

Page 7, lines 7 and 8,—

for "unless a permit has been obtained under sub-section (3) of sections 5" substitute—

"unless the person making, advancing or granting the loan gives intimation thereof in accordance with sub-section (3) of section 5". (240).

Shri N. Dandeker: Sir, I have tabled four amendments Nos. 80, 81, 82 and 83. I am withdrawing No. 80 in view of Finance Minister's amendment No. 240 and I am therefore moving Nos. 81, 82 and 83.

(i) Page 7,—

omit lines 13 to 16. (81).

(ii) Page 7, line 19,—

omit "whether before or", (82).

(iii) Page 7, line 27,—

after "him" insert—

"after the 10th day of January, 1963". (83).

Amendment No. 81 is concerned with omitting lines 13 to 16 on page 7. Sub-clause (a) of sub-clause (2) of clause 6 reads as follows:

"No person who is a dealer whether licensed or not, shall carry on business as a dealer in the same premises in which he or any other person carries on business as a money-lender or banker involving the hypothecation, pledge, mortgage or charge of any gold."

My proposal is that this sub-clause (a) ought to be completely deleted, because I think this is entirely impracticable and also quite unnecessary. I do not see any reason at all why in the same premises a person who is a dealer may not himself carry on the business of money-lending or banking involving the hypothecation, pledge,

[Shri N. Dandekar]

mortgage or charge of any gold. So far as this matter is concerned, he is already controlled by several other provisions of the Bill. Moreover, the provision is to the effect that no dealer can carry on the business in the same premises in which "he or any other person" carries on business of money-lending or banking involving hypothecation, pledge, mortgage and so on. In large towns, in the same building, you can have one shop that is concerned with dealing in whatever is mentioned in this provision, and also another adjoining shop belonging to somebody else who is doing hypothecation and money-lending and so on and so forth. With this obligation which is thrown on the dealer under this Bill, it will compel the dealer to leave that place and find another place. I believe this is unnecessary and impracticable and therefore I move that lines 13 to 16 be deleted altogether.

Then, about amendment No. 82, my suggestion is that the words "whether before or" in line 19, page 7, should be deleted and about amendment No. 83, my suggestion is that the words, "after the 10th day of January, 1963" should be inserted after the word "him" on line 27, page 7. The only object of these two amendments is that there should be no retrospective effect beyond the 10th day of January, 1963 to the prohibitions that are contained in these particular sub-clauses. I would like to take the liberty of just saying a couple of words on them. Sub-clause (b) of clause 6(2) reads as follows:

"sell or otherwise transfer to any person any gold on the hypothecation, pledge, mortgage or charge of which he has advanced any loan, whether before or after the 10th day of January, 1963, or"

I am suggesting that this ante-dating of this prohibition to a period earlier than 10th January, 1963 should go.

Similarly, amendment No. 83 concerning line 27, at page 7, is in respect

of sub-clause (3) of clause 6. Sub-clause (3) reads as follows:

"No pawnee who is not a dealer shall sell any gold pledged with him, on the failure of the pawnor to redeem such gold, except in accordance with such conditions as may be prescribed."

My amendment is to limit the prohibition where the pledge was made with him after the 10th day of January, 1963, the object again being not to have retrospective effect to this proposal.

Shri T. T. Krishnamachari: In regard to the first amendment, amendment No. 81, the position is that the dealer cannot be a pawn-broker. That is not our intention. The pawn-broker has certain advantages which have been conceded by the amendment that I have moved before, to clause 5. Therefore, the Government cannot have the business in the same premises; otherwise, what the pawn-broker does get mixed up with the dealer's work. That is one of the ways of evasion.

In regard to the question of retrospective effect, the position is the regulation of a particular type of business. If anybody feels that on the ground he had accepted and pledged or mortgaged earlier he is free from this regulation, it is not possible. So, whether the retrospective effect affects the person adversely or not, he has to fall in line with the law as it would be after a particular date, that is, when the Gold Control Order came into being.

Mr. Speaker: I shall put amendment Nos. 81, 82 and 83 to the vote.

Amendments Nos. 81, 82 and 83 were put and negatived.

Mr. Speaker: The question is:

Page 7, lines 7 and 8,—

for "unless a permit has been obtained under sub-section (3) of section 5" substitute—

"unless the person making, advancing or granting the loan gives intimation thereof in accordance with sub-section (3) of section 5". (240).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7— (*Licensing of dealers*).

Shri Dinen Bhattacharya (Serampore): I beg to move:

(i) Page 7,—

For lines 35 to 38, substitute—

"(2) A licence under this section, shall be subject to such conditions and restrictions, not inconsistent with or repugnant to any provision of this Act, as may be prescribed." (29)

(ii) Page 8, line 3,—

for "thirty days" substitute—

for "thirty days". (30)

(iii) Page 8,—

after line 5, insert—

"Explanation.—'Registered under any law with respect to sales tax' as appearing in this sub-section refer to such registration in respect of any trade or business in gold and article made of gold only, and no person who is a dealer and is registered under any law with respect to sales tax for any other trade or business, shall, because of such registration, be required to make an application for issue of a licence under this sub-section." (31)

(iv) Page 9,—

after line 2, insert—

"(7A) Any person aggrieved by an order of the Administrator rejecting an application for issue of a licence under this section or cancelling a licence under section 9 may, within thirty days from the date on which the said order is communicated to him, prefer an appeal to such Appellate Authority, as may be prescribed, and such Authority, shall dispose of such appeal after giving the parties concerned an opportunity of being heard, and after taking such evidence as may be necessary in cases where the Authority considers taking of evidence to be necessary for the ends of justice." (32).

Shri N. Dandeker: I beg to move:

(i) Page 8, line 29,—

omit "incorrect or". (84).

Shri Hem Raj: I beg to move:

Page 7, lines 37 and 28,—

omit "different conditions and restrictions may be imposed for different classes of dealers". (229)

Shri Narendra Singh Mahida (Anand): I want to move amendment Nos. 109, 110, 111 and 112.

Mr. Speaker: Earlier, identical amendments have already been moved. So, they are barred.

Shri Dinen Bhattacharya: Sir, my amendments are very simply. They are in respect of some appeal. I have suggested the insertion of the following words but for—lack of time—but I am not repeating them. The insertion of these lines is very important. I am referring to the lines to be inserted after line 2, page 9. There is no provision for appeal if any petition or application for a licence is rejected by the administrator. So, I have suggested this amendment.

Shri T. T. Krishnamachari: My friend is arguing. But if he wants the number of days to be extended from 30 to 60, I am prepared to agree.

Mr. Speaker: He agrees; so, the hon. Member has achieved his point.

Shri Dinen Bhattacharya: That is in regard to amendment No. 30. I am thankful to him for accepting it, but I am now speaking on amendment No. 32. Here, I think the Minister should consider about the provision for appeals. Where will the person go, if the petition is rejected? He must get a chance to put in some appeal before some appellate authority. There is no such provision in this Bill.

Mr. Speaker: That is all right. Shri Dandeker:

Shri N. Dandeker: Sir, mine is a simple amendment. It is to omit the words "incorrect or", in the proviso in line 29, page 8. This proviso is concerned with the point that no application for the issue of a licence made by a dealer registered under any law, etc., shall be rejected unless the administrator is satisfied that any statements made in the application for the issue of the licence are incorrect or false in material particulars and so on. Errors of all sorts or kinds and nature can creep in. I agree that if the statements made by the applicant are false in material particulars or the applicant for the licence is contravening any of the provisions of the Bill or of other enactments, the application can be rejected, but the presence of an error, a mere error, ought not to be the ground, for the application to be rejected. I am, therefore, suggesting that the words "incorrect or" should be deleted so that it is only in respect of serious lapses on the part of the person applying for a licence that the application is liable to be rejected.

Shri Hem Raj: My amendment is to sub-clause (2) of clause 7 and it seeks to omit the words "and different conditions and restrictions may be imposed for different clauses of dealers". This leads to a grave suspicion and some corruption also. Therefore, I want that the restrictions

must be the same for everybody, and no discrimination should be made and should be left with anybody. I therefore want that these words should be deleted.

Shri Nambiar (Tiruchirapalli): I support amendment Nos. 29, 30, 31 and 32.

Mr. Speaker: He does not know that amendment Nos. 30 has been accepted already.

Shri Nambiar: Then, I am very thankful. In my absence it was accepted.

Mr. Speaker: He might not know about other things also.

Shri Nambiar: That was accepted in my absence. He does not want to accept any amendment in my presence!

Mr. Speaker: Would it not serve his purpose if he goes out again?

Shri Nambiar: I am prepared to go out, Sir. The Minister has not accepted amendment No. 32. I want that an aggrieved person should have the opportunity to go on appeal.

Shri N. C. Chatterjee (Burdwan): I rise to support amendment No. 32, Sir. The Administrator is given very wide powers, almost dictatorial powers and they are likely to be abused. Therefore, it is only proper that if a person is genuinely aggrieved, he should have a chance of making an appeal to an appellate authority. The appellate authority will have to function under the Government and under this Act. It is only fair that when you vest the Administrator with very wide discretion, the citizen must have a chance of preferring one appeal to the appellate authority. The amendment says:

"Any person aggrieved by an order of the Administrator rejecting an application for issue of a licence or cancelling a licence

—it may practically deprive him dealers". This leads to a grave of the means of his livelihood—

"may, within thirty days from the date on which the said order is communicated to him, prefer an appeal to such Appellate Authority as may be prescribed...." etc.

Therefore, I wish to appeal to the Minister to consider this suggestion sympathetically. Let the man have one chance at least to have his say before a higher authority against any refusal to grant a licence or still more drastic, cancellation of a licence.

श्री बाल्मीकी (खुर्जा) : अध्यक्ष महोदय, धारा 7 पर जो अमेंडमेंट 29, 30 और 31 हैं उन में मेरा नाम भी है। मैं कहना चाहता हूँ कि उन में यह है . . .

अध्यक्ष महोदय : अमेंडमेंट को पढ़ने की आवश्यकता नहीं है।

श्री बाल्मीकी : धारा 7 में जहाँ पर लाइसेंस का शब्द आता है वहाँ कुछ न कुछ झुंटाचार की सम्भावना होती है, अधिकारियों की ओर से भी और दूसरी तरफ से भी। इसलिये यह शब्द मुझे खटकते हैं जो लिखा हुआ है कि "मे थिक"। "मे थिक" का मतलब है कि उस अधिकारी की इच्छा पर है कि वह अपनी शक्ति का उपयोग करे या दुरुपयोग करे। मैं माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूँ कि ऐसा अधिकारी ईमानदार और अच्छे ढंग का होना चाहिये, यह एक अलग बात है। यहाँ यह बात जरूर है कि इस धारा से सम्बन्धित रूल बनाये जायेंगे, और तगड़े ढंग से निश्चयपूर्वक उस रूल को निर्धारित किया जायेगा ताकि अधिकारी जो है वह अपनी शक्ति का दुरुपयोग न करे, बल्कि उस की शक्ति को सीमित किया जायेगा।

जहाँ तक 30 दिन की बात है, मैं उसे 60 दिन चाहता हूँ और यह भी चाहता हूँ कि अपील का अधिकार रहे।

Shri Narendra Singh Mahida: I also request the Minister to provide for the provision of an appeal, because the powers of the Administrator are very wide.

Shri T. T. Krishnamachari: With regard to amendment No. 229 moved by Shri Hem Raj, I cannot accept it, because there are different rules which may be prescribed for different conditions. I do not think there is any question of any discrimination in this matter.

Regarding amendment No. 84 seeking omission of the word 'incorrect', this has been thrashed out at considerable length. In fact, what is incorrect must be incorrect in material particulars. A casual mistake will not bring a person within the mischief of the law. Therefore, it is not necessary to have that amendment.

In regard to amendment Nos. 32 and 112, about which several hon. Members spoke, I would like them to refer to clause 30(2)(b) which provides for the Administrator delegating the power. I do not think, in view of that, it is necessary to accept the amendment, even for the purpose of safeguarding the position envisaged by the hon. Members.

Mr. Speaker: I shall now put amendment No. 30 by Shri Dinan Bhattacharya to the House.

The question is:

Page 8, line 3,

for "thirty days" substitute—
"sixty days". (30)

The motion was adopted.

Mr. Deputy-Speaker: I shall now put amendments Nos. 31, 32, 229, 84 and 29.

Amendments 29, 31, 32, 84 and 229 were put and negatived.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order, Sir. As the debate on the Gold Control Bill is progressing towards its inevitable denouement, I am sure you will agree there should be quorum in the House.

Mr. Speaker: What an introduction and what a result! The bell is being rung. Now there is quorum.

Dr. M. S. Aney (Nagpur): On a point of order, Sir. Amendment No. 32 will have to be put separately after clause 7 is voted, because it seeks to introduce a new clause 7A.

Mr. Speaker: He will realise that the House has rejected the amendment. Therefore, there is no change or modification.

The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

13:39 hours.

[MR. DEPUTY-SPEAKER in the Chair]

Clause 8— (Licensing of refiners).

Shri N. Dandekar: I beg to move:

Page 9, omit lines 21 to 25. (85).

The Sub-clause, here is very similar but little worse than the earlier one.

The sub-clause which I am seeking to omit reads thus:

"A person to whom a licence to carry on business as a refiner is issued under sub-section (1) shall not carry on business as such refiner in the same premises in which he or any other person carries on business as a dealer or business as a money-lender or

banker involving the hypothecation, pledge, mortgage or charge of any gold."

I would not like to repeat the arguments, but we are getting deeper into this. What does 'same premises' mean? In Bombay, Sir, you get all sorts of people carrying on all kinds of businesses in one building. Will that whole building be considered as one premises or will a particular portion of that premises occupied by a particular tenant be considered as one premises for this purpose, so that if I am carrying on the business of refining there is no objection if next door in the same building there is another sub-tenant carrying on a dealer's business and yet another one, next door to him, carrying on the business of hypothecation, pledge, mortgage or charge of gold? I think Sir, this provision, that people should not be living in the same building or carrying on business in the same building, if accepted, will make it impracticable in a place like Bombay. If, on the other hand, same premises mean the same man or some physical area, so to speak, for doing the business of refining and also doing pawn-broker work etc., one would have less objection to this. But the provision here seems to be both impracticable and unnecessary.

Shri T. T. Krishnamachari: Sir, I have made my position very clear that it is not possible for a person who is licensed for a particular purpose, as refiner or any other work, to do any other business.

Shri N. Dandekar: In the same premises, not the same person.

Mr. Deputy-Speaker: The question is:

Page 9, omit lines 21 to 25. (85).

The motion was negatived.

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9— (Cancellation of licences) by Administrator

Shri N. Dandekar: Sir, I beg to move:

Page 10, line 38,—

omit "incorrect or". (86).

Sir, this is again in line with the amendment I moved earlier. The clause reads like this:

"A licence granted under section 7 or section 8 may be cancelled by the Administrator if he is satisfied that any statements made in the application for the issue of the licence or in relation to the licence are incorrect or false in material particulars . . ."

Again, I think, if we are to leave it to the judgment of the Administrator whether anything said in the application was incorrect or false and whether it was material or not, anything can be said to be incorrect and material. Therefore, I suggest that the words "incorrect or" may be deleted, so that only false material particulars would be relevant for cancellation of a licence.

Shri T. T. Krishnamachari: I have already stated my reasons. It has been canvassed before.

Mr. Deputy-Speaker: The question is:

Page 10, line 38,—

omit "incorrect or". (86).

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10, 11 and 12 were added to the Bill.

Clause 13— (Certified goldsmiths)

Shri T. T. Krishnamachari: Sir, I beg to move:

Page 13, line 13,—

for "one hundred grammes", substitute "one hundred and fifty grammes". (241).

Shri Nambiar: Sir, I beg to move:

(i) Page 13, line 13,—

for "one hundred grammes" substitute—

"three hundred grammes". (10).

(ii) Page 11, line 36,—

for "hired labour" substitute—

"hired labourers exceeding two in number". (33).

(iii) Page 11, line 39,—

for "10th day of January, 1963" substitute—

"commencement of this Act, or if he has undergone training with a certified goldsmith, or in any Government institute, or any institute maintained for the purpose of such training for a period of one year or more". (34).

(iv) Page 11, lines 40 and 41—

omit "or a certified goldsmith or other dealer". (35).

(v) Page 12,—omit lines 5 and 6. (36).

(vi) Page 13, line 8,—

after "or" insert "purifying or". (37).

[Shri Nambiar]

(vii) Page 13, line 13,—

after "grammes" insert
"above the quantity". (38).

(viii) Page 13,—

after line 14, insert—

"(7A) Any person aggrieved by an order rejecting an application for grant of a certificate made under sub-section (3) or by order cancelling a certificate under sub-section (5) may within thirty days from the date, on which the said order is communicated to him, appeal to such Appellate Authority as may be prescribed and such Authority shall dispose of such appeal in the manner laid down in sub-section (7A) of section 7." (39).

(ix) page 13, line 21,—

after "polishing" insert "and the like". (40).

Shri Solanki (Klara): Sir, I beg to move:

Page 13, line 13,—

for "one hundred grammes"
substitute—
"gold". (89).

Shri Nambiar: Sir, my amendment No. 10 says that on page 13, line 13,— for "one hundred grammes" substitute "three hundred grammes". The proviso here reads like this:

"Provided that a certified goldsmith shall not have at any time in his possession, custody or control any quantity of such primary gold in excess of one hundred grammes obtained in the process of making, manufacturing, or preparing new ornament or ornaments."

The hon. Minister has agreed to raise it up to 150 grammes. My amendment seeks to raise it to 300 grammes. The reason why the hon. Minister has

himself raised it from 100 grammer to 150 grammes applies to my claim for raising it from 150 grammes to 300 grammes. The provision is that if any dealer or any goldsmith is in possession of gold more than this quantity he will be hauled up under the law. He is not allowed to keep more than this quantity. Sir, it is not practically possible for anybody to have only 150 grammes and do some work. After all, gold weighs much. 150 grammes will be too small a quantity that he cannot do anything with it. Therefore, if at all he is to be allowed to use it for the purpose of making an ornament or ornaments, he must have at least 300 grammes. If people are allowed to have only less than 300 grammes, they will find it very difficult to do any work. Whatever law we pass must be practicable to be implemented. Supposing a person keeps a small piece of gold under his teeth or tongue nobody can know it. Therefore, the limit must be of some value, some dimension and some weight. The hon. Minister realised the mistake or the futility of allowing only 100 grammes and therefore he raised to 150 grammes. If it is a question of cotton or some such thing a rise of 50 grammes in weight will show a big difference. But gold weighs much. With 150 grammes a dealer cannot be anything. I would, therefore, request the hon. Minister to accept my amendment.

My amendment No. 36 is also very important. By this I seek to omit lines 5 and 6 on page 12. This has been introduced by the Joint Committee. Instead of giving some benefit to the people the Joint Committee has put some restrictions. Sub-clause (b) reads like this:

"(b) make, manufacture or prepare, new ornament or ornaments from that ornament or these ornaments subject to such restrictions relating to the purity and weight of gold contained in the new ornament or ornaments as may be prescribed."

My amendment seeks to delete the last two lines:

"subject to such restrictions relating to the purity and weight of gold contained in the new ornament or ornaments as may be prescribed."

Then the clause will read like this:

"(b) make, manufacture or prepare, new ornament or ornaments from that ornament or those ornaments."

This omission is required because when you melt gold the purity may change, it may change in weight, it may lose some weight or some other thing may be added and it may gain some weight. Therefore, if you put this restriction that it should be exactly of the same purity, weight etc., it will not be practicable. After all, we are not preparing a rocket to the moon or to the stars where the timing must be so exact as to work correctly. There we have got to comply with all sorts of procedure. But here it is not a thing like that. So, let us not make ourselves a laughing stock by the law that we enact. He can without any difficulty delete them. If the quantity of gold in the ornament is not exceeded, there is no reason why the customer should not be permitted to convert it to a higher purity; if it is made of inferior quality gold, he should be permitted to convert it to superior quality gold. Similarly, in relation to weight, as I have pointed out, the artisans have to follow many processes like melting, filing, boring, polishing etc. In the process, there may be change in the quantity of gold because some alloy may be added to it. As the hon. Minister has stated that it is not his intention to harass the goldsmiths or the dealers or users to the extent possible I see no reason why such unnecessary restrictions should not be removed.

Though I have given notice of and moved many amendments, I would specially request the Finance Minister

to accept my two amendments, namely, No. 10 and 36. Amendment No. 10 says that the minimum may be raised from 150 grams to 300 grams.

Shri Solanki: I have moved my amendment No. 89, My hon. friend has just now stressed the difficulties that people will have to face if they make new ornaments out of old one and wanted the limit raised to 300 grams. I would like to go a little farther and say that there should be no quantity restrictions at all. Because, at the time of making new ornaments out of old ones, suppose it is felt by the craftsman or the people who are working on it that some more gold should be added to it, it is very difficult to do so now because of this restriction. Therefore, I would request the hon. Finance Minister to consider this suggestion of doing away with the restriction completely.

Shri N. C. Chatterjee: I think the hon. Finance Minister has appreciated the point that even the self-styled goldsmiths require something more than the prescribed minimum of 100 grams. I am happy to hear that he is raising it to 150 grams. If he allow a little more than 150 grams, I think it will alleviate much distress. But I am more concerned with the favourable consideration of amendment No. 33. It is a very vital amendment which should receive the attention of the House. The clause, as it stands, completely bans every self-employed goldsmith from employing any hired labour. I may point out this is an inhibition which is not in the interest of business; a total prohibition against the employment of any hired labour is likely to lead to many complications and unwanted hardship. In the complete manufacture of an ornament a particular worker or goldsmith may not be completely able to do full justice to it. Suppose a certain type of polishing or a certain type of other technical quality is required he has to get it done through some other worker. Therefore, it is absolutely

[Shri N. C. Chatterjee]

essential that he should have at least one or two hired labour. Not only will this not go against the spirit of the clause but it will make the clause more effective and more businesslike. Suppose a goldsmith falls ill and cannot attend to his business; under the present law it will mean the closure of his business because it is one man's business and you do not allow any hired labour. Now you are not allowing any large-scale manufacture; you want to encourage only self-styled goldsmiths. Suppose such a goldsmith dies; his son cannot carry on the business unless he applies for a certificate and gets it. In the mean time, his business would come to a complete standstill. In my part of the country, and possibly in other parts too, the traditional system is to have one or two men fully trained in that particular shop or that particular line, and that system has been very useful. This is a specialised art which requires special training; not merely training in a school or a college; it entails training in actual manufacture in a shop. That traditional system should be allowed to continue. If you completely ban even the apprentices or hired labour, even one or two people, then the whole traditional system would break down and that will lead to a paralysis of the trade and not lead to continuity or efficiency. I submit the Finance Minister's object will be completely achieved if he allows only one or two hired workers. Therefore, I am suggesting, do not throw the whole trade into jeopardy; give them some latitude. They will be functioning under the Administrator, functioning under the surveillance, functioning under very strict control and so this provision will be for the good of the trade and for making this Bill effective and for making the self-styled goldsmiths work properly and to the advantage of the community.

Dr. M. S. Aney: I support this amendment, particularly the one about hired labour, because we have

seen that goldsmiths generally have one or two persons as apprentices to work with them. The old goldsmith cannot execute any order without the help of these apprentices. Now, the object of the Finance Minister is not to do away with the goldsmiths. In fact, he says he wants to give them as much help as possible within the framework of the law. If the clause stands as it is, it is very likely that in the case of several goldsmiths it would be impossible to carry on or undertake any work at all. Though the term hired labour may look sinister, as every goldsmith can carry on his work only with the help of apprentices, it should be allowed as a matter of course. You may impose some conditions for their employment but in one form or other it should be allowed. So far as the first part is concerned, I also feel that it is a reasonable amendment which the Finance Minister should accept.

Shri Hem Raj: Under sub-clause (b) of clause 13, authority has been given to the Administrator to impose certain restrictions. On the one hand, we are giving freedom to any person to go to any self-styled goldsmith and get his ornaments changed into a different pattern of the same purity. But the actual words in the clause are:

"new ornament or ornaments from that ornaments or those ornaments subject to such restrictions relating to the purity and weight of gold contained in the new ornament or ornaments as may be prescribed".

This means that the Administrator will have the power to get these gold ornaments turned into ornaments of a lower purity, which is an anomalous position. Therefore, I want the hon. Minister to clarify whether these restrictions which the Administrator will impose on the goldsmiths while granting the licences will not compel them to make ornaments only of a lower

purity rather than of the purity which the customer wants.

Secondly, as my learned friends on the other side, including the great lawyer, have put it, on single individual can do this business. It requires the assistance of at least one or two more people. Even to use the hammer, another person is required.

Shri Ranga (Chittoor): Generally his wife would be helping him.

Shri T. T. Krishnamachari: Wife or members of the family are not covered by the term 'hired labour'.

Shri Hem Raj: So, I would request that every goldsmith may be allowed to have, say, two apprentices with him so that he may be able to carry on the business.

14 hrs.

Shri Narendra Singh Mahida: Sir, though my amendment is barred, I support Shri N. C. Chatterjee. Clause 13 mainly relates to self-employed goldsmiths. Of course, whether it includes wives and relatives or not is for the hon. Minister to explain. But I will submit to the hon. Minister that a very great industry, the muslin cloth industry in Bengal, has disappeared from this country. The whole sheet used to pass through a ring. Now that art is gone and this art will go too if the hon. Minister is not careful about the goldsmiths. If he wants to drive away the goldsmiths from their trade, he can have all the credit for it or for killing it. But if he wants the goldsmiths to be employed, to develop their art and keep it alive, I would request him to include "hired labourers" in this clause, that is, include over, and above himself, his relatives and apprentices.

श्री बाल्मीकी: उपाध्यक्ष महोदय, इस धारा के अनुसार स्वर्णकारों को स्वतंत्र रूप से काम करने का जो अधिकार दिया जा रहा है, वह अच्छी बात है। मैं चाहता हूँ कि उनको इस

विधेयक से, गोल्ड कंट्रोल एक्ट से प्रभावित न होना पड़े और स्वतंत्र रूप से उनको कार्य करने की छूट मिले। जो बड़े बड़े सराफ सोने का काम करने वाले हैं तथा जो रिफाइनरीज हैं उनके शोषण से भी अगर उनको मुक्ति मिल सके तो वह वांछनीय ही होगा। बंश परम्परा से इस काम को करते आ रहे हैं। इस वास्ते यह जो कला है, इसको मिटने नहीं देना चाहिये। जिस कलापूर्ण ढंग से यह काम चलता है और कितने व्यक्तियों को इस काम को करना पड़ता है, उस तरफ आपका ध्यान जाना चाहिये। एक ही कर्मचारी इस सारे काम को नहीं कर सकता है, एक कर्मचारी ही सारे काम को नहीं चला सकता है। इस वास्ते मैं चाहता हूँ कि जहाँ पर "हायर्ड लेबर" शब्द आये हैं वहाँ पर हायर्ड लेबरज्ज कर दिये जायें ताकि दो या दो से अधिक व्यक्ति इस में आ जायें। इसका कारण यह है कि बीमारी की हालत में या किसी दूसरी दशा में जब उसे छुट्टी लेनी पड़ती है तो उसको दूसरे आदमियों की दो से अधिक आदमियों की आवश्यकता पड़ सकती है। इस वास्ते उसको अधिकार मिलना चाहिये कि वह अधिक आदमी रख सके और काम सिखा भी सके।

आप यह भी देखें कि जो सोने का बड़ा काम करने वाले हैं वे भी आ कर छोटे काम करने वाले स्वर्णकारों से ही काम कराते हैं और ये स्वतंत्र रूप से और उनके अधीन ही कर भी काम करते हैं। चाहे पुराना जेवर हां या नया, अगर उसके पास सोना होता है तभी वह उस जेवर को बना सकता है। लेकिन प्योरिफाई वर्ड यहाँ पर नहीं है। वह भी होना चाहिये। उसे शुद्धिकरण का अधिकार भी मिलना चाहिये। साथ ही जो अधिकारी स्वर्णकारों की देखरेख करने के लिए नियुक्त किये जायें वे स्वर्णकारों की कठिनाइयों को समझने वाले हों, इस धातु का जो भी काम होता है उसको वे समझते हों। यह अच्छी बात है कि आपने उसके पास जो सोने की मात्रा रहती है, उसको

[श्री बल्मीकी]

बढ़ा दिया है। अगर उसको आधे तोले की अंगूठी बनाने के लिए दी जाए तो उसको उस अंगूठी को बनाने के लिए एक तोला या उससे भी अधिक सोना काम में लाना पड़ता है। जहाँ आप सौ के बजाय डेढ़ सौ ग्राम कर रहे हैं वहाँ मेरा मुझाव यह है कि "एवव दो क्वांटिटी शब्द" इउ में इंसर्ट कर दिये जायें। यह बहुत आवश्यक है।

शुद्धीकरण का अधिकार भी उसको दिया जाना चाहिये और वह शब्द भी इस में आना चाहिये।

Shri T. T. Krishnamachari: Sir, with regard to the quantity of primary gold, we have increased it from 100 to 150 grammes and I am unable to go beyond it.

One particular point that has been made by hon. Members and by my respected friend, Dr. Aney, I am prepared to accept a variation of amendment No. 33. Of course, I do not say the language is very felicitous. If the amendment is altered to say, instead of the words "hired labour", "more than one hired labourer", perhaps it would be alright. Of course, I do not like the language, but that seems to be the only thing that can fit in. It will then read: "sub-section (4) of that section and who does not employ more than one hired labourer in actually making". I could accept that.

Shri Nambiar: I accept it.

Shri T. T. Krishnamachari: So far as other points made by hon. Members are concerned, that is, the question of purity, what can be done in regard to purification otherwise than by the normal process? That does not effect anyone. But if it is a question of using any particular processes beyond what a goldsmith does, that is what will attract this. I can assure hon. Members that I do not think we have any intention to put any

goldsmith to any embarrassing position at all.

Shri Hem Raj: It should be made clear in the rules at least.

Shri T. T. Krishnamachari: We will place the rules on the Table of the House. If any hon. Member wants to make any suggestion, it would be considered.

So far as going back on anything that the Joint Committee has done, I have not got the courage to do so.

Shri Nambiar: As regards my amendment No. 36, that insertion which has been made is not practically necessary.

Shri T. T. Krishnamachari: To omit lines 5 and 6?

Shri Nambiar: Yes.

Shri T. T. Krishnamachari: I am not prepared to go back on what the Joint Committee has said.

Mr. Deputy-Speaker: The question is:

Page 13, line 13,—

for "one hundred grammes",
substitute "one hundred and
fifty grammes". (241).

The motion was adopted.

Mr. Deputy-Speaker: Now I will put to the vote of the House amendment No. 33, as amended by the hon. Minister. The question is:

Page 11, line 36,—

for "hired labour" substitute—
"more than one hired labourer".
(33).

The motion was adopted.

Mr. Deputy-Speaker: I shall now put all the other amendments to the vote of the House.

The Amendments Nos 10,34 to 40 and 89 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

Clause 15—(Special provision regarding public religious institutions).

Shri Solanki: Sir, I beg to move:—

Page 14,—

(i) line 32,—

for "fourteen" substitute—

"twenty-two";

(ii) line 34,—

for "fourteen" substitute—

"twenty-two"; and

(iii) line 39,—

for "fourteen" substitute—

"twenty-two". (90).

Yesterday I had pressed for an identical amendment saying that 14 carat is of less utility and is not very practical.

Mr. Deputy-Speaker: That was lost. The House voted it down.

Shri Solanki: That was to another clause.

Mr. Deputy-Speaker: All right.

Shri Solanki: In the same way I would request the hon. Minister to consider this and increase 14 carat to 22 carat. Even in the Report of the Joint Committee it has been stated emphatically:—

"I have failed to understand which is more basic to the declared objective of Gold Control Policy—a reduction in the internal demand for gold for the making of ornaments or the 14 carat rule."

I was reading from Shri Tridib Kumar Chaudhuri's minute of dissent to the Joint Committee's Report. This is felt by a large section of the people outside also. I hope, the hon. Minister will consider this amendment.

Shri Nambiar: I have only this to add to what he has said. I also pleaded with him yesterday and was suggesting, as a *via media* between 14 carat and 22 carat, 18 carat. I stood for 18 carat yesterday and still stand for 18 carat. I do not know how many times more I will have to stand for 18 carat. If 22 carat is not practical, at least he might change it and accept it 18 carat; otherwise, as I said yesterday, it is not at all good. Let us not put it at 14 carat. It is no gold. If there is 14 carat paper gold, that will be good. The hon. Minister must also realise the practical difficulties of the people and the actual feeling of the entire country behind 14 carat and see that the 14 carat is thrown out. During the days of rationing when we had six ounces of ration, the Government was called "Six ounce government"; hereafter the Government may be called "14 carat government". That is not going to be a good thing. Therefore, let them not unnecessarily get a bad name and do nothing good to the country. Therefore, at least let them do good to the country and remove that bad name. It is only an appeal, for we have no other go. If he accepts it well and good, otherwise let the House decide.

Shri H. N. Mukerjee (Calcutta Central): Sir I would not have intervened in this, but I feel that perhaps Government might conceivably make a gesture. After all, the objective of gold control is something which should not be identified with this

(Shri H. N. Mukerjee.)

pushing out of the 22 carat idea and introduction of the 14 carat. I do not know much about these things, but it does seem to be the case that the artistic side of the manufacture of ornaments, which has a very special importance—it might even help us to earn some foreign exchange if we really set about the business in the right direction—the artistic side is vitiated by our goldsmiths having to operate on this 14 carat proposition. I do not quite know. Some Members have gone even so far as to say that the marriages in the present day are being celebrated where 22 carat gold ornaments are being presented. I do not know. I hope that the law is observed and that in the jewellery shops we get 14 carat gold ornaments and not the other variety. But if it is necessary for aesthetic purposes to use 22 carat, or perhaps even the 18 carat, gold we should reconsider this matter.

Then again, in relation to this mangal sutram or something, after all the sentiments of the people should be respected. If our basic objectives are that we try to prevent smuggling and try to bring down the price of gold or prevent erosion into our foreign-exchange resources and all the rest of it, those objectives can be very well satisfied without having this controversy between 14 carat and 22 carat and all the rest of that sort of thing.

So I do feel that if Government has got the line-clear from the aesthetic point of view, namely that with 14 carat gold, whatever it is, we can manufacture the right kind of thing, I have nothing to say. But if Government has got from people who are in the know that Indian goldsmiths with their traditional ability cannot manipulate and manufacture the right kind of stuff with 14 carat gold, then he has got to consider that something ought to be done.

Therefore, keeping in view the basic objectives of gold control, with which we are all in agreement, he should make a concession which is in the aesthetic interests of manufacture and also in the interests of foreign exchange earnings.

Shri Nambiar: At least for mangal sutram.

Shri T. T. Krishnamachari: Sir, the position is, if my hon. friend will permit me....

Shri H. N. Mukerjee: I do.

Shri T. T. Krishnamachari: clause 15 applies only to religious institutions. This is a special provision in regard to religious institutions, and this has also been framed with the knowledge and consent of the managers of these institutions. What is provided is, they can receive any offering in any purity and they can convert the ornaments into ornaments, for the purpose of use in the religious institution, with permission, of any purity. But once they want to sell it, they have to go to the refinery. And this is only in regard to what is received as offering in the temple or church or any other religious institution. Once they want to sell it and convert it into money, they have to go to the refinery. And once it goes to the refinery it cannot be sold except as 14 carat gold.

I quit realise what my hon. friend has said in regard to the aesthetic susceptibilities of people in regard to existing ornaments. That is a different thing. This clause does not apply to that.

For exports we are safeguarding; exports are needed in a particular purity, and people work under a bond, under scrutiny. There is no difficulty about that.

But this particular clause, if I may humbly point out to my hon. friend, relates only to religious institutions.

And we have given them the maximum freedom to use that ornament in the same purity; if they want to make another jewel for the idol and so on, they may do so. But once they want to sell it and convert it into cash, it has to go to the refinery and then converted into 14 carat. That is all that this clause 15 relates to.

Shri Nambiar: May I seek a clarification? You know, throughout India in Hindu temples marriages are performed. At least on marriage occasions in the temples, will the temple authorities be permitted to give gold of the purity of 22 carat, at least for mangal sutram? That is the purpose.

Mr. Deputy-Speaker: For the marriages of the idols they could use.

Shri T. T. Krishnamachari: This concerns only the property of the temple.

Shri Nambiar: Just like the purohit does the marriage ceremony, let him also give the mangal sutram, for which the parties will pay to the temple. From the temples it may be given. Let that be allowed as a permitted thing.

Shri Narendra Singh Mahida: May I put a question. There is the temple of Ambaji in Gujarat, where people have donated various ornaments to the goddess, and there is a system there that the temple authorities give the ornament in return as prasadam. How do we use those ornaments?

Shri T. T. Krishnamachari: They cannot give. I am afraid that extent there is a restriction on the religious custom. They cannot give the gold away. You may probably offer the prasad and take it away; they can keep the plate and take it back. Some such thing may be done, without its being construed as a property of the temple. But once it becomes the property of the temple, clause 15 will apply.

Shri Nambiar: The mangal sutram may be sold by the temple.

Shri T. T. Krishnamachari: Temples have not got anything to do with mangal sutram.

Mr. Deputy-Speaker: I will now put amendment No. 90 to the vote of the House.

The Amendment No. 90 was put and negatived

Mr. Deputy-Speaker: The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16— (*Declaration as to possession of Gold other than ornaments.*)

Shri N. Dandekar: I beg to move:

Page 17,—

after line 38, insert—

"(6A) In computing the exemption limits for the members of one family comprising of husband, wife and children the total weight of the available gold shall be taken into account irrespective of whether there are separate pieces or pieces within the exempted limit for each member of the family."
(91).

This amendment is concerned with inserting a very important additional sub-clause after line 38, as I have drafted in the amendment. To understand this, sub-clause 6 has to be seen. Sub-sub-clause (a) of sub-clause (6) permits minors to own 20 grammes without making a declaration. Sub-sub-clause (b) permits other individuals, that is to say, individuals other than minors, without making a declaration to hold up to 50 grammes. Then there is a proviso which refers to gold owned by a family. Here I must point out that according to law, in a Hindu family, individuals (including minors) can own properties as such, and the family

(Shri N. Dandekar.)

as such can also own property. Here sub-sub-clause (a) refers to minors owning only as individuals, and sub-sub-clause (b) refers to majors owning as individuals, and the proviso says that gold owned by a family could be up to 100 grammes.

The object of the new sub-clause I am suggesting is this. There might well be, even in respect of a family as defined here—the husband, the wife and one or more minor children—that they could have gold within the limits stated in their individual ownership, and the family as such could also own gold up to 100 grammes. In order to make it clear that these several rights are safeguarded, what I am suggesting is that in computing the exemption limits for the members of one family comprising of husband, wife and two minor children, the aggregate weight of the available gold that can be owned without declaration shall be taken into account irrespective of whether there are separate pieces or pieces within the exempted limit for each member of the family. I hope that that is the intention, because that clearly is the consequence of the previous provisions. When I was discussing this, I was informed that possibly it may not be construed that way, and, therefore, I am merely putting in a sub-clause that makes it quite clear that family ownership is distinct from individual ownership in these cases.

Shri T. T. Krishnamachari: This particular provision has been put in after it has been looked into by the Joint Committee. I really cannot quite comprehend what the hon. Member intends to do about it. In fact, I cannot quite visualise it. My legal advisers cannot visualise what is intended by the hon. Members. If he had said that the quantity specified was not adequate or something like that, then that would be understandable. But the point is that I really cannot understand what is sought to be served by this amendment.

Shri N. Dandekar: If I may give an example of a well-known position in the income-tax law, with which I am sure the hon. Finance Minister is familiar, the members of a family can own property as individuals; in addition to that, the family also *qua* family can own property as a distinct person in law. In fact, the provision here does talk about the gold owned by a family, whereas sub-clause (6) (a) refers to gold owned by a minor, for sub-clause (6) (b) refers to gold owned by the individuals. All that I am trying to do—my draftsmanship may not be so good because I have not got the assistance of expert draftsmen—is this, namely, to make it clear that these ownerships are distinct.

In other words, just to take a concrete example, if there is a husband and wife with two minor children, the husband can have 50 gms without making a declaration as his ownership, the wife can have 50 gms as her ownership without the necessity of having to make a declaration, and the two minors can own, as is provided here, 20 gms each without making a declaration; and in addition the family as a whole, as a separate legal entity, can have 100 gms without the family as such making a declaration. That seems to be clearly the consequence of the provisions, but because of the confusion that exists—and frankly I cannot say that the confusion does not exist—I am suggesting this particular sub-clause.

Mr. Deputy-Speaker: Is the hon. Minister agreeable to this?

Shri T. T. Krishnamachari: As a matter of fact, I labour under the same difficulty as the hon. Member opposition not being a competent enough draftsman. I have read along with my draftsmen the provisos that have been put in by the Joint Committee and I think that they cover the position. I really cannot see how the position can be improved by any alteration. In fact, I am told that there is

no contradiction in law as it is, because it only requires a declaration. It is not a question of any surrender they are not being asked to surrender. It is only a matter of declaration.

Shri M. E. Masani (Rajkot): If I may be of some little help to Shri Dandekar and the hon. Minister I think the effect of the present proviso in the Bill as it has emerged from the Joint Committee is that the family as a hole can have 100 gms. between its members; it does not matter how it is divided. But if Shri Dandekar's amendment is accepted they can have 140 gms. that is 50 gms. for the husband, 50 gms. for the wife and 20 gms. for each of the two minor children, so that the total would be 140 gms.

Shri T. T. Krishnamachari: If my hon. friend wants the limit to be 140 gms. let him say so. If he says that it should be 140 gms I am quite prepared to make the necessary change . . .

Shri N. Dandekar: No, Sir, May I explain the position by taking a concrete example? The husband can have 50 gms. on his own right and the wife can have 50 gms. on her own right, both under sub-clause 6 (b), and the two minor children can have 20 gms. each in their own right under sub-clause (6) (a). That makes a total of 140 gms. in individual rights. Then, 100 gms. is the quantity permitted under the proviso specifically which can be owned by the family as such, as a separate entity. That would be another 100 gms. I want to make it clear that the aggregate would be 240 gms., for the whole group. That is the effect of this amendment.

Shri T. T. Krishnamachari: The fact must be specifically stated that there must be some limit beyond which a person should declare. If my hon. friend thinks that the figure given in the proviso is small let him say so; if he says that the figure mentioned in the first proviso should be some specified figure, I can understand it. But I do not want to leave it vague,

because it will lead to administrative difficulties and harassment also. It is better to fix a particular figure.

Shri N. C. Chatterjee: It is allowed under the income-tax law as well as the wealth tax law. A coparcenary is a separate legal person, and it is almost a body-corporate, and it has a separate existence. Therefore, that personality should be respected in this law also.

Shri T. T. Krishnamachari: There is no question here of a person having to surrender anything. As regards the law which my hon. friend is referring to—and I think he is certainly an expert while I am completely a layman—the position is that there are certain penalties attached to something, which are not included here. Here, it is only a question of declaration. Nobody is being asked to surrender.

Shri Ranga: It is not so simple as that.

Shri T. T. Krishnamachari: I find it difficult to agree to this proposition which does not put a limit. If my hon. friend thinks that the quantity mentioned in the first proviso is wrong or too niggardly . . .

Shri N. Dandekar: In the case which I have described, is a declaration necessary?

Shri T. T. Krishnamachari: I quite agree with the point about it; it is a question of putting it in proper form. There must be an upper limit even for purposes of doing so.

Shri N. Dandekar: I would like to have a specific answer. In the case described by me, namely where a husband specifically owns 50 gms. the wife owns specifically 50 gms., and the two minor children own 20 gms. each, and 100 gms. are owned by the family as such, is a declaration required by any of the four members of the family or by the family as a whole?

Shri T. T. Krishnamachari: According to the proviso, it would be required....

Shri Kapur Singh (Ludhiana): It should not be required.

Shri T. T. Krishnamachari: ..because the proviso specifically says:

"whether contained in one or more pieces and whether owned by a member of the family severally or by all the members jointly or partly in the one way and partly in the other, does not exceed one hundred grammes:"

If my hon. friend says that let this not be 100 gms. but let it be 150 gms. I am prepared to consider it, but to say that there should be no limit.

Shri Nambiar: It could be raised to 240 gms.?

Shri T. T. Krishnamachari: There are people who know more than I do who are speaking about it, and, therefore, I find myself in a little difficulty. The question is this. There should be a limit. It may be that a person may have thirteen children and that is not unknown.

Shri Ranga: Can you not make it 240 gms.?

Shri T. T. Krishnamachari: I do not know; I do not think that the law will be altered, if they want to make it a little more, I am prepared to agree, but not to some indefinite figure. It should be a definite limit.

I quite appreciate the point made. I am beginning to see light now. But what I am saying is that I am unable to accept any figure which is unlimited. There must be a limit ever then.

Shri N. Dandekar: I would say taking only the sort of family that I have mentioned, it could be raised to 240 gms., because that is the ordinary family that we have in view.

Shri Muthiah (Tirunelveli): The hon. Minister may make it 200 gms.

Shri T. T. Krishnamachari: As I have said, we have permitted 150 gms. in the case of goldsmiths. If my hon. friends want to make it 150 gms. here also, I am prepared to agree.

Shri Nambiar: Please make it 240 gms.

Shri T. T. Krishnamachari: Let us not bargain. We accepted a particular figure before, and let us be consistent and accept 150 gms. here also. If my hon. friend moves an amendment and says that in the proviso at page 17 in line 24, instead of 'hundred grammes' the wording should be '150 grammes' I shall agree.

Shri Ranga: Small mercies also have to be accepted.

Shri T. T. Krishnamachari: It is not a mercy at all. My hon. friend is making a mistake. It is not something which is a mercy. I have no desire to give anything *ex-gratia*, nor am I permitted to do so. It is merely a question of solving a difficulty.

Shri Ranga: Let it be raised to 150 gms.

Shri T. T. Krishnamachari: I am prepared to accept it.

Mr. Deputy-Speaker: The hon. Minister may move an official amendment on those lines.

Shri T. T. Krishnamachari: I beg to move:

Page 17, line 24, for "one hundred grammes" substitute "one hundred and fifty grammes". (242).

Mr. Deputy-Speaker: Is Shri Dandekar pressing his amendment?

Shri Dandekar: I would like to withdraw my amendment No. 91.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

Several Hon. Members: Yes.

Amendment No. 91 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

Page 17, line 24, for "one hundred grammes" substitute "one hundred and fifty grammes". (42).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 16, as amended, stand part of the Bill".

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17— (Declaration as to possession of ornaments)

Mr. Deputy-Speaker: There is no amendment to this clause.

Shri Subbaraman (Madurai): I would like to ask for one clarification in regard to this clause. In sub-clause 17 (1), in the proviso we find that under (a), it has been stated that:

"where such ornaments are owned by a person, twenty-five thousand rupees",

and under (b), we find:

"where such ornaments are owned by a family, fifty thousand rupees".

I would like to know whether the value of the gold in the ornaments is to be considered for the purpose of valuation or whether the value of the stones is also to be taken into consideration in the evaluation.

Shri T. T. Krishnamachari: It would be only gold, because I do not think that legally this particular Bill will permit anybody to touch ornaments as such; so, really it will only be the gold content.

Mr. Deputy-Speaker: It has been made clear in the previous clause.

Shri Ranga: Why not make it clear here also?

Shri T. T. Krishnamachari: Legally, we cannot prescribe anything under this Bill in respect of diamonds and rubies etc. So, it is only the gold content of the ornaments which is meant by this.

Shri Subbaraman: Does it mean the value of the gold content or the value of the whole ornament including the stones etc.?

Shri Ranga: The lawyers or the courts will only go by what they consider to be ornaments and not by the gold content of the ornament only.

Shri T. T. Krishnamachari: I do not think it would be the case. My hon. friend Mr. Chatterjee will come and say: you have not enacted in regard to diamonds or rubies and anything like that. I do not think that it can really mean the total value of the ornament. (*Interruptions.*) I am completely with the hon. Member; I think it should be the gold content. Anyway, it is not being brought into effect now. This law allows us to deal only with gold. If Government have a different view, they must bring an amendment.

Shri Ranga: Why leave it to the lawyers and the courts?

Shri T. T. Krishnamachari: The Leader of the Opposition will agree that this is the interpretation; if somebody wants to interpret it otherwise, let them bring an amendment.

Shri Narendra Singh Mahida: Sir, the hon. Minister says that it is his personal view and that Government may bring in an amendment or anybody else may do so.

Shri Ranga: I would like the Government to clarify it.

Shri T. T. Krishnamachari: I can clarify it in the rules. I cannot tell you that we cannot under this Act regulate the possession of diamonds or rubies. Anyway, as I said earlier, it is not being brought into effect; it does not apply now and I will also make it clear in the rules.

Mr. Deputy-Speaker: The question is:

"That clause 17 stands part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Mr. Deputy-Speaker: We go to clause 18.

Clause 18—(Appointment and functions of Administrator)

Shri Nambiar: I have an amendment No. 41. I move:

Page 19, omit lines 17 to 19. (41).

Clause 18 speaks about appeals also and the proviso to clause 18 (3) reads:

"Provided that no officer below the rank of Collector of Customs or Central Excise or Collector of a district shall be authorised to hear appeals under sub-section (2) of section 30".

We have not yet dealt with clause 30 which deals with adjudication, appeals and revision. It will contradict with that clause and the amendments there if we accept this proviso here. We can proceed with this clause if my amendment is accepted. So, we can at least postpone discussion of this

clause till we finish clause 30 so that one will not contradict with the other. Or, my amendment may be accepted.

Besides, the central excise authorities and collectors are the persons who are supposed to find out hidden gold and if they are themselves to hear appeals arising out of their own action, there is no necessity for provision of appeals at all. Some other officer should hear those appeals; these officers should not be asked to hear appeals, if this provision for appeals has any meaning.

Shri N. C. Chatterjee: May I suggest that consideration of this clause be deferred till we finished clause 30?

Shri Narendra Singh Mahida: My amendment is also to the same effect; but it is barred. I support the contention of Mr. Nambiar. We are giving powers to hear appeal it is just like giving powers to the police to hear appeals from arrested persons. Hon. Minister should consider this and postpone the consideration till we come to clause 30.

Shri T. T. Krishnamachari: I am afraid there is some misconception about the proviso. It is a protective proviso. While naming a person to hear appeals, the Administrator should not name a person below the particular rank mentioned here. If the House really makes drastic amendments in clause 30, we will have to amend this section also suitably. If clause 30(2) goes, this will fall into destitute and we will have to amend it in the third reading stage. But this proviso only says that only an officer of a particular rank and above can hear appeals. This is a proviso which is particularly valuable from the point of view of the layman because appeals would not be heard by anybody below the rank of the collector. While the Administrator can delegate his powers to anybody else for any purpose, he cannot delegate

his powers in regard to this matter to anybody below that rank. Hon. Members will appreciate that there is no catch in this matter at all: it is plain sailing. When clause 30 comes we can discuss this matter, if an amendment affecting this provision is made there. Supposing we say that appeals can only be heard by the Administrator himself, naturally this will need modification and we will in the third reading stage see what should be done but I do not think that that contingency need be envisaged at the moment.

Shri Nambiar: My contention is that even the customs collectors are a party to the haul.

Shri T. T. Krishnamachari: If the proviso is not there, it would mean somebody even below that rank.

Shri N. C. Chatterjee: I think the hon. Minister is quite right; deletion of the proviso would make matters worse for the assessee. It is really protective; it says somebody higher up in the hierarchy can only hear appeals. We suggest that in clause 30 some independent tribunal should be there; therefore, I am suggesting; let that be taken up first and this will automatically follow.

Shri T. T. Krishnamachari: Any consequential amendments that are necessary can always be made even afterwards.

Shri Nambiar: If the hon. Minister says that this will again be taken up after the consideration of that clause, I am prepared to withdraw my amendment.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw his amendment?

Amendment No. 41 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Mr. Deputy-Speaker: We go to clause 19.

Clause 19— (*Returns as to gold*)

Shri Nambiar: I move my amendments No. 13 and 42.

(i) Page 19, line 27,—

omit "(including certified goldsmiths)". (13)

(ii) Page 19, line 27,—

for "including" substitute "other than". (42).

Clause 19 deals with the submission of returns; the whole chapter is about that. Clause 19 says that dealers (including certified goldsmiths) and refiners shall furnish to the Administrator such returns as to the quantity. So, a goldsmith is also included in this; a self employed goldsmith is also asked to submit returns. He may not have the facilities for having a number of returns prepared nicely and signing them and submitting them and so on. I have talked to some of these goldsmiths. They say if the procedure of preparing and submitting the returns is also given to us—

Shri T. T. Krishnamachari: May I interrupt the hon. Member? I give here the assurance that so far as the rules are concerned, though the power is there, we shall not ask the certified goldsmith to send his returns. We will merely ask them to keep an account of the things and of the per-

[Shri T. T. Krishnamachari]

son who gives the gold. Beyond that, I will not ask the certified goldsmiths to send a return.

Shri Ranga: The clause says "dealers (including certified goldsmiths)...." Why not you drop those words?

Shri T. T. Krishnamachari: The hon. Member will have the rules. The rules will be laid on the Table. I am giving the assurance that the rules will certainly say it. May be that a certified goldsmith may be of a big character, but normally we will say that no return should be furnished except that he should keep an account of the particulars as to who gives the gold to him and so on. The rules will be placed on the Table. The assurance is there. That assurance binds the Government.

Shri Nambiar: Then I do not press the amendment.

Amendments Nos. 13 and 42 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20— (Accounts)

Shri Nambiar: I beg to move:

Page 19, line 33, omit "(including certified goldsmiths)", (14).

This is only a consequential amendment. The words "including certified goldsmiths" is repeated everywhere. It should be removed.

Shri T. T. Krishnamachari: We will ask him just to keep some kind of accounts. The returns will be asked.

Shri Nambiar: Will it be included in the law?

Shri T. T. Krishnamachari: The rules will be there.

Shri Nambiar: Then I will not press it.

Amendment No. 14 was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21 and 22 were also added to the Bill.

Clause 23—(Prohibition of use of buildings for carrying on unlicensed refinery)

Shri Solanki: I beg to move:

Pages 20 and 21, omit lines 39 and 40, and 1 and 2 respectively. (92)

In this amendment, I am drawing the attention of the hon. Minister to the question that this provision relates to the letting of premises. They want the landlord to have the knowledge of the licence which is possessed by a goldsmith or the craftsmen and to know whether a refinery work or some sort of work concerning gold is going on. In both these cases. I think it is difficult for the person who owns the House to find out these facts. I think that the responsibility should not lie with the landlord. It is a responsibility that is vicarious which is unnecessarily attached to the landlord of the premises. This is the responsibility of the officers, or of the persons who take the house or the premises for this work. They should furnish the information. Otherwise, it will be very difficult to find out what sort of work is being carried on and

whether the person concerned has got a licence or if he is an authorised person or an unauthorised person and so on. All these difficulties will arise and create unnecessary trouble for the person who is not at all concerned with gold control.

Shri T. T. Krishnamachari: This only applies to refiners. They must be fairly well-equipped persons. I do not think any landlord can be ignorant of the fact that the man is doing such and such work. I think it is very necessary.

Shri Ranga: These certificates are given for a period and they are renewable from time to time. How is the landlord expected to know when and for what period a particular licence is valid, whether it is revalidated or not, whether the man has been remiss in his duty in getting the certificate renewed, etc., and how is he expected to know that the person has got into trouble at all with the administrator and therefore his licence has come to be cancelled, etc.? All these complications will be created for the landlord. I want to know whether these aspects have been kept in mind by the Government when they were formulating this clause, and whether it is possible for them now to give some fresh consideration to this matter?

Shri T. T. Krishnamachari: There are two factors. One thing is this. The wording is "wilfully allow any person. . . ." Secondly, we have only got 100 refiners. I beg of the hon. friend opposite to recognise the fact that there are only 100 refiners. These 100 refiners are big people. So, it is only a question of a protective measure, so far as the Government is concerned. The number being so small, I do not think any person who lets the house, unless he acts wilfully, will be affected. I think that the number of people who are likely to be effected is so small; it is only a protective measure rather than one which may cause any harassment.

Shri Solanki: Just one clarification. If it is for the refiners, what about the licence? The landlord is supposed to know that the person possesses a licence or not. How is he to know?

Shri Ranga: Whether it was renewed or not, or lapsed or not?

Shri T. T. Krishnamachari: Please read the clause. The number is very small. We are only trying to protect somebody who is probably non-existent. There must be an intention so far as the landlord is concerned. If there is no intention, he will not be prosecuted.

Shri Ranga: Please read the clause.

Shri T. T. Krishnamachari: Anyway the number is so small.

Shri Ranga: Why keep it then?

Shri Solanki: The responsibility is shifted to somebody else who has no concern with the Bill.

Mr. Deputy-Speaker: I shall put amendment No. 92 to the vote.

Amendment No. 92 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 23 stand part of the Bill."

The motions were adopted.

Clause 23 was added to the Bill.

Clause 24—(Transfer or transmission of business)

Shri Solanki: I beg to move:

Page 21, line 8, for "thirty" substitute "ninety". (93).

This is for an extension of the time-limit, in case the person dies and the heir or the transferee or the licensee has to apply for a new licence. In this matter, I would only plead with

[Shri Solanki]

the Minister on a social point. Suppose a person dies,—

Shri T. T. Krishnamachari: Before the hon. Member argues, if he makes it "sixty", I will accept it.

Shri Solanki: All right.

Shri T. T. Krishnamachari: I beg to move:

Page 21, line 8, for "thirty" substitute "sixty".

Mr. Chairman: The question is:

Page 21, line 8, for "thirty" substitute "sixty".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clause 25— (Secrecy and fidelity)

Shri Nambiar: I beg to move:

Page 22, line 8, add at the end:—
"of enforcing a civil right through a competent court of law, or". (45)

This clause deals with secrecy and fidelity. Sub-clause 25(3) of this clause reads as follows:

"The Administrator or any gazetted officer authorised by him in this behalf may request any officer of Government to furnish any information relating to any particulars contained in any return or declaration made...." etc.

These are to be furnished by the officials for the purpose of prosecution.

Now, sub-clause (4) at page 22 reads as follows:

"Nothing in this section shall apply to and in relation to the disclosure of any of the particulars referred to in sub-section (1) or sub-section (2)—

(a) for the purposes of any prosecution for any offences, or"

There, I want to add, "of enforcing a civil right through a competent court of law, or". It should be like that, so that it may be clear. Otherwise, these particulars may be used for various other purposes. This amendment is only to confine the activity to this issue. It is very clear and I hope he will accept it.

Shri T. T. Krishnamachari: No, Sir; I do not want the Administrator to be involved in matters of civil litigation.

Mr. Deputy-Speaker: I shall now put the amendment to the House.

Amendment No. 45 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 25 stand part of the Bill".

The motion was adopted.

Clause 25 was added to the Bill.

Clause 26— (Power to enter, search and seize, to obtain information and to take samples)

Shri Nambiar: I beg to move:

(i) Page 22, line 12,—
after "Any" insert "Gazetted". (15)

(ii) Page 22, line 24,—
after "Any" insert "Gazetted". (16)

(iii) Page 22, lines 30 and 31,—
omit "or is about to be". (17)

(iv) Page 22, line 35,—
omit "or is about to be". (18)

(v) Page 23, line 5,—
omit "or is about to be". (19)

(vi) Page 22, lines 17 and 18,—
for "being, or is about to be, contravened", substitute—
"being contravened or an attempt to commit such contravention is being made". (46)

(vii) Page 22, lines 22 and 23,—
for "being or is about to be, contravened", substitute—
"being contravened or an attempt to commit such contravention is being made". (47)

(viii) Page 22, line 29,—
for "suspects" read "has reason to believe". (48)

(ix) Page 22, lines 30 and 31,—
for "being, or is about be, contravened", substitute—
"being contravened or an attempt to commit such contravention is being made". (49)

(x) Page 22, lines 35 and 36,—
for "being, or is about to be, contravened" substitute—
"being contravened or an attempt to commit such contravention is being made". (50)

(xi) Page 23, lines 5 and 6,—
for "being, or is about to be, contravened", substitute—
"being contravened or an attempt to commit such contravention is being made". (51)

(xii) Page 23, line 8,—
omit "gold or". (52)

(xiii) Page 23, line 14,—

for "suspects" substitute—
"has reason to believe". (53)

(xiv) Page 23, line 15,—
for "about" substitute—
"making attempts". (54)

(xv) Page 23, line 18,—
omit "gold or". (15)

(xvi) Page 23, line 25,—
for "about" substitute—
"making attempts". (56)

Shri N. Dandekar: I beg to move:

Page 24,—

for lines 31 to 35, substitute—
"(13) When anything is seized or any person is arrested or any statement is recorded under this Act, the officer concerned shall on demand of the person in charge of the thing so seized or of the person so arrested or of the person whose statement has been recorded furnish such person with copies of the seizure memo, reasons of seizure or arrest and copies of the statements recorded from such persons." (94)

Shri Nambiar: Clause 26 is a very important clause dealing with the power to enter, search and seize, to obtain information and to take samples. The clause gives all sorts of sweeping powers to the officers to enter into premises, search, seize anything, take documents and do all that that particular officer feels necessary. My amendment seeks to add the word 'gazetted' before the word 'officer'. As it is, the clause reads:

"Any officer authorised by the Administrator in this behalf may . . ." What I want is, "Any gazetted officer authorised by the Administrator . . ."

[Shri Nambiar]

Sir, any officer may mean that an ordinary inspector of customs or excise is authorised to do so.

Shri N. Dandekar: Even peons.

Shri Nambiar: Yes, even peons may enter into the premises and search anything. The only condition is that he should be authorised by the Administrator. It is a very sweeping power, which has been misused already even under the Gold Control Order. In my town when certain persons who were formerly goldsmiths went to the bazaar to purchase vegetables with their bags in hand, they were stopped on the road by the excise inspectors and smaller officials. Their handbags were searched and without any reason, sometimes they were taken into custody and so many things were done. We know how the prohibition law is being widely abused. When the police want to put behind the bar certain persons whom they do not want to be free, they use to put some alcohol or arrack bottles in their houses, take them as confiscated goods and arrest those persons. During the working of the Gold Control order in the last 18 months, there were instances when officials of lower rank have misbehaved like this and harassed the goldsmiths, as well as the other dealers. So, we cannot give such sweeping powers to ordinary officials of lower rank. Only gazetted officers must be given this power.

The Minister may say that in a district, there are very few gazetted officers and so whenever somebody's premises have to be searched, it may not be possible to contact a gazetted officer. But I submit that when raids are to take place, there is previous preparation. They must have got some information that somebody is dealing in gold at a particular place. So, when this advance information is available, they can contact a gazetted officer of that particular locality who may be available. There are many gazetted officers—police officials, re-

venue officials and so on. With their help, these searches could be done. So, such sweeping powers should not be given to officers of lower ranks. The purpose of the Bill is not to harass the common man who deals with gold or who once dealt with gold. The purpose is to stop smuggling at airports, ports, etc., and not in the by-lanes of Tiruchi or Delhi or Calcutta. So, these powers must be given only to gazetted officers and not to lower officials.

Shri Ranga: Sir, I am in favour of Mr. Nambiar's amendment. It is true that there are not many gazetted officers. But nowadays their number has grown very large. For various reasons, in various departments, people have been recruited as gazetted officers. Even in the police department, people who were not gazetted officers at one time have now come to be accepted as gazetted officers. In Andhra ordinary tehsildars in every taluk have come to be classified as gazetted officers. Their salaries and status have been raised suitably. So, it would not be such an impossible thing to find out a gazetted officer when the need arises. After, all, that need is not going to arise suddenly without notice. As Mr. Nambiar said, for these searches, they have to plan a little in advance. So, they can secure the presence of the necessary gazetted officer or gazetted officers. Here power is given to enter into the premises. As you know, this is a very wide power to enter and seize people's property—jewellery, gold, various instruments and implements of refineries, etc. So, such wide powers must be made exercisable only by people with sufficient authority and responsibility. They cannot be exercised by non-gazetted officers. I, therefore, suggest that this amendment may be accepted.

Shri N. C. Chatterjee: If you look at clause (2) (b), it says that any officer authorised by the Central Government in this behalf may "seize any

gold", not gold in respect of which contravention has taken place, but "in respect of which he suspects that any provision of this Act has been, or is being, or is about to be contravened". On mere suspicion, it can be seized. This despotic, uncanalised, uncharted power should not be given to any officer. Eminent judges have said that suspicion should not be made a ground for effecting preventive detention or for arrogating to the officer such extraordinary powers which will completely deprive a man of his fundamental basic rights to property.

Sub-clause (c) reads like this:

"(c) seize any books of account, return or any other document relating to any gold in respect of which he suspects that any provision of this Act has been, or is being, or is about to be, contravened."

15.00 hrs.

Sir, about these words "about to be contravened", eminent judges, as you know, have always deprecated the language used like that. One can know contravention or attempt to contravene. It has been put here: "any provision of this Act". There are elaborate provisions. Even if you do not file the accounts in time, it will be a contravention. Supposing there is a rival goldsmith and he says that a man has manufactured gold ornaments of 15 ct. and not 14 ct., on suspicion you can go and seize his books, you can seize his instruments, you can seize all his books of account and other documents. This, Sir, is an engine of tyranny, oppression and it should not be tolerated. Once you take this power, you should give it to more responsible officers. Though it is not a very great safeguard, at least it should not be left to the tender mercy of any and every officer in the department.

Shri N. Dandekar: Sir, I have moved amendment No. 94 to clause 26. It seeks to substitute the new sub-clause

(13) for the existing sub-clause (13). Sub-clause 13 is designed to give some measure of protection to the person who has been dealt with in accordance with the previous sub-clauses. The protection, however, is very limited. The existing sub-clause (13) reads:

"Where at the time of arrest of any person or seizure of any gold, document or other goods in the possession of any person, such person makes a statement to the officer making such arrest or seizure, that officer shall on demand by such person furnish him with a copy of the statement."

It says nothing else. In view of the extraordinarily wide and sweeping powers—I am not now criticising the powers as such nor the various circumstances which may impel this department to exercise those powers—I think the minimum protection for the person concerned ought to be extended in the way I have suggested in my amendment which reads as follows:

"(13) When anything is seized or any person is arrested or any statement is recorded under this Act, the officer concerned shall on demand of the person in charge of the thing so seized or of the person so arrested or of the person whose statement has been recorded furnish such person with copies of the seizure memo, reasons of seizure or arrest and copies of the statements recorded from such person".

I submit it is very, very necessary that the person arrested should have some statement of reasons for his arrest. If goods have been seized, he should at that very time be given some memo of what has been seized and the reasons for such seizure. If he has himself made any statement at that time, he ought to have copies of that statement. I do not think the

[Shri N. Dandeker]

Finance Minister should have any objection in view of, as I said, the extraordinary and sweeping powers and the remarkably wide and sweeping circumstances in which these powers can be exercised. I think at least this measure of protection ought to be accorded to the poor fellow who gets pushed around.

Shri T. T. Krishnamachari: Sir, with regard to the demand for a gazetted officer, I understand that this is the pattern of provision in the other enactments—the Customs, Excise and so on. The Government do not empower anybody below the rank of a Sub-Inspector for this purpose. It is not possible for the Government to authorise a gazetted officer to go and do this work. It will have to come down to the level of a sub-inspector and it does not go below that. As I said, the provision is something which my hon. friend is familiar with. This is the usual provision. It may be that it is all completely superfluous, but the laws are framed that way.

So far as the particular amendment of my hon. friend, Shri Dandeker is concerned, this matter was discussed by the Joint Committee. Of course, the idea of giving reasons for the seizure is almost impossible. That is why the Joint Committee has framed sub-clause (13) in the form in which it has been framed. Hon. Members would please realise that this is something which has been looked into by the Joint Committee—the side-line shows it. Beyond that, Sir, I am not in a position to go.

Shri Nambiar: Sir, about amendments Nos. 17, 18 and 19 where I have suggested the deletion of the words "or is about to be", I hope the hon. Minister will accept them. My hon. friend Shri Chatterjee also gave the reasons why these words have to be deleted. If he wants to allow the sub-inspectors to do this work, at least the words "or is about to be" may be deleted.

Shri T. T. Krishnamachari: As I said, Sir, this is the pattern followed in other enactments.

Shri Nambiar: This is not like any other enactment. Gold is there in the village in every home. If these people are allowed to go and search, if there is some slight suspicion in my absence some inspectors can go and search my house. What is the remedy? What will the womenfolk do? The hon. Minister must understand the difference between this and other legislative measures.

Mr. Deputy-Speaker: He is not acceding to your request.

Shri N. C. Chatterjee: Sir, I would like to make a constructive suggestion for the consideration of the hon. Minister. I would suggest that instead of this word "about", he may put in a legal phraseology "attempted to be contravened". The objective remains.

Mr. Deputy-Speaker: There is no amendment.

Shri Nambiar: If the hon. Minister agrees, I will move such an amendment.

Mr. Deputy-Speaker: He is not accepting.

Shri Nambiar: He may accept. He is in the process of thinking.

Mr. Deputy-Speaker: Is the hon. Minister accepting that amendment?

Shri T. T. Krishnamachari: Sir, my difficulty is that I am advised that this cannot be done. The hon. Member has made a suggestion. I am advised that this cannot be done because this follows a particular pattern which is already in existence.

Mr. Deputy-Speaker: I shall put all the amendments moved to this clause to the vote of the House together.

Amendments Nos. 15 to 19, 46 to 56 and 94 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

Mr. Deputy-Speaker: Then we take up clause 28.

Clause 28.— (*Confiscation of conveyances*)

Shri Solanki: Sir, I beg to move:

Page 25,—(i) lines 37 and 38,—

omit "his agent, if any, and the person in charge of the conveyance or animal"; and

(ii) line 38,—

for "each of them", substitute "he". (95).

Sir, again, this is a case where the responsibility is shifted to the owner of the vehicle who is supposed to have given it on loan to somebody. If that person is caught in the transaction, the owner is not to be blamed. In the previous case the owner of the premises was sought to be blamed and here the owner of the vehicle is sought to be blamed. Of course, they have provided certain safeguards, but still I fail to understand why the owner of the vehicle is to be made to undergo all these enquiries and the real culprit allowed to go away without explaining anything. That amounts to unnecessary harassment to the owner of the vehicle.

Mr. Deputy-Speaker: Does Government accept that amendment?

Shri T. T. Krishnamachari: No, Sir.

Mr. Deputy-Speaker: I will now put that amendment to the vote of the House.

Amendment No. 95 was put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 28 stand part of the Bill".

The motion was adopted.

Clause 29 was added to the Bill.

Clause 29.— (*Confiscation of gold seized and imposition of penalty*)

Shri N. Dandekar: I beg to move:

(i) Page 26, line 11,—

after "gold" insert "knowingly or wilfully". (96)

(ii) Page 26, line 13,—

after "or", insert "knowingly or wilfully". (97)

Shri Nambiar: I beg to move:

(i) Page 26, line 10,—add at the end—

"upon conviction of the person in whose custody the article was seized, for any offence under this Act with respect to the said article". (57)

(ii) Page 26,—

omit lines 11 to 17. (58).

Coming to my first amendment, clause 29 deals with confiscation of gold seized and imposition of penalty. Sub-clause (1) says:

"Any gold seized under section 26 together with the package, covering or receptacle, if any, in which such gold is found shall be liable to confiscation".

That sub-clause does not correctly give out what the Minister wants. If you do not add the words "upon conviction of the person in whose custody the article was seized, for any offence under this Act with respect to the said article", the seizure has no meaning.

[Shri Nambiar]

The addition of these words will make the meaning very clear. I hope he will not take an obstinate view in this matter, that because no hon. Member from the other side has moved this amendment, so he will not accept it. Now, what happens is, hon. Members from the other side, speak with us, support us but when the actual division comes, vote against us, because it will be recorded and they are afraid. With all respect to them, I must say that most of the Members on the other side are also with us, so far as this Bill is concerned. So, the Finance Minister should not be so obstinate in this matter. The Lady Members of the other side should remember that even mangalsutra is refused to them under this Bill. When Shrimati Yashoda Reddy wants to get her daughter married, she will find it difficult to get a mangalsutra.

Shri U. M. Trivedi (Mandsaur): Has she got a daughter?

Shri Nambiar: If no daughter, her son must get a girl for marrying him.

Shrimati Yashoda Reddy (Kurnool): I have got a daughter.

Shri Nambiar: Suppose my son or daughter wants to get married, it is impossible to get a mangalsutra, except a 14 carat one. And the moment I suggest that it will be a 14-carat mangalsutra, they refuse to solemnise the marriage.

An hon. Member: You are a Communist.

Shri Nambiar: I may be a Communist but not my sons and daughters. Therefore, the Finance Minister should show us these small mercies instead of being very obstinate.

Shri N. C. Chatterjee: If you look at clause 29(1), it says:

"Any gold seized under section 26 together with the package, covering

or receptacle, if any, in which such gold is found shall be liable to confiscation."

If you turn to section 26, gold may be seized on conviction or any contravention or on mere suspicion. Contravention may include attempted contravention also. Therefore, if clause 29(1) stands as it is, gold can be confiscated even if it is seized merely on suspicion of a particular offence. That cannot be the law because that will be against article 31; that will be against the basic rights guaranteed to our citizens under Part III of the Constitution. We cannot deprive a man of his property merely on the suspicion of some officer who is authorised either to enter and search and seize gold. Therefore, the confiscation order must follow adjudication as to the guilt. Therefore, unless and until there is a conviction for an offence under this Act, you cannot authorise the confiscation of gold. So, I am submitting for the consideration of the hon. Finance Minister that this amendment should be accepted. Here, the words are "shall be liable to confiscation". Nobody objects to confiscation but the condition precedent to the confiscation must be made clear and that must be the guilt of the person proving that there is a clear contravention of the Act, the commission of an offence which will invite punishment. So, it should not be linked up with the mere suspicion of an offence.

Shri N. Dandekar: I am concerned with amendments Nos. 96 and 97, relating to sub-clause (2). Just now my learned friend has explained that under sub-section (1) anything seized on suspicion is likely to be confiscated. When you start off from there, sub-clause (2) reads:

"any person who in relation to any gold does or omits to do any act which act or omission would render such gold liable to confiscation under sub-section (1)...."

I submit this goes so deep that, really, I imagine anything can be done to any property anywhere at any time and, therefore, I have suggested by my amendment No. 96 to insert the words "knowingly or wilfully" so that it will read "any person who in relation to any gold knowingly or wilfully does or omits to do any act....".

Similarly, in line 13, the words are "or abets the doing or omission of such an act". I do not know how one abets the omission of an act. There again, in view of the consequential situation which starts in clause 26, suspicion of somebody doing or contravening something, I have suggested the insertion of the words "knowingly or wilfully" after the word "or".

Shri U. M. Trivedi: Clause 29 is the clause to which I drew pointed attention during the consideration stage. It is linked up with clauses 26 and 30. It creates trouble to the administration and it goes against the fundamental principles of jurisprudence. You are saying in clause 29:

"Any gold seized under section 26, together with the package, covering or receptacle, if any, in which such gold is found shall be liable to confiscation."

Clause 30 says:

"The confiscation, fine or penalty under section 28, section 29, proviso to sub-section (3) of section 31 of sub-section (8) of this section or under any rule made under this Act may be adjudged—

- (a) without limit, by an officer not below the rank of Deputy Collector of Customs or Central Excise;...."

This adjudication is not to be done by a law officer or judicial officer but by an executive officer who is interested in carrying out seizures. Probably he is interested in such

seizures. For, as far as I know, the administration of the Customs Act is such that you always get a prize for the seizure or confiscation of any goods. So, he will be enamoured of confiscating things. He will be goaded into it; he will unconsciously do it without limit, since the law wills it. It is more or less a blank cheque. I would suggest that this confiscation should be on adjudication by a court of law after prosecution.

If he is not prosecuted it should not be confiscated. Confiscation should not be an absolute provision in the law saying that a thing can be confiscated if it is suspected. It might be a very wise thing, but then it offends against the provision of law. The process of law is not there. The absolute power is given to an officer and that officer will be acting in his own cause. That itself offends against the principles of justice, namely, that no man shall be a judge in his own cause. Here, this is the man who will accuse a person and he is the man who will discharge this duty of confiscation; that is to say, he accuses and he decides. These two things must not go together. Therefore, I would suggest that this amendment that has been suggested in this case may be accepted.

Then, I come to sub-clause (2) of clause 29. I have not yet understood the implication why it is said here "or abets the doing or omission of such an act". Omission is always of a duty cast upon a particular person to do a particular act as provided in the Act. What is the duty cast upon a man whom we are going to accuse of smuggling? I do not think any duty is cast upon such a person. Unless the duty is defined of each one of us, of every citizen—there is no such duty defined in it—what type of omission is there? Is it a duty cast upon me that any time I see that one of my neighbours sitting by my side has some kind of gold, I should go before the officer and say, "Here, he has gold in his bag; catch hold of him"? If a duty is cast upon me to

[Shri U. M. Trivedi]

do so, it may be an act of omission if I do not do that; but there is no duty cast upon me. In the law of offences as taught to beginners we are taught that however big or small the offence may be, it may look callous or immoral, yet, it is not an offence, however immoral it may be, if it is not an offence. In law an offence is that which is defined in the Act as an offence. If I omit to do that, I can be convicted. I do not know how the word "omission" has crept in here. It might be explained by the Finance Minister. I have not understood the implication of the word "omission" as put in here. Therefore, I will suggest that this word "omission" should be taken away from here.

Then, coming to the provision "liable... to a penalty not exceeding five times the value of the gold or one thousand rupees, whichever is more, irrespective of whether such gold has been confiscated", here also, the same position is to be considered. This sub-clause (2) also gives wide powers which cannot be used by the person who makes the accusation. The man who prosecutes should not be the judge in his own cause. Therefore, I should say that some additions should be made as have been suggested, namely, "on being found guilty" or "on being convicted by a magistrate before whom the case goes", confiscation may be carried out. That is the ordinary law which should be followed.

Shri Narendra Singh Mahida: I wish to speak on my amendment which has been barred. I am supporting Shri N. C. Chatterjee, Shri Trivedi and Shri Nambiar also. About the seizure of gold, who seizes the gold? Who has the power to seize the gold? Is it a minor official, a peon or a sepoy, or an inspector or a customs officer?

Mr. Deputy-Speaker: It is said here "not less than the rank of a sub-inspector".

Shri U. M. Trivedi: That is in clause 30.

Shri Nambiar: This clause does not say that.

Shri Solanki: It is very vague.

Shri Narendra Singh Mahida: Now, the onus is on the possessor of gold. Suppose, I possess gold and I am caught. The hon. Minister wants me to prove that this is genuine. Then, I have to go to various persons, who were actually responsible for the possession of the gold. I have not got a way out of it. I am an honest person and I may be arrested. Therefore, the onus must be there and the authority also must be very aptly settled. Could the hon. Minister explain this?

Shri T. T. Krishnamachari: Sir, this clause has to be read with clauses 26 and 30. It can only follow as a consequence of clause 30. Of course, the process of adjudication outlined in clause 30 may be a subject of discussion, but the hon. Member mentioned about article 19 of the Constitution. I think, article 19 would apply to whatever is being done under clause 30. Unless clause 30 operates, clause 29 does not operate excepting under one particular circumstance. There may be somebody who completely disowns it. A person is accused and asked, "Have you got gold?"; he says, "No; I have nothing to do with it; it is not mine". Then, what happens? Then, the gold is liable to be confiscated. It does not say "automatically confiscated"; it says that it is liable to be confiscated. It is in circumstances of that nature, which is not covered by the process of adjudication under clause 30, which is sought to be covered by sub-clause (1) of clause 29.

Dr. M. S. Aney: How does it end in confiscation? Confiscation is ordered by a court.

Shri T. T. Krishnamachari: As a matter of fact, here it is not covered by the process of adjudication and what follows thereafter, whatever that might be. The provisions of clause 30 may be passed by the House or not. Therefore, as I said, it is a circumstance here that nobody claims it. He says, "No; it is not mine; I do not know who has left it". Then, what happens? It may be that the other person may be punishable for something else but he says that you cannot prove that, that man has gold.

Dr. M. S. Aney: Who confiscates?

Shri T. T. Krishnamachari: The Government confiscates. The person authorised to do so, does it. What I say is that it may apply to a case where it is disowned. But in any event this particular clause cannot operate excepting when the process mentioned in clause 30 is followed.

Then, the other thing that was mentioned was about "knowingly or wilfully". This had been gone into at considerable length in the Joint Committee and it was ultimately felt that it would not be necessary. The question of proving whether he has done it knowing or wilfully is a thing which is really beyond what the law could state in this matter. I quite agree that the whole matter could be discussed again, the manner of adjudication and so on; but so far as this is concerned; it can operate only in cases as I mentioned, there not being anybody in which case it is likely to be confiscated.

Dr. M. S. Aney: Unclaimed property.

Shri T. T. Krishnamachari: It may be of that nature. It may be that people do not want to own it, because ownership itself might attract a penalty.

Mr. Deputy-Speaker: Now, I shall put all the amendments to the vote of the House together.

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Amendments Nos. 96, 97, 57 and 58 were put and negatived.

Mr. Deputy-Speaker: The question is:

"That clause 29 stand part of the Bill".

The motion was adopted.

Clause 29 was added to the Bill.

Clause 30.—(Adjudication, appeal and revision)

Shri Nambiar: Sir, I wish to move my amendments Nos. 59 to 64.

Shri Chandak: I wish to move my amendment No. 20.

Shri N. Dandeker: I wish to move my amendments Nos. 98 and 99.

Mr. Deputy-Speaker: Amendment No. 98 is the same as amendment No. 61. Therefore, it is barred. The rest of the amendments will be treated as moved.

Shri Narendra Singh Mahida: My amendments are all barred. I suppose.

Shri Nambiar: I beg to move:

(i) Page 26, line 22,—

for "without limit", substitute—

"upto the maximum provided by law". (59).

(ii) Page 27, line 14—

for "Administrator", substitute—

"Appellate Tribunal to be constituted for the particular area by the Central Government consisting of three members, one of whom, to be designated as the chairman, shall be a person who has held the post of a Judge or an Additional Judge in any High Court of India". (60)

(iii) Page 27,—

omit lines 21 to 29. (61)

[Shri Nambiar]

(iv) Page 28, lines 3 and 4,—
for "and the Administrator", substitute—

"or". (62)

(v) Page 28,—
omit lines 7 to 21. (63)

(vi) Page 28,—

(i) line 30,

add at the end—

"an appeal in respect of".

(ii) for line 40, substitute—

"may be preferred to such Appellate Authority as may be prescribed". (64)

Shri Chandak (Chhindwara): I beg to move:

Page 28, line 40,—

(i) omit "shall be final and";

(ii) add at the end—

"without giving notice to the Central Government under section 80 of the Code of Civil Procedure, 1908". (20)

Shri N. Dandekar: I beg to move:

Page 28, line 40,—

omit "and shall not be called in question in any court". (99)

Shri Nambiar: My first amendment is about the time limit. This clause 30 is the much-disputed clause which, as I have already said, deals with adjudication, appeal and revision. Now that the hon. Minister has not accepted the major amendments required, at least let him think that at the appeal stage the poor accused may have the chance of getting the appeal well heard. Here, clause 30, sub-clause (1) says:

"The confiscation, fine or penalty under section 28, section 29, proviso to sub-section (3) of

section 31 or sub-section (8) of this section or under any rule made under this Act may be adjudged—

(a) without limit, by an officer not below the rank of Deputy Collector of Customs or Central Excise;".

There I have moved an amendment that there must be some limit; it must be up to the maximum provided by law. This is a limit which has some meaning. Otherwise, 'without limit' means that even after twenty-five years or fifty years the question can be raked up. Therefore, what I say is that there must be a limit.

Another thing is, you will find there "officer not below the rank of Assistant Collector of Customs or Central Excise or by any other officer of the Central Government or a State Government etc." It is the Central Excise collectors and deputy collectors who are doing the thing, they are confiscating, they are "unearthing" the gold, and what happens is that they can also sit in judgment as an appellate tribunal for these purposes. I say it is not proper. When the case is coming from the Customs department, some other department should look into the question.

Then, coming to the next amendment, in page 27 you will find sub-clause (2) which says that an appeal shall lie to the Administrator. We have no grouse against the Administrator. The Administrator is the final authority in this matter; he is the person to appoint the officers for the purpose of enforcing the law. And that Administrator cannot be deemed to be a person other than the prosecutor. Under the Administrator's orders all these things are happening, and the appeal is only to the Administrator. After the Administrator I think the next person in this matter is the Government and the hon. Minister—and that appeal does not go to him. Therefore, if the Administrator gives the final verdict, the accused

has no other go. My submission is, let the appeal lie to an appellate tribunal. In my amendment No. 60 I have said that in page 27, line 14, for "Administrator", substitute—

"Appellate Tribunal to be constituted for the particular area by the Central Government consisting of three members, one of whom, to be designated as the chairman, shall be a person who has held the post of a Judge or an Additional Judge in any High Court of India".

The purpose of my amendment is very clear, that after the case having gone to the appellate stage, the final appellate authority sitting in judgment should be someone who is far away from the administration of the process of the arrest, etc. It must be a tribunal consisting of two or three persons. And there must be a person with some judicial mind or judicial thinking. So far as the Administrator is concerned, with all respect to the person who is going to be the Administrator when this legislation comes into force—I have no quarrel with that particular gentleman—we cannot give all sorts of powers to that person to be the appellate authority as well. Therefore, in all fairness, if the Minister does not want to harass the common man who is going to be affected, my amendment should be accepted. The hon. Minister may be thinking that only the big gold dealers, and bullion dealers with millions and crores of rupees are going to be hauled up. There may be that confusion in his mind that he is fighting a big demon of a bullion dealer. But there is the poor fly of a goldsmith also in this. But that goldsmith cannot go to the extent of going through such a big process and getting mercy at the hands of the Administrator. At least let him go to an impartial tribunal and seek its help and get a remedy.

The hon. Minister may please accept this thing and see to it that this official

hierarchy is kept out of it and that justice is rendered at the last stage when the man is to be punished under the law.

Shrimati Gayatri Devi (Jaipur): Sir, I am speaking on amendment No. 98 which seeks to omit lines 21 to 29 on page 27.

The reason for my asking for this amendment to be considered is that it says here that any person caught under this Act must immediately pay a fine even before the appeal is made to the Administrator. But in the common court we know that if the accused appeals, he is also allowed bail, and while there is an appeal there is no form of punishment. Therefore, in cases like this it seems rather unnecessary that the accused should have to pay the fine while he is appealing. And I hope that the hon. Minister will consider the amendment.

Shri T. T. Krishnamachari: Is the hon. lady Member suggesting the deletion of the two provisos to sub-clause (2)?

Shrimati Gayatri Devi: That is right.

Shri T. T. Krishnamachari: Surely, Sir, I cannot refuse what the hon. lady Member wants; I will certainly accept the deletion of the two provisos.

Shri C. K. Bhattacharyya (Raiganj): Sir, the hon. the Finance Minister is discriminating between Member and Members!

श्री चांडक: मेरा अमेंडमेंट जो नं० २० है, मैं समझता हूँ उस को माननीय मंत्री महोदय स्वीकार कर लेंगे, इसलिए कि सारे एकट का निचोड़ कि गोल्ड पालिसी और कंट्रोल के संचालन के लिये एडमिनिस्ट्रेटर को अमर्यादित अधिकार दिये जा रहे हैं इस सुधार से उन में थोड़ा सा चक आता है। लोगों को इस से आश्वासन मिलेगा कि एडमिनिस्ट्रेटर के फैसले के बाद भी वे न्याय की मांग कर सकते हैं। मैं समझता हूँ कि यह एक छोटा सा अमेंडमेंट है और इसे मान लिया जाना चाहिये

[श्री चांडक]

क्योंकि एक ऐडमिनिस्ट्रेटर को जनतंत्र में इतने अमर्यादित अधिकार देना आवश्यक और उचित नहीं है। उन पर जरूर कुछ चेक हाना चाहिये। मेरे अमेंडमेंट से लोगों को आश्वासन मिलेगा। आखिर हमारे ऐडमिनिस्ट्रेटर भले आदमी हैं और अच्छी बात करेंगे, इस में कोई सन्देह नहीं, लेकिन हैं तो वे मनुष्य ही, और मनुष्य गलती कर सकते हैं। इसलिये इतने अमर्यादित अधिकार देना जिम तर कोई बन्धन न रहे और उसे फाइनल समझा जाये यह उचित नहीं होगा। इसलिये मेरा निवेदन है कि मेरे अमेंडमेंट को स्वीकार कर लेना चाहिये।

Shri N. C. Chatterjee: I want to support the amendment of Mr. Nambiar. What I wish to submit is this. An appeal to the Administrator is against the cardinal principles of justice. After all, the Administrator is an executive officer. He is there as the head of the prosecuting machinery. Therefore, to combine the role of the chief prosecutor and judge and make him the appellate authority is against the cardinal rule of law. It is not consistent with the principles of administration of justice. You should not try to combine the two offices into one. If you are really convinced that there should be an appellate authority, make it a genuine, *bona fide* appellate authority and do not make it a limb of the prosecuting machinery. And combining the functions of the prosecutor and judge is really repulsive to all juridical process.

We have consciously guaranteed to our citizens that we shall give them justice. And I submit it is not justice to have this kind of provision. Established principles governing the dispensation of justice should also be adhered to. There is no difficulty in having an appellate tribunal consisting of people who have nothing to do with the prosecution, who have nothing to do with the execution of this

When we were struggling under a slavish regime, it was an annual feature of the deliberations of the Indian National Congress to pass a resolution that there should be no combination of the executive and the judiciary. You know, Sir, this has resulted in gross miscarriage of justice in Punjab and other States where scandalous things have taken place. It is therefore vital that there should be separation of the functions of the judiciary and the executive, especially when you are giving such wide and sweeping powers for confiscating property, for seizure and for interfering with people's liberty and avocation of life.

I am, therefore, submitting that it is essential in the interests of justice that if we want to give them an honest appellate tribunal, we must make it a real adjudicating machinery and not merely pick out the head of the prosecuting agency or machinery or the investigating machinery and make him the appellate authority under this enactment.

Shri N. Dandekar: I wish to speak and support both the amendment proposed by my hon. friend Shri Nambiar and of amendment No. 99 which I have proposed. The two really in many ways go together.

15.41 hrs.

[SHRI SONAVANE in the Chair]

The only point that I would like to add the argument of my hon. friend is this.

At page 28, line 40 reads thus:

"...and shall not be called in question in any court."

My amendment seeks to omit these words. The amendment of Shri Nambiar about having a tribunal instead of a departmental adjudicating agency and the one which I have suggested are somewhat interconnected, and, therefore, I would like to add a word in support of Shri Nambiar's amendment.

I remember that when the Estate Bill came in 1953, I happened to have the privilege of giving evidence before the Joint Committee on that Bill and I said then—because there was a similar provision there that the Central Board of Revenue would have the powers both of directing operations of the Estate Duty Department as well as of hearing appeals—that this was rather like an appeal from Philip drunk to Philip sober, and this is very much the same way, here I am glad to be able to say that subsequently, I think, in 1958, the Estate Duty Act was amended, and the appellate powers of the Central Board of Revenue on Estate Duty were taken away and given, I think, to some appellate tribunal; I am not sure what particular authority it is called now. I would like to say only so much in support of the suggestion that, instead of the Administrator, there should be an appellate tribunal for dealing with appeals.

My own amendment is concerned with omitting the following words namely:

“And shall not be called in question in any court”.

at page 28 in line 40. I think that having regard to the arguments that have just been advanced, this is the minimum that ought to be accepted in the interests of justice. We have been talking all the time about the progress made in the States in the matter of separation of judiciary from the executive, but, of late, I have been seeing legislation here in which we are really taking decisive steps in the opposite direction, where not only are we combining the executive and the judiciary, as is the case here, by the administrator being made the appellate authority, but we are also in effect saying that we do not trust our courts any more, and so there should be no appeal from the administrator to a court of law.....

Mr. Chairman: I think that such general remarks against the court are not justified.

Shri N. Dandekar: I am saying that it is the other way about. I am not saying so. I am saying that Government seem to have no confidence in the courts; I personally have implicit confidence in them. That is why I am attempting to remove the words ‘shall not be called in question in any court’. In other words, I am submitting that the Administrator's decision should be capable of being called in question, if anybody wants to call it in question, and it should be capable of being called in question in a court of law.

श्री बाल्मकी : सभापति महोदय. इन संशोधनों से मेरा नाम भी सम्बन्धित है इसलिए मैं कहना चाहता हूँ कि प्रशासक को बहुत अधिक अधिक अधिकार देना अच्छा नहीं है। यूँ तो जहाँ पर भी ऐसी वस्तुएँ हैं और विशेष कर सोना, जहाँ पर आकर्षण है, एक लालच है, वहाँ पर उससे सम्बन्धित जो एक्साइज और कस्टम विभाग है उनके अफसरों को बहुत अधिकार देना आवश्यक नहीं है।

मैं यह मानता हूँ और मेरी यह धारणा है कि कस्टम और एक्साइज के विभाग में भ्रष्टाचार है, अधिकारियों में विशेष कर है। इस तरीके की शिकायतें भी आती हैं कि जो तलाशियाँ ली जाती हैं और जिस तरीके की चीजें निकलती हैं वह लिस्ट में वैसे न दिखा कर बहुत सी गायब भी हो जाती हैं, चाहे वह सोना हो, घड़ियाँ हों और अन्य क्रिमती रत्नादि हों। इसलिए मैं चाहूँगा कि उधर विशेष ध्यान दिया जाय। निश्चय ही यह एक बड़ा गम्भीर प्रश्न है। एक ही अधिकारी दोनों कामों को करने के लिए, कार्यपालिका और न्यायपालिका का, वह एक अच्छी और स्वस्थ बात नहीं है। इसलिए जैसे कि यह विचार चल रहा है देश में कि कार्यापालिका और न्यायपालिका में अन्तर होना चाहिए, कोई तारतम्य नहीं होना चाहिए और उन को अलग अलग होना चाहिए, वही बात यहाँ भी व्यवहार में बरती जानी चाहिए। इसीलिए मैं चाहता हूँ कि पेज 27 पर जहाँ पर कि ऐडमिनिस्ट्रेटर का शब्द लिखा

[श्री बाल्मीकी]

हुआ है मैं चाहता हूँ कि ऐडमिनिस्ट्रेटर के स्थान पर ऐपेलेंट ट्रिब्यूनल यह शब्द जोड़ देना चाहिए।

My amendment reads thus:

Page 27, line 14, for 'Administrator' substitute—

"Appellate Tribunal to be constituted for the particular area by the Central Government consisting of three members, one of whom, to be designated as the chairman, shall be a person who has held the post of a Judge or an Additional Judge in any High Court of India".

जाहिर है कि जहाँ पर जज का शब्द आता है वहाँ पर कुछ न्यायसंगत बात भी आती है। इसलिए यह आवश्यक ही है कि ऐडमिनिस्ट्रेटर के फैसले के विरुद्ध अपील की जानी चाहिए। यह मानना ही चाहिए कि जब अपील का यह अधिकार इसमें दिया जा रहा है तो इस तरह की अपीलों बहुत चलेगी और अगर उनकी सुनवाई साधारण तौर पर होगी तो न्याय मिलने में बहुत ज्यादा देर लगेगी। इसलिए इस काम के लिए ऐपेलेंट ट्रिब्यूनल बनाया ही जाना चाहिए।

मैं अग्रिक कुछ निवेदन नहीं करना चाहता हूँ। ऐडमिनिस्ट्रेटर के अधिकारों को सीमित किया जाय। उन को नियंत्रित किया जाय और मैं चाहूँगा कि इसके लिए जब आप नियम और रूल आदि बनायें तो उन नियमों में इस का विशेष तौर पर ध्यान रख कर बनाइयेगा। ऐडमिनिस्ट्रेटर के अधिकार सीमित रहे क्योंकि यह बात जरूर है कि जब यह मामला सारा ही साने का है तो उस के लिए एक आकर्षण होता है, लालच होता है और उस कारण अन्दरखाने बहुत सी बातें और अवाञ्छनीय बातें चल सकती हैं। विशेष कर जब हम भ्रष्टाचार को दूर करने की बात कर रहे हैं तो यह बात जरूर है कि जो बहुत से

अधिकारी उधर लगेगे वह उस भ्रष्टाचार में फसंगे। मैं इस बात को मानता हूँ कि जो इस तरह का विचार चल रहा है कि इन तलाशियों आदि में भी जो सब इंस्पेक्टर पुलिस के या ऐक्साइज के सब इंस्पेक्टरों को अगर ज्यादा अधिकार दिया जाएगा तो उधर ज्यादा गड़बड़ होने की सम्भावना है। इसलिए उधर आपको ध्यान देना आवश्यक है। इसीलिए यह अपील का अधिकार देना ठीक ही है और इस तरह का ऐपेलेंट ट्रिब्यूनल नियम किया जाना चाहिए। समरी ट्राइल का इस विधेयक में समावेश नहीं होना चाहिए।

Shri Narendra Singh Mahida: Since my amendments to this clause, namely amendments Nos. 157 and 137 to 143 are barred, I would like to speak in support of Shri Nambiar and Shri N. C. Chatterjee. I have already stated, that Government should not sit both as the police and as the judge. Even a murderer has got the right to go in appeal to various courts. This kind of absolute power which is sought to be given under this Bill is not good in the hands of Government. Even a convict has all the chances of getting a fair trial from different judges and from not merely one authority. Therefore, I plead that the provision for such appeal should be there.

Dr. M. S. Aney: I support the amendment which has been suggested.

Recently we have been finding that there is a tendency growing among all non-judicial departments to keep their doings or performances away from the supervision of the judiciary. I thought that the hon. Finance Minister would try to rise above that tendency. But I find that the provision here is only the result of that tendency and it has been allowed to remain. In many other Acts also recently we have found that the matter should not be open to a decision by the courts at all. Since powers have been given to the lower officers for confiscation seizure etc., the matter

has to be adjudicated, and, therefore, it is certainly necessary that the adjudication should come from an officer who is entirely unconnected with that department. For that purpose, a man with a legal training, and a person capable of being appointed as a High Court Judge is necessary. Then alone justice can be done to the people, and the people will be satisfied that the decision that is given is just.

Shrimati Yashoda Reddy: I would also like to appeal to the hon. Minister to accept this amendment, because when the prosecutor and the judge are the same person, there may be a feeling, however good that person may be, that justice is not being done. Even in those cases where the department is the ultimate authority, we have been pleading with Government that the courts should come in and justice should be done. Therefore, I support the amendment of Shri Nambiar and I feel that Government would do well by accepting it, because I feel that it is necessary in the interests of justice. Of course, I do know that there may be some delay on account of this, but we cannot dispense with justice just to avoid delay.

Even in those cases where the officers are punished as a result of any departmental inquiry, we have often demanded from this House that the ultimate authority should not be the department itself but it should be a judge or somebody from the judiciary or somebody different from the agency that prosecutes the officer. Here the customs authorities and the Administrator are not only the prosecuting authority; the Administrator is the final authority because he hears the appeal also. I request the hon. Minister to accept this amendment to dispel the feeling that justice is denied to the people.

Shri T. T. Krishnaachari: Mr. Chairman, the position is that it is not always that the Administrator is the man who does the investigation. In fact in regard to customs and other

similar Acts like the Foreign Exchange Act, etc. the adjudicator is not the person who is actually investigating the case. This follows the pattern of the customs law, Foreign Exchange Act and so on. I could recognise what my esteemed friend, Mr. Chatterjee mentioned—that there should perhaps be some kind of administrative tribunal set up. I suggest that it is a matter to be taken up. So far as I am concerned, purely as an individual—not as a Minister—a system of administrative tribunal set up perhaps with some kind of supervisory powers by the judiciary is a thing which I would welcome. But I cannot go and accept an amendment which is contrary to the present practice existing at the moment. I should like to assure the House that the investigator is not a person who is going to be the adjudicator. A pattern has to be set in regard to the whole picture: it cannot be done by this particular measure. I would certainly say, so far as I am concerned, as a single man, my support would be for any such move of setting up administrative tribunals under proper judicial supervision.

Shri Nambiar: Then my amendment is there; it can be accepted.

Shri T. T. Krishnamachari: It is a matter which has been discussed in the Select Committee; it is not something new which we have not discussed. The pattern that is now being observed has been incorporated here. It will be difficult for me to just accept an *ad hoc* amendment of providing a whole gamut of administrative tribunals, creation of them, appointment of them, vesting powers in them, question of supervision of them—all in the shape of this amendment.

So far as this question is concerned, whether they are the final authorities—they are not. My hon. friend Mr. Chatterjee will bear me out, The Supreme Court is also there. It is only in regard to subordinate judiciary that you may take away the jurisdiction. The jurisdiction of the High Court and the Supreme Court is a

[Shri T. T. Krishnamachari]

thing which cannot be questioned because they are there as part of our Constitution. 226 is there; we cannot take it away. The amendment that I would accept is the one which is proposed by the hon. Member from Jaipur, namely, deletion of two provisos to sub clause (2). Otherwise, I am not in a position to accept any other amendments.

Shri K. N. Tiwary (Bagaha): May I put a question? Has the Minister got the feeling of the House so far as the question of appeal is concerned, about the tribunal? Will he please do the needful in the matter?

Shri T. T. Krishnamachari: It is a question of constitution of the tribunal. It has been discussed. It cannot be brought into force at this stage by means of an amendment. It has got to be as a whole, for customs, for foreign exchange and for gold and everything. If such a thing is constituted, then all the Acts will come under it . . . (Interruptions.) As I said before, Sir, it applies only to subordinate courts; it does not apply to the Supreme Court or the High Court.

Shri Sinhasan Singh (Gorakhpur): The Customs Act, the Income-tax Act and all the revenue Acts are there; the purpose of the Government is to get revenue.

Shri T. T. Krishnamachari: This is not a revenue Act.

Shri Sinhasan Singh: So, the process of objection, etc. is gone through. Now, let us take an instance; some offence is committed. The Administrator will ask any gazetted officer to go into the facts, whether the concerned has contravened the provisions of the Act. If the officer confirms the findings, he will order for the confiscation. Thereafter an appeal would lie to the Administrator. My submission is that the confiscation order is

carried out under the orders of the Administrator himself. He appoints the officer for doing something; then he appoints a subordinate to go into the enquiry and if an appeal is filed on the findings from that enquiry, he is the appellate authority also; instead of going against the findings of that enquiry, he would like to support it and convict him and confirm the order. In such a case, if the judiciary is there, if an order is there and an offence is committed and the man is fined, there will be an independent authority to review the whole matter. Then man who fines, that very officer who convicts should not decide for the appeal also. You have accepted this theory in principle. What is the harm in finding a way out and saying that in such a case the appeal could go to the District Court or the High Court.

Shri Nambiar: We are prepared to amend our amendment any way he wants.

Mr. Chairman: I think the hon. Minister is not prepared to accept the amendment.

Shri Narendra Singh Mahida: No, no. Let him amend it in a suitable way. It says here that it shall be final.

Shri T. T. Krishnamachari: They are only subordinate courts.

Shri Narendra Singh Mahida: Why not say so in the Bill itself?

Mr. Chairman: I shall put the clause to the vote now.

Shri N. Dandekar: On a point of clarification, Sir. Am I to understand that appeals on questions of law will lie to the High Court just as in the income-tax law.

Shri T. T. Krishnamachari: Question of law—we need not prevent them.

Shri N. Dandeker: There is very specific provision there. I imagine that the same is necessary here. Otherwise all that is left is writ powers of the High Court and not the powers of appeal. (*Interruptions.*) With great respect, as the matter now stands, it can only go to the High Court under article 226, not as a matter of right on a question of law as in the case of Income-tax, Wealth-tax and the other tax laws.

Shri T. T. Krishnamachari: But has he any amendment? What is the amendment on which he is speaking?

Shri N. Dandeker: Amendment No. 99, where I suggest that the words 'shall not be called in question' should be deleted.

Shri T. T. Krishnamachari: The point is that if he really wants to make a distinction between the question of fact and the question of law, there is no amendment before the House. Amendment No. 99 only wants the deletion of the clause. That includes the question of fact also. The normal writ procedure is there. Hon. Member mentions that in income-tax matters questions of fact cannot go but questions of law can. There is no amendment here to distinguish between the question of fact and question of law? I will ask; I will probably be able to move an amendment myself.

16 hrs.

Mr. Chairman: Does Shri Chandak press his amendment?

Shri Chandak: I press.

Shri T. T. Krishnamachari: I would like to have the assistance of the hon. Member, Shri N. C. Chatterjee. I would like to know whether it will be all right if I move an amendment saying that it shall not be called in question in any court except on a question of law.

Shri N. C. Chatterjee: I think that is acceptable.

Shri T. T. Krishnamachari: Would the hon. Member say that that is correct—"except on a question of law"?

Shri N. C. Chatterjee: Yes.

Mr. Chairman: I will come to his amendment in a minute.

Shri T. T. Krishnamachari: I want to make it quite clear that the Government accepts two amendments: one is the deletion of the two provisos to sub-clause (2) and the other is the addition of the words "except on a question of law."

Mr. Chairman: I will first put amendment No. 61 to the vote. That is acceptable to the Government.

The question is:

Page 27,—

Omit lines 21 to 29. (61).

The motion was adopted.

Mr. Chairman: Now, amendment No. 99, as amended, will read thus: The hon. Minister.

Shri T. T. Krishnamachari: I beg to move:

Page 28, line 40, *after* "and shall not be called in question in any court" insert,

"except on a question of law".

Mr. Chairman: The question is:

Page 28, line 40, *after* "and shall not be called in question in any court" insert, "except on a question of law".

The motion was adopted.

Mr. Chairman: I shall now put the other amendments to vote.

Amendments Nos. 59, 60, 62, 63, 64 and 20 were put and negatived.

Mr. Chairman: The question is:

"That Clause 30 as amended stand part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clause 31— (Penalties)

Shri Nambiar: I beg to move:

(i) Page 30, line 4,—

omit "Certified". (65)

(ii) Page 30,—

omit lines 18 to 20 (66)

(iii) Page 30,—

omit lines 33 to 35. (67).

Shri N. Dandekar: My amendments are Nos. 100 and 101.

Mr. Chairman: 100 is the same as 66 and 101 is the same as 67. So, they are barred.

Shri Nambiar: My amendments are to clause 31, which deals with penalties.

Shri T. T. Krishnamachari: If it would help the hon. Member, I am prepared to accept the deletion of sub-clause (4) at page 30, amendment No. 67.

Shri Nambiar: I am very glad. I begin my remarks with thanks to the hon. Minister for this kind mercy. I must congratulate him, but even with the congratulations, we are now entering the jails. This is a clause for penalties and so we enter the jail with good news.

Mr. Chairman: Going to jails is frequent.

Shri Nambiar: Frequent for me particularly. He has accepted amendment No. 67, which means the proviso goes.

Shri T. T. Krishnamachari: Sub-clause (4) goes.

Shri Nambiar: Then it is not 66 but 67.

Shri T. T. Krishnamachari: The amendment is No. 67.

Shri Nambiar: Summary trial has gone. We shall go into the jails without summary trial, but by the normal trial. Anyhow we have to enter into the jail.

Shri T. T. Krishnamachari: Amendment No. 67,—sub-clause (4).

Shri Nambiar: The person enters the jail without a summary trial but with normal trial. That is what he has conceded. What about amendment No. 66 which relates to the proviso to sub-clause (2) which also should go? The point is this; sub-clause (xi) of clause 31(2) at page 30 reads as follows:

"makes or counterfeits any stamp intending that the same shall be used for the purpose of stamping any primary gold...." etc. and then—

"shall be punishable with imprisonment for a term which may extend to two years and also with fine:"

Then there comes the proviso:

"Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court, such imprisonment shall not be for less than six months."

That is why I said we enter the jail. Here the minimum punishment seems to be not less than six months. And the court is to be directed that even if they want to give lesser punishment, they cannot give it. They can give only six months or fine. That is my objection.

Shri T. T. Krishnamachari: For reasons to be recorded.

Shri Nambiar: Yes, but can the poor judge say? He can say: I am feeling that this is a case in which

the punishment must be three months imprisonment, but unfortunately my hands are tied by this measure and I have to award six months." So, the person has to stay in the jail for three more months under the head of the hon. Minister! What can a poor judge do? Therefore, my submission is this. Our intention is not to utilise these powers to harass the people. Let us not bring in this provision. This proviso must be deleted, just as the House has been informed of the deletion of sub-clause (4) about summary trial. If the judge feels that he has to be convicted for less than six months, let the poor judge do what he likes to do according to his conscience. Let us not tie his hands. Therefore, without much more explanation, I think the hon. Minister, ably assisted by the Deputy Minister of Law who is there nicely nodding his head and supporting my amendment, would accept this amendment.

Shri N. Dandekar: I sought to move my amendments to the same effect which have been barred. I urge that this proviso mandatorily to impose this punishment of six months imprisonment should be deleted. I have been saying in connection with several Bills that have been brought before this House during this session that the Government are getting into the extraordinary habit of mistrusting the judiciary to impose "judicial sentences" with the result that what they wish to have is mandatory imprisonment for six months, both for grave and trifling offences, as in this case. The offences concerned range from trifling to extraordinary and serious offences. But instead of leaving it to the judge or the magistrate to decide what shall be the term of imprisonment he should award, he has now to award, if the person is guilty, six months imprisonment without recording any reasons. But if he wishes to award anything less, he has got to make special pleadings for he accused. I cannot imagine a judge being put in such a situation, under which whatever his conscience may say, he has got to correct himself into a pleader

for the accused and put down special and adequate reasons for awarding less than six months' imprisonment. His reason may be special, but not adequate it may be adequate but not special. But under this clause, it has to be both special and adequate. The poor judge or magistrate has got to be in the position of having to record reasons even if his conscience tells him that a smaller sentence would be adequate. He has got to act as a pleader for the accused and record reasons not merely special reasons, not merely adequate reasons, but reasons both special and adequate to award a lesser sentence. I think the Finance Minister has been so good this afternoon in accepting a whole range of reasonable amendments that I am tempted to say: Let us have a quick answer from him that he accepts these amendments also.

Shri T. T. Krishnamachari: All right Sir; I have been asked to be quick. I accept amendments 66 and 67. We are also getting a little tired. Let us get through the Bill.

Shri Hari Vishnu Kamath: This is indeed a golden opportunity!

Mr. Chairman: I shall now put amendments Nos. 66 and 67.

The question is:

Page 30, omit lines 18 to 20. (66)

The motion was adopted.

Mr. Chairman: The question is:

Page 30, omit lines 33 to 65. (67)

The motion was adopted.

Shri Nambiar: I withdraw amendment No. 65.

Mr. Chairman: Has the hon. Member the leave of the House to withdraw?

Some hon. Members: Yes.

Amendment No. 65 was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 31, as amended, stand part of the Bill".

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clause 32 was added to the Bill.

Clause 33 (Limitations of prosecutions)

Shri Nambiar: I move my amendments Nos. 68 and 69.

Shri Narendra Singh Mahida: What about my amendments Nos. 147 and 148? Are they barred?

Mr. Chairman: Yes.

Shri Nambiar: I beg to move:

(i) Page 31, line 17, for "consent" substitute—

"sanction in writing" (68).

(ii) Page 31, line 19, add at the end—

"by notification in the Official Gazette". (69).

I hope in the spirit in which the hon. Minister has accepted the earlier amendments, he will accept these amendments also. The clause says:

"No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Administrator...."

I want that instead of "consent", it should be "sanction in writing."

Shri T. T. Krishnamachari: It has to be in writing. Nobody can give an oral sanction.

Shri Nambiar: Then, my second amendment is for adding the words "by notification in the Official Gazette" at the end, because otherwise certain action will be taken prior to this and when they are found, they will regularise it by the administrative orders. We want that it should be publicised in the Gazette, so that afterwards they cannot manipulate the records.

Shri T. T. Krishnamachari: It is purely technical drafting. I do not think it is proper to accept this amendment.

Mr. Chairman: Shall I put his amendments to the House?

Shri Nambiar: Amendment No. 68, I withdraw.

Mr. Chairman: Has he the leave of the House to withdraw it?

Some hon. Members: Yes.

Amendment No. 68 was, by leave, withdrawn.

Mr. Chairman: I shall put Amendment No. 69 to the House.

Amendment No. 69 was put and negatived.

Mr. Chairman: The question is:

"That clause 33 stand part of the Bill".

The motion was adopted.

Clause 33 was added to the Bill.

Clause 34 to 43, Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

"That the Bill, as amended, be passed."

Shri Ranga: I am afraid as in many other cases, an evil star is presiding over this country in this case also. From the very beginning, ever since this evil order was placed before the country, from every corner, from every political and social group, protests arose spontaneously, all over India. In spite of the efforts made by the then Finance Minister to underestimate their numbers, more than 5 million goldsmiths raised their voice

in horror and said that their whole traditional profession was being jeopardised by the gold control order.

For a time the country was under the impression that once the earlier Finance Minister made way and the new Minister was coming in, better counsels would prevail with the Government and Government would be wise enough to drop the much-hated gold control order. But unfortunately it has only come back in another shape. I cannot congratulate the Government nor can I adequately sympathise with the country for the plight which now faces the country, the people, the goldsmiths, the dealers, the shroffs and others who have been interested in the trade and industry of gold. More than that, it is wrong to think that ordinary people are not interested in it. Many people have already told us how even the poorest of the poor among the Hindus have got to go in for gold so far as the *mangal sutra* is concerned. Our people are not in the habit of having mangala-sutra in nickel or something like that. Therefore, those people are also affected by this. Then, for ages our people have been investing their wealth, however small it may be individually, in gold. All that has now more or less become demonetized, so much so they are not really able to carry on the usual transactions that they were carrying on on the basis of their possession of gold.

Why is it that the Government wanted to bring this forward? There was first the Ordinance and then this Bill. They said that it was for preventing gold smuggling. They have been obliged to confess that gold smuggling has not been stopped and it cannot be stopped for some time to come. At the same time, the Finance Minister, only yesterday, was able to take the House into confidence and assure us that within the not distant future, if only sufficient number of frigates of speed can come to be possessed and operated on our seas it should be possible to prevent not less than 70 per cent, and quite possibly very much more than that, of the smuggling.

and to that extent this Bill would not be necessary, all these coercive powers that the Government is now taking would not be necessary at all. Therefore, gold smuggling has not been stopped. The primary purpose has been frustrated. There are other ways of preventing gold smuggling. It could have been stopped and it could be stopped even now. Therefore, there is no need at all for the Government to have resorted to this Bill, to have forced this Bill down the throat of our people and this House.

What are the powers that they want to take? Whom are they going to affect? It is going to affect, as I told you, the ordinary people who possess gold. It is going to affect our women folk who have some jewels. These are the people who are going to be troubled in their mind as to whether what they possess comes within the mischief of this Bill or not. They have got to consult various people. They may consult the right people or they may consult the wrong people also. It is very well known that in very many of our villages when jewels are lent to some other people for marriage purposes and they are returned later on it is not the real gold jewels that are returned but false jewels. Therefore, they may be given wrong advice by others. In that way millions of our people are likely to be troubled.

Then there are the self-employed goldsmiths. My hon. friend wanted to assure us that the self-employed goldsmiths are sought to be protected by this Bill. Anyone who goes through the provisions of this Bill carefully, even the provisions as they are amended, would be able to see that the goldsmiths would be placed at the tender mercy of the local police, the local officers and various other people who have been given authority over these poor people. Therefore, these self-employed people who have been independently carrying on this profession or trade in spite of the mischief or failure not only of this Government but also several governments in the

[Shri Ranga]

past will now be placed under the evil eyes of the police and various other officers.

So, Sir, on their behalf I protest against this Bill. We protest also on behalf of all other people who have been engaged in this profession, in this trade and in this commerce of gold. Finally, I wish to say that though the hon. Minister has been good enough to accept a few small amendments today in order to make the face of this Bill look a little less ugly than what it is, the Bill as such would be a desecration on our statute-book. It ought not to be placed on it at all, and I am extremely unhappy that this Government has made our Parliament to go through this Bill in this manner.

Some hon. Members rose—

Mr. Chairman: I have to put this Bill to the vote of the House at 4.60. I will allow two minutes to Shrimati Lakshmikanthamma if she can confine her remarks to that time.

Shrimati Lakshmi Kanthamma (Khammam): Mr. Chairman, Sir, it is not an evil day as Shri Ranga thinks, but it is a good day for the country, especially for the women of this country. There was a time when men were also wearing ear-rings, necklaces and things like that. Now we do not see any of them wearing these jewels. Today the women in this country want education, knowledge and participation in the progress and development of this country. Sir, this measure is not, as some hon. Members think, because of the Chinese invasion or something like that. Even when the previous Finance Minister was there, in the consultative committees for years together people were asking him what steps he had taken to stop smuggling of gold. According to the International Monetary Fund's Report, smuggling has stopped to some extent, the demand for gold has fallen and the price has been controlled. The Minister has been very considerate in the

Joint Committee. Even now he has accepted several of the amendments. Sir, the Minister needs congratulations and I wish him all success in the correct implementation of this Act.

Shri H. N. Mukerjee: Sir, my grouse against the Finance Minister is of a very different character from that which was expressed by my hon. friend Professor Ranga. If the Finance Minister was really and truly pursuing a programme of socio-economic reformation and in that process had brought in this piece of legislation it would have been a very different picture. But, as a matter of fact, what has happened is that the Government has failed to tackle the problems thrown up by this yellow metal against which Shakespeare had inveighed so eloquently so long ago, and Government has not been able to punish those people who by their pranks practised every kind of deceit, smuggling and all that kind of thing, and have tried to make scapegoats of the poor goldsmiths. I do not, of course, say that there are as many as five million goldsmiths who have been in trouble. If our country had five million goldsmiths who live by selling gold ornaments we would have been a great deal richer than we are. As a matter of fact, there are so many goldsmiths, their number is so very large and they have suffered so much that even suicides have taken place. There have been so much feeling in the country that the Government should have taken the matter a great deal more into consideration.

The Finance Minister, of course, has had the grace, handsome but late, to acknowledge some of the defects in his legislation and accept some of the amendments offered. But he could have gone a great deal further. I would like to know what he is doing about the basic job? Why does not he get hold of the gold hoards? Why is he leaving the export and import trade in the hands of the paladins of free enterprise, which means gold

smuggling could go on and the problems of gold would never be solved?

In regard to what Shrimati Lakshmi-kanthamma said, I think, while it is a good thing that women are coming forward to support socio-economic reforms it would be rather a sordid day when our women, either voluntarily or involuntarily, have to go about without the kind of decoration which ornaments provide (*Interruptions*). I wish, Sir, for a kind of society where people would have at least that kind of comfort, that kind of standard and at least can afford a few good things which are good to see and which will add to their comfort (*Interruption*).

Shri Ranga: Sir, I want to tell my hon. friend one thing. Yesterday he was good enough to say that the goldsmiths had agreed and more or less accepted this Bill. May I remind him that in the memorandum which they made it perfectly clear that they do not accept this Bill at all.

Shri T. T. Krishnamachari: Sir, probably, we have been meeting different types of goldsmiths. I do not want at this stage of the Bill to enter into any argument. I think, by and large, whatever harsh words we might have said on both sides, all hon. Members have co-operated in getting this Bill through. I do not want to enter into any polemic argument. But one fact I would like to say is that I yield to none in this House, whether of the Opposition or the other, that any measure we are bringing forward should not affect either the people who work, the self-employed goldsmiths, or even the individuals who perhaps in the process of education might give up any large use of gold.

I quite agree with my hon. friend, Shri H. N. Mukerjee. Maybe, sometimes we probably like some dangling ears of a person of the other sex; it is something good to see, specially the way they shake up with a little shine in the ear. However harsh I might

appear to be, I do not want our women folk to be completely devoid of this element which adds to their grace. But the basic question, as he himself mentioned is this, that there are certain difficulties in our getting gold in any large quantity and smuggling takes place. The hoards are undoubtedly there, very large hoards according to the information that I possess. How soon that could be unearthed, I do not know, but the Bill, if it is passed by the other House and becomes an Act, it can only be applied against those people who are anti-social. The individual liberties should be preserved. The rules should be so made that even if there is going to be, maybe, a deviation from law, the poorman, the self-employed goldsmith should not be harassed. And it will take time, I am not saying that after two or three years we will see the millennium. It will take 7, 8 or 9 years. Then, there are other friends like Shrimati Lakshmi-kanthamma who feel that it is better to have some other amenities rather than gold.

I can only give this assurance that so long as I am in charge of this department I will impress upon the officers that this enactment should be worked without any harassment to the people. While we should watch and put down the evil, if it happens in a big way, so far as the individual is concerned, be he a goldsmith or a person owning gold, he should not feel that here is an enactment which restricts his liberty or unduly puts him in a straight jacket. I can give that assurance.

Mr. Chairman: The question is . . .

Shri M. R. Masani: Sir, on a point of order. There is another business before the House to be taken at 4:30 P.M. So, further consideration of this motion will have to be postponed till tomorrow.

Mr. Chairman: There is no point of order.

Shri M. R. Masani: It is a point of order.

Mr. Chairman: It is a matter of convenience to take up that item.....

Shri M. R. Masani: We cannot allow any deviation from procedure.....

Mr. Chairman: It is a question of convenience.

Shri Ranga: It is not a question of convenience.

Mr. Chairman: The question is . . . (Interruptions) Order, order. The question is:

"That the Bill, as amended, be passed."

Those in favour of the Bill may say 'Aye'.

Several Hon. Members: Aye.

Mr. Chairman: Those against it may say 'No.'

Some Hon. Members: No.

Mr. Chairman: The Ayes have it; the Ayes have it. The motion is adopted. Now we will take up the next item.

Shri Ranga: You cannot do this. What is this you are doing? You have to follow the procedure.

Mr. Chairman: We will now take up the next business.

Shri Ranga: You cannot go like this . . . (Interruptions).

Mr. Chairman: Order, order. Shri Shri T. N. Singh.

The Minister of Industry and Heavy Engineering in the Ministry of Industry and Supply (Shri T. N. Singh): Mr. Chairman, this question of small cars

Shri M. R. Masani: Sir, we want to divide the House on this tomorrow morning. There has to be a division tomorrow.

Mr. Chairman: Now that the Bill has been passed . . .

Shri M. R. Masani: It is not passed . . . (Interruptions).

Shri Ranga: It has not been passed. No, it will not be passed without a division. We are challenging it for a division. This is not the way of conducting the business of the House.

Mr. Chairman: The Bill has been passed. At that time, Professor Ranga could have raised the question of division . . . (Interruptions).

Shri Ranga: Let me tell you it has not been passed. We were never given an opportunity to oppose it.

Mr. Chairman: I think an experienced parliamentarian like Shri Ranga should not behave . . .

Shri Ranga: When you are in the Chair, you have got to discharge your primary responsibility. I am calling for a division . . . (Interruptions)

Mr. Chairman: It was not challenged for a division then.

Shri Ranga: No, no. We have asked for a division. You cannot do it in this fashion.

Mr. Chairman: I have already called the Minister, Shri T. N. Singh.

Shri M. R. Masani: It is utterly illegal and against the rules . . .

Shri Ranga: You have to follow the rules. You have no right to behave in this manner. We want a division. (Interruptions).

Shri M. R. Masani: We want the Speaker to give a ruling on my point of order.

Mr. Chairman: There is no point of order. Prof. Ranga raised another point of order.

Shri Ranga: I did not raise any point of order. Shri Masani raised a

point of order and I was supporting it. Sir, you cannot go ahead according to your own wishes. You have no right to do it.

Mr. Chairman: I have given my ruling.

Shri M. R. Masani: No, you have not given any ruling . . . (Interruptions).

Shri Kapur Singh: You cannot go beyond the ambit of the Rules of Procedure.

Mr. Chairman: Before putting the motion to vote, I have looked at the Opposition Benches.

Shri M. R. Masani: No, it was never put to the vote.

Mr. Chairman: Now the Minister.

Shri T. N. Singh rose—

Shri Ranga: You please sit down. You have no right to stand up now.

Mr. Chairman: It can be raised at the appropriate time.

Shri Ranga: After you have done a wrong thing, you are now saying that it should be raised at the appropriate time.

Mr. Chairman: I still say it was not challenged.

Shri M. R. Masani: I will ask for a division tomorrow morning.

Mr. Chairman: Shri Masani raised a point of order on a different ground. . . . (Interruptions).

Shri M. R. Masani: No no.

Shri Ranga: You cannot function in this way.

Shri N. Dandekar: We asked for a division, but you did not allow it. Let us request the Speaker to be here.

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Shri Kapur Singh: You are playing ducks and drakes with the Rules of Procedure (Interruptions).

Shri Ranga: You have done it in a surreptitious manner. We cannot allow this. (Interruptions).

Shri M. R. Masani: The best thing is to keep it pending till to-morrow morning and await the decision of the Speaker . . . (Interruptions).

The Minister of State in the Ministry of Home Affairs (Shri Hathi): I think sufficient heat has been generated by the point of order raised by Shri Masani. The question was, of course, put to the vote but he had raised a certain point of order .

An Hon. Member: Because the time is up, it cannot be proceeded with.

Shri Hathi: That is what I meant to say. I think the best thing would be to keep it pending. We will inform the Speaker what has transpired and then whatever decision he takes will be followed by us.

Shri M. R. Masani: Only tomorrow morning.

Mr. Chairman: Generally, whenever a decision is challenged, it is immediately granted. But this time when I was putting it to vote, I looked at the opposition benches. But they wanted to raise a point of order regarding the time. Therefore, I said it is a matter of convenience. However, taking the wishes of the House into consideration, we will hold over or defer the decision on the division.

Shri Narendra Singh Mahida: On a point of order, Sir. No vote was taken.

Mr. Chairman: I decided that no division was called for.

Shri Ranga: No vote was taken . . . (Interruptions).

Mr. Chairman: I have given my ruling.

Shri Ranga: We do not accept your ruling.

Mr. Chairman: The question of division will be decided tomorrow.

Shri Ranga: You are in the Chair and you behave in this manner.

Mr. Chairman: Do not cast aspersions on the Chair.

Shri Nambiar: We are always proud that one of our Members sits there as Chairman. When one of our Members sits there as Chairman, we always abide by his ruling because we feel that he is one of our Members who is not experienced. When you suggested that it was put to the vote, I, with my voice, said, "The Noes have it", but it was not heard. Finally, in your wisdom you have decided to postpone it for tomorrow. We thank you for the same.

Mr. Chairman: As Shri Hathi has placed before the House, the question of division will be placed before the Speaker for his decision.

Some Hon. Members: Tomorrow morning.

श्री रामसेवक यादव (बाराबंकी): मेरा व्यवस्था का प्रश्न है ।

Mr. Chairman: Now there is no point of order. We are going to the next item.

Shri M. E. Masani: Do I understand Shri Hathi's suggestion to be that this matter will be on the agenda tomorrow carried over from today, and then the Speaker will rule whether there should be a division or not? That is what I understand and that is what we want.

Shri Ranga: We want a division. We want a record.

Shri M. E. Masani: We want the Bill on the agenda paper tomorrow. I hope it is clearly understood.

Mr. Chairman: The question of division will be placed before the Speaker.

Some Hon. Members: No, no.

Mr. Chairman: If hon. Members desire a division just now, I am prepared to have it.

Some Hon. Members: No; we cannot have it now.

Shri M. E. Masani: The time has passed. You cannot have it now. Let it be clearly understood that the Bill will be placed on the agenda tomorrow and then the Speaker will give a decision.

Mr. Chairman: It will be placed on the agenda tomorrow and the decision will be given by the Speaker.

Shri Radhela Vyas (Ujjain): Mr. Chairman, I have to make one submission. In this heat that was generated, some remarks were passed by the hon. Leader of the Swatantra Party against the Chair. I request you that those remarks should be expunged from the proceedings.

Some Hon. Members: Yes.

Shri Ranga: I agree. I withdraw. Whatever has passed between the Chair and myself, let it be treated as not having taken place.

Mr. Chairman: An experienced Member should have behaved with more discretion.

Shri Kapur Singh: Before you proceed to the next item, may I be permitted to say a word about certain observations which you were pleased to make about our conduct?

Some Hon. Members: No, no.

16-45 hrs.

DISCUSSION RE. MANUFACTURE,
CONSUMPTION AND PRICE OF
CARS—Contd.

Mr. Chairman: The hon. Minister.

Shri Dinen Bhattacharya (Serampore): I want to ask some questions of the Minister before he replies.

The Minister of Industry and Heavy Engineering in the Ministry of Industry and Supply (Shri T. N. Singh): Sir, on two days—not exactly two days in hours but on two different days—this question of small car has been discussed and now I have to reply to the speeches which were made in the course of the debate.

I would start by saying that I quite agree with hon. Members on both sides of this House that the prices of cars are high. I also agree that there is need for a car which should be within the means of the average person who requires such a small car in our country. At the same time, there may be various requirements and needs in the country. It is desirable that whenever we decide on certain large investments, the priorities of various competing claims should be carefully considered before a decision is taken. So, I would like the House to go into the question of priorities of the various kinds of competing claims against which we have to make investments in a Plan period.

Certain friends asked why these things have not been done despite the fact that hopes were held out. It is true that there has been a desire on the part of every one of us to have a car as proposed by many Members. At the same time, what we have felt is that there were certain compulsions of events which have to be taken into account. It will be quite wrong to say that this project was shelved because of pressure of any particular group of people, whether businessmen or otherwise. I can assure the House categorically that this Government is not going to be influenced by any pressures whatsoever in this regard. I am very clear on this point.

Some friends reminded me of what I did as a member of the Planning Commission. This question was certainly discussed in the Planning Commission and the Plan did provide in a larger base for the provision of a small car project, but it was not in the core of the Plan. I

must make that very clear. I may tell the House very frankly that there are after all many more other important things. When it comes to choosing between a small tractor and a commercial bus or vehicles and a car, what shall we choose? Obviously, I am sure, this House will entirely agree that we cannot have any choice other than a tractor, a power tiller or a bus or a truck because that is the need of the commonest of our people. Therefore, when the Planning Commission or the Government has to make a choice between certain competing claims, it has naturally to make a choice of something which is not a small car as such. That is what has been happening. There are so many things.

But I certainly protest against some of the accusations made against Government. It has been said that the Planning Commission also has not provided funds which were promised for the automobile industry as a whole. What was the promise which was made in the Plan as well as by the Government from time to time? We had provided for an investment of Rs. 40 crores for capital investment—that is what Shri Patel said. We had also provided on maintenance account something of the order of Rs. 175 crores over a period of five years.

What are the facts? The facts are very revealing if I were to tell you. In the very first year, that is, in 1962, despite our great foreign exchange difficulties, for the automobiles including scooters—Rs. 40 crores includes scooters and everything—we had provided Rs. 30 crores of foreign exchange for that purpose.

And after that, in the whole of this up to now the total cleared by our foreign-exchange committee and CG clearance committee comes to something like Rs. 74 crores, as against Rs. 40 crores in the Third Plan. One year is yet to go, and so much provision has been made. I beg to ask in what way have the Government not kept their promises in this regard.

Shri Harish Chandra Mathur (Jalore): Out of Rs. 74 crores, how much is for the rotten cars?

Shri T. N. Singh: I do not know to what rotten car my hon. friend is referring.

Shri M. L. Dwivedi (Hamirpur): To Ambassador.

Shri Harish Chandra Mathur: To the rotten car to which the House referred.

Shri T. N. Singh: I may be excused if I do not go into individual cases.

Shri M. L. Dwivedi: And a scooter imported for Rs. 1,750 is sold now for Rs. 3,000. They have not been able to reduce the price.

Shri T. N. Singh: In regard to investments, provision made for maintenance account, what is the position? We had provided for Rs. 175 crores. Up to now over Rs. 130 crores have been provided on maintenance account for this entire automobile industry and we have . . .

Shri Harish Chandra Mathur: It would be much better if he kindly gives the break-up. When he gives the figure he is confussing with the car and commercial vehicles. We will have a better understanding if he gives what is for commercial vehicles and what is for cars.

Shri T. N. Singh: Unfortunately, I am comparing the figures given by Shri Patel.

Shri Sinhasan Singh (Gorakhpur): One point may be cleared. The hon. Minister is saying that it is provided for in the Plan . . .

Mr. Chairman: Let him continue.

Shri T. N. Singh: I would request the hon. Member to hear me. Shri Patel had said that the Plan provided for Rs. 40 crores for capital investment in the automobile industry. I am referring to a particular point made

by a particular Member. Let me answer that particular Member at least. Why should hon. Members interfere in this? I am comparing it and I am saying that this was the order of funds made available; in regard to maintenance accounts also this was the position.

In regard to break-up of the figure I can answer, but I would plead for certain patience. After all, if a Member has made a point, it is my duty to answer that point. And therefore I claim that interference by others is highly unjustified. In regard to this break-up, my difficulty is that these are provisions made to various firms who are an integrated firm. They manufacture both automobiles, passenger vehicles, trucks and other things. Therefore, it is very difficult to differentiate. But if he wants, that again will be a very, very rough estimate, because the same plant, the same machine can be used for shaping and finishing for various other products. And I am unable to get so far unless an enquiry is ordered. It will be difficult at this stage to separate the accounts and get at the figures. But I say, whatever the Government's part in this, the accusation that Government have not come forth is quite wrong.

Now, it is true, I had started by saying that so far as priorities are concerned—and I claim that the House will agree with me—that compared to trucks and tractors and other things, this is certainly of a lower priority. I ask whether any one can refute this. I am sure the House is one with me, hundred per cent with me on this point.

An Hon. Member: Yes.

Shri T. N. Singh: Therefore, I will not labour on that point any further. I have started by saying in the very beginning that I am not very happy with the high prices of the passenger cars. I also feel that there is a lot of things that could be done in regard to ancillary items which are produced in

the country. Their prices are also high. But I would not be taken in by all the propaganda leaflets that seem to have been distributed all these days . . .

Shri M. L. Dwivedi: By manufacturers.

Shri T. N. Singh: Yes I am not referring to leaflets which you may have given. There have been all kinds of claims in regard to ancillary industries, that all the things are just, that nobody is to blame except the Government and the high taxes. That is also one-sided. An objective view has to be taken. I may inform the House in regard to the very big noise made about ancillary units that I have already directed that an enquiry may be made into the costs of the various ancillary units, and our cost accountants are at work on that job, and we shall be placing all the information before the House in due course as and when we know of that.

Having got the agreement of the House on this, as I see, in regard to the priorities of various things manufactured in the country, the House may permit me to express my own views in regard to such ventures. I am always of the view, and have been, that economy of scale must be insisted upon in any production programme. But at the same time there is always the question raised here in this House and outside about licences being issued to a particular party only and monopoly production getting in. Government has to assess the arguments against monopoly as well as arguments for economy of scale in any production programme, and so it is happening.

I think at this place I should remind the House that in 1951 a committee was appointed to go into the automobile industry, in the very early days when we started production. There also there was a mention that there are so many types of cars, and even then the position about ancillaries etc., that problem seemed to have cropped up even in those days. So

what we have inherited from the historical process is before us. I would not like to go into that question at this stage.

But I do feel that if we go in for any car for that matter, if the House so decides, it will be necessary to insist on economy of scale.

Now, at the beginning of the Third Plan or towards the end of the Second Plan, according to the best of estimates, our own estimate was that we do not require passenger cars in the country of the order of about 40,000 cars. That was the estimate. Having before us the two or three units we had in production, with that order of demand, it was felt—and it was quite legitimate to feel—that to have any item producing 10,000 cars will be a wrong decision to take. So I think whatever decision was taken by the Government or the Planning Commission in those days was right.

As we have grown in economy it appears that probably in the future, in the Fourth Plan, there is going to be a higher demand. But I must warn the House,—I am myself of the view, and I may invite some fellow-Members here to discuss this question in some detail—I personally feel that any unit which produces less than forty or fifty thousand cars is not the right type of unit, economic unit, according to me. It is very important that there should be this scale of production. And I was really amazed at the argument being placed by somebody that if you had provided all this, the present manufacturers would have doubled or trebled the production.

What is the position? As I explained at the very beginning, we have provided maintenance accounts of this order. It is their choice. It is not a small sum that was provided. And what is the production? It is not of that order: 26,000.

And remember, what are the great foreign-exchange difficulties if it comes to that. Shall we deprive the small industry today, the small man who is

[Shri T. N. Singh]

investing his savings of generations in those small industries—he is not able to get a ton of this metal or that raw material—shall we deprive him of that and increase the allocations of foreign exchange for the small car, as has been urged here? I am sure if we were to think coolly, nobody would suggest that we should deprive the small industry and provide a maintenance account's expenditure for this. And yet Government have done this. If I may submit in all humility—I dare not say—but many colleagues have said harsh things about the Government which is entirely unjustified. Despite foreign exchange difficulties, despite so many problems, we have provided for the car industry, and whoever are manufacturing, as much as was within our means. It was not of a small order. It was explained, and we have been insisting during these five or six months, and I am hopeful that most of these units, will, except for one, reach about 90 per cent of the indigenous content. Then, perhaps a lesser amount of foreign exchange would be required to produce a larger number of vehicles of this kind.

17 hrs.

Mr. Chairman: May I enquire from the hon. Minister whether he will complete his reply today or he will take some longer time?

Shri T. N. Singh: My intention is not to drag on, but to continue and finish in five or ten minutes, if the House would permit me. I shall not take more than five to ten minutes. I shall try to finish as soon as possible.

Mr. Chairman: I am asking because there is a half-an-hour discussion after this.

Shri T. N. Singh: I hope to finish in five to ten minutes. As you know, I had lost ten minutes in interruptions. So, I am not exceeding the time-limit which I had set for myself.

Shri M. L. Dwivedi: After he finishes, we would like to ask some questions also.

Shri T. N. Singh: May I say, and I think my colleagues and friends here will agree with me, that I am more or less in sympathy with many of the things that have been said at least with the objectives? But at the same time, let me expand my argument and say what I have to say. (*Interruptions*) I did not interrupt any single Member when he was speaking. So, I should not be interrupted now, and I should be permitted that much of indulgence at least.

I was referring to the production stage of the various units. These units have not been able to manufacture, with all the facilities that have been given to them, the number of cars which they were expected to manufacture, and that is what has been stated. It will be wrong to make any accusations against them in this regard. The fact is that they have their own problems. The automobile industry is a highly complicated industry, and we have had so many vicissitudes during all these years, and I think that they also desire and they also want to sell a larger number of vehicles and also at a lower cost. And here I would like to make another point. There is nothing like a price-control as has been said by many Members. There is no statutory price-control at all. As a matter of fact, the 1957 prices were supposed to be taken as the base, and the automobile manufacturers were free to add to the price according to certain rise in costs etc. So, Government are not to blame for any price that may be prevailing as such directly, though I do concede that the producers have been kind enough to refer their problems of higher cost etc. from time to time to us, and we have looked into them and also said whether such and such a thing was reasonable or unreasonable as the case may be.

Shri Man Singh P. Patel (Mehsana): What is this 'kind enough on the part of the producers'?

Shri T. N. Singh: I want the kindness of everybody. That is my approach.

What I am thinking is this. Probably in the Fourth Plan there is going to be a demand of a higher order for a car which will sustain a production of 50,000. I have yet to go into various details, and I do not want to rush into a decision. After all, public money or a large amount of Indian money has to be invested. So, it is very necessary that the details and the full implications of the project should be fully considered. I want a detailed project report and I want a fuller examination of the profits, the expenses, the income etc., and I can say that an attempt at such a study is being made. Besides, we are also having discussions and talks with a number of producers of such kinds of vehicles. I must make it very clear that I am not making any commitment at this stage. What I am trying to explore just at present is the economic feasibility of the proposals or the several proposals which may be before me or which are before me. The second thing that I want to add is that we want to standardise the ancillary parts. During World War II, America with great profit was able to introduce what is called interchangeability of parts. Unfortunately, every car has got its own type of parts etc. in most cases—not in all cases—and there is hardly much of interchangeability. I have been recently discussing this matter with the producers in the ancillary parts industry, and I have put this idea across to them, and I am glad to say that my suggestion has been accepted by them, and the producers in the ancillary industries will sit round with our technicians and our ISI and will try to find a solution to this problem of interchangeability of parts. If that is done, that will result in economy of scale as well as the lowering of prices and costs of the ancillary products. That is the second step which I propose to take,

and I have hardly already initiated that, as I have just now told the House.

The third thing is in regard to taxes about which some points have been made. I can say in regard to this that it will not be proper for me to give any opinion about it at this stage. My colleague the Finance Minister is still seized of it, and he must be looking into all the aspects of the matter. But one thing I can tell you, and that is that I was really amazed at the low priority given in one of the very advanced countries like Czechoslovakia to the Skoda car. I am told that it costs something like Rs. 7000, but it sells at as much as Rs. 30,000. What is that due to? That is because there is a very heavy duty of over Rs. 22,000 on each car sold. They have done it because they are giving a lower priority to this kind of thing. And after all, the purchasers who can purchase that car also belong to the higher income group. The incidence of burden which the higher income group can bear is a thing which has to be left entirely to the Finance Minister to be looked into and it should be left to him to arrive at a decision.

Shri Kashi Ram Gupta (Alwar): Why leave it entirely to the Finance Minister? Why should the hon. Minister himself not give his suggestions?

Shri T. N. Singh: I am sure that he will be consulting me, but the initiative should be his.

I shall not take more time of the House, but I would say in conclusion that I have profited a great deal by the various views that I have heard from my hon. friends in this House. There were all kinds of views expressed.

Shri Kashi Ram Gupta: But what about the quality of the car?

Shri T. N. Singh: I am coming to that. About the quality also, I am prepared to concede, and I do concede, that the quality is not what we want; it requires a great deal of improvement. I am also in touch with the producers, and I think that they also

[Shri T. N. Singh]

realise fully the need for improving the quality, and I hope that they will continue to make their efforts to improve the quality. I shall try my best to impress this on them, and I am quite sure that they will also agree with me in this, and they are agreeing with me, I take it, because when I put across these ideas to them, I found that they also seemed to be conscious of the need to improve quality, and they should do something about it. Let us hope for the best of results in the circumstances.

As I was saying, I have learnt a lot from the speeches of my hon. friends on this very important question. After having looked into all the views, I feel that there is not much of a difference of opinion in regard to our approach and the approach of the Members. I have tried to explain the various points. The only thing that I want to say is that if it comes to that, I am going to give a higher priority to scooters, motor-cycles and the like. In all humility, I may suggest to the House that they may kindly permit me to give higher priority to this kind of transport as against even the small car. In regard to that also, I may take the House into confidence, and I am seriously making efforts or rather Government are seriously making efforts to step up the supply and production of these things, and it is quite likely that in the very near future, in about a year's time, there will be an appreciable improvement in the supplies of this mode of transport namely scooters, motor-cycles, mopeds and the like.

In regard to the Fiat car also, I am glad to inform the House that the Fiat supply is also going to be increased, and I feel that that should give some relief, though not much of relief.

In regard to the other points, I have already stated what I wanted to say. I have nothing more to say except to request for the co-operation of the House in the consideration of this problem from time to time and even

formally, I am quite willing to have talks with a small number of friends here and discuss all these questions in greater detail.

Some Hon. Members rose—

Shri Sham Lal Saraf (Jammu and Kashmir): I want to ask one question. He has not covered many points.

Mr. Chairman: There will be other opportunities for that purpose. If I permit the hon. Member, I shall have to give chance to others also.

Shri Sham Lal Saraf: Till the Government is in a position to get the small car, as desired by all of us here, may I know what effort would be made to reduce the present high cost of the car? I think the position has not improved at all.

Shri T. N. Singh: I have already explained the efforts and the methods that I am pursuing in regard to reduction of cost. There must be economy of scale by standardisation and interchangeability of parts. Then there are the problems for the ancillary units. I have already indicated some lines on which I am thinking. (Interruptions)

Mr. Chairman: Order, order. No more questions. We take up half-an-hour discussion.

17.11 hrs.

RE. WATER FOR PROJECTS IN KARNATAK*

Shri Sivamurthi Swamy (Koppal): Mr. Chairman, Sir, let me start my discussion with the Vedic prayer which will express the importance of my purpose:

"O' Waters! As you are the source of happiness, infuse strength into us, so that we have, great and beautiful vision. That essence of yours which is most auspicious, make us share it here. O you who are like loving Mothers.

*Half-an-Hour Discussion.

Let us resort to you fully for that removal of evil, whereby you gratify us. Waters! you have verily created us."

Sir, this is a Vedic prayer.

I have been compelled to raise this discussion. The inter-State disputes about water is going on for the last, I think, 14 years or perhaps even earlier. The two State Governments of Mysore and Bombay have requested the Central Government to take the water dispute to some judicial award all the time. I charge the Central Ministry of avoiding this issue and not taking it up to a tribunal or setting up some body under the River Boards Act of 1956. I have got every respect for the present Irrigation Minister who is a well read engineer and also an expert in irrigation. But may I point out that his expert knowledge or his energy is not being utilised for the just cause of the nation as a whole; his energy is being utilised since 1951 to exploit the upper reaches of Krishna and Godavari, taking water from the scarcity area with an average rainfall of 24" a year to an area with 45" rain and 75" rain per year. So many projects have been recommended without the sanction of the technical experts, or the technical clearance from the Planning Commission, the Central Irrigation Board or the Ministry. This Minister has encouraged them and misused the power from the Central Government and connived with selfish ends. He has diverted waters from the scarcity areas of Bellary district which were once part of the Rayalaseema; it is just on the border of Andhra and Mysore. I do not want to raise a controversial point here. Let us share the water equally, justifiably and judiciously among all these States. I will not plead for a single pot of excess water to this area, in excess of the fundamental and just share. That is why I wanted one day to be fixed for discussing the Gulhati Commission report. That report has not emerged from the Karnatak or Maharashtra engineers; it is an intelligent report. 14 questions had been put in this House

and in Rajya Sabha but no action has been taken. The Maharashtra Government says:

"Whatever that may be, it is evident on the basis of the statements made by the Governments of Maharashtra and Mysore, that there exists today a serious inter-State dispute regarding water of certain inter-State rivers. The Constitution of India specifically provides for the adjudication of such disputes by Parliament. In view of the grave importance of the matter and the grave issue relating to the future prosperity and well being of the peoples of the States that it involves we hope that now that it is a matter of public dispute, it will not be settled by any patchwork compromise formula which will leave room for dissatisfaction in any quarter. Experience during the last twelve years has repeatedly shown that it is dangerous, in relation to important problems of wide interest, to arrive at decisions in an *ad hoc* manner. Such *ad hoc* decisions inevitably reflect the temporary balance of political power and cannot be expected to yield stable solutions. As the Association has always insisted in its various memoranda, it is of the utmost importance that in all such matters uniform standards and methods based on clearly defined and well recognised principles are used in arriving at settlements and that such problems are resolved by publicly constituted authorities or tribunals acting openly and with established procedure."

Shrimati Lakshminkanthamma: On a point of order. When wild allegations are made against others, at least they must be asked to give some of the details of what has been done to Andhra.
... (Interruptions).

Mr. Chairman: He will give. He will conclude within 3 minutes. It started at 5.10.

Shri Sivamurthi Swamy: No, no. Sir I will need at least five minutes more because the discussion started only at 5.10 I stated the request of the Maharashtra Government. Now here is with my Mysore request also. I cannot read the whole letter. I can only give a reference to letter No. PWD 24/PRA/59 dated 29-1-1962 from the Secretary to Mysore Government requesting the reference of water dispute to a tribunal for adjudication under section 3 of the inter-State Water disputes Act, 1956. The parties are given here: Andhra Pradesh, Maharashtra, Madhya Pradesh and Orissa. About the estimated direct annual yield from sub-basin and the review of estimated yield and project requirements as proposed by State Governments the Gulhati Commission says:

"The Commission regards these estimates as no better than informed guesses; while giving a general idea of the likely average yield from each sub-basin, these estimates are not enough to form the basis of big projects involving large sums of public money. Considerable caution must be exercised in sanctioning new projects."

Here is our Minister who goes on sanctioning, without taking into consideration these things... (*Interruptions*).

Mr. Chairman: The Minister will reply: the others may keep quiet.

Shri Sivamurthi Swamy: The following is the analysis of the demands and the fair share of each State in Krishna waters. The States concerned are Maharashtra, Mysore and Andhra Pradesh. Taking the total quantity to 2220 TMC, what is the position? A total of 1173 TMC had already been booked for works that existed before 1961, while the allotment for future works comes to 2785 TMC. The commitments have already been gone through. All the State Governments are already ahead with the projects. I have got the total amount of the water balance-sheet. I have placed this book also in the Library. Any hon. Member can go through it. It is

a very interesting one. Before Independence, the water balance in Karnataka was 91 TMC. After Independence, and before 1951, it was 279 TMC. In the third Five Year Plan, the commitments on the projects which have already been referred to by the Planning Commission and also to the CWPC come to 754 TMC. The total of all this comes to 1125 TMC, whereas Karnataka has been allowed only 600 TMC according to the Minister's statement in 1963 during the budget session. He has sanctioned the Upper Krishna project; that is true. But then where are the waters? That is the question now. He has sanctioned so many projects. It is not a political question. It is a scientific question. Being an engineer of high scientific calibre, I want him to tell me how he has sanctioned, without water, the Nagarjunasagar scheme; without water, the Srisailem project; without water, the Pochkonda scheme and the Upper Krishna project. The famine area is the most affected area where the irrigation is 0.9 per cent. While the irrigation percentage in Maharashtra is only eight or nine, in Karnataka or it is just 0.19 within the basin area, which is a scarcity area. The Gulhati Commission has strongly recommended the measures. If this water will not come forth, how can we expect to build up the future projects? If we have no projects, that means the Central Government and the Minister of Irrigation want to perpetuate the famine conditions in Karnataka and completely deprive those people of their rightful share within the basin area. The authorities must take that aspect into consideration. The commitments within the basin area of the river must be fulfilled. Here is our Minister who has sanctioned the supply of water beyond the basin area. The Gulhati Commission has submitted its report. I congratulate the Minister for the big schemes that he has initiated in Andhra Pradesh. He has worked from 1951 up to now practically in the Central Water and Power Commission. That Power Commission.

Mr. Chairman: The hon. Member should confine himself to a short statement. The Minister has to reply and other Members must have some time to put their questions. Please conclude so that there will be some time for the reply.

Shri Sivamurthi Swamy: Yes, Sir. He has worked in the Central Water and Power Commission. That Commission was representative of all the States. There should be 75 per cent quota for all the States therein. Formerly, it was cent per cent. Now, there are practically no representatives from the States after he himself was representing Andhra Pradesh in that Commission. Now, there is hardly 10 per cent, as representing the States. He is going on appointing but there is no practical work done by the Central Water and Power Commission under the able hands of the administrative authorities of this Ministry. There is no work turned out, and they have not prepared any plan. They are not giving any plan. Our people are dying and all the labourers have left Karnataka; they have gone away to Bombay and Sholapur and to other States. This is the justice that he has done to us. He wants to see that the whole of Karnataka should remain as barren land and should have no irrigation for Bijapur; no irrigation for Karnataka area. If this goes on, what will happen?

I urge upon this House to go into this question. I appeal to my Karnataka friends and Maharashtra friends that they should gather together and bring force upon the Minister. Lastly, I demand that this Minister, Dr. K. L. Rao, should have a change from this post of Minister of Irrigation. I am saying this with pangs in my heart. We have lost faith in his. There is not faith and we cannot get any justice from him. There must be a Minister of Cabinet rank for this subject. I have represented to the late Nehruji also. I am representing to Shastriji also. The present Minister's decision alone should not be final. There must be a

Cabinet decision. Otherwise, there will be gross injustice done.

There is one more point which I want to make. National integration or national unity will all break down if water unity is not maintained. This is my last prayer to the House on this occasion.

Several hon. Members rose—

Mr. Chairman: I will give opportunity to those who have already intimated to me. Only one question for each. They should be brief.

Shrimati Yashoda Reddy (Kurnool): Other Members who want to put questions may also be given chance.

श्री तुलशीदास जादव (नांदेड़) : श्रीमाननीय सदस्य ने इंटिग्रेशन का जिक्र किया है। वह बहुत जरूरी है। देश को एक रहना है। उसकी आज बहुत गर्ज है। लेकिन आप देखें कि महाराष्ट्र का क्या हाल है। महाराष्ट्र में दौ सौ से बढ़ाई सौ इंच तक वर्षा साल में होती है वहां पर इरिगेशन के लिए पानी की तंगी है। छः परसेंट के लिए ही पानी उपलब्ध है।

महाराष्ट्र ने मांग की है कि एक ट्रिब्यूनल एप्वाइंट किया जाए इस डिसप्यूट का कोई हल निकालने के लिए। मैं जानना चाहता हूँ कि हमारे राव साहब इस प्रश्न का लिकाल इस तरह से क्यों नहीं ढूँढ़ने की कोशिश करते हैं?

आंध्र में जितने भी काम होते हैं, उनके लिए पानी दे दिया जाता है। इस तरह से चलता रहा और पानी खत्म हो गया तो महाराष्ट्र को पानी कहां से मिलेगा? महाराष्ट्र गवर्नमेंट की प्रोपोजिज्ज उनके पास आती है, लेकिन उनको मजूरी नहीं मिलती है, इसका क्या कारण है?

हिन्दुस्तान की एकता कायम रहे, इसके लिए यह बहुत जरूरी है कि सभी के साथ न्याय हो, किसी के साथ भी अन्याय न हो। मैं जानना चाहता हूँ कि क्यों नहीं इसकी इस तरह से

[श्री तुलशी दास जाधव]

ब्यवस्था कर दी जाती है कि ट्रिब्यूनल सारे सवाल का हल निकाल दे ? वह सब से उत्तम निकाल होगा ।

Shri M. L. Jadhav (Malegaon): What is the percentage of irrigation in Mysore, Maharashtra and Andhra Pradesh and why may I also know whether there is any progress with regard to the solution of the inter-water disputes between these three States?

Shri S. B. Patil (Bijapur South): How much of the Krishna water is already being used out of 800 TMC allotted to Andhra Pradesh, 600 TMC to Mysore State and 400 TMC to Maharashtra and may I know whether the Government of Mysore and the public as a whole protested against the diversion of Krishna waters towards the Arabian sea?

Shri Koujalgi (Belgaum): According to the present allocation of water, there is no provision for Ghataprabha and Malaprabha, Stage II, and therefore, may I know how the second stage is to be provided with water?

Shri Basappa (Tiptur): May I know whether there is a clever move on the part of the Government to see that the water of the Tungabhadra, a share of which belong to the Mysore Government, is diverted to Andhra Pradesh on the ground that they may grow two crops or three crops, while the Mysore people are suffering under famine-stricken conditions, and while water is being taken from one river basin to another river basin only with the object of helping every part of the country, my part of the country, namely, Mysore, which has only about five to six per cent of irrigation potential, is left backward?

Dr. Sarojini Mahishi (Dharwar North): Taking into consideration the geographical area, the net sown area, the scarcity area, the cultivable

area and the population, may I know whether the Government would consider the allocation of water to the States of Maharashtra and Mysore purely on the basis of intra-basin demands and not divert the waters on the extra-basin demands?

Some hon. Members rose—

Mr. Chairman: Under the rules, notice is required for putting questions. I do not want to depart from the rules.

The Minister of Irrigation and Power (Dr. K. L. Rao): Sir, I have heard with rapt attention the brilliant speech made by Shri Sivamurthi Swamy. I would like first of all to give a resume of what has happened so far, because my hon. friend seems to have been under a complete misunderstanding of the whole situation. For the first time, all the States concerned came together and entered into an agreement about the Krishna and Godavari waters in 1951. Till September 1960 there was no protest whatsoever. Only in September, 1960 there was a representation from two States—Maharashtra and Mysore—saying that that allocation has got to be altered. The then Minister of Irrigation and Power appointed a committee and that committee—the K. G. Commission, otherwise known as the Gulhati Commission—gave its report in 1962. Afterwards, my distinguished predecessor went into this very carefully and gave some suggestions to be adopted, the idea being that the development of this vital area which covers nearly one-fourth of India's entire cultivated land should not be retarded. While Mysore to a large extent and Andhra Pradesh to some extent have accepted it and are working on those lines, Maharashtra Government felt that the allocation was not sufficient and should be revised.

An hon. Member: Mysore also.

Dr. K. L. Rao: Not Mysore. On the advice of the Prime Minister we,

thought it best to discuss it in a meeting of the Chief Ministers at a high level. So, the first meeting was held on the 19th August and we have had a very interesting and useful discussion. The second meeting was scheduled to be held on the 29th October. Unfortunately that day our late lamented Shri Dasappa died and the Mysore Chief Minister, Shri Nijalingappa, had to go to Bangalore. I must express my great appreciation of the sense of duty which the Chief Minister of Mysore showed. He asked me whether he should stay on for the discussion. He attached so much importance to this subject. I told him that in view of the grave situation, he could go and we shall discuss it later. Finally the meeting has been scheduled for 15th January between the Chief Ministers to discuss this subject.

Normally but for the very unfortunate and completely wrong statements made by the hon. mover, I would have gone into a very detailed discussion of the whole subject. But I am refraining from doing so, because I feel that the procedure I am following is in the best interests of the nation. I do not want to say anything which will even remotely endanger the great attempt that is being made to arrive at an amicable solution.

I shall just give two or three facts to show how there was a complete misrepresentation of the whole situation. I was only an ordinary member of the Commission and I had nothing to do with the subject till I became Minister in 1963. Since then or since 1961, projects amounting to 130 TMC were sanctioned for Karnataka in the Krishna basin, whereas for Andhra, it was only 2 TMC, for small and medium projects. (Interruptions). I am not yielding Sir.

Regarding the other allegation that was made about the Srisaillam project, I want to submit that the project does not consume water. It is only a question of evaporation loss. Evaporation

loss is the characteristic of any storage reservoir. Even in Upper Krishna and other projects sanctioned in Karnataka, there is evaporation loss. It is not that in Mysore, there is no evaporation loss. It is a characteristic of every storage reservoir. Hon. Members are anxious that the Krishna river must be utilised to the fullest extent. For that, we have got to construct as many storages as possible on this river. That is what Egypt is doing now where the construction of the High Aswan Dam is going on to store water of a total quantity of 127 million acre feet, 1-1/2 times the total flow of the water in the Nile river, whereas in Krishna taking into consideration all the projects in Maharashtra the storage reservoirs in Mysore and Andhra, it comes only to 20 million acre feet. Suitable storage sites are difficult to be found on Krishna. Storage site like the Srisaillam should not be lost sight of, from the point of view of utilising the water as completely as possible.

The Gulhati Commission is not a recommendatory body. If you read the terms of reference, it was purely to gather data in the various places.

Shri Sivamurthi Swamy: On the basis of data, what is the difficulty of appointing a tribunal?

Dr. K. L. Rao: I am coming to that. It is a counsel of despair. River disputes create difficulties all over the world; it is not only in India.

Mr. Chairman: The hon. Minister may conclude in two or three minutes.

Dr. K. L. Rao: I will conclude in five minutes.

श्री हुकम चन्द कछवाय (देवास) : इन के 5 मिनट के 10 मिनट हो जायेंगे और फिर 10 के 15 मिनट हो जायेंगे। जल्दी में वे पूरी बात भी अपनी नहीं कह पायेंगे। इसलिये कल का उन में अपनी पूरी बात कहलवा दीजिये। इस के अनिश्चित होउम में इस समय कांम भी नहीं है।

Mr. Chairman: The hon. Minister may resume his seat. The bell is being rung. If there is no quorum then I will adjourn the House.

There is quorum now. The hon. Minister may continue.

Dr. K. L. Rao: Mr. Chairman, I would like to deal with this subject of reference to the tribunal a bit more carefully and at length because a number of hon. Members have raised it and I think it is better I deal with that point clearly. What happens in the case of a river valley project is that passions are roused and a sense of regional identity is there with the result that solutions become very difficult. It looks almost impossible. In a case like this the tribunal is no solution. I will give you a few examples. In Karnataka itself, at the time of the construction of Krishnarajasagar there was dispute between Madras and Mysore. The dispute which started in 1910 got referred to a court of arbitration in 1913, and finally settled through negotiations in 1924, after 14 years. Similarly, take the example of foreign countries. There is the river Colorado in the United States. Over that the dispute went on between the States for a number of years and finally it was settled at the governmental level and not by a tribunal. It is very interesting. I would only quote one very interesting case. There was a case between Wyoming and Colorado and Wyoming pressed that the dispute should be taken to the court. A curious result of the decree was that although it reported to recognise Wyoming's prior appropriations, actually, in a year of low flow, it was Wyoming that suffered. This actually happened in 1922 itself so that Wyoming's legal victory proved in practice to be an empty one. A Governor of Wyoming was of opinion that the State would have done better to seek an agreement with Colorado instead of engaging in legal combat. A solution by agreement is best in the end for all concerned.

Our very distinguished jurist Shri B.N. Rao who worked as the Chairman of the Indus Commission in 1941-42, observed that "the most satisfactory settlement of disputes of this kind is by agreement, the parties adopting the same technical solution of each problem, as if they were a single community undivided by political or administrative frontiers".

So, it has been all the time the experience of the world that the best thing is to resolve this problem by a spirit of friendliness and by negotiations. No problem was solved by tribunal anywhere in the world in the case of river disputes. About the Krishna river there are quite complicated factors. Even the amount of water that is there in the river is uncertain. There are so many other things. I do not want to go into the various aspects of it. As I said in the beginning itself, I do not want to be drawn into any detailed discussion on the subject. I only want to submit before this hon. House that I am trying to do my best in this matter. Shri Sivamurthi Swamy has expressed want of confidence in me. But I am pretty certain that my friends from Karnataka will express confidence in me. I am sure about it. If my Karnataka friends say that it is not so, then I am prepared to quite (*Interruption*) There is absolutely no question about it. Shri Sivamurthi Swamy levelled so many charges against me which are entirely not borne by the facts. The fact is, no project has been sanctioned, as I told you, to Andhra Pradesh besides that mentioned earlier.

I would once again appeal that if the House builds up an atmosphere of friendliness and an atmosphere of patience this problem can be solved very well. If we go to a tribunal, it would be a bad precedent for India. No river dispute has gone to a tribunal. The Act under which this is sought is also a very defective Act.

It has got to be amended, it has got to be modernised and it has got to have incorporated in it a provision for a conciliatory apparatus.

Therefore, what we want in this country is the building up of integration and that is not served by resorting to a tribunal. I would say, while I am grateful to Shri Sivamurthi Swamy for getting out all that was in his heart—I never knew that—I would appeal to my hon. friend to view things dispassionately and if he has got any particular thing on which

he has got a grievance against me he can come to me and I will try to satisfy him and his other friends.

Mr. Chairman: The House stands adjourned to meet again tomorrow at 11.00 A.M.

17.47.

[The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December, 24, 1964/Pausa 3, 1886 (Saka)].