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Tuesday, September 21, 1965  
Bhadra 30, 1887 (Saka)

# LOK SABHA DEBATES

**(Twelfth Session)**



*(Vol. XLVI contains Nos. 21 - 29)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

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LOK SABHA

Tuesday, September 21, 1965/Bhadra  
30, 1887 (Saka)

The Lok Sabha met at Ten of the  
Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Supply of Rice and Wheat

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- \*749. { Shri Subodh Hansda:  
Dr. P. N. Khan:  
Shri S. C. Samanta:  
Shri M. L. Dwivedi:  
Shri Indrajit Gupta:  
Shrimati Renu Chakravartty:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is already a short supply of rice and wheat in the Eastern States of India;

(b) whether this has pushed up the prices of foodgrains in the recent months in these areas;

(c) whether State Governments are also facing the difficulty to check the rising tendencies; and

(d) if so, whether the request of the States for larger supply of wheat and rice will be acceded to with a view to checking the rising prices of foodgrains?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): (a) and (d). All the Eastern States are mainly rice producing and rice consuming States. This is the fag end of the rice crop season and the supply position in the open market is not very satisfactory

in the deficit States like Bihar and West Bengal.

As regards wheat, Bihar is the only State producing any significant quantity of wheat. All the States are supplied with imported wheat including Bihar. The supply of imported wheat as also of rice from Central reserve to all the Eastern States is being maintained at a level compatible with the overall availability and the requirements of all the States in the country.

(b) and (c). Prices of rice in all the Eastern States, except Bihar, are statutorily controlled and no open market quotations are available. In Bihar, the prices of rice have gone up recently with the approach of the lean season. Open market prices of wheat in Bihar have also gone up in sympathy. However, there is large scale distribution of imported wheat at reasonable prices through fair price shops. The fair price shops in almost all the Eastern States have been increased considerably to avoid hardship to the poorer sections of the population.

Shri Subodh Hansda: As the Minister has conceded short supply of foodgrains to the eastern States, I would like to know whether the policy of fixing prices of foodgrains in the country is also responsible for non-availability of foodgrains in the eastern States and whether this policy has helped in creating a black-market?

Shri D. R. Chavan: As I have explained in the reply, practically rice prices in all the eastern States have been controlled. I have stated that open market quotations are not available.



**Shri Subodh Hansda:** Is it a fact that the modified rationing system, particularly in West Bengal, did not work satisfactorily, due to which the prices of foodgrains have shot up?

**Shri D. B. Chavan:** No, the modified rationing and also statutory rationing in the industrial area of Calcutta city are working very satisfactorily.

**Shri S. C. Samanta:** Has the Chief Minister of West Bengal informed the Union Government that unless 30,000 tonnes are supplied by the 30th September, they will not be able to carry on the rationing that is in operation there?

**The Minister of Food and Agriculture (Shri C. Subramaniam):** That is not correct. As a matter of fact, in order to meet this emergency, and to carry stocks as long as possible, we have appealed to all State Governments to cut down the rations from 12 ounces to 10 ounces. It is in pursuance of that that this action is being taken in West Bengal, not because we have not supplied stocks.

**श्री स० ला० द्विवेदी :** मैं यह जानना चाहता हूँ कि इस बात में कहां तक सत्यता है कि पश्चिमी बंगाल राज्य में चावल की कमी के कारण सरकार यह निर्णय लेने जा रही है कि वहां राशन में दो घंसे की कमी कर दी जाये। क्या दिल्ली में भी चावल बहुत दिनों से उपलब्ध नहीं है सिवा सेला चावल के।

**अध्यक्ष महोदय :** दिल्ली ईस्टर्न स्टेट्स में तो नहीं है।

**Shri C. Subramaniam:** Not only in West Bengal but in all States, this action will have to be taken to cut down the ration because import is still uncertain and the khariff crop is not as promising as it would have been with a normal monsoon. Therefore, this action is being taken not merely in West Bengal, but throughout the country.

**Shri Kapur Singh:** As I have understood from what the hon. Minister

has stated, the question which has been really put has not been answered. The question that has been put is whether there are short supplies and whether the prices have shot up, and the reply given is that the supplies are being made in accordance with availability and that the prices are reasonably controlled. These are not replies to the questions that have been really put. I want to know whether all the demand of the people to eat is being met, and secondly whether the prices have gone up suddenly after this emergency?

**Shri C. Subramaniam:** The demands of the people are being met to the extent possible. We cannot produce grains overnight. So, whatever we have with the Central Government we are distributing to the various States. I may also say that because of the emergency particularly recently, the people have responded, the traders have responded everywhere, and the price is on the downward trend rather than on the upward trend.

**Shri Kapur Singh:** They do not give a straight answer to any question.

**Shri S. M. Banerjee:** The hon. Minister stated that because of the emergency and uncertainty in the matter of imports of rice, a 2 oz. cut has been suggested in the quota of rice in West Bengal and other places in the eastern sector. I would like to know whether this cut is actually due to non-availability of more imported rice or lack of supply or inadequate supply from the Centre which the Chief Minister has pointed out.

**Shri C. Subramaniam:** We have agreed to supply 3 lakh tons to West Bengal during this year. That 3 lakhs would be supplied, but we have suggested to the States that there are likely to be difficulties later on, particularly if the emergency continues, and therefore we should stretch as far as possible with the available stocks. That is why the ration is being cut.

**Shri Bhagwat Jha Azad:** Is it not a fact that with the passing of every day it is not only the common people or the Members of Parliament but even experts like Dr. Raj Krishen, a former member of the Agricultural Prices Commission, are of the opinion that one of the effective ways to check the imbalance in the high prices of foodgrains in the country is to remove the food zones. If so, may I know what stands in the way of Government removing them and not sticking to them?

**Shri C. Subramaniam:** As against Mr. Raj Krishen's opinion, there are other weighty opinions of other economists that in the present . . .

**Shri Ranga:** What about the poor peasants? They do not count, is it?

**Shri C. Subramaniam:** Kindly wait, I am answering. In the present context of shortages, it will be dangerous to open the zones. What is the implication of opening the zones? Particularly those who plead for opening the zones want free trade to function, movement on the basis of traders moving from one State to another. We have had experience, particularly when there are shortages, how the trade behaves. That is why it has become necessary particularly to make inter-State movements on a State-to-State basis. We are assessing the surpluses available in each State and procuring them and making them available to the deficit States.

**Shri B. K. Das:** I understand that ration in Calcutta and the industrial area has been cut down. May I know whether it has also been cut in the M. R. shops?

**Shri C. Subramaniam:** Yes, in the M. R. shops also.

**Shri Ranga:** In view of the fact that all the big cities are going to be placed on rations, in every place fair price shops are being provided and all the industrial centres are also being assured of their rations, what dangerous or risks are there to be run by the Government or by the

people if these zones are removed, what particular or special purpose is the Government serving, especially when State Governments like Maharashtra want these instructions to go? They are not irresponsible people.

**Shri C. Subramaniam:** There are equally responsible people pleading for the retention of the zones. The point for consideration is this. If we have to meet the ration requirements of all cities with one lakh and above of population, this will have to be procured within the country, and procurement cannot take place if there is free movement without control, with traders taking them away from one place to another without control. That is why it has become necessary to have the State zonal restrictions also for the purpose of procurement.

**श्री बागड़ी :** चावल की कमी को ध्यान में रखते हुए क्या पंजाब के सरहद्दी इलाके में, जहाँ धान की फसल तैयार खड़ी है और उसका कोई भी खरीदार नहीं है जिससे कि फसल भी तबाह होगी, धान भी तबाह होगा और किसान भी तबाह होगा, सरकार उस की खरीदारी के बारे में कोई उचित कार्रवाई कर रही है। धगर कर रही है तो क्या?

**Shri C. Subramaniam:** We are aware of the situation. As a matter of fact we are trying to get even mechanical harvesters and thrashers so that it can be quickly harvested and the Government would be prepared to purchase the available quantity, which is offered to Government.

**Shri P. Venkatasubbaiah:** Before supplying foodgrains to eastern States may I know whether the Government has got any statistics before it of the internal procurement in those States and how far they were able to reach the targets so that they need not always depend upon the Centre?

**Shri C. Subramaniam:** I have the figures with regard to targets of pro-

curement. Except two States of Orissa and Andhra Pradesh, all the other States have almost reached the targets.

**Shri P. E. Chakraverti:** In consideration of the important role that is likely to be played by the States of Bihar and West Bengal in this period of emergency, has the Government taken into account the seriousness of the situation if foodgrains are not made available to Bihar which has got most of the industrial plants?

**Shri C. Subramaniam:** We have taken that into account and we shall ensure that there is no breakdown.

**Shri K. N. Tiwary:** The hon. Minister stated that the market prices have fallen. May I know whether any study has been made of the reasons for that? Is it due to more arrival in the market or other reasons?

**Shri C. Subramaniam:** It is due to more arrivals in the market. But because of the situation those who have been holding on to the stocks have patriotically come forward to unload them in the market.

**श्री गुलशन :** भिन्न भिन्न राज्यों ने किसानों से गेहूँ और चावल के भण्डार इस मुल्क में इकट्ठे किए थे। अब राज्यों को इस चावल और गेहूँ की जरूरत है। मैं जानना चाहता हूँ कि जिस राज्य ने ये भण्डार जमा किए थे क्या उसी राज्य को प्राय दे रहे हैं या उससे मुनाफा कमा रहे हैं ?

**Shri C. Subramaniam:** We have fixed the prices and there is no question of profiteering. Of course they have to be paid the storage and transport charges and various other incidentals.

**श्री जगदीश सिंह सिद्धान्ती :** आज जबकि कुछ परिवारों के बहादुर युद्ध में लड़ रहे हैं तो उनके परिवारों को प्रनाज देने में मुनाफा-खोर दाम बढ़ा कर मुनाफा कमा रहे हैं। क्या सरकार उन व्यापारियों के विरुद्ध

राष्ट्रद्रोह का अपराध घोषित करके कार्रवाई करेगी ?

**Shri C. Subramaniam:** My answer was that, on the other hand, the price line has been held to a certain extent and that people and traders have co-operated.

#### Elections in Kerala

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\*75L. { **Shri S. M. Banerjee:**  
**Shri Mohammed Koya:**  
**Shri Warrior:**  
**Shri Vasudevan Nair:**  
**Shri Prabhat Kar:**  
**Dr. L. M. Singhvi:**

Will the Minister of Law be pleased to state:

(a) whether a final decision has been taken to hold elections in Kerala; and

(b) if not, the reasons therefor?

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** (a) and (b). No, Sir. Necessary action will be taken at the appropriate time.

**Shri Kapur Singh:** Part (b) of the question has not been answered; the reasons have not been given.

**Mr. Speaker:** Part (b) says 'if not, the reasons therefor'; the answer reads 'Necessary action will be taken at the appropriate time'.

**Shri Jaganatha Rao:** The Proclamation was approved by both Houses of Parliament. The Rajya Sabha approved it on the 11th of May, 1965 under article 356(4). Six months' period will expire only on 11th November, 1965. It is too early to decide about future elections now.

**Shri S. M. Banerjee:** He said that elections become due in November 1965. I would like to know whether elections are going to take place after the lapse of six months' period or it will be delayed further for political considerations?

**The Minister of Law and Social Security (Shri A. K. Sen):** There is little likelihood of elections taking place even after November.

**Shri S. M. Banerjee:** I would like to know the reasons.

**Shri A. K. Sen:** The reasons are obvious. One election has given no results and we cannot indulge in such luxuries when the country is facing an emergency.

**Shri S. M. Banerjee:** Should I take it that there will be no elections in Kerala?

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

**Shri Warrior:** If that is the case, may I know from the Minister whether elections will be held only after the Government is assured that the Congress will have a majority in Kerala?

**Shri A. K. Sen:** That is entirely irrelevant. The Government has never been prompted by any such motive in the past and we will not be prompted by any such motive in the future. The only consideration was that we had two elections before 1962, before their terms expired, and the two elections produced very little results. The last general election again proved that the stalemate was to continue and unless the Government is assured that there is a likelihood of some stable government coming into power, during the emergency the Government does not propose to enter into any such luxurious adventure.

**Shri Kapur Singh:** Does "stable government" mean Congress Government?

**Mr. Speaker:** Order, order. Only questions can be asked now; not arguments.

**Shri Vasudevan Nair:** May I know whether the Government has taken any steps to know the minds of the various political parties in the State about the future election and also

whether the Government is only depending on its own channels of information to come to a decision?

**Shri A. K. Sen:** Government has to depend upon its own channel of information, and the Chief Election Commissioner also depends upon his own judgement in the matter.

**Dr. L. M. Singhvi:** The approach of the Government is quite understandable in the context of this emergency, but I would like to know whether the Government or the Election Commission has formulated an approach uniformly to be applied in respect of elections which fall due including by-elections? Whether in Kerala or elsewhere they are going to adopt a uniform policy?

**Shri A. K. Sen:** There is no final decision taken yet, but the line of thinking appears to be that so long as we are faced with this emergency, and the attacks from two fronts, it will be difficult to hold direct elections. About indirect elections, the matter will be a little different, but so far as direct elections are concerned, it seems to be the consensus in the country that we should not go into elections now.

**श्री बागड़ी:** क्या ऐसे मोके पर जबकि भारत दुनिया के सामने यह चीज रख रहा है कि वह जनतन्त्र की रक्षा के लिए लड़ने तक को तैयार है, भारत सरकार जनतन्त्र को जिन्दा रखने के सबूत के रूप में इस बात को दुनिया के सामने रखने के लिए इस प्रायश्चर्य पर केरल में चुनाव कराने पर विचार करेगी ?

**Shri A. K. Sen:** I think this Parliament and every legislature in the country have given ample proof of the strength of our democratic institutions.

**श्री वसुदेवन सिंह:** क्या यह भी मत है कि केरल में जो गवर्नर साहब गए हैं वह इसी शर्त पर गए हैं कि जब तक राष्ट्रपति का शासन बड़ा रहेगा तब तक ही वह वहां गवर्नर

रहेंगे और जब इलेक्ट्रेड सरकार कायम हो जाएगी तब नहीं रहेंगे ?

**Shri A. K. Sen:** I have no knowledge about this.

**एक माननीय सदस्य :** वह बतला गए हैं ।

**अध्यक्ष महोदय :** प्रश्न प्राप्त की बतला गए हैं तो फिर पूछने की क्या जरूरत है ।

**Shri Buta Singh:** I want to know whether the Government have consulted all the political parties in Kerala in the matter of holding these elections or not.

**Shri A. K. Sen:** Which elections?

**Mr. Speaker:** The Kerala elections.

**Shri A. K. Sen:** No political parties have been consulted, but they will be consulted when it is considered that the climate is proper for holding a general election.

**Shri D. C. Sharma:** We understand the anxiety of the Government—a justifiable anxiety—that there should be a stable government in that State. May I know how the Government is going to gauge public opinion when there will be a stable government, through a Gallup poll or some such methods which are applied in the western countries, in the western democracies?

**Shri A. K. Sen:** If conditions are normal, we might have possibly taken the risk of another election just now to find out whether a stable government could be formed or not, but the conditions are such that such luxuries, I am sure, would not be supported by anyone in the country.

**Chase by Pak. Fighter of Indian Skymaster**

+

{ **Shri P. B. Chakraverti:**  
**Shri P. C. Borooah:**  
**Shrimati Tarkeshwari Sinha:**  
**Shri Hukam Chand**  
**\*752. { Kachhavalya:**

**Shri Bade:**

**Shri Brij Raj Singh:**

**Shri Ravindra Varma:**

**Shri P. Venkatasubbalah:**

**Shri Yashpal Singh:**

**Shri A. V. Raghavan:**

Will the Minister of Civil Aviation be pleased to state:

(a) whether an Indian Airlines' Skymaster returning from Gauhati to Calcutta on its scheduled flight on 4th June, 1965 was chased by a Pakistani fighter;

(b) whether the Skymaster had informed Dacca about its destination when it took off from Gauhati to Calcutta;

(c) whether in terms of the bilateral agreement, Indian and Pakistani air services are permitted to overfly each other's territory without any hindrance; and

(d) whether Government had asked the Pakistan Government to enquire into the matter and if so, with what response?

**The Minister of Transport (Shri Raj Bahadur):** (a) Yes, Sir.

(b) Repeated attempts were made by the aircraft to contact Dacca but without success.

(c) Under the International Convention to which both India and Pakistan are parties scheduled air services can overfly another country. But intimation of such overflights and flight plan has to be given by the overflying aircraft before entering the air space of the other country.

(d) The Pakistan authorities have pointed out that the interception was carried out merely for the purpose of identification as no flight plan departure message was received at Dacca in respect of the movement of the aircraft.

**Shri P. B. Chakraverti:** Is it a fact that in spite of specified routes, foreign planes are allowed to overfly another country, and why is it so.

and may I know whether they should not indicate the exact time of departure or the route flown because of the provisions of the international law?

**Shri Raj Bahadur:** They are governed by certain conventions. When they enter any flight information region of a particular station, they have to indicate that they have entered it and so also, when they leave, that they are leaving. These times are recorded also for navigational and safety purposes and other allied matters.

**Shri P. R. Chakraverti:** May I know whether there has been any occasion on the part of India to chase any such plane of Pakistan flying over our territory?

**Shri Raj Bahadur:** In this particular case, the Pakistan authorities told us that Dacca could not be contacted. Our aircraft also bore out that the Dacca airport could not be contacted because of faulty communication links. There were some atmospheric disturbances also. Naturally, therefore, they did not know about the departure. But I would only say that how far they were justified to intercept it by a fighter is a matter which is obvious.

**Shri F. C. Borooah:** Since the commencement of hostilities between the two countries, the IAC services had to be diverted by a longer route. May I know what is the length by which it is longer and whether there is any chance of suspending these air services in the near future?

**Shri Raj Bahadur:** It is true that flights across Pakistan territory have been stopped so far as IAC is concerned. Similarly reciprocal action has been taken in respect of Pakistani flights. They cannot overfly across our territory. The other route is definitely longer, by how many miles I cannot say.

**श्री हुकमचन्द कश्यप :** इंडियन स्काई-मास्टर को पाक फ़्लाइटर द्वारा जो खेज किया

गया था तो उसे कितनी देर तक रोका गया और उससे क्या बातचीत पाकिस्तान के लोगों ने की ?

**श्री राज बहादुर :** पाकिस्तान के फ़्लाइटर दोनों तरफ़ भा गये और उससे कुछ इशारा किया जो कि उन्होंने समझ नहीं पाया। उसके बाद वह अपनी राह चले गये और हमारा विमान अपनी राह पर चल दिया।

**Shri P. Venkatasubbalah:** In order to provide security to the civilian passengers who travel by our aircraft, may I know whether the government propose to give any protection, because it has unfortunately happened that the plane by which the Gujarat Chief Minister was travelling has been shot down?

**Mr. Speaker:** That would be a different thing; it is being investigated.

**Shri P. Venkatasubbalah:** Is any protection given to our civil planes?

**Shri Raj Bahadur:** Necessary safety measures have been taken so far as IAC flights are concerned.

**अध्यक्ष महोदय :** श्री यशपाल सिंह।

**श्री यशपाल सिंह :** मुझे क्वैश्चन नम्बर 753 पर सवाल पूछने का मौका दिया जाय।

**अध्यक्ष महोदय :** यह बायदा मैं कैसे कर सकता हूँ ?

#### Removal of Dairies in the Capital

\*753. **Shri Bagri:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that all the private dairies are being removed from Delhi and New Delhi to a far distant place;

(b) whether it is a fact that the majority of the people get their milk supplies from these dairies;

(c) whether it is also a fact that the Delhi Milk Scheme is not in a position to supply milk to a large section of the people; and

(d) if so, the alternate arrangements being made to supply milk to the majority of the people who get their supplies from the private dairies?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahnawas Khan):** (a) The question of removal of private dairies from the city areas to the periphery is being looked into by a Committee set up by the Ministry of Works and Housing. The Committee has not yet completed its work. There is no likelihood of removal of private dairies from the city areas in the immediate future.

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

(d) If and when private dairies are shifted from the city, Delhi Milk Scheme will have to undertake milk supply to the entire city.

**श्री बागड़ी :** क्या मन्त्री महोदय यह बतलाने की कृपा करेंगे कि दिल्ली शहर और देहात में प्रीसतन एक आदमी को कितना दूध रोजाना पड़ता है ?

**अध्यक्ष महोदय :** अब प्राइवेट मिल्क डेरीज का उन को क्या पता होगा। दिल्ली मिल्क स्कीम के बारे में तो उन्हें पता ही भी सकता है ?

**श्री बागड़ी :** दूध का उन्हें कोई हिस्सा ही पता नहीं है और यह डेरीज हटाने की बात की जा रही है। दिल्ली में इस वक्त दूध की क्या पंजीशन है ?

**श्री शाहनवाज खां :** घन्दाजा जगाया गया है और वह करीबन 5 प्रीस के पड़ता है।

**श्री बागड़ी :** हिन्दुस्तान के दूध की जो ख़राक है वह दुनिया में ज्यादा दूध वालों के मुकाबले में डेयरी वालों का दूध या दूसरा दूध कौन से दर्जे पर आता है ?

**अध्यक्ष महोदय :** सारा दूध ? वह तो दोनों प्रकार प्रयुक्त होते हैं ?

**श्री बागड़ी :** सारे ही दूध के प्रेडेशन दर्जे के बारे में मैं जानना चाहता हूँ ?

**श्री शाहनवाज खां :** मैं सिर्फ इतना ही बतला सकता हूँ कि दुनिया में सबसे ज्यादा दूध देने वाले जानवर हिन्दुस्तान में हैं और उनकी पैदावार दुनिया में सबसे कम है।

**अध्यक्ष महोदय :** वह दूध के जानवरों के बारे में नहीं जानना चाहते बल्कि वह दूध की वैल्यू और प्रेडेशन जानना चाहते हैं।

**श्री शाहनवाज खां :** देहात में कुछ ज्यादा है, शहरों में कुछ कम है।

**श्री हुकम चन्द कच्छबाय :** पिछली बार यह प्राइवेट डेयरी वाले जो कि बाहर से दूध लाकर यहां दिल्ली में बेचते हैं उनमें से जिन्होंने दूध में पानी मिला कर बेचा था उनको शासन ने पकड़ा और उन को काफ़ी जुर्माना देकर दंडित किया गया था और जेल भी भेजा गया था लेकिन यह दिल्ली दुग्ध योजना जो चलती है उसके द्वारा यह जो दूध में टॉड और डबल टॉड की मिलावट करके बेचा जाता है, पानी वाला दूध बेचा जाता है क्या उसके वास्ते भी सरकार कोई उनको कठोर दंड देने का विचार कर रही है ?

**श्री शाहनवाज खां :** दिल्ली मिल्क सप्लाय जो दूध सप्लाय करती है उसमें एक ता पाउडर्ड मिल्क होता है जिसमें कि पांच फीसदी चिकनाई या मक्खन होता है, टॉड मिल्क में तीन फीसदी मक्खन होता है और उसके द्वारा बेचे जाने वाले डबल टॉड मिल्क में डेढ़ फीसदी चिकनाई होती है। यह किमी से छिपी हुई बात नहीं है यह एक खुली हुई बात है।

**अध्यक्ष महोदय :** वह कहते हैं कि कन्स्तर वाले पानी मिला कर लाते हैं तो इसको कैसे दूर करेंगे—दिल्ली मिल्क सप्लाय के मार्फत ?

**श्री हुकम चन्द कच्छबाय :** मेरा सवाल दूसरा था। उसका कोई उत्तर नहीं आया है।

**अध्यक्ष महोदय :** वह पानी कैसे दूर कर सकते हैं ?

श्री हुकम चन्द कच्छबाबू : प्राइवेट डेयरी वाले जो पानी मिला कर दूध बेचते थे उन पर जुमाने किये गये और उनको बन्दी बनाया गया लेकिन यह दिल्ली मिल्क सप्लाय योजना द्वारा जो दूध में टॉड और डबल टॉड की मिलावट की जाती है उन पर कोई ऐक्शन नहीं लिया जाता है तो ऐसा अन्तर करना कहां तक उचित है ? और इस तरह से जनता को शुद्ध दूध कैसे मिल पायेगा ?

**The Minister of Food and Agriculture (Shri C. Subramaniam):** There is the processing of milk in the hygienic way. After all, it is done everywhere in the world. It is not as if only pure milk is drinkable. It is hygienically processed milk which is drinkable. Unfortunately, in the private dairies the doodhwallas add all sorts of things which makes it injurious to health. That is the real difficulty.

**अध्यक्ष महोदय :** माननीय सदस्य का कहना है कि अगर मिल्क सप्लाय स्कीम की तरह दूसरे डेयरी वाले दूध में मिलावट करते हैं तो कोई हर्ज नहीं होना चाहिए ।

**श्री शाहनबाज खां :** फर्क इतना है कि दिल्ली मिल्क सप्लाय वाले जो टॉड और डबल टॉड की मिलावट करते हैं वह खुले खजाने करते हैं और वह हाइजिनिकली प्रोसेस्ड मिल्क होता है और चिकनाई के हिसाब से वह उस दूध के दाम चार्ज करते हैं जबकि यह प्राइवेट डेयरी वाले दूध में पानी की और न जाने क्या क्या घनाप घनाप मिलावट करते हैं और उस मिलावटी दूध को असली दूध के दामों पर बेचते हैं ।

**श्री यशपाल सिंह :** श्रीमन, मैं एक बात जानना चाहता हूँ । सारी दुनिया का यह क़ायदा है कि दूध का इन्तज़ाम महिलाएं करती हैं और पानी का इन्तज़ाम पुरुष करते हैं लेकिन हमारी गवर्नमेंट का उल्टा हिसाब है । दूध का इन्तज़ाम जतगल शाहनबाज खां को सौंप रक्खा है और पानी का इन्तज़ाम डा० सुशीला नैयर को सौंप रक्खा है तो क्या सरकार इस बात के लिए

सोचेगी कि दूध का काम तो डा० सुशीला नैयर को दिया जाय और पानी का इन्तज़ाम शाहनबाज खां को सौंप दिया जाय ?

**Shri U. M. Trivedi:** In view of the answer that has been given, it has become difficult for us to follow whether water is added to milk for making it toned milk or whether there is a particular standard prescribed by the Indian Standards Institution, as fixed under the Prevention of Food Adulteration Order, according to which this toned milk is prepared?

**Shri C. Subramaniam:** Yes, Sir; there are standards prescribed for toned milk and standard milk. It is according to those standards that these are prepared.

**श्री राम सहाय पांडेव :** अधिक दूध प्राप्त करने की दृष्टि से मैं जानना चाहता हूँ कि दूध देने वाले पशुओं की नसल सुधारने की ओर क्या प्रबन्ध किया गया है ?

**श्री शाहनबाज खां :** वह प्रलहदा चौध है लेकिन मैं माननीय सदस्य को बतलाना चाहता हूँ कि उसके लिए बहुत से कदम उठाये जा रहे हैं । दिल्ली के चारों तरफ़ इर्टिसिव कंट्रोल प्री ग फार्मों उसके लिए कायम किये जा रहे हैं ।

**श्री विभूति मिश्र :** श्रीमन्त्री जी ने जवाब दिया कि बाहर से दूध लाकर बेचने वालों का काम बन्द हो जायगा तो क्या यह सही नहीं है कि बाहर के गरीब छादमी माइकलों पर दूध लाद कर दिल्ली में लाने से उनकी रोज़ी मर गयी है तो मैं जानना चाहता हूँ कि जैसे सरकार शहर में ऐसे पड़े लिखे लोगों को जो कि बेकार हैं उनको रोज़ी दिलाने का इन्तज़ाम करती है उन्ही तरह यह गांव वालों की जो रोज़ी मर गयी है तो उनके लिए भी सरकार ने क्या कोई इन्तज़ाम सोना है ?

**श्री शाहनबाज खां :** गांव वालों की रोज़ी मर नहीं गयी है बल्कि हम तो गांव वालों के पास उनके दरवाज़े में दूध ख़रीदने के लिए और उनके एबॉय में उनकी अच्छी दाम देते हैं ।



श्री विभूति मिश्र : गांव के दूधिया लोग हजारों की तादाद में साइकिलों पर दूध लाकर यहां बेचते थे उनकी रोजी मर गयी है, सरकार गांवों में दूध खरीद करती है तो इस तरह से इन साइकिल वालों की जो रोजी मर गयी है उनकी रोजी के लिए सरकार ने क्या कोई इन्तजाम किया है या उन्हें कोई अन्य उद्यम दिया है ?

अध्यक्ष महोदय : वही तो जवाब मन्त्री जी ने दिया कि हम वहीं गांव में उनके घर पर जाकर दूध खरीद लेते हैं और बाक़ी वक्त जो उनका बच जाता है उसमें वह और काम कर लेते हैं ।

Shri P. R. Patel: Most of the dairies in our country have buying and selling agents of milk and they are doing it under some process. Without breeding cattle in that dairy, how are you going to improve the yield of milk and how are you going to see that it is a dairy in the real sense of the word?

Shri C. Subramaniam: We are devoting attention to this aspect and are taking up large intensive cattle breeding schemes in these areas so that there may be sufficient supplies particularly to these dairy projects.

श्री ब्रज बिहारी मेहरोत्रा : क्या मन्त्री महोदय यह बताने की कृपा करेंगे कि यहां (दिल्ली में) क्या टोंड मिल्क और डबल टोंड मिल्क को मिल्क पाउडर से बनाया जाता है ?

श्री शाहनवाज खां : जी हां । वह मिल्क पाउडर से भी बन सकता है । स्किम्ड मिल्क का जो पाउडर हो, उसमें डेढ़ फ्रीसदी और तीन फ्रीसदी मक्खन मिला कर टोंड मिल्क और डबल टोंड मिल्क बना देते हैं ।

#### Divorce

\*754. Shri Yashpal Singh: Will the Minister of Law be pleased to state:

(a) whether it is a fact that there has been a steep rise in divorce cases recently;

(b) if so, the figures for the last three years for Delhi; and

(c) whether any efforts have been made to find out the causes thereof?

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): (a) and (b) No, Sir. The total number of divorce cases in 1964 was 123 while it was 136 in 1962.

(c) Does not arise.

अध्यक्ष महोदय : मेम्बर साहब को क्यों इस बात की इतनी फ़िक्र पड़ गई है ?

श्री उ० मू० त्रिबेदी : इन के पास बहुत धादमी घाते हैं ।

श्री यशपाल सिंह : एक तरफ़ तो सरकार सैकुलरिज्म की दुहाई देती है और दूसरी तरफ़ वह हिन्दू धर्म में दख़ल देती है । हमारे यहां जिनकी शादी हो जाती है, उनको देवी और देवता की तरह पूजने की परम्परा है । विवाह विरुद्ध की यह प्रणाली पांच हजार मील से हमारे यहां भ्राई है । मैं यह जानना चाहता हूँ कि क्या सरकार सैकुलरिज्म की हिफ़ाजत के लिए इस कानून को ख़त्म करेगी ।

अध्यक्ष महोदय : वह तो इस पार्लियामेंट का पास किया हुआ कानून है । मिनिस्टर साहब उसके बारे में क्या जवाब दे सकते हैं ?

श्री यशपाल सिंह : मैं यह जानना चाहता हूँ कि औरतों की तरफ़ से कितने डाइवोर्स हुए और मर्दों की तरफ़ से कितने हुए ।

Shri Jaganatha Rao: I have not got the details of all these cases.

अध्यक्ष महोदय : माननीय सदस्य ने पूछा है कि औरतों की तरफ़ से कितने डाइवोर्स हुए और मर्दों की तरफ़ से कितने हुए । वह यह भी पूछ सकते हैं कि तीसरी पार्टीज ने कितने डाइवोर्स कराए ।

श्री यशपाल सिंह : जो परित्यक्त हैं, जो छोड़े हुए हैं, उनका क्या होगा ।

अध्यक्ष महोदय : श्री हेम बन्धा :

**Shri Hem Barua:** Supposing, an overworked policeman in Delhi, who has his family away from him, occasionally takes a girl to a restaurant in Connaught Place, would Government consider that to be a fit subject for divorce proceedings?

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

**Dr. L. M. Singhvi:** May I know whether Government have considered the feasibility and the desirability of studying the sociology of our social legislation and the actual working of our social legislation? If not, why not?

**The Minister of Law and Social Security (Shri A. K. Sen):** The working of the social legislation passed is being studied.

श्री जगदीश सिंह सिद्धांती : क्या यह बात सत्य नहीं है कि जो पति और पत्नी प्रप्रेमी पड़े-लिखे हैं और जो प्रप्रेमी आचरण की नकल करते हैं, उन्हीं में ये विवाह-विच्छेद होते हैं ?

**Shri A. K. Sen:** That is beyond my knowledge.

**Shri U. M. Trivedi:** Will it be possible for the Government to state as to what are the total number of cases pending in Delhi courts up-to-date of divorce and of these cases how many have been pending for the last two years?

**Shri Jagannatha Rao:** I want notice; I have not got the information.

#### Eradication of Beggary

\*755. **Dr. L. M. Singhvi:** Will the Minister of Social Security be pleased to state:

(a) whether it is proposed to make a large scale nation-wide effort to eradicate beggary;

(b) if so, whether a detailed plan has been formulated for the purpose; and

(c) whether Government are in a position to give the indication of the date on which and the methods through which beggary would be completely eradicated?

**The Deputy Minister in the Ministry of Law (Shri Jagannatha Rao):** (a) Control of beggary is primarily the responsibility of the State Governments. During the Fourth Plan, subject to the availability of adequate allocation, it is proposed to eradicate beggary at selected points viz. places of pilgrimage, tourist centres, big cities etc.

(b) Plans are under discussion with the Planning Commission.

(c) In the present State of socio-economic development in the country, it is difficult to prescribe or forecast a tight schedule for eradication of deep-rooted social evils. An indication of the methods proposed to be adopted will be available as soon as the fourth plan schemes are finalised.

**Dr. L. M. Singhvi:** May I know whether the Government have taken any initiative in formulating and implementing an all-India policy for the eradication of beggary? If so, what are those steps to achieve such a formulation and its uniform implementation?

**The Minister of Law and Social Security (Shri A. K. Sen):** This is what is proposed to be done, namely, an all-India scheme starting first of all with the banning of beggary in these specified places and then gradually extending it to other areas. It is impossible to eradicate it all over the country straightway.

**Dr. L. M. Singhvi:** Does not the hon. Minister of Social Security consider that the eradication of beggary should be one of the most important planks of any programme of social security in the country and that the allocation for the purpose at present is entirely unsatisfactory and inadequate. If so, what steps are being taken to increase the allocation?

**Shri A. K. Sen:** It is quite true that to tackle this gigantic problem we have to employ much greater resources.

**Shri Shinkre:** Are the Government aware that sadhus, sanyasis, mahants, swamis and fakirs do nothing else but begging under various sophisticated forms in the name of various religions in the country....

**Mr. Speaker:** How does he say that they do not do anything else? We have a Swami here as a Member of Parliament.

**Shri Shinkre:** That is an exception. If the Government are aware of that, may I know what steps the Government propose to take to stop this kind of beggary?

**Shri A. K. Sen:** If any of these persons come within the mischief of the legislation that we intend to promulgate for eradicating beggary then they will be affected.

**Shri Shree Narayan Das:** May I know whether the Government is aware of the efforts made by the various States for attracting beggars to come to the poor homes and to work?

**Shri Jaganatha Rao:** We have no information.

**Shri D. N. Tiwary:** May I know whether beggary at railway platforms has been taken care of and whether any steps have been taken to eliminate beggary from railway platforms?

**Shri A. K. Sen:** It is proposed to bring railway platforms in the first category for the purpose of eradicating beggary.

**Shri D. C. Sharma:** The beggary is confined to four sections of the people, the old people, the young people, the women and the children. May I know if the Government has any proposal to stop beggary at least among children and women, in Delhi at least if not in any other part of India?

**Shri A. K. Sen:** I have already said about the programme of the Government and the plans which have been discussed. These will not be confined only to Delhi but extended to other areas also.

**Dr. M. S. Aney:** What are the main railway stations on which the Government is going to make an experiment for the eradication of beggary?

**Shri A. K. Sen:** The industrial areas and the urban areas would undoubtedly be the first areas to be brought under control. That is the proposal. The railway stations within these areas will naturally come under the control also.

**Shri Sham Lal Saraf:** For tackling this question of beggary as a whole, may I know if attempts are afoot to categorise these beggars and to go into the causes of beggary and then to take steps to eradicate it?

**Shri A. K. Sen:** The causes are various and they are well-known. We have received the committee reports on this aspect. There are economic, social and various other causes. But the causes are not so important unless we try to eradicate them completely. We are trying to tackle the problem area-wise first and to gradually extend the scope of the ban.

**श्री श्रीकारलाल बेरबा :** मैं यह जानना चाहता हूँ कि इसकी जांच का काम कौन से मन्त्रालय के अधीन रहेगा और क्या इसके लिए कोई सैपरेट महकमा बनाया जायेगा ।

**Shri A. K. Sen:** That question should be addressed to the Prime Minister.

**श्री शिव नारायण :** मैं यह जानना चाहता हूँ कि क्या सरकार ने इस बारे में कोई सखे कराया है कि कितने बैगर्ड हैं और अब तक यह प्रबलम किस हद तक सखे की गई है ।

**Shri A. K. Sen:** That will be a very difficult task and it will not be fruitful either.

श्री हुकम चन्द कछवाय : मैं यह जानना चाहता हूँ कि इस समय जो भिक्षु भिक्षा मांगते हैं, उनमें कितनों का रजिस्ट्रेशन हुआ है और कितनों का रजिस्ट्रेशन नहीं हुआ है और किस प्रान्त में ज्यादा भिक्षु पाए जाते हैं।

**Shri A. K. Sen:** The preparation of statistics may be a good academic exercise but from the point of view of practical steps being taken, they are hardly of any use. Secondly, the statistics are the things which could rarely be applied to such classes of persons.

श्री हुकम चन्द कछवाय : किस प्रान्त में ज्यादा भिक्षु हैं ?

प्रध्वल महोदय : जब उनके पास स्टैटिस्टिक्स ही नहीं हैं, तो वह कैसे बता सकते हैं कि किस प्रान्त में ज्यादा हैं ?

**Shri Kapur Singh:** Are the Government aware that there is a fundamental religious obligation in Hinduism for certain categories of persons to subsist exclusively on beggary....

Some hon. Members: No, no.

**Shri Kapur Singh:**.....and, if so, whether the Government propose to eradicate this form of beggary also?

**Shri A. K. Sen:** I think it is an incorrect reading of philosophy and of our religious obligations. It is true that some types of beggars try to exploit the religious sentiments of the Hindus but that is hardly based on proper Hinduism.

**Shri Hem Barua:** May I know whether Government are aware of the fact that often children are kidnapped and then crippled and it is in this way that beggary is perpetuated in this country? In that context, may I also know what steps Government have taken to protect the children from being kidnapped by beggars?

**Shri A. K. Sen:** It is true that a very rigorous law was passed when the late Shri Govind Ballabh Pant

was the Home Minister; the Parliament passed a legislation imposing very strict penalty on such kidnapers. Such crimes are investigated in the same way as is done with regard to the other crimes and the miscreants punished.

**Shri P. R. Patel:** In view of the fact that beggary is on the increase and that the beggars produce much more children, may I know whether it would be within the jurisdiction of the Central Government to order sterilisation of beggars?

**Shri A. K. Sen:** That is something which will not appeal to any civilised Government.

#### Credit to Agriculturists

\*756. **Shri Hoda:** Will the Minister of Community Development and Co-operation be pleased to state:

- the percentage of agricultural credit met during the last year;
- whether any representations have been received by Government for making radical changes in the credit system; and
- if so, Government's reaction thereto?

**The Parliamentary Secretary to the Minister of Community Development and Co-operation (Shri Shinde):** (a) The total quantum of credit raised only for agricultural purposes not being known it is not possible to say what percentage of the same has been covered by the cooperatives. According to the All-India Rural Debt and Investment Survey conducted by the Reserve Bank of India in 1961-62, the cooperatives met about 24 per cent of the total credit raised by agricultural households for all purposes.

(b) No, Sir.

(c) Does not arise.

**Shri Hoda:** May I know whether Government have received representations from various farmers' associa-

tions suggesting a number of measures to be taken in this regard and, if so, whether these representations have been given any consideration and any decision taken thereon?

**Shri Shinde:** I have already stated in part (b) of my reply that no representations have been received by the Ministry of Community Development and Co-operation.

**Shri Heda:** May I know whether Government are aware that one of the big lacunae in the system of giving credit to the farmers is that it reaches them after the need is over and therefore, any steps to be taken towards the decentralisation at the lower level, so that the decision is taken at the lower level and the farmers get the credit in time.

**Shri Shinde:** I think this problem has been looked into and action programme which has been chalked out is being implemented in various States.

**श्री भागवत झा आजाद :** जब सरकार को यह मालम है कि ग्राम कृषकों की आवश्यकताओं का बहुत छोटा प्रतिशत ही कोओपरेटिव बैंक के द्वारा या अन्य फाइनेंशल एजेंसीज के द्वारा पूरा किया जाता है तो फिर क्यों व्यापार या बड़े बड़े उद्योगों को फाइनेंस करने के लिए बड़ी बड़ी इंडस्ट्रियल फाइनेंस कारपोरेशन्ज आदि संस्थायें स्थापित की जाती हैं और क्यों नहीं कृषि के क्षेत्र में भी कृषकों को आर्थिक सहायता देने के लिए ऐसी कारपोरेशन्ज सरकार बना रही है ?

**Shri Shinde:** As far as some of the States, especially in the eastern part, are concerned, the hon. Member's contention might be correct to a certain extent. This problem was examined by an Informal Group of the Reserve Bank recently. This Group examined the institutional arrangements for providing agricultural credit keeping in view the level of advance in the different States. This Group has stated in categorical terms that there is no alternative to

accepting the co-operative as the only institutional agency for provision of agricultural credit in the long run. However, there are certain States like Assam, West Bengal, Bihar, Orissa Rajasthan where the co-operative credit structure cannot immediately undertake the entire responsibility. This Group has recommended that in each of the States a credit corporation at the State level should be formed for provision of agricultural credit. It has already been clearly emphasized by the Group that these corporations will function in areas where the co-operatives are not strong. As and when the co-operatives gather strength in such areas, the corporations will withdraw. The recommendations are being considered by the Government of India.

**श्री सिंहासन सिंह :** प्रभो प्रागरे में कृषि मन्त्री ने कहा था कि खाद्य उद्योग को बढ़ाने के लिए बड़े बड़े इंडस्ट्रियल कंसन्ज के टाइप पर कृषक फार्म्स खोले जायेंगे कम्पनियों के द्वारा। अगर ऐसे फार्म्स खोले जा रहे हैं तो मैं जानना चाहता हूँ कि उन कम्पनियों को सरकार क्या मदद देगी और क्या क्रेडिट पर रुपया भी दिलवाने का प्रबन्ध किया जाएगा ?

**Shri Shinde:** The hon. Member's question does not arise out of the main question.

**श्री पुंड्रबौर सिंह :** सदन में एक बार नहीं धनेकों बार यह प्रश्न धाया है। किसान जो ऋण नेता है, उसको धनेकों उलझनों का सामना करना पड़ता है। उसको जितना ऋण मिलता है उसका पच्चीस प्रतिशत जो है वह एक प्रकार से चक्करों के घन्दर ही खत्म हो जाता है। इसके उत्तर में ऊटपटांग जवाब दिया गया है और ऐसा प्रतीत होता है कि यह जो समस्या है यह सरकार के सामने कोई समस्या ही नहीं है। ऋण देने का जो चक्कर और जो उलझा हुआ चक्कर है, उसको सुलझाने की दिशा में सरकार क्या कुछ नहीं करने जा रही है ?

**Shri Shinde:** I think that on the whole....

**अध्यक्ष महोदय :** चौधरी साहब ने कुछ शब्द बहुत सख्त कहे हैं। इस तरह के शब्द पार्लिमेंट में सप्लीमेंटरी करते वक़्त कहना उचित नहीं है।

**श्रीयुद्धबीर सिंह :** कौनसा ऐसा शब्द है ?

**अध्यक्ष महोदय :** ऊटपटांग आपने कहा है।

**Shri Firodia:** May I know the precise rate of interest at which credit is given to the weaker sections, and also the definition of the term 'weaker section' according to the Central Government? May I also know the quantum of credit that is supplied to the weaker sections?

**Shri Shinde:** As far as the definition of the term 'weaker sections' is concerned, it is well known that the Scheduled Tribes, the Scheduled Castes and landless labourers and persons owning one-ninth of the maximum limit laid down under the ceiling legislation are categorised as coming under the definition of weaker sections. As is well known, at present, the quantum of credit that is being supplied to the weaker sections is very much limited, and Government are anxious to see that it is increased to a substantial extent.

**Shri Malachami:** May I know whether there is any proposal with Government to restrict co-operative credit to rural areas, in view of the fact that there are too many agencies to cater to the needs of urban credit?

**Shri Shinde:** There are not multiple agencies at present in rural areas which are giving credit.

**Shri Buta Singh:** What special credit facilities are being provided in the Fourth Plan for the rural areas?

**Shri Shinde:** In the Fourth Plan, we are trying to see that short-term, medium-term and long-term loans are 1423(Ai) LSD—2.

provided on a large scale. The Fourth Plan target has been fixed at Rs. 650 crores. The credit structure is being revitalised in order to cope up with the increased activities.

**Shri Sivamurthi Swamy:** May I know what steps Government are taking to reduce the interest rate? Whereas the Reserve Bank are giving at 2 per cent rate of interest, the agriculturists are getting it at nearly 9-1/2 per cent. May I know what steps Government are taking to reduce the rate of interest?

**Shri Shinde:** This question is being frequently referred to on the floor of this House. I may inform the hon. Member that recently the Reserve Bank itself has raised the rate of interest, and there is very little scope at present to reduce the interest. But it has been stated on behalf of the Government of India that our efforts are not to have a wide gap between the rate at which the Reserve Bank advances the loan and the rate at which it is made available to the agriculturist.

#### Rationing

{ Dr. Ranen Sen:  
\*757. { Shri Dinen Bhattacharya:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have studied the food situation obtaining in those places where full rationing has been introduced; and

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

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. B. Chavan): (a) Yes, Sir.

(b) Rationing has benefited the people particularly those belonging to the lower income groups. They are getting regular supply of foodgrains on a fixed scale at fixed prices throughout the year.

**Dr. Ranen Sen:** As is already known, in the near future, all the cities having a population of over one lakh will be under rationing. May I know what steps Government have taken to see that the State Governments will go on procuring adequate supply of foodgrains so that rationing does not fall down later on?

**Shri D. R. Chavan:** When all the cities with a population of over one lakh will be under statutory rationing, all steps would be taken to procure whatever quantities are available in the country to the maximum extent under a national levy system.

**Dr. Ranen Sen:** Part (a) of my question relates to a study of the food situation. As far as it is understood in the country, the food situation in the near future will not be very bright. In view of the difficult food situation that is facing the country, what actual study has been made to meet the future situation?

**The Minister of Food and Agriculture (Shri C. Subramaniam):** Now there is statutory rationing as such obtaining in Greater Calcutta industrial and urban areas. During the last one year, we find there has been a good deal of satisfaction amongst the Calcutta people that foodgrains are being made available at controlled prices and there has been no difficulty particularly for the poorer sections to get these things. It has also created unemployment amongst professional agitators in Calcutta, now because of the introduction of food rationing. Therefore, from all these points of view, statutory rationing has conferred benefits particularly on the poorer sections. That is why we are trying to extend it to other areas.

**Shri A. P. Sharma:** In view of Government's decision to introduce statutory rationing in cities with a population of more than one lakh, what arrangements are they going to make for those industrial areas connected with the railway and others where the population may be less than one lakh and are dependent on outside supplies?

**Shri C. Subramaniam:** The rationed areas would include highly industrialised urban areas even though the population may not reach the one lakh mark.

**Shri Sinhasan Singh:** Has Government's attention been drawn to a press report to the effect that the U.P. Government has decided not to take imported wheat but to depend upon its own production in the state? Is there any truth in that report?

**Shri C. Subramaniam:** I have also seen that press report. I will only be too glad if it is true.

**Shri Nath Pal:** Are Government aware that so far their efforts are directed to satisfying and mollifying the articulate population living in the city areas. What is Government's plan with regard to the vast rural population where really scarcity of foodgrains is being felt intensely by the people?

**Shri C. Subramaniam:** The intensity is felt in the rural areas because the high purchasing power pockets draw away the foodstuffs from the rural areas. When we have statutory rationing in these areas and they are cordoned off, to that extent availability will improve in rural areas.

**Shri S. M. Banerjee:** The hon. Minister is aware that the working class in this country, whether in the public or the private sector, have assured their full-throated cooperation to the Prime Minister in meeting the challenge posed both by China and Pakistan. What steps have Government taken to see that these industrial units are provided adequate foodgrains to meet their requirements through the fairprice shops.

**Shri C. Subramaniam:** That is why I said in addition to these cities with one lakh and above population, industrial urban areas also will be brought under statutory rationing so that supply will be assured.

**Shri S. M. Banerjee:** My question is not that. You remember an indus-

trial truce resolution was adopted in which it was stated that all industrial units having more than 300 employees will have fair price shops. Unfortunately that has not been implemented either by the private sector or by the public sector. What steps do Government contemplate to supply adequate rice and other things to these units through fair price shops?

**Shri C. Subramaniam:** This question should be addressed to my colleague, the Labour Minister.

**Shri Hem Barua:** In view of the present hostilities with our neighbours, China and Pakistan, and since our imports of foodgrains from abroad might suffer a setback, what specific steps have Government taken or propose to take to sustain statutory rationing in the cities and provide food to our rural areas?

**Shri C. Subramaniam:** I thought I had answered that. It is for that purpose that I have convened a meeting with Opposition leaders to discuss the plan tomorrow. I hope after that, I would get greater assistance and co-operation from them.

**Shri Hem Barua:** Does it mean that we have to wait till tomorrow?

**Mr. Speaker:** He is convening a meeting.

**Shri Shivajirao S. Deshmukh:** In view of the decision to have rationing in places with population of one lakh and above, what is Government's thinking on the question of monopoly procurement with compulsory levy and remunerative prices?

**Shri C. Subramaniam:** We have written to the State Governments that they should have a phased graduated levy according to the holding of the farmers. That is under their consideration.

**Shri Shivajirao S. Deshmukh:** I asked about monopoly procurement . . . .

**Shri Priya Gupta:** In reply to a question to the hon. Minister of Railways Shri Patil, it was revealed that they are prepared to meet the difference of cost of rice and atta and to

give them to railwaymen at subsidised rates provided the Ministry of Food assured the availability of food-stuffs likely rice and atta. Has this matter come to the Food Ministry, and if so, has any attempt been made to take steps in that direction?

**Shri C. Subramaniam:** I do not know whether this has been specifically put to my Ministry. I shall look into it and answer.

**श्री ज० ब० सिंह :** मैं माननीय मिनिस्टर से यह जानना चाहता हूँ कि जो कच्चे 50 हजार या 40 हजार धाबादी के हैं और जहाँ पर बनकर रहते हैं क्या उन जगहों पर भी सरकार राशनिंग का इन्तजाम करेगी, विशेषकर उन जगहों पर जहाँ वे केवल इसी पर निर्भर करते हैं कि हुकान से खरीदें तो खायें। अगर नहीं तो उनके लिये वह क्या प्रबन्ध कर रही है ?

**Shri C. Subramaniam:** The decision is that in all the other urban areas with a population between one lakh and five thousand, there should be informal rationing. But that would depend upon the stocks available with us.

**Shri Prabhat Kar:** May I know whether since rationing was introduced in Calcutta, the prices of foodgrains in ration shops have increased? If so, what is the reason for that?

**Shri C. Subramaniam:** Because we are trying to give an increased price to the producer. You cannot have it both ways—remunerative price to the producer and cheap price to the urban consumer.

**श्री हुकम चन्द कछवाय :** जब कलून के जरिये सरकार राशनिंग की व्यवस्था करने जा रही है तो क्या इस बात की धीर ध्यान रक्खा गया है कि कहीं प्रांतों में 18 ६० मन गेहूँ मिलता है और कहीं पर 60 ६० मन मिलता है। मैं जानना चाहता हूँ कि अगर जोन को हटाने से इस सम्बन्ध में लाभ पट्टे के तो क्या सरकार जोन को हटाने के लिये नयान होगी।



**Shri C. Subramaniam:** There are disparities now, but when we have rationing, in those rationed areas it will be sold at controlled prices.

**श्री सुब्रमण्यम :** मंत्री महोदय ने अभी एक प्रश्न के उत्तर में कहा कि जो देहातों में रहने वाले गरीब लोग हैं उनको अनाज की किल्लत जरूर होती है। मैं जानना चाहता हूँ कि यह जो तकलीफ देहात वालों को होती है उस को दूर करने के लिये सरकार ने क्या सोचा है।

**Shri C. Subramaniam:** That is why I explained that the rural people suffer because now the urban people take away a major portion of the crop as they have a higher purchasing power. When we cordon off and limit consumption in the urban areas, automatically the situation in the rural areas is bound to improve.

**श्री सुब्रमण्यम :** मेरा उत्तर नहीं मिला। उन्होंने कहा है कि प्रबन्ध किया है। मैंने पूछा था कि जिन को कठिनाई होती है उन के लिये उन्होंने क्या प्रबन्ध किया है।

**प्रध्यक्ष महाशय :** वह भी सोचेंगे।

**Shri Indrajit Gupta:** In reply to Shri Prabhakar Kar, the Minister stated that the price of rationed foodgrains had actually gone up so that the producer could get a fair price. How can the argument be valid in view of the fact that prices were raised in the month of June, that is to say, long after the previous harvest and long before the next, when foodgrains are no longer in the hands of producers at all?

**Shri C. Subramaniam:** The point is that we were subsidising the urban consumer to a certain extent. How long the taxpayer should pay for the urban consumer is the question. We thought it should be on a no-profit no-loss basis.

**Shri P. R. Chakraverti:** Have Government considered the repeated demand of the colliery workers that their quota of rations should be in-

creased due to the hazardous and difficult nature of their work?

**Shri C. Subramaniam:** Yes, in fixing rations, we are giving a bigger quantity particularly for manual workers.

11.00 hrs.

#### SHORT NOTICE QUESTION

#### Supply of Rice to West Bengal

+

S.N.Q.7. { **Shri Indrajit Gupta:**  
**Shri Hari Vishnu Kamath:**

Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Chief Minister of West Bengal, has representend to the Government of India that unless 40,000 tons of rice are supplied to his State by the 30th September, 1965 from Central Stocks, the quantum of ration in the Calcutta statutory rationing area will have to be reduced by 2 ozs. per capita; and

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

**The Minister of Food and Agriculture (Shri C. Subramaniam):** (a) No, Sir.

(b) Does not arise.

**Shri Indrajit Gupta:** Is the Minister aware of the fact that as from Monday this quantum of ration has already been cut down and that the Chief Minister has stated that this is due to the fact that the receipt of supplies from Central stocks is lagging behind the promised quantity and that therefore he has no alternative?

**Shri C. Subramaniam:** In answer to other questions I explained why this 2 oz. cut has been made. Evidently the hon. Member was not present at that time.

**Shri Indrajit Gupta:** Have I to be present when other questions are answered?

**Mr. Speaker:** It is expected.

**Shri Priya Gupta:** On a point of order. This is a short notice question which you have allowed. What the hon. Food Minister has said earlier does not constitute a reply to it, and the Food Minister must repeat it according to the procedure of the House.

**Mr. Speaker:** I do not think that really there is a point of order in that, though I agree it should not have been difficult for the Minister to repeat his earlier answer.

**Shri Priya Gupta:** Is it obligatory or not?

**Mr. Speaker:** It is not obligatory.

**Shri Priya Gupta:** Obligatory for the Member to remain when other questions are answered.

**Mr. Speaker:** Yes. It is presumed that he will be aware of all the proceedings. If something happens in the absence of the hon. Member, he should not say on coming back that he was not aware of what happened, and therefore all those proceedings should be repeated here.

**Shri Indrajit Gupta:** Anyway, I did not insist on it, and I think I am aware also of the reply that has been given.

May I know clearly whether this reduction in quantum is due, primarily due, to the State Government's own initiative and its desire to conserve its stocks, or, as the Chief Minister stated recently to a deputation of MLAs and MPs in Calcutta, that it is due to the fact that he has no alternative but to conserve supplies because the Central Government supplies are not forthcoming?

**Shri C. Subramaniam:** No, Sir, it is not that the Central Government supplies failed, but I take the responsibility for taking the initiative with the State Government for cutting down the ration so that we may be able to meet the emergency and the likely short supply of foodgrains in the country. I take full responsibility for the initiative, but ultimately the State

Governments have to make the final decision.

**Shri Hari Vishnu Kamath:** May I remind the Minister of the interesting discovery that he made last year that the food scarcity in the country was artificial and was due to a big producer and big trader axis? Does he still adhere to that view, and if so, considering that in this emergency sacrifices should be equally made and burdens equally shared, may I know what measures have been taken or are being taken by Government to levy compulsorily from these big producers and to compel the big traders to disgorge their hoarded stocks?

**Shri C. Subramaniam:** I explained that for the purpose of getting the necessary quantities to meet the ration requirements, there will be a national levy, particularly on the big producers. We have written to the State Governments, and they are taking action on that basis. Some State Governments have already fixed the levy on a graduated basis, starting from a low level for low holding and increasing the per-acre quantity to be delivered to a higher level for higher holdings. It is on that basis that we are trying to have a levy, and once we are able to get from the producer himself, the trader may not be very much in the picture.

**Shri Hari Vishnu Kamath:** I asked about disgorging of hoarded stocks from the big traders. Have any measures been taken at all?

**Shri C. Subramaniam:** Yes, under the Defence of India Rules, particularly in West Bengal action has been taken for the purpose of dehoarding but I must admit I do not know with what success.

**Shri Tridib Kumar Chaudhuri:** Am I to understand that the commitments of the Central Government to the State of West Bengal for rice and wheat supplies have been fully met, and will be fully met and that there is no basis for the reported statement

of the Chief Minister that the Centre's commitments have not been met?

**Shri C. Subramaniam:** As I have already stated, we had committed to deliver 3 lakh tons during 1965, and this 3 lakh tons will be made available.

**Shri Priya Gupta:** In view of the fact that more areas are also being brought under the rationing system, may I know whether the Government has ascertained what quantum of rice and wheat will be required for feeding the population in the area, and what will be the quantity per head to be supplied? Will the Government be able to supply it at all?

**Shri C. Subramaniam:** As far as statutory rationing areas are concerned, the quantum has been fixed and that quantum is being made available without any breakdown. As far as modified rationing areas are concerned it is informal rationing system. There also quantities to be given to various categories of people have been announced and subject to the availability of stocks those quantities are being made available.

**Shri S. M. Banerjee:** I would like to know whether this emergency cut relates only to West Bengal and that too about the supply of rice or such a cut is going to be implemented in all the States and, if so, how these two ounces are to be compensated by any other commodity or foodgrains?

**Shri C. Subramaniam:** This should apply to all the States without any distinction between surplus and deficit States. For instance, Madras also has cut down its ration quantity from 12 to 10 ounces.

**Mr. Speaker:** The other part is whether this cut would be compensated by any other commodity?

**Shri C. Subramaniam:** Not from the Government. They have to supplement it by vegetables and various other things wherever they are available. In a period of shortage the alternatives are whether we should be

in a position to supply at least these ten ounces continuously without any breakdown or whether we shall face a breakdown in any future period. Therefore, we have taken a decision that at least at the lower level we should have a continuous supply. As a matter of fact during the previous war there were periods when we had statutory rationing on the basis of six ounces.

#### WRITTEN ANSWERS TO QUESTIONS

##### Ground Water Survey

\*758. **Shri Surendra Pal Singh:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 332 on the 9th March, 1965 and state the response of the States to the Centre's proposal regarding the carrying out of systematic Ground Water Surveys and investigations by the State Governments with a view to delineating ground water worthy areas which would offer scope for ground water extraction for irrigation purpose?

**The Minister of Food and Agriculture (Shri C. Subramaniam):** The State Governments of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal have reacted favourably to the Centre's proposal regarding the carrying out of systematic Ground Water Surveys and Investigations by the State Governments, with a view to delineating groundwater worthy areas which would offer scope for ground water extraction for irrigation purposes. The Government of Kerala does not consider it necessary to undertake any survey of groundwater resources in the State as there is little scope for groundwater utilisation there. The Governments of Assam and Jammu and Kashmir have not intimated their views in the matter.

##### Election in Orissa

\*759. **Shri Hari Vishnu Kamath:** Will the Minister of Law be pleased

to refer to the reply given to Starred Question No. 53 on the 17th August, 1965 and state:

(a) whether the consideration of the question as to when the next General Election should be held in Orissa for constituting the State Legislature has been concluded;

(b) if so, the nature of the decision reached; and

(c) if not, the reasons therefor?

**The Minister of Law and Social Security (Shri A. K. Sen):** (a) No, Sir. The question is still under consideration of Government.

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

#### Cost Data of Agricultural Operations

\*760. **Shri Shree Narayan Das:** Will the Minister of Food and Agriculture be pleased to state whether any steps have been taken to collect reliable and comprehensive cost data of agricultural operations specially of such foodgrains of which minimum prices are to be fixed by the Agricultural Prices Commission as has been pointed out by the Commission.

**The Minister of Food and Agriculture (Shri C. Subramaniam):** Yes, Sir. It has been decided to conduct the requisite studies; their technical and organisational details are being worked out.

#### Banking Facilities to Sugar Industry

\*761. **Shri Sham Lal Saraf:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government are aware of the shortage of banking finance faced by the sugar industry at this year's crushing season because of liquidity ratio having been put under a curb by the Reserve Bank of India;

(b) whether the sugar industry has touched the all-time record of 32 lakh tons production in this year;

(c) whether in view of part (b) above, there is any proposal to make

necessary finance available from the Banks to meet present year's shortage and requirements of the following year; and

(d) if so, the details thereof?

**The Minister of Food and Agriculture (Shri C. Subramaniam):** (a) Complaints from some sugar factories were received about shortage of banking finance.

(b) Yes, Sir, it is expected to do so by the end of the current sugar year on 31st October.

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

#### Prices of Essential Commodities in Delhi

\*762. **Shri P. C. Borooah:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the prices of essential commodities particularly wheat, pulses, edible oils and vegetables have shot higher in Delhi since the date of the massive attack by Pakistan in Chhamb Sector;

(b) if so, to what extent;

(c) whether it is also a fact that some of the essential commodities like good quality rice have disappeared from the market in this period; and

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

**The Minister of Food and Agriculture (Shri C. Subramaniam):** (a) and (b). Except for a slight rise here and there, the prices in Delhi have not risen higher in the month of September. A statement showing the prices prevailing in Delhi in the month of August and in the first two weeks of September in respect of wheat, rice, pulses, vegetable oils, potatoes and onions is placed on the Table of the House. [Placed in Library. See No. Lt-4907/65].

(c) No, Sir.

(d) The Government is keeping a constant watch on the prices and

availability of food commodities in Delhi and necessary steps are taken as and when necessary.

**Pre-Investment Survey of Forest Resources**

\*763. { Shri P. R. Chakraverti;  
Shri Subodh Hansda;  
Shri S. C. Samanta;  
Shri Vidya Charan Shukla;  
Shri A. S. Saigal;  
Shri J. P. Jotishi;  
Maharajkumar Vijaya Ananda;  
Shri Wadiwa;  
Shri Chandak;

Will the Minister of Food and Agriculture be pleased to state:

(a) whether steps have been taken to conduct pre-investment survey in regions having forest surplus to help utilisation of all available forest resources for integrated industrial development of these regions;

(b) whether the survey will take into account the utilisation of forest resources and also the scope and possibility of future growth and development;

(c) whether the survey will examine the possibilities of all types of industry including major, medium and small-scale to be based on forest resources; and

(d) the specific regions selected for survey in the next open season?

The Minister of Food and Agriculture (Shri C. Subramaniam): (a) The Plan of Operations for the Government of India Project "Pre-investment Survey of Forest Resources" assisted by the United Nations Special Fund has been approved on 1st February, 1965. The project proposes to survey an under-developed forest area of 11,500 sq. miles in nine States of Himachal Pradesh, Punjab, Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh, Orissa, Mysore and Kerala.

(b) and (c) Yes Sir.

(d) Parts of the Central Zone (comprising Maharashtra, Andhra Pradesh, Orissa and Madhya Pra-

desh) and Northern Zone (comprising Punjab, Himachal Pradesh and Uttar Pradesh) are proposed to be covered in the next open season.

**Agricultural Research**

\*764. Shri Surendra Pal Singh: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it has been decided to set up Committees to conduct an intensive and co-ordinated research on an all-India basis in respect of several important crops like oilseeds, cotton, sugarcane;

(b) if so, whether any scheme has been prepared; and

(c) the salient features thereof?

The Minister of Food and Agriculture (Shri C. Subramaniam): (a) and (b) Expert Committees have been set up for drawing up co-ordinated research projects relating to several important crops. The Committees will recommend the technical programme, and suggest main and sub-centres for implementing the programme and staffing pattern and other facilities needed for the Centres as well as the Co-ordination Unit.

(c) It is proposed to provide a Project Co-ordinator with some supporting staff for each project who will coordinate the research work in the selected main and sub-stations which will be organised on a regional basis. These Stations are also proposed to be adequately staffed and equipped

**Food Corporation of India**

\*765. Dr. L. M. Singhvi: Will the Minister of Food and Agriculture be pleased to state:

(a) the method and criteria of recruitment of staff and officers for the Food Corporation of India;

(b) whether the officers working in the Food Department are being absorbed in the Corporation on similar jobs;

(c) whether it is a fact that officers drawn from the State cadres are being given better grades than the Central Officers transferred;

(d) whether any representations in this regard have been received by Government; and

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

**The Minister of Food and Agriculture (Shri C. Subramaniam):** (a) The mode of recruitment of staff and officers in the Food Corporation of India is as laid down in para 4.12 of the draft Staff Regulations of the Corporation. A copy of this para is placed on the table of the house. *Placed in Library. See No. LT-4908/65*. After preliminary screening on the basis of qualifications, experience and past record of service the candidates are selected for appointment after an interview and written test, where necessary.

(b) Yes, Sir.

(c) A comparison of this nature cannot be made as there is no equation between posts and grades in the State Governments and those in the Central Government. Appointments of State Govt. officers are made in accordance with the rules of recruitment taking into consideration their qualifications, experience and seniority. These officers are generally taken on deputation terms which are standardized. In determining the scales of pay to be given to deputationists from the State Governments etc. in the Corporation, consideration is given to the following factors:—

- (i) that ordinarily their pay in the State Government plus 20 per cent deputation allowance should not fall short of the minimum of the pay scale fixed in the Corporation for that grade/post; and
- (ii) such persons on appointment in the Corporation should not ordinarily get a benefit of more than 20 per cent of their

grade pay as deputation allowance.

The employees of the Department of Food whose services have been placed at the disposal of the Corporation in consequence of the transfer of work from the Department of Food have been taken in posts which have been equated to the posts held by them in the Department of Food and are drawing the same pay and allowances which were admissible to them as Government servants.

(d) Yes, Sir.

(e) In view of the position stated in the answer to Part (c) no change in the existing procedure has been considered necessary.

#### **Taxi and Scooter fares in Delhi**

**\*766 Shri P. C. Borooah:** Will the Minister of Transport be pleased to state:

(a) whether the fares of the scooter and four-seater rickshaw in Delhi and New Delhi have been increased following the recent rise in the price of petrol and diesel oil;

(b) if so, to what extent and whether this rise has Government's approval; and

(c) whether the taxi-fares are also proposed to be raised in Delhi?

**The Minister of Transport (Shri Raj Bahadur):** (a) No.

(b) Does not arise.

(c) The taxi fares in Delhi were revised with effect from the 1st March, 1965. There is no proposal under the consideration of the State Transport Authority, Delhi for revising these fares further.

#### **Report of Enquiry Committee on Escape of Daniel Walcott**

**\*767. Shri Hari Vishnu Kamath:** Will the Minister of Transport be pleased to state:

(a) whether the Committee of inquiry, into the circumstances in which

Daniel Walcott escaped, found some Officers guilty;

(b) if so, the names of the Officers involved, together with the finding or charge against each; and

(c) the action taken by Government against the guilty Officers?

**The Minister of Transport (Shri Raj Bahadur):** (a) Shri L. C. Jain, Secretary, Department of Communications in his report on the escape of Daniel Walcott, which was laid on the Table of the Sabha on 28th September, 1964 alongwith Government's decision thereon, found that there had been a breach of duty by aerodrome officials concerned in that they did not take sufficient steps to prevent the aircraft from leaving, which they could have done under the Indian Aircraft Rules.

(b) The names of the two officers are Sarvashri B. Hajra and S. W. J. Norton, the then Senior Aerodrome Officer and Aerodrome Officer respectively at Safdarjung Airport. Charges framed against them are as follows:—

Gross failure in discharge of their official duties in—

(i) not realising that Mr. Daniel Walcott was making preparations to attempt an unauthorised flight in his Piper Apache aircraft (Registration No. N-3146-P) from the Safdarjung Airport on the 26th September, 1963; and

(ii) not taking necessary steps, nor showing adequate initiative to restrain Mr. Walcott from taking off without proper clearance.

(c) Disciplinary proceedings for the imposition of a major penalty have been initiated against the two officers.

#### Spare Parts for D.T.U. Buses

\*768. { Shri P. C. Borooah;  
Shri P. R. Chakraverti:

Will the Minister of Transport be pleased to state:

(a) whether it is a fact that a large number of buses with the Delhi Trans-

port Undertaking are lying idle for want of spare parts;

(b) if so, how many are lying entirely idle and how many are in commission despite want of some spares;

(c) whether all these spares are required to be imported;

(d) if so, their total cost in terms of foreign exchange; and

(e) the steps being taken to make the spares available to utilise the D.T.U. fleet capacity fully?

**The Minister of Transport (Shri Raj Bahadur):** (a) and (b). Out of the total fleet of 940 with the Delhi Transport Undertaking, 132 old buses are lying idle for want of imported spares. These buses are of makes which are not on the country's manufacturing programme. 299 buses are in commission despite want of some spares.

(c) Yes.

(d) The total requirements of foreign exchange of the Undertaking for the imported parts till March 1966 are estimated at Rs. 43.00 lakhs.

(e) (i) In addition to import licences worth Rs. 13.29 lakhs obtained by the Undertaking since January 1965 in accordance with the Import Policy, an ad hoc licence for Rs. 10 lakhs has been granted to the Undertaking during the current financial year.

(ii) Serviceable parts of old vehicles are being utilised. Certain old parts are also being retrieved, repaired and put back into use.

(iii) Certain parts are being manufactured in the Workshop of the Undertaking.

#### Lift Irrigation Schemes

2505. Shri A. K. Gopalan: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have received complaints about the delay being caused in the execution of

the Lift Irrigation Schemes in Trichur District, Kerala;

(b) whether it is a fact that the execution of the Lift Irrigation Schemes in Anthikod, Manabur-Thanniam-Panchayats of Trichur district are delayed;

(c) if so, the reasons therefor; and

(d) when the work is likely to be completed?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahnawaz Khan):** (a). The Government of Kerala has received some complaints that the Lift Irrigation Scheme in Manalur Panchayat of Trichur District Kerala was being delayed.

(b) The work on the Lift Irrigation Scheme at Manalur Panchayat and the Lift Irrigation Scheme at Anthikod Panchayat has been delayed.

(c) The delay has mainly been due to the fact that land required for implementation of the schemes, has not yet been completely handed over.

(d) The Lift Irrigation Scheme at Manalur has already been commissioned for supplying water in part of the command. The balance work on this scheme is likely to be completed within the current financial year. The Anthikod Lift Irrigation Scheme would be executed as soon as the required land has been acquired.

#### Crop Weather Observatories

**2506. Shrimati Ramdulari Sinha:** Will the Minister of Civil Aviation be pleased to state to what extent and in what manner the Crop Weather Observatories have proved useful to the agriculturists in 1964-65?

**The Minister of Transport (Shri Raj Bahadur):** From the data obtained from the Crop Weather Observatories, crop-weather relationships are obtained for proper planning of agriculture. Normals of the various crop-growth features and the associated meteorological factors are worked out from the crop-weather data. Crop-weather

diagrams are also prepared on an yearly basis showing the progress of crop-growth with the variation of the weather elements with the march of the seasons. These particulars are made available to all agricultural authorities. The information should enable the officials of the Departments of Agriculture and Community Development to advise the farmer to vary his practices according to the relationship experienced between crop-growth and weather elements at different periods of the season. To what extent actual benefit has accrued it is not possible to say without elaborate enquiries and studies.

#### Cooperative Credit

**2507. Shrimati Ramdulari Sinha:** Will the Minister of Community Development and Cooperation be pleased to state:

(a) what is the rate of progress in the expansion of co-operative credit in the different States in 1963-64 and 1964-65; and

(b) what measures, administrative or otherwise by relating existing procedures and rules are being taken with a view to accelerate the rate of progress in the field of credit of the backward States so that they may come on par with advanced states within a stipulated period?

**The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy):** (a) A statement giving the rate of progress from 1961-62 to 1963-64 is laid on the Table of the House. [Placed in Library. See No. LT-4909/65]. Data for 1964-65 are not yet available.

(b) Special studies have been made of the problems of the backward states. Staff subsidy on a more liberal pattern has been made available to central banks and land mortgage banks in the states of the eastern zone. Rehabilitation grants have been given to some co-operative banks in Assam and West Bengal. An 'Action Programme' for strengthening the co-operative credit structure has been



circulated to all the state governments for implementation. In addition a Central Team consisting of officers of this Ministry, the Ministry of Food and Agriculture, the Reserve Bank of India and the Planning Commission has been going round the States and holding meetings with State officials and important office-bearers of banks to examine the problems and devise ways and means of increasing availability of credit.

**National Advisory Board for Labour Contract and Construction Co-operatives**

2508. **Shrimati Ramdulari Sinha:** Will the Minister of Community Development and Cooperation be pleased to state:

(a) the main recommendations made by the National Advisory Board for Labour Contract and Construction Co-operatives during the year 1964-65; and

(b) the action taken by Government on them?

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) The main recommendations are as follows:

(i) Unskilled works without limit and skilled works at least upto Rs. 50,000 should be reserved for labour co-operatives for execution without inviting tenders.

(ii) Wherever tenders are invited for unskilled works or skilled works of the value of less than Rs. 50,000 tenders of labour co-operatives should be accepted though they may be upto 5 per cent above the lowest acceptable co-operatives.

(iii) Advance upto 25 per cent in the case of contracts the value of which does not exceed Rs. 1 lakh may be allowed to labour co-operatives.

(iv) There should be total exemption from the payment of earnest money and security deposit.

(v) Fortnightly payment of bills should be ensured.

(b) The recommendations have been considered by State Governments and work awarding Ministries. The progress in implementation of the recommendations is as under:

(i) **Reservations:** In Orissa, Gujarat, and Kerala works upto the value of Rs. 50,000 are allotted to labour cooperatives without call of tenders. In Punjab, all unskilled works, in Mysore works upto the value of Rs. 25,000, in Rajasthan, Delhi, Maharashtra, Central Public Works Department and Defence Ministry upto Rs. 20,000 and in Andhra Pradesh, Himachal Pradesh and Manipur upto Rs. 10,000 are allotted to labour co-operatives without call of tenders.

(ii) **Price preference:** In Gujarat 5 per cent weightage is given to the tenders in respect of works exceeding Rs. 50,000 and upto Rs. 1 lakh. There is similar weightage in Rajasthan for works exceeding Rs. 20,000 and upto Rs. 1 lakh, in Maharashtra between the limits of Rs. 20,000 and Rs. 1 lakh and in Orissa between the limits of Rs. 50,000 and Rs. 1 lakh.

(iii) **Initial advance:** 25 per cent of the initial advance is given in Mysore and Orissa.

(iv) **Exemption:** Labour co-operatives are exempted from payment of earnest money and security deposit in Madras, Mysore, Kerala, Orissa and Rajasthan while in some other States qualified or limited exemptions are available. In Madhya Pradesh, Assam and Himachal Pradesh exemption from earnest money is given, in Maharashtra security deposit and solvency certificates are not insisted upon, while in Gujarat there is no security deposit for minor works.

(v) **Fortnightly payments of bills:** Assam, Gujarat, Goa, Maha-

rashtra, Orissa, West Bengal and C.P.W.D. have accepted the recommendation.

#### Conference of Registrars of Co-operative Societies

**2509. Shrimati Ramdulari Sinha:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) the main recommendations of the special Conference of Registrars of Co-operative Societies in the Eastern Region held at Calcutta in November, 1964; and

(b) the action taken on them?

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) and (b). A statement showing the main recommendations of the Conference of Registrars of Co-operative Societies of Union Territories of the Eastern Region held at Calcutta on the 9th and 10th of November, 1964 and the action taken on them, is placed on the Table of the House [Placed in Library. See No. LT-4910/65].

#### Free and Compulsory Primary Education

**2510. Shri Lakhmu Bhawani:** Will the Minister of Social Security be pleased to state:

(a) whether there is any proposal to provide free and compulsory primary and secondary education for all the tribals in the country;

(b) if so, the details of the proposal, if any; and

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

The Deputy Minister in the Department of Social Security (Shrimati Chandrasekhar): (a) to (c). Almost all the States provide free and compulsory education to all children. As such, tribal children are automatically covered. No separate proposal for

tribal children is therefore under contemplation.

As regards secondary education, there is no such proposal at present as tribal students get exemption of tuition fee or scholarship, hostel facilities, book grants and other educational aids.

#### Aerodrome at Salem

**2511. Shri Rajaram:** Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that Government have received a memorandum from the public of Salem requesting for an early construction of an aerodrome there; and

(b) if so, the action taken thereon?

The Minister of Transport (Shri Raj Bahadur): (a) and (b). There have been representations from time to time for the construction of an aerodrome at Salem. These have been considered carefully in consultation with the Indian Airlines Corporation. As Salem does not yet offer enough air traffic potential it has not been possible to accept the need for an aerodrome there.

#### Scheduled Castes and Scheduled Tribes in Madras

**2512. Shri Rajaram:** Will the Minister of Social Security be pleased to state:

(a) whether the 1961 Census gives a full account of the population of each Scheduled Caste and Scheduled Tribe community in the Madras State; and

(b) if so, the population of each Community?

The Deputy Minister in the Department of Social Security (Shrimati Chandrasekhar): (a) Yes, Sir.

(b) The information is contained in the Census of India, 1961, Volume IX, Part V-A(i) and Part V-A(ii), Scheduled Castes and Scheduled Tribes (Tables) of Madras State.

**Development of Hill Areas**

2513. { Shri Hem Raj:  
 { Shri K. C. Pant:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Central Hill Areas Committee has approached the Planning Commission for the allocation of more funds for development during the Fourth Five Year Plan; and

(b) if so, the broad details and the outcome thereof?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) and (b). The question of allocation of more funds for development of hill areas in the country during the Fourth Five Year Plan period has been taken up with the Planning Commission and is under their consideration. Details will be worked out when the final allocation is known.

**Tribal Development Block at Sindkhed**

2514. Shri D. S. Patil: Will the Minister of Social Security be pleased to state:

(a) whether Government sanctioned a Tribal Development Block at Sindkhed in Bulthana District in the year 1961-62 or 1962-63;

(b) if so, the total population of the Block and the total population of the Scheduled Tribes in the Block according to the census of 1961;

(c) whether the Block satisfies the important condition that at least 66 2/3 per cent of the total population covered by the Block should be tribals; and

(d) if not, the reasons therefor?

The Deputy Minister in the Department of Social Security (Shrimati Chandrashkhar): (a) The Sindkhed Tribal Development Block in Nanded District (Not Buldhana Dist.) was started during 1962-63. Subsequently,

it was found that in assessing the population of Scheduled Tribes in this area, persons belonging to non-Scheduled Tribes had also been wrongly enumerated as members of Scheduled Tribes. The actual population of Scheduled Tribes was much less and it fell far short of 66-2/3 per cent. of the total population of the block, which is the main condition for the allotment of a Tribal Development Block. The Tribal Development Block had, therefore, to be cancelled.

(b) For the purpose of starting Tribal Development Blocks during the Third Five Year Plan period, the population figures according to the census of 1951 were taken into account and not the figures according to the census of 1961. According to 1951 census, the total population of Sindkhed block is 22,518 of which, 6,623 are Scheduled Tribes, i.e., 20% of the total population.

(c) and (d). Do not arise as the Tribal Development Block at Sindkhed has since been cancelled.

**Humanitarian Experiments in Jails**

2515. { Shrimati Savitri Nigam:  
 { Shri Dasaratha Deb:

Will the Minister of Social Security be pleased to state:

(a) whether Government have any information regarding the humanitarian and successful experiments made in the direction of making the prisons self-supporting correctional institutions in U.P. and other States; and

(b) if so, the steps taken to convert all the prisons into correctional institutions?

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):

(a) The Government are aware that a few prisons in Uttar Pradesh and Rajasthan, particularly, the Sampurna Nand Agricultural-cum-Industrial Camp, Sitarganj, District Nainital; Sampurna Nand Camp at Ghurma Markandi, District Mirzapur; Model

Prison, Lucknow and Prisoners Co-operative, Sanganer are being run on humanitarian and correctional lines, and are striving to function as self-supporting units.

(b) Attempts are being made to improve the normal prisons to function as correctional institutions. It will neither be feasible nor desirable to model all the prisons on the lines of those mentioned earlier because quite a large number of persons admitted to prisons are either under-trials and, therefore, not expected to work or undergo sentences of very short duration. Similarly, it may be difficult to place confirmed criminals in the open prisons. The emphasis in the prisons is on training rather than on production and, therefore, they cannot be made entirely self-supporting.

हिन्दी विधि प्रायोग

2516. { श्री म० ला० द्विवेदी :  
श्रीमती सावित्री निगम :  
श्री स० ख० सामन्त :  
श्री सुबोध हंसवा ।

क्या विधि मंत्री यह बताने की कृपा करेंगे कि :

(क) हिन्दी विधि प्रायोग पर कितना वार्षिक व्यय होता है; और

(ख) प्रायोग की स्थापना से लेकर अब तक प्रायोग द्वारा बचवार कितने अधिनियमों का लिप्यंतर प्रथवा अनुवाद करवाया गया है ?

विधि मंत्रालय में उपमंत्री (श्री जगन्नाथ राव) : (क) राजभाषा (विधायी) प्रायोग पर हुद्दा वार्षिक व्यय इस प्रकार है :—

	रूपये
1961-62	1,85,535
1962-63	5,33,003
1963-64	6,66,559
1964-65	9,20,990

(ख) विवरण सभा पटल पर रख दिया गया है । [पुस्तकालय में रखा गया । देखिये संख्या एल० टी० 4911/65]

बारहमासी हवाई घड़डे

2517. { श्री विभूति मिश्र :  
श्री क० ना० तिवारी :

क्या अस्तंनिक उद्घरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने प्रत्येक जिले में एक बारहमासी हवाई घड़डा बनाने की कोई योजना तयार की है; और

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

परिवहन मंत्री (श्री राज बहादुर) :

(क) जी, नहीं ।

(ख) प्रश्न नहीं उठता ।

#### Concession in Freight Rates to Vegetable and Banana Growers

2518. Shrimati Savitri Nigam: Will the Minister of Food and Agriculture be pleased to state:

(a) whether any representation has been received from the Vegetable Growers' Association as well as the Banana Growers' Association for the reduction of special freight for pushing up the production; and

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

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) and (b). No representation has been received from the named Associations. However, copies of the representations to this effect addressed to the Minister for Railways were received by the Minister for Food and Agriculture from the Andhra Fruit Merchants Association, Rajahmundry, Agricultural Produce Market (Gendevi), Amalasad.

Gujarat, and the Fruit and Vegetable Merchants Union, Subzi Mandi Delhi. The case was taken up with the Ministry of Railways, who have stated that after careful reconsideration they have decided to give special concessions on wagon loads only.

#### Yield of Rice per Acre

2519. **Shrimati Savitri Nigam:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether new scientific techniques in agriculture have been evolved and demonstrations held recently for raising the yield of rice in the laboratories engaged in this work; and

(b) if so, the nature of success achieved?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan):** (a) Yes. The Scientific techniques include:—

- (i) Breeding and selection of high yielding, fertilizer responsive, non-lodging varieties.
- (ii) Evolution of salt, flood and disease resistant varieties and those suited for deep water conditions.
- (iii) Working out of agronomic techniques and fertilizer schedules for realising high yields.
- (iv) Study of suitable green manure crops.
- (v) Working out of effective plant protection measures for controlling different pests and diseases and weeds.

The results of these techniques are being demonstrated on a country-wide scale.

(b) With the use of these techniques it has been possible to realise paddy yields upto 5,000 lbs. per acre with the local varieties and 8,000 lbs. in some newly introduced exotic varieties.

#### Sea Pearl Shells

2520. { **Shrimati Savitri Nigam:**  
**Shri S. C. Samanta:**  
**Shri M. L. Dwivedi:**

Will the Minister of Food and Agriculture be pleased to state:

(a) the coasts where sea pearl shells have been found; and

(b) whether any organised effort is being made to recover these shells?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan):** (a) Pearl oysters are found in the pearl banks in the Gulf of Mannar off the coasts of Tirunelveli and Ramanathapuram Districts in Madras State.

(b) Inspection of pearl banks are conducted annually by the State Fisheries Department. If and when oysters are available in large numbers, they are commercially exploited. The last series of pearl fisheries was from 1955 to 1961.

#### उत्तर प्रदेश में चीनी मिलें

2521. **श्री विप्लवाच पाण्डेय :** क्या साहब तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि गन्ना खेती की क्षमता तथा चीनी का उत्पादन बढ़ाने की दृष्टि से सरकार का पूर्वी उत्तर प्रदेश की प्रस्तावकर चीनी मिलों का बिलय करने का विचार है;

(ख) यदि हाँ, तो इस योजना के कब तक क्रियान्वित किये जाने की संभावना है; और

(ग) उसकी रूपरेखा क्या है ?

साहब तथा कृषि मंत्रालय में उपमंत्री (श्री बा० रा० चव्हाण): (क) से (ग). भारत में चीनी मिलों के पुनर्वास तथा धातुनिकीकरण के बारे में सरकार द्वारा नियुक्त समिति ने ऐसा एक मुझाव दिया है जिसकी रिपोर्ट पर अभी विचार हो रहा है।

उत्तर बिहार से फ्रूट पौरिज का निर्यात

2522. श्री बिभूति मिश्र : क्या सद्यः तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर बिहार में ग्राम, कटहल, जामून तथा लीची के रस का फ्रूट पौरिज बनाने के काफी संसाधन हैं ;

(ख) यदि हां, तो क्या सरकार ने इस क्षेत्र से फ्रूट पौरिज के निर्यात की कोई योजना बनाई है; और

(ग) यदि हां, तो यह योजना क्या है ?

साद्य तथा कृषि मंत्रालय में उपमंत्री (श्री बा० रा० चव्हाण) : (क) उत्तर बिहार में ग्राम और लीची के विधायन और डिम्बाबन्दी के लिये पर्याप्त संसाधन है ।

(ख) और (ग) . इस क्षेत्र में फ्रूट पौरिज के निर्यात के लिये कोई विज्ञिष्ट योजना तैयार नहीं की गई है । बिहार के सहकारिता विभाग के सुझाव पर, इस क्षेत्र में उपयुक्त स्थानों पर उत्पादक सहकारी फ्रूट प्रोसेसिंग यूनिट स्थापित करने की सम्भावनाओं का पता लगाने के लिये खोज हो रही है ।

**Jammu-Srinagar National Highway**

2523. { Shri Rameshwar Tantia:  
Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Transport be pleased to state:

(a) whether Government propose to take over Jammu-Srinagar National Highway from the Border Roads Organisation;

(b) if so, when the final decision is likely to be taken; and

(c) the improvements which are proposed after its take over?

The Minister of Transport (Shri Raj Bahadur): (a) There is no proposal to take over the Jammu-Srinagar National Highway No. 1A from the 1423(Ai) LSD-3.

Border Roads Development Board.

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

Rice Research Institute, Cuttack

2524. { Shri Subodh Hansda:  
Shri S. C. Samanta:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Rice Research Institute, Cuttack has not been able to create any impressive result with regard to paddy production;

(b) whether the farm is already running at a loss;

(c) if so, the reasons therefor; and

(d) whether any enquiry is proposed to be made into it?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) No.

(b) and (c). The farm of the Institute is a research farm and is not run on commercial lines. Hence, the question of profit or loss does not arise.

(d) Does not arise.

Logging Training Centres

2525. { Shri Vidya Charan Shukla:  
Shri A. S. Saigal:  
Shri J. P. Jyotishi:  
Shri Wadiwa:  
Shri Chandak:  
Shrimati Minimata:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that Government propose to establish four logging training centres in the country under the United Nations Special Assistance Fund;

(b) if so, the sites of such centres, if selected; and

(c) the details of the locations and their suitability for such selection?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahnawaz Khan):** (a) Yes, Sir.

(b) The Centres for the Southern and Northern Zones will be located at Coimbatore and Dehra Dun respectively. The locations for the other two centres have not yet been decided.

(c) The following factors are kept in view in the selection of the Logging Training Centres;

- (i) easy accessibility of the centre by road and rail and availability of necessary accommodation and other ancillary facilities at the Centre.
- (ii) suitability of the surrounding forest types for the training in logging to be given under the Project.
- (iii) availability of sufficiently large areas of departmentally worked forests which will make it easier to introduce modern logging techniques.
- (iv) availability of well managed forest areas near the centre suitable for the practical training of the classes from the Forest Colleges.

#### Price of Milk Purchased by D.M.S.

2526. **Shri Yashpal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Delhi Milk and Milk Products Association has represented that the Delhi Milk Scheme authorities should be asked to reduce their purchase price to enable the trade to sell milk at reasonable rates in the capital; and

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

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahnawaz Khan):** (a) Yes.

(b) The Delhi Milk Scheme fixes the procurement price of milk from

time to time having regard to the market conditions and the need for giving a reasonable price to the producers. If the price is fixed without these considerations being taken into account, the Delhi Milk Scheme will not get enough milk to maintain its supplies.

#### पंजाब में उपचुनाव

2527. **श्री बागड़ी :** क्या बिचि मंत्री पंजाब विधान सभा के लिये जीन्द निर्वाचन क्षेत्र में हुए उपचुनावों से संबंधित एक शिकायत से संबंधित 23 फरवरी, 1965 के घतरांकित प्रश्न संख्या 190 के उत्तर के संबंध में यह बताने की कृपा करेंगे कि :

(क) क्या केन्द्रीय सरकार को राज्य सरकार से प्रतिबन्धन प्राप्त हो चुका है; और

(ख) यदि हां, तो सरकार द्वारा उस संबंध में क्या कार्यवाही की गई है ?

बिचि मंत्रालय में उपमंत्री (श्री जगन्नाथ राव) : (क) जी हां। निर्वाचन आयोग को मुख्य निर्वाचन आफिसर से एक रिपोर्ट मिली है जिसमें कहा गया है कि इस बाबत विवाद था कि टाउन हाल के पास निर्वाचन के सम्बन्ध में सभा करने की इजाजत किस दल को दी जाय। निर्वाचन आफिसर ने सभा करने की इजाजत पहिले विरोधी दल को दी किन्तु उसके पश्चात् उसने वह इजाजत इस आधर पर रद्द कर दी कि कांग्रेस दल की सभा जो उस स्थान पर होने के लिये पहिले से ही नियत हो चुकी थी, और विरोधी दल की सभा एक ही समय और एक ही स्थान पर पड़ जाती।

(ख) निर्वाचन आयोग को निर्वाचन आफिसर का कार्य प्रयुक्तयुक्त और उसका स्पष्टीकरण प्रसमाधानप्रद प्रतीत हुआ, और उसने मुख्य निर्वाचन आफिसर को निदेह दिया है कि निर्वाचन आयोग के पर्यवेक्षण निर्वाचन आफिसर और राज्य सरकार को बता दिये जाएं। इस विबन्धित परिनिन्दा

के प्रतिरिक्त, कोई अन्य कार्यवाही करना निर्वाचन आयोग आवश्यक नहीं समझता।

#### Food Situation in Mysore

2528. { Shri H. C. Linga Reddy:  
Shrimati Savitri Nigam:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether Mysore State is surplus or deficit in food;

(b) if deficit, in respect of which foodgrains;

(c) how the deficit is proposed to be covered; and

(d) the demand of rice and wheat made by the State and the quantity actually supplied during the last six months?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): (a) and (b). In a year of average production, Mysore is considered to be deficit in foodgrains. It is difficult to assess the position in regard to individual foodgrains, as it is possible to substitute one foodgrain by another and such substitution is actually practised to meet unfavourable supply or price situation.

(c) and (d). The requirements of foodgrains, whose movement on trade account is controlled, in respect of all deficit States including Mysore are met from the stocks available with the Central Government to the extent

possible. Arrangements are also made for movement of foodgrains from surplus States on State to State basis.

For 1965, a quota of 1.25 lakh tonnes of rice has been fixed for Mysore in consultation with the State Government. Out of this a little less than 87,000 tonnes has actually been supplied from Central stocks till the end of August. Supply of wheat from Central stocks is arranged on monthly basis. During the 6 months, March to August, 1965 a little over 65,000 tonnes of wheat has been supplied to Mysore.

#### Storage of Foodgrains

2529. Shri Bagri: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that various State Governments have stored large quantities of foodgrains during March-July, 1965; and

(b) if so, the figures thereof, state-wise?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): (a) There was a substantial increase in the stocks of foodgrains with most of the State Governments during the period March to July, 1965. In certain States, there was a decrease in the stocks during the same period.

(b) A statement showing the net increase or decrease in the stocks of foodgrains with the State Governments between the period 1st March to 31st July, 1965 is given below:

#### STATEMENT

State Governments	(In '000 tonnes).	
	Increase	Dec. res.
Andhra Pradesh	30.8	..
Assam	..	5.5
Bihar	..	14.7
Gujarat	56.2	..
Kerala	4.8	..
Madhya Pradesh	14.0	..
Madras	123.1	..
Maharashtra	82.6	..
Mysore	37.2	..
Orissa	2.8	..
Punjab	93.6	..
Rajasthan	88.6	..
Uttar Pradesh	..	1.4
West Bengal	65.0	..
Jammu & Kashmir	3.1	..



**Winter Tourism in Kashmir**

2530. **Shri Raghunath Singh:** Will the Minister of Transport be pleased to state the steps being taken by Government to develop winter tourism in Kashmir?

**The Minister of Transport (Shri Raj Bahadur):** A scheme for development of Gulmarg in Kashmir as a winter sports centre is included in the Third Five Year Plan for tourism of the Central Government. The work of collecting preliminary data, survey of the area, obtaining the advice of foreign experts and preparation of a detailed scheme has been completed by the Central Government. The scheme envisages construction of motorable road from Tangmarg to Gulmarg, a Centrally heated hotel at Gulmarg, ski-school had ski-lift, a ropeway from Gulmarg to Khilanmarg and other ancillary facilities. The total cost of the project is estimated at Rs. 1.25 crores and also involves expenditure in foreign exchange. The question of implementation of the scheme was considered by the Government of India in May this year and in view of the foreign exchange difficulties it was decided to proceed in the first instance only in the construction of the road from Tangmarg to Gulmarg. Other components of the Scheme were postponed.

The Government of Jammu & Kashmir have in this connection addressed a communication to the Central Government suggesting that the question of postponement may be reviewed. The matter is under the consideration of the Government.

**Federation of All-India Foodgrain Dealers' Association**

2531. { **Shri P. C. Borooah:**  
**Shri P. R. Chakraverti:**

Will the Minister of Food and Agriculture be pleased to state:

(a) whether the attention of Government has been drawn to the various observations and suggestions made at the Seventh Annual Convention of the Federation of the All-India

Foodgrain Dealers' Association in New Delhi; and

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

**The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan):** (a) Yes, Sir.

(b) The Government has taken a note of these observations and suggestions. Action wherever necessary is being taken.

**Bareilly-Amingaon Road**

2532. { **Shri Surendra Pal Singh:**  
**Shri Solanki:**  
**Shri P. K. Deo:**  
**Shri Narasimha Reddy:**  
**Shri Sarjoo Pandey:**

Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the Centrally aided Bareilly-Amingaon road project in the Terai region of Uttar Pradesh has run into financial difficulties and that the Government of Uttar Pradesh have approached the Centre for additional financial help to complete the said project;

(b) if so, the amount already given by the Centre for this project; and

(c) its reaction to the demand of Uttar Pradesh for additional funds for the same?

**The Minister of Transport (Shri Raj Bahadur):** (a) to (c). The Bareilly-Amingaon lateral road is being developed to serve the economic and other needs of the northern border. The estimated cost of the entire project is about Rs. 111.00 crores. Out of the total length of 966 miles of road to be constructed or improved 425 miles lie in Uttar Pradesh. Of these 425 miles, 106 miles are sections of National Highway No. 28 and the remaining 319 miles are State Roads. The cost of development of the National Highway sections is met from the National Highway funds and that of the State Roads by way of grant-in-aid to the State Government of Uttar Pradesh.

2. Estimates for the road portion in Uttar Pradesh and for a number of major and medium bridges aggregating about Rs. 23.34 crores have so far been approved and more are likely to be approved on receipt of the plans and estimates from the State Public Works Department. The project has not run into financial difficulties nor have the State Government asked for additional funds.

#### Production of Tobacco

2533. { Shri S. C. Samanta;  
Shri Subodh Hananda;  
Shri M. L. Dwivedi;

Will the Minister of Food and Agriculture be pleased to state the steps being taken to encourage the production of such varieties of tobacco as have enjoyed preference in foreign markets?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah-mawaz Khan): The following steps are being taken to encourage the production of exportable varieties of tobacco:—

- (i) Conducting trials to find out new suitable areas and developing them for growing the tobacco.
- (ii) Demonstrating improved cultural practices.
- (iii) Supply of pure seeds and seedlings of improved varieties to growers.
- (iv) Payment of 25 per cent subsidy to growers for phosphatic fertilizers.
- (v) Arranging and distributing special quotas of fertilisers to growers.
- (vi) Supply of special quotas of G.C. sheets to tobacco growers for the construction of tobacco barns.

#### Sugar from Beet Root

2534. { Shri Heda;  
Shri Raghunath Singh;

Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Indian Institute of Sugarcane Research has submitted its recommendations about starting of pilot projects for the production of sugar from beet root in various States;

(b) if so, in what places;

(c) whether the results of this study of economics of beet sugar production have been received and studied; and

(d) if so, what they are?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. E. Chavan): (a) and (b). No. A pilot plant for determining the potentialities of production of sugar from beet has been set up by National Sugar Institute, Kanpur at Yamunanagar in Punjab.

(c) No. The pilot plant is expected to have full trial run in the next season only and it would be possible thereafter to know the economics of production of sugar from beet.

(d) Does not arise.

#### Third Commonwealth and Empire Law Conference

2535. { Shri Kolla Venkaiash;  
Shri M. N. Swamy;  
Shri Laxmi Dass;  
Shri Shree Narayan Das;  
Shri Ram Harkh Yadav;

Will the Minister of Law be pleased to state:

(a) whether it is a fact that India was invited to the Third Commonwealth and Empire Law Conference held at Sydney from the 25th August, to 1st September, 1965;

(b) if so, the composition of the Indian Delegation to the Conference;

(c) the agenda of the Conference;

(d) the countries which participated in the Conference; and

(e) the main suggestions and recommendations made at the Conference?

The Minister of Law (Shri A. K. Sen): (a) Yes, Sir.

(b) to (e). A Statement is laid on the Table of the House. [Placed in Library. See No. LT-4912/65].

#### Indo-Japanese Farms

2536. { Shri S. C. Samanta;  
Shrimati Savitri Nigam;  
Shri M. L. Dwivedi;  
Shri Himatsingka:

Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 2415 on the 20th April, 1965 and state:

(a) the progress made as a result of the Indo-Japanese farm experiment during 1964-65; and

(b) the programme for the future expansion of this plan?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) Statement is attached. [Placed in Library. See No. LT-4913/65].

(b) The four additional Farms which have been established at Chengamand in Kerala, Bapatla in Andhra Pradesh, Mandya in Mysore and Khopoli in Maharashtra under an Indo-Japanese Agreement signed on the 17th December, 1964, have started their operations from the current Kharif season. At present there is no proposal to establish more farms.

#### Fishing Trawler

2537. { Shri Raghunath Singh;  
Dr. Mahadeva Prasad;  
Shri Hukam Chand  
Kachhavalaya:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether a fishing trawler of the Deep Fishing Station, Bombay

which sailed from Bombay with 15 men on board on the 15th July, 1965 has not yet returned; and

(b) if so, the efforts made to search the same?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): (a) The fishing trawler which sailed from Bombay with 14 (and not 15) persons on board on the 15th July, 1965 has not yet returned.

(b) The fishing trawler was due to return to the base on the 22nd July 1965. When it did not return, the Superintending Engineer, Deep Sea Fishing Station, Bombay arranged on the 23rd July for radio messages to be sent to all the vessels in the sea to be on the look out for this trawler. Next day i.e. on the 24th July, he sent out two other fishing trawlers to the sea in search of this trawler and also arranged for aerial search through the Indian Air Force. The aerial and the sea search in which the Indian Navy also joined on the 28th July continued up to 31st July 1965 except on days when extremely bad weather made it difficult for the air/sea search to be conducted. As a result of this search, two human skeletons, a life buoy and wooden fishing trays of the missing trawler were found near Bombay and the vessel was feared lost. A telegram was received on the 4th August from the Indian Association in Dubai (Persian Gulf) informing about the safe arrival of one of the crew members of this trawler, after having been picked by a launch. Further search for this trawler was, therefore, given up. The survivor reached Bombay on the 10th August, 1965.

#### Caravelle Service

2538. { Shri Surendra Pal Singh;  
Shri P. C. Borooah:

Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that the Caravelle service of the I.A.C. has lost a great deal of its efficiency and

has now become very unpunctual and unreliable; and

(b) if so, steps being taken to improve matters in this regard?

**The Minister of Transport (Shri Raj Bahadur):** (a) and (b). No, Sir. One Caravelle aircraft completes 4 to 5 scheduled services a day. If one is delayed due to weather or any other reason consequential delays follow. The position will improve with the acquisition of two more Caravelle aircraft which are due to be delivered towards the end of this year.

#### **Emeritus Scientists in Agricultural Research**

**2539. Shri Surendra Pal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the question of the appointment of Emeritus Scientists in recognition of outstanding work in agricultural research is under consideration; and

(b) if so, when the final decision is likely to be taken?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan):** (a) Yes.

(b) A decision will be taken after the case has been considered by the Governing body of the Indian Council of Agricultural Research.

#### **Tourism in Nagaland**

**2540. Shri Raghunath Singh:** Will the Minister of Transport be pleased to state:

(a) whether tourist lodges and centres are being planned in Nagaland to promote tourism; and

(b) if so, details of the scheme?

**The Minister of Transport (Shri Raj Bahadur):** (a) and (b). During the Fourth Plan period the following two schemes have been proposed

under the tourism programme for Nagaland:—

1. Tourist Bungalows at Dimapur, Kohima, Amguri, Mokokchung, Tunc Sang Rs. 4.00 lakhs
  2. Improvement to existing tourist lodges and developments of picnic spots, facilities for fishing and hunting etc. Rs. 4.00 lakhs
- TOTAL Rs. 8.00 lakhs

#### **U.K.-India Shipping Service**

**2541. Shri Raghunath Singh:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that the passenger service of the Anchor Line between U. K. and the Indian sub-continent will be discontinued from February, 1966 with the homeward sailing from Bombay Office of the "Circassia"; and

(b) if so, the reasons therefor?

**The Minister of Transport (Shri Raj Bahadur):** (a) Yes, Sir.

(b) To the best of our knowledge the main reason for the discontinuance of the service appears to be the high cost of the replacement of the most of the vessels owned by the company, which being of pre-war built have already become over-aged. The company feel that the restricted field in which the service is being operated would not warrant acquisition of new and expensive tonnage. However, there will still be four foreign shipping companies operating passenger services on this route providing about 4-6 sailings per month even after the Anchor Line Service is closed.

#### **रसायनिक उर्बाओं का प्रयोग**

**2542. श्री मधु लिमये:** क्या साहू तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या उनका ध्यान बंगाल मेज़नस कमिटी की छठहत्तरवीं वार्षिक सभा में दिये गये पेट्रोलियम और रसायन मंत्री के

भावण की धोर धार्कषित किया गया है जिसमें उन्होंने रसायनिक खाद के उचित प्रयोग से धन्न की पैदावार में पांच साल में धात्मनिर्भरता धोर दस साल में निर्यात करने की क्षमता प्राप्त करने की बात कही थी; धोर

(ख) यदि हां, तो क्या सरकार ने इस प्रयोजन के लिये कोई व्यापक तथा प्रभावी योजना तैयार की है ?

खाद्य तथा कृषि मंत्रालय में उपमंत्री (श्री शाहनवाज खां) : (क) तथा (ख). थी हां। यदि उन्नत बीज, उर्वरक, कीट नाशक धोरषधियां, सिंचाई सुविधायें ध्रादि समस्त ध्रादान धोरषधित मात्रा में उपलब्ध हो जायें तो खाद्यान्नों में धात्मनिर्भरता प्राप्त हो सकती है। जहां तक उर्वरकों का सम्बन्ध है ध्रब भी इनका उचित ढंग से उपयोग हो रहा है परन्तु मुख्यतः समस्या संभरण की है। देशी उत्पादन धभी कम है धोर विदेशी मुद्रा की कमी के कारण कमी की पूर्ति के लिये पर्याप्त मात्रा में उर्वरक ध्रायात न किया जा सका। सभी खाद्यान्नों के निर्यात का कोई प्रश्न नहीं है।

देश में उर्वरकों का उत्पादन बढ़ाने, धान, गेहूं, मोटे धनाजों तथा मूंगफली धोर कपास ध्रादि नकदी की फसलों की ऐसी नई किस्मों को एक बड़े पैमाने पर उगाने के लिये एक विशेष कार्यक्रम शरू करने का प्रस्ताव है जिन पर ध्राधिक उर्वरक के प्रयोग का धनकूल प्रभाव पड़ता है।

#### Payments made by Sugar Factories for Burnt Cane

2543. Shri Sivamurthi Swamy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have received any representation regarding the unsatisfactory payments made by the Sugar factories for cane burnt in accidental fires;

(b) whether Government have made any rules for payment for burnt cane by the factories; and

(c) if so, whether a copy thereof will be laid on the Table?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. B. Chavan): (a) No, Sir.

(b) No rules have been framed. However, the Central Government have authorised the State Governments to allow a suitable rebate in the minimum price of sugarcane fixed by the Government, for burnt cane but this rebate is not to exceed the short fall in the recovery of sugar from burnt cane.

(c) Does not arise.

#### Accommodation for Consumer Stores

2544. Shrimati Ramdulari Sinha: Will the Minister of Community Development and Cooperation be pleased to state:

(a) the number of co-operative stores, State-wise, run by the Central Government which have suffered for want of timely availability of suitable accommodation for godowns and sale counters so far; and

(b) on how many occasions and in which States the provision of D.I.R. were invoked to meet the accommodation requirements of the consumer stores?

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) The Central Government does not run any cooperative store.

(b) According to available information the provisions of the D.I.R. were invoked on 30 occasions in West Bengal, 18 occasions in Punjab, 6 occasions in Rajasthan, 3 occasions each in Bihar and U.P. and once each in Madras, Kerala and Maharashtra for securing suitable accommodation for Consumer Stores.

**Arrears in Civil Aviation Department**

**2545. Shrimati Renu Chakravarty:** Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that huge arrears in the collection of revenue and in the preparation of overtime and T.A. bills have accumulated in the Civil Aviation Department and specially in the Delhi Area (Palam) Offices;

(b) whether the expansion of the ministerial cadre has been banned and the present posts are created on an ad hoc basis with the result that the claims of grade pay and Allowances and Travelling Allowances are delayed for years; and

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

**The Minister of Transport (Shri Raj Bahadur):** (a) (i) As on 31st March, 1965, arrears of revenue in respect of eighteen aerodromes (including Palam) in the Delhi Area, amounted to—

Landing, housing & Parking charges	Rs. 65,200
Rent, water & electricity charges of which nearly Rs. 9 lakhs represent claims in dispute.	Rs. 12,30,800.

(ii) As on 31st July, 1965, Fifty-one Travelling Allowance bills, involving a total claim of Rs. 11,857.35, and Overtime Allowance Bills, involving a total claim of Rs. 18,040.25, in respect of staff at Palam, were outstanding. These claims were less than three months old.

(b) There is, at present, a ban on the creation of ministerial posts. However, such posts can be created in relaxation of the ban, on merits.

(c) Palam has been taken over recently from the Air Force authorities. Ministerial staff for this aerodrome has been sanctioned on an ad hoc basis and the work load is being watched. Further, proposals for lay-

ing down the yardsticks for creation of clerical posts at various aerodrome, including Palam, are under consideration.

**Overtime Allowance for Chowkidars and Sweepers in the Civil Aviation Department**

**2546. Shrimati Renu Chakravarty:** Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that the overtime allowance is paid to Chowkidars and Sweepers of the Civil Aviation Department at the low rate of 10 N.P. per hour and is far less than those paid to the Railway Sweepers doing the same work; and

(b) whether refusal to work overtime in Civil Aviation Department is a disciplinary offence?

**The Minister of Transport (Shri Raj Bahadur):** (a) The Chowkidars and Sweepers in the Civil Aviation Department are entitled to draw overtime allowance on the scales laid down in the general orders issued by the Ministry of Finance, viz.

Sundays and holidays:—	At 15 paise for every half hour or fraction thereof, subject to a maximum of Rs. 1.85 per day.
Working Days:—	At 10 paise for every half hour or fraction thereof, subject to a maximum of Rs. 1.25 per day.

No overtime allowance is admissible for the first one hour of duty in excess of the prescribed working hours.

The hours of work and the rate of overtime allowance, etc. of Railway servants, including Sweepers and Chowkidars, are governed by the provisions of the Indian Railways Act, 1890, which provide for payment to them overtime allowance at 1½ times of the ordinary rate of pay, for duty performed in excess of the prescribed hours of work.

(b) Any Government servant who is required to work overtime but re-

fuses to do so is liable to disciplinary action under the provisions of the relevant rules.

#### Operational Staff of Civil Aviation

**2547. Shrimati Renu Chakravartty:** Will the Minister of Civil Aviation be pleased to state:

(a) whether it is a fact that one full off-day has been cancelled for the operational staff of the Civil Aviation Department; and

(b) if so, the reasons therefor?

**The Minister of Transport (Shri Raj Bahadur):** (a) and (b). The operational staff in the Civil Aviation Department are entitled to only three National holidays (viz. the 26th January—Republic Day, the 15th August—Independence Day, and the 2nd October—Mahatma Gandhi's Birthday) and six holidays to be selected from the list of Gazetted holidays. They are not entitled to any weekly off, but their duty cycles are so arranged that they get necessary rest in the form of 'long off' thrice in two weeks.

#### Promotion to Supervisory Cadre in Civil Aviation Department

**2548. Shrimati Renu Chakravartty:** Will the Minister of Civil Aviation be pleased to state the reasons for not giving promotion to the supervisory cadre in the Department of Civil Aviation to at least 50 per cent of the available posts on seniority basis as is done in Posts & Telegraphs, Income-Tax and other Departments of Government?

**The Minister of Transport (Shri Raj Bahadur):** The question of promotion to certain supervisory cadres in the Civil Aviation Department, had been under consideration for some time. The following decisions have since been reached:

(1) **Fire Foreman.**—The posts of Fire Foreman will be filled cent per cent by promotion on the basis of seniority-cum-fitness from the grade of Fire Operators who have completed

three years' service in the grade and have qualified in a Refresher course.

(2) Selection Grade posts in the cadres of Fire Foremen, Aerodrome Operators, Radio Operators and Radio Technicians, will be filled cent per cent by promotion on the basis of seniority-cum-fitness.

(3) **Communications Assistant and Technical Assistant.**—75 per cent of these posts will be filled by promotion on the basis of seniority-cum-fitness from the grades of Radio Operators (Selection Grade) and Radio Technicians (Selection Grade) respectively. The remaining 25 per cent posts will be filled by promotion on the basis of qualifying examination, for which Radio Operators and Radio Technicians, both in the ordinary and Selection Grade, with a minimum of five years' service in the grade, would be eligible to appear.

#### Package Programme

**2549. Shri R. Barua:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the tenurial conditions prevailing in different parts of the country are conducive to proper implementation of the package programme for getting the desired benefit; and

(b) if not, the measures taken in this regard?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan):** (a) and (b). In some of the areas the existing tenurial condition have not been found conducive to effective implementation of the package programme. The concerned State Government have under consideration measures to improve the conditions through suitable land reforms.

#### Credit Cards for Farmers

**2550. Shri Yashpal Singh:** Will the Minister of Community Development and Cooperation be pleased to state:

(a) whether Government are considering a proposal whereby farmers

would be given credit cards on the strength of which they could procure Diesel Oil and fertilizers and make payment in kind; and

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

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) and (b). The idea of a credit card for fertilizer is implicit in the simplified procedure of issuing crop loan to members of cooperative credit societies which has been evolved and recommended to the States for implementation. According to this procedure, a normal credit statement is to be drawn up for each member indicating his total short-term loan eligibility on the basis of the acreage to be cultivated under each crop. The total loan is divided into cash and kind components. Once the credit limit of a member is fixed, he will be able to draw the loan, provided he is not a defaulter in respect of any previous loan from the society. If the credit society is a distributor of fertilizer, the member will obtain his requirement of fertilizer from it against the kind component of the loan. If the society is not in charge of fertilizer distribution, the member will obtain fertilizer from the concerned distributor on the strength of slips or delivery coupons issued by the society. Thus, this procedure integrates the idea of a credit card for fertilizer with the normal credit statement, so that a member is enabled to have his limit for loan in cash and kind fixed once in the year, and to draw upon it according to his requirement. Steps have been initiated by holding field workers' conference to get this procedure understood and implemented by cooperative societies.

The procedure outlined above could also be followed, as far as practicable, in regard to the purchase of diesel oil and other production requisites.

Regarding payment in kind, cultivators are encouraged to market their produce through marketing societies.

Loans raised through the credit societies could be set off against sale proceeds of crops by a system of adjustment between the marketing society and the credit society.

प्रखिल भारतीय बंजारा सेवक संघ

2551. { श्री बे० शि० पाटिल :  
श्री तुलशीबास जाखव :

क्या सामाजिक सुरक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि प्रखिल भारतीय बंजारा सेवक संघ का एक प्रतिनिधि-मंडल 30 जलाई, 1965 को प्रधान मंत्री से मिला था; और

(ख) यदि हां, तो उनकी मुख्य मांगें क्या हैं ?

सामाजिक सुरक्षा विभाग में उपस्थी (श्रीमती चन्द्रशेखर) : (क) प्रखिल भारतीय बंजारा सेवक संघ का एक प्रतिनिधि-मंडल 30 जलाई, 1965 को नहीं 30 अगस्त, 1965 को प्रधान मंत्री से मिला था और उन्हें एक पत्र पेश किया था ।

(ख) उनके पत्र में दी गई मुख्य मांग यह थी कि सरकार अनुसूचित जातियों और अनुसूचित आदिम जातियों की वर्तमान सूचियों का बड़े ध्यान से परीक्षण करे और उनका एक समान, ठोस, तर्कनापरक और मानवी आघारों पर पुनरीक्षण करे ताकि अनुसूचित आदिम जातियों की सूचियों में स्थान देकर बंजारा समुदाय के साथ संविधानी न्याय किया जा सके ।

National Shipping Board

2552. Shri P. C. Boroah: Will the Minister of Transport be pleased to refer to the reply given to Unstarred Question No. 1736 on the 30th March, 1965 and state the action taken by Government on the recommendations of the National Shipping Board?



**The Minister of Transport (Shri Raj Bahadur):** A statement giving the requisite information is attached. [Placed in Library. See No. LT-4914/65].

महाराष्ट्र में बागवानी का विकास

2553. { श्री बे० शि० पाटिल :  
श्री तुलसीदास जाधव :

क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) 1964-65 और 1965-66 में बागवानी के विकास के लिए महाराष्ट्र राज्य को ऋण तथा अनुदानों के रूप में कितनी राशि नियत की गई थी; और

(ख) महाराष्ट्र सरकार ने 1964-65 और 1965-66 में कितनी राशि का उपयोग किया है ?

खाद्य तथा कृषि मंत्रालय में उपमंत्री (श्री शाहनवाज खाँ): (क) तथा (ख). जानकारी इकट्ठी की जा रही है और सभा-पटल पर रख दी जायेगी ।

ज्वार के मूल्य

2554. { श्री बे० शि० पाटिल :  
श्री तुलसीदास जाधव :

क्या खाद्य तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या महाराष्ट्र, मध्य प्रदेश और छत्तीसगढ़ प्रदेश में ज्वार के अधिकतम मूल्य नियत कर दिये गये हैं;

(ख) यदि हाँ, तो 1965-66 के लिये क्या मूल्य नियत किये गये हैं; और

(ग) पिछले तीन महीनों में इन राज्यों की मंडियों में ज्वार का भाव क्या था ?

खाद्य तथा कृषि मंत्रालय में उपमंत्री (श्री डा० रा० चव्हाण) : (क) और (ख). मध्य प्रदेश सरकार ने उचित सीसत किस्म

की ज्वार के अधिकतम थोक मूल्य रु० 43/- प्रति क्विंटल निर्धारित किये हैं । महाराष्ट्र सरकार ने एकाधिकार अधिप्राप्ति की एक योजना लागू की है और इस उद्देश्य के लिये क्रय एवं अधिप्राप्ति मूल्य रु० 45/- प्रति क्विंटल निर्धारित किया है । धानध्र प्रदेस के बारे में सूचना तुरन्त उपलब्ध नहीं है, लेकिन यह दिखायी देता है कि उस राज्य में सरकार ने कोई अधिकतम मूल्य निर्धारित नहीं किया था । इन राज्यों द्वारा 1965-66 के लिये अधिक से अधिक निर्धारित मूल्यों के बारे में सूचना एकत्रित की जा रही है और यथा समय में सभा के पटल पर रखी जायेगी ।

(ख) एक विवरण संलग्न है । [पुरतकाल्य में रखा गया, देखिये संख्या एल० टी०—4915/65].

#### Committee on Pesticides

2555. **Shri Hari Vishnu Kamath:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to Starred Question No. 304 on the 31st August, 1965 and to supplementaries thereon and state:

(a) whether the special committee on Pesticides headed by Prof. Thacker has submitted its report;

(b) if so, its findings and conclusions; and

(c) if not, when the report is likely to be submitted?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah-nawas Khan):** (a) No.

(b) Does not arise.

(c) The Committee is likely to submit its report by the end of December 1965.

**Nagpur Plan Target for construction of Roads during Third Plan**

2556. { Shri Jashvant Mehta:  
Shri Alvares:

Will the Minister of Transport be pleased to state:

(a) the States which lag behind in completing the target as set forth in the Nagpur Plan for the construction of Roads during the Third Five Year Plan; and

(b) the steps being taken by the Central Government to help such States to complete the target by the end of Third Five Year Plan?

The Minister of Transport (Shri Raj Bahadur): (a) and (b). According to the preliminary memoranda sent by the State Governments to the Planning Commission in connection with their Fourth Five-Year Plan proposals, the Governments of Gujarat, Maharashtra, Rajasthan and Uttar Pradesh only have indicated shortfalls in regard to road mileage in their respective States in terms of the formula given in the Nagpur Plan of Post-War Road Development formulated in 1943. The question of making up this deficiency was discussed at the Fifth meeting of the Transport Development Council held at Srinagar in July 1964. While it was agreed at that meeting that special effort would be required to make up deficiencies in the road system for various categories of roads, it was suggested that the total requirements should be worked out by the States concerned and then a phased programme prepared so as to make up the deficiencies. Necessary provision for such programmes has to be made by the State Governments concerned in their respective State Plans since they are primarily concerned with the general question of improving road communications. The recommendations of the Transport Development Council have already been communicated to all the State Governments for necessary action.

**Quota of Rice to Orissa**

2557. Shri Jema: Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Government of Orissa have requested the Central Government to revise the quota of foodgrains particularly rice fixed for being purchased from that State;

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

(c) the percentage of foodgrains purchased from Orissa stocked there for distribution in the deficit areas of that State?

The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan): (a) and (b). Only rice is being purchased in Orissa on Central Government account. A target of 3 lakh tonnes of rice was fixed for procurement in Orissa on Central Government account. Out of this 2 lakh tonnes was to be purchased directly by the Government of India from Millers at railheads and the balance was to be purchased by the State Government on behalf of Government of India from interior centres away from the rail-head from small hullers. No specific request was received from the State Government for reducing this target but in actual practice the procurement there was much below the expectation particularly in the sphere where the State Government was required to procure rice on behalf of the Government of India.

(c) Keeping in view the fact that the quantity of rice procured on Central Government account fell much short of the targets fixed, it was not considered possible or necessary to keep any rice procured on Central Government account in Orissa itself. The State Government have been procuring separately on their own account for distribution in the deficit areas of the State.

**Sivaraman Committee on Fertilizers**

**2558. Shri Vishwa Nath Pandey:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Sivaraman Committee on Fertilizers has submitted its report;

(b) if so, the main features thereof; and

(c) the reaction of Government thereto?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) Yes. The Report was submitted to Government on 2nd September 1965.

(b) A statement containing the principal conclusions and recommendations of the Committee is placed on the Table of the Sabha. [Placed in Library. See No. LT-4916/65]. Copies of the Report have also been placed in the Library of Parliament.

(c) The recommendations of the Committee are under consideration.

**National Cooperative Bank**

**2559. Shri Vishwa Nath Pandey:** Will the Minister of Community Development and Co-operation be pleased to state:

(a) whether it is a fact that the Committee on Co-operation set up by Government has recommended the establishment of National Co-operative Bank which will form the apex of the co-operative financial structure; and

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

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) Yes, Sir.

(b) The recommendation is being examined.

**Pilferage of Port Stores**

**2560.** { Shri Raghunath Singh:  
Shri P. C. Borooah:  
Shri Krishna Pal Singh:

Will the Minister of Transport be pleased to refer to the news item in the 'Hindustan Times' of the 1st August, 1965 captioned 'Probe men found an empty store' which related to the stores belonging to a Port authority and state:

(a) the details of the findings of the enquiry into the reported pilferage of stores; and

(b) the action taken to bring the culprits to book?

The Minister of Transport (Shri Raj Bahadur): (a) and (b). The news-item published in the 'Hindustan Times', dated the 1st August, 1965, was a misleading report. What was disclosed at a meeting of Senior Secretaries on the 31st July, 1965, was that almost 90% of the goods stolen from the Bombay Port premises was recovered by the Port Police and Watch and Ward staff during 1964. In 1963, only 65% of the stolen goods were recovered. The improvement in the security of cargoes kept in the port premises was the result of a series of better anti-pilferage (Preventive and Detective) measures adopted by the Bombay Port Authorities.

**Bridge at Guthami Ghat, Bihar**

**2561. Shri Vishwa Nath Pandey:** Will the Minister of Transport be pleased to state:

(a) whether it is a fact that Government have decided to construct a bridge over the Choti Gandak river at Guthami Ghat (Bihar) which will connect the Uttar Pradesh and Bihar States;

(b) if so, the estimated expenditure on this scheme; and

(c) the progress made so far?

**The Minister of Transport (Shri Raj Bahadur)** (a) Yes.

(b) and (c). The construction of the bridge was sanctioned for Rs. 18.44 lakhs but the cost is likely to increase to Rs. 27.00 lakhs (including the cost of approaches). The amount of lowest tender for the bridge proper received in response to the second call is Rs. 22.00 lakhs. The tender is under finalisation and the work is expected to commence shortly.

#### **Conservation of Land for Agricultural Purposes**

**2562. Shri D. J. Nalk:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the Economic Commission for Asia and the Far East has advised the Government of India to check diversion of agricultural land to urban development and industrial development to expand big cities like Delhi vertically so as to conserve land for agricultural use; and

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

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan):** (a) We have no information.

(b) Does not arise.

#### **Wheat from U.S.A.**

**2564. Shrimati Maimoona Sultan:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the U.S. Government have recently agreed to supply wheat worth \$29,056,000 under PL 480;

(b) if so, whether any agreement has been signed in this regard;

(c) whether the wheat will be shipped by the Indian ships to avoid foreign exchange expenditure; and

(d) when the wheat is likely to be received?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri D. R. Chavan):** (a) and (b). A Purchase Authorisation for this amount was issued by U.S. Government on 20th August 1965, under the current P.L. 480 Agreement of 30th September, 1964 as last amended on 26th July, 1965.

(c) The Regulations of the U.S. Government require that at least 50% of the foodgrains under P.L. 480 Agreement should be carried on privately owned U.S. flag commercial vessels. The Government of India carry the remaining 50% in non-U.S. flag vessels. Indian vessels are employed to the extent available.

(d) This wheat is expected to arrive in India before the end of December, 1965.

#### **Civil Aviation Department Employees' Union**

**2565. Shrimati Maimoona Sultan:** Will the Minister of Civil Aviation be pleased to state:

(a) whether the attention of Government has been drawn to the reported decision of the Civil Aviation Department Employees' Union to hold protest rallies and to undertake fasts to press their demand for better service conditions;

(b) if so, their precise demands; and

(c) Government's reaction thereto?

**The Minister of Transport (Shri Raj Bahadur):** (a) to (c). The General Secretary of the Civil Aviation Department Employees' Union wrote to the Director General of Civil Aviation on 12th August, 1965, stating that he had decided to go on a fast for 24 hours commencing from 7.30 a.m. on 19th August 1965 outside the Safdarjung Airport Canteen, "to restrain any precipitate action by the employees and to lodge a symbolic protest against the indifference and continued delay in settling their demands".

The six demands of the Union are as follows:—

(1) Implementation of the recommendations of—

- (i) Workshops Committee;
- (ii) Stores Committee; and
- (iii) Uniforms Committee.

(2) Revision of pay scales of—

- (i) M. T. Drivers; and
- (ii) Telephone Operators.

(3) Reduction in duty hours of Chowkidars.

(4) (i) Revision of overtime rates; and

- (ii) Grant of nine effective holidays for operational staff.

(5) Promotion to the extent of 50% to non-gazetted supervisory posts, purely on seniority basis; and

(6) Creation of posts of Senior Clerks/Head Clerks/Superintendents, on the basis of yardsticks prevailing in other Departments like Income-tax, P. & T. etc.

Decisions have already been reached and communicated to the Union in respect of their demands Nos. 1(ii) & (iii), 2(i) & (ii) 3, 4(i) & (ii) and 5; the remaining demands, viz. Nos. 1(i) and 6 have far reaching implications and are under examination.

#### Sugar Mills in Bihar

2566. Shri Vishwa Nath Pandey: Will the Minister of Community Development and Cooperation be pleased to state:

(a) whether it is a fact that the Government of Bihar have urged the Centre for establishing some Co-operative Sugar Mills in the State of Bihar; and

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

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): (a) Yes, Sir.

The Government of Bihar have sponsored 11 applications for the establishment of new cooperative sugar factories.

(b) The applications received from Bihar will be considered along with applications from other states when the next batch of new sugar factories is taken up for licensing. The applications are under examination.

#### भू-राजस्व की वसूली

{ श्री हुकम चन्द कछवाय :  
2567. { श्री बड़े :  
{ श्री श्रींकार लाल बेरबा :

क्या साहब तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली के कृषकों को, जिनसे 1954 में भू-राजस्व नहीं लिया गया था, कहा गया जा रहा है कि वे ग्यारह वर्ष का सारा भू-राजस्व एक साथ जमा करावें ;

(ख) यदि हाँ, तो इसके क्या कारण हैं ; और

(ग) क्या सरकार का विचार यह भू-राजस्व भासान किरतों में लेने का है ?

साहब तथा कृषि मंत्रालय में उपमंत्री (श्री शाहनवाज खाँ): (क) तथा (ख) भूमि राजस्व लेना कभी बन्द नहीं किया था। परन्तु यह सच है कि दिल्ली के संघ क्षेत्र के ग्रामीण क्षेत्र में लगातार प्राकृतिक प्रकोप जसा कि बाढ़, तथा जलमगनता इत्यादि के कारण भूमि राजस्व की वसूली कई वर्षों तक स्थगित रखी गई। इस भ्रष्टी फसल के कारण कृषकों की वित्तीय दशा में सुधार हुआ है। अतः पिछली जुलाई में वसूली करने का विशेष कार्य शुरू किया गया था। परन्तु किसी भी बाकी-दार को बकाया राशि एक साथ देने पर आबद्ध

नहीं किया गया। इस बात पर हर ध्यान दिया गया कि किसी को इस से विशेष कठिनाई न हो।

(ग) जैसा कि प्रश्न के (क) तथा (ख) भाग के उत्तर में कहा गया है कि यह सब वसूलियां किसी कठिनाईयां दिये बिना की जा रही हैं। सच तो यह है कि बहुधा वसूलियां बकाया राशि के भाग से ही की गई हैं। जहां आवश्यक शोभा शेष राशि प्राप्तान किस्तों में भी वसूल की जायेगी।

### दिल्ली दुग्ध योजना की रूप की बातें

2568. { श्री हुकम चन्द कछवाय :  
श्री बड़े :  
श्री प्रकाशवीर शास्त्री :  
श्री बाल्मीकी :

क्या साख तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली दुग्ध योजना प्रब इसके द्वारा बनाई गई दूध की खाली बोटलों को लेने से इन्कार कर रही है ;

(ख) क्या यह भी सच है कि खाली बोटलों की कीमत बढ़ा दी गई है ; और

(ग) यदि हां, तो इसके क्या कारण हैं ?

साख तथा कृषि मंत्रालय में उपमंत्री (श्री आहूतबाब खन्ना) : (क) दिल्ली दूध योजना कोई दुध की बोटलें नहीं बनाती है। योजना यह बोटलें बाजार से खरीदती है और कार्ड वालों को बेचती है। उन व्यक्तियों के लाभ के नियम जो दिल्ली छोड़ जायें या दिल्ली दुग्ध योजना से दुध लेना बन्द कर दें, बोटलों को वापस योजना को बेचने का प्रबन्ध किया था। इस प्रबन्ध से केन्द्रीय डेरी से खाली बोटलें खरीदी होने लग गई। तथा वे बोटलें दिल्ली दुग्ध योजना के डीपुछों में बिकने लग गई। इस कारण यह प्रबन्ध बन्द कर दिया गया।

(ख) जी नहीं।

(ग) प्रश्न ही नहीं होता।

### Exclusion of Some Tribes from List of Scheduled Tribes

2569. Shri Raghunath Singh: Will the Minister of Social Security be pleased to state:

(a) how many States have suggested to the Centre to exclude some tribes or castes from the list of Scheduled Tribes as they are fairly developed and has no distinctive tribal traits; and

(b) if so, the details of such suggestions and action taken by Government in the matter?

The Deputy Minister in the Department of Social Security (Shrimati Chandrasekhar): (a) and (b). The whole question of revision of lists of Scheduled Castes and Scheduled Tribes was placed before the Advisory Committee for revision of lists of Scheduled Castes and Scheduled Tribes constituted by Government. The Report of the Committee is under consideration.

### Mogul Lines Limited, Bombay

2570. Shri Narendra Singh Mahida: Will the Minister of Transport be pleased to state:

(a) whether there is any proposal to take over private shares of Mogul Lines Limited, Bombay and merge it with the Shipping Corporation of India;

(b) if so, the details thereof; and

(c) if not, reasons therefore?

The Minister of Transport (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

(c) It is not considered feasible due to commercial as well as administrative considerations, to merge Mogul Lines Limited with the Shipping Cor-

poration of India Ltd. as these companies have to carry on different types of trade on a big scale and we do not want the Shipping Corporation which is an exclusive public sector concern to have private shareholding both Indian and Foreign.

#### Central Hill Development Committee

2571. { Shri Hem Raj;  
Shri K. C. Pant:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Working Groups of the Central Hill Development Committee have completed their blue-prints for submission to the Planning Commission for inclusion in the Fourth Five Year Plan; and

(b) if so, whether they have submitted them to the Planning Commission and the outcome thereof?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahinawaz Khan): (a) and (b). The working Group and its sub-groups set up in the Ministry of Food and Agriculture for drawing up proposals for agricultural development of hill areas in the country are about to complete their work. However, a broad idea of the finances required for carrying out the programmes suggested by them is already available and the question of allocation of funds for the purpose is under the consideration of the Planning Commission.

#### Development of Gardens

2572. Shri P. H. Bheel;  
Shri Ram Singh:

Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that under the five year plan scheme of Horticulture Development in Delhi, people were encouraged to plant gardens and for that loan assistance was also given to the people;

(b) if so, the total amount of loan given so far;

(c) whether it is a fact that in pursuance of the above scheme of Government a number of gardens were planted and developed in the Alipur Block and specially in Bhorgarh and Kurnni;

(d) whether it is also a fact that a number of gardens fell prey to the acquisition of land by Government; and

(e) if so, the number of such gardens and the area occupied by them?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahinawaz Khan): (a) Yes.

(b) A sum of Rs. 0.715 lakh from 1961-62 to 1964-65.

(c) Yes.

(d) No such garden has been acquired so far.

(e) Does not arise.

#### Revision of Lists of Scheduled Castes and Scheduled Tribes

2574. Shri D. S. Patil: Will the Minister of Social Security be pleased to state:

(a) the main recommendations of the Advisory Committee on the revision of lists of Scheduled Castes and Scheduled Tribes; and

(b) the decisions taken thereon?

The Deputy Minister in the Department of Social Security (Shrimati Chandrasekhar): (a) and (b). The Report of the Advisory Committee on Revision of Lists of Scheduled Castes and Scheduled Tribes is still under consideration.

#### Office of Director of Backward Classes

2575. Shri Naval Prabhakar: Will the Minister of Social Security be pleased to state:

(a) the total number of posts sanctioned in the Office of the Director of

Backward Classes, Government of India with classification of each post;

(b) the number of posts actually filled up so far;

(c) if all the sanctioned posts have not been filled up, the reasons therefor;

(d) the steps proposed to be taken to fill up these posts; and

(e) the number of posts in each category which are proposed to be filled up under reserved quota?

**The Deputy Minister in the Department of Social Security (Shrimati Chandrasekhar):** (a) Four.

(i) Assistant Director (Class II—Gazetted) One

(ii) Research Officer (Class II—Gazetted) One

(iii) Investigator (Class III—Non-Gazetted) Two

(b) to (d). The posts have not been filled as it took some time to finalise the recruitment rules and to obtain applications and the service records of the applicants. It is expected that selections will be made soon.

(e) Reservations will be made according to the rules.

#### Minor Irrigation Schemes in Mysore

**2576. Shri H. C. Linga Reddy:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount asked for by the State Government of Mysore for minor irrigation programme during the Third Five Year Plan period, so far; and

(b) the amount spent by the Government of Mysore up-to-date?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan):** (a) and (b). The Government of Mysore has an approved Plan provision amounting to Rs. 16 crores for minor irrigation programme during the Third Five Year Plan period. The outlays proposed by the State Government in their Annual Plans, outlays agreed to at the time of Annual Plan Discussions, additional outlays allocated to the State and the actual expenditure during the first four years of the Third Plan under the Minor Irrigation Programme in the State, are indicated as under:—

(Rupees in lakhs)

Year	Outlay proposed in State Annual Plans	Outlays agreed to by Govt. of India			Actual Expenditure
		Original	Addl.	Total	
1961-62	428.13	230.00	250.00	480.00	392.74
1962-63	413.00	320.00	305.00	625.00	591.91
1963-64	450.00	450.00	232.00	682.00	864.73
1964-65	800.00	500.00	{ 250.00* 110.00	860.00	509.72 (upto 31-12-64)
<b>TOTAL</b>	<b>2091.13</b>	<b>1500.00</b>	<b>1147.00</b>	<b>2647.00</b>	<b>2359.10</b>

\*For Minor Irrigation and Agriculture Programmes combined.



During the current financial year 1965-66, the State Government proposed an outlay of Rs. 842 lakh for minor irrigation programme. Against this, an outlay of Rs. 6 crores has been approved. Subsequently, during May, 1965, an additional allocation of Rs. 1 crore was also made to the State. The actual expenditure during 1965-66 will be known at the end of the year.

#### Harijan Voters in Gaya District

2577. **Shri Brajeshwar Prasad:** Will the Minister of Law be pleased to state the total number of Harijan voters in the Nawadah and Jehanabad Parliamentary constituencies in Gaya District?

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): No, Sir. It is not possible to furnish the information regarding the number of Harijan electors in the Nawadah and Jehanabad Parliamentary Constituencies in Gaya District, as the electoral rolls do not show the caste of the electors.

#### बजीराबाद (दिल्ली) में पुल

2578. **श्री बागड़ी :** क्या परिवहन मंत्री यह बताते हैं : : करेंगे कि :

(क) क्या यह सब है कि बजीराबाद (दिल्ली) में हाल ही में बनाया गया पुल टूट गया है ;

(ख) यदि हाँ, तो उसके क्या कारण हैं ; और

(ग) उसके लिये कौन लोग उत्तरदायी हैं ?

परिवहन मंत्री (श्री राज बहादुर) :

(क) जी नहीं। बजीराबाद पर सड़क का पुल ठीक है और वह टूटा नहीं है। टूटी हुई सड़क धार प्रसार जाड़ों की कुछ छोटी मोटी मरम्मत की गई थी। पुल के ऊपर से यातायात घा जा रहा है।

(ख) और (ग) प्रश्न नहीं उठता।

#### Tippu Sultan Road in Malabar

2579. **Shri Imbichibava:** Will the Minister of Transport be pleased to state:

(a) whether any scheme has been considered by Government for making communicable the Tippu Sultan Road to cater to the need of the fishing industry in the Malabar Coast;

(b) whether the scheme has been included in the Fourth Five Year Plan; and

(c) if not, the reasons therefor?

The Minister of Transport (Shri Raj Bahadur): (a) to (c). The Tippu Sultan Road in Malabar is a State road in the Kerala State. The Government of Kerala have accordingly been consulted in the matter. They have intimated that they have included the work of improving this road in their Draft Fourth Five-Year Plan. The approximate cost involved is stated to be Rs. 5 lakhs.

#### Airport in Kozhikode District

2580. **Shri Imbichibava:** Will the Minister of Civil Aviation be pleased to state:

(a) whether the experts who considered the suitability of Kondotty in Kozhikode district for constructing an airport have submitted their report;

(b) whether Government have finally decided to construct the airport;

(c) whether the scheme has been included in the Fourth Plan; and

(d) if not, the reasons therefor?

The Minister of Transport (Shri Raj Bahadur): (a) and (b). Yes, Sir. The report of the Experts is being processed.

(c) Yes, Sir.

(d) Does not arise.

**Distribution of Rice through Fair Price Shops in Kerala**

**2581. Shri Imbichibava:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount spent by Government up to 31st December, 1964 as subsidy for distribution of rice through fair price shops in Kerala which began in 1957; and

(b) how much of it is now being saved every year?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri D. E. Chavan):** (a) The amount of subsidy involved in issuing foodgrains at prices lower than Government economic cost is not calculated separately for each State. On the basis of the average difference between Government's economic cost and its issue price and assuming that all the rice issued during the period in Kerala was coarse rice (which is generally the case), the amount of subsidy borne by Government of India in the issue of rice in Kerala during the years 1957 to 1964 can be estimated as Rs. 27 crores.

(b) The subsidy incurred on coarse rice in Kerala in 1965 is less by Rs. 13 per Quintal as compared to that incurred in 1964.

**Fishmeal for Poultry**

**2582. Shri Imbichibava:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have any proposal to set up a plant to produce fishmeal for poultry from sardines; and

(b) if so, the cost to be incurred on such a plant?

**The Deputy Minister in the Ministry of Food and Agriculture (Shri D. E. Chavan):** (a) There is no proposal now to set up a Government

fishmeal plant to produce fishmeal for poultry from sardines.

(b) Does not arise.

**Lift Irrigation Scheme of Kerala**

**2583. Shri Imbichibava:** Will the Minister of Food and Agriculture be pleased to state;

(a) whether it is a fact that many lift irrigation works in Kerala like Tavanur are idle on account of non-availability of electric power;

(b) the number of the lift irrigation schemes included in the Third Five Year Plan which are idle for this reason;

(c) the area of land deprived of water as a result thereof; and

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

**The Deputy Minister in the Ministry of Food and Agriculture (Shri Shahnawaz Khan):** (a) to (d). The required information is being collected from the Kerala Government and will be placed on the Table of the Sabha as soon as it is received from them.

**Development of Roads in Kerala**

**2584. Shri Warrior:** Will the Minister of Transport be pleased to state:

(a) whether the Kerala Government have prepared a master plan for the development of roads in the State during the Fourth Five Year Plan;

(b) if so, the broad details thereof;

(c) the estimated cost thereof; and

(d) whether the Central Government have approved the plan?

**The Minister of Transport (Shri Raj Bahadur):** (a) The State Chief Engineer has intimated that the Master Plan for the development of roads in the Kerala State in the Fourth Plan is under preparation and that it has yet to be sent to the Government of India for their approval.

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

**प्रनाज व्यापारियों की गिरफ्तारी**

2585. { श्री हुकम चन्द कछवाय :  
 श्री श्रींकार लाल बेरवा :  
 श्री प्रकाशचौर शास्त्री :  
 श्री जगदेव सिंह सिद्धाप्ती :  
 श्री युद्धवीर सिंह :  
 श्री बड़े :

क्या खाद्य तथा कृषि मंत्री यह बताने को कृपा करेंगे कि :

(क) क्या यह सच है कि विभिन्न राज्यों ने प्रनाज के बढ़ते हुए मूल्यों को रोकने के लिये व्यापारियों को गिरफ्तार किया है; और

(ख) यदि हाँ, तो इन व्यापारियों की गिरफ्तारी के बाद एक मों वर्ष उन राज्यों में प्रनाज के मूल्य कितने बढ़े घयवा कितने कम हुए हैं ?

खाद्य तथा कृषि मंत्रालय में उपमंत्री (श्री डा० रा० चव्हाण) : (क) खाद्यान्नों के भावों में बढ़ि को रोकना ही खाद्य नियमों के लागू करने का केवल उद्देश्य नहीं है। विभिन्न खाद्य नियमों के संदिग्ध उल्लंघन के लिये समय समय पर बहुत से व्यक्ति जिनमें व्यापारी भी हैं, गिरफ्तार किये जाते हैं।

(ख) प्रश्न ही नहीं उठता ।

**Famine relief in scarcity areas of Mysore**

2585. A. Shri H. C. Linga Reddy: Will the Minister of Food and Agriculture be pleased to state:

(a) whether the Government of Mysore has sent any scheme to the Central Government for famine relief in the scarcity areas of the State;

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

(c) the expenditure involved; and

(d) the action taken thereon?

The Deputy Minister in the Ministry of Food and Agriculture (Shri Shah Nawaz Khan): (a) The State Government of Mysore has not sent any scheme for famine relief as such. However, a pilot scheme for the integrated development of chronically drought affected areas of Madhugiri and Pavagada taluks of Tumkur District of Mysore State has been received from the Mysore State Government.

(b) and (c). A statement giving the required information is appended. [Placed in Library. See No. LT-4917/65].

(d) The State Government has been requested to furnish certain essential details before the proposals can be examined.

**Import of Rice from U.S.A.**

2585-B. Shrimati Savitri Nigam: Will the Minister of Food and Agriculture be pleased to state whether the United States Government have issued purchase authorisations to India under P.L. 480 Agreement to finance purchase of a very large quantity of rice from the U.S. suppliers?

The Minister of Food and Agriculture (Shri C. Subramaniam): None recently.

11.08 hrs.

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

**ALLEGED REFUSAL BY TELEGRAPH AUTHORITIES AT DURGAPUR TO ACCEPT TELEGRAMS**

Shri Kapur Singh (Ludhiana): Sir, I call the attention of the Minister of Communications to the following matter of urgent public importance and I request that he may make a statement thereon:

"Alleged refusal by telegraph authorities at Durgapur to accept on the 3rd September, 1965, telegrams from the Sikh employees of Refining and Allied Machinery Corporation, Durgapur, addressed

to the Central Government and non-delivery of telegrams sent by them to Akali Members of Parliament at Delhi."

**The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha):** On 3-9-1965, a number of telegrams were offered for booking at Durgapur Steel Project telegraph office containing almost identical text which tended to give an ordinary local fracas a communal colour. These telegrams were addressed to the Ministers of the Government of India, the Speaker of the Lok Sabha and other senior Government officers and also to four other private addressees. All these telegrams were accepted and transmitted to Calcutta for onward disposal. At Calcutta, the telegrams excepting those addressed to the four private addressees, were allowed to be retransmitted onwards and duly delivered at their destination. The four telegrams addressed to the four private addressees were considered objectionable [Shri Ranga: Why? Have patience.] under Indian Telegraph Rule 17, especially on account of the very tense situation in the country and referred to the Government of West Bengal for advice. The Government of West Bengal considered these telegrams as objectionable and ordered the Central Telegraph Office, Calcutta to withhold them under section 5(1) (b) of the Indian Telegraph Act, 1885.

**Shri Kapur Singh:** Is it true that the Sikh employees at Durgapur were attacked causing death and grave injuries to them for the basic sin of being Sikhs and non-Bengalis and if so whether that was the reason for the non-delivery of these telegrams?

**Shri Satya Narayan Sinha:** I do not think that such questions should be permitted. I do not like to answer that question. I said that it was a local fracas. It was because of that that it was also withheld.

**Mr. Speaker:** The question has been put. He can deny that it is not the reason.

**Shri Satya Narayan Sinha:** It cannot be the reason; absolutely it is not.

**Shri Ranga (Chittoor):** How can he take a position like this? Is he the Home Minister either in Bengal or here?

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

**Shri Kapur Singh:** I shall now put my second question. Are the Government aware.....

**Mr. Speaker:** Only one question; he has already put one question.

**Shri Kapur Singh:** There is also a second question which is allowed, Sir, in respect of a Calling Attention Notice.

**Mr. Speaker:** Order, order. Shri Buta Singh.

**Shri Kapur Singh:** As a matter of clarification, I want to put another question. He has not answered my question.

**Mr. Speaker:** I cannot allow him any other question.

**Shri Kapur Singh:** He has not answered my question properly. So, I am entitled to seek a clarification.

**Mr. Speaker:** He may seek a clarification. I would not allow another question.

**Shri Satya Narayan Sinha:** To which part of the question does he want a clarification?

**Shri Kapur Singh:** Are the Government aware that it is a common practice with the telegraph authorities throughout the country to refuse to accept or to deliver any such message or communication which they consider as injurious to the interests of the majority community? (Interruption)

**Mr. Speaker:** Order, order. About the first question, I also did not like very much that it should be put to the House. I should say that the implication of it was like this: he said that because it was an attack by one State employee on one community, that

[Mr. Speaker]

State had to decide whether this should be transmitted or not, and because of this, those telegrams were not forwarded.

**Shri Hem Barua (Gauhati):** I was taken aback a little; I was thinking how you could allow that question because it would give a handle to Pakistani propaganda.

**Shri Kapur Singh:** I want to know whether the consideration of anything said here, whether a certain speech or a certain observation made in the House, will give a handle to foreign countries. (*Interruption*).

**Shri Hem Barua:** I am afraid it should not be allowed.

**Shri Kapur Singh:** If the majority community does not want or desire anything to be said here, that is no conclusive reason for not saying it. He should not take advantage of that. We are not afraid of that. (*Interruption*).

**Mr. Speaker:** Order, order. He will sit down. Everybody will sit down.

**Shri Nath Pal (Rajapur):** The whole thing should be expunged.

**Shri Kapur Singh:** Yes, Sir. What they want is that my observations here should be expunged and I should be expelled from Parliament.

**Shri Hem Barua:** We do not demand that he should be expelled from the House, he is a very important Member.

**Shri Kapur Singh:** This is what they ultimately aim at.

**Shri Hem Barua:** What he said amounts to discrimination; it is an insinuation.

**Mr. Speaker:** Order, order. The hon. Member might confine himself only to the fact that if such an assault was made, it might be due to other circumstances, and the answer might be given. Therefore, I gave that opportunity to the Minister and asked him that he can deny it and say that that was not a fact. He might say so. It

should be for the Minister to say and not for me to say.

**Some hon. Member rose—**

**Shri Nath Pai:** Let the Minister deny it.

**Shri Kapur Singh:** He should not guide the proceedings of the House when the Chair is still occupied.

**Shri Hari Vishnu Kamath (Hoshangabad):** The Minister has bungled.

**Mr. Speaker:** Order, order. I am not allowing any other question.

**Shri Nath Pai:** The Minister should be a little more serious about it.

**Shri Buta Singh (Moga):** I want to know whether anybody has been challenged for the murder of a Sikh leader, Sardar Ratan Singh, killed on the evening . . . (*Interruption*).

**Mr. Speaker:** Order, order. The other Members should also realise that there is some delicacy in the matter, and I would request all hon. Members to remain calm and cool. Now, the question was put as to whether anybody has been challenged. . . .

**Shri Buta Singh:** I have not completed my question, Sir. The question is, whether anybody has been challenged for the murder of the Sikh leader, Sardar Ratan Singh, killed on the evening of 2nd September by the Bengali hooligans and the West Bengal police is holding the ring for the murderers.

**Shri Satya Narayan Sinha:** I have no information about it. It does not concern the Communications Ministry anyway.

**Mr. Speaker:** He might find out.

**Shri Buta Singh:** On a point of order.

**Shri Indrajit Gupta (Calcutta South West):** May I, with your permission, make a short submission because this matter has aroused a lot of controversy, and. . . .

**Shri Kapur Singh:** If he is allowed to state the facts, then I might also

be allowed to controvert them if necessary.

**Shri Indrajit Gupta:** I want to make a brief submission, for whatever it is worth; I think it is necessary. I reached the spot within 24 hours of this very deplorable incident. I can assure Shri Kapur Singh that this incident is deplorable. But I only want to say that it was not due to the fact that, or rather, it did not take place because anybody belonged to a particular community. I can assure you, Sir, it is a deplorable thing. Over 100 people have been arrested, perhaps many of them rightly so. I do not know, but it was due to a domestic quarrel over the ownership of a goat. That was how it began.

**Shri Buta Singh:** On a point of order, Sir.

**Mr. Speaker:** There is no point of order.

**Shri Kapur Singh:** Mr. Kachhavaia had just remarked that Sikhs are in the habit of stealing goats. I want to know.... (Interruptions).

**Shri U. M. Trivedi (Mandsaur):** All that he said is perhaps Sardarji wanted a bakra. That was the only thing he said. No question of Sikhs; nothing has been mentioned. This is too much for Sardar Kapur Singh to say.

**Shri Kapur Singh:** Let him controvert it. (Interruptions).

श्री हुकम चन्द कच्छवायः प्रध्यक्ष महोदय,  
मैंने ऐसा कुछ भी नहीं कहा।

11.16 hrs.

#### PAPERS LAID ON THE TABLE

#### NOTIFICATION UNDER EMPLOYEES' PROVIDENT FUNDS ACT, 1952.

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): I beg to lay on the Table a copy each of the following Notifications:

- (1) G.S.R. 1166 dated the 14th August, 1965, extending the Employees' Provident Funds

Act, 1952, to magnesite mines. [Placed in Library. See No. LT-4905/65].

- (2) The Employees' Provident Funds (Eleventh Amendment) Scheme, 1965, published in Notification No. G.S.R. 1241 dated the 28th August, 1965, under sub-section (2) of section 7 of the Employees' Provident Funds Act, 1952 [Placed in Library. See No. LT-4906/65].

11.16½ hrs.

#### COMMITTEE ON ABSENCE OF MEMBERS

##### FOURTEENTH REPORT

**Shri Khadilkar (Khed):** I beg to present the Fourteenth report of the Committee on Absence of Members from the Sitzings of the House.

11.16¾ hrs.

#### PATENTS BILL\*

The Minister of Heavy Engineering and Industry in the Ministry of Industry and Supply (Shri T. N. Singh): I beg to move for leave to introduce a Bill to amend and consolidate the law relating to patents.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to amend and consolidate the law relating to patents."

The motion was adopted.

**Shri T. N. Singh:** I introduce the Bill.

**Mr. Speaker:** Perhaps hon. members might be interested to know when the Prime Minister is going to make that statement which he promised yesterday. It would be made at 3.45 P.M.

**Shri S. M. Banerjee (Kanpur):** Will the Defence Minister also make a statement?

\*Published in the Gazette of India Extraordinary, Part II section 2, dated the 21st March, 1965.

Mr. Speaker: I will find out and inform him.

11.19 hrs.

**JAWAHARLAL NEHRU UNIVERSITY BILL—Contd.**

Mr. Speaker: The House will now resume further consideration of the following motion moved by Shri Bhakt Darshan on the 20th September, 1965, namely:—

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to establish and incorporate a university in Delhi, made in the motion adopted by Rajya Sabha at its sitting held on the 1st September, 1965 and communicated to this House on the 3rd September, 1965 and resolves that the following 20 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

Shri B. Anjanappa, Shri Frank Anthony, Chaudhury Brahm Perakash, Shrimati Kamala Chaudhuri, Raja P. C. Deo Bhanj, Shri Shiv Charan Gupta, Shri Hem Barua, Pandit Jwala Prasad Jyotishi, Shri Lahri Singh, Shri Bakar Ali Mirza, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri V. T. Patil, Shri N. G. Ranga, Shrimati Renuka Ray, Shrimati Jayaben Shah, Shri M. P. Swamy, Shri Amar Nath Vidyalankar, Shri Bhisma Prasad Yadava, and the Mover".

Out of 3 hours allotted, 2 hours and 35 minutes have been availed of and only 25 minutes remain. Shri D. C. Sharma may continue his speech.

Shri D. C. Sharma (Gurdaspur): Sir, as I said yesterday, this university which is going to be like any other residential university run by the Central Government cannot arrogate to itself the name of Pandit

Jawaharlal Nehru, for it is going to make no contribution to those fields which Pandit Jawaharlal Nehru held very dear to his heart like fields of internationalism, peace, cultural unity of India, scientific approach to life, etc. It is not going to do anything of that kind. It is only going to be a multiplication of the departments which are already existing in Delhi University. It will be a poor copy of the Delhi University. It was said that it will be another Essex University. I do not know why people talk of the Essex University without knowing it. India will require another 20 years to establish such a university, where no lectures are delivered, where teachers specialise more in social contacts than in any other kind of thing. I think in India you cannot have a university which does not have any lecturers or lectures and all that kind of thing.

Now, I do not understand why this university is being established in the waste land of New Delhi where mostly hollow men live, where mostly those people live who are social climbers, political climbers and climbers of all kinds. Pandit Jawaharlal Nehru held the Ganges very dear and in the very last testament and will he paid very glowing tributes to the river Ganges, to the sanctifying, purifying and consecrating power of the river Ganges. I feel, Sir, in the fitness of things this university should have been established somewhere on the banks of the Ganges so that the cultural flow of the Ganges should have mingled with the cultural unity which Pandit Nehru preached. Unfortunately, it has been decided to establish it only here so that there should be nothing of the kind.

At the same time, I want to ask one thing. Pandit Nehru wanted his ashes to be sprinkled over the fields of India. Where shall we find fields in New Delhi? We shall find only plots, flats and mushroom growths. I think this university is going to do the utmost damage to the essential spirit—political, economic, cultural

and international—for which Pandit Nehru stood.

Again, this university is going to have a study of medicine also. But the Maulana Abul Kalam Azad Medical College will not be under its jurisdiction. Maulana Azad and Pandit Nehru were the best of friends. Now the Government does not want even this college which is established in the memory of Maulana Azad to be tagged on to this university. What a travesty of facts; What a going down of the standards of life in this country!

Also, I find that a Pro-Vice-Chancellor is to be appointed. I may tell you, most of the troubles in residential universities have arisen from Pro-Vice-Chancellors. These Pro-Vice-Chancellors have been the bane of the Chancellors and Vice-Chancellors and they have been creating all the troubles. I do not want to refer to the universities which are there. Here we are asking for trouble again by appointing a Pro-Vice-Chancellor. We are asking the Pro-Vice-Chancellor to come so that the Campus in the university will be a hotbed of intrigues, a place where all kinds of schemers will go on creating trouble (*Interruption*).

This university is going to be a university which will have nothing but nominated members. Everybody will be nominated. They will all be *ji hazuris* of the Government. Therefore, I would say that at least some form of election should have been introduced. The annual report of this university will not also come before the Parliament. Sir, this university is being established in the name of one of the greatest Indians that modern India has produced, and we will not be allowed to have a look at the annual reports. Again, I would say, this arrangement of nomination which has been brought in has been overdone. I feel that this will work to the detriment of the university. Pandit Nehru was a great democrat who stabilised democracy in India. He was also responsible for

stabilising democracy in many countries of the world. But in the university that is being established in the name of that great democrat the element of election has been ruled out. This means if you want to have a university in the memory of a great democrat you must bid farewell to democracy.

This is the logic which has been pursued in this Bill. Therefore, this Bill does not do justice to the memory of our great leader, Pandit Jawaharlal Nehru. I would have welcomed this Bill if they had called it the New Delhi University Bill. I would not have minded that; but I do not want that they should associate the name of that great Indian with this University Bill which does not make any departure from what is happening in India today and whose very language is no departure from any university legislation today. I think some of the unwholesome provisions of the Acts of other universities have been incorporated in it and we have got this Bill for our approval. Therefore, I would say to the hon. Minister that he should withdraw this Bill or he should call it only the New Delhi University Bill and we should have the Jawaharlal University in some other way, in some other place in some other form and in some other environment.

**Dr. Chandrabhan Singh (Bilaspur):** Mr. Speaker, Sir, I had no intention of taking part in this debate but after hearing the hon. Deputy Education Minister...

**Mr. Speaker:** Then, have I called him by mistake?

**Dr. Chandrabhan Singh:** I am coming to the point. I am grateful to you for giving me the time.

This university with the name of Jawaharlalji associated with it has got to be something unusual. My mind goes back to the historical aspect of the development of universities in this country and, naturally, we think about the Saddler Commission appointed for Calcutta University and other commissions headed by Naren-



[Dr. Chandrabhan Singh]

dra Devji, Dr. Radhakrishnan, Dr. Mudaliar and a few others. We expected that something new will come but what has emerged is this:

खोदा डूंगर तो पाया छल्लूदर

Originally, there was the idea of a residential university and then of an affiliating university. This is the repetition of the same old thing—residential and affiliating. It is old wine in an old bottle with only a new label. I feel that this important university must in some important points be fitting to the name of Jawaharlalji.

Our experience of universities in Uttar Pradesh, of some Central universities and of a few others in States like Orissa, Bihar, Madras and others is not at all happy. In spite of this, what is being done is that the same pattern has been repeated in the name of this great leader of ours, one of the best in the world. We should do something more. Those who have brought forward this Bill have been moving in the same narrow groove.

If we examine the great capitals of the world—London, New York etc.—full of wealth and material conglomeration of scientific advancement with degeneration of appreciation of higher values of life with consequent misery and unhappiness our mind naturally goes back to our ancient cultural heritage of spiritual attainment of the sages and rishis of the past. I feel that we have got to think of something new. Our rishis in the past had, what was known as दिव्य दृष्टि (*divya drishti*) the knowledge of the past, present and future and the whole world at the command of the seen. This is not a myth. The anatomist, the physiologist, the neurologist, in spite of their electron microscopes and radio-isotopes have not been able to fathom this mystery of memory, the sixth sense and supernatural powers. How it works, it is still an enigma. I feel that this has not been stressed in our mundane desire to have ordinary creature comforts which is natural.

May I suggest that this university should have its sole aim to probe into this matter—the mystery of the grey matter of the brain with its innumerable connections and any amount of activities—which remains a mystery. The investigation of this in all its scientific manifestation should be the concern of this university. This is a very important matter.

May I suggest further that it should be a rural university, moved away from the big cities. The problems of Delhi can be solved by many other ways and they should be solved. Let us chalk out a new path worthy of the name of Jawaharlalji and explore the above possibility which may bring enduring peace and happiness—the dire need of the warring world.

I hope that the Joint Committee composed of eminent educationists will examine this very aspect and will not try to repeat the type of universities we have got at the moment. I feel that this is a very important point. When you want to associate the name of Panditji with this University, let us break new ground. The University, as it is, is of the same old type and is not going to serve the real purpose. I know there may be some difficulties of all sorts but those difficulties can be solved. If you want to associate the name of the great man, Shri Jawaharlal Nehru, let us break new ground and not to go on dotted lines.

I hope all this which I have mentioned will be borne in mind by the Joint Committee and, with that expectation, I commend the Bill for the acceptance of the House.

Shri Sham Lal Saraf (Jammu and Kashmir): Mr. Speaker, Sir, I will not try to repeat the arguments that were put forth by the friends who have preceded me. But while welcoming the Bill, I would like to place a few points before the hon. Minister towards which, I hope, the Joint Committee will pay its attention.

It will be a unique thing for this capital of ours to set up this University, especially when the country is

free. Naturally, therefore, in this free atmosphere, free thinking and free hand that the Government and the educationists have, let them build a University, the character and the content of which will be befitting indeed in the name of the great man, Pandit Jawaharlal Nehru. May I submit let there be an effort made to keep this University immune from all adverse influences that are today prevalent in our educational system and in most of our Universities?

Firstly, let the builders of this University know beforehand as to what sort of accommodation this University should have. It should have proper accommodation and it should be fully-equipped. The ratio of the teacher and the taught should be thought of beforehand. Let not this University be converted into another congestion unit adding to the number of such congestion units that we nowadays find in our universities.

Secondly, the teachers who are selected for this University should be of the highest order available in the country.

So far as the admissions are concerned, let the Ministry of Education pay its attention to the proper way of admissions. First of all, let a pure academic atmosphere prevail in the University with no political pressures, no linguistic pressures and no pressures of any kind. This should be the ideal University as far as the admission of quality students is concerned. It should be linked up with one other important thing. Unless the University is supplied with the quality product from the schools, from the educational institutions lower below, they will not be able to have the quality which all of us want. I think the Education Commission that has been set up might be going into it. I personally feel that, while the streams meet in a confluence, as far as educational streams are concerned, they should separate from the main stream and not to meet in a confluence thereby creating a sort of congestion once again. In a free country, when so much is said about education, nothing

can happen unless the people are educated fully. Naturally, people will take to education. But let our education take such a turn at proper levels, at the elementary stage, at the higher secondary stage and even at the university stage, that the streams get out and get established in the country in different walks of life.

Again, this University should have enough opportunities and facilities for taking to research in different subjects for teaching and for its propagation. Two or three things will be necessary. Now that the name of the late Prime Minister is being associated with this University, it will be very very necessary to do these things, as has been pointed out by several hon. Members.

Number one on the home front is the ideal of maintaining integrity and unity of the country; the talented boys from all over the country, irrespective of class, creed or colour, should have the opportunity of receiving education in this University. Secondly, as has been pointed out yesterday, it is not possible to introduce all the languages that are spoken in the world, but some of the prominent languages should certainly be introduced; chairs should be established in the name of those languages. Then opportunities should be created for foreign students, particularly for those who might be interested in indology and our culture and they should be given preference while being admitted. As I understand, it is going to be a residential university . . .

An hon. Member: It is not.

The Deputy Minister in the Ministry of Education (Shri Bhakt Darshan): It will be a teaching and affiliating one.

Shri Sham Lal Saraf: As far as admitting foreign students for the subjects which will be determined previously is concerned, the University has to make the necessary arrangements for their study as well as for providing proper residential facilities for them, so that they are looked

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after properly. This will also be in keeping with the thinking and preaching of late Jawaharlal. I hope that the Joint Committee, to be set up, will look into this.

I have one or two more points to make. Today not only the admission is faulty, but the appointment of teachers in the universities is also very faulty. Steps should, therefore, be taken to see that only the best men, based purely on merit, are selected and that pulls and pressures from any side are not allowed to operate. As far as the ratio between the teacher and the taught is concerned, it should be maintained right from the beginning and that will create the ideal conditions.

With these observations I support this Bill.

**Shri Khadilkar (Khed):** I regret I cannot lend my support to the Bill for establishment of a Jawaharlal Nehru University that has been brought before this House. In the form in which it has been proposed to establish this University, we are not doing any honour to the great departed leader of this country and perhaps, in some measure, of the world. I have also some contact with Universities and I represent this House in the Vishva Bharati University. One evening after convocation—Panditji used to visit the University at the time of convocation—I had a conversation with Panditji which I remember very distinctly because I was sadly disappointed at the prevailing atmosphere in that great seat of learning established with high ideals by Rabindranath Tagore. It has now come down to an almost deadening level with other Universities; it has nothing unique about it. Therefore, while discussing I mentioned as to what was going to happen to the academic life of this country, in a free democracy like ours. That is the main question. Today I find almost a uniformity in the levels of our academic life, where intrigues and other petty politics are govern-

ing the atmosphere. Another factor in this country, a country with 14 or 15 languages and every language with a different background of culture, is that a narrow regional or parochial atmosphere is prevailing. How are we going to overcome this atmosphere? I would appeal to the Education Ministry and the Education Minister to withdraw this measure. This House should resist from lending Panditji's name to this University simply because there was the question of establishment of a new University in Delhi to meet the needs. The dividing line is going to be Ajmeri Gate. Why not call this University the Ajmeri Gate University? I think that would be a fitting name for this university. Why do I say so? I say this because you are going to affiliate about seventeen to eighteen colleges to this university, and that is going to be done in the normal and usual course, and it is going to be an affiliating university holding examinations and giving degrees which are passports for employment; beyond that, there would be nothing else there.

**Shri Sham Lal Saraf:** Did my hon. friend hear the hon. Deputy Minister yesterday?

**Shri Khadilkar:** I have not heard him. But I have gone through the Bill and I find that there is very little scope for improvement at the Joint Committee level. You can only dot the i's and cross the t's in the Joint Committee, and you can do nothing beyond that, because the very conception is wrong.

I think the Education Ministry was considering for some years how to meet the growing needs of the students of this city and they had almost made up their mind to establish a second university in Delhi, and they came to the conclusion after Panditji's death that his name might be associated with this university which in my opinion is not going to be a high seat of learning at all, because it will be a

seat where degrees will be distributed at the stipulated time and students will be admitted to the degrees. I do not want to say anything against that, because the people from the lower strata for that matter all sorts of students, are coming up for degrees and degrees are passports for employment and so some provision should be made for that purpose. But why associate the name of Panditji with this? That is my first objection.

My second objection is this. Since this university is going to be a Central University, no other Central university will come up in his name. If we really want to have a university or seat of learning to commemorate Panditji and his ideals, then we should have an institution dedicated to those ideals. For instance, there is the School of International Studies, which has been granted the status of a university. That was one field where Panditji functioned with some ideals, particularly in regard to international relations and other things. But first of all, I would submit that Government will have to make up their mind as to what type of university they really want.

My view is that the time has now come when we must break fresh ground. The old university pattern has to be altered, and the Centre should particularly provide some guidance in this matter. I have seen what is happening in Shantiniketan. I have seen what is happening in Banaras Hindu University and Aligarh Muslim University. As regards what is happening in Delhi, we are too close to it and so we do not know the position fully, but some bureaucratic role is prevailing there, so far as I know because I keep in touch with every university through the students or some teachers.

I want that there should be a university in this country which would be a post-graduate university and which would commemorate Panditji and his ideals. Some special attempt should be made in that direction.

When all is said and done in this country, we have seen during the question Hour what happens between regions and regions and between language and language. This is a problem which we cannot just bypass. After the formation of linguistic States, every State has assumed a new personality. If we want to overcome these local and regional feelings, then we must have an all India institute of Indian languages in the campus of the Nehru University. This is the second idea that I would like to sponsor and sponsor very emphatically on this occasion.

We in this country are very fortunate in one respect. Though we are engaged in a war with Pakistan, there are no communal riots in this country. That goes to show that in this time of crisis, this country has shown its mettle regarding its conviction about communal harmony. There was some small incident in Poona when I went back, but not a single Muslim was touched, not a Muslim was even harassed, and the Hindus provided them with shelter and food. I was very glad to find that. Whatever appeared in the press was not correct. That was a great satisfaction to me. To preserve that atmosphere what are we going to do?

Let us have a very clear conception in regard to this matter. The Banaras Hindu University represents a certain communal aspect, because the word 'Hindu' is associated with it; the Aligarh Muslim University represents a certain other aspect, because the word 'Muslim' is attached to it. Therefore, in this university a certain cosmopolitan and all-embracing atmosphere of teaching is called for.

In this country, after freedom, Panditji alone gave us a new ideal, a certain scientific approach to life and other problems. Once, quoting Vinobaji, he said 'What we need is science and spirituality, that is, *vijnana* and *adhyatma*? He presided over all the Science Congresses. In regard to

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science also we know that in this modern world, science is being mis-used as all of us know. A great scientist like Oppenheimer came from science to philosophy. There are also other scientists like Bernal and others who are thinking in terms of the science of science. There is a sort of symposium which has been published, wherein all the great scientists of the world have reached a stage of philosophic development; they have come from the scientific to the philosophic level now and are arguing on this plane.

I would like this institution in this country in the name of Nehru to upgrade science from this background to the level of a philosophy. Therefore, I would plead with the Minister to withdraw this measure. Do not degrade so early Panditji's name by proceeding with this Bill as it is and associating his name with it. To the last I am going to resist it. I would make this appeal to the Education Minister and the Education Ministry who have rubber-stamped it as 'Nehru University Bill' because the Bill was ready and they wanted to proceed with it.

There are so many other bad features. There is going to be a correspondence course. There is going to be a Pro Vice-Chancellor, one or more. All these things are incorporated in this Bill. For heaven's sake, this House, if it cherishes Panditji's memory which is going to provide some inspiration for the future generations, must throw out this measure once and for all.

श्री सिंहसन सिंह (गोरखपुर): अध्यक्ष महोदय, अभी मेरे पूर्व बक्ता ने जिन भावों को सदन के सामने रक्खा है उन से मेरा बिस्कुल मतैक्य है कि जहाँ पर पंडित जी का नाम जोड़ा जाये उसके साथ कुछ विशेषता अवश्य होनी चाहिये। जैसे उन्होंने अन्त में कहा था, पंडित जी विज्ञान और अध्यात्म का मेल करना चाहते थे। लेकिन इस

यूनिवर्सिटी में वही है जो अन्य यूनिवर्सिटीज में है।

दूसरी बात मैं ने यह देखी है कि हमारी सरकार ने शिक्षा के विषय को ले कर कि देश में किस प्रकार की शिक्षा प्रणाली हो अनेकों कमेटियाँ और कमिशन बिठलाये। राष्ट्रपति से ले कर जितने बक्ता बाहर बोलते हैं वे यही कहते हैं कि हमारे देश की शिक्षा प्रणाली दोषी है। लेकिन हमारी शिक्षा प्रणाली कैसी बनेगी, क्या उस का स्वरूप होगा, इस का निर्णय आज तक नहीं हुआ। अभी एक कमिशन का निर्माण हुआ है। वह भी अपनी रिपोर्ट देगा। अनेकों कमेटियाँ बैठी हैं लेकिन कोई निर्णय नहीं हो सका। शिक्षा मंत्रालय में इस विधेयक को लाने के पूर्व एक माडेल यूनिवर्सिटीज ऐक्ट बनाने के लिये एक कमिशन का संगठन किया था। बनारस हिन्दू यूनिवर्सिटी जो सन 1958 में एक तारकालिक कानून के मुताबिक अपने साधारण काम से अलग की गई उसके बारे में कई बार प्रश्न उठा इसी सदन में कि पुराने कानून को नये तरीके से बनाया जाये। हमें शायद सरकार कहती रही कि एक माडेल यूनिवर्सिटी ऐक्ट बनाने वाली कमेटी बैठती है। इस कमेटी की रिपोर्ट आने के बाद उस के संबंध में विधेयक आयेगा। वह विधेयक आ गया लेकिन माडेल यूनिवर्सिटी ऐक्ट कमेटी की रिपोर्ट नहीं आई। जिस समय विधेयक संयुक्त समिति को सपुर्द हो गया उसके बाद माडेल यूनिवर्सिटी ऐक्ट कमेटी की रिपोर्ट आ गई। लेकिन विधेयक में और माडेल यूनिवर्सिटी ऐक्ट कमेटी की रिपोर्ट में कहीं पर भी सामंजस्य नहीं है। उम्मीद यह थी कि जो नई यूनिवर्सिटी बनेंगी वह नये प्राधार से बनेंगी और कम से कम जो देश का लाखों करोड़ों रुपया इस माडेल यूनिवर्सिटी ऐक्ट कमेटी का प्रतिवेदन मांगने पर व्यय किया गया था उसकी सिफारिशों के प्राधार पर यूनिवर्सिटी का कोई नया प्राधार

बनेगा। लेकिन हमने देखा कि इस यूनिवर्सिटी विधेयक में उस माडेल यूनिवर्सिटी ऐक्ट रिपोर्ट के आधार पर कहीं कोई सुझाव नहीं है। इस के अन्दर उसी तरह से है जो कि अभी तक चला आया है। चांसिलर, वाइस चांसिलर, प्रो वाइस चांसिलर, रजिस्ट्रार, सभी कुछ उसी तरह से है। सिर्फ एक रजिस्ट्रार के बजाय दूसरा शब्द रख दिया गया है। रजिस्ट्रार के स्थान पर अब फाइनेंस आफिसर शब्द रख दिया गया है। अन्यथा कोई डिफरस नहीं है, सब कुछ ज्यों का त्यों है।

अभी कहा गया था कि फोर्य फाइव ड्यर प्लान के दौरान कोई यूनिवर्सिटी नहीं बनेगी लेकिन यह यूनिवर्सिटी बनाई जा रही है। हमारे यहाँ सुझाव और होता है और काम दूसरा होता है। मन में कुछ और होता है और कागज पर कुछ और होता है। यह विधेयक जो नई यूनिवर्सिटी के लिये आया है वह उस आदर्श के नाम के साथ आया है जिस का इस देश से बहुत बड़ा संबंध है और जिसका देश बहुत ऋणी है। अभी जैसा हमारे पूर्व वक्ता ने कहा कि यह तो एक खिलावाड़ सा हो गया। एक बनी बनाई चीज तैयार थी, उसमें जवाहरलाल का नाम जोड़ दिया। यह यूनिवर्सिटी क्यों बन रही है? कहा गया है कि दिल्ली में लड़कों की अधिकता हो गई है, 38 कालिज हो गये हैं, दो हजार से अधिक विद्यार्थी हर साल घूमने फिरते हैं, उनको एडमिशन नहीं मिलता, इस लिये कोई यूनिवर्सिटी बनायी जाये और इस यूनिवर्सिटी के साथ पंडित जवाहरलाल नेहरू का नाम जोड़ दिया गया। लेकिन यह यूनिवर्सिटी क्या करेगी सिवाय एडमिशन के, इम्तिहान एफिलिएट करने के या वे काम करने के जो अन्य यूनिवर्सिटियां आज कर रही हैं! इस में कोई ऐसी बात नहीं है कि जिसमें यह देश को नया मार्ग दे सके या कोई नया रास्ता बतावे कि इस देश में नीतिहालों को बनाने के लिये किस

प्रकार की शिक्षा प्रणाली होनी चाहिये। अथवा आर्थिक, सामाजिक या किसी अन्य क्षेत्र में कोई नया रूप दे सके। यह तो बेसी ही है, जैसी कि अन्य यूनिवर्सिटियां हैं।

दूसरे में ने इस विधेयक में एक बात और देखी। कोर्ट तो सुप्रीम बाड़ी है। लेकिन इसके लिये स्टेट्यूट गवर्नमेंट बनावेगी। अगर प्रायन्दा कोई स्टेट्यूट बनेगा सेक्शन 14 के अन्तर्गत तो उसको एग्जीक्यूटिव कमेटी बनावेगी, कार्यकारिणी समिति उस स्टेट्यूट बनावेगी यूनिवर्सिटी पर लागू होने के लिये। तो फिर कोर्ट सुप्रीम राडी किस तरह होगी। इस धारा के प्रोवाइसों में कहा गया है:

"Provided that the Executive Council shall not make any Statute or any amendment of a Statute affecting the status, powers or constitution of any existing authority..."

मसलत अगर कोई तोड़ फीड़ करो की आवश्यकता है, तो कोर्ट को परिवर्तन करने या बदलने का अधिकार नहीं है, यह अधिकार एग्जीक्यूटिव कमेटी को है। और सेक्शन 10 में कहा गया है:

"The Court shall be the supreme authority."

सुप्रीम आथॉरिटी को बताने का अधिकार भी एग्जीक्यूटिव आथॉरिटी को होगा। यह ऐसा होगा जैसा कि यहां पार्लियामेंट कानून बनाने वाली संस्था है, पर कॅबिनेट इससे कहे कि हमने कानून बना दिया है, तुम राय दो या न दो, इसको बनाने वाले तो हम हैं। इस विधेयक में सुप्रीम आथॉरिटी वाली कोर्ट को एग्जीक्यूटिव के मातहत रखा गया है। एग्जीक्यूटिव कमेटी का काम तो यह होना चाहिये कि कोर्ट से जो चीज पास हो उसको लागू करे। लेकिन ऐसा नहीं है, कोर्ट का नाम बड़ा है लेकिन उसे अधिकार नहीं है।

अभी तक जिन्होंने विश्वविद्यालय हैं उनके लिये कानून पार्लियामेंट ने बनाया

[श्री सिंहासन सिंह]

है। पर पता नहीं इसका कानून पार्लियामेंट क्यों नहीं बनानी। पार्लियामेंट से यह अधिकार क्यों छीना जा रहा है? यह अधिकार एग्जीक्यूटिव कमेटी को क्यों दिया जा रहा है। अभी हाल में हम ने आर्डिनेन्स के बाद अलीगढ़ यूनिवर्सिटी के लिये कानून पास किया है। उसमें व्यवस्था की है कि कोर्ट का फारमेशन कैसे होगा; और एग्जीक्यूटिव कमेटी का फारमेशन कैसे होगा। लेकिन इसमें हमने ऐसा रूप नहीं दिया और इसमें यह व्यवस्था रखी है कि कोर्ट के बजाय एग्जीक्यूटिव कमेटी स्टेट्यूट बनावेगी। और पंडित जी का नाम प्रतिक्रियावादी संस्था जोड़ जा रहा है जिसमें मिनिस्टर को सारा अधिकार होगा; वह जो चाहे कर सकेगा। मेरा सुझाव है कि इसमें से आप नेहरू जी का नाम निकाल दीजिये, और जो करना हो सो करिये। इसमें प्रजातंत्र का नाम नहीं है जिससे पंडितजी को प्रेम था, इसमें तो जो एग्जीक्यूटिव कमेटी या मिनिस्ट्री चाहेगी वह होगा।

एक माननीय सदस्य : जैसा बनारस में हो रहा है।

श्री सिंहासन सिंह : हर जगह हो रहा है। इस बिल के साथ पंडितजी के नाम को क्यों घसीटा गया है। कल हमारे एक भाई ने इस नाम का ही विरोध किया था। हम को पंडित जी पार्लियामेंट में कांट्रोवर्सी का विषय नहीं बनाना चाहिये। लेकिन वह विरोध की बात भ्रमण है। लेकिन इस विश्वविद्यालय में कोई नई चीज नहीं है, इस के साथ उनका नाम नहीं जोड़ना चाहिये था। इस लिये मेरा अनुरोध है जैसा कि मेरे एक भाई ने कहा है कि या तो इसको वापस ले लिया जाये या इसका रूप ऐसा बदलें कि इसमें साइंस के अनुसंधान का बल मिले और अध्यापिकता को बल मिले और संसार के लड़के यहां धाकर इन विषयों पर अध्ययन करें ताकि

युनिया में पंडित जी के नाम का प्रचार हो। मैं धाना करता हूँ मेरे इस सुझाव पर ध्यान दिया जायेगा।

श्री उषर० प्र० ज्योतिषी (सागर) : मुझे यह देव बर खुशी हुई कि आखिर कार देश ने यह इरादा किया कि पंडित नेहरू के नाम पर एक विश्वविद्यालय की स्थापना की जाए।

पंडित नेहरू ने अपनी प्रस्थियां इस देश को दी हैं। उनकी भस्मी इस देश की जमीन में मिल गई है और मैं समझता हूँ कि वह भस्मी इस जमीन में मिल कर के इस देश के भविष्य को एक नया स्वरूप देने की प्रेरणा दे रही है। लेकिन पंडित नेहरू केवल प्रस्थियां और भस्मी ही नहीं थे। वे इस देश के लिए सजीव प्रेरणा थे, एक दहकती हुई आत्मा थे और वह आत्मादेश की आत्मा में प्रविष्ट हो कर देश को एक नई चेजना, एक नई भाग, एक नई स्फूर्ति देना चाहती है। मुझे खुशी है कि इस देश ने यह इरादा किया, इस देश की सरकार ने यह इरादा किया कि पंडित नेहरू के नाम से एक विश्व-विद्यालय की स्थापना की जाए।

अध्यक्ष महोदय, लेकिन जब मैंने यह कागज देखा जिनमें इस बिल का नक्शा है तो मुझे सन्तोष नहीं हुआ। क्या ये धाराएँ हैं जो पंडित नेहरू की आत्मा को पकड़ कर हमारे देश में कैद करने वाली हैं? इधर उधर घोंड़े से लपक लिख दिए गए हैं। क्या इन लपकों के सहारे हम उस विश्वविद्यालय को स्वरूप दे सकेंगे जिसकी हमको जरूरत है? मुझ लगता है कि जो मेरी कल्पना का विश्व-विद्यालय पं० नेहरू के नाम पर हो सकता है उसके लिए हमें बहुत कुछ करना है और उसके लिए यह बिल काफी नहीं है।

अध्यक्ष महोदय, यह बड़ी खुशी की बात है कि आज जब सीमा के पार बंदूकें बोल रही हैं, बम चल रहे हैं, तब भी हम उठे

और शान्त मस्तिष्क से इस देश के निर्माण की बात सोच रहे हैं। हमारे जवान युद्ध कर रहे हैं, हम उस युद्ध के लिए भी प्रयत्न कर रहे हैं, लेकिन साथ ही साथ यह देश सच्चे तरीके से धागे बढ़ सकता है उसके बारे में धाज विचार कर रहे हैं।

पंडित नेहरू की एक लौह धात्मा थी। उनके लिये कहा जा सकता है :

ब्रह्मादपि कठोरानि मृगूनि कुसुमादपि उनमें दोनों चीजों का सम्बन्ध था। वह गुलाब के फूल से भी कोमल थे और जहां सिद्धान्त के लिए मर मिटने की बात धाती थी वहां उच्च पर बज्र की तरह भ्रष्ट जाने वाले भी थे। यह विश्वविद्यालय जो धाज हम बन्दूकों की धीर तोपों की गड़गड़ाहट के बीच बनाने जा रहे हैं मैं चाहूंगा कि हम इस विश्वविद्यालय में पंडित नेहरू की धात्मा को कैद कर के रख सकें। मैं चाहता हूँ कि इस विश्वविद्यालय से उस धात्मा की धाग इस देश में फैले। इस विश्वविद्यालय के विधान में ऐसी व्यवस्था हो कि देश में उन सिद्धान्तों का प्रचार हो जिन सिद्धान्तों के लिए पंडित नेहरू जी और जिन सिद्धान्तों को धमक में लाने के लिए उन्होंने धपना सारा जीवन लगा दिया, धपना बलिदान कर दिया।

मैं चाहूंगा कि इस विश्वविद्यालय में न केवल इस देश के बल्कि सारे संसार के लक्ष्य इकट्ठा हों और पंडित नेहरू की जो शान्ति, प्रेम और मजबूती के सिद्धान्तों के लिये मर मिटने की भवना थी उससे धणु-प्राप्ति हों, ऐसा वातावरण इस विश्वविद्यालय में बने।

पंडित नेहरू का स्वप्न था कि इस देश में जो विभिन्न धर्म हैं उनके मानने वाले अपनी धंगुनेरीटीज को भूल जाएं, धपनी पूषकता को भूल जाएं और सब मिल कर एक ऐसी संस्कृति को जन्म दें जो भारतवर्ष की धपनी संस्कृति हो। मैं चाहूंगा कि इस विश्वविद्यालय

में ऐसा वातावरण बने जिसमें कि हम धपनी इंडीबीजुएलिटी को भुला कर देश हित के प्रश्न पर, देश के कल्याण के प्रश्न पर मिल कर एक हो सकें। मैं चाहता हूँ कि इस विश्व-विद्यालय के द्वारा हम धपने देश में इस प्रकार की संस्कृति का विकास कर सकें जिसमें सारे धर्मों के समन्वय का भाव मजबूती से डाल सकें, जिससे इस देश में एक मजबूत कौम तैयार हो सके। जिस रूप में बिल धाज हमारे सामने है मुझे नहीं लगता है कि उस दिशा में वह हमें कोई एक बड़ी गति देता है। सीमाग्य-वग संयुक्त समिति के सामने यह बिल जा रहा है और मैं चाहूंगा कि संयुक्त समिति को इस बात की गुंजाइश दी जाए ताकि वह इसमें ऐसे प्रावश्यक परिवर्तन कर सके जिन परिवर्तनों के द्वारा पंडित नेहरू की जो इस सम्बन्ध में खास खास कल्पनाएं और विचार थे उनको इस विश्वविद्यालय में लाकर साकार रूप दिया जाय।

12 hrs.

धधयक महोदय : माननीय सबस्य यह सब बातें वहां समिति में कह सकते हैं।

श्री उवा० प्र० धयोतिषी : ठीक है मैं मैं समाप्त किये दे रहा हूँ। मेरा निवेदन यह है कि केवल इंटों और सीमेंट से ही कोई विश्वविद्यालय नहीं बना करता है बल्कि धावश्यकता तो इस बात की है कि पंडित नेहरू की जो विज्ञानवादी विचारधाराएं हैं उनको, धर्पात् श्रुद्ध विज्ञानवाद तथा धध्या-स्थिकता में समन्वय कायम रखते हुए विज्ञान-वादिता का वातावरण इस विश्वविद्यालय में बनाया जाये और इस नाते यह जो बिल लाया गया है उसका मैं स्वागत करता हूँ ताकि यह विश्वविद्यालय सही मायनों में एक धादर्श विश्वविद्यालय देश में बन सके और जो कि इस देश को ठीक रास्ते पर चला सके।

श्री गौरी शंकर कच्छड़ (पनेहपुर) : धधयक महोदय, यह जो जवाहरलाल नेहरू



## [श्री गौरी शंकर कवकड़]

यूनिवर्सिटी बिल सदन के सामने आया है इसमें जैसे मेरे पूर्व बक्ताओं ने कहा मुझे भी बहुत बड़ी आपत्ति है जो कि उसका नाम पंडित नेहरू के नाम से सम्बद्ध किया जा रहा है। श्रीमन्, मैं ने अपने देश में देखा है कि बहुत लोग सस्ते तौर पर महात्मा गांधी या और बड़ी बड़ी जो विभूतियां हैं उनके नाम से संस्थाएं चलाते हैं और उसका लक्ष्य अधिकतर एक बाजारी लक्ष्य सा बन गया है। मुझे आप आशा दें कि मैं इन शब्दों को कहूँ। मुझे उसका बड़ा कटु अनुभव है। शान्ति निकेतन विश्वभारती की स्थापना की गई। उसके उद्देश्य में यह साफ लिखा हुआ है कि अन्तर्राष्ट्रीय, संस्कृति और अन्तर्राष्ट्रीय तहजीब का विणेष तौर पर बड़ा अध्ययन होगा परन्तु आज अगर आप शान्ति निकेतन को देखें, जिस तरह उस का कार्य संचालन हो रहा है उस को देखें तो श्रीमन्, आप इस नतीजे पर पहुंचेंगे कि वह करीब करीब चलते हुए बिल्कुल उसी तरीके पर आ गई है जैसे कि अन्य विश्वविद्यालयों का कार्य संचालन हो रहा है। आज वहां पर साइंस कोर्स भी खल गया। आज वहां पर विद्यार्थी पढ़ रहे हैं परन्तु उन विद्यार्थियों का जो लक्ष्य था और उद्देश्य था और इस विश्वविद्यालय के संस्थापक श्री रवीन्द्र नाथ टैगोर का जो विचार था कि अन्तर्राष्ट्रीय कलचर का वहां पर अध्ययन किया जाय वह चीज वहां पर नहीं होती दीख रही है। मैं वहां पर स्वयं गया था और मैंने देखा था कि वह चीज तो वहां पर नहीं है बल्कि जो साधारण शिक्षा अन्य यूनिवर्सिटियों में दी जा रही है वही यहां भी दी जा रही है। मेरा ऐसा विचार है कि अगर पंडित नेहरू के नाम से सम्बद्ध कर के कोई विश्वविद्यालय खोलने का प्रश्न था तो सब से पहले शिक्षा मंत्री जी को यह सोचना चाहिए था कि जो पंडित नेहरू का लक्ष्य था, जिस आदर्श को लेकर पंडित नेहरू चलने थे

उन आदर्शों की पूर्ति के लिए अगर कोई विश्वविद्यालय खोला जाये तो अच्छा होगा और ऐसे विश्वविद्यालय के साथ उनका नाम सम्बद्ध किया जाय।

श्रीमन्, इस विधेयक में वही धाराएं और वही नियम दिये हुए हैं जो कि साधारणतया और यूनिवर्सिटियों के चलाने के लिए हैं। मैं ने इसको देखा, इस का अध्ययन किया। कोई विशेष चीज इस विधेयक में मुझे ऐसी नहीं मिली जिसमें पंडित नेहरू के बतलाए हुए आदर्शों पर अमल हो रहा हो जैसे कोई एक साधारण व्यक्ति है, निर्धन विद्यार्थी हैं, निर्धन लोग हैं उन को साइंस पढ़ाने की सुविधा हो, टेकनालोजी पढ़ाने की सुविधा हो। यह ठीक है कि चूकि यहां पर कालिजों की संख्या अधिक थी इसलिए एक दूसरा विश्वविद्यालय यहां खोलने की आवश्यकता थी। आप एक दूसरा विश्वविद्यालय खोलें साधारण तौर पर लेकिन ईश्वर के लिए अगर पंडित नेहरू का नाम उससे आप सम्बन्धित करना चाहते हैं तो उसमें एक रिजर्व कर के आप एक अवसर दें कि जिसमें ग्रामीण क्षेत्र में जो साधारण व्यक्ति हैं जिनके कि पास अधिक धन नहीं है और जो कि निर्धन लोग हैं उन तक आप यह साइंस और टेकनालोजी की शिक्षा पहुंचाने की सुविधा दें। इस तरीके का अगर कोई एक आदर्श हो तभी यह उचित होगा कि पंडित नेहरू का नाम उससे सम्बद्ध किया जाय। इसलिए यह नाम की ही मुझे आपत्ति है वरना यहां एक और विश्वविद्यालय खोलना आवश्यक था तो आप दूसरा विश्वविद्यालय खोल दें लेकिन पंडित नेहरू का नाम जो उस विश्वविद्यालय से सम्बन्धित किया जा रहा है उस कारण मुझे आपत्ति है।

श्री यशपाल सिंह (कैराना) : मैं श्री प्रकट दर्शन को इस जवाहरलाल नेहरू

युनिवर्सिटी बिल पेश करने पर मुबारकवाद देते हुए एक, दो बातें बहुत संक्षेप में उनकी सेवा में निवेदन करना चाहता हूँ ।

माननीय भक्त दर्शन जी का नाम हिन्दी के लिए प्रसिद्ध था लेकिन यहाँ हाउस में जिस दिन से वह मिनिस्टर बने हैं उस दिन से उन्होंने हिन्दी का तिलांजलि दे दी है । यह बिल जो कि यहाँ पर हिन्दी में आना चाहिए था वह हिन्दी में न आकर अंग्रेजी में उनके द्वारा लाया गया है । जिसके लिए पंडित नेहरू ने आज से 40 साल पहले आन्दोलन किया था उसका कोई खयाल रखे बगैर आज यह बिल अंग्रेजी में पेश किया गया । दरअसल बात यह हो रही है कि बोट मांगने के लिए तो हिन्दी की बात की जाती है और रौब गांठने के लिए अंग्रेजी होती है । मैं चाहूँगा कि श्री भक्त दर्शन इस पर गौर करें ।

दूसरी बात मैं यह कहना चाहता हूँ कि पंडित नेहरू की सारी कार्य शक्ति देहात में लगी हुई थी और वह चाहते थे कि देहातों का सुधार हो । इसलिए पंडित नेहरू के नाम पर जो युनिवर्सिटी कायम की जाय वह देहात में होनी चाहिए वह शहर में नहीं होनी चाहिए ।

शहर के अन्दर इतनी आबादी बढ़ गई है कि पंडित नेहरू यह कहते थे कि उस बड़ती हुई आबादी को रोका जाय । दूसरे यह भी है कि दिल्ली का जीवन इतना संकटमय हो गया है कि यहाँ के लोगों को पीप्टिक भोजन तो मिलना दूर रूटा उनको पानी तक नहीं मिल पाता है इसलिए भी यह युनिवर्सिटी देहात में होनी चाहिए ।

उन बँचेड़ से यह भी जिक्र किया गया कि यहाँ पर पंचशील का भी एक अलग अध्ययन कक्ष खोला जाये । मुझ समझ में नहीं आता कि जिस पंचशील के हाथों ऐसा अनर्थ हुआ, इतनी डिफ्रीट हमारी हुई और

पंचशील के हाथों हमारी इतनी पिटाई हुई उमी पंचशील को हम क्यों धरने गले से लगाये रखना चाहते हैं ? पाकिस्तान ने पंचशील के ऊपर दस्तख़त नहीं किये थे लेकिन चीन ने पाकिस्तान के साथ दोस्ती कर ली और हम हिन्दुस्तान वालों ने जिन्होंने कि इस पंचशील पर दस्तख़त किये थे उन के ऊपर चीन ने छुरा चलाया । चीन ने पूरी तरह से तहस नहस करने की कोशिश की । इसलिए जब हमें इस पंचशील की शिक्षा को छोड़ कर पंचकार की शिक्षा धरने नवयुवकों को देनी चाहिए, युद्ध की शिक्षा दी जाय, देशवासियों को सैनिक शिक्षण दिया जाय । अगर हमने धरने देशवासियों को सैनिक शिक्षण नहीं दिया तो दूसरी बार हमारी पिटाई होगी । इसके लिए 50 फी सदी रुपया सैनिक शिक्षा पर रकबा जाय तभी हमारा देश बच सकेगा ।

सब कुछ किया जाता है लेकिन आचार संहिता की ओर ध्यान नहीं दिया जाता । बगैर आचार संहिता के कोई भी नेशन समर्थ नहीं बनती है । पेट्रोल की कोशिश की जाती है, लोहे के लिए कोशिश की जाती है लेकिन मनुष्यता के लिए कोशिश नहीं की जाती है । विद्या का अर्थ यह है :—

“सा विद्या या विमुक्तये ।” अर्थात् जो मनुष्य को स्वतन्त्र कर दे ऐसी विद्या दी जानी चाहिए । जो स्वतन्त्र न कर सके वह विद्या विद्या नहीं है । आज जो हमारी शिक्षा प्रणाली चल रही है उसने नब्बू या गुलाम पैदा किये हैं । इसने स्वामी विवेकानन्द, स्वामी दयानन्द और श्री रामतीर्थ जैसे नर-पुंगव पैदा नहीं किये हैं ।

मैं अन्त में श्री भक्त दर्शन से पुनः यह आग्रह करूँगा कि वे इस युनिवर्सिटी को देहात में ले जायें और गांधी जी और जवाहर लाल जी के आदर्शों के अनुसार इसमें भारतीय

[श्री यशपाल सिंह]

शिक्षा दी जाय और सैनिक प्रशिक्षण का पूरा इन्तजाम किया जाय ।

**Shri Bhakt Darshan:** I am thankful to the hon. Members, who have taken part in this discussion. It is apparent that an overwhelming majority of the Members of this House have supported the principle underlying this Bill, though about details there can always be honest differences of opinion. Only a few Members have struck a discordant note and I will try to deal with their arguments later on. I must assure the Members that verbatim records of the speeches will be circulated to all the members of the Joint Committee, who, I am sure will give their earnest consideration to the suggestions made by hon. Members in the course of this discussion.

12.09 hrs.

[MR. DEPUTY-SPEAKER in the Chair].

I may, however, deal with a few of the important points raised during this discussion. About the necessity of a second university in Delhi, I am glad that all had supported this idea. I am thankful for this unanimous support.

Regarding the name, I admit that the Ministry is taking a very heavy responsibility on its shoulders by associating the name of Shri Nehru with this University. I admit, Sir, that it will not add to the name or fame of Shri Nehru, but it will add to the importance and the prestige and the responsibilities of this university itself. It will therefore be our earnest endeavour to live up to those high ideals and principles for which Shri Nehru worked and laboured throughout his life. As was pointed out by me in my preliminary remarks, it will not be a mere replica of the present universities in this country. It must try to achieve much higher standards in academic fields

Here, I may point out one thing. It was argued by some Members rather very vehemently that the Bill does not reflect the ideology and ideals of the late Prime Minister after whom it is to be named. It is not quite correct. Some of the ideas on which our late Prime Minister had laid great stress during his lifetime have been incorporated in the Bill. For instance, science and technology should be developed as much as possible; side by side, the development of social sciences should be given a special place; India should not live in isolation, but develop in the context of world affairs. As a result of these ideas, it is intended that the new university will not only emphasise the role of science and technology, but will also develop integrated courses in both science and humanities on the one hand and advanced specialised courses in social sciences on the other. The university will also have strong departments on foreign affairs including facilities for study of languages, life and institutions of different countries in the world. It may, however, be emphasised that the Bill cannot reflect the multiplicity of academic programmes in any university. These programmes have to be worked out, and the university's character will be known by the way they are implemented.

I may refer to the remark made by Shri Prabhat Kar. He said that my description of the objectives and special features of the new university appeared to him to be rather a dream, and he doubted whether even 10 per cent of the targets would be realised. He will agree with me that all great and good things start with dreams but they have to be followed by solid and concrete action. I assure him that it will be our constant effort to work in that direction.

I am grateful to Shri Prabhat Kar for his suggestion that this university

should invite in large numbers students from the Afro-Asian countries. I welcome this suggestion. I also welcome the suggestion of my hon. friend Shri C. K. Bhattacharyya that eminent scholars and scientists from all parts of the world should be invited to this university. That will be the new University's endeavour, among other things, and I hope we will succeed in all these directions.

Let me now turn to the points made by Dr. L. M. Singhvi. I have always known him as a man of amiable nature and genial temperament, but yesterday I was rather surprised at the bitterness with which he declared that the Bill was an absolutely worthless piece of legislation, which will be source of abiding discredit to the Ministry of Education. I do not find words enough to meet these invectives. I will just try to explain to him and to other hon. friends here in the House that even in my preliminary remarks, I had made it clear that the Bill has been intentionally kept rather brief, because we would like to learn as we grow. His main attack was that the framing of the statutes has been left to the Visitor and to the Ministry and that was the argument of my hon. friend Shri Singhasan Singh also and of other hon. friends. If you look at clause 14 of this Bill, it has been made clear that all statutes which, in the first instance, will be framed by the Visitor, will be laid on the Table of both the Houses of Parliament. It means that Parliament will have an opportunity to discuss them and if they suggest any changes, we will welcome those ideas.

**Shri Singhasan Singh:** Laying it on the Table of the House is one thing, and getting it discussed by Parliament is a different thing. All subsidiary laws are laid on the Table of the House but they are seldom discussed. But when a thing is brought before the House by the Minister, it is always discussed.

**Shri Bhakt Darshan:** I cannot commit the Ministry at this stage, but I think that this is a suggestion worth

considering, and in the course of the sittings of the Joint Committee, they may consider the suggestion that these statutes should not only be placed on the Table of the House but should also be considered and discussed in the House. I think that will meet the grievance of the hon. Member.

As regards the suggestion that this university should devote its attention to the development of Indian languages, I had already pointed out in my preliminary remarks that we propose to establish a number of institutes, and one of them is going to be the Institute of Indian Languages. There will be Institutes for African Languages, Asian Languages, and European Studies, etc also. So, I think that suggestion of the House has already been accepted.

One passing remark was made by Dr. Singhvi. He said that Dr. Deshmukh had resigned from the committee appointed for this purpose by the Ministry. It is not a fact. There were some differences in the beginning about affiliation of colleges but when that problem was solved to the satisfaction of Dr. Deshmukh, he agreed to serve on the committee, and he is continuing as a member of the committee.

Then I turn to the remarks made by my esteemed friend, Shri D. C. Sharma. I was really alarmed, because he generally appears to be a quiet scholar, but today he was full of vehemence; because he is not in the House now, I do not think—

**Shri Shree Narayan Das (Darbhanga):** He is not a quiet but a vociferous scholar.

**Dr. M. S. Aney (Nagpur):** Does the hon. Deputy Minister agree with him or disagree with him?

**Shri Bhakt Darshan:** I would not dilate on that point, but I respectfully submit that I disagree with him. He wanted that the annual report of the university should be laid on

[Shri Bhakt Darshan]

the Table of the House. My information is that the reports of all the other Central universities are not placed before the House; they are not laid on the Table of the House. Because this is a new suggestion, I shall bring it to the notice of the hon. Minister of Education and I think it will be considered and a decision will be taken about it.

But one sensible thing was said in the course of his remarks, and that is, that our education should have an ethical base. He made that remark yesterday. I may inform him and other hon. Members of this House that the Ministry has been working in this direction. Some years ago, a committee under the chairmanship of Shri Sriprakash was appointed for this purpose and it submitted a report, which we referred to the various State Governments and to the various universities. Now, we have taken up the question of the implementation of the recommendations of the Sriprakash Committee by the various universities and the State Governments, and I hope that something will be done in this connection in the near future.

Regarding the remarks made by Shri Khadilkar, that this Bill should be withdrawn, I think the House will agree with me that that stage has already passed. This Bill has already been accepted in principle in the Rajya Sabha, and even if we withdraw it from this House, we will have to withdraw it again from the Rajya Sabha; they have already agreed to serve on the Joint Committee; they have accepted the principle. Therefore, I think that it is too late in the day to withdraw this Bill.

**Shri Sinhasan Singh:** His objection was only to the name of the university. He wants to change the name of the university; the name of Shri Jawaharlal Nehru is associated with this university; he wants to put some other name. That was his suggestion; it was not to withdraw the Bill.

**Shri Bhakt Darshan:** Sir I have already explained this fundamental question. We were going to have a university for Delhi and the Ministry thought that if we associate the name of Shri Jawaharlal Nehru with it that will serve as a guiding star and make us rather alert in this direction, and we may be able to achieve some better results. That is the only idea I do not think I can dilate on any more.

Now, out of 19 hon. Members who have participated in this discussion, 10 spoke in Hindi, and so I think I will be permitted to say a few words in that language also.

**Dr. M. S. Aney:** He should either speak in English or in Hindi. As he has begun in English, let him finish it with English.

**Shri Shinkre (Marmagoa):** Several hon. Members have suggested that Hindi should be the medium in this university. The hon. Minister has not given his reactions to that point.

**श्री भक्त दर्शन :** श्रीमन्, मेरे मित्र, श्री श्रीनारायण दास जी ने अपने भाषण में, दिल्ली में जवाहरलाल जी की स्मृति में जो एक संस्कृत विश्वविद्यालय स्थापित किया गया है, उस की धीरे ध्यान दिलाया। मुझे इस के सम्बन्ध में स्वयं भी थोड़ी सी जानकारी है, लेकिन इस समय मैं इस सम्बन्ध में कोई अन्तिम आश्वासन नहीं दे सकता हूँ। मैं केवल इतना कह सकता हूँ कि अनुदान के लिए जो उन का प्रार्थना पत्र है, उस पर विचार किया जायेगा और मंत्रालय इस सम्बन्ध में शीघ्र निर्णय करेगा। इतना मैं अवश्य कह सकता हूँ कि यह विश्वविद्यालय चूंकि सभी भाषाओं के विकास का भी ध्यान रखेगा इसलिए मुझे आशा है कि संस्कृत के उत्थान के लिए इस विश्वविद्यालय में विशेष प्रयत्न किया जायेगा, इसके लिए एक विशेष विभाग स्थापित करने पर भी विचार किया जा सकता है।

मेरे दो माननीय मित्रों, श्री किशन पटनायक और श्री श्रींकार लाल बेरवा, ने नेहरूजी के नाम पर बड़ी धनधोर आपत्ति की है। जहां तक श्री किशन पटनायक का सम्बन्ध है वे अपने सुयोग्य गुरु के सुयोग्य शिष्य हैं। उनके सुयोग्य गुरु डा० राम मनोहर लोहिया के जीवन का यह सिद्धान्त है कि सारे जीवन में अराजकता, व अश्रद्धा से काम लेना चाहिये और अगर उनका बश चले तो संसार में जितनी भी शासन-प्रणालियां हैं वे समाप्त हो जायें और समाज में जितने भी नियम हैं अथवा व्यवस्था चल रही है उसे भी समाप्त कर दिया जाये। ऐसे लोगों से मेरा पूरा विश्वास है कि सदन का कोई भी सदस्य कभी भी सहमत नहीं हो सकता है। नेहरूजी के नाम से शायद उन्हें पुरतनी चिढ़ है। जहां पर भी नेहरूजी का नाम धाया, कहीं भी उनके नाम का उल्लेख हुआ, उन्होंने अवश्य उसका आखिरी दम तक विरोध किया और करना है। इसलिए उनके साथ तो बहस करने की मैं कोई आवश्यकता नहीं समझता हूं। जहां तक श्री श्रींकार लाल बेरवा का सम्बन्ध है उन्होंने कहा है कि नेहरूजी का नाम न रखा जाये और डा० राजेन्द्र प्रसाद का रखा जाये। मैं उन से पूछना चाहता हूं कि अगर डा० राजेन्द्र प्रसाद जी का नाम रखा जा सकता है तो नेहरू जी का नाम क्यों नहीं रखा जा सकता है? इस में क्या आपत्ति है? यह मेरी समझ में बात नहीं आई है।

**श्री शिकरे :** डा० राजेन्द्र प्रसाद का स्वर्गवास पहले हुआ था।

**श्री भक्त बंसन :** डा० राजेन्द्र प्रसाद की स्मृति में बिहार में बड़ा भारी कार्य हो रहा है, इस वास्ते धराराने की कोई आवश्यकता नहीं है।

लेकिन इस सम्बन्ध में मैं एक निवेदन अवश्य कर देना चाहता हूं। नेहरूजी को साधारण श्रेणी का व्यक्ति नहीं माना जा

सकता है। वे युग-पुरुष थे। वे संसार के महामानवों में से एक थे। उन्होंने जो प्रकाश इस देश को दिया वह नदियों तक बुझ नहीं सकता है। और हमारी पीढ़ियां उससे प्रेरणा प्राप्त करती रहेंगी। इसलिए नेहरूजी के नाम से कुछ न कुछ कार्य होना ही चाहिये।

कल मेरे मित्र श्री प्रभात कर ने भी यह शिकायत की थी कि नेहरूजी की स्मृति में जो कार्य किया जा रहा है वह अभी तक पूरा नहीं किया गया है। मैं उन से इस बात में सहमत हूं कि इस सम्बन्ध में और तेजी लाई जानी चाहिये। जो नेहरू स्मारक समिति है उसके ध्यान में मैं इस बात को लाऊंगा और उस से प्रार्थना करूंगा कि उसके कार्य को तेजी से आगे बढ़ाया जाये।

श्री किशन पटनायक तथा कुछ अन्य मित्रों ने इस विश्वविद्यालय में शिक्षण के माध्यम का भी प्रश्न उठाया था। यह बड़ा महत्वपूर्ण प्रश्न है। जैसा कि माननीय सदस्यों को ज्ञात भी होगा हम इस विश्वविद्यालय में भारतीय भाषाओं के अध्ययन के सम्बन्ध में विशेष व्यवस्था करने जा रहे हैं। इससे भारतीय भाषाओं को एक दूसरे के समीप आने का और अधिक भारतीय दृष्टिकोण अपनाने का अवसर मिलेगा। जहां तक माध्यम का प्रश्न है, सदन को ज्ञात होगा कि इस समय डा० कोठारी की अध्यक्षता में जो शिक्षा आयोग कार्य कर रहा है उस आयोग से हम ने यह प्रार्थना की है कि वह इस समस्या पर विचार करे और मुझे आशा है कि शीघ्र ही उनकी इंटरिम रिपोर्ट (अन्तरिम प्रतिवेदन) हमें मिल जायेगा और उस में शायद इसके बारे में भी वे विचार करेंगे। इसके प्रतिरक्त जैसा सदन को ज्ञात होगा इस समस्या पर देश के उच्चतम श्रेणियों में विचार किया गया है और उन्होंने कोई सर्वसम्मत हल निकाला है। दुर्भाग्यवत् पाकिस्तान और चीन के आक्रमण के कारण

[श्री भक्त दर्शन]

सदन के इस अधिवेशन में उस पर विचार नहीं हो सका। अगर उस प्रस्ताव पर विचार हो जाता तो मुझे आशा है कि सारे देश में भावाभ्रों के सम्बन्ध में एक अनुकूल वातावरण बन सकता था। मुझे आशा है कि अगले अधिवेशन में उस पर जरूर विचार होगा; और उस प्रस्ताव को अगर स्वीकार कर लिया गया और जैसी भी हमें आशा है राज्य सरकारों ने भी उसका समर्थन किया तो यह समस्या बहुत जल्दी सुलझ जाएगी और हमारी भारतीय भावाभ्रों के जो प्रेमी सज्जन हैं, उनको शिकायत का कोई मौका नहीं मिलेगा।

मेरे मित्र श्री यशपाल सिंह ने चुटकी भी लेने का प्रयत्न किया है। मैं उनको विश्वास दिलाना चाहता हूँ कि मेरे विचारों में कोई परिवर्तन नहीं हुआ है और मैं मंत्रिमंडल में रहते हुए भी यथाशक्ति नियमों के अनुकूल इसके लिए प्रयत्नशील हूँ और मुझे भरोसा है कि शीघ्र ही सारा मंत्रिमंडल, सारा देश सभी दलों के लोग, सारी जनता, इस मार्ग को स्वीकार कर लेंगे।

Sir, I think I have practically covered all the important points

**Shri Daji (Indore):** Having spoken in English and Hindi, he must speak in some other third language now!

**Shri Bhakt Drashan:** I have done my duty and I hope the House will support this motion moved by me.

**Mr. Deputy-Speaker:** The question is:

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to establish and incorporate a university in Delhi, made in the motion adopted by Rajya Sabha at its sitting held on the 1st September, 1965 and communicated to this House on the

3rd September, 1965 and resolves that the following 20 members of Lok Sabha be nominated to serve on the said Joint Committee,, namely:—

Shri B. Anjanappa, Shri Frank Anthony, Choudhury Brahm Parkash, Shrimati Kamala Chaudhuri, Raja P. C. Deo Bhanj, Shri Shiv Charan Gupta, Shri Hem Barua, Pandit Jwala Prasad Joyotishi, Shri Lahri Singh, Shri Bakar Ali Mirza, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri V. T. Patel, Shri N. G. Ranga, Shrimati Renuka Ray, Shrimati Jayaben Shah, Shri M. P. Swamy, Shri Amar Nath Vidyalankar, Shri Bhishma Prasad Yadava, and Shri Bhakt Darshan."

The motion was adopted.

12.26 hrs.

INDIAN WORKS OF DEFENCE  
(AMENDMENT) BILL

**The Deputy Minister in the Ministry of Defence (Dr. D. S. Raju):** Sir I beg to move:

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration."

As the House is aware, there are so many defence installations in the country belonging to the army, navy and air force and it is very necessary that in certain areas adjoining these defence works and installations, should be given protection from the security point of view and for other reasons. So, the original Act of 1903 provides for imposing certain restrictions on the enjoyment of these lands by their owners and also for paying some compensation to them.

I have come forward with this amending Bill because the original

Act does not apply to the whole of India. It does not apply to areas which were formerly Part B States. Part B States were originally princely States and so this Act could not apply to them. Since 1st November, 1956, Part B States have been abolished and integrated into India. But the mere fact of this integration does not enable this Act to be applied to those areas. It requires an amendment of the original Act. That is the simple object of this Bill. There is no controversy or complication about it and I hope the House will have no objection to passing this Bill.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration."

**Dr. Melkote (Hyderabad):** I rise to support this Bill. In the interests of defence, particularly at this juncture, it is absolutely necessary that this kind of protection is extended to all areas, including former Part B States. I belong to a former Part B State and in 1961-62 in Hyderabad the Defence Ministry set up an installation for the production of electronic equipment. That was an area which belonged to private parties before that. In the centre of that area, there is a mosque. We are a secular State and round about that mosque, numerous Muslims used to go there to offer prayers. This mosque is situated at the centre of the unit and the Muslims are prevented from going there for saying prayers. Sir, if in the interest of defence it is necessary to prohibit any of these people from getting in there—a mosque cannot be desecrated, a mosque cannot be pulled down and people must be given the opportunity to go and say their prayers there—somehow or the other in spite of my continuously making representations with regard to this during the last for or five years this fact has not been adequately dealt with and the Muslims

in that area are not very happy about it—my one suggestion is, why not keep that mosque as it is and right across, on the other side of the road, possibly, slightly removed from the defence installation—nobody will object to your protecting the defence installations—construct another mosque so that the people may be able to go and say their prayers there? More than prayers, the Muslims are in the habit of taking their dead bodies there before they are buried. Therefore, a mosque has a particular importance. Each mosque has got its own particular adherence. Many do not know this. Many feel that any Muslim can go and say his prayers in any mosque. There are numerous mosques round about, no doubt, but Muslims go to a particular mosque only and not to all the mosques round about there. There are certain sections of Muslims in this particular area who originally belonged to that State. These people should not be denied the opportunity of saying their prayers.

Now that this Bill is before the House, I thought I should personally bring this to the notice of the Minister, that while such kind of protection for defence installations is absolutely necessary—nobody questions that, not even the Muslims of that locality—opportunity must be given to the Muslims to say their prayers by getting another mosque constructed right across the road. This is the only suggestion I wanted to make. Ours is a secular State and at this juncture if along with protecting our defence installations we go ahead and do this work the Muslims in that area, not only the Muslims in that area but the Muslims in the whole of India, will welcome it and they will feel that their interests are safeguarded and protected. I hope the Minister will investigate into this and see what can be done in the matter.

**Shri K. L. More (Hatkanangle):** Mr. Deputy-Speaker, Sir, I rise to welcome this measure. This measure



[Shri K. L. More]

is a simple but a most important one. It is also of a non-controversial nature. The Bill seeks to amend the Act so as to make its provisions applicable to the whole of India including the areas to which it does not extend at present.

Sir, as is given in the Statement of Objects and Reasons and as it has been explained by the hon. Minister, the object of this Bill is to provide for the imposition of certain restrictions upon the use of and enjoyment of land in the vicinity of works of defence so as to keep such land free from buildings and other obstructions. As we are all aware, the defence of our nation is the most important one and, therefore, there is a great need for protection and development of works of defence in our country. Therefore, whatever is needed to guard and develop works of defence must be wholeheartedly helped and encouraged.

I congratulate the hon. Minister for bringing this measure, this most important measure, and I support this Bill.

**Shri Shree Narayan Das** (Darbanga): Mr. Deputy-Speaker, there is nothing in this Indian Works of Defence (Amendment) Bill, 1965, which can be objected to by anybody. But I would like to draw the attention of the hon. Minister to one thing. The name of the original Act was given by the British Government. The Indian Works of Defence Act was passed in 1903 when the British Government was here. Now all the defence works in our country will be for our own nation. At the time when the British Government was here, they might have constructed some of their own defence works here because we were under their domination. I would, therefore, suggest that the word "Indian" should now be omitted and the simple name of the Act should be The Works of Defence Act.

Then, Sir, it was in 1957 that we abolished all Part B States and they were integrated in our own country. After that there were no Part A, Part B or Part C States. It is now after nearly nine years that the Government has awoken to bring forward this amendment. This shows that we are not quite alert. At least the Ministry of Defence should have considered this question earlier because the works of Defence Ministry are spread throughout the country in what were called Part A, Part B and Part C States. Therefore, this amendment should have come earlier. This shows that there is some sort of neglect on the part of the Government, and we do not review the various provisions of the Acts that are in force and change them in the light of certain changes or certain new developments in the country. I would, therefore, appeal to the Government that in future it should not be like this. Every Ministry should review the various provisions of the Acts that are prevalent and that are being administered by the various Ministries with a view to bring them up-to-date in line with the changes or new developments that have taken place after those Acts were passed.

Sir, I have nothing more to say. This is a very important Bill that has been brought before the House. Every measure should be taken to safeguard our defence works that are spread all over the country, and the lands in the neighbourhood of those works should be kept in such a condition that there should be no obstructions to our defence activities.

With these words, I suggest that the earliest opportunity may be taken to change the nomenclature of the Act so that it may be brought up-to-date.

**Shri Himatsingka** (Gooda): Sir, I support the extension of this Act to Part B States and I take it, as it is provided, it will extend to the whole

of India which includes Jammu and Kashmir also.

As regards the suggestion made by my hon. friend, Shri Shree Narayan Das, I feel the word 'Indian' should be dropped, because that has been followed in almost all the statutes that have been amended from time to time and there should be no objection. Works of Defence Act should be the name and that should be kept henceforward. The provisions are very urgently necessary because now, especially because of the present conditions in the country, that Government should have the power to impose restrictions on the use of places near about works of defence. Therefore, we wholeheartedly support this measure.

श्री यशव ल सिंह (कैराना) : उपाध्यक्ष महोदय, मैं डा० राजू को कांग्रेसलेट करता हूँ कि वह यह बिल यहां लाये हैं जो कि देश की रक्षा के वास्ते सब से पहली आवश्यकता है। देश बचेगा तो सब चीजें बचेंगी। हम लोग आखिर धर्म को मानते हैं, दीन को मानते हैं, भगवान को मानते हैं। हम लोग पाकिस्तान की तरह से बहणी नहीं है जो हमारे भ्रम्बाला के गिर्जाघर पर बम्बार्डमेंट करता है। हम लोग इस बात को समझते हैं कि मिलिटरी एरिया के अन्दर हमें कहां पर क्या चीज बनानी है और कहां पर क्या नहीं चीज बनानी है। तो यह बिल डा० राजू बहुत सुन्दर रूप में लाये हैं। बल्कि मैं तो कहूंगा कि वह बहुत देर कर के लाये हैं। यह बिल आज से चार साल पहले आना चाहिये था। अब भी लाये हैं तो भी ठीक है। इट इज नेबर टू लैट टू मेन्ड। यह बहुत अच्छा काम उन्होंने किया है। लेकिन यह बात जरूर खयाल में रखनी चाहिये कि सब से पहला काम इस वक्त मिलिटरी का है, डिफेन्स का है। बजाय इसके कि हम यह निर्णय करें कि यह खेत होगा, यह बाड़ी होगी, यह इंडस्ट्री होगी, इस सब को छोड़ कर सब से पहला काम देश के डिफेन्स का काम है।

जो बिल माननीय मंत्री महोदय लाये हैं उस के साथ मेरी पूरी सपोर्ट है और मैं फिर उन को कांग्रेसलेट करता हूँ।

Shri Subbaraman (Madurai): Mr. Deputy-Speaker, Sir, the amendment that has been brought to extend the provisions of the Act to Part B States also. It should, as an hon. friend pointed out just before me, have been brought before the House long ago. Even when a factory or an educational institution is built we find ordinarily that shops and even houses are constructed by people round about them. In course of time, they become very crowdy and slums. They have to be controlled even for personal purposes. Such being the case it is all the more necessary to control the vicinity and surroundings of places where works of defence are situated. It is quite necessary that the surroundings of such places should be controlled so that there is no harm done to defence works and no inconvenience is caused to them. Therefore, I support this amendment.

श्री बे० शि० प टिल (यवतमाल) : उपाध्यक्ष महोदय, चाहे देर से ही क्यों न हो मगर मैं इस बिल को लाने के लिए मंत्री महोदय को बधाई देता हूँ और इस भारतीय प्रतिरक्षा निर्माण-कार्य (मंशोधन) विधेयक का स्वागत करता हूँ। इसे सारे भारत वर्ष जिसमें जम्मू और काश्मीर जो भारत का अभिन्न अंग है, शामिल है पर लागू किया जा रहा है इसलिए यह बहुत महत्व का है, और इसलिए मैं उसका स्वागत करता हूँ। क्योंकि इस में लिखा है "इट शैल एक्स्टेंड टू होल प्राफ इंडिया।"

यह सन् 1903 का कानून पार्ट बी स्टेट्स पर लागू नहीं होता था। इसलिए इसकी सक्त जरूरत थी। उन राज्यों में पहले राजे महाराजे राज्य करते थे इसलिए वहां प्रतिरक्षा कार्य नहीं होता था।

[श्री दे० भि० पाटिल]

मेरा सुझाव है कि मिलिटरी की जमीन के पास घरों को हटाने या मस्जिदें आदि हों और उनको दूसरी जगह हटाने का विचार हो तो उन के लिए पूरा मुआवजा दिया जाना चाहिए।

1956 के पहले जो बी पार्ट स्टेट्स थीं उनको यह कानून लागू नहीं होता था। दस साल तक इस पर कोई कार्रवाई नहीं की गयी। लेकिन आज भी जो यह बिल आया है उसके लिए मैं मंत्री महोदय को बधाई देता हूँ और इस बिल का स्वागत करता हूँ।

**Shri Indrajit Gupta** (Calcutta South West): Mr. Deputy-Speaker, Sir, I support this amendment to the Act which is a very old Act of 1903. There can be no quarrel with the purpose of this Bill and it is certainly very necessary in time of an emergency such as the present one that the defence authorities should have the right and the freedom to impose restrictions or to control the use of certain lands which may be essential from the point of view of defence. But there is one point which I would like to bring to the notice of the hon. Minister which is more regarding the actual use of these powers and the implementation of this Act.

Sir, it says in the Statement of Objects and Reasons here that this is for restriction on the use and enjoyment of land in order that such land may be kept free from buildings and other obstructions. As my hon. friend over there, as far as I understood him, has also raised the point, if on such land which is required there are already certain buildings or constructions which may be places of religious worship and so on, naturally we take it that the defence authorities will strive their utmost to see that as far as possible these are not disturbed; or, if they have to be, then of course the original Act itself provides for payment of compensation and so on. But

I know of an instance which, I think, is known to the hon. Minister also.

For example, there are certain lands which the defence authorities have required for their own purposes in the vicinity of certain other defence installations, particularly in the eastern region of the country, where it is found that those lands which had been lying unutilised or waste for a long time have in the mean time been occupied by a large number of these refugees who have been coming from East Pakistan for 10 or 12 years past. In many places it is found that they are all bona fide registered refugees but they have all come and originally squatted on such lands and then gradually in course of time have built some rough and ready constructions. A sort of refugee colonies have grown up there.

In recent years there have been a number of occasions when this question arose that these lands were required by the defence authorities and they simply issued a notice to the refugees there saying that they should immediately vacate within a period of a week or ten days—something like that—and that if they failed to comply with that order, they would forcibly be evicted. In cases like that what happens, I do not know. Although here it is stated that compensation will be paid, in this particular instance I remember very well, when we approached the defence authorities they said, "It has nothing to do with us; you can go to the State Government and see if they are prepared to make any arrangements for these refugees; but we want the land, we are not concerned with these people". When we went to the State Government, the State Government also said, "It is not our responsibility; we cannot provide any alternative place for these people or provide any compensation for them and so on; you better go to the Central Ministry of Rehabilitation".

In this way a great number of difficulties arose where there was no clearcut procedure known to the affect-

ted people as to how they were to get compensation or how they were to be given any kind of alternative sites where they could go and live with their families—they had been living there for 10 or 12 years at a stretch. I have to admit, with some gratitude, that because the Defence Minister and the Deputy Defence Minister took some sympathetic attitude in these cases every time we brought it to their notice, they agreed to extend the time so that these poor people could get some reasonable opportunity to try to make alternative arrangements before the land was taken over. But that was done as a special concession not in keeping actually with the provisions of this Act.

Therefore I just want to bring this to the notice of the hon. Minister. Not only in the case of *bona fide* refugees, who are a particular class of afflicted people and who are suffering for no fault of their own, but also in other cases where there may be *bona fide* occupants of the land in the sense that they have been there for a very long time—they may have constructed buildings and houses—in the actual administration of these powers, I hope, the defence authorities will adopt a sympathetic attitude. Though nobody questions that priority must be given to defence requirements, particularly at a time like this, nevertheless in the actual administration of these powers, I hope, they will adopt a patient and sympathetic attitude wherever necessary and see to it that both the purposes can be served; that is to say, the lands can also be put to the use for which they are required and, at the same time, if there are *bona fide* occupants or settlers there for whom some alternative arrangements can be made or compensation can be paid, their cases should be given the fullest consideration before the powers are exercised. Sometimes because local officers tend to be a little hasty and impatient or move in rather bureaucratic ways, it would be good if certain instructions were given that in these matters a little more humane attitude is taken.

श्री प्रिय नृप (कटिहार) : उपाध्यक्ष महोदय, यह जो इंडियन वर्क्स प्रोफिट डिफेंस (अमेंडमेंट) बिल सदन के सामने लाया गया है उसका समर्थन करते हुए कुछ सुझाव मैं उस सम्बन्ध में देना चाहता हूँ।

देश की सुरक्षा और डिफेंस का काम निश्चय ही बहुत प्रथम और महत्वपूर्ण है और मिलटरी के लिए जहां जैसी जरूरत पड़े वैसी जमीन लेनी ही चाहिए। वैसे मैं एक सुझाव यह देना चाहता हूँ कि जमीन चुनने के वक्त प्रगर प्रालटरनेटिव दो, तीन जगह मिलें और एक जगह का जो ऐरिया है वह प्रगर पब्लिक के पास कम जरूरत का हो और उस से प्रगर फायदा हो तो उस जमीन को लेने की कृपा करें।

जमीन ऐक्वायर करने के एंवज में जब कम्पेन्सेशन के मुद्दाविजे की पेमेंट की बात आती है तो डिली डैली चलती रहती है। जब उस के लिए डिफेंस मिनिस्ट्री से कहा जाता है तो उनकी ओर से कह दिया जाता है कि डिस्ट्रिक्ट मजिस्ट्रेट पेमेंट करेंगे। डिस्ट्रिक्ट मजिस्ट्रेट कहता है कि आपकी जो क्लैमेटेड है वह यह पेमेंट करेगी। इस तरीके में हम देखते हैं कि वर्षों तक कम्पेन्सेशन का पेमेंट नहीं होता है।

इस सिलसिले में मैं एक छोटा सा उदाहरण देना चाहता हूँ। बिहार में कटिहार के पास पल्ल में कई हजार एकड़ जमीन सरकार ने ऐक्वायर की हुई है। वहां हारवस्टिंग भी था, मकानात भी थे मगर मुद्दाविजा केवल बाड़े से बाँद ही लोगों को मिला है बाकी लोगों को आज तक कोई भी मुद्दाविजा नहीं मिल पाया है। इसलिए मेरी वरकवास्त है कि इसे डिफेंस मिनिस्ट्री तय करे कि इतने दिन के अन्दर मुद्दाविजे का पेमेंट हो जाना चाहिए। किस ढंग से पेमेंट होगा उस को भी माफ कर देना चाहिए क्योंकि यह रैड टैपिज्म जो कि पेमेंट के सिलसिले में चलना है जब तक वह खत्म नहीं होगी तब तक पब्लिक की तकनीक खत्म नहीं होगी।

[श्री प्रिय गुप्त]

जैसा कि हमारे एक साथी ने बतलाया कि जहाँ रैफ्यूजीज लोग बसे हुए हैं या पिछड़े वर्ग के लोग बसे हुए हैं और उन्होंने उस जमीन को जो कि पहले काम के लायक नहीं थी, वहाँ वे जाकर बसे और उसे उन्होंने मेहनत करके ठीक किया और उत्पादन में भी वृद्धि की है अगर उस के आसपास और जमीन आप को अपने काम के लिए मिल सके तो उनको वहाँ से डिस्टर्ब न किया जाये और अगर आप वहीं आसपास में कोई दूसरी जमीन पा सकते हैं तो उसको अपने उपयोग में लाना चाहिए।

सम्बन्धित अधिकारियों को जमीन ऐक्वायर करने के बारे में डाट्टरबंशंस (निर्देश) इस ढंग से देने चाहिए कि किसी बिस्म की शलतफहमी न हो। हर काम में, जब भी वह अपनी पावर्स को इस्तेमाल करें पब्लिक की सुविधा और उसकी उपयोगिता को देखते हुए करें।

यह बिल जो आप ने रक्खा है वह सर्वथा मुनासिब है और डिफेंस के लिए यदि आवश्यकता अनभव हो तो जमीन ऐक्वायर ही करनी चाहिए। लेकिन उस के सम्बन्ध में जो मैंने सुझाव दिये हैं उन पर आप नजर रख कर इस काम को करें। कटिहार की पब्लिक बहुत तंग हो गयी है उनकी दिक्कत को हल करने का आप शीघ्र प्रयत्न करें। उन्हें आज तक मुआविजा नहीं मिला है।

श्री श्रीकार लाल बेरबा (कोटा) : उपाध्यक्ष महोदय, यह जो इंडियन वर्क्स भीड़ डिफेंस (अमैडमेंट) बिल रक्खा गया है उस का मैं समर्थन करते हुए इस प्रथम पर कुछ सुझाव देना चाहता हूँ।

डिफेंस के लिए जमीन शहर से कम से कम 7-8 मील दूर होनी चाहिए। यह भी देखा जाय कि वह जमीन अगर कृषि योग्य हो तो उस से किसानों को बेदखल न किया जाये और अगर वहाँ से बेदखल करना ही पड़े जाये तो

मुआविजा उनको जरूर दिया जाये क्योंकि हमने देखा है कि मुआविजा उनको फाफ्री समय तक नहीं मिल पाता है। करीबन दो, तीन साल हो गये कोटा में 10-15 गांव, इस डिफेंस की जमीन में ले लिये गये, उन किसानों को जमीन से बेदखल कर दिया गया लेकिन कुछ आपत्ति उठने पर फिर उन जमीनों को उन्होंने किसानों को दे दिया गया और अब वह अमन के साथ उन पर रह रहे हैं।

अभी स्टेशन रोड पर जो चांदमारी बनी हुई है और नदी के पार गांव के ऊपर से चांदमारी हांती है तो उधर गांव में गोलियां चली जाती है और जिसके कि फलस्वरूप वहाँ पर जानवर व आदमी मर जाते हैं। कई दफे रिपोर्ट की गई लेकिन कुछ सुनवाई नहीं हुई और उस चांदमारी को वहाँ से नहीं उठाया गया। अभी भी वहाँ पर 15, 20 मकान ऐसे ले रखे हैं मिलेटरी के अन्दर, न नका किराया है, न उस मुकदमे को ठीक किया गया और न उन को पूरा कब्जा दिया गया। अभी वैसे चल रहा है तो मेरे कहने का मतलब यह है कि कोई भी डिफेंस के लिए जमीन ली जाये तो उसका मुआविजा जरूर समय पर दे दिया जाये। यह तो मैं मानता हूँ कि पहले देश है उस के बाद और सब है और देश के लिए हम सब कुछ देने के लिए तैयार हैं क्योंकि देश रहेगा तो शान भी रहेगी और जिसका देश नहीं है उसकी शान भी नहीं है। घर बगैर दर नहीं। जिसका घर नहीं है उसका दर भी नहीं है। देश के बगैर शान नहीं होती है। इसलिए देश के वास्ते हम सब कुछ देने के लिए तैयार हैं लेकिन जिन किसानों की जमीनें ली हैं उनको तुरन्त मुआविजा मिलना चाहिये उन्हें कलैक्टरी में दो, दो और तीन, तीन साल तक इंतजार में भटकना न पड़े।

मैंने देखा है कि हमारे यहाँ कुछ किसानों की जमीनें फार्म के लिये ली हुई हैं। अब मिलेटरी को फार्म की क्या जरूरत है? वह बेचारे

रंगरूट कहते हैं कि अगर हम से मिलेटरी में खेती ही करवानी थी तो यह जमीन एक्वायर करने और मुद्राविज्ञे के चक्कर में क्यों पड़ते हो। अगर खेती ही करनी थी तो वह तो गांव में ही अपने वहां कर सकते थे इसलिए रंगरूटों से फार्म में खेती करवाना कुछ अच्छा नहीं जंचता है। अगर जमीन किसानों की लेते हैं तो पलटन के लिये लीजिए, बारूद के और रडार आदि फौजी सामान के लिए लीजिये और फौजी परपज के लिए उसे प्रयोग में लाइये। सरकार को ऐसी जमीन नहीं लेनी चाहिए जहां बेचारे किसानों को धांपति हो और उन का जीवन बर्बाद हो जाये। गांव के घास पास बहुत सा ऐसा एरिया होता है जहां कि खाली जमीन भी होती है वहां पर जानवरों का ब्याल रक्खा जाये। खेती की जमीन के अन्दर किसानों का ब्याल रक्खा जाये। ऐसी जमीन जो कि शहर से 5, 10 मील एक तरफ हो उस जमीन को जरूर कब्जे में किया जाये ताकि किसी तरीके से हमारे ग्रामवासियों को, जानवरों को वहां के किसानों को किसी किस्म की कठिनाई महसूस न हो। अगर उसे लेने की जरूरत आ ही पड़े, उस का लेना देश हित में अनिवार्य हो जाय तो वह ले ली जाय लेकिन उन को उस का मुद्राविज्ञा जल्द से जल्द दिया जाय। उन का फैसला जल्द किया जाय। मुझे मालूम है कि कोर्ट में जो 10-15 मकान डिफेंस के लिये लिये गए हैं उन के केस तीन, तीन घंटे चार, चार साल चलते हुए हो गये हैं। उन का जल्द फैसला कीजिये। शहर में मिलेटरी का कोई नहीं होना चाहिए, सिर्फ जरूरी बंगले होने चाहिये और यह जो चांदमारी बगैरह जितनी बीजें हैं यह शहर से पांच, दस मील दूर होनी चाहिये। इतना कह कर मैं इस बिल का समर्थन करता हूँ।

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Deputy-Speaker, Sir my first suggestion is that the word 'Indian', as has been suggested by my friends, Shri Shree Narayan Das, be deleted from this Bill. In 1903, when the British regime was there, there

were several dominions under the British regime and, therefore, in every enactment which was undertaken, the word 'Indian' was inserted. But now, after 15th August, 1947, when we are an independent country, it does not befit well to continue to have the word 'Indian' in this Bill which was inserted by the British regime. It is a very non-controversial amendment and the word 'Indian' be deleted. That is my first point.

13 hrs.

My second point is this. With regard to the provisions of this Bill, I am in agreement with the Defence Minister that keeping in view the urgency of the Defence in this country, it is very proper to extend it to Part B States. But keeping in view the fact that Defence is primarily a department where there is absolutely no question of any religion, creed or caste and that the masses are allowed to have immense faith and unshaken confidence in Defence, I suggest that there should be a special provision for the immediate payment of compensation and that it should not be kept at par with other enactments relating to land acquisition. My suggestion is that if any land is required to be acquired for defence purposes, there should be a special provision for the immediate disposal of the claim and the immediate payment of the compensation so that the unshaken confidence amongst the people towards the defence should be allowed to remain unshaken. So, I request that there should be a special provision and that it should not be kept at par with other departments of the Government in the matter of acquisition proceedings which are generally delayed for years together and no compensation is paid and no speedy disposal of the claim is done.

With these observations, I support the Bill which has been brought before the House.

श्री हुकम चन्द कछवाय (देवास) :  
उपाध्यक्ष महोदय, जो बिल सदन के सामने  
प्राया है, मैं उस का स्वागत करता हूँ।

[श्री हुकम चन्द कछवाय]

प्राज की परिस्थितियों में इस बात की आवश्यकता है कि हम अपने देश में ज्यादा से ज्यादा प्रतिरक्षा-उत्पादन के कारखाने खोलें। लेकिन जब कारखाने खोले जाते हैं, तब उन के लिए जमीन लेना बहुत जरूरी होता है। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि इस काम के लिए जब कोई जमीन ली जाती है, तो यह देखना चाहिये कि उस से कितने काश्तकार प्रभावित होते हैं और वह जमीन कैसी है—वह जमीन उपजाऊ है या पड़ती है। यह आवश्यक है कि उस जमीन की कीमत को देखते हुए सम्बन्धित काश्तकारों को उचित पैसा मिलना चाहिए, ताकि उन में इस बारे में असंतोष की भावना न पैदा हो।

हम ने देखा कि सरकार ने कुछ दूसरे कामों के लिये जिस भाव से जमीनें ली हैं, उस ने उन के द्वारा पच्चीस, चालीस और पचास गुना ज्यादा पैसा कमाया है। मैं चाहता हूँ कि वह नीति इस सम्बन्ध में न अपनाई जाये कि काश्तकारों की जमीन ले कर उन को तो बर्बाद कर दिया जाये, परन्तु उन को ठीक ढंग से पैसा न मिले।

मैं तो यहां तक कहने के लिये तैयार हूँ कि जमीनें के मुद्दावजे के रूप में काश्तकारों को पैसा देने के बजाय यह ज्यादा अच्छा है कि उन की खेती के लिए किसी दूसरे स्थान पर जमीन दी जाये, क्योंकि यह स्वाभाविक है कि जब उन गरीबों के हाथ में पैसा आ जाता है, तो उन का मन बिगड़ता है और वे उस पैसे को ठीक ढंग से खर्च नहीं कर पाते हैं। सरकार को यह व्यवस्था करनी चाहिए कि जब वह काश्तकारों की कोई जमीन ले, तो वह किसी और स्थान पर उन को खेती करने के लिए जमीन दे, ताकि वे अपने परिवार और बाल-बच्चों का पालन कर सकें और उन को अपने रोजगार या धंधे से बंचित न होना पड़े। इस बात का भी ध्यान रखा जाना चाहिए कि उन काश्तकारों को कोई बंजर जमीन न

दी जाये, क्योंकि उस व्यवस्था में उन को काफी खर्च करना पड़ेगा, बल्कि कोई उपजाऊ जमीन दी जाये।

जहां तक हो सके, इस काम के लिये केवल वही जमीन ली जाये, जो पड़ती हो, जहां पर ज्यादा उत्पादन नहीं होता है, जहां तक केवल और और जानवर चरते हैं। हो सकता है कि इस बारे में सरकार के सामने कोई प्रश्नचन प्राये और वह समझे कि उस ने नगर से इतनी दूर कोई खास जमीन ही लेनी है, जो कि खेती की जमीन हो, तो फिर काश्तकारों को उस के अच्छे पैसे मिलने चाहियें। प्राप को मालूम होगा कि कुछ समय पहले गाजियाबाद के बहुत से लोग पालियामेट के सामने कई दिन तक धरना दिये बैठे रहे। वे लोग अपने परिवार और बँलगाडियाँ प्रादि साथ ले कर प्राए और यहाँ प्रा कर उन्होंने अपना असंतोष व्यक्त किया। सरकार ने उन की जमीनें ले कर उन से काफी पैसा कमाया, लेकिन उन काश्तकारों को ठीक ढंग से पैसा नहीं दिया, जिस के कारण उन लोगों में बहुत बेचैनी थी।

इस लिए आवश्यकता इस बात की है कि काश्तकार को अपनी जमीन के अच्छे दाम मिलने चाहियें, ताकि उन के मन में दुख न हो। उन को खुश कर के उन की जमीन ली जानी चाहिए और उन को अच्छे पैसे मिलने चाहियें, जिस से उस के बारे में कोई बिबाद न हो।

**Shri M. L. Jadhav (Malegaon):** I rise to support the measure that is before the House. I would, however, like to make certain suggestions while supporting the measure.

In the Nasik district there is an artillery school and some seventeen villages have been acquired for that school. But I find that the approach of certain villages, which have not been acquired, to Nasik, Deolali and

other areas is very difficult because the roads are blocked. I suggest that wherever there is acquisition and in the process the roads of the villages which are not acquired for defence purposes are blocked, some alternative roads or some alternative site should be given, so that the villagers can have good and easy approach roads. In a number of cases we find that the revenue authorities point out this fact to the Defence authorities, but many a time they do not take proper or early steps to see that the grievances of these people, which are genuine, are redressed. A similar thing has happened in the case of the MIG project in Nasik district. The approach roads in some of the villages from which lands have not been acquired and where State transport buses were running, have now been closed because the area has been acquired for a MIG site. I have no objection to the area being acquired, but my only contention is that, while acquiring the area for defence purposes, the Defence authorities should see that the people of the villages where roads connecting the national highways exist, are not in any way inconvenienced. They should see that the communications and roads for the Defence project are laid in such a way that the villagers are not inconvenienced.

Year before last there was a case where certain villagers were asked to leave their village at about 7 in the morning and return to the village only in the night by 8 p.m. since some long-range weapons were to operate in that area. I have no objection to the villagers being asked to leave the village, but I point out that, when they were asked to leave the village in the rainy season from morning till night and were asked to go to some ten or twelve miles away, no shelters were provided for them. Where will these men, women, children and sick ladies go if no shelter is provided? I told the District Magistrate that something should be done. I can understand that Defence should receive every priority and that their needs should be served. But the Defence authorities should at least see that some tempo-

rary sheds, temporary shelters, are provided for these people. But to my knowledge, nothing was provided and it was a very great hardship for the villagers to leave the village, with all their children and cattle, early in the morning and return in the night. People had to suffer. In such cases I feel that the Defence authorities should see that no hardship is caused to the people. With these observations, I support the measure that is before the House.

**Shri C. K. Bhattacharyya (Raiganj):** I shall make only a few observations about the two suggestions that have been made, one about the nomenclature of the Bill and the other about the scope of its application. Regarding the scope of its application, the Statement of Objects and Reasons says:

"It is, therefore, proposed to amend the Act so as to make its provisions applicable to the whole of India, including the areas to which it does not at present extend."

Because it has been the usual trend in our legislations to put that particular phrase "except Jammu & Kashmir", I will request the hon. Member to make it clear that that particular phrase has no place in this amendment. In fact, it extends to the whole of India, including the areas represented not only by the old Part B States but also by the present Jammu & Kashmir State. That is number one.

My second point is in regard to the nomenclature of the Bill. A suggestion has been made that this Bill should be simply called the "Works of Defence Bill". If we go through the list of enactments that we have passed and Central legislatures have passed, we find three designations of an all-India type; one is All-India Act, the other designation is Indian Act, and the third designation is national Act. These are the three types of designations applied to the all-India



[Shri C. K. Bhattacharyya]

Acts that the Central legislatures have passed. So, in taking up this question of designation, I believe that we ought to take it up in a comprehensive way so that the entire list of enactments may be studied and the same principles may be adopted and accepted in designating Acts of an all-India application. I am making this suggestion not only with regard to this Act but with regard to the other Acts also.

**Dr. D. S. Raju:** I would like to express my thanks for the whole hearted support which hon. Members have given to this amending Bill. I am glad that they have appreciated the spirit underlying this amending Bill. While supporting this Bill, hon. Members have made a few very good suggestions.

**Dr. Melkote** has made a reference to one mosque in Hyderabad. This fact was brought to my notice also by the Home Minister of Hyderabad, and I am sure that sympathetic consideration would be given and a reasonable settlement of this problem would be found soon.

Some hon. Members have asked why this Bill had not been brought forward earlier. Although the princely States had been amalgamated in 1956, since that year occasionally we had issued some legal notifications hoping that they would be adequate for the purpose, but our Law Ministry has advised us that such legal notifications are not valid in law, and that an amending Bill should be brought forward in Parliament. That is the reason why this Bill has been brought forward after some delay.

Shri C. K. Bhattacharyya has raised the question about the inclusion of Jammu and Kashmir. I might tell him that this Act would apply now to the Jammu and Kashmir State also.

Shri Indrajit Gupta and a few others had raised a point about the difficulties experienced by some of the villagers when they were asked

to vacate those areas. This amending Bill refers only to certain areas which are adjoining the existing structures such as installations and other things. It does not refer to lands or agricultural lands which are away from those installations. Although it is an important point which hon. Members have raised, I would submit that that point is not very relevant. But every sympathetic consideration will be given and all reasonable measures will be taken to see that the villagers are not harassed or inconvenienced in any way.

As soon as we demarcate these areas and issue a notification, it is up to the State Government to take the necessary action. I know that there are some illegal occupations around these areas, and there has been some trouble and some headache due to that for us, but it is up to the State Governments to see that those localities are vacated.

So far as compensation is concerned hon. Members have said that there is a lot of delay in giving compensation to the owners. But actually the delay is not due to us. The amount or quantum of compensation has to be decided by the civil authorities.

**Shri Daji (Indore):** Even after the quantum has been decided there have been many cases which I myself have had occasion to point out, where the person had to go from pillar to post and nobody in the Defence Ministry seemed to be paying the money at all. For seven years cases have been pending, even when the quantum of compensation has been decided.

**Dr. D. S. Raju:** Whenever such cases are brought to our notice .

**Shri Daji:** That is no excuse. Why should such a thing happen at all? When the compensation has been decided upon, why should the amount not flow automatically

through the system in the Defence Ministry?

**Dr. D. S. Raju:** This fact will be remembered. But the civil authorities have got to decide the quantum of compensation. There is actually some delay at that level. And there are generally appeals against the quantum of compensation also. That is another factor causing delay. But whatever that may be, whenever these things are brought to our notice, we always take very quick and very sympathetic action. There is nothing more for me to say in regard to this.

This measure is a very important one. As I have said, we are only making an amendment to include the areas which formerly belonged to the princely States. The other points which have been raised are not very relevant to this Bill. But I shall remember those suggestions and give effect to them as and when the need arises to do so.

I would request hon. Members to pass this Bill.

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration".

*The motion was adopted.*

**Mr. Deputy-Speaker:** I shall now put the clauses to vote.

The question is:

"That clauses 1 and 2, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

**Dr. D. S. Raju:** I beg to move:

"That the Bill be passed".

**Mr. Deputy-Speaker:** The question is:

"That the Bill be passed".

*The motion was adopted.*

23.17 hrs.

JUDGES (INQUIRY) BILL—contd.

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** On behalf of Shri Hathi, I beg to move:

"That the Bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President, be taken into consideration."

Article 124 (4) of the Constitution provides that:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity."

Article 124(5) provides that:

"Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4). . . ."

The above provisions are also applicable to a High Court judge under proviso (b) to article 217 (1) read with article 218 of the Constitution.

The present Bill seeks to lay down the procedure for the investigation

[Shri Jaganatha Rao.]

and proof of the misbehaviour or incapacity of a judge of the Supreme Court or of a High Court and the presentation of an Address by Parliament to the President.

There have been a few cases in the past where an inquiry against a judge might have been necessary. . . .

**Shri Hari Vishnu Kamath** (Hosangabad): Might have been? This is vague.

**Shri Jaganatha Rao:** . . . and there may be cases in the future also where it may be necessary to take action against a judge. Dr. L. M. Singhvi had also brought forward a resolution in this House which had not been discussed here. So, Government feel that legislation is necessary and accordingly they have brought forward this legislation to provide for a procedure for inquiry for investigation and proof of misbehaviour and incapacity of a judge of the Supreme Court or of a High Court.

This Bill seeks to provide for the appointment of a special tribunal, the powers being given to the special tribunal being the powers under the Civil Procedure Code to examine witnesses and then the submission of a report by the tribunal to Parliament to take action so that both Houses of Parliament can present an Address to the President for the removal of a judge on the ground of either proved misbehaviour or incapacity.

This is a simple Bill.

Sir, I move.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an Address by Parliament to the President be taken into consideration."

**Shri Hari Vishnu Kamath:** On a point of order. Before the House proceeds to discuss this very important Bill one of the most important since this Parliament came into being, I would request you to see, though I have not been a stickler for quorum because of the emergency that discussion on this particular Bill should not proceed without quorum.

**Shri Gauri Shankar Kakkar** (Fatehpur): What is the time allotted?

**Mr. Deputy-Speaker:** No time allotted. The bell is being rung—Now there is quorum.

**Shri Hari Vishnu Kamath:** I beg to move:

"That the Bill be referred to a Select Committee consisting of 19 Members, namely:—Dr. M. S. Aney; Shri N. C. Chatterjee; Shri S. N. Chaturvedi; Shri K. Hanumanthaiya; Shri Jai Sukh Lal Hathi; Sardar Kapur Singh; Shri Madhu Limaye; Shri Harekrushna Mahatab; Dr. G. S. Melkote; Shri H. N. Mukerjee; Shri Krishna Chandra Pant; Shri Raghunath Singh; Shri N. G. Ranga; Shri Sham Lal Saraf; Shri Prakash Vir Shastri; Dr. L. M. Singhvi; Shri Sinhasan Singh; Shri U. M. Trivedi; and Shri Hari Vishnu Kamath with instructions to report by the last day of the first week of the next session."

**Mr. Deputy-Speaker:** Both the original motion as well as this motion are before the House.

**Shri Hari Vishnu Kamath:** This is one of those Bills about which I am constrained to say that the Government has suffered from a sort of amnesia. The Bill was introduced as far back as February, 1964 by the then Minister of State in the Ministry of Home Affairs, Shri Hajarnavis. He has left the Ministry, somebody else has come in his place, and it was almost being relegated to the limbo of oblivion. Then when a question

which I had tabled with respect to a Judge of a certain High Court was disallowed on the ground that there is no provision in the Constitution and no law on the statute book for initiating an inquiry into charges of incapacity or misbehaviour of High Court Judges or Supreme Court Judges the past was raked up and with the assistance of the Ministry and our very competent Library and Reference Section, I found that a Bill called the Judges Inquiry Bill had been introduced many many months ago soon after a resolution on the subject had been tabled by a colleague of mine on this side of the House.

That is the genesis of this Bill. But for that resolution introduced, which appeared in the Order Paper in November, 1963, but was not ultimately moved by Dr. L. M. Singhvi...

**Shri Shree Narayan Das (Darbhanga):** What do you mean by 'Introduced'?

**Shri Hari Vishnu Kamath:** Tabled, if you are a stickler for words.

It was not reached for discussion. I will put it very clearly. The resolution tabled by Dr. L. M. Singhvi appeared on the Order Paper. It became the property of the House and public Property. It appeared in the press and the information was known to the country. I would read relevant extracts from the Resolution. In the Order Paper it was put down 'To move the following Resolution'. It was actually not moved because it was not reached.

"Dr. L. M. Singhvi to move the following Resolution:

Whereas Shri Justice Jaffar Imam, a Judge of the Supreme Court is suffering from mental and physical incapacity and the Chief Justice of India has not thought it proper or possible to allot him his regular work on the Bench;

Whereas the said Shri Justice Jaffar Imam in spite of the request of the Chief Justice to that effect persisted in the first instance, in

declining to undergo any medical examination to satisfy the Chief Justice that he continues to be fit and capable of discharging the functions of that high office;

Whereas recently he was medically examined and the examination indicated that the said Shri Justice Jaffar Imam continues to suffer from incapacity; and

Whereas the said Shri Justice Jaffar Imam is not prepared voluntarily"—even after the medical examination certified him to be unfit—

'to retire or to resign from his office or to remain on leave as Judge of the Supreme Court in spite of this known incapacity.

'Now therefore'—

the operative part of the Resolution which follows is very important; it shows where the Bill differs from what we would like it to be—

'this House hereby resolves to present the following address to the President of India under art. 124(4) of the Constitution, 'that the President of India be pleased to order the removal of Shri Justice Jaffar Imam from his office on the ground of incapacity' and that

further this House requests Rajya Sabha to present a similar address to the president for the removal of the said

"Shri Justice Jaffar Imam, a Judge of the Supreme Court, from his office on the ground of incapacity, within the duration of the current session".

This was in the winter session of 1963. In 1964, in the next budget session, the Judges Inquiry Bill was introduced. It remained hanging fire until now. In September 1965, eighteen months later, this Bill has come up for discussion in the House.

While moving for consideration, the Minister said, if I heard him right, that in the past there might have been cases where such inquiries were necessary, and may be—God forbid—

[Shri Hari Vishnu Kamath]

in the future also there may be similar inquiries necessitated by circumstances. I am sorry he did not refer to any concrete instance in the past. As regards the future, of course, nobody can say what is in store. But certainly he knows what has happened in the past. I can understand, if not appreciate, his reticence inside the House. Outside, in the Lobbies he might tell me but naturally inside the House he is reluctant and reticent.

**Shri Jaganatha Rao:** I left it to you.

**Shri Hari Vishnu Kamath:** I do not think you should leave so much work to the Opposition. You should try and help the Opposition....

**Shri Jaganatha Rao:** You are very alert.

**Shri Hari Vishnu Kamath:** ...and not hinder them. If there were instances where it was necessary to take some steps, yet Government did not because they thought they were helpless because there was nothing in the Constitution or law for that matter to proceed, they should not have taken over much time for moving for consideration and discussion of the Bill.

Now, Sir, apart from this particular instance of Shri Justice Syed Jaffar Imam of the Supreme Court who, even after the resolution was tabled in the House—it became known, it appeared in the press—even after that, as far as my knowledge goes, continued to sit on the Bench of the Supreme Court for some months more....

**Shri Daji (Indore):** Whether he could mentally comprehend the resolution....

**Shri Hari Vishnu Kamath:** My colleague Shri Daji's explanation is very plausible, that he could not mentally comprehend the resolution tabled in the House. I would not go as far as that, but I do not know the reasons.

But he continued to sit on the Bench of the Supreme Court for some months—I do not remember the date on which he resigned his high office.

Besides that case to which I have referred, there have been some other cases where, though there was provision in law, though the Constitution had been amended for that purpose, yet the Government for reasons best known to them refrained from ordering an inquiry into that particular matter.

This Bill deals, I believe for the first time since independence, with high matters concerning our judiciary, high judiciary—the High Court and the Supreme Court Judges—and I do wish that the House seriously devotes its attention to this. Because, under the Constitution, under the separation of powers, each wing of the Constitutional set-up has got its own functions and powers; they are the executive, the judiciary and the legislature, that is Parliament; and Parliament is now taking up this matter with regard to inquiry into allegations of incapacity or misbehaviour of judges. We tread, may I say, on very sensitive ground; and Parliament, I hope, will give due importance to this matter, more importance to this matter than it has been pleased to give to other Bills during this Emergency. And we will certainly do our best to refrain from importing into the discussion matters, words or phrases, which might needlessly injure or adversely affect the sentiments of judges or their interests. Because, the judiciary, as has been well said, is the last bastion of democracy, and more so parliamentary democracy. Therefore, while we are anxious, Government must also see to it that the judiciary in our country functions in such a manner that it inspires the confidence of the people, that it is respected as an efficient, hard working, competent and incorruptible institution. Therefore, the Government, I would have thought, would have, on their own *suo motu*, agreed or moved

for reference of this Bill to Select Committee.

They might argue that there are very few clauses here, it is a simple Bill and not controversial; they might in their usual style say that it is a non-controversial Bill. But, Sir, it is highly controversial, in my judgment; not judiciary, but the provisions, the manner, the *modus operandi* which we are going to devise for this purpose is a controversial matter.

**Shri D. C. Sharma (Gurdaspur):** It is very important.

**Shri Hari Vishnu Kamath:** And therefore I expected that of the Government.

Sir, I am sorry none of the senior Ministers is here; neither the Home Minister Shri Nanda nor the Law Minister Shri Sen is here. As a matter of fact, one of them should have been here to pilot this Bill. It is an important Bill. I have got great regard for the Deputy Minister, Shri Jaganatha Rao . . .

**Shri Jaganatha Rao:** I cannot pilot it?

**Shri Hari Vishnu Kamath:** He does not suffer from any incapacity.

**Shri Jaganatha Rao:** Nor Mr. Kamath.

**Shri Hari Vishnu Kamath:** But I would have been glad, and he perhaps would also have been glad if his senior Minister Shri Sen, if not Shri Nanda, had piloted the Bill.

Sir, there was an instance of another Judge, in whose case even when there was a provision in the Constitution, no action was taken. Even after some advocates of the Madras Bar had submitted a memorial to the President, even after Members of Parliament—twenty or twenty-five, I do not remember the exact number—had submitted a representation to the President in which that matter, the age of the Judge, was in question, and the allegation was that the Judge had given a false date of birth, he conti-

nued in office even after completing sixty-two years of age. In that case, to which even the former Attorney-General Shri Motilal Setalvad referred in one of his recent speeches, that where serious charges of having given a false date of birth were made against the then Chief Justice of Madras—he resigned last year—in that case no action was taken by the President even after petitions were presented to him by the Madras Bar and by Members of Parliament. The ex-Chief Justice resigned shortly afterwards, and the plea was taken by the Treasury Benches that “now that he has resigned nothing can be done, he is out of our clutches”. Because, they said, the amendment of the Constitution says “a Judge”, and the plea taken here was that a judge means a sitting judge, a judge who is in office; and they said “against a judge who has resigned, we cannot take any action.”

**Shri Jaganatha Rao:** That is correct.

**Shri Hari Vishnu Kamath:** Correct or not, that is your view, and you have the majority, and you get away with whatever you like.

It is all the more important, therefore, that when you enact legislation of this kind, it is necessary that every word and every phrase should be scrutinized most carefully, for which there is no time or patience in the House. I know, the House will ultimately pass every Bill, but the time and the methods that are available in a Select Committee of the House are not available here in the House. And considering that the Judges of the Supreme Court and the High Court are affected by this Bill, I would even now plead in all humility but with all earnestness, plead with Government that it is not too late even now for them to accept a motion for reference to Select Committee. I do not urge that my motion should be accepted. Let them bring forward their own motion, and as it has waited for eighteen months as it has been hanging fire for eighteen months it does

[Shri Hari Vishnu Kamath]

not matter if it continues to hang fire for two or three months more. But we must have a sound piece of legislation, a sound Act, on the statute-book.

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Hari Vishnu Kamath:** There is no time fixed for this Bill. It is an important Bill and we should not hustle these matters. If you do not permit me, I will sit down. But I have got much to speak upon. I have twelve amendments. You should not make short-shrift of it like this.

**Shri Raghunath Singh (Varanasi):** We are also going to speak.

**Mr. Deputy-Speaker:** There are a large number of speakers.

**Shri Hari Vishnu Kamath:** The Business Advisory Committee did not even think it fit to say how much time should be allotted for this. No time has been allotted.

**Mr. Deputy-Speaker:** Shall we allot now?

**Shri Hari Vishnu Kamath:** Yes, if the House so desires. I personally think that six hours should be allotted.

**Shri Raghunath Singh:** The interest of the House is very clear in that the House is not very full.

**Shri Hari Vishnu Kamath:** I shall raise the point of quorum again, then.

**Shri Raghunath Singh:** I do not say there is no quorum. I say the House is not full.

**Mr. Deputy-Speaker:** I think four hours will do.

**Shri Hari Vishnu Kamath:** If they accept the Select Committee motion, then I agree to four hours.

**Shri Jaganatha Rao:** No, no. (Interruption).

**Shri Hari Vishnu Kamath:** My friend Shri Joachim Alva will have his chance.

**Mr. Deputy-Speaker:** Four hours.

**Shri Hari Vishnu Kamath:** It will be too little, Sir. You will see as the discussion proceeds.

Then, may I refer to the other case, of a judge of another High Court. I tabled a question during the last Budget Session. It was not taken up. I repeated it in this session, again it was disallowed, and the Minister pleaded inability to answer the question because there was no provision in law or the Constitution to proceed in this matter. Therefore, the supreme necessity of a statute like this becomes obvious.

The essential difference between the Constitution and the Bill before us is something which should be taken serious notice by my colleagues on both sides of the House, and I for one would venture to suggest that the Bill before the House violates the spirit of the provisions of the Constitution, is a departure from the spirit and letter of the constitutional provision. How? May I briefly explain what I mean?

Article 124(5) reads:

"Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause(4)."

But the preceding clause, which was read out by the Minister also, reads:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority."

In my humble judgment, the initiative, therefore, must come not from the executive, of which the President is the head, but from the legislature, of which Parliament is the supreme symbol. The executive should not be in a position, even the President should not be empowered to initiate proceedings in this matter.

**Mr. Deputy-Speaker:** Is not the Minister a part of the executive?

**Shri Hari Vishnu Kamath:** Parliament must present an address. I am not talking of the Bill, I am talking of the procedure for removal of Judges.

If it were possible for Parliament to move in the matter and present a petition to the President, which would automatically, *ipso facto*, be binding on the President, then it will be excellent. Such a procedure would be free from the taint or suspicion of the executive meddling with the judiciary or the judiciary being in any way a handmaid of or subordinate to, the executive. They should not be put into juxtaposition, I would not say conflict, in this particular matter. Parliament is sovereign under the Constitution and under article 124(5) is competent to regulate the procedure with regard to this matter. Therefore, the Minister has brought this Bill forward, and with the majority behind him. I am sure he will have his way; whether in this matter or in the Select Committee matter, he will have his way, but if there is no whip, I am sure the Select Committee motion would be accepted. Their own motion may be brought, but I do insist once again that the present motion should not be acceptable to the House. The House should reject this motion for consideration of the Bill and should instead prevail upon the Minister, the Government, to bring forward another motion for referring the Bill to the Select Committee, where all the issues, the very delicate issues, important issues, vital issues for the future of the judiciary can be thrashed out. I do not know whether the Government appreciates those matters as well as some of us do on both sides of the House, I wish they did. Once the judiciary is affected, adversely affected, badly affected, it will have repercussions on the . . .

**Shri Raghunath Singh:** It is being affected now.

**Shri Hari Vishnu Kamath:** Therefore, it is more necessary for Parlia-

ment to see to it that this rot is arrested, if at all there is a rot as he says. Therefore, I would insist that my friends of the Congress Party, who are arrayed in such vast majority, would even now persuade the Minister to accept a motion for reference to the Select Committee—not my motion, let him bring forward his own motion—and if that is done all the issues I have referred to can be discussed in the Select Committee. There are many amendments which I have given notice of. In private talk I find that many Members of the Congress Party would also welcome a reference to the Select Committee. I hope they will say in public what they have told me in private, that they will say inside the House what they have said outside the House.

**Shri Sham Lal Saraf (Jammu and Kashmir):** Why not?

**Shri Hari Vishnu Kamath:** I am glad that with the valiant, stout support of my friend Shri Saraf, there is one more addition to the ranks of those who want a Select Committee on this Bill. I do hope that the House by a majority decides that a Select Committee should be constituted for this Bill. Having waited for 18 months, the heavens will not fall if we wait for two months more and the next session passes this very vital Bill.

**Shri Joachim Alva (Kanara):** This is a very important Bill. I do wish that the Bill goes to the Select Committee, for this Bill deals with enquiries into the conduct and character and calibre of our Supreme and High Court Judges. I am also sorry that the senior Minister is not here because this is a Bill which deals with the conduct of Judges who are the most important part of our Constitution. The Judges are the symbols of the majesty of law, and if that is impaired, woe betide our country.

I do wish the Home Minister were here, because I want to make a certain statement about something which recently occurred in the Bombay High



[Shri Joachim Alva]

Court. I had tabled interpellations in regard to it, but it has so happened that the questions were shelved for one reason or other. I took up the matter with the Minister of State for Home Affairs and I thought he too at least would be here to-day.

We cannot afford to neglect any kind of incident involving our Judges. The Judges must be above suspicion; the Judges must not only be above suspicion, but they must give the impression that they are above suspicion. We want fair-minded Judges; we want independent Judges, we want Judges of character and competence. Unless these characteristics are embedded in our Judges, our High Courts nor our Supreme Court in the last round cannot deliver the goods. The man in the street cannot feel happy, nor even the big parties or big business or anybody, unless you have Judges who are impartial. After all, it should be remembered that a Judge or a magistrate or even the meanest judicial officer in the smallest town or village is in the place of God Himself. He holds the scales of justice in his hands, and he for good or evil decides the fate of people. A Judge or a magistrate or even a lawyer affects the destinies of innumerable people, much more than even a doctor, who disposes of only one party—the patient may die on the table; a Judge, magistrate or a judicial officer may work havoc on countless people, with a wrong and unjust decision and then it will be too late!

I heard from one of the most important ICS officers—he was the first or second Indian Secretary of the Home Department of the Government of India that in the old days you could make a foolproof case of murder in the Punjab against any person if you were not in the good books of the authorities, and he could be hanged. This is a very serious matter.

Sir John Beaumont, one of the ablest Judges of the British days—I had the

pleasure of knowing him and discussing matters with him—said that when he came to this country he thought the record of evidence here was like King's evidence in England. He decided the famous Sholapur Patriots case in which four accused were hanged. The great Bulabhai Desai, whose voice used to be marvellously heard in this House, defended them, argued their appeal. Sir John Beaumont had just then come from England, and he confirmed the death sentence of these patriots and it was too late. Thereafter, when Sir John found that the evidence that was produced before the court was bogus, he went on hitting the police evidence in later cases in such a way that he was in the bad books of the British, but he did not flinch. As a result of it all, Sir John Beaumont refused to hand over Benjamin Guy Horniman to the tender mercies of the Allahabad High Court. What was the offence that Horniman, one of the greatest journalists, had committed? He only wrote a few lines in a very insensitive form, in a complaining form, in a humorous column, and the Judges of the Allahabad High Court were out raged and ordered that Horniman shall be produced before them, that he shall be hauled up for contempt of court. When the case came up before the then Chief Justice of Bombay, Sir John Beaumont, happened to successfully defend Horniman in half a dozen defamation cases; I did not go in this case, though I am grateful he asked me to assist him—Shri K. M. Munshi appeared for him; the Bombay High Court refused to hand over Horniman to the tender mercies of the European I.C.S. Judges of the Allahabad High Court.

I am mentioning to you this to point out how a judge who came to this country thought of the evidence that was rendered before him as being King's evidence. He later found that it was not so; that the evidence here could be false. We want to have a new line of judges in free and independent India, judges of character. We

have had great lawyers like Motilal Nehru, Deshbandhu Das, Bulabhai Desai, Dinshaw Mulla, Srinivasa Iyengar and others. I cannot recall just now to my mind other men who have left their stamp on our law and polity and law. Now it is time that we produced a great line of great judges. We tempt them into office; we tempt them out of office into a job; we tempt them out of retirement and put them on a job. That shall not be. Let judges be great educators of the youth. Our youngsters are not getting teachers that they need. Great judges have to be protectors and pioneers. When they fall out of grace, what can I say? If judges have not the decency to step down from office when there are scandals, what shall I say? They must know when to resign and how to resign, the moment there is something against them. Today this Parliament is called upon to enact a law by which we have to compel them to step down. The President is given the power, on receipt of a report or even otherwise, to constitute a special tribunal for the purpose of making investigations and remove the judge. What happened a few months ago in Bombay? I put my head down. I have been associated with the Bombay High Court on the appellate side. I was also to be hauled up before Madras Judges when Justice Byers shot a boy on the streets of Madras during Quit India Campaign days. He pleaded self-defence. There was a terrible uproar in Madras. I wrote pretty strongly about it in my paper Forum. Those were the days of the mighty British Government. The aggrieved European Judge felt that I should be hauled up for contempt of court and produced in Madras but the Government of India did not oblige him by refusing to amend the law. He thought that it was highly objectionable on my part to have written that article when he had shot a young boy because he declared that he had the right of self-defence. Judges shall not be touchy men; they shall not be sensitive men. We do realise that they are human. The present distinguished Chief Justice Gajendragadkar of the

Supreme Court declared the other day that the Judges are also human beings and that they also have to view things from the human point of view and we should not fail to treat them from an human angle. The Judges shall not be sensitive as the Allahabad High Court Judges had been in the case of Benjamin Guy Horniman. We also want that judges should step down from office when there is suspicion about their conduct. I hold no brief for the Blitz, but take the Blitz case. There was Justice Tarkunda of Maharashtra High Court. Something happens. Allegations were made. The Blitz defamation case went on for a long time. It is one of the strangest cases, where the complainant or plaintiff is not called in the box. The Judge delivers a judgment putting a very heavy fine on the respondent? What do we say? In the course of the case the first cousin of the Judge Mr. Tarkunde a civil architect of Nagpur, takes a loan of Rs. 10 lakhs from the Bank of India in which the plaintiff is a Director. (Interruptions.)

**Mr. Deputy-Speaker:** No individual should be discussed.

**Shri Joachim Alva:** It has appeared in newspapers. I shall be the last person to do anything. (Interruptions.)

**Shri Himatsingka (Godda):** On a point of order. There has been an appeal and the case is sub judice. Can it be discussed here?

**Shri Joachim Alva:** I want to know whether any High Court Judge or any other judge who presides over a case, can come under the influence of his relative. I put a straight question to my hon. friend. Let him or the learned solicitor Shri Himatsingka answer. Let the Judge be A, B, C or Himatsingka; he does not call the complainant or plaintiff into the box in a case lasting days and weeks on end but levies a heavy fine of over a lakh and his cousin takes a big loan in the course of the case (Interruptions.)

**Mr. Deputy-Speaker:** It has been brought to the notice of the House that the case is *sub judice*.

**Shri Daji:** He is speaking about the conduct of a relative of the Judge.

**Mr. Deputy-Speaker:** Let us not discuss individuals.

**Dr. L. M. Singhvi (Jodhpur):** There is a well-known procedure for a Member to discuss the alleged misbehaviour of a judge and that is by way of a specific motion under the Constitution. Therefore, if the Member wishes to bring out these facts, he is perfectly within his right to bring these facts out but only on a specific motion. In no other way can this House really discuss any of these matters.

**Shri Joachim Alva:** Any Judge, A, B, C, or X or even Dr. Singhvi if he becomes a Supreme Court Judge should be above board. No judge shall give room for suspicion that he came under the influence of his wife or son or cousin or brother or friend in the administration of justice. No Judge should do anything which will create suspicion. He may be moved a little perhaps out of friendship with a man if he is about to be put on the gallows itself. But a Judge shall not take anything, shall not come under the influence of any kind of pressure, commercial, political, industrial, personal or monetary. That is how I have been striving to build up my case for clean and upright and independent Judges.

This Bill is very important. I have had a lot of experience of judges, British and Indian. I shall, if I may, mention one instance particularly. Once I met Sir George Spens, now Lord Spens of the House of Lords and I said: My Lord, I wanted to meet you; I am an old lawyer. He said: What is your name? Alva! Well, I know about you, he said. When I was President of the Delhi Gymkhana Club you were going to be admitted but they were blackballing you. I fought for you and brought you in. That

great Judge was such good Samaritan! Why I am mentioning this is to show the character of the Judges. I compared them all to God himself and gave them a place of divinity. They should be above the influence of others. We want the Indian Judges to set up the highest standards so that they may live up to be guardians of the helpless, of the weak and these judges be the protectors of the innocent and it does not matter if even a hundred guilty ones are hanged but not one innocent shall be denied the protection of law.

**श्री उ० सु० त्रिवेदी (मंदसौर) :**

उपाध्यक्ष महोदय, जब से मैं ने यह बिल पढ़ा है, तब से मेरे दिल में यह भाव पैदा हुआ है कि अगर इस प्रकार का महत्वपूर्ण बिल इस तरह से हाउस में लाया जाये कि उस पर सिलेक्ट कमेटी तक में चर्चा न हो और बगैर उस को पढ़े हुए, बगैर उस पर ध्यान दिए हुए, बगैर उस की इम्प्लीकेशन्स को समझे हुए और बगैर उस का धर्म निकाले हुए यहाँ पर उस के बारे में बहस की जाये और तीन घंटे के अन्दर उस को कानून बना दिया जाये, तो इस से पार्लियामेंट और डेमोक्रेसी को बहुत बड़ा धक्का पहुंचेगा।

14 hrs.

पन्द्रह साल पहले से हमारे कांस्टीट्यूशन पर प्रभल शुरू हुआ। इतने समय तक हम इस बारे में चर्चा रहे और हम ने इस बारे में कभी कोई कानून बनाने की तरफ ध्यान नहीं दिया। लेकिन जब कोई कानून बनाने की तरफ ध्यान दिया, तो इस तरह कि प्रान्त एक बिल को हाउस में रख दिया और तीन घंटे की बहस के बाद उस को कानून बना दिया। यह बड़ी अच्छी बात है कि डिप्युटी ला मिनिस्टर हाउस में मौजूद हैं, क्योंकि सुबह हम ने एजेन्डा में यह देखा था कि मिनिस्टर आफ होम एफेयर्स की तरफ से इस बिल को पेश किया जा रहा है। जैसे कोई प्रस्ताव किसी चपड़ासी को नौकरी में से निकालने

का हो या किसी सुपरिन्टेन्डेंट को नौकरी में से निकालने का हो या किसी छोटे से मैजिस्ट्रेट साहब के ऊपर कोई कार्यवाही करनी हो, वैसे ही यहां पर होम मिनिस्ट्री की तरफ से सुप्रीम कोर्ट के जजिज के ऊपर इन्क्वायरी करने का बिल पेश कर दिया गया है। मैं भ्रदब से कहना चाहता हूँ कि ऐसा बिल जिस में हम सुप्रीम कोर्ट के जजिज या हाई कोर्ट के जजिज को निकालने का इंतजाम कर रहे हों और उस के लिये एक जान्ता हम तैयार कर रहे हों उस जान्ते को तैयार करने के वास्ते यह जरूरी है कि इस को सिलैक्ट कमेटी में भेज दिया जाए ताकि वहां इस पर पूरी चर्चा हो सके, पूरी बात को हम सोच सकें। कोई गलत बात उस में लिखी न रह जाए। भ्राज मेरे पास यह बिल धा गया और मैं बोलने के लिए खड़ा हो गया। इस का मैंने अध्ययन किया कल और मैंने कुछ एमेंडमेंट्स भेजे और प्रापके क्लर्क के मुताबिक बे जरा ध्राघ घंटे देर से प्राप के पास पहुंचे इस वास्ते प्रापने कह दिया कि हम एमेंडमेंट्स तो नहीं ले सकते हैं। ये सब मुश्किलत हमारे सामने पेश हो जाती हैं। गवर्नमेंट के पास सब साधन हैं। सरकार के पास दफ्तरों में ध्रादमी बैठे हुए हैं। मिनिस्टर साहब हैं, उनके पास सेक्रेटरी साहब हैं, सेक्रेटरी साहब के नीचे डिप्टी सेक्रेटरी साहब हैं। उनके नीचे ग्रन्डर सेक्रेटरी साहब हैं, फिर सैकशन ध्राफिसर हैं, फिर ला ध्राफिसर हैं जो नीगल मैटर्ज पर एडवाइस देते हैं और नोट्स तैयार किये कराये प्राप को मिल जाते हैं। लेकिन मेरे पास कौन सा ध्रादमी बैठा हुआ है। मुझे खुद को अध्ययन करना पड़ता है। मेरे पास एक साथ पांच पांच और दस दस बिल भेज दिये जाते हैं और प्राप अनुमान लगा सकते हैं कि मैं किस किस पर विचार करूँ और किस किस पर विचार न करूँ। किस पर मुझे एमेंडमेंट्स देने हैं और क्या देने हैं यह सारा काम मुझे व्यक्तिगत रूप से ही करना पड़ता है। ऐसे समय में यह बिल ध्राया था। मेरा निवेदन है कि ऐसे बिल को जब तक प्राप कम से कम सिलैक्ट कमेटी में न भेजें

तब तक प्राप को विचार नहीं करना चाहिये। यह एक छोटा सा निवेदन मैं प्रापसे करना चाहता हूँ। मैं मानता हूँ कि सरकार का एक रुख होता है। प्रेस्टीज का भी सवाल होता है। गलती भी भ्रगर कोई हो जाती है तो उस पर चिपके रहने की कोशिश की जाती है।

मुझे एक बार का एक किस्सा याद आता है। मनीपुर में पंचायत राज का बिल यहां प्राया था पास होने के लिए। उस बिल में लिखा हुआ था कि सारे अधिकांश पंचायत को होंगे मुकदमे तय करने के। मैंने तब पूछा था कि एक लाख रुपये का मुकदमा होगा तो उसको भी पंचायत राज कानून के अन्तर्गत पंचायत को तय करने का अधिकार क्या होगा? उस वक्त मुझे इस के जवाब में बताया गया कि वह इसको भी तय करेगी। बहुत दृढ़ता के साथ श्री दातार साहब इस बात को कहते हुए चले गए। प्राखिर में जब एंड रीडिंग प्राया तब वहां सेक्रेटरी बेचारे ने चिट लिख कर भेज दी कि सी रुपये से ज्यादा के मुकदमों का फसला करने का अधिकार पंचायत को नहीं होगा। प्राप मिनिस्टर हैं। प्राप इस पर सोचें। मैं यह नहीं चाहता हूँ कि बिना सोचे प्राप इस बिल को भी ला रहे हैं। लेकिन फिर भी यह अधिकार हमें भी होना चाहिये कि हम सब मिल कर इस को सोचें और देखें कि वाकई में सही तरीके पर कानून बनाया जा रहा है या नहीं।

मैं इस कानून की तरफ प्राप की तबज्जह दिलाना चाहता हूँ। पहली बात मैं यह कहना चाहता हूँ कि हमारे यहां एक ऐसा रिवाज हो गया है, एक ऐसा रवैया चला है कि जनरल क्लार्क एक्ट का फायदा ले कर हम कानून बनाने की कोशिश करते हैं। इसमें प्रोवाइड किया गया है :

Clause 1(2): "It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint."

[श्री उ० मू० त्रिवेदी]

आप क्यों नहीं साफ तौर से लिखते हैं कि कब यह लागू होगा। चौदह पन्द्रह साल से कानून आप बनाते चले आ रहे हैं। कितने ही कानून आप बना चुके हैं। क्या आप यह नहीं कह सकते हैं कि जिस दिन यह पास हो जाएगी उस दिन से यह लागू होगा? हमारे यहां प्राविजन है और ला कहता है कि जिस दिन प्रेजीडेंट का ऐसंट किसी भी कानून को मिल जाए उसी दिन से वह कानून लागू होना चाहिये। क्यों आफिशल गजेट में फिर पब्लिश कर के डेट आप रख रहे हैं। तीन साल या चार साल या पांच साल तक किसी पोलिटिकल प्रेशर की वजह से आप इस को उस में नहीं छापते हैं तो वह कानून भ्रमल में ही नहीं आ सकेगा। जब कानून आप बनवा रहे हैं और कानून पार्लियामेंट से बनवा रहे हैं तो क्यों नहीं उस को जिस दिन प्रेजीडेंट मंजूर कर दें, उसी दिन से भ्रमल में लाते हैं। क्यों नहीं हमेशा के वास्ते आप ऐसा करते हैं। यह आप को कभी भी नहीं लिखना चाहिये कि जिस दिन पब्लिश हो तब से वह लागू हो। पब्लिश क्यों हो? बाद में आप क्या सोचेंगे? क्या आप उस में तरमीम कर सकते हैं? किसी भी तरह की क्वावट पैदा करने की प्रावश्यकता नहीं होनी चाहिये।

दूसरी बात की तरफ मैं अब आपकी तवज्जह दिलाना चाहता हूँ। क्लाज 3 सब-क्लाज 2 जो है इस में स्पेशल ट्रिब्यूनल बनाये जाने की व्यवस्था है। इस स्पेशल ट्रिब्यूनल के बारे में आप ने लिख दिया है :

"The Special Tribunal shall consist of such number of members, being not less than three in number, as the President may think fit to appoint from among persons who are or have been Judges of the Supreme Court and one of them shall be appointed by the President as the Chairman thereof."

यह जो आपने एप्वाइंटमेंट रखी है सुप्रीम कोर्ट के जजों तक या वहां से जो रिटायर हो गये हों, उन तक, इसको इस तरह से महदूद करना मैं उचित नहीं समझता हूँ। इसको आपने क्यों महदूद कर दिया है। आप ने दूसरे लाज भी बनाये हुए हैं। इसी प्रकार के और भी लाज आप ने बना रखे हैं। उन लाज में हमेशा आप ने यह लिखा है :

"Those who are qualified to be appointed as Judges of the Supreme Court."

जो प्रादमी क्वालिफाइड इस तरह से हों उनको भी हम क्यों न इस ट्रिब्यूनल में एप्वाइंट करें। संयोग ऐसे भी उपस्थित हो सकते हैं कि चूंकि सुप्रीम कोर्ट का दायरा लिमिटेड है, ग्यारह बारह वहां जजिज हैं, इस वास्ते उन में से आप किसी को एप्वाइंट करें और एक सुप्रीम कोर्ट के जज के खिलाफ ही इनक्वायरी हो और उस ट्रिब्यूनल में प्राभी जो वहां से जज रिटायर हुआ है, उसको ले लिया जाये और ये दोनों प्रादमी उसके दोस्त हों जिसके खिलाफ इनक्वायरी होनी है। हो सकता है कि ये दोनों प्रादमी उसके साथ उठने बैठने वाले हों, उसके साथ मिलने जुलने वाले हों, उसके साथ इन्होंने काम किया हुआ हो और आप जानते ही हैं कि मनुष्य का स्वभाव होता है एक दूसरे के साथ सामाजिक व्यवहार का और उस सामाजिक व्यवहार के प्राधार पर हो सकता है कि यह चीज न्याय-संगत प्रतीत न हो और हो सकता है कि यह उचित न हो कि उन प्रादमियों के ऊपर इसको छोड़ दिया जाये। लेकिन ये शब्द लिख देने से आप को एक बड़ा दायरा मिल जायेगा जिन में से आप उनका चुनाव कर सकते हैं

"Those who are qualified to be appointed as judges of the Supreme Court."

अगर यह लिख दिया जाये तो उस में रिटायर्ड हाई कोर्ट के जज भी आ सकेंगे, हाई कोर्ट का रिटायर्ड चीफ जस्टिस भी आ सकेगा, एमीनेंट वकील भी आ सकेगा, जुरिस्ट भी आ सकेगा और इसी तरह से दूसरे विद्वान लोग भी आ सकेंगे । ऐसी हालत में मेरा सुझाव है कि सुप्रीम कोर्ट के जजिज के वास्ते जब आप को ऐसा ट्रिब्यूनल बनाना है तो उस में यह फिकरा और एड कर दें

"Those who are qualified to be appointed as judges of the Supreme Court."

अगर आपने यह फिकरा लिख दिया तो इससे कोई नुकसान होने का भ्रदेशा नहीं है । दायरा हमारा बढ़ जायेगा । ईमानदार भ्रादमियों को मौका दे कर हम ला सकेंगे ।

आगे इसी क्लाज की सब-क्लाज 8 की तरह मैं आप की तबज्जह दिलाना चाहता हूँ । इस में लिखा हुआ है :

"The President may, if he so thinks fit, appoint a person to conduct the case against the Judge."

परसन क्या चीज होती है ? आप एडवोकेट क्यों नहीं रखते हैं । आप क्यों नहीं लिखते हैं कि सीनियर एडवोकेट प्राफ दी सुप्रीम कोर्ट . .

श्री रघुनाथ सिंह (वाराणसी) : एड-वोकेट होना चाहिये ।

श्री उ० भू० त्रिबेदी : रघुनाथ सिंह जी चले जायें । अगर कोई वकील रख दिया जाये यहाँ पर तो मुझे कोई एतराज नहीं है । उसके वास्ते क्वालिफाइड भ्रादमी होना चाहिये । सीनियर एडवोकेट रखें या दूसरा एडवोकेट रखें, मुझे कोई एतराज नहीं है । यह जो परसन यहाँ पर रख दिया गया है मैं समझता हूँ कि यह किसी भ्रजान भ्रादमी ने रख दिया है और भ्रजान भ्रादमी की यह भाषा रची हुई मुझे मालूम पड़ती है । मैं समझता हूँ कि भ्रजानताबश यह बात इस में लिख दी गई है । ऐसा मुझे प्रतीत होता है ।

मैं यह भी समझता हूँ कि मैडीकल बोर्ड का हौषा भ्रभो तक हमारे यहाँ से, हमारे दिलों और दिमागों में से नहीं निकला है । कहां तक यह बात सही है कि मैडीकल बोर्ड के जो भ्रादमी होंगे, वही ईमानदार होते हैं, वही प्रामाणिक होते हैं । मेरा जो खुद का अनुभव है, मैं उसे आपके सामने रखता हूँ । मैडीकल बोर्ड के पास जा कर सर्टिफिकेट ले कर पेशान पर रिटायर होने वाले कई बेईमान भ्रफसर आप को मिल जायेंगे । उन से पैसा ले कर मैडीकल बोर्ड उनको सर्टिफिकेट दे देते हैं . . .

श्री रघुनाथ सिंह : सोलह रुपये ले कर सर्टिफिकेट दे दिये जाते हैं ।

श्री उ० भू० त्रिबेदी : अगर मैडीकल बोर्ड में तीन भ्रादमी हुए तो सिक्सटीन इंद्र प्सी । मैडीकल बोर्ड का हौषा निकाल दीजिये । सुप्रीम कोर्ट के जजिज के खिलाफ आप इनक्वायरी कर रहे हैं और अगर कोई जज बेईमान भी हुआ और वह कहता है कि मैं बड़ा तन्दरुस्त हूँ लेकिन भ्रदालत में भ्राते जाते वह घुड़क जाता है, गिर जाता है, ऊंधने लग जाता है, उसको पच्चीस पच्चीस भ्रादमी इस हालत में देखते हैं, वह चल नहीं सकता है, उसकी पत्नी उसको पकड़ कर गोदी में ले कर बिठाती है और इस तरह की चीज जब आप भी देख लेते हैं फिर ऐसे सुप्रीम कोर्ट के जज को निकालने में आप को क्यों तकलीफ होती है । मेरी आप से प्रार्थना है कि साहब, जब आप को ऐसा प्रतीत हो, आप जानते हों और बार बार हाई कोर्ट के जजिज इस चीज को देख चुके हों तो फिर उस को मैडिकल बोर्ड के सामने क्या भेजना है । मैडीकल बोर्ड का धासरा क्या लेना है ।

श्री ब्रह्मवारेस (पंजम) : उस के बारे में और कौन कहेगा सिव्ज मेडिकल बोर्ड के कि उसका दिभाग ठीक नहीं है ।

श्री उ० भू० त्रिबेबी : मेडिकल बोर्ड प्रिय गुप्ता के लिये होता है, लेकिन भ्रगर हार्ड कोर्ट के जज का दिमाग ठीक नहीं है वह बकवास करता है तो उसको सौ भ्रादमी सुनते हैं, उनकी शहादत ही बहुत कुछ होती है कि वह जो बोल रहा है वह हमारी समझ में नहीं आती है। इतने सबूत होने के बाद भी वह सुप्रीम कोर्ट या हार्ड कोर्ट का जज होने के लायक नहीं है, मेडिकल बोर्ड उसको जज नहीं बना सकता। इसलिये आपको इस पहलू पर भी विचार करना होगा कि भ्रगर मेडिकल बोर्ड के किसी को सर्टिफिकेट दे देने के भ्राधार पर कि फलां भ्रादमी लायक है या नालायक है, उस को इस गद्दी के वास्ते ऐप्वाइंट कर दिया जायेगा तो वह बहुत बुरा रिवाज भ्रमल में लाया जायेगा। आप इसमें एक आपत्तिजनक बात भ्रौर क्यों पैदा करना चाहते हैं कि जब ट्राइब्यूनल ने एक बार तय कर दिया कि यह भ्रादमी नालायक है, जब इस प्रकार की रिपोर्ट भ्रा जाये कि यह भ्रादमी इस लायक नहीं है भ्रौर प्रेजिडेंट उस रिपोर्ट को मान लें, तब भी इस चीज को भ्रमल में लाने के लिए There must be an Address presented by the House— यह बात तो भ्राज भी है मुझे भ्राधिकार है भ्रौर मैं जब चाहूँ इस तरह का रेजोल्यूशन ला सकता हूँ। लेकिन इस प्रोसीजर की जरूरत क्या है। आपने इतनी रूकावटें प्रोसीजर की कर दी हैं, ट्राइब्यूनल आपने रख दिया, भ्रौर भ्रच्छ से भ्रच्छे भ्रादमी उस ट्राइब्यूनल में रख दिये, ट्राइब्यूनल की रिपोर्ट ले ली, उस को अपने डिफेन्ड करने की भ्रापाचुनिटी दे दी, शो काज का मोका दे दिया, सब कुछ करवा दिया भ्रौर पता चल गया कि यह भ्रादमी नालायक है तब यहां पर ऐड्रेस की क्या जरूरत है कि इस भ्रादमी को रखना है या नहीं रखना है। इसके ऊपर तो सिर्फ यह प्राविजन होना चाहिए कि :

On the recommendation of the special tribunal, the man shall be removed by the President.

इसके लिये या तो आप कास्टिट्यूशन को भ्रमेंड कीजिये या इसे इस बिल में ही डालिये। यह लम्बी चौड़ी कार्रवाई करने की क्या जरूरत है।

उपाध्यक्ष महोदय : आपका समय समाप्त हो गया।

श्री उ० भू० त्रिबेबी : उपाध्यक्ष महोदय, यह बहुत लम्बा विषय है, इसलिये थोड़ा समय भ्रौर लूंगा।

Shri Hari Vishnu Kamath: This Bill should not be hustled. Let them accept the select committee motion and it will be easy for them.

श्री उ० भू० त्रिबेबी : मैं ऐसा अनुभव कर चुका हूँ कि यह बीमारी भ्राज भी चल रही है। इस में मैं गवर्नमेंट से नुग्र निवेदन करूंगा कि इस कानून को बनाने से पहले हार्ड कोर्ट के जजेज के रिक्लूटमेंट के ऊपर भी उसको विचार करना होगा, क्योंकि आपने तो बना दिया, थोड़े दिन बाद उस की पोल खुलनी शुरू हो जायेगी। कोई हार्ड कोर्ट के जज साहब ऐसे होंगे जिनके यहां डाली चली भ्रा रही है, शराब चली भ्रा रही है, पापड़ चले भ्रा रहे हैं। घर पर पापड़ पटुंच रहे हैं। कोई लेडीज के शौकीन होते हैं, लेडीज कम्पार्टमेंट में बैठ कर चलते हैं। ऐसी ऐसी शिकायतें बहुत घ्राई हैं। ऐसी शिकायतें जिस भ्रादमी के बारे में भ्रा जायें, खास कर ऐसे भ्रादमी के बारे में जिसको आप पहले से जानते हों कि वह ऐसी भ्रादत का है, शराबी है, रंडीबाज है, झूठ बोलने वाला है, रिश्वत खाता है, उसको भी आप भ्रप्वाइंट कर देते हैं। इसलिये कि भ्राज जो भ्रप्वाइंटमेंट का मैथड है वह इस तरह का है। मैं आपसे प्रार्थना करूंगा कि जहां जजेज को भ्रप्वाइंट करने की बात कही गई है वहां इस बात का ध्यान रखा जाना चाहिये कि भ्राज जो लोग लायक नहीं हैं वह क्यों भ्रप्वाइंट हो रहे हैं।

मैं बराबर 13 साल से, भ्रर्षात् सन 1953 से लेकर 1965 तक देखता चल

घा रहा हूँ कि आपके हाई कोर्टों के जजों का अप्वाइंटमेंट किस तरीके से होता है। किसी भी हाई कोर्ट के जज के अप्वाइंटमेंट के लिये गवर्नमेंट ऐडवोकेट को रक्खा जाता है। गवर्नमेंट ऐडवोकेट के लिए पब्लिक प्रोसिक्यूटर की नियुक्ति से दरवाजा खोला जाता है। आपको मालूम होना चाहिये कि पब्लिक प्रोसिक्यूटर जो अप्वाइंट किये जाते हैं वह कोई बहुत होशियार भ्राममी नहीं होते। हमारे यहां ऐसे भी पब्लिक प्रोसिक्यूटर हैं जो कि यह भी नहीं जानते कि आर्डर 9 के रूल 13 की दख्बास्त कैसे दे। ऐसे भ्राममी अप्वाइंट होते हैं। जब एक दफे वह पब्लिक प्रोसिक्यूटर हो जाते हैं तो उसके थोड़े दिन बाद डिप्टी गवर्नमेंट ऐडवोकेट हो जाते हैं। उसके कुछ दिनों बाद वह गवर्नमेंट ऐडवोकेट हो जाते हैं और फिर थोड़े दिनों के बाद हाई कोर्ट के जज हो जाते हैं। मैं किसी व्यक्ति विशेष के बारे में नहीं कहता लेकिन मैं पूछना चाहता हूँ बड़े भ्रदब से कि जो भ्राममी लायक नहीं है वह गद्दी पर आकर क्यों बैठ जाते हैं। वह कुछ कर सकें या नहीं, भले ही वह पापड़ भोजने के भरोसे पर आ गये हों या भ्रचार भोज कर उन्होंने अपना अप्वाइंटमेंट करावा लिया हो, लेकिन अप्वाइंटमेंट उन्होंने अपना जरूर करवा लिया है। ऐसे भ्राममियों के लिये जब हम एन्क्वायरी बिठलायेंगे और हमको मालूम पड़ेगा कि वह इस लायक नहीं है, सिर्फ भ्रचार, पापड़ देकर यहां आ गये हैं तब फिर उनके लिये कौन सा ऐंड्रेस प्रेजेंट करना होगा—करने की जरूरत है।

एक माननीय सदस्य : वकीलों के लिये भी एक बिल यहां लाना चाहिये।

श्री उ० भू० त्रिबेदी : मैं कहना चाहता हूँ कि इस बिल में इस बात का संशोधन होना चाहिये और इस बात पर सम्पूर्ण रूप से विचार होना चाहिये क्योंकि इस बिल के पास होने के बाद हमारे पास यह एक नया

तरीका होगा जो कि इस चीज को केवल बोहरायेगा कि :

An address must be presented by the House and then only he can be removed—political atmosphere—

यह एक ऐसा प्राविजन है जो कि बिल्कुल निरर्थक हो जाता है। पहले ही डबल अप्वाइंटिनिटी दे दी गई अब तीसरी अप्वाइंटिनिटी देने का मौका प्रायेगा। आज कल पोलिटिकल ऐटमास्फिअर भी हुआ करता है। पोलिटिकल ऐटमास्फिअर में बहुत ज़्यादा ईमानदारी से काम नहीं होता। ऐसी हालत में मैं मन्मता-पूर्वक निवेदन करूंगा कि भ्रगर सचमुच इस बिल पर झमल करना है, भ्रगर ईमानदारी से इस बिल को लाया गया है तो गवर्नमेंट इस बात पर विचार करे कि इस का एक ही रूप होना चाहिये, भले ही कांस्टिट्यूशन भ्रमेंड किया जाये या कोई दूसरा तरीका निकाला जाये कि :

When the Tribunal has come to a unanimous finding that the man is guilty, action must be taken.

कोई दूसरा मौका नहीं होना चाहिये। ऐसे भ्राममी के ऊपर जरूर ऐक्शन लेना चाहिये।

श्री रघुनाथ सिंह : उपाध्यक्ष महोदय, यह जो विधेयक उपस्थित किया गया है वह बहुत उपयुक्त विधेयक है और मैं सम्मता हूँ कि श्री कामत ने और श्री त्रिबेदी ने जो इस का विरोध किया है उस में उनकी लाजिक बड़ी सक्षम है। सक्षम लाजिक यह है कि श्री कामत यह चाहते हैं कि इन बिल को संयुक्त समिति के सम्मुख उपस्थित किया जाये और श्री त्रिबेदी यह चाहते हैं कि "पर्सन" की जगह "ऐडवोकेट" शब्द होना चाहिये। यह दोनों चीजें मान्य होनी चाहियें। क्योंकि जब आप ट्राइब्यूनल अप्वाइंट करते हैं तो उस में आप की तरफ से ऐसे भ्राममी होने चाहियें जो कानून को जानते हों। निरक्षर भ्रट्टाचार्य न हों। जिन को कानून का बिल्कुल ज्ञान न हो ऐसे लोगों को



[ श्री रघुनाथ सिंह ]

ट्राइब्यूनल के ऊपर भेजना न्याय के साथ प्रवर्चना करना होगा। इस वास्ते मैं श्री त्रिबेबी के सुझाव का जोरदार समर्थन करता हूँ कि इस में जो "पर्सन" शब्द का प्रयोग किया गया है उसकी जगह "एडवोकेट" शब्द प्रयुक्त होना चाहिये। हिन्दुस्तान में कम से कम 20 या 25 हजार एडवोकेट होंगे। वे अच्छे से अच्छे लोग होंगे। ईमानदार होंगे। पक्षपात रहित होंगे। इन 20 या 25 हजार लोगों में से पक्षपात रहित लोगों को लेना असम्भव नहीं है। कोई भाई० ए० एस० या भाई० सी० एस० हो तो इस के कारण उस में कोई विशेषता नहीं हो जाती ट्राइब्यूनल में रहने के लिये।

दूसरी बात मैं संयुक्त समिति के सम्बन्ध में कहना चाहता हूँ। जिस के लिये श्री कामत ने कहा है। हम एक बहुत बड़ा कानून बनाने जा रहे हैं जिस में सुप्रीम कोर्ट और हाई कोर्ट के जजों का सवाल है, उन की भ्रान्त का सवाल है। प्रेस्टिज का सवाल है। जब छोटे से छोटे लेजिस्लेशन के लिये संयुक्त समिति बनाई जाती है तब इस में तो इतना बड़ा सवाल है, उस में क्यों न बनाया जाय। अगर उन के लिये हम इस को संयुक्त समिति में नहीं भेजेंगे तो भारत की जनता ही सिर्फ नहीं बल्कि सारी दुनिया की जनता कहेगी। हम लोगों ने एक अच्छा कदम नहीं उठाया है।

दूसरी बात मैं यह भी कहना चाहता हूँ कि इस विधेयक की सीमा बहुत संकुचित है। इस विधेयक का इतिहास इलाहाबाद हाईकोर्ट के जज श्री शिवप्रसाद सिंह श्यो-प्रसाद के जीवन से जुड़ा हुआ है। इस के बारे में जो बातें कही गयी हैं वे डाइरेक्टली या इन्डाइरेक्टली उनसे सम्बंधित हैं। 22 अप्रैल सन् 1949 को श्री राजगोपालाचार्य ने जो हमारे भूतपूर्व गबरनर जनरल थे, श्री शिवप्रसाद सिन्हा को इलाहाबाद हाई कोर्ट से हटाने के लिये कदम उठाया था। उस समय मैं भी इलाहाबाद में एडवोकेट था।

मुझे भी बहुत सी बात मालूम थी। मेरी राय में उस समय जो कदम उठाया गया वह अच्छा था। उनको हटाया जाना चाहिए था।

साथ साथ एक बात और भी है। जो मौजूदा कानून है उस में और इस कानून में कोई विशेष अन्तर नहीं है। इस बिल के द्वारा आप उस ट्राइब्यूनल को अपनी रिपोर्ट को इस पार्लियामेंट के सामने रखने का अधिकार दे रहे हैं। ट्राइब्यूनल कोई फैसला नहीं देने जा रहा है। ट्राइब्यूनल में तीन प्रादमी होंगे। उसका सिर्फ यह काम होगा कि वह चार्ज फ्रेम करे और दूसरी पार्टी को भी सफाई देने का मौका दे, और उसके बाद पार्लियामेंट के सामने उसकी रिपोर्ट पेश करे। इस प्रकार आप देखें कि किसी के साथ अन्याय नहीं होता। क्योंकि हमारे संविधान की धारा 124 (4) के अनुसार यदि पार्लियामेंट के सदस्यों का बहुमत और उपस्थित सदस्यों के दो तिहाई का मत इसके पक्ष में मिले तभी इस रिपोर्ट को स्वीकार किया जा सकता है। अगर दो तिहाई मत नहीं मिलते तो पार्लियामेंट इसको स्वीकार नहीं कर सकती। मान लीजिए कि अपोजीशन के सदस्यों की संख्या एक तिहाई है और कांग्रेस पार्टी चाहे कि किसी हाईकोर्ट या सुप्रीम कोर्ट के जज को निकाल दे तो वह ऐसा नहीं कर सकेगी। क्योंकि दो तिहाई मत मिलना आवश्यक है। हमारे संविधान ने यह गारंटी दी है। जब किसी हाईकोर्ट या सुप्रीम कोर्ट के जज के खिलाफ दो तिहाई मत पार्लियामेंट के मिलें तभी उसे निकाला जा सकता है। कांस्टीट्यूशन को बदलने के लिए भी हमको इसी प्रकार दो तिहाई मतों की आवश्यकता होती है। इसी प्रकार अगर कोई हाईकोर्ट का या सुप्रीमकोर्ट का जज इस सभा की दृष्टि में उपयुक्त नहीं है तो उसको निकालने के लिए भी दो तिहाई मतों की आवश्यकता है।

मैं एक बात और कहना चाहता हूँ कि इसमें एक जगह सेक्शन 3 सब सेक्शन 2 में कहा गया है कि तीन जज होंगे। इसमें कहा गया है :

"not less than three in number, as the President may think fit to appoint from among persons who are or have been Judges. . ."

मैं कहता हूँ कि किसी वर्तमान जज को इस ट्राइब्यूनल में नहीं रखना चाहिए। क्योंकि यदि किसी ऐसे जज को आप ट्राइब्यूनल में रखेंगे तो उसके सामने एक धर्मसंकट उपस्थित होगा कि अपने एक भाई जज के खिलाफ फंसला दे। इसलिए व्यवहार की दृष्टि से जो रिटायर्ड जज हों, जो काम न करते हों उनको केवल इस ट्राइब्यूनल पर रखना चाहिए। अगर इसमें "वर्तमान जज" शब्द न हों तो अच्छा है।

**श्री हरि बिष्णु काभत :** प्रवर समिति इस पर विचार कर सकती है।

**श्री रघुनाथ सिंह :** प्रवर समिति में हम बैठ कर इस पर अच्छी तरह विचार कर सकते हैं।

एक बात मैं और कहना चाहता हूँ। इस में दो कारण दिए हैं, इन एफीशेंसी और मेंटल इनकैपिसिटी। मैं इसमें एक चीज और जोड़ना चाहता हूँ। और वह है पारशिपलिटि। अगर कोई जज पक्षपात करता है तो वह भ्रष्टाचार का सब से बड़ा अपराधी है। जैसे कि हमारा कोई साथी है.....

**Shri Jagannatha Rao:** It comes under "misbehaviour".

**Shri Raghunath Singh:** "Partiality" is not there. Partiality is more important. We are facing it every day.

**श्री सरजू पाण्डेय (रसड़ा) :** पारशिपलिटि कैसे जांचेंगे ?

**श्री रघुनाथ सिंह :** पारशिपलिटि ऐसे होती है कि जैसे मैं एक जज हूँ और हमारा कोई साथी वकील है। वह बेल एप्लीकेशन ले कर आता है। हम उसको मंजूर कर देते हैं, चाहे दूसरे वकील के प्रारग्यूमेंट कितने भी अच्छे क्यों न हों। फौजदारी में बेल 50 पर सेंट केस होता है। बेल एप्लीकेशन पर वकील को प्राधी फीस मिल जाती है, और फिर केस तो बाद में चलता रहता है।

**एक माननीय सदस्य :** वह ऊपर वाली घदालत में जा सकता है।

**श्री बाल्मीकी (खुरजा) :** डा० लोहिया साहब को यह शिकायत है कि उनकी बेल एप्लीकेशन मंजूर नहीं की गयी।

**उपाध्यक्ष महोदय :** प्राइर, प्राइर।

**श्री रघुनाथ सिंह :** अगर डा० लोहिया के साथ पारशिपलिटि की गयी है तो उसकी जांच होनी चाहिए।

एक बात मुझे यह भी कहनी है कि जिस हाई कोर्ट में लड़का जज हो उस हाई कोर्ट के जुरिस्डिक्शन में उसके पिता को प्रेक्टिस करने का अधिकार नहीं होना चाहिए। संविधान की धारा 220 में यह विधान है कि सुप्रीम का या हाई कोर्ट का रिटायर्ड जज सुप्रीम कोर्ट की प्राजा सि कर कहीं प्रेक्टिस कर सकता है, लेकिन मेरा यह सुझाव है कि पिता या पुत्र यदि किसी हाई कोर्ट में हैं तो उनको उस हाईकोर्ट के जुरिस्डिक्शन में प्रेक्टिस करने का अधिकार नहीं होना चाहिए।

**एक माननीय सदस्य :** उसकी घदालत में नहीं।

**श्री रघुनाथ सिंह :** मैं कहता हूँ कि उस हाई कोर्ट में उसे बिल्कुल अधिकार नहीं होना चाहिए। अगर हमारा लड़का हाईकोर्ट में वीफ जस्टिस है, हम उसके सामने प्रेक्टिस

[ श्री रघुनाथ सिंह ]

नहीं कर सकते, लेकिन अगर हम दूसरी जगह भी प्रेक्टिस करेंगे तो इंडाइरेक्टली उसका कुछ न कुछ असर होगा। इसलिए मेरा यह सुझाव है कि अगर किसी का लड़का हाईकोर्ट या सुप्रीम कोर्ट का जज है तो उस के पिता को उसके जुरिस्टिक्शन में प्रेक्टिस करने का अधिकार नहीं होना चाहिए। अगर आप ऐसा कानून न बनावें तो यह कनवेंशन ही बना लिया जाए कि पुत्र के जुरिस्टिक्शन में पिता प्रेक्टिस न करे।

आपने जो ला बनाया है कि रिटायर्ड होने के बाद सुप्रीम कोर्ट का जज या हाईकोर्ट का जज अपने ही जुरिस्टिक्शन में प्रेक्टिस न करे। उसका उद्देश्य भी यही है कि पक्षपात न हो। इसलिए अगर पार्लियामेंट को दूर करना चाहते हैं तो आपको मेरा सुझाव भी स्वीकार करना चाहिए।

इन शब्दों के साथ मैं इस बिल को प्रवर समिति के सामने भेजने का श्रीर इसमें "पर्सन" के स्थान पर "एडवोकेट" शब्द रखने का समर्थन करता हूँ।

**Shri H. N. Mukerjee** (Calcutta Central): Mr. Deputy-Speaker, Sir, I understand that my hon. friend, Shri Kamath has brought forward a motion for reference of this Bill to a Select Committee, and I do hope that my hon. friend, the Minister is agreeable to this suggestion. I say so because we are proceeding to legislate in regard to a matter which is not only difficult but also rather delicate and it is imperative that we give more thought to this matter than we have been able to do so far.

We have been accustomed to look upon our judiciary with a great deal of well deserved respect. There was a time when our judges would refuse, on principle, to have any contact, even innocent social contact, with leading persons in the executive. I remember an occasion when the Bar Library of

Calcutta High Court had passed a resolution protesting against the Chief Justice having gone to a garden party in Government House. The judges of our country, especially the judges of the High Courts and the Supreme Court and even others lower down the ranks of our judiciary, did have a very great reputation which, unfortunately, seems to be going down somewhat. But our judges have had this reputation and I do hope that the generality of them would continue to have such a high reputation, because if we are going to maintain a decent socio-political system, our judiciary must be incorrupt.

It is a very great pity that on account of certain recent goings-on in our country it has been thought fit by Government to bring forward this kind of legislation. It is a matter almost of shame that we have to bring forward this kind of legislation supplementing the provision that there is already in the Constitution. The independence of the judiciary is a concept which has been achieved after a great deal of struggle in certain other countries and we were fortunate enough to be able to inherit that legacy. There was a time in Britain when judges were threatened by the Crown and there were very eminent judges who were constrained to say that they were "lions" no doubt, judges were "lions but lions under the throne"—but there were other cases of judges who stood up to the hectoring powers of the Crown and its satellites of those days and it is a wonderful chapter in the history of constitutional liberty where ultimately the independence of the judiciary was won. At that time the principle was enunciated—the principle which has come to be incorporated in our Constitution—that judges hold office on good behaviour as long as they are on good behaviour and not at the pleasure of the Crown or of the executive.

This was something which is a fact of history—the judiciary winning its independence—because it was very

necessary if a decent social set-up was going to be maintained. In our country the judiciary at every level had such a wonderful reputation; but, unfortunately, things began to change for the worse, particularly in recent decades.

We have seen appointments to the Bench to which I do not want to make any specific reference but which, on principle, certainly we have a right to mention—appointments made not on purely juridical considerations but on considerations which were rather derogatory to our self-respect as a functioning democratic country. There have been instances of the appointment of a person who is a minister of Government, who fights the election, is defeated and, after his defeat, is elevated to the Bench. There has been a case in Calcutta where there was a person who was set up as a candidate for election by the ruling party; he lost that election and he was appointed to the judiciary.

This kind of thing has gone on so far that we have found to our great regret and consternation instances of judges appearing at least to an outward appearance, to be misbehaving. Some time ago my hon. friend, Dr. Singhvi, had been constrained much against his will, I am sure, to bring up before this House the instance of a certain judge of the Supreme Court who, in spite of decrepitude, physical and mental, refused to leave his position on the Bench. He went so far that the Chief Justice had also to ask him to leave; but he would not leave. It was unimaginable, as far as we can understand the tradition of the old days, that such cases would take place.

Only recently the assiduity of my hon. friend, Shri Kamath, brought to the notice of Parliament a very extraordinary case of a person holding so elevated a position as the Chief Justice of the Madras High Court against whom there were petitions pending and very serious allegations were made. The rights or wrongs of it do not concern me, but in his case what happened was that a petition was submitted to the President on the 13th

May, 1964; relevant documents in support of the petition were received by the President on the 31st August, 1964; a memorial by Members of Parliament was received by the President and the Prime Minister on the 23rd September, 1964. And this gentleman was merrily continuing as the Chief Justice of the Madras High Court. But then, just before the President could order an investigation in this matter, on the 1st November, 1964, he had a brainwave and he resigned his office and got away. I do not know—this gentleman might be completely innocent; possibly he was being persecuted by certain people who were after him for God knows what reason. I am not concerned about the merits or demerits of the matter, but here was an instance of a Chief Justice of the Madras High Court against whom serious allegations were pending, against whom a representation was made by Members of Parliament perhaps because they were preparing to have a motion in this House asking the President to remove him, and what happens is that he simply puts in his resignation and the Government says—I am quoting from Starred Question No. 127 answered on the 24th February, 1965, where it was said by the Minister of Home Affairs—

“The resignation was a bar to the inquiry under article 217(6)”.

It is most amazing.

This one single instance pollutes the reputation of a judiciary which by and large is entitled to the highest renown. I am very sorry to have to say that some of these black sheep spoil the entire herd's reputation and the result is that all kinds of things are said and done. What has happened is that the executive sometimes treats the judges with impunity in a most cavalier fashion. The executive today is now in possession of the most ample provision of patronage and judges, being human beings, retiring at 60 or 62 these days or 65, who feel that they are fit enough for work—possibly, they do not want to rely on the next generation of breadwinners—look forward to getting some kind of assignment

[Shri H. N. Mukerjee]

under the Government and the Government having this power of patronage sometimes treat the judiciary with contempt taking advantage of the human failing on the part of certain judges, about one of whom I had once occasion to say in this House without mentioning his name that in his old age he was running about in the corridors of the Secretariate asking for an appointment to a labour appellate tribunal or some such enormity. Some of these people are driven to this kind of waiting upon the favour of Government. And, what is worse is that Government sometimes treats judges, who try to stand up for their rights, in a most cavalier fashion.

We have had the mortification in this House of having to listen to the Law Minister inveigling against a former judge of the Calcutta High Court—I do not mind mentioning his name because he has won his case—Shri J. P. Mitter. We have had the mortification in this House of being told that we knew nothing of the judge, that he was misbehaving all the time. We have been told here—and whatever is said in this House becomes public property—that a particular judge was behaving in a manner which was unworthy of his office. Yet, that judge had to fight his case in the most strenuous imaginable fashion. He was being driven from pillar to post because the entire influence of the executive was being pitched upon the judiciary in Calcutta and elsewhere. The result is that he had to fight his case single-handed in an almost epic fashion before he won his point. He had a simple point which was that his age, as given in the matriculation certificate at the time of his passing that examination, was not his real age, that he had given his real age to the Chief Justice of the Calcutta High Court, that on the basis of that statement of age the Calcutta Gazette had printed a notification mentioning the year of his retirement to be some time in December 1964 and that he should be allowed to continue up to that point of time. But the Govern-

ment had discovered the matriculation certificate which was being flourished against the word of this judge and this judge was being maligned all over the place till the judge by his own sole endeavour—he could hardly find counsel to take up his case; he appeared everywhere himself; he came to Delhi over and over again to appear before the Supreme Court and in Calcutta he had to ask the Chief Justice to form Special Benches in order to hear his case—fought it most heroically and ultimately got an order that the President will have to investigate in regard to his real age. He got his point. That was exactly what he wanted. I do not know whether the President has investigated. Possibly, the Government would say that the President has no means of investigating. I do not quite know what the Government will say. But the fact of the matter is, here was an instance of a judge who, after a heroic fight, after being driven from pillar to post in the judicial sense, won his point. But during his fight, he was being maligned by the most important representative of the executive, the Minister of Law in the Houses of Parliament.

**An hon. Member:** Shame!

**Shri H. N. Mukerjee:** This makes the judges feel, "After all, they are the gods of creation and they can throw us out" and they can be maligned and defamed in Parliament and they have no answer because they are not present here. Here was a case of a judge who was maligned and attacked when he could not answer back. We, of course, did not get any protection because it was the high and mighty spokesman of the executive who was speaking on that occasion. I would not have referred to it. But I do so only in order to show that today the behaviour of the executive, at least on certain occasions—I do not say the executives always behave badly—in relation to the judges has been so egregious that even the judges are driven to conduct which is not proper.

It is a most unfortunate situation. We are confronted with an unfortunate situation where because of economic conditions, because of political apprehensions, because of the behaviour of the leaders of the Government in the Centre as well as in the States, judges also are behaving in a manner which is not quite up to the mark and that is why it becomes necessary to have some kind of inquiry in regard to the defaulting judges. Normally, I should say: let us not touch the judges at all. Let at least one category of people remain in our country who are beyond suspicion. Normally, I would say that they are beyond suspicion and I will not touch them. In a very extraordinary case, there would be a motion in Parliament and the man might be removed. That would be most exceptional and that would hardly ever happen as far as most of our lives are concerned. But the Government is responsible at least partly for having created an abnormal situation in which certain investigations occasionally have got to be made in regard to judges and, therefore, something should be done. But because judges are concerned, normally, I will not touch them just like that and pass a Bill here asking them to be investigated in a particular manner. I would treat them with a great deal more respect. I would plead with my hon. friend, the Deputy Minister, who is here: you may please consult our colleagues, hold up this matter for a little while and do not in a huff pass legislation of this kind. If I were a judge, I would interpret it as something which goes against the grain of my self-respect. I am sure the entire corps of judges in our country on whom we depend for the adjudication of the most important matters relative to the freedom of the citizen would look upon this kind of legislation with a great deal of distrust and indignation—they cannot express their indignation but they feel it. You should not let the judges feel hurt. The default of a few people like the ex-Chief Justice of Madras or the gentleman who used to adorn the Benches of the Supreme

Court and would not quit, the misdeeds of a few black sheep, should not persuade you to tar the entire judiciary with the same brush. That is why I plead with the hon. Deputy Minister to hold his hand for a little while longer and refer this Bill to a Select Committee. If you do not like the composition of the Select Committee as suggested by Mr. Kamath, you might change it or have another mechanism. But I say, don't go ahead with this kind of legislation.

I will not go into much detail in regard to the various clauses of the Bill. My point is that you should give the judges more time, consult the judges, speak to them and find out their mind. You would not expect the judges to come and give evidence before the Select Committee, but we must find out their feelings about this. The Law Ministry is there; that is their job. We can also do it in different ways. Many of us have some contacts with the Bar and we can do something of that sort. Let us not go ahead in a huff with this kind of legislation only because a few people have behaved badly here and there. If you do, at least you may try to make it as good a piece of legislation as possible and the composition of the tribunal and that kind of thing has to be gone into with a great deal of more care. I like the idea of Mr. Kamath in regard to having jurists who have not been judges of the High Courts or the Supreme Court to be the members of the tribunal. There have been many instances of jurists who have not cared to become judges of the High Court or the Supreme Court or whom the Government have, for some reason or the other, not wanted on the Bench. There are a few jurists like that and I need not name them. It becomes an invidious process. They are highly respected but they could be put on tribunals of this kind. But that is a matter of detail. I will not go into much detail.

I would make an appeal to the Deputy Minister though I know he is

[Shri H. N. Mukerjee]

in a difficult position—his principals are not here; he cannot give a decision here and now—but at least the channel of communication is still open. I do hope that he gets some kind of consultation with his colleagues and postpones the consideration of this matter so that this can be done in the only way in which a difficult and a delicate piece of legislation can be formulated by the House.

**Shri Sham Lal Saraf:** Mr. Deputy-Speaker, Sir, a number of aspects have been brought forward by the hon. Members who have preceded me. I personally feel that all of us, the Opposition as well as the ruling Party, have to pool our heads together and with a joint effort have to set up a judiciary that has the prestige and the name which commands the confidence of the people as a whole. Unless you do that, all our efforts will go in vain.

Keeping that in view, I would submit that it will be absolutely wrong if we hustle through a piece of legislation like this. There is no doubt that some occasions may have arisen or may arise now when the Government is bound to take some action and enact a law that will help the Government to do things in a proper manner. But, I personally feel, that when we try to introduce pieces of Legislation about the judges of the High Courts and the Supreme Court, we should be very cautious and very careful. Therefore, my submission is this. A number of aspects have been brought out by a number of hon. Members who spoke from either side. Firstly I absolutely agree with Mr. Trivedi and Mr. Kamath about the constitution of the tribunals that there may be others who may be equally qualified as far as their experience is concerned, their knowledge is concerned and their legal acumen is concerned and who may be fit to be elected or nominated or appointed to these tribunals. I know in a number of cases, also about some friends of mine, who have preferred to

serve at the Bar and have refused to serve in the High Courts. Why? It is because they feel that they have a better position and prestige while they are practising their profession wherever they are. The hon. Deputy Minister also comes from the same profession and, I think, he perhaps might be knowing something more. Keeping that in view, with due deference to the judges of the High Courts and the Supreme Court, today that is not the only attraction. There are reasons for that. Firstly, as some of our friends have pointed out, the selection of judges needs the absolute impartial approach. The position that the judge of a High Court or the Supreme Court should get also needs to be enhanced in a number of ways. Then, as Mr. Trivedi pointed out, I know the cases myself—I do not want to name the cases—where people because of certain influence or because of certain opportunities that have been given to them, they could get into the profession and in no time they could rise as the High Court judges. That is one aspect of the matter.

The main aspect of the matter is that we must build our judiciary above board enjoying the confidence of the people as a whole in whom we can entrust the interpretation of our laws, of our Constitution and everything. Keeping that in view, it will be absolutely necessary that this piece of legislation which is very innocent to look at but full of implications if we go into it deeply, be referred to the Select Committee. I perfectly agree with the motion moved by my friend, Shri Kamath, that this be referred to the Select Committee. If Mr. Kamath would agree, let there be a Joint Committee of both the Houses of Parliament.

I know from experience as far as the upper House, namely, *Rajya Sabha*, is concerned, that there are eminent jurists there; there are eminent lawyers there; there are even retired High Court judges there. Keeping that in view, it would be absolutely correct to set up a Joint

Committee to go into this. We may, in that case, be able to examine the matter from more angles. My hon. friend, Shri H. N. Mukerjee, pointed out certain relevant facts; it is not only the mind of the government but the minds of all right-thinking people that should go into this. After all, in setting up a proper judiciary that will function properly, not only the interests of the ruling party but the interests of the whole nation are involved. The more we are successful in giving a proper judiciary to the country, the more our ambitions and aspirations will be fulfilled. Keeping that in view, I would again submit that this Bill needs to be gone into from a number of angles. I do not want to go into the details. These are the reactions that have come to my mind when I heard some of my friends and which were already in my mind. I do not want to take much of the time of the House. I would only say that it would be in keeping with the purpose of the Bill which the Government want to serve that a Joint Select Committee is set up on which Members from this House and from the Rajya Sabha can serve. Within a reasonable time, they will submit their report; then that report will come before this House and such of the hon. friends who may not get an opportunity to serve on the Committee may express their opinions again. And after it goes through a general discussion, let it be passed into a law. I personally want that our entire judiciary must feel confident that they are not being treated in a light manner. Let the judges, whether they are in the high or middle or low level feel proud about it. Keeping these points in view, I welcome the spirit of this Bill, but do not support it as it is now, but would support the amendment moved by Mr. Kamath with the addition, if my hon. friend agrees, that it be referred to the Joint Committee.

Shri Hari Vishnu Kamath: I agree wholeheartedly.

डा० राम मनोहर लोहिया (फर्रुखाबाद):  
उपाध्यक्ष महोदय, यह विधेयक जजों की योग्यता और सामर्थ्य को ठीक करने और बढ़ाने के लिये है। मैं मंत्री महोदय से और माननीय कामत जी से निवेदन करूंगा कि वे एक और दिशा से इस प्रश्न पर सोच विचार करें कि किस तरह से जजों की सामर्थ्य बढ़ाई जाए। इसीलिए मेरा संशोधन है कि एक नया उपबन्ध जोड़ा जाए कि संविधान की धारा 138, 139 और 140 की पुष्टि के आदेश से प्रावश्यक विधेयक बनाने के लिए यह पंच प्रदातल सिफारिशों की एक रपट प्रस्तुत करेगी। 138, 139 और 140 संविधान की ये तीन धारयाँ जो हैं इनको पढ़ कर मैं नहीं सुनाता हूँ। इनका सारांश मैं बता देता हूँ। 138 में तो सर्वोच्च न्यायालय को वे सब प्रखत्यार और शक्तियाँ दिये जाने की बात है जो कि केन्द्रीय शासन की मातहतती में हैं, मतलब दिल्ली की हुकूमत की मातहतती में हैं, लेकिन जब संसद् उसके बारे में कानून बना ले। मतलब सर्वोच्च न्यायालय और संसद् दोनों बराबर के दायरों में और बराबर के प्रखत्यार हासिल कर लेती है अगर यह 138 धारा संविधान वाली लागू हो जाती है। उसी तरह से 139 धारा है जिस में कि संसद् अगर चाहे तो सर्वोच्च न्यायालय को वह अधिकार दे सकती है कि जिस से सभी मामलों में सर्वोच्च न्यायालय रिट इत्यादि दे सके। और धारा 140 है कि इन दोनों के अनुसार सर्वोच्च न्यायालय के प्रखत्यार बढ़ाये जा सकते हैं।

ये तीन धारयाँ संविधान की बड़ी महत्वपूर्ण धारयाँ हैं। पिछले 16, 17 या 18 बरस से संसद् ने इन धाराओं के सम्बन्ध में कोई कार्रवाई नहीं की है। यह कार्रवाई होनी चाहिये क्योंकि सर्वोच्च न्यायालय का जितना प्रखत्यार बढ़ेगा उतना ही ज्यादा बहानों के जज लोग जिम्मेदारी की भावना हासिल करेंगे और अपना कामकाज ठीक तरह से चला पावेंगे। लेकिन मुसीबत एक यह है कि लोगों के मन में डर बना हुआ है कि अगर



[ डा० राम मनोहर लोहिया ]

सर्वोच्च न्यायालय को इतना शक्तिसम्पन्न बना दिया जाएगा जो कि संविधान में लिखा हुआ है तो फिर एक तरफ संसद् और सरकार और दूसरी तरफ सर्वोच्च न्यायालय में दंड खड़ा हो जाएगा, झगड़ा चलता रह जाएगा। पहला तर्क मैं यह देना चाहता हूँ कि इस तरह का दंड राष्ट्र के लिए अकसर स्वास्थ्यदायक हुआ करता है। यह नहीं समझना चाहिए कि झगड़ों से हमेशा नुकसान होता है। स्वार्थी झगड़ों से नुकसान होता है लेकिन परमार्थी झगड़ों से फायदा हुआ करता है। अगर संसद् और सरकार में एक तरफ और सर्वोच्च न्यायालय में दूसरी तरफ झगड़े हो जायें और वे स्वार्थी झगड़े न हों, परमार्थी झगड़े हों तो उस से राष्ट्र की तन्दुरुस्ती बढ़ेगी और संविधान का यह उद्देश्य भी बा, नहीं तो 138, 139 और 140 धारयों क्यों रखी जाती ? लेकिन लोगों के मन में यह निरर्थक सन्देह बना हुआ है और उसका एक कारण भी है। हम लोग अभी तक जिस सभ्यता में पले पुसे हैं, उस में लोग यह समझते हैं कि अगर शक्तियों का बटवारा कर दिया जाता है तो शक्ति बट जाया करती है लेकिन आधुनिक सभ्यता एक दूसरी चीज के ऊपर खड़ी हुई है। शक्तियों का जितना बटवारा करोगे, प्रखत्यारात को जितने ज्यादा लोगों में बांट दोगे, प्रखत्यारात उतने ज्यादा बढ़ जायेंगे, घटेंगे नहीं। लेकिन डर बह रहता है कि अगर कहीं सरकार और सर्वोच्च न्यायालय में प्रखत्यारात इस तरह से बंटने लग जायेंगे तो सरकार कमजोर पड़ जाएगी या संसद् कमजोर पड़ जाएगी और कभी कभी यह बात सामने आई भी है इस रूप में कि संसद् सोचने बैठती है। उस के मान और अपमान का सवाल आ जाता है। इसके बारे में विधायिका बनीरह सोचने लग जाती है। लेकिन वास्तव में ऐसी विधायिका ...

उपाध्यक्ष महोदय : बिल के बारे में कुछ बोलिये।

डा० राम मनोहर लोहिया: यही तो मैं आप से कहता हूँ। कैसे मैं बिल पर नहीं बोल रहा हूँ। बिल के बारे में ही तो बोल रहा हूँ। समर्थ जज लोग कैसे बनें। जज लोगों को आज समर्थ नहीं बना कर रखना है ? उब के प्रखत्यारात कम हैं। संविधान में लिखा हुआ है, कि वे समर्थ हों। 138, 139 और 140 धारयों इसी के बारे में है कि प्रखत्यारात बढ़ने चाहिये। संसद् ने पिछले चौदह बरस में यह काम नहीं किया है। जब तक यह काम नहीं होगा तब तक जज लोग समर्थ और जिम्मेदार नहीं बनेंगे।

मैं जरा इस सवाल को दूसरी दिशा में ले जा रहा हूँ। लेकिन यह बिल के ऊपर है और किसी दूसरी चीज के ऊपर नहीं है। मुश्किल यह है कि ...

उपाध्यक्ष महोदय : यह चीज इस बिल में नहीं है। यह प्रलग आती है।

डा० राम मनोहर लोहिया : इसी बिल में है। जो और लोगों ने कहा। जैसे आप देखिये न। मैं किसी का नाम नहीं लूंगा लेकिन यहां पर एक सदस्य ने कहा ...

15 hrs.

Dr. L. M. Singhvi: May I submit that we do feel that in a general discussion at this stage, since other hon. Members have already had the liberty, Dr. Ram Manohar Lohia also should have the same liberty to discuss the place of the judiciary in a constitutionally democratic society? That is all that he is doing, from whatever point of view he may do so.

Mr. Deputy-Speaker: The distribution of powers has been defined in the Constitution. So, we need not go into that now.

Shri Shinkre (Marmugao): Dr. Ram Manohar Lohia's speech is not much different from the previous speeches. You did not object to the previous speeches.

**Mr. Deputy-Speaker:** I am not cutting him down, but he has said enough on this already, and I want him to speak on the Bill now.

**डा० राम मनोहर लोहिया :** उपाध्यक्ष महोदय, मेरा दुर्भाग्य है, लेकिन, खैर, ऐसी कोई बात नहीं है। सभी जगह मुझे इस दुर्भाग्य का सामना करना पड़ता है, इसलिये बहुत प्रफसोस की बात नहीं है। लेकिन जितने लोग यहां बोले हैं उन से मैं ज्यादा इस बिल पर बोल रहा हूँ, खाली आप को इतना बतला दूँ।

अभी मैं बतलाऊंगा कि जैसे फ्रांसिस बेफन एक बड़ा भारी जज हुआ, आज से चार सौ वर्ष पहले। अंग्रेजों का जज। वह थोड़ा बहुत उधर-उधर गड़बड़ करने वाला लेकिन उस के जैसे जज कम हुए हैं। उस ने एक दफे बड़ा बड़िया वाक्य कहा। जज तो शेर होते हैं, लेकिन ऐसे शेर जो तख्त के नीचे रहते हैं। यह चार सौ वर्ष पहले की बात है लेकिन साहज की जब कि महारानी एलिजबेथ थीं। पर चार सौ वर्ष में योरप में ऐसी सम्प्रता बनी है कि बहुत से जज हो गये हैं जो शेर हैं लेकिन तख्त के नीचे के नहीं हैं बल्कि तख्त के बगल के हैं। मैं चाहता हूँ कि हमारे देश में भी ऐसे जज बनें जो तख्त के नीचे न रहें बल्कि तख्त के बगल में हो जायें। और इसी लिये मैं आप के सामने यह सारी बातें कह रहा था।

**एक माननीय सदस्य :** तख्त के ऊपर कौन रहेगा ?

**डा० राम मनोहर लोहिया :** तख्त के ऊपर तो आप जैसे लोग रहेंगे, लेकिन बगल में ही रह कर आप गर्दन पकड़ पायेंगे।

15.02 hrs.

[SRI THIRUMALA RAO in the Chair.]

**श्री बाबूजी (खुर्जा) :** ऐसी शिकायत हो रही है कि आप बगल की बातें ज्यादा करते हैं।

**डा० राम मनोहर लोहिया :** हाँ, सरकार के बगल में क्योंकि शायद आज वह खत्म भी हो जाये। आज पीने चार बजे आप उसे खत्म भी कर सकते हैं।

**Mr. Chairman:** The hon. Member should address the Chair.

**डा० राम मनोहर लोहिया :** इसलिये मैं आप से निवेदन कर रहा था कि संविधान के उन कालमों के अनुसार संसद् को कारंबाई करनी चाहिये जिस से कि सर्वोच्च न्यायालय के प्रखत्यार बढ़ा दिये जा सकते हैं, और इतने जितने पूरे केन्द्र की हुकूमत के हैं। डरना नहीं चाहिये कि द्वंद हो जायेगा क्योंकि यह द्वंद लाभदायक होंगे। प्राधुनिक सम्प्रता का आधार है कि जितनी ज्यादा ताकत और अधिकार बांटोगे उतने ही ज्यादा वह बढ़ेंगे। अगर संसद् यह समझे यह सरकार यह समझे कि संसद् का प्रखत्यार हम सर्वोच्च न्यायालय को दे देते हैं। तो वह घट जायेंगे, तो यह सोचना गलत होगा। सर्वोच्च न्यायालय को अगर प्रखत्यार दे दिये जायेंगे। यह करीब करीब वही फर्क है जो भारतीय संगीत और यूरोपीय संगीत में होता है। भारतीय संगीत एक स्वर का संगीत है और बड़ा प्रच्छा होता है कभी कभी। आज एक तो सरकार सर्व-शक्तिमान है और एक संसद् सर्वशक्तिमान कही जाती है। मैं चाहता हूँ कि जिस तरह से योरपीय संगीत है जिस में अनेक स्वरों को मिला कर काम काज हुआ करता है और बड़ा बड़िया संगीत बन जाता है उसी तरह से यहां सर्वोच्च न्यायालय को अधिकधिक प्रखत्यार दिये जायें जैसा कि संविधान में दर्ज है। लेकिन संविधान के अनुसार कारंबाई नहीं होती है। जितने ज्यादा प्रखत्यार आप उन को देंगे उतना ज्यादा प्रच्छा हिन्दुस्तान का राज्य बन सकेगा।

[डा० राम मनोहर लोहिया]

भाज कल क्या हाल है। कई बार बहुत से ऐसे मामले आते हैं जिन पर जज लोगों को कह देना पड़ता है कि हमें उन के ऊपर दखल देने का अधिकार नहीं या इसमें हम कोई जांच नहीं कर सकते। अभी खुद मुझे अनुभव हुआ है। जब मैं ने यह सवाल उनके सामने उठाया कि संविधान तो खुद कहता है कि आप में और सरकार में झगड़ा है। तब उन्होंने मुझ से बतलाया कि बिल्कुल ठीक है। संविधान कहता है कि झगड़ा है, लेकिन पहले आप अपनी संसद् में जा कर अपना बहुमत बनाइये और हमारे अखत्यार बढ़ा दीजिये तब ऐसी बातें कीजियेगा। तब मैं ने उन से कहा कि जितना ज्यादा अखत्यार बढ़ा कर के काम काज चलेगा उतना ज्यादा अच्छा होगा।

सर्वोच्च न्यायालय कई बार ऐसे काम किया करता है—यहां वाला नहीं अमरीका वाला, क्योंकि यह संविधान तो बहुत कुछ अमरीका के संविधान पर आधारित है। जहां तक जजों का मामला है यह बातें अंग्रेजों के संविधान में नहीं हैं, फ्रांस के संविधान में नहीं हैं, अमरीका के संविधान में हैं। आप जानते हैं कि अमरीका में काले और गोरों का झगड़ा पिछले 80 वर्ष से चल रहा था। मैं शर्तिया कहता हूँ कि वहां की कोई लोक सभा कभी इतनी हिम्मत नहीं कर सकती कि वह कानून पास कर दे जो कि जजों ने शुरू कर दिया। क्योंकि वहां जनमत ऐसा था। जमा हुआ था जैसे कि कोई जमी हुई होती है। कोई लोक सभा ऐसा नहीं पास कर सकती थी। जजों ने 80 वर्ष के फैसलों को रद्द करते हुए एक फैसला किया कि बराबरी का मतलब है एक साथ। बराबरी का मतलब अलग अलग नहीं होता है। जहां जजों ने उस शब्द "बराबरी" का यह अर्थ लगाया, उस के बाद कोई फटनी शुरू हो गई। जो काम अमरीका की कोई भी लोक सभा कभी नहीं

कर सकती थी उस काम को जस्टिस वारेन और उन के दूसरे जजों ने सर्वोच्च न्यायालय में कर के दिखलाया। ऐसे ही यहां पर भी बहुत सी बातें हैं। मिसाल के लिये आज यहां एक संकटकालीन कानून है। संकटकालीन कानून में कई शब्द लिखे हुए हैं। उन शब्दों के बारे में जजों को अखत्यार होना चाहिये कि वह मतलब लगायें। एक शब्द लिखा हुआ है कि अगर आसन्न हमला हो या आसन्न अतिक्रमण हो, कोई बाहरी देश हमारे ऊपर फौरन आ जाने वाला हो तो संकटकालीन कानून बनाया जा सकता है। तो आसन्न का क्या मतलब होता है। जज लोगों को अखत्यार होना चाहिये कि वह आसन्न शब्द का मतलब बतलायें। लेकिन यह तभी हो सकता है जब कि आप सर्वोच्च न्यायालय के अधिकारों को बढ़ाने वाले संविधान के नियम को लागू करेंगे। और मुझे इस बात को कहते हुए बड़ा अफसोस हो रहा है कि चौदह पन्द्रह वर्षों से लोक सभा चल रही है लेकिन कभी इन धाराओं के बारे में किसी ने नहीं सोचा। लोक सभा को कभी थोड़ा उदार होना चाहिये, अकेले अपने मान अपमान की बात नहीं सोचना चाहिये, दूसरों के अखत्यारों के बारे में भी सोचना चाहिये। दूसरों के अखत्यार बढ़ाओ, न्यायालय के अखत्यार बढ़ाओ। नहीं तो लोग कहेंगे कि संसद् के पास अखत्यार तो कुछ है नहीं, खाली उस को अपने मान अपमान का घमंड रहता है। सारे अखत्यार तो सरकार के पास पड़े हुए हैं लेकिन अपनी शक्ति को बनाये रखने के लिए वह इधर उधर अड़ंगे लगा दिया करती है।

आप जानते हैं यह एक अद्भूत लोक सभा है। ऐसी लोक सभा संसार में कभी कहीं नहीं हुई होगी। एक सड़ाई चल रही है, बीस दिन से चल रही है। लोक सभा बंठी हुई है। सड़ाई शायद खत्म भी होने वाली है लेकिन हिन्दुस्तान की लोक सभा

इस बारे में कुछ नहीं बोल पाती है। इस का कारण यह है कि प्राज जितने भी अखत्यार हैं, राज्य के अखत्यार, न्याय के अखत्यार और न्याय के बारे में खाली एक स्वर का संगीत चल रहा है। सभापति महोदय, आप तो संगीतज्ञ हैं। मैं जानता हूँ कि आप को संगीत से रुचि है। आप योरोप के संगीत को ले कर चलिये। तमाम स्वरों के संगीत से काम लो तब सम्भव है कि अपना देश सुधर पाये।

इसलिये मैं आप से निवेदन करता हूँ, बहुत कुछ उदाहरण है चाहे वह अमरीका के हों या अपने देश के हों, उन को सामने रख कर मैं फिर से माननीय मंत्री जी से और श्री कामत जी से निवेदन करता हूँ कि इस चीज के ऊपर वह जरूर ध्यान दें। और कुछ करो या मत करो, लेकिन धारा 138, धारा 139 और धारा 140 जो संविधान की है, जो कि पिछले 14 या 15 वर्षों से इस लोक सभा में लागू नहीं की गई है उन को लागू करने वाला विधेयक इस लोक सभा में लाओ, तब तो मैं समझूंगा कि आप आधुनिक सभ्यता में कुछ कर पाये हैं, कुछ ताकतों का बटवारा सीधा है और कुछ करना चाहते हैं।

**Shrimati Tarkeshwari Sinha (Barh):** As many hon. Members have pointed out, this Bill is a very significant Bill indeed. It may have only a few clauses but they are so significant not only to the relationship that we have established in the Constitution between the executive, judiciary and legislature but also to the preservation of our democratic traditions which clearly envisage the demarcation of responsibilities and functions of the executive, judiciary and legislature.

The Judges (Inquiry) Bill which is before us has got some precedents not of law but of incidents. I assume that Government were probably facing some difficulty about some resignations

or something of that kind and that has compelled them to bring forward this Bill.

While considering the Bill, I accept the basic spirit of it that there should be a special tribunal to inquire into the conduct of Judges so that from the point of view of judges, they must have ample opportunities to defend their case before their name is tarnished or reputation completely ruined. I agree with my hon. friend, Shri Raghunath Singh, when he said that this is beneficial to the Judges more. I feel that any allegation without proper channelisation and without an opportunity afforded to the person concerned to defend oneself is allegation which is very unfortunate, whether it is at the judicial level or at the political level. You probably have known how these allegations are made and what is the fate of those allegations once they are left to the discretionary power of one authority or one department, whether the allegation is right or wrong. I have been a victim of that when there was no opportunity for me to defend myself.

**Shri Raghunath Singh:** Quite correct.

**Shrimati Tarkeshwari Sinha:** I was under this limitation in not being able to find out how to defend my own name and reputation.

**Mr. Chairman:** I hope you are not a Judge of any High Court.

**Shrimati Tarkeshwari Sinha:** No, I am not. I raise a basic, fundamental issue, that any allegation, if it is left to the discretion or subjective satisfaction of one authority, one person or one department or a few persons, if it is not inquired into properly, and if the person against whom the allegation is made, is not given proper opportunities to defend himself or herself, is an allegation which is not fair to the person concerned. Therefore, when Shri Raghunath Singh mentioned that this is beneficial to the Judges, I said,

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yes, I do accept that the tribunal will give an opportunity to the Judge concerned to defend himself and vindicate his name, honour and reputation. That was how I brought in my own case. I asked all leading lawyers in the country, 'How can I defend myself against those allegations?'. They said, 'You have no opportunity to defend yourself. The whole allegation is on the basis of suspicion. It may be in the mind of one person or department'. There was no legal sanctity available and I have not afforded the opportunity to defend my reputation, I was compelled to accept this kind of humiliation. No law was there to answer my plight. Therefore, I welcome this tribunal which is contemplated for the Judges. This will give an opportunity to the Judges to defend their own case when, as Shri H. N. Mukerjee pointed out, the Judges are also treated in a cavalier manner.

But my own apprehension is that this bill is not quite clear on some fundamental issues arising out of the point. A good suggestion has been made, and I hope you will ask the Law Minister, by taking the consensus of the House, to refer the Bill to a Select Committee, because there are many fundamental issues which have been raised. For instance, what will be the procedure to level any charges against a Judge, whether it will be within executive discretion or whether it will be on the strength of some complaint received, if so, who would be the complaining authority, on what basis would that complaint be entertained and deemed worthy of consideration by Government or the President? Who is going to be that authority? Is it going to be at the discretion of one individual who would make a complaint? What will be the background of the complaint which will get the sanctity of the authority to be inquired into? These are things on which the Bill is completely silent.

Referring to the Commissions of Inquiry Act, the Law Commission has

clearly warned the Government, so to speak, that the history of liberty has been largely the history of procedural safeguards. What will be the procedural safeguards if a conduct of misbehaviour is alleged against a Judge, who would be the competent authority to exercise discretion? This Bill is silent about that.

We would like to have a full analysis and explanation from the Government, a satisfactory assurance, that no discretion would be exercised prejudicing the very traditions which we have in our country of the relationship, between the legislature, the executive and the judiciary.

The second point on which this Bill is silent, for which I would like this Bill to go to the Select Committee, is regarding the powers and regulations by which the Tribunal will be guided. It is mentioned that the Tribunal will be guided by certain procedures and rules which will be made by the Government, and they will be laid on the Table of the House. I strongly feel that the Tribunal should have independent regulatory powers. In England, a Commission under the Commissions of Inquiry Act is quite independent to lay down its own regulations. If you are creating a high power Tribunal, do not harness or load it with your rules and regulations.

Shri Sham Lal Saraf: It will not be a permanent Tribunal.

Shrimati Tarkeshwari Sinha: I am coming to that. I feel that there should not be a temporary Tribunal, but that there should be a permanent Tribunal to look into these cases, a permanent Tribunal which should not be influenced by the various recommendations and choices of the nominees. Shri Trivedi raised this point that while appointing the members of the Tribunal, enough consideration should be shown to the qualifying capacity of the members. That is a very vague term. What will be the qualifying capacity of the members to be competent to be members of this Tribunal?

Again, that leaves wide discretionary powers with the Government. Probably it may be fair today, but tomorrow it is pregnant with so many dangers, if we really leave the discretionary powers with the Government. Therefore, there should be an exceptionally high power Tribunal; if there is no work, it need not function; it need not be a whole-time fully paid body.

If you are there to choose or nominate the members of the Tribunal, they would necessarily be retired Judges. I am one of those who are convinced that this tendency of co-opting retired Judges, offering them loaves and fishes, is a practice which should be strictly discontinued. There are so many commissions, and I have before me a record of them, on which Supreme Court or High Court Judges have been asked to preside. In other countries, they follow the convention that the Judges do not retire, they continue as Judges for their lifetime, till they are competent to act as Judges, because nobody should offer them the temptation of an alternative job.

What is happening in the case of our election tribunals? Only the other day it was said in answer to a question that they were thinking of asking the High Courts to deal with election petitions directly. I know the basic background of this decision which is likely to be taken in the near future by Government. I know why delay takes place. The tribunal members get very handsome pay, and they are not interested in finishing the cases quickly. Let us not hide this fact from anybody. I do not doubt the *bona fides* of any Judge, but I feel that it is not desirable to tempt them with high salaries and handsome appointments and really make them susceptible to public suspicion. Like Caesar's wife, they should be above public suspicion. Nobody should be able to point a finger at any Judge that he is unreliable or dishonest.

Therefore, I think it should be a permanent Tribunal.

A Supreme Court Judge may come as a member of the Tribunal, but he should not be a retired Judge, he should be a Judge in office. He should be a permanent member. Then also who would be the counsel to assist the tribunal? The attorney general is the legal adviser of the government. I accept the independent position of that office. Still he is the legal adviser of government and there is an intimate relationship between the client and the lawyer. Lawyer-client relationship is conditioned by a very subjective phenomenon. A lot of members are lawyers and know, how lawyer-client relationship goes on. Attorney general is lawyer to the client which happens to be the government. Therefore, there should be independent assistance, whatever may be the shape of that assistance provided for any tribunal which is to enquire into the misbehaviour of judges.

The appointment of the tribunal should not be made by the government. I accept what the hon. Minister says that the President is competent to appoint a tribunal but the tribunal must get a mandate from the House; it should be created after getting the mandate of the House. If it is a permanent tribunal, it is still necessary to get the mandate of the House to create a permanent tribunal. If it is a temporary tribunal, it is all the more necessary that while that tribunal is being constituted the membership should be accepted by a mandate of the House. I also suggest that if the Tribunal's report has to come to the House, it should be with this reservation. If a judge had been released with no guilt, that report should not come to the House; otherwise it will damage the reputation of the Judge which nobody would be able to give him back. If the charge of misbehaviour is proved against him, only that report should be laid on the Table of the House and proper action should be taken. With these

[Shrimati Tarkeshwari Sinha]

words, I thank you for giving me this opportunity.

**Shri Ranga** (Chittoor): Mr. Chairman, I am in agreement with this Bill. But at the same time I support the demand of so many Members that it should be sent to the Select Committee. Member after Member from all political parties including the ruling party had given cogent reasons why it should go to a select committee and I hope the government would be good enough to agree to this demand. It stands to the credit of the Law Minister that though he has taken such an untenable and unfair attitude in regard to the Judge from the Calcutta High Court sometime ago, he has made himself responsible for bringing forward this Bill to fulfil the assurance given by the Constitution that such a tribunal would come to be constituted. Who is to take a final decision as to the fact that there should be a tribunal, what sort of a tribunal it should be, who should be its members? According to this Bill it appears that the government wants itself to have that power, at any rate, with the President. Seeing the manner in which the government has behaved towards the judges of the High Court and Supreme Court on the rare occasions when it had the opportunity of expressing itself, I feel that it would be much better to reserve that right to this House so that whenever Government makes any decisions they would be only provisional and they would have to place those decisions before Parliament.

**Mr. Chairman:** Order order, I request hon. Members to maintain silence.

**Shri Ranga:** It is quite possible that Parliament would accept the advice of the Government, but it would be a salutary check on the manner in which the Government would be making its own preliminary decisions, because it knows that whatever deci-

sion or provisional decision it makes, it is likely to be examined by Parliament and it is liable to be accepted or be thrown out by Parliament. Once there is that check, it would be possible for us to expect the Government to be a little more circumspect than ordinarily it is, in making those decisions.

We are all very keen, and so many of our hon. Members have already made it quite clear that the honour, the prestige and independence of the judges of the high courts and of the Supreme Court should be maintained and respected. Yet, they also are human beings and they are likely to make mistakes and they may also become incapacitated owing to age or some other ailment. They may also go wrong sometimes and behave atrociously. It is to ensure ourselves against such mishaps that the Constitution has given the power to Parliament to take up legislation like this so that whenever the need arises, the country may be saved from such of the judges who really deserve to be removed from office.

As long as there is this power in the possession of this Parliament, the Government may not do much mischief in undermining the independence of the judges, but if this power were to be left with the Government, the power to decide when a tribunal should be appointed, against which judge and for what purposes and so on, it would act as a kind of inhibition, as a kind of fear in the minds of the judges, and to that extent, the judges' exercise of their spirit of independence would be undermined and would be likely to be weakened. Therefore, it is most essential that to the extent that the Government has to make its own preliminary decisions, Government should be extremely careful and should be unwilling to resort to this means frequently or easily. Only on very rare occasions, when it must and it has no other choice and in its judgment the inte-

rests of the country are likely to be jeopardised, that it would be willing to come to the decision that there should be a proper enquiry and they should think of getting a tribunal appointed under this kind of legislation. Even then, I would not like to leave this power entirely in the hands of the Government. It is only when the judges know that there are all these safeguards provided by this Parliament in this legislation that we can expect them to feel and entertain that degree of independence of the executive as is desirable and as is most essential.

15.28 hrs.

[MR. SPEAKER in the Chair]

It is nothing special with this Government—it is the usual thing with every government—to be cavilling at the independence of the judges, because it is inherent in the very process of law, the use of it, and the enjoyment of it. Whoever is in charge of power, whoever is entitled to enjoy and exercise power, would like really to have no restraint at all and to be subject to no other revision. Therefore, he is more likely to make more mistakes with a greater sense of impunity than anyone else. The same fear can also be expressed in regard to judges also. They can also not only go wrong but they can also be considering themselves as being so supreme as to become autocrats; and they might also try to create trouble for the citizens as well as for the Government, and that is why there is this theory and the spirit of checks and balances and the separation of powers. All these are inherent in that very principle of separation of powers. I would like the government to keep that very much in their mind and try to see that they show as much respect to the Judges as they expect the Judges to be cognizant of the responsibilities, troubles and tribulations of the executive. All this is theory, but coming down to brass-tacks here, I would like the Minister to give fresh thought and agree to send this Bill to a select

committee. Our party associates itself with the principle underlying this Bill.

**Mr. Speaker:** I have to make one announcement, unexpected though it might be. The Prime Minister is not making a statement at 3.45. That would probably be made tomorrow, not today.

**Dr. L. M. Singhvi:** Sir, while I welcome this Bill, which has been brought forward in fulfilment of the promise that has been conveyed by the government, I cannot help saying that this is one of those instances of ministerial forgetfulness or legislative amnesia in which the Bill was introduced on the 14th February, 1964 and it is now being brought before the House more than a year thereafter.

As one who has been most intimately connected with this matter, I should like to tell the House briefly what the genesis of the Bill is. You would recall, Sir, that it all started with a question, which you were not pleased to admit, but in respect of which you directed the Home Minister to convey the necessary information to me. That done, the Home Minister wrote to me to give the necessary facts in respect of the various queries I had raised about an honourable Judge of the Supreme Court.

15.33 hrs.

[SHRI KHADELKAR in the Chair]

The Home Minister wrote to me saying,

"It has been reported by the Chief Justice of India that Shri Justice Jafar Imam of the Supreme Court has not been in good health for some time past now. The Chief Justice, therefore, has been directing him at times to sit as the sixth Judge on the Bench and at other times Justice Jafar Imam having no regular work on the Bench has only been sitting in his Chambers. The Chief Justice of India requested Shri Justice Imam to undergo a medical exam-



[Dr. L. M. Singhvi]

mination, but Shri Justice Imam has declined to do so. There is no provision of law under which he can be compelled to do so. A Judge of the Supreme Court cannot to be compelled to resign from the Bench either. He can only be removed under the provisions of article 124(4) of the Constitution."

The Home Minister went on to say:

"Before any action under article 124(4) of the Constitution can be undertaken, Parliamentary legislation in terms of article 124(5) will be necessary. The question of undertaking such legislation is engaging our attention."

This was on 20th September, 1963.

After this, I wrote to him expressing the point of view that I did not think that the absence of a specific legislative enactment under article 124(5) suspended or effaced the procedure and remedy provided in article 124(4) of the Constitution. My view was and still is that in spite of the fact that there is no legislation under article 124(5), Parliament has every right to proceed in respect of the impeachment of a Judge.

Answering various queries I had raised, the Home Minister on the 11th November, 1963 said:

"Shri Justice Imam was off and on away from Court work either on leave including leave on full pay and leave on half allowances or because the Court was closed for vacations, between 31st January 1961 and 15th July, 1962.

On the 15th July, 1962, the Chief Justice of India advised Shri Justice Imam that he should not resume work until he had fully recovered and that he should get a certificate from his attending physicians that he was fit for

work again. Shri Justice Imam declined to accept this advice and joined the Court on the 16th July, 1962. He sat as the sixth Judge on a Constitution Bench for a month and a half after that and after another couple of months' leave he joined the Court again and he heard criminal appeals as the fourth Judge on a bench for a period of about four months and 12 days.

After short periods of leave Shri Justice Imam returned to the Supreme Court on the 4th February 1963. But after that date he was not allotted any regular court work, but continued to sit in his chambers."

Mr. Chairman, the Home Minister went on to add that more recently Shri Justice Imam had on the advice of the Prime Minister undergone a medical examination which showed some improvement and which also showed, at the same time, that there was a marked degree of impediment in his speech resulting in difficulty in expression of certain words and to a lesser extent comprehension of the spoken speech.

Sir, in view of this situation and the great concern and anxiety all of us had in the legal profession in respect of a matter like this, I was constrained, much against my wishes, with the utmost reluctance, to table a resolution for the removal of Mr. Justice Imam, as he then was. Mr. Justice Imam was a distinguished judge in his own time. I had the pleasure of knowing him personally and when I brought this resolution before the House it was in sorrow and with the utmost reluctance, as I have already stated. But it seemed that in spite of my having taken up the matter at the highest level—the President of India, the Prime Minister and also the Home Minister—there was no remedy available at that time.

15.37 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

It was unfortunate that in consequence of this resolution, as has happened in other countries of the world, Mr. Justice Imam thought it appropriate to resign his office as judge of the Supreme Court. But the problem was not altogether solved, because the Government had taken the view that in the absence of an appropriate legislation under article 124(5) proceedings could not be started in this respect.

Mr. Deputy-Speaker, the genesis of this Bill which is before us is, in short, this particular case, which I believe was the only case in the history of this Parliament, where a resolution or impeachment of a sitting Supreme Court Judge or any other judge was admitted. It seems to me that in spite of the fact that this is a piece of legislation which is brought forward in fulfilment of an article of the Constitution, which says that such a legislation would be brought into existence, it is rather ill-conceived. Article 124(4) says:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity."

Sub-clause (5) says:

"(5) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4).

Of course, as I said, I was of the view, and I am still of the view that this is an enabling provision of the Constitution. It says that "Parliament may by law regulate the procedure". If, however, there does not exist any specific piece of legislation, then Parliament can also regulate the procedure of such inquiries in an *ad hoc* manner.

Having said this, I should like to say that the Bill that has been brought before us is a departure from all known institutions and all known procedures and also all known instrumentality in this respect. It seems that inspiration has been derived perhaps from the Burmese Constitution for bringing forward this device of a special tribunal to be appointed and constituted by the President of India on a report or *suo motu*. It is a very poor Constitution to take inspiration from. Ours is one of those Constitutions which enjoy great respect in the entire world. It is an exercise in eclectic scholarship. It is also an exercise in statesmanship. It is a constitution which, I think, derives a great deal more, so far as constitutional liberties are concerned, from the golden chapters of constitutional liberty in the West.

This Bill derogates in a very wilful or negligent and cavalierly manner from the entire tradition in respect of judicial tenure. Judicial tenure, in our Constitution and in our society, is considered sacrosanct. As far as possible we are not supposed to interfere with judicial tenure in a casual manner. What is sought to be done through this Bill, with all respect, is to interfere with judicial tenure—at least to give that impression that interference with judicial tenure is possible at the will of the executive and at the will of the President.

I would invite the attention of this august House to clause 3 of the Bill which says:—

"If the President, on receipt of a report or otherwise, is of opinion that there are good grounds for making an investigation into

[Dr. L. M. Singhvi]

the misbehaviour or incapacity of a Judge, he may constitute a Special Tribunal for the purpose of making such an investigation and forward the grounds of such investigation to the Special Tribunal."

This Special Tribunal is then provided and armed with all the powers of investigation and in so far as the alleged misbehaviour or incapacity is concerned, it is this tribunal which would tender its finding. After this the House would, of course, go through the formality of passing a Resolution. Naturally, after a judicial finding is recorded, this House would either be committing an omission or a serious commission if it did not accept that advice. This, as I said, derogates from the privileges of this House. This derogates from the parliamentary tradition known all over the world and I wish presently to show that this is so.

Before I do this, I should like to draw the attention of this House to what this judicial tradition has come to mean in the great countries from which we drew this inspiration, in the countries which we have tried to emulate in respect of constitutional liberties in our country. This is what Sir Winston Churchill said speaking of Great Britain:—

"Judges are appointed for life. They cannot be dismissed by the executive Government. They cannot be dismissed by the Crown either by the Prerogative or on the advice of Ministers. They have to interpret the law according to their learning and conscience. They are distinguishable from the great officers of State and other servants of the Executive high or low, and from the leaders of commerce and industry. They are also clearly distinguishable from the holders of less exalted judicial office. Nothing but an Address from both Houses of Parlia-

ment, assented to by the Crown, can remove them."

My hon. friend, the hon. Deputy Law Minister, would say that this is what we are also providing; that, ultimately, it is this House which would present an Address to the President. But what is proposed to be done through this Bill is to wrest that initiative, that explosive prerogative, from this Parliament and this, I think, is certainly improper. It is unconstitutional.

I should also like to draw the attention of the House to another statement made in respect of the independence of the judiciary which we have enshrined in our Constitution.

"The principle of the complete independence of the Judiciary from the Executive is the foundation of many things in our island life".

says Sir Winston, speaking of the Constitution of Great Britain.

"It has been widely imitated in varying degrees throughout the free world. It is perhaps one of the deepest gulfs between us and all forms of totalitarian rule. The only subordination which a judge knows in his judicial capacity is that which he owes to the existing body of legal doctrine enunciated in years past by his brethren on the bench, past and present, and upon the laws passed by Parliament which have received the Royal assent. The judge has not only to do justice between man and man. He also—and this is one of his most important functions considered incomprehensible in some large parts of the world—has to do justice between the citizens and the State. . . . The British Judiciary, with its traditions and record, is one of the greatest living assets of our race and people and the independence of the

Judiciary is a part of our message to the ever-growing world which is rising so swiftly around us."

Obviously, such independence of the judiciary would not be continued or preserved in our country if we allow such power to be vested in the President either on receipt of a report or *suo motu*.

The position in America is also not different. But before I go to the position of America. I would like to say that what this Bill seeks to do is to take us back to the pre-history of the Act of Settlement of Great Britain. It is definitely a retrogressive step and a step which this Parliament in asserting its privileges must strongly resist. If I may be permitted to cite an authority on the British Constitution, it says:

"...Anciently, the judges held their commissions during the King's pleasure and under the Stuart kings the Bench was systematically packed with partizans of the Crown. As early as Lord Coke's time, indeed, the Barons of the Exchequer were appointed during good behaviour and at the restoration of Charles II, the Commissions of the Common Law Judges were in this form. But there was no statutory restriction on the Crown's pleasure until 1700, when the Act of Settlement provided that "judges' commissions be made *quamdiu se bene gesserint*, and their salaries ascertained and established....".

The very doctrine of judicial independence is founded on the fact that the tenure is protected; it is founded on the fact that the salaries cannot be altered. It is founded on an accepted customary doctrine in all the democratic countries that they cannot be interfered with except in specified manner. By investing the President, which means, in effect, the executive, with the power of appointing tribunal on a report, or *suo motu*, what we are trying to do is to aban-

don the doctrine of judicial independence and supremacy which we adopted in our Constitution.

I would like briefly to make a reference to the procedure in the American Constitution. This is what it is:

"Constitutional authority to impeach is vested solely in the House; power to try impeachment cases rests with the Senate alone....

**Shri D. C. Sharma:** You are referring to U.S.A.; there they are elected.

**Dr. L. M. Singhvi:** My hon. friend has been to the United States several times. Normally, I would not contest his statement. But perhaps here he is not well-informed. The judges of the Supreme Court are not elected in the United States but they are appointed. It further says:

"...The House usually refers a motion proposing impeachment of an officer to the appropriate standing committee or to a specially created investigating committee. If an impeachment motion is adopted by the House, a committee may be set up to draft articles of impeachment. After their adoption, managers are chosen in whatever manner the House directs. The Senate, upon being informed of House action, sets up a committee to prepare for the trial."

The initiative is that of the legislature.

I would like to make a brief reference to the Australian Constitution in this context.

**Mr Deputy-Speaker:** The hon. Member should conclude now.

**Dr. L. M. Singhvi:** As I submitted earlier, this is a technical subject and you might have a fewer speakers. You should give an opportunity and latitude to us to speak on this subject on which we have taken great pains to study.

**Shri Hari Vishnu Kamath:** You should not hustle the discussion.

**Dr. L. M. Singhvi:** The provision in the Australian Constitution is analogous to that of our own. Section 72 says:—

"The Justices of the High Court and of the other courts created by the Parliament—

- (i) Shall be appointed by the Governor-General in Council;
- (ii) Shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity...."

These are the very words which we have used in our Constitution.

Now, I should like to draw your attention to the procedure in the Australian Constitution. It is not the Governor-General who takes the initiative either on the report received by him or on his own motion to appoint a tribunal. The initiative, the entire powers and privileges, rests with the legislature and the legislature alone. I quote from the Annotated Constitution of the Australian Commonwealth. On p. 731, it says:—

"Parliament is 'limited by restraints' which require the proof of definite charges; the liability to removal is not 'a qualification of, or exception from, the words creating a tenure,' but only arises when the conditions of the tenure are broken; and though the procedure and mode of proof are left entirely to the Parliament, it would seem that, inasmuch as proof is expressly required, the duty of Parliament is practically indistinguishable from a strictly judicial duty".

He goes on to cite:

"The matter is discussed and the proper procedure indicated by Todd where it is laid down that 'no address for the removal of a Judge ought to be adopted by either House of Parliament except after the fullest and fairest enquiry into the matter of complaint by the whole House or a Committee of the whole House, at the Bar; notwithstanding that the same may have already undergone a thorough investigation before other tribunals'—such as a Royal Commission or a Select Committee."

It seems to me that, after having cited the Constitutional precedents of countries from where we have derived much of our Constitutional provisions, there should be no need for me particularly to insist that a similar procedure should be adopted in our country. At this stage what I am trying to add, Mr. Deputy-Speaker, is to emphasize that this is an important piece of legislation; this is a piece of legislation which is brought forward here because the Constitution enjoins upon us the enactment of such a legislation. Of course it is unfortunate that this Parliament has not passed, and the Government, who have the legislative initiative in the matter have not passed, many such pieces of legislation which the Constitution specifically enjoins upon us to pass.

That apart, it seems to me that such an important legislation should not be passed in a hustle; it should be entrusted not only to a Select Committee as my esteemed and hon. colleague Mr. Kamath, suggested, but to a Joint Committee of both the Houses.

**Shri Hari Vishnu Kamath:** I have already agreed to the Bill being referred to the Joint Committee.

**Dr. L. M. Singhvi:** This is a matter of utmost importance. Let it not be said that the Parliament acted

in haste; let it not be said that we were hustled into passing an enactment merely because of the composition of Parliament which has the majority of a Party.

Mr. Deputy-Speaker, you have witnessed the unanimous consensus on this matter. My friend, Shri Raghunath Singh spoke rather strongly regarding the need for making a reference of this Bill to a Select Committee, which should bring out the Bill properly and after a detailed study of the comparative Constitutional provisions.

Mr. Deputy-Speaker, great concern and anxiety have been voiced in respect of judicial standards. I do not think it is necessary for me to go into this, but it must be emphasized that judicial standards will not be maintained unless we are willing to sacrifice our prejudices; judicial standards will not be maintained unless Government is willing to act in an entirely above-board manner, in a manner which does not allow any suspicion whatever. There have been lapses—these have been pointed by some hon. Members, especially Prof. Mukherjee—which have given room for some kind of denigration of the judiciary. It would be most unfortunate if this shining part of our Constitution, the shining part of our great Constitutional armour, is allowed to be tarnished, if its image is allowed to suffer. Mr. Deputy-Speaker through you I would like to plead and entreat the hon. Minister of State in the Ministry of Home Affairs who is now back in the House and Shri Jaganatha Rao who was holding the fort until Shri Hathi came back, to accept the unanimous recommendation of this House, the sentiments of this House, and agree to make a reference of this Bill to a Joint Committee.

Shri A. S. Alva (Mangalore): The Bill as it has been brought out, seems to offend the provisions of the Constitution itself because under Article 124, clause (4), it is the privilege of Parliament to present an address to the President by a majority of the

total membership of the House and by a majority of not less than two-thirds of the members present and voting, for the removal of a Supreme Court judge, and by Article 217, the High Court judge could also be removed in the same manner. It has been said that the Chief Justice of a High Court was sought to be removed by a petition to the President or by a number of Members of Parliament writing to the President. There is absolutely no provision in the Constitution under which the President can act in such a case. The grounds given in clause 4 of article 124 are only two, namely proved misbehaviour or incapacity. So, we have to see whether the tribunal which is sought to be brought into being by this Bill would answer that purpose.

One thing is to be made clear in the beginning, namely that the tribunal is not the final authority but it is Parliament. Of course, any judge must be given all the powers and all the rights to defend himself and to repel the charges. But at the same time, it must be seen whether the Bill could be enacted as it is or whether any modifications are necessary and whether the constitutional provision is observed. So, this matter must be thoroughly gone into.

One criticism which has been voiced by some of my hon. friends is that under this Bill it is only the President that can refer a case to this tribunal and nobody else can do it. In that case, let us see whether there will be any power left to the Parliament itself. Supposing the President does not take any action, that is to say, if the executive does not take action against a judge, then whether Parliament itself can take action against the judge is a point to be considered. Under clause 4 of article 124 of the Constitution you will see that it is Parliament alone which could pass a resolution. Unless that article is amended, I am afraid that this particular provision in the Bill will offend the Constitution.

[Shri A. S. Alva]

Clause 3 (1) of the Bill reads thus:

"If the President, on receipt of a report or otherwise, is of opinion that there are good grounds for making an investigation into the misbehaviour or incapacity of a Judge, he may constitute a Special Tribunal for the purpose of making such an investigation and forward the grounds of such investigation to the Special Tribunal."

Under this clause, the power has been given only to the President. If the President does not refer the case to a tribunal, then no action can be taken against the particular judge. The question is whether that is consistent with the provision in the Constitution. My submission to you is that it is not consistent. As a matter of fact, it will be open to any Member to bring forward a motion to say that a judge should be removed from his office, and then the matter could be investigated under clause (5) of article 124, which reads:

"Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4)."

Even the verdict of the tribunal is not final. What is final is the satisfaction of the Houses of Parliament that a judge has committed misbehaviour or is incapable of doing his functions. So, my submission is that ultimately Parliament has the authority, and as such clause 3 which is incorporated in the Bill will clearly be a violation of the constitutional provision.

**Mr. Deputy-Speaker:** The hon. Member may continue his speech tomorrow.

Now, we shall take up the half-an-hour discussion.

16.00 hrs.

#### RISE IN PRICES OF ESSENTIAL COMMODITIES

श्री हुकम चन्द कछवाय (देवास) :  
उपाध्यक्ष महोदय, यह घ्राघे घंटे की चर्चा अत्यावश्यक वस्तुओं की कीमतों में वृद्धि के बारे में पूछे गये तारांकित प्रश्न संख्या 512, दिनांक 9 सितम्बर, 1965 के बारे में दिये गये जवाब से उत्पन्न हुई है।

भ्राज देश के अन्दर जो मूल्य-वृद्धि हो रही है उस के तीन कारण हैं। (क) चीजों का स्वाभाविक अभाव, (ख) मुनाफाखोरी, और (ग) घाटे की अर्थ व्यवस्था।

मूल्य वृद्धि के सम्बन्ध में हमारी सरकार ने कभी इस बारे में विचार नहीं किया कि उसका वैज्ञानिक विश्लेषण किया जाये। दरअमल मूल्य वृद्धि का वैज्ञानिक विश्लेषण किया जाना चाहिए और वह वैज्ञानिक विश्लेषण इस आधार पर किया जाय कि वस्तुओं के अभाव से कितनी मूल्य वृद्धि हुई, घाटे की अर्थ व्यवस्था के कारण कितनी मूल्य वृद्धि हुई और मुनाफाखोरी के कारण कितनी मूल्य वृद्धि हुई? हमारी सरकार अगर इस ओर विचार करती तो निश्चय ही इस सम्बन्ध में कोई हल निकल सकता था।

मूल्य वृद्धि मुनाफाखोरी के कारण हुई उस का पूरा बोझ व्यापारियों पर पड़ना चाहिए उपभोक्ताओं पर नहीं। उपभोक्ताओं पर केवल उतना ही बोझ पड़ना चाहिये जितना कि चीजों के स्वाभाविक अभाव के कारण मूल्य वृद्धि हुई है। सरकार द्वारा इस प्रकार का विश्लेषण नहीं किया गया जो बड़ी भारी भूल हुई है। सरकार इस सम्बन्ध में पहले से अगर विचार करती तो हो सकता

था कि इस प्रकार का दिन हमें न देखना पड़ता । इस प्रकार का विश्लेषण पश्चिमी देशों ने किया । यहां भी हो सकता है और होना चाहिए ।

विश्लेषण के पश्चात् यह सिद्धांत प्रपनाना चाहिए . . . .

श्री शिव नारायण : उपाध्यक्ष महोदय, हाउस में इस समय क्वोरम नहीं है ।

Mr. Deputy-Speaker: I am sorry there is no quorum. The House stands adjourned till 10 A.M. tomorrow.

16.07 hrs.

The Lok Sabha then adjourned till ten of the Clock on Wednesday, September 22, 1965/Bhadra 31, 1887 (Saka).